

to write completely cynical responses in the anonymous student evaluations to the question, 'What have you gained from this course?' Learning rules is unlikely to address this level of cynicism and may even exacerbate it. Nevertheless, it seems that many more students did learn something from our teaching of the rules and law of lawyering. Many students felt that the rules taught them something about the types of dilemmas lawyers could face in practice, including things that they had not thought of before.

The remaining two learning outcomes for Law, Lawyers and Society attempted to give students a practical context for ethical rules and also a broader connection to values and social policy. Unfortunately, even when teachers do their best to try to teach the rules within this broader context, many students seem to believe that if the course includes legal rules, then that is all the course is about. This suggests that legal ethics teachers need to learn how to be much more explicit about teaching the processes of analysis and reasoning that use rules and law as a resource but then go beyond them.

We introduced students to ethical theories of lawyering by pointing out that underlying different ethical and social norms and legal rules are different values about the role that lawyers ought to play in society. In particular, the ethical theory of lawyering was approached through four values that were introduced in the first couple of classes and recapped in the revision class.

The third learning outcome for Law, Lawyers, and Society was to develop the skills necessary for ethical practice, including skills for deliberating and negotiating with colleagues about ethical and social issues, effective client communication and other client care skills, and negotiation skills. The intention here was to give the students some concrete idea of the routine skills and practices that are fundamental to ethical practice. In the classroom we drew attention to the significance of various

practice skills in preventing problems and some of the skills that lawyers often fail to practise well. Subsequent experience at a law clinic demonstrated that a small amount of skills/practical input can make a significant difference in boosting enthusiasm and idealism. Scratch the surface of these cynical, world-weary law students with one client interview sessions, and we find that most of them regain some enthusiasm and idealism.

It seems that law students generally like to have a process of analysis, a tool that they can use to apply to answering examination questions. At the same time, ordinary legal analysis tools seem insufficient for any practical process of ethical reasoning. The students tend to believe that, ultimately, ethics depends on private values, beliefs and behaviours that the students already bring with them. Students are not sure that anything we teach them in the classroom can really connect with this. A substantial group of students did not like our study of the professional conduct rules for this reason. At the same time, they found more 'ethical' discussion of case studies and policy questions too fuzzy and inconclusive to prepare them for the examination. They liked the 'skills' aspect of the course but do not necessarily see it as a complement to what is learnt in the classroom, nor as relevant to the assessment of the subject by examination and class presentation.

Students who are not already attuned to the fact that there is a process of ethical judgment to be learnt are unlikely to learn it unless we explicitly give them some instruction on what they are supposed to do. We need to bring to the surface the tools required to connect rules, theories, values, policy and everyday skills, practices and beliefs in analysing and deciding how to act in particular situations. When we fail to address this question, we are in danger of unintentionally teaching many of our legal ethics class students nothing except greater cynicism — cynicism about the

possibility that ethics could ever make a difference to the way most real lawyers think and practise, and cynicism about whether there could ever be a connection between the profession's practice of law and the social ideals of the practice of justice.

## TEACHERS

### **The cobbler wears no shoes: a lesson for research instruction**

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For teachers, the shoeless-cobbler phenomenon can mean disaster in the classroom. That is because good teaching depends, first and foremost, on the teacher's caring deeply enough about what he does to get his students to care about it too. Studies attempting to quantify the qualities that make great teachers have found that a teacher's passion and enthusiasm for the subject matter are among the most important characteristics. Yet many people who teach legal research for a living do not care about it very much themselves.

Although many articles lament the poor research skills of students or suggest new pedagogical techniques, few discuss ways to make the subject more interesting to students. Given the direct link between a teacher's passion for the subject matter and the students' ability to learn it, our collective apathy may reveal much about our effectiveness as teachers of legal research. Unlike the cobbler who can succeed at his job whether he really cares about making shoes or not, those of us who teach legal research for a living have to love what we do before we can have any success teaching it to others.

Researchers who have attempted to quantify the characteristics that make great teachers have found that they come in all shapes and sizes. Some teachers are effective because they are taskmasters who set high standards for their students. These are the demanding teachers who

have success in the classroom because they push students to do their best.

On the other hand, there are teachers who have earned a reputation for excellence because they create a more nurturing and supportive atmosphere in the classroom. In their classroom it is safe to take risks and make mistakes. Students love to engage in the material because they know the nurturing teacher is going to encourage any efforts they make and find something good in every student's contribution.

Experts agree that there is no precise formula for good teaching. The taskmaster and the nurturing teacher can have equal success in the classroom despite vastly different teaching styles and personalities. Nevertheless, experts also agree that all great teachers share some key characteristics. One is that excellent teachers believe in the value of what they are teaching. Indeed, they are passionate and enthusiastic about the subjects they teach. A great teacher can make any subject interesting by mixing expertise with creativity, energy, and wit in a way that imparts some of that enthusiasm to the students.

The first aspect of motivational theory is the expectancy component. To be motivated to learn a new skill, students must expect that they can accomplish it successfully. Students need to feel that they have the intellectual ability to complete the task and can control the outcome. Students with high self-efficacy for a particular task are more likely to succeed at it. To create an atmosphere of high self-efficacy, we need to explain how the law library works in a way that gives students confidence in their ability to master it. Legal research teachers should keep these principles in mind when preparing class lectures. The law library and other aspects of research should be explained in a way that makes it sound organised, logical and simple, rather than chaotic and complex.

The next aspect of motivational theory is known as the value component: students will be better motivated to complete a task when they see a good reason for doing it. The value component consists of two subparts: an intrinsic and an extrinsic value to whatever it is they are learning. The intrinsic value refers to a student's personal interest in mastering a new skill or learning new information. With that in mind, teachers can positively affect motivation by doing as much as possible to show students how the skills they are learning relate to the ones they will need in practice.

The extrinsic value component refers to external motivators such as whether or not the assignment is graded, the student's desire for approval from her teacher or peers, and any other external rewards or recognition that may result from successfully completing the task. To maximise student motivation, we need to take such factors into account when designing research assignments.

The final aspect of motivational theory relates to what are known as the classroom factors. These include the type and design of the assignments, the reward and goal structure and the pedagogical or instructional methods used. All of these should be taken into account when preparing class lectures or designing research assignments in order to maximise student motivation.

In designing assignments, remember that assignments that reflect the kind of problems students will encounter in practice are better than those that do not. In addition, the classroom factors suggest that we need to create assignments that strike the right balance between difficulty and ease of completion.

Another thing we need to consider when designing research exercises is whether to reward individual or group effort. Commentators suggest that allowing students to work cooperatively on research projects increases motivation since it positively affects both self-

efficacy and the affective component. On the other hand, if these assignments are not designed carefully, the free-rider effect will result in disincentives to learn. To balance these concerns, teachers should consider using research exercises that permit some cooperation, yet still hold students accountable for their individual efforts.

The first thing we can do to better motivate our students to learn legal research is to become more interested in it ourselves. We need to examine our own attitudes about the subject and, if necessary, change them. If we believe, deep down inside, that what we are teaching is not especially interesting or valuable, that message will come through loud and clear during class, no matter what words we use.

Feeling more passionate about the material is not enough. We also have to demonstrate that enthusiasm during class. We also need to consider how the decisions we make about who teaches legal research can affect student interest and motivation to learn. While some legal writing programs delegate this responsibility to librarians or others, that might be a mistake unless those people are committed to teaching as a career.

There are many other things we can do to make research instruction more lively and interesting to our students and to ourselves. First of all, we should select research topics that are interesting, realistic, and fun. Pick subjects that you are passionate about; if you feel that way, it will rub off on your students. We can also incorporate games into our teaching repertoire as a way of making legal research more fun. Using technology in innovative ways is another thing we can do to better motivate students to learn research.