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The Law Teacher

A History of Australian Legal Education, by David Barker, (The Federation Press, 2017, xii and 275 pp, £34.89, ISBN 978 176002 142 9 (pbk))

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A History of Australian Legal Education, by David Barker, (The Federation Press, 2017, xii and 275 pp, £34.89, ISBN 978 176002 142 9 (pbk)).

This is, as far as I can tell, a unique book. It provides a comprehensive history of Australian legal education. It is based on considerable research, both library research into the archives of the law schools themselves and the various reports that have sought to promote change, but also empirical research with those who have taken major roles in the recent developments described.

There is a risk that a book with such a narrow focus will be of interest only to those actively involved in Australian legal education. However, the author has written with an eye on the comparative developments in other common law jurisdictions and it is true that many themes are relevant to all legal educators. David Barker is well-placed to do this. He had a significant career as a legal academic in the UK before moving to Australia, and at that time was an active participant in the ALT. In Australia he became Professor and Dean of Law at University of Technology Sydney. His experience and connections fit him ideally to write this insightful book.

The book contains something of a matrix. The overall chapter structure, having started with an introduction and literature review, presents a chronological history in four chapters followed by one considering external influences, another on reforms, one on the major reports that have influenced Australian legal education, and finally a conclusion. Within this outline structure Barker addresses nine themes:

- the purpose of legal education;
- expanding teaching methods;
- standardising the law curriculum;
- the move from teaching law to legal research;
- the move from legal practitioners to professional teachers;
- teaching resources;
- practical legal training;
- continuing legal education; and
- institutionalisation.

Here are topics to interest law teachers in any jurisdiction.

The historical sections present the original small group of traditional university law schools; a 'second wave' between 1960 and 1980, analogous to the development in the UK of the glass plate universities and polytechnics of the 1960s; and a 'third wave' from 1989 to date. This huge expansion, from six law schools in 1960 to some 40 in 2015 was in the face of opposition to increasing the number of law schools by the Pearce Committee, whose four-volume report in 1989 was influential in many ways, but in this, was like King Cnut attempting to hold back the tide. This led to debates, familiar elsewhere, as to whether there are too many law graduates and what the purpose of a law degree is. If the purpose extends beyond training lawyers and is a sound critical academic education, it is hard to argue that there are too many graduates. However, the development of the skills movement has been argued both to develop the effectiveness of the educational outcomes of the degree and the potential for effectiveness as a practitioner. The skill in curriculum

1 design is to address both and to realise that they need not be mutually exclusive. This has
2 been a goal in some, but not all Australian law schools.

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4 Skills development and technological developments are both elements of the expansion in
5 teaching and learning methods that are explained here. One area that Australian law
6 schools developed earlier than their UK counterparts was clinical legal education. Monash
7 Law School's Springvale Legal Service started in 1973 and students' work there became part
8 of the curriculum in 1975. The dispersed nature of their students has also informed the
9 development of distance learning approaches, as many law schools are catering for students
10 dispersed over Australia's huge distances. This has led to a creative use of information
11 technology that, in some cases, has affected the way in which class-based courses have
12 been approached.
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17 One significant difference between the Australian and UK situations is the interest in legal
18 education by law reform bodies. In the UK the Law Commission, while it regularly consults
19 the scholarly associations on the questions of law reform with which it grapples, has never
20 turned its attention to legal education itself. By contrast the Australian Law Reform
21 Commission has played a significant part. Its report ALRC 89, published in 2000, has been
22 influential in that several of its recommendations, including those relating to a developing
23 emphasis on legal ethics and high level professional skills, together with more diversity in
24 the delivery of practical legal training programmes have been, to a considerable degree,
25 implemented.
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30 These factors have encouraged a creativity that has informed a vibrant legal education
31 community in Australia. They have provided the most significant contribution from outside
32 the UK to the many issues of the *Law Teacher* over the years. The Australian Law Teachers'
33 Association produces a fine journal, the *Legal Education Review* and the *Legal Education*
34 *Digest* which, thrice-yearly, provides thoughtful digests of articles published around the
35 world on legal education.
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40 The way in which this community has developed from six fairly traditional law schools over
41 half a century, the influences on it and the tensions within it is fascinating, and David Barker
42 writes in a readable way about matters with which he has had an intimate involvement. It
43 contains much of interest to law teachers in any jurisdiction.
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