

ter the nuances of the law with respect to the selected strategies for representation. Those representing the defense had to decide whether to portray the client as insane, or justified, or whether the conviction should be reversed based on a technicality. Those representing the prosecution would have to choose whether to portray the main character as a monster.

In short, the assignment was pretty close to a real criminal prosecution — whether the students realised it or not. Additionally, the hope was that some students who had not previously been exposed to quality literature would take an interest that continued once the year was finished.

As moot court time approached and more students began reading the book, most of them said the book was lengthy, difficult and all they could distill from it was that the protagonist, Humbert Humbert, was a sick man. In legal terms, the book was about murder — criminal law, conviction, erroneous jury instruction, provocation — all terms to which the students could relate. However, there seemed to be no appreciation for any human elements in the book. Humbert Humbert was a child molester who sought out a man and killed him; clear cut, black letter law, application of a test, the state wins. Ninety-eight percent of the students wanted to represent the state. They wanted to apply an equation not to human beings, but to 300 difficult-to-read pages of information.

The author began thinking that maybe she had made a mistake in assigning *Lolita*. Her students were there to learn a career, to learn the law and how to incorporate legal explanations into legal documents. Learning to appreciate literature seemed to have no place on this agenda. However, a flicker of potential appeared: a couple of students saying they had read the criticisms and began seeing the book from another perspective or how the annotated version of the book really helped; a couple of other stu-

dents commenting that, at second glance, the case law was not completely negative. Despite the initial complaints, consternation and protestations that the problem was too difficult and one-sided, the briefs and arguments for both sides were passionate, well-constructed and full of conviction.

In retrospect, the author cannot claim that any cataclysmic changes were made in anyone's writing or lawyering abilities. However, her hope is that she sent many students away with new perspectives on literature and legal education. The students read something that, in many ways, was as far away from legally analytic writing as one could get. They were required to study language for the purpose of understanding what was occurring and were exposed to a stylistic manipulation of the language which most had not seen. They were exposed to ways in which language worked or could be worked, in order to convey an idea.

Despite *Lolita's* seeming irrelevance to the law school experience, there was no doubt that it was an eloquently written portrayal of some very real human conflicts — conflicts that, in real life, unfortunately end in the violence with which the book ended. It gave the students the opportunity to spend time with such characters, get to know them and ultimately feel for them, the good, the bad, the vile and the heart wrenching. The author cannot think of a more appropriate way in which to prepare students for their chosen careers as attorneys.

Revamping the law tutorial

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With 'quality teaching' becoming the catch cry of the decade, the process of 'rethinking the teaching of law' has been apparent in law schools throughout Australia. Although there have been significant innovations in undergradu-

ate teaching methods, it is not uncommon still to find the traditional teaching division of lectures and tutorials as the dominant structure for the teaching of law. Quality teaching can thrive within the traditional framework of tutorials and lectures. However, a failure by teachers to evaluate, in the light of current educational research and theory, what they do and why they do it puts the quality of law teaching in jeopardy and means that a highly effective teaching forum, the tutorial, may be devalued.

In many cases, the repeated tutorial format is a consequence of habit rather than critical selection. To allow tutorials to function just as 'mini-lectures' or as 'exam-trainers' is undervaluing their potential as a way to maximise student learning. Students spend 70 to 80 percent of the tutorial passively listening. From a student's perspective there appears to be very little difference between what it expected in tutorials as opposed to lectures. Developments in educational theory have until recently been ignored in law schools throughout Australia. Law teachers have generally tended to approach teaching in the same way that they were taught.

For many students the period of settling into law studies can be difficult. The tutorial can play a role in combating alienation because it has the potential to facilitate interaction and co-operative learning, both of which may help to reduce anxiety and isolation. Furthermore, the tutorial has scope to offer support and to provide a network of contacts, both social and academic.

Tutors might feel justified in implementing a range of teaching strategies in the tutorial program on the basis that students perceive variety as improving their motivation and learning. However, the structuring of tutorials should not be a process of random selection governed by variety for variety's sake alone. Whilst good teaching never allows a particular method to dominate,

a series of different styles alone is insufficient to facilitate good learning.

An understanding of how students prefer to learn underlies any attempt to maximise learning and revise teaching strategies. Golay's Learning Pattern Assessment distinguishes four learning styles. The actual-spontaneous learner (ASL) prefers to learn by experience. Consequently, if they are just talked to, it will go in one ear and out the other. In a tutorial, the interest of ASLs must be stimulated. They must understand the real life/ practical benefits of why they are doing a task and these benefits must be meaningful to them. As their attention span is short, presentations to this groups should also be kept short. The lecture method is therefore of little benefit for this type of learner. They do not seek intellectual ideas. Rather, their focus is on direct and immediate relevance.

The actual-routine learner (ARL) responds well to lectures, demonstrations, drills, routine and a high level of structure in the classroom and the content of the lesson. Accordingly, they prefer set goals and guidelines and are generally most interested in the practical aspects of the material they are learning. Unlike ASLs, ARLs have an eye for finer points and appreciate detailed handouts. Comprehensive notes of the teaching session are important to ARLs. As they prefer set routine, familiar patterns and practised methods, ARLs are usually not comfortable with spontaneity and creativity.

The conceptual-specific learner (CSL) responds well to theories and principles and enjoys piecing them together for application to actualities. They can concentrate well and generally have a high level of critical and analytical skills. Oriented toward future possibilities to apply their depth of knowledge, CSLs dislike a pure information transfer approach, routine and drills. CSLs appear as inquisitive students, asking questions to learn more and improve their knowl-

edge. They do not seek out relationships with others and do not enjoy student-directed classroom discussions, as they prefer to direct their discussions and inquiries to the tutor.

The conceptual-global learner (CGL) is a future-oriented, big picture learner who is comfortable relying on his/her own intuition. An oversupply of details will result in their eyes glazing over and their brains switching off. CGLs relate all learning to their personal situation and draw out the relevance for themselves. Accordingly, they approach learning from a subjective perspective. Impersonal and objective information transfer is not their idea of learning. Excellent judges of character, they treat situations and individuals uniquely.

Surveys conducted in the United States on the behavioural styles of law students indicate that the majority of law students possess temperament types which equate to the learning styles CSL and ARL.

Tutors will not be able to please all students all of the time. One strategy is to teach to the specific learning styles within each tutorial group. This is a precarious strategy because research on learning styles is still in its infancy. The other primary objection to this strategy is based on the notion that students must learn to learn in a variety of ways.

Joint responsibility for learning contributes towards promoting professionalism and responsibility amongst graduates in order to prepare them for the 'real' world. Recognition of and the ability to respond to human differences is a fundamental tool for working in a multi-disciplinary environment and for successful classroom dynamics. The learning environment is the ideal place to prepare students for this. Joint responsibility for learning involves a major student shift from a passive learning role, where dissatisfaction and poor performance are blamed on the tutor, to a proactive role, where students con-

sciously contribute to the structure and content of their learning.

Tutors are in the ideal position to encourage proactive and responsible learning in students. The learning styles activity is a highly effective initial activity for implementing joint responsibility in learning. Students are handed Golay's learning patterns inventory questionnaire to complete. The tutor explains to students how to identify their preferred learning style. Students are then divided into four groups according to their preferred learning style. Each group then reports back on its responses. By using the medium of a facilitated discussion, students discover for themselves how different they all are.

Developing joint responsibility for learning is more than a one-tutorial task. For example, addressing the issue of learning styles through the activity described above is a breakthrough step. When students become conscious of the process of learning and the factors that influence it, they are keen to see this knowledge in action. One should vary approaches to teaching and where appropriate explain to students the reasons for adopting a particular style.

Educating students that learning is a joint responsibility of both tutor and student may involve a small investment of time but it is an investment that reaps rewards. Students are prepared to share responsibility for the effectiveness of tutorials if they are directly involved in the structure, format and content of the tutorial itself.

Coordinating civil procedure with legal research and writing: a field experiment

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Active engagement in the learning process produces more effective learning for the time invested, better retention