

Because ADR often employs an interest-based, problem solving mode of thought rarely demonstrated in a traditional procedure class, integrating ADR with procedure facilitates a critical understanding of adversarial and co-operative processes. Teaching ADR raises the question of the values reflected in ADR and how these values relate to aims and objectives of civil justice.

Integrating ADR with procedure challenges the traditional role of a lawyer and expands what it means to be a lawyer. Critical examination of the real world of dispute resolution will naturally raise concerns of access to justice and compel consideration of dominance and disadvantage and diversity, of gender, class, race, sexuality and power. For a law student or legal practitioner or judge to grasp these profound differences in perspective leads to valuable practical insights about basic practice skills, such as interviewing, counselling, negotiation, witness examination and advocacy. Recognising difference in this sense will also generate substantial questions about the very nature of law and justice which all participants in the legal system must consider. These insights reinforce the need for law schools to teach ethics in the broadest sense.

Part of the wider, non-adversarial, problem-solving orientation of ADR is a recognition of the importance of interpersonal communication skill such as listening, in addition to the intellectual, analytic abilities that traditional legal education fosters and to the adversarial advocacy skills fostered by some practical training programs. Integrating ADR with procedure and skills activities enables/encourages greater use of experiential teaching and learning methods. Integrating experience and skills effectively requires careful planning and attention to teaching method. Practice alone or experience alone will not necessarily lead to useful learning.

The author describes in detail a four-stage model of teaching and learning introduced at the University of Adelaide

in order to teach procedure by stressing the integration of practical and conceptual components. This learning sequence is linked to the knowledge or experience which the students already have of disputes and their resolution. It also includes group work, occurs at several different points in the curriculum, beginning in first year, and involves a progression from simpler to more complex situations.

Integrating ADR and procedure experiential skill components allows teachers and students to move away from materials and practices that promote litigation and an adversary mindset, and to use skills as a starting point for a critical and theoretical evaluation of law and legal practice. Furthermore, integrating ADR procedure with practical skills helps us understand the unbreakable nexus between substantive law, legal process and lawyer tasks, and between theory and practice.

Developing and presenting a skills program in the LLB: a discussion of design and operational issues

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The Faculty of Law at University of Western Sydney Macarthur (UWS Macarthur) aims to produce LLB graduates who combine a mastery of the basic areas of law and a knowledge of other areas of law with high level practical skills in key areas covering both generic skills and specific 'legal' skills and an appreciation of the practical application of law and of the relationship between law and its wider socio-economic and political context.

The course incorporates a practical skills program which plays an important role in achieving these aims. Both academic and skills components of the subjects are carefully structured to ensure that they are appropriate for achieving the key identified pedagogical and personal development objectives. The program canvasses a wide range of skills, ranging from generic skills such as in-

terviewing and negotiation, analysis and problem-solving, written and oral communication; to the 'legal' skills of advocacy, drafting, legal research, time and fact management, and professional responsibility.

At the planning stage, the decision was taken to include skills in the course in order to enrich students' learning experience – in particular, through the opportunity to see the practical application of the doctrinal law. The next design issue was whether to run the skills and academic elements in parallel, or to integrate skills into the LLB academic program – and if so, how they should be integrated, and how closely. While parallel streams have some advantages, a crucial disadvantage is that there is no necessary link between the academic area and the appropriate skills component. The UWS Macarthur program integrates the academic and skills elements to ensure that these two components offer the maximum opportunities for appropriate cross-fertilisation and thus achievement of the program's aims.

Another important design issue related to the nature of assessment of the skills components was whether student should be assessed only on a pass/fail basis, or would they be 'graded' in the same way as the academic components. Experience and the literature make it clear that the choice of assessment mode is an important 'signalling' device to students, from which they may take cues as to the comparative significance and relevance of components of a course. Accordingly, to emphasise that the skill component was an integral and crucial part of the LLB program, the decision was taken to grade skills exercises in the same way as academic exercises. Thus students would not be able to obtain good overall grade in a core subject unless they performed well in both academic and skills components of that subject.

There were three discernible phases through which the process of implementing the skills program passed. The first

phase, in the program's first year, was one of de facto parallel operation. The academic and skills components tended to be taught as separate elements within a single subject, without much contact or cross-fertilisation. Academic staff taught the academic elements and the skills teacher taught the skills tutorials. This was probably an inevitable aspect of the introduction of what was a highly innovative program, unfamiliar to many of the academic staff.

The second phase was one of partial integration. With experience in teaching the course came a gradual movement towards integration of the academic and skills components. The latter now added to and built on the academic components and vice versa. Nevertheless there was considerable room for improvement.

The third stage is one of close integration. By the third year an increasing number of staff were indicating an interest in teaching all or part of the skills component in their subject, and this was encouraged and facilitated. In such courses, the academic and skills components tended increasingly to blend, so that in many subjects there is now close integration between both elements. The skills and academic coordinators worked closely in jointly planning the skills component and its relationship to the academic section. As a result, each coordinator was aware of the way that the two elements interacted and was able to explain and demonstrate links and synergies to students in classes. Recent times have also seen the beginnings of cross-fertilisation of skills and academic components across subjects. There have been discussions on exploring methods of tightening and institutionalising this cross-fertilisation.

Problems in developing the program included initial staff uncertainty, assessment difficulties and high workloads for students. The initial reluctance of staff, in the first year of the program, to become involved in the skills aspect of the course seemed to be due in large part to unfamiliarity with the skills area. Some

staff, more accustomed to teaching in programs where skills were less heavily emphasised, also seemed to find some difficulty in adjusting to the need to fit the skills seminars into the course structure. This problem was alleviated through a combination of strategy and circumstance. The role and content of the various skills programs were discussed and staff were supported and encouraged to explore issues relating to skills. By the second year of the program, a number of staff were expressing an interest in teaching the skills as well as the academic component of their courses, and this trend has accelerated to the stage where, now, the skills elements in almost all courses are taught by the academic staff. This required varying amounts of in-house training to ensure that staff were equipped and able to present the skills components properly. Further, in the first year some students were also wary of the inclusion of skills in the curriculum, but this wariness seemed to subside after the first year. Students in general now rate the skills program as one of the course's strong positive features.

The decision to 'grade' the skills components was seen as crucial, but nevertheless brought some problems. For example, it proved difficult on occasions in early years to obtain a significant spread of marks – a tendency emerged for passing students' marks to fall in a relatively narrow band, which reduced the distribution of grades. As most students seemed to score relatively highly on skills tasks, in some cases there was an artificial inflation of students' overall marks, and therefore grades. This problem appears to be easing as, with experience, staff learn to distinguish more critically various levels of competence in skills performance.

The creation and presentation of an LLB program which genuinely integrates academic and skills elements is by no means easy, especially in straitened economic times, and brings with it a number of challenges. However, with experience and perseverance, these problems can be alleviated or overcome.

STUDENTS

Lessons learned: legal education and law student dysfunction

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Studies indicate that practising lawyers struggle with an unusually high incidence of alcoholism and various emotional disabilities. Although the practice of law may exacerbate these problems, it is clear that law students become candidates for emotional dysfunction immediately upon entry into law school and face continued risks throughout law school and subsequent practice. Empirical research has shown that law students experience dysfunctional levels of distress, considerably more so than the general public, and than medical students. What is the role of law schools in creating emotional dysfunction, and how might law schools produce healthier law students and lawyers and, possibly, a more functional legal system?

There is an intimate relationship between students' psychological state and academic performance. It is well known that performance problems adversely affect students' emotional well-being. It is less obvious, however, that psychological states, both positive and negative, have a profound influence on performance. Students can get caught in a downward spiral of emotional and academic problems. The typical response of law schools is to deal with only the academic aspect of students' problems through academic support programs. Although such programs help many students, they fail to address and remedy a fundamental problem faced by law students in general: a lack of the 'balance' essential to optimal academic performance and emotional health.

Law school's arguable focus on a narrow definition of success – getting high grades and securing prestigious employment – undermines students' interrelationships, both 'interconnections', i.e. relationships with family, friends, and community, and 'intraconnections', i.e. internal relationships between one's in-