fluenced morally, and believed that the university has a clear role, even a duty, to provide moral guidance, particularly in law schools. A moral framework for ethical legal decision making is needed; teaching law without emphasis on its moral aspects is quite useless, even dangerous. It is interesting to note that the subject of jurisprudence, which deals in part with legal philosophies and legal ethics, is invariably described in the syllabi of the law schools offering it, as fundamental and necessary to any study of the law, yet in many law schools it is an elective subject.

Moral systems embodied in the law rely on education. No law course should be taught without providing a great emphasis on legal ethics. The findings of this research into the philosophy and practice of ethics teaching in law schools are broadly encouraging, but there is tension between these findings and the current situation of legal practice. Many educationalists believe that law should be a postgraduate course, that the study of law requires a substantial measure of maturity and life experience on the part of its students.

What is needed is recognition by the government of society's requirement for an ethical functioning of the law and its instruments, amongst which law schools must be included. Society must consider, for those in need, the subsidising of legal services in a much wider fashion than it does at present, as these are required just as much as health services.

It is important to recognise how fragile a legal system can be and what can happen in a society where law has come to abandon and is no longer governed by moral principles. The preservation of moral values depends on eternal vigilance, as does our democratic way of life itself. Our education system, in high schools as well as in law schools, must include an understanding of the role of law and of the judiciary, and of the dangers of contempt for these. This must constitute a vital part of the teaching of legal ethics.

PRACTICAL TRAINING

Evaluating articling — a recommended process
M F Fitzgerald
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In Canada, as part of each provincial law society's admission process students are required to work inside a law firm for up to 12 months to gain experience with the practice of law. Law firms hire students for a set period and have no continuing obligation to them after articling has been completed. There are very little data about what is actually learned during articles. It is clear, however, that there are widely ranging articling experiences. Some are excellent while others are questionable. Since most lawyers practise in only a few areas it is unlikely that all articling students obtain similar experiences with the law. However, there is some sense that students receive a certain level of training regardless of where they article.

Each law society across Canada regulates articling in a particular way, at the minimum providing guidelines about what should be happening during articling; requiring students and principals to complete reports at the completion of articling; and requiring that supervising lawyers have a number of years of practice experience. Some law societies have added another layer of regulation to these basic requirements, for instance requiring that firms file education plans to the law society and assigning mentors to students. It is not yet clear whether this new layer of rules has improved articling. Overall, the regulation of the articling process is considered to be fairly minimalist. What happens during articling is determined primarily by students and principals. The law societies do not interfere unless they receive complaints which indicate a concern about a student's or principal's character, repute or fitness.

Concerns about the process have led to debate about the abolition of articling. The primary concerns are that: the experiences of students are different; feedback, supervision and mentorship is inconsistent; instruction about professional values and attitudes is inconsistent; the process is used as a probation period for new lawyers; and students are often assigned routine or mundane tasks.

Perhaps the most significant benefit of articling is that students are provided with an opportunity to apply their knowledge and skills to real life transactions. This is something that may not be replicated in law school or professional legal training. The opportunity, however, is not available to all students to the same extent. During articling, skills and knowledge are often passed along randomly, and since many lawyers specialise, students' experiences are very different. There is no assurance that each student will have carried out legal tasks under guidance and supervision. Training is rarely accompanied by constructive criticism from senior lawyers, and the competence of some principals to teach at the level required has been questioned.

Lawyers openly admit that articling is a way for law firms to test the suitability of law graduates. This is not an evil on its own but can be problematic if it is the sole purpose of articling. Furthermore, articling students are sometimes having to operate as viable economic units within firms as opposed to learners in an educational process. Since articling is mandatory and the articling period is a term position and will only be renewed if the student excels, articling students tend to feel vulnerable. Often they are called upon to carry out routine repetitive or mundane tasks or act primarily as legal researchers. There is a sense that students tend not to complain because they either are

not aware of the standards for articling or feel intimidated.

The author suggests that the articling program should be reviewed and evaluated. She recommends a process of review that is often used to evaluate other educational programs. The process, consisting of five steps, starts with a very clear idea about what is to be accomplished and ends with the implementation and ultimate monitoring of a new or revised program.

Before introducing any educational programs, the educational needs of students must be identified and the objectives of articling must be set. At a certain level there is general agreement about the knowledge, skills and attitudes that lawyers should possess to be able to practise law competently. The most direct way to get a general sense about what students know is through a written or oral assessment or by reviewing student transcripts. The gap between what students know and what students should know describes the educational need which can be transformed into educational objectives.

Once the objectives of articling are defined, research should be conducted to compare them with what is actually happening during articling. Information should be gathered about each of the objectives. This information will assist in identifying any gaps or overlaps in student learning and experience. Resultant adjustments to the articling program can range from simply clarifying to principals and students the expectations of articling, to rethinking the entire purpose of articling or even abolishing it.

Once a revised or new program is in place, it is important to ensure it continues to meet the desired objectives. A key component of any program is monitoring and evaluating. Indeed, this topic should be discussed when the program is initially introduced. There should always be in place some method by which to measure whether the program is meeting its objectives and to ensure it is as effective and efficient as it can be. At the minimum, information should be gathered about how many students article and where they article. It is also important to gather information about what is happening during articling from both the student's and the principal's perspective. If a system of continuous data collection is put in place, the task of evaluating and monitoring would simply consist of analysing the information periodically and adjusting the program to ensure that the changing needs of students, lawyers and the legal profession are met.

Designing a powerful PLT program
S Nathanson
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How do you design a professional legal training program so that it is more than the sum of its parts? Based on his experience in designing several PLT programs, the author identifies design principles that enhance student motivation. These principles are divided into the categories of *design concepts* and *program features*.

The function of curriculum design is to put theory together with planned experience so that professional knowledge and skills can be learned more efficiently and can be transferred to the workplace in a way that accelerates the growth of competence once people are in practice. Thus, the most important goal for designers of professional education is to find ways to maximise transfer of learning and the acceleration of later learning.

Originating in Australia, one of the most important breakthroughs in design was the conceptual division of legal practice into 'tasks' — the step-by-step jobs that lawyers do for clients, characterised by specialised knowledge and procedures; and 'skills' — processes used to solve a wide variety of problems, pervading the whole range of tasks. Australian PLT courses were said to be 'transaction-based' because, although they practised skills as they worked their way through transactions, the courses were organised around, and focused on, transactions. British Columbia's Professional Legal Training Course (PLTC) reversed priorities, so that skills were paramount. Skills were the educational end product; transactional knowledge a means to that end.

Designers developed a number of devices to promote transfer, including the use of skills theories. They devised skills guides to explain the theory of a skill, to help in analysing skills performance, to provide feedback to students on the skill and to assess it. Transfer, skills guides and peer feedback were elements in the broader endeavour of systematic skills teaching.

However dynamic systematic skills teaching can be, it can also create a disjointed, fragmentary portrait of law practice. PLT course designers have realised that their programs would benefit from a unifying theory of legal practice to provide an organising principle for the course as a whole.

At the University of Hong Kong's professional legal education program designers introduced a theory of 'problem solving' — the simple idea that lawyers were problem solvers and that, consequently, the primary goal of professional education was that students should learn to solve realistic legal problems. The lawyer is required to overcome obstacles to resolving or preventing conflict, in ways that satisfactorily solve the problem for the client.

Success in teaching problem solving depends less on the design of guides however, than on the high quality of the problems created for the course. High quality problems have a realistic, transactional context. They are consistent with the general objectives for which they were designed. However, the knowledge required to solve them does not unfold topically. It is cross-discipline knowledge, originating from a variety of disciplines and other sourc-