Transactional and Experiential Law Teaching - Trends and Challenges in the Asia Pacific Region

Law and Society Conference 2016

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• Creating practice-ready or practice-aware graduates
• Incorporating transactional and experiential learning into the curriculum
• The importance of developing professional skills
• Two key issues:
  • Expectations of the profession/market
  • Skills and pathways to admission
• Market drivers:
  – Cost constraints
  – Increased demands of lawyers, particularly in the context of the globalisation of the profession
  – The impact on law schools and admission requirements such as legal practice courses and bar examinations
Skills, curricula, pathways (and gatekeepers) to admission

• ABA standards

• Pathways:
  – Bar exam with a compulsory preparation course (e.g. Singapore)
  – Professional admission course that is subject to quotas and competitive enrolment (e.g. Hong Kong)
  – Legal practice (LPC) or practical legal training (PLT) courses that are available to all graduates (e.g. Australia and the UK)

• Pre-admission or post-admission training
Skills, curricula, pathways (and gatekeepers) to admission

• Hong Kong
  – PCLL as a skills-based program
  – The debate over the introduction of a common entrance examination (CEE): (1) quality concerns; (2) access concerns; (3) professional standards and the public interest

• Singapore
  – Rajah Report 2007: ‘A second gatekeeper is…essential to ensure that the numbers entering the profession are responsive to market demands.’
  – Law schools should provide ‘early preparation for the realities of practice’

• Australia
  – Trend towards incorporating clinics and skills into the curriculum
Questions:

- Should there be a second gatekeeper or, instead, open admission to the profession?
- What does the debate in Hong Kong reveal about the tensions pulling in both directions?
- What do the issues generally reveal about the role of lawyers in society? Are they service providers or members of a special profession and what does this say about pathways to admission?

Publications: