

idea. Step Three is to ensure the manuscript conforms to the style guide of the journal in which publication is sought.

Step Four is to submit the manuscript with a covering letter addressed to the current editor by name. Do not submit the manuscript to more than one journal at a time unless the journal accepts multiple submissions or unless you are seeking a bad reputation and a short curriculum vitae. Step Five, if necessary, is to follow up. Some publications acknowledge receipt of the manuscript with a letter which indicates when a decision is likely. If the fateful letter rejects your article, Step Six is to submit, submit and submit again.

The potential of legal scholarship in Australia has been only partially realised; the potential synergy between bench, bar and academe only partially tapped. New law teachers have the opportunity to participate in that synergy and in the community of scholars.

TEACHING METHODS & MEDIA

Professional legal education, deep learning and dispute resolution

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15 *J Prof L Educ* 1, 1998, pp 1–14

Contemporary theories of learning emphasise deep learning and generic transferable skills which fit well with approaches adopted in dispute resolution (DR) processes and training. Promotion of deep learning signals a movement from teacher-centred learning toward student-centred learning, whereby students develop more involved approaches to and ultimately take responsibility for their own learning. A second goal of modern educational theory, and one which relates more particularly to professional le-

gal education (PLE), deals with the desirability of focusing on the acquisition of transferable generic skills rather than concentrating on the step by step details involved in particular transactions. The skills commonly emphasised here include negotiating, interviewing, drafting, legal writing, advocacy, research, problem solving and advising.

The need for student-centred legal learning to prepare students for practice as a lawyer is evident. At a time when lawyers have to prove their worth to clients and adapt quickly to social and technological changes, the truly successful graduate is one who has an orientation to lifelong learning and who has been educated to think more deeply about lawyering. This confirms that a PLE course which emphasises interpersonal skills rather than mere procedural knowledge and transaction-based information will not only be of more immediate use to the fledgling lawyer but will be of lasting value. Skills do not become redundant as laws and procedures change.

There are several aspects of dispute resolution practice and training which echo the precepts of progressive PLE. Both urge the practitioner to step outside their own concerns and view situations from the point of view of the others involved. DR urges client orientation while progressive PLE method urges student orientation. The client in mediation, for instance, is encouraged to accept control over the outcome of the dispute, just as the student is encouraged to do with respect to learning outcomes.

The fact that DR encourages the dispute adviser to see situations from the perspectives of other people must be seen as a major technique for fostering social understanding and extending a student's deep knowledge

of the social situation with which they have to deal. Moreover, its problem-solving orientation, with its emphasis on identifying objectives which bear on the actual problems of clients, developing strategies and adopting appropriate techniques to assist in the solution of these problems is precisely the sort of approach which facilitates understanding rather than rote learning.

Further, DR requires the development of interpersonal skills which go beyond the purely cognitive approach of teaching information, and requires the development of attitudes, such as self-awareness and empathy, as well as the facility to communicate well, listen carefully and adapt to particular circumstances. These are the generic skills favoured by modern learning theory.

There are many obstacles in the way of introducing deep learning and generic skills into PLE. The students and their prior learning experiences and present commitments inhibit these goals in a number of ways. Many students are not as self-directing or responsible as much of the literature on teaching adults assumes and they prefer passivity and direction over self-direction. Further, staff resources are not sufficient for sustained personal contact and training in practical skills.

A major constraint on achieving deep learning goals is the dual function in PLE courses: preparation for practice and accreditation for competence to practise. It is difficult in a short time to reconcile the 'certifier of competence' role with the role of 'facilitator of learning'. A further problem is the tenacity of the transaction-based approach. Curriculum designers are faced with a number of stakeholders in lawyers' pre-admission training, the most obvious ones being the students themselves and their potential employers, whose interests may

not always be compatible with their own but which we need to try and accommodate while not compromising educational goals.

Ignoring the prospect of sweeping reforms, a partial and tentative strategy is to introduce more problem-solving exercises, which not only have a place for DR alternatives as possible procedures to be recommended to clients, but involve significant imaginative effort on the part of students in working out suggested paths for dealing with complex and evolving situations. This can be fostered by group discussion, commenting on videos depicting aspects of the situation in question and some representative role playing in front of the class.

Teaching criminology through interview-based assignments

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8 Legal Educ Rev 2, 1997, pp 141–159

Teaching students how to do something without allowing them to put it into practice may be a poor way of encouraging learning. For example, in a conventional research methods topic assessed by examination, students may be tempted to smile nicely at lecturers, learn the 79 facts needed and then promptly forget which researcher did what in which book. This is a surface as opposed to a deep strategy for learning. As a consequence, it appears that the further students go in their undergraduate degrees, the better they are at passing topics and the less interested and enthusiastic they are about what they are studying.

For each of the last five years, the author has asked students to conduct original research based on qualitative interviews, a form of research where people are permitted to answer questions for themselves and in their own terms. The interview-based assessment that required students to inter-

view someone who was involved or who had been involved in crime or the criminal justice system. Interviewees were not necessarily seen as representing some part of the larger social world. However, students were encouraged to contemplate the ambit of the claims that they made for their material and to consider to what extent the views of their interviewees might represent a larger group. Students wrote 3,500 word reports which related their experience in the interview to relevant criminological literature.

Students took the lead in choosing and researching their subject area. They had less choice about research methodology. The interview-based assignment required them to ask semi-structured and open-ended questions as they investigated the way their particular interviewees understood the world. There were several advantages in choosing a semi-structured approach. For example, the research tool was more likely to encourage interviewees to consider their relationship with their interviewee and their subject material than a standardised questionnaire. The method also had the potential to provoke an analysis of the plausibility and credibility both of the account provided by the interviewee and the representation of that account by the interviewer.

Of course, the interview has its limits as a research method. Distortions enter into the narratives provided by an interviewee. Sometimes mistakes of memory, deliberately misleading or distorted recollection, or poor understanding can undermine the accuracy of the account. In responding to these difficulties, students were asked to assess material in terms of internal consistency, cross check it with other sources and place it within a context provided by other interviews, other

documentary evidence and a theoretical framework.

With greater autonomy came greater opportunity to make mistakes and it was important that students were able to construct a research plan that was ethically defensible and methodologically robust. Research ethics were taught as an integral part of research practice, rather than an adjunct to a course on methodology. While students began to develop a series of generic skills in interviewing and research, they also had to apply this understanding to a specific area of interdisciplinary study, criminology.

Over the last three years, the author has continued to change the way in which he teaches criminology and has used an assessed interview-based assignment to try to support active learning. Students have been encouraged to develop an understanding of the tools and resources available to them, apply this understanding to a specific area and be self-motivated and reflective.

Creating a corporations law case study

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8 Legal Educ Rev 2, 1997, pp 161–180

The study of corporations law is a struggle for many students. The concepts and structures addressed by the subject are complex, artificial and abstract. Moreover, students often lack direct experience of the operation of corporations and so have little concrete understanding of the phenomena which the law seeks to regulate. The main reason offered by the authors for seeking to develop a case study based on actual court proceedings for use in teaching corporations law is that they believe that such material has the po-