that such courses present contrived situations which explain the application of a specific rule or code, that the lecture format is sterile and unproductive because the audience is apathetic and confused about the issues raised and that the allocation of hours given to ethics is merely a painless way of meeting the requirement without actually having to attend an ethics course. Despite all these reservations, the MCLE Task Force in the District of Columbia established ethics as a curriculum requirement in its model for an MCLE program.

One recently passed amendment to the D.C. Bar Rules represents a move in the direction of MCLE. This is a new rule requiring that all attorneys admitted to practice in the District of Columbia take a course in the District of Columbia courts and the D.C. Rules of Professional Conduct. This is the result of a dramatic increase in the number of bar admissions by motion in the last decade and consequent calls for the tightening of admission requirements. Recommendations made by the Task Force addressed the practice of 'shopping' for bar exams that law school graduates perceive as easier to pass than those of the District of Columbia but did not advocate a change in policy towards the issue of professional responsibility. In the event, the Board of Governors did not follow any of the recommendations, instead advancing a limited mandatory education program.

Currently, the Bar offers a one-day course on D.C. ethics and practice. It seems unlikely that such a short period of learning about the D.C. courts will still the concerns of those who believe that new attorneys should have some knowledge of the elementary rules of law and professional responsibility peculiar to the District of Columbia. At most, the amendment will make new admittees aware of D.C. law issues.

The growth of MCLE is seen by critics as ineffective and simply a way of appeasing the public and raising the esteem of the profession. However, no organisation that advocates MCLE has yet provided evidence that it serves its stated purpose of increasing attorney competence. Further, although no consensus exists as to whether attorneys can or should be taught legal ethics as part of a mandatory scheme of educating practising attorneys, most states with an MCLE requirement include legal ethics credit hours as part of the CLE curriculum. The evolving position in the District of Columbia will continue to provide a forum for the debate surrounding MCLE.

PRACTICAL TRAINING

Law, skills and transactions: the opportunity for an expanded curriculum
R J Scragg
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The best form of professional legal education offers both skills-based and transaction-based training. In addition, such training should be coupled with an extended period of qualification which compulsorily requires experience in a law office. Such a program would require the creation of a new status within the profession, that of trainee barrister and solicitor.

Professional legal education takes different forms in different jurisdictions. Its purpose is to equip those who wish to practise for entry into a law office. In 1988, a new system of skills-based training based on the Gold Report was introduced into New Zealand. Skills-based training is a form of practical training which does not involve itself with the procedural requirements of the transactions conducted in law offices. From the outset, it was determined that transactions would play a part in providing the focus for teaching the skills. To make the skills relevant to students, they were to be taught and practised as they applied to legal transactions. The skills were to be taught and the transactions were to be the vehicles which were incidental to the instruction.

In 1990, a review of the course was conducted by Christopher Roper whose function was to determine the extent to which the New Zealand course complied with Professor Gold's prescription and to recommend any changes he felt were appropriate. Two fundamental changes resulted, one of which involved changes in the way transactions were utilised in the course. These required the number of transactions to be reduced but taught more fully. As a result, the course was revised and its teaching materials rewritten so that at times greater emphasis has been laid on the transactional focus and, at others, very little stress. Throughout, the course has remained skills-based.

Why are both skills and transactions not given equal standing in professional legal education courses? Both have a part to play. It is essential to be able to conduct an interview and also for the lawyer to understand and perform the transaction to which it relates. Such transactional knowledge forms the basis of the questions the lawyer will need to ask in the interview.

Professor Gold and Dr Julie McFarlane have more recently designed a course for the City Polytechnic in Hong Kong using a new formula in which substantive law, transactions and skills are each given their full weight. This could

be adopted in New Zealand to give professional legal education a new direction.

Skills and transactions are essential to legal practice and courses should incorporate both. Reform would involve both the length of a course and the cognitive processes of the mind. The existing New Zealand course is conducted in a block over 13 weeks. Further, section 55 of the Law Practitioners' Act 1982 requires three years legal experience, gained in a period of eight years, before an unrestricted practising certificate is issued. The situation in relation to this experience is currently haphazard and unsatisfactory. The only way to ensure that a prescribed minimum standard is reached is to have all practitioners undertake a consistent course of training involving assessment and examination spread over their first three years of practice. Once all requirements had been satisfactorily completed, practitioners would be able to enter into practice on their own account. Training would involve instructions and practice in skills and transactions with the latter dealt with in their own right.

The content of such a course raises the question of the cognitive processes of the mind. Most students enter professional legal studies with limited experience of skills-based training and cannot relate it to anything they already know. Many dismiss the course out of hand. As a result of this limited exposure, students are likely to relate better to transaction-based training than to skills-based training. While transactions involve the use of forms and regulations and the work is closer to that experienced during a law degree, skills-based training is more abstract.

The answer is to try to structure a legal education program over three years which relates training and experience. During the first stage, students would receive instruction on a full-time block basis in transactions, after which they would be eligible to seek admission as solicitors or barristers. In the second stage, trainees would have to obtain employment in law firms or in related areas. The third stage would involve all trainees in undertaking training in the skills of interviewing, advising, negotiation and writing and drafting. Small full-time skills seminars would be run throughout the year. The fourth stage would be the right to enter into full practice on the successful completion of the preceding three stages. Although accounting method and trust account procedures would be taught at the transaction stage, it may be good policy to require an examination in these at this stage, before the right to full practice is attained.

At the end of the three years, successful trainees would undergo a major change of status. They would be entitled to describe themselves as solicitors or barristers and they would acquire rights of full practice.

PLANNING & DEVELOPMENT

Tomorrow's law schools: globalisation and legal education
A Bernabe-Riefkohl
32 *San Diego Law Review* 137, 1995, pp 137-162

Legal education in the United States has developed slowly in meeting the demands of legal practice. The Socratic method of teaching originated in the 1870s and essentially prevails today. The content of some core courses has changed and schools have created some new courses to reflect new developments in the law, but many believe that legal education is not doing enough to prepare graduates adequately for practice.

The movement towards globalisation of the economy in terms of banking, insurance and finance has not been matched by a political globalisation. Globalisation will have an immense impact on the legal profession. International law practice will expand; there will be greater mobility of products and people; the expansion of foreign markets which have independent regulatory systems means that many business and contractual relationships will be subject to more than one legal system. Globalisation in the Americas will also bring a widening of the gap between major developed countries and countries at the periphery and will affect the composition of society and the living conditions of many members of society.

Globalisation of the economy will have consequences for business relations, corporate structure, immigration and international relations. Legal educators will consequently have to respond to the globalisation of legal practice by internationalising legal education. The main reforms should occur in the areas of curriculum, research and scholarship, relations among law schools and the emphasis on professionalism and legal service. The attorneys of the future will have to show sensitivity to cultural differences, qualities that should be developed early in their education. Studies in law-related areas and foreign languages will provide professionals who understand the integration of cross-cultural realities. Lower education in the schools will also have to adjust to stay in touch and build a strong foundation for law students.