these have for skills training, subject to resource constraints. Moreover, when teachers decide to teach particular skills, they should not assume the appropriateness of traditional delivery methods. Above all, teachers must look at the opportunities for providing formative feedback and assessing the impact it makes on student learning. Unless the work of law teaching is motivated by improving student learning, its onerous demands are hardly worth the effort.

Lawyering skills: finding their place in legal education
S Kift
8 *Legal Educ Rev* 1, 1997, pp 43–73

Subject to institutional commitment, theoretical approaches are always susceptible to accommodation within traditional teaching and learning models. However, the incorporation of practical training is more difficult: even if it is accepted that there is a place for skills teaching within law schools, how is this to be done? In the absence of any blueprint, and no indicators against which quality teaching in the delivery of that training might be assessed, it cannot be surprising that the integration of skills development, skills theory and practice, into a holistic and effective educative process has proceeded slowly.

Bloom's taxonomy has been justifiably criticised as being too broad, as having no place for certain of the objectives of professional education and as failing to distinguish between knowledge and skills — the difference between knowing how to do something and being able to do it. In particular, once the validity of this latter distinction is acknowledged, three different types of learning may be identified: cognitive learning; skill learning; and affective learning. Intuitively, Bloom's psychomotor domain, which seems of little relevance to university education, appears to bear close resemblance to skill learning, which could be considered a variant of 'doing' in the professional context.

The case for the assimilation of skills as an explicit learning objective is strengthened on an analysis of Bloom's six hierarchical categories of cognitive learning. Knowledge, comprehension and application may be satisfied by the simple acquisition of factual information; whereas analysis, synthesis and evaluation require, to varying extents, the cultivation of intellectual skills to achieve their cognitive objectives.

The learning objectives for law are capable of explicit and relevant classification in a way that more accurately reflects many of the perceived goals of professional legal education, particularly the acquisition of actual cognitive knowledge, the ability to use that knowledge in a legal context and the cultivation of affective and othe social and interpersonal characteristics and qualities. With these goals firmly in place in designing courses, it should be possible to address the imbalance that exists in legal education between the three domains — cognitive, skills and affective.

Cognitive research suggests that specific subject matter knowledge, particularly if it is neither embedded in the context of its discipline nor supported by appropriate skills, is becoming less valuable because the detail is quickly superseded. It is more valuable today for students to acquire the flexibility to be effective in different situations and on graduation for them to display some generalisable skills over and above their content matter expertise. A key factor is that students be provided with a theory of the relevant skills, one of the purposes of which is to provide a framework for promoting transfer.

Real purpose and relevance must be made explicit to learners to demonstrate the place and importance of the learning in the overall context of lawyering activity, otherwise students will become quickly uninterested. What legal educators should remember is to make the vocational link explicit and not to assume that recognition of a task's value, and consequent motivation, will be automatic. The author offers 11 observations about the essential features of skills instructions based on the theory of teaching lawyering skills to this point in its development.

The constructivist paradigm is the shift in perspective from the view that knowledge is something external that is transferred to a passive learner who appropriates and masters the learning, to the view that knowledge is something that must be internally constructed by an active learner. It is concerned with how learners construe knowledge and how they will construct personal meaning from the knowledge into systems and structures, using both cognitive and affective processes. Students will not learn a skill by being told about it, nor even by discussing it and thinking about it. They must be provided with the opportunity to practise the skill, as well as opportunities for reflection and feedback on the performances of the skill so that they are able to reconstrue or modify their previous constructs.

Experiential learning is the best and possibly the only effective way to prepare students for the tasks and skills of practice. However, before embarking upon experiential learning, it may be useful for students to recognise the nature of their own learning styles and to appreciate that skilled behaviour at each stage of the learning cycle can be learned. The importance of planning learning activities that incorporate each stage of the learning cycle cannot be overstated.

Reflective activity plays a pervasive role throughout the learning cycle and reflection is also important in professional practice. In analysing the literature on experiential methods in law school, little regard is generally had to the mechanics of such a process. Moreover, even though time might be allocated to reflection and self-evaluation,

learners will need the teacher's help in acquiring expertise in this task.

As teachers in a professional discipline, we should strive to inculcate both generic and professional skills into our teaching and learning programs. If future lawyers are to develop such skills in their professional lives, it is important that they be encouraged to do so in their initial undergraduate training, with appropriate theoretical underpinnings to assist them in that professional maturation.

STUDENTS

Is 'logic' culturally based? A contrastive, international approach to the U.S. law classroom
J J Ramsfield
47 *J Legal Educ* 2, 1997, pp 157–204

We teach inductively, giving students little pieces of doctrine, convention, and practice, asking them to put the pieces together. We reward those who do so quickly. This method resembles a scientific approach, where the observer collects data and poses a theory that explains the data, much as lawyers must do when they 'observe' the client's account of what happened and connect that account with the law it invokes. Our inductive approach works well with some students. It does not work well with others. International students may need more explicit cues about our legal culture. They bring with them the richness of their own legal and business cultures and the opportunity for us to explore diverse ideas and world views.

They also bring their own logic. That 'logic' is perfectly sound, rooted in a particular legal culture, but it may create peculiar cross-cultural analytical clashes.

Contrastive approaches put cultural and disciplinary differences in constructive relief. Contrastive theories reveal the roots of our own logic; our experiences with rhetorical preferences in the law classroom reveal our own biases and omissions. Contrastive approaches can close the gap between legal cultures and between the initiated and uninitiated. We can use contrastive approaches to hasten acculturation of the international student into the U.S. legal community without losing or damaging her native paradigms. We should be better able to teach both international and U.S. students.

For any writer, international or not, the initiation into the U.S. legal discourse community is complex and challenging. The initiation involves acquired responses to conventions created by U.S. scholars and lawyers, to new language, and to expected behaviours. This phenomenon explains the difficulty many novices encounter when they enter the community. A discourse community must be well enough defined so that novices can identify its features. International novices particularly need more direction. We can introduce students to the discourse community by defining its features, such as its mechanisms and its lexicon, by discussing the differences among genres, such as opinions and exams, and by illustrating its expectations and goals in class.

We can show our students more explicitly that embedded within the features of the discourse community are analytical paradigms specific to U.S. legal discourse. Those paradigms are the 'logic' or the rhetorical preferences of U.S. scholars and lawyers, nothing more. Both international and U.S. students may better grasp and better use those paradigms if the paradigms are presented in the context of contrastive rhetoric.

The novice international student may be tempted, then, to import the analytical paradigms or schemata from his legal culture into U.S. legal discourse. Both his prior experience and the texts he has read were rooted in another legal culture; he may naturally assume that experience and texts within this legal culture must be similar. We can assist all uninitiated students by identifying thought sequences and choosing texts that allow for gradual assimilation of new information. A student's ability to interpret accurately should then increase.

We assume that the novice can infer paradigms and assumptions from discussions. Some novices can but we can hasten the acculturation process if we make some of these analytical processes and paradigms more explicit rhetorical terms.

Globalisation is affecting the way we think as lawyers and problem-solvers. To create an effective classroom environment, we have to acknowledge the inevitable shrinking of the international legal community. International students are our closest links. But they pose some interesting challenges: they are not native speakers of English, they may or may not have practised extensively in their own systems and they often have little or no experience in the U.S. legal discourse community. They bring varied approaches and assumptions about legal analysis. Their 'logic' is not ours.

By leaving students to themselves, we risk being positivist, progressivist, and patriarchal. Instead, we may want to use contrastive approaches: responding intentionally to cross-cultural issues will naturally infuse the U.S. legal curriculum with international studies. U.S. legal 'logic' is one of many 'logics'. If we see our logic as others see it, learn the logics of the international community and compare them all, we will sharpen our analytical tools. Contrastive approaches can illustrate the structure, assumptions and traditions of U.S. paradigms and thus hasten novices' facility in using them.

Contrastive approaches invigorate any classroom. By comparing legal systems and analytical paradigms across cultures and disciplines, we set the U.S. legal discourse community in sharp re-