

phase, in the program's first year, was one of de facto parallel operation. The academic and skills components tended to be taught as separate elements within a single subject, without much contact or cross-fertilisation. Academic staff taught the academic elements and the skills teacher taught the skills tutorials. This was probably an inevitable aspect of the introduction of what was a highly innovative program, unfamiliar to many of the academic staff.

The second phase was one of partial integration. With experience in teaching the course came a gradual movement towards integration of the academic and skills components. The latter now added to and built on the academic components and vice versa. Nevertheless there was considerable room for improvement.

The third stage is one of close integration. By the third year an increasing number of staff were indicating an interest in teaching all or part of the skills component in their subject, and this was encouraged and facilitated. In such courses, the academic and skills components tended increasingly to blend, so that in many subjects there is now close integration between both elements. The skills and academic coordinators worked closely in jointly planning the skills component and its relationship to the academic section. As a result, each coordinator was aware of the way that the two elements interacted and was able to explain and demonstrate links and synergies to students in classes. Recent times have also seen the beginnings of cross-fertilisation of skills and academic components across subjects. There have been discussions on exploring methods of tightening and institutionalising this cross-fertilisation.

Problems in developing the program included initial staff uncertainty, assessment difficulties and high workloads for students. The initial reluctance of staff, in the first year of the program, to become involved in the skills aspect of the course seemed to be due in large part to unfamiliarity with the skills area. Some

staff, more accustomed to teaching in programs where skills were less heavily emphasised, also seemed to find some difficulty in adjusting to the need to fit the skills seminars into the course structure. This problem was alleviated through a combination of strategy and circumstance. The role and content of the various skills programs were discussed and staff were supported and encouraged to explore issues relating to skills. By the second year of the program, a number of staff were expressing an interest in teaching the skills as well as the academic component of their courses, and this trend has accelerated to the stage where, now, the skills elements in almost all courses are taught by the academic staff. This required varying amounts of in-house training to ensure that staff were equipped and able to present the skills components properly. Further, in the first year some students were also wary of the inclusion of skills in the curriculum, but this wariness seemed to subside after the first year. Students in general now rate the skills program as one of the course's strong positive features.

The decision to 'grade' the skills components was seen as crucial, but nevertheless brought some problems. For example, it proved difficult on occasions in early years to obtain a significant spread of marks – a tendency emerged for passing students' marks to fall in a relatively narrow band, which reduced the distribution of grades. As most students seemed to score relatively highly on skills tasks, in some cases there was an artificial inflation of students' overall marks, and therefore grades. This problem appears to be easing as, with experience, staff learn to distinguish more critically various levels of competence in skills performance.

The creation and presentation of an LLB program which genuinely integrates academic and skills elements is by no means easy, especially in straitened economic times, and brings with it a number of challenges. However, with experience and perseverance, these problems can be alleviated or overcome.

## STUDENTS

### Lessons learned: legal education and law student dysfunction

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Studies indicate that practising lawyers struggle with an unusually high incidence of alcoholism and various emotional disabilities. Although the practice of law may exacerbate these problems, it is clear that law students become candidates for emotional dysfunction immediately upon entry into law school and face continued risks throughout law school and subsequent practice. Empirical research has shown that law students experience dysfunctional levels of distress, considerably more so than the general public, and than medical students. What is the role of law schools in creating emotional dysfunction, and how might law schools produce healthier law students and lawyers and, possibly, a more functional legal system?

There is an intimate relationship between students' psychological state and academic performance. It is well known that performance problems adversely affect students' emotional well-being. It is less obvious, however, that psychological states, both positive and negative, have a profound influence on performance. Students can get caught in a downward spiral of emotional and academic problems. The typical response of law schools is to deal with only the academic aspect of students' problems through academic support programs. Although such programs help many students, they fail to address and remedy a fundamental problem faced by law students in general: a lack of the 'balance' essential to optimal academic performance and emotional health.

Law school's arguable focus on a narrow definition of success – getting high grades and securing prestigious employment – undermines students' interrelationships, both 'interconnections', i.e. relationships with family, friends, and community, and 'intraconnections', i.e. internal relationships between one's in-

tellectual, emotional, physical, and spiritual dimensions.

Law schools contribute to the breakdown of students' interconnections in several ways. First, the inordinate amount of time required for study leaves little time for family and friends. Secondly, students' preoccupation with their new environment (including people, terminology, teaching methods, and thinking style) may cut them off from those outside law school. Thirdly, use of their new skills (such as disputation) may alienate the 'outsiders' in their lives.

Law school affords few opportunities for students to develop new support networks. Students tend not to establish close relationships with their teachers because of the relatively high student/faculty ratio, the predominance of large classes, the lack of regular feedback, and the common perception that the faculty are distant and unsupportive. Perhaps more importantly, law school is so competitive that students may have difficulty developing supportive relationships even with their peers. The focus is on individual effort. Alternative teaching methods that encourage students to collaborate, such as role playing and small-group exercises, are used very little in traditional courses.

Law school also interferes with students' intraconnections – emotional, spiritual, and physical. Students report that, at least partially because of law school's intellectual emphasis, they learn to suppress their feelings and come to care less about others. The adversarial environment of the law school teaches them that their value systems are irrelevant.

The negative effects of legal education may be more pronounced in female than in male students – in their academic performance and also in their emotional state. There is persuasive empirical evidence that women do not perform as well as men in law school, despite equivalent academic credentials at the time of their admission. In addition, anecdotal evidence suggests that the emotional impact

of law school is significantly more acute on women than on men.

Women may react more negatively to law school, both because they are more sensitive than men are to the stressful environment and because they are subjected to additional stresses. In general, women may find the predominant methods of classroom instruction more alienating than men. They may be more predisposed to work collaboratively, for example. Law teachers have long assumed that class participation helps students develop reasoning and communication skills. If women have fewer opportunities to participate in class in a meaningful way, they have less chance to develop these essential skills.

It stands to reason that the development and maintenance of inter- and intraconnections should help prevent emotional dysfunction. Some of the following suggestions stretch the traditional boundaries of the legal academy's duties. Because of the potential positive impact on students' education and careers, however, law schools and faculty should seriously consider expanding their traditional roles.

Positive student/faculty relationships are important to the success of many law students. Law faculty are instrumental in serving as mentors and providing encouragement. Efforts by individual teachers to make themselves available outside of class and to provide verbal encouragement and emotional support could be quite effective in creating a more supportive environment.

Law schools can make positive peer relationships more likely by de-emphasising competition among students and by taking affirmative steps to encourage peer support groups. First-year students can be offered at least one opportunity to learn in a small ungraded setting. Even graded courses could be more conducive to collaborative interactions if they used methods such as drafting exercises, small-group exercises, and role play, in addition to the Socratic method.

Law schools could also encourage the maintenance of intraconnections. Students have reported the loss of personal values as one of the most disturbing aspects of their legal education. Every law course needs to explore the underlying values of the branch of law in question. In addition, law schools should encourage students to integrate their personal value systems into their legal education and into the practice of law.

Law schools have not dealt effectively with law student/graduate/practitioner dysfunction. If this is to change, law schools need to acknowledge at least partial responsibility for the dysfunction and, to the extent possible, reduce the causes.

## TEACHERS

**The professional assessment of legal academics: on the shift from evaluator judgment to market evaluations**  
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This essay speculates about the causes and consequences of a disturbing development in the assessment of legal academics by legal academics: the substitution of 'market evaluations' for direct personal assessments of quality.

Most law schools have substituted numerical 'market evaluations' by the direct consumers of teaching for faculty assessment of teaching quality, despite the fact that law students are simply not well placed to assess the value of a course or the quality of an instructor's teaching. In the author's judgment, law schools that want to assess teaching should do so in a number of ways: they should have a reasonable number of faculty members or outside experts attend enough classes to be able to make a well-informed assessment; they should have faculty members or outsiders read a random sample of papers or exams written by the students of the teacher to be assessed; and they should look at students' written comments and interview students