

staff teaching in the block system should be well organised and adequately prepared prior to commencing a block. Student learning should be directed through the use of clear objectives accompanied by lecture outlines and summaries which focused attention on the main issues.

The students surveyed suggested that the semester model represented a substantially different context for learning. Its flexibility meant that learning could be more student-directed. Students generally placed less emphasis upon the importance of lecturing ability and teaching styles in their comments about the semester model, and learning was felt to depend a great deal more upon motivation and personal organisational skills than had been the case in the block model.

The five lecturers interviewed reported that teaching in the block model was very demanding in time, energy, knowledge, experience and good preparation. It was generally agreed that one of its major attractions was its capacity to allow flexibility and innovation in course delivery. The six-week blocks enabled visits, excursions, and guest lecturers to be arranged for all students. Within the classroom setting there was more flexibility and greater opportunities for duplicating real life situations in the conduct of moots. Several lecturers reported that block teaching had forced them to redefine their conceptions of teaching in ways that were more student centred and required them to become more concerned with their students' individual learning needs.

The block and the semester models represented two markedly different settings for learning. The experiences of the same group of learners, and their needs from the lecturing staff, varied substantially across the two settings. In the block model, for example, the students portrayed their learning as having been dependent to a large extent upon the quality of the direction provided by their lecturers. Learning in the semester model was generally felt to have been self-di-

rected and largely dependent upon self-motivation and personal organisational skills. The change in context, therefore, brought about a different set of interactions, which affected teaching and learning.

LEGAL EDUCATION GENERALLY

REVIEW ARTICLE

New foundations in legal education

J Goldring, C Sampford & R Simmonds
(eds)

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222pp

New foundations in legal education is a collection of 17 essays about the challenges facing legal education in Australia, contributed by leading academics and members of the judiciary. All but three chapters appear to be modified and updated versions of articles or addresses that have been published beforehand and the majority come from the pens of the three editors, who are three prominent law deans. However, this in no way detracts from the value of this monograph as a convenient compendium of the writings of the foremost thinkers about legal education in Australia.

The scene is set by an address delivered at the opening of a new law school by Sir Anthony Mason, a former Chief Justice of the High Court of Australia, who, while extolling the need for a law course that offers a liberal education as the foundation for a career in a wide range of legal work, nonetheless laments:

I doubt that all the rhetoric in the past about the importance of providing law students with the benefits of a broad and liberal education has been matched by the results achieved. The...legal profession is noted for its specialised technical competence rather than for its contribution to the development of the law or for its constructive capacity to mould the law to the needs of society in association with other disciplines. While techni-

cal and professional competence is what you expect above all from a practising lawyer, the community is, I think, entitled to expect something more from the profession. Unfortunately, the practice of law has tended to contract the horizons of many professional lawyers. (p.x)

The 17 essays which follow are divided in accordance with four themes: (1) tradition and progress: legal education in context; (2) theory and practice: designing legal education; (3) new law schools: the future of legal education; and (4) debating change: practitioners respond.

In the first chapter Sampford and Blencowe carefully review the considerable changes over the past ten years in the face of legal education and pose a series of questions (while remaining silent on the answers) for the major players in the current system, namely the universities, the practical legal training courses and the practising profession. They also question whether the tradition of the rigid three-stage division of legal education should be retained but warn that no single stage should not be foisted with the entire task of turning a bright young student into a competent lawyer.

In the second chapter Jack Goldring underscores the importance of understanding the aims and objectives of legal education by examining the expectations of the legal profession and the community about the content of the law course. He concludes that, whether legal education is envisaged primarily as a foundation for a career in professional legal practice or as a process of fitting a student for a wider range of careers, the best thing it can provide to students is *a curiosity, skill and an ability to learn and face new challenges.* (p.26)

Two of the essays deal with the most fundamental structural changes for law schools over the past ten years: the growth in law schools accompanied by the unprecedented growth in student numbers. Simmonds in chapter 4 examines the expansion in the number of Aus-

tralian law schools, the diversity of their approaches and the emerging trend for greater accountability, both through budgetary controls and the demands from students as consumers. Sampford analyses the outcry about the growth in student numbers and the perceived threat of a future glut of lawyers and the ensuing oversupply of legal services. He argues that if steps can be taken to ensure the quality of legal education and to avoid the focus on teaching a narrow traditional curriculum, the quantity of law graduates is unlikely to be a problem.

In chapter 6 within the section on designing legal education, Goldring investigates ways in which distance learning methods can be employed to deliver the same learning outcomes as traditional on-campus legal education.

Three essays (chapters 8–10), all contributed by Charles Sampford, explore the important design issues about how theoretical dimensions can be injected into the traditional rule-oriented curriculum and the purpose and size of the core curriculum. Chapter 8 examines the external and internal pressures on law schools and teachers which combine to encourage the teaching of legal rules and technical skills at the expense of underlying theory. He offers some tentative suggestions as to how the curriculum can be restructured to take account of theoretical elements. The implications of these proposals are teased out in chapter 9 in which Sampford describes one model for including a theoretical component in individual substantive law subjects as an integral part of their teaching. Finally, in chapter 10 Sampford identifies four critical mistakes commonly made in designing the core curriculum: the failure to distinguish between what should be compulsory for a university law degree and what is compulsory for practice; conceptualising subject matter as building blocks for later subjects; thinking of the core curriculum as fixed and unchanging; and thinking that the only issue for decision is what the subject matter of the compulsory

courses should be. He then sets out the general aims which should be served by the compulsory subjects and analyses how these objectives should be implemented in the design of the core, taking regard for the consequences for the optional curriculum of the nature and size of that core.

The third section consists of accounts by their foundation deans of the experiences of four new law schools, three in different Australian states and one in New Zealand. Understandably, they each exhibit a fair measure of pride in having met the challenges posed by the establishment of any new educational institution. However, despite their avowals of different missions and fresh approaches, what clearly emerges is that, whether because of limitations in resources or in the capacity to translate the rhetoric into practice, there is still a remarkable overlap between what these new law schools end up offering and the shape of the familiar law school curriculum.

The final section consists of several very short essays, each of four or five pages, by way of response from the profession to the recent developments in legal education. Chesterman discusses what is in fact new about the new law schools; Wolfe looks at the impact upon the courts of these changes; and Vickery describes the views of the practising legal profession about the emergence of the new law schools, observing that the associated opportunities and changes to traditional law teaching more than outweigh the concerns created by them.

This collection of essays submitted by the contributors to *New foundations of legal education* cover a very broad spectrum of the major challenges facing legal educators in Australia and, by natural extension, in other parts of the common law world. They highlight the fact that law schools must appreciate that the theoretical and practical questions emerging from these challenges are closely linked and need to be addressed in their totality, rather than individually,

in the design of the law school curriculum.

Unfortunately, there is a lack of cohesion, because, although updated for the purpose of this book, the majority of these essays originally appeared in other sources, stretching back over more than ten years. Moreover, two significant omissions which detract from the value of the book and its readability are an introductory chapter setting the scene and drawing together the major themes discussed by the authors and a concluding chapter analysing their combined contributions and pointing the way ahead. As a result of this surprising oversight on behalf of the three editors, there is a perception of disjointedness about the entire book.

Editor

LEGAL ETHICS

The values priority in quality legal education: developing a values/skills link through clinical experience

A Evans

32 *Law Teacher* 3, 1998, pp 274–286

Lawyers' behaviour in facilitating or retarding access to justice depends upon their core personal values. These are affected by the quality of legal education and in particular the development of appropriate motivation and values in law students. In an age when law schools are often asked, with fewer resources, to increase both the quantity and quality of their graduates, this can be achieved through harnessing the learning energy generated by a motivated student. 'Motivation' is used here to describe the willingness of a student to explore issues of injustice confronting clients in poverty. Students whose values are appropriately motivated by the quality of their legal education to act ethically and to seek justice, which remain essential justifications for a legal profession, are also likely to improve their technical proficiency. This is so because, for most of them, an ener-