outside the law school and in only two courses was this involvement compulsory. It appeared from an analysis to the answers to question 13 that only three schools made an attempt to integrate the subject with any other subject or into the curriculum generally.

The number of students taking a subject with an ADR component is an important statistic in determining its reach. Fifteen courses had enrolments in excess of 100. All of these courses were offered at the undergraduate level. This point reinforces the need for ADR to be taught to large numbers at the undergraduate level in order for it to be offered to a large number of law students.

ADR is a long way from being part of mainstream legal education, despite the diversity and range of courses offered. There is a low level of integration of ADR within the curricula of Australian law schools, with only one law school operating at close to the ideal David model. Whilst the number of courses does appear to have burgeoned, the evidence gathered shows that these courses are not tied into the mainstream of legal education and that no transformation of legal education has occurred through their introduction.

Lawyers learning to survive: the application of adventure-based learning to skills development

N Spegel
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Current models of skills teaching, while clearly more student-centred and interactive than in the past, still largely focus on 'the dominant paradigm of law practice' — rights-based, litigation-focused and lawyer-centred. Legal educators must break through the layers of traditional legal culture which define the lawyer as an adversarial advocate and demand respect for a profession steeped in impractical structure and incomprehensible language. The medium of adventure-based learning (ABL) creates experiences powerful enough to explode myths and stereotypes, to change student attitudes and to encourage both teachers and students to make the needed 180 degree turn.

The nature of Australian legal practice is undergoing change. Clearly not all students can find employment directly within the legal profession. A second significant change is the number of women at university and in practice; this affects not only the manner in which the legal profession will operate in years to come but also has a more immediate effect on student and employer expectations of contemporary legal education. A third fundamental change relates to the nature of legal practice itself: clients demand expertise and value for money and are prepared to shop around for a law firm which will meet their needs. Employers of law graduates comprise a wide spectrum of organisations and are seeking people who possess the ability to meet the challenges of change.

It is argued that the skills which underlie the various tasks of a lawyer should become the focus of legal skills training. The true challenge of skills training lies not in teaching students about skills in a particular context but rather providing a real opportunity for students to develop their own skills. To learn about skills means putting students through the paces of skill processes; it involves superficial learning. Developing students' skills, on the other hand, involves deep learning. By placing the focus on fundamental and universal skills, students are better able to apply what they learn beyond the traditional roles of barrister and solicitor to a broad range of contexts.

ABL brings forth real responses in students rather than potentially programmed, superficial responses which more easily occur in popular forms of experiential learning such as role-play. In this way, ABL moves beyond teacher-student rhetoric to enhance deep learning within students.

The objective of The Adventure Project (the elements of which are described in detail in the article) was to assess the feasibility of ABL as a means of teaching dispute resolution to a multi-disciplinary audience in a tertiary context. As part of this research project an 'adventure day' was piloted. This day-long program was structured to provide participants with an introduction to dispute resolution skills. A variety of adventure-based activities was designed. Analysis of the journal entries, interview and video transcripts which were part of the day indicated that the majority of the participants, irrespective of discipline, were enthusiastic about the method of teaching which resulted in crystallised learning which was subsequently applied in their lives to various degrees.

The study indicates that ABL provides an effective means of facilitating meaningful and lasting learning in terms of individual skills development of tertiary students. In this context the results further suggest that student participants benefit from interaction with co-participants from a range of backgrounds and disciplines. The significance of this finding is reflected in the growing interdisciplinary nature of lawyers' work.

Potential applications of ABL to skills training are as varied as the

nature of adventure activities themselves. There are, however, a number of considerations relevant in all situations: the timing should be as early in semester as possible; teacher/facilitator participation is important; simple to complex sequencing of skills is important; and students must be given the opportunity to process the experience through prepared debriefing sessions.

Popular skills learning techniques such as the role-play are useful but legal educators should be encouraged to continue the search for innovation in teaching. ABL gives students the opportunity to question their own behaviour, attitudes and values and discover the future potential of their own skills ability rather than undergoing a series of skills drills. This sort of learning has a deeper and more lasting effect. The future of the legal profession depends upon the flexibility and adaptability of current graduates to create roles for lawyers in changing and totally new environments.

Alternative dispute resolution and clinical legal education in Australian law schools: convergent, antagonistic or running in parallel?

M Osborne

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Why do two movements which would seem to complement each other instead operate in isolation from each other? The two movements are Alternative Dispute Resolution (ADR) and Clinical Legal Education (CLE). ADR is portrayed as an answer to many, if not all, of the deficiencies of what might loosely be termed access to justice. There are many adherents in the legal education field who have invested heavily in promoting CLE. It too has been identified as a means of addressing and redressing systemic weaknesses in the way law interacts with the community.

Some of the most cited benefits of ADR fall into two broad categories of efficiency and fairness: its cost and speed, its voluntary consensual nature, the control that is vested in the hands of the disputants, its responsiveness to the need and wants of parties and its more favourable outcomes in terms of preserving relationships. The main thrust of CLE is that it gives students the opportunity to experience the 'law in action' as opposed to learning the 'law in books'. In addition, students are better placed to benefit fully from the experience because they have the time and resources to reflect and analyse. Whereas there is a noticeable lack of quantitative data concerning the benefits of CLE, ADR has the advantage of an extensive empirical literature attesting to its efficiency.

Bearing in mind the overlap of interests between CLE and ADR, the lack of discussion of ADR in the CLE literature is worth emphasising. Calver has recently surveyed the teaching of ADR in Australian law schools, adopting a definition of ADR as 'any non-curial method of solving disputes'. His stark conclusion is that 'ADR is a long way from being part of mainstream legal education' and based on his data there is a 'low level of integration of ADR within the curricula of Australian law schools.'

ADR is potentially involved in all aspects of legal education: first, from an 'academic' standpoint; second, from a professional or 'learning by doing' perspective (i.e. a CLE environment); and, finally, in various post-admittance continuing legal education forums. ADR is recognised as a professionally worthwhile specialisation or adjunct to a general law practice. The injection of ADR theory and practice in legal education might counteract traditional legal socialisation. The risks of acculturation to adversarial modes of thinking could be significantly reduced by CLE programs incorporating instruction in and practice of consensual participatory ADR techniques. However, it is the contention of this study that CLE has neglected to assimilate the *antidote* of ADR into CLE conceptual analyses and programs.

The costs involved in setting up CLE programs in law schools are a significant factor in the small number of such programs in Australia. ADR is not the only instance where CLE is restricted in the options it offers to law students; generally speaking, students participating in CLE are not allowed to follow through casework where an appearance in a court or tribunal is involved. A persuasive case can be mounted that a carefully framed Student Practice Rule, based upon North American models would benefit the student by providing an opportunity to experience court room advocacy. These benefits are equally applicable to the development of an analogous ADR Student Practice Rule.

How do or might ADR philosophical underpinnings be reflected in the rationales and practices of CLE? In this respect, ADR appears to offer much to improve desired outcomes, not just in the ADR sphere but for the totality of lawyer-client transactions. Given the emphasis on communication in ADR, the teaching and practice of ADR in CLE programs would greatly assist in producing a competent lawyer. The single greatest contribution that the incorporation of ADR would make to CLE is to introduce the idea of dispute resolution as a cooperative approach to prob-