



Context for the Symposium

Duncan Bentley and Joan Squelch

*Internationalising the Australian Law Curriculum
for Enhanced Global Legal Education and Practice*

National Symposium

National Portrait Gallery, Canberra

Friday, 16 March 2012



Australian
National
University



Supported by the
Australian Government
Office for Learning and Teaching



Overview of Presentation

- Context for the Project
- Perspectives on Global Legal Education
- Approaches to Internationalising the Law Curriculum
- Employer Roundtable Feedback
- Preliminary Findings
- Questions for Further Discussion



Context for the Research Project

- ❑ Globalisation of legal services
- ❑ The International Legal Services Advisory Council (ILSAC)
- ❑ Legal education in context
- ❑ OTL Priority Project on Curriculum Renewal and Internationalisation



The ILSAC/OTL Research Project

- **Topic:** Internationalising the Australian Law Curriculum for Enhanced Global Legal Education Practice
- **Purpose of the project:** to develop a framework for an internationalised law curriculum aimed at preparing law graduates to practice in a global environment



Perspectives on Global Legal Education

- Law graduates should be educated for practice in a global, multi-jurisdictional context
 - In a globalising world, lawyers will need to be educated in such a way as to make it easy to move across jurisdictions, across specialisations, and to move across employment opportunities' (Klabbers, 2008)



Perspectives on Global Legal Education

- On the proliferation of international cross-border legal issues in legal practice
 - Almost every lawyer must be prepared to face some transnational issues, regardless of that lawyers field of practice (Bogdan, 2005)



Perspectives on Global Legal Education

- On global inter-dependence
 - With an increasing interdependence of States, an imperative arises to develop cooperative and multilateral solutions to these issues (Freeland, 2005)
 - Only by active involvement on a broad front can we change the global reputation of the Australian legal system and of Australian lawyers (Spigelman, 2011)



Perspectives on Global Legal Education

- How relevant is the content and methodology of legal education?
 - Law schools that fail to conform their educational mission to the realities of law and the practices of the great global legal education actors ... will find themselves playing a limited role in the future development of law and the production of law and lawyers for the global marketplace (Backer, 2007)



Approaches to Internationalising the Law Curriculum

- Aggregation i.e. separate ‘international’ or ‘transnational’ subjects/units
- Segregation i.e. separate administrative area such as an international law institute or centre



Approaches to Internationalising the Law Curriculum

- Integration i.e. incorporation of international elements across the whole curriculum, research and services
- Immersion i.e. studying in different jurisdictions



Employer Roundtables

- **The purpose:** to obtain input from employers of law graduates on their perspectives on internationalising the law curriculum, in particular, their views on the knowledge, skills and attributes that are essential for law graduates working in a global, multi-jurisdictional environment



Employer Roundtables

□ Roundtables

- Hong Kong (27 May 2011) – 4 participants
- Perth (21 June 2011) – 13 participants
- Perth (22 June 2011) – 7 participants
- Perth (23 June 2011) – 13 participants
- Canberra (25 July 2011)
- Sydney (28 February 2012)

□ Participants

- Legal practitioners – private, corporate and government
- Representatives from professional bodies
- Human resources personnel
- Academics



Roundtable Feedback

□ Legal Knowledge

■ Core foundational knowledge

- understanding of basic legal concepts and principles
- knowledgably about landmark cases
- absolute core units such as contracts and torts



Roundtable Feedback

- International-specific knowledge
 - not really concerned about international law ... not necessary to come with international principles will learn on the job
- However-
 - need to understand that there are different jurisdictions – need to know about different legal systems



Roundtable Feedback

- Essential Skills and Attributes
 - Communication and Presentation
 - Legal Problem Solving
 - Legal Research
 - Relationship Building
 - Adaptability



Preliminary Findings

- Strong emphasis on graduates having a deep understanding and knowledge of core fundamental legal concepts, principles and seminal cases
- Strong emphasis on deep knowledge and application of core subject such as contracts and torts



Preliminary Findings Cont.

- Less interest in graduates having specialist or specific knowledge of international law – useful but not essential
- Greater emphasis on graduates having a basic knowledge and understanding of different legal systems



Preliminary Findings Cont.

- Consensus on developing generic skills such as communication, problem solving, analytical, interpersonal and research skills
- Expectation that graduates ‘culturally literate’ and can ‘adapt’ to different environments and ‘learn quickly’



Alignment with Research/Literature

- Legal education should be ‘fairly general in nature’... (Klabbers, 2008)
- Lawyers practicing in a global environment must understand different legal traditions ... (Grossman, 2008)
- McCrate Report set out ten ‘Fundamental Lawyering Skills’ (ABA, 1992) – still relevant today
- ‘Exposing law students to international and foreign law will not help them much if they have *no tools to research the law in those jurisdictions*’ (Rumsey, 2009)
- ‘...ability of the individual to adapt and learn new things on his or her own’ ... (Magallanes, 2005)
- Legal education should now increasingly focus on what lawyers ‘*need to be able to do*’, rather than on what lawyers ‘*need to know*’ (ALRC Review, 2000)



Implications for developing a framework for an internationalised law curriculum

- Curriculum design based on the ‘integration model’ – rather than inclusion of a separate ‘international’ or ‘transnational’ subject/unit
- Graduate attributes reflect the core generic and legal skills, and knowledge



Implications for developing a curriculum framework

- Law program learning goals and outcomes describe the desired generic and legal skills, and knowledge that incorporate international dimensions
- Generic and legal skills not necessarily stand-alone units but integrated and taught in conjunction with substantive subjects



Implications for developing a curriculum framework

- Assessments demonstrate/measure actual achievement of core generic and legal skills, and knowledge
- Teaching and assessment of areas of law more integrated and less compartmentalised



Questions for Further Discussion

- Comments on Employer feedback to date?
- Does the way we regulate our curriculum through the LACC allow us to respond to globalisation and the international best practice requirements of TEQSA?