



Australian Government

Australian Law Reform Commission

The Role of Law Reform in the Promotion of Legal Education

Presentation

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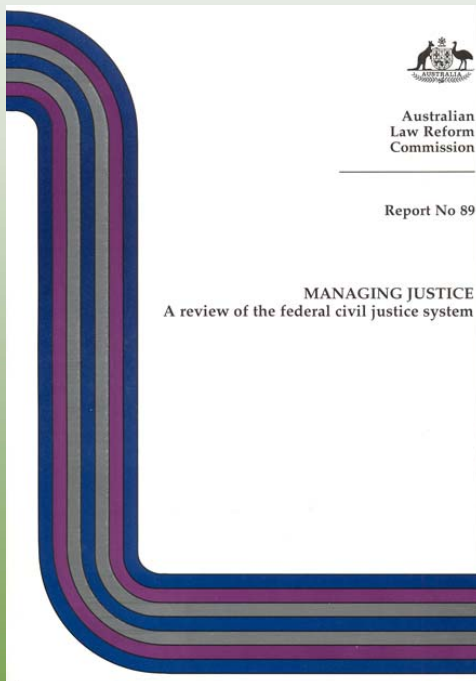
Associate Professor Les McCrimmon

Commissioner

Australian Law Reform Commission

Managing Justice :

A review of the federal civil justice system (ALRC 89)



- Report released in January 2000
- Recommendations directed not only at the federal courts and tribunals, but also to other actors and stakeholders affecting the justice system
- 5 of the recommendations contained in ALRC 89 relate to undergraduate legal education
- This presentation will focus on 4 of the 5 recommendations

Rec 2: In addition to the study of core areas of substantive law, university legal education should involve the development of high level professional skills and a deep appreciation of ethical standards and professional responsibility.

- ALRC advocated the re-orientation of legal education around *what lawyers need to be able to do*, rather than remaining anchored around outmoded notions of *what lawyers need to know*
- Despite promising trends towards better awareness of the need for skills training in law schools, a focus on the transfer of principles of substantive law still dominates teaching and drives the curriculum

Implementing Recommendation 2

- Need for greater focus on an integrated, incremental skills program in the undergraduate law curriculum
- Government, university and faculty administrations need to recognise the cost of a sustainable integrated skills program
 - Time required by academic staff to deliver a quality product
 - Financial resources required to achieve acceptable student/staff ratios

Rec 3: All university law schools should engage in an ongoing quality assurance auditing process, which includes an independent review of academic programs at least once every 5 years

- In 2000, the Australian Gov't established an independent Australian Universities Quality Agency (AUQA) to conduct periodic (at least 5-yearly) quality audits of academic institutions
- While law schools are included in this general review process, ALRC sees a need for a law school specific review process

Rec 4: Consideration should be given to the commissioning of another national discipline review of legal education in Australia

- Last national discipline review was in 1987 (Pearce Report)
- ALRC recommended another national review focusing on:
 - Impact of growth in law school numbers on diversity and quality
 - Balance in law school curricula between library and professional education
 - Teaching of professional skills (including legal ethics and professional responsibility), and the mounting of clinical legal education programs
 - Trend towards location of PLT programs in law schools
 - Resource base for law schools and law libraries

Implementation of Recommendation 4

- Following the ALRC's recommendation, the Australian Universities Teaching Committee selected law to be among the first three disciplines in which a project focusing on issues of teaching and learning was initiated
- A consortium of law schools led by UNSW successfully tendered for the project
- *Learning Outcomes and Curriculum Development in Law* by Prof Richard Johnstone and Sumitra Vignaendra completed in 2003
- Note – the report is not as wide ranging as that proposed by the ALRC

Rec 6: The federal AG should facilitate a process bringing together the major stakeholders to establish an Australian Academy of Law

- The Academy would serve as a means of involving all members of the legal profession – students, practitioners, academics and judges – in promoting high standards of learning and conduct and appropriate collegiality across the profession
- Academy should have a special focus on issues of professionalism (including ethics) and professional identity

Implementation of Recommendation 6

- In Sept 2002 the Council of Australian Law Deans resolved in principle to institute a body to be known as the Australian Academy of Law
- Inaugural meeting of the founding Fellows of the Academy held in June 2005
- Public launch for the Academy is planned for October 2005

Concluding Thoughts

- For Australian clinical legal education to survive, much less flourish, the funding pie must be expanded
 - Will require the coordinated efforts of university administrations, law schools, government, the private legal profession, students, law alumni and private foundations
- Of the recommendations in the *Managing Justice* report relating to legal education, the one that has the potential to provide the greatest boost to clinical legal education is the establishment of the Academy of Law
 - Academy can provide an influential voice in support of clinical legal education
 - Clinical legal educators are ideally placed to provide a bridge between the law school, the judiciary and the practicing legal profession