

**Trier Academy of European Law**

10 *Socio-Legal Newsletter*, Autumn 1993, p 8

The Trier Academy of European Law provides information on European law to individuals and institutions concerned with the application and implementation of EC law; it offers further education, an exchange of experience at European level, and informal feedback for the EC institutions from the Member States. The Academy organises congresses on issues of public interest, holds expert symposia on specific European law issues and introductory courses for practitioners of law who are not familiar with European law.

**JUDICIAL EDUCATION****A proposal to establish a national center for the education of appellate judges**

K J O'Connell

71 *Or L Rev*, 1992, p 901

The author recommends that a National Center for the Education of Appellate Judges be established. Appellate judges deal with a wide range of doctrine, many of which often require further study to aid the judge in making a better decision. The Center could be designed to help with this. As well as helping with the disposition of cases, the Center would keep judges informed as to what is happening in the legal world, new books and articles that have been published, legislative programs affecting adjudication and assist in the establishment of mini-libraries at appellate courts which would collect materials relating to adjudication.

**LEGAL EDUCATION GENERALLY****Preparation for a diverse profession**

N Duncan

27 *Law Teacher* 2, 1993, pp 181 - 184

Discusses the likely responses to the review document of the Lord Chancellors's Advisory Committee on Legal Education. This document proposes new structures for preparation for legal practice. One question is what is the best way to prepare non-law graduates for the vocational stage. The article discusses the debate about whether the Common Professional Examination (CPE), which is a one year covering six core subjects, is a sufficient

basis for professional legal study and practice. He notes there has been little research to identify what advantages and disadvantages those coming through the CPE bring with them. The article considers some of the CPE's inadequacies, and some proposals for improvements.

He concludes that it would be unwise to limit the diversity of routes into the legal profession, but of the need for more research to enable proper development of the CPE route.

**The rise and rise of the non-law graduate**

P Birks

7 *SPTL Reporter*, Winter 1993, p 3

Reports that in 1993 in England an astonishingly large proportion of training places, formerly called "articles", went to non-law graduates, and that a third of places in the Inns of Court School of Law also were taken by non-law graduates.

Articles notes there is no oversupply of law graduates, and that because of the rules non-law graduates have an early start. Sees danger of a largely underqualified profession, injustice and waste, and the undermining of the law schools by the profession. Sees ultimately a decline in status, reputation and business for lawyers.

Many practitioners say they are better lawyers - but what does this mean? Thinks English legal professions are consciously or unconsciously determined to defeat the meritocratic tendency of the age.

**Qualifying degrees: new proposals for 1995**

P Birks

7 *SPTL Reporter*, Winter 1993, p 14

From October 1995 in England a qualifying degree will be one which follows a course in which the graduate has studied law for 1½ years (50% of a three year course) and that period of study has included the following seven subjects - Obligations 1 (mostly contract), Obligations 2 (civil wrongs), Property, Equity and Trusts, Crime, European Community, and Public Law. Says that SPTL has opposed this change, especially as the Lord Chancellor's Advisory Committee is in the midst of a major review. Thinks that these changes will make it very much more difficult for that committee to do the things that need to be done. Claims these changes will preempt the most important debate of

all, whether to make a full law degree obligatory for aspiring lawyers. Argues why this would be desirable.

**Legal education in Scotland: an overview**

A J Gamble

7 *SPTL Reporter*, Winter 1993, p 15

Notes there are significant differences between Scotland and England and Wales. Describes how the legal system works. The structure of education and training for the two branches of the profession is largely common, which is a distinctive feature. Other distinctive feature is the involvement of the universities in legal education both in the academic and pre-vocational stages.

Describes in some detail the three stages of education and training: academic, pre-vocational and practical. At the academic stage there is much greater prescription with the core subjects being extensive. The pre-vocational stage is a one year full-time diploma in legal practice. At the practical stage the entrant undertakes traineeship or pupillage.

**Legal Education in Germany and the United States - A Structural Comparison**

J R Ostertag

26 *Vand J Transnat'l L*, May 1993, p 301

In this article, the author compares German and United States legal education. He believes that the differences in the two educational systems result from such factors as the separate development of the respective educational programs, the different training goals each system has for law students, and the relative significance of code law instruction and case method instruction. The author perceives a dichotomy between legal theory and practice, and he believes that law schools could bridge this gap through a comprehensive internship program that would expose students to all aspects of legal practice.

**Jump Start - A new ABA report suggests how law schools should prepare students for practice**

J E Bahls

21 *Student Lawyer*, April 1993, p 19

The author discusses the findings of the ABA's Task Force on Law Schools and the Profession: Narrowing the Gap. This Task Force was set up to study the legal education and the extent to which it prepared the student for legal practice. Its findings were published in the MacCrate



Report, or *Legal Education and Professional Development - An Educational Continuum*. The ten chapters of the report examine the nature of the changing legal profession, trends in law school curriculum, the licensing process, transitional education and the range of programs available for continuing legal education. The Task Force also included an 88 page Statement of Skills and Values that they felt lawyers need to possess. The Task Force concluded that law school curriculum was inadequate in preparing law students for legal practice and gives various recommendations as to how this deficiency can be remedied at pre-law school, law school and graduate levels.

#### **The Common Law of Europe and the future of legal education**

Book review by H G Schermers  
30 *Comm Mkt L Rev*, 4, p 861

The book is the report of a conference held in Maastricht to celebrate the 10th anniversary of the law faculty there. It contains 45 contributions by authors on either the common law of Europe, or on future legal education, or on both. The purpose of the conference was to investigate whether it would be recommendable to set up a European Law School serving all European States. The advantages and disadvantages of this were considered, along with recognition and discussion of the fact that this would require a degree of uniform European law.

#### **A fresh look at lawyers' education**

R MacCrate  
27 *U Rich L Rev*, p 21

The author was the Chair on the American Bar Association Task Force on Law Schools and the Profession: Narrowing the Gap. This article discusses the contents of the report put out by the Task Force entitled *Legal Education and Professional Development - An Educational Continuum*. The Task Force commenced with a study of the legal profession and its requirements. From this study, they then developed a comprehensive statement of the essential skills and values that a competent and responsible lawyer should possess and made recommendations as to how these skills could be obtained, for example, by issuing the statement to law students who could then monitor and develop these skills themselves. Finally the Task Force critically examined the entire process and made recommendations to prospective lawyers, law schools, to the organised bar and other providers of continuing legal

education, and to licensing authorities as to how they could contribute to the design of more effective patterns of education and development.

#### **Storytelling: a different voice for legal education**

S C McKenzie  
41 *U Kan L Rev*, 1992, p 251

The role of the lawyer as a storyteller is explored. That is, lawyers tell two different stories in court and the judge then decides which is the correct one. The author explores the uses of storytelling by lawyers and the failure of legal education to recognise this role. Recommendations for reforms for legal education to incorporate this role are made. These include smaller classes, increased opportunities for student writing, clinical courses, and focussing classroom discussion on the lawyer's role as a problem solver.

#### **Law Society's Research Conference on legal education**

9 *Socio-Legal Newsletter*, Summer 1993, p 8

The English Law Society's Research and Policy Planning Unit's annual conference focussed on legal education. Topics dealt with included legal skills, the CPE course, training for management, access to legal education, training for advocacy, and evaluating student performance. A copy of the conference proceedings can be obtained from Gerry Chambers in RPPU (071 320 5892).

## **LEGAL ETHICS**

#### **Ethical integrity in the legal profession: survey results regarding law students' veracity on resumes and recommendations for enhancing legal ethics outside the classroom**

N Millich  
24 *Ariz St L J*, p 1181

To enhance ethical integrity in the legal profession, courses in professional responsibility have been introduced at law schools and mandatory ethical requirements have been promulgated by the American Bar Association. The author describes recent surveys which reveal an increase in ethical problems faced by lawyers. She also reports the results of two nationwide surveys she conducted of 167 law schools. These surveys suggest that there may be similar problems with the ethical integrity

of law students. This data suggests that the courses and the ABA regulations are not enough and that ethical training should begin as early as possible. The author concludes with recommendations for instilling legal ethics outside the classroom by utilising the hiring and placement process.

#### **Puncturing the myth of the moral intractability of law students: the suggestiveness of the work of psychologist Lawrence Kohlberg for ethical training in legal education**

E M Abramson  
7 *Notre Dame J L Ethics & Pub Pol'y*, 1993, p 223

The author considers at length the theories, and empirical evidence in support, of Lawrence Kohlberg. Kohlberg demonstrates that there is an objective and universal dimension to moral structures and moral reasoning, that an individual's moral sensibilities develop constantly and that particular teaching methods can enhance this development. On this basis, the author contends that legal ethics should be more widely taught to law students. He details several scenarios where a lawyer is faced with an ethical dilemma and concludes by suggesting that law schools are being lax in not using some of the methods suggested by Kohlberg to enhance the moral development of law students and to develop their sense of duty and obligation away from the selfish interests of their clients and themselves and towards more social concerns and a deeper sense of justice.

#### **Ethical integrity in the legal profession: survey results regarding law students' veracity on resumes and recommendations for enhancing legal ethics outside the classroom**

N Millich  
24 *Ariz St L J*, p 1181

Recently, to enhance ethical integrity in the legal profession, courses in professional responsibility have been incorporated into law school curricula and become mandatory requirements of the American Bar Association. The author describes several recent surveys which examined whether these changes have had any effect on the ethical integrity of students and practitioners and which reveal that in fact attorneys are experiencing an increase in ethical problems. She further reports on two nationwide surveys conducted of 167 accredited law schools. Analysis of these