

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.

Not all teaching in LPT is done online; there are some face-to-face lectures and workshops. There is a mixed mode approach to using the internet in teaching. Therefore, half of the twelve workshops and a third of the thirteen lectures were held face-to-face on campus. There are also web lectures and web workshops. Typically a web lecture consists of assigned reading from the prescribed texts (including website references), brief written comments provided online and one or more questions or issues set for discussion by the class. Discussion occurs through asynchronous postings of student comments to the designated WebCT bulletin board. Since these bulletin board discussions occur over days rather than minutes, as they would in a live class, students have more opportunity to reflect on issues and to compose considered comments rather than just offer spontaneous reactions. In some learning situations the lack of immediacy and spontaneity in discussion may be a drawback. However, in law studies, and particularly in relation to complex ethical issues, the slower pace is a benefit.

The law school has no separate legal ethics subject in its curriculum. However, this is not to say that the school takes ethics lightly. The school's vision statement emphasises the value of 'integrity', and its leaders set high standards for ethical conduct by staff and students. The way in which it puts its dedication to ethical professionalism into action is by adopting the so-called 'pervasive' method of instruction in legal ethics.

Much has been written on this instructional strategy. This approach involves raising legal ethics issues in a variety of different subjects in the curriculum, rather than confining ethics instruction to one or more discrete ethics subjects. The pervasive approach is designed to demonstrate that ethics

should be a continuous and important matter of concern to legal professionals rather than just another code of rules to be consulted when a difficulty arises.

The laudable goals of the pervasive approach can be frustrated in at least two ways. First, because no single unit is designated as the focus of ethical instruction, staff members may assume their colleagues will cover ethics sufficiently and, therefore, ethical issues need not be integrated into their own subject areas. Another way in which the pervasive approach to ethics teaching can be frustrated is by 'modularising' ethics content within traditional law subjects.

One of the aims of pervasive teaching is to show that ethics issues can arise at any time in a multitude of circumstances and that the careful practitioner is, therefore, always alive to the demands of behaving ethically. The message is that behaving ethically should be a constant consideration while conducting all professional work. This message is diluted when ethics issues are dealt with in separate modules apart from the usual doctrinal or practical content of a law subject. The challenge for the law teacher, therefore, is to make ethics teaching pervasive within their particular subject area in keeping with the pervasive approach across the curriculum.

There is another challenge involved in the adoption of the pervasive approach. In addition to integrating ethics issues at planned points throughout a subject, the law teacher should be prepared to take up such issues when they surface unexpectedly. Doing this can model for students the lesson of being continually aware of, and willing to deal with, ethical problems whenever they arise. Letting ethical issues pass without comment can convey the opposite impression — that they are best ignored and avoided. The pervasive method, therefore, demands that instructors keep a constant focus on

ethical issues whether they are designed into a subject or arise spontaneously through questioning or discussion.

The influence of concurrent business education on our law classes is significant, particularly for subjects such as LPT with its commercial orientation. It is also a factor that can have an impact on ethics teaching in law subjects. Law and commerce students in particular have the opportunity to gain a unique perspective on ethical issues facing law and business through exploring multiple perspectives: those of the legal practitioner, the business client, and other business related professionals. The subject of business ethics is a current and lively one in tertiary teaching in Australia. Law teachers can capitalise on this interest by comparing and contrasting business and other professional ethics with those of lawyers and tap into the debates and discussions of the business schools.

Three conclusions can be drawn. First, online asynchronous discussion through an electronic bulletin board system such as the one used in LPT is an effective way of presenting legal ethics issues to law students. This medium encourages student engagement with, and reflection on, these important matters. This feature of the online environment helps students develop into reflective practitioners, which is a major goal of legal ethics teaching. Second, the pervasive method of instruction in legal ethics mandates both planned and unplanned teaching within a variety of subjects in the law curriculum. The challenges for a law teacher in following this approach are significant, but they can be met successfully. Third, legal ethics can be productively contrasted and compared with the ethical standards of business and other professions when teaching law students, thus contributing to a richer and more contextualised appreciation of professional roles.