

of the academic bombast out of them.

The clinical ethics seminar is also an academically respectable seminar. Students read books and handouts; they write journals and papers; they are expected to learn from the clinical faculty how to draft motions and try lawsuits. They are expected to apply their learning in writing about and discussing our cases and to demonstrate in academically respectable ways that they have done so. The difference between the cases and dilemmas used in a classroom professional responsibility course and what we take up in a clinical ethics seminar is that if the law office meeting on the morals of practice, using specific cases, does not come up with *answers*, it is a waste of time. The author finds that rarely, if ever, does he have to insist on the group coming to a conclusion because the student lawyers understand, as a group of lawyers in a down-town law firm would, that the issues are not just for talking about.

One reason that leading students to resolve dilemmas is an easy duty is that no law office is generic. Each is an association of particular people, in a particular place, at a time and among a distinct population. We practise at the centre of concentric circles. We are professional members in a civil community. We agreed that we should endeavour to live and work in this wide community with some serious gestures of civic virtue, as the best American lawyers do and always have done. Within that wider circle, we work in a community of lawyers and judges. It is this lawyers' community of ours that imposes the *Rules of Professional Conduct* on itself, not the civil community. The community of lawyers is a source of our educational endeavour, and

therefore of our work for clients. Within the two circles there is our law office. If, often if not always, issues that relate to the outer circles that are resolved with civility and with rules; issues that relate to the work together in our office relate to policies. And policies, unlike rules, are vulnerable not only to analysis but to discussion and change.

It is hard to export this communal quality of moral discourse. However, the author concludes that the Notre Dame faculty has demonstrated to its student lawyers and to themselves, if to no one else, that it is possible to create moral discourse in a law office.

Into the thicket: pursuing moral and political visions in labor law

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Legal education tends to place ethical concerns in the ghetto of professional responsibility. This is shortsighted as moral and ethical dilemmas pervade all of the subjects taught. Whilst students should not have ethical beliefs thrust upon them, they should be encouraged to address them by their own moral and political beliefs as they arise. Labor law brings such dilemmas to the forefront. Moral and ideological conundrums are rife, yet often countered by sad truths such as *someone has to do it*.

The pervading ethical dilemmas stem from decided cases and elements of strategy calculated to weaken the other side. For example, misrepresentation of facts to win a union election is non-actionable but the wider ethical context encourages counsel not to advise their clients to lie, as such misrepresentation may make the client unpopular with its constituency. Is sexual harassment

in the workplace a management or union issue or both? Tactical delay is a technique employed by many management-side firms. Does a lawyer's duty zealously to represent the client include dragging matters out if it would be to the client's advantage?

The author prefers to acquaint students with a diversity of perspectives. Is it a case of what the judge says is correct and the attorney's view on the issue is to be surrounded and replaced by that of the judge's. Is the pursuit of a client's legal right always morally worthy? The ethic of care from feminist jurisprudence would allow the inclusion of more than the usual parties to the dispute and invoke client participation in the decision. At the same time the polarising effect of labor law disputes seems very distant from the ethic of care. The maxim that you are what you do is never far away and an instant justification that whatever you are doing is all right. The opposite side of this maxim belies the lawyer as the one who can twist his/her soul from hot to cold as required. Something must give when one's ideological commitments conflict with one's role as an attorney. It could be argued that the ideal lawyer is more than the instrument of his/her client's will. Despite the virtue of the view that the lawyer should assume the role of a statesman, this stance can easily be crushed by economic and social realities. At one end of the spectrum there is the politicisation of law which advocates that the attorney should refuse to fight against unionism.

Students may interpret the visions as mutually exclusive or consider that the author has provided an exhaustive list of approaches to sorting out moral and ethical

dilemmas. To bring out the different visions, role playing is very useful. For example, ask students if they would urge the university to hire replacements if the janitors or the faculty went on strike or whether teachers should be allowed to lie to students, as management and unions often deceive workers without any legal repercussions.

PLANNING & DEVELOPMENT

The global law school program at New York University

J E Sexton

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In the next century, the world will become smaller and increasingly interdependent. The rule of law will emerge as the basis of economic interdependence and the foundation of national and international human rights. There are two movements assisting the international rise of the rule of law. The first is known as *transformation* where non-capitalist countries struggle towards democracy and free-market economies, and the second is *globalisation* which focuses on the emerging global village and the interdependent nature, both politically and economically, of the countries of the world on each other. The success of the emerging global community will depend in large part upon the integration and accommodation of disparate traditions through law.

Both the American legal system and other countries in the world have much to offer and learn from each other. Law and education are two of America's most coveted exports and so the stage is set for the globalisation of legal education. America's legal education will

undergo a change in the way that the traditional curriculum is taught, based on the recognition that law must be viewed through a global lens, and that the way law is taught must incorporate the global perspective.

New York School of Law has established a global law school program, premised on the belief that there are few significant legal or social problems today that are purely domestic. The program consists of three components. The first is the development of faculties with expertise in international and comparative law. It is now necessary to recruit a truly global faculty that draws together on a continuing basis legal minds from many different regions of the world to teach and learn together. This is partly achieved by inviting overseas scholars to teach courses at the law school, so that New York University is committed to bringing 20 of the world's leading scholars to the Law School each academic year. American law professors are also spending time in law schools throughout the world.

The second component is the Hauser Global Scholars Program, which annually enrolls up to 20 selected graduates to engage in a comprehensive program of legal study at NYU.

The third component involves a commitment to curriculum and research on the global aspects of law in an effort to bring to the law school a more diverse set of viewpoints on issues that will be a growing part of law practice next century. The courses taught by the global faculty will cut across the entire curriculum. The aspiration is to go beyond the conventional supplementation of an American legal education through a dose of

comparative or international law as if it lurks on the outskirts of American law.

These three strategies for globalising legal education are an international (or global) program for the study of law, not a program for the study of international law.

PRACTICAL TRAINING

Changes in attitude, changes in latitude: the changing climate in pre-admission practical legal training in New South Wales

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13 *J Prof L Ed* 2 1995 pp 173–197

Until 1993, there was one provider of pre-admission Practical Legal Training in New South Wales, Australia, offering a course which had remained substantially the same since its inception in 1975. By the end of 1995, that course had changed radically, three other providers were accredited to offer PLT courses, which provided diversity in style and structure, and others waited in the wings. The history of the introduction of PLT in New South Wales needs to be understood in the context of a divided legal profession in which, until 1994, the separate branches of barristers and solicitors were regulated by independent Admission Boards and professional associations.

In 1972 the Law Society established the College of Law to replace articling with institutionalised PLT. A full-time PLT course was accredited by the Solicitors Admission Board. For 20 years the College was the only PLT provider in the state, although the ANU Legal Workshop course was also accredited as a PLT course qualifying for admission as a