

Student Voices: Measuring Success (Part II) (P18, T1)

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The Redmond Roper Report of 1996 has opened a forward-looking case for the training of lawyers in Hong Kong, and recommended the inclusion of liberal arts tradition in the undergraduate education for lawyers. The Faculty of Law at the Chinese University of Hong Kong was established in 2006 as the School of Law amidst this debate. The *Student Voices* has enabled five sets of films made between 2006 and 2010 as systematic records of the founding year students' experience over their four-year LLB programme. It was one, amongst many, bases to evaluate successful teaching and learning at the Faculty of Law. This film presentation will show how values in law were introduced, formed and took hold in our students during their four years here.

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Students of law are expected to develop professional competencies and appreciation for the humanist principles that guide the law and its tradition.¹ The division between what is considered vocational training for lawyers against the academic education of lawyers² reveals itself in debates on pedagogical priorities in Hong Kong.³ At the turn of the 21st Century, when the popularization of the Internet has, *inter alia*, driven significant changes in the legal practice,⁴ the same debate emerged in Hong Kong regarding how educators of law should approach teaching inside and outside of the classroom. The Redmond Roper Report⁵ opened a forward-looking case for the training of lawyers in Hong Kong, and recommended the inclusion of liberal arts tradition in the undergraduate education for lawyers,⁶ much reminiscent of the predominant aims of university education in the United States.⁷

¹ Robert S. Redmont, *A Conceptual View of the Legal Education Process*, 24 J. Legal Educ 129 (1972). “[T]he pedagogies of the professions must attempt to bridge and resolve tensions between the competing imperatives to which future professionals must respond.” Sullivan, Colby, Wegner, Bond & Shulman, eds., *Educating Lawyers: Preparation for the Profession of Law*, Carnegie Foundation for the Advancement of Teaching (Jossey-Bass, 2007) at 23.

² O. Khan-Freund, *Reflections on Legal Education*, 29 The Modern L. Rev. 121 (1966).

³ Julie MacFarlane, *Look Before You Leap*, 19 J. Law & Soc. 293 (1992). It has been argued that the dichotomous division between skills-based training and the academic study of the law in legal education is artificial. See generally, John Goldring, *Academic and Practical Legal Education: Where Next? An Academic Lawyers' Response to Noel Jackling and Neil Gold*, 5 J. Prof. Legal Educ. 105 at 108 (1987).

⁴ John A. Barrett Jr., *International Legal Education in the United States: Being Educated for Domestic Practice While Living in a Global Society*, 12 Am. U. J. Int'l L. & Pol'y 975 (1997). See also Andrew Goldsmith, *Heroes or Technicians? The Moral Capacities of Tomorrow's Lawyers*, 14 J. Prof. Legal Educ. 1, 3 (1996).

⁵ *Report of the Consultants on Legal Education and Training in Hong Kong: A Preliminary Review, Aug 2002* (The Redmond Roper Report), *infra*.

⁶ With four general areas of development including the formation of general intellectual skills, the formation of intellectual skills suitable for the practice of law, knowledge in law and legal principles, and the formation of values giving a sense of social responsibility as a lawyer. Interview with Paul Redmond (2006), on file with authors.

⁷ Redmond Roper Report (2001). The debate on whether the study of law should be included in university liberal arts curriculum found its roots in the United States' first founding school of law at Harvard University as early as the early 20th century, the movement revived during the 1950s as the academia discussed the possibility of offering the law degree

The Faculty of Law at the Chinese University of Hong Kong was established in 2006 as the School of Law amidst this debate. As instruction began for the first cohort of undergraduate law students in its LLB programme, the teachers reckoned the importance of recording the founding-year students' journey in their own words. *The Student Voices* has enabled five sets of films made between 2006 and 2010 as systematic records of the four-year LLB programme. It was one, amongst many, basis to evaluate successful teaching and learning at the Faculty of Law.⁸

Eleven founding students (out of a total of forty-eight) were selected for film interviews typically lasting 20 to 30 minutes, wherein they shared their aspirations and concerns in their past and for their future. As the first cohort of LLB students has graduated in May 2010, *The Student Voices* has already completed a full project cycle.

The founding year students' perception of their experiences over time bears insight into the philosophy of legal education at the Faculty of Law, its visions drawn from both the Redmond Roper Report and led by its teaching staff during the Faculty's founding years.⁹ Besides meeting the requirements of founding established by the Legislative Council, the Law Society of Hong Kong and the Hong Kong Bar Association, the Faculty of Law at CUHK introduces further emphasis on the teaching of law within context, in response to the Law in Context movement in England during the 1970s.¹⁰ The common themes in these film interviews thus bring to the fore the different approach that the Faculty of Law at CUHK has sought to introduce.

Besides evidencing the law in context approach, this set of films also gives stock to more traditional evaluation of success for legal education, such as the development of students' lawyerly competencies, maturity, and the recognition of ethical commitment to the society.¹¹ For good reasons¹² the legal professions of different jurisdictions do not seek a scientific agreement

as at least part of the liberal arts curriculum or as an undergraduate degree. Philip Lader, *Experiments in Undergraduate Legal Education*, 25 J. Legal Educ 125 (1972). For an overview of the history of legal education in the United States see Mark L. Jones, *Fundamental Dimensions of Law and Legal Education: An Historical Framework—A History of U.S. Legal Education Phase I: From the Founding of the Republic Until the 1860s*, 39 J. Marshall L. Rev. 1041 (2006) and Sullivan, *supra* note 1 at 91–95. In its early founding years the CUHK Faculty of Law has recognised the value of experiential learning in law, and introduced a number of initiatives, the “law in drama” being one of the most notable, see Anne Scully Hill, Helen Yu & Paul Lam, *Beyond Role Playing: Using Drama in Legal Education*, J. Legal Educ. (2008).

⁸ Centre for Learning Enhancement And Research (CLEAR), Carmel McNaught, *From Diagnostic Feedback to University Policy: Programme-level Evaluation at a Hong Kong University* (2005).

⁹ See Interview with Michael McConville (2007) on file with authors.

¹⁰ For more on the Law in Context movement, see William Twining, *Law in Context* (Oxford UP 1997). Contemporary recognition of the law in context approach in the United States finds itself in the structure of professional legal education being set a juris doctor (graduate level) degree. See generally Sullivan *supra* note 1.

¹¹ See *Desired Learning Outcomes for Law Undergraduates*, on file with authors. The desired learning outcome addresses the expected quality of undergraduate law students at CUHK, citing six main areas of competency including knowledge, intellectual skills, advocacy, IT competency, personal skills and values. For more on the formation of values for lawyers, see Roger C Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. Legal Educ 247 (1977). See also Maureen F. Fitzgerald, *Commentary, Competence Revisited: A Summary of Research on Lawyer Competence*, 13 J. Professional Legal Educ 227 (1995).

¹² See generally Robert MacCrate, *Yesterday, Today, Tomorrow, Building the Continuum of Legal Education and Professional Development*, 10 Clinical L. Rev. 805. There seems to be no agreement as to what skills are necessary for a good lawyer, and nor should there be, as the demands of legal practice in any jurisdiction can be different and will change as times change. Bryant G. Garth & Joanne Martin, *Law Schools and Construction of Competence*, 43 J. Legal Educ. 469 at 498 (1993).

on what the words “competencies, maturity and ethical commitment”¹³ entail, but few would doubt that they are, in this age and time, reasonable aims for providers of good legal education. A number of studies were done during the 1970s until the 1990s in a few common law jurisdictions¹⁴ to explore the common notions of professional competency by surveying the views of practicing lawyers, legal educators and the law students.

In the first filming session in 2006 most of the interviewees noted their experience in meeting the demands of university teaching in law. All but two were graduates of the local secondary schools in Hong Kong;¹⁵ many took note of the difference between secondary school learning, which tends to cultivate reliance on the teacher’s role in conveying knowledge, as opposed to that in the Faculty of Law, where students are expected to be disciplined and independent in the pursuit of knowledge and skills as future professionals. Students found the volume and difficulty in reading law to be overwhelming, and that seemed to present the most challenge in their adjustment to the academic demands of the university.

By the second film interview (summer 2007), the interviewees all noted that they had become quite accustomed to the workload. They were reading in greater speed with more familiarity with the case law method. By the third interview (spring 2008), the students no longer mentioned the volume of reading as being overwhelming, although a number of them noted that courses in the second year were much more challenging than those in the first year.

The theme of transition continued to take a central spotlight in the student interviews. Many of our interviewees were concerned with becoming a professional at law by the third year of their legal education. Some worried about their job prospects due to keen competition in the profession, which places much emphasis on academic performance. By this time it has become clear that the interviewees were themselves aware that they had embarked upon a period of transition from university to professional life. At the beginning of their fourth year (autumn 2009 interviews), all of them had already worked in the previous summer, wherein they have had a fair exposure of the professional world as they observed their seniors in practice and in many ways participated in some aspect of the legal practice themselves. Through their summer experiences the students have narrowed their professional interests. Although they still discussed their law courses with a strong sense of engagement, many interviewees noted the difference between learning law in the classroom and working with the law as professionals.

At the last set in the project cycle (May 2010), the students were asked to discuss their experiences with the legal profession over the past four years. Without exception all the interviewees articulated the difference between being a student and being a professional, and they cited peopling skills to be especially important in their summer work experiences. A number of them said that as lawyers one acts in the client’s best interests. It is more than “getting

¹³ The three categories drawn here is based on insights from the emergent themes in the CUHK film interviews, on file with authors. See also Maureen F. Fitzgerald, *supra* note 8, Appendix, with results of opinion surveys stating certain general skills to be very important for lawyers, including legal research and drafting skills, writing and oral skills, problem solving etc. With regards to personal attributes, ethics and professional responsibility seem to be common requirement in a few jurisdictions.

¹⁴ See generally Maureen F. Fitzgerald, *supra* note 8.

¹⁵ By “local” secondary schools I refer to the predominantly Cantonese speaking schools where the language of instruction is English.

the job done,” instead a lawyer maintains a relationship with the client by sharing legal advice, confidence and commercial strategy. A few students noticed, more specifically, that tactful communication and the ability to understand client needs are key attributes in serving clients well, in particular when the client is a member of “disadvantaged population.” As none of the interviewees found themselves lacking in “classroom legal skills”, it appears that our interviewees found the relational aspects of professional life to be the most significant difference between student life and the professional world.

The repertoire of views and experiences in the film interviews shows that the process of transition from a secondary school student to a law student in CUHK came to fruition by the end of the students’ first year at the Faculty of Law. By the beginning of the students’ third year, they could see their careers, be it in the law or not, on the horizon. A number of our interviewees, then in year 3, were still considering their options and keeping the thought of a legal career at arm’s length. Many leaned strongly toward becoming lawyers but at the same time they were managing their expectations. Regardless of whether they were optimistic about their prospects, all our interviewees were clearly aware of the next phase of transition: from university student to professional and working life. By the time they had completed their university coursework in year 4, our interviewees could articulate the key differences between being a student and being a professional, thus indicating a critical turning point as they understand the demands of professional life in very specific terms.

The students’ transformation was especially intriguing to us as mentors and educators because members of the Faculty took to their personal responsibility the students’ adjustment throughout their four years with us. The film interviews were one, amongst many, way in which student concerns and expectations were conveyed to the formal decision making process at the Faculty of Law.

Confidence seems to be the most valued personal attribute to these young university students and at the first filming most of our interviewees thought that the development of skills and knowledge in the law was closely tied with confidence-building. Throughout the filming cycle, around 8 of the interviewees who did not grow up in an English environment in Hong Kong have exhibited an increasing ease during the interviews, wherein they articulated their views with facility and sophistication, including the way they describe legal issues, the law and its limitations. For the interviewees who grew up in an English environment in Hong Kong, confidence shows not so much in the spoken expression but rather in the content of the discussions.

One student cited the ability to spot issues in the law to be critical to his own personal development. As he pays more attention to the spoken word he is able to “appreciate the fine distinctions” in the law. The improvement in articulation across the board seems to show in the fact that the interviews have, on average, run longer than the previous ones for each individual interviewee; the students also responded better when the interviewer discussed certain issues at greater length.

Maturity seems to be an emerging theme, although less self-consciously articulated than the students’ interest in intellectual development. At the final set of interviews we asked each

student, “so how have you changed in the past four years?” One responded to this question citing the broadening of one’s world views to be one of the key changes that he has experienced during his university education. The interactions with students who grew up in different environment have cultivated his appreciation for diversity, and this had in effect liberalised his worldviews quite significantly. It seemed to us that the filming exercise has encouraged self reflection in a number of students.

The *Student Voices*, in essence, has enabled an open space for the teachers and the film interviewees to meet for yearly evaluations of the LLB programme at CUHK. At the end of the four-year filming exercise one can confirm the interviewees’ view that knowledge and skills in the law brings forth confidence for an undergraduate student of law. As mentors of the founding-year students, we observe positive development at yearly increments, thus confirming our hope that the pedagogical priorities at the Faculty of Law are part-and-parcel for the formation of the students’ identity as mature professionals.¹⁶

The interviews showed a general theme of transition throughout, the professional aspects of which were most keenly examined and shared on the film. The interviewees’ general experience appear to comport with the observations made by Sullivan et al, that a provider of legal education, in answering both the requirements of the legal profession and the broad objectives of a liberal arts education, may not necessarily be working with incompatible objectives.¹⁷ By the time of the last filming session, the interviews show clearly that our interviewees have responded to the skills, knowledge and values taught in a holistic manner, as such it seems to confirm Goldring’s argument that the learning of law and its doctrinal elements must be in tandem with lawyerly skills.¹⁸ The founding year LLB students are bearers of success for the undergraduate legal education offered at CUHK.

¹⁶ “formative education must enable students to become self-reflective about and self-directing in their own development. Seen from a formative perspective, law school ought to provide the richest context possible for students to explore and make their own the profession’s possibilities for a useful and fulfilling life.” *Educating Lawyers* supra note 1 at 85.

¹⁷ “liberal education and professions make for a good fit, because they have crucially in common a transcendent quality, a commitment to a broad and not necessarily utilitarian perspective” (*Educating Lawyers* supra note 1 at 32, citing Lemann at 15).

¹⁸ See also the general argument made by Goldring that “it is really impossible to divorce the practice of law from the doctrinal elements which have traditionally been studied in institutions of legal education...” as “knowledge of the legal order requires also an appreciation of the context in which such skills are employed... whether the objective of that education is training of professional lawyers,” Goldring supra note 3 at 105–106 and 108.