THE ORMROD REPORT AND LEGAL EDUCATION IN NEW ZEALAND—A COMMENTARY

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The picture of legal education has changed very greatly since my last visit to Canterbury in 1955. At that time there were no full-time teachers in either of the South Island universities and the facilities available to teachers and students were meagre indeed. Now, full-time teaching and learning appear to have established themselves in their own right. At this stage it becomes more important than ever to preserve close links between the teaching and practising sides of the profession. Such links help to maintain realism in what the Ormrod Report rightly regarded as the essential academic phase of legal education. Practical experience is of immense value to the academic teacher. There are, however, other ways in which these links can be maintained and even strengthened. I think, for example, that practitioners with specialist experience should be encouraged to give at least occasional lectures to undergraduates in law schools. Moreover, retired judges might well be enticed out of retirement to conduct courses and thereby impart to students a fruitful combination of wisdom and erudition.

No doubt the institution of full-time professional training schools—as suggested by the Ormrod Committee—has its attractions. It should, however, be appreciated that bringing such schools into existence will create a new kind of employment problem for the profession. In the present system in which a student undergoes part-time teaching whilst serving an apprenticeship in an office the decision to retain a newly-qualified man is relatively easy. Room can be found for him and he can be fitted into existing office arrangement and facilities without any great difficulty. The emergence of barristers and solicitors, fully-qualified, from a full-time professional training course will, however, call for decisions of quite different kinds. On the one hand, the newly-qualified lawyer will seek a position of responsibility with salary, accommodation and facilities commensurate, in his eyes, with the length and rigour of the training which he has undergone and with his formal qualifications. On the other hand, partners will be much more cautious about engaging young men of whose capacities and abilities they know little. The transition from recruit to permanent employee to partner will not be nearly so easy, and personal relationships within firms will have to be forged in a different way. I fear, therefore, that a sudden change to the Ormrod system may well prove indigestible to the profession itself. This fear is, to some extent, supported by the fate of a similar scheme which was proposed in Victoria some years ago.

As to the content of existing law courses, it may be that too much emphasis is placed on "core" subjects in the sense that they are regarded as representing only a body of knowledge which the student must acquire. It would be more profitable to think of "core" subjects, not only in terms of their contents, but also in terms of the skills and expertise which they may be used to impart. Viewed in this light, the number of subjects which a student should be required to learn may

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well be very much smaller than most teachers and practitioners might suspect. It is quite possible to devise a four-year law course growing out from a single subject such as conveyancing. Before very long, the student would be confronted with constitutional problems and the pitfalls arising out of contractual relationships. From this base, the conspectus would develop and a valuable training, both academic and professional, emerge.

The danger of stressing "core" subjects and insisting upon too many of them is that the undergraduate curriculum may become overloaded so that there will not be enough room for manoeuvre. This is a very real danger. The demands already being made upon the practitioner of today and the widening range of professional activities make it vitally important that law schools should offer an increasing number of specialised options for undergraduate and for post-graduate study. It is important that this should be done in order to provide the necessary basis for specialised subjects with which lawyers of tomorrow will be concerned and to make sure that we have scholars as members of the staffs of our law school who are able to develop the specialities as they are required.

I agree with the Ormrod Committee that much more should be done to promote continuing education for the profession and I believe that the universities should play a very active role. The obvious outlets are post-graduate courses leading to diplomas and masters degrees. These can and should be tailored to professional needs. There is clearly scope for post-graduate study in such subjects as taxation, company law and procedure—and many other subjects could be added to the list. I should like to see young lawyers returning to the universities after a few years in practice to attend such courses, and to widen and deepen their knowledge in those areas of the law in which they intend ultimately to specialise when they return to practice. I should hope that firms would make it easy for them to do so if suitable courses were offered by law schools. Practitioners with specialist experience and retired judges could make a notable contribution to the teaching in such courses.