

whilst participant satisfaction can be easily measured, it is hard to draw causal connections between teacher-training workshops and the classroom.

## TEACHING METHODS & MEDIA

### Teaching media law to journalism students: different needs, different strategies

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*6 Legal Educ Rev 1*, 1995, pp 37-51

Almost all tertiary courses on journalism offer courses in media law. Courses vary in the quantity of law taught. However, they require a different legal curriculum and pedagogy to that offered to law students.

Media law is usually taught by lawyers or former journalists with legal qualifications. Media law text books emanate from strictly legal sources and so it is often taught as if it is a subject in a law degree. There is a temptation to cover too much too fast in the journalist-unfriendly language of law. Worse still, the packaging of media law and ethics is common, leaving too little time for either of these important subjects.

Adaptations of legal pedagogy have occurred in the areas of management and teaching courses. The law components of such courses need not equip their students for legal practice, rather they need to prepare them for legally related situations that students may find themselves in during their professional lives. For example, the legal component of an MBA must present the law in the context of the manager's world. The manager-customer relationship may well cover aspects of sale of

goods, contracts, product liability, advertising, consumer protection, anti-discrimination and negligence.

Little has been written about the teaching of media law to journalism students. Helle argued that they should be equipped with the skills to enable them to become advocates for the free press. Paddon developed an innovative approach to teach the law of intellectual property in a magazine class through the investigation of a parody case as a study in free expression, balanced against the monopolies conferred by trade mark and copyright laws.

In 1992 the Journalism Education Association produced a list of the expected competencies of journalism graduates, including a range of legal content areas, as well as being able to write court reports, deal with lawyers on legal issues, keep diary notes on developing legal problems and possessing a working ability to recognise legally dubious material/ situations.

The competencies of lawyers and journalists with respect to the law need to be different. Lawyers rely on the doctrine of precedent to develop a body of substantive law. An 1893 case may be more relevant than a 1994 case as it contains a crucial principle of law. To a journalist an unreported case which is of little doctrinal significance to a lawyer may be far more important.

Stark has identified six categories of professional competences, which may have implications for legal education for journalists. Conceptual competence would include a history of legal developments, cases and statutes. Technical competence would cover the identification of 'danger zones' where the journalist should seek legal advice or proceed with special

care. Integrative competence is the development of journalistic options for dealing with a given legal dilemma, such as ensuring a sustainable defence to a defamation suit by covering all bases in research and writing. Contextual competence would include understanding the theoretical traditions of free speech. Adaptive competence involves journalists adapting their reporting skills to deal with new dispute resolution techniques. Interpersonal communication applies to the journalist learning how to communicate with lawyers and report complex legal cases to a lay audience.

If the focus is on learning outcomes, media law can be taught to journalism students in such a way as to make the material both stimulating and beneficial to their future careers. Non-legal professionals such as journalists deserve curricular and pedagogical solutions that cater for their particular career needs, rather than having those of lawyers foisted upon them.

### Throwing students in the deep end, or teaching them how to swim? Developing 'Offices' as a technique of law teaching

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*6 Legal Educ Rev 1*, 1995, pp 55-90

Griffith University in Australia has used 'Offices', teacher-less, co-operative learning groups, since it commenced teaching law in 1992. The Offices program aims to develop a range of skills valued by employers which are not traditionally taught as part of the curriculum and to provide situated learning of substantive legal material.

Teaching in universities has recently focused on developing a wider range of skills in students that are relevant to most workplaces, such as team work and communication skills, and those that are more specifically related to certain professions, such as drafting, client interviewing, negotiation and advocacy skills if the professional destination is to become a lawyer.

Students will not spontaneously develop on their own new learning strategies, including the ability to self and peer assess, which must be taught as part of the curriculum. 'Throwing students in at the deep end' may force them to learn enough to make it through the program, but will rarely produce experts. The Offices project seeks to incorporate skills training into the substantive subjects because 'knowledge' (what is known) and 'skills' (abilities that allow what is known to be used) are interrelated. Each becomes more meaningful by being 'situated' in the other's context.

Guided by student feedback, the authors set out to make the Offices program more relevant to substantive subjects being concurrently studied by students. Several subject-specific Office programs were created. The first semester in the second year used Associations and Trusts as its substantive background which, after client interviews and negotiations, leads to the production of a letter of advice to the client. Second semester in second year used Constitutional and Administrative Law as its substantive background. The Office had to decide whether a person should be in receipt of a pension. This had the effect of placing the students in the position of the primary decision-maker,

leading to a deeper understanding of the administrative decision-making processes. The first and second semesters in third year used Property Law as their substantive background.

In the Associations and Trusts component, students quickly learn that knowledge and skills are interdependent and that they cannot interview effectively without the substantive knowledge. The authors believe that the Administrative and Constitutional Law Office came close to achieving the project's promise as there was a clear and perceivable link between the substantive law and the experiential learning.

The most important lesson that can be gathered from the Offices program is that it is more effective when closely integrated with a substantive law subject, rather than being run independently. While the Offices are teacher-less, the administrative load is large, due to the need for careful planning of office activities, the requirement of detailed written instructions and the marking of written submissions. Class time should be used as briefing and debriefing periods.

A number of issues in the realm of assessment still need to be resolved. Some of the most important lessons learnt in the program are not addressed in the assessment scheme. In particular, the central aim of group work abilities can only be assessed in terms of outcomes, not processes, and at the group and not the individual level.

Collins, Brown and Newman have developed a framework for the design of educational environments such as those created in the Offices program. This structure addresses the content of the learning, the methodology, the sequence in

which competences should be acquired and the social context in which the learning should take place.

Just as being thrown in at the deep end is not the best way to learn how to swim, throwing students together without preparation and without a teacher present is not the best way for them to learn how to be lawyers. However, once they are taught a few basic strokes and how to help themselves and other improve, then Offices can be a powerful part of a wider cognitive apprenticeship.

#### **Computer and internet applications in a clinical law program at the University of New Mexico.**

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*6 J Law & Info Sci 1, 1995, pp 35-48*

For many lawyers the practice of law involves the use of computers, software and telecommunications. To address the apparent educational vacuum in this area, the author had developed clinical law programs that use computers, software systems, on-line research aids, cd-rom legal research tools, E-mail and the internet. The two courses in the program are called Process of Taxation and Tax Practice Clinic.

The goals are to acquire a working knowledge of federal and state income tax laws, a notebook computer, modem and printer, software systems, Lexis and Westlaw, on-line communication links with the taxation department, E-mail, the internet and, importantly, how to apply law and technology to provide legal services to clients.

The course involves students helping the working poor to claim