

als, with the exception of the 'rotten apples' will undertake.

The primary arguments in favour of MCLE include increased competency, promotion of an education habit, increased quantity and quality of programs and enhanced public image. Certainly many members of the profession would agree with the aim of increasing competency of the profession as a whole by requiring the 'rotten apples' to participate in MCLE programs. Concerning the promotion of an education habit, the fact is that many professionals do already participate in voluntary continuing professional education. Increased public demand for accountability in the professions and increased public criticism has meant that the professions have been forced to undertake public relations activities to enhance their public image. By mandating continuing professional education, the profession can hold itself out to the public as being committed to attempting to remain abreast of current developments and actively maintain its high standards.

It is difficult to evaluate the effectiveness of the expected learning outcome of MCLE in improving competence of professionals. Precise competency standards have not been identified. While there is some evidence from other professions that there is a link between mandatory continuing professional education and competence, there is little evidence regarding continuing legal education's effect on competence. A practising certificate is a representation to the public that a legal practitioner is competent to practise law. In order to ensure compliance, MCLE has been linked to the renewal of annual practising certificates. Unless a link between attendance at continuing legal education activities and in-

creased competence can be shown, it must be asked whether the failure of practitioners to comply with MCLE requirements is evidence of incompetence or only non-compliance and whether it is legitimate to deny non-complying practitioners the right to practise.

Participants in continuing professional education will of course be adult learners. An important characteristic of adult learners is that they adopt different learning styles. It is important for CLE programs to accommodate different learning styles and the way adults learn by implementing a variety of teaching methods and not just the traditional didactic lecture mode.

The difficulty with MCLE is that people cannot be forced to learn. The unwilling participant forced to attend will attend but not learn. Mandating learning is in direct opposition with established principles of adult teaching and learning. Furthermore, unwilling learners may have an adverse effect on the learning environment which invariably reduces the effectiveness of the educational experience.

Issues arising in relation to the quality of programs include control over and evaluation of continuing legal education providers and needs analysis in the development of course content. Providers of continuing legal education should be trained educators with particular expertise in the development of the content and processes essential for continued learning about and in law, taking into account the educational issues and economic and organisational problems arising as a result of compulsory education. Difficulties arise because continuing legal education is often performed by persons possessing high technical competence but inadequate

educational practice. As the main objective of MCLE is to improve competence and thus the quality of legal services, it has been suggested that MCLE programs should be developed after taking into account the needs of individual practitioners as well as those of clients.

Although learning is an individual responsibility and a lifelong process, MCLE has a role to play in assisting the practitioner in this process. The primary justification for imposing MCLE on practising lawyers is increased competence and quality of legal services. Although any MCLE scheme can only represent a minimum requirement to keep up-to-date and not all that may be required, a properly structured and regulated scheme has an important role to play in an increase in lawyer effectiveness and the public image of the legal profession. Certainly MCLE will not cure chronically negligent practitioners, but it will expose them to the possibility of learning.

## RESEARCH

### **Student perceptions of teaching methods: an analysis of how perceptions can impact on the learning process**

A Black

14 *J Prof L Educ* 2, 1996, pp 203-226

Student perceptions of teaching methods are identified as but one variable in the dynamic and multi-faceted process of learning. Perceptions are the subjective component in the process, being the individual's own evaluations and beliefs about a particular method as distinct from its objective characteristics. The existence of common or shared student perceptions or an extreme divergence



of perceptions of method provides insights into the learning process itself.

This study, which was carried out using Biggs' '3P' (Presage-Process-Product) Model of Classroom Learning, had three objectives: (1) to determine law students' perceptions of four integrated teaching methods that they had encountered in one specific first year subject; (2) to determine what effect these perceptions had on the way in which they went about their learning in response to the method adopted and whether there was any effect on their attitudes towards the subject matter itself or the teachers themselves; and (3) to determine whether particular groups within that law school body showed any significant deviation in perceptions of teaching methods from those of the general student body.

The student population chosen for the study were second year law students at the University of Queensland, Australia, all of whom had completed the compulsory first year subject, Introduction to Law, in the same year. The teaching methods selected for analysis were: (1) formal lecture in combination with a structured tutorial; (2) independent research combined with an unstructured open discussion tutorial; (3) skills-based seminars, where content and practical application were united in one session; and (4) formal lecture in combination with an interactive workshop. The data were further analysed with respect to mature-age students/school-leavers, ESL/native English speakers and male/female students. In this qualitative study data were collected by semi-structured interview from 58 out of a total student body of 286.

Method 4 (lecture/ interactive workshop) was felt to be the most effective by all categories of respondents, whereas method 3 (seminars) was

viewed as least effective. It was also found that the majority of the students interviewed believed that teaching methods had a considerable impact upon how they learned and how they felt about the subject itself. They perceived each method as giving an implicit message to them about what approach to adopt for learning. However, the students revealed that there was often divergence in their own evaluation as to whether the effect was positive or negative for them personally and whether the approach promoted by the method was effective for them as individual learners.

The third research objective was to determine whether particular subgroups showed any significant deviation in perceptions of teaching methods from the general student body. There were no significant differences in perceptions according to gender and ESL students generally shared similar perceptions about teaching methods and their effectiveness as did the general student population. However, there were differences evident between mature-age students and school leavers, the former favouring deep learning approaches, such as method 2 and those promoting interest and understanding through experience, such as the workshop component in method 4.

Essentially the study established that teaching methods, or more importantly, how students in fact perceive these methods, does make a difference to student learning. This in turn places an obligation on teachers in law schools to reconsider their objectives and teaching goals, to establish what type of learning they wish their students to adopt and to determine what methods may best achieve those goals and learning outcomes. There is a vast array of teaching methods, ranging from the traditional didactic

lecture and tutorial to interactive workshops, discussion techniques, syndicate methods, independent study, computer-managed learning, interactive videos, problem-based learning and experiential learning. The challenge for the law teacher is to select from these innovative teaching methods and creatively to rethink and accordingly modify where necessary existing methods so that quality learning is achievable for their students.

## SKILLS

### REVIEW ARTICLE

#### **What lawyers do: a problem solving approach to legal practice**

S Nathanson

Sweet & Maxwell, 1997

166pp.

In his preface the author claims for this book a very bold objective. Nathanson points to the familiar inherent tensions about the purposes of law school education between those who contend that it is about teaching academic or theoretical law and the opposing camp which claims that its proper province is teaching legal practice. He concludes both that academic legal education seems unrelated to practice and that legal-practice education seems to lack a strong theoretical framework and sets for his book the goal of attempting to bring the two divergent outlooks together by explaining how law relates to practice and how practice is based on theory and principles.

Nathanson's credentials for essaying this difficult task are impressive. In his early work as a PLT course designer in Canada, he realised that what was lacking was a unifying theory of legal practice to act as an organising principle for the course in its entirety and as a sound framework