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-

ade there were over 300 tax teachers with ten or more years experience, the number of articles and other items in the highest-ranking academic journals written by full professors, was minuscule. If senior tax teachers were not publishing in the elite academic journals, where were they publishing? The author decided to look at prestigious professional publications, and selected two journals, roughly equivalent in prestige to the surveyed law reviews. The results showed more than twice as many pieces were published by senior professors in these elite professional journals than the academic ones.

Using the same procedures and standards, the author expanded the study to senior legal academics in fields other than taxation. Publications in the elite academic journals were charted in the same ten year period, the results for each journal tabulated, and the published items divided into the three categories of articles, symposium pieces, and other items (book reviews, comments, essays, colloquies, etc.). Authors were categorised as senior faculty affiliated with elite institutions, senior faculty of other institutions, elite junior faculty or other junior faculty. The tally of articles showed that, on average, senior faculty of the elite institutions accounted for about one half an article per issue. In fact, less than half the articles published were written by senior professors, elite or otherwise. Those numbers should give pause, given the immense disparity between the number of senior professors and the number of junior professors, a ratio approaching 6 to 1. Senior professors wrote just slightly more than half of the articles published by elite faculty in the elite journals. The articles by elite senior professors also demonstrate a degree of 'inbreeding' — more than 45 percent were written by a member of the journal's sponsoring faculty. Perhaps, the author suggests, the elite law reviews could voluntarily adopt an anti-nepotism policy or authors undertake to submit their work only to reviews outside their home institutions, in order to put to rest any allegations relating to these statistics.

The survey also showed that the senior faculty of elite institutions tend to produce responsive rather than proactive scholarship (that is, they respond to, or critique, another's work). It may be that the typical evolution of academics at elite institutions is to move from writing articles, in which they push the boundaries of the established order in a provocative and proactive fashion, to writing rejoinders, watchful and critical of others' proactive efforts.

To the author's mind, the consummate legal academic publishes for the academy (academic articles and university press books), for the profession (professional articles and treatises) and for students (casebooks and student guides). Each constituency is worth addressing, and the vehicles appropriate to the different constituencies are equally legitimate. No constituency and no vehicle of expression should be preferable to the others. All have value. But time is scarce, choices must be made, and senior professors on the whole publish their work in forums other than the elite academic journals.

TEACHING METHODS & MEDIA

From homogeneity to pluralism: the textbook tradition revisited
P Leyland & T Woods
33 *Law Teacher* 1, 1999, pp 18–30

This article discusses, with a focus on constitutional and administrative law, the current state of the 'textbook tradition', with an eye to gauging some of the broader pedagogic implications for ongoing debates about the form of legal education, its relationship with the wider scholarly community and with the profession. In particular, it seeks to connect the re-drawing of subject boundaries to the appearance of new texts, as such innovations have important implications for the law teacher both in terms of the structure of syllabuses and in respect to classroom practice. It appears that, in some areas at least, the tendency to rely mainly on a handful of 'authoritative' black letter textbooks is being superseded by a more critical approach.

The first question to consider is the viability of the textbook as a form of instruction and guidance in its own right. The idea of the law textbook was to systematise and lend a sense of coherence to general principles underlying the law. It was a form of codification which revealed a set of 'orderly principles' to be found in the case law emanating from the courts. However, the quest for such principles is perhaps illusory, especially where difficult questions emerge and where the application of the law is far from straightforward, either because of considerations of policy or because the principles themselves may be very general or contradictory.

On the authors' home ground of constitutional and administrative law, recent publications well illustrate the trend towards a more pluralistic environment for law teachers. To begin with, there are constitutional law texts which mainly concentrate on the institutions and processes of accountability. Another common formula which satisfied the former requirements of the profession was to combine constitutional law, civil liberties and administrative law. Lack of agreement on the way the subject is defined is even more pronounced when surveying the main texts devoted to administrative law proper.

It is a matter of legitimate concern for many teachers that the writing of student texts may be undertaken by respected authors without questioning sufficiently the basic assumptions upon which judicial decision making is premised or setting the decision making in context. In part, this is because selec-