

assessment of skills; and the use of live-client clinical work. Institutions were invited to specify relevant skills not listed in the survey that were included in the curriculum.

Almost 90 percent of new universities and 80 percent of old universities declared that skills were expressly incorporated within a dedicated unit or within a unit that combined skills with a substantive subject area. The responses indicated that the old universities are as active in their incorporation of skills as the new universities but do so implicitly rather than explicitly.

With regard to the method of delivery and the means by which the skills element is assessed, research, drafting, advocacy and communication feature prominently as components of the dedicated unit in both old and new universities. The new universities place more emphasis on the incorporation of interviewing, negotiation and communication within the context of a dedicated skills unit.

Compulsory skills units are widely used in the first year of law degree programs in both old and new universities, but increasingly so in subsequent years. In the matter of skills delivery, there is no appreciable difference between the approach taken by the old and new universities. Both rely heavily upon the lecture/seminar and role-play and simulation. For assessment, old universities use unseen examinations and continual assessment while new universities prefer course work and oral presentation. The majority of institutions adopt a grading system which allocates a mark to the individual student.

The same set of questions was asked in relation to those units where skills are combined with

another substantive course. Research is a skill taught by both types of university. Drafting and communication are important features of the combined courses of the new universities; advocacy is an important feature in the old universities. As for the method of delivery of skills elements in combined courses, lectures, seminars, role plays and simulation are less widespread than with the dedicated skills units. With regard to assessment, while unseen examinations feature highly, course work is the most frequently used assessment method. Continual assessment is used in a quarter of cases, with 16% not assessing at all. Debates and mooting were most prominently specified by respondents as extra-curricular activities in which skills teaching exists. Only a quarter of old universities offer placements, whereas over half of new universities do so.

The third section of the survey concentrated on live-client clinical work. From those surveyed, eight institutions run live-client clinics. Of these eight, two new universities offer a full representation service to clients. This includes initial advice and representation before courts and tribunals. Of the six other institutions offering live-client programs, three limit their work to advice and assistance only, whilst the other three handle representation before tribunals and under the small claims procedure of the county court. Of this particular six, four are in new universities and two in old universities. The live-client clinics are offered across the 3rd and 4th years of the degree program. Six institutions use staff assessment only and one uses a combination of self and staff assessment. Five have advisory groups or management committees for their clinics. Clinics are funded in a variety of ways, seven wholly or partly by internal

university/departmental moneys, four with external grants and two through legal aid.

Several indicators in this survey suggest that skills are an integral part of the curriculum. First, this is evidenced by the number of institutions which include either a dedicated skills unit in their degree or skills as a combined part of another substantive unit. Secondly, the extent to which such units are either compulsory or optional and the declared means of assessment indicate that the teaching of skills is taken seriously by the majority of providers of law degree programs. The survey's findings suggest that the old universities are now taking on board the teaching of skills which is not the exclusive preserve of the new universities. On the clinical education front, a significant proportion of institutions are using clinical programs and the value of clinical work has clearly been realised.

The integration of skills into the curriculum of the undergraduate degree: the Queensland University of Technology perspective

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The question of whether legal education should be more 'academic' or more 'practical' has been debated for a long time. Recently, the Consultative Committee of State and Territorial Law Admitting Authorities (the Priestley Committee) and the Law Council of Australia recommended that graduates be trained in certain legal skills before admission.

In 1987 the Pearce Report endorsed the concept of students studying and analysing lawyers' skills in undergraduate courses. It has been recognised that certain benefits will flow from the integration of

academic and practical training. These include: the enhancement of theoretical learning; facilitation of the development of communication skills; the contextualisation of theory in a real-life perspective; and the recognition that practical as well as intellectual consequences flow from legal practice and that non-academic skills are best learned across time. Furthermore, the student is less likely to formulate the view that most law is adversarial and his or her ability to work in teams will be enhanced.

While some argue that the primary objective of a law degree is not to produce lawyers, it is impossible to divorce the practice of law from the doctrinal elements taught. Students who do not wish to practise will benefit from a legal education not based solely on legal doctrine, but need to understand why they are taught lawyer's skills, such as case law and statutory interpretation. A sound legal education which is not confined to the rote learning of rules enables students to develop the skills of analysis and the articulation and presentation of ideas which are the characteristics of a broad general critical education.

When contemplating the future practice of law graduates, two aspects of the modern professional workplace spring to mind. First, there is an increasing demand for professional accountability from all quarters. Secondly, the vast social, economic and technological changes and the increase in the volume and content of case law and statutes in the last few decades place enormous pressure on lawyers. To practise, graduates are expected to cope with continuing and increasing change. Practitioners need knowledge of, and an ability to use, legal information databases, computerised support packages such as litigation support, file

storage systems and so on. It is therefore arguable that undergraduates need general training in such skills as computing, planning, organising and self-management.

The integration of skills into the undergraduate degree makes a significant contribution to students' understanding of the law and how it operates, the difficulties and limitations found in the 'real world' legal system and the nature of a professional lawyer's role. Because many of these skills, such as problem solving, letter writing and negotiating, have a wider context than the practice of law and because skills need to be practised over time in order for students to develop proficiency, skills training lends itself to integration with the undergraduate program.

There are four broad categories of skills frequently used by the practitioner to be considered in a program integrating skills into the undergraduate degree. These are the higher intellectual skills, such as: problem solving and analysis; lawyers' skills of a higher intellectual order, such as legal reasoning and legal analysis; general thinking and communication skills, such as listening, reading and writing; and specific lawyers' skills, such as drafting, fact analysis and interviewing.

On a specific level, the recommendations made by the Working Committee of the Law Council of Australia in its submission to the Priestley Committee included work management, legal writing and drafting, interviewing, negotiation and dispute resolution, legal analysis and research, advocacy, litigation, property management, wills and estate management and commercial and corporate practice. Some of these skills have been

integrated into undergraduate programs in various ways, such as specific programs which form part of introductory law courses, the use of particular items of assessment, such as student presentations in seminars, group assignments and essays and the introduction of legal clinics.

The variety of skills makes it difficult to propose any general assessments of student ability, but certain learning goals appropriate to the relevant skills must be determined for each subject and methods of assessment determined which match the learning objectives. Students will tend to ignore material which is not assessed, so it is crucial to link the attainment of skills to aspects of assessment. Furthermore, at this stage of a law student's career, assessment is essentially diagnostic since it is important to provide students with feedback so that they can learn from their mistakes. Hence, the development of skills in the undergraduate program and their assessment does not equate with their certification for the purposes of legal practice. Skills training at the undergraduate level is only part of the whole process of turning out a competent lawyer.

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