

includes the recommended allocation of time to each topic area. After presenting a useful review of the literature on curriculum choice, the author lists a range of topics, which are placed in five categories: practice and profession based; skills; transaction and task based; electives; and clinical experience. As one would expect, the output looks familiar. However, the list of nine electives, of which either two or three must be taken, is a sophisticated innovation. Topics, such as Intellectual Property, Product Liability and Advanced Taxation, do not smack of general practice, but the philosophy behind offering a limited range of choice is to be applauded. Quite detailed course outlines for each of the recommended topics are also offered.

As regards teaching methods, it is recommended that a combination be employed: lectures, self-instruction, workshops, one-to-one instruction, printed material, role play, external visits and videos. There is also a very considered examination of the problems associated with assessment in PLT courses and how these should be overcome in the ATP both with respect to transactions/tasks and skills. A combined assessment regime is recommended whereby some topics will be assessed as pass/fail and others graded over four levels to encourage 'competitiveness and high achievement'. The willingness of students to strive for excellence is recognised as notably lacking in traditional PLT assessment regimes, which have tended to rely exclusively on non-grading, largely because of the failure to adopt and implement clearly articulated assessment criteria.

Subsequent chapters are devoted to the major administrative and funding considerations, such as staffing,

student attendance, premises, the facilities and resources required to mount the program, who should pay, and how the workplace and the ATP should interact in order to attain the maximum training benefit. Advice is also offered as to how workplace training can be improved so that the ATP can effectively supplement it.

There can be no doubt that this is a very painstaking report, which is recommended for careful consultation in the future by those jurisdictions which are proposing to venture down the path towards an institution-based PLT course. It will also be of value to those who are contemplating making an adjustment to the current mix of PLT and either articles or some other pre-admission work experience ingredient. At 356 pages it is unusually long, with over 100 pages of appendices summarising the data collected by questionnaire and interview and other significant reports. In fact, it is unnecessarily prolix, with a surfeit of executive summaries, abstracts of chapter contents and recapitulations. However, it does manage to bring together a wide sweep of the literature spawned by the experiences of individual PLT courses across Australia over the past two decades. This thinking is then carefully brought to bear on the formulation of the committee's own recommendations for the design of a practical training program suited to West Australian conditions.

Editor

PURPOSE

New methods for new times

J Goldring

Flexible Learning, 11 May 1994

Universities and law schools have been slow in applying new knowledge and technologies about

how and why students learn to improve teaching and learning. Most are wedded to the traditional lecture-tutorial model. Economic factors make it difficult to introduce new teaching methods. Modes of law teaching should be changed to make them more interesting and fun for teachers and students without the need to devote more resources to them.

Institutions that teach law may have a variety of objectives for their activities. While all students of law are seeking legal knowledge and skills, their motivation varies. There is no agreement as to a 'common core' of law subjects. Some law teachers emphasise the teaching of law as a way to enhance student knowledge of how society functions.

In terms of student numbers, far more students study law as a social science or as a humanities subject than are actually admitted to a law degree. For example, accountancy, business, commerce, nursing, medicine, journalism, environmental science, engineering and social science students all study the law relating to their particular area. Furthermore, many secondary school students take legal studies in senior years. Legal education is not necessarily training for work as a lawyer; it may form part of a course of education leading to qualifications for some other vocation or be part of a liberal education.

Australian legal education has been traditionally dominated by the legal profession. Law schools were set up to train people to be lawyers and scholarly activity was a by-product. Despite this, little attention was paid to the development of practical legal skills. What law students really need to be taught is how to learn in order to cope with change, particularly in the legal rules, practices and

institutions. To study law is to study change; to learn law is to learn how to cope with change and to build a structural framework which can accommodate change. Understanding the process of law, either broadly within society or as it affects a particular area of work or social activity, is probably more important than understanding the specific rules governing some particular type of human interaction.

While something is known about the learning needs of LLB students, very little is known about those who complete law studies in non-LLB contexts. To overcome this void, law teachers must consider the learning objectives of the subject and match them with the needs and abilities of the students and the type of students - secondary, tertiary (LLB or non-LLB).

Law teachers have to accept that they must not only teach but produce research and scholarship. However, little time is left for developing innovative teaching techniques and keeping abreast of current legal developments and new areas of law. The ideology of the bureaucrats who essentially determine how well or how poorly an institution will be resourced is decidedly economic rationalist. Educational outcomes are measured by number of graduates produced in the shortest time possible at the least cost. A corollary of this is large class sizes causing academics to retreat to the traditional lecture style.

Developments in legal education have occurred despite the oppressive economic climate. The Australasian Law Teachers Association Annual Workshops commenced in 1987 and *The Legal Education Review* is published biannually. The Law Foundation of NSW was influenced to sponsor the non-institutional

Centre for Legal Education which collects and disseminates information on legal education and publishes a newsletter and a literature digest (*The Legal Education Digest*). Student-centred learning is now preferred, encouraging the student to take responsibility for his/her learning.

Another pressing issue in legal education in Australia is whether face-to-face teaching is required. Can students learn on their own? This is a particularly relevant concern for providers of distance education. Other types of learning which reduce the importance of face-to-face teaching are peer-group reinforcement, self-paced learning and competency training and self-assessment. In the light of this discussion the role of the law teacher is relevant. Are they to be instructional designers, researchers, resource persons, facilitators of discussion or guides?

RESEARCH

Entry into the legal profession: the law student cohort study years 1 & 2

D Halpern

The Law Society, 1994

[see Students]

Touching the elephant: perceptions of gender issues in nine law schools

J M Krauskopf

44 J Legal Educ 3, Sept 1994, pp 311-340

[See Womens' Issues]

RESOURCES

[no material in this edition]

SKILLS

Fingers pointing at the moon: new perspectives on teaching legal writing and analysis

P N Meyer

25 Conn L Rev 3, Spring 1993, pp 777-798

The development of problem-based "analytical" skills, organisation skills, memorisation skills and written communication skills are crucial to law school success and provide infrastructure for all other lawyering activities. The author offers four anecdotes and associated revelations from the legal analysis and writing courses in which he has been involved.

Many students have difficulty in first year in developing the textual and interpretive skills necessary to identify, restate, order and apply legal rules. This is in part due to popular culture where everything is visual and therefore easy to understand. Our cognitive processes have become predominantly cinematic. Students cannot find the issue because they literally cannot see it. They are unable to visualise the rule imaginatively and transpose it on to a fact situation. Bruner has interpreted this phenomenon to be an inability to shift from the narrative mode to the paradigmatic mode. Curriculum must therefore be designed to address the specific needs of students which may differ from law school to law school.

Teaching analysis and legal writing to students effectively raised in an oral popular culture cannot be done in the theatrical oral cultural arena of large-group first-year classes. It requires a deep faculty commitment since the process of learning legal writing and analysis is a painful and labour intensive effort for many students.