DISTANCE TEACHING IN LAW: POSSIBILITIES FOR COMMONWEALTH COOPERATION

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BACKGROUND

Most Commonwealth countries share the heritage of the common law. Many of them face difficulties in training a legal profession to meet current needs. In many areas Commonwealth countries are co-operating in education and training, but, to date, despite the efforts of the Commonwealth Legal Education Association, there has been little formal co-operation at the "academic" stage of legal education.

Following the agreement of the Commonwealth Heads of Government at their 1987 Meeting, a new Commonwealth institution, The Commonwealth of Learning, was established in Vancouver, under the presidency of Dr James Maraj, formerly Vice-Chancellor of the University of the South Pacific. The Commonwealth of Learning will provide a clearing house and co-ordinating body for institutions carrying on distance teaching activities in different parts of the Commonwealth. Its establishment is seen as a means of developing existing expertise on distance teaching to solve problems which have arisen in Commonwealth countries over recent years. Those problems include:

- impediments to student mobility created by the imposition of substantial tuition fees in some developed countries, particularly the United Kingdom, Australia and Canada;
- the need of some developing Commonwealth countries for education and training which is not available within their own

boundaries; and

- the development of new techniques and technologies which are readily fitted to assist distance education.

It will be a major force for educational co-operation in the Commonwealth.

Distance education in law is relatively unusual. Australia is the only Commonwealth country which has developed and maintained all aspects of distance education in law. Some experiments in Commonwealth Southern Africa have fallen by the wayside. Only in two other countries — the Republic of South Africa and the People's Republic of China — has any sustained attempt been made to provide formal professional legal training through distance education.

The Commonwealth Legal Education Association has commissioned a study of possibilities for developing distance education in law as a co-operative activity within the Commonwealth. Law is not yet a priority within The Commonwealth of Learning. This year, under the auspices of the CLEA, I propose to conduct a survey of existing distance education activities in law and in related disciplines within the Commonwealth and elsewhere, and of the demand for legal education within the Commonwealth. A questionnaire will also be addressed to educational, professional and judicial authorities in different Commonwealth countries about their attitude to legal training under a system of distance education as a qualification for professional work in law and as part of continuing legal education. The study may extend to studies in law which are not the academic foundation of a professional qualification in law. The study should indicate the extent to which distance education offers possibilities for future co-operation within the Commonwealth, and will concentrate on the academic element of legal education, but distance and mixed mode teaching may also offer possibilities for other aspects of legal education — particularly continuing legal education, and no opportunity for co-operation in this area should be lost.

DISTANCE EDUCATION IN LAW — WHERE, WHY, WHEN AND HOW

Existing Programs

Five universities within the common law world currently offer programs of distance education in law. Three are in Australia. The University of South Africa operates outside the Commonwealth, but its courses are available to students in the Commonwealth countries of Southern Africa[1] and because the South African legal system to some extent draws on the common law of England, it provides a source of distance education in law for some Commonwealth citizens. The University of South Africa course resembles those of two of the Australian institutions rather than the London LLB. The University of London has offered its LLB degree to students enrolled externally for many years. It determines a syllabus and examines students, who are required only to pay fees and pass formal examinations in specified subjects. Other institutions throughout the world offer tuition to prepare students for the London University examinations.

The Tradition of Distance Education in Australia

Australia has been a pioneer in part-time and distance education. Until the 1970s all Australian universities offered part-time study in many faculties, including law, because this was the only way many Australians could afford to study. In Australia there is a long tradition of government subsidy to higher education, and until the 1980s governments encouraged public servants to develop their career prospects (and the quality of the public service) by part-time study. However, public servants and school teachers working outside the State capitals, where the older universities are located, could not attend evening classes. Australia is a very large country, and travel was chancy and expensive. Rurally-based distance education fulfilled a number of clear needs. The University of New England in NSW (formerly a college of the University of Sydney) and the University of Queensland provided access to a law degree program externally for many years.

Several new universities were established under new Government policies in the 1960s and 1970s. Three, Macquarie

(NSW), Deakin (Victoria) and Murdoch (WA), had specific distance teaching functions. In 1974 Macquarie University established a School of Law with the specific function of providing external studies in law.

Distance Education in Law in Australia

The University of Queensland. The University of Queensland downgraded its external law degree program when the Queensland University of Technology commenced to offer studies in law, and has now ceased to enrol new external law students. Its role in law was very similar to that of the University of London. A student enrolled for the degree. From time to time the University would send the student a syllabus and reading list and occasionally some notes for student guidance. At the appropriate time the student would sit for examinations set and marked by the University. Examinations and syllabuses were identical to those for internal students, but internal students were required to attend lectures and tutorials, as well as to complete the examinations.

More recent courses. Macquarie University, from 1975, and the Queensland University (formerly Institute) of Technology, from 1978, have offered full distance education programs leading to a law degree. In these courses students receive not only course outlines and reading lists, but also extensive written material, reading guides and exercises, which are submitted and returned on a continuous basis. These operate in lieu of or in addition to terminal examinations. Students are also offered the opportunity for contact with teaching staff on a regular basis.

Macquarie University. From the mid 1960s, when the University of Sydney abandoned part-time teaching of law, the only way in which people in New South Wales could complete part-time studies in law, and thus become qualified to practice as barristers or solicitors, was by completing the professional examinations conducted by the Joint Examinations Board of the Supreme Court. At that time no formal tuition was available for those students. The professional bodies and the magistrates' courts administration wanted facilities for students outside Sydney and Canberra to have access to a fully recognised program of studies in law, leading to a university degree, particularly after admission to practice became a requirement for appointment as a stipendiary

magistrate. The establishment of a law school at Macquarie University was intended to meet this need. The law course at Macquarie University not only adopted an innovative approach to the study of law but also adopted teaching methods which were novel, at least in the context of legal education. For its internal students it decided, as the newly established Faculty of Law at the University of New South Wales had done a few years earlier, to teach exclusively in small groups. However, Macquarie went further. The design of the courses for external students influenced the design of the teaching program for the fulltime, internal students. The staff effort which otherwise might have been devoted to lecture preparation went into the preparation of 'study guides' for distribution — not just to external students, but also to internal students. The intention was that all students would learn independently, rather than simply absorb the material passed on to them by teachers in lectures. A feature of the study guides was the series of questions for revision or discussion points. The external students were encouraged to think about them independently, but were then supplied with audio tapes in which staff members would discuss the points raised in the written material. Classes on campus took the form of seminars and problem solving sessions, focussing on the materials and discussion points in the study guides. Lectures were given only on special occasions, such as when a distinguished visitor was available, or when a teacher had prepared materials on areas of particular complexity. In all external courses Macquarie University has always required external students to attend on-campus sessions — two to four days of intensive lecture, tutorial and class discussions, are often supplemented by voluntary sessions with tutors either at the University or in regional centres. Staff are in regular telephone contact with the students. Because far greater thought was given to instructional design and the needs and capacity of students, both internal and external teaching was highly successful.

Queensland University of Technology. The Queensland University of Technology Law School, established a few years later, also took pains to prepare material for external students, and designed the materials with expert advice for presentation to the external students. Because the distances in Queensland are even greater than those in New South Wales — the eastern coast of

Queensland stretches for over 2,000 kilometres — the cost to students of compulsory attendance at the Brisbane campus is prohibitive. The University therefore appoints regional tutors in selected centres throughout the State — law graduates, paid by the University on a part-time basis, who offer advice and limited formal tuition to students in the area. Students are required to attend tutorials at the University on these centres.

Educational techniques and technology. Because distance teaching offers access to education for many people who otherwise would have no access, new techniques and technologies have been developed. They have not been fully explored in the distance teaching of law to date. Many of the techniques require little, if any, additional resources. They simply reflect the fact that most distance students are relatively mature people who have considerable experience of life and work and who are highly motivated. They also reflect that students do not have the same opportunity for communication and interaction with other students, both in and out of the classroom. Materials and student tasks need to be designed with these factors in mind. Technology's main application is in improving communication. Macquarie University is experimenting with electronic mail through computer links in some law courses, and has also tried telephone tutorial links. Other technological advances include satellite communication (the University of the South Pacific has a dedicated satellite channel). However, law is likely to remain centered on the printed word, and written materials are likely to remain important, even if supplemented.

THE OBJECTIVES OF LEGAL EDUCATION: AN AUSTRALIAN PERSPECTIVE WITH COMMONWEALTH APPLICATIONS

Originally, the qualification for admission as a legal practitioner in Australia was the completion of a form of apprenticeship or "articles of clerkship" in a solicitor's office. A similar system existed in England. As in many other things, the Australian colonies simply followed the English model.[2] After the 1850s the period of apprenticeship was reduced for graduates, although university studies in law were not widely offered during the 19th

century, and apprenticeship was required in the United Kingdom and all parts of Australia.[3] The universities in the six Australian State Capitals all offered law degree courses by 1920, taught largely by practising lawyers on a part-time basis. Full-time academic staff at law schools were not common until after 1960. The university courses became the sole means of obtaining the academic qualifications required for admission to practice law, except in New South Wales and Queensland (and for a brief period in Victoria) where the Supreme Courts continued to prescribe and examine syllabuses which they considered all intending practitioners should complete.[4] Although lip service was paid to the idea of legal study as general education from the earliest days of the Australian university law schools, the study of law in Australia was professionally oriented, despite the broadening influence of leading jurisprudential scholars like Sir George Paton, Julius Stone and Geoffrey Sawer.[5] The main subject of study in the university law schools, as in the professional examinations supervised by the courts, was case reports, and to a lesser extent, statutes and texts. The better teachers and students appreciated that the study of law could provide a worthwhile introduction to the understanding of society, culture and values, but this was not emphasised until recently, and law schools provided essentially training designed to enable students to practice as solicitors and barristers.

The professional objective remains and should remain, but more enlightened law teachers, judges and practitioners now realise that it is not enough. Until 30 or 40 years ago it could be said that a basic training in legal rules was all that a practitioner needed. The rules did not change very often. However, since 1950 law has developed rapidly in all Commonwealth countries. It is no longer enough for a student to learn a fixed body of rules, because the rules fall into disuse and are superseded almost as quickly as they are made. A law student is no longer confined on graduation to practice as a barrister or as a solicitor. There are many employment opportunities in the public and private sectors. Legal training remains valuable in that it provides an insight to society, an ability to deal with technical rules and to apply them in practical concepts and to solve problems. But more than ever, it requires flexibility and intellectual discipline.

In the United States this development was perceived earlier than

in the Commonwealth. Between 1890 and 1920 American lawyers and law teachers realised that the apprenticeship system alone did not provide an adequate training. They gave a great deal of thought to the development of legal education. Prestigious law schools were established at the leading universities. The study of law became a postgraduate study. While law graduates were equipped with technical knowledge, they were also encouraged to develop skills of flexibility and understanding. Those qualities are now recognised as necessary for any worthwhile legal education in any common law country.

It is now generally accepted that part of a good legal education is the development of critical faculties which allow students to identify and evaluate the policies underlying the law, as well as to interpret legal rules and to prepare documents which will be legally binding.

It is sometimes suggested that for these purposes there is no real substitute for full-time intensive study of law in an academic institution. To some extent this reaction is the fruit of experience in the United States and subsequently in Australia. It is a reaction against the narrowly professional legal education which accompanied by the apprenticeship which all intending lawyers were required to undertake. While discussion and reflection are important aspects of any academic study, it has not been established conclusively that they are provided exclusively in full-time internal study. The experience at Macquarie University indicates that external students can be at least the equal of full-time students in developing critical facilities and broader perspectives, but this requires preparation of material, teaching methods and assessment tasks which emphasise these skills.

A proper and thorough legal education, which enables students to develop a broad perspective, can be provided through distance education.

NATIONAL DIFFERENCES AND NATIONAL LAWS

Although most Commonwealth countries derive their legal systems from the common law in different ways. The United States, which broke away from England at the end of the 18th century, still maintains a legal system which a common lawyer trained in a Commonwealth country can easily understand. Many

Commonwealth countries have, like the United States, adopted written constitutions, and their constitutional apparatus includes judicial review of legislation, which is unknown in England. This gives a different slant to the legal development of these countries, but does not affect the basic nature of the common law. Similarly, many countries have, in exercising their national sovereignty, adopted statutes very different from those of the United Kingdom. The techniques of legislative drafting and statutory interpretation developed in England, however, remain. On their independence, some Commonwealth countries retained appeals to the Judicial Committee of the Privy Council, at least for a time. As this body is comprised almost entirely of British Judges, who have tended to apply both English common law rules and the English approach to law in all Commonwealth countries, this has provided a measure of uniformity of law within the Commonwealth. Even after abolition of appeals to the Judicial Committee, courts in many Commonwealth countries defer to English courts. If anything, this defence is more pronounced in the newer Commonwealth countries, such as those in Africa and South East Asia, than in the older Commonwealth countries such as Canada, India and Australia.

Some areas of law are specific to the particular nations involved. Constitutional law is an obvious example. The constitutions of most Commonwealth countries differ markedly from that of the United Kingdom, especially as all of them are written, but the legal techniques of applying public law, remain basically the same. The criminal law in most Commonwealth countries is either based on English common law or on various attempts to codify that law.[6] The law of torts and contracts developed similarly throughout the Commonwealth. In such areas of law as property, trusts, wills and succession, there are marked similarities throughout the Commonwealth, even though many countries have made statutory modifications to the common law, or allow customary local law to operate in parallel with the common law. Despite differences in specific areas of law, a number of areas are common. The principles of the law of torts or of contracts are basically the same in India, Nigeria and New Zealand, even though specific rules may vary and other rules, like those dealing with taxation, divorce or succession may be totally different according

to locality.

If the objective of legal education is simply to prepare persons qualified to practice law in a particular jurisdiction, some courses of study which lead to that qualification must be specific to that jurisdiction, even though many of the principles are common throughout the Commonwealth.

Even in the more developed Commonwealth countries many law teachers have been practitioners serving as part-time teachers, so that legal education has always been much cheaper than education for other learned professions. Legal education does not require, for example, extensive laboratories, teaching hospitals, agricultural field stations and so on. Nor does it-necessarily require full-time teachers. For this reason there has not been the same degree of co-operation in legal education as in other areas of professional education.

The development of more modern approaches to legal education has made the common elements of legal education throughout the Commonwealth easier to see. The Commonwealth Legal Education Association seeks to develop cooperation and has recognised that the establishment of the Commonwealth of Learning may enable significant further co-operation in distance teaching or the sharing of resources.

POSSIBILITIES FOR COMMONWEALTH CO-OPERATION

Views on Legal Education

Even before there were many full-time law teachers, there were debates over the correctness of accepted wisdom about legal education. Current (post-Ormrod) wisdom is that legal education and training falls into three stages: academic, practical and continuing legal education. The university law degree provides the academic element. The professional element is provided by either a formal course in a practical training institution, by apprenticeship or on-the-job training, or by a combination. Continuing education has been, at least until recently, largely neglected. The distinction may be artificial[7] and although few advocate a return to apprenticeship as the sole form of training, some call for a greater integration of the academic and practical aspects of legal education.

As some of these arguments have merit, any proposals for a Commonwealth-wide scheme of distance education must take them into account.

Specific National Needs

Day to day legal practice is rather jurisdiction-specific because each jurisdiction has its own local rules, such as rules of procedure, land law, and family law. However, rules of procedure, evidence and governing the conduct of the legal profession have a number of common elements. Other areas — torts, contracts, criminal and public law — have many common historical and technical elements. The development of local variations should not inhibit the preparation of material which would be useful to law students through the Commonwealth.

Language

English remains the language of legal proceedings throughout the Commonwealth. In many Commonwealth courts examination of a witness in the vernacular may be interrupted by argument in English, on questions of admissibility of evidence. Statutes are traditionally drafted in English, and judgments delivered in English. While this may change, the cost and difficulty of translating the whole of the common law into a hundred different vernacular languages means that English will remain as an important element in the legal system of many Commonwealth countries, and it is unlikely that legal education in English will be effectively supplanted by vernacular training within the forseeable future. In countries such as Malaysia and Tanzania nationalistic attempts to translate the laws and to teach them in the vernacular have encountered almost insuperable difficulties[8]

A Common Body of Principle

A common package of English language materials on basic principles of the common law could form the basis of a course of legal education offered in the distance mode.[9] It could not provide all the material required for study of law in every commonwealth country, because circumstances and conditions in each country will continue to differ. Where any common materials are prepared,

allowance would have to be made for the incorporation of local material where appropriate, if only to encourage students to evaluate the applicability and appropriateness of English rules in the setting of their own country. Further, all students would need to study their own constitution. In many Commonwealth countries the law of property, family law and laws of succession are based on traditional local rules or religious law, and relevant materials would have to be prepared locally by someone with full local knowledge.

Some years ago the study of legal history appeared to have fallen into decline, but many law teachers now appreciate the value of a sound historical foundation for the social context of various periods of English history. Such an historical foundation would be an especially valuable introduction to a course in which students would have to grapple with the application of common law in different circumstances and different parts of the Commonwealth. Indeed, an adequate background in the economic, social and political history of Britain and the Empire and of the development of its laws is essential for understanding fully how the common law was adopted throughout the Commonwealth. Much of the legal history of the Commonwealth is a common legal history, and the development of a common set of materials on the legal history of the Commonwealth should have applications far beyond any distance teaching program.

Another area of common interest is the way in which the laws existing in a nation prior to conquest or acquisition by the British have been incorporated into the contemporary legal system. This subject is equally important in "developed" Commonwealth countries such as Australia, Canada and New Zealand as it is in the "third world" Commonwealth nations.

Common materials could be prepared for use throughout the Commonwealth in areas like torts, contracts, criminal law, criminal procedure, administrative law, evidence, civil procedure, law of sale and transport of goods (especially the law of international trade and investment), the law of business organisations, the law of employment, insurance and banking law, law of intellectual and industrial property, conflict of laws, public international law, jurisprudence, law and practice of the legal profession, and comparative law.[10]

Specific Local Requirements

In other areas, despite local variations, English law (or a derivative), is shared by groups of Commonwealth countries. For example, the English law of real property, as supplemented by the Torrens system of registered title, applies in Australia, New Zealand, Malaysia, Singapore and several Canadian provinces. The English law of trusts is also widely shared, although supplemented in some countries by concepts drawn from other legal systems, particularly Islamic and Roman-Dutch systems. Possibilities also exist in this area for the development of some common materials. Because many Commonwealth countries incorporate elements of Islamic law, there are possibilities for the development of common materials in this area.

How Might This be Done?

A single institution would not be appropriate to offer distance education throughout the Commonwealth. However, the Commonwealth of Learning could co-ordinate the distribution of materials to national or regional institutions which could establish their own curriculum and assessment standards. Possibilities for Commonwealth cooperation in distance education in law arise at least two levels: first, preparing common materials and secondly, providing support and assistance for those parts of the curriculum which must be taught on a jurisdiction-specific basis, including the preparation of specific local materials. Local teachers would undoubtedly be required to teach all subjects, but there would be advantages if they were assisted in instructional design and teaching method. In addition, the best distance education in law requires not only materials of high standard, but also intensive face-to-face contact between teachers and students. This can only be provided on a local basis, no matter how much or how good the quality of written, audio-visual, video tape or satellite communication may be.

Other matters which must be addressed include:

- who would assume responsibility for co-ordination (this is a function which could be assumed by the Commonwealth of Learning)
- how teaching and assessment would be organised

- the division of various responsibilities between the coordinating institution and local institutions
- financing the scheme.

Resources

Law schools throughout the Commonwealth face a common problem — shortage of adequate and competent academic staff. This has always been a problem in most of the younger Commonwealth countries where there were few qualified lawyers at Independence. National priorities and higher salaries have attracted the best and brightest law graduates — especially those who have obtained post-graduate qualifications. The decline in public interest in education in more developed countries — the United Kingdom, Canada, Australia and New Zealand — has made it extremely difficult for law schools to retain young staff. Only Singapore seems to have given higher education the resource it needs as the best investment a country can make in its future. staff who remain in university law schools are forced for financial reasons to spend more time on paid consultancy work, at the expense of research and teaching. All these factors suggest that the availability of a body of common, basic materials could lead to a more efficient use of resources.

THE IMPORTANCE OF LOCAL ATTITUDES

Until about 1960 English, Irish or even Scottish solicitors and barristers were readily admitted to practice in other Commonwealth countries, although this was not reciprocal. An Australian or Canadian practitioner still has no automatic rights of admission in the other country or in the United Kingdom, although United Kingdom practitioners still retain automatic admission rights in Australia.[11] Other countries, for nationalistic and other reasons, have restrictive admission criteria.[12] The reasons for restriction of admission to practice vary considerably. In most cases restrictive criteria are justified by the need to ensure that the population of a state is served by a competent profession knowledgeable about local laws as well as general principles. Admission requirements have been used artificially to exclude members of immigrant or other groups who are considered undesirable. Racist and

chauvinistic nationalist barriers present their own problems.

If there is to be significant co-operation in legal education, it may be necessary to persuade local admission authorities to become more flexible in recognising foreign qualifications, and, in particular, to convince them that studies completed in the distance mode should be accepted as fulfilling local requirements for admission to practice. A study of admission requirements within the Commonwealth[13] provides a framework of the detailed requirements but is dated and incomplete. Before embarking on any extensive exercise on a Commonwealth-wide distance education scheme in law, it will be necessary to investigate closely the attitude of local admission authorities to qualifications obtained in this way. That is an important part of the current study.

THE NEED FOR LEGAL EDUCATION

Both British colonists and the post-colonial elites who are now influential in most Commonwealth countries regarded the common law — and the "rule of law" — as important. This had led to strong demands for legal education. One may ask whether law faculties are a justified expense, other than in terms of national pride, but many universities in the newly independent countries of Africa, the Caribbean,' and South and East Asia have included law faculties from their inception. The University of the South Pacific in Fiji is a notable exception, and the Pacific still relies on institutions in Australia, New Zealand, Papua New Guinea and the United Kingdom for its legal personnel.

Local institutions may be unable to satisfy the demands for education from local residents. Even if there is an appropriate local institution which satisfies some demand, there may still be a potential market for part-time legal studies amongst public servants and persons working in the private sector in a number of Commonwealth countries. The same factors which promoted distance education in Australia, Britain and Canada (geography, and the need to provide part-time study for those who could not afford full-time study), exist in many other Commonwealth countries. Studies, including those by the Commonwealth Legal Education Association,[14] have shown that access to legal education is restricted in the developed countries as well as the developing countries. People in lower socio-economic brackets in many

countries find it difficult to obtain access to study in law even if they have managed secondary educational qualifications for admission to a university or college. Mature students in all Commonwealth countries find it difficult to enter full-time study of law, or to maintain themselves if they are able to gain entry.

Demand for legal education is one thing. Whether or not a country can afford to devote resources of manpower or educational funding to legal education is another. In more developed countries, it is sometimes claimed that there are too many lawyers. In developing countries lawyers are seen as wasteful. However, more and more people want to study law, and there seems to be no shortage of employers of law graduates. Demand suggests that there is a need.

As indicated, most of this paper has discussed the academic stage of legal education. A country which makes the policy decision that it is not prepared to devote its resources to basic training of lawyers may still require a legal profession; and will therefore probably consider that some continuing legal education is required. The possibilities for Commonwealth co-operation are great. However, much continuing legal education seems to focus on highly practical, jurisdiction-specific material, especially the impact of new legislation. Here the possibilities for co-operation would seem to lie more in the area of instructional design and technique.

CONCLUSIONS

- There is a potential demand for legal education throughout the Commonwealth.
- The similarity of the legal systems of the Commonwealth suggest that it is possible to develop some materials which form a "common core" for legal education throughout the Commonwealth.
- The viability of a Commonwealth-wide exercise in distance education in law would depend on the availability of materials, together with the co-operation of local authorities and the availability of a sufficient reservoir of teachers who were able to use the common materials and support services.

The current study should identify further possibilities and potential obstacles. The prospect may result in the improvement of

the standards and quality of legal education in some Commonwealth countries — and thus better legal services for the people of those countries. It may also produce a more efficient and less costly system of legal education, by eliminating wasteful duplication of effort by the good law teachers who are continually becoming a scarce resource throughout the Commonwealth.

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 (1990) 2 *Legal Educ Rev* 83.

1 Particularly Zimbabwe, Lesotho and Botswana, which, like South Africa, have Roman-Dutch elements of law.

2 R Dhavan, N Kibble & W Twining eds, *Access to Legal Education and the Legal Profession* (London: Butterworths, 1989) contains recent and accurate information about the history and procedures for obtaining professional qualifications in selected Commonwealth countries. The articles by Kibble (England), Weisbrot (Australia) and Dhavan's concluding remarks are especially relevant. For more specific discussion of the history of legal education in Australia see, L Martin, From Apprenticeship to Law School (1986) 9 *UNSWLJ* 111; VA Edgeloe, The Adelaide Law School 1883–1983 9 *Adel L Rev* 1. For a similar historical perspective in Canada see BD Bucknell et al, Pendants, Practitioners and Prophets: Legal Education at Osgoode Hall to 1975 (1968) 6 *Osgoode Hall LJ* 137.

3 It is still required in the United Kingdom and some parts of Australia.

4 This method of admission to practice now survives only in New South Wales.

5 All of whom were appointed to academic positions in Australia before 1950.

6 Especially the Indian Criminal Code, which was developed in the mid 19th century and adopted in many other parts of the then British Empire, including most of British Africa, Canada and some Australian States.

7 See for example W Twining, Taking Skills Seriously, in N Gold, K Mackie & W Twining eds, *Learning Lawyers' Skills* (London: Butterworths, 1989).

8 But see LJM Cooray *Changing the Language* of *the Law: The Sri Lankan Experience* (Quebec: L'Université de Laval, 1985).

9 It could be argued that the English texts prescribed for the London external LLB course already perform this function. Generally, however, they are specifically English, and therefore possibly less relevant in other Commonwealth countries.

10 The subject areas are necessarily arbitrary and influenced by the structure of Blackstone's Commentaries, but they indicate the possibilities.

11 Within Australia, some States restricted admissions of practitioners from other States, but the High Court has now found such restrictions unconstitutional: *Street* o *Queensland Bar Association* (1989) 63 *ALJR* 715.

12 Although Malaysia readily admits English practitioners, it has only recently recognised more than a handful of Australian law degrees as forming the basis of admission to practice in Malaysia.

13 BC McLachlan, *Admission of Commonwealth Lawyers* (London: 1985).

14 See Dhavan, Kibble & Twining, *supra* note 2.