

government discouraged the teaching of Christian ethics.

(3) The difficulty of providing a suitable education for law students. The most basic problem was to provide students with a legal education which would suit the needs of the country. Soochow's response was to teach comparative law and give students a mastery of the world's chief legal systems. Students took courses in Anglo-American, civil and Chinese law. The enactment of Chinese law codes in 1928 transformed the teaching content giving it a more national character. However, through the efforts of Sun Shelley, the study of foreign law continued on the basis that the ultimate purpose of comparative and foreign law studies was to improve the law of China. Soochow therefore maintained its character despite the promulgation of the Chinese codes. The faculty maintained that they should be free to teach all kinds of law and to criticise it as well.

INDIVIDUAL SUBJECTS/AREAS OF LAW

[no material in this edition]

INHOUSE CLE

[no material in this edition]

INSTITUTIONS & ORGANISATIONS

[no material in this edition]

JUDICIAL EDUCATION

Judicial education on equality

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Judicial education offers an appropriate means of providing judicial accountability without violating the independence of the judiciary. Inquiries into complaints about the judiciary have led to the introduction of judicial education on gender and ethnic awareness. The emergence of these issues may be due to the changing roles of women in society and the increasing recognition of plurality in communities. The judiciary is undergoing a process of professionalisation, whereby it is seeing itself as a distinct profession to that of the legal profession and not merely an arm of government or a body of public servants. One way in which a profession can shield itself from public complaint and the threat of government regulation is to put in place a system of continuing education. However, attitudes of the judiciary towards judicial education in Australia have been and continue to be very mixed.

In the realm of gender and race equality in the judiciary, continuing judicial education has been charged with a remedial role and operating as an agent for change. In Australia a number of inquiries have tried to assess the need for judicial education on gender and ethnic awareness. Whatever the existence of the need, it is argued that the credibility of the judiciary is impaired if it is not seen to be redressing these perceived problems. These reports, combining with some measure of endorsement of the media coverage (especially the judges' rulings in three rape trials which brought about public criticism of judicial attitudes to women) have

been instrumental in the judiciary undergoing a period of intense self-reflection, leading to the recognition of the need for judge-led education on equality.

The educational strategies that aim to educate judges should be firmly based on adult learning theories. However, these foundations should be specifically designed to support the distinctive requirements and learning characteristics of judges. Adult learning is characterised by autonomous, self-directed learning, building upon personal experience with an emphasis on immediacy of application. It has been suggested therefore, that judges epitomise adult learners. Judges, as professionals, possess certain characteristics as learners which should be utilised in the development of equality education.

However, there are also distinctively different features of judges as learners. Judicial appointment establishes a particular threshold of pre-existing competency in legal knowledge and skill. Judicial tenure may affect a judge's motivation to learn. The preferred learning styles of judges tend to be autonomous and entirely self-directed, but exhibit an intensely short-term problem orientation. The motivation for judges' participation in continuing education is largely to develop competence in an area. The lack of importance of job security because of judicial tenure, of professional advancement and of personal benefits have serious implications for planning educational programs.

There are policy issues involved with judicial education. The author submits that the voluntary characteristic of judicial education is of fundamental importance. Judicial education should be judge-led. This should mean that judges should own

their own educational programs and play a decisive role in policy-making. Programs should preserve judicial independence from any risk of indoctrination and judges should make up the faculty, being the only appropriate reservoir of expertise. Judges see themselves as the best arbiters of their own learning needs.

The Judicial Commission of New South Wales, Australia has developed a number of educational programs dealing with equality. Each program varies depending on the nature of the need and the context. The most effective judicial learning has been found to occur when (a) equality issues are treated within a broader educational framework of promoting equality before the law within a pluralistic society; (b) the educational process is court-led, independent, non-doctrinaire, voluntary and designed for all members of the court; (c) the objectives are to provide information and promote awareness, develop practical judicial skills and promote analysis and critical self-reflection of disposition, attitudes and values; (d) faculty is selected from the judiciary, academia etc; (e) the instructional design is workshop-based to facilitate active, participatory, self-directed learning. Examples of topic coverage and delivery methods of programs on women and the issue of gender equality, aborigines and the law, ethnic awareness in the courtroom and judicial skills and disposition are given.

Evaluation is also essential to judicial education, even though it is often based on inferential measurements of the quality of the educational process, rather than its outcomes. The quality of the individual judge's learning process and the impact of continuing education on judicial performance are ways in which judicial education may desirably be

evaluated. The evaluation process varies depending on which purpose is being met: external accountability to a funding body or internal accountability.

LEGAL EDUCATION GENERALLY

An overview of the present status and future prospects of Australian legal education

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29 Law Teacher 1, 1995, pp 1-32

Law faculties began to emerge in Australia by the mid-19th century but until the 1960s were relatively static, with teaching staff being drawn almost exclusively from the practising profession and the emphasis being upon vocational training to meet the requirements of the legal profession.

The period between the mid-1960s and 1987 represents a watershed, with the whole question of legal education and its relationship to the wider Australian society coming under scrutiny. This period culminated in the production of several significant reports on legal education, the most comprehensive being the Pearce Report. The main features of present day legal education in Australia are the increasing number of law schools, the emergence of full-time law teachers, the recognition of the desirability of small group teaching and clinical legal education, the expansion of law school curricula to include optional subjects, the emergence of post-graduate degrees in law, the integration of legal research into the mainstream university research activity and the introduction of combined degrees.

Australian legal education is torn between two aims: that of primarily

producing professional lawyers and the view of the law school as being firmly located in the university, with an emphasis on the dissemination and development of abstract and theoretical legal knowledge. There is a push towards the development of law through interdisciplinary study. Australian law schools no longer seek to produce lawyers for practice but aim to offer a broad and generalist education to allow graduates to seek employment in other areas, such as politics, government and business. Contributing to and underlying this plurality of perspectives have been the challenges mounted by the critical legal studies movement, feminism and the impact of economic theory.

There has been a dramatic increase in the number of people studying to be lawyers, despite which the composition of the law student body is very much drawn from the middle and upper classes. The participation of women in legal education is now approaching that of men, although this equality in numbers is not reflected in the profession generally. The number of full fee paying overseas students has increased. Staff-student ratios continue to rise, women are particularly under-represented in the legal academy and the salaries of legal academics continue to lag hopelessly behind those of practising lawyers.

The commitment to teaching in law schools remains secondary to research and it is still too early to say whether a concern for teaching excellence will become a permanent feature of law school agendas. Research in the law school allows assimilation, criticism and reflection on emerging law and also seeks to promote and enhance the reputations of particular law schools. Legal research has a nature of its own