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This is the first edition of the *Legal Education Digest*. It briefly summarises published articles and some unpublished materials on legal education. The journals and other publications which are being kept under review are listed at the end of the digest.

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* = the abstract published with the article has been reproduced.

ADMINISTRATION

[no material in this edition]

ADMISSION TO PRACTICE

What can the public expect from the newly qualified lawyer?

R Scragg

[see Practical Training]

ASSESSMENT METHODS

NY Committee suggests lawyer exams test wrong skills, unfair to minorities

D J DeBenedictis

ABA J May '92 p26

Report of a committee of the Association of the Bar of the City of New York says the New York bar exam does not adequately test the minimal skills needed to practise and probably denies admission unfairly to

minority applicants. The report calls for testing on 10 rather than 22 substantive areas of law, elimination of multiple-choice questions, use of "performance" testing and experimentation with questions on videotape. Also recommended a requirement of 100 hours of training in lawyering skills before admission. Article also reports on other reviews of bar exams.

CAREER PATHS

Universities ignore warning to curtail law programmes

AFR June 16, 1992, p33

Describes and discusses huge growth in number of law courses, and career prospects for graduates. Also briefly describes new training proposals of New South Wales Law Society.

CLINICAL LEGAL EDUCATION

[no material in this edition]

CONTEXT, CRITICISM AND THEORY

Without Foundation: Stanley Fish and the Legal Academy

L Kaplan

16 Law & Soc. Inquiry 3, p593

A review essay on Stanley Fish's *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies*, 1989, Duke University Press.

The Possibilities and Perils of Legal Studies

N Sargent

6 Can J L & Soc'y (1991) p1

* The paper explores the possibilities and perils of an interdisciplinary approach to legal studies emerging

as an alternative intellectual paradigm to the doctrinal tradition within legal scholarship. The privileged status accorded to the doctrinal tradition within the legal academy is sustained by its continued importance in providing a link between law as a field of intellectual inquiry and law as a field of professional practice. Despite the promise of a more pluralistic intellectual climate within the legal academy, it seems unlikely that an interdisciplinary approach to legal studies will succeed in challenging the preeminence of legal doctrine as the primary source of professional-knowledge claims about law. At the same time, however, any attempt to claim legal studies as a separate field of intellectual inquiry outside the legal academy confronts many of the same doubts about the nature of law as a unitary object of knowledge as the doctrinal tradition from which it seeks to distance itself. The paradox of the legal studies project is that whenever it tries to free itself from the embrace of the doctrinal tradition, it confronts epistemological doubts about the conditions for its own existence. It appears, therefore, that the legal studies project is destined to continue its labours in the shadow of the law.

Masculinism, Law and Law Teaching

R Collier

19 Int'l J Soc L 4, p 427

This article is concerned with masculinity and the teaching and study of law in institutions of higher education in the United Kingdom. In part it seeks to address the prospects of and limitations to men in legal studies (self-consciously "critical" or otherwise) "taking feminism seriously". It focusses in particular on the relationship



between men and feminism within the legal academy. It argues that legal studies have much to gain from the convergences within the histories and sociologies of social practice, and in particular from feminism and theories of discourse, both of which remain at present marginal to the dominant methodology of the legal academy.

CONTINUING EDUCATION

Competency-based standards: a boon for continuing professional education?

P Hager & A Gonczi

13 Stud Cont Ed 1, p24 *

Establishing competency-based standards for professions promises to help solve many of the difficulties currently besetting continuing professional education. This paper explains why this is so by defining competency-based standards, describes their uses and, hence, showing why they have attracted so much attention recently. Likely applications to continuing professional education are suggested. In addition the advantages and limitations of three different approaches to competency analysis of professions are discussed and illustrated by examples. It is argued that professional competence can be conceptualised in a way that overcomes the common objections that have been raised against competency-based standards.

Continuing professional education and the discipline reviews

B Brennan

13 Stud Cont Ed, 1, p53 *

Continuing professional education (CPE) is an emerging area of educational provision in Australia for which there is no national policy. However, four single discipline reviews focusing on the law, medicine, engineering and teachers of mathematics and science, have been commissioned at the national level to examine, among other issues, CPE. The four reviews are discussed, using the same five

headings relating to the importance given to CPE and its purpose, the relationship between CPE and pre-service training, the mandatory and voluntary options and the delivery of CPE. General statements about CPE in Australia and possible policy developments in the field are drawn from the review reports.

CURRICULUM

Towards a Model of Competency based Training - a Training Needs Analysis

R Moss

[see Inhouse CLE]

Race and the Core Curriculum in Legal Education

F L Ansley

79 Cal L R 6, p 1511 *

Controversy about the value and meaning of a canon of traditional western culture has been raging on American university campuses for some time. Prof Ansley argues that in light of the history of the Constitution, the legal academy should be in a better position than the rest of the university to achieve broad consensus on an issue that has proved divisive elsewhere: the centrality of race to our discipline and its core texts. She elaborates by narrative, describing some of her experiences with teaching about race and sharing the reflections of her students as they encountered racially charged texts and interactions in the law school classroom. The deep racial divisions that presently exist throughout society, coupled with the discomfort and ignorance that tend to characterize our infrequent attempts to communicate about matters of racial difference, will complicate easy consensus about whether and how to more explicitly recognize race in the law school's core curriculum. She nevertheless argues that the rewards of such integration are worth the difficulties and concludes that matters of racial justice, both past and present, are an indispensable part of minimal

cultural literacy for American lawyers and legal scholars.

Investigating competency

Aust, June 24, 1992, p 16

Reports commissioning of research on how competency-based training relates to higher education.

ENROLMENT POLICIES

An Essay on Institutional Responsibility: the Indigenous Blacks and Micmac Programme at Dalhousie Law School

R F Devlin & A W MacKay

14 Dalhousie L J 2, p296

The authors identify the origins and describe the first year's operation of a programme designed to facilitate a greater presence of Nova Scotian blacks and micmacs at Dalhousie Law School. Micmacs are the first nation's people of Nova Scotia.

EVALUATION

The Responsible Law School

P K Rofes

74 Marq L Rev 2, p119

Evaluation plays a central role in the operation of the law school. Faculty evaluate students. Students evaluate faculty. Faculty evaluate prospective colleagues. Administrators evaluate faculty. Too often missing from the evaluative processes of the law school is the most important evaluation of all, a master evaluation that can only be pursued when the master question is posed, ie. the law school's success at achieving the goals that account for its institutional existence. Also are the goals the law school has set itself themselves worthy of achievement?

FACILITIES

[no material in this edition]