

Legal education in Hong Kong

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6 The Commonwealth Lawyer 1, May 1994, pp 65-78

As 1997 looms, the future of the legal profession and legal education in Hong Kong is inextricably linked to the future of Hong Kong itself. The need for laws relevant to Hong Kong and the "brain drain", as lawyers and other professionals leave Hong Kong, are antagonistic forces.

Legal educators have the task of training people in HK law, providing legal education for those who did not obtain their degrees from HK, providing legal education in China and delivering legal education in more than one language.

At present legal education follows a fairly traditional UK style, with a stage of theoretical learning, followed by a bridging year of theory and a section of vocational training. Continuing legal education is mandatory for trainee and first year solicitors and is coordinated by the Hong Kong Law Society. No equivalent exists for barristers or for that matter for solicitors after their first year in practice. Legal education in HK divides neatly into pre and post-admission requirements. Pre-admission courses include the LLB which can be taken at the University of Hong Kong or the City Polytechnic of Hong Kong. The LLB is of three years duration and includes the typical core subjects: torts, contracts, the legal system and criminal law, with options such as commercial and company law. After completion of the LLB a student is eligible to enter the Post Graduate Certificate of Laws course which is offered by the two institutions named above.

Continuing legal education is provided by five groups in HK. The

HK Bar Association provides occasional seminars. The Law Society of Hong Kong in May 1991 introduced a mandatory Continuing Legal Education Scheme for trainee and first year solicitors. The CLE is designed to provide participants with information and practical experience relevant to their current levels of legal experience. Private providers of legal education exist who typically run courses of an updating or highly specialised nature. Universities and institutions of higher learning have not provided much in the way of CLE. Some law firms have provided in-house CLE for their professional staff.

CLE courses are accredited on a course by course basis by a sub-committee of the Legal Education Committee of the Law Society of Hong Kong. For a course to be accredited it must contribute to the professional competence of trainee solicitors, course presenters must have the necessary academic and practical skill to conduct the course effectively, participants must be provided with materials that will be of value to the participants in their practice, the course must be presented in a suitable setting, the course must be attended by four or more lawyers and all courses must be evaluated in a manner which is approved by the Law Society. CLE points are awarded to courses, usually on the basis of one point per hour of the session. Trainee solicitors require six CLE points before moving on to their next year and a traineeship lasts two years.

There are several legal publications in HK. The Hong Kong Lawyer is the official publication of the Law Society of Hong Kong. The Hong Kong Law Journal is published quarterly and contains articles of academic and practical interest to the profession. The Asia Pacific Law

Review is produced by the City Polytechnic of Hong Kong and has much the same content as the Hong Kong Law Journal.

LEGAL ETHICS**The Americans Inns of Court: preparing our students for ethical practice**

J Jenkins

27 Akron L Rev 2, Fall 1993, pp 175-195

The increasing incidence of unprofessional behaviour at the trial bar is causing grave concern among practitioners and law professors. The American Inn of Court is a constructive response to this behaviour. It is a uniquely cooperative effort by trial practitioners, judges and legal educators. The first American Inn of Court was organised in 1980 in Utah and has now developed into a national movement with over two hundred Inns meeting regularly across the country. Despite the involvement of over 1,000 law students and nearly 100 law schools, many legal educators are unaware of the Inns.

The concept of an Inn was imported from the English legal profession. The English Inn structure has long been used to train barristers in the UK. The trademarks of the English Inns are civility, integrity and collegiality. The American Inns have sought to emulate those qualities. The Inn concept is designed to perpetuate the worthy traditions of the legal field by having trial lawyers, judges and legal educators impart their varying viewpoints to less experienced counterparts. The Inns aim to instil in their members a keener sense of ethical awareness. This is especially the case for graduates, who feel unprepared for practice. Fledgling

attorneys develop their methods of practice depending in large part on the conduct of those members of the profession with or against whom they practise. One of the key concepts of the Inn is therefore to provide role models for young practitioners. The more experienced attorneys may view the Inns as a way of returning what they have received from the profession, in the way of thanks.

Each Inn represents a cross section of the local legal community. Typically three levels of legal experience are recognised: masters who are customarily judges, law professors and trial attorneys of 12 or more years experience; barristers who possess between three and 12 years of experience; and pupils who are those who have less than three years of experience and third year law students. Law student members are chosen by faculty members affiliated with the Inn. Members of the Inn are grouped into pupillages. Mentor/mentee relationships are developed, and mentors are encouraged and expected to take not only a professional interest in their mentees, but also a personal interest in them.

Inns normally congregate once a month. Each pupillage is responsible for conducting one demonstration per year. Attorneys often reveal litigation secrets and young litigators see first hand how judges' viewpoints vary. The learning process flows not only down but across and upwards as well. Pupillages may often meet for breakfasts and lunches to discuss current topics of legal interest in the local community. In many States, Inns' activities may be used as CLE credit. An exchange program of UK and American lawyers operates. The Inns also produce several publications on a regular basis.

The Inns are dedicated to heightening ethical standards in all segments of the legal profession. The pupillage demonstrations often are designed to give rise to ethical issues which stimulate heated debate. Such demonstrations serve to remind practising attorneys and enlighten new practitioners about the need for professionalism and ethical awareness.

LEGAL PROFESSION

[no material in this edition]

LIBRARIES & INFORMATION

[no material in this edition]

MANDATORY CLE

[no material in this edition]

OTHER DISCIPLINES & PROFESSIONS

The case of the 1989 Bordeaux

G Power

44 *J Legal Educ* 3, Sept 1994, pp 434-439

A critical view of the common law might conclude that the legal method of making choices is a muddle of guesswork, intuition and bias. If the common law aims to be more principled, it can benefit from the economic way of thinking. Lawyers and judges have a lot to learn from economists. For the past 20 years the Law and Economics Centre has been conducting a summer school to teach law professors and judges how the analytical tools of economic theory can be applied to legal issues.

The author uses an anecdote concerning two competing wine magazine publishers, one of whom

uses his palate to make judgements on wines, while the other uses statistical information, such as the amount of rain in each season and the average temperatures for the relevant seasons. The wine judge who uses his palate consistently outsells the statistician, much to the latter's chagrin.

The author concludes that the man who uses his palate to judge a wine is similar to a common law judge who can alter his judgement as new evidence comes to light; whereas, the statistician is likened to an economist who cannot change the data which are fed into the theorem that has been developed. The final conclusion as to which method is more effective is that the jury is still out.

PERSONALIA

[no material in this edition]

PLANNING AND DEVELOPMENT

[no material in this edition]

POSTGRADUATE PROGRAMS

[no material in this edition]

PRACTICAL TRAINING

REVIEW ARTICLE:

Development of a practical legal training course in Western Australia

J Eckert

Department of Employment, Education and Training
Australian Government Publishing Service, 1994

Institutionalised practical legal training (PLT) courses have operated