

TEACHERS

[no material in this edition]

TEACHING METHODS & MEDIA

An integrated approach to teaching and learning law: the use of student peer mentor groups to improve the quality of student learning in *Contracts*

PJM MacFarlane and G Joughin
5 Legal Educ Rev 2, 1994, pp 153-172

Increasing student numbers and decreasing educational funding in Australian law schools is perpetuating unproductive practices, such as large class teaching, which are causing first year law students to feel alienated, thereby reducing their level of interaction, self-direction and cooperative learning. The *Contracts* course at the Queensland University of Technology, Australia was redesigned in the light of the current educational literature, which shows that teaching and learning involve an interactive system which takes account of student characteristics, the context of learning created by teachers, the approaches to learning adopted by students and the quality of learning the outcomes.

The *Contracts* course is a year long first-year program divided into 11 modules which run for two weeks each. Each module was split into four stages: (1) a 2 hour lecture; (2) 10 hours individual study; (3) a 2 hour student peer mentor group; and (4) a 2 hour staff led seminar. The lecture provided an overview of the module and attempted to give students a conceptual

framework within which to study the principles of law entailed. Students were then guided through the required reading of texts and cases by the workbook for the module which also called for students to respond to a series of questions. These responses then became the basis for the student peer mentor group discussions in week one of each module. In week two of each module the student peer mentor group was replaced by a staff led seminar, which seeks to ensure that students have a basic understanding of the work done to date. The assessment is a mixture of assignments, examinations (either written, oral or in moot form), moots and seminar participation/performance.

Each student peer mentor group consisted of 12-15 students who met for two hours in the first week of every module. The groups reviewed the preceding lecture, related the lecture topic to current events and life experiences, tackled any problems members of the group may be having with contracts or the study of law generally and worked through the workbook problems. The student peer mentor is concerned more with the process of learning rather than content. The peer mentors were selected by interview from those students who had received a grade of credit or better in the subject. The role of the student peer mentor was to act as a model of successful student behaviour, to facilitate small group learning activities, such as encouraging participation, to foster a sense of camaraderie so as to promote cooperative learning and to discuss the progress of the group (not individuals) with academic staff.

Anecdotal evidence suggests that students are adopting a deep learning approach. Student peer mentors report that their groups are characterised by active engagement in problem-solving, seeking connections between their study and real life and arguing about the nature and meaning of the law. In addition the student satisfaction with the mentor program is very high. Extracts from diary notes of mentors on the program clearly show student enthusiasm for the student peer mentor program and the desire to have it integrated into other subjects. However, it is emphasised that the program is integral to the subject as a whole and not an add-on.

Contextualising law: an attempt to operationalise theory by teaching interviewing in the law school

A Leaver
5 Legal Educ Rev 2, 1994, pp 195-221

The Pearce Report stated that the three major goals of law schools should be to serve the community, to undertake research and to teach. The last goal extended beyond just imparting knowledge to include an understanding of the law in operation as well as in context, and developing in students practical legal skills and competencies that were essential to all types of legal work. Such goals could be met by teaching specific practical legal skills, such as interviewing.

At Flinders University in South Australia, the Curriculum Committee took the recommendations of the Pearce Report relating to the incorporation of skills into the curriculum as far as possible. For instance, drafting

became part of Contract Law, electronic Land Title searches became part of Property Law and mootings were made part of Criminal Law.

Following the analysis of assessment of student performances in the mootings program in Criminal Law, the criminal law teachers became concerned that it was not providing the bridges for students to move from social skills to the fundamentals of lawyering skills. Oral skills in the mootings exercise were not being developed to the same extent as writing skills, yet oral skills are at least as important as writing skills, as the practice of law requires the finding of facts in the first instance, especially in interviews. Connections between interviewing and research and the preparation of written and oral arguments for a moot would demonstrate to the students a sense of the continuity that is the reality of the practice of law.

A lengthy justification for the need for change to overcome these types of alleged deficiencies in the teaching, learning and assessment of law as a practice-based discipline are presented by the author.

Interviewing was added to the framework of mootings in Criminal Law. The interviewee was not a law student, but a drama student, as drama students would have little knowledge of the law and could not consciously or otherwise assist the law student conducting the interview. Use of a drama student as the interviewee would also bring a degree of professionalism to the role. The interviewee was interviewed by two pairs of students acting as defence and prosecution. Use of students in

pairs encourages cooperative and collaborative work practices. The interviewee was given a hypothetical fact sheet and the interviewing pairs instructed to find out as much as possible from the interviewee by means of an interview. The record of interview made by a pair was then compared with the hypothetical fact sheet so they could measure their ability to discover facts through the process of an interview. Written and oral arguments were then presented by the pairs in accordance with the existing mootings program. The acquisition of interviewing skills was measured by student peer- and self-assessment and by the criminal law teachers.

TECHNOLOGY

[no material in this edition]

WOMEN'S ISSUES

Joining traditional values and feminist legal scholarship

C B Preston

43 *J Legal Ed* 4, Dec 1993, pp 511-550

Brigham Young University (BYU) has a student body that is composed almost entirely of Mormons or members of the Church of Jesus Christ of Latter Day Saints. The article concentrates on the Social Policy and Feminist Legal Thought class that the author convenes at BYU. The author identifies recognisable groups of students in the class, from those already conversant with and sympathetic to feminist discourse to those who feel that feminism is trifles and trivia, rabid and un-American.

The objectives of the class are to assist law students to learn diversity skills and to appreciate the interrelation of law with social, cultural, political and religious norms and to show students the law's power for shaping institutions, values and society. The teaching formats used in the class were essentially feminist methods. These included techniques such as reflective learning, where students keep personal journals, students' directed learning, where students run the class, interdisciplinary learning, where students are encouraged to look beyond the boundaries of traditional legal constructs, personally invested learning, where students are encouraged to share narrative self-disclosure and exploration and finally, negotiated learning, where students experience give-and-take between competing voices with the aim of reaching a basis for collaboration rather than consensus.

CROSS-REFERENCED SUBJECT HEADINGS

Access to law school (see Enrolment Policies)

Accreditation (see Governance or Evaluation)

Administration

Admission criteria (see Enrolment Policies)

Admission to Practice

Aim (see Purpose)

Articles of clerkship (see Practical Training)

Assessment methods

Career paths

Changes (see Policy & Development)

Clinical Legal Education

Competency based training (see Curriculum)