

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

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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

fundamental tenet of the rule of law — that of equality before the law. The unit addresses in part how an adversarial system and minimalist and unenforced legal ethical codes can undermine the realisation of equality before the law.

Ethical and attitudinal awareness is an explicit skill that has been identified as a learning outcome for Law, Society and Justice. The McCrate Report on legal education in the United States identified this skill early in the legal education literature. It described 'Recognising and Resolving Ethical Dilemmas' as one of nine important learning outcomes. Some of the Australian reports followed the direction of McCrate.

Law, Society and Justice runs for 13 weeks. Each segment is offered for three weeks, except the final segment which is offered in four weeks of lectures. Each week there is one two-hour lecture and a one-hour tutorial dealing with material presented in the lecture given the previous week. Each lecturer designs the seminar questions, with some overview by the unit coordinator. The ethics tutorial takes place in the form of an oral presentation every third week when five students present as a team on a topic either chosen or allocated to them. There is then discussion and questions are elicited from and by the class and the tutor.

The unit reinforces ethical conduct in a general sense. It requires compliance with general student conduct rules, as does every law school unit. For example, there are rules about behaviour in tutorials. Students should not dominate the class but should be respectful of other students' right to speak. The unit also seeks to ensure that all students participate and cooperate in teamwork with other students. There is also student peer assessment of group oral presentations.

Few will disagree that a strong sense of ethics is a very important attribute for law graduates. It seems clear that this quality will be most effectively developed if the process of ethical

awareness starts from day one at law school. The QUT Skills Development Project has identified three developmental levels of ethical awareness. The unit, Law, Society and Justice aims to achieve this awareness as a level one outcome. The Project and QUT law school seek to continue higher-level development of this skill in later year law school units. Finally, it is hoped that specialised units, such as Professional Responsibility, will develop the skill to a level three outcome.

Many commentators on legal system reform see ethics awareness as playing an important part in turning around the culture of lawyers in an adversarial legal system. This culture has many negative qualities. Many argue it results in the denial of true equality before the law. Many, if not all, authors who write about problems and concerns with the legal system mention education as a cornerstone for the occurrence of effective reform — without a body of persons sensitised to the need for change, there can be no effective reform. The QUT Faculty of Law believes it is important to begin the process of sensitising students to issues of ethics at the point of entry to law school before students become immersed in the culture itself. The unit, Law, Society and Justice, provides one step towards achieving this goal, while at the same time presenting a balanced examination of the role and rule of law and its many strengths.

Lawyers' perceptions of their values: an empirical assessment of Monash University graduates in law, 1980–1998

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Public and professional discussion about the behaviour of lawyers is perennial to the point of cliché. Commentary about perceived inadequacies is also commonplace, but it is ordinarily based on anecdotal, though powerful, 'war' stories. It seems, however, that legal

educators and regulators must tackle the 'ethics issue' with renewed vigour if legal institutions are to retain moral, and perhaps even spiritual, relevance. As legal educators we can only design and teach ethics courses and help the legal profession describe the desirable attributes of the future lawyer using indirect information as to what is needed. Legal ethics programs, both in and after law school, may be proceeding on a comfortable, but possibly unfounded, assumption — that as legal educators or regulators we can simply appeal to the supposed better nature of our students and members in order to improve attitudes and, hence, behaviour.

While there is a link between lawyers' attitudes/values and their behaviour, we first need to know about these attitudes and values. In particular, we legal educators have no empirical basis on which to conclude that clinical methodologies, which are internationally growing in acceptance within law school curricula, are effective in raising the 'moral tone' of the efforts that law schools make to increase student awareness of any justice imperative.

A survey of a sub-population of Australian lawyers to discover what values play a role in their professional decisions now provides some information. This article reviews the issues raised in this survey and describes the survey process and the results obtained from a questionnaire answered by 700 respondents, all former students of the Faculty of Law at Monash University in Melbourne, Australia. Questions designed to place the respondent in a personally challenging situation were composed around scenarios of local socio-legal significance and factual ambiguity.

The analysis strongly suggests that there are considerable differences in the value-base — that is, the set of values actually held by an individual — of this sub-population. Taken as a whole, this study suggests, but does not confirm, that clinical experiences may make some