Commonwealth Legal Education Association

(CLEA)

Biennial Conference 2017

Victoria University Convention Centre

Melbourne

Australia

22-23 March 2017

CLEA Commonwealth Legal Education Association

Biennial Conference 2017
Victoria University Convention Centre, Flinders St, Melbourne

Wednesday 22nd March

9:15 – 9:45	**Registration**	
9:45 – 10:00	**Welcome address** David Barker, Australian CLEA Representative Michael Bromby, CLEA Conference Organiser	
10:00 – 11:00	**Plenary papers – "Legal Education Old & New"** 1. The Development of Australian Legal Education from 1960 onwards - A Half-Century Cloudburst of Expansion 2. The Sustainability Business Clinic – A model for Australian clinical legal education for a 'new environmentalism' and integrative environmental law	**Speakers** 1. **David Barker**, University of Technology Sydney 2. **Claire Carroll**, Monash University and **Brad Jessup**, Melbourne University
11:00 – 11:30	**Coffee break**	
11:30 – 12:30	**Plenary papers – "Legal Ethics in Education"** 3. The Role Of Ethics In Legal Education In The Commonwealth 4. Developing an Ethic of Care: How Clinics are Changing the Legal Education Landscape in Canada	**Speakers** 3. **Siva Sivakumar**, Indian Law Institute 4. **Michelle Christopher**, University of Calgary
12:30 – 13:30	**Lunch**	
13:30 – 15:00	**Plenary papers** 5. Beyond the 'adhocracy': building a platform for legal education research and evidence-based policy-making in the Common Law world 6. Envisioning student learning in a Multi-Disciplinary Student Clinic future practitioners learning about working collaboratively across disciplines to better help community 7. Using The Trials Of The Chicago Seven And Nelson Mandela To Teach About Legal Ethics And The Role Of Lawyers In Criminal Trials	**Speakers** 5. **Julian Webb**, Melbourne University and **Paul Maharg** Australian National University 6. **Liz Curran** Australian National University 7. **David McQuoid-Mason**, University of KwaZulu-Natal
15:00 – 15:30	**Coffee break**	
15:30 – 17:00	**CLEA AGM** All delegates are welcome to the AGM	

18:30 – 20:00	**CLEA Dinner** Informal dinner to which all delegates are welcome (price not included in registration)	Location to be announced

Thursday 23rd March

9:00 – 9:30	**Registration**	
9:30 – 11:00	**Parallel papers** 8. The significance of European Union Law for the future Commonwealth lawyer **Anne Wesemann**, Open University UK 9. The Limitations of Codes of Professional Conduct – Accommodating Diversity in Practice at Law School **Bobette Wolski**, Bond University 10. Increasing the capacity for innovation in future legal professionals: Reflective practice and action research as enablers of change **Michele Leering**, Queens University Canada	**Parallel papers** 11. Ethical Professionalism in Legal Profession; Challenges in Educating Ethics **Thushara Rajasinghe**, High Court of Fiji 12. Keeping up with change: No Alternative to teaching ADR in clinic **Jacqueline Weinberg**, Monash University 13. Smart Casual: Using online modules to build teacher confidence and skills **Alex Steel**, University of New South Wales
11:00 – 11:30	**Coffee break**	
11:30 – 13:00	**Parallel papers** 14. Collaborative and Cooperative Learning in Legal Education – the Case of Hong Kong **Jenny Chan**, Chinese University of Hong Kong 15. The Strategic Roles of MOOC in Nigeria's Preventive Anti-Corruption Efforts **Ernest Ogwashi Ugbejeh**, Open University Nigeria 16. Teaching Tax Laws in developing countries : Need to link academics , research and practice **Kanwal Deepinder Pal Singh**, Indraprastha University	**Parallel papers** 17. The #FeesMustFall Movement calling for Black South African Academics, Black Academics fighting for recognition: The role of the Constitution **Ntombizozuko Dyani-Mhango,** University of the Witwatersrand 18. Human Right Education In India: A Scrutiny Of Law, Policy And Practice **Lisa Lukose**, Indraprastha University 19. Corruption and the Misuse of Public Office in the Commonwealth: The Preventive Role of Law Teachers in Nigeria and South Africa **Awele Ikobi-Anyali**, Nigerian Institute of Advanced Legal Studies
13:00 – 13:15	**Closing Remarks** Arrangements for travelling to Moot Final	

15:30 – 17:30	**Commonwealth Moot Final**	Melbourne Conference & Exhibition Centre

Paper 1	
Title:	The Development of Australian Legal Education from 1960 onwards - A Half-Century Cloudburst of Expansion
Authors:	**David Barker**, University of Technology Sydney
Author keywords:	'the Waiting Years' 'Second-Wave' law schools 'Third-Wave' law schools
Abstract:	Whilst early Australian legal education would reveal the optimistic development of law schools in most of the State capital cities, these law schools were already faced with an ongoing dilemma as to whether the major objective of the law degree was to qualify the graduate to gain entry into the legal profession, or whether it should also be designed to give law graduates an all-round education. Law was also subjected to the criticism that it was not an academic discipline but was more a practical vocation which had no place in a university. This gave rise in the early 20th century to a sense of inertia which continued until 1960 whereby legal education showed little inclination to change or innovate. The lack of any changes to law school curricula or methods of teaching could be argued as an indication of changes to law school curricula or methods of teaching could be argued as an indication of either stability or complacency - or even stagnation - within the legal education system during this time, often described as 'the Waiting Years'. However all this changed in 1960 with the establishment of the Australian National University (ANU) Faculty of Law which heralded an outburst of expansion both in the number of law schools and a corresponding increase in both academic staff and students. In Australia the law schools established during this period from 1960 to 1980 have been described as 'Second-Wave' law schools with subsequent law schools founded from 1989 onwards being categorised under the heading 'Third-Wave' law schools. It is this expansion of legal education on or after 1960 with which this paper is concerned, particularly as to how it both eventuated and the far-reaching consequences which it had on the modernisation of legal education in Australia.

Paper 2	
Title:	The Sustainability Business Clinic – A model for Australian clinical legal education for a 'new environmentalism' and integrative environmental law
Authors:	**Claire Carroll**, Monash University and **Brad Jessup**, Melbourne University
Author keywords:	Clinical Legal Education Environmental Law Sustainability in business
Abstract:	Environmental Law Clinics emerged in the 1970s. Since that time, students and their clients have battled government decisions and development proposals using vintage statutes to respond to the localised environmental concerns of that era. These laws have been described as 'first generation' environmental laws, and they remain the cornerstone of the environmental legal system in common law systems. They have been supplemented by subsequent generations of laws directed towards balancing development and environmental conservation, and introducing mechanisms for self and community regulation. While Australian universities are still developing Environmental Law Clinics, changes to the approaches and goals of environmentalism and the conception of environmental laws invite a rethink regarding clinical legal education for environmental protection. Australia is observing a 'new environmentalism' – with a wave of community representatives and groups shifting their attention away from government action towards enterprise collaboration and localised community organisation as a means of achieving environmental protection. Community groups are, for instance, creating: energy generation businesses, sustainable food markets, sharing and repurposing networks, and technologies that disrupt and challenge conventional environmental deliberation models. They do so unsupported by laws, and oftentimes inconsistent with government policies and industry regulation. Their goals of addressing over-consumption, carbon pollution and citizen involvement in policy development are largely overlooked by the law. Meanwhile, legal scholars have started to write about a 'fourth generation' of environmental laws that see environmental law as being 'integrated' – more connected with other sub-disciplines of the law and as an instrument to accommodate a plurality of values about the environment. Scholars have also argued for a transformation of legal education that positions environmental problems as being the domain of multiple subject areas within and beyond law. Within this community and scholarly context, in 2013 Melbourne Law School offered a novel legal clinic: the Sustainability Business Clinic. The clinic seeks to develop in its students general skills common across legal clinics, including the 'conventional' Environmental Law Clinic. However, it also responds to the current shift in environmentalism, and the evolution in the goals, purposes and integrative nature of environmental law, both of which find little space in the didactic environmental law subject. The Sustainability Business Clinic matches law students with community-based not-for-profit or social enterprises that are harnessing enthusiasm and innovation to address environmental problems or to test environmental 'solutions' but who have encountered legal stumbling blocks – typically about contractual relations, corporate set-up, brand protection and industry and land use regulation. We have initiated theory based empirical research regarding the impact of the

	Sustainability Business Clinic as compared to traditional Environmental Law Clinics and didactic environmental law subjects. This paper presents some early research findings. It explores how students understand environmental law through an analysis of embedded student assessment data in the form of reflective journals and questionnaires. Sustainability Business Clinic students acquire translatable sustainability skills and demonstrate an integrated understanding of environmental law in context. Sustainability Business Clinic is presented as a legal clinic model for the current era of environmentalism and a new generation of environmental laws.

Paper 3	
Title:	THE ROLE OF ETHICS IN LEGAL EDUCATION IN THE COMMONWEALTH
Authors:	**Prof. S Sivakumar**, The Indian Law Institute, New Delhi
Author keywords:	Ethics Legal Education Professionalism Social responsibility Public accountability
Abstract:	Every individual, organisation and profession is judged by their commitment towards ethics. Ethics beget credibility and acceptability. Every profession has its own theory of ethics. Legal profession in its various roles - be it be judiciary, litigating lawyering, legal counselling, legal education- is a most demanding profession of all time and places. Law is a tool to achieve justice. It is an instrumentality to find truth and uphold truth. However, there is a notion world over that lawyer are for sale and that law is accessible only to those who can afford it. Legal profession has become more competitive now days and as a consequence dishonesty, incivility, and acrimony trouble the profession. As a result, pro-bono service, civic involvement etc. of lawyers disappearing. To respond to these problems, core values of ethics must be instilled in the law student from the beginning of his law course. The ethical training and teaching must be a continuous process, it shall not be treated only as a paper for clearing examination. The teaching of ethics must be developed in such a way which will help to foster professionalism in the era of postmodern professionalism inculcating moral responsibilities of lawyers, ensuring access to legal services for all category people, and public accountability for professional regulation. This paper presumes that knowledge of ethics make the lawyer responsible. It enhances his professional responsibility and social responsibility which in turn will improve the justice delivery system and advance the quality of legal profession in its multi role. and This paper will examine (1) the rationale of ethics instruction at law school (2) role of ethics in legal profession as a whole (2) is there any need to teach ethics in law school, (3) is there sustained or coherent emphasis on student learning ethics in commonwealth legal curricula, (4) what should be the content of legal ethics paper in the changed national and global scenario, and (5) how a renewed focus on ethics in legal education can be brought?

Paper 4	
Title:	Developing an Ethic of Care: How Clinics are Changing the Legal Education Landscape in Canada
Authors:	**Michelle Christopher**, University of Calgary
Author keywords:	clinical legal education Canadian legal education access to justice ethic of care law student clinics pro bono clinics transformative experiential learning
Abstract:	I've spent the last few years immersed in the work of a law student clinic in Calgary, Alberta, a mid-sized city at the foothills of Canadian Rocky Mountains. I came to this work after many years in the practice of law, along with some teaching at the local law school and in the bar admission course. My experience has left me thinking about the purpose of a law school education and the evolution of the law curriculum to include clinical offerings. As a former practitioner, I'm most interested in the relationship between what law students learn at law school and what they need to know in practice. I have been fortunate to work with great students. Hopefully, doing clinical work at law school has inspired many of these students in a number of significant ways: to be better lawyers, with better skills, and better problem-solving abilities. Of course, participating in clinics has also provided students with the opportunity to do valuable pro bono legal work. I wonder, however, about whether, in addition to making lawyers better, clinics can make people better? I also wonder – for students who choose clinical work in law school – about the connection between what students say about why they want to become lawyers when they apply to law school, what they actually do when they are in law school, and whether this in turn informs a longer term commitment to pro bono. Several corollary lines of enquiry emerge here: Do law students who engage in clinic work in law school improve access to justice? Do they develop an ethic of care which improves access to justice through the experiences they have with marginalized and vulnerable clients? Do they learn to apply the lessons of pro bono work in the context of the broader practice of law? Or are the cynics right when they say the clinic is just another trendy stepping stone on the path to "big law"? Leaving aside the question of whether lawyers can "do good", this paper is the first in a series about the current law school experience of Canadian law students. The paper will explore and unpack the experiences of one law school cohort, beginning with an analysis of their applications to law school, and following the members of this cohort through their law school careers, to the commencement of the legal careers that follow. This paper will focus on the pro bono commitment of law students in Canada with a view to determining what, if any, difference pro bono work in law school means for access to justice. While much has been written about the crisis in access to justice, not enough has been revealed about the role law students have to play in addressing the crisis, let alone how these experiences shape and inform their identities as lawyers-in-training. Ultimately, I argue that clinics are transformative and provide unparalleled experiential opportunities which are transforming the legal education landscape in Canada, along with the practice of law.

Paper 5	
Title:	Beyond the 'adhocracy': building a platform for legal education research and evidence-based policy-making in the Common Law world
Authors:	**Julian Webb**, Melbourne University and **Paul Maharg** Australian National University
Author keywords:	Legal education reform Technology Research and collaboration Innovation Regulation
Abstract:	Reviews of legal education and training since the 1990s (eg, MacCrate and Carnegie in the US, Redmond-Roper in Hong Kong, and ACLEC and LETR in the UK) have become increasingly sophisticated in their understanding of and approach to legal education praxis, but have, at the same time, highlighted significant weaknesses in the empirical research base, and a relative lack of co-ordination between the academy and those responsible for professional regulation. Critical absences include the lack of large-scale quantitative studies and longitudinal studies; the failure adequately to test and replicate 'best practices', and an absence of meta- and systematic reviews of research. These gaps in the research base create real challenges for the proper development of evidence-informed (let alone evidence-based) policy-making in the field. In this presentation we, first, explore the reasons behind and consequences of such failures for legal education. Secondly, we introduce ongoing work, spearheaded by our centres, to construct a virtual 'collaboration', drawing on established initiatives in the medical and social sciences. Such a collaboration, we conclude, has the potential not only to enhance the development of evidence-based policy-making in legal education and training, but to contribute substantially to the notions of multi-modal regulation and 'shared space' outlined in the 2013 LETR Report.

Paper 6	
Title:	Envisioning student learning in a Multi-Disciplinary Student Clinic future practitioners learning about working collaboratively across disciplines to better help community
Authors:	**Liz Curran,** Australian National University
Author keywords:	Clinical legal education
EasyChair keyphrases:	multi disciplinary student clinic (40)
Abstract:	The presenter's recent research and practical experience as a clinical legal education supervising solicitor within a health service has led to the idea for the development of Multi-Disciplinary student clinic as an important way of building better and more responsive future practitioners in health, law and allied health disciplines. She has been asked to advise on the establishment of such a clinic at Portsmouth University in the UK. In this paper, she will identify why there is a need for such an approach to break down barriers between professionals to improve social justice and health outcomes. She will explore research and new approaches to lawyering and health services provision that works across silos to enable more seamless navigable service options for real life clients of the clinic and new approaches in a work place. She will discuss research which suggests that skills of good client interviewing, triage, peer to peer learning are skills that different professional disciplines can share even though their roles may differ. The clinic will develop and explore taking good practice from across the health, social and legal spheres to enhance student growth and skills. She will identify why there is a need for such an approach to break down barriers between professionals to improve social justice and health outcomes. Student skills of good client interviewing, triage, peer to peer learning are skills that different professional disciplines can share even though their roles may differ. The course will develop and explore taking good practice from across the health, social and legal spheres to enhance student growth and skills. Her vision for a MDP student clinic build on existing models (Hyams et al 2004) with a vision for a pilot multi-disciplinary student clinic

Paper 7	
Title:	USING THE TRIALS OF THE CHICAGO SEVEN AND NELSON MANDELA TO TEACH ABOUT LEGAL ETHICS AND THE ROLE OF LAWYERS IN CRIMINAL TRIALS
Authors:	**David McQuoid-Mason**, University of KwaZulu-Natal
Author keywords:	Chicago Seven Nelson Mandela Teachin Legal Ethics Rebellious Lawyering
EasyChair keyphrases:	ukzn inspiring greatness (142), nelson mandela (116), ukzn inspiring greatness nelson (100), inspiring greatness nelson mandela (100), pre sentencing statement (63), ukzn inspiring greatness chicago (60), inspiring greatness (60), nelson mandela trial (47), mandela first trial (47), going to make (47)
Abstract:	The trials of the Chicago Seven and Nelson Mandela can be used to indicate to law students that although lawyers are always bound by the ethical rules of their profession regarding their duties to their clients and the court, sometimes their clients require them to take a 'power oriented' or 'rebellious lawyering' approach when faced by what they perceive to be an illegitimate or unjust court system. The clients know that they will be convicted but want to use the courts to gaining maximum publicity for their cause. The defence in the Chicago Seven Trial adopted the concept of 'power oriented' or 'rebellious' lawyering to cast aspirations on the legitimacy of the United States courts and the legal system when dealing with opponents of the Vietnam War. A similar approach had been adopted by Nelson Mandela seven years previously when faced with executive-minded courts and the criminal justice system under the South African Apartheid regime. Brief extracts from their trials will be used interactively to raise questions concerning the 'power oriented' or 'rebellious' lawyering approach, and to demonstrate how such trials can be used to teach about the role of lawyers and legal ethics in the criminal trials.

Paper 8	
Title:	The significance of European Union Law for the future Commonwealth lawyer
Authors:	**Anne Wesemann**, Open University UK
Author keywords:	UK referendum European Union International Law Legal education Globalisation
Abstract:	In a time where the UK's relationship with the European Union is uncertain, the relationship between the Commonwealth as a whole and the EU is bound to change. Developing an EU module for distance learning at the OU, which is going to be delivered for the first time this autumn, saw as at the frontline of this changes. As soon as the referendum result was confirmed, student queries poured in, expecting the compulsory nature of the module to change. This paper will explore the relevance of EU law for the Commonwealth lawyer, not just despite the changing membership status of the UK, but rather explicitly because of the expected withdrawal of the UK from the Union. The paper will argue three points: 1. The constitutional challenge The current legal challenges of the proposed withdrawal process show, how the UK's constitution is confronted by opposing understandings of its core. It is vital for Commonwealth lawyers to be an informed part of this debate as the UK's constitution relates to the constitutional frameworks of most, if not all Commonwealth countries. A clarification of the constitutional principles of royal prerogative and parliamentary sovereignty are highly significant for any Commonwealth lawyer looking to practice or research. 2.The economic need As the UK unties its bond to the European Union legal framework, it will necessarily unravel years of cross-border trade arrangements. This will not only relate to the exchange of goods but also that of expertise, services, people. A turn to Commonwealth nations is likely and by doing so the UK is bound to aim to develop a similarly functional framework of agreements to that with the EU. Understanding the nature of European Union trade in general and single market law in particular will allow Commonwealth lawyers, especially those aiming for a career in the industry, to be an integral part of such debates and to successfully impact on future agreements. 3.The global challenge The UK's withdrawal from EU membership will not leave one nation of the western world unaffected. As the UK's constitution is challenged and economic growth at threat, this country will rush to find its new position in the world. Lessons learned from European Union law as one unique international law sphere, will help the UK to shift into a new and successful role as part of the wider global community. The process and result will again have a significant impact on Commonwealth lawyers and requires them to understand the international law principles and elements of European Union Law.

Paper 9	
Title:	The Limitations of Codes of Professional Conduct – Accommodating Diversity in Practice at Law School
Author keywords:	**Bobette Wolski**, Bond University regulation of the legal profession codes of conduct new approaches to teaching non-adversarial conduct
Abstract:	In Australia and many other common law jurisdictions, legal practitioners are governed by a single generic code of professional conduct (where the profession is a divided one, there is often a code for solicitors and another for barristers). Many commentators regard the 'one code fits all' approach to regulation of the legal profession as unsatisfactory given that legal practitioners are increasingly engaged in diverse practice settings some of which are non-adversarial in nature. These commentators argue that multiple codes of conduct are required to deal with this diversity, and in particular, to help curb excessive adversarial behaviour in processes where such behaviour might be inappropriate. This paper is in two parts. The first part identifies and evaluates alternative ways of regulating the legal profession so as to accommodate diversity in practice. It discusses the possibility of promulgating: 1. multiple specialised codes for different areas of law (family law, criminal law, bankruptcy law and so on) and/or for different processes (such as litigation, mediation, unassisted negotiation); 2. 'middle-level' codes, somewhere in between general codes and a totally discretionary approach to legal ethics. Middle level codes might be based on a number of categories including task, subject matter, lawyer position (eg sole practitioner versus large firm) and client position (eg individual versus corporate client); 3. a contract model in which lawyers and clients can contractually choose the ethical obligations under which they want to operate. Given the lack of consensus on this topic and the fact that all of these models of regulation are inherently limited, the author concludes that the best and most likely possibility is the continued regulation of the profession through one general uniform code of conduct. If this is indeed the case, the challenge of modifying adversarial traits – assuming modification is necessary, and of educating for diversity in practice, falls to law schools. Part two of the paper offers some suggestions for meeting this challenge. It considers the variety of ways in which non-adversarial values and methods can be incorporated into the curriculum, learning objectives, learning and teaching methodology and assessment regimes.

Paper 10	
Title:	Increasing the capacity for innovation in future legal professionals: Reflective practice and action research as enablers of change
Authors:	**Michele Leering**, Queens University Canada
Author keywords:	legal education innovation reflective practice reflective inquiry action research access to justice access to justice consciousness
Abstract:	Nurturing the capacity of law students to be individually, collectively, and critically reflective will ensure they are much better equipped to respond creatively, constructively, and strategically to the challenges that lay ahead for the legal profession. In Canada, a lack of equal access to justice in Canada documented by recent national reports provides one of the many imperatives for enhancements to legal education and changing the focus of the legal profession to better serve the needs of the public. There is a clarion call for shift in professional culture to one that is more based in reflective inquiry, puts needs of the public first, supports empirical research, interrogates current assumptions and practices, and supports innovation in the justice sector. I will explore the generative potential of reflective practice—an important professional competency in other professional disciplines but under-theorized in law—and action research—a dynamic and flexible form of qualitative research, for supporting a culture of innovation in legal education, the profession and the justice system. The links between reflection and innovative thinking; knowledge management, sharing and creation; learning organizations and organizational learning, and; reflective and generative dialogue will be explored. Furthermore, it is proposed that systematic professional reflection could help develop an "access to justice consciousness" in law students and other legal professionals, while building stronger commitment and enhanced capacity for action. It is critical that reflective practice be introduced as early as possible in legal education, and that we work from a complex and comprehensive conceptualization of reflective practice that includes reflection on practice, critical reflection, self-reflection, integrated reflection, collective reflection and praxis. A growing contingent of reflective practitioners will have a transformative impact on legal education, the profession and will help re-envision the practice of law. This will enable more reflective and generative "future-forming" dialogue within legal education, the profession, with other justice system stakeholders, and in multi-disciplinary problem-solving environments. Introducing action research as an unpretentious and effective enabler of profound change in individual and organizational practices, as well as within systems, will energize transformative change and contribute to innovative approaches for tackling "wicked problems" of access to justice and other challenges including the impact of significant role diversification and technology and globalization on the profession. The presentation I propose is ideally suited for a roundtable format that will be interactive with participants. The intention is to also have a discussion about the practical methods for introducing reflective practice and action research into legal education.

Paper 11	
Title:	Ethical Professionalism in Legal Profession; Challenges in Educating Ethics
Authors:	**Thushara Rajasinghe**, High Court of Fiji
Author keywords:	Ethics Proliferation of legal profession Legal Professionalism
Abstract:	The enrolment of a group of newly graduated law students from the University of the South Pacific in 1998, marked the beginning of legal education in the Fiji Islands. Years later, two more law faculties in the Fiji National University and University of Fiji also started to offer legal education, enrolling at least three batches of newly graduated law students in to the legal profession yearly. The proliferation of lawyers in a country, where the population is only nearly one million has brought many challenges, both positively and negatively. Once elite, who had been educated and trained in leading commonwealth jurisdictions such as UK, Australia and NZ, dominated legal profession is now mainly driven by locally educated law graduates, shifting the profession from old school professionalism towards the post-modern era of professional conducts. Inter and intra professional conducts of the lawyers have been designed by the dynamisms of the post colonial social, political, and economical variables. The conservative professional conduct and elitism embodied in the old professionalism has been replaced by the norms, conditions, values and demands of the competition within and outside of the legal profession, making myriad of social and professional adversaries. Opening of the legal profession to more wider spectrum of the society from the selected elitism and the new conditions and values emerged with it, have widened the definitional scopes of “ethical lawyering” and “good lawyering, challenging the legal educators in designing and teaching the “ethics” in law schools. This paper is an attempt to understand the challenges in the education of legal ethics and to suggest appropriate changes in order to meet these new challenges in the legal professionalism. The paper will first try to understand the historical development of legal education and opening of the profession to general public from selected elitism in Fiji and the impact of this proliferation of legal profession on ethical professionalism. The attention then will move to discuss the changes of social and professional perception of the profession in order to identify the challenges, new conditions and issues face by the profession. The discussion will then focus on whether the existing code of practices and ethical education would suffice to restore the ethical professionalism in the wake of competitive propagation of legal profession. It will further discuss how the distinct social and cultural values and norms of the Pacific Islands would assist in establishing an effective and practicable ethical condition for the increasing competition in the legal profession, both within and outside of it. The attention will then focus on whether such approach of making an ethical conduct, eventually lead to more common and effective approach in commonwealth legal education system in educating the future lawyers in legal ethics.

Paper 12	
Title:	Keeping up with change: No Alternative to teaching ADR in clinic
Authors:	**Jacqueline Weinberg**, Monash University
Author keywords:	clinical legal education ADR changes in legal practice lawyer-client relationship
Abstract:	In Australian legal practice today much change is taking place. Litigation is declining and there is a focus on seeking alternatives to dispute resolution. In this paper, I will show that that these changes in turn influence the ways that law schools prepare students for practice. I will argue that with ADR becoming increasingly dominant in legal practice, law students need to become more knowledgeable about ADR. In this paper, I will argue that clinical legal education needs to do more to incorporate ADR into its curricula. In this way, students will be better prepared for future practice. There has been extensive research in Australia on the value of clinical legal education in law schools and the teaching of ADR in law schools but there is a dearth of research about the teaching of ADR within the clinical legal education setting. It is therefore unclear whether ADR is being sufficiently taught to students in existing clinical legal education courses. I will explore some of the most significant changes affecting legal practice, and ask what adjustments in the professional identity and role of the lawyer these imply and require from legal educators. These questions will be approached from a practice- based perspective, looking specifically at the core dimensions of new lawyering, the elevation of negotiation skills, communication skills, and the lawyer-client relationship. Clinical legal education is the context in which theory and practice interconnect. It will be shown that research is needed to address the question of whether clinical legal education has recognised these changes in legal practice, and to what extent ADR is being taught to students in the clinics and included in the clinic curricula. If ADR is being taught, I will argue that further research needs to be done to determine whether it can be better taught to ensure that law students entering practice can offer their clients alternatives to resolving disputes, thereby adapting to the changes needing to be made in legal practice.

Paper 13	
Title:	Smart Casual: Using online modules to build teacher confidence and skills
Authors:	**Alex Steel**, University of New South Wales **Mary Heath**, Flinders University **Kate Galloway**, Bond University **Anne Hewitt**, Adelaide University **Mark Israel**, Flinders University **Claire Nettle**, Flinders University **Natalie Skead**, University of Western Australia
Author keywords:	professional development student support sessional staff online modules engaging students teaching legal problem-solving providing feedback case reading and statutory interpretation wellness in law for both students and sessional teachers Indigenous peoples and the law in Australia communication and collaboration in law critical legal thinking legal ethics and professional responsibility
Abstract:	Legal educators in Australia are often highly educated experts in law but may not have the same degree of expertise in how to teach law students. Although permanent staff should have access to university-based programs to develop teaching skills, these are often generic and not targeted to the specific issues that can arise in the law classroom. This is even more the case for casual/sessional teachers. Many law schools struggle to find the resources needed to support the creation and delivery of discipline-specific professional development for sessional staff. The low availability of professional development leaves a significant proportion of the tertiary teaching workforce marginalised in their own workplaces. They are often unable to access support that better paid staff take for granted and are correspondingly limited in their capacity to develop their teaching skills, future work prospects and job satisfaction. This situation places at risk the capacity of sessional staff to deliver the high-quality learning experiences all of us seek for our students. Smart Casual https://smartlawteacher.org/ is an innovative online response, designed to meet the needs of sessional staff through the use of a peer-to-peer approach to creating resources that are constantly available, time-efficient and self-paced. These resources include a variety of instructional materials, tips and links as well as videos of sessional teachers speaking about their own high-quality teaching approaches. The modules have been peer reviewed and tested by focus groups of sessional staff from a variety of institution types and locations (regional, outer suburban, inner city). Smart Casual's suite of nine interactive professional development modules has been designed as a self-directed professional development resource for use by sessional teachers on a just-in-time basis. The modules address: • engaging students • teaching legal problem-solving • providing feedback • case reading and statutory interpretation

	• wellness in law for both students and sessional teachers • Indigenous peoples and the law in Australia • communication and collaboration in law • critical legal thinking • legal ethics and professional responsibility. The Smart Casual modules also integrate a series of strategic themes of crucial importance to legal education: • diversity • gender • digital literacy • internationalisation. While focussed on Australian law classrooms, many of the issues are relevant to legal education across the Commonwealth. In this session we provide an overview of the format of the modules and the types of content covered. We highlight those aspects that we think are applicable to both sessional and permanent staff in jurisdictions across the Commonwealth. We invite comment and discussion on how the modules can be adapted to assist in building teacher capacity in different jurisdictions.

Paper 14	
Title:	Collaborative and Cooperative Learning in Legal Education – the Case of Hong Kong
Authors:	**Jenny Chan**, The Chinese University of Hong Kong
Author keywords:	Collaborative Learning Cooperative Learning Assessment
Abstract:	This paper explores the potential benefits of collaborative or cooperative learning exercises in legal education in Hong Kong. Legal educators increasingly adopt a variety of innovative in-class assessment methods to replace or supplement conventional examination types. One of the most widely documented innovative assessment methods is the group exercise model in the form of e.g. group discussions, role-plays, simulations or group presentations. These activities are often referred to by inconsistent terminology, such as “collaborative learning”, “student collaboration”, “cooperative work”, “group work” or “cooperative peer learning”. Furthermore, there is little hard evidence of the pedagogical value of these models. This paper is designed as a “desk research” to establish a framework to assess the collaborative or cooperative learning exercises in legal education. It introduces their common features, discusses their differences and actual and potential pedagogical values. Against this background the paper then explores if and how group exercises can improve the learning experience of law students in Hong Kong.

Paper 15	
Title:	The Strategic Roles of MOOC in Nigeria's Preventive Anti-Corruption Efforts
Authors:	**Ernest Ugbejeh**, National Open University of Nigeria and University of Buckingham UK
Author keywords:	MOOC Preventive Anti-corruption Nigeria
EasyChair keyphrases:	anti corruption education (63), anti corruption (60), domestic capacity (40)
Abstract:	One pandemic ravaging countries of the world today is the menace of corruption. There is no country that is immune of the incalculable destructive effects of corruption. Though, its prevalence may differ from country to country largely due to the varying domestic capacity of countries in dealing with the scourge of corruption. In most developed countries, there is in existence strong domestic capacity unlike developing countries, Nigeria inclusive, where domestic capacity in dealing with corruption is weak. Part of this weak domestic capacity is manifest in their inability to effectively utilise one of the most potent preventive anti-corruption measures: anti-corruption education. Education is the process or art of transmitting and the acquisition of information, skills, knowledge, values and habits. Given that one major challenge of preventing and combating corruption in most countries is the high level of corruption and anti-corruption illiteracy, it is imperative that corruption and anti-corruption education must be practically implemented. In Nigeria, there are anti-corruption laws providing for anti-corruption measures aimed at dealing with the prevailing high level of corruption. Also, the United Nations Sustainable Development Goal 16.5 focuses on substantially reducing corruption and bribery in all their forms as one of its targets. However, these goals cannot be achieved without practical qualitative anti-corruption education. Beyond the setting of goals, the policy statements and the enactment of anti-corruption laws, there is need for roadmap for practical implementation strategy in this regard. This paper fills this gap by identifying and exposing the strategic roles of Massive Open Online Course (MOOC) in preventing and combating corruption in Nigeria. It answers the primary question of how MOOC can be used as a vehicle for anti-corruption education in Nigeria. It concludes that MOOC offers a cost effective and viable preventive anti-corruption strategy yet to be explored in Nigeria.

Paper 16	
Title:	Teaching Tax Laws in developing countries : Need to link academics , research and practice
Authors:	**Kanwal Deepinder Pal Singh**, Guru Gobind Singh Indraprastha University , New Delhi
Author keywords:	Tax Teachers Practice approach analytical
Abstract:	The importance of public revenue from the point of view of accelerated economic development could hardly be exaggerated. The power to tax lies at the heart of state development. A moment's reflection on the history of today's developed countries and the current situation of today's developing nations suggests that the public finance and taxation remains a relatively unexplored field in the developing countries. There is a growing insight among policymakers all over the world that a better working tax system plays an important role in the economic development of the nation. Effective tax system includes tax law teachers, practitioners and policy makers. Awareness and education in tax policy plays an important role in holistic development of society. Tax consciousness and the awareness of the tax implications of a transaction is sadly not found in developing nations including India. There is also no effective dialogue between tax practitioners, and tax law teachers. Voluminous and seemingly incoherent tax statutes need to be aligned to practical realities for effective dissemination of information and analytical interpretation. There needs to be significant active involvement of students in analysis of the regulations rather than a passive approach. Hence we need to revisit the policies and the practices that we are adopting to teach and practice tax laws. This paper looks at the system of teaching tax laws in the law schools in India. It shall focus on how relevant the tax law curriculum is to future practitioners in this field. Challenges faced by teachers , policy makers and practitioners shall be discussed .The paper shall also try to look into the best practices followed by different jurisdictions. An attempt shall be made to make suggestions for improvement so that there is an effective contribution to the goal of economic growth and prosperity as enshrined in the Commonwealth Charter.

Paper 17	
Title:	The #FeesMustFall Movement calling for Black South African Academics, Black Academics fighting for recognition: The role of the Constitution, 1996
Authors:	**Ntombizozuko Dyani-Mhango**, University of the Witwatersrand
Author keywords:	Constitution Diversity Black Academics South Africa Universities
Abstract:	The Fallist movements have called for the decolonization of the curricular, free and quality education and black Academics who reflect the demographics of South Africa. The media has focused only to the call for free and quality education and decolonization. The demand for Black Academics is not well publicized. The call for the visibility of black senior Academics is not something new. Some black Academics have been writing about their lived experiences in the universities and the need to for diversified and inclusive faculties. The South African Constitution, 1996 is known as the transformative constitution – a term coined by Prof Karl Klare. According to Klare, the Constitution 'is a long term project committed to transforming our country's political and social institutions and power relations through participatory and democratic processes. The late former Chief Justice Langa saw the Constitution as an ideal that envisages a society that will always be open to change and contestation. South Africa's Constitution, requires the state to make provisions for remedial equality in order to redress the injustices of the past. In other words, the Constitution allows for unfair discriminatory practices on the grounds of race and gender for this purpose. In the recent constitutional Court decision of SAPS v Solidarity obo Barnard, Moseneke DCJ reminded us that the Constitution was designed to do more than record or confer formal equality. The Constitution requires that active steps be taken in order to achieve substantive equality, particularly for those who were disadvantaged by past unfair discrimination. It has been over 21 years since the adoption of this new transformative constitution. Why are we still having debates about our universities' academics not reflecting the South African demographics? How transformative is the Constitution, 1996? Whose role is it to ensure that there are black South African academics in the universities? The proposed paper will attempt to answer these questions. Besides looking at the provisions of the Constitution, it will analyse measures that have already been taken by the government and some universities to ensure diversity.

Paper 18	
Title:	HUMAN RIGHT EDUCATION IN INDIA: A SCRUTINY OF LAW, POLICY AND PRACTICE
Authors:	**Lisa Lukose**, Guru Gobind Singh Indraprastha University
Author keywords:	Human right education Awareness Schools Higher studies
EasyChair keyphrases:	human right (120), human right education (47)
Abstract:	The 'commonwealth' or the 'commonwealth countries' comprise of the intergovernmental association of 53 sovereign member states which were mostly once part of British Empire. These countries were directly or indirectly under the British rule with few exceptions such as Rwanda and Mozambique - the new members of commonwealth. These countries which span Asia, Africa, America, Caribbean, Europe and Pacific have political or economic connections with one another. Today, as commonwealth charter envisages, this forum serves as an effective network through cooperation, experience sharing, deliberations, technical assistance etc. for political, economic and social development of its member states. "Human rights" is included as one of the core values and principles of the Commonwealth Charter. The Charter further states that "we are committed to ... respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies". It is the duty of the state to create awareness about human rights. Proper enjoyment of human right is possible only if the people are discharging their duties towards one another and to the society as a whole. This awareness creation takes place mainly through education from school level. There is no country in the world which does not teach human right. On the contrarary, there is no country in the world where there is no human right abuse. In India, human right education is compulsory from school level. There are many graduate and postgraduate programmes wherein human right is included either as major or minor paper. In law schools, at LLB level, human right is a compulsory paper; there are post graduate, doctrinal and post doctrinal study options in the stream of human right. Many universities teach this paper from an international perspective and also by linking it with related disciplines such as Constitution, IPR, criminal law, free speech, humanitarian law etc. However, we experience that there is lack of human right respect everywhere and in commonwealth countries including India. Human rights are abused everywhere. Hence we need to revisit the policies and the practices that we are adopting to impart human right education. This paper is an attempt to share the experience from India: How India is striving to impart human rights awareness in the people especially through education from school level which is continued in the higher studies particularly in law schools. This paper will focus on its merits, demerits, suggestions for improvement and wherever needed comparison from other commonwealth countries will be drawn.

Paper 19	
Title:	Corruption and the Misuse of Public Office in the Common Wealth: The Preventive Role of Law Teachers in Nigeria and South Africa
Authors:	**Awele Ikobi-Anyali**, Nigerian Institute of Advanced Legal Studies
Author keywords:	Corruption Misuse of public office Law teachers Common wealth
Abstract:	There is a global concern about the scourge of corruption and misuse of public office which has ravaged and is still ravaging both developed and developing countries. The paper observes that corruption undermines democratic institutions, affects economic growth and development. The devastating effect of corruption has brought about increased public interest in form of scholarly articles, public policy research on the subject, which needs to be continually appraised and taught thereby creating an avenue for the relevance of law teachers in the fight against corruption and misuse of public office. The paper focus is on Nigeria and South Africa and relies on these countries specific initiatives and experience to discuss the subject matter in the common wealth. The paper identifies that both countries are currently enmeshed in corruption as the president of South Africa is currently facing charges on corruption while some officials of the past administration in Nigeria have been found guilty of the misuse of public office and some facing charges on corruption. The paper observes that despite the various anti-corruption laws and policies in place, the scourge still remains endemic in many commonwealth countries including Nigeria and South Africa which ranks 136 and 61 respectively in the Transparency International Corruption Perceptions Index 2015. The paper posits that law teachers have a role to play in the various anti-corruption initiatives in the commonwealth. This can be achieved through curriculum development, research and publications. By introducing the concept of anti-corruption mechanisms to students, it will help them imbibe accountability and transparency in public service to a large extent. The paper will evaluate the use of these mechanisms and their effectiveness as anti-corruption measures. In carrying out this research, the researcher will employ desk based research methods by examining the primary and secondary sources relating to the subject matter from the commonwealth countries in view The paper concludes that corruption is a global phenomenon therefore all countries should strengthen and improve policies, strategies, institutions, legal framework and concrete sustained efforts to prevent and combat the scourge.

Paper 20 (extra)	
Title:	ASSESSING EXCELLENCE: DEVELOPING THE LAW DEGREE AT THE UNIVERSITY OF UTOPIA
Authors:	**John Hatchard**, University of Buckingham, UK
Author keywords:	Law teachers Skills Assessment Academic standards
Abstract:	This paper forms a workshop in which participants will discuss assessment methods and academic standards in law schools in order to avoid or combat misconduct. The attached letter from the 'Dean of the University of Utopia Law School' will be used to generate discussion: Dear Professor Hatchard, The University of Utopia Law School (UULS) (a Commonwealth law school) is in the process of reviewing its assessment procedures. Until recently the assessment method for the LL.B degree was a 3 hour written exam in each subject at the end of the course with students being required to answer any 4/9 questions. After much discussion, the decision was taken to introduce other assessment methods. Inevitably, this has led to an ongoing debate as to what form(s) these might take. The UULS is therefore seeking your advice and the ideas from others in Commonwealth law schools as to how to develop and modernise its law programme to ensure it provides our students with the appropriate skills for the modern legal practitioner. Below you will find a number of our key questions concerning the assessment issue.

Paper 21 (extra)	
Title:	International Collaborative Online Learning in Law
Authors:	**Michael Bromby**, Glasgow Caledonian University, UK
Author keywords:	Collaborative learning Online learning Cross-disciplinary
Abstract:	Internationalisation is frequently a key objective or policy of many universities seeking to internationalise their cohort, programmes and staff. Collaborations between law schools have existed in the format of staff and student exchanges for a number of years, however, these involve significant financial investment from both the institution and the individuals taking part. Online collaborations offer a more cost-effective and inclusive opportunity for two or more cohorts to join together for an educational experience. The increased use of virtual learning environments and the tools available for both real-time and off-line collaborations afford more opportunities for such engagements to take place. The drawbacks to such an approach include the lack of a true immersive experience and the operational difficulties of timetabling over time zones and indeed across the university calendar year or levels of study. Drawing from the experience of the COIL (Collaborative Online International Learning) project at State University New York, this presentation and workshop will seek to identify opportunities and barriers to a more focussed approach using Commonwealth law schools. A proposal will be made to hold a small-scale virtual conference on this topic for interested parties during 2018.

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