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THE GROWTH OF LEGAL EDUCATION IN AUSTRALIAN SECONDARY SCHOOLS: IMPLICATIONS FOR TERTIARY AND SECONDARY LEGAL EDUCATION

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## INTRODUCTION

The success and popularity of various law-related education programs in secondary schools is evident again in the recent formal introduction of legal studies into the school systems in Queensland and New South Wales. Law-related education is not a new idea in Australia, however. In some Australian states, particularly Victoria and Tasmania, legal studies programs have grown and apparently flourished.

In this article we argue that it is time for a review of law-related education. Such a review is especially useful to school systems, such as those in Queensland, embarking on a program of law-related education and provides a foundation for the further development of existing school programs. Moreover, much can be learned by tertiary educators from an examination of the legal studies programs in various states: it can be used to establish and strengthen the links between tertiary and secondary levels of legal education and build upon the foundation of legal knowledge acquired by students in schools prior to their entry to the study of law at universities and colleges. In addition, as educators in tertiary institutions we should be aware and begin to consider how the completion of law-related courses before higher education admission may affect the curriculum taught and pedagogical approaches adopted in first year law study at tertiary level.

In this article we briefly address the development of law-related education in secondary schools. We discuss the rationale behind the development of legal studies courses and focus on the program in Tasmania, one of the first states to institute legal studies at matriculation level. We also draw upon our own experiences in teaching introductory courses in law at both tertiary and secondary levels and reflect on our research and committee work with curricula for Legal Studies and for Introduction to Law, offered to prospective law students at the University of Tasmania. In addition we outline the approaches adopted, the materials developed and our thoughts on ways to facilitate cooperation between tertiary and secondary levels of legal education.

## WHY TEACH LEGAL STUDIES?

We are informed by the Rev. A. Hawkins Jones, of Bedford (who is a graduate in law as well as a clerk in orders), that the experiment of teaching law in a public school has been tried with considerable success. A class was formed ... to hear a course of lectures on the Elements of the Law of Contract. Ninety boys attended, and the results were such, ... that ... fully half of them had followed the lectures with satisfactory intelligence. This confirms the truth of what Mr. Justice Stephen and others have for many years insisted upon — that the law is in itself a deeply interesting subject, and in order to be generally recognised as such, only needs to be put before people in the right way.<sup>2</sup>

An underlying assumption of the importance of law-related education is that the law itself will improve if individuals feel some responsibility for it and understand its content. As Justice Michael Kirby notes,

an informed people, instructed broadly in their basic legal rights and duties and with knowledge of their government and legal institutions, will be more likely to support those laws and institutions than a people kept in ignorance.<sup>3</sup>

Both the rationale of the Queensland and New South Wales' syllabuses as well as the aims and objectives of the Tasmanian curriculum reflect this educational philosophy: these courses are not designed solely with the prospective tertiary student in mind.

The Queensland syllabus is not intended to act as a prerequisite for entry into tertiary law courses. It is not geared to provide formal legal education at the level of tertiary courses. It is not required that students at the secondary level have detailed knowledge of case law or specific legal enactments although these could be used for illustrative purposes. Rather, the syllabus focuses on the skills, understandings, thinking processes, attitudes and values that Year 11 and 12 students could well benefit from as they participate in society in more comprehensive and meaningful ways.<sup>4</sup>

In a similar vein, Goldring describes the syllabus in New South Wales:

It is certainly not designed as a course for those who hope to become lawyers, but rather is an exercise in community education about the law. It is concerned with themes and concepts which are examined through the study of particular areas of law. The central theme is the inter-relationship between the concepts of justice, law and society.<sup>5</sup>

## THE GROWTH AND DEVELOPMENT OF LAW-RELATED EDUCATION

The development and popularity of law-related education has grown almost by geometric proportions in some states in Australia since the early 1970s. Since its introduction in Victoria in 1973, courses in legal studies have become increasingly popular and widespread. Recently Queensland admitted more than 3,500 students to undertake Legal Studies as a recognised Board subject "to be used for tertiary entrance purposes"<sup>6</sup> while the New South Wales Board of Education has just approved the Years 11 and 12 syllabus, even though legal studies has been available as an other approved subject for a number of years in some schools in New South Wales.<sup>7</sup>

Although Victoria appears to be acknowledged as the leader in legal studies education at the secondary school level in Australia,<sup>8</sup> Tasmania has made a significant contribution to the development of law-related education in Australia. There has been a marked yet steady increase in student enrolments<sup>9</sup> in both Level II and Level III Legal

Studies and plans exist for the formal introduction of law-related education into grades 9 and 10.

The growth and interest in law-related education has been greatly aided by the work of teachers, legal academics and members of the judiciary. In some instances the development and success of the program has been attributed, in part, to the cooperative nature of its development.

## LEGAL STUDIES IN TASMANIA

In 1980 Tasmania piloted its course in legal studies. In 1981 Legal Studies achieved limited matriculation status.<sup>10</sup> One year later, every government secondary college and several non-government schools offered a course in legal studies. As Kirby points out, the success of the program in Tasmania may be attributed to: teacher commitment and interest; the assistance and support of a number of individuals and associations (for example, the Faculty of Law at the University of Tasmania, especially in curriculum development); the participation of ACT, NSW, South Australian and Victorian consultants in teacher and curriculum development in the embryonic stage of the program; the secondment of a teacher for course development; the work of experienced teachers, some with substantial backgrounds in law and other related disciplines; and, especially, the fact that there was,

total agreement among all parties that the subject must be a study of law in its social context and should not be seen as a crash course in law as such. The object is not to turn out a nation of lawyers but to produce a society of citizens with respect for, knowledge of, and healthy criticism about the law as it operates.<sup>11</sup>

### The Syllabus: Aims and Objectives

Although a review of the Tasmanian legal studies syllabus is planned for 1989, the aims and objectives of Level II and Level III Legal Studies have changed little since the inception of the program. As stated in the *Higher School Manual* the aim of the Level II syllabus is,

to develop an awareness of the law as it relates to individuals in a dynamic society and an understanding of their responsibilities and rights within the framework of the Australian legal system.<sup>12</sup>

This and a second, more critically oriented aim, provide the goals for Level III:

to encourage objective inquiry into the nature of and possible alternative solutions to legal problems, with a view to enhancing the individual's understanding of and ability to cope with a changing society.<sup>13</sup>

Again, the objectives of Level II, stated below, are incorporated into Level III:

- i. To achieve a general understanding of the structure and operation of the Australian legal system in its relation to Australian society.
- ii. To enable students to examine legal processes and legal systems and to see them as means of resolving conflict.
- iii. To help to close the "social distance" between the law and the individual, so that individuals may become participants rather than recipients in legal processes.<sup>14</sup>

Three additional objectives are included in Level III:

- iv. To provide the means for students to evaluate and analyse the present legal system in Australia and reach conclusions about its ability to respond to the changing needs of society.
- v. To assist and encourage students to identify and analyse issues rather than merely to learn

legal rules.

vi. To help students (a) to develop abilities in problem solving; (b) to learn and use research techniques; and (c) to put an argument in a convincing manner, both orally and in writing.<sup>15</sup>

## Organisation

Most subjects offered by the Schools Board of Tasmania at Higher School Certificate level are available at two levels: Level II and Level III, the latter reflecting a higher standard of achievement. Legal Studies in Tasmania is offered at both levels. Both the Level II and Level III Legal Studies syllabuses in Tasmania are organised around core units, which are complemented by a number of optional units. As might be expected, the core unit is compulsory for all students enrolled in Legal Studies.

Level II students must complete the core unit, which is divided into Law and the Legal System and Law and the Individual and three optional units chosen from the Environment and the Law, Jobs and the Law, Law and the Consumer, Law and the Family, Young People and the Law and the Application Section.<sup>16</sup>

The Level III syllabus is more intensive and extensive. Each student must complete the core unit, which is divided into The Australian Legal System and An Analysis of the Australian Legal System, and can choose from six optional units of study — Crime and the Criminal Justice System, Family Law, Civil Liberties in Australia, Consumer Protection Law, Compensation for Civil Wrongs and Comparative Law.<sup>17</sup> The core unit for Level III students is intended to provide students with an appreciation of the inter-relationship between law and society and an awareness of the dynamism in the Australian legal system. Students are encouraged to enrol in three optional units developed to provide students with an opportunity to explore individual interests as they study the law in action and more time within which to increase the knowledge and skills introduced in the core.

## Assessment

The Schools Board of Tasmania stipulates that at least 120 hours of class contact time are necessary for certification for Level II subjects in Tasmania.<sup>18</sup> Although internally assessed, Level II awards are determined by each school after the school has participated "in a consultative system which aims to provide comparability of standards between schools and colleges for a particular subject field or for a group of units in a particular subject field."<sup>19</sup> Awards available at each level range through credit, higher pass, pass, lower pass and failure, although an award of a failure is not recorded on the Higher School Certificate itself.

In general a student need not attempt a Level II course before proceeding to Level III. Similarly, a Level II award does not count towards a Level III award in the same subject. The Level II course in Legal Studies, therefore, can be taken as a terminal course of study or can be used to provide a foundation for Level III study in law. To date, it would appear that a considerable number of students proceed to Level III after completion of Level II.

## Tertiary and Secondary Links in Tasmania

Some of the success of the legal studies program in Tasmania can be attributed to the joint effort of tertiary and secondary educators. Links are being strengthened partly as a result of the initiatives of the Faculty of Law, the collegiality and cooperation of teachers and administrators in the legal studies program and commitment by institutions, such as the Law Foundation of Tasmania which is funding the publication of *New Perspectives for Teaching Legal Studies*.<sup>20</sup> The idea of the text, which applies ideas from teaching and learning theory to legal education, arose as a result of some of the concerns raised in this paper.<sup>21</sup> It received input and support from many of the legal studies teachers and has contributed to the communication between the University and schools. At present there is some discussion of offering a regular legal update series, compiled by members of the University staff, to enable legal studies teachers to keep abreast of current developments in the law as they affect the teaching of law in schools.

# EMERGING ISSUES IN LEGAL EDUCATION

## *Growth Without Direction*

The rapid growth in secondary legal education in Australia clearly demonstrates that education about the law is not the sole province of those in tertiary institutions. Recent government initiatives, especially in Australian higher education, highlight the need to use scarce educational resources as economically as possible to avoid duplication, and unnecessary overlap of courses. In states such as Tasmania, it is envisaged that legal education might be extended to grades 9 and 10. Thus some students will have four years of law-related education before entering a tertiary institution. It would be educationally unsound, economically wasteful, and certainly imprudent were tertiary institutions to ignore potentially four years of previous legal education.

Despite the educational, pragmatic, and economic arguments which support the need for a co-ordinated approach, the debate about legal education to date has been frequently characterised by diverse groups, each advocating a particular position or interest, with little effective discussion. In addition even proponents of the study of law-related education in schools have warned of issues involving curriculum, teaching materials, student attitudes towards the law, pedagogy and teaching staff.<sup>22</sup>

Tertiary and secondary institutions have not always worked harmoniously together. Boud, for example, notes that tertiary educators have criticised their secondary school counterparts for failing to give tertiary-bound students the necessary skills for higher education courses, especially in the maths and sciences.<sup>23</sup> On the other hand, some secondary teachers and parents complain that university-dictated pressures have resulted in an upper secondary curriculum which is increasingly unsuited to a growing number of students who have chosen to remain at school to grades 11 and 12.

Recently, Professor Kenneth Wiltshire of Queensland University described the degree of education in Australia about the political system and the [Constitution](#) as "appalling."<sup>24</sup> Similarly, Professor Patrick Weller of Griffith University has referred to this lack of knowledge about Australian politics as atrocious.<sup>25</sup> Legal practitioners, too, have sometimes expressed concern about the danger of young people possessing a little knowledge about the law. At the same time that national curriculum proposals emphasise the need for more political awareness on the part of youth, little emphasis has been given to what teachers may actually teach in the classroom in this respect. Innovative teachers who have designed promising strategies may nevertheless lack the support of conceptual frameworks. Educational researchers appear to have been preoccupied with other dimensions of learning and have failed to address the concerns of legal educators. Few educational and legal philosophers have devoted much attention to the issue of legal literacy and the role of legal education in a modern democracy.<sup>26</sup>

## Lawyers Who Can Teach or Teachers Who Are Lawyers?

Opinions about the requisite qualifications of legal studies teachers illustrate some of the problems which must be overcome if a harmonious working relationship is to develop between tertiary and secondary institutions. Various concerns have recently been expressed in Australia whether lawyers with no formal educational qualifications or trained teachers with at least some acquaintance with the law should offer courses in legal studies. Classes conducted by lawyers, seldom if ever trained as teachers, may drown school students as they become immersed in the legal culture into which lawyers are, often unconsciously, socialised. Trained teachers, on the other hand, may have an insufficient knowledge and appreciation of the depth, complexity and most importantly, the process of law. As Goldring notes,

very little thought has been given to the qualifications of law teachers or to the training that should be available for them. Nor has there been much thought given to the relation between the aims of the various types of legal education and the best people to do the teaching.<sup>27</sup>

Many teachers of legal studies in Tasmania are trained in commerce or economics completing one or two law courses as part of their degree. In a survey conducted by Le Brun, Clark and Lansdell at the University of Tasmania in 1988, more than half of the legal studies teachers in the State who responded possessed an average of 3.9 years' experience in teaching the HSC Legal Studies Course. This is significant given that the Tasmanian course has been in existence less than ten years and represents one of the earliest Australian attempts to introduce legal studies at the HSC level. Further, approximately one-fifth held formal qualifications in law, a third had degrees in business, commerce and economics while the remainder held a variety of degrees, most commonly a BEd or BA. As Goldring pointed out ten years ago, however, the existence of legal studies courses presupposes that those who are not trained lawyers can in fact teach law, even though "the depth and legal accuracy of their knowledge will in many cases be questionable."<sup>28</sup> Still, Goldring appears to prefer teachers trained in law to the reverse. "Law teachers at secondary level... should be teachers first, yet they cannot teach what they do not know."<sup>29</sup> Both academics and teachers can help to address these issues if the links between the tertiary and secondary institutions are encouraged and developed.

## Achieving a Balance Between Content and Learning Processes

Arguably, a major shortcoming in legal education is the schism which exists between those who aim to teach law and those who wish to teach about law. Some, perhaps many, of the law schools in Australia tend to teach legal rules and the techniques of black letter law at the expense of teaching law in its context. Only in the last decade has there been a broad and concerted attempt to bridge this gap in approach.

This schism may also appear in legal studies education. Several teachers in Tasmania who were surveyed in 1988 expressed concern that the content of the Legal Studies course and some examination papers appeared to require more technical, rule-oriented, sophisticated, and in some cases, factual legal knowledge than had been expected in prior examinations. While this might be desirable for students planning to study law at university, it conflicts with the generally held view that legal studies courses are primarily intended as an introduction to the legal system, especially for those who do not wish to study law at tertiary level. To adopt such an aim departs from the overall goal of the legal studies program reflected in the various syllabuses for legal studies.

Related to this problem of content is the general dominance of subject matter over process. While one major purpose of an introductory course in law is to introduce students to the legal system, equally important aims are to teach students to think critically about the legal system and its relationship to Australian society and to encourage students to become informed and involved citizens. Thus there should be more room in the curriculum for the development of vital skills in analysis and critical judgment. These are learnt through discussions, debates and other experiences which, regrettably, are sometimes neglected because of the pressure to cover more content.

## Collaboration Towards a Vision of Legal Education

Various issues and questions remain to be addressed: the type of curriculum that will best prepare students for further tertiary study; how such a curriculum can accommodate students who enter the work force after secondary school and for whom Legal Studies will be their only formal training in legal literacy; whether there is any unnecessary duplication of content between secondary and tertiary legal studies; how tertiary teachers can best build upon the introduction students receive in secondary school; whether secondary level legal studies should be a pre-requisite for the tertiary study of law.

Any vision of legal education should take into account national, state and local needs. Such a vision will only be effective, however, if it is a product of consultation with and collaboration among those most concerned in its achievement. A unified and coherent program of legal education cannot be dictated from the top down, nor imposed by government fiat. As Holt has convincingly argued, educational problems are essentially ethical problems.<sup>30</sup> They involve fundamental questions regarding the nature of the educational good in a given society — in this instance,

legal education for secondary and tertiary students. More collaboration rather than confrontation between secondary and tertiary educators is therefore needed.

## LEGAL EDUCATION IN TERTIARY AND SECONDARY INSTITUTIONS

Any discussion of the role of tertiary education must take into account the wider current educational debate about the roles, purposes and goals of tertiary education in modern society. In Australia, for example, the Government's *Green Paper*<sup>31</sup> and *White Paper*<sup>32</sup> on tertiary education have called for reforms which will have a significant impact on higher education at all levels. This wider educational debate underscores a profound conflict between two broad definitions of the aim of education. The vocational approach adopts the view that education is the process of integrating individuals into society with knowledge acquired for the sake of advancing society's economic development. The other approach emphasises the aesthetic cultivation of the individual and the importance of learning for its own sake.<sup>33</sup>

How tertiary institutions resolve these and related conflicts will obviously have an impact on the kind and quality of education offered, including legal education. Thus, in addition to deciding upon basic goals and purposes, tertiary institutions must formulate answers to related educational questions such as: the relative need for applied as opposed to pure research; whether courses should be broad-based or specialised; the relationship between teaching and research; the connection between education and industry — as well as the nature of the relationship between tertiary and secondary institutions.<sup>34</sup>

### Tertiary/Secondary Linkages Viewed From the Perspective of Tertiary Institutions

Tertiary educators should be concerned about and involved with the legal education which occurs in secondary schools. First, tertiary legal educators have a responsibility to the community to promote legal literacy as a prerequisite to a democratic way of life.<sup>35</sup> As Kirby states,

the citizens of future Australia have a right to a fuller appreciation of the institutions of the law and at least their chief legal rights and duties: more than was thought necessary in times gone by. A society which acknowledges this proposition will act to put it into practice. There is no better place for community legal education to start than in school.<sup>36</sup>

If legal education is to take place in a coherent fashion, tertiary and secondary legal education should complement one another so that educators in each can learn from the other and build upon their respective work. Thus, for example, a proper foundation in legal education at secondary level should greatly enhance the teaching of legal studies at tertiary level; it will enable students to gain valuable background experiences which should form the basis of further and more specialised legal education.

It is important to realise that the relationship between secondary and tertiary educators must of necessity be reciprocal and respectful of the special needs of each. While the tertiary level educator often has valuable expertise in subject matter, many tertiary educators have little or no formal training in education. Accordingly, there is much about pedagogical technique and educational theory and practice which the tertiary educator can learn from colleagues at secondary level, many of whom have a wealth of experience and professional training in teaching. This training in educational history, philosophy, psychology and teaching methods should enable secondary teachers of legal studies to make a significant contribution to a secondary/tertiary legal studies partnership formed for the purpose of advancing legal education at both levels.

## Tertiary/Secondary Linkages as Viewed From the Perspective of Secondary Schools

As the Tasmanian experience shows, there is much the tertiary institution can do to facilitate legal education at the secondary level. Many teachers, possibly the majority in most states, are not formally trained in law.

Given that an increasing number of secondary students will undertake further education, teachers are in an excellent position to offer advice and guidance concerning the skills and learning experiences which might best prepare students for tertiary studies.

Many tertiary legal educators also have much to offer their secondary school counterparts regarding the best pedagogical methods to apply to the teaching of law, especially in particular areas such as criminal, family and consumer law which are often covered in secondary courses. For example, tertiary teachers of legal subjects are ideally placed to give secondary teachers feedback on which aspects of criminal, consumer and family law are best left to tertiary level and which might be best introduced at secondary level.

## **FORMAL AND INFORMAL STRATEGIES TO BUILD A WORKING PARTNERSHIP BETWEEN TERTIARY AND SECONDARY LEGAL EDUCATORS**

There are many strategies which our experience and that in other states suggest might be employed to facilitate a working relationship between secondary and tertiary legal educators.

### Formal Strategies

These include:

1. The establishment of a formal Legal Education Board which would meet regularly to discuss, plan for and build a more effective and congruent program of legal education.
2. The provision of more seminars, teaching materials and similar assistance by tertiary educators to aid all secondary legal studies teachers, many of whom may have little formal training in law and lack the time and resources to keep abreast of developments in the law.
3. The promotion of regular conferences which bring together legal educators from both secondary and tertiary education.
4. The conduct of a regular survey of tertiary and secondary teachers to seek out and address what each considers to be their most pressing needs and concerns.
5. The provision of study leave for course coordinators or administrators of law-related education courses at all levels for the express purpose of improving the quality of teaching and content of courses.
6. Routine formal and informal evaluations of the teaching of law at both levels to ensure that scarce educational resources are being utilised to their fullest and are consistent with broad educational aims and objectives, including the relationship between tertiary and secondary levels of legal education.
7. The provision of adequate resources to enable these formal and informal strategies to be implemented. A corollary to such funding involves the recognition of legal educators at both secondary and tertiary levels as professionals who are entitled to full consultation and participation in the development of legal education.



8. The need for the development of national, and perhaps even international, courses of excellence in all areas of legal education, but especially in introductory law courses at both levels. Such courses could also establish and promote networks among legal educators by which materials, ideas and new methodologies could be widely distributed.

## Informal Strategies

Many informal strategies can be adopted which would also promote better links between secondary and tertiary education. These include:

1. Visits by secondary teachers and students to tertiary institutions and vice versa.
2. The development of cooperative research efforts by tertiary and secondary teachers to work on common problems involving legal education.
3. Systematic evaluation by secondary educators of the extent to which the aims and objectives of legal studies courses are being met. In this way educators will avoid the danger that secondary courses become simplistic tours of black letter law with little focus on important thinking, writing and analytical skills.
4. Active involvement of tertiary legal educators in secondary schools — for example, helping to establish mootings competitions, sponsoring essay or public speaking opportunities, and visiting classrooms.

## NEED FOR MORE RESEARCH

Legal education, both within and between tertiary and secondary educational institutions, requires more attention and research. Educational theory and practice remain under-theorized and under-researched in part because legal education, especially at the secondary school level, is a recent phenomenon.

However, a more inherent reason underlying our paucity of knowledge about the teaching of law lies in the reality that it is a process which is “highly complex, experiential, purposeful, sometimes digressive, and context-bound.”<sup>37</sup> Being context-bound, it is highly likely that effective strategies for incorporating the teaching of skills will “vary by subject matter, by an individual teacher’s conception of that subject matter, by the way that conception is represented in work tasks for students, and by a teacher’s ability to engage and sustain student attention to those tasks.”<sup>38</sup> Accordingly, further research is needed about how a teacher’s understanding of a specific subject is translated and transformed into multiple forms which result in student acquisition of identifiable skills.<sup>39</sup> Perhaps a good place to start would be a case study of legal educators, who are acknowledged as successes in this area. Similarly, we need to consider much more fully the implications of recent research by Perry<sup>40</sup> and others<sup>41</sup> which suggests the existence of various stages of cognitive development which make certain kinds of learning experiences and teaching approaches appropriate at one stage of student maturation, while other approaches are more effective as the person fully matures.

On the tertiary level especially, definitions of research should be sufficiently broad to take into account research about the nature of legal education. As the *Pearce Report*<sup>42</sup> noted, traditionally law schools have focused almost exclusively on doctrinal research. Accordingly the *Pearce Report* recommended a shift from the view that fundamental research is more important than reform-oriented research (that which is evaluative, accomplishes change or improves effectiveness) or theoretical (philosophical, linguistic, economic, social or political) research. What is being decried is not the view that doctrinal, subject matter research is important, but the attitude which states that it is the only legitimate form of research. Certainly if job descriptions require a major portion of an academic’s time be devoted to teaching, research about the theory and practice of teaching law must also be of vital interest.

Finally, it is important to stress that research about the theory and practice of legal education must not be the sole province of the tertiary educator. For secondary schools and legal educators this means allocating enough time and resources for self-reflection and collaborative deliberation on how to enhance teaching effectiveness.<sup>43</sup> It also means that much more work must be done to enable educators to learn about themselves and their particular styles of teaching and learning,<sup>44</sup> and about their students and their learning styles.<sup>45</sup>

## CONCLUSION

This article has chronicled the growth and development of secondary legal education in Australia and considered the implications of that growth for both tertiary and secondary educational institutions. Formal and informal strategies were suggested by which tertiary and secondary legal educators can work in partnership to ensure that legal education proceeds to develop in ways which are both economically efficient and educationally and politically sound.

Both teaching and learning how to teach are immensely challenging tasks. Their fulfilment will be greatly aided and facilitated through professional collegiality and collaboration. Unfortunately, relationships among legal educators have more often been marked by congeniality than collegiality. There has been comparatively little talk about the practice of teaching and learning, infrequent observation of one another's teaching and course administration and limited research on the planning, design and evaluation of legal studies curricula. Yet, relationships between teachers at all levels must become less competitive and more cooperative if legal education is to continue to improve in the future.

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1 Some educationists stress the importance of reflective practice in developing good teaching skills. Donaldson, for example, argues that education, particularly professional education, suffers from an artificial division between practice and theory. Thus students find that their education bears little resemblance to the kinds of experiences they will have in their work as professionals. Education should, therefore, attempt to enhance the student's abilities through the development of "reflection-in-action." DA Schon, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Professions* (San Francisco: Jossey-Bass, 1987).

2 Notes, [\(1885\) 1 LQ Rev 515](#), at 515.

3 M Kirby, Teaching the Law is an Asset (1983) 18 *Educ News* (NO 5) 16, at 17–18. For additional arguments in support of law-related education at the tertiary and secondary levels, see A Haines, Legal Studies and the Developmentally Disabled Person, 9 *Aust & NZJ Developmental Disabilities* (No 3) 129; P Harley, Legal Studies: A Bicentennial Subject? (1984) 14 *Independent Educ* (No 4) 33; KE Lindgren, Legal Studies in Australian Secondary Schools — An Account and Some Issues [\(1980\) 54 ALJ 399](#); KE Lindgren, Law for Non-Lawyers (1973) 16 *Vestes* 134; TH Little, Law-Related Education (1987) 1 *Mich Soc Stud J* 65.

4 Note, Legal Studies in Queensland [\(1988\) 13 Legal Service Bull 173](#), at 123.

5 J Goldring, Legal Studies in New South Wales Schools [\(1988\) 13 Legal Service Bull 215](#), at 215.

6 Note, *supra* note 4, at 173.

7 Goldring, *supra* note 5, at 21 5.

8 Kirby, *supra* note 3, at 16.

9 Students who received an award in Level III Legal Studies have increased from 540 in 1983 to 1,111 in 1988. Of approximately 50 subjects offered, Legal Studies is the fifth most heavily subscribed course after English Studies (approximately 1800 students in 1988), Maths, Social Psychology and the various Biologies.

10 The Schools Board of Tasmania has had exclusive power to examine and certify students at secondary school level since 1969. Schools Board of Tasmania, *Higher School Certificate Manual for 1988* (Hobart: 1988) at 5. In general the Higher School Certificate is available to any student at the "end of both the fifth and sixth years of secondary education and to other students who follow the required course of study." *Id* at 19. The results of these assessments are used by the University of Tasmania "in determining the requirements for matriculation." *Id* at 6.

11 Kirby, *supra* note 3, at 17.

12 Schools Board of Tasmania, *supra* note 10, at 151.

13 *Id.*

14 *Id.*

15 *Id.* At 152.

16 This gives Level II students the opportunity to engage in independent research within the scope of the options offered and outside the pressure of formal, external assessment.

17 At present plans are being made by the Board of Studies for Legal Studies for the development and likely inclusion of an optional unit on International Law.

18 Schools Board of Tasmania, *supra* note 10, at 19.

19 *Id.* Internal grades are standardised against external awards. Thus two raw scores reflecting internal and external assessment are not merely added together. The Schools Board is currently reconsidering the role of external examinations altogether.

20 MJ Le Brun, GT Lansdell & EE Clark, *New Perspectives for Teaching Legal Studies* (forthcoming).

21 The text is divided into two parts. The first section discusses pedagogical and curriculum issues; the second acts as a companion text to the second edition of DRC Chalmers, *Legal Studies for Tasmania*, 2nd ed (Sydney: Butterworths, 1989).

22 See K Daniels, *The Culture of Work* (1988) 7 *Aust Soc'y* (No 2) 27. Daniels argues that curriculum issues should be at the centre of the debate about the direction of tertiary education.

23 D Boud ed, *Developing Student Autonomy in Learning*, 2nd ed (London: Kogan Page, 1988).

24 K Wiltshire quoted in, *Report of the Advisory Committee on Executive Government* (Canberra: Canberra Publishing & Printing, 1987) at 14.

25 P Weller quoted in, *Report of the Advisory Committee on Executive Government* (Canberra: Canberra Publishing & Printing, 1987) at 14.

26 A Gutmann, *Democratic Education* (Princeton: Princeton UP, 1987).

27 J Goldring, Learning Law and Learning About Law (1979) 16 *Educ News* (No 2) 8, at 13.

28 *Id.*

29 Goldring outlines the qualities and capabilities which Legal Studies teachers should have: an ability to carry out research to find the primary sources of law; an understanding of the structure of the legal system; and a basic familiarity with the language and concepts of the law and the process of legal reasoning. These capabilities might be possessed by an individual, who, though not formally trained in law, undertakes the study of "two or three basic areas of law in considerable detail, so that they have an appreciation of what the subtleties of the law are." *Id.*

30 M Holt, *Judgement, Planning and Educational Change* (London: Harper & Row, 1987).

31 Australia, *Higher Education: A Policy and Discussion Paper* (Canberra: AGPS, 1987).

32 Department of Employment, Education and Training, *Higher Education: A Policy Statement* (Canberra: AGPS, 1988).

33 MD Allen, *The Goals of Universities* (Philadelphia: Society for Research into Higher Education & Open University Press, 1988).

34 MD Stephens ed, *Universities, Education and the National Economy* (London: Routledge & Kegan Paul, 1988); J Pratt & S Silverman, *Responding to Constraint: Policy and Management in Higher Education* (Philadelphia: Open University Press, 1988).

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