

# Foreword

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This volume contains eight articles within the General Issue, Volume 22(1) and three articles within the Special Topic Issue on the Teaching-Research nexus, Volume 22(2). We are pleased that Lynden Griggs of the University of Tasmania has written a foreword for the Special Topic Issue, and readers are referred to that foreword for an overview of the contents.

In the first article in the General Issue, Vai Lo argues that Australian law schools must avoid complacency in the internationalisation of their Bachelor of Laws degrees in the light of the fiercely competitive, increasingly global market for legal services. She encourages law schools to be more systematic and coordinated in their efforts to internationalise legal education, including moving beyond ‘overseas experience’ techniques to equipping teaching staff to embed international perspectives in domestically taught courses.

In the second article, Carolyn Penfold approaches the globalisation of law and legal education from a very different perspective, writing about the teaching of law to Pacific Island students. She argues that, where custom and cultural issues are significant, legal educators must teach far more than the substantive law and legal system if they are to prepare graduates to work effectively with clients in the local legal environment.

Drawing upon recent research into the changes in law student wellbeing across the course of their law studies, Wendy Larcombe, Ian Malkin and Pip Nicholson’s article reinforces the link between non-intrinsic student motivations and psychological distress, and also shows that student expectations have a role to play. They observe that students with high levels of psychological distress often do not adjust their self-expectations about academic performance — in their study, more than half of the students with severe depressive symptoms still expected to be in the top third of their class. The picture emerges of high achievers commencing law school without a strong intrinsic motivation to succeed but with high personal expectations nonetheless, who then experience psychological distress and perhaps depression when the reality does not match their expectations, and who while unwell continue to have unrealistically high expectations of their own performance, thereby compounding the problem. Reflecting on this article, I wonder who to blame: Law schools, for stripping students of idealism? Parents, for pushing their high achiever children into becoming lawyers when they aren’t really interested? High schools, for not engaging in sufficient career planning with students to help them identify what courses they would actually enjoy? Society, for valuing or respecting law as a profession more so than arts and trades? The authors offer some practical suggestions for law schools, such as providing interesting choices of subjects and assessment, focusing on experiential learning for competency more than grades, encouraging connections between students with similar values and interests, increasing

opportunities for student-teacher interactions, and using peer and professional mentoring. I imagine that these strategies would also develop students' communication skills and emotional intelligence, both of which are essential in legal practice.

Lucy Maxwell writes about law student competency in critical and ethical awareness, arguing that these can be fostered through the development of students' understanding of law as an instrument of power, rather than as apolitical instruments free of value judgements. She argues that courses in Administrative Law are a natural place to develop this understanding in students, but how legal doctrine is presented, in terms of the way cases are discussed and the language used in texts and subject materials to describe legal principles, is key.

The next two articles are about online practical legal education. Anneka Ferguson and Elizabeth Lee examine the use of simulations and practical activities in online practical legal education. They conclude that it is achievable to provide relevant, authentic, group-based learning environments that promote sustainable assessment practices. They also note the tension between establishing through traditional assessment models that learning outcomes have been achieved, and providing an authentic simulated transactional learning environment which intrinsically motivates students to learn, and learn from their mistakes.

Kristoffer Greaves and Julianne Lynch then focus on the student experience with online discussions, identifying three important factors in student satisfaction: perceptions as to the relevance of the subject matter, the contributions of online discussions to learning, and perceptions of the quality of the lecturer's participation. Just as lecturers need to be in the classroom to facilitate student learning, they must be present 'in the room' online — students want lecturers to give them direct feedback on their own postings, and guidance if peers post incorrect information. The difficulties in creating a sense of community in online discussions, as opposed to disparate postings by numerous students to tick a box for assessment, are once again apparent.

The final two articles are about change. Mutaz Qafisheh writes about the introduction of clinical legal education into Palestine. It is a vibrant example of an approach to clinical legal education where students not only have the opportunity to apply their learning and assist disadvantaged members of the community while making contacts within the legal profession, but also to broaden their knowledge through attending seminars and providing community legal education, reminiscent of the 'learn, do, teach' medical pedagogy.

Penelope Watson's article is about change in legal education a little closer to home. She considers legal education in these times of significant change both domestically and globally, envisaging a reconceptualised Law School as a holistic learning organisation encompassing knowledge and capability using both top-down and grass roots approaches across the intersecting roles of students, academics, practitioners. Her forward looking article is a fitting conclusion to the volume.

This issue of the *Legal Education Review* has involved the efforts of many people, mainly academics, who have volunteered their time and expertise with little thought of reward or recognition. Special thanks needs to go to the Faculty of Law at the University of Technology, Sydney and Professors Rosalind Mason and David Barker for support

provided through the ALTA office.

Thanks are due to the members of the 2012 Editorial Committee for their work in putting this Volume together — Nick James, Sonya Willis, Wendy Larcombe, Allan Chay, Donna Buckingham, Anne Hewitt, Patrick Keyzer and Matthew Ball. Thanks also to our Administrator Alysia Saker, our typesetter Maureen Platt, and our new proofer, Trischa Manna at Inkshed Press.

All articles in the *Legal Education Review* are double blind refereed. Our referees spend many hours of their own time reading and providing insightful feedback on the papers. Their efforts are always respected and genuinely appreciated. We also appreciate the support of our Editorial Advisory Board, the members of which often serve as referees and which provides overall guidance on the direction of the journal.

Submissions for inclusion in the 2013 edition (Vol 23) are due by 30 April 2013. Once again, in addition to a general issue containing research articles on current issues in legal education from all jurisdictions, we will be publishing a special issue of the Review. The topic of the 2013 special issue will be ‘Critical Legal Education: The Way Ahead’. We welcome articles that respond to recent trends in legal education towards deregulation and privatisation, the hallmarks of neoliberalism, addressing questions such as:

- What impact have recent trends had upon the teaching of critical perspectives on law, and on non-traditional (alternative, non-orthodox, non-doctrinal) approaches to legal education?
- How can recent trends be defended or criticised? What risks and opportunities do they present? How can they be endorsed or challenged?
- What consequences will a shift from funding of higher education as a public good towards market-based ‘user pays’ approaches have on law students?
- What are the consequences for law schools, as sites of ‘knowledge capitalism’, and the degree to which critique and context can still form part of a quality legal education?
- What are constructive responses that law schools, legal educators and law students themselves can make to ensure critical and contextual approaches are included in legal education?
- What is the significance of the growth of quality assurance mechanisms and the resulting managerial approaches to University governance?

The Review follows the *Australian Guide to Legal Citation* (3<sup>rd</sup> ed). Please refer to the *Legal Education Review* website for details: [www.ler.edu.au](http://www.ler.edu.au).

On a personal note, I have thoroughly enjoyed serving as Editor-in-Chief of the Legal Education Review for the past four years, and as Production Editor before that. Next year I will stay on as Executive Editor, but I will pass the Editor-in-Chief role to Professor Nick James of Bond University, who has served admirably on the Executive Committee and has been Associate Editor for the past two years. I am also very pleased that our new Associate Editor will be Anne Hewitt of Adelaide University.

Looking back over the past decade as a law academic, I would have to say it has been a many and varied experience. I have learned so much — from my students, my colleagues, and my ever-supportive mentor Professor David Barker AM. I haven’t had a lot of time to publish my own research while committing to supporting others to publish

on legal education, and writing law texts which I hope will be clear and engaging, but I do not regret my decisions. What really matters is not how many ERA points we accumulate, but seeing that moment when the lights go on for students in the classroom, and being there for students when they go through the difficult times in their lives. I will never forget how I was unable to prevent the untimely death of one precious talented young man while at University of Technology, Sydney. But I also remember the students who said they made it through with my support, or how they were inspired and motivated by our time together in class — these things and more have made it all worthwhile.

Dr Michelle Sanson  
Editor-in-Chief