visual resources of the law school. Student reaction is on the whole positive.

CLINICAL LEGAL EDUCATION

On the future of integration between skills and ethics teaching: clinical legal education in the year 2010
J E Moliterno
46 *J Legal Educ* 1, March 1996, pp 67–78

In 1984 Amsterdam predicted what clinical legal education would be like in the 21st century. This author engages in a similar exercise with the advantage of the passage of time, looking at clinical legal education from the vantage point of the year 2010.

By this time experiential learning has become one of the commonly accepted goals of most law schools. However, live client in-house clinics are almost non-existent. Professional ethics and clinical legal education are regularly taught together and reference to one includes the other, reflecting a conclusion of the late 1990s that ethics is better taught as a skill rather than as part of substantive law teaching. These connections have improved the teaching of both professional skills and professional responsibility. Professional responsibility courses, which were not generally well received by students in the 80s and 90s, have now been transformed into an interactive engaging subject of study which has become a highlight on the law school calendar.

The transformation has not been easy. The increased student/staff contact that teaching calls for has matched badly with some teachers' interpersonal skills. Also there have been problems relating to the additional costs associated with reduced student/faculty ratio. However, redirection of resources, contributions from the organised bar and improved efficiency have overcome the funding crisis. On the job training of the late 1990s became unworkable as the mobility of lawyers increased and it became uneconomic for senior staff to spend time training new lawyers.

In the 1980s and 1990s law schools grappled with the problem of how best to integrate ethics teaching with role-sensitive teaching methodologies, while also accomplishing a more limited integration of ethics teaching with the other areas of substantive law. The result is a long-term experiential program, based in substantive law, combining ethics, skills and substantive law. This format most closely resembles what lawyers do.

Externship are also common. They are used to enhance the simulations which now dominate experiential learning and to provide a realistic forum for critique of the profession. Technological advances, such as email and video-conferencing, have assisted with faculty monitoring. Externships also serve one of the most important goals of clinical legal education by providing a service to the community.

Whilst faculty are still resistant to intrusion into their courses, they now work in teams, having come to the realisation, as did the legal profession in the 80s and 90s, that any one area of the law or legal education is too much for one person to manage. Similarly teachers began to require students to do team projects for grades. Sceptical teachers found that simulations were not disruptive and that they enhanced their students' learning of substantive law. Students with a practice context for the area of substantive law being taught meant that the teacher could explore the area more deeply and from a wider variety of perspectives than had been possible before.

Live clinics disappeared as grants diminished and established legal offices and private firms began bidding for them. Simulated clinics were found to be easier to control than live client clinics. They enabled easier student supervision and assessment and produced better educational outcomes.

As the law became more complex..., the final remnants of the mid-20th century notion that law schools could somehow teach in three years all the law a lawyer would need to know were reduced to ash. The emphasis of legal education — clinical and role-sensitive education in particular — has finally and fully shifted to teaching fundamental legal principles and philosophies, perspectives on law's place in society and the thought processes and judgments inherent to lawyering. The intent is to graduate lawyers who will be capable and flexible learners and practitioners in a remarkably wide variety of settings. *pp77–78*

CURRICULUM

Introduction to law for second-year law students?
A Watson
46 *J Legal Educ* 3, September 1996, pp 430–444

Students in first year law are given a misleading picture of what law is and how it develops and relates to society. The picture is made too

complicated and too simple at the same time.

Second and third year law students are unable to discuss the nature of fundamental legal concepts such as a holding or define what a holding is. They have never considered that there might be a rational approach to statutory interpretation and whether there might be principles which can be applied, apart from judicial politics. They have not asked themselves what drives legal development and if asked will probably reply that it is driven by *society*. The weight of precedents from other jurisdictions, why such precedents are cited and which have weight also escape question by second-year students. The technique of distinguishing one case from another is lost, as they are taught subjects where the law is settled. The relationship between one branch of law and the next is obscure to them. The author goes on to explain the above in the context of the rule against perpetuities.

Whilst the failure to convey information is obviously a problem, so is misinformation. It is misleading to indicate to students, as many texts do, that the law is contained in a few cases when in truth it is distilled from many cases. Students cannot tell how far a quoted case reflects general propositions and principles of law. The role of authority is not clarified for them. Indeed the casebook method is an exercise in futility as students are expected to build up a picture of the law from a few disconnected scraps. Learning would be easier and more complete if concepts and rules as they have developed in hundreds of cases were set out briefly and followed by a discussion of illustrative cases, where the parameters of the rule could be explored and borderline situations discussed.

The absence of a theoretical underpinning also makes learning from casebooks a futile exercise. The cases in the casebooks are out of context. They fail to explain when judges rely on jurists, decisions from other jurisdictions, Roman Law and other theory based resources, such as customary law.

It is clear that students enter second-year of law school unaware of the fundamental elements and aspects of law and the broad sweeps of principle behind them, which are required for a full understanding of the law. Teaching law through the study of a few often abridged cases with no attempt to place them in the wider framework or theoretical structure presents a thoroughly misleading picture of the law and gives only a limited understanding even of these cases and their significance.

The assistance of the Librarian and staff of the libraries of the Law Society of New South Wales and the University of Sydney Law School is gratefully acknowledged.

ENROLMENT POLICIES

REVIEW ARTICLE

Access to legal education—1996
D Barker (with A Moloney)
Centre for Legal Education, 1996
46pp (foreword by Justice M Kirby)

This small monograph, written by an Australian law dean, explores the feasibility of developing access programs for educationally disadvantaged students in order to equip them with the skills needed to help them succeed at university. The author approaches this task with the benefit of having previously been the dean of an English law school where he took part in the development of one of the earliest access courses introduced in the UK. In a very pithy foreword Justice Michael Kirby of the High Court of Australia briefly reviews the factors at play in limiting law school access and laments that 'if ...lawyers were to remain a mere reflection of an elite section of society, that would not only be bad for the legal profession, it would not be very good for the laws devised, applied and elaborated by them for the rest of the community'.

Chapter 1 contains a review of the scant literature on the nature of the severe imbalance for entry to law school in Australia. Indeed, Barker concludes that the picture of an elitist based profession, as portrayed in prior research conducted 20 years ago, is substantially unchanged today, except with respect to gender, as women now constitute about half of the law school population. Admission to law school is still predominantly determined by academic performance at school, thereby favouring those coming from an unrepresentative and privileged socio-economic background. However, as envisaged by Barker, an access program for disadvantaged groups should not be an alternative for those who just miss out on law school by the traditional route of high academic results. Ideally an access program should aim to give proper weight to those aspects of a student's educational history which have operated as a disadvantage by systematically reducing the prospects of gaining a law school place and building these into the selection policy. One