

**REVIEW: IMPERATIVES FOR LEGAL EDUCATION RESEARCH:  
THEN, NOW AND TOMORROW (ROUTLEDGE, 2020)**

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Review of *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Ben Golder, Marina Nehme, Alex Steel and Prue Vines (eds), Routledge, 2020, ISBN 978-1-138-38780-5)

A fact I enjoy sharing is from David Weisbrot's invaluable monograph *Australian Lawyers*: 'In New South Wales it was not until 1968 that yearly admissions to practice tipped in favour of university graduates'.<sup>1</sup> Until then, the path to legal practice was principally by way of apprenticeship; many if not most law teachers were practising lawyers, and 'legal education' was simply what they did, which was deliver lectures and administer examinations.<sup>2</sup>

In that context, there wasn't much by way of 'legal education research'. In Australia, the *Journal of Professional Legal Education* began only in 1983, followed by the *Legal Education Review* in 1989. In England, *The Law Teacher* began in 1967. But whether recently or for a long time, it is unsurprising that much of what is written about legal education is about practice, experiment and innovation in teaching. As Fiona Cownie says in the volume under review, writing 'which focuses on the improvement of practice performs a valuable function'.<sup>3</sup> Kate Galloway, Melissa Castan and Alex Steel detail that value: such writing addresses

the efficacy of legal education to serve society and the profession, while employing and advancing contemporary educational imperatives and methods ... [it] functions at the intersection of higher education, the law school, the legal profession, the law, the community and law students.<sup>4</sup>

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<sup>1</sup> David Weisbrot, *Australian Lawyers* (Longman Cheshire, 1989) 72, citing Committee of Inquiry into Legal Education in New South Wales, *Legal Education in New South Wales* (Bowen Report, 1979) 184.

<sup>2</sup> See David Barker, *A History of Australian Legal Education* (Federation Press, 2017) 45–6.

<sup>3</sup> Fiona Cownie, 'The Reception of Legal Education Research in the (Legal) Academy' in Ben Golder, Marina Nehme, Alex Steel and Prue Vines (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 12, 21.

<sup>4</sup> Kate Galloway, Melissa Castan and Alex Steel, 'Towards a Taxonomy of Legal Education' in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 120, 126–7.

Does it matter, then, whether such writing constitutes ‘research’? Increasingly it does, because unless what legal academics write is formally accepted as research, their jobs are insecure, their promotion unlikely, and their law school’s standing and funding are compromised. The possible inclusion of ‘legal education’ as a recognised field of research for purposes of the Australian Research Council adds some urgency to the question, which is addressed by some, and only some, of the chapters in the volume.

## I THE MEANING OF LEGAL EDUCATION RESEARCH

The book’s title, *Imperatives for Legal Education Research*, strikes me as ambiguous. It suggests a focus either on reasons why legal education research is important, or on issues that are important for legal education research to address. Although the editors suggest the first, titling their introductory chapter ‘Legal education research as an imperative’,<sup>5</sup> neither is actually what the book is about. To the limited extent that the book’s chapters directly address the idea of legal education research, they explore not imperatives for legal education research, but imperatives for accepting and defining a thing that is legal education research; this would be captured in a title about imperatives *for the idea of* legal education research.

It is not obvious what the criteria are for a piece of academic writing to be accepted even as ‘research’ or, more specifically, ‘legal research’, let alone as legal education research (in their chapter addressing the question, Galloway, Castan and Steel start with the not-very-encouraging view of the Council of Australian Law Deans that ‘it is not at all obvious what “legal research” comprehends’).<sup>6</sup> The first step might be to have legal education accepted as a field of research at all.

Legal education research is not currently recognised as a distinct field of research by the Australian and New Zealand Standard Research Classification (‘ANZSRC’), the classification under which academic research is measured, analysed, promoted and rewarded. In 2012 Kathy Bowrey reported to the Council of Australian Law Deans on the assessment of research performance in law.<sup>7</sup> She wrote that

[t]here has been a concerted effort to enhance research into teaching and learning in law over the past decade. There are dedicated researchers and journals in this area, including Australian journals. This subject matter has featured as specialist editions of general law journals.<sup>8</sup>

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<sup>5</sup> Ben Golder, Marina Nehme, Alex Steel and Prue Vines, ‘Legal Education Research as an Imperative’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 3, 3 (emphasis in original).

<sup>6</sup> Galloway, Castan and Steel (n 4) 122, citing Council of Australian Law Deans, ‘Statement on the Nature of Legal Research’ (Statement, October 2005).

<sup>7</sup> Kathy Bowrey, *Assessing Research Performance in the Discipline of Law: The Australian Experience with Research Metrics, 2006–2011* (Report to the Council of Australian Law Deans, 13 March 2012).

<sup>8</sup> *Ibid* 53.

Identifying ‘uncertainties and confusions’ created by the ‘lack of ... relevant [ANZSRC] Codes’,<sup>9</sup> Bowrey recommended that ‘Legal Education should be recognised as a six-digit specialisation in the [ANZSRC] divisions of Law or Education’.<sup>10</sup> In 2019 it was proposed in a revision of the ANZSRC codes to recognise legal education as a distinct ‘field of research’;<sup>11</sup> a decision on the proposal is expected during 2020.

ANZSRC recognition of legal education as a distinct field of research will bring unprecedented focus to bear on what constitutes legal education research in Australia, because legal education research will count for the next iteration of the Australian Research Council’s national research evaluation process, ‘Excellence in Research for Australia’ (‘ERA’). Galloway, Castan and Steel’s proposed ‘taxonomy of legal education research’<sup>12</sup> is – though not explicitly – an attempt to prepare for that day.

Their approach is to theorise legal education research ‘as a branch of legal research’<sup>13</sup> with the distinctive character of ‘deriving from and serving the purposes of the law and its practice’.<sup>14</sup> They propose a taxonomy into which, presumably, legal education researchers will fit their work so as to make a legitimate claim for its being counted as ‘research’. The three part taxonomy draws on ‘existing models of education, and ... the broader scholarship of education’.<sup>15</sup> It describes perspective – the ‘purpose or philosophical framework that the author adopts’,<sup>16</sup> method – ‘recognised frameworks of educational research methods’,<sup>17</sup> and themes – curriculum, pedagogy and learning.<sup>18</sup> The taxonomy is generous, and aims to be inclusive; this is especially important in light of what Cownie writes about the experience in the United Kingdom (‘UK’). In relation to ‘perspective’ for example, Galloway, Castan and Steel allow for a wide range, from description to radical critique, in a hierarchy that is based on developments in method, not on relative scholarly merit: the hierarchy of perspectives is ‘not a judgement on quality or importance’.<sup>19</sup>

Cownie’s chapter can be read as a warning against this generous and inclusive approach. It appears that the UK’s ERA equivalent – the Research Excellence Framework (‘REF’) – engages in exactly the judgement on quality and importance of legal education that Galloway, Castan and Steel disavow. Cownie’s view is that ‘comments made by the expert assessors for law after REF 2014 suggest that research on legal education ... did not consistently meet [the] criteria’ of

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<sup>9</sup> Ibid 52.

<sup>10</sup> Ibid 53.

<sup>11</sup> Australian Research Council, Australian Bureau of Statistics, New Zealand Ministry of Business, Innovation and Employment and Stats NZ, ‘Consultation Draft: Australian and New Zealand Standard Research Classification Review’ (Consultation Draft, ANZSRC Review, 2019) 68.

<sup>12</sup> Galloway, Castan and Steel (n 4) 120.

<sup>13</sup> Ibid 136.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid 122.

<sup>16</sup> Ibid 127.

<sup>17</sup> Ibid 130.

<sup>18</sup> Ibid 132–6.

<sup>19</sup> Ibid 128.

‘originality, significance and rigour’.<sup>20</sup> These are criteria ‘that are used to judge research into substantive areas of law’,<sup>21</sup> and they cut across Galloway, Castan and Steel’s non-judgemental hierarchy of perspectives. Cownie’s proposed strategy to meet REF expectations is to be judgemental, and to distinguish between writing that is ‘research’, and writing that is (merely) ‘on the improvement of an aspect of learning and teaching’.<sup>22</sup> In doing so she relies on Ernest Boyer’s taxonomy of scholarship.

Boyer’s taxonomy sets out ‘four separate, yet overlapping, functions [of the professoriate] ... the scholarship of discovery; the scholarship of integration; the scholarship of application; and the scholarship of teaching’.<sup>23</sup> Boyer was moved to his analysis of research by a concern that teaching is seen as a lesser order scholarly activity behind the ‘first and most essential form of scholarly activity’, research.<sup>24</sup> This is Cownie’s concern too, based on the UK REF comments. Her solution is to rely on Boyer’s taxonomy as a hierarchy, where

the scholarship of discovery and of integration are ‘research’ in the traditional sense [and] the scholarship of application and the scholarship [of] teaching describe scholarship which is not of the same nature and which cannot be valued in identical ways.<sup>25</sup>

She argues, therefore, that writing on legal education that falls within the first two categories is ‘generally accepted as “research”’, but that writing on legal education that falls within the second two categories is ‘simply not regarded as “research”’.<sup>26</sup>

To emphatically distinguish between the two, Cownie proposes changing the nomenclature, and distinguishing between these two forms of writing on legal education. For Boyer, it is all ‘scholarship’; for Cownie, writing that falls within Boyer’s first two categories would be called ““research” in the traditional sense’,<sup>27</sup> and writing that falls within Boyer’s second two categories would be called ‘scholarship’, which she sees merely as ‘a process of reading research in order to keep up to date’.<sup>28</sup>

Using the term ‘scholarship’ in this intentional way is at odds with the well-argued preference that Boyer, and Galloway, Castan and Steel, have for giving substantive meaning to scholarship *as* research. Further, Cownie’s nomenclature proposal would displace the well-known and widely used term ‘Scholarship of Learning and Teaching’, or ‘SoLT’.<sup>29</sup> The term is attributed<sup>30</sup> to Boyer’s fourth

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<sup>20</sup> Cownie (n 3) 14.

<sup>21</sup> Ibid 17.

<sup>22</sup> Ibid 24.

<sup>23</sup> Ernest L Boyer, *Scholarship Reconsidered: Priorities of the Professoriate* (Carnegie Foundation for the Advancement of Teaching, 1990) 16 (emphasis omitted).

<sup>24</sup> Ibid 15.

<sup>25</sup> Cownie (n 3) 24.

<sup>26</sup> Ibid 20.

<sup>27</sup> Ibid 24.

<sup>28</sup> Ibid.

<sup>29</sup> Interchangeable in the literature with ‘SoTL’, the Scholarship of Teaching and Learning.

<sup>30</sup> Michael K Potter and Erika Kustra, ‘The Relationship between Scholarly Teaching and SoTL: Models, Distinctions, and Clarifications’ (2011) 5(1) *International Journal for the Scholarship of Teaching and Learning* 1.

function of the professoriate, ‘scholarship of teaching’,<sup>31</sup> a term that appears to precipitate what has become widely known as the scholarship of learning and teaching.<sup>32</sup> Whatever the strategic sense of Cownie’s proposal, it is hard to see the widespread renaming of what has been accepted as research as mere scholarship.

Galloway, Castan and Steel, without reference to the existence of SoLT, call writing-on-legal-education-which-is-legal-research, ‘Scholarship of Legal Education’, or ‘SoLE’. The similarity of the terms may be a coincidence, but if the term SoLE is to be popularised and adopted it might benefit from an explicit connection not only with SoLT, but with SoLT’s origins in Boyer’s influential thesis and subsequent related work.<sup>33</sup>

In summary, where Galloway, Castan and Steel propose what legal education research (SoLE) is, Cownie argues for what it should be seen to be. Her approach would exclude from formal counting of research outputs a significant amount of academic writing on legal education that is considered, informed, analytical, reflective, and useful. It would exclude much of what Galloway, Castan and Steel would include as SoLE. But it may be that, come the time, an ANZSRC code which recognises legal education as a distinct ‘field of research’ will give Cownie’s thesis particular relevance to Australia.

A debate about what constitutes legal education research, or scholarship, is an important, even existential, one. In this volume it is not so much a debate as two views in different parts (chapter 2 in Part I and chapter 7 in Part II). The absence of a consolidated and central discussion of the issue is surprising in light of the editors’ express enthusiasm for the ‘urgently needed ... formalisation of legal education as its own distinct research field, with its own taxonomy’.<sup>34</sup> This is exactly what Cownie and, very differently and separately, Galloway, Castan and Steel address, and is one example of a weakness in the volume that is common to many such publications: different authors’ chapters don’t engage with each other. Would that Cownie, Galloway, Castan and Steel had been locked in a room together; they might have produced a single work which canvassed, differentiated and sought to accommodate their very different views on what legal education research comprehends.

The theme of the meaning of legal education research is picked up in two complementary chapters, one of which is Alex Steel’s survey of empirical legal education research in Australia. Steel touches on the existential question when he defines what falls outside ‘original empirical research’, and when he excludes as not empirical (but are they SoLE?) ‘papers that merely reported on teaching or

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<sup>31</sup> Boyer (n 23) 16.

<sup>32</sup> See, eg, International Society for the Scholarship of Teaching and Learning (Web Page) <<https://issotl.com/>>; Peter Ling, ‘The Scholarship of Teaching and Learning and Higher Education Research: Boundaries and Implications’ in Lorraine Ling and Peter Ling (eds), *Emerging Methods and Paradigms in Scholarship and Education Research* (IGI Global, 2020) 56.

<sup>33</sup> See, eg, Kay Maxwell and Julie Pastellas, ‘Valuing Practice: The Place of Practical Legal Research in Academic Life’ (Conference Paper, AARE International Educational Research Conference, 28 November–2 December 2004).

<sup>34</sup> Golder et al (n 5) 4.

assessment innovations in a single course’,<sup>35</sup> and ‘an author’s personal reflections based on their teaching experience without objective data’.<sup>36</sup>

Kristoffer Greaves’s chapter is similarly complementary to the debate about the nature of legal education research. Greaves examines aspects of what he calls ‘legal education SoLT’<sup>37</sup> that are apparent in a meta-survey of ‘legal education scholarship’,<sup>38</sup> and proposes criteria for identifying empirical research. Here is another missed opportunity for different authors’ chapters to engage with each other; it seems, for example, that Greaves’s approach – to count as empirical research legal education SoLT output that is ‘based on data derived from observed and measurable experience’<sup>39</sup> – is coextensive with Steel’s. At least the two chapters are contiguous and can be readily read together.

After a number of intervening chapters, the volume returns to the idea of legal education research with Paul Maharg’s chapter, the opening address to the conference on which the volume is based. The chapter is effectively a capstone on the preceding discussions of legal education research. With a particular focus on legal education and technology, Maharg is concerned that the research ‘lacks the quality and rigour that we need to understand the field and guide our practices’.<sup>40</sup> He makes the point that the same is true of legal education research more generally, evidenced by the literature review he led for the Legal Education Training Review (‘LETR’) in England and Wales.<sup>41</sup> This concern is, effectively, the starting point for the chapters by Cownie (who invokes the REF expert assessors’ comments to the same effect),<sup>42</sup> and Galloway, Castan and Steel. Where those authors propose different ways of characterising legal education research so as to lift its profile and quality, to which Steel’s and Greaves’s chapters add the heft of empirical work, Maharg proposes ‘three rival futures’ for legal education research: Promethean discovery of new knowledge, Sisyphus-like isolated and repetitious labour and, his preference, Themistic community and openness of shared research.<sup>43</sup>

Other chapters in the volume are about other matters relating to legal education, but none is in any state of angst about the meaning of legal education research. While the existential question ‘but is it legal education research?’ could be asked of each, I tend to the more generous, less hierarchical view that all but one of the chapters are what Galloway, Castan and Steel would call SoLE,

<sup>35</sup> Alex Steel, ‘Empirical Legal Education Research in Australia: 2000–2016’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 74, 75.

<sup>36</sup> *Ibid* 76.

<sup>37</sup> Kristoffer Greaves, ‘A Meta-Survey of Scholarship of Learning and Teaching in Practice-Based Legal Education’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 107, 109.

<sup>38</sup> *Ibid* 108.

<sup>39</sup> *Ibid*.

<sup>40</sup> Paul Maharg, ‘Prometheus, Sisyphus, Themis: Three Futures for Legal Education Research’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 271, 280.

<sup>41</sup> *Ibid*, citing Julian Webb, Jane Ching, Paul Maharg and Avrom Sherr, *Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales* (Final Report of the Legal Education and Training Review, Solicitors Regulation Authority, Bar Standards Board and ILEX Professional Standards, June 2013).

<sup>42</sup> Cownie (n 3) 14.

<sup>43</sup> Maharg (n 40) 282.

although some may not fall within Cownie's upper echelon of strict 'research'. The chapters pursue an argument, or tell a story, or analyse an aspect of legal education, with implicit confidence that they are engaging in SoLE in some way.

There is, however, no clear unifying feature among the chapters in the volume except that each is about an aspect of legal education, and I am neither helped nor convinced by the editors' grouping of the chapters. Of the five chapters that examine the editors' theme of the meaning of legal education research, one is in the 'Introduction', one is under 'Calls for Action' and three are grouped under the heading 'Current Landscapes'. The other two chapters under that last heading more clearly address a current landscape: neoliberalism.

## II NEOLIBERALISM

Peter Burdon describes the reforms to higher education that began in the 1980s, where '[c]hanges in funding, combined with the dominance of free market liberalism in public policy, economized the idea of higher education',<sup>44</sup> rendering it 'a service to the consumer that should be bought and sold like any other commodity'.<sup>45</sup> In this context he reviews ten years of scholarship in two leading legal education journals, to see the extent to which the literature 'addresses neoliberalism and engages the political and economic circumstances that influence our teaching environments'.<sup>46</sup> Spoiler alert: Burdon's answer is, not much. He characterises the legal scholarship variously as 'largely apolitical',<sup>47</sup> striving 'to be neutral',<sup>48</sup> and prioritising 'skills, technology and practice over critical analysis',<sup>49</sup> and he offers an extensive and considered analysis of why this might be so. The point about lack of critical analysis harks back to the debate about what constitutes legal education research, but that is not an issue that Burdon is addressing.

In describing the effect of neoliberalism on higher education, Burdon necessarily refers to Margaret Thornton's 'sustained and detailed analysis' of that phenomenon,<sup>50</sup> and to related scholarship.<sup>51</sup> The extent and nature of neoliberal

<sup>44</sup> Peter Burdon, 'Neoliberalism in Legal Education Research' in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 31, 32.

<sup>45</sup> Ibid 33, quoting Stuart Macintyre, André Brett and Gwilym Croucher, *No End of a Lesson: Australia's Unified National System of Higher Education* (Melbourne University Press, 2017) 37.

<sup>46</sup> Ibid 31.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid 37.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid 33, citing Margaret Thornton, *Privatising the Public University: The Case of Law* (Routledge, 2012) and her earlier articles: Margaret Thornton, 'Technocentrism in the Law School: Why the Gender and Colour of Law Remain the Same' (1998) 36(2) *Osgoode Hall Law Journal* 369; Margaret Thornton, 'Among the Ruins: Law in the Neo-liberal Academy' [2001] 20 *Windsor Yearbook of Access to Justice* 3; Margaret Thornton, 'The Demise of Diversity in Legal Education: Globalisation and the New Knowledge Economy' (2001) 8(1) *International Journal of the Legal Profession* 37; Margaret Thornton, 'Gothic Horror in the Legal Academy' (2005) 14(2) *Social and Legal Studies* 267.

<sup>51</sup> Ibid, citing Michael Chesterman and David Weisbrot, 'Legal Scholarship in Australia' (1987) 50(6) *Modern Law Review* 709; Jane Kelsey, 'Privatizing the Universities' (1998) 25(1) *Journal of Law and Society* 51; Jan Currie, Bev Thiele and Patricia Harris, *Gendered Universities in Globalized Economies:*

influence on higher education is contested territory, and Burdon sets out many of the criticisms of Thornton's analysis.<sup>52</sup> This considered account of the neoliberalism debate contrasts starkly with the chapter that follows, by David Dixon.

Dixon's chapter must be in the book to be read with Burdon's account of neoliberalism, because it says nothing about legal education research. It is, rather, an extraordinarily blunt and at times personally-directed attack on the work of Margaret Thornton, Nickolas James and Frank Carrigan. It is as startling to read as it was to hear for those who were at the conference where Dixon gave the paper;<sup>53</sup> this chapter is largely that paper, down to the comment '[I]ater today I am going to ...'.<sup>54</sup>

Dixon's chapter is far from apolitical and neutral. His argument – leaving personalities out of it – is very strongly that the neoliberal critique is overly pessimistic. He recounts numerous examples of where his experience, as a law dean, has been a much better one than the 'antagonistic ... and dismissive' views of 'left-pessimists'<sup>55</sup> such as Thornton and Carrigan. While Burdon gives an account of the published commentators' criticisms of Thornton's thesis, Dixon instead points out what he sees as Thornton's 'sub-Foucaultian affectation' and 'pretentious terms and phrases',<sup>56</sup> her 'hopelessly defeatist' attitude<sup>57</sup> and her smugness.<sup>58</sup> This is only a sample, and Carrigan and James come in for a serve as well.

Parts of the chapter read as, quite frankly, highly defensive and very angry. There is an intellectual argument in there, captured in a closing statement where Dixon says '[t]he success of neo-liberalism as a hegemonic project is limited: I see no evidence that [students] have internalised its values'.<sup>59</sup> But there is little in the chapter that rationally argues for this, and nothing in the chapter that brings it within the theme of the volume.

The second half of the volume – 'Calls for Action' – is a collection of chapters that canvass diverse issues in legal education. The chapters say little directly about legal education research, and if the theme of the volume is to be borne out they might best be read as examples themselves of what SoLE can be.

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*Power, Careers, and Sacrifices* (Lexington Books, 2002); Nickolas James, 'Power-Knowledge in Australian Legal Education: Corporatism's Reign' (2004) 26(4) *Sydney Law Review* 587.

<sup>52</sup> Burdon (n 44) 33–4.

<sup>53</sup> David Dixon, 'The Cultural Cringe and Australian Legal Education' (Speech, Research in Legal Education Conference, 5 December 2017). The audio is available at <<http://www.legaledconference.law.unsw.edu.au/program>>.

<sup>54</sup> David Dixon, 'The Poverty of Pessimism' in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 49, 68.

<sup>55</sup> *Ibid* 58.

<sup>56</sup> *Ibid* 54.

<sup>57</sup> *Ibid* 53.

<sup>58</sup> *Ibid* 57.

<sup>59</sup> *Ibid* 68.



### III REGULATION OF LEGAL EDUCATION

One topic among the remaining chapters is the regulatory environment of legal education. Anthony Bradney gives an account of regulation in England and Wales,<sup>60</sup> and Sally Kift does the same for Australia,<sup>61</sup> although neither refers to the other or to experience in the other jurisdiction. The chapters are, however, side-by-side, and reading the two gives the impression that regulation of legal education in Australia has been less invasive and controlling than it has been in England and Wales, and that where legal academics in England and Wales have been moved to resistance, legal academics in Australia have been more successful in managing what legal education is and how it is done; more agentic, as Kift puts it.<sup>62</sup>

Julian Webb's chapter goes some way towards bringing the Bradney and Kift chapters together, and the three form a trio on design and regulation of legal education. Again, it is a pity the authors were not all in a room together, producing analyses that engaged with and responded to each other. Webb, an Englishman in Australia, reflects on the 'partially successful'<sup>63</sup> LETR in England and Wales,<sup>64</sup> for which he led the research team, and does so in the hope that the discussion 'may also have some particular resonance for educational practice in Australia'.<sup>65</sup> The only recent forum in which the LETR lessons might resonate has been the project of the Law Admissions Consultative Committee to redraft academic requirements for admission to practice in Australia,<sup>66</sup> but none of the 15 submissions responding to a call for public comment refers to LETR; indeed, only one submission relies on legal education research at all.

### IV FUTURES FOR LEGAL EDUCATION

The final three chapters of the volume are again a trio, this time anticipating possible futures for legal education. Carrie Menkel-Meadow's chapter was her keynote address to the conference on which the volume is based, surveying the history of legal education in the United States of America ('US') and tracking legal education's evolving idea of what it means to be a lawyer. To introduce her

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<sup>60</sup> Anthony Bradney, 'Who Controls University Legal Education? The Case of England and Wales' in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 143.

<sup>61</sup> Sally Kift, 'A Virtuous Journey through the Regulation Minefield: Reflections on Two Decades of Australian Legal Education Scholarship' in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 159.

<sup>62</sup> Ibid 180.

<sup>63</sup> Julian Webb, 'Galloping Off Madly in One Direction: Legal Education Reform, the (Im)possibility of Evidence-Based Policy Making and a Plea for Better Design Thinking' in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 196, 211.

<sup>64</sup> Webb et al (n 41).

<sup>65</sup> Webb (n 63) 215.

<sup>66</sup> Law Admissions Consultative Committee, 'Redrafting the Academic Requirements for Admission', *Law Council of Australia* (Web Page) <<https://www.lawcouncil.asn.au/resources/law-admissions-consultative-committee/redrafting-the-academic-requirements-for-admission>>.

reflections on ‘what a good legal education should consist of’,<sup>67</sup> Menkel-Meadow poses a series of provocative questions about what legal education should teach, and how legal education should be evaluated. Most pertinently for Australia, she asks whether there is ‘still a core of subjects to be taught to all law students’, and says not, observing that ‘[t]he use that humans make of law is too complex to be placed in an overly reductive education model’.<sup>68</sup> That’s an observation for the Law Admissions Consultative Committee to ponder.

The future that Menkel-Meadow would prepare lawyers for is one characterised by globalisation and technology. Similarly, Tania Leiman anticipates lawyers working in and with the disruption of a ‘fourth industrial revolution’,<sup>69</sup> and examines in some detail the ‘knowledge and skills ... required to navigate these changes’ and how and by whom these should be taught.<sup>70</sup>

## V CONCLUSION

The authors in this volume are significant scholars in the field of Anglo/US/Australian legal education. To read their work is reason enough to go to the Taylor and Francis database (for those who can) and download chapters of interest. The whole book in hard copy for £120, or even an eBook for £45, is more than most researchers will need. As a book on legal education research the volume is less than the sum of its parts, and the value is in cherry-picking the chapters of interest; all but one are examples of legal education research, ranging across topics such as SoLT and SoLE, neoliberalism, education regulation, purposes of legal education, and legal education’s possible futures.

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<sup>67</sup> Carrie Menkel-Meadow, ‘Thinking or Acting Like a Lawyer? What We Don’t Know about Legal Education and Are Afraid to Ask’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 223, 239.

<sup>68</sup> Ibid.

<sup>69</sup> Tania Leiman, ‘Educating for the Past, the Present or the Future?’ in Ben Golder et al (eds), *Imperatives for Legal Education Research: Then, Now and Tomorrow* (Routledge, 2020) 246, 246, citing Klaus Schwab, *The Fourth Industrial Revolution* (Random House, 2016).

<sup>70</sup> Ibid 249.