and theorists before settling into an individual philosophy. Additionally, an academic degree, in the sense that it may be earned, is available to all those who seek it out. The unsystematic character of current selection systems diminishes the ability of individuals to move toward a career in the judiciary through self-directed career paths.

For many law schools there would be institutional benefits associated with a program to train the judiciary. If a program is founded, study of the judicial process in academic settings should correspondingly flourish. As for curriculum, it is not only possible but advisable to borrow liberally from the ideas of the two already established master's programs for judges: the University of Virginia's LLM program for appellate judges and the National Judicial College's master's program for trial judges. Other programs in law and economics, social science and the law, statutory interpretation, international law in American courts, and contemporary legal thought are all offered at Virginia and would make a fine combination for the first semester of a one-year curriculum. In planning the next portion of the program, it is appropriate to draw on the experience of other systems, as in the Continental models, which incorporate a pre-professional period of training similar to an apprenticeship. Some practically centred teaching should be incorporated into the academic degree program proposed here.

In the second semester the course work should diverge from the purely academic and focus on more practical aspects of judging. Judicial opinion writing should find a place in this semester of study as a separate course. Judicial ethics and the Code of Judicial Conduct should be the focus of a course on professionalism, which also should touch on issues of decorum and deportment, use of the contempt powers of the court, and life beyond the bench. One last general area of study, though it might be considered political science, should be the broader context of the judiciary and judicial processes. The primary aim should be a full-time program, with residency requirements, ending with a thesis. An executive LLM program of longer duration, again requiring a thesis, should also be considered for those who are interested in the course but cannot become full-time students.

If an LLM program in the judicial process is founded, important new effects may be felt. Although this is completely speculative, it seems logical that such a program would give rise to greater diversity in the judiciary. Education is a great equaliser. Because entry into the program would be born of desire and individual accomplishment, rather than circumstance, the factors which have historically confined judicial selection to a fairly narrow segment of the population might dissipate. Probably the profession would become increasingly professionalised as a discrete and specialised field of law. New education and training programs would be necessary to complement the developing definition of the judiciary as a specialised field within the legal profession.

LEGAL EDUCATION GENERALLY

REVIEW ARTICLE

Effective learning and teaching in law
R Burridge, K Hinett, A Paliwala & T Varnava (eds)
Kogan Page, 2002
210pp

This book is part of a series of publications commissioned by the Institute for Learning and Teaching and the publisher on effective learning and teaching in various higher education disciplines in the United Kingdom. The primary aim as stated by the editors is to promote an 'approach to legal education that is founded on the development and recognition of the law teacher as a professional educator. This professionalism, it is argued, encompasses a commitment to the teaching and the support of learning evidenced by the approach taken to assessment, the design and planning of learning activities and the provision of suitable learning environments.' *(p.xi)*

Chapter 1, written by Varnava and Burridge, traces the context of UK legal education and analyses the factors contributing to its recent development, in particular, the impacts of higher education policy, the legal professions and the law schools. From this examination they draw out the key issues that they say need to be addressed if progress is to be made beyond the rhetoric of the competing stakeholders. They then survey how law schools are responding to these issues. Finally, they explore the characteristics of law teachers as reflective practitioners, suggesting that the way forward is for them to assert and reinforce their own identities as professional educators.

In chapter 2 Roger Burridge contends that the traditional cognitive approach to law teaching, envisaged as the assimilation of a prescribed quantity of rules and the application of legal principle and established precedent, is doomed to failure. He advocates an approach to curriculum based on experiential learning designed to imbue a problems-solving methodology and ethical sensitivity in all students, whether destined for legal practice or not.

Karen Hinett and Alison Bone stress the importance of the role played in law teaching by evaluation and feedback. In chapter 3 they explore a range of approaches to developing assessment strategies tailored to the complexity of program objectives and their learning outcomes. They advocate a comprehensive approach to student feedback to support learning, utilising self and peer assessment.

Chapter 4 looks at the potential of electronic learning resources to add a new dimension to teaching and assessment and student learning. Paul Maharg and Abdul Paliwala emphasise that the value of these electronic resources is dependant on the pedagogic context in which they are used. Dependence on the stored knowledge of faculty and programmed navigation of the syllabus can be replaced by the relative freedom of resource-based learning, leading to the cultivation of the desired attributes in students of the independent self-directed learner.

The challenge of introducing ethical responsibility into a vocational law program is the theme of chapter 5. Nigel Duncan draws upon examples from the Inns of Court Law School to illustrate how it is possible to embed ethical concerns within the course as a whole without reducing the acquisition of ethical awareness to a sterile and simplistic exercise in the black-and-white application of the rules of professional conduct.

In chapter 6 Andrew Williams appraises the teaching of human rights in the undergraduate law curriculum. He suggests that it is more than a framework for apportioning responsibility or restraining the oppressive exercise of power. Therefore, although there will be a choice to be made whether human rights should occupy a place in the law curriculum as a discrete topic or as a pervasive value system, it also demands a fundamental rethinking of the approach to the teaching of law and the experience of students in the education system. Williams proposes a pedagogy reflecting a human rights ethos and describes his efforts to inculcate this approach into his own law school students.

Addressing a significant dimension to law teaching that is frequently neglected by law schools, Linda Byles and Ruth Soetendorp examine the special issues that arise in teaching law to students from other disciplines. They point out that the expectations, abilities and purposes of these students are often at odds with those of mainstream law students and offer strategies for developing appropriate syllabus content and teaching and assessment methods.

In chapter 8 Julie Macfarlane draws upon her experience of teaching mediation in Canada to underscore the pervasive impact that the profession's obsession with adversarial dispute resolution has on the nature of the legal education provided to law students.

In the final chapter Abdul Paliwala deals with response to change in legal education, in particular the processes of transformation of relationships between students, academics and institutions, both in physical and virtual spaces and in learning times. He suggests that this transformation is influenced by changes in the ideologies of learning and wider environmental factors, such as 'commodification, globalisation and digitisation'. He concludes that possibilities exist for change that can be either constructive or destructive of educational values and suggests ways in which creative teaching/ learning strategies can protect and promote values in legal education, offering concrete advice to academics involved in the negotiation of change.

The commentary contained in this book will provide valuable food for thought for many legal educators. The editors claim that it will have served its purpose if a few readers are provoked to experiment with the suggestions proposed within its covers. However, they further assert that, if, after reflection, some readers develop their own personal responses and solutions to their own teaching and their students' learning, then its success will be even more significant in their eyes. *Effective learning & teaching in law* is worthy of careful consideration by all thoughtful legal academics who are keen to identify new ways to enhance their own practices.

Editor

LEGAL ETHICS

Teaching legal ethics to first year law students

D Henriss-Anderssen

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Teaching legal ethics in law schools is a subject that has generated renewed interest in recent years. In 2000, the Council of Australian Law Deans endorsed the recommendation of the Australian Law Reform Commission (ALRC), that the development of a deep appreciation of ethical standards and professional responsibility be one of the main aims of university legal education in Australia. There is little discussion by the ALRC in its report as to what is meant by ethical standards and how this deep appreciation of ethical standards and professional responsibility should be taught.

The term 'legal ethics' has for some time been synonymous with the professional rules of conduct governing members of the legal profession. A review of recent published literature reveals a concept of legal ethics that includes the values underpinning the legal system and the role of the lawyer in the legal system, including professional rules and personal values. This definition, while encompassing the rules governing professional behaviour, is both broader and deeper than the traditional definition.

The main arguments for teaching ethics at an undergraduate level can be categorised broadly under four main headings. The first is the promotion of justice, according to which argument, the link between the law, the legal system, the legal profession and justice necessitates the ethical education of lawyers. The second main argument is that law can never be value-free. The third category argues that teaching can never be value-free. The fourth argument focuses on the changing role of the legal profession in society. The general perception of lawyers as self-interested and