

ing demands of reflective learning and delivering a service which meets clients' needs and does not unduly upset relations with the local profession. It is not easy to refine ethical standards in a setting that often demands that we play the game according to the traditional professional morality.

The chief strength of CLE as a tool for ethics education is that it is grounded in practice and uses the students' experience as a direct mechanism for raising questions about their professional value systems within a realistic setting. Nevertheless, a number of potential difficulties remain. Most UK law schools that have a clinical input offer, at best, one or two optional clinical modules to students. Therefore, the clinical element in most law schools is not well placed to provide substantial broad coverage of professional conduct and ethics issues. The function of the clinic should be to provide opportunities for reflection on the lived experience of ethical problem-solving. If CLE is to concentrate on exploring depth, we require considerable immersion in ethical problems to stimulate moral growth. This is likely to be one of the hardest tasks for the clinic.

Traditionally, much CLE has relied heavily on discovery models of learning and has frequently failed to allow for the need to train students to become self-critical and reflective learners. To this extent it has often privileged action over thought and reflection. If we are to achieve a balance, clinical experience needs to be supported by a non-clinical program which generates a range of ethical knowledge and understanding in students and enables them to engage in the kind of dialogue likely to encourage development. It is through this

process that we might encourage students to begin to 'invent' their own ethics by exploring the connections and interpretations generated by their learning. The addition of a clinical dimension would provide the opportunity to reflect on that understanding in the light of lived experience. Without this, it seems unlikely that students can develop an ethical identity capable of surviving the transition into the world of work. In sum, the clinic must not be treated in isolation but needs to be taken as apart of a strong *pervasive* model of ethics education.

Who benefits? — case management and clinical education

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In clinical casework, tensions might exist between the parallel requirements of the management of the case and the management of the student experience. Long-running and complex cases are an area where management issues can become especially problematic. However, the potential educational benefits of such cases outweigh the difficulties which might be encountered.

Clinical education aims to bridge the gap between the academic understanding of law, and the practical application of legal principles. Clinicians argue not only that a greater depth of knowledge is achieved by allowing students practical experience but also that many of the wider ethical issues that are implicit in the practice of law are brought home to students. In order to achieve these aims, the student experience needs to be managed so as to ensure that the students have the opportunity to learn and to reflect. For example, if a case becomes so complex that the students are no longer able, at this stage in their

development, to continue to work effectively on the case, then clearly from an educational perspective the case has outlived its usefulness. Ironically, this is the point when the client is most in need of quality legal advice and representation. The educational objectives and the case management objectives, which hitherto have been moving in tandem, may now be seen to diverge.

One area where concerns are brought into sharp focus is the large complex non-standard case. The balance between the student's opportunity to learn by doing and the supervisor's need to keep close control over an unusually complex matter may become increasingly difficult to achieve. Ultimately, such cases raise questions about the nature and scope of clinical legal education. There are undoubted benefits of smaller-scale legal work but handling larger more exceptional cases can provide the student with an additional and valuable range of practical experience. Benefits can arise from cases of legal importance, factual and legal complexity or which are high profile. However, the perceived tension between the management of the case (with its focus on the client's paramount interests) and the management of the educational aim (with its focus on the student's learning) can lead to a fairly narrow approach as to the type of case which the clinic will be happy to take on.

There are some concerns that may be implicit in all clinical work but which become more acute in the context of larger-scale cases. Continuity issues in long-running cases may arise and, if not addressed, students may lose interest or a sense of identification with the case. Supervisors have for some reason intervened to take on certain tasks, supervisors will need to

be aware of the need to clarify for students that the ownership of and responsibility for the case remains with the student team.

However, error remains less easily addressed. The concern about making mistakes in more complex cases is clearly balanced by the benefits of the greater demands that can be made of the students. The corollary is that the degree of supervision and support from staff is going to be substantially greater than in the more standard case. If larger-scale cases are such that the risk of extensive student involvement is not possible and there is a call for a greater degree of supervision and involvement by the supervisors, what are the educational benefits which justify student involvement at all?

Some of the student benefits reflect the educational benefits which may arise on any case but which may be correspondingly greater in a larger-scale matter. These include initial research and the opportunity to continue to research new issues and to work in a different forum to the courts and tribunals with which they are more familiar and the benefit of self-promotion to peers and potential employers.

Professional placement programs in undergraduate law courses

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Placement programs have been part of practical legal training courses in Australia for many years and are becoming features of newer undergraduate law school courses. The reason for the provision of clinical training, or workplace experience, in undergraduate law courses is generally linked to the educational objectives of those courses, namely to provide

an understanding of the human, social and policy context of law and legal practice. The modern legal profession is no longer restricted to the activities of private law practice, so many law graduates are engaged in alternative law-related work in commerce, government, legal administration or community activities. Most of the new law schools have designed their undergraduate LLB programs to provide both a liberal education and an appreciation of the wider context in which legal knowledge and skills will be applied. Clinical education provides that context.

Clinical education can take several forms but essentially the term applies to opportunities to apply legal knowledge and skills and develop them further in the context of a law-related workplace environment. Some law schools, such as the University of Wollongong Law School, include clinical education as a compulsory part of the law curriculum and arrange field placements for students in host offices. The undergraduate field placement is a central part of the Wollongong LLB student's learning experience. Its purpose is to provide a practical perspective on the way in which law operates in society. In a workplace setting, students are exposed to the reality of the practice of law in all its dimensions. The integration of practical experience into the academic learning process has been demonstrated to be highly effective in developing students' understanding of both the 'law in action' and of the importance of the application of skills combined with substantive knowledge.

Practical experience placements (two of four weeks each) are perceived to be an important way of achieving the learning objectives of the Wollongong Faculty of Law. All

students must complete a practical component to fulfill the requirements of the LLB degree. Placement programs at undergraduate level may integrate several teaching goals, which are listed in the article, along with the specific teaching objectives of the undergraduate Wollongong program and the learning objectives to be attained by the students at its conclusion.

Placements are organised in a variety of law-related environments. All students participating in the Wollongong program are interviewed by the Practical Placement Coordinator to ascertain areas of interest, preferences of locality and to ensure variation in types of placement. All placements are arranged having regard to the ability of the placement firm or agency to provide the experience appropriate to meet the student's interests and need and the objectives of the placement.

Supervision is a crucial element of a placement program. The quality of the supervision and the mutual understanding between the student and the supervisor of the objectives of the placement are crucial. In the Wollongong program students in practical experience placements are supervised by a legal practitioner. Each potential placement is assessed in terms of the nature of the legal work environment, time commitments and staff resources of the firm/organisation and the viability of working to agreed guidelines based on the fundamental aims of the program. Before the placement commences, students will have completed the formal classroom studies of a subject which covers the structure and work of the legal profession and the rules and practice governing professional conduct.