

abstract, logical arguments in the classroom and in their examinations. The stress law school places on logical-mathematical reasoning is understandable for at least two reasons. First, this is the intelligence traditionally associated with the single intelligence view. Second, whether or not it is the general intelligence of traditional theorists, logical mathematical reasoning plays an important role in the law.

There is a significant degree of independence among the various skills law students need to develop to become successful lawyers. Although some people show strengths across the full range of skills, many law students show more promise in some areas than in others. Law schools should help students understand their own strengths and how they can match their own profiles to the wide range of opportunities presented by the law. Specialisation and role differentiation is the reality of much of legal practice, yet law school pedagogy, particularly law school evaluation practices, reflect the aspiration to produce just one kind of lawyer, with all students being measured on a single scale.

One important step toward helping law students navigate our complex profession is providing more varied evaluation formats. The over-reliance on exams fails to identify the group of students whose simulation performance provides evidence of their indication of probable success in many lawyer roles. We now give most students very clear, early information about their weaknesses. For most law students, much of the end of first year and the beginning of second year is taken up with learning how far they are from the top of the class and what that means about their prospects for the highest paying jobs and other high status positions. We might also try to tell our students about some things they are good at doing and, perhaps more revolutionary, we might begin to really value those talents.

If, for example, we accept that the personal intelligences are really independent, valuable abilities in the world, we might begin to prize skilful client counselling more than we do. If we coupled that awareness with an effort to identify our students' aptitudes in the personal intelligences, we could help students develop a professional role around their strengths. Students with those strengths might more often see direct client service as an important and challenging career, rather than a path for those who did not get jobs at the biggest law firms. We do our students, and the profession, a disservice by graduating many students who feel unrecognised, and were in fact not educated as well as they could have been, by their law schools.

CLINICAL LEGAL EDUCATION

The evolution of a community law and legal research centre: the UTS experience

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An appropriate starting point for this article would be 'A Guide to Implementing Clinical Teaching Method in the Law School Curriculum', a project which developed out of a colloquium on legal education organised by the Law Foundation of New South Wales (NSW). This colloquium identified a number of initiatives, one of which was the proposal for a project that would assist Australian law schools lacking clinical legal education facilities and also the substantial number of law schools to be created.

It was with these guidelines in mind that the University of Technology, Sydney (UTS) Law Faculty embarked on the process for the development of a University Community Legal Centre. This article sets out the process which was followed with regard to the establishment of the Centre and the many

problems which had to be faced with respect to the drafting of vision and aims, raising funding, provision of accommodation, staffing and the operation of a legal service by the Centre.

It was decided that it was preferable to incorporate Practical Legal Training into the operation of the Centre. In the shorter term, it was intended to include the Centre's operation in the LLB Undergraduate Skills Program. With regard to client groups, the intention was that the Centre would primarily cater to UTS students and staff.

The only service offered to the university community was a referral service undertaken by the UTS Staff and Student Union, in conjunction with two small local law firms. With proper exposure and shop-front accommodation, it was anticipated that the demand could exceed that experienced by the Union service. Eventually, as the Centre was opened to the wider community, it was expected that there would be no shortage of demand for the services offered. The fact that there was considerable demand by students for work places in which they could gain practical training and real legal experience was also taken into account.

It was envisaged that the management of the UTS Centre would ultimately rest with a Management Committee. This Committee would ideally be composed of the Dean, a number of academics and student representatives. It was assumed that all funding bodies would be represented in any management structure. Day-to-day operation of the Centre would be the responsibility of the Centre's administrator, augmented by regular and periodic meetings of staff.

It was proposed that the teaching element of the Centre's operation would constitute a subject in the Faculty's undergraduate LLB program. The clinical educational experience for students would be enormously advantageous. Under the close supervision of an experienced

practitioner students would be expected to identify, analyse and present solutions to actual legal problems and to participate in the lawyer/client relationship.

It was envisaged that the focus for the establishment of the Centre was student involvement and it was important, therefore, that the operations of the Centre should reflect this aim. Obviously expenses for office administration and casework assistance would be reduced because of the voluntary assistance given by the students.

Currently most of the volunteers are UTS law students, all of whom have undertaken a volunteer training program conducted by an academic member of the professional program staff. These student volunteers undertake initial client interviews and observe the client/solicitor consultations, besides carrying out some administrative and legal research. Those student volunteers studying within the UTS LLB program also have the opportunity to undertake an elective subject, Community Legal Research.

It is claimed that this particular course is unique to UTS. It is designed to illustrate the connections between, and impact of, the operation of law in various communities. The course emphasises and examines the potent impact of certain laws with specific connections, and the important role that legal practitioners can play in engaging in socio-legal debate and law reform.

When the Centre was established, it was envisaged that its principal function would be the provision of free legal services to UTS staff and students. However, it was soon realised that many of the problems about which advice was being sought impacted on the wider community and gave rise to the need for their origins to be investigated. The development of a research infrastructure by the Centre has resulted in a number of research

initiatives, which were unforeseen when the decision was originally made.

The Centre has also developed a profile for active participation in law reform, particularly within the area of criminal justice. This normally takes the form of submissions to various government bodies and joint press conferences with involved community organisations. Another development, which was unforeseen at the time of the Centre's inception, is the way in which the Centre has enhanced the law faculty's research strengths and increased the community's awareness of the university's value and relevance as a service provider.

The five habits: building cross-cultural competence in lawyers

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8 *Clinical L Rev*, 2001, pp 33–111

Many clinical teachers have recognised the importance of teaching diversity issues in the clinic. A number of presentations at Association of American Law Schools (AALS) Clinical Teachers Conferences have been devoted to exploring ways in which diversity can be taught in the clinic and classroom. In deciding how to teach cross-cultural lawyering, clinical teachers need to identify how to integrate it into the overall goals of their clinics and to set specific goals for student competence in this area.

On the micro level, a clinic may teach cross-cultural lawyering to improve representation of clients and to introduce students to cross-cultural theory that they will be able to apply to practice in an ever increasingly diverse legal profession. On the macro level, a clinic may teach cross-cultural perspectives and skills to enable students to help build a more just legal system. Often, the priority given to these micro- and macro- objectives will influence teachers to structure the learning to give greater weight to one goal over the other.

To become good cross-cultural lawyers, students must first become

aware of the significance of culture on themselves.

By teaching students cross-cultural lawyering skills and perspectives, we make the invisible more visible and thus help students understand the reactions that they and the legal system may have towards clients and that clients may have towards them. By teaching the students about the influence of culture on their practice of law, we give them a framework for analysing the changes that have resulted in their thinking and values as a result of their legal education. The law, as well as the legal system within which it operates, is a culture with strong professional norms that gives meaning to and reinforces behaviour. In teaching about the importance of culture to lawyering, we want to avoid reinforcing stereotypes. By using a broad definition of culture, we hope to teach students that no single characteristic will completely define the lawyer's or client's culture.

A starting point for faculty who are designing cross-cultural learning curricula is to ask what students already know and what we want students to learn. Cross-cultural learning takes place in three different spheres: the cognitive, behavioural, and emotional. In planning a class, teachers need to set goals for each of these spheres. The teaching choices to be made to accomplish change in each of these spheres depends in large part on the assessments we make about our students, about our capacity to teach these perspectives and skills, and about the connection of these skills to our vision of good lawyering. In addition, we need an explicit theory about what we mean by cross-cultural lawyering competence and an explicit pedagogical theory about how students can learn to be competent.

There are four guiding principles that express some underlying assumptions about good lawyering and learning: all lawyering is cross cultural; a non-judgmental approach towards yourself and your client promotes