

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**

S Vernon

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.

Most, if not all, of the new universities have mission statements that are culturally, ethnically, socially and educationally inclusive, which are supported by law schools in the spirit of encouraging wider access to legal education and to the legal profession. The student cohort will be ethnically diverse and, although multiculturalism is a profoundly rich and positive context for legal education, both in terms of the curriculum and the student experience, it brings challenges around cross-cultural teaching and learning issues such as the curriculum, learning styles, the use of language, and to the dynamics of personal and tutorial relationships.

Many new law schools have sought to offer teaching and learning structures that support systems that are considered to be both flexible and appropriate. However, such developments have also to contend with the requirements of the Bar and the Law Society that the academic stage of legal education is completed within a restricted time frame.

Despite these initiatives, attendance at classes is often poor, failure rates are too high and retention is problematic. It is suggested that these three criteria are indicative of what might be termed 'engagement' or more accurately in the circumstances described, 'non-engagement'. The fact of non-engagement may be thought to be surprising given the personal financial investment now necessary for higher education.

Research into the likely causes of non-completion in higher education suggests multiple causes, including: poor quality of the student experience; inability to cope with the demands of the higher education program; unhappiness with the social environment; wrong choice of program; matters related to financial need; and dissatisfaction with aspects of institutional provision. The Paving the Way project suggests a range of central issues supporting the retention and progres-

sion of mature students: informative induction programs, early availability of timetabling and course choice information, continuity of teaching staff and better child care facilities. Despite these and other initiatives, and other good practice identified, the experience of many law teachers in the new universities is of first year students who are either not engaged or not fully engaged with the course they have joined. Given this experience, there is a need to establish whether there are other explanations that will help us to tackle the indicators of negative engagement — poor attendance, failure and retention.

It is suggested that there may be two important 'cultural clashes' in operation, with both having a negative impact on retention. The first clash is between the requirements and structures of the law school and the everyday life experience of our students. The second is between staff and student perceptions of higher education.

Focusing on the structures and quality of teaching and learning and on academic and pastoral support is central to the retention and dropout equation. We can improve the engagement of full-time law students by returning to some of the old styles and methods of teaching and tutoring, in particular the emphasis on weekly written assignments and regular tutorials, and by adopting new technology for those aspects of teaching and learning that are most suited to it. Such a focus may offer some ways forward in confronting the problems of attendance, failure and retention — of non-engagement.

In seeking engagement with our students it is necessary to take account of the 'outsideness' of many of them and understand how issues around class, race, gender and sexuality may make engagement with the dominant structures and deliveries of legal education so difficult for many of those entering the new law schools.

The author provides 12 proposals as to how these problems can be addressed.

The variety of these propositions provides a flexibility of teaching and learning resources that should be able to take account of the diversity of the student cohort. These proposals are suggested as a strategy designed to tackle non-completion and improve retention by increasing engagement between our students and the courses we teach, between ourselves and our students and between students themselves.

## TEACHING METHODS & MEDIA

### **Medical education again provides a model for law schools: the standardised patient becomes the standardised client**

L Grosberg

51 *J Legal Educ* 2, 2001, pp 212–234

A teaching technique used in medical schools has proved to be quite valuable in a law school setting as well. Playing the part of a *standardised patient* (SP) an actor or other layperson is interviewed and examined by a medical student. Afterwards the SP provides written feedback to the student, using an evaluation checklist prepared by the medical faculty. The form assesses the student's clinical performance. This teaching tool has been a part of medical education, especially in the third and fourth years, for more than twenty years.

Notwithstanding its extensive use in the medical world, the SP concept has not been copied in law schools. The striking similarities between certain aspects of clinical education in medical and law schools suggests that we could learn something from our medical colleagues. In both professional schools a primary pedagogical objective is to teach students how to apply their medical