A NOTE ON LEGAL EDUCATION.

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Two important articles on Legal Education have recently been published. The first, in the *Canadian Bar Review*, March 1950, is by Maxwell Cohen, and is based on a comprehensive factual survey of all Canadian law faculties. Such a document could usefully be prepared for Australia, although some preliminary work has been done by the Australian Universities Law Schools Association. This article should be thoroughly studied by any one interested in the problems of teaching law for though there are differences between Canada and Australia, the fundamental problems are the same.

In Canada, as in Australia, legal education is mainly a matter for the Universities, Ontario being a conspicuous exception. In the latter State, the professional school is Osgoode Hall and a clash between the leaders of the profession and the full-time teachers led to the resignation of the Dean, Professor C. A. Wright, who was immediately appointed to the University at Toronto.

The writer concludes that Canada needs more rigorous admission requirements: better buildings and libraries: larger teaching staffs: more post-graduate students: production of more local textbooks: full co-operation between teachers and practitioners.

There are eleven Canadian law schools, the largest (so far as students are concerned) being Osgoode Hall with 757: the next highest is British Columbia with 473. Full-time teachers vary from seven at Toronto to one at North Brunswick. Four schools have a part-time Dean. The teaching load for full-time teachers varies from ten to five hours a week.

The second article appears in the *Modern Law Review*, April 1950, in which Professor L. C. B. Gower writes on English legal training. The writer points out that the English lawyer seems blissfully unaware of the ferment concerning legal education working in America and Canada. The writer's survey of the history of legal education in England is both comprehensive and pointed, and emphasises four major defects in the present system " all of which really turn on a failure to provide proper co-ordination first, between the universities and the professional bodies and secondly between institutional training and practical apprenticeship."

Incidentally Professor Graveson states that " nothing is more nauseating than the patronising air of mock humility usually affected by one of His Majesty's judges when addressing an academic gathering " in support of his thesis that there is not sufficient co-operation between the Bench and the profession on the one side and the university on the other. The University of Melbourne cannot make a like complaint, for it has been a long tradition that both the Bench and the profession take a keen interest in the problems of legal education and give much service to the Faculty of Law. One reason for a closer relationship between the Bench and the Faculty than usually exists in England may be that many members of the Bench were once Independent Lecturers and therefore have direct knowledge of the problems of legal education.

Professor Graveson's scheme of reform is as follows :—

(1) Every barrister and solicitor should first be required to take a university degree in law.
(2) Thereafter there should be a practical apprenticeship for two years either in a barrister's chambers or a solicitor's office.
(3) During the last six months of an apprenticeship attendance should be compulsory at evening classes at a professional law school.
(4) Finally the entrant should be required to pass a professional qualifying examination.

Under this scheme the University course would be truly " academic." The first year would consist of :—

(1) Legal Method and the place of law in the social sciences.
(2) The English legal system.
(3) Elements of English law.
(4) Constitutional Law.

Second year :—

(5) Contract.
(6) Tort.
(7) Criminal Law (including criminology).
(8) Land Law.

Third year :—

(9) Administrative Law (or Equity).
(10) Family Law.
(11) Jurisprudence.
(12) Comparative Law.

The professional course would cover Mercantile Law, Partnership, Evidence, Procedure, Trusts, Landlord and Tenant, Industrial Law, Conflict of Laws, Revenue Law and Legal Ethics.

It seems curious that in the University course Equity is made only a possible alternative, although the explanation may be that the field of equity is to be taught in Contract and Land Law, so far as it affects those subjects. A plea should also be advanced for Conflict of Law as an academic subject. Indeed it is one of the most educational subjects in the law course because of its links with comparative law, jurisprudence and fundamental questions of legal theory.

In considering the applicability of this scheme to Victoria, we must note the importance of the amalgamation of the profession, by law if not in practice. A second point is that there are professional law schools in England not only with a tradition, but also with ample financial resources. England is a unit big enough to staff and finance university law schools, lectures at the Inns and Law Institute teaching. In Victoria it is submitted that such a scheme would be disastrous. It is difficult enough to secure adequate funds for one law school, and even more difficult to maintain a supply of trained teachers. It can hardly be supposed that a professional law school could be satisfactorily conducted, if all teachers were on a part-time basis. It is significant that the professional law schools in England draw quite heavily on the Universities

for their staff. The University of Melbourne has great reason to feel thankful for the quality of the services of its part-time staff, but the Faculty has in the past agreed that, in the present stage, full-time teachers are as indispensable as part-time.

The present Melbourne law course is a compromise which is based on a realistic survey of the problem in this State. There has been great expansion of staff and of the content of the course over the last twenty years. The main defects are lack of a reasonable library building and lack of adequate full-time staff who can get to know the students intimately. What is in the curriculum may be important, but it is not nearly so important as the method of teaching and the stimulus that can be given to the best students—this can be done only with small classes and tutorials. It is a sobering reflection that the law school, if in America, would not be admitted to the Association of Approved Law Schools, because its standards are deficient. To secure admission there must be a separate law library of at least 10,000 volumes with an annual grant of at least £1,000 and a ratio of full-time members of staff to students of 1 : 30. The reconstruction of the Library will provide a separate law unit, but in spite of the extensive purchases over the last few years, the number of volumes is not yet adequate. The University spends about £500 per annum on purchases for the law library. Sydney spends £900 and at present has an extra grant of £500 to fill gaps. At the present rate of progress, the smaller Australian universities will soon have better law libraries than Melbourne. Extra funds are urgently needed. Tasmania has a ratio of full-time members of staff to students of 1 : 12. This is possible because of the small number of students. In Melbourne, the law ratio is 1 : 120. Naturally there is extensive part-time assistance, but it is impossible to give a real training without greater personal contact with students. However hard the members of staff may labour, the tutorial classes are too large for effective work. On comparison with overseas standards it is clear that the full-time staff should be greatly increased. This is not written in ignorance of the present financial difficulties of the University. But it is necessary to record that the Faculty admits that with present resources the work of producing graduates in Law cannot be properly done.

NOTES AND COMMENTS