

odological, resource and political issues that concern student evaluation. While she acknowledges that UK educators have historically shied away from student evaluation, she envisages it as a powerful tool for curriculum development, provided sound research design practices are assiduously followed.

Within the common law world it would be reasonable to say that ten years ago it would have been to Australia and Canada that one would have looked to unearth the most advanced thinking about the teaching of legal skills and to seek out models for the development of skills training programs. The expertise tended to reside in practical legal training institutions and skills training was mostly seen as no part of the real business of the law schools. However, the 1990s has seen a recognition amongst law academics of skills as also inhabiting the province of the initial stage of legal education, although the motivation for teaching skills at law school may sometimes be as much to encourage deeper learning as part of the understanding of the legal process at work than to teach skills for skills' sake.

It has been apparent to this reviewer from the reading of the published literature on skills that the intellectual powerhouse for the skills movement shifted several years ago to the United Kingdom. It is there that the most significant research and writing is being done, especially related to the ongoing quest to develop a sound theoretical educational framework for the teaching of skills to guide and mold the practice. This excellent book confirms that judgment.

Editor

The Wytiga negotiation — native title and skills training

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The debate as to the appropriate use of skills training in law school has matured to the extent that arguably the question is not whether skills should be taught but how and where they should be taught. The Wytiga Negotiation is a part of the integrated skills program in the LLB at Bond University School of Law, Australia.

The materials for the Wytiga Negotiation focus on negotiations pursuant to the provisions of the Federal Native Titles Act (NTA). The framework for the exercise is the NTA provisions for negotiation between parties to an application for native title. The Wytiga Negotiation creates a fictional tribe of Aborigines centred around Longreach, Queensland who have made an application for native title over a specified area of land. The thrust of the exercise is the resolution of issues between four parties: the Aborigines, the State Government, pastoralists and a mining company.

The educational objectives of the negotiation exercise are: to develop the skill of identifying in a multi-party negotiation one's own BATNA, other individuals' interests, to generate options and then to negotiate solutions; to comprehend and apply the provisions of the NTA; to demonstrate the skill of preparing, researching, delivering and negotiating in a team; and for students to practise argument and speech in a group setting. Native Title was chosen as the focus for the negotiation because the topic is current, it raises a number of substantive law issues and it has the potential for students to appreciate the social, political and cultural concerns of the various parties to native title negotiations.

The exercise is held in the fourth week of semester. Individual tutorial groups are divided into four sub groups. The responsibility of each subgroup is to prepare a response and to negotiate as one of the four designated parties. There is a pre-negotiation stage when materials are distributed. At each negotiation session, the four parties negotiate the issues which they consider to be relevant. Students are advised that the focus of the exercise is the process of negotiation. Students are not obliged to reach a final resolution or achieve a final agreement. This negotiation exercise includes an important period for students to receive feedback as to how it is perceived that the negotiation proceeded.

So as to assist in assessing the success of the exercise in achieving the educational objectives, immediately after completion of the exercise students were asked to complete an anonymous survey form. The questions were designed to provide a response to the success of the educational objectives. The results were as follows: virtually without exception, the students were of the view that the exercise, at least to some extent, contributed to their understanding of the substantive law concepts at the basis of the exercise; most students considered the skills learnt in the exercise were relevant to the practice of law; the exercise reinforced and enhanced knowledge and skills in regard to negotiation; most students considered they were provided with the opportunity to appreciate the concerns of the parties, which has the potential of providing context within which the substantive law is taught; the exercise allowed recognition of types of behaviours and tactics that hinder and enhance successful negotiation; the exercise provided the opportunity to practise effective cooperation between members of a group, which was

not the primary focus of the exercise but is helpful in allowing students to experience the 'real world' experience of working within a group; and finally, the exercise provided a good training in the skill of oral presentation.

Generally, the educational objectives of the exercise have been achieved. Probably most importantly, the survey has indicated that many other learning outcomes have been achieved other than merely negotiation training and substantive law inculcation. Where students were allowed to make general comments, the comment were mostly positive but some were critical of the lack of time available to negotiate and the unfair domination by some students. These problems could be overcome by reducing the size of the group or by extending the period of negotiation beyond the usual tutorial period.

Few would doubt that the role of undergraduate education should avoid overemphasis on skills training to the detriment of traditional educational goals. It is suggested that the Wytiga Negotiation indicates that students can receive valuable training in negotiation which reinforces and enriches substantive law concepts. The use of carefully contrived educational objectives can assist the process of learning by focusing educators and students upon the purpose and goals of the exercise.

Changing culture to teach problem-solving skills

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How do you educate students to think more deeply and to solve complex problems? This question has always been a central question of education. Many of the answers seem to be pointing in the direction of one general

strategy: away from teacher-centred learning and toward student-centred learning. Educators advocating this strategy believe it will help to develop in students deeper approaches to learning, initiative, self-directed learning skills, professional skills, critical thinking skills, and other higher-level cognitive skills. All of these skills taken together, skills we associate with competent professionalism, are referred to here as problem-solving skills.

The problem is that the universities do not do enough to motivate or equip teachers to develop problem-solving skills in their students. Many law teachers are generally unfamiliar with what has to be done, and even if they were familiar, very few on-the-job incentives exist to get them interested in doing it. This stance toward the law teacher's job and the reward system that supports it helps to sustain a research culture, a culture in which breadth and depth of specialist knowledge in and about law is respected and rewarded. By contrast, in order to produce law students with effective problem-solving skills, law teachers need to do a completely different kind of job; they need to develop a curriculum that coherently integrates a variety of skills and subjects.

To make these changes, academics have suggested various reforms in relation to teaching. Some advocate that universities need to shift the emphasis from research to teaching, that they need to modify their goals and their reward systems to improve teaching quality. Less known and not widely argued in the context of educational reform, however, is the need to focus not on teaching but on an activity much better known in professional legal training (PLT) courses than in the universities, namely instructional design. Instructional design should be regarded as a distinct

endeavour, not just because it is a recognised applied science demanding a high degree of expertise but also because, in any program of educational reform, it makes sense to address basic instructional-design issues in advance of teaching-enhancement ones.

If university law schools really want to develop problem-solving skill by bringing about a successful transition from teacher-centred to student-centred learning, they must encourage the growth of a culture of design. For students to learn flexible skills, they need to practise with realistic problems and simulations and be given expert guidance. To put the linear and flexible layers together course designers need to use a variety of teaching and curriculum-design techniques. Some educators are beginning to understand the complexities of these techniques. Many see this shift as requiring a movement away from teacher-centred learning toward student-centred learning.

Teacher-centred learning in its more extreme forms emphasises specialised subject-matter, coherent arrangement of that subject-matter, passivity in students rather than active involvement with learning tasks and an overall orientation to teaching rather than learning. Teacher-centred learning is justifiably associated with the surface approach. It can be argued that the university system tends to promote specialisation because of its explicit research aims. Student-centred learning, on the other hand, is concerned with what students need to learn. It requires students to participate actively in and to be responsible for their learning. The emphasis is on process rather than content, on knowing why and how, rather than what.

Teachers in many universities, particularly in professional faculties,