

elicitation of interests, which can increase the chances of resolving many disputes. There is always the danger of manipulation and it is the intention of the user that determines whether the use of a tool is ethical. Further, NLP models should be used with respect and with the interests of the other party in mind.

Teaching practical legal problem solving skills: preparing law students for the realities of legal life

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In 1998 the Law Society of Western Australia banded together with Women Lawyers of Western Australia to commission a consultant to better understand the reasons for the apparently high rate of people leaving the pro-fession. A final report was published the following year. The report investigates why young lawyers, particularly women lawyers, were exiting legal practice within the 3-7 year post admission stage. The report's findings show that lack of fulfilment, stress, onerous working conditions and general quality of life issues are the key factors behind the migration from legal practice.

The report contains 27 recommendations for improvement directed to the legal profession, law schools, and legal firms. The recommendations fall into the categories of Professional Growth and Development, Career Improvement, Quality of Life and Organisational Culture. Four of the recommendations listed under the Professional Growth and Development category are pertinent to university law schools.

The recommendations largely target three key critical concerns of traditional law school education: (a) the selection processes for entering law school; (b) the 'gap' between traditional legal education and the realities of legal practice; and (c) the need for a law degree to provide a liberal education, rather than be seen simply as leading to life in a legal practice.

The criticism that legal education fails to prepare law graduates for legal prac-

tice is not new. The Pearce Report of 1987 stated that most Australian law schools teach neither theory nor practice, but doctrine. The traditional approach depended upon an exposition of substantive doctrine with little or no practical or critical perspective.

When drafting the Notre Dame College of Law curriculum in 1995 and 1996, the College of Law Advisory Board recognised the competing goals of providing a liberal education and training professional lawyers. To achieve the goal of training professional lawyers and narrowing the gap between legal education and legal practice, the curriculum drafters emphasised the inclusion of 'practical' skills and ethics throughout the substantive units of the degree, and included a compulsory third-year one semester subject called Legal Problem Solving. This course was designed to be an integrated and practical course where students could learn legal skills, such as client interaction and problem solving. To achieve these goals, it was decided that the course should be structured as closely as possible to a simulation of the real life world of private legal practice. While the pressures and strains of legal practice are difficult to emulate, it was decided that strict time limitations, group work and time accountability could assist in the simulation.

The course was designed to run as an intensive one week experience for the students. This required planning and consideration as to what could and should be expected within that time period. Finally, as with all law subjects, the skills and materials covered had to be assessable and the assessment criteria had to be open to scrutiny and discussion.

The key objectives of the course were identified and articulated to the students at the start of the course as being: to introduce students to effective and professional interview techniques and to develop client interaction skills; to develop students' abilities to elicit and identify relevant factual material from clients; to develop students' problem solving skills; to develop a 'self-learning' approach; to develop general communication skills; to

develop students' abilities to work in a group; and to encourage students to think laterally.

Two weeks prior to the commencement of the course, students were given the course outline and a reader containing materials covering interview techniques, the lawyer-client relationship and communication skills, both oral and written. No textbooks were prescribed. However, students were referred to certain texts as useful and helpful source books.

The Legal Problem Solving Course was designed to achieve one goal: namely, bridging the wide gap between university legal education and 'real life' law. The feedback received so far is generally positive, but the extent to which the goal has been achieved will only be truly assessable with the passing of time and graduation of the students involved from university to legal practice. While there is only so much that 'real life' simulation can achieve, the incorporation into the course of group work and time limits, coupled with the emphasis on skills and self-directed learning should help to prepare the ground in some respects for law students intending practice, if only to raise their awareness as to the expectations, pressures and strains which exist. However, the need to prepare students for the practice of law should not be emphasised to the exclusion of actually making changes to the profession. Graduates need workplaces which offer a more diverse, more inclusive, more supportive and more flexible environment.

TEACHING METHODS & MEDIA

Enhancing student learning of law by involving students (and colleagues) in developing multi-media teaching and learning materials

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Efforts to improve the quality of teaching and learning have been a hallmark of the 1990s tertiary educational landscape in

Australian universities. Various federal, state and institutional schemes have been devised over the past decade or so to enhance the role of teaching and learning at tertiary level. One of the most notable is that promoted by the Committee for University Teaching and Staff Development (CUTSD), a federal government initiative that assumed some of the functions of the former Committee for the Advancement of University Teaching. Both committees have helped raise the profile of university teaching and learning by awarding various grants and prestigious fellowships to individuals and to groups. Although some of these prizes have been awarded for work in more commonplace areas of inquiry in education, many grants and fellowships have been awarded to academics who wish to design innovative teaching and learning materials for flexible learning.

One might well expect that grant applicants would necessarily involve students actively in all aspects of the project in order to achieve the ultimate goal of enhancing student learning. Surprisingly, though, not all applications that are submitted to federal funding bodies for funding approval in Australia draw upon student knowledge to full advantage. Nor do they draw on the expertise of academics in other disciplines, such as educationists. Anecdotal evidence suggests that the amount of student involvement, in particular, in project design and implementation in teaching and learning grants has varied over time and amongst applications.

A strong argument can be made for the active involvement of students in the planning, design, development, implementation and evaluation of teaching/learning initiatives if the ultimate goal of funding teaching/learning initiatives is to enhance student learning. Although such an involvement can be time-consuming, expensive, and, at times, frustrating, its benefits can be considerable. This is particularly true when the project involves the production of multi-media materials where any design and production faults cannot be changed once the package has been produced.

Some academics acknowledge that successful grant writing is an 'art', one that often develops over time. And they also acknowledge that the award of one grant can lead to additional awards as earlier successes lead to a snowballing of successes. This process of learning by doing is not limited to grant applications, however, at least in Australia. It would appear that grant committees themselves refine their deliberative processes as they learn about the successes and failures of the projects that they fund.

To be successful today in the individual teaching grant rounds in Australia, applicants appear to need to meet a number of explicit criteria. They need to provide informative and relevant details about the aims and outcomes of their projects in a language that all members of the grants committee can understand. They need to locate the goal of the project in current work and applications in the field of inquiry. They need to provide realistic information about the budget and about project timelines. Applicants also need to convince the grants committee that their project will produce long-term improvements. Most of all, it would appear (and one would hope) that the committee must be satisfied that student learning will be enhanced as a result of the project.

In 1998 the CUTSD awarded a grant for the production of a multi-media video and manual package for the teaching and learning of legal interviewing skills. Although funding was provided for student research assistance, no specific funds were sought for student input into the conceptualisation of the project or its formative evaluation. The role that the students could play was not appreciated at the time the original application was submitted, in part because of the model of design and evaluation that was originally adopted in the grant application.

A number of law students were employed in the development of the project as research assistants, as project evaluators and as 'extras'. In addition to their contribution as research assistants, three law students worked as project evalua-

tors at various stages of the project once funding was approved. Their contributions to the development and completion of the project were significant.

The central question in the evaluation of any teaching/learning initiative is whether, in fact, learning has occurred. Although this goal is easy to state, it can prove elusive, if for no other reason than because ideas about the practices of program planning and development and of program evaluation are strongly held.

Writers of grants applications often separate the activities of planning and implementation from evaluation. This approach may be adopted, for example, in order to satisfy the established criteria for the timeline and the budget costings of the project may be easier to describe if various processes are, in fact, kept distinct. The adoption of this approach also provides for ease in the delegation of functions. Moreover, it facilitates ease of accountability. For example, the production of curricula and teaching packages in standardised modules makes a division of labour possible and makes outcomes easier to measure.

Alternatives to a functional approach to project design, implementation and evaluation are recounted in a vast body of literature. Hermeneutic and phenomenological approaches, for example, focus on the need to investigate the making of meaning in a particular context. Although these approaches appeared early in the project to be more time-consuming and challenging than the adoption of a mechanistic approach, they offered an opportunity to develop a richer, more complex, and more student-centred teaching/learning package.

Two final steps in any evaluation process of a teaching/learning initiative involve determining whether the planned learning outcomes have been met, and whether the evaluation process itself has been appropriate and useful.

Part of the process of securing grants involves learning from previously funded projects. The lessons that were learned in this project have been drawn upon in

1999 with the award of a grant for the development of a multi-media teaching/learning package in legal ethics and professional responsibility. The direct involvement of students in projects helped increase student learning of client interviewing, both for those students who used the package as well as for those who were employed in its development.

The successful completion of grant-funded projects on teaching and learning can produce feelings of relief as well as of accomplishment. In the end, the evaluation of the project proceeded on a number of levels, involving more individuals than originally planned or even anticipated. In retrospect, it was this aspect of the project – the formative evaluation of the project – that proved to be one of the most, if not the most, productive and enjoyable aspect of the entire undertaking.

The benefits of involving students – and colleagues – in the initial conceptualisation and creation of teaching/learning products have yet to be tapped. Perhaps in time the involvement of students – and colleagues from other disciplines – in all aspects of project design, development, implementation, and evaluation will be built into criteria for the award of grants. The grant process itself needs to be made more transparent, and greater opportunities for sharing information amongst grant recipients need to be created.

Packing them in the aisles: making use of moots as part of course delivery

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Usually the only audience which mooters have, aside from the specially constituted Bench, are those few friends or family who come along to lend support. Even when there is an audience, there is little suggestion that they are intended to benefit in any way by observing the moot. The fact that spectators are rarely, if ever, provided with any information concerning the moot problem indicates the ne-

glect of the benefits of mooting to the audience.

This seems to reflect a rather limited appreciation of mooting and its power as an educational device. While it is widely acknowledged that moots provide skills training for those students involved, moot programs which are run in the context of a particular areas of study may be structured so as to enhance the acquisition of knowledge of the substantive law by both the participants and the audience.

Before examining the educational possibilities that mooting presents when spectators are present, it is helpful to revisit quickly the advantages of the exercise for its active participants. It is widely acknowledged that students gain a number of generic skills from mooting. These can be grouped under the umbrella name of communication skills and include the ability to present an oral argument, to be capable of conveying meaning through written expression and also to work as a team with the various forms of communication that teamwork entails, notably negotiation and explanation. Of course, the very legal nature of the exercise ensures that mooters must be competent legal researchers and confident in their knowledge and use of legal language.

All core subjects of the Bachelor of Laws curriculum at University of Western Sydney Macarthur must feature a 25% skills component. This means that in each of these subjects, a quarter of the teaching time and the assessment must relate to a specified legal skill. The skill which is concentrated upon in Constitutional Law is mooting which is worth 30% in total. The slightly higher weighting was a recognition of the very high demands which mooting makes upon students in contrast to some other legal skills.

In 1997 a number of changes were made to the delivery of the subject with the aim of pacing mooting throughout the semester. This contrasted with the previous system of the moots being clumped at the end of the course where they occurred not only in the designated skills

hour but also the two hour blocks set aside for tutorials. A model was adopted under which a topic would be lectured upon in, say, week five of the semester. The students then prepared for a tutorial on this topic in week six and, finally, witnessed four of their classmates perform a moot concerned with this area of the law in week seven.

There were two attractive features of this approach. First, it facilitated the reinforcement of student understanding of lectured topics through preparation for the moot, and the assessment of students in the professional context provided by the moot court. Second, looking beyond the issue of the mooters' learning, it presented an opportunity for what may be best described as informed spectating. Essentially, all this does is seek to extend some of the benefits of mooting to the audience. Surely their understanding of a legal topic can be improved by watching others debate the correct application of the law to a problem. We often request our students to make tutorial presentations to each other. The fact that a moot is situated in an extremely legal environment – unlike lectures or tutorials – should only strengthen the learning experience for all concerned. To that end, over the course of the semester, all students watched the moots of their colleagues in the same skills/tutorial group. They were provided with the moot problem about 15-20 minutes before the moot actually commenced and given that time to read it. The moot problem was based around the topic covered in tutorials in the preceding week and lectured upon the week prior to that.

The heavy emphasis on skills at UWS Macarthur can often mean that when one attempts to revise that component of a subject the rest of the course must inevitably be redesigned also. This was very much the case with Constitutional Law. The key to increasing student interest in the moots they watched was obviously to make them more relevant to the remainder of the course. To this end the coverage of a topic changed from the weekly progression of lecture/tutorial/moot which was described above