

lengthening and enlarging upon issues and to talk in short sentences and give short answers.

Book Review

The quiet revolution: improving student learning in law

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(foreword by N Gold)

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414pp (and preface i-lxxv pp)

This book is a highly significant event for law school educators committed to improving their teaching skills and thereby enhancing the quality of their students' learning. It also marks a point of maturity in the application of the principles derived from general educational literature and research to the relationship between law school teaching and student learning.

Professor Neil Gold in his foreword describes the book as "an importance accomplishment - the first book of its kind in the world". Whether this bold claim to uniqueness is justified is uncertain. However, at least in Australia it is indubitably the first book designed specifically to assist university law teachers in their work.

The book's purpose is clearly stated in the author's preface:

We know, as do many seasoned legal educators, that teaching matters; that poor teaching wastes time and impoverishes lives. If we are to improve the quality of student learning in law, we believe that teachers of law must address, and respond to, their students as individuals. We should neither limit our work to the transmission of knowledge nor confine it simply to the development of our students' analytical and critical abilities.

The authors acknowledge their indebtedness to the co-ordinators of the ALTA (Australasian Law Teachers Association) Law Teaching Workshop, which has been holding regular conferences and other activities in the Australasian region since 1987. Indeed, the book has been spawned by the Workshop, which has generated a great deal of interest in law teaching, as evidenced by the growth of teaching interest groups in various institutions and the number of grants for projects focussing on teaching excellence in law.

The first three chapters lay the foundation for the book by outlining the theoretical framework upon which the balance rests. In chapter 1 the authors describe the development and growth of legal education in Australia in order to tease out the reasons why legal academics hesitate to adopt knowledge about the learning / teaching process which is readily available in general educational literature. They argue for the development of a new paradigm which draws upon and blends educational theory and practice in the teaching of law and which reflects more appropriately the work of the professional graduate in law. The role of law teachers is discussed and some of the institutional, discipline-based, personal and cultural barriers are outlined which prevent them from acquiring an enlightened understanding of the teaching process.

In chapter 2 the focus shifts to the learning side of the teaching / learning equation. The authors summarise some of the more prominent learning theories in order to assist their readers to make informed choices and to develop a vocabulary which will give them

the opportunity to reflect upon their behaviour as teachers. Necessarily in a chapter of only 48 pages, the treatment of learning theory is somewhat superficial and eclectic. However, the discussion contains sufficient substance to enable law teachers, who have hitherto had little access to this very large territory which combines elements of both psychology and education, to appreciate the most significant issues and consider their relevance to their own teaching. The emphasis on the variety of learning styles exhibited by students and the need to tailor teaching accordingly in order to promote student learning is most timely.

The teaching side of the equation is examined in chapter 3, which focusses upon how teachers can create a learning environment which enhances meaningful student-centred learning. The authors also contribute a useful exercise to illustrate how teachers can create a climate for learning in law. They consider the position of law teachers in the current debate about the function of role models in law teaching. They also canvass some of the conceptions which teachers hold about teaching and describe two of the tools (Mann's teaching typology and the Myers-Briggs Indicator) which can be adopted by teachers to learn more about approaches to learning.

The next four chapters deal with day-to-day aspects of teaching, offering useful tips about the devices, techniques and methods currently available which should be considered by law teachers. Chapter 4 contains a worthwhile discussion of two closely related steps in instructional design, namely the vexed subject of learning objectives, upon which there is a wealth of educational literature, and the principles to be

followed in designing assessment to promote student learning. Chapter 5 provides a good overview of instructional media, including the audio-visual devices available, and provides guidelines for their selection and use. The section on the use of computers in law teaching is somewhat superficial, probably in the interests of avoiding discussion of complex technological issues. There is also some discourse on how to develop teaching materials to stimulate learning.

In chapter 6 the authors examine the wide range of teaching methods available to law teachers, which they assign to the general categories of lecturing, teacher-controlled class discussion, student-led discussion, learning in groups and classroom activities in which students model lawyering. Although teaching methods could well occupy a whole book in themselves, this chapter of 57 pages nonetheless manages to deal with the salient issues and provides concrete advice and handy practical hints of specific use to law teachers. Interestingly, despite its growing importance in legal education, only one and a half pages are given over to clinical legal education.

The ambitious task of drawing together all the issues canvassed in the previous five chapters is undertaken in chapter 6. The authors acknowledge the interrelationship between all the principles previously discussed: the fact that the selection and implementation of teaching methods and supplementary teaching media will depend on the learning objectives of the particular section of the course, the climate for learning established in the class, the physical environment etc. The most useful part is the tips offered

on planning classes as a learning sequence, preparing for one class and conducting a class, all of which are reinforced by a practical example of how to structure materials and classes.

The concluding two chapters summarise some of the factors which the authors consider may influence the direction of legal education in the next decade. Chapter 8 examines the role of evaluation both in promoting student learning in law and in establishing guidelines for measuring and improving the quality of teaching. Techniques are suggested for gathering data in the form of student feedback in order to diagnose strengths and weaknesses and for using the results so as to initiate change. Criteria to be used in the assessment and appraisal of teaching are offered, in addition to suggestions as to the sort of evidence which would be acceptable. However, the authors also caution that, despite their increasing popularity there is no guarantee that teacher-related performance indicators will in fact promote better student learning.

The final chapter (9) flags some of the issues which may affect the face and form of legal education in Australia. The areas examined are: the nature of law degree programs; the content and focus of law curricula; changes to the profile of the academic staff; self-awareness and developments in education; industrial concerns; and changes to the size and composition of the legal profession, including the level of co-operation with academics. The book finishes with a discussion of related areas which will assume greater importance in future law teaching: assessment; the need to teach law "critically"; and the need to incorporate education in ethics as

an integral and integrated part of law curricula.

The book is eminently well written and clearly targeted at its intended audience. Its readability is greatly assisted by the obvious pains taken in outlining the contents and establishing appropriate linkages between chapters and sections.

Another particularly valuable feature of the book is the extensive reference list, occupying 49 pages and given greater prominence by being located in the preface. This compilation of relevant literature on general educational issues, as well as the specific concerns of legal education, has obviously been a demanding task in itself. It offers an invaluable resource both for inquiring law teachers and university administrators, and opens a gateway to a wealth of literature to which they would not normally have such ready access. As one would expect with such a major undertaking, there are occasional editorial errors and oversights, with several references in the body of the text being overlooked in the reference list.

Another handy device in enlivening the text is the invention of two fictional characters, Pat and Alex, who in their dialogue illustrate many of the practices and concerns of typical law teachers.

One serious omission from the book is any attempt to address the particular issues faced by teachers in practical legal training courses. After all, in all Australian states bar one, large numbers of law school graduates undertake institutional practical legal training courses after law school as a prelude to their admission as practitioners. PLT plays an important and complementary role in preparing law students, by that time law

graduates, for the rigours of legal practice. While the issues with respect to teaching overlap, they are by no means identical and both law school and PLT in an ideal world should act in concert in assisting law students to make the most effective transition from law student to legal practitioner.

In conclusion, the *Quiet (R)evolution* is a major contribution to legal education coming of age through the adoption of an interdisciplinary approach to teaching. Obviously, there is some uncertainty reflected in the title as to whether this is indeed an evolutionary or a revolutionary process. Nonetheless, the fact that a book on the teaching of law has been written at all is evidence of a growing maturity.

Obviously, the book will be of most use to law teachers who are already committed to improving their teaching techniques with a focus on student learning. It may also hopefully even spur the unenlightened die-hards into taking their first faltering steps towards addressing their deficiencies as teachers. However, beyond the practical advice about the day-to-day aspects of teaching, the *Quiet (R)evolution* reminds us of the wider issues about the proper role for law schools in the mid-1990s, the community's concerns about the quality of legal education and the absolute necessity for law teachers to address these concerns by taking appropriate steps to enhance their teaching skills.

TEACHING METHODS & MEDIA

Introduction to lawyering: teaching first-year students to think like professionals

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Albany Law School (USA) has developed a pilot first year course, "Introduction to Lawyering", aimed at assisting first year law students on their journey toward professional development. The goals of the course are, from the beginning of law school, to impart a sense of professional values, teach professional skills, integrate theory with practice, and provide a more interesting and effective context for teaching legal research, reasoning and writing.

The course is based on a single complex fact pattern that serves as a framework for exploring the various lawyering skills, as well as issues of ethics and professionalism. Students are assigned to represent one of the parties to a dispute and perform most of the course assignments, including simulated skills exercises, from this perspective. Experiential learning is utilised through participation in a client interview, commencement of a lawsuit, discovery and case development and negotiation. Traditional writing and legal reasoning projects are dovetailed into the central fact situation. At the conclusion of the year students participate in oral argument based on the appellate briefs that they have produced through the year.

Concepts of professionalism and ethics are introduced at the beginning of the course and reinforced throughout the year in the context of the hypothetical case and various assignments. The benefits of a first-year lawyering course flow on to the subsequent years.

Beyond zero-sum games: multiculturalism as enriched law training for all students

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Law school and multicultural interaction are often zero-sum contests. A zero-sum contest is one where a neutral third party decides who is a winner and who are the losers in any given situation. Tension in law schools is generated by zero-sum games, such as affirmative action policies for minorities and the artificial boost that being a white male law student has historically provided.

At Brigham Young University (USA) the author has taken advantage of cultural diversity through a technique called constructive troublemaking (CT) and turned the zero-sum classroom into a multicultural problem solving unit. Criminal Law, Labor Law, Public Policy Negotiation and Public Interest Law are examples of the courses that have been taught using the CT technique. The CT courses put students in teams where they must bargain over, and then decide among several problem-solving options, all of which may be less than satisfactory. To begin solving such problems students must first reconcile the past before attending to the present and future. Affirmation, before challenge (ABC) is a technique that seeks to remove the underlying suspicion that cultural groups may have of each other. ABC teaches students listening, interviewing and negotiation skills that go to the root of the problem.

The final phase of such negotiable learning requires the student teams to present the value of multiculturalism to a wider audience to show that their dialogue was a true joint-gain