

cation form the university through professional school. Rather than side stepping the issues, the students should be confronted with ethical and moral dilemmas at every turn. Those responsible for education and training are often uncomfortable with the messiness of the issues and prefer to foist them onto another. However, the result of the shifting of responsibility is that the future professionals are unprepared to recognise moral and ethical dilemmas or to exercise good professional judgment. We must all take responsibility for training the next generation of reflective practitioners.

Taking the plunge: integrating legal ethics in Australia

G Powles

33 *Law Teacher* 3, 1999, pp 315-321

Monash University Faculty of Law has decided to adopt in principle the pervasive approach to the teaching of skills and ethics, which are intended to be fully integrated into the 4-year LLB program over the next two years. As the project team begins its task of curriculum reform and faculty consultation, it is aware of the scepticism that surrounds an enterprise such as this – scepticism as to both objective and method. The most noble ambition must be to develop for students a learning environment which, by the time they graduate, will have made a difference to the way they see the law and its practice and perhaps even to their capacity to act as morally good lawyers.

Unfortunately, there is no evidence that a law school can succeed in providing its students with the wherewithal to cross the divide between knowing what is right and doing it. The methodological 'Achilles heel' of the enterprise is its dependence on the understanding and cooperation of faculty colleagues who will be called upon to include ethical elements within their

subjects. Both of these perceived discrepancies between the ideal and the achievable need to be understood in light of what has been, in Australia, a rather barren landscape as far as the teaching of legal ethics is concerned.

Australia is slowly awakening to a commitment to the teaching of ethics. The legal profession, law schools and professional trainers share the blame for retarded development in this area. The profession has failed to ensure that a well-defined and rigorous legal ethics syllabus is adequately taught to all applicants for admission to practice and there is still no sufficiently specific requirement on that score.

We have seen two main shortcomings. First is the acceptance of the way in which legal ethics is characterised as a set of principles and rules intended to assist the lawyer to recognise and balance competing claims. Second, although mere rules are not enough, legal ethics education requires the study of the whole regime of rules through which lawyers seek to maintain behavioural standards for themselves. The profession has failed to produce a clear code or statement of principles and rules for Australian practitioners.

As far as the legal academy is concerned, recent initiative to introduce new approaches into the law degree curriculum have been both stimulated and rendered spasmodic by the remarkable expansion of the number of law schools. The single most depressing consequence for the majority of law faculties is that class numbers are high and rising, thereby rendering laughable any proposal which seriously suggests that the teaching of legal ethics will be facilitated across the curriculum through supervised small-group activities.

The challenge now is to integrate ethics into the substantive law subjects across the curriculum. While demonstrating to students that issues in legal

ethics pervade all areas of law, this approach enables a range of pedagogic techniques and individual teaching styles to be employed here and there through the student's law school experience. It brings home the variety of circumstances in which such issues may arise but also the personal or subjective character of thinking which is brought to bear upon them. In order to enlist colleagues in the integration enterprise, a strategy is required which will convince them of its merit and also illustrate ways in which it may be done.

REVIEW ARTICLE

Ethical challenges to legal education and conduct

K Economides (ed)

Hart Publishing, 1998

366pp

Although Kim Economides, the editor of this substantial treatise (399 pages when both the preface by Lord Steyn and the editor's own introduction are included) does not make this claim, it would be hard to imagine that there has been any prior publication of this breadth of coverage on the foundations for the teaching of legal ethics. It is not so much that this book breaks significant new ground. With the use of a large scale it seeks to map out in detail the terrain for the role of ethical behaviour in the legal profession and the function of the law school in inculcating the principles that underpin it.

The book is comprised of a collection of essays, each of about 20-30 pages in length, submitted by well credentialed authors located in a range of jurisdictions. The contributions originate, not just from common law countries, specifically the United Kingdom, Australia, New Zealand, Canada and the United States, but also the Netherlands, Brazil and Italy. The 17 papers are arranged under three themes: rediscovering law's moral