

fundamental tenet of the rule of law — that of equality before the law. The unit addresses in part how an adversarial system and minimalist and unenforced legal ethical codes can undermine the realisation of equality before the law.

Ethical and attitudinal awareness is an explicit skill that has been identified as a learning outcome for Law, Society and Justice. The McCrate Report on legal education in the United States identified this skill early in the legal education literature. It described 'Recognising and Resolving Ethical Dilemmas' as one of nine important learning outcomes. Some of the Australian reports followed the direction of McCrate.

Law, Society and Justice runs for 13 weeks. Each segment is offered for three weeks, except the final segment which is offered in four weeks of lectures. Each week there is one two-hour lecture and a one-hour tutorial dealing with material presented in the lecture given the previous week. Each lecturer designs the seminar questions, with some overview by the unit coordinator. The ethics tutorial takes place in the form of an oral presentation every third week when five students present as a team on a topic either chosen or allocated to them. There is then discussion and questions are elicited from and by the class and the tutor.

The unit reinforces ethical conduct in a general sense. It requires compliance with general student conduct rules, as does every law school unit. For example, there are rules about behaviour in tutorials. Students should not dominate the class but should be respectful of other students' right to speak. The unit also seeks to ensure that all students participate and cooperate in teamwork with other students. There is also student peer assessment of group oral presentations.

Few will disagree that a strong sense of ethics is a very important attribute for law graduates. It seems clear that this quality will be most effectively developed if the process of ethical

awareness starts from day one at law school. The QUT Skills Development Project has identified three developmental levels of ethical awareness. The unit, Law, Society and Justice aims to achieve this awareness as a level one outcome. The Project and QUT law school seek to continue higher-level development of this skill in later year law school units. Finally, it is hoped that specialised units, such as Professional Responsibility, will develop the skill to a level three outcome.

Many commentators on legal system reform see ethics awareness as playing an important part in turning around the culture of lawyers in an adversarial legal system. This culture has many negative qualities. Many argue it results in the denial of true equality before the law. Many, if not all, authors who write about problems and concerns with the legal system mention education as a cornerstone for the occurrence of effective reform — without a body of persons sensitised to the need for change, there can be no effective reform. The QUT Faculty of Law believes it is important to begin the process of sensitising students to issues of ethics at the point of entry to law school before students become immersed in the culture itself. The unit, Law, Society and Justice, provides one step towards achieving this goal, while at the same time presenting a balanced examination of the role and rule of law and its many strengths.

Lawyers' perceptions of their values: an empirical assessment of Monash University graduates in law, 1980–1998

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Public and professional discussion about the behaviour of lawyers is perennial to the point of cliché. Commentary about perceived inadequacies is also commonplace, but it is ordinarily based on anecdotal, though powerful, 'war' stories. It seems, however, that legal

educators and regulators must tackle the 'ethics issue' with renewed vigour if legal institutions are to retain moral, and perhaps even spiritual, relevance. As legal educators we can only design and teach ethics courses and help the legal profession describe the desirable attributes of the future lawyer using indirect information as to what is needed. Legal ethics programs, both in and after law school, may be proceeding on a comfortable, but possibly unfounded, assumption — that as legal educators or regulators we can simply appeal to the supposed better nature of our students and members in order to improve attitudes and, hence, behaviour.

While there is a link between lawyers' attitudes/values and their behaviour, we first need to know about these attitudes and values. In particular, we legal educators have no empirical basis on which to conclude that clinical methodologies, which are internationally growing in acceptance within law school curricula, are effective in raising the 'moral tone' of the efforts that law schools make to increase student awareness of any justice imperative.

A survey of a sub-population of Australian lawyers to discover what values play a role in their professional decisions now provides some information. This article reviews the issues raised in this survey and describes the survey process and the results obtained from a questionnaire answered by 700 respondents, all former students of the Faculty of Law at Monash University in Melbourne, Australia. Questions designed to place the respondent in a personally challenging situation were composed around scenarios of local socio-legal significance and factual ambiguity.

The analysis strongly suggests that there are considerable differences in the value-base — that is, the set of values actually held by an individual — of this sub-population. Taken as a whole, this study suggests, but does not confirm, that clinical experiences may make some

difference to the attitudes that lawyers hold. It is probable that a comprehensive longitudinal study of lawyers' values and correlating behaviour across many different jurisdictions will expose compelling associations between values that lawyers hold and their behaviour.

The obvious fact that society needs credible and honest lawyers — and that they are perceived to be in short supply — makes it more important to be precise about the values base that underlies their actions. It is not enough to dismiss the need for investigation and impatiently state that there is an urgent need to get on with the task of redefining the model lawyer, post haste. It will be difficult to position remedial education or values awareness programs in the profession and in our law schools unless we have real information about values diversity.

This survey obliquely measured lawyers' values. Rather than directly ask lawyers about their values, the psychological and educational device of the hypothetical situation was used to add a personal dimension to each scenario to further reduce the level of abstraction and assist in actual values identification.

The following conclusions were drawn from the cumulative responses to the scenarios. First, 'corporate' aspirations of lawyers do affect the moral choices that lawyers make and the values of lawyers who opt for 'corporate' priorities appear to be different and apparently less concerned with 'justice' than those who pursue non-corporate careers. To the extent that the value choices available to respondents in this survey allowed, respondents were more or less equally divided in their choice between 'pro-corporate' or 'pro-justice' values alternatives.

Subject to the point immediately below, gender stands out (statistically) as a highly significant variable in determining moral choices among law graduates. In many situations, women opt for outcomes that can be

characterised as placing greater emphasis on 'access to justice', 'personal integrity', 'friendship/loyalty', and less emphasis on 'business efficacy', 'employer loyalty', and 'professional ambition', as compared with men. Respondents, with only a minor gender effect, are quite prepared to ignore and disobey specific areas of the criminal law when the interests of their families appear threatened. Taken as a whole, this study suggests but does not confirm the assumption that clinical experiences do make some difference to the attitudes that lawyers hold. It is possible that this difference is significant in statistical terms, and this could well be evident in future studies.

If it is true that skills training has become acceptable within undergraduate legal education. It may be partly because the profession has convinced law schools that law graduates are under-prepared for the work force. The organised profession (as an institution) is, however, unlikely to acknowledge that new lawyers are morally at sea and (perhaps) in need of guidance. The regulatory implications of such an open admission would be far-reaching. It is, therefore, unlikely that admitting authorities will ask law schools to put equal energy into a values awareness education program for their students.

Nevertheless, law schools need to embrace this issue. We legal educators cannot afford to concentrate on the rules — or even upon ethics — without also recognising what lies behind lawyers' behavioural decisions. We do need to engage students at the level of their values — preferably in an experiential manner — if we are to encourage their moral awareness.

To persuade legal educators to assess the need for an (integrated) values awareness program within law curricula, we will require more in-depth investigation on a much larger scale to be convincing. If law students do not explore their own values, their understanding and acceptance of the

rules of conduct — let alone systems of ethics — are likely to be superficial. When law students are encouraged to pursue a personal values inquiry, their willingness to identify a justice priority in their professional lives will emerge or be strengthened.

Teaching legal ethics online: pervasive or evasive?

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Teaching legal ethics pervasively entails not only incorporating legal ethics into a majority of law school subjects but also dealing with it in a pervasive manner within those subjects. The benefits of the pervasive method are lost both when ethical issues are confined to explicit modules within a subject, as well as when ethics teaching is confined to a stand-alone subject in the curriculum. Law teachers can make productive use of contrasts and comparisons between legal and business ethics, particularly in commercially oriented law subjects.

Legal Practice and Transactions (LPT) is taught at Murdoch Law School. It is (seemingly) unique in its scope and content as a subject in Australian law schools. Its main aim is to introduce students to the work of a solicitor (attorney) in Western Australia. As its name suggests, LPT covers a broad range of content, touching upon all the major practice areas engaged in by Australian solicitors, with emphasis on commercial matters.

Since 1995 aspects of the internet have been used in teaching LPT, beginning with a simple email discussion list. Most recently an integrated multi-purpose website based on the Web Course Tools (WebCT) software platform has been used. An instructor may set up any number of web-based bulletin boards for various purposes and give individual students access to selected bulletin boards as well as allow the whole class to access other bulletin boards for reading and submitting comments.