

Legal Education

Reflections and Recommendations

A.W. Heringa

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Ius Commune Europaeum

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Intersentia Ltd
Trinity House | Cambridge Business Park | Cowley Road
Cambridge | CB4 0WZ | United Kingdom
Tel.: +44 1223 393 753 | Email: mail@intersentia.co.uk

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PROLOGUE

This book has been inspired by many. A multitude of academic contacts and talks about teaching and legal education have, for many years, fed my thoughts. Maastricht University and the Faculty of Law have been fertile grounds for initiatives and forward thinking, as well as experiments, in the domain of legal education. I am also grateful for the contacts within the International Association of Law Schools (IALS) as well as with the Dutch law deans in the context of the Association of Dutch law deans.

In writing, or composing, this book I was struck by the many initiatives that take place in legal education but also by the inclination to stick to tradition: lawyers are certainly not among the greatest innovators! I was also struck that, when and where those innovations have taken place, legal academics have not taken the opportunity to record and test the achievements and benefits. There is, in other words, not very much evidence-based research about 'best' legal education practices, to say the least. Legal educators, being less sensitive to empirical sciences, have not shown themselves to test the teaching practices empirically and to set up relevant benchmarks. This is also one of the omissions in this book. I have tried to collect data but very soon I neglected that ambition because the scarcity of data is overwhelming, and no comparisons can be made, because the data that does exist is not really comparable (between universities/law schools, let alone between countries).¹ This book is a description of things that I have noted, and which have struck me as particularly interesting, as a legal educator. This book is therefore to a large extent a personal story: a journal of my observations and experiences. Based upon

¹ In a Communication (COM(2011) 567 final, 20-9-2011 (supporting growth and jobs, an agenda for the modernization of Europe's higher education systems), the European Commission has indicated to improve data on European higher education learning mobility and employment outcomes, and work towards a European Tertiary Education Register. And when data do exist and empirical research is undertaken, it seems only to circulate among the (social) scientists doing that kind of research, and does not reach (and does not seem to be written for) law schools nor law school teachers; a few examples: Haara-Muhonen 2010; Nadolski, Kirchner, & Merriënboer 2006; Nievelstein 2009.

these observations and experiences, I have undertaken to share them with you and to make them available to others and for discussions and the comparisons with others' experiences and findings.

There are many lessons that I have learnt and which I have described in this book and present to you as conclusions. At the basis of all these conclusions is however that we as law schools set up a research agenda for legal education; that we seek ways to import lessons from other disciplines and their teaching approaches into legal education; that we seek objective parameters and try to test them to discover the best ways to combine skills and academic knowledge, to choose selection mechanisms, to make combinations of E-learning and traditional teaching; to provide good modes of delivery and teaching and educational materials.

The first step is to get the message across that legal educators and their stakeholders must be open to discussion and be transparent in what they do and why: within countries, across borders, regionally and globally. I hope this book will contribute to that endeavour.

I thank all those who have lent me their ears and who have inspired me in writing this book; I hope that I have been as generous with my comments and ideas to you as you have been to me. I wish that the legal educational community will be inspired by this book, or at least by some of its messages, and by the need to maintain and improve the quality of legal education. We owe it to society and to our students that the legal education we provide is the best, according to our convictions but also to be, as much as possible, evidence based and/or considered to be the best in thorough and open discussions.

Maastricht, February 2013

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