

leading to the development of 'best practice'.

The driving force behind the QA movement in education in Australia has been the Committee for Quality Assurance which was preceded by the Piper Report in 1993. The first step towards QA for practical and clinical legal education is the formulation of a mission statement. Such statements are an attempt to capture the essence of an organisation so as to direct the energies of organisation members towards achieving the same goals. Often, the mission statements for PLT are subsumed within the overall mission statement of the university to which the PLT course is affiliated. This is sometimes detrimental and some autonomy in this regard may be necessary.

Where a course already exists, QA commences with a written audit and analysis of all systems in place. A strategic plan for continuous improvement can then be made. QA would look at the course content and teaching strategies to decide what is to be taught or omitted from the course, who teaches the course, when each component is to be taught in relation to other components, how learning is to be assessed, and how the course is to be evaluated and revised and by whom. In determining course content QA would assess the use of outside consultants, such as advisers from legal and educational fields, teaching and administrative staff and the needs of professionals and clients.

Staff are the most valuable and expensive resource of a teaching institution. QA would identify staff recruitment and selection procedures. It would look at

thorny issues, such as tenure and promotional opportunities for clinical staff similar to those enjoyed by academic staff. Quality PLT cannot be delivered without the physical resources such as mock courtrooms, interview rooms, group work rooms and audio-visual facilities. QA requires the adequate provision of physical resources to enable the delivery of high quality legal education. QA would put in place selection procedures which provide the most capable and motivated students. PLT also has to be marketed, as it is difficult to encourage funding and justify the high cost of PLT. QA would ensure that quality promotional material was developed and disseminated.

Continuous quality improvement, law and legal education

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Continuous quality improvement (CQI) is responsible for Japan's current industrial success. W Edwards Deming conceived CQI in the 1950s. The basic precept in CQI is that customer satisfaction is the only reliable standard to measure quality. Once an organisation is committed to quality, the entire organisation must work cooperatively to anticipate customer desires and to satisfy those desires by constantly and forever improving the quality of goods and services. Managers must view their organisations as interconnected systems, a cooperative spirit must pervade management-worker (vertical) interactions and supplier-manufacturer-consumer (horizontal) interactions. Deming maintained that 94% of what goes wrong in a

system is attributable to management and only 6% is attributable to individual persons or things. Controversially, Deming asserted that competition diminishes quality. Inspection procedures are stop-gap measures and represent a waste of resources and CQI eliminates the need for such procedures. The CQI type organisation focuses on longevity rather than short-term gain. Ironically, American management styles defy all of Deming's rules.

In America, law schools are also far from adopting Deming's principles. Regional law schools model themselves on the national schools without any consideration of the regional needs that they should be aiming to satisfy. Law school governance does not encourage or allow a commitment to a common vision. Factionalised faculties approach pivotal issues as win-lose situations and competition, not cooperation, drives the law schools. Law schools must question whether they can survive without providing customer satisfaction.

The question that remains is, could Deming's formula create a quality law school? The road to a quality law school begins with administrative and staff services. The law school must be viewed as part of a system. Staff must know where they fit in and why they are important and what their purpose is. As a result of the relatively short tenure of law deans, it is the staff who will be responsible for the longevity of the law school and the training of successor deans. The goals and purposes of the law school must be clarified by the dean and staff. Professional consulting firms, although expensive, may be useful in

creating the quality law school. Team building and the identification of quality tools and techniques, such as check sheets, flowcharts, Pareto charts, brainstorming, fishbone charts, run charts, control charts, scatter diagrams and regression analysis, have been used in the past to institute and monitor CQI.

For quality to spread to the law school, faculty must undergo transformation. The fierce autonomy, independence and competitiveness of law faculties make such change difficult. A mission statement and the creation of a vision, with customer satisfaction as its focus, is the first step. Consensus between faculty factions must be nurtured by searching for common ground. The new philosophy of the law school must be identified as clearly as the customers of the law school. It must be adopted through doing. To assist the formulation of the new philosophy the customers must be identified, law schools should produce products and services that satisfy the customer and the quality of the law school should be measured, as should the satisfaction of the public. Dependence on mass inspection should cease and long-term relationships with suppliers of the raw materials, such as undergraduate colleges, should be forged.

The entire institution should be committed to constant improvement. Systematic training and retraining of professors and staff is necessary. Leadership requires improvement by example. The fear of not getting tenure should be removed, as one of the great stumbling blocks of CQI implementation is the willingness of employees to suggest how their

job could be eliminated and so lead to a better quality result. Internal barriers or enterprises should be broken down so as to reduce the factionalisation within law schools and thereby maximise commitment to the mission statement and the vision.

Reflections from the TQM casefile in legal education

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Total quality maintenance (TQM) is a talisman for change in the educational process of the 90s. There are constant calls for reform of legal education. What needs to be addressed is the whether quality legal education is an achievable goal that is worthwhile pursuing. Sadly no assistance in the application of TQM to education can be gleaned from Japan. In following TQM practices legal educators should adopt the paradigm shift that focuses on education as a behaviour, a commodity and a process. The adage that 'if it ain't broke don't fix it' must be overcome and the possibility that the Socratic and Langdellian methods that currently dominate law teaching, are processes that can be designed, managed and improved by TQM must be accepted. The terms developed in TQM manufacturing reform must be replaced by appropriate educational terms.

At Samford University faculty and staff members attended seminar-type training sessions guided by instructors with considerable TQM experience. The message from these seminars was participate in the TQM project or move out. This reinforces Deming's

proposition that for TQM to work successfully all must participate. A Quality Council (QC) was formed. The QC decided that a mere mission statement was insufficient and that the 'constancy of purpose' must include definitions for mission, customers, critical processes, values and vision (MCPVV). The MCPVV guidelines were circulated to 96 organisational units in the university, including the law school, requesting that each draft its own MCPVV statement. The formulation of the mission statement from the law school at Samford University is 'to educate our students to be responsible lawyers, trained to exercise their professional skills competently, with sensitivity to the needs and concerns of their clients, and to act in strict accord with the highest ethical standards.'

Educational institutions are starting to understand that quality does not improve unless you measure it. To increase quality the application of Deming's three-part quality typology, design and redesign, conformance and performance, may be used.

With education being viewed as a process, the concept of value-added product can be utilised. For instance, institutions must address student variability so as to design a process that will create a product (graduate) of uniform high quality. The solution cannot be simply a scrap and rework (repeating of a failed course).

POSTGRADUATE PROGRAMS

[no material in this edition]