

PLANNING & DEVELOPMENT

How do we manage? Some observations on the common ground between teachers and managers in seeking to achieve quality in legal education through empowerment

L Mosesson

32 Law Teacher 3, 1998, pp 300–315

In the continuing discussions about quality and the future of legal education, one factor that is frequently overlooked is the question of management. The quality of teaching in law schools is being taken more seriously, but we need to explore also the role of management in achieving quality. By 'management' is meant, not the formal organisation and processes, but the real activity of managing people.

Many legal academics have a deep distrust of managers and management, which they see as at best an inevitable nuisance, and some managers show little appreciation of what education, teaching and students are all about. This perceived cultural gap makes academics, managers and higher education — and any attempts at reform — much less effective and efficient than they should be. If, however, we see law as an activity and both teaching and managing as roles of empowerment to enable others to achieve the common purpose, we can see more clearly what is required of both, how much they have in common and what teachers and managers can learn from each other in seeking to achieve quality.

The distrust of managers in higher education arises both from ideology and experience. It is noticeable that the title of manager is not used much in universities or colleges; the management posts are called 'course leader' or 'director' or 'dean'. The cult of the amateur means that the majority working in higher education have neither a professional teaching qualification nor professional management training. Training budgets for managers are still rare and pitifully small.

In most cases, the managers in legal education have risen from the ranks and have direct experience of teaching. This should make the relationship with teachers easier, but problems still arise in particular where the individuals are not given proper training in the skills of management to build on their qualities as a teacher or do not receive proper support.

In the same way that teachers and students have a common interest in the success of their joint enterprise as shown through the performance of the students, so the managers and the teachers have a common interest in their joint enterprise. This means that there is no great cultural gap between the role of the teacher and the manager: Their roles are in reality complementary and based on a shared goal and values.

Good managers and teachers know that education is not a matter of learning facts. It involves a process of becoming able to see things differently. Practical teaching, such as in law, involves bringing on the next generation to be able to see and do things differently by empowering them through the discipline. Management means bringing out the best in the members of the team, empowering them individually and collectively, and making the best of all the resources available to achieve the common goal.

One factor affecting quality in legal education for both students and teachers is that a culture of assessment breeds a culture of dependence and a fear of failure. There should be an awareness of the possible effect of continuous assessment and short modules in discouraging innovation and exploration by students, as well as deep learning, and the possible effect of excessive monitoring in discouraging innovation and exploration by teachers.

The central challenge for the manager in terms of quality is to set and achieve high standards across the course or school, whilst respecting and supporting the autonomy of each professional teacher (and student). The key to this is

understanding that the role of the manager (and the teacher) is to guide, inspire and empower the autonomous actions of others. The manager's most important role is to create a sense that the teacher and non-teaching staff are valued and will be supported in seeking to achieve the goals of the school and in their professional development. Management support must be positive and committed to empowering teachers to achieve what only a teacher can achieve through their interaction with the students.

Formal mechanisms for quality assurance, both internal and external, have a valuable role in ensuring quality. However, they are not enough. It is only if we work — as managers and as teachers, as individuals and in our teams — continuously on the basis of the models and values of being engaged collectively in an empowering activity that we will achieve the quality in our law schools that we are all seeking.

PRACTICAL TRAINING

Determining the content of professional legal training

M F Fitzgerald

16 J Prof L Educ 1, 1998, pp 69–85

As a regulator of lawyers and a gatekeeper to the legal profession, the Law Society of British Columbia decided that it was important to define exactly what lawyers do, what skills, knowledge and attitudes they need to practise law and what training is needed to ensure lawyers are competent when called to the Bar. Because it is not possible to teach everything during professional legal training (PLT), it is important to be clear about not only what is needed but also about what is possible. Another reality is that the content of PLT is limited by time and resources and is mandated by the provincial law societies, which set entrance requirements.

In 1995 the governing board of the Law Society (the Benchers) adopted a report which asked the Credentials Com-