

institutions. To study law is to study change; to learn law is to learn how to cope with change and to build a structural framework which can accommodate change. Understanding the process of law, either broadly within society or as it affects a particular area of work or social activity, is probably more important than understanding the specific rules governing some particular type of human interaction.

While something is known about the learning needs of LLB students, very little is known about those who complete law studies in non-LLB contexts. To overcome this void, law teachers must consider the learning objectives of the subject and match them with the needs and abilities of the students and the type of students - secondary, tertiary (LLB or non-LLB).

Law teachers have to accept that they must not only teach but produce research and scholarship. However, little time is left for developing innovative teaching techniques and keeping abreast of current legal developments and new areas of law. The ideology of the bureaucrats who essentially determine how well or how poorly an institution will be resourced is decidedly economic rationalist. Educational outcomes are measured by number of graduates produced in the shortest time possible at the least cost. A corollary of this is large class sizes causing academics to retreat to the traditional lecture style.

Developments in legal education have occurred despite the oppressive economic climate. The Australasian Law Teachers Association Annual Workshops commenced in 1987 and *The Legal Education Review* is published biannually. The Law Foundation of NSW was influenced to sponsor the non-institutional

Centre for Legal Education which collects and disseminates information on legal education and publishes a newsletter and a literature digest (*The Legal Education Digest*). Student-centred learning is now preferred, encouraging the student to take responsibility for his/her learning.

Another pressing issue in legal education in Australia is whether face-to-face teaching is required. Can students learn on their own? This is a particularly relevant concern for providers of distance education. Other types of learning which reduce the importance of face-to-face teaching are peer-group reinforcement, self-paced learning and competency training and self-assessment. In the light of this discussion the role of the law teacher is relevant. Are they to be instructional designers, researchers, resource persons, facilitators of discussion or guides?

RESEARCH

Entry into the legal profession: the law student cohort study years 1 & 2

D Halpern

The Law Society, 1994

[see Students]

Touching the elephant: perceptions of gender issues in nine law schools

J M Krauskopf

44 J Legal Educ 3, Sept 1994, pp 311-340

[See Womens' Issues]

RESOURCES

[no material in this edition]

SKILLS

Fingers pointing at the moon: new perspectives on teaching legal writing and analysis

P N Meyer

25 Conn L Rev 3, Spring 1993, pp 777-798

The development of problem-based "analytical" skills, organisation skills, memorisation skills and written communication skills are crucial to law school success and provide infrastructure for all other lawyering activities. The author offers four anecdotes and associated revelations from the legal analysis and writing courses in which he has been involved.

Many students have difficulty in first year in developing the textual and interpretive skills necessary to identify, restate, order and apply legal rules. This is in part due to popular culture where everything is visual and therefore easy to understand. Our cognitive processes have become predominantly cinematic. Students cannot find the issue because they literally cannot see it. They are unable to visualise the rule imaginatively and transpose it on to a fact situation. Bruner has interpreted this phenomenon to be an inability to shift from the narrative mode to the paradigmatic mode. Curriculum must therefore be designed to address the specific needs of students which may differ from law school to law school.

Teaching analysis and legal writing to students effectively raised in an oral popular culture cannot be done in the theatrical oral cultural arena of large-group first-year classes. It requires a deep faculty commitment since the process of learning legal writing and analysis is a painful and labour intensive effort for many students.

The difficulty that some students have with the concepts and techniques of legal writing and analysis may be chronic and inherent. It could be that some students are simply not cut out to cope with emulating a style which is simply not theirs, or one that they cannot comfortably call their own. In teaching legal analysis and writing, the author notes that we teach scales and not improvisation. Legal writing and analysis courses wed analytical abilities and internal creative processes to rigid structural forms that law students must supposedly internalise to succeed in law school. The author has seen many students lose their creative voice as they become professional acculturated and successful law students.

At New York University the legal writing and analysis instruction was part of a skills course in first year: Lawyering Skills. This course used video material. In addition students developed baseline clinical skills and in doing so internalised principles of legal analysis. The training was contextualised, thereby placing the analytical process in a deeply self-reflective framework.

STATISTICS

[no material in this edition]

STUDENTS

REVIEW ARTICLE:

Entry into the legal profession: the law student cohort study years 1 & 2

D Halpern

The Law Society, 1994

This publication is the first of several reports on a fascinating longitudinal study being carried out by the Policy

Studies Institute on behalf of the Law Society of England and Wales. It originates in the recognition of a need for more detailed information about the processes of entry into the two branches of the legal profession (solicitors and barristers) which exert a strong and lasting influence over their composition. The study has been designed to provide a wider picture of the experiences of a whole generation of potential lawyers than could have been gained from simple cross-sectional studies or mere statistics. This report describes the methodology, response rates and results yielded over the first two years of what is planned to be a six year project.

The research questions which the study is intended to answer include: What are the educational and social backgrounds of those entering the legal profession and how representative are they of the general population? How do the interests and intentions of potential lawyers change as they progress through university and beyond? What levels of wastage are there and what happens to those who do not become lawyers? What are the factors which influence individuals' career choices about becoming lawyers? Is the training that students and trainee lawyers receive seen as useful and appropriate? What factors influence whether an individual is able to get a place for professional training, articles or pupillage and eventually a job? What divisions exist between those entering the profession and what do these divisions imply for its future?

The study began its first year by collecting data first from a sample of students currently engaged in their penultimate year of study for a law degree at a university or polytechnic and in the second year from a sample of students undertaking the Common

Professional Exam (CPE). This process yielded a cohort of approximately 3,000 students by the end of the second year of the study. It was noted that by years 5 and 6 many of the sample will have become practising solicitors and barristers and their experiences can then be contrasted with their student aspirations 5 and 6 years earlier.

The report contains a description of the approach to sample selection, the design and trialing of the questionnaires, the methods of distribution and collection, and the response rates yielded and weighting factors employed. Two aspects of the design raise considerable doubt about the adequacy of the sample size of 3,000: the longitudinal nature of the study over a six year time-frame during which significant wastage can be confidently expected and the announced intention to analyse the data across a series of categories of respondents which are likely to yield cells of insufficient numbers to enable appropriate statistical tests to be validly applied.

The usual preliminary demographic data as collected are presented, consisting of age, sex, marital status, nationality and ethnicity. The data gathered about the educational and social backgrounds of law students lead to the conclusion that, although there has been some improvement, students from managerial and professional backgrounds are still markedly over-represented among law students, both relative to the general population and to other students. Furthermore, the introduction of the alternative CPE route to the profession appears to have resulted in a narrowing rather than a widening of the social base.

The report also presents findings from the data about the views of the students in their penultimate year on