

Enhancing Student Learning of Legal Ethics and Professional Responsibility in Australian Law Schools by Improving Our Teaching

M J L E BRUN*

“Which theory for upholding contracts do you find most attractive? The will theory? Contract as bargain? Expectation? Reliance? Contract as promise?”

“I like contract as promise.”

“Why? What resonates about the theory? Give me an example.”

“Ummm, let’s see. If I don’t think that you’re going to do something, I’ll promise to do something for you so that you’ll give me your promise.”

“And how does that obligate you, the fact that we’ve both made promises?”

“Obligate me? What do you mean, obligate me? My promise doesn’t obligate me. Only you. I only gave you a promise in order to get yours. I’ve no intention of performing.”¹

In late 1998, I was awarded a National Teaching Fellowship by the Committee for University Teaching and Staff Development to improve the teaching of Legal Ethics (“LE”) and Professional Responsibility (“PR”) in Australian law schools and faculties.² In this article I report on the work that I assumed under the Fellowship, describe what I have learned from this experience, and note some concerns that I have about the future direction of education in LE/PR in Australian Law Schools.

BACKGROUND TO THE NATIONAL TEACHING FELLOWSHIP

The main aims of the Fellowship were to investigate and to share ideas about how LE/PR can best be taught and assessed in Australian and American law schools. As part of the work of the Fellowship, I investigated the teaching approaches adopted, materials used, and assessment strategies employed: by teachers of LE/PR in selected law schools in the United States; by teachers of LE/PR in Australia; and by moral philosophers and applied ethicists in Australia.

Initially, on the basis of the research that I had conducted for the Fellowship application, I planned to visit four law schools in the United States because of their innovative approaches to the teaching of LE/PR. The work of legal ethics teachers in America is continual, however. As a result, there is considerable diversity of approach and ongoing improvement, which are difficult to discern from Australia from journal publications alone. Originally, I also had hoped to be able to attend classes in the USA in which LE /PR was taught. Due to problems with different institutional calendars, limitations of funding, and staff unavailability due to other commitments, I was unable to attend as many classes as I would have liked. I decided to change my initial plans because, in addition, I had received more current information about what was happening in the USA once the Fellowship commenced in earnest. As a result, I was able to consult more teachers in the USA than originally planned in the time allotted and visit more institutions than I had originally anticipated.³ These changes enriched the Fellowship outcomes immeasurably.

MEETINGS WITH TEACHERS OF LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY IN AMERICAN LAW SCHOOLS

The conversations that I had with the American LE/PR teachers were wide-ranging and most informative. All had been engaged in the teaching of LE/PR for some time and were still obviously committed to their work in this field. Most provided a description of the context within which they worked and within which their work had developed, speaking frankly about their failures and their

successes in teaching LE/PR.⁴

DISCOVERING WHAT IS HAPPENING IN LE/PR AND ETHICS EDUCATION AUSTRALIA

In order to get an appreciation of what was happening in the teaching of LE/PR in law schools and in other related disciplines (eg Applied Ethics and Philosophy) in Australia, I designed, piloted, refined, and conducted a written survey of law teachers and teachers of Philosophy and Applied Ethics in February/March 1999. To get a more complete sample, I used the web to locate teachers who might work in relevant discipline areas in addition to law.

From the data I received, I was able to schedule meetings in Australia to discuss teaching approaches, materials, and assessment strategies used by teachers who were interested in sharing their ideas.

Thereafter, on the basis of this research, my literature searches, and my visit to the USA, I developed resource materials and a resource list for use by teachers of LE/PR in Australia, and I distributed additional information about the Fellowship itself.

Initially, I had planned that the dissemination process for the Fellowship would include the presentation of a paper at the Australasian Law Teachers Association (“ALTA”) Conference. This proved impossible due to the timing of, and the cost of, attending the Conference. Instead, I chose to disseminate the project findings in a number of national and international venues, which, I believe, has proved to be more effective than what was originally planned.

SHARING WHAT I LEARNED FROM MY COLLEAGUES IN THE USA AND AUSTRALIA: THE AUSTRALIAN LEGAL EDUCATION AND PROFESSIONAL RESPONSIBILITY TEACHING FOR LEARNING WORKSHOPS

From August through September 1999 I organised and facilitated workshops of 1½ – 2 days each. The workshops were designed specifically to improve student learning of LE/PR by improving the teaching of LE/PR. The workshops incorporated what I learned during the Fellowship. Workshops were hosted: in New South Wales by the Centre for Legal Education, Sydney; in

Queensland by the Faculty of Law, Griffith University, Gold Coast; in South Australia by the Faculty of Law, The University of Adelaide; in Victoria by the Faculty of Law, Monash University; and in Western Australia by the School of Law, the University of Notre Dame. The location and timing of the workshops were decided by reference to participant interest, and host institution availability and willingness to assist with the project.

A number of strategies were employed so that appropriate members of academic staff could be invited to attend the workshops. Letters were sent to all deans and heads of school of Law and to all Philosophy departments in Australia. A questionnaire was sent to all individuals who responded and to those whose details were available on the web.

Despite initiating these steps, no workshop was held in Tasmania because only one academic was interested in attending. No workshop was held in the Northern Territory because the only academic interested in participating attended the Perth workshop. The workshop that was to be held in Canberra in November was cancelled due to an unexpected and last minute secondment of an enthusiastic staff member, who had offered the facilities at Charles Sturt University as host institution.

Participants at the workshops included current and future teachers of LE/PR, teachers of Applied Ethics and Philosophy, and law students. Interest in the workshops was higher amongst academic staff employed at the newer law schools than at the more established law schools. Attendance at the workshops was capped at 20 participants⁵ in order to increase active participation of delegates and in order to develop a strong network of teachers who are directly interested in teaching and learning of LE/PR, Applied Ethics, and Philosophy. The number of senior academic staff who participated in the workshops was surprisingly high; this is significant for the carriage of the work of the Fellowship into the future as these individuals are well placed to effectuate change.⁶ Although only a few law students could attend the workshops due to other commitments, their input was particularly informative because the law students who attended the workshops provided fresh insight into all areas of teaching and learning in LE/PR.

The Content of the Workshops

A preliminary programme for the workshops was drafted and circulated to participants before the workshop for their comments. I negotiated the actual content and order of topics for each workshop at the commencement of the workshop in order to ensure that the workshop met the needs and interests of the participants. Areas explored and attention to particular topics varied considerably, in particular in response to the input from the philosophers and applied ethicists who joined the law teacher participants. The following topics were explored in most of the workshops: learning outcomes; assessment; teaching approaches; materials; and the possible role of law schools in helping to regulate admission to practice. The amount of time dedicated to each topic varied considerably, depending on the interests of the participants and the composition of the group. For example, a considerable amount of time was devoted to presentations by philosophers and applied ethicists in the workshops held at Griffith University, Monash University, and the University of Notre Dame.

Some of the variety and flavour of the individual workshops is summarised below.

LE/PR Workshop Held in New South Wales at the Centre for Legal Education, Sydney

The workshop held in Sydney focused considerable attention on what individuals were actually doing in their LE/PR courses because a number of participants, particularly from The University of New South Wales, have taught the subject for a considerable length of time. There was a high level of sharing of strategies, anecdotes, resources, and ideas amongst most of the participants.

LE/PR Workshop Held in Queensland at Griffith University, Gold Coast

Particular interest was expressed by participants in the work of Dr Peter Isaacs and Dr Trevor Jordan of Queensland University of Technology who explored their holistic approach to teaching ethics. The level of discussion was considerably enhanced with the contribution of several Griffith University law students, who commented on the differences in approach to the teaching and learning of ethics in Law and in Philosophy.

LE/PR Workshop Held in South Australia at The University of Adelaide, Adelaide

Considerable time was devoted in this workshop to three topics:

- 1 discussing learning outcomes and talking about some of the plans that The University of Adelaide has for embedding legal ethics in its new curriculum, in particular Legal Skills I, II, and III;
- 2 discussing appropriate assessment tools to evaluate set learning outcomes; and
- 3 exploring what law schools can/might do to notify admitting authorities of student misconduct.

LE/PR Workshop Held in Victoria at Monash University, Melbourne

The success of this workshop was due, in great part, to the attendance by philosophers and applied ethicists from The University of Melbourne (Dr Lynn Gillam), Monash University (Dr Justin Oakley), and La Trobe University (Professor Robert Young and a few of his colleagues). Unlike the other workshops, considerable time was spent discussing strategies for embedding LE/PR into the undergraduate law curriculum since Monash Law Faculty had begun to embark on this activity at the time that the workshop was held. Considerable attention was also given to identifying learning outcomes and developing appropriate assessment strategies.

LE/PR Workshop Held in Western Australia at the University of Notre Dame, Fremantle

Participants of this workshop were interested in exploring a decision-making model that has been developed by Dr Ian Thompson of the University of Notre Dame. Thompson introduced participants to his DECIDE model⁷ and then participants engaged in a role-play which employed the model. Considerable attention was also devoted to issues of student misconduct and the various ways in which law teachers and law schools can address the problems that were identified.

THE PROCESS OF DISSEMINATION

In addition to the workshops that were held, the process of

dissemination of information about the Fellowship took several forms, and the Fellowship was publicised in a number of ways.⁸ I developed a set of teaching/learning materials on LE/PR entitled “Improving the Teaching and Learning of Legal Ethics and Professional Responsibility in Australian Law Schools: Workshop Materials.” Copies were given/sent to: all workshop participants; all Deans/Heads of School of Australian Law Schools; the Committee for University Teaching and Staff Development Secretariat; and other interested individuals (eg lawyers who teach ethics to nurses).

A WORD OF CAUTION ABOUT LE/PR EDUCATION IN AUSTRALIA

That education in LE/PR in Australian law schools is increasing in importance was evident. And the Fellowship was timely – in some ways, the schedule could not have been better. To give but two examples: as noted above, just before the Victorian workshop was held, the Faculty of Law at Monash University was awarded a Monash University grant to embed the teaching of LE/PR into the undergraduate law curriculum. A number of other law schools were considering introducing, or increasing the content and coverage of subjects on, LE/PR during the term of the Fellowship.

Despite these positive indications, the long-term future of teaching and learning in LE/PR in Australian law schools may prove disappointing for reasons that I canvass below.

What is it (Epistemology)? In What Direction Should LE/PR Education Go?

- The inclusion of LE/PR into law curricula in Australia is of relatively recent origin. In 1999/2000, not all Australian law schools taught LE/PR. Even though the definition of what LE/PR entails was left as broad as possible so that its scope could be discussed in the workshops, participants of the workshops reached no consensus about what LE/PR education is or should be. As a result, without a consensus of definition, it is difficult to determine exactly what is happening, what is being offered, and what directions education in Legal Ethics and Professional Responsibility should take.
- Some Australian law schools that do offer courses in the

subject regard LE/PR as “yet another law subject” – one solely concerned with rules, codes of conduct, and regulations. Not all see it as providing an essential underpinning for the study of law generally.

- Since academic staff at some Australian law schools see LE/PR education in terms of a positivistic epistemology, learning in the affective dimension and changes in student behaviour are not likely to occur, thus limiting the potential benefits that education in LE/PR can bring.

Insufficient Staffing?

- The number of individual teachers and institutions openly committed in thought *and* in action to the introduction and development of LE/PR in Australian law schools is still relatively small.
- Not many individuals actually teach LE/PR in their law schools so the pool of possible staff resources is small, providing challenges to heads of schools and deans when the LE/PR teacher takes leave, changes employment, retires, or resigns.

Inadequate Commitment and Enthusiasm?

- That the impetus for change has been external in some cases rather than internal appears to have affected curriculum and teaching innovations in Australia. By way of contrast, change in law curricula in LE/PR in the USA appears to have been driven by the actions of individual teachers working in prestigious institutions such as Deborah Rhode, David Luban, William Simon, and Jim Moliterno to name just four. In Australia, it appears that many academics have been *reactive* rather than *proactive* in introducing LE/PR into the curricula. In short, academia in Australia has not been a leader in teaching/learning in this area of law.⁹
- Some Australian law schools that have actually introduced the subject into the law curriculum appear to be relatively uncommitted to its development, success, and continuation.
- Not all law schools offer as much LE/PR as some law teachers think appropriate. Those who have offered LE/PR for some time argued strongly in the workshops for an increase in

contact-hours and in content, although they saw such changes as unlikely, given other priorities and financial constraints.

The majority of law teachers who attended workshops appeared to advocate the adoption of the pervasive approach in the teaching of LE/PR, although no law school has adopted this approach with any great success. There was little time left in the workshops to consider how to introduce this curricular change, although there was considerable interest in doing so. Only one workshop addressed strategies for effectuating and managing change, although this issue was of particular interest to American scholars.

- The teaching/learning innovations that have been initiated in the USA and have been written about so convincingly have not been adopted in Australia for the most part. Rather, as noted above, some Australian institutions have included LE/PR in the LLB curriculum as if it were simply another law subject, one whose teaching and assessment was unproblematic.
- Even though many law teachers who promote LE/PR as a subject currently are senior, tenured members of staff, their influence on the development of LE/PR education appears to be less than one might have expected from the positions that they hold. The immediate need of some of these individuals, as expressed in the workshops, is in keeping their institutions/law schools afloat, rather than increasing curriculum offerings and enhancing teaching/learning initiatives.

Overall, of long-term concern is the reality that insufficient attention appears to have been given to the continuity or further development of LE/PR in Australian law schools.¹⁰ Some teachers reported that they have no time to think about arrangements to enable the continuation of the teaching of LE/PR. Few appeared to have considered problems of the “ghettoisation” of LE/PR teaching that has plagued some curriculum and staff development initiatives in a few American law schools. In Australia, the attention is on the “here and now,” with little thought given to the management and the impact of change generally, and to LE/PR education particularly.

- Although many academics espouse the importance of LE/PR education as a laudable teaching/learning outcome, there is a noticeable gap between “talk” and “action.” In at least three

law schools surveyed, there appears to be a chasm between what the Deans/Heads of School *report* is being done in LE/PR and what the teachers who actually teach LE/PR say is *actually* being attempted or achieved. In one case, reports of what was being achieved did not reflect what was happening in practice. One law school was reported to have adopted the pervasive method of teaching of LE/PR, yet there was no concrete evidence to support the statement. One law school Dean reported initiatives in the LE/PR arena that appeared to surprise the staff of that law school who attended the workshop. A few Deans/Heads of School seemed to be unaware of what subjects are actually being offered in their law schools.

OUTCOMES FROM THE FELLOWSHIP

Despite these words of caution, it is clear that, although teaching/learning in LE/PR is in its infancy in Australia, there is much excitement about its future. In many ways it appears that this Fellowship coincided with an increase in interest in the growth of this crucial area of study. By awarding a National Teaching Fellowship, the Committee for University Teaching and Staff Development has raised the importance of this issue nationally and has, thus, contributed to its profile.¹¹

Below I list some of the more concrete outcomes from the Fellowship.

- 1 The *Legal Education Review* agreed to offer a special edition of its journal dedicated to articles on teaching and learning of Legal Ethics, Professional Responsibility, and Philosophy. Here it is.
- 2 An ad hoc group of teachers of Law, Philosophy, and Applied Ethics was formed and an alliance of interests created in Australia. Links have been made between teachers of law, and teachers of philosophy and applied ethics both within institutions and between institutions. These links are likely to continue as law teachers become more aware of the ways in which teachers from Philosophy and Applied Ethics can enhance courses on LE/PR.
- 3 A clearer idea of what individual teachers are offering in their subjects emerged as a result of the workshops.

- 4 The possibility of holding an annual or biennial workshop for teachers of Legal Ethics, Professional Responsibility, and Philosophy was discussed. There was considerable interest amongst workshop participants in holding another workshop to explore in greater depth the links between skills teaching and LE/PR teaching, and in sharing ideas about actual teaching practices.
- 5 A sub-committee was to be formed of individuals from various institutions to consider how law schools might be able to assist admission authorities with their work so that issues of student misconduct are brought before the attention of the relevant authorities. The Dean of the School of Law at Murdoch University agreed to raise this issue directly with the Committee of Law Deans.
- 6 The workshops had unexpected spin-offs.
 - The workshops provided a venue for colleagues from the same institutions to address teaching/learning issues in LE/PR. Members of four university law schools learned for the first time what was being achieved in their school. Staff at two institutions actually had an uninterrupted opportunity to discuss what they wished to achieve in their curriculum reform in the area of LE/PR. Members of one law school heard about plans for the development of LE/PR in their curricula.
 - The workshops provided a venue for sharing ideas and raising problems that they found difficult/impossible to discuss in their own institutions (eg student misconduct).
 - Participants of three workshops reported that they had learned a great deal about how interdisciplinary insights could enrich the teaching and learning of LE/PR in their institutions. A few law teachers indicated how they planned to learn more about how Philosophy, in particular, could help them in their work. Others indicated how they plan to include colleagues from other disciplines in their universities in their grant-related initiatives.
 - Staff at one institution became more aware of the problems faced by their own staff in the teaching/learning arena generally.
 - Some staff commented on how the workshop helped them deal with feelings of isolation that can accompany teaching

in Australian law schools.¹²

What I Learned from the Fellowship about LE/PR Teaching and Teacher: Observations and Recommendations

There is an obvious interest in, and awareness of, the importance of LE/PR education in most Australian law schools. Below I summarise what I learned from the Fellowship activities:

LE/PR Teachers and LE/PR Teaching

- There is a very strong commitment to (some might call it a passion for) teaching LE/PR both in the USA and Australia. The acceptance and acknowledgment of the importance of LE/PR education in the LLB curricula in Australian law schools was widespread and strongly advocated by senior staff in particular.
- There is considerable diversity of scope in the teaching of LE/PR in the USA and, to a lesser extent, in Australia.
- Despite its relatively recent introduction into the undergraduate law curricula in Australia, the scope of what might/should be offered in LE/PR subjects as discussed in Australian workshops was broader than I had expected it would be.
- There was considerably more agreement about the need to adopt a law-in-context approach to LE/PR education than I had anticipated.
- The contribution and level of generosity of the American academics that I visited was extraordinary, even though many were employed in private institutions that competed in the marketplace. Their willingness to share their successes and their failures as openly as they did reflects credit on themselves and on their institutions. The innovations that they have introduced were most impressive; they ranged from classroom practices through to the development of teaching materials and the use of assessment tools.¹³
- The information given to me by the American academics was informative and useful,¹⁴ and much of it is accessible to an Australian audience because it has been published in various journals and texts. Rather than “invent the wheel,” as it were, Australian LE/PR teachers should be encouraged to learn (and

be rewarded for learning) as much as they can from the experiences of academics who teach LE/PR in the United States (and elsewhere) and to publish the results of what they have learned.

- Approaches to, and an emphasis on, the teaching LE/PR in American Universities has changed over time as law teachers have become more self-conscious about teaching/ learning and as teachers have reflected on what they have done (eg one clinical teacher who had used a variety of assessment tools to measure student learning explained that she discontinued the use of reflective journals due to problems of student plagiarism).
- Most participants of the Australian workshops admitted that current teaching approaches in LE/PR were inadequate/inappropriate. Most supported the move towards a pervasive method for teaching the subject.
- The majority of participants of Australian workshops concluded (as did their American counterparts) that a one subject offering of LE/PR is inadequate.

Learning Outcomes

- Participants of the Australian workshops, like many of their American colleagues, were not content to limit learning of LE/PR simply to learning the law governing the legal profession or learning about the profession itself. Teachers preferred learning outcomes that were broad, embracing both the cognitive and affective domains.
- Many Australian law teachers were openly willing to debate frankly and honestly whether LE/PR education should embrace goals such as “becoming a better person.”

Staff Concerns about the Incidence and Frequency of Student Misconduct

- A considerable number of Australian workshop participants were concerned about student misconduct and what could be done to remedy the problem.

Surprisingly, many academics in law who attended workshops shared my concern about issues of student misconduct, and they were especially eager to develop ways to address this concern and consider ways to remedy the problem

(eg through better curriculum offerings, and improved teaching and assessment practices). In the American interviews and in the Australian workshops, I found an unexpected openness and willingness to discuss issues of student misconduct. There was a desire to share experiences about how these matters were handled and might be better addressed. The worries expressed reflected deep concern that Australian law teachers have about legal education and legal practice. Although American teachers have more fully developed individual and institutional responses to the problems that were raised, these were not addressed in-depth in the Australian workshops due to lack of time and adequate, detailed, and readily available information.

- Many law teachers expressed dismay about the apparent unwillingness of many universities to take, what they saw as, appropriate steps to curb student misconduct and deal with offending students. Despite some hesitation, many law teachers who attended the workshops in Australia appeared willing to explore, at least theoretically, ways to curb (what many of them see as) unprofessional/ unacceptable behaviour by students lest they, in their roles as teachers of law, be seen as complicit in the enterprise.

ARE THERE LESSONS HERE FOR FUTURE LE/PR TEACHING FOR LEARNING WORKSHOPS?

Yes, indeed.

It is obvious that the contribution that students can make to workshops such as the ones discussed here has yet to be tapped. Specific action should be taken to ensure that students are invited, attend, and are actively encouraged to participate fully in future workshops.

It is clear that the confidence that is placed by funding agencies in the ability and willingness of all Deans/ Heads of School to speak with and contact their staff about teaching/ learning initiatives is misplaced, at least in my experience.¹⁵ To illustrate: I was not given the names of several members of staff who actually teach aspects of LE/PR in one of the law schools that hosted a workshop. As a result, not all teachers of LE/PR benefited from the workshop because they were not informed about it. It is clear that additional ways need to be explored to ensure that academic staff

are adequately informed.

And ... for anyone who wishes to organise and facilitate the next round of LE/PR workshops in Australia, here is a list of topics that the workshop participants identified as appropriate for future discussion:

- How can we to integrate/embed LE/PR and lawyering skills in undergraduate law curricula?
- What are some of the ways that we can assess student learning of LE/PR?
- What work is being undertaken in other disciplines (eg Philosophy and Applied Ethics) that might be of interest to law teachers?
- What are some strategies for implementing and managing change?

And – when these topics have been exhausted, you might wish to consider how you will then evaluate whether you have achieved your goal – that of improving the quality of education in Legal Ethics and Professional Responsibility in Australian law schools.

* Visiting Associate Professor, City University of Hong Kong. This project would not have been undertaken were it not for the generosity of the Committee for University Teaching and Staff Development.
©2001. (2001) 12 *Legal Educ Rev* 269.

The success of a project of this nature depends on the willingness of others to share, to teach, and to learn. The benefits of the project would not been as great were it not for the kindness and generosity of the American law professors with whom I met. I am certain that their efforts will help improve teaching and learning of Legal Ethics and Professional Responsibility in Australian law schools. They are (listed in alphabetical order by surname) Rick Abel, Jeff Brand, Kathleen Clark, Clark Cunningham, Heidi Li Feldman, Jay Folberg, Peter Joy, Fred Lederer, John Levy, David Link, David Luban, Carrie Menkel-Meadow, Jim Moliterno, Mitt Regan, Deborah Rhode, Robert E Rodes, Tom Shaffer, Bill Simon, David Wilkins, and Richard Zitrin. I also would like to extend my thanks to Rick O’Dair who was (serendipitously) visiting Stanford University and who shared his ideas about LE/PR education in England with me.

The interdisciplinary perspectives that so enriched the workshops would not have been possible were it not for the thoughtful contributions of philosophers and applied ethicists in Australia - Lynn Gillam, Trevor Jordan, Justin Oakley, Ian Thompson, and Robert Young, many of whom I was able to contact on the kind recommendation of Noel Preston, who deserves a special thanks for his networking abilities. Nor would the conversations been so fruitful were it not for the students who participated in the Gold Coast and Notre Dame workshops.

An additional vote of thanks is given to those who helped me organise the workshops in Australia: Charles Sampford, Griffith University; Chris Roper and his staff at the Centre for Legal Education in Sydney; Guy Powles, Adrian Evans, and Sue Campbell at Monash University; Mary McComish and the staff at the University of Notre Dame School of Law; and Michael Detmold, Ngaire Naffine, and the staff of the Faculty of Law, The University of Adelaide.

Finally, I wish to extend my appreciation to the following individuals for their immediate support of, and assistance with, this project: the Committee for University Teaching and Staff Development, Frank Armer, Ann Maree David,

Gayle Gasteen, Andrew Goldsmith, Kathy Mack, Les McCrimmon, Kathy McEvoy, Wil Melzer, Stephen Parker, Ralph Simmonds, Kieran Tranter, Eileen Webb, Jeremy Webber, Archie Zariski, and the Griffith University staff – John Dewar, Mark Freakley, Neil Russell, Charles Sampford and the staff at his Key Centre, and Greer Quinn, who provided excellent media coverage of the Fellowship. Last but not least, I wish to thank Sue Wilkins for her administrative assistance and, in particular, law student and research assistant Lawry Scull for her hard work, resilience, and good humour.

1 Summary of a conversation I had with one of my former first year Contract Law students. In my interview for the Fellowship I recounted this story.

2 As I did not wish to limit the scope of discussions about legal ethics and professional responsibility, I did not attempt to define their ambit as subject-matter offerings.

3 I also adjusted my budget estimate by assuming more administrative and clerical activities myself than originally anticipated.

4 I visited and met with the following academics in the USA, whom I list in the order of my visit: Stanford University (Deborah Rhode and Bill Simon, and visitor to Stanford, Rick O’Dair from University College, London); the University of San Francisco (Jeff Brand, Jay Folberg, and Richard Zitrin); the University of California at Los Angeles (Rick Abel); Notre Dame University (David Link, Robert E Rodes, and Tom Shaffer); the College of William and Mary (Frederick Lederer, John Levy, and Jim Moliterno); Georgetown University (Heidi Li Feldman, David Luban, Carrie Menkel-Meadow, and Mitt Regan), Harvard University (David Wilkins), and Washington University (Kathleen Clark, Clark Cunningham, and Peter Joy). I also attended classes at Stanford University, the University of San Francisco, and the University of Notre Dame, and I was asked by Rhode to join in the teaching of a LE/PR seminar at Stanford University together with O’Dair.

5 I believe that participation in the workshops and the actual organisation of the workshops would have been extremely difficult, if not impossible, had I not been actively involved in the Australasian Law Teachers Association (“ALTA”) Law Teaching Workshop for a number of years and were I not a relatively senior member of academic staff. The connections that I had made at the ALTA Workshops gave me some latitude to exert pressure to “encourage” individuals to attend and participate.

Organising attendance during the workshops proved more time-consuming than anticipated. Many of the workshop participants had other prior commitments so making decisions about the timing and venue of the workshops proved difficult. Problems of sporadic attendance were not experienced during the ALTA Law Teaching Workshops probably because they were residential workshops held in areas where there was little else to do than attend. A residential workshop would probably have been more productive in terms of full attendance had more time and additional money been available.

6 In order to ensure that the interest in LE/PR is maintained, efforts will need to be made to include junior staff in curriculum development initiatives and in the teaching of LE/PR.

7 The DECIDE model is demonstrated in the CD-ROM written and produced by M Le Brun with L Scull, “Ethics, Conscience, and Professionalism: Rediscovering the Heart of Law.”

8 These included: TV and radio interviews given on the Gold Coast; newspaper articles in the Gold Coast newspapers; a discussion of the Fellowship at the Queensland University of Technology Showcase of Teaching and Learning Forum; the presentation of a theme paper to the International Teaching (and Learning) Conference entitled “The 21st Century Teacher: University Teaching in a Time of Exponential Change ‘Teaching Ethics through Small Acts;’” the presentation of a Keynote Background Workshop Paper at the Australasian Professional Legal Educators Conference; the presentation of a paper entitled “Promoting Excellence and the ‘Good Life’ in Legal Education: The Place of

- Ethics in Law School – Engaging the Heart” at the Queensland Legal Education Day; and a discussion of the Fellowship at the Global Alliance for Justice Education Train the Legal Trainer Workshop, Trivandrum, India.
- ⁹ Sadly, this lack of innovation seems to be characteristic of law teaching in Australia as reflected, *inter alia*, in the poor ratings that law students have consistently given when asked about the quality of law teaching in Australian law schools.
- ¹⁰ One obvious exception is the Faculty of Law at Monash University.
- ¹¹ To illustrate: when I asked what institutions were doing in the area of LE/PR teaching early in 1999, some reported nothing. Yet later, within that same year, a couple of law schools in Australia began plans to introduce the subject into their curriculum and encouraged academic staff to attend the workshops that I held.
- ¹² The creation of a network of like-minded individuals committed to LE/PR education itself may help lessen these feelings of isolation.
- ¹³ Sadly, I did not find the same level or degree of cooperation or generosity amongst participants of all the workshops held in Australia. Not all workshop participants prepared written summaries of what they were doing in LE/PR teaching to share with all workshop participants as they were asked to do prior to the workshops. In one workshop, individuals from one institution shared little of their work; they seemed to be willing (and content) to take away more than they contributed to the workshop. In retrospect, I regret that I did not address the issue of the importance of everyone sharing information and contributing actively to the workshop directly in the workshop itself. This might have provided good fodder for discussion if I had addressed the ethics of sharing for learning properly during the workshop.
- ¹⁴ As indicated in the references cited in this edition of the *Legal Education Review*.
- ¹⁵ This is true not only of the LE/PR workshops but of the ALTA Law Teaching Workshops.