

more effectively through the use of such methods. What seems clear is that PBL provides an opportunity for students to move directly from learning *about* to learning *how*, in the form of the application of that new knowledge to solve the problem.

Analytical v integrated: two approaches to organising lecturing material in the context of interdisciplinary law-related teaching

E Stern

16 *J Prof L Educ* 1, 1998, pp 123–136

One important question for law teachers is how they should organise content through the medium of the resource-efficient lecture, whose dominance seems assured in the current climate of continuing government cuts to higher education funding. The current focus on interdisciplinary studies in higher education also raises questions about content presentation. An issue for law teachers who seek to draw on techniques and concepts taken from disciplines outside the law is how to select and organise the relevant subject matter in a way that facilitates student understanding.

This essay examines two competing ways of incorporating an interdisciplinary perspective into the study of law. The terms ‘analytical’ and ‘integrated’ have been coined to characterise the two ways of presenting lecturing material in the context of interdisciplinary law-related teaching. This essay reviews the relevant literature in order to determine whether the distinction between the two approaches can be sustained.

As a first time teacher in Legal Studies, the author of this essay was faced with the task of delivering a series of lectures in the first-year topic, Introduction to Legal Studies. Many of the students enrolled in this subject came straight from secondary school and more often than not were unfamiliar with such disciplines as sociology or economics. Teaching in the first se-

mester introduced students to the basic principles of law. In the second semester of the subject the author was to deliver a series of lectures within her field of expertise. Accordingly the author drew on material from labour law and contract law, which involved a recently enacted industrial relations reform act, chosen because it offered an interdisciplinary focus, and hence an opportunity to introduce students to the forces that shape legislation, notably politics, economics and history.

An analytic methodology was adopted by the author as Legal Studies lends itself to being taught in this manner. Legal Studies involves an interdisciplinary approach to the study of law. According to this notion, law is the product of social, political and economic forces whose ‘essence’ can be revealed by breaking the concept into its component parts and examining these in detail. This analytical approach is operationalised by giving one lecture on the contribution that economics makes to understanding the law, one lecture on the contribution that political science makes to understanding the law and so forth. Surprisingly, while the logic of this method of teaching is compelling, experience provided a different story. Anecdotal evidence emerged from students and tutors, indicating that many students had difficulty understanding the material on the reform act.

In response to this feedback as confirmed by the standard student evaluations of teaching, these lectures on the reform act were reorganised in a number of significant respects for the following year. Instead of making the whole of the act the focus of the lectures, the decision was taken to concentrate on a small part of the act, namely the unfair dismissal provisions. By identifying the reasons for the enactment of these provisions as the organising theme, it was possible to use the disciplines of political science and economics as explanatory variables.

The fundamental proposition put to the students was that political and economic forces had produced the unfair dismissal provisions. This argument was presented within an historical framework, beginning with the failure of the common law adequately to protect workers from unfair dismissal. Students were then introduced to the economic and political factors, originating in the deregulation of the economy in the 1980s, that culminated in the enactment of the reform act in the early 1990s.

In the following year student responses were far more encouraging, as demonstrated by anecdotal evidence, peer review and standard student feedback surveys conducted after the lectures. A comparison of student ratings taken in two consecutive years showed that students rated the second set of lectures far more favourably than the first. The interesting question then arises: why should students prefer one form of presentation to another? The author then reviews the literature on curriculum development, cognitive psychology and student learning in pursuit of answers to this question.

The question remains: where on the ladder of cognitive learning objectives do first year students actually belong? Alternatively, in selecting and organising teaching material, should teachers differentiate between first year students and those enrolled in upper level subjects? She advances an argument for focusing on the needs of novices, drawing on the literature on cognitive psychology which points towards a strategy of organising teaching material in a way that accommodates the learning needs of students new to the discipline.

However, the question persists: should teachers organise teaching content in such a way that complements students’ preferred learning conceptions at a given point in time? Does it follow that the integrated rather than the analytical approach more closely

corresponds to the learning conceptions of first year students?

There is a degree of convergence between the literature on cognitive psychology and student learning literature in respect of the question whether teachers should accommodate the learning needs of first year students in organising teaching material. Research into the way students experience learning points to complementary conceptions of the way teaching material should be organised. Several studies point in the direction of the need to structure content in a way that is receptive to the learning needs of the novice law student.

Role-playing exercises in first year legal process classes

J D Lipton

16 *J Prof L Educ* 1, 1998, pp 97–121

The first year Legal Process course at Monash University, Australia, is about the processes and methods of the law and lawyers. It can utilise any area of law and practice to illustrate ideas of how the law works, how law interacts with society and how and when laws can and should be changed. The subject matter of the course must be dealt with in a way that is accessible and interesting to students who are not necessarily in the best frame of mind to cope with a large amount of new ideas and materials, having just completed the gruelling final years of secondary study. It must also be presented in a way which has some immediate relevance to students, most of whom are seriously considering becoming practising lawyers at the end of the day, but many of whom do not have a concrete idea of what lawyers actually do.

The author lists the benefits of role-play as a teaching strategy where this is adopted as one amongst a balanced range of methods. Role-plays can bring alive what might otherwise be somewhat 'dry' subject matter. They assist in developing basic interpersonal skills including verbal and written expression,

analysis of problems and problem solving — skills vital for good lawyers. Using role-playing methodology involves and empowers students in relation to their own education, making the education relevant and memorable. These exercises can provide valuable educational experiences with minimal preparation on the part of the students, and are thus ideal when teachers want to avoid 'overloading' students. Involving students in the types of verbal participation related to role plays increases their confidence in speaking in front of others in the non-threatening environment of the classroom as well as exposing them to the ideas and presentation styles of their fellow students.

Another area in which role-playing exercises have taken on a particular new role in the Legal Process course is in the area of teaching professional conduct and legal ethics. In 1998 the Monash Law Faculty piloted a program of study where these issues were incorporated into the first year Legal Process curriculum. This is an area relating to professional or vocational skills which is particularly suited to at least some teaching by role playing exercises. Simulations relating to these 'real life' situations are currently being developed and experimented within the faculty in an attempt to build in specific ethical and professional issues for students to grapple with in a practical context.

The specific exercises used by the author in her Legal Process class cover dispute resolution, negotiation and drafting, client interviewing and use of interpreters, and Federal constitutional law and history. Each of the exercises, to a greater or lesser extent, involves students in the class taking on different roles in varying contexts. Some role-plays involve only small groups of actual role players with the rest of the class acting as observers and commentators. In all cases, students get a chance to participate verbally as much or as little as they choose, with quieter

students being encouraged to participate as soon as they feel comfortable and attempts being made to make everyone in the class feel comfortable about working as a team and participating in discussions.

The author describes the elements of the alternative dispute resolution exercise, which is usually undertaken relatively early in the first semester of the law course, the negotiation and drafting exercise and the client interviewing role-play exercise.

Role playing exercises can be used not only to teach 'lawyering skills', but they can also provide a fun and useful way of dealing with some of the 'drier' aspects of the first year syllabus. The author has used role-playing exercises in teaching aspects of legal and constitutional history which are often taught through straight lecturing and rote learning of materials from legal history texts. Such exercises certainly need to be augmented by material in the standard texts, but they can bring to life the often apparently uninteresting parts of legal and constitutional history.

In an era in which 'straight lecturing' and 'book learning' are fast becoming a thing of the past and multimedia teaching a thing of the future, it is worth reflecting on the value of low-technology, low cost, but highly interactive, and often 'tried and true' methods of teaching, such as these simple exercises.

It is the author's hope that such methods continue to be utilised in a positive and ever-developing way and are not completely overtaken in the near future by the novelty value of computer simulations. In her view, there is a place in the curriculum for many different teaching methods. However, in order to be truly effective, each method must be carefully and continually monitored and re-evaluated in terms of the goals it might achieve and whether there is any scope for improvement in its implementation. Hopefully, increased