

be aware of the need to clarify for students that the ownership of and responsibility for the case remains with the student team.

However, error remains less easily addressed. The concern about making mistakes in more complex cases is clearly balanced by the benefits of the greater demands that can be made of the students. The corollary is that the degree of supervision and support from staff is going to be substantially greater than in the more standard case. If larger-scale cases are such that the risk of extensive student involvement is not possible and there is a call for a greater degree of supervision and involvement by the supervisors, what are the educational benefits which justify student involvement at all?

Some of the student benefits reflect the educational benefits which may arise on any case but which may be correspondingly greater in a larger-scale matter. These include initial research and the opportunity to continue to research new issues and to work in a different forum to the courts and tribunals with which they are more familiar and the benefit of self-promotion to peers and potential employers.

### **Professional placement programs in undergraduate law courses**

A Lamb & J Goldring  
14 *J Prof Legal Ed* 1, 1996, pp 109–124

Placement programs have been part of practical legal training courses in Australia for many years and are becoming features of newer undergraduate law school courses. The reason for the provision of clinical training, or workplace experience, in undergraduate law courses is generally linked to the educational objectives of those courses, namely to provide

an understanding of the human, social and policy context of law and legal practice. The modern legal profession is no longer restricted to the activities of private law practice, so many law graduates are engaged in alternative law-related work in commerce, government, legal administration or community activities. Most of the new law schools have designed their undergraduate LLB programs to provide both a liberal education and an appreciation of the wider context in which legal knowledge and skills will be applied. Clinical education provides that context.

Clinical education can take several forms but essentially the term applies to opportunities to apply legal knowledge and skills and develop them further in the context of a law-related workplace environment. Some law schools, such as the University of Wollongong Law School, include clinical education as a compulsory part of the law curriculum and arrange field placements for students in host offices. The undergraduate field placement is a central part of the Wollongong LLB student's learning experience. Its purpose is to provide a practical perspective on the way in which law operates in society. In a workplace setting, students are exposed to the reality of the practice of law in all its dimensions. The integration of practical experience into the academic learning process has been demonstrated to be highly effective in developing students' understanding of both the 'law in action' and of the importance of the application of skills combined with substantive knowledge.

Practical experience placements (two of four weeks each) are perceived to be an important way of achieving the learning objectives of the Wollongong Faculty of Law. All

students must complete a practical component to fulfill the requirements of the LLB degree. Placement programs at undergraduate level may integrate several teaching goals, which are listed in the article, along with the specific teaching objectives of the undergraduate Wollongong program and the learning objectives to be attained by the students at its conclusion.

Placements are organised in a variety of law-related environments. All students participating in the Wollongong program are interviewed by the Practical Placement Coordinator to ascertain areas of interest, preferences of locality and to ensure variation in types of placement. All placements are arranged having regard to the ability of the placement firm or agency to provide the experience appropriate to meet the student's interests and need and the objectives of the placement.

Supervision is a crucial element of a placement program. The quality of the supervision and the mutual understanding between the student and the supervisor of the objectives of the placement are crucial. In the Wollongong program students in practical experience placements are supervised by a legal practitioner. Each potential placement is assessed in terms of the nature of the legal work environment, time commitments and staff resources of the firm/organisation and the viability of working to agreed guidelines based on the fundamental aims of the program. Before the placement commences, students will have completed the formal classroom studies of a subject which covers the structure and work of the legal profession and the rules and practice governing professional conduct.



The supervisor is encouraged to take a 'mentor' role. This means that the student will be working with a specific legal staff member of the placement office, not as a general factotum to the office.

In the real-world context of a field of legal practice, students learn through two mechanisms: by experience and reflection and by the transfer of existing knowledge and skills into new situations. Since the objective of a placement program is to provide the learner with experience that enhances formal learning, the student needs to be provided with appropriate mechanisms to identify the new knowledge, skills and insights which have been acquired from the experience. During each placement in the Wollongong program, students must maintain a detailed diary, recording both the professional activities in which they have taken part and their observations on that experience. Students are encouraged to make the diary a 'reflective process diary' so that they record their impressions as they occur. Reflection on experience and learning from it is a process which develops both self-reliance and lifelong learning skills.

The second mechanism involves the transfer of knowledge and skills. In the Wollongong undergraduate placement program, the learning objectives are focussed on developing the students' understanding of the real-world context in which law operates. The undergraduate student comes to the program with legal knowledge and skills and the learning process will be further enhanced if students are able to apply their existing theoretical knowledge and skills in a practical way.

The learning objectives are focussed on developing the students' understanding of the real-world context in

which law operates, not on training the student in the skills and tasks of legal practice, as with PLT. This leads to students making the linkages needed to transfer existing knowledge and skills into new situations.

The experience of the Wollongong placement program suggest that it is an effective and valuable teaching and learning method. The student diaries show that most placement supervisors ensure that students are actively involved in relevant work and that students' observations of 'the law in action' are objective, stimulating and insightful. In particular, placement programs of sufficient length and range of experience promote processes of self-assessment and reflective practice which are the hallmarks of the lifelong learner and of professionalism.

## JUDICIAL EDUCATION

### **The desirability of judicial education in Australia**

H Gregorczuk

14 *J Prof Legal Ed* 1, 1996, pp 77-96

Education of the judiciary in Australia as in other common law countries is a relatively recent phenomenon. The process has traditionally been largely informal. Recognition and acceptance of the need for and value of structured judicial education has emerged slowly. The increasing workload of the courts, the rapid change in the law, new technology, judicial accountability for case management and containment of costs and delays, as well as public criticism of the courts, have been listed as factors which have placed enormous demands on judges and thus prompted judicial education programs.

The purpose of judicial education is to assist in producing a better and

more effective judiciary. The British Judicial Studies Board points out that the successful conduct of any court hearing goes far beyond the avoidance of vitiating errors in substantive or procedural law. The quality of the hearing depends at least partially on the personal qualities and attainment of the judge. The Board argues that judicial education has a role to play in this respect.

There are many views put forth by commentators on the need for judicial education. Wood has proposed that the key question to ask is whether a system of judicial education would be desirable and beneficial for judicial officers in Australia, rather than looking for proof that it has become necessary. The justification for judicial orientation should not depend upon proof that it has become necessary, since it would be virtually impossible to ascertain such a thing.

There are a number of policy issues to consider in implementing a judicial education program. The purpose of the Australian Institute of Judicial Administration (AIJA) is to improve the overall operation of the judicial system, with judicial education being only one of its activities. This is significant because it illustrates that, at the national level in Australia, judicial education is still not a particularly high priority. The AIJA has organised seminars, conferences and workshops which have been instrumental in promoting the exchange of views between courts and the means for keeping each jurisdiction in touch with developments in the others. Justice Wood describes the AIJA as having excellent channels of communication with governments and the courts, access to an experienced panel of presenters, a good collection of resource materials, a program of ongoing research, experience in the