a greater commitment to see the reforms successfully implemented. The staff deliberations included consideration of the results of a survey of final year law students' perceptions on skills weaknesses and strengths and the outcomes of a skills focus group discussion with selected final year students on skills issues.

The school adopted several principles with regard to the reforms. The first of these — that it should approach skills reforms within the context of the legal education continuum – raised issues about what skills should be left to Practical Legal Training offered to graduates, and what focus the school should have. While accepting the need for the LLB to ensure coverage of the subjects required for admission, there was a view that the School should not cast the legal education it is providing into too narrow a focus, given the diversity of present and future legal careers and the wider career horizons of law graduates.

The second principle was that the school should consider skills broadly to cover vocational and higher education (or intellectual skills). Should the school through the LLB program educate legal practitioners (or more broadly, the providers of legal services)? Or should it provide a higher legal education that forms a sound basis for a broad range of legal and non-legal careers? The school thus considered in developing a skills policy that teachers of law would be conscious of both the higher education elements and the craft needs of students.

The third principle was that the school should adopt a coherent, coordinated and progressive program of skills teaching within existing resource constraints. One consequence of such an approach is that an item of skills assessment in a unit should reinforce or build on skills and substantive law content introduced earlier in the skills path. The final principle recognised that reforms should be implemented over time, with regard to the interest of students and their workloads.

The school considered a number of reform strategies, including the establishment of a new dedicated skills unit linked with the existing skills units, a threshold skills module which would be made up of discrete skills submodules taught over a few units, a fully integrated model incorporating skills-specific instruction in all or most of the existing substantive law units and a combination of these approaches, as well as examining the scope of extra-curricular instruction in any selected process. The first strategy was rejected because it would have essentially meant abandoning an existing unit and replacing it with a skills unit. A fully integrated model was also rejected on the basis that it required a substantial degree of coordination, more substantial difficulties in the event of staff absence and also because not all staff felt competent to teach all skills. A separate skills module for threshold skills teaching was also rejected because it would have meant additional teaching hours. Instead the school decided to retain its existing skills units and to adopt a form of threshold skills module coupled with a loose integration strategy, to provide a coordinated and graded approach to the learning of skills.

The school has made quick progress on a number of aspects of reforms, but it has been slower on others. Progress is nonetheless consistent with the planned progressive implementation of changes over the next couple of years. In 1997, the school had introduced threshold problem solving skills to the second year contract law unit and basic moot/advocacy training in fourth year as part of the criminal law unit. In 1998 it was planned that the school would introduce specific oral and written communication skills to other second year units and semester-long extra-curricular legal research refreshers. A more coordinated approach to formative assessment of papers and assignments has been adopted and the weighting of marks for assignments standardised, to ensure greater equity in student workload. In 1997 the school adopted its own student feedback service, which is now used to monitor the outcomes in skills changes and to provide a consistent assessment of teaching practice.

The availability of resources looms as the most imminent threat to the successful implementation of the reforms at the UC School of Law. The implementation of skills reforms was also predicated on the assumption that the school was able to retain its two-hour tutorial regime, and this has not been the case due to budgetary constraints. It is also facing substantial increase in class sizes in many units as the number of combined course students increase. It will continue to seek funding and resources properly to develop the threshold skills reforms, to develop skills materials and to undertake staff training. However, the implementation process is much slower than it would be if there were dedicated human resources given to the task.

## STUDENTS

**Students in court: competent and ethical advocates**

J Dickson

16 *J Prof L Educ* 2, 1998, pp 155–185

In most Australian states only qualified legal practitioners have a right of audience before the courts. This monopoly is a creature of both statute and common law and is reflected in the provisions of the various state statutes regulating the legal profession. Law students representing clients as part of a clinical legal education program do not fall into this category. They therefore are excluded by statute from appearing in court on behalf of their clients. While the courts have discretion to allow non-lawyers to appear before them, this is rarely exercised.

In this article the author proposes the introduction of a new statutory right of audience for one class of non-lawyers, defined as law students enrolled in and participating in a clinical legal education program as part of their law degree studies. The right of audience would be limited to students in such a clinical legal education program and would be created by amendment to the relevant legislation. The students would then have a statutory 'student-advocate' status.

The author defines clinical legal education as a legal practice-based method of legal education in which law students assume the role of a lawyer and are required to take on the responsibility, under supervision, for providing legal services to real clients. The primary goal of the clinical method is an educational one. The goal is multi-faceted. It is first to use the practice of law to introduce law students to the way in which legal rules and processes impact upon ordinary people. Secondly, the aim is to encourage students to reflect upon their practice and to consider alternatives to the conventional rules and procedures. Thirdly, of course, in pursuing the above two goals students are expected to acquire practical legal skills. Achievement of these goals is a complex process. The author focuses, in the article, on the way in which supervision has emerged in practice as the key factor in the success of both the educational venture and in the provision of competent and ethical legal services to the clinic client.

Australian clinical law teachers and their students frequently feel frustrated by the prohibitions placed on clinical students from representing their clients in court. The idea of law students appearing as of right as advocates in the courts may be thought a radical one. Yet the idea of student-lawyers as part of the legal profession and performing in the lawyer's role is not new.

The author argues that the goals and methods of clinical legal education ensure the protection of the public from incompetent and unethical conduct in the provision of legal services by participating students. There is, therefore, no justification for excluding those students from the group of persons entitled to perform advocacy before the courts. The goals of clinical legal education address two public interest considerations. The first is the need for competent lawyers able to play a role in the development and reform of the legal system when necessary. The second is the need for affordable and accessible legal services. Clinical legal education achieves these goals because of its methods. At the same time the position of clinical legal education firmly within the law school curriculum also ensures that the process of providing services has educational objectives and characteristics.

Intensive supervision of student work for clients is the educational method characteristic of clinical legal education. The presence of a supervisor who is a qualified legal practitioner and whose primary responsibility is education, not casework, ensures as far as possible, that the students' experience and performance in legal practice takes place in a questioning environment. This is important if the public interest in legal education is to be served. At the same time the supervisor ensures that the students' legal work meets at least minimum levels of competence. Indications are that, as shown by the research in the United States, law students' representation and advocacy of their clients is *at least as competent and ethical* as that of a newly-admitted attorney.

The author's view therefore is that the regulatory legislation which sets out to define who may and may not engage in legal practice is the appropriate place to include a provision recognising a right of student advocacy. Enactment of such a limited right of audience and the basing of it in a clinical legal education program would ensure that the concerns which have traditionally supported lawyers' monopoly over advocacy are met. At the same time it would be one more step along the path of achieving quality legal education and increasing access to justice.

## TEACHERS

**Life after tenure: where have all the articles gone?**
P F Postlewaite
48 *J Legal Educ* 4, 1998, pp 558–567

This article details an empirical study of the publishing patterns of tenured full professors of law. The author was curious about the number and frequency of articles published by full professors in his own field, taxation. The results of this initial study encouraged him to expand the investigation into publishing in other areas of law.

Most senior tax academics, particularly at the elite institutions, published articles in academic journals only while en route to full professorship; thereafter publishing articles in professional journals or writing casebooks or treatises. But if publication by academics in all media declines significantly or even ceases after tenure and full professorship, one might call into question the whole concept of tenure — the idea that tenure grants the freedom to explore and, in turn, that exploration will occur.

The study selected the lead law journal or review of each of the top 16 US law schools and compiled all items addressing issues in federal taxation published from 1985 to 1995. It focused on items written after full professorial status had been achieved. In the interest of a more complete picture, not only articles, but virtually all other items were included and pages counted to determine the average number of pages published by each author per year of senior status. Given that during this dec-