methods, because they often lack prior knowledge and fail to sense the vital importance of activating prior knowledge in the process of acquiring and retaining new information.

An aspect deserving more attention is the way in which tutors act when guiding students. Although only a few among the staff still think in terms of 'educating is like filling a bucket', in daily practice, a number of staff nevertheless tend to act on the basis of this heritage, when students appeal to them. If this type of behaviour occurs frequently, students' independence and responsibility for their learning process are thwarted.

The development of a curriculum in which full learning capability is the central issue requires a lot of planning and good co-ordination skills from curriculum designers. Harmonisation of unitbooks, establishing a *leitmotif* throughout the curriculum years and continuous sensitising of students and staff with regard to the objectives based on the premises is no easy task.

TEACHERS

Legal scholarship for new law teachers
R P Buckley
8 *Legal Educ Rev* 2, 1997, pp 181–212

There are five reasons for law teachers to try their hand at legal scholarship. The principal reason may be the enjoyment of the process and the challenge. Another major reason to write is for the advancement of one's career, because in most law schools promotion is based primarily upon scholarly output. A third reason to write is as a self-education tool; research and preparation is rarely as thorough for teaching as for writing. A further reason to write is to contribute to the development of law through the cases and legislation; legal change is typically slow and one way to promote it is through writing. The final reason to write is to contribute to others' understanding of the law — academics and practitioners alike — and to be part of the community of scholars.

The threshold issue on what to write is 'what is legal scholarship?' This seemingly simple question admits of no simple answer. The range of work which can comprise legal scholarship is broad. In addition to the traditional doctrinal article or text, it includes theoretical analysis, sociological studies, law reform reports and draft legislation and empirical research. None of these non-doctrinal areas are well served in Australia. Most legal scholarship is concerned with the exposition, analysis and reform of doctrine. In particular, empirical work has been neglected. Until appointment and promotion committees regularly rank empirical work more highly than doctrinal research, the larger skill base and greatly increased investment of time it requires is apt to go unrewarded.

There are a number of paths open to a new law teacher in search of topics on which to write. One approach is to ask around. Ask more experienced academics or practitioners what are the gaps, what is in fashion, what needs to be explored. Strive, if possible, to attach yourself to a group of scholars. Another approach is to get yourself on the conference circuit — present as many papers as possible and hope for feedback. A third approach is to enroll in an LLM or SJD which is assessed by research papers. A fourth approach is to write for publications which need regular, shortish contributions, such as law society and some professional niche journals.

The new scholar has to decide upon the type and extent of treatment of the topic. The options are to write large, sophisticated articles for university law reviews or professional niche journals; chapters in books or legal encyclopediae; shorter, more practical articles for professional niche journals; short, practical pieces for law society journals; and short, commissioned pieces for loose-leaf services.

This is a question of personal taste and temperament. One view is that learning to write well is an incremental process and new law teachers should set their sights accordingly. The production of a body of scholarship is a long journey. Follow your interests and passions in choosing topics and try to write initially in the marketable size range of 3,000 to 8,000 words.

The writer yearns to be published. How does one achieve this? The focus is on the publication of journal articles in Australia. Step One is to choose a journal. Many new law teachers find this difficult. Academe is in many ways a status game. Publication in university law journals is well regarded with greater status often attaching to publication in the journals of the older universities. Publication in an established university law journal is probably a safer course for the new teacher, as there is less scope for any quibbles about the forum, although such publication is potentially more political and difficult to obtain than publication in a specialist professional journal. People making promotion and appointment decisions will often gauge the quality of your scholarship by the journal's size and place of publication.

Step Two is to produce a manuscript that looks professional: one and a half or double spaced with wide margins and in a good typeface. Spell checking the piece is essential. Having a colleague read it for clarity and correct expression is also an excellent

idea. Step Three is to ensure the manuscript conforms to the style guide of the journal in which publication is sought.

Step Four is to submit the manuscript with a covering letter addressed to the current editor by name. Do not submit the manuscript to more than one journal at a time unless the journal accepts multiple submissions or unless you are seeking a bad reputation and a short curriculum vitae. Step Five, if necessary, is to follow up. Some publications acknowledge receipt of the manuscript with a letter which indicates when a decision is likely. If the fateful letter rejects your article, Step Six is to submit, submit and submit again.

The potential of legal scholarship in Australia has been only partially realised; the potential synergy between bench, bar and academe only partially tapped. New law teachers have the opportunity to participate in that synergy and in the community of scholars.

TEACHING METHODS & MEDIA

Professional legal education, deep learning and dispute resolution
B Campbell
15 *J Prof L Educ* 1, 1998, pp 1–14

Contemporary theories of learning emphasise deep learning and generic transferable skills which fit well with approaches adopted in dispute resolution (DR) processes and training. Promotion of deep learning signals a movement from teacher-centred learning toward student-centred learning, whereby students develop more involved approaches to and ultimately take responsibility for their own learning. A second goal of modern educational theory, and one which relates more particularly to professional legal education (PLE), deals with the desirability of focusing on the acquisition of transferable generic skills rather than concentrating on the step by step details involved in particular transactions. The skills commonly emphasised here include negotiating, interviewing, drafting, legal writing, advocacy, research, problem solving and advising.

The need for student-centred legal learning to prepare students for practice as a lawyer is evident. At a time when lawyers have to prove their worth to clients and adapt quickly to social and technological changes, the truly successful graduate is one who has an orientation to lifelong learning and who has been educated to think more deeply about lawyering. This confirms that a PLE course which emphasises inter-personal skills rather than mere procedural knowledge and transaction-based information will not only be of more immediate use to the fledging lawyer but will be of lasting value. Skills do not become redundant as laws and procedures change.

There are several aspects of dispute resolution practice and training which echo the precepts of progressive PLE. Both urge the practitioner to step outside their own concerns and view situations from the point of view of the others involved. DR urges client orientation while progressive PLE method urges student orientation. The client in mediation, for instance, is encouraged to accept control over the outcome of the dispute, just as the student is encouraged to do with respect to learning outcomes.

The fact that DR encourages the dispute adviser to see situations from the perspectives of other people must be seen as a major technique for fostering social understanding and extending a student's deep knowledge of the social situation with which they have to deal. Moreover, its problem-solving orientation, with its emphasis on identifying objectives which bear on the actual problems of clients, developing strategies and adopting appropriate techniques to assist in the solution of these problems is precisely the sort of approach which facilitates understanding rather than rote learning.

Further, DR requires the development of interpersonal skills which go beyond the purely cognitive approach of teaching information, and requires the development of attitudes, such as self-awareness and empathy, as well as the facility to communicate well, listen carefully and adapt to particular circumstances. These are the generic skills favoured by modern learning theory.

There are many obstacles in the way of introducing deep learning and generic skills into PLE. The students and their prior learning experiences and present commitments inhibit these goals in a number of ways. Many students are not as self-directing or responsible as much of the literature on teaching adults assumes and they prefer passivity and direction over self-direction. Further, staff resources are not sufficient for sustained personal contact and training in practical skills.

A major constraint on achieving deep learning goals is the dual function in PLE courses: preparation for practice and accreditation for competence to practise. It is difficult in a short time to reconcile the 'certifier of competence' role with the role of 'facilitator of learning'. A further problem is the tenacity of the transaction-based approach. Curriculum designers are faced with a number of stakeholders in lawyers' pre-admission training, the most obvious ones being the students themselves and their potential employers, whose interests may