

methods are effective and efficient ways to teach critical thinking and higher-level cognitive skills. Active learning helps students grasp, retain and apply content. It also allows students to have concrete experiences, receive feedback, reflect, integrate the experience, and experiment with further experiences.

Barriers to active learning include the following: institutions usually prioritise scholarship over teaching; some students resist active learning methods; most teachers feel pressure to cover a certain amount of content and believe they can barely do justice to their subject matter in the time allotted so are reluctant to employ methods that they believe will sacrifice coverage; faculty resistance to the time and energy required to learn new techniques; many teachers are reluctant to try innovative methods in large classes; many teachers see their primary role as transmitting knowledge of the subject matter; and teacher unwillingness to take risks in the classroom.

The use of active learning methods is common in legal education. Broadly conceived, Socratic dialogue is the exploration of concepts through questions posed by the teacher and responses from students. Questioning of students by teachers is ubiquitous in legal education, from case dissection to problem-based courses. To help turn the theory of the benefits of the method into reality, you can employ several simple techniques to maximise the active learning aspects of Socratic dialogue.

First, teach students how to be active learners. They need to learn how to be active readers, organisers, and synthesisers. When reading material for class, active learners not only extract the key information, they monitor their own understanding, note their questions and attempt to apply the reading to the larger context of the course or real life. Second, help students prepare for class. Students will get more from Socratic dialogue if you alert them to key questions, hypotheticals, or problems that you will explore in upcoming classes. Third, involve all stu-

dents in the dialogue in class. After posing a question, hypothetical or problem, ask the entire class to formulate silently a response in thirty seconds, or to write a brief response in one minute.

Discussion has a number of benefits for students and teachers. Discussion allows students to 'discover' ideas, which leads to deeper learning. Good discussions prompt students to use higher-level thinking skills: to apply rules in new contexts, analyse issues, synthesise doctrines, and evaluate ideas. Suggestions to generate effective discussions are: first, create a classroom atmosphere conducive to discussion; second, plan the discussion by identifying goals, materials, format and questions; third, be sure the students know what the question is; and fourth, guide the discussion by maintaining eye contact with the student speaking to signal the rest of the class to pay attention.

Writing exercises—in our out of class, graded or ungraded, formal or informal—have significant benefits for students and teachers. Writing helps to develop thinking skills. As students explore an idea in writing, their understanding and misunderstanding of concepts become clearer. Writing in class gets students actively involved in learning the subject matter and skills of a course.

A significant body of literature identifies the beneficial effects of computers on teaching and learning in higher education generally and in law school specifically. First, students in courses taught in part through computer-assisted instruction (CAI) learn content faster and retain it longer than students in the same course taught without CAI. Second, teachers in courses taught in part through CAI are able to devote less class time to teaching basic legal rules and more time to, for example, the underlying rationale for the law or analysis skills. Third, computer-assisted methods such as tutorials and electronic forums help teachers respond to students' different learning styles. Fourth, some students learn more comfortably and effectively in the electronic environment than in the classroom.

Experiential learning integrates theory and practice; it combines academic inquiry with real-life experiences. Students can have real-life experience with law in courts, agencies, clinics and law offices. Or you can arrange for students to encounter real life in the classroom through actual legal documents, videos, and speakers. But for effective learning students must do more than have experiences; they must engage in a reflective process in which they glean meaning and lessons from the experiences.

Although experiential learning takes many different forms, several general principles apply. Not all experience leads to educational growth. Student experiences are most likely to promote significant learning if they are carefully structured and monitored to achieve specific learning goals. The teacher, student, and field personnel (if applicable) should have a clear understanding of the student's role in the experience.

Active learning encompasses both a methodology and an orientation. Its orientation proceeds from two assumptions: that students should take responsibility for their own education; and that important goals for legal education include legal concepts and theory, critical thinking, and professional skills and values. Perhaps the greatest barrier to the implementation of active learning is teachers' reluctance to take risks in their classrooms. But since active learning methods are essential tools to achieve many of the critical goals of legal education, that risk is well worth taking.

Principle 4: good practice gives prompt feedback

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Knowing what you know and don't know focuses learning. Students need appropriate feedback on performance to benefit from courses. When getting started, students need help in assessing existing knowledge and competence. In classes, students need frequent opportunities to

perform and receive suggestions for improvement. At various points during college, and at the end, students need chances to reflect on what they have learned, what they still need to know, and how to assess themselves.

Perhaps the greatest hindrance to feedback in law schools is teachers' assumption that feedback needs to be extensive. Add to that the depressing image of the reality of large first-year classes, and it is a wonder that law teachers offer students even the scant feedback they do. It will take conscious reconditioning to alter their behaviour patterns; perhaps the institution will have to offer faculty seminars devoted to explaining that effective feedback might require only a few words, or check marks, or a simple grid. However, the problem is not limited to first-year classes.

The author offers a list of 11 methods for giving feedback that do not amount to a burdensome imposition on the law teacher.

Feedback may be given immediately or later, depending on the teaching goal. Generally, immediate feedback is good for short-term projects, like an answer offered in class. Generally, delayed feedback is appropriate for longer projects, more abstract thinking, and teaching experiences that require analysis of several components. Delayed feedback might be the grade on a final research paper or the final exam. The great value of prompt feedback is that it allows mid-course corrections; if someone has not understood the case, your explanation can get the student back on track. The value of delayed feedback, on the other hand, is that it allows the student to absorb multiple variables without having to reach a conclusion too early. But when the only feedback for a course comes at the end of the semester, as is typical in first-year law classes, the result is frustration and confusion.

Summative feedback measures, such as grades, compare performance to expectations. Final grades are summative. Grades on a research paper, if given only at the conclusion of the paper, are sum-

mative. A teacher who responds to drafts of the research paper offers formative comments and even judgments, and then summative evaluation through the final grade. According to the extensive research literature on evaluative feedback, teachers should recognise the four Rs of evaluation: it should be relevant, reliable, recognisable, and realistic.

Both professionals and students hold differing opinions about positive comments on papers. The consensus feedback should be weighted toward the positive but include enough negatives to make the comments valid and encourage students to do better. Feedback can involve both general and specific responses. After reading all the midterm exams, a teacher might offer general feedback to the class. Specific feedback is a comment that you direct to an individual student to apply to a certain answer, paper, or performance.

The educational system depends on teachers offering feedback to learners. But the learners have other sources of feedback. Students constantly provide their own feedback during law school. You can make large strides in feedback by allowing students the opportunity to assess their own progress. Not only does their self-assessment cut down on your work, but the feedback is then a part of their learning process.

Feedback is as essential for the teacher as it is for the learner. But researchers have discovered that teachers at all levels resist feedback, associating it with judgment and criticism instead of positive change. How then can law teachers receive useful feedback about their job performance? If you encourage your students to give you feedback throughout the semester, you can counter any criticism early, explain the purpose of aspects of the course that have baffled the students, recognise diverse aspects of the student body, offer feedback and criticism, and give students a little ownership of class responsibility. Other traditional means of feedback on teaching include a colleague's (or an outsider's) observation

of a class, anecdotal feedback, student test performance, videotaping, and teaching portfolios. Law faculty are rewarded for their scholarship above and before any awards for their teaching: hiring, promotion, and tenure all emphasise scholarship. And so law faculty, who constantly receive this feedback, constantly emphasise scholarship over teaching.

As members of the academic community and our larger social communities, we receive and dispense feedback. By taking part in trials and clinics, we can receive feedback on our practical skills as well as our thought process. How do institutions know if they are doing a good job? Institutions are usually large, bulky, multidirectional, unresponsive to change, and—at least perceived as—uncaring.

Feedback to law schools comes from several obvious sources. Alumni call and write to administrators about a school's effectiveness; their annual giving record sends a clear message. The state bar surveys practitioners and shares its finding through both meetings and publications. The faculty's publications and the jobs that graduates get become concrete feedback for an institution.

More subtly, law schools are given feedback by the number of and quality of visiting faculty, by the faculty's willingness to sacrifice for an institutional goal, by the number and quality of student applications, and by the level of contentment within the staff. An area for future concentration should be the law faculty's feedback to the institution. Every three years or so, administrators should provide a form that allows open and free faculty discussion about the state of the institution.

When deciding whether to concentrate on feedback, and whether to add additional feedback to their courses, teachers need to remember their student days. What would have helped you as a student? How did you learn what teachers wanted on exams and papers? Usually, answers to these questions emphasise the need for and value of feedback. One questionnaire sent to law graduates

asked practitioners which courses they now realise should have received more emphasis. Here are their responses: trial practice, general practice, clinical courses, procedure and evidence, and legal writing and advocacy. What do these courses have in common? They all provide feedback—measurable results.

SKILLS

Key skills in the law curriculum and self-assessment

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The idea that higher education should be concerned, not only with learning knowledge, but also about developing the general skills of students, is very much to the fore of contemporary policy. But there are significant differences in the agendas for skills development which different bodies present and there are different rationales for giving greater emphasis to this aspect of higher education at this moment. Non-vocational higher education in law has to engage with the skills agenda in a way which connects them to the activities which develop intellectual skills and knowledge. Employability is thus part of the deliberate strategy of higher education. To that extent, it is necessary to take issue with those who would argue that liberal education in law should not focus on the skills and employability agenda, that higher education is just about learning for learning's sake.

General transferable skills are not a bolt-on addition to the work of higher education to achieve a new employability agenda, but are part and parcel of the notion of liberal education which universities have long espoused. There is a perception that they are additional items which lecturers are required to build into the law curriculum. This is fundamentally misconceived. General transferable skills should be seen primarily as a language through which students are enabled to articulate aspects of their achieve-

ments in their academic studies and beyond. 'General transferable skills' offers a vocabulary that articulates the achievements of student learning, which teachers and students can deploy in their discussion with each other and with those outside higher education.

There are a number of different rationales for developing skills. First, employability: students need general transferable skills to be employable. It is not sufficient for higher education to suggest that skills training should be postponed to postgraduate vocational training or courses. The general skills will be the competences which can be deployed, even if much of the specific knowledge from one kind of job is no longer directly useful in the new employment. Second, there is a pedagogic rationale: many of the skills identified under the umbrella of 'general transferable skills' are actually useful to give students self-confidence and encourage enthusiasm in their learning within higher education. Third, there are rationales in law: within existing law programs, there are some additional rationales for the increasing attention to general transferable skills. This is evidenced as much in the criteria enunciated in requests for references by solicitors as in the references requests received from non-lawyer employers. Furthermore, there is clear evidence that traditional legal careers do not dominate the eventual destinies of law students. Study of law at vocational or academic stages should not be seen simply as a preparation for a career in law. The general transferable skills gained are those which will be relevant to the majority of students, whatever their career destination.

The arguments in favour of including an emphasis on the development of general transferable skills are not universally accepted in higher education. There are a number of common arguments. First, for many institutions, there is little incentive to make their graduates more employable as their reputation is sufficient to make their students apparently employable. Despite the rhetoric of employers and their organisations, there is no clear evi-

dence that recruitment policies pay much attention to the record of skills development of individuals, as opposed to their grades in modules which demonstrate knowledge of their subject. Furthermore, there is little evidence that the students of institutions which do focus on skills development perform any better in the employment market as a result.

Second, academics and those who manage higher education are concerned to resist the efforts of employers to off-load their training requirements onto the universities. Third, the emphasis on key and basic skills gives to many the impression that skills development, especially in literacy, numeracy and IT, is really a matter of remedial education. Should students not really master the basic skills before they come to university? Fourth, there is the argument that academic staff have no special competence to teach skills and there are no extra resources at hand to do so. Fifth, students come to university to learn the subject: there are concerns about the motivation of students to learn general transferable skills. They are desperate to study the subject they have chosen and are usually reluctant to learn unwanted subsidiary subjects, let alone skills. This argues very much against discrete skills modules. If teachers believe that certain skills are integral to the learning of the subjects, then this will make it easier for the student to accept the relevance of the skills-based activity.

Academics traditionally justify higher education in terms of 'liberal' as opposed to 'vocational' education. Liberal education is for broadening the mind, to enable a person to enjoy the non-professional aspects of life, and to improve the mind. In these ways, a person is better able to carry on activities in his own professional sphere. The idea of education as the cultivation of the mind and person appears to draw us away from the idea of employability skills. But it actually emphasises both the general and the transferable features of general transferable skills.