

Foreword

Two recent publications:

Clinical legal education has a long history of self-examination, perhaps driven by the initial (and in many cases, continuing) scepticism of the “regular” academy. The danger with such self-examination is that while it drives the development of “clinic” as a teaching methodology, it can obscure the potential role for clinic as a significant element of the Law curriculum. I hope readers won’t mind therefore if I draw their attention to two recent publications which examine that curriculum and ask how Law as a subject can be more effectively taught, so as to prepare students for ethical professional practice. Both books emanate from the United States of America – and there could therefore be a slight tendency for an international audience to discount their value, given the unique American legal education context. In my view, however, both books are models of wider thinking about how we can all, as legal educators, help our students to realise their individual potential, while entering in practice as effective professionals, serving clients and communities.

Roy Stuckey’s long-awaited work, *Best Practices for Legal Education: a vision and a road map*¹, is an invaluable analysis of what constitutes best practice in law schools. The book is a model of clarity – setting out key principles for legal education, and then supporting each principle with copious reference to the relevant literature. The book thus serves not only as a “vision and a road map”, but as a form of ultimate literature review of the various writings about different aspects of the provision of legal education.

Also out is the Carnegie Foundation’s most recent review of legal education, *Educating Lawyers: Preparation for the Profession of Law*². A very different type of work to Stuckey’s analysis of best practices, the book identifies both the strengths and weaknesses of the dominant Socratic, case-method of teaching in US law schools, and argues for a bolder and more integrated approach to legal education – one that seeks to avoid some of the simplification and moral unconcern of the traditional discourse.

Both books should bring of enormous interest to clinicians in all jurisdictions. Both see clinic and experiential learning as being at the heart of legal education. Stuckey’s chapter on experiential courses is a superb resource for clinicians, helping us to review the way in which we use experiential learning. The Carnegie authors look to clinic to help make good some of the deficits that exist in the law school classroom experience – and their recommendations for integrated teaching across an integrated academic and professional faculty will provide support for clinicians everywhere in seeking to establish clinic at the heart of the process of learning law.

In this edition

This final edition of the Journal for 2006 brings together three very different articles, which address the varying fields of clinical assessment practices, collaborative (cross-disciplinary) clinic, and virtual clinic – the planned provision of work-based learning through virtual learning environments.

1 (2007) *Clinical Legal Education Association, USA*. Available for download from: http://www.cleaweb.org/documents/Best_Practices_For_Legal_Education_7_x_10_pg_10_pt.pdf

2 (2007), *Sullivan and others*. Published in the US by Jossey-Bass. For a summary of the recommendations and findings see: http://www.carnegiefoundation.org/files/elibrary/EducatingLawyers_summary.pdf

In the first of the articles, Ross Hyams draws on the Australian clinical experience to address the issue of whether American assessment practices are readily transferable to other jurisdictions. The article should, in my view, be seen as a companion piece to Roy Stuckey's article in the Summer 2006 edition of the Journal (*Can we assess what we purport to teach in clinical law courses?*). Hyams argues that the clinical assessment process cannot be seen as some form of normative measure based on objective standards, but instead should be seen as the assessment of the individual's own personal development. Particularly valuably Hyams addresses the real issues in attempting to assess reflective journals, an assessment vehicle which is widely used in clinical programmes. Hyams sees the issue of assessment within clinic as inextricably linked to the process of providing feedback – but argues that the pedagogy on clinical assessment in this field remains comparatively undeveloped.

Alan Lerner and Erin Talati provide a fascinating account of the development of a cross-disciplinary clinical model, bringing together lawyers, doctors and social workers. The article carefully tracks the arguments for interdisciplinary education – and is frank about the challenges involved. The authors identify the historic reluctance of legal educators to engage in cross-disciplinary collaborative ventures – but readers who look at the case study in the Appendix to the article will see immediately the huge value in such an approach, and the enormous opportunity for wider learning that is provided.

In a very different context, Melinda Shirley and her colleagues at Queensland University of Technology look at the challenges in providing work-based learning for students, and at the potential for the use of e-learning methodologies in this area. The article not only challenges some of our conceptions about how work-based learning can be utilised but addresses the issue of whether, as generations change, student abilities to work within virtual learning environments will present opportunities for experiential learning generally.

Finally, in this edition of the journal, I am delighted to include in the Clinical Practice section a short article from Maxim Tomoszek and his colleagues in the Law Faculty of Palacky University at Olomouc, in the Czech Republic. Based on a presentation at the Learning in Law conference at the United Kingdom Centre for Legal Education at Warwick University in January of this year, the article looks at some of the particular challenges in running clinical programmes in the civil law jurisdiction of the Czech Republic, and interestingly concludes that the cultural expectations as to education are more of an issue for new clinics than are the differences between civil law and common law jurisdictions.

Summer 2007 conference

This edition of the Journal goes to press (late – mea culpa) shortly before this summer's IJCLE conference, which is being held in collaboration with AULAI, in Johannesburg. It has been heartening to see the sheer number of papers submitted for the conference, and the huge range of jurisdictions that are now represented. I look forward very much to presenting at least some of these papers in the next edition of the Journal.