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

since the 1970s in all but one Australian state (together with the Australian Capital Territory), either as an alternative for law graduates to the traditional training method known as articles of clerkship, in addition to articles or, until recently in the case of New South Wales, the most populous state, as the sole medium of pre-admission practical training available (although this will change shortly with the introduction of a new structure combining an abbreviated PLT course with pre-admission work experience). Western Australia (WA) is the only jurisdiction to have stood apart from the rest and to have continued over the intervening 20 years to place its faith entirely in articles as the exclusive method of postgraduate pre-admission training for legal practice.

Following a review one year earlier which lead to the recognition of the inadequacy of the existing articles system, the decision was taken in WA to bolster articles with a period of formalised practical training. This book contains the report of the committee appointed to investigate and make recommendations with respect to the most appropriate structure and content for that training program. What makes it of more general interest is that it has provided an opportunity, after the lapse of two decades since their emergence, to re-examine the strengths and weaknesses of all PLT course models in Australia and, based upon the lessons of the past, to formulate the model judged as best suited to WA conditions.

Chapter 3 presents the rationale for the introduction in WA of PLT (to be known as the Articles Training Program 'ATP') to supplement articles. It concludes that both systems on their own possess significant inadequacies and that the best approach is to have the component parts operating concurrently so that the one complements the other. Although we might have thought that this proposition could have been taken for granted, the author nonetheless presents an argument for the need for training beyond what is gained at law school in order to equip the graduate with the requisite professional skills for practice. The shortcomings of the existing WA articles system are summarised, as are those resulting from sole reliance on PLT. The criticisms she levels at PLT, drawing upon a review of the literature, are as follows: students regard the courses as irrelevant to what they will be doing in practice; the courses are perceived as a substitute for articles, but because they rely on simulation, they cannot adequately emulate the reality of practice; everyone appears to pass; the courses are handicapped by a perceived low status in the profession; they are expensive to run; their focus is upon the minutiae of practice which is reduced to a series of mechanical steps, such as form-filling, without regard to the bigger picture; and over time, because of their institutional setting, PLT courses become removed from the realities of practice and lose flexibility and currency. The report concludes that these difficulties can be readily overcome by seeing PLT not as the exclusive method of training but as part of an overall training structure which retains articles. The further alternative of incorporating PLT into the undergraduate law degree is considered at length but rejected as not feasible.

Chapter 4 examines the proposed structure of the ATP, including the various options which were considered by the committee. One of the threshold issues to be decided was the level at which the training should be pitched. It was concluded that the ATP should focus on the requirements of general practice, which would provide a broad general training, thereby enabling the new solicitor to practise adequately either as a specialist in a large firm or as a general practitioner in a small firm. It seems to be implicit in this reasoning that the skills required for general practice are necessarily transferable to all other types of practice and specialist areas. The author takes issue with previous research which warns against structuring a PLT course toward general practice because large areas of the curriculum will be perceived as irrelevant by many of the students, especially those destined for large specialist firms. She criticises what she describes as the researcher's preoccupation with the focus on general practice for the blueprint for a PLT course when general practice provides the best model within which to teach primary lawyering skills through a broad range of transactions and tasks. In the opinion of this reviewer, the sad consequence of an exclusive orientation toward general practice is that many students become easily demotivated early in the course. They do not recognise that the skills they acquire through the medium of transactions taken from general practice have specific relevance to what they will be doing in the large firms and reject these transactions as being at the lower end of the range of difficulty for lawyers' work. The arguments of educators about the acquisition of transferable skills which can be applied in all practice situations are lost upon them.

In chapter 5 careful consideration is given to the nature of the curriculum which should be taught in a course of only 39 days duration spread over an eight month period of the postgraduate year of articles. This

includes the recommended allocation of time to each topic area. After presenting a useful review of the literature on curriculum choice, the author lists a range of topics, which are placed in five categories: practice and profession based; skills; transaction and task based; electives; and clinical experience. As one would expect, the output looks familiar. However, the list of nine electives, of which either two or three must be taken, is a sophisticated innovation. Topics, such as Intellectual Property, Product Liability and Advanced Taxation, do not smack of general practice, but the philosophy behind offering a limited range of choice is to be applauded. Quite detailed course outlines for each of the recommended topics are also offered.

As regards teaching methods, it is recommended that a combination be employed: lectures, self-instruction, workshops, one-to-one instruction, printed material, role play, external visits and videos. There is also a very considered examination of the problems associated with assessment in PLT courses and how these should be overcome in the ATP both with respect to transactions/tasks and skills. A combined assessment regime is recommended whereby some topics will be assessed as pass/fail and others graded over four levels to encourage 'competitiveness and high achievement'. The willingness of students to strive for excellence is recognised as notably lacking in traditional PLT assessment regimes, which have tended to rely exclusively on non-grading, largely because of the failure to adopt and implement clearly articulated assessment criteria.

Subsequent chapters are devoted to the major administrative and funding considerations, such as staffing, student attendance, premises, the facilities and resources required to mount the program, who should pay, and how the workplace and the ATP should interact in order to attain the maximum training benefit. Advice is also offered as to how workplace training can be improved so that the ATP can effectively supplement it.

There can be no doubt that this is a very painstaking report, which is recommended for careful consultation in the future by those jurisdictions which are proposing to venture down the path towards an institution-based PLT course. It will also be of value to those who are contemplating making an adjustment to the current mix of PLT and either articles or some other pre-admission work experience ingredient. At 356 pages it is unusually long, with over 100 pages of appendices summarising the data collected by questionnaire and interview and other significant reports. In fact, it is unnecessarily prolix, with a surfeit of executive summaries, abstracts of chapter contents and recapitulations. However, it does manage to bring together a wide sweep of the literature spawned by the experiences of individual PLT courses across Australia over the past two decades. This thinking is then carefully brought to bear on the formulation of the committee's own recommendations for the design of a practical training program suited to West Australian conditions.

Editor

PURPOSE

New methods for new times
J Goldring
Flexible Learning, 11 May 1994

Universities and law schools have been slow in applying new knowledge and technologies about how and why students learn to improve teaching and learning. Most are wedded to the traditional lecture-tutorial model. Economic factors make it difficult to introduce new teaching methods. Modes of law teaching should be changed to make them more interesting and fun for teachers and students without the need to devote more resources to them.

Institutions that teach law may have a variety of objectives for their activities. While all students of law are seeking legal knowledge and skills, their motivation varies. There is no agreement as to a 'common core' of law subjects. Some law teachers emphasise the teaching of law as a way to enhance student knowledge of how society functions.

In terms of student numbers, far more students study law as a social science or as a humanities subject than are actually admitted to a law degree. For example, accountancy, business, commerce, nursing, medicine, journalism, environmental science, engineering and social science students all study the law relating to their particular area. Furthermore, many secondary school students take legal studies in senior years. Legal education is not necessarily training for work as a lawyer; it may form part of a course of education leading to qualifications for some other vocation or be part of a liberal education.

Australian legal education has been traditionally dominated by the legal profession. Law schools were set up to train people to be lawyers and scholarly activity was a by-product. Despite this, little attention was paid to the development of practical legal skills. What law students really need to be taught is how to learn in order to cope with change, particularly in the legal rules, practices and