

problem for both disciplines. All writers on legal interviewing talk about the needs for empathy in the exercise of listening skills but there is little guidance on empathy for lawyers beyond the superficial. What message are we sending to the next generation of lawyers by purporting to measure empathy on a vocational course at the same time as measuring quality of legal advice, all in the space of a 20-minute assessed mock interview, and without finding out how it was for the client?

In legal interviewing counselling does not take place. It has not been requested or contracted for. But can counselling skills nevertheless play a part in the legal interview?

Carl Rogers suggests that effective counselling results in self-actualisation — the client becoming whole. A relationship with a counsellor who demonstrates the three core conditions of genuineness, unconditional positive regard and empathy will cause the client to become a more integrated person. However, it is not the explicit goal of legal interviewing to change the client. The contract with the lawyer is for fixing external problems. Of all the core conditions, the challenge of genuineness remains the greatest, because it cannot be taught through reading or acquired merely through understanding. Part of the work involved in learning the skill involves personal growth and learning to understand habitual behaviours and to acknowledge past personal pain, so as to be free from inappropriate behaviours and the neurotic game playing involved in playing the role of a lawyer.

A client may come to the lawyer with an external locus of evaluation, a massive blind spot or a refusal to

accept responsibility for his or her own actions. Going to a lawyer may be a backward step in dealing with their personal problems, or an avoidance of the real issue. Nonetheless, a lawyer does, unless ethical conflicts arise, what the client instructs and can afford. The lawyer can, and should, take responsibility for the client's problem, if that is what the client wants. The counsellor will refuse to act in this way, accepting responsibility towards but not for the client.

The author describes his experience in conducting two client interviews which were recorded. Following a one year counselling course, he conducted a third recorded client interview, which was observed by a counselling psychologist. He describes at length the lessons he learned about his own interviewing through self observation guided by critical observation from the counsellor and the third client. He concludes that the counselling model of constant supervision from others to discuss the quality of his work with the client is a way of ensuring that he will not fall into the trap of thinking that he has learned client interviewing.

When we ask a new recruit to teach an interpersonal skill, where is his knowledge base, his theoretical framework? He has been in practice, he has interviewed clients, so he can teach interviewing. But his teaching is informed at best by a range of experiences of what works or what does not — for him. He can only be described as an amateur in this field. Skills teaching should be informed by knowledge and technique which goes deeper and wider than our experiences as lawyers. We should be wary of the amateur lurking within ourselves, and not purport to teach beyond our real exper-

tise. There are plenty of professionals from related disciplines out there able and willing to help us when we reach our limits.

STUDENTS

Australian law graduates' career destinations

S Vignaendra

Commonwealth of Australia, 1998
128pp

Editor's Note

This book reports the results of a highly significant *first* in the history of Australian legal education, a study in which the Centre for Legal Education surveyed two separate cohort groups of law graduates about various features of their career destinations. It builds upon earlier research performed by the Centre on the career intentions of law students¹, so that these studies in combination canvass both the wish and its fulfilment in the workplace.

The stated aim of this government funded research project was not to be a definitive study of law graduates but 'to shed enough light on this group to be of use to law school, universities, practical legal training institutions, professional associations, current and future employers of law graduates, government, and to the law graduates themselves, many of whom rely on anecdotal evidence to determine what competition they face for desired jobs.' The research questions addressed by this study are three-fold: Where do law graduates go? What do

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- 1 Roper, C (1995) *Career intentions of Australian law students*, AGPS: Canberra
Armytage, L & Vignaendra, S (1996) *The career intentions of Australian law students*, Centre for Legal Education: Sydney.

they do in their jobs? and What factors played a part in determining career destination?

At the most fundamental level, the study also provides answers to the burning question about whether, with the proliferation of law schools and burgeoning law student numbers, there are really so many graduates that there is a risk of precipitating an oversupply of legal services in the community.

Clearly, with a wealth of data at the researcher's call, the findings are far too numerous and the total picture painted too complex to be discussed in this brief note. Beyond the specific results of this one study, what should be of particular interest to researchers from other countries, puzzling about the career destinations of their own law graduates, is the methodology employed, especially the design of the survey instrument. Nonetheless, it is conceivable that, were this study to be replicated elsewhere, the picture which would emerge would bear a remarkable resemblance to this one, given the

likely similarity of the factors bearing on the employment of law graduates in the legal professions of most common law countries.

TEACHING METHODS & MEDIA

REVIEW ARTICLE

Printed teaching materials: a new approach for law teachers

R Johnstone

Cavendish Publishing, 1996
195pp

Designing print materials for flexible teaching and learning in law

R Johnstone & G Joughin

Cavendish Publishing, 1997
93pp

Richard Johnstone is to be commended upon having written two excellent practical guidebooks for law teachers about the creative use of instructional materials, especially printed teaching materials, to stimulate learning both inside and outside the classroom. The primary purpose of the first book, *Printed teaching materials*, is to anchor the principles he espouses for developing instructional materials in what we know from educational theory and research about how students learn, as well as to provide some examples of how it should desirably be done. *Designing print materials*, co-authored with Gordon Joughin, takes over where the first book left off. It serves as a practical manual or workbook for law teachers to aid them in the actual writing and production of the instructional materials they intend to use in their classrooms.

Johnstone claims that his objective in writing the first book was to provide law teachers with a new frame of reference for thinking about the use of printed teaching materials, to take

them beyond the unimaginative approaches traditionally adopted at law school. He contends that, if the focus is at all times on the creative use of teaching materials to enable students to optimise their learning through interesting and challenging private study outside class, the classroom can then be more effectively used for more participatory and reflective methods of learning. In the process, presumably, the more students can be stimulated to prepare themselves for class through the quality of the materials they are given, the more engaged they will be by the classroom activities, leading to better classroom interaction between teachers and students.

The second part of the book constructs an educational framework for developing teaching materials within which activity based, contextualised and critical learning can be promoted. Because Johnstone's aim is to influence fundamentally the way teachers think about the teaching/learning process, it is understandable that he devotes a third of the book to laying this sort of groundwork. Nonetheless, this depth of coverage of educational theory may be regarded by some as too detailed and a tad esoteric for a book focused on the practical elements of helping teachers to develop instructional materials. It may be thought that the bulk of the principles set forth in this section have already been sufficiently covered in his earlier book, *The quiet revolution*², and do not require such detailed recapitulation in this more limited context.

For the purposes of this book Johnstone singles out four schools of

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2 Le Brun M & Johnstone, R (1994) *The (q)uiet revolution: improving student learning in law*, Law Book Company: Sydney. Reviewed in 3 *Leg Ed Digest* 3 (Jan 1995).