

The difficulty that some students have with the concepts and techniques of legal writing and analysis may be chronic and inherent. It could be that some students are simply not cut out to cope with emulating a style which is simply not theirs, or one that they cannot comfortably call their own. In teaching legal analysis and writing, the author notes that we teach scales and not improvisation. Legal writing and analysis courses wed analytical abilities and internal creative processes to rigid structural forms that law students must supposedly internalise to succeed in law school. The author has seen many students lose their creative voice as they become professional acculturated and successful law students.

At New York University the legal writing and analysis instruction was part of a skills course in first year: Lawyering Skills. This course used video material. In addition students developed baseline clinical skills and in doing so internalised principles of legal analysis. The training was contextualised, thereby placing the analytical process in a deeply self-reflective framework.

## STATISTICS

[no material in this edition]

## STUDENTS

### REVIEW ARTICLE:

**Entry into the legal profession: the law student cohort study years 1 & 2**

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*The Law Society*, 1994

This publication is the first of several reports on a fascinating longitudinal study being carried out by the Policy

Studies Institute on behalf of the Law Society of England and Wales. It originates in the recognition of a need for more detailed information about the processes of entry into the two branches of the legal profession (solicitors and barristers) which exert a strong and lasting influence over their composition. The study has been designed to provide a wider picture of the experiences of a whole generation of potential lawyers than could have been gained from simple cross-sectional studies or mere statistics. This report describes the methodology, response rates and results yielded over the first two years of what is planned to be a six year project.

The research questions which the study is intended to answer include: What are the educational and social backgrounds of those entering the legal profession and how representative are they of the general population? How do the interests and intentions of potential lawyers change as they progress through university and beyond? What levels of wastage are there and what happens to those who do not become lawyers? What are the factors which influence individuals' career choices about becoming lawyers? Is the training that students and trainee lawyers receive seen as useful and appropriate? What factors influence whether an individual is able to get a place for professional training, articles or pupillage and eventually a job? What divisions exist between those entering the profession and what do these divisions imply for its future?

The study began its first year by collecting data first from a sample of students currently engaged in their penultimate year of study for a law degree at a university or polytechnic and in the second year from a sample of students undertaking the Common

Professional Exam (CPE). This process yielded a cohort of approximately 3,000 students by the end of the second year of the study. It was noted that by years 5 and 6 many of the sample will have become practising solicitors and barristers and their experiences can then be contrasted with their student aspirations 5 and 6 years earlier.

The report contains a description of the approach to sample selection, the design and trialing of the questionnaires, the methods of distribution and collection, and the response rates yielded and weighting factors employed. Two aspects of the design raise considerable doubt about the adequacy of the sample size of 3,000: the longitudinal nature of the study over a six year time-frame during which significant wastage can be confidently expected and the announced intention to analyse the data across a series of categories of respondents which are likely to yield cells of insufficient numbers to enable appropriate statistical tests to be validly applied.

The usual preliminary demographic data as collected are presented, consisting of age, sex, marital status, nationality and ethnicity. The data gathered about the educational and social backgrounds of law students lead to the conclusion that, although there has been some improvement, students from managerial and professional backgrounds are still markedly over-represented among law students, both relative to the general population and to other students. Furthermore, the introduction of the alternative CPE route to the profession appears to have resulted in a narrowing rather than a widening of the social base.

The report also presents findings from the data about the views of the students in their penultimate year on

the teaching and methods of assessment used in their courses. A substantial section of the report is devoted to the researchers' findings about the students' career intentions and the factors which influenced their decision-making, including the availability of careers information. It will be enlightening to compare these results with those from the Centre for Legal Education's recently published "Career intentions of Australian law students", which will be reviewed in the next issue of the Digest.

The last two sections of this first report deal with the students' success in obtaining offers of training places and jobs by the time of the year 2 survey and the lack of funds and level of debt incurred by the students while engaged in their studies. The conclusion is reached that entry to the legal profession is strongly biased against those from less affluent backgrounds. There is also a useful 10-page summary of the findings and conclusions to date, which points the way to subsequent stages of this very elaborate longitudinal study of the cohort group.

It is safe to observe that this project, by the time it reaches finality, will have yielded a wealth of data which will enable policy makers and educational administrators to have a far better appreciation of the patterns of student entry to law courses and their ultimate career paths and thereby to make more informed decisions about legal education and the composition of the profession. Indeed, it amounts to a comprehensive "Seven Up" social research study of law students and their careers. Reports of the subsequent stages of the project will be awaited with considerable interest. Indeed it can be assumed that an account of the year 3 developments will emerge some time this year.

Editor

## TEACHERS

### Teaching assistants: a study of their use in law school research and writing programs

JM Cheslik

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One of the most prevalent uses of peer teachers in law schools is the use of upper level law students as teaching assistants (TAs) in first year legal research and writing courses. Yet little has been done to investigate the roles or effectiveness of teaching assistants. A survey of those universities that utilised teaching assistants was performed. Sixty-six law schools were surveyed.

The majority of law schools assigned first year legal research and writing students (LRW) to a TA. Some sessions are voluntary and some are compulsory. The roles, types of meetings and frequency of meetings varied from law school to law school. Over half of the programs used TAs to evaluate student work, grade students and present new substantive information. One of the more difficult issues in the use of TAs is deciding how much responsibility to give them. This issue is particularly important when deciding whether to give TAs grading tasks, as this tends to interject conflict into what would otherwise be a cooperative relationship between TA and student. Questions about whom the TA assists and who is the TA meant to assist then arise. Of those law schools that use TAs to grade, many record complaints concerning bias, incompetence and inconsistency.

In almost all of the schools that used TAs the availability of the positions was openly advertised. The selection process typically involved completing a written application followed by an interview. TAs were largely selected

from second and third year students. Grade point averages were not a major factor in the selection and no schools reported having a minimum standard GPA that potential TAs must have. No particular background qualifications were required and the qualities that were listed as desirable in a TA were strong interpersonal skills, dedication and willingness to work, good writing skills and patience and kindness.

Training of the TAs was mainly on the job, with most programs providing training throughout the semester. Training is not generally undertaken before the program begins. In those programs where TAs are responsible for grading, they tended to receive more training.

TAs are compensated for their efforts in three ways: class credit, hourly pay or tuition credit. TAs were generally evaluated by both their students and their supervisors. The benefit that students get from the use of TAs has not been properly studied, although the respondents to the survey listed as the main benefits emotional support, increased teacher-student contact, increased student satisfaction and the provision of role models. The advantage for faculty is that TAs increase teacher-student contact and lighten the teaching load of the faculty. The TAs also reported that their legal research and writing skills improved and that they derived satisfaction from meeting the first year law students. The major disadvantage of using TAs was the dissemination of misinformation.

The most interesting finding from the survey is the high level of responsibility that the TAs may be shouldering. This alone calls for greater commitment to their training.