

made sure that they understood the material and tried to read about the topic in advance of the lectures.

Prima facie, different methods of assessment did not affect the motivation and strategy for study of the students who were motivated by extrinsic factors. Their motivation was still to pass, or get higher grades, whether it was an exam or an assignment.

The anxiety level of the students who were generally motivated by extrinsic influences and adopted an atomistic approach to learning was affected by different forms of assessment. These people preferred progressive assessment because there was not as much pressure to pass.

Possibly the greatest effect that different forms of assessment had on the respondents was in the level of understanding they felt they had attained. This applied to all the students, whether they had an intrinsic or extrinsic influence to their motivation. Exams were considered to be the worst form of assessment for encouraging students to understand a subject. Assignments and presentations were the types of assessment which encouraged a better understanding of the material.

Although initially it was hypothesised that different methods of assessment would affect the approach to learning a student adopts, a student who already adopts a deep approach to learning is not affected in terms of strategy and motivation by the method of assessment. Other effects of assessment, such as anxiety and level of understanding, seem to have affected all the students. The greatest effect of different methods of assessment relates to the level of understanding students feel they have achieved. It also seems that the greatest effect is upon those

students who generally adopt a surface approach to learning.

The focus of assessment needs to be more student-centred and less teacher-centred. If assignments are considered the best form of assessment in order to encourage a deeper level of understanding but do not cover enough topic areas, a take-home exam may be the answer. It would give students the benefit of having longer time to complete the assessment, without the anxiety associated with exams, and it gives the teacher scope in relation to coverage of topics.

CONTINUING EDUCATION

The need for a conceptual framework for continuing professional development for lawyers

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15 J Prof L Educ 2, 1997, pp 169-179

There is a need, and an opportunity, to develop a conceptual framework for continuing professional development (CPD). Such a framework would assist better practice in CPD by making it more theory-based and thus more professional and less intuitive. The construction of this framework is likely to reveal areas where empirical research programs are needed. The framework might be a basis for the development of standards by which CPD can be judged.

A conceptual framework is a framework which fits together in a structured way these analytical constructs, drawn from a variety of sources. A conceptual framework does two things: it puts the concepts within the general notion of CPD into a structured order and it integrates concepts from other related areas into the overall concept of CPD, thus en-

riching and strengthening it and helping us to make sense of our experiences of CPD.

A beginning could be made on the development of a conceptual framework for CPD by compiling and analysing the major literature on CPD to identify linkages between concepts, and groupings or hierarchies of concepts, constructing a framework which brings these linkages, groups and hierarchies, both within CPD and related areas, into a single conceptual framework. The results of this examination can then be reported in a way which is a useful base for the ongoing development of policy and strategy and the delivery of non-formal CPD.

There are a number of different groups of people and organisations which might benefit from the existence of such a framework. A first group is those responsible for the development of policy and strategy in legal professional bodies. The framework could, for example, contribute to better and less intuitive policy and strategic planning, better deployment of resources, a more orderly implementation of CPD programs, and an overall program providing a more sequenced and orderly progression of learning.

Another obvious group is the providers of non-formal CPD programs to the profession, both generally and in-house. The framework might assist them by, for example, identifying and meeting real needs. Finally, practising lawyers could be beneficiaries, as the framework could help them make sense of their own CPD experience and, to the extent that they are responsible for the CPD of others, do that in a more reflective way.

CPD is increasingly seen as a central and vital aspect of professional

life for practising lawyers. It is often seen as playing a more central and strategic role in the life of the profession than tertiary studies or practical legal training. More is expected of CPD but we have an underdeveloped theoretical base to enable us to deepen our understanding of it and develop our strategy for it in a logical and reliable way. We have high and stringent expectations of pre-CPD education. With CPD, we are more likely to expect and accept well-intentioned, intelligent amateurism.

We should not assume that non-formal CPD should simply mirror the education which precedes it. Any theoretical base for CPD must take into account a number of differences. Unlike students in primary, secondary and tertiary education, lawyers are engaged generally in full-time work. They are adult learners and there is considerable adult learning theory which suggests that adults learn to meet particular needs, rather than to store up a body of knowledge and skills. Most structured CPD is about the law and the practice of the law but there is considerable evidence that there are at least equal and probably greater needs for education in areas such as communications, client management, practice management and personal management. The areas of work for many lawyers are contracting and, as markets are lost, lawyers are generally not being trained either to retain them or to refresh themselves in order to cope with the change and to open up to new opportunities.

A literature review, to begin the construction of a conceptual framework for CPD, will need an organising principle. The review will lead into a number of areas and there needs to be a way to limit the literature review and organise the material. The suggested way is to put practi-

tioners and their work contexts at the centre of the review. Thus, the first step would be to examine what the literature says about lawyers' understandings of their work contexts, their learning needs and how these are currently met, or not. If the literature says little about these matters, some tentative extrapolations would be made from work on other professional fields and then tested. This approach is based on solid adult and professional educational theory and on a broad notion of adult education and learning.

The review would then move on to related areas which might well have relevant concepts, theories or approaches which could be incorporated into the framework. The range is wide and might include learning theory, the professions and professionalism, approaches to providing education, skills in legal practice, and management and equality.

When lawyers engage in CPD, all that they are doing can be 'explained' in theory—or at least we hope. We can draw from the literature those theories which seem most apposite and then construct them into a framework which best suits—just as another framework would best suit the CPD of chemists or of agronomists. Such a framework, even the beginnings of one, should assist better practice in CPD by making it more theory-based and thus more professional and less intuitive.

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GENDER AND RACE ISSUES

What difference does difference make? The challenge for legal education

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48 *J Legal Educ* 1, 1998, pp 1–87

In recent years there has been a great deal of debate about law school education, with serious questions raised about whether the law school classroom affords an equal-opportunity learning experience for all students. This article presents the first quantitative results from a study of law school teaching conducted since 1990 which involved observational research in eight law schools across the country.

The results reveal a complex patterning in which many aspects of classroom context must be considered, including race and gender composition of the classes, class sizes, teacher profiles, predominant discourse styles in the classrooms, and characteristics of the law schools. The model for understanding law school teaching that emerges from this work can be characterised as one that stresses the importance of local cultures in law schools and classrooms in creating inclusive learning environments. When those local cultures are analysed closely, it is possible to discern patterns of empowerment and disempowerment that have wider social and structural dimensions. The resulting model of classroom interactions is one in which patterned features of social and institutional context combine with discourse structures to create more and less inclusive—and hence democratic—environments for learning.

Overall, the findings argue for heightened attention to the effects of complicated contextual factors, in-