

## THE LEARNING JOURNEY: PLEASE TAKE ME WITH YOU

### ABSTRACT

In the academy, we need not take our learning journeys alone. We can take our students with us. We can teach as we research and research as we teach. While it may seem that teaching and research compete for our time, energy and focus, they are also excellent collaborators. Research allows us to infuse the classroom with our values, new ideas and enthusiasm. Teaching assists our research by prompting us to tell stories that clarify our research, and by giving us reasons to keep up with developments, update materials and design activities. Both give us a chance to hone our expertise, to gather motivation, to attract collaborators and to try out fresh perspectives. Teaching and research both prosper on the learning journey together.

### I INTRODUCTION

Teaching and research are complementary aspects of learning. Each contributes immeasurably to our learning journey as we navigate its wandering pathways, scale the mountains and arrive at eureka moments. Teaching can lead the learning journey down well-worn paths or it can blaze ahead along the trail, cutting back the overgrowth and leaving a clear path. Research can survey the same terrain for an overview or it can blaze a new trail through an unexplored landscape.

Learning can be a difficult journey. We can travel too lightly in solitude, or too heavily burdened with the baggage of collaborators. But learning is a journey to the wonderful places our minds may wander. Discovery and insight are the journey's joys and destinations. As Mark Twain exclaimed when he was travelling in Italy:

To give birth to an idea — to discover a great thought — an intellectual nugget, right under the dust of a field that many a brain-plow had gone over before. To find a new planet, to invent a new hinge, to find a way to make the lightnings carry your messages. To be the first — that is the idea. To do something, say something, see something, before anybody else — these are the things that confer a pleasure compared with which other pleasures are tame and commonplace, other ecstasies cheap and trivial.<sup>1</sup>

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<sup>1</sup> Mark Twain, *The Innocents Abroad* (American Publishing, 1869) 188.

Learning is a marvellous journey; it is the journey we embark upon each time we set out to do research. Each one of us has become engaged with this journey. It is one of the reasons we work in law. We enjoy the many kinds of research required by legal scholarship. For our purposes, research may be defined most simply as 'the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions.'<sup>2</sup> In law, we undertake research when we write a paper, an article, a book, a submission or a brief, but also when we represent a new client, interview a witness or give legal advice. Each piece of research requires systematic investigation of a topic or set of circumstances and the laws that govern them, or investigation and creative inquiry into the likely results if the law were changed.<sup>3</sup> As legal academics, we engage in many kinds of research involved in the creation or advancement of knowledge. My own recent academic research has involved conducting psychological surveys,<sup>4</sup> undertaking historical and theoretical inquiry,<sup>5</sup> performing pedagogical review<sup>6</sup> and engaging in dialogue with faculty and students.<sup>7</sup> When I practiced law, a typical day involved theoretical and practical investigation into the law and facts that impacted my clients. Legal research travels varied pathways, through books, archives and interviews, and engages both academics and practitioners. What we may not realise is that research is not a journey best taken alone.<sup>8</sup>

There are many good ways to do research. Alone is one of them. But by involving or including our students in our research, we spread the benefits to more people

<sup>2</sup> Oxford University Press, *Definition of Research in English* (2014) Oxford Dictionaries <<http://www.oxforddictionaries.com/definition/english/research?q=research>>.

<sup>3</sup> This view of research is broad and takes in various aspects of experience and professional research undertaken in the practice of law. For alternative definitions of research, see Tom Stehlik, *Final Report: The Teaching-Research Nexus in the Division of Education, Arts and Social Sciences* (February 2008) University of South Australia <[w3.unisa.edu.au/academicdevelopment/engagement/nexus.asp](http://w3.unisa.edu.au/academicdevelopment/engagement/nexus.asp)>.

<sup>4</sup> Molly Townes O'Brien, Stephen Tang and Kath Hall, 'No Time to Lose: Negative Impact on Law Student Wellbeing May Begin in Year One' (2011) 2(2) *International Journal of the First Year in Higher Education* 49; Molly Townes O'Brien, Kath Hall and Stephen Tang, 'Changing Our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21(2) *Legal Education Review* 149.

<sup>5</sup> Molly Townes O'Brien, 'Criminal Law's Tribalism' (2012) 11(1) *Connecticut Public Interest Law Journal* 31; Molly Townes O'Brien, 'Facing Down the Gladiators: Addressing Law School's Hidden Adversarial Curriculum' (2011) 37(1) *Monash University Law Review* 43.

<sup>6</sup> Molly Townes O'Brien, 'An Active Learning Smorgasbord for Teaching Evidence' (2011) 4 *Journal of the Australasian Law Teachers Association* 31.

<sup>7</sup> Molly Townes O'Brien, 'Walking the Walk: Using Student-Faculty Dialogue to Change an Adversarial Curriculum' (2011) 4 *Journal of the Australasian Law Teachers Association* 129.

<sup>8</sup> Some academics assert that researchers like to work alone, while teachers are gregarious: see Marina Nehme, 'The Nexus Between Teaching and Research: Easier Said Than Done' (2012) 22 *Legal Education Review* 241, 246.

and over a longer period. Research is a journey best shared. Students in particular benefit from seeing our motivation and excitement about a research topic. They need to know how to do research and to find out what they do not know. Students need illustrative material to understand ideas, concepts and theories. When students see how we became involved in a particular field, they no longer see it as a parched topic from an old book. Sure, they may have to read old books to understand it, but our involvement brings the law to life for them.<sup>9</sup> Giving the students a front row seat in the learning journey takes them along with us.

## II WHY BRING THE STUDENTS ALONG?

Many of us react like the Grinch when we are faced with students and their issues. ‘Just read the cases!’ we grumble with impatience when a student poses a thorny question. We would rather be alone in our research: uninterrupted, travelling lighter and faster over difficult terrain, left to ourselves to wander in the mazes of learning. We believe that our students will catch on to the main ideas if they try hard and focus on what is written in the textbook and in the case opinions. We are tempted by the idea that the ‘close interconnection of teaching and research’ is ‘merely a shibboleth or an inefficient relic of the past.’<sup>10</sup>

Surely there is no necessary connection between teaching and research! Just look at how many businesses do research and invent new products — like mobile phones or software apps — without doing any teaching. And look at all those university teaching programs that lack current or specialised research. There is no mystery to learning basic material. ‘[L]arge, mainstream undergraduate courses often seem to have no room for modules based on the specialised research interests of the academic staff.’<sup>11</sup> No wonder we do not want to spend our time doing research related to those courses.

We would rather believe that there is an inherent conflict between teaching and research.<sup>12</sup> Teaching and research have different goals and require different

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<sup>9</sup> Other examples of benefits students gain from being taught by a researcher are included in Kerri-Lee Krause, Sophie Arkoudis and Ali Green, ‘Teaching-Research Linkages: Opportunities and Challenges for Practice and Policy’ (Stimulus paper presented at Carrick Institute Teaching-Research Nexus Forum, Adelaide, August 2007) 3.

<sup>10</sup> Ruth Neumann, ‘Researching the Teaching-Research Nexus: A Critical Review’ (1996) 40(1) *Australian Journal of Education* 5, 7.

<sup>11</sup> Gabrielle Baldwin, *The Teaching-Research Nexus: How Research Informs and Enhances Learning and Teaching in the University of Melbourne*, Centre for the Study of Higher Education, 5 <[http://www.cshe.unimelb.edu.au/resources\\_teach/curriculum\\_design/docs/TR\\_Nexus2005.pdf](http://www.cshe.unimelb.edu.au/resources_teach/curriculum_design/docs/TR_Nexus2005.pdf)>.

<sup>12</sup> Henry H Crimmel, ‘The Myth of the Teacher-Scholar’ (1984) 70(3) *Liberal Education* 183; Steven B Sample, ‘Inherent Conflict between Research and Education’ (1972) 53 *Educational Record* 17; Michael Prosser, ‘In Reality the Teaching and Research Roles are Independent’ (1989) 11(3) *HERDSA News* 7.

approaches, talents and materials. A person might be quite skilled at one but not at the other. Research often represents energy expended on knowledge that cannot yet be taught because it is still under development or investigation. Meanwhile, the university's reward system is oriented around successful research and publication; time spent teaching students is not time spent writing papers to be refereed and published.<sup>13</sup> Academics have to juggle research, teaching and administration.<sup>14</sup> For some, 'the job can feel never-ending.'<sup>15</sup> Given the time pressures on academics, students may be seen as a hassle and teaching like eating from a diet menu.

Teaching is perceived to take valuable time away from research. One recent survey found academics to be 'suffering from growing stress levels as a result of heavy workloads, management issues and a long-hours culture.'<sup>16</sup> When we spend time on teaching, we may not have time to engage in meaningful research. Time away from research may decrease the opportunity for a promotion or a pay raise.<sup>17</sup> As Marina Nehme points out, '[i]f academics are not research active, they are required to undertake an increased teaching load.'<sup>18</sup> We are all familiar with the phrases 'teaching load' and 'research opportunity'. These phrases are commonplace and indicate that some institutions view teaching 'as a punishment.'<sup>19</sup>

### III HOW TEACHING ASSISTS RESEARCH

There are compelling reasons to spend our time and energy teaching. Each of us has struggled to understand unfamiliar areas of law. We know that the law is a complex structure. It is huge, historical, convoluted and difficult. We have read obscure histories of the 12<sup>th</sup> century trial by ordeal. We have looked at the maze of current and amended tax and procedure provisions. We know that the greatest minds — even those of justices of the High Court — may disagree on the meaning of a statute. Like our students, we have struggled to understand even the most basic legal provisions. For example, who has not felt a sense of inner panic on reading the following evidence rule?

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<sup>13</sup> Michael S Bassis and Alan E Guskin, 'Building Quality: Research and the Regional Institutions' (1986) 18(4) *Change: The Magazine of Higher Learning* 57; James S Fairweather, 'Faculty Rewards Reconsidered: The Nature of Tradeoffs' (1993) 25(4) *Change: The Magazine of Higher Learning* 44.

<sup>14</sup> *Lifestyle as an Academic*, The University of Manchester <<http://www.academic.career.manchester.ac.uk/about/do/lifestyle/>>.

<sup>15</sup> Ibid.

<sup>16</sup> Jack Grove, *Stressed Academics are Ready to Blow in Pressure-Cooker Culture* (4 October 2012) Times Higher Education <<http://www.timeshighereducation.co.uk/421388.article>>. See also Rosalind Gill, 'Breaking the Silence: The Hidden Injuries of the Neoliberal University' in Ryan Flood and Rosalind Gill (eds), *Secrecy and Silence in the Research Process: Feminist Reflections* (Routledge, 2009).

<sup>17</sup> Nehme, above n 8, 247.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

Evidence of an opinion is not admissible to prove the existence of a fact about the existence of which the opinion was expressed.<sup>20</sup>

We have all felt despair as we tried to work out the ramifications of a statute similar to this short legal section governing the exclusion of certain opinion evidence. And like our students, we have breathed a sigh of relief when we figured out that the rule means that opinion evidence is not admissible to prove the content of the opinion, but may be admissible to prove something else. Like our students, we have fought to determine the future impact of a lengthy High Court opinion or of a lower court's ruling that might seem to thwart justice. We have asked ourselves in frustration, 'How could the court decide that?!'

In other words, we know that the law may be indecipherable without a guide, sufficient motivation, context and memory cues. As teachers, we can provide these things for our students. For the law to become meaningful to students, and for them to feel comfortable to take a legal issue into their own hands, they need a learning guide. More than that, they need to be encouraged by our motivation, our excitement and our success with the law. They need to see both our frustration and our hope.

This is not a burden to most academics. For many, the 'most enjoyable part of the job is seeing the students succeed.'<sup>21</sup> As much as we enjoy learning, we also enjoy teaching. When we teach, we facilitate inquisitive minds, listen to questions, engage thinking, support struggle, cultivate dreams, encourage risk and learn every day. Teaching is, in essence, a learning journey similar to research. Like research, it has its own rewards and meaning.

Happily, teaching is not just good for the students. It is also good for our research. It does not simply subtract from our research time and add nothing. Instead, as will be discussed, teaching supplements our research ideas. It keeps our minds alive and our research up to date. Teaching and research are essentially linked facets of learning. Both involve understanding intellectually difficult material and communicating that understanding. Learning is the 'essential link between teaching and research.'<sup>22</sup>

Of course, there are downsides to combining research and teaching. Teaching takes time that could otherwise be used on original research. Teaching requires us to examine and re-examine basic rules and basic theories. Teaching requires us to depart from our focus on the cutting-edge of knowledge and redirect our intellectual energy to explaining material that is appropriate for students. Nevertheless, the benefits of teaching to research should not be downplayed or overlooked. In addition to the benefits explored under Part IV, below, using research in teaching may help us gather collaborators, gain a fresh perspective on an old issue, develop expertise in a new field and access student evaluations of our field.

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<sup>20</sup> *Evidence Act 1995* (Cth) s 76(1).

<sup>21</sup> *Lifestyle as an Academic*, above n 14.

<sup>22</sup> Nehme, above n 8, 252.

### *A Collaborators*

When I was teaching a seminar in education law, I had 24 new students every autumn. Most of the students worked on their own research project and went on with their lives. I remember one student, however, who was excited by my research. Amanda Woodrum was genuinely interested in my research on early American public schools and religion. Not only did she complete her seminar paper, but she also continued to research with me. Ultimately, we published a co-authored article in a law review.<sup>23</sup> I would not have had time to search the library archive material that documented the 19<sup>th</sup> century views of schooling embraced by the Protestant school crusaders and the Catholic Church. But Amanda did.<sup>24</sup> She gave me her notes from the archives and read my drafts of the article. She was an excellent collaborator who would not have had the opportunity to work with me if not for the seminar course.

My experience in this regard is not unique. My husband is an astrophysicist. He gives a large number of public lectures that showcase his research findings. More than a few students are interested in and excited by his research. As a result of his presentations, he usually has more graduate students who want to work with him than he can take. His public lectures not only give the public a good idea of what he is doing, they also attract young researchers and future collaborators.

### *B Perspective*

Because each of us has been engaged in research in a particular field for many years, we may feel that our perspective on that field is set. If we bring our research into the classroom, we may, however, gain a new perspective. When I use a research-based scenario as the basis for student argument, I often invite a practitioner or a judge to class. With the judge at the front of the room, students proceed to present their positions and arguments. The judge may ask questions or issue a ruling at the end of the student argument. I find that students generally appreciate these opportunities, conduct serious research and present heartfelt arguments. Whatever side of the controversy they have been assigned to, students find its emotional core and address it. The invited practitioner or judge also injects a perspective into the discussion. Thus, without venturing into practice or into the courtroom, I can keep up to date with the views of my students, the practice and the court. I may think my perspective is set, but when I hear student arguments and a judge's or practitioner's questions, I discover that there are aspects of the problem I had ignored. Class time can reset my perspective.

### *C New Expertise*

As a member of the law faculty, I am sometimes asked to teach a subject with which I am unfamiliar. I might have thought there was nothing more boring in the world

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<sup>23</sup> Molly Townes O'Brien and Amanda Woodrum, 'The Constitutional Common School' (2004) 51 *Cleveland State Law Review* 581.

<sup>24</sup> Ibid 581.

than international dispute resolution, but as I prepared to teach it, I found myself caught up in the new readings. First, I refreshed my law school knowledge of public international law, arbitration and mediation. Then I learned about areas that were new to me, like diplomacy, law and economics, and public discussion of settlement. Often, reading done to prepare to teach a new course has sparked connections in my mind. I connected what I learned about international dispute resolution to what I already knew about other areas of law. Areas where there is no clarity stand out to the novice. Questions that lack consensus answers beg for research. By teaching in an unfamiliar area of law, I gain not only a new field of expertise, but also new subjects for research. Teaching has the capacity to keep my research from growing stale.

### D *Evaluation*

An often neglected benefit of teaching is the value of student comments about a research project.<sup>25</sup> Preparing to teach an area of research requires me to break the topic down into manageable bits. Once this is done, students can listen or read about the research and then be asked about it. When students respond to a question about my research, they generally give unvarnished responses. Student reactions to my research have caused me to re-think and re-do on more than one occasion.

## IV HOW RESEARCH ASSISTS TEACHING

Research is an excellent partner to teaching. It provides stories and examples, keeps content up to date and allows us to infuse the lessons with our values.

### A *Stories*

Based on our research and experience, we can describe relevant examples and tell anecdotes that contextualise complex material. Being engaged in research allows us to teach what we know and to use stories to do it.<sup>26</sup> Stories can contextualise a concept for students, making the idea real and memorable. Stories can provide teachers with an opportunity to connect with students and engage them in the world of learning.<sup>27</sup>

When I teach criminal law, for example, I spend some time discussing the ethics of client confidentiality. Stated in the abstract, the ethics of confidentiality sounds like a dry topic — it certainly was dry for me in law school when my criminal law teacher lectured about it. But, remembering that most students lack context for discussion of issues like client confidentiality, I sometimes fall back on a story from my work as a

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<sup>25</sup> John A Centra, *Reflective Faculty Evaluation: Enhancing Teaching and Determining Faculty Effectiveness* (Jossey-Bass, 1993).

<sup>26</sup> For an exciting look at teaching a subject as a novice, see Therese Huston, *Teaching What You Don't Know* (Harvard University Press, 2012).

<sup>27</sup> Ken Bain, *What the Best College Teachers Do* (Harvard University Press, 2004).



public defender. I recall for the class that I once had a client who was charged with raping 'Sheila'. He came to my office after being released on bail. We chatted for a few minutes about possible defences. We talked over the possibilities of mistaken identity and alibi. At some point in the conversation, the client reached over to his jacket, pulled a pair of lace undies out of a pocket, and put them on my desk. 'These are Sheila's,' he said, 'I don't want to keep them on me.' Now the classroom is quiet; the students' eyes are open wide. Our discussion of client confidentiality is no longer just an arcane abstraction as I ask the students: 'Ethically, what could I tell my client? What could I do with the undies? Should I say anything to the prosecutor about the undies? Would the undies have any effect on the decision to run a particular defence?'

In this situation, my own experience makes the confidentiality issue spring to life. After my client left my office, I had to do research before deciding what to do with the undies. Believe it or not, I left the underwear on my desk while I picked up books and made telephone calls to help me determine what to do with them. With a story, a dry class lecture can become a contextual ethical problem. I can listen to the students as they try to tease out the ethical issues, and I can tell them how I resolved the problems myself.<sup>28</sup> In this story, my spur-of-the-moment research in practice substitutes for a piece of written research.

There are many times when research, whether undertaken as an academic or as a practitioner, yields a story that can be helpful in teaching. Research on teaching confirms that '[m]any people learn better and faster, and retain information longer, when they are taught concepts in context.'<sup>29</sup> To make the most of my story-telling in class, I look through the class outline and try to pinpoint the particularly difficult or conceptually challenging aspects of the material. When I identify a difficult concept, I think through my years of research and practice to pick out an event that will clarify or problematise the subject. I might decide to tell a story in class, or I might ask questions that will prompt students to volunteer a story. In this way, I have had classes in which I talked about the fact investigation I did before negotiating a settlement, and students have volunteered stories about their own experiences with banks, businesses, police or prisons.

In general, the content of the story is unimportant. What is important is that the stories give the law context and make the students realise that the material in the

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<sup>28</sup> I could not leave the underwear in my office (obstruction of justice) or give it to the prosecutor (client confidentiality). After consulting with an ethics expert, I borrowed a set of kitchen tongs and used them to put the underwear in a paper bag, which I left in the hallway near a court officer. I assumed the bag would be found and delivered to the prosecutor's office because my office was in the same building as that of the prosecutor. I do not know if the bag was ever identified as evidence of a crime because the next week the client pled guilty to the rape charge. The undies were not mentioned at the plea hearing.

<sup>29</sup> 'Contextualized Teaching and Learning: Strategies that Work' (Speech delivered at the Annual Legislative Conference, Community College League of California, 24 January 2011), 2 <[http://www.cccvision2020.org/Portals/0/Documents/cclc\\_leg\\_conf\\_2011/ContextLrng\\_SMP.pdf](http://www.cccvision2020.org/Portals/0/Documents/cclc_leg_conf_2011/ContextLrng_SMP.pdf)>.



text is not a meaningless abstraction. I often learn from students' comments and stories. Stories provide a basis for connection between us. Student questions may open my mind to a different perspective on a legal issue. Their troubles with the outcome remind me that law is imperfect and constantly needs revision. Occasionally, a student will have heard of a proposed reform and argue that it should be enacted. Connecting and interacting with students helps me keep a fresh perspective on the law. More importantly, the course, the text and the stories together articulate the law's powerful effect on real people.

### *B Updates*

The law is constantly changing. For me, updating my notes to teach a class can be a form of research.<sup>30</sup> Often I have become so engaged with the detailed issues of a recent article that I have missed a development that may be quite basic. Thus, updating my notes can help me keep up with new legal developments and design activities. When I revisit a topic as a learner, I remember what was hard to understand. I also see the position of the law in its theoretical perspective. Updating my knowledge makes me approach and teach it differently. After approaching a subject as a learner, I can teach with a fresh eye and point out the most obvious potholes that the expert in me would have driven around without a thought.

A content novice is also more likely than a content expert to relate difficult concepts to everyday, common knowledge — to something the student already knows — simply because the [content novice] doesn't have a vault of specialized knowledge on the topic from which to draw.<sup>31</sup>

Reviewing and updating my knowledge of the most basic topics prompts me to explore the way I explain them. When I can explicitly state the reasons for a certain rule, my own coherence and communication skills improve. This improvement in my oral communication has a positive impact on my ability to communicate in writing.<sup>32</sup>

Every year that I teach evidence or civil procedure, there are new rule provisions that I need to learn and teach. As I update, I review the former provisions and focus on the reason for the change. I refresh my understanding of the theoretical basis for the law. Preparing to describe new rules to the class requires me to break the rules down into their simplest parts. Describing the new provisions and the reasons for them opens the floor to student discussion of the changes and the need for other changes. In this way, students begin to appreciate the fluidity of the law. They start to see the basis for law reform and social change. They begin to think critically about the law.

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<sup>30</sup> Updating teaching material through research is often cited as one of the core benefits of having researchers engaged in teaching: see, eg, Krause, Arkoudis and Green, above n 9, 5.

<sup>31</sup> Huston, above n 26, 51.

<sup>32</sup> Krause, Arkoudis and Green, above n 9, 5.

My annual updates for teaching also keep me abreast of the recent changes in the law. Sometimes, the updating process will spark a research question for a paper. Other times, reviewing the rules gives me more confidence to teach them. The update reminds me of the problems that remain unaddressed. It may also bring new articles or books to my attention. My updating is complete when I can design an assignment that will require the students to read and discuss a recently published academic article.

### *C Research Assignments*

Updating my knowledge of the law's basic provisions also allows me to design assignment activities that involve the students in research.<sup>33</sup> As I update my knowledge of Australia's immigration laws, for example, I am inclined to formulate a small-scale research task for students. I will ask students to choose from a list of imaginary clients with imaginary occupational skills and an imaginary family. I might then ask the students to outline the procedures that the clients would have to complete to emigrate from their home countries and settle in Australia. When my students are engaged in research assignments like this, my own research may be advanced while the students' research skills are honed. A student might email me or ask me after class what could be done if the client from Malaysia had a chronic medical condition and a spouse in Australia. Such a question could require new research on my part to discover an answer.

Even first year law students can be challenged with a research assignment. At the end of a criminal law class, for example, I might ask for four volunteers to make up and present the closing arguments for the case in the next class's assigned reading. In the next class, I will set up the room like a court and seat six students as members of the jury. Following the student-delivered closing arguments, the mock jury spends a few minutes deliberating in the open classroom, attempting to reach a verdict. The deliberation discussion can often be surprising to me and to the class. The exercise not only involves a number of students in active research and argument, but it also brings the entire class into the jury deliberation room. The discussion following the close of jury deliberations engages the class and enlightens the presenting students about which of their arguments were persuasive.

Of course, the entire class can be assigned a research project that does not include library research. I might, for example, instruct students to attend and summarise a court hearing, or I might assign them to interview a lawyer about their practice. If I assign an interview, I will present a short model interview in front of the class.<sup>34</sup> My sample interview not only gives the students a real-life scenario to learn

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<sup>33</sup> '[B]uilding a small-scale research activity into undergraduate assignments' is cited as a case example of the teaching-research Nexus in Michael Robertson, *Research Assignment: Law Students Conducting Interviews with Practicing Lawyers*, The Teaching-Research Nexus, 1 <<http://trnexus.edu.au/uploads/examples%20June%203/Law%202.pdf>>.

<sup>34</sup> Ibid.

from, but it also provides guidance for handling difficult moments in an interview conversation.

### *D Theory and Practice*

Being research-active allows us to infuse the course with our values as researchers, including the importance of curiosity, of creativity, of objectivity and of ‘openness to the new, the unlikely, the unpredictable, [and] even the unwelcome’.<sup>35</sup> When I teach something from my research, I have to hold myself back. My critical judgment, respect for evidence and willingness to admit uncertainty must be apparent in my teaching that involves my research.

Because we are engaged in research, we are aware of the most recent controversies in law. We can use that knowledge to construct hypothetical problems for the students to resolve — either in a tutorial or on a test.<sup>36</sup> I often use a research-based situation to design a hypothetical fact scenario. I may assign the students to role-play. In a tutorial session, I might ask some of the students to assume a role and to participate in a settlement discussion or hearing. When they role-play, they see the law and the proceedings from the perspective of the assigned role. The role-shift may allow them to engage in some creative or critical thinking that they might have avoided if they were being themselves. Often simulation sessions result in students learning skills and attitudes that will assist them when they graduate from law school and begin to practice. Students who do not assume roles in these classes can be asked to take notes and critique. This allows for the discussion of a hypothetical problem from a variety of viewpoints. It always surprises me which details are important to students.

In sum, using research in teaching gives us a chance to gather new information, reinforce and demonstrate our expertise in a field, improve our ability to communicate, and update our research. It also prompts students to do their own research and gather new ideas. As teachers, we need research stories to contextualise the material and give it a recognisable relevance. We also need research to help us keep up with developments, update material and design activities. In-class discussion of research helps us infuse values and enthusiasm and demonstrate expertise. Using our own research allows us to both teach what we know and teach as a novice.

## V CONCLUSION

Teaching and doing research simultaneously can be very confusing. You may feel like you will get mixed up along the way. But in his book, *Oh, the Places You’ll Go!*, Dr Seuss reassures us:

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<sup>35</sup> Baldwin, above n 11, 9.

<sup>36</sup> *Learning-Teaching-Research Nexus* (December 2008) University of Wollongong <<http://www.uow.edu.au/cedir/nexus/index.html>>.

You have brains in your head. You have feet in your shoes.  
You can steer yourself any direction you choose.  
You're on your own. And you know what you know.  
And YOU are the guy who'll decide where to go.  
You'll look up and down streets. Look 'em over with care.  
About some you will say, "I don't choose to go there."  
With your head full of brains and your shoes full of feet,  
you're too smart to go down any not-so-good street.<sup>37</sup>

As we choose where to go, we will facilitate minds, listen to questions, engage thinking, support struggles, cultivate dreams, encourage risk and learn. As it turns out, research is an excellent partner in collaborating on each of these teaching tasks. Research provides examples and stories to contextualise material. It helps us keep up with developments and design activities and materials. Research allows us to infuse our classes with our values and motivations. Using our research in teaching gives us a chance to demonstrate and practice our expertise and gather new ideas. Teaching benefits research, providing collaborators, fresh perspective, evaluation and new areas in which to apply our expertise. As our good luck would have it, we need not walk our learning journeys alone. We can bring our students along for the adventure. Both teaching and research can prosper in a friendly, mutual proximity.

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<sup>37</sup>Dr Seuss, *Oh, The Places You'll Go!* (Random House Children's Books, 1990).