

legal practice, skills and practice management. The emphasis now is not only on technical skills but on maintaining continuing relationships with clients. The programs may include lectures, workshops, practical fact situations and learning through the doing of supervised work.

Skills training for lawyers in a CLE context

L Tan
[see Skills]

INSTITUTIONS & ORGANISATIONS

[no material in this edition]

JUDICIAL EDUCATION

[no material in this edition]

LEGAL EDUCATION GENERALLY

Australian law schools after the 1987 Pearce Report

C McInnes & S Marginson
Department of Employment, Education & Training, Canberra, 1994 *
[available from Australian Government Bookshops]

The 1987 Pearce Report on Australian law schools was a major review of the discipline of law, conducted for the Commonwealth Government, the first of several such discipline reviews in the second half of the 1980s. The Pearce Committee (chaired by Professor Denis Pearce of the Australian National University), examined the then 12 university-based law schools and published four volumes of textual discussion, 48 recommendations to government, and 64 suggestions to the higher education institutions.

In late 1992 the Department of Employment Education & Training commissioned this impact study in order to evaluate the effects, efficiency and effectiveness of the 1987 discipline review. The study included a literature and document search, a survey of all current law schools and detailed case

studies of nine pre-1987 schools and two new schools. The impact study followed unprecedented changes in higher education and growth in law, the number of law schools and law students has doubled since 1987. These circumstances made it more than usually difficult to tease out the effects of the Pearce Report from other influences.

The overall finding is that the impact of the Pearce Report was considerable, although no greater than concurrent factors such as the 1988 "Dawkins revolution" in higher education. Some of the Report's proposals directly contributed to improvements. There was a discernible and mostly strong response in those schools where the Committee had identified major weaknesses. Its emphasis on library standards influenced law library development, it generated critical reflection on the nature and content of courses and a commitment to skill development and quality teaching. It also encouraged small group teaching (although many schools report that deteriorating student:staff ratios have undermined this). It drew attention to the achievements of the modernising "second wave" law schools.

In other respects the Report was less successful. Its opposition to new law schools, and the proposed limitations on masters' courses, were overturned by events. It failed to achieve a lasting improvement in recurrent resources; law remains significantly underfunded. The increase in research activity since 1987 owes more to the establishment of the Australian Research Council system than to the Pearce Report. The suggestion that Macquarie University law school might be closed was misplaced and achieved little good. The report failed to really grasp the value of diversity between schools, although the discussion it generated and the model it favoured contributed to the post-1987 innovations in law.

"The modern discourses of critical theory have not only sought to exclude others from their debates but have contributed little to the debate of substantive legal issues."

R A Epstein

Perhaps most important, the Pearce Report generated a climate of debate, discussion, critical thinking, self-evaluation and continuous improvement which has served law schools well since 1987 - especially given that such an approach has become mandatory throughout higher education. In this respect some of the best effects of the discipline review were unintended ones: the Report helped prepare the schools for changes it could not itself have anticipated. The Pearce Committee process also fostered a collective identity and greater co-operation between deans of law.

These achievements suggest that discipline-based reviews have a useful role to play in improving the work of individual schools, particularly in raising awareness about teaching, curriculum and scholarship, and in building a culture of reflection and self-evaluation. Discipline reviews are less successful in securing external accountability although they are an important source of information on which to make judgements. As some of the fall-out from the Pearce Report shows, these positive effects may be undermined by the tendency of make comparisons between often very different institutions, especially given the current emphasis on "league table" rankings. Any future discipline reviews would need to be carefully distinguished from quality assurance processes. The goal of discipline reviews is to improve the whole "map" of the discipline, not to sort out a pecking order. It is essential that such reviews are pursued cooperatively.

The experience of the Impact Study suggests that shorter discipline reviews might now be more cost effective. While not setting out to replicate the Pearce Committee's brief or its work,

the Impact Study was able to gather a part of the data that might be considered necessary to a discipline review, in the course of evaluating the effects of the Pearce Report. It is hoped that the information gathered during the Impact Study, and published in this report, can itself make a modest contribution.

Comparative reflections on student life and faculty demands in a German university

C D Rasnic

11 *J Prof L Educ* 2, 1993, p 211 *

This paper describes the system of legal education in a German university, comparing and contrasting the process with that in the USA from perspectives of both students and faculty. There are particularly marked differences between the student/professor relationships and the methods of evaluating the students' competency. Prerequisites for admission to a German law institute and those for an American law school, as well as requirements to take the German equivalent to the US bar examinations, are also addressed. Concluding remarks assess neither system as superior in its entirety, but comment upon characteristics of each which are preferable over the other.

Legal education in Hong Kong

T L Mottershead & R Windler

6 *The Commonwealth Lawyer* 1, May 1994, p 65

The paper reviews the current legal education system in Hong Kong and concludes with some comments about future developments. It concentrates on legal education for lawyers and does not cover legal education for legal secretaries, legal executives and other similar occupations. The paper describes the major developments in legal education since 1969 and present practice in regard to pre-admission courses and continuing legal education. It concludes with a description of some imminent developments and some predictions of future growth and improvements.

LEGAL ETHICS

[no material in this edition]

LEGAL PROFESSION

[no material in this edition]

LIBRARIES & INFORMATION

New services from the Research Libraries Group

W-S S Chiang

XXV *Syllabus* 2, Spring 1994, p 6

Describes a range of new on-line bibliographic and information services available from the Research Libraries Group, based in California. These include CitaDel, an article-citation and document-delivery service; Eureka, a search service for novice users to search the RLIN database (a major network used by libraries for cataloguing, interlibrary loan, reference and collection development support); and Zephyr, which enables searching of RLIN and CitaDel using commands used to search in home systems. The article describes several new products and services at various stages of development.

MANDATORY CLE

[no material in this edition]

OTHER DISCIPLINES & PROFESSIONS

[no material in this edition]

PERSONALIA

[no material in this edition]

PLANNING AND DEVELOPMENT

Curricular innovations

XXV *Syllabus* 2, Spring 1994, p 15

Article describes the Current Issues in Constitutional Law course at California Western College of Law which incorporates an innovative role playing

technique, and a course at Pace University School of Law which fully integrates criminal law, legislative process, and legal analysis and writing.

POSTGRADUATE PROGRAMS

[no material in this edition]

PRACTICAL TRAINING

Development of a practical legal training course in Western Australia

J Eckert

Department of Employment Education and Training, Canberra, 1994 *

[available from Australian Government Bookshops - \$Aus24.95]

To be admitted as a legal practitioner in Western Australia, a law graduate must complete a year of articles of clerkship. There has been concern for many years as to the quality and evenness of the training provided by that system.

The Report addresses the issues of why law graduates require further training and the kind of training they require. It addresses in detail what a new legal practitioner needs to know, and proposes that the best method of post graduate pre admission training is one year's articles supplemented by periods of external, formalised assessable practical training. Each system would complement the other so that a law graduate is well equipped for the first few years of general legal practice.

As part of this process it will be necessary to also review workplace training and to structure it so that articulated clerks receive as broad a range of work as possible whilst being adequately supervised.

The Reports sets out aims and objectives of workplace and institutional training and outlines in detail the curriculum, educational and administrative structure and funding for the proposed external training program. The Report also proposes greater flexibility in the type of legal office where articles can be served.