

schools cannot instil in students that which can only be learned through experience. However, law schools could and should do more to foster practical skills.

Law schools need to find a reasonable mix of legal theory and legal practice. Law students need a taste of the real post graduation life in the law. Team teaching, whereby a law professor relates the legal theory and a practitioner emphasises the practical applications, is one such way to give students a taste of the real life and add an exciting dimension to the law school curriculum.

In improving the current situation, all law curricula should include a course on negotiation, as most cases in real-life settle before they go to court. In the current circumstance law schools should not be expected to go it alone, and the bar has an obligation to assist. Students should be apprenticed to practising attorneys. Such a system would be of immense practical benefit to the student. Importantly, law schools must do much to convince fledgling lawyers that the practice of law can be pleasant.

LEGAL PROFESSION

National competency standards: are they the answer for legal education and training?

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It has become increasingly difficult for law graduates to fulfil the practical requirements for admission to practice as a solicitor. The reason for the difficulty is the increasing number

of law graduates and the downturn in the economy. The situation begs the question as to whether the establishment and assessment of competency standards may be the solution for law students to be given the opportunity of obtaining entry level skills. The other concurrent question is whether the quality of legal education and training would be enhanced by the establishment of such competency standards.

Now that legal education is firmly settled in the university rather than in the profession, the gulf between legal education and lawyer training has widened. The need for graduates to obtain practical training before admission and the scarcity of the opportunities to obtain such training have highlighted the inadequacies of the current system and exposed the quality of all facets of the legal education and training continuum to question.

The debate as to whether it is the proper role of the university to teach students to be practitioners continues. In the early 1970s the Ormrod Committee was of the view that legal education should be divided up into academic, professional and vocational training. This approach has since been widely criticised and has led Nash to comment that the legal profession is the only profession which insists that its students learn all their theory before they are allowed into the laboratory. Conversely, Crawford, former Dean of Sydney University Law School, takes the view that the profession should respect the academic freedom of the university.

Articles of clerkship are still in use in some Australian jurisdictions. This system has traditionally assumed that the clerk will acquire the requisite competence without any curriculum prescribing experiences, standards or assessment. The defects of this system of professional training are well documented and include fundamental flaws, such as the failure to define clerk competence and the fact that a full range of experiences may not be available in the master's practice, as well as the fact that the availability of places is uncertain.

Practical legal training courses have become more popular and sometimes do require no additional work experience prior to admission. However, such courses have not been without their detractors.

The process of producing competent lawyers has not been systematically researched. Key questions need to be answered, such as, What do graduates do? What do graduates need to know? Who should provide legal education? and How should legal education be taught? There is no shortage of literature describing lawyer competency, so the raw materials are available. Establishing competency standards is the site of vigorous debate itself. The detractors argue that standards are an attempt to explain complex phenomena by discrete standardised concepts, whilst the supporters argue that such standards increase public confidence in the profession. Indeed, the issue has split both the professions and the universities.

The advantages of the adoption of competency standards for the legal

profession are that they could contribute to setting uniform standards across the states and territories, thus dealing with the current fragmentation. They could also contribute to the accreditation and licensing process, to education and training and continuing professional development and also enhance public confidence in the profession in that it would deliver uniformity of those entering the profession. In the wake of the mutual recognition legislation, such uniformity may be needed to avoid the lowest common denominator situation where graduates are able to shop for a forum that will admit them with their current qualifications.

LIBRARIES & INFORMATION

A library for the modern law school: a statement of standards for university law library provision in England and Wales

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Leg Stud, December, 1995

This 162-page special issue of *Legal Studies* contains the new statement of library standards prepared on behalf of the Society of Public Teachers of Law by a consultative group to its Libraries Committee. The standards themselves take up only 11 pages and are divided into five areas: policy, management and staffing; services; space and physical facilities; collections; and franchising and distance learning. Appendix 1 is an indicative list of law library holdings. Appendix 2 is the report of the results of a research project, conducted by Dr Peter Clinch, in which data were collected from institutions teaching law at university level in

the United Kingdom (70% of which responded to a questionnaire) on law libraries and their place in legal education within the institution.

PRACTICAL TRAINING

REVIEW ARTICLE

The Legal Practice Course: benefits in practice

J S Slorach

Nottingham Law School Limited, 1996

Practical legal training courses have been a feature of the legal education landscape in many countries now for up to a quarter of a century. It is therefore strange to realise that, although these courses exist for the specific purpose of preparing law students for the transition to practice, so little effort has been devoted to finding out whether they have succeeded in this objective. In other words, there has been very little attempt to discover how useful PLT instruction has been. This evaluation could be conducted either by asking both the PLT graduates in practice themselves and the lawyers who supervise them or by collecting data about the actual work that new lawyers perform in order to ascertain whether it meshes with the PLT curriculum.

The pioneering evaluation research of this kind was first carried out in the mid-1980s by Nelson¹, who argued for the development of a more flexible and responsive PLT curriculum based upon research². He contended that the curriculum should be grounded on the collection at regular intervals of

data about the types of legal work being handled by new lawyers and the skills they needed to perform that work, as well as their opinions about the relevance of the instruction they had received to what they were in fact doing.

Slorach's research project falls into that mould. Its purpose is to evaluate the benefits in practice which the Legal Practice Course³ ('LPC') has provided for trainee lawyers and their supervisors in Great Britain, in the hope that the results will assist in the continuing development of the LPC to meet the needs of the profession. The aims of the LPC are expressed to be the preparation of students for 'general practice' and the provision of 'a general foundation for subsequent practice'.

The research objectives are stated as the evaluation of the following 'practical issues':

- the extent to which trainees utilise knowledge and skills attained in their LPC
- how often trainees refer to LPC materials in practice
- whether trainees are better equipped for practice as a result of the LPC
- any discernible benefits to practices from trainees having completed the LPC
- whether there are any gaps in trainees' knowledge and skills which should be filled by the LPC.

Slorach recognises the importance of obtaining the perspectives of both the trainee lawyers and their supervisors. He uses questionnaires to collect the data from the two populations and indeed many of the questions asked in the one are mirrored in the other, although when reporting