From the Editors

As the U.S. grapples with legal education reforms, the legal academy worldwide has also been struggling to find the best approach to teaching and learning law. This volume explores legal education reforms globally. Understanding how others around the world have addressed similar questions should inform our own debate.

There is surprising consistency in the recent call to focus more on conveying practice skills to law graduates. Almost all the jurisdictions in this volume (Russia, China, Hong Kong, Singapore, Japan, Israel, Australia) are seeking to prepare law graduates for practice, provide them with a critical and theoretical understanding of law and legal systems, and instill a sense of public service and responsibility. Our contemporary mission is to prepare graduates for admission but additionally, for the practice of law globally. Increased competition across the globe has led to a growing reluctance of law firms to serve as "training ground" for junior lawyers. Accordingly, there has been an increase of experiential techniques, including clinical and transactional law programs within the curriculum itself, whether delivered by law school themselves or by independent vocational education providers. But these reforms are not without costs, as pointed out by Professors Dmitri Maleshin (Russia) and Dan Rosen (Japan).

The volume opens with Professors Andrew Godwin and Richard Wai-sang Wu's multiyear study of three jurisdictions–Hong Kong, Singapore, and Australia–on the emergence of professional training courses following graduation and prior to admission to the bar. Distinct questions arise as to whether these courses should serve as mandatory gatekeepers or as preparation to fulfill other requirements for admission to the legal profession. Thus, in Singapore, the preparatory course is compulsory to the bar examination; in Hong Kong, it is a professional admission course, entry to which is subject to quotas and competitive enrollment; while in Australia, it is a practical legal training course that provides open access to all law graduates. A corollary question is who should regulate the supply of lawyers–the state or the market. Underlying this is a judgment on balancing competency and quality with greater access for law graduates.

The challenge of globalization is certainly what spurred China's move to reform its legal education. After China's WTO accession in 2001, China witnessed rapidly rising demands for legal services related to foreign investments and cross-border transactions. China's Ministry of Education responded with efforts to reform law schools and to boost government investments to "comprehensive research universities." The Ministry of Education also established its own ranking and evaluation system with a

key indicator being a school's ability to produce internationally recognized research and recruit top legal talents who can participate in global legal discourses. In surveying nine sample law schools, Professors Zhizhao Wang, Sida Liu & Xueyao Li found consistent strategies to internationalize law schools as critical to a Chinese law school's rise to the top. These strategies include recruiting faculty with foreign law degrees (62% of those from common law jurisdictions came from the U.S.); importing foreign law degrees or participating in exchange or joint degree programs; and developing domestic legal publications in English. American legal educators would be well advised to consider how they may meet and tailor our curriculum to China's rising demand for internationally trained legal talents.

Not all legal reforms proceed with such promise. In both Japan and Russia, reforms in legal education proved more problematic. Professor Rosen traces the failure of Japan's 2002 Justice System Reform Council Recommendation to create law schools that are separate and distinct from the undergraduate and graduate faculties of law in universities. The envisioned goal was to loosen Japan's historic cap on lawyers and increase the number and diversity of Japanese lawyers to meet the needs of globalization and international trade. The 2002 Recommendations sought to promote competition between university-based and freestanding law schools but the result was otherwise. New law schools instead faced bureaucratic resistance, encumbered by Education Ministry mandates and standards, and challenged by the continuation of existing undergraduate law departments. Most problematically, in refusing to lift the caps on bar passage or change the bar exam to reflect the new curriculum, Japan's Justice Ministry maintained a choke hold on the bar exam, giving the strongest possible disincentive to enrollment, and channeled students to bar related subjects and away from others non bar related courses as extraneous. According to Rosen, rather than reforming for the future, Japanese legal education continues to "race towards the past."

Similarly in Russia, legal education reforms face overwhelming obstacles from systemic challenges such as a lack of qualified teachers, outdated "information transfer" mode of higher education, the insularity of Russian legal education, and the lack of true competition. Also, in Russia, there is the problem of law programs emphasizing brand rather than true quality. Joining the Europe's Bologna Process and efforts to transform Russia's legal education into a two-level program proved to be reforms in name only. Most problematically, Professor Maleshin points out the dominance of English as the "lingua franca" worldwide, thereby, leaving any non-English based programs isolated and ineffective in global competition.

On a more positive note, Professors Nellie Munin and Yael Efron, in *Role-Playing Brings Theory to Life in a Multicultural Learning Environment,* document their use of an international law based simulation as a vehicle to carry out emotionally fraught conversations about the Middle East conflict. In Israel, bringing theory to life has always been the aim of educators. Through two role-playing and simulation exercises based on pseudo reality, these two

talented teachers facilitated thoughtful discussions on the legality of highly volatile international law conflicts. A simulation of land disputes between US and Mexico, for example, acts as the proxy for a debate over sovereignty in the occupied territories as well as over minorities' equal rights in Israel, and the Israel/Palestinian Authority/state dispute. Students gained substantive understanding as well as intercultural literacy and sensitivity to the Middle Eastern conflict.

Finally, recognizing that law schools and the legal profession are associated with social reproduction of the elite, Professors Mark Israel, Natalie Skead, Mary Heath, Anne Hewitt, Kate Galloway, and Alex Steel examine how to foster diversity and inclusion in the Australian classroom. These authors fill in the gap left by structural solutions to focus on micro-strategies such as attention to physical spaces and student-teacher interaction as ways of creating and maintaining law classrooms that are welcoming to "quiet inclusion."

We are also lucky to have two other articles. Alan Morrison's interview of Justice Stephen Breyer from last year's annual meeting of the Association of American Law Schools about judging, writing and Breyer's new book *The Court and the World*. Professor Alexis Anderson also augmented our understanding of classroom taping policies in *Classroom Taping under Legal Scrutiny–A Road Map for a Law School Policy*.

In our regular column, At the Lectern, Professor Erik M. Jensen defends and takes a whimsical new look at the writer's mainstay, William Strunk and E.B. White's *Elements of Style*. We round out this volume with book reviews by S.I. Strong on *Divergent Paths: The Academy and the Judiciary* by Richard Posner, a review by Hemanth C. Gundavarum of Tom Goldstein and Jethro K. Lieberman's *The Lawyer's Guide to Writing Well,* and finally, a review by Shon Hopwood of Marie Gottschalk's *Caught: The Prison State and the Lockdown of American Politics*. Enjoy.

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