

consumption, when the students become the domain experts, the knowledge engineers and the teachers.

CURRICULUM

Training for better decisions: designing a computer-mediated distance education subject for tribunal members

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The post-war expansion of government programs has seen the establishment of numerous tribunals to make decisions, or to hear appeals from government decisions, in areas as diverse as planning, migration and guardianship. At the same time, the need to regulate occupational groups has led to a proliferation of industry-specific disciplinary tribunals. All of these can be considered to be administrative tribunals, although no clear line separates them from 'court-substitute' tribunals which adjudicate disputes relating to private rights and liabilities.

While there are no general entry-level qualifications required for appointment to administrative tribunals, a great deal is asked of the members. In many tribunals, members combine the roles of investigator and adjudicator, and some are also expected to be skilled in alternative dispute resolution processes. Effectiveness as a tribunal adjudicator requires the ability to identify the issues, elicit information, evaluate evidence, interpret and apply legislation, precedents and policy, and to communicate reasons for decisions. Many of the required skills, values and knowledge will need to be learned or improved after appointment.

Despite widespread agreement that members of administrative tribunals should be trained for their role, no clear model for providing the training has emerged. University law schools can assist in the delivery of generic training for tribunal members. Some uni-

versities already have the required expertise and infrastructure for learner support, and have the economies of scale to provide cost-effective training.

This article reflects upon the experience of Monash University, Australia, in developing a new graduate law subject for members of administrative tribunals, called 'Decision Making for Tribunal Members'. The subject gives a broad introduction to the role of tribunal members, the framework of legal regulation in which they operate, and the legal and ethical requirements for administrative adjudication. The learning activities for the subject are designed to develop core skills of statutory interpretation, use of precedents, identification of issues, analysis of problems and writing reasons for decisions. The intended student group is people currently serving as tribunal adjudicators, including those who have legal qualifications.

One obstacle to the generic training identified is the diverse and specialised nature of tribunal practice. The problem was how to teach generic skills and knowledge in a way that would satisfy the learners' need to see the practical application to their own tribunal context. The proposed solution was to design learning activities that require students to formulate their own problem and then to solve it by applying their newly learned skills and knowledge, thereby promoting the transfer of skills from one problem to another. A further way of demonstrating the transferability of skills and knowledge is to enable students to share their answers. The provision of many examples helps students not just to apply their new learning but to distinguish situations where it is necessary from those where it is not.

The first step in developing the subject was to determine what the subject matter or curriculum was to be. Adult education theory holds that adults are motivated to learn when they experience gaps in their knowledge that

learning will satisfy. So analysis of the learners' needs is the starting point for developing a curriculum for tribunal members.

A variety of learning approaches was selected to serve different objectives or aspects of the subject, including keeping a professional journal, analysis of a case, reflective writing exercises, online investigation and reporting, asynchronous computer conferencing and problem-based learning.

Problem-based learning was the principal method for teaching the core skills of analytic reasoning, statutory interpretation, problem-solving and writing reasons for decision. In this approach the focus of student learning is on the problems they are likely to encounter in professional life, rather than on the assimilation of academic knowledge abstracted from context.

Opportunities for interaction with teachers and fellow students are highly desirable features of an integrated learning environment. With the course being offered by distance study mode, it was decided against including a compulsory face to face component, as this would impose substantial costs on interstate students. Instead interactive features were incorporated into the subject by use of the Internet.

Along with an emphasis on the professional knowledge base and competence in practice, contemporary approaches to professional education place value on prompting students to reflect on their professional role and experiences. Since professionals acquire much of their competence through practice, educational theorists have become interested in the reflective process by which professionals learn from experience. Fostering the cycle of action and reflection is seen as a means of enabling professionals to adapt to external change, to reappraise their values and to become lifelong learners. Activities were provided to prompt students to reflect upon their professional role and what they had learned from particular experiences in

their tribunal practice. Over a period of four consecutive weeks, students made entries in a professional journal, recording each step in the process of reaching a decision in an actual case from their tribunal practice.

To support the online delivery of the subject, a program was used which was developed by Monash University's Centre for Higher Education, for the delivery of professional education courses. The use of online delivery enabled this subject to be delivered to an important target group for which this sort of specialised education would not otherwise be accessible.

The subject was delivered during 2001 as a pilot offering to a group of 19 students, drawn from seven different State and Commonwealth tribunals across four states. They were of diverse professional and disciplinary backgrounds, and included six students with legal training. The subject was evaluated by both external and internal methods. External sources of evaluation included comments from the heads of four major tribunals who reviewed the printed materials, and evaluative feedback from an external academic assessor who had access to the online worksites and discussion forum as well as the printed materials.

The external academic assessor commented on the high standard of written materials, which represented a major synthesis of administrative and other laws pertaining to tribunal work, and the practical focus of the assessment activities. Comments provided by the tribunal heads on the written materials illustrated the diversity of the tribunals and of their positioning in relation to this subject, given the variation in levels and areas of training they provide to members. The subject evaluation questionnaire, completed by 10 students, showed that students were very happy with the subject content, teaching methods, study guide and activities. Completing the subject enhanced their ability to perform their functions as tribunal members, and

stimulated their interest in further study.

Australian law schools are well placed to contribute to the professional education of tribunal members. The absence until recently of a national peak body for Australian tribunals has led to lacunae in the provision of common training programs. Australian universities have the expertise to develop attractive subjects and the educational infrastructure to support learners, whether studying locally or at a distance. The provision of university-based programs will promote consistency in professional standards and prepare members for a broader role within the tribunals sector.

EVALUATION

Why the US News and World Report law school rankings are both useful and important

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In 1990 US News and World Report published its first ranking of law schools and other graduate programs. The criticism started almost immediately and has continued unabated. Even deans and faculty of high-ranking and well-respected law schools generally denounce the rankings as counterproductive, flawed and unfair. Certainly, sales of the magazine's annual rankings issue have not suffered on account of their criticism. By carefully evaluating their arguments, we can gain insight into some of the problems that exist in legal education today. The arguments made against the rankings can be shown to be flawed. And by reviewing the criticisms we can better understand why the US News rankings seem to fulfill applicants' need for information in a convenient and simple format.

The US News rankings evaluate reputation among practitioners and academics, selectivity, placement

success and faculty resources to come up with an overall score for each ABA-accredited US law school. The rankings are published in the spring of each year. Reputation accounts for 40 percent of each school's overall score. Twenty-five percent is based on the results of a survey mailed to the dean and three faculty members at each law school. Each respondent is asked to evaluate every law school on a scale ranging from 1 ('marginal') to 5 ('distinguished'). The remaining 15 percent is based on survey responses from hiring partners, other lawyers, and senior judges.

Critics of the rankings say that law school applicants take the rankings too seriously, choosing their schools on the basis of rank while ignoring other more important factors such as quality of life. Who encourages this? Not the US News, which states that the rankings can start applicants on the right track of finding the right school but that many other factors which cannot be measured should figure in the decision. Not the legal education establishment. The Law School Admissions Council's Web site features a letter endorsed by the deans of 174 ABA-accredited law schools advising applicants that numbers-based ranking systems like the one published by US News are inherently flawed because none of them can take special needs and circumstances into account when comparing law schools. And not by individual law schools.

Despite the concerns expressed by some critics, it seems apparent that students are not really being encouraged to overemphasise the ranking. But is it possible that, even without encouragement from anyone in a position of authority, students are nevertheless taking the rankings too seriously? It is probably fair to say that many students do indeed consider rankings in making their decisions, but by no means is it clear that students are relying exclusively (or almost so) on the ranking. No one has demon-