

specialist finding tools and research aids in different formats: books, microfilm and electronic databases. The library skills instruction component is presented in three main parts: 1: secondary sources and materials; 2: primary materials: case law and 3: primary materials: statute law.

MANDATORY CLE

[no material in this edition]

OTHER DISCIPLINES & PROFESSIONS

[no material in this edition]

PERSONALIA

[no material in this edition]

PLANNING AND DEVELOPMENT

[no material in this edition]

POSTGRADUATE PROGRAMS

[no material in this edition]

PRACTICAL TRAINING

Transactional law workshop planned for October

94-3 *AALS Nltr*, August 1994, p 1
Reports on a workshop to be held in October 1994. A transactional approach to legal teaching and scholarship contrasts with the present tendency to approach commercial subjects through the eyes of the judiciary. The standard

curriculum treats commercial subjects as another occasion to study the way that judges decide cases; it trains students to be litigators in these fields, only intermittently recognising that an equal number of students will become transactional lawyers, negotiating and memorialising deals rather than litigating disputes. Plenary sessions dealt with the theory of transactions - law and economics; the lawyer's role in transactions, beyond the common law curriculum; and teaching the transaction.

PURPOSE

Preparing lawyers to participate effectively in the legal profession

R MacCrate

44 *J Legal Educ* 1, March 1994, pp 89-95

In this article the author restates the central message of the American Bar Association task force report on *Legal Education and Professional Development - An Educational Continuum*, namely that legal educators and practising lawyers are engaged in a common enterprise: the education and professional development of the members of the profession. The development of the skills and the values of competent and responsible lawyers lies along a continuum that starts before law school, reaches its most formative and intensive stage during law school, and continues throughout a lawyer's professional career.

The challenge for law teachers is to escape the confines separating doctrinal learning from skills and values instruction, and to identify the role they can play in the preparation of lawyers along the educational continuum.

In Part I of the report the task force provided a comprehensive overview of the profession today so as to determine the necessary skills and values a lawyer should have to participate effectively in the legal profession.

Part II sets forth the skills and professional values a lawyer should seek to acquire. The professional values identified were responsibility to the client, public responsibility to the justice system, responsibility to the profession and personal responsibility for one's own professional self-development.

The task force recommended that the accreditation standard for law school courses be amended to include a clause requiring the law school to prepare law students to participate effectively in the legal profession. The report also found that skills training is a bona fide component of legal education and that law schools have demonstrated an ability to teach skills and values. However, much needs to be done to satisfy the goal of professional competence and responsibility of law graduates.

RESEARCH

[no material in this edition]

RESOURCES

[no material in this edition]

SKILLS

Trial advocacy training in law school: an Australian perspective

L A McCrimmon

5 *Legal Educ Rev* 1, 1994, pp 1-19

The myth that effective advocacy cannot be taught has been finally put to rest. However, only half of

Australian law schools offer a course in trial advocacy, whereas almost all of the accredited law schools in the United States offer such a course.

This article deals with the place which a trial advocacy course should occupy in the undergraduate law school curriculum and the structure and content of the course. The program pioneered for the United States National Institute of Trial Advocacy (NITA) is discussed. It is also noted that the Australian Advocacy Institute focuses on training practitioners. Four reservations about the application of the NITA model with undergraduate students are considered and the conclusion drawn that a modified form of the NITA method should be adopted in Australian law schools.

A NITA based advocacy course should be a semester course rather than an intensive course. Students should work with the same case file throughout the semester. Whilst the course should centre on skills development, a substantial amount of time should be set aside for discussion. The delivery of constructive feedback is of great importance and should follow the detailed recommendations set out in the NITA program. Videotape review provides an excellent opportunity for the course instructor to give personal attention to the students' performance and allows students to reflect on their presentations. In trial advocacy courses instructors' assessment may be influenced by the personality of students and their own experience and bias. To minimise an inherent subjectivity, a written component should be included in the assessment regime with students identified by student number rather than student name. The course should also teach students to deal

with and relieve courtroom anxiety by emphasising the confidence gained through thorough preparation and systematic desensitisation. The content of the course should emphasise that a trial is a search for truth and instil principles of professionalism and ethical behaviour.

The conclusion is reached that a trial advocacy course which emphasises skills training does warrant a place in the law school curriculum, provided students are given the opportunity to explore and question issues beyond the mastery of forensic skills.

Testing trial advocacy: a law professor's brief life as a public defender

G S Gildin

44 *J Legal Educ* 2, June 1994, pp 199-205

After teaching trial advocacy for 14 years the author decided to serve his sabbatical as a public defender in Cumberland County, Pennsylvania so as to test the advocacy skills that he had urged upon his students.

One aspect of the litigation process that no textbook, lecture, videotape or simulation could ever reproduce was the client. Sentencing advocacy arguing commonsense reasons why incarceration would be inappropriate and counterproductive rather than trial advocacy arguing the law was required in the representation of the defenceless client. Appeal to legal protections such as presumption of innocence, the defendant's right not to testify, and the prosecution's burden of proving guilt beyond reasonable doubt had little effect on the jury's verdict when the client for one reason or another could not be put on the stand. This highlighted the divide between legal precepts and

reality - something trial advocacy courses can only allude to.

The vacillating client was also encountered, providing ethical dilemmas for the advocate. No magical formula was discovered to deal with this contingency other than "maintaining a poker face when adversity strikes." At the public defender's office counsel usually had only fifteen minutes to prepare the defendant's case. The justice system resembled an assembly line with the defendant's advocate perceived as simply another cog in the machinery processing him towards incarceration.

Finally, the most stressful moments were those spent defending those whom the author was convinced were not guilty, whilst the most rewarding moments were seeing those people walk, free, out of the courtroom.

The author's experience had a profound impact upon his own teaching of trial advocacy. He recommends that teachers must try harder to prepare their students for the surprises, frustrations and despair they will encounter when live clients replace the confines of the case file.

Developing legal problem-solving skills

S Nathanson

44 *J Legal Educ* 2, June 1994, pp 215-231

Competent lawyers must be effective problem solvers and it is the job of legal educators to find methods to teach legal problem-solving effectively. Teachers should design instruction which synthesises general problem-solving skills and context-specific knowledge.