

introductory core courses does not leave room to include even bits and pieces of foreign law. The course eschews the traditional comparative law casebook models. The primary casebook is built upon a structural analysis of the European application of the civil law and an examination of substantive areas of law studied in the first year at most US law schools. After laying out the legal structure and operation of European civil law, many authors gravitate to their own area of interest. They do not really wrestle with the foreign law (much less the culture) in the context of another society. Although they ultimately will gain some technical knowledge, the absence of context makes the knowledge dry and virtually meaningless.

Alternatively, some casebook authors have attempted to expose students to the great legal and cultural differences between American and radically different societies. Unfortunately, because most students are unfamiliar with the history, culture, and legal practices in those societies, they are unable to bridge the vast divide between that which is familiar to them and the sterile description of the unfamiliar.

In contrast with those two methods, the readings in *Law in Comparative Cultures* are drawn from three areas: the laws as written, the laws as implemented, and the laws in the context of the society. The written and visual sources used in the course bridge the gaps in the traditional study of comparative law. Most reading assignments are supplemented by a related visual resource that develops an actual issue that has been confronted or is being confronted in a foreign society as well as ours.

Law in Comparative Cultures is divided into four sections. Although each section after the first one can stand alone, the goal is for the student to become increasingly aware of law and culture through a step-by-step

development from issues that can be examined across domestic legal systems to issues that require transnational and international legal resolution. Section 1 addresses the civil law tradition. Section 2 addresses law in diverse cultures. Section 3 addresses the religious/ temporal law dichotomy. Section 4 addresses transcending sovereign legal systems.

One of the great advantages of this course is its flexibility. First, the course can be taught easily with innumerable sets of subject variations. Freed from the specialised structure of traditional comparative law casebooks, students are exposed to a variety of legal systems and the rationale for the distinctions between them. Ultimately, the student realises that understanding the disparity between the civil and common law systems does not resolve the problems that arise from conflicts within legal traditions, much less between other legal systems outside the civil/ common law dichotomy.

Law in Comparative Cultures can play a major role in the restructuring of the law school curriculum. By jettisoning the twentieth-century comparative law notion that students should master the intricacies of the civil law, this course shifts the emphasis to the abundance and diversity of legal systems that should be studied. *Law in Comparative Cultures* can help us shift from the parochial focus of twentieth-century comparative law to the global perspective of twenty-first-century legal education.

SKILLS

A digital training program for advocacy

L. Quanjel-Schreurs, T. Starren-Weijenberg, C. Aretz & N. van der Meer
36 Law Teacher 1, 2002, pp 15–23

The Open University of the Netherlands, Maastricht University and the Catholic University of Louvain (Belgium) have developed a multimedia course on

advocacy, as a Consortium project. The special position of the Open University has played an important role in establishing the Consortium. At an institution offering distance learning, efficient use of the various educational media is both a necessity and practice.

The Open University OTEC (educational technology expertise centre) offers other Open University departments assistance in realising ideas and designs for innovation. Therefore, the Open University continuously focuses on reflection and innovation in the area of education technology: designing, with the aid of ICT, study processes and course objectives or parts thereof, which thus far are achieved by such other means as written materials and/or face-to-face learning.

Furthermore, in order to bridge the gap between working and learning, the development of competency-based learning is increasingly important. The present multimedia course on Advocacy can be seen as a result of the processes mentioned.

The programs of the three participating faculties of law already included advocacy in one way or the other. It was felt, however, that attention was more focused on the content of legal issues rather than on advocacy skills per se. The reason for this can be found in the fact that teaching these skills is very time-consuming and requires considerable teaching capacity. From this ensued the self-instructing, interactive electronic learning program 'Counsellor, Be Prepared'. The course is a concrete and practical illustration of how ICT can be used in education. Moreover, it shows how skills can be taught with the help of a computer.

The 'Advocacy' course consists of three parts. The first comprises the electronic self-instructing program which consists of three CD-ROMs, a textbook and such other materials as a reader and client files which must be

dealt with. The interactive CD-ROMs are the guideline to the course.

In the second part students collaborate on a client file on the Web; they comment on and assess each other's written pleadings; and practise advocacy. Both students and teachers provide feedback on the basis of the criteria listed on the CD-ROM. The third and final part of the course consists of a moot court seminar organised by the participating institutions, where theory is put into practice and student performance is assessed.

Most electronic programs consist of either a compilation of knowledge or databases, or are aimed at teaching or testing knowledge. The innovative element of this electronic learning program is that it is aimed at acquiring a specific skill. It is often thought that skills can only be acquired by practising. However, this is only true in part. What is overlooked is the fact that practising a skill is preceded by instruction and getting to know the basics of the skill. As in writing a graduate thesis, it is important that the student knows in advance what is expected of him. In other words: learning always precedes practising. Learning does not always need to take the form of 'learning by doing'; it can be partly achieved by examining good and bad examples of advocacy. This is called 'learning by modelling'.

The process from getting to know a client's file to arguing a case before the court is a complex one. Therefore, the skills of advocacy are broken down into a number of steps the student needs to take in order to attain his ultimate goal. Some steps concern the preparation of the content of the oral arguments; others concern advocacy skills *per se*. As far as content is concerned, five steps are distinguished: from case-file to strategy; from strategy to written arguments; from written arguments to oral arguments; conducting advocacy; and reflecting on advocacy.

The skill of advocacy also consists of steps, which in turn are subdivided into sub-skills steps. All sub-skills have their own study tasks and assignments. Each sub-skill mastered by the student forms the basis for the next step.

All the universities use the first part, the interactive CD-ROM in the same way. This part is not dependent on teaching mode, since the student independently — without supervision, except for supervision within the computer program — runs through the CD-ROM. In the next part the students practise. Each institution or user may design this part, as it deems fit. At the Maastricht University Faculty of Law most of the teaching is conducted in the form of face-to-face learning. As a result of this, the second part, the practical part, will take place in the form of tutorial groups, in which the students collaborate on a client-file and practise advocacy. As the Open University of the Netherlands is an institute for distance learning, students participating in the second part will be in contact mainly via the Internet.

Experience has taught us that the CD-ROM program enhanced student motivation to do the second part of the course. Not a single one quit. One of the major reasons for developing the course was to reduce teachers' workload. This is why Part 1 of the course was designed to be fully self-instructing, which indeed it was. The number of instruction hours needed for successful completion of Part 2 turned out to be less than expected. Initially, two preparatory oral sessions had been scheduled. It was found that these could be reduced to a single meeting, because students proved to be fully capable of providing feedback on each other's performance, that is, the written and oral arguments. A good example of the self-instructing capacity of the program is the fact that, in the second session, students were able to competently take over the role of the teacher.

The multimedia course 'Advocacy' is an example of skills training with the aid of ICT, which is especially suitable for the acquisition of skills and attitudes. Both ICT and skills training will gain an increasingly prominent role in law courses. The fact that the 'Advocacy' course is self-instructing to a large extent reduces the deployment of teachers, which makes its implementation attractive.

Community building as a means of teaching creative, cooperative, and complex problem solving in clinical legal education

A Seielstad

8 *Clinical L Rev*, 2002, pp 445–521

Modern problem solving theory stresses the need for lawyers to look beyond clients' legal rights and interests, and consider methods and solutions beyond those offered by the formal mechanisms of the law. This article considers how education in creative problem solving can be enhanced in the clinical context through work with poor communities engaged in community building. It describes how the clinic at the University of Dayton Law School became involved in helping community groups in Dayton and at the same time developed a method of clinical teaching that emphasises broad-based problem solving in addition to traditional, more technical legal skills.

Rather than offer traditional legal services, such as drafting formal documents for not-for-profit corporations or litigating on behalf of formal groups or individuals, the clinic entered into a dialogue with its community partners to provide information about the law and other options and to find ways for the community members to set their own goals and choose their own methods. The result was a fruitful and invigorating relationship that resulted in palpable and significant improvements in the neighbourhood, and brought law students into working professional