

The clinic was staffed by four teachers, all being practitioners in the sponsoring firm. Each of the four practised in an area relevant to the clinic: enterprise organisation, business planning, acquisitions, secured lending, corporate taxation and loan workouts. The first part of the course covered business organisations and was based on a problem presented by a hypothetical client wishing to set up business. The teachers discussed the various advantages of each business structure and the fictitious client selected a company structure. The class must attend to the relevant documents to implement the client's instructions.

The second phase of the class involves the financing of the enterprise. An investment banker was invited to discuss the merits of market borrowing or equity financing. The client then decides to borrow from a commercial bank and the students negotiate the loan agreement. The third phase involves the client having financial difficulty, which brings into play the Bankruptcy Code and/or renegotiation of the loan. The fourth phase, which was not taught at Wayne due to time constraints, was an exercise in Alternative Dispute Resolution.

Students' satisfaction was high and the course coordinators intend to extend the approach to other areas of the curriculum. Importantly, the clinic appeared to generate student enthusiasm, which was missing from traditional third year commercial law offerings.

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

[See Teaching Methods & Media]

CONTEXT, CRITICISM AND THEORY

Sharpening the mind or narrowing it? The limitations of outcome and performance measures in legal education

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29 Law Teacher 3, 1995, pp 255-278

Learning outcomes are based on the simple and obvious notions that learning should have a purpose and that the purpose should be desirable and measurable. Outcomes focus on the result of learning rather than the process and on the purposive or functional perspectives on knowledge. The most influential of the outcomes approaches, which is based on aims and objectives, has enjoyed a virtually unchallenged pre-eminence in educational theory and practice. The preoccupation with learning outcomes has been termed 'outcomes orthodoxy'. The authors review the literature on learning objectives and their influence on instructional design.

While experiments with competence-based legal education were taking place in professional legal training courses elsewhere in the Common Law world, English legal education has long been dominated by debates about curriculum content rather than method and has failed to see that the two are not separate issues. The nature of degree level education was described in the

Ormrod Report as training the mind. Hence, law students needed to be equipped with not only a knowledge of the law, but also an understanding of law in context. However, the nature of the curriculum remained unconsidered. The discrepancy between the intellectual abilities that academics want their students to develop and the impracticality of finding time and resources to do it in a crowded syllabus, is one of the tensions that has led to an interest in outcomes models. This notion that what can be described can more effectively be learned and assessed has an initial appeal.

The competencies movement has challenged the pre-eminence of objectives in areas such as vocational education. Competencies have been defined as those behaviours which produce effective performance. Competencies are therefore vocationally determined and as such they are dominated by what employers require. This raises inevitable concerns about the future of traditional liberal educational aims.

There are several difficulties inherent in any outcomes model of which law teachers need to be aware: first, the tendency to standardisation divests education of variety and challenge; second, there are pitfalls in trying to infer competent intellectual and affective process from observable behaviour; third, outcomes models tend to perpetuate the artificial distinction between knowledge and skill; four, attempts to write assessment criteria fail to capture the complexity and contextual imperatives of professional interactions; and finally, competence approaches suffer from epistemological naivety. The desire to increase the ethical

dimensions in legal education also sits uncomfortably with the outcomes approach. Case studies show that outcome models do not always capture the richness of the learning experience.

The danger implicit in the widespread adoption of outcomes models is the suppression of debate about alternative approaches. One such alternative is the competencies approach, under which assessment tasks are set which use a certain competency and the outcomes of the task which demonstrate the use of the competency are then emphasised. Capability, reflection and experiential learning are complex but critical processes which enable intellectual and professional development. In comparison, most outcome models, which attempt to set criteria against which effective performance is measured, seem crude and superficial. Only by giving due weight to the affective and motivational dimensions to learning, as well as the cognitive, and by assessing process as well as outcome, can we construct a more holistic learning environment capable of evaluating a multiplicity of skills and attributes.

CONTINUING EDUCATION

[no material in this edition]

CURRICULUM

[no material in this edition]

DISTANCE EDUCATION

Coping with the virtual campus: some hints and opportunities for legal education

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6 Legal Educ Rev 1, 1995, pp 91-116

The opportunities for part-time on-campus study are declining whilst the demand for places increases. Open learning and distance education are seen as the answer by some. However, the central question is whether these modes of learning can deliver the same outcomes as traditional full-time on-campus legal education. Distance education programs leading to degrees in law are professionally recognised and are offered by several institutions in Australia.

In the broad sense, 'distance education' covers any study where the student does not attend formal, institutional sessions on a regular basis. The student is required to learn independently, though some guidance and structure are given by the distance learning provider.

Distance education is of great value to disadvantaged groups who cannot afford the costs associated with full-time study, those living in isolated areas who cannot physically attend full-time study and postgraduates and professionals who, due to work pressures, cannot accommodate an attendance based course in their schedule. While the quality of the learning experience may vary, there may be an equal variation in the learning experience of on-campus students.

Some law teachers and lawyers argue that law can only be taught and learned in an intensive, full-time on-campus academic environment, because what must be

learnt includes competencies such as listening, oral presentation, advocacy, negotiation and rational argument. However, until the modern era, law in Australia was generally studied part-time, in isolation, and as an adjunct to apprenticeship, affording the opportunity to observe the law in action and relate that observation and experience to law in the books.

Unfortunately, there is an absence of knowledge in the area of distance learning and learning in situations other than the traditional full-time regimes. The challenge is to deliver a deep learning approach by way of distance education, which will in turn necessarily require an examination of the appropriateness of traditional approaches to the study of law. Of major importance in distance education is whether there is a need for face-to-face teaching. Cameron's study indicates that distance students value highly contact with teachers and other students in the course.

Macquarie University, Australia, established the Centre for Evening and External Studies and has developed considerable experience in the provision of distance education. The materials produced are also used by internal students. Staff found that lectures became superfluous as the students discovered it more worthwhile to spend lecture time discussing problems raised in the materials. As a result, Macquarie University students are in demand due to their ability to work and learn independently. Whilst there are no hard figures on whether distance education can deliver quality outcomes, anecdotal evidence suggests that it can deliver at least similar quality levels as traditional, on-campus education.