of lower status: nontenured, much lower paid, and generally limited to specific areas of teaching. Two years of national survey data revealed that, in the field of legal writing directors, being a man means earning a substantially higher salary and enjoying a better status in the field, while carrying the same workload as a woman colleague. The more closely the job of a legal writing director resembles a doctrinal teaching position — in terms of salary, tenure, title, teaching areas and voting rights — the more likely it is that the job will be filled by a man.

The surveys of legal writing programs have been conducted annually or biannually since the early 1990s. They are nationwide in scope, reaching virtually all ABA-accredited law schools. They were created to collect and disseminate information about trends and developments to help improve this all-important area of legal education.

Female directors earn substantially less than male directors when measured by several simple statistics and as predicted by regression analysis. There were also salary differences by gender when analysing the number of females and males earning salaries in the range for experienced doctrinal faculty. The degree of the salary differences for women and men directors is perhaps the most startling result of the analysis. The survey data yielded one more unsettling salary comparison. In programs headed by female directors, the salary range for legal writing faculty, regardless of their gender, was lower than in programs headed by male directors.

Besides having lower salaries, female directors are less often in tenured or tenure-track jobs than male directors. Female directors also had less job security than men because they were more often on contract. And finally, just as legal writing faculty are apt to earn less if they work with a woman director, full-time legal writing faculty are less likely to have the job security of a tenure-track position if they work in a program headed by a woman.

Women directors teach a narrower range of courses than men and are more often restricted to teaching first-year courses. They also play a lesser role in faculty governance. Fewer female directors serve on faculty committees, and fewer vote than males.

The surveys show ways in which law schools treat women directors differently from men directors. The disparate treatment may surprise many deans and faculty. The surveys also show that both women and men in legal writing are treated less well than others in legal education.

The second-class status of women writing directors is not an isolated instance of gender bias within a profession. The surveys' results show that women legal writing directors share the same lower status as women teachers throughout higher education. Legal writing's pink ghetto status is, in other words, a kind of hierarchical segregation that developed in legal education, not unlike patterns found elsewhere. Whether one looks at the hierarchy of deans, associate deans, and assistant deans, or the hierarchy of full professors, associate professors, and assistant professors, as the prestige and salary for a position decrease, the percentage of women in that sort of job increases.

Law schools have a responsibility to model nonsexist behaviour and to acculturate law students into their new professional community. The treatment of women legal writing directors, viewed in the context of studies of women throughout the legal academy, raises serious questions about how law schools are meeting that duty. Maintaining a pink ghetto and a group of second-class citizens within that ghetto harms the field of legal writing, legal education more generally, and ultimately the legal profession. Perceptive law students learn both the explicit and the implicit lessons about women's value and roles by observing how law schools treat their women faculty. If women are viewed as a less important part of the legal academy, students may infer that women are a less important part of the legal process.

LEGAL ETHICS

Enhancing student learning of legal ethics and professional responsibility in Australian law schools by improving our teaching

M J Le Brun

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In late 1998 the author was awarded a National Teaching Fellowship to improve the teaching of Legal Ethics (LE) and Professional Responsibility (PR) in Australian law schools and faculties. The main aims of the Fellowship were to investigate and to share ideas about how LE/PR can best be taught and assessed in Australian and American law schools. As part of the work of the Fellowship, the author investigated the teaching approaches adopted, materials used, and assessment strategies employed: by teachers of LE/PR in selected law schools in the United States; by teachers of LE/PR in Australia; and by moral philosophers and applied ethicists in Australia.

In order to get an appreciation of what was happening in the teaching of LE/PR in law schools and in other related disciplines in Australia, the author conducted a written survey of law teachers and teachers of Philosophy and Applied Ethics. She also facilitated workshops designed specifically to improve student learning by improving the teaching of LE/PR. Participants in the workshops included current and future teachers of LE/PR, teachers of Applied Ethics and Philosophy and law students. Even though the definition of what LE/PR entails was left as broad as possible so that its scope could be discussed in the workshops, participants of the workshops reached no consensus about what LE/PR education is or should be. As a result, without a consensus of

definition, it is difficult to determine exactly what is happening, what is being offered, and what directions education in Legal Ethics and Professional Responsibility should take.

The number of individual teachers and institutions openly committed in thought and in action to the introduction and development of LE/PR in Australian law schools is still relatively small. Not many individuals actually teach LE/PR in their law schools, so the pool of possible staff resources is small, providing challenges to heads of schools and deans when the LE/PR teacher takes leave, changes employment, retires or resigns. That the impetus for change has been external in some cases rather than internal appears to have affected curriculum and teaching innovations in Australia. Some Australian law schools that have actually introduced the subject into the law curriculum appear to be relatively uncommitted to its development, success and continuation. Not all law schools offer as much LE/PR as some law teachers think appropriate

The teaching/learning innovations that have been initiated in the USA and have been written about so convincingly have not been adopted in Australia for the most part. Even though many law teachers who promote LE/PR as a subject currently are senior, tenured members of staff, their influence on the development of LE/PR appears to be less than one might have expected from the positions that they hold. The immediate need of some of these individuals, as expressed in the workshops, is in keeping their institutions/law schools afloat, rather than increasing curriculum offerings and enhancing teaching/learning initiatives. Although many academics espouse the importance of LE/PR education as a laudable teaching/learning outcome, there is a noticeable gap between 'talk' and 'action'.

Despite these words of caution, it is clear that, although teaching/learning in LE/PR is in its infancy in Australia, there is much excitement about its future. In many ways, it appears that this Fellowship coincided with an increase in interest in the growth of this crucial area of study. For anyone who wishes to organise and facilitate the next round of LE/PR workshops in Australia, here is a list of topics that the workshop participants identified as appropriate for future discussion: How can we integrate/imbed LE/PR and lawyering skills in undergraduate law curricula? What are some of the ways that we can assess student learning of LE/PR? What work is being undertaken in other disciplines (e.g. Philosophy and Applied Ethics) that might be of interest to law teachers? What are some strategies for implementing and managing change?

Getting them early: teaching a critical perspective on legal ethics and adversarialism in an introductory LLB unit at the Queensland University of Technology

B Hamilton

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A voluminous body of literature attests to failings of the legal system. The legal system fails to provide real equality before the law and, in particular, it fails to provide access to justice for all. These inadequacies are especially tied up with the adversarial nature of the system and the perception that many lawyers operate with a 'mercenary mind-set' within it.

Enmeshed intrinsically in this adversarial culture are issues of legal ethics and whether existing professional ethical codes (and probably the lack of enforcement of the codes) promote this ethos. There is also a strong recognition that education, and legal education in particular, has a pivotal role in turning around this culture, which is one that can well be described as a gladiatorial arena. Others see the importance of creating an institutional atmosphere in which awareness of ethical issues and the ethical implications of one's behaviour are respected. These arguments about the importance of the institutional atmosphere seem to mirror school educational arguments about the importance of the ethos created by teachers. Those teachers who respect students and see the importance of nurturing students' self esteem model ethical behaviour, thus teaching students to act considerately towards their other classmates.

Law, Society and Justice was offered by the Queensland University of Technology (QUT) law school for the first time in 2000. It is taken by all students in the first semester of the LLB degree. Some of the teaching in the unit aims to make students aware from their first day of law school that they are not encountering a perfect legal system. Issues of legal ethics and the way an adversarial system works are highly relevant to dispensing justice. But at the same time, the unit aims in part to make students aware that personal and professional ethics are equally relevant to their own career satisfaction as well as emotional and moral development. Teaching law to students without a moral framework denies them the opportunities to develop healthy personalities.

It is intended that this sort of ethical awareness may one day mean that students will develop an understanding that can lead them to be agents for effective change aimed at reforming the legal system — to produce a system, where the boundaries between law and ethics and morality are much more blurred, and consequently much more concerned with justice than with law. It is common knowledge that many ordinary persons, as well as insiders (legal professionals), believe that the legal system is about law which they see has little to do with justice.

It is not the intent of the unit developers of Law, Society and Justice to give students a jaundiced view of law and the legal system. It focuses on the rule of law, its historical development and philosophy. However, at the same time, the unit is critical of the reality of a