

year Business Law course, causing students to engage in an open and reflective discussion on moral issues as they work their way through the legal principles.

Monahan and Olliffe examine the movement toward competency-based legal education and training and the implications for admission purposes. They review the published academic and vocational requirements for admission and competency statements for entry level lawyers published by relevant bodies, including the role for skills training. They note that the Council of Australian Law Deans now supports the thrust toward competency standards.

In the final chapter, *Alternative learning strategies for legal skills and vocational training*, Spencer and Monahan advocate the abandonment of the quantitative approach toward vocational training which consists of an investment in a pre-determined amount of time and resources. Instead they favour an approach based on producing high quality law graduates using alternative means of educational delivery rather than traditional face to face methods. They explore the ramifications of using experience-based learning, computer-based learning, learning in groups and flexible learning strategies, combined with a streaming process, to achieve these more efficient outcomes.

Legal education in Australia is an important contribution to the debate about the purposes, functions, methods and outcomes for academic legal education and vocational training in Australian law schools and practical training institutions. It will provide much food for thought to the reader. Beyond Australia, it will appeal to those in other countries who are assailed by the same concerns about ensuring the production of the best quality law graduate with the maximum utilisation of limited resources.

Editor

Recent trends in European legal education: the place of the European Law Faculties Association

N Reich

21 *Penn St Int'l L Rev*, 2002, pp 21–38

Legal education in Europe has undergone important changes in the last decade, even though we cannot observe a convergence with the American model of professional education so ably monitored by the Association of American Law Schools. The changes are superimposed to some extent on the traditional model(s) of legal education in different European jurisdictions.

The traditional model of legal education in Europe was characterised by a great diversity. Legal education depended, to a great extent, on national policies with regard to law in general and the legal profession in particular. Legal education in universities on the continent derived from the Roman law tradition — law being regarded as an academic and scholarly discipline to be taught by a specialised and highly prestigious professorial staff. In common law countries this was not always so and it became a result only of developments in recent years. The nationalistic wave coming from the French revolution and the codification movement had a special impact on legal education: it became an integral part of the nation state. This focusing of legal education on the nation state resulted in strong tendencies towards protectionism and closure of the legal profession: legal education was to be conducted in one language; in one legal system, namely the national law giving exclusive access to the national legal profession, namely as a lawyer. The European model was uniform in one respect: education in the university, or rather in specialised law faculties, was always an undergraduate education. In recent years, educational content regulation has been softened due to the case law of European and national constitutional courts, mostly relating

to freedom of speech and free provision of service issues, but entry is still tightly controlled.

The most important trends in European legal education could be regarded as its Europeanisation, Competition, and 'De-Sovietisation.' The Europeanisation of legal education comes from two sides: from both the university side and the side of the legal profession. Under the ERASMUS-SOCRATES program the idea was that law schools would cooperate across borders in the European Union (EU) to allow for student exchange and mutual recognition of credits through the ECTS (European Credit Transfer System). On the side of access to the legal profession, the recognition directives of the EU allow a lawyer established in one EU country to practise law in another EU country under his home and/or host title, either after an additional exam or period of study determined by the host country or after three years of actual and continuous legal practice there.

The opening of the legal profession and legal academia to competition has probably been the most dramatic development in European legal education in the last ten to fifteen years, and it is here that the American model has had the greatest influence. The first such development was the popularity of LLM programs offered by highly qualified US law schools and which host some of the best European law students. Many European law faculties followed suit and have now developed their own postgraduate programs.

De-Sovietisation is a term meant to describe a process that has occurred in the past 10 years in the countries which became fully independent after the collapse of the former Soviet block. The impact of the dramatic change in substantive law on legal education is, however, not yet clear. On the one hand, most countries have developed new models of legal studies. Private law schools financed through the substantial tuition payments of their

students have become very popular. The old and sometimes very traditional law faculties are, however, coping with an inadequate personnel structure inherited from Soviet times. Many of them have not yet found their place in modern legal education.

The European Law Faculties Association (ELFA), founded in 1995, can be said to be the fruit and the result of the above mentioned new trends in European legal education. Unlike AALS, ELFA cannot, as of yet, base its work on a common model of legal education and must rely on the voluntary input of its members — with all their different historical, legal, and linguistic traditions. ELFA does not take part in the accreditation and evaluation process of law faculties in Europe. This is regrettable in a process of Europeanisation under competitive conditions: it is clear that there must, eventually, be common standards for the quality control of European legal education, especially so if the objective is to compete in the international market for legal services.

The model of higher education in Europe has come under considerable criticism in so far as it lacks transparency, mobility, and competitiveness in comparison to the US model. In most ELFA member countries there is an intense debate on the future of traditional legal education. Reform models are being experimented with everywhere. ELFA seeks to influence and steer this process as far as legal education is concerned. The goal is to increase the quality, transparency, and competitiveness of a truly European area of higher education and, at the same time, considerably shorten the length of studies and reduce drop-out rates.

One of most recent and far-reaching challenges to legal education in Europe is the development of more Europeanised curricula. There is a fundamental debate among legal scholars whether European legal systems are converging or not. On the one hand,

European law via its supremacy and direct effect theories is penetrating the everyday life of people and thereby becoming of practical importance for lawyers and other members of the legal staff. On the other hand, a process of a common European law in such areas as constitutional law, human rights, contracts, torts, criminal procedure is developing. There are a number of areas where Europeanisation — and, to a lesser extent, internationalisation — can be felt. Why not follow the American model and first try to flesh out the common core of European law and only at a later stage teach the specificities of national legislation?

It is not the task of ELFA to work directly in the field of legal education, nor to develop common European curricula. But it will certainly stand at the forefront of those actively participating in the Europeanisation and internationalisation of legal education. ELFA will go about this without forgetting the rich legal culture from which its member faculties come. It is in this common objective that a more intense cooperation can be developed with its much-admired American counterpart, the American Association of Law Schools.

Beyond Australia and the Pacific rim: challenges for the internationalisation of Australian legal education

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21 *Penn St Int'l L Rev*, 2002, pp 75–88

A recent article in the Australian Financial Review highlighted the critical role which Australia's foreign student population plays in the country's tertiary education system, bringing in billions of dollars in fees, creating about 12,000 jobs and funding services courses and facilities that would otherwise not be available locally. Within Australia itself the universities are engaged in keen competition, with each other as well as overseas institutions, to enrol

approximately 70,000 new foreign students who select Australia as the country for their place of study each year. Externally, Australia faces extremely fierce competition.

The United States has mounted a concerted effort to win back the 40 percent market share it lost to Australia between 1990 and 2000. It is targeting key areas such as China, Thailand, India, Korea and Taiwan. However, according to a recent discussion paper on international education circulated by the Australian Vice-Chancellors' Committee, it is not just a matter of funding. It was noted that, while the importance of international education as an export earner is obvious and immediate, the longer term benefits of international education are more significant, though difficult to quantify. In particular, the internationalisation of universities is critical in preparing Australians and Australia to operate effectively internationally. An important element of this is the internationalisation of Australian students themselves. If Australia is to engage effectively internationally, and specifically in the Asia Pacific region, Australian students need to have first hand study experience overseas.

International education has other less tangible but nonetheless important benefits to Australia. For example, the strategic importance of having business, community and political leaders in key overseas markets who have studied in Australia and regard it with affection is difficult to overstate. International experience for Australian students as part of their university study is also becoming a widespread objective. Australians are looking to gain international qualifications and increasingly looking to employment internationally.

Australia is in a unique position with regard to its influence on the future internationalisation of legal education, standing geographically as it does between South East Asia and the South Pacific, and serving as a