

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

D Barker

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

bridge between the Common Law and Civil Systems. Australia is therefore well placed to initiate legal educational programs which integrate knowledge and advanced understanding of both these systems.

IDP Education Australia was established in 1969 by the Australian Vice Chancellor's Committee to provide and promote international access to Australia's intellectual education and training resources. It does this through the creation and delivery of a range of services on a fee-for-service basis.

It is estimated that Australian universities spend about \$250 million annually marketing Australian education overseas — that is about \$3,000 to recruit each student, an investment which, in turn, generates more than \$24,000 per student for the Australian economy. The fact that IDP operates through an independent board suggests the tenuous nature of IDP's links with the universities and gives rise to the suggestion that IDP competes with its stakeholders, the universities. However, the evidence would show that only in one or two isolated situations has there been direct IDP competition with the universities and these have been limited to instances where there has been competition for Australian Agency (AusAid) projects.

The International Legal Services Advisory Council is a part-time advisory body established in 1990 by the Australian Government to help improve Australia's international performance in legal and related services. Its major objective has been to support an export development strategy for Australian legal services. The Advisory Council comprises representatives from Australian law firms, commercial dispute resolution centres, university law schools and a representative of the Law Council of Australia. There are also representatives from government departments and agencies with interests in the

international performance and activities of the Australian legal services sectors.

Australia has a varied system of legal education. There are some 28 law schools, the number having doubled over the past decade. All are situated within universities located in the six States and two Territories within Australia. Virtually all law schools offer a combined degree program, in which the degree in Law (LLB) is undertaken together with another degree over five years. About half offer a straight LLB degree, which is undertaken in four years. Many law schools also offer a coursework Masters degree in Law (LLM), often in an area of specialisation. Recent surveys indicate that about half of the students who graduate enter private legal practice; the balance find employment in government, industry, commercial or other areas. The Australasian Law Teachers Association (ALTA) is the umbrella organisation for all law teachers in Australia.

The Council of Australian Law Deans, in co-operation with the Australian International Legal Services Advisory Committee, produces a comprehensive directory of undergraduate and postgraduate law courses at Australian universities, which is made available to students and academics overseas. This was seen as a logical step in encouraging greater interaction between Australia and the rest of the world in the study of law.

The Faculty of Law, University of Technology, Sydney, together with the University of New South Wales Faculty of Law, jointly operates the Australasian Legal Information Institute (AustLII) which provides access to Australian legal material via the Internet.

In order to ensure that students are adequately skilled to become global lawyers, legal education must not only aim at the intellectual nurturing of the student but also at equipping him or her to be vocationally relevant and

professionally functional in the global context. For the content of our curricula to be relevant in a world increasingly becoming internationalised, we need to reconfigure units to include the core subjects that are essential for practice in all jurisdictions. Thus the starkness of the over-generalised unit of comparative law, for instance, would need to give way to more defined and focused subjects such as comparative tort law and comparative corporations law. Curriculum offerings at undergraduate, pre- and post-admission levels should reflect these international trends.

In an overcrowded law curriculum, how can such international developments be accommodated? Arguably, each law subject must account for three aspects of internationalisation: (1) evolution of municipal law to account for the new realities of globalisation; (2) comparison of specific areas of law in different legal systems; and (3) the extent to which global developments are driving us towards harmonisation and a convergence of legal systems, and in some cases, perhaps an international system of governance.

The process of internationalisation in Australia has already begun, but the internationalisation of law will continue at an even faster pace, thus minimising the parochial attitudes which some would say have characterised legal education until late.

PURPOSE

Law schools as legal education centres

M H Belsky

34 *U Tol L Rev* 1, 2002, pp 1–32

Legal education in the early twentieth century was divided into three concurrent paths: study at one of the elite law schools, consisting of mostly full-time students already possessing a college degree; study at one of the