

Foreword

This volume of the *Legal Education Review*, Volume 23, is my first as Editor-in-Chief, and I am very proud of the collection of legal education articles that we have gathered together for your edification, reflection and enjoyment. The volume consists of two issues, a General Issue and a Special Issue. The Special Issue includes six engaging — and at times confronting — articles about the past, present and future of ‘critical legal education’ in Australia. The articles examine various consequences of the rising influence of corporatism, neoliberalism and the market narrative upon the teaching of law. The Special Issue commences with a separate Foreword written by our guest editors, Mary Heath and Peter Burdon, and I refer you to that Foreword for more information about the articles included in the Special Issue. I would like to take this opportunity to thank Mary and Peter for their hard work and insightful advice in selecting and editing the six articles in the Special Issue.

The General Issue is made up of nine articles that explore a variety of legal education topics. The first four articles are united by their emphasis upon culture: cultural context, cultural awareness and cultural competency. In ‘Teaching Legal Ethics and Professionalism in a South Pacific Context’, Carolyn Penfold considers the importance of cultural context to the teaching of legal ethics. Legal ethics has recently become a compulsory subject at the University of the South Pacific (USP). Carolyn explains how it was tempting to model the new legal ethics subject on those taught in Australia, but that her experience teaching legal ethics at USP together with research into the legal profession in Vanuatu and the Solomon Islands lead her to identify a number of additional features which had to be taken into account to make the subject appropriate to the South Pacific context. Carolyn describes these additional features in detail, and concludes by offering suggestions for improving the ethical and professional training of South Pacific lawyers.

Thalia Anthony and Melanie Schwartz, in ‘Invoking Cultural Awareness through Teaching Indigenous Issues in Criminal Law and Procedure’, argue that a critical, contextual approach is the most appropriate way to teach students criminal law. Thalia and Melanie describe a method for incorporating Indigenous issues into a criminal law subject to improve students’ understanding of cultural diversity, the interaction between culture and the legal system, and the differential impact of the law on different cultural groups, all without compromising the core requirements of the Priestley 11.

The third of our four articles about legal education and culture is ‘Incorporating Indigenous Cultural Competency through the Broader Law Curriculum’ by Asmi Wood, who emphasises the importance of teaching Indigenous cultural competency (ICC) to all law students. Asmi explains the concept of ICC, describes and evaluates the approach to development of ICC taken at the Australian National University’s College of Law, and identifies some useful lessons for other law schools and institutions seeking to inculcate ICC.

Finally, Magdalene D’Silva, in ‘A New Legal Ethics Education Paradigm: Culture and Values in International Arbitration’, makes a case for rethinking mandatory legal ethics education in the English law degree by considering legal ethics education in other common law jurisdictions and the fundamental role played by legal culture, values and ethics in international commercial arbitration. According to Magdalene, traditional undergraduate and postgraduate legal ethics education is often focused on the regulation of lawyer conduct, legal practice and legal services. However, the role played by lawyers in international arbitration illustrates the need for a heightened sensitivity to cross-cultural values.

Each of the next three articles emphasises vocational aspects of legal education. In ‘Equipping Students for the Real World: Using a Scaffolded Experiential Approach to Teach the Skill of Legal Drafting’, Francina Cantatore and Tammy Johnson insist that a good legal education must equip law students with the skills needed to meet the challenges they will face as practising lawyers, and that well-developed legal drafting skills are essential for effective legal practice. Using a consumer lending transaction as an example, Francina and Tammy identify the difficulties associated with achieving a balance in legal drafting between protecting a client’s legal interests and clearly and concisely conveying the appropriate message to the intended audience. They show how the use of both scaffolded and experiential learning approaches to teaching legal skills can be an effective way for students to develop the skill of legal drafting using plain language.

Next, Madeleine Fraser, Joanna MacKenzie, David Weisbrot and Wesley Tan, in ‘Transition from Legal Education to Practice: Extra-Curricular Competitions Offer the Missing Link’, explore the possibility that extra-curricular legal competitions such as mooting and client interviews, conducted within a university setting, provide law students with the opportunity to develop and refine their practical legal skills. They report on a survey of law students conducted at Macquarie University and their finding that the students who participated in a legal competition reported a significantly higher improvement in their perceived skills.

Eileen Johnson, Amy Timmer, Dawn Chandler and Charles Toy, in ‘Matched vs Episodic Mentoring: An Exploration of the

Processes and Outcomes for Law School Students Engaged in Professional Mentoring’, report on the results of a qualitative study of the experiences of law students participating in one of two types of mentoring program: traditional matched-pair mentoring and episodic mentoring. The results of the study indicate that both forms of mentoring result in similar outcomes, but the strengths and challenges experienced by participants in each program differ, and the authors conclude that episodic mentoring is a viable and useful way for law schools to provide systematic mentoring to law students.

The last two articles in the General Issue focus upon digital natives and e-learning. In ‘Reading Law: Motivating Digital Natives to Do the Reading’, Liesel Spencer begins with the observation that many students today come to class without having read the material allocated as preparatory reading for that class. Liesel considers whether and why reading is important for the ‘digital native’ generation of law students; questions whether it is the job of the law academic to motivate law students to do their reading; identifies the reasons for student non-compliance with set reading; and explains how law teachers can reconcile intergenerational differences using specific motivational strategies to initiate and sustain a ‘virtuous circle’ of reading behaviour.

Finally, Stephen Colbran in ‘e-Learning in Australian Law Schools’ describes the ways in which technology and social change are disrupting the traditional modes of delivery, pedagogy and educational business models of Australian law schools. Stephen reports on the findings of a survey of the use by Australian law schools of blended learning incorporating distance education and e-learning both as supplements to and replacements for face-to-face instruction. He concludes that e-learning is pervasive in Australian law schools, but that more systematic law school policies, support and program-wide practices are warranted.

This volume of the *Legal Education Review* would not have been possible without the efforts of many people, most of whom selflessly volunteered their time and expertise without thought of reward or recognition. Thanks are especially due to the members of the 2013 LER Editorial Committee for their hard work in bringing this volume together: Associate Editor Anne Hewitt, Executive Editor Michelle Sanson, and Consulting Editors Sonya Willis, Wendy Larcombe, Allan Chay, Donna Buckingham, Anne Hewitt, Matthew Ball, and (joining us this year) Kate Galloway. Our hardworking Administrator Alysia Saker managed submissions, liaised with authors and referees, assisted the editors, paid bills, issued invoices and generally ensured that the editorial process moved steadily towards its intended but not necessarily inevitable conclusion, the publication of this volume.

Our typesetter Maureen Platt and our proofer Trischa Mann at Inkshed Press ensured that the articles included in this volume were presented and printed to our usual high standards. Helen Anderson, ALTA Treasurer, managed the LER finances, the ALTA Executive Committee provided ongoing financial support and encouragement, and Palgrave MacMillan generously sponsored the journal for the third time in three years.

All of the articles in the *Legal Education Review* are double-blind refereed. Our referees spend many hours reading and providing insightful feedback on our articles, and their efforts are genuinely appreciated both by the editors and by 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 long list of illustrious scholars and practitioners on our Advisory Board has this year been expanded to include Terry Hutchinson (QUT) and Des Butler (QUT).

The LER has recently issued a call for submissions to Volume 24 of the journal, to be published in 2014. Issue 1 will be a General Issue containing articles on current issues in legal education from all jurisdictions. Issue 2 will be a Special Issue entitled ‘Ethics and Professionalism in Legal Academia — Practising, Preaching and Participating’, and will contain articles about the diverse relationships legal academics have with the concepts of ethics and professionalism. Topics of interest include (1) the professional and ethical obligations, responsibilities and expectations that influence our teaching and research; (2) the meaning of ‘professionalism’ for the modern legal profession, and the extent to which law schools can or should be involved in its teaching; (3) the ways in which legal academics can develop in our students the theoretical and professional skills required for ethical practice; (4) the ways in which the teaching of ethics and legal professionalism is affected by the regulatory environment in higher education; and (5) ethical and professional dilemmas facing legal academics and how these affect our teaching and research. The deadline for submissions is 30 April 2014. Please refer to the *Legal Education Review* website for more details: www.ler.edu.au.

Given the nature of some of the articles included in this year’s volume, it seems appropriate to emphasise that the views and opinions expressed in these articles are those of the authors, not necessarily those of the editors of the *Legal Education Review* or the Australasian Law Teachers Association or its members.

Professor Nick James
Editor-in-Chief