

vidual attorney-client relationship, students cannot draw on the usual client-based interviewing and counselling methods to help them identify the problem and choose a course of action or strategy to attempt to solve it. They also lack the legal background and lawyering experience that can help them conceptualise problems more broadly.

Yet there are powerful reasons to involve students in broader problem-solving projects that seek to address the needs of a client community beyond individual case representation. Some of the same pedagogical insights that would lead one to conclude that maximum student ownership in individual case representation is the best way to teach lawyering skills also suggest that actively engaging students in grappling with the bigger social problems may be the best way to position them to be responsible members of the legal profession after they graduate.

In designing a clinical experience to give students meaningful ownership and control over a problem-solving project for a larger community or client base, the author employed four distinct types of strategies and called them compartmentalisation, connection, collaboration and continuity. To preserve each student's sense of ownership and control in the problem-solving endeavour, it is essential to break the problem down into pieces that each group of students can manage within their time in the clinic, and that each individual student can call his or her own. Collaboration among students can be built into the process in much the same way as it is in representing individual clients: through group brainstorming exercises, class discussions or individual presentations to the group.

The challenges of involving students in larger problem-solving endeavours beyond individual case representation are real, but they are not insurmountable. The challenges can be largely met by remaining aware of the

need to compartmentalise the students' work, so each student invests a sense of ownership in one piece of the project, and to consciously structure the clinical experience to allow for connection between the students and the clients they are serving, collaboration between students and with others in the community, and continuity between the work of students in different years of the project.

Towards a theory of assimilating law students into the culture of the legal profession

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51 *Cath U L Rev*, Fall 2001, pp 215–242

The role of skills teaching in law school has been the subject of much debate. Countless articles discuss which skills should be taught in law school, how they should be taught, and whether and how they should be integrated into doctrinal courses. This article focuses on the subject of teaching legal skills within the context of skills-oriented courses. Specifically, legal skills may be introduced to law students intensively in a number of different courses, including legal writing, moot court, trial advocacy, counselling and negotiation and clinical experiences. Whether a law school curriculum includes all or some of these skills-oriented courses, there is likely to be some overlap of the skills taught. However, various courses address different aspects of the same skills to varying degrees of sophistication.

Recognising this continuum of skills learning in law school education is the first step in creating a curricular environment that maximises a student's exposure to skills learning. Additionally, adopting a teaching perspective or pedagogical philosophy for teaching legal skills enhances the value and underscores the continuity of skills learning for law students.

Legal writing and the judicial externship are courses in law school that focus primarily on the teaching

of legal skills. Legal writing courses must cover certain fundamental concepts, including the mastery of writing particular legal documents, the use of authority, and proper citation form. However, these fundamental concepts are taught within the broader context of skills training. In fact, a legal writing course is the beginning of a law student's exposure to the skills needed for the effective practice of law. Similarly, in judicial externship courses, knowledge of certain fundamental concepts is necessary for success. For example, a basic understanding of civil procedure and motion practice is helpful to a judicial extern. However, the overriding goal in an externship involves mastery of skills such as communication and time management. While both courses impart a mastery of similar legal skills, they do so at different times in a law student's career and to different degrees.

Although legal writing instruction has a substantive component, the hallmark of teaching such writing is a focus on skills uniquely associated with the practice of law. Some of the skills-oriented goals of a legal writing course include: (1) developing a writer's persona; (2) mastering legal research and legal analysis; (3) communicating; and (4) considering ethical issues. Similarly, judicial externships also allow students to gain a mastery of various skills, including: (1) organisation and management of work; (2) problem solving; (3) effective communication; (4) recognising and resolving ethical dilemmas; (5) improvement of analytical and research skills; and (6) development of a professional persona. Each of these skills is necessary in a successful legal practice.

Ideally, an effective skills curriculum would be integrated, not only with other skills courses, but also within the entire curriculum. Skills learning would be viewed as a continuum of mastering the same skills,

but in different courses and at different levels. Students would begin with an introduction to legal skills in their legal writing courses and during the course of law school, they could advance to the threshold of practice in an intern-like clinical experience, like the judicial externship. To effectively integrate skills learning, however, a law school needs to have a unified perspective in the teaching of legal skills.

By adopting a pedagogical philosophy of skills teaching that incorporates the textual and individual perspectives into the social perspective, a law school would effectuate a skills curriculum that is unified and effective. Instruction that focuses only on the textual perspective is not helpful in acclimatising students into a new idiom or dialogue. A teaching approach that focuses solely on product often leads to students' frustration, anxiety, and, ultimately, hostility towards the instructor as well as the profession. By incorporating the individual perspective together with the textual perspective, students realise that they are not alone and that a well-written legal document is not the result of genius or rigid adherence to formula.

Focusing primarily on process misleads law students into thinking that as long as they are engaged in the process, their efforts should be rewarded notwithstanding the outcome. However, this is not the case in the world of law, where the operative effect of a legal document is determined more by adherence to traditional formal requirements in combination with effective analysis than the amount of effort it may have taken to produce it. Therefore, while the individual perspective aids students in understanding that they are learning a new and a different dialogue, it is only a vehicle of coping with this new context; it does not explain the context.

The social perspective of writing focuses on the context in which a text is generated. Under this theory, the

context of a given culture ie. the political, economic, religious, or social norms of a group impel the text. Thus, an understanding of language as it operates within the social context of the group from which a particular text emerges instructs the reader as well as the writer.

Teaching law students the skills of lawyering requires instruction and initiation into the world of the legal profession, an emergence into a new discourse group, with new paradigms of reasoning. An effective method of teaching legal writing, therefore, is to communicate to students an acknowledgment and respect for the context of the legal practice community. Therefore, viewing legal writing as only one part of skills teaching strengthens the teaching of legal writing because it places it within the broader context of skills teaching in law school and defines it in conjunction with the other skills courses necessary to prepare law students for the practice of law. Under a unified perspective of skills teaching that incorporates the textual, individual, and social perspectives, clinic courses incorporate and continue the goals of legal writing courses.

Because the same legal skills are taught in legal writing and clinic courses, the courses work together as a progression in skills development. First, the law student is introduced to new paradigms in legal writing through various written and simulated exercises. Next, the student progresses to a more context-based skills education in a clinic through both simulated exercises and actual experience of supervised placements within the practice. By adopting a unified perspective of skills teaching that focuses on the social perspective, while also being cognisant of the value of the textual and individual perspectives, an integrated skills curriculum allows law students to become immersed in the culture of the legal profession.

STUDENTS

Something old, something new, confronting poor retention among first year law students by restructuring aspects of the teaching and learning experience

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36 *Law Teacher* 1, 2002, pp 44–62

This article asserts that established concerns about access to, and widening participation in higher education, are now reflected in interest around retention. Those law schools with inclusive admissions policies and widening participation practices face a number of challenges around the financial and human costs of poor retention.

This article argues that poor retention among first-year law students often reflects a lack of engagement. This lack of engagement exists in two key relationships: first, between students and the teaching and learning structures of their law school and university; and second between first year law students and many of the staff who teach them. It is argued that this lack of engagement reflects a clash of cultures, first between the requirements and structures of the law school and the everyday life experience of our students, and second between ourselves as teachers and our students.

While widening access to undergraduate legal education has been a real achievement of the new university law schools, the benefits are all but lost if those students who have accessed legal education fail to finish their degrees. Retention is the other side of the access equation.

The new universities are more likely to recruit students with poorer entry qualification and from lower social classes. Non-continuation rates among these students are higher than those typically recruited by old university law schools; completion rates are lower.