

lem, more complete and varied solutions are likely to result. Sometimes the solution may be not to resolve the problem exclusively through the judicial system.

What kinds of risks does a professor take when he or she decides to 'talk diversity'? First, there may be racist, sexist, and homophobic people in the classroom. In fact, everyone is at varying levels of bias — realisation and actualisation. Secondly, some students will be uncomfortable with a discussion about diversity issues no matter what the teacher does to create a supportive classroom environment. Students may complain about a multiple-perspectives or diversity approach because it could increase their reading load. Too much of a focus on difference might increase tensions in the classroom. Students and the professor might be uncomfortable and feel awkward. Furthermore, some students view these issues as entirely irrelevant to the law. There is also the perpetual concern that a classroom discussion might deteriorate into a heated emotional debate that will get out of control.

At least seven essential points will greatly assist a teacher who deliberately plans to incorporate issues of race, gender, class, sexual orientation or disability into the teaching of legal materials. These are — Relationships, Relevancy to the Legal Analysis or Process of Lawyering, Listening, Methodology, Humor, Handling Silence, and Preparation.

Developing a relationship with the class should occur at two levels — the individual students and the group. Naturally, it is important to convey your respect for the student in as many ways as possible. Ultimately, teachers who pay attention to and work on developing positive, respectful, and open relationships with their

students on individual and group levels will have classroom environments in which students can and will take risks. Some refer to this as creating a safe environment for students.

One should be careful that when raising these issues they are related to and designed to advance the discussion in a material way. Unless discussion is used in connection with legal theory, doctrine or practice, this discussion is best left to another forum.

In recent years, academic support scholars have published articles and conducted workshops about the importance of using a variety of teaching methodologies to maximise learning in the classroom. The reason for adopting such an approach is that students have a broad range of different learning styles. This point is vital when raising issues of diversity. Frequently, a teacher may need to employ materials such as historical documents, social science data or the briefs in the case to set out properly the context for discussion of any one or more of these issues.

Diversity issues can be raised across the law school curriculum and are not necessarily limited to only certain areas of the curriculum, like courses on civil rights, gender and the law of domestic relations. Extensive outside research is not necessary to raise diversity issues. The issues appear in some casebooks by virtue of the author's choice of cases and notes. In addition, some casebooks have included materials other than cases to support a professor's choice to raise these issues. Articles, of course, could be assigned that will provide students with another critique on legal norms that often appear neutral. Narratives and autobiographies are also powerful tools for communicating the outsider perspective to someone who has no experience on which to draw.

The need to integrate issues of race, gender, class, sexual orientation and disability into the law school curriculum is important at this moment in legal education. One needs to think broadly about the missions of the institutions and how the discussion of diversity issues will assist in achieving those missions. Incorporating diversity into the curriculum is an appropriate direction for law schools and one that will greatly enhance the students' abilities to be effective lawyers and leaders within our communities.

A 'black hole in legal education': research into learning materials for law students

C Little & P Leighton
with T. Mortimer

31 *Law Teacher* 2, 1997, pp 208–231

As law teaching professionals we are faced with the need to respond to change, the need to ensure our courses are well supported by learning materials and that these materials are relevant, appropriate and of good quality. These materials ought to be available in libraries and there ought to be a synergy between law teachers, law libraries and law publishers. We should not be aiming to teach law courses unless they are well supported by learning materials readily available in libraries or available to students in other ways. However, although law teachers consider libraries and learning materials very important to their own work, relatively few are prepared to play an active role in developing library resources.

A study was launched in 1996 into learning materials for students. It aimed to shed some light on the process whereby law teachers select and recommend various types of learning materials to their students. It was pos-

tulated that individual law teachers typically assess the learning material needs of their students alone. Little is known about the process whereby law teachers develop or recommend learning materials for their students. The research had four major objectives: (1) to identify the extent to which law teachers are involved in curricular development; (2) to clarify, in the process of course development and delivery, how law teachers select the learning materials they recommend for their students; (3) to identify in detail the factors which condition the selection process; and (4) to assess student responses to the material with which they are provided or are recommended to use or buy. Data-gathering was carried out by administering a questionnaire to 458 law teachers (response rate = 28%) and focus groups were used with law students.

What appears from the research findings is that the key learning materials for the teaching and learning of law are the textbook and handouts produced in-house. The features deemed to be of importance to the lecturers and students alike are that texts are up-to-date and that they are appropriate for the course content. There is agreement that a textbook should be readable and accessible. Students seem to prefer learning materials which help them 'pass the course', rather than primary sources, which are considered time-consuming and unnecessary.

The ACLEC Report was clear in its message concerning the liberal law degree. It advocated the contextualisation of the law and a variety of approaches to legal scholarship. Can the learning materials we recommend achieve this or are we recommending textbooks for purchase which are geared to passing the course?

Law teachers thought the response of their colleagues to a text to be very important, yet very few of them were influenced by good book reviews, possibly because few read them. Rather than developing a legal education which contextualises and draws upon interdisciplinary aspects, it may be that we are being too insular in our approach. It seems from earlier research very few of us read a variety of journals, yet those who do, do so to update knowledge. Despite the plethora of learning materials increasingly available in law, the textbook approach is still at the forefront of law teaching, along with handouts developed in-house. The lack of reliance on wider/contextual material is disturbing, as is probably the move to 'individualism' by law teachers. It may be ironic that at a time of modularisation, in part geared to student mobility between courses, institutions and even countries, their learning experiences become more and more 'bespoke' and less standardised.

Why is it that students feel the need to purchase additional materials, particularly when the range of learning materials used include, in addition to the lecture, a textbook, casebook, statute book and in-house materials? Is there still an over-reliance in assessment on the three hour unseen examination, in which regurgitation of material is expected? Are we educating law students in the way the ACLEC Report proposes, that is a liberal, contextualised legal education, or are we simply tutoring students to pass the examination? These questions should be given greater consideration when selecting and recommending learning materials.

A course whose time has come: using science fiction materials to teach law

P R Joseph

22 *Alt LJ* 3, 1997, pp 111–113

Where do the masses of people learn about the law? What shapes their views? Some peruse learned treatises, others read daily newspapers or tune in to the nightly news. Some have been to law school. Many people also rely (whether consciously or not) on popular culture for their understanding of law and the legal system. If popular culture helps to shape the public's view about legal issues, it also reflects those views. By its nature as a mass commercial product, popular culture is unlikely to depart radically from images which the public will accept. By examining popular culture, we, the legally trained, can get an idea about how we and the things we do are understood and viewed by the rest of the body politic.

Some have argued that as the populace has become more crime-weary, defence-oriented lawyer-heroes such as Atticus Finch and Perry Mason have begun to give way to prosecution heroes such as Sylvia Costas on *NYDP Blue*, Miriam Grasso on *Murder One* or the prosecution team from *Law and Order*. Others have noted that lawyer jokes and the use of the lawyer as a negative figure are rampant in television, movies, cartoons etc. Popular culture has messages for the legal profession, if we choose to listen.

Studying law and popular culture can be important for at least three different reasons. It can show the legal profession how we are perceived by the general public and help us identify problem areas in which the public does not correctly understand an issue (requiring lawyers to educate the