

sionalism, either because they know their captive PR students will not respond to it or because they are not willing to sacrifice any part of their syllabi in other courses, is not the only impediment to the introduction of professionalism into the curriculum. Most law faculty do not have extensive practice experience. This is particularly important for those approaches to professionalism that focus on the structure of the world students will enter and the lives they will lead in it.

Bringing the practice into the classroom always has been a struggle for legal education. Courses that focus on non-doctrinal or nontheoretical professional preparation have always awakened the law school identity crisis between academy and professional training ground. Experiential learning courses, designed to give students opportunities to be lawyers, with occasional forays into professional responsibility, are unlikely to leave much room for the more general, less immediate consideration of professionalism.

The task in teaching professionalism is to bring the practice into the classroom for the sole purpose of sparking the students' interest in professionalism and, inevitably, professional responsibility. Though long disparaged as classroom distractions, war stories and dramatic representations of practice are what studies need if they are to appreciate the issues in the life of a lawyer.

The television series *The Practice* tells realistic stories about the lawyers in Bobby Donnell's small criminal defence/plaintiff personal injury firm and those lawyers that interact with them. The emphasis on the ethical, moral, and personal issues in the early episodes was pointed. Those brooding episodes make the early episodes of *The Practice* the perfect vehicles for thinking about, discussing and beginning to understand professionalism.

Professionalism was once accomplished after law school with the assistance of older lawyers or by experience in a relatively slow-moving occupation that gave time for reflection and understanding of the public enterprise and the lawyer's responsibility to it. The current size

of the profession and the importance of the bottom line, among other factors, have erased those opportunities except in the rarest of circumstances, leaving the acculturation process to happenstance or to the law schools.

The course based on *The Practice* attempts to fill the gap left by the profession. It does not fit the description of any typical law school course. It is a combination of research seminar and clinical externship, presented through a modified simulation method of instruction. A 'virtual' experience of practising law in the classroom with the fictional lawyers of *The Practice* provides the context, the structure, and the issues for the course. The simulated law firm is an attempt to create a learning environment that will encourage students to step out of their law school lives and into the lives of lawyers.

Everything the students do and think about in this simulation course, both professional and personal, is recorded in their journals. Early emphasis on the journals as personal diaries, and not just a record of the students' activities as lawyers in the firm, is part of an attempt to convey the message that *The Practice* is as much about the future lawyers in it as it is about the profession they will enter.

It is impossible to overstate the importance of finding and creating course material that will help law teachers with little practice experience effectively raise and discuss professionalism issues with law students who approach the subject with no understanding or, worse, a misunderstanding of the context.

## RESEARCH

### A survey of pro bono activity by students in law schools in England and Wales

S Browne

35 *Law Teacher* 1, 2001, pp 33-55

Legal education is undergoing a period of transformation with a growing number of influential voices advocating that we alter the way we educate our future lawyers. Most recently the policy director of the Law Society of England and Wales has

queried whether the current training process inculcates the necessary flexibility of thought and approach that will be required to survive in the twenty-first century.

Pressure for change is coming from many different sources: law students have increasing power to instigate change through their choice of the ever-increasing number of law schools, informed by various data including the publication of teaching quality assessments; the shift in funding criteria to include 'teaching quality' may mean that many law schools will re-evaluate their teaching methods and course content. Furthermore, as the profession confronts increased competition caused particularly by globalisation and the spread of information technology, it is demanding trainees and newly qualified lawyers who have already learned key legal skills such as problem solving, analysis, communication and client care which traditionally were acquired during the training contract or pupillage and the first few years of practice.

A way of meeting the challenges facing not only legal education but also the profession may be through student participation in pro bono services.

In July 1999 the Solicitors Pro Bono Group (SPBG) launched an initiative to encourage widespread involvement by law students in pro bono work with the aim of establishing a commitment that will continue through their professional lives. In order to inform its activities it was decided to conduct a nationwide survey into the extent and the nature of pro bono work in law schools and the barriers and perceived benefits.

In order to inform debate on legal education and to respond to the need for information about pro bono work in law schools, the main aims of the research were: to determine the extent of pro bono legal services carried out by law students in law schools and elsewhere; to determine the nature of pro bono provision in law schools and by law students elsewhere; and to identify the perceived or actual barriers to pro bono work in law schools. In order to achieve these aims a questionnaire was devised to ascertain the



number of institutions with students participating in pro bono work.

It is clear that student participation in pro bono activity at law schools, both assessed and unassessed, is growing rapidly. At present it occurs in just under half of all law schools but, if all planned activity comes to fruition, within a few years over half of all surveyed law schools will have students who participate. However, the number of law students who take part in pro bono services appears to be quite low in relation to the total law student population. The challenge is to increase the number of students participating.

It is clear that there is no 'right' location for pro bono work. The provision of pro bono takes a variety of forms to suit the provider, the community partner, if any and the recipient. It does not necessarily occur in a law school clinic and, if it does take place in the law school, it might be in collaboration with outside partners.

The areas of work depend on the clients' needs, the capacity of the scheme, the interest and expertise of the staff in charge and the physical situation of the advice centre. The overwhelming majority of pro bono advice by law students is available to the wider community and not just the internal community. The costs of the pro bono scheme do not have to be great. Obviously some of the larger in-house schemes are costly because of staff wages but some of the schemes cost very little or nothing, either because staff choose to give their time free as a service to the community or because there are links with local pro bono providers who give all or part of the supervision.

All respondents considered pro bono activity to have value and to increase student learning and development and the vast majority of respondents who do not have pro bono schemes would consider a scheme with the correct support and information. Although funding was perceived as vital to those who do not have schemes, it is not considered to be the most important factor by those law schools who have or had students participating; for them staff time and supervision problems were more important.

One way of resolving the problem of time may be to establish more links with community providers of pro bono services. The other main barriers, such as supervision problems, which are linked with lack of qualified staff, exam pressure and the problems of obtaining premises, could also be addressed through partnerships with local pro bono providers and support from the profession. The survey found a variety of links between law schools and the community and it is to be hoped that the gap between the academic world and the professional world, both in educational terms and practical links, will narrow, helped by the increase in pro bono activity.

In the shorter term models could be formulated, information sources, such as leaflets and a website might be created to provide feedback on pro bono activity. Areas for future research include identifying student attitudes to pro bono work and potential funding sources. It would be interesting to carry out research to find out how participating in pro bono activity during law school as a student later affects the student's development as a trainee solicitor, barrister or other legal career and whether the pro bono ethos carries through into professional practice.

## SKILLS

### Graduate attributes and legal skills: integration or disintegration?

S Christensen & S Kift

11 *Legal Educ Rev* 2, 2000, pp 207-237

Traditionally, educators of undergraduate lawyers-in-training have approached curriculum planning from the perspective of what law graduates 'need to know'. This approach will usually lead to graduates having very good technical skills but lacking some of the necessary generic skills desired by employers. Legal education should be orientated around 'what lawyers need to be able to do'.

The MacCrate Report led a majority of US law schools to redesign their curricula to entrench a clinical legal education model for their law courses. An important element of each program is the focus on ethics as an integral element of each of

the substantive law units, the emphasis being on exposure to real life problems and issues in which ethical dilemmas are a large component. English universities have also been engaged in projects to integrate the development of graduate or professional attributes into undergraduate curricula in many disciplines, including law.

Australian universities are likewise concerned with the issue of transferable graduate skills. The Australian Technology Network (ATN) is currently involved in a large teaching and learning project aimed at designing a systematic and explicit strategy to cultivate and evaluate the development of relevant generic attributes.

In the past, universities have considered themselves to be responsible only for the development of technical knowledge and the inculcation of the graduate's ability to be able to criticise, question and search for justifications. However, it is now apparent that universities should also be concerned to ensure that their graduates are equipped with the skills necessary to be able to use that technical knowledge effectively in order to succeed in a global and ever-changing workplace.

Both the Australian ATN Project and the university networks established in the United Kingdom encourage a systematic approach to skills teaching within a discipline at university level. Vital components of such an approach include: the identification of university-wide generic attributes; the development of a framework for faculties to use to facilitate the adoption and incorporation of these attributes within their courses; the provision of resources; and the provision of funding for facilities to make the transition.

Overwhelmingly, contemporary educational thinking suggests that universities should not be content to provide students only with good technical knowledge: a university education should also inculcate the skills necessary to utilise that knowledge in an ever-changing global workplace.