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 overgeneralised 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

other mostly part-time practice based schools; and a course of study with a practitioner/mentor outside of formal educational institutions. Except for a few theory-based schools, almost all the subject matter of learning was fixed and based on core courses, often tied to bar admission requirements. There was little attention given to the relationship of politics to the law or international relations and international law. Students received a LLB degree and almost always intended to take and pass the bar and then to practise law.

By the end of the millennium, almost all lawyers received their legal education, either part-time or full-time, from ABA accredited law schools, after graduation from a four-year college or university. Students had much more freedom to take electives and even specialise prior to or after they received their Juris Doctor degree. A significant percentage of students received joint degrees and others had no intention to practise law as such. Almost all coursework was done in a classroom, with some simulation courses and clinics. Teaching was done primarily by full-time law-trained professors.

As we reached the end of the twentieth century, several indicators of the future were evident. Computers became a more dominant research tool for faculty and students and libraries changed to legal information centres. The profession's push for more skills teaching in law schools led to active consideration by state bar examiners of practice-based exams. A backlash against some accreditation standards has already led to differing measuring standards for clinical faculty and more flexibility in administration. In the light of the greater flexibility, better technology for computer-assisted legal education, new allowances for distant legal education, and even some talk of total e-learning, it is likely that, by the year 2025, law schools could become more centres for law students to choose from a menu of options, including skills courses, in a clinic or by simulation, interactive training, lectures by video, Internet, or disk, or small electronic sections and seminars with interactive live faculty.

By the 1990s, transnational and global issues were increasingly considered core topics and new schools were being established that were religiously based or otherwise specially focused, and even for profit. In addition, revised American Bar Association standards allowed students to go five or even six years to get their degree. Other Standards are being considered that also provide flexibility and new definitions of residency. Extrapolating these trends, legal education centres could include in their menu of options access to special courses or programs in their own school or through their school. Such centres would be able to provide mechanisms for flexible study. Legal education centres would market their courses to other schools and students and some students could spend their time in two or even three schools over a longer and part-time school experience.

As noted earlier, by the end of the 1990s, deans of all types of law schools felt pressured by outside ranking entities and the students, faculty, alumnis and university administrators who paid attention to such rankings. Money was spent on visibility, publicity, and carving a special niche to overcome generalised comparisons. By the end of the first quarter of the twenty-first century, only a few schools would be able to claim dominance in all areas. Most would seek recognition in one or more specialty or sub-specialty areas, or by appealing to specific religious or ethnic populations. As described above, they would market themselves in their particular focus or with particular appeal to certain types of students. They would sell certain courses or programs and be less worried about rankings generally as compared to making a profit (or for non-profits providing higher perquisites) by focusing on their niche. They would have to become more user friendly to compete with other schools and even other professions. Part of this new competitive angle might be to broaden what law schools, now retooled as legal education centres, consider to be within their mandate.

A law-school based legal education centre could become responsible for teaching numerous courses about the law already taught at colleges and universities outside of law schools. This can be done by allowing a variety of students in one law school class or differing classes for different levels of approach. In other cases, law faculty members can cross-list their courses under both law and another curriculum. Finally, there are faculty members who have dual or multiple appointments and others who teach courses jointly with colleagues in other disciplines. It would seem not a big jump to ask the law school to be the responsible entity to coordinate legal education in an entire university or provide legal education to those colleges and universities without a law school.

Law faculty members would be able to broaden their teaching experience and, with cross-fertilisation, perhaps also their scholarship. For non-law faculty, their visibility and reputation might be enhanced by teaching under a law school umbrella but in any event, they would be increasingly recognised as peers. Finally, students of multiple disciplines can only be helped by enjoying a multi-disciplinary approach to their teaching by faculty and by student-colleagues.

Another obvious area for the synergy that a legal education centre provides is in continuing legal education. Law schools can open their classes or provide mini-courses for practitioners in specialised areas or even in more general areas, where a refresher course would be useful. To

make this even more attractive, a law school could offer practitioners the ability to obtain speciality recognition in one or more of the special certificate programs it offers to its students. Second, with distance learning techniques, courses or mini-courses can be offered off-campus with little additional expenditure by the law schools and with ease of access by the practitioners.

As our society becomes even more complex and overlapping, what is defined as legal will be broadened to make legal information be almost synonymous with all aspects of public policy. Law libraries will become more and more legal information centres. Government, bar associations, businesses, media, political parties, charities and other groups will rely more and more on the neutral and academic law school to supply objective information or at least provide the mechanism for all points of views to be expressed. Some law schools will become mini-consulting firms and even specialised law firms and be seen as the place to go for certain information. In short, law schools will become public education centres. This public education mandate will be combined with the other trends in broadening what is meant by legal and law-related training and expanding the role of law schools in providing that training through ever changing methods of education.

SKILLS

The paradox of creative legal analysis: venturing into the wilderness

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79 *U Det L Rev*, 2002, pp 571–597

Students entering law school are warned that the thinking process in law school will be dramatically different from that which preceded it. Despite the warning, even students who have taken law courses in college are surprised at the rigour — and the ambiguity — associated with legal analysis. For almost all students, it is an academic wilderness to which they are not accustomed.

The ambiguity of legal analysis often is forged from conflicting tensions underlying legal education in general and legal analysis in particular. On the one hand, students learn law is a science, based on a finite body of decisions, statutes and other raw materials that can be studied in books in a classroom, and from which new disputes can be resolved. On the other hand, students learn law is an art form, infused with imagination and creativity, with rarely only a single conclusion or only a single path to that conclusion. Students are shown that good lawyers are persuasive advocates, marshalling facts and law in powerful ways. Skilled advocates demonstrate virtuosity with legal analysis. When used by highly competent practitioners, legal analysis often is imbued with public policy considerations dependent on culture, background, the decision-maker, and other variables.

Reconciling law as science and law as art is difficult in any context, and is especially challenging in the context of legal education. One notable conflict in the legal educational process is the paradox of creative analysis. While legal analysis often utilises a considerable degree of creativity, it generally is framed by an overriding orthodoxy. This orthodoxy rewards technical proficiency and structural similarity over innovation and exploration. The technical structure of legal analysis is best observed in the context of the stated and unstated goals of legal education. Legal analysis, sometimes referred to as thinking like a lawyer, is generally the most dominant and acknowledged goal of the law school experience.

The student use of creative arts in the traditional classroom environment has been considered anathema to the development and mastery of cognitive skills. While subtle, the minimisation of creative talents, and of creative thinking in particular, is a natural by-product of the intense effort to instil and develop analytical rigour in students. Faculty are intent on covering specific information, and many professors see no point in students using valuable study time for creativity, even in conjunction with learning. The eager and enthusiastic first year student must spend countless hours on end learning the language of the law and how to think like a lawyer.

Despite a growing awareness of the value of recognising students as creative beings, students who might utilise the creative arts as supplemental learning tools are effectively informed that these arts are not welcome or useful in legal education. The geological transformation of law students from well-rounded talents, to sharp, incisive and deliberate thinkers occurs at a price: the price of their creativity.

Assuming that creativity can bolster and augment legal analysis, we asked what would happen if creative thinking was introduced as a tool to promote analytical thinking. In an attempt to gather data on the value of utilising the creative arts in legal education, the authors experimented by using student creativity in their classes in combination with, and as a supplement to, traditional case analysis. This experiment was not intended to be a precise scientific endeavour that could be declared empirically accurate or replicable. It was, however, designed to be of use to both teachers and students.

In the intense and competitive world of law students, a creative arts experience may provide an outlet for emotion and pressure that otherwise obscures the rational thought process. Its ability to relieve stress, which plagues lawyers and law students alike, may alone make the inclusion of creativity worthwhile. On the other hand, creativity is instrumentally valuable because it may advance the