

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

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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.

Globalisation will also lead to attempts to harmonise laws between countries based on international accords and common legal traditions and cultures, a kind of 'collective law'. The expansion of international and comparative law courses is going to be important, allowing students to obtain an understanding of the history and development of other cultures. An international perspective could be incorporated into traditional introductory courses on legal method as well as seminars and courses designed to reflect the legal profession's move towards increasing specialisation. Law schools should take every opportunity to develop closer relations with foreign schools and expand students' skills and knowledge in the practice of law in the international setting.

Historically, periods of economic expansion have created a need for legal services among those participating in the expansion. Moreover, as the economy of the world moves towards a global system ruled by a market structure, the legal profession will be pressed to adopt this system. Legal services will be considered just another commodity available to consumers and subject to the constant demands of competition and price. Legal educators must be aware of this trend. Legal education in the age of globalisation cannot afford to be dissociated from the world around it. By the year 2000, there may be one attorney for every 320 persons in the United States. The practice of law for attorneys will be diverse and some will be in a position to influence public policy regarding the democratisation of our legal system and legal policy for social change.

Law schools in the era of globalisation must pursue many different goals at the same time.

They must prepare students to practise law while realising that law is more than professional education. They must help students understand the law in its social, political and historical context. They must also help students understand the consequences of the globalisation of the practice of law. Even for those students whose practice does not involve international law, it is important to learn about comparative law to understand how other cultures and their legal systems would address similar problems.

The challenge for legal education today is developing a system that meets all these goals in a limited time. Globalisation places legal educators at a crucial juncture. Today they have to respond to the current demands of the profession and to anticipate the future needs of students. They will have to adjust the content of courses and incorporate some emphasis on professionalism and public policy, as well as adding new courses to the curriculum.

A substantial portion of the new challenges facing legal educators comes from the need to prepare students to face new economic relations without eliminating the ideals of professionalism and justice. Law schools in an era of globalisation must prepare students to practise law by providing practical instruction that would help them develop the skills and qualities needed to be successful in any kind of practice.

Internationalisation: its impact on undergraduate pre-admission and continuing legal education

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13 *J Prof Legal Ed* 1, 1995, pp 99-110

International developments, such as GATT, regional and bilateral trade negotiations, the lowering of tariffs

and the increasing participation by Asia-Pacific countries in the world economy will have a significant affect on Australian legal education. To date, Australian legal educators have responded to this challenge by incremental creep, characterised by ad hoc 'international' additions to the curriculum and the occasional international focus of a continuing legal education offering.

With the end of the Cold War, the community of nations has turned increasingly to issues of market reform, democratisation, constitutionalism, human rights and sustainable development. Modern technology has facilitated internationalisation. Finance and business have become globalised, which means that an international trade in legal services will become more prominent in the years ahead. The Australian government and industries have shifted trade policy focus from a domestic base to off-shore markets and Australia has been a zealous advocate of an international policy of free trade.

Legal education in Australia has become more international and more Asian. There is a need to alter our relationship with Asian countries, not only because of the creation of the European Common Market and moves to a common political union, but also because Asia contains the world's fastest growing markets which create a significant demand for various goods and services and infrastructure development. The Australian government has adopted a policy of encouragement of international and regional linkages, especially in the Asia-Pacific region. The push by the United States to include service negotiations as part of GATT negotiations is already having a significant impact on Australian legal practice. Barriers to legal practice are likely to be reduced,