preparation and presentation of seminars and workshops, and university affiliation with access to inter-disciplinary skills. All these, coupled with AIJA's background of permanence and independence, and a governing body representative of all interests, place it in an excellent position to provide judicial education.

Objections by the judiciary to judicial education can be summarised as: claims that education is not needed; that education is incapable of meeting whatever need might in fact exist; and that education is inappropriate for the standing of judges and inconsistent with the notion of judicial independence. It is important that the policy of continuing judicial education be formulated so that these objections are countered. Armytage has suggested that the educational strategies which underpin any approach to educating judges should rest on foundations of adult learning theory. These foundations must be specifically tailored to the distinctive requirements of judges. Judges exhibit characteristics, styles, and practices as learners which are distinctive and which have direct and important implications for educators.

In Australia, there is no mandatory continuing judicial education. Virtually all writers in the area view any form of prescription for judicial education as anathema. They argue that the prescription of any scheme of judicial education constitutes a violation of judicial independence. Mandatory judicial education is incompatible with adult learning theory, which recognises that adults have a deep need to be self-directing.

However, the arguments against mandatory judicial education can be countered to some extent. First, it does not follow necessarily that mandatory judicial education will fail to respond to the need for motivation and self-direction. Secondly, formalised judicial education does not necessarily impinge upon the independence of the judiciary.

Some commentators argue that difficulties flow from responding directly to calls from beyond the judiciary for judicial education. McGuinness argues that such calls are inescapably value-laden and reflect particular sectional interests. Armytage points out that there is difficulty in discerning which interests are representative of a broad social interest, as distinct from a disproportionately vocal lobby group. Likewise, Mason indicates that there has been some apprehension that educational programs which focus on equality issues could amount to indoctrination or an inducement to hold 'politically correct' views, thereby compromising judicial independence.

The dilemma is that while the judiciary, as an arm of government under the Westminster system of government, should be independent, it must be counterbalanced with the need for judicial accountability. However, judicial non-accountability is a political non-accountability, rather than a societal non-accountability. This could perhaps be used as a theoretical basis to justify the inclusion of equality issues, such as gender bias, in judicial education programs. Accountability and independence need not be inconsistent. It is unlikely that participation in an education program will compromise this important aspect of the judiciary. Accepting that judges are intelligent adults and that it can be argued that the notion of intelligence incorporates the quality of open-mindedness and the ability to critically analyse new information, then it may be concluded that exposure to new ideas and concepts through judicial education programs, whether mandatory or not, will not impinge on independence.

The objectives of judicial education should go beyond mere competency to incorporate a qualitative dimension of professional artistry. Clearly, judicial education has an important role to play in eradicating gender and other forms of bias from judicial decision-making, thereby improving the quality of justice.

LEGAL EDUCATION GENERALLY

Half a league onward: the report of the Lord Chancellor's Advisory Committee on Legal Education and Conduct

H W Arthurs
31 *Law Teacher* 1, 1997, pp 1–12

The First Report of the Lord Chancellor's Advisory Committee on Legal Education and Conduct (ACLEC) is, in many ways, exemplary. It has positive qualities: it is terse, fluent, sensible, well-informed, enlightened and politically astute. However, it does not address certain issues which are crucial to any reform of legal education.

The Report aims to respond to 'the changing needs of legal practice .. and the changing shape of legal education' by means of structural and substantive reforms which produce six outcomes.

It is at the point of transition from recommendations to outcomes that the Report reveals its greatest weaknesses. It fails to locate legal education reform within its socio-economic, academic and professional environment. Since this environment is in many ways uncongenial to the reforms proposed, this represents an important, arguably fatal, flaw in the

Report. The most problematic aspect of the Report is its assumption that because reforms are officially mandated or formally agreed, they actually will happen, and because they happen, they will achieve their intended results. Its failure to come to grips with this fundamental difficulty of implementation speaks eloquently to the continuing reluctance of legal academic and professional culture to absorb the insights of socio-legal scholarship.

If an Order of Merit is ever initiated, if a pantheon is ever constructed, if poems are ever penned to celebrate brave — but unavailing — contributions to the cause of legal education, the First Report of the Lord Chancellor's Advisory Committee on Legal Education and Conduct will surely enjoy a place of honour. (p1)

Central to the Report, indeed its most attractive and positive feature, is its recommendation that 'the [undergraduate] degree course should stand as an independent liberal education in the discipline of law, not tied to any specific vocation'. The Report makes clear its support for pluralism in intellectual perspectives, curriculum development, teaching and assessment.

But there is destabilising potential in the Report's premise that law schools and law teachers should enjoy maximum freedom; students will also be free to choose which law school to attend, which subjects to study, which intellectual perspectives to pursue. Consequently, the new enriched and diversified undergraduate curricula proposed by the Report may indeed be adopted by some law schools but these schools may fail to attract newly-empowered student *consumers* who may prefer more conventional institutions.

It assumes that most students will be either high-minded or rationally self-interested, that they will select the law school with the most stimulating curriculum or the one that is most likely to move them towards a particular career goal or to maximise their career options. Unless they are very different from most people in English society, students are not likely to be much motivated by the values embedded in the ACLEC Report, 'the essential link between law and legal practice and the preservation of fundamental democratic rights'; what they want, in all likelihood, is a job, preferably satisfying and well-paid. If jobs are their prime concern, student-consumers may effectively veto the reforms proposed by the Report, by seeking out law schools whose programs are highly instrumental and whose courses are professionally negotiable.

The Committee rejects what it calls 'the false antithesis between *liberal* and *professional* legal education' but the issue is not so easily dismissed. The *raison d'être* of the academy is the disinterested pursuit of knowledge through the fostering of independent, critical intelligence; that of the profession is to make specific forms of knowledge and skill available to, and for the benefit of, its clients. Quite likely, in view of the perceived relevance of practical knowledge, students will tend to favour the vocational over the academic, however the two are combined or sequenced.

ACLEC concludes that since 'both *core* and *contextual* knowledge have become the special preserve of the law schools ... by common consent, initial stage legal education ... today [has become] dramatically better intellectually than it was 25 years ago', that this dramatic improvement is 'reflected in the academic contribution through research and teaching' and that the expansion of law schools and of staff complements during this period has been 'matched by an impressive growth in the range and depth of legal scholarship'. ACLEC is right so far as it goes, but it does not go far enough. Improvements in legal scholarship and undergraduate education are not separate phenomena which *reflect* or *match* each other; the first is the cause of the second. ACLEC may have proposed two mutually exclusive projects: the revival of liberal legal education and its reintegration with the tasks of vocational education.

The Report has also failed to appreciate that the implementation of even modest reforms depends upon the emergence of a generation of legal academics even better educated and more productive and ambitious than its predecessors.

Troubled beginnings: reflections on becoming a lawyer

J R Elkins
26 *Uni of Memphis L Rev* Summer 1995, pp 1303–1324

Legal education focuses on the law, on clients' legal problems, on judges, courts and judicial decisions in which legal problems are described and pronounced resolved. It is problematic that legal education takes on an overdetermined life of its own. Legal 'practices' and 'education' are pursued in such a relentless and driven way that reflection and introspection and the questions which energise them come to be seen as peripheral. They are a luxury to be taken up when the basics have been mastered.

Many assumptions which are a part of legal education have been subject to serious critique for over 50 years.