

giving foreign lawyers access to and the right to compete in the market for legal services.

These trends towards an international perspective have important implications for Australian law students and legal educators. Many law students will become involved in international trade during some part of their careers. Law graduates will have to be less parochial and more international in their outlook, more aware of other legal systems, more understanding of comparative law. Australian law and lawyers will need greater sensitivity to the culture of the Asian countries, with law schools having a foundation responsibility of creating these changes through teaching and research.

This new direction will have a consequential affect on the focus of legal research by law teachers. Research must be undertaken to diagnose the major functions of transnational lawyers and how law schools and others can best inculcate these skills. Research skills will have to be expanded to include research about the relevant country as well as features of its legal system. Curriculum offerings should reflect the above international trends. Existing courses should expose students to international and comparative law dimensions. Generic cross-cultural skills will be at a premium and legal educators will have to resist pressures to be too jurisdictionally bound. Steps toward a truly Australian legal profession with national admission to legal practice will need to be taken.

The impact of internationalisation is widespread and there should be a coherent institutional strategy with respect to curriculum reform which will look at short- and long-term goals. The best programs appear to be institutionally-based and legal

educators should seek to establish partnerships in which resources, staff expertise etc may be shared. Law schools generally need to broaden their activities, create more business linkages and build bridges across disciplines. Legal educators at pre and post admission levels need to cooperate with law schools in building upon the skills and curriculum content of undergraduate education. Legal firms and the profession generally should offer continuing legal education which provides the lifelong learning and relearning necessary for a rapidly changing and increasingly global reality.

Law schools can work to develop a culture of international awareness through promotion of international and comparative research, grants to internationalise their teaching, the encouragement of staff exchange and the provision of release time for international re-education. They should recruit new faculty members who can contribute to internationalisation and continue to encourage a more international perspective among students through student exchanges and the teaching of courses with international content, thereby elevating the visibility of international events.

The most common curriculum response to internationalisation is the introduction of specialised courses, such as international trade law or comparative law. A second approach is the introduction of international and comparative material into courses. At the pre and post admission level, legal educators should ensure that the approach to curriculum offerings is consistent with the promotion of more generic skills which will enable students to work in a global legal environment. Continual legal education will have to offer reskilling, which will enable present day lawyers to work in an international environment.

Although international texts and teaching materials are emerging, there is an urgent need for more materials which are international in focus and related to real-life international contexts. Text writers must also consider the impact of internationalisation. The use of electronic mail and the Internet have the potential to revolutionise legal teaching. All this has resource implications. Law schools and those offering pre-admission legal training need to look at new avenues of support and to form partnerships both with other universities and with industry.

The dawning of internationalisation has meant that the time has come for legal educators and the profession to focus upon the inter-relationships and linkages between the various stages of a legal practitioner's education, law school, pre-admission legal education and CLE, all of which should be seen as a continuum which at every level must respond to the challenges of internationalisation.

PURPOSE

Where are all the law schools going?

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Has the pursuit of income overtaken the pursuit of knowledge as the essential mission of the law-schools in the mid-90s? Law schools can be operated at a relatively low cost in a market where there is a very high level of demand for their services. The fact that our law schools are not anchored to a particular intellectual mission may be viewed in two ways. On the one hand, it means that they are unconstrained by a particular *raison d'être*. On the other hand, it betrays a lack of constitutional purpose. This paper

suggests that the essential business of the law schools is inquiry into the practice of law and that this is the unifying thread in their activities.

The nature of an institution is determined by its mission and different missions entail different types of institution. If we conceive of universities in terms of a dedication to inquiry and understanding, then law schools must be dedicated to inquiring into and seeking to understand the domain of 'law'. The universities ought therefore to be encouraging understanding of the law rather than rote learning. We must tack away from the black-letter materials towards the explanatory theories we find in sociology, anthropology, economics, psychology and the like. We also need to have some grasp of the legitimacy of legal doctrine and institutional design which will include developing an understanding of ethical standards expected of lawyers. This does not imply that black-letter materials are not part of the raw materials that comprise the practice of law but rather that they do not consist of the whole of it.

If law schools are not all going in the same direction, this can be explained to a considerable extent by the teaching and research assessment exercises which have played a key role in two respects, first in their allocation of funding and secondly in their splitting of teaching and research.

Teaching quality assessment in the law schools cannot generate improvements as long as the process has funding implications. It inhibits a frank and open dialogue between assessor and assessed. A revised assessment methodology has recently been put in place which involves universal assessment visiting and operates

with a core set of six aspects of teaching provision furnishing a common structure for the assessment process. There are only two categories of judgment, satisfactory and unsatisfactory; and the core aspects set the framework for the assessors to publish a graded profile of each department. An attempt is made to draw a distinction between aims and objectives, which are in substance virtually indistinguishable from each other. What this amounts to is that teaching quality assessment is less concerned with the intellectual missions that law schools set for themselves than it is with the way in which the sum of the law school's activities can be broken down into its component parts, each of which is referable to some element of the overall aims and objectives set for the course. This implies that law schools can be in whatever business they like provided they can account for their activities in terms of their overall productive ends. The approach to assessment should be sensitive to the core idea that inquiry has intrinsic value and cannot always be related to identifiable outcomes.

The funding implications of the research assessment exercise are reasonably well settled. Research ratings go into the formula which determines how a large budget for research is to be allocated. However, there is a serious division of opinion about the nature of research. One branch maintains that the objective of higher education is the advancement and dissemination of knowledge through research, publication and teaching. The other recognises the importance of research undertaken to meet the needs of users and to support wealth creation. What this means is that research assessment exercises operate according to their own particular ground rules and institutions engage in second-guessing as to what is required to

impress the panels. Research assessment thus becomes a complex strategic exercise, and the fact that a law school orientates itself towards the research assessment exercise does not mean that it will necessarily be working with the grain of its essential mission. There is a crucial distinction between being 'research-led', with a view to the research assessment process, and being intrinsically 'research-led'. One finds the latter in law schools which are infused with the spirit of inquiry and hold true to their mission.

The latest figures on funding allocation indicate that, in both teaching quality assessment and research, the majority of funding will continue to be allocated to a minority of the universities, producing an elite group of law schools which are able to attract the lion's share of resources. Further, the splitting of teaching and research assessment and the separation of funding for teaching and research means there will be 'teaching only' law schools and will lead to a hierarchy of law schools differentiated by the extent of their involvement in teaching and research. It will remain possible for the elite law schools to fulfill the law school mission, but academics in law schools presently caught in the middle sector will be expected to carry an increasingly heavy teaching load while making contributions to the research effort. If the law schools do not have a clear sense of their mission, they will be carried along wherever the ebb and flow of education politics takes them.

Consumerism in legal education

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The main impediment to analysing and understanding what