and in the regular weekly tutorials. The author's preferred method is to schedule two extra classes of three hours, which will typically result in 40-50 students in each class. One hour of lecture time in the week either preceding or following the extra classes is dedicated to explaining and demonstrating the drafting skills expected of the students. The extra class then commences with a one-hour explanation and demonstration of the specific dispute resolution skill to be practised that day. This is followed by students engaging in a negotiation role-play, in teams of three, for which common facts have been handed out in advance and brief confidential facts are handed out at the time. Ninety to a hundred minutes in typically allocated for the role-play. With 48 students in the class this requires eight role-plays each involving two teams of three students. The role-play is followed by an immediate debrief of about 20 minutes based on what the teacher has observed in the room.

The second method (given that there are typically 10-12 students to a tutorial at Bond) involves a four-party negotiation, with each party represented by two or three students. This method works best when the final ten minutes of tutorials is set aside for feedback and reflection. However, this leaves 10 to 12 students representing four separate parties only 40 to 45 minutes for the role-play. In the tutorials each student has far less time to speak than in the extra class scenario in which six students have 90 minutes for the role-play. In law schools with larger tutorial groups, the pressures of time may render the tutorial model unworkable.

The writing and drafting element of the module is done by students individually. It works best, and avoids overburdening the students if the drafting and dispute resolution elements dovetail so that one leads into the other. In Contract Law the two types of documents which are drafted at Bond are letters and contracts. Drafting a contract can be used either to lead into or to follow a negotiation. The model which the author commonly employs is for the negotiation role-play to come first and for the students to draft a simple heads of agreement at the conclusion of the role-play. They then take away a copy of the agreement and individually draft a contract to reflect this. The drafting of letters presents the same options. Students can be requested to write a letter of demand and then meet to role-play the negotiation of the dispute or they can negotiate first and then write a letter to record the agreement reached.

In a subject like Contracts, these skills exercises offer substantial benefits to the students' understanding of the course content. Drafting a contract makes concrete that which has, to that stage, been discussed in the abstract. It requires a student to think about much that they have learned in the subject and apply it. The anecdotal feedback from students on the process has been excellent.

Skills are usually taught shorn of values. Skills training, however, had its genesis in the clinical legal education movement, a product of the US in the 1970s, which was traditionally accompanied by a commitment to social justice and to providing legal services to the poor and powerless. Unless a clinical program is available, skills teaching will typically provide the most realistic experience of legal practice an undergraduate law student will have. Accordingly, teachers of skills have a duty to introduce students to practice in this sense by placing the skills in a strongly client-centred, service context and by making explicit the values which the skills are serving. To do otherwise is to reinforce the message that law school is merely a trade school for commercial lawyers.

Reform of skills teaching in the University of Canberra School of Law
J Gilchrist
5 *Canberra Law Review* 1 & 2, 1998, pp 233–244

This article describes how a new law school with limited resources has introduced skills teaching reforms. It also describes how the process of deciding on reforms has aided their reception and implementation. Each may be of guidance to other law programs.

The School of Law at the University of Canberra (UC) commenced its LLB program in 1993 and has an academic staff of 15. The decision to embark on reform at the UC School of Law was taken in 1995 in light of the adoption by the university of a skills policy, as well as such factors as the greater variety and competitiveness of law schools, the adoption by public and private sectors of quality management policies which have spread throughout higher education, and the changes in the scope and efficiency of the legal services industry, which have all contributed to an increased emphasis on better methods of acquiring skills.

The process of legal skills reform has occurred against the background of wider UC curriculum reforms called the 'New Academic Program', which are essentially designed to reduce the number of units on offer across the university to save costs and resources. The outcome of the reforms for the LLB program is that there are now no elective law units available to students. From 1997 the LLB is an all-compulsory unit program.

The skills reform process has throughout been a consultative one in which staff have made decisions on reforms on the basis of a consensus. The most significant differences that arose were philosophical and resource centred. The process has not been without difficulty, but staff response to the work suggests the adoption of a consensus approach to reforms results in

a greater commitment to see the reforms successfully implemented. The staff deliberations included consideration of the results of a survey of final year law students' perceptions on skills weaknesses and strengths and the outcomes of a skills focus group discussion with selected final year students on skills issues.

The school adopted several principles with regard to the reforms. The first of these — that it should approach skills reforms within the context of the legal education continuum – raised issues about what skills should be left to Practical Legal Training offered to graduates, and what focus the school should have. While accepting the need for the LLB to ensure coverage of the subjects required for admission, there was a view that the School should not cast the legal education it is providing into too narrow a focus, given the diversity of present and future legal careers and the wider career horizons of law graduates.

The second principle was that the school should consider skills broadly to cover vocational and higher education (or intellectual skills). Should the school through the LLB program educate legal practitioners (or more broadly, the providers of legal services)? Or should it provide a higher legal education that forms a sound basis for a broad range of legal and non-legal careers? The school thus considered in developing a skills policy that teachers of law would be conscious of both the higher education elements and the craft needs of students.

The third principle was that the school should adopt a coherent, coordinated and progressive program of skills teaching within existing resource constraints. One consequence of such an approach is that an item of skills assessment in a unit should reinforce or build on skills and substantive law content introduced earlier in the skills path. The final principle recognised that reforms should be implemented over time, with regard to the interest of students and their workloads.

The school considered a number of reform strategies, including the establishment of a new dedicated skills unit linked with the existing skills units, a threshold skills module which would be made up of discrete skills submodules taught over a few units, a fully integrated model incorporating skills-specific instruction in all or most of the existing substantive law units and a combination of these approaches, as well as examining the scope of extra-curricular instruction in any selected process. The first strategy was rejected because it would have essentially meant abandoning an existing unit and replacing it with a skills unit. A fully integrated model was also rejected on the basis that it required a substantial degree of coordination, more substantial difficulties in the event of staff absence and also because not all staff felt competent to teach all skills. A separate skills module for threshold skills teaching was also rejected because it would have meant additional teaching hours. Instead the school decided to retain its existing skills units and to adopt a form of threshold skills module coupled with a loose integration strategy, to provide a coordinated and graded approach to the learning of skills.

The school has made quick progress on a number of aspects of reforms, but it has been slower on others. Progress is nonetheless consistent with the planned progressive implementation of changes over the next couple of years. In 1997, the school had introduced threshold problem solving skills to the second year contract law unit and basic moot/advocacy training in fourth year as part of the criminal law unit. In 1998 it was planned that the school would introduce specific oral and written communication skills to other second year units and semester-long extra-curricular legal research refreshers. A more coordinated approach to formative assessment of papers and assignments has been adopted and the weighting of marks for assignments standardised, to ensure greater equity in student workload. In 1997 the school adopted its own student feedback service, which is now used to monitor the outcomes in skills changes and to provide a consistent assessment of teaching practice.

The availability of resources looms as the most imminent threat to the successful implementation of the reforms at the UC School of Law. The implementation of skills reforms was also predicated on the assumption that the school was able to retain its two-hour tutorial regime, and this has not been the case due to budgetary constraints. It is also facing substantial increase in class sizes in many units as the number of combined course students increase. It will continue to seek funding and resources properly to develop the threshold skills reforms, to develop skills materials and to undertake staff training. However, the implementation process is much slower than it would be if there were dedicated human resources given to the task.

STUDENTS

Students in court: competent and ethical advocates

J Dickson

16 *J Prof L Educ* 2, 1998, pp 155–185

In most Australian states only qualified legal practitioners have a right of audience before the courts. This monopoly is a creature of both statute and common law and is reflected in the provisions of the various state statutes regulating the legal profession. Law students representing clients as part of a clinical legal education program do not fall into this category. They therefore are excluded by statute from appearing in court on behalf of their clients. While the courts have discretion to allow non-lawyers to appear before them, this is rarely exercised.