

Most of these books focus on the thoughts and feelings of at least one of the attorneys in the story. Books about litigated cases are most numerous, but practice of countless kinds is represented. Tales of lawsuits are the most common type of lawyer story. These include, of course, the memoirs in which trial lawyers tell of their exploits. Judicial memoirs are less important to law students than those by practitioners, given the opportunities that judges have to express themselves in opinions.

All these lawyer stories tell us how lawyers have gone about doing their work, and how they have felt about it. In the process, these books enlighten the reader about legal rules, habits and practices and – perhaps the most important – about the attractions and the dangers of a career in the law.

By encouraging sceptical reading and careful doctrinal reasoning, traditional courses help create what is best about the American legal mind. At the same time, they perpetuate the chief weakness of American legal education: its narrowness.

In our age of increasing legal complexity, casebooks tend to present students with less and less about more and more. It is easy for this situation to pass unnoticed. Students, desirous of marketable skills, are happy to have greater breadth than depth in their learning; they know that in the short run familiarity with a lot of doctrinal rules will help them on the job. For students, lacking the instructor's contextual knowledge, simply studying the edited judicial opinions harder is a largely futile way to round out their learning beyond legal education's two main goals of legal substance and logical skill. The narrowness of casebooks reflects, and in turn helps cause, a narrowness of vision in lawyers' ideas of what should be studied in law school.

The use of lawyer stories responds directly to many of the valid criticisms of the law school curriculum. Lawyer stories introduce students to law practice in all its breadth. They give social and procedural context to the cases and make them more meaningful to the students. They

show the human side of law practice. By reading such books, students can not only clarify their fuzzy pictures of the advocacy that underlies appellate opinions, but also learn much about nonadversary aspects of law practice – too little attended to in the curriculum. No less important is that lawyer stories respond to law students' emotional need to connect their studies with their personal lives.

Developing specific teaching and learning strategies for business law at levels I and II using behaviourist and cognitive models of assessment

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This article reviews the effect of the assessment process upon separate cohorts of students engaged in further and adult education studying Business Law at levels I and II. When the educational needs of students are considered at each level and mode of study, the use of separate assessment strategies can be effective. The author suggests that a behaviourist model can be appropriately utilised at level I, whilst a cognitive model is most effective at level II.

In dealing with level I, the behaviourist approach was deemed appropriate for a cohort of students who were almost unanimously new to areas of legal education. It was felt important to introduce course content and assessment strategies that would highlight a change in behaviour that can be observed and measured. The level II strategy was based upon the cognitive approach to learning. Learning in the cognitive domain and hence preparation for assessment is based upon interaction. The learner attains fresh insights or cognitive structures, by modifying old experiences. This approach sees the individual as an active agent in the learning process, deliberately trying to process and categorise the stream of information received from the outside world. The lecturer has the task of reconstructing the student's insights. This is achieved within level II of the study by the undertaking of a series of case studies throughout the year. The aim was to encourage students

to conceptualise and synthesise reflective thoughts on the subject matter being undertaken.

The aim of the case study was to enable the student to appreciate legal frameworks and constraints within Business Organisations, followed by learning outcomes, fostering an appreciating of relevant legal rules as they apply to practical business situations.

This involved the development of a working knowledge of legal principles within Business Organisations and their consequences for business practice. There followed an explanation of the six staged progress tests to be undertaken during the year. This structure provided flexibility in format but based the content upon legal principles mastered within previously attempted progress tests. All forms of assessment were equally weighted towards the end of the year grade. The package clearly identified the aim and outcomes of this continuous assessment process. It indicated its aim of preparing students to revise for topics to be covered within the end of year examination. A study skills session and handout accompanied the case study-based assignment. This provided a suggested format for the writing of legal assignments. It was presented four weeks before the deadline for submission. Feedback on progress was provided via a set of suggested points for consideration, discussed in a tutorial session one week following the return of assignments.

In the model for level II, students were presented with a teaching and assessment pack during week one of their studies. This began with an explanation of the strategies to be adopted within the course. It contained a series of case studies to be completed throughout the year. It began with an identification of the aims and learning outcomes of the case at each stage. These were designed to increase awareness of the way in which legal rules change over time, whilst being alert to such changes within the area of Business Law. The second case study followed the broad theme of the first in terms of aims and outcomes.

All case studies were equally weighted for purposes of assessment and assistance was provided to students in the research methods necessary in order to undertake the case studies. This took place via a study skills session and supporting handout, where recognised methods of collecting relevant literature and constructing legal arguments were discussed with students.

Perhaps the first point to recognise in the study is that a behaviourist/ cognitive split for levels I and II is not universally accepted and it cannot be relied upon in all cases of assessment because these two sets of theories are not mutually contradictory. Those engaged in teaching and instruction can, however, draw usefully upon them both, and see each of them as having greater or lesser relevance depending upon the level at which learning is intended to occur.

The grading system used for the study proved to be useful and consistent. There were, however, a number of shortcomings identified at both levels I and II. Level I saw a burdensome number of Progress Tests, leaving insufficient time between each test to provide opportunities for students to consider lessons learnt at each stage. The problem of using the behaviourist model of assessment, in determining the method to be used in assessing the Progress Tests for level I must also be considered. This issue arose during the Progress Boards held at the inter-semester break. The student profiles were considered and it became evident that there were gaps in the assessment profiles of a number of students, due to non-attendance for tests.

In analysing student achievement in the tests, the questions were designed to gradually increase in difficulty throughout the year. The results tend to show a fluctuating pattern of achievement. The results and student feedback suggest that, despite the fact that the behaviourist pattern has been used in preparing students towards a desired goal, they actually identify with different subject areas in differing ways, depending upon their association with other fields.

At level II the emphasis here was upon addressing issues in a 'meaningful' way, through shared and personal experience. Assignment I was based upon areas of experience related to Intellectual Property (Trade Marks and Patents) where students were encouraged, during lecture and seminar sessions, to draw parallels with industry and methods of dealing with these issues.

It has been recognised that a generic distinction between establishing assessment strategies for levels I and II is not universally accepted. The author submits, however, that the study has clarified methods by which, using both behaviourist and cognitive approaches to assessment, course content can be effectively tailored to areas of assessment and student requirements. In the author's view this constructive, if not definitive, distinction between behaviourist and cognitive approaches to teaching and learning is useful. The author also believes that the use of student feedback ensures a constant 'keeping in touch' with student requirements at each level of the study. From a general point of view, despite the previously acknowledged difficulty in drawing stark lines between the two approaches to assessment, conclusions from the study indicate that the use of the two approaches in isolation at each level, has resulted in a generally useful and constructive outcome.

Evaluating a change to seminar-style teaching

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While the use of small to medium-sized seminar-style groups has long been a feature of some Australian law faculties, it is a recent innovation in others. In 1996 the Faculty of Law at the University of Sydney made a decision to move from a traditional lecture and tutorial structure to seminar-style classes of limited size. The faculty vote to adopt what was termed 'seminar style' (small-medium group) teaching followed a long process of curriculum review. This included the integration of skills

and substantive knowledge within units, and building up a synergy between all aspects of a unit - information, teaching methods, materials and assessment.

If students learn by doing, then in the traditional lecture format learning is largely limited to listening, note-taking, bulk reading and summarising, and verbatim regurgitation of information in an exam, particularly when it is readily admitted by students that knowledge gained in this way is often not retained in the long term.

Extrapolating back from the work that lawyers do produces a vast list of abilities, which may be broken down into categories, such as cognitive and skills objectives and objectives relating to values and motivation. When this is done, it becomes clear that the generic goals for educating lawyers are in fact the same as the ideals of a good university education - the liberal education of the whole person.

Student interaction in class discussion has radical implications in shifting the focus away from teachers as authoritative transmitters of meaning, to students as constructors of meaning. If student participation in discussion can help produce a degree of critical reflection necessary to put law into a wider theoretical context, then experiential exercises can provide the complementary context of law in operation.

There is nothing which prescribes the seminar method as the only model for teaching law. Some examples of teaching models and techniques which have been implemented in law schools around Australia indicate a variety of ways in which these issues can be addressed. The adoption of the seminar method does not guarantee that most or even many of the above elements will be incorporated into the classroom environment. It does, however, provide a space that is much more amenable to student participation and to student/instructor and student/student interaction, which can be used to encourage variety and experimentation in method and assessment.