

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

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46 *J Legal Educ* 3, September 1996, pp 329–335

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

solicitor in New South Wales. The purpose of the PLT course was to provide content which met the idealised but unarticulated objective of articling, namely to acquire in a systematic training program the practical knowledge, skills and attitudes appropriate to the professional practice of a solicitor. In 1992-3 the Law Society Task Force on Legal Education analysed the major trends and influences affecting the future of the legal profession and their implications for legal education, including PLT. This resulted in a blueprint which proposed radical changes to the structure of PLT. These included a 15 weeks full-time practical training course, 32 weeks of full-time practical experience in a legal office or environment and 60 hours of continuing professional training to be undertaken during the second stage.

The restructure of the legal profession in New South Wales in 1994 under the Legal Profession Reform Act (LPRA) now provides for common admission as a legal practitioner, who after admission elects to practise as a barrister or a solicitor by taking out a practising certificate with the Bar Association or the Law Society. The separate admissions boards have been replaced by a Legal Practitioners Admission Board which now accredits PLT courses. In consequence, a PLT course needs to provide training for admission as a legal practitioner after which any specialised training as a barrister or solicitor or for any other lawyer role can be undertaken. In 1994 the College of Law's new Professional Program was accredited and the new course was phased in over 1995.

The adoption of a national legislative scheme of Mutual

Recognition of Qualifications in 1992 has compelled the State-based legal professions to remove constraints on the development of a national market in legal services to allow a practitioner qualified or admitted to practise in one state or territory to practise in another state or territory on the same conditions. As a result, the Law Council of Australia has prepared a blueprint for the structure of the legal profession which seeks to ensure that lawyers may practise law across Australia without impediments. The blueprint includes a Legal Education Policy Statement which outlines the overall course of study necessary for admission to practice. However, the detail of content, length and sequence of training, its relationship to pre- and post-admission professional experience, and standards of 'demonstrated understanding and competence' are left unstated.

The number of law schools in New South Wales grew from four in 1987 to ten in 1995, an increase which has had consequences for PLT. First, the demand for places in approved PLT courses has increased as new graduates from these law schools and graduates from interstate prepare to apply for admission in New South Wales. The restructure of the College of Law program has enabled it to increase student numbers and the ANU Workshop course has also been reviewed and restructured in order to double its intake.

The second consequence of the number of new law schools is that their pedagogical and philosophical approaches to the discipline of law are beginning to have an effect on the future of PLT. Most of the new law schools have designed their undergraduate LLB programs to provide both a liberal education and

the practical skills that lawyers will use in whatever professional capacity they will be applied. Some of these universities have introduced practical legal skills development courses in aspects such as communication skills, interviewing, dispute resolution techniques, and negotiation and advocacy, into their undergraduate programs from the outset, blurring the formerly separate stages of the legal education continuum. Wollongong University devised a PLT course which incorporated the foundation provided by the prior skills training and professional placement experience its students received in their undergraduate degree. In 1995, Bond University had a PLT course, similar in content to Stage I of the Professional Program, but developed its own philosophical context, accredited by the Legal Practitioners Admission Board, which is clearly acknowledging diversity by extending the number of providers and accrediting a variety of programs. UTS has also been given accreditation for its own PLT course.

In a period of rapid change, PLT in New South Wales will continue to face ongoing challenges. If, for example, the desire is to develop a national profession, entitling a practitioner admitted in any state or territory to practise freely across borders on the basis of that admission without need for further interstate registration, the Law Council will need to take a national view of the issue and develop a curriculum which will be consistent for admission anywhere in Australia. The Legal Practitioners Admission Board can expect that more providers with different modes of PLT provision may seek accreditation.

There are challenges also in the area of curriculum. One significant issue is the recognition of prior skills training and clinical experience obtained in the undergraduate course as part of the professional training stage of legal education. Another issue is the incorporation of lifelong learning skills into undergraduate education to meet the needs of an efficient and competitive workforce. There will also be continued pressure on PLT courses to find alternative funding sources to meet the costs of provision and to keep that cost within student capacity to pay.

In part two the article also contains a description of the PLT course designed by the University of Wollongong (of which the author is Director) and accredited in 1995.

RESEARCH

REVIEW ARTICLE

Starting practice: work and training at the junior Bar

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Institute for the Study of the Legal Profession, University of Sheffield, 1995

91pp

This final report is the culmination of a long-term research project designed to evaluate vocational training at the Bar in the United Kingdom (that is, for barristers as a separate branch of the UK legal profession to solicitors). The reason that this particular research commands more general interest is because it embodies an ambitious 3-year longitudinal study of a cohort group of junior barristers who were the first to commence a new bar vocational course in 1989/90. It thereby provides fresh insights into the early years of practice, which

can then be built back into the initial skills training program to ensure that it attains maximum relevance for the students. This is one of only a handful of studies that have attempted to validate a practical legal training program empirically.¹

There are three prior published interim reports, dealing with earlier stages in the study when research data were collected. The first phase involved questioning the junior Bar and some senior barristers about the types of work presented to pupils and new barristers and the problems they faced in practice. This led to a detailed specification of the types of skills they needed with the intention of feeding this information into the development of the new vocational course and to serve as a baseline when measuring future changes in the nature of the work for junior barristers.

The next stage was the collection of evaluative data from the student cohort group just before they took their final examinations, necessarily at a time when they could judge the strengths and weaknesses of the course itself but without the benefit of having experienced the realities of life at the junior Bar. The third interim report surveyed the same population when they were engaged in their second six months of pupillage.

This final phase of this three-year research project involved the collection of data from those of the same cohort group who had gone on to become independent barristers and is directed to finding out how

well the course and their pupillage prepared them for their first years of practice. This meant that, of the original group of 882 students who commenced the Bar vocational course three years earlier, only 334 qualified to participate in this last survey, of whom 159 returned the completed questionnaire, yielding a response rate of 48%. The role of continuing education for barristers and how it could be designed so as to supplement the vocational course were also examined in this stage.

Chapters 2 and 3 chart the progress of the students from the vocational course to pupillage and then to their careers at the Bar. The authors provide the usual demographic information about the cohort, as well details of their chambers, legal qualifications, previous experience, the work they were undertaking and any specialisations they had acquired.

Chapter 3 looks at the relevance of the knowledge and skills areas taught in the vocational course or gleaned during the pupillage periods in preparing these junior barristers for the sort of work they were carrying out. The respondents were asked to what extent they used, in their work, each of the skills taught and how relevant they were to their fields of practice, as well as where they obtained the knowledge of the substantive law required for their areas of practice. Pleasingly for the researchers, the vocational course was given strong endorsement by the respondents, with 85% replying that it prepared them to work as competent barristers. They were therefore able to declare with confidence that, although there were areas for improvement revealed by their research, the course fulfilled its overall aim.

¹ See AS Storch, *The Legal Practice Course: benefits in practice* 4 Leg Ed Digest 4, April 1996 pp 13-14 and J W Nelson, *New directions for practical legal training in the nineties*, Centre for Publication and Information, 1988.