

# Legal Education Digest

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The *Legal Education Digest* is a quarterly digest of articles and other publications on legal education. Over 200 journals are kept under review.

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**Editor: Dr John Nelson**

**All the materials digested have been categorised in accordance with the subject headings listed on page 20. Where there is no material in the issue under a particular subject heading, the heading will not appear.**

## IN THIS ISSUE

In this issue of the Digest there are several clear points of focus to have emerged from our quarterly survey of the legal education literature. One of these thrusts is the intersection between legal education and social values. The only review article in this issue critiques a collection of articles edited by Cooper and Trebeck and published under the title, *Educating for justice: social values and legal education*. The other by Mosher claims that law schools, through an emphasis upon doctrinal analysis, transmit a vision of practice which is entirely unresponsive to social movements and proposes an alternative mode of lawyering which facilitates, rather than impedes them.

There are three articles on the problems encountered with individual law subjects: property law (Griggs & Snell); law and economics (Whaples, Morriss & Moorhouse); and education law (Ruff). Specifically, the authors of the last two articles strongly argue for the inclusion of these subjects in the law school curriculum and discuss the range of topics to be covered and the availability of teaching materials.

Under Judicial Education we have two articles. Chief Justice Nicholson of the Family Court of Australia turns his mind to the arguments in support of the introduction of judicial education in countries in the LAWASIA region and how the enterprise might be funded. Sourdin tackles the difficult task of devising educational strategies for teaching the traditional adversarial judge about ADR processes.

Two articles appear under the heading of Skills: one by Martin on employing a multi-modal or flexible learning approach in teaching postgraduate research courses; the other by Fulcher on teaching skills in legal document analysis within the context of a commercial transaction.

However, the most distinct theme to have surfaced falls under Teaching Methods & Media and is made up of a series of four excellent articles appearing in a recent issue of the California Western Law Review, focusing on the teaching of problem solving techniques. In the leading article, Nathanson explains the differences between the traditional knowledge-based and a problem-centred curriculum and even gets down to the nitty-gritty of how to design good problems. Kerper criticises the heavy reliance on the case method in American law schools and advocates 'creative problem solving' as a supplementary tool for teaching students to think like lawyers. This concept is further teased out by Morton who presents a six-phase model of creative problem solving in order to offer a broader perspective on the roles of lawyers. In the last item under this heading Johnson proposes a modular approach aimed at integrating skills like creative problem solving and applied reasoning into substantive and interdisciplinary course study.

There are also individual articles which make a worthwhile contribution to this issue. Mertz presents the results of observational research into classroom interaction, looking at how participation profiles are affected by race, gender and law school status. Marchetti examines how assessment methods can be manipulated to enhance student adoption of a deep approach to learning. Finally, Roper presents a strong argument for the need to devise a conceptual framework for the continuing professional development of lawyers so that the practice of the stakeholders can be informed by a coherent body of theory.

Dr John Nelson, Editor

