have difficulty relating to contingent remainders, covenants, easements, the doctrine of tenure, executory interests and the rule in *Shelley's* case.

What should lawyers know about economics?
R Whaples, A P Morriss & J C Moorhouse
48 *J Legal Educ* 1, 1998, pp 120–124

Law and Economics is now part of the curriculum at many American law schools. Because law schools inexplicably do not generally require a background in economics, such courses usually must teach some principles of economic analysis before applying those principles to legal questions. Law-and-economics scholars and economists were asked in this study what they thought lawyers should know about economics. Teachers and students of torts, property and contracts felt the impact of the first wave of law-and-economics scholarship, but every area of law from admiralty to procedure is increasingly subject to economic reasoning.

To find out what law-and-economics scholars and economists think lawyers should know about economics, surveys were conducted of random samples of members of the American Law and Economics Association and the American Economic Association.

Four concepts ranked well ahead of the others as those which students ought to know: opportunity cost; the Coase theorem; marginal analysis; and market equilibrium. Missing from the top tier are concepts at the centre of modern microeconomics, such as principal-agent theory and property rights economics. Macroeconomic topics are also noticeably absent. This suggests that the respondents were satisfied with exposing law students to an abbreviated introductory microeconomics course, rather than familiarising them with recent cutting-edge law-and-economics scholarship.

A similar focus is apparent in the suggested readings. For the most part, the readings suggested are relatively non-technical articles comprehensible to most law students. The desire to choose materials within the competence of law students may have led to the selection of older articles–articles written before the mathematisation of economics.

Teachers can use the suggested articles to introduce students to concepts. The non-Coase readings come from a variety of areas, from torts to property rights to finance. The wide range of subject areas suggest materials that could be used in substantive courses to provide a law-and-economics perceptive, particularly for students who have mastered basic economic principles either in their undergraduate course work or in a law-and-economics course.

Education law: the chrysalis in the undergraduate law curriculum
A Ruff
32 *Law Teacher* 2, 1998, pp 169–184

Do parents have a legal right to choose the school that their child will attend? Must a local education authority name a school in a child's statement of special educational needs? If a pupil at school receives a poor education, is the legal education authority liable in tort to pay damages to the pupil? These are just a few of the current issues arising in Education Law. In spite of its dynamism, topicality and growth, Education Law has been virtually ignored as an academic discipline for law students, even though it has formed a framework for students of educational administration. It has been regarded as an arcane aspect of administrative law, chiefly of interest to lawyers working or practising in the area of local government law.

This is no longer the case. Education Law has gone beyond the boundaries of administrative law. Although the structures and process of educational provision are central to the subject, education law is also concerned with aspects of family law, the law of tort and human rights.

Detention and other forms of punishment by teachers have been subject to the law of tort. However, the tort of negligence has recently been extended to the quality of the educational support provided. In the context of human rights, religious freedom, for example, is normally regarded as a fundamental human right which may in future form the basis of litigation in other courts by parents or others who wish to challenge the religious education provided by a particular school.

The second reason why Education Law is no longer merely an arcane aspect of administrative law is that it has emerged as a specialist area of law for practitioners because of resort to the law by parents, students and teachers. It is also becoming part of the undergraduate curriculum for an increasing number of law students, as well as being taught on postgraduate programs. Education Law should now be offered to more law undergraduates.

Education law is now demonstrably a subject in its own right for the following reasons. First, there is a set of coherent legal principles, which have been developed in considerable detail and have acquired distinctive features. Secondly, there are distinct complaint procedures. Thirdly, Education Law applies to identifiable

groups of people in specific factual contexts: parents, children, students, head teachers, teachers, governing bodies of schools, further education and higher education institutions and central government. Fourthly, there is a discrete body of learning, contained in both primary and secondary sources, which comprises Education Law.

An Education Law syllabus should build upon work already undertaken in the Constitutional and Administrative Law modules. Students should already be familiar with the relationship between central and local government, the general principles of judicial review and the role of the Ombudsmen.

The first question is whether the module should concentrate upon the law relating to schools or include further and higher education. The second question is what should be included in a syllabus. There is no shortage of material. It is more a question of what should be left out. Inevitably, because of time constraints, a lecturer is likely to concentrate on particular topics within such a syllabus.

Education Law has great potential for teaching legal skills. It demonstrates the application of administrative law principles in a specific context, and draws together and adapts principles from different areas of law, such as administrative law, child law, the law of tort and international human rights law. It is ideal for developing legal research skills. There is a plethora of statutes, regulations, circulars and cases. Currently, there are a variety of texts on education law but they tend to be aimed at the legal or educational practitioner, rather than the law undergraduate. In addition, there are many specialist law journals.

The wide range of materials available can be overwhelming but it enables students to develop their research and analytical skills using both printed and IT resources. There is much useful material on Education Law obtainable through the Internet. Advocacy and oral presentation skills can be developed in seminars with role play exercises based, for example, on admission or exclusion appeal committees.

Education Law is an example of a 'proper legal education', which is of value to law students whether or not they practise law. The skills element alone is of value for the next stage in their legal training and for practice. Education Law embraces legal principles and remedies from a variety of areas of law.

JUDICIAL EDUCATION

Judicial education and the means of funding it in the Asian region: a judge's view
Justice R D Nicholson
7 *J Judicial Admin* 1997, pp 83–97

What issues face judges in relation to judicial education in the LAWASIA region? How should they deal with them? Australian experience has shown that members of the judiciary are prepared to participate in properly organised and presented programs involving education in matters beyond the learning of hard law.

It is essential to the performance of the judicial function that judges be independent. This means they must be independent of any influences which would put at risk impartiality in deciding court cases. It is sometimes thought that if judges participate in judicial education, they will compromise their independence. The question therefore is how judicial education, particularly in such areas, can be managed in a way that is consistent with judicial independence and the public perception of it.

The Australian experience suggests that the cardinal principle of judicial education, for it to be successful, is that it must be judge-managed. This gives judges confidence that there will be no element of embarrassment if they participate freely and frankly in the seminars associated with the delivery of the education. It is that which provides the answer to concerns among the judiciary that education, especially in cultural matters, will be a form of political brainwashing. If the judges themselves are the arbiters of the programs they receive, there is a system of management consistent with judicial independence.

Why should judges participate? The reasons may be listed as follows: the judiciary is required to keep up with changes and further its understanding of the existing law; in the case of administration, the judges need to be working in tandem with court registries to progress cases and achieve the best within limited budgetary provisions; in the case of cultural matters, there is a public satisfaction that, whatever the background of the judges, they have had the chance to come to an understanding of the background of all those who may appear before them in court; and public and professional confidence in the courts is maintained and enhanced by the display of willingness to learn.

To achieve judicial support for judicial education, not only must the programs be judge-managed but they must also be voluntary. These are the