

The solution to the mismatch between graduate preparation and workplace demands lies in the acceptance that procedural knowledge is just as important as conceptual knowledge and that a curriculum which successfully integrates and fosters the development of a combination of personal qualities and meta-cognitive functions (particularly self-reflection) will produce a highly desirable graduate.

There are two core elements upon which the structured development of skills is prefaced. The first is the acquisition, understanding, application and critique of substantive legal knowledge. The second element is that of legal ethics. The development of an ethical attitude, the identification of ethical issues, and the offering of resolutions to ethical dilemmas are to be incorporated at each stage of the degree. The third stage of the process, which is currently underway, requires a significant cultural shift in approaches to teaching and learning law within the faculty.

The majority of projects and research in the area of graduate attributes recognises that the most effective way of developing skills within a graduate is to embed those skills within the curriculum. Encouraging skills development throughout the course allows graduates to develop their attributes over time, maximising the opportunity for an advanced level of skills attainment.

An integrated and incremental approach to embedding generic and legally specific skills in an undergraduate law curriculum is a challenge that must now be embraced. At the very least the call cannot be ignored. University hierarchies, employers, graduates, students and other informed professional bodies are all demanding that law school curricula equip their law graduates with the appropriate level of skills attainment to enable a seamless transition from the academic world to the professional, global and ever-changing workplace.

While meeting such a challenge may be laborious and burdensome, and will certainly require enormous effort and

commitment on the part of all stake-holders, it is nevertheless a cause deserving of our allegiance. To decline the challenge will lead ultimately to the irrelevance of law teaching as a discipline and to the disintegration of the value of the professional degree.

TEACHING METHODS & MEDIA

Teaching first-year Civil Procedure and other introductory courses by the problem method

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There has been ongoing debate within legal education as to the relative merits of various teaching methods, especially the case method and the problem method. Yet even some supporters of the problem method believe that it is more suited to smaller, advanced, upper-level courses than to large sections of first-year courses.

The benefits of the case method approach are said to be that it teaches students to read and think carefully, logically and critically - i.e., to 'think like a lawyer'. It requires students to learn actively (compared to the textbook/lecture format which preceded it). In class, this means the students learn to think on their feet, and make and defend an argument. It also requires students to individually glean the substantive law in a particular field from the cases, rather than spoon-feeding the law to students through lecture or text. It also requires the students to recognise that the law is a growing, changing body of doctrine.

The case method, and the extent to which law faculty have come to rely on it, has also been subject to criticism. Critics, while admitting that the case method might do a good job of teaching students to understand and work with appellate opinions, have noted that this skill forms only a small part of what lawyers actually do. Most lawyers do not get involved with a case at the appellate level, but rather most become involved at the beginning of the case. The

client brings a problem to the lawyer, and the lawyer's job is to determine the relevant facts, and find and apply the appropriate law in order to either advise the client or help solve the client's problem.

Students who have been taught by the case method usually get some exposure to problem solving, but often not until they take their exams at the end of the semester. These exams typically involve a set of hypothetical facts constituting a legal problem, and one or more questions testing the student's ability to recognise the legal issues involved. The divergence between how students are taught and tested has led to further criticism that the case method is not only ignoring the skills that lawyers need to practise, but also the skills that students need to succeed in law school.

One proposed solution has been to turn, in whole or in part, to the problem method. In the problem method, students are given a set of facts, similar to a real life legal dispute (or a law school exam). Although students might still read some appellate cases to learn the law to be applied, the problems, rather than the cases, become the focus of the class discussion.

There are a number of reasons why the problem method has been used less frequently to teach first-year courses. Many faculty have found that this method works better with the smaller class size that is more typical in upper-level classes. There has also been a wider choice of published materials using the problem approach for advanced courses. Another contributing factor is that first-year students do not have the basic knowledge of several areas of the law, which is very helpful in working out complex problems that cut across several areas and issues. There may also be a feeling (not necessarily correct) among those accustomed to teaching by the case method, that the problem method is less efficient than the case method for teaching legal doctrine.

One of the most important and hardest things for first-year law students to understand is that their primary task is not to learn and memorise the substantive rules of law. Rather, most first-year pro-

fessors try to show that the process of arriving at the answer or arriving at the conclusion that there may not be one correct answer is what students should be learning.

At the University of Baltimore, Civil Procedure I and II are taught entirely by the problem method. There are a total of thirty-eight problem sets, twenty for first semester and eighteen for second semester. The overwhelming majority are similar in structure, format and purpose. The facts of the problems are pretty bare bones: only what is necessary to get across the concept. The students are assigned each problem set before the material is covered in class and are allowed and encouraged to work together in small groups when preparing answers.

The greatest benefit of the problem method is that classes are more lively and interesting. First, students are more willing and able to participate. Second, a gradual improvement is noticed in the class. While students do not always, or even usually, give a correct and complete answer at first (and the problems are mostly designed so that students will not), the number of times that a student completely 'misses the boat' is much fewer under the problem method than with the case method. The fact that the problems tend to keep the student focused on the right issue is a very important factor in its success.

The problem method helps by affording the lecturer somewhat more control and predicability as to what the students' initial answers will be. Using short, focused problems with simple facts allows much greater control and predicability as to what kind of mistake a student is likely to make.

It is also likely that students learning by the problem method spend more time preparing for class. With the case method, students read the assigned cases, but then do not have any specific assignment. With the problem method, however, a student's main task still lies ahead after having completed the assigned reading.

Year after year, student response to the problem method has been overwhelmingly positive. An overwhelming majority

of students comment on how helpful the problems have been, often using superlatives that you do not typically hear from law students.

The most obvious drawback to the problem method compared to the case method is that the problem method neglects the important skill of learning to read, analyse and use case law. This might be a serious problem if all or most first-year faculty used the problem method exclusively. The problems do not help students learn the important skills of sifting through the facts to separate the relevant from the irrelevant in solving a more complex, multi-faceted problem. The kind of integrational skills taught by more complex problems are important ones for law students. The problem method is most useful in first-year courses and in other introductory courses where students will be learning the basics of a subject area.

TECHNOLOGY

Electronic delivery in law: what difference does it make to results?

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This article details research which attempts to assess what effect electronic delivery of law modules has on actual student assessment performance. The authors reviewed the assessment results of students who had taken both conventionally and electronically delivered modules and compared and contrasted individual student performances in all the modules studied by them in a particular semester. This appeared to be a relatively unique piece of research as far as legal study is concerned.

They found that weaker students (those who might ordinarily fail or scrape a bare pass) were achieving a mark some 10% higher than that achieved in the conventionally delivered modules; pushing those students into the lower second category – the assessment criteria for such classification demanding evidence of deep as opposed to surface learning. However there was little or no difference in the marks achieved by upper second quality students.

A comparison was made between the students' average result in their electronically delivered module(s) with their average result in their non-electronically delivered modules. In an attempt to exclude some variable they also compared the average mark in the Communication and Information Technology (C & IT) modules with the average mark in Law of Medicine (100% coursework assessed but not student centred) and with Health and Safety Law (100% coursework assessed and paper student centred).

It was the weaker student whose performance increased most. The most commonly expressed view is that the good student does well from student-centred electronic delivery but the weak student struggles. In our survey the weak student increased his mark by more than a whole degree classification. Why such improved performance? The traditional view is that weaker students depend upon the placebo of the conventional lecture to learn and repeat the law, at best, sufficiently adequately to merit a bare pass. They do not use the library; they either do not read textbooks or get little, if anything, from them. They acquire and repeat surface knowledge only.

Electronic delivery is pushing their performance into the waters of deeper knowledge. It may be objected that it is not so much improved performance in the electronic modules but decreased performance elsewhere; that because electronic delivery makes students more responsible for their own learning the weak student is forced to spend a disproportionate amount of study time on the electronic module at the expense of the conventionally delivered modules. What cannot be denied, however, is that the quality of performance increases.

Of course, for some time now there have been such significant financial and domestic demands on students that it is doubtful whether there is such a thing as a 'full-time' student. It may well be, therefore, that the improved performance of the apparently weaker student is attributable to the accessibility of teaching and learning materials – attendance