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Foreword - General Issue

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FOREWORD

Welcome – finally – to the latest volume of the *Legal Education Review*. This volume of the *Review*, Volume 25, is as usual made up two issues, a General Issue and a Special Issue. The Special Issue contains three articles about the teaching of public law, and is introduced by a separate Foreword written by guest editors Gabrielle Appleby, Alexander Reilly and Sean Brennan. The General Issue is comprised of twelve articles that explore a variety of legal education topics, and is the focus of this Foreword.

The first article in the General Issue is concerned with curriculum design and the use of capstone programs. Capstone programs aid the transition of final year students to their post-university professional careers, but although they have a long history in other disciplines, they are a relatively recent inclusion in Australian law curricula. In ‘Capstones as Transitional Experiences’, Judith McNamara, Rachael Field, Sandra Coe, Des Butler, Catherine Brown and Sally Kift report on a project that identifies six key principles for the design of effective capstone programs – transition, integration and closure, diversity, engagement, assessment, and evaluation – and two themes underpinning capstone experiences that sit behind the six principles – integration and closure, and transition. In this article they focus upon the theme of transition and explain how the resources provided in their project ‘Toolkit’ can assist unit coordinators to design effective final year capstone programs.

The next article is concerned with the topical issue of law student wellness. In ‘Law Student Mental Health Literacy and Distress: Finances, Accommodation and Travel Time’, Nerissa Soh, Fiona Burns, Rita Shackel, Bruce Robinson, Michael Robertson and Garry Walter argue that law student distress has not been as well-studied as medical and health science student distress, and that the impact of financial pressures, accommodation pressures and commuting on law student distress levels have not been considered carefully. They report on a 2013 survey of 579 law students at the University of Sydney that assessed their levels of psychological distress and examined a wide range of possible stressors. The authors discuss the implications of their findings, including the conclusion that gender appeared to be the only significant predictor of psychological distress after controlling for degree type: female students were significantly more distressed than male students.

In ‘Law Journals: From Discourse to Pedagogy’, Ilija Vickovich argues that student editorship of university law journals can be a valuable pedagogical tool. Ilija contrasts the debates about law journals in the US, the UK and Australia. In the US, the discourse is not only concerned with the proper role of law journals for academics and law reform, but also features a prolonged, heated and as yet unresolved debate about their editorship by unsupervised students. In the UK and Australia, however, the literature about law journals has focused almost exclusively on the place of journals in the development of the law. Ilija argues that law schools should learn from the discourse in order to focus on the

pedagogy, and outlines a model for a unit of undergraduate study centred on the publication of law journals that maintains their central function while accommodating student editorship with academic supervision.

In 'Indigenisation of Curricula: Current Teaching Practices in Law', Amy Maguire and Tamara Young explain how Indigenous peoples in Australia are typically disadvantaged in the higher education context, and argue that law schools have an obligation to increase participation rates and promote successful outcomes for Indigenous students. The Indigenisation of the curriculum is one of the ways in which more positive outcomes for Indigenous students can be achieved, and Amy and Tamara describe in detail what this might mean for law schools. They examine Indigenisation of the law school curriculum in four areas – Indigenous issues, Indigenous perspectives, Indigenous law and Indigenous law students – using the incorporation of Indigenous-related content and perspectives into the Newcastle Law School curriculum as a case study.

The next two articles are concerned with the role of legal clinics within the law school. In 'Towards a Pedagogy of the Integration of Clinical Legal Education within the Law Curriculum: Using De-Identified Clinic Files within Tutorial Programs', Rachel Spencer and Matthew Atkinson consider the benefits and implications of using de-identified client files from a law school clinic as teaching and assessment tools in other units. The authors describe how this is done at the University of South Australia, demonstrate how the use of real client files can assist unit co-ordinators with the challenge of thinking up endless new fact scenarios, and argue that these real legal problems are preferred by students over fictitious dilemmas. The authors also explain how the practice of using legal clinic files in other units can create a pro bono culture and a consciousness of access to justice issues not only for students in the clinical program but for all students in the law school.

In 'Boosting Law Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects', Francina Cantatore examines the benefits of adopting an experiential learning approach using a pro bono teaching clinic and considers the advantages of consciously incorporating service learning into such a clinic. Her examination is enlivened by a case study of the successful commercial law teaching clinic established at Bond University. Francina also examines the challenges inherent in establishing a teaching pro bono clinic within a law school, and suggests some practical solutions to ensure an effective model and enhanced student employability.

The next two articles focus upon the teaching of practical legal skills, namely interviewing skills and drafting skills. In 'Favourable Variations: Towards a Refreshed Approach for the Interviewing Classroom', Jane Ching considers the challenges associated with teaching the skill of client interviewing. She argues that over-reliance on interviewing protocols creates a risk that students will develop a rigid, rehearsed performance that does not effectively reflect the nuanced nature of legal practice or encourage them to develop a personal practice. Jane contends that client interviewing should be treated as a threshold concept or capability, and that variation theory can be a useful means of helping novice students to

understand the significance of the different variables in a client's problem.

In 'More than the Rules: Using Pleading Drafting to Develop Lawyering and Transferable Skills', Katherine Curnow writes about teaching law students the specialised skill of pleading drafting. She proposes that pleading drafting exercises can be used to develop both lawyering skills and more generic transferable skills. Katherine explains how an experiential learning model can be used to teach pleading drafting, using the University of Queensland *Civil Procedure* unit as a case study.

In 'Using Transactional and Experiential Techniques to Teach Corporations Law', Andrew Godwin considers the benefits of teaching corporations law using transactional and experiential techniques. Andrew suggests ways in which the transactional aspects of corporations law can be better emphasised within the law school curriculum, and describes some useful transactional and experiential techniques including client-based problems, client interviews, drafting and negotiation simulations and facilitated reflection.

In 'Perspective, Ethics and the Teaching of Law', Maria Nicolae critiques the way in which legal ethics and professional conduct are typically taught in Australian law schools, and argues that the current approach is not adequate for two main reasons: (1) it does not account for the heterogeneity of the student body and the changing role of law schools; and (2) it promotes an understanding of and compliance with legal professional rules rather than preparing students for the wide variety of ethical dilemmas that arise in practice. Maria proposes that law students be introduced to a broader concept of ethics, that such exposure be scaffolded into all law units, and that experiential learning is the most efficient and expedient method of teaching ethics.

In 'Developing an Animal Law Case Book: Knowledge Transfer and Service Learning from Student-Generated Materials', Sophie Riley describes the development by students of an animal law case book as part of their studies in the unit *Animal Law and Policy in Australia* at UTS. Sophie argues that the Animal Law Case Book project demonstrates the benefits of practice-oriented learning to facilitate knowledge transfer and service learning, and how student work can lead to positive outcomes for not only the student's own learning but also the field of study and the wider community.

Finally, in 'Law Schools and the Market for International Postgraduate Students', Peter Devonshire considers how Australian law schools might address the challenge of attracting international students for postgraduate study in an increasingly competitive market. He focuses on LLM coursework programs, which in many law schools account for the largest enrolment of postgraduate students, and explains why some law schools appear to be more successful than others. Peter offers some valuable suggestions about the characteristics of a successful LLM program, and about the ways in which law schools that are less successful in international rankings might nevertheless compete for international postgraduate students.

This volume of the *Legal Education Review* would not have been possible without the contributions of many committed academics, all of whom volunteered their time and expertise. Thanks are especially due to the members of the 2015 Editorial Committee for their hard work in bringing this volume together: Associate Editor Kate Galloway (Bond University), Executive Editor Michelle Sanson (Western Sydney University), and Editors Matthew Ball (Queensland University of Technology), Donna Buckingham (University of Otago), Allan Chay (Queensland University of Technology), Kristoffer Greaves (Deakin University), Anne Hewitt (University of Adelaide), Natalie Skead (University of Western Australia), and Sonya Willis.

I would like to thank our former Administrator, Paula Hudson, for her important contributions to Volume 25, and welcome to the journal our new Administrator, Hayley Vinnicombe, who will oversee the preparation of Volume 26 as well as the next phase of the *Legal Education Review's* evolution into an open access journal. I would also like to thank Helen Anderson, ALTA Treasurer, for her careful management of the journal's finances, and the ALTA Executive Committee for their ongoing financial support and encouragement.

All of the articles in the *Legal Education Review* are double blind refereed. Our referees spend many hours reading and providing feedback about our articles, and their efforts are genuinely appreciated by both the editors and the authors. We are also grateful for the support of our Editorial Advisory Board, the members of which often serve as referees and provide overall guidance on the direction of the journal.

The *Legal Education Review* has recently issued a call for submissions to Volume 26 of the journal, to be published in late 2016. The Editorial Committee welcomes the submission of research articles on current issues in legal education from all jurisdictions. Submissions are open until 30 May 2016. Please refer to the *Legal Education Review* website for more details: www.ler.edu.au.

The Editorial Committee also welcomes proposals to publish special issues of the Review containing articles on a theme written by groups of authors. Examples of recent special issue themes include the research/teaching nexus (2012), critical legal education (2013) and the teaching of public law (2015). Please note that all papers submitted for such special issues will still be independently referred prior to publication.

Professor Nick James
Editor-in-Chief