

as a status group play a much more important role than they used to do in the past. This is in large part an outcome of globalisation processes and the increasingly complex and interdependent nature of contemporary societies. Another reason for the increasing importance of lawyers' roles in society is a changing reliance on law and legal institutions.

Generally speaking, it is the legal professions that are playing the role of the engine of expansion of law outside the borders of nation-states. The European Union provides a good example of this role that lawyers, and particularly judges, are playing in the deepening of the process of integration. Another example of the significant role of lawyers is their role in social, political and economic transformations in former Communist parts of the world. Active in this process are not only lawyers from particular nation-states but lawyers educated and shaped by other types of jurisdictions. They are in the forefront of a new type of global echelon of the legal profession. There is a clear need for lawyers to be familiar with the techniques and substantive frameworks of foreign jurisdictions if they seek to enter this arena.

It is possible to list more or less well documented examples of how the effects of legal and other developments occurring outside Australia are impacting on the operation of domestic law. Merely anecdotally, such cases include: the effects of international human rights directives on the legislatures of the States (such as on the issue of homosexuality in Tasmania), and thus on the balance between federal and state powers through interpretation of the foreign affairs powers; the pressures of both the interests of transnational mining corporations and international human rights on the settlement of lands rights issues; and

the impacts of foreign governmental and corporate policies and dictates on domestic drug laws.

Lawyers need to be open to and participate in a scholarly investigation of the role that processes outside the national borders play in the formation of social and political expectations within those borders. Legal education must somehow respond. We suggest it does so by aiming to strike a balance between teaching to think *within* law and *upon* law. Adequate perceptions of the social world by lawyers often occurs more slowly than it does by any other social scientists and / or professionals. One outcome of this is that legal education — in comparison to other social sciences — is always behind. It is partly an outcome of legal education's strong institutional connection to the powerful role of the nation-state. Since law is playing a new role in contemporary society, there is a need for a type of legal education which will address the new types of challenges faced by lawyers. Legal education has not yet arrived at the stage of self-consciousness of a new function of law in society.

Globalisation forces lawyers to be familiar with and operate smoothly in other jurisdictions. It needs a change in legal education beginning with not only the dominant but basically exclusive role of national jurisdiction in university curricula. But at the same time it is insufficient to claim that legal education is providing proper answers to the challenges resulting from globalisation by the simple introduction or augmentation of international law, foreign laws or comparative law subjects to or in the curriculum. Such an approach is too simplistic and tends merely to reduce globalisation to global economic relations.

It is still important that lawyers and law teachers continue to develop and

enhance what are considered to be more traditional legal skills: modes of analysis and reasoning, familiarity with texts and precedents. But this alone is insufficient. Given the pressures imposed by legal, political and economic interdependencies taking place as the result of the process of globalisation, lawyers need also to understand these processes themselves in order to begin to understand their own role within them.

Introducing a client-centred focus into the law school curriculum

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There have been a number of recent research reports published drawing attention to levels of client dissatisfaction with the legal profession in New South Wales, Australia, together with other data showing a high level of client complaints and notifications of potential negligence claims.

Perhaps at least some of the blame lies with the nature of the legal education provided by our law schools. Do law schools give students a false impression of legal practice, suggesting that it is primarily about resolving complex issues of law? At law school, the focus of many subjects studied is the development of common law, relevant legislation and perhaps law reform. So where do clients fit in? Often they do not.

Many law schools have long used the problem method of learning, analysing a briefly stated hypothetical fact situation and then examining critically how the law applies to that situation, drawing on specially compiled subject materials and other resources. However, this form of problem solving is generally limited to a consideration of specific identifiable legal issues relevant to the particular

topic of the subject being taught. It does not range more widely to other legal and non-legal components of the client's problem and the general context in which the problem has arisen. The difficulty for lawyers is that they are trained by lawyers about law and legal problem solving. It is often forgotten that the latter is but one methodology for solving a problem.

Once in practice, the new lawyer will spend very little time on legal research and esoteric questions of law will be few and far between. Instead, he or she will be faced with the practical needs of clients, handling files, drafting documents, writing letters, telephoning, performing administrative work, all of which are far removed from the academic cloister.

How should law schools address this problem of context? Most lawyers would agree that law schools have a responsibility to educate their students as to how law operates in their community. This is not meant to suggest that the law schools' principal aim is to educate their students to become legal professionals. But one cannot study law in a vacuum. Law has to be located in its political, social and cultural context for it to have meaning. Part of that context should include the client and the skills needed in communicating with the client.

An important question is whether the role of a law school is to produce a graduate with legal skills or to produce a legal practitioner. Some academics argue strongly that the role of the law school is to promote intellectual rigour in studying the discipline of law and that the law school has no role in vocational training. The primary difficulty faced by those concerned with determining, understanding or interpreting the role of law schools is that the concept of the legal profession is undergoing a funda-

mental change which will necessitate a re-evaluation of legal education. The relationship between academic study, skills training, clinical placement programs and practical legal training is in a state of flux.

Law schools need to recognise that there are consequences of legal education beyond the substantive curriculum which are unspoken and unacknowledged. The interaction of students and contact with law school staff and visitors may generate perceptions of practice which they take with them on graduation. Law schools should be aware of their responsibilities to the community at large to monitor this institutionalising process.

The teaching of what is sometimes described as theoretical law, that is without context or practical application will not of itself promote lifelong learning, reflective practice and critical evaluation. In order to achieve these goals, legal education should be a continuum - from undergraduate degree through practical legal training and into the profession, including continuing legal education while in practice.

Client dissatisfaction with the legal profession, part of the responsibility of which must lie with the law schools, indicates that greater emphasis must be given to a client-centred approach to legal education. This approach necessarily focuses on skills involved in providing a professional service for the client and in maintaining the lawyer / client relationship.

It is of course true that law schools have always been involved in skills teaching. Legal analysis, legal reasoning and legal research are fundamental skills traditionally taught in all common law schools. But none of these traditionally taught skills except, to a limited extent, problem solving, are client-centred. Indeed, most of the

other skills which are client-centred and which give context and realism to legal education have traditionally been neglected.

The benefits of including *client-centred* skills in the curriculum include: giving context to students' learning; refocusing students' attention away from the narrow appellate decision / case analysis focus; enabling students to apply their legal knowledge so that they learn to make the law work for the client; encouraging students to think laterally and creatively; promoting an awareness that for lawyers, the facts of a case are often equally as important as the law; promoting an awareness of the professional and ethical obligations of lawyers; promoting student-centred learning, in which students are active participants in their own learning; promoting preventive law, through the use of law as a means of avoiding legal problems or, at least, of resolving legal problems without being focused on litigation as the principal means of achieving a solution; providing welcome relief from heavier, academic subjects; improving the learning environment when students' interpersonal skills are more developed as a result; and providing a variety of challenges for classroom activity and assessment.

Hurdles to including client-centred skills in the curriculum include: resistance to skills teaching, as it is sometimes argued that universities are for 'academic' study - that the role of universities is to develop students' intellectual skills; resource implications - it is often said that teaching skills subjects is teacher intensive and expensive; and arguments concerning an already overcrowded curriculum.

Most legal academics would recognise the teaching paradigm in problem solving which encourages a fo-

cus on identifying legal issues and applying the relevant law rather than ascertaining and meeting the client's needs and goals. The difficulty that this creates over time is that the students see legal problem solving not from the point of view of providing the resolution of a dispute for a particular client but from the point of view of an *objective* application of law. The structure of a law school and the needs of a modular curriculum work against the creation of a well integrated teaching and learning process which places law in its context and not as its *raison d'être*.

By adopting a client-centred approach to legal education much else falls into place. It will give context and relevance to students' learning, greater emphasis to ethical rules and professional values by its focus on the relationship between lawyer and client and a better understanding of the practice of law, while preparing students for the change of focus to which they must adjust when moving from law school to 'work'.

RESEARCH

REVIEW ARTICLE

A social profile of new law students

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Centre for Legal Education, 1997
207pp.

This report contains a description of an extremely interesting study of the social profile of first year law students entering 15 law schools in 1996 in the Australian Capital Territory and the States of New South and Victoria, Australia. Two similar preceding studies, each spaced 10 years apart, had been conducted in 1986 and 1976. Although these studies taken together enable a picture to be assembled about changes in the socio-economic profile of entering law students over two

decades, technically they of course do not constitute a longitudinal study because they are concerned with three separate bodies of students and not the same cohort group.

The aims of the survey were three-fold: 1. to draw the social profile of the 1996 entering law students; 2. to determine whether the opening of newer, and regional, law schools had had an impact on the socio-demographic profile of the first year law student population; and 3. to establish whether any changes to the profile had occurred over the 20 years by making comparisons with the two prior studies.

The data were gathered by administering a questionnaire at all participating law schools, which was distributed at the first meeting of the class for the year. 2035 replies were obtained from a total of 3347 new students, yielding an overall response rate of 61%, although the range for different law schools was as high as 91% and as low as 6% - perhaps a reflection of the level of co-operation displayed by the individual schools or the preponderance of part-time students who were difficult to access.

Naturally the data tend to be treated descriptively, that is, they are predominantly shown as frequencies and percentages and graphs are liberally used to assist the reader's comprehension. However, chi-square analysis is also used where significant differences have been reported, in order to test the gap between expected and obtained frequencies to establish whether the differences may have been attributable to chance.

Of course, in a brief review it is next to impossible to give an account of the results other than at a fairly superficial level. The wide sweep of the study is revealed in the excellent executive summary, which categorises

the findings as follows: the typical first-year respondent; gender differences; differences according to age and mode of study; older / newer law school differences; regional / city law school differences; the changes over the last 20 years as revealed by the three studies (with respect to women respondents; part-time / external study respondents; younger and older respondents; those taking combined degrees and those holding other degrees; last school attended; parents' incomes and occupational status).

What has emerged from the results is the finding that most students still come from relatively affluent, well-educated middle-class backgrounds as had been the case with both the earlier studies. Seventeen characteristics were identified as belonging to the typical first-year law student but it was clear that the group was by no means a homogeneous one, because these attributes tended to describe the younger full-time respondents and not the older part-time ones. Women were significantly more likely than men to come from affluent backgrounds and a milieu of higher education, as well as having closer links to the law.

The total picture of the socio-economic status of first year students seems to have changed little over the 20 year period. However, on closer inspection, it appeared that the newer and the regional law schools were admitting a significantly greater proportion of students from lower socio-economic backgrounds and therefore their student body was less 'typical', while the older and metropolitan law schools were absorbing relatively fewer of this group - hardly a surprising result, one might have thought. Hence, the emergence of new and regional law schools seems to have gone some way toward limiting the trend for the study of law to be confined almost exclusively to the more afflu-