

corresponds to the learning conceptions of first year students?

There is a degree of convergence between the literature on cognitive psychology and student learning literature in respect of the question whether teachers should accommodate the learning needs of first year students in organising teaching material. Research into the way students experience learning points to complementary conceptions of the way teaching material should be organised. Several studies point in the direction of the need to structure content in a way that is receptive to the learning needs of the novice law student.

### **Role-playing exercises in first year legal process classes**

J D Lipton

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The first year Legal Process course at Monash University, Australia, is about the processes and methods of the law and lawyers. It can utilise any area of law and practice to illustrate ideas of how the law works, how law interacts with society and how and when laws can and should be changed. The subject matter of the course must be dealt with in a way that is accessible and interesting to students who are not necessarily in the best frame of mind to cope with a large amount of new ideas and materials, having just completed the gruelling final years of secondary study. It must also be presented in a way which has some immediate relevance to students, most of whom are seriously considering becoming practising lawyers at the end of the day, but many of whom do not have a concrete idea of what lawyers actually do.

The author lists the benefits of role-play as a teaching strategy where this is adopted as one amongst a balanced range of methods. Role-plays can bring alive what might otherwise be somewhat 'dry' subject matter. They assist in developing basic interpersonal skills including verbal and written expression,

analysis of problems and problem solving — skills vital for good lawyers. Using role-playing methodology involves and empowers students in relation to their own education, making the education relevant and memorable. These exercises can provide valuable educational experiences with minimal preparation on the part of the students, and are thus ideal when teachers want to avoid 'overloading' students. Involving students in the types of verbal participation related to role plays increases their confidence in speaking in front of others in the non-threatening environment of the classroom as well as exposing them to the ideas and presentation styles of their fellow students.

Another area in which role-playing exercises have taken on a particular new role in the Legal Process course is in the area of teaching professional conduct and legal ethics. In 1998 the Monash Law Faculty piloted a program of study where these issues were incorporated into the first year Legal Process curriculum. This is an area relating to professional or vocational skills which is particularly suited to at least some teaching by role playing exercises. Simulations relating to these 'real life' situations are currently being developed and experimented within the faculty in an attempt to build in specific ethical and professional issues for students to grapple with in a practical context.

The specific exercises used by the author in her Legal Process class cover dispute resolution, negotiation and drafting, client interviewing and use of interpreters, and Federal constitutional law and history. Each of the exercises, to a greater or lesser extent, involves students in the class taking on different roles in varying contexts. Some role-plays involve only small groups of actual role players with the rest of the class acting as observers and commentators. In all cases, students get a chance to participate verbally as much or as little as they choose, with quieter

students being encouraged to participate as soon as they feel comfortable and attempts being made to make everyone in the class feel comfortable about working as a team and participating in discussions.

The author describes the elements of the alternative dispute resolution exercise, which is usually undertaken relatively early in the first semester of the law course, the negotiation and drafting exercise and the client interviewing role-play exercise.

Role playing exercises can be used not only to teach 'lawyering skills', but they can also provide a fun and useful way of dealing with some of the 'drier' aspects of the first year syllabus. The author has used role-playing exercises in teaching aspects of legal and constitutional history which are often taught through straight lecturing and rote learning of materials from legal history texts. Such exercises certainly need to be augmented by material in the standard texts, but they can bring to life the often apparently uninteresting parts of legal and constitutional history.

In an era in which 'straight lecturing' and 'book learning' are fast becoming a thing of the past and multimedia teaching a thing of the future, it is worth reflecting on the value of low-technology, low cost, but highly interactive, and often 'tried and true' methods of teaching, such as these simple exercises.

It is the author's hope that such methods continue to be utilised in a positive and ever-developing way and are not completely overtaken in the near future by the novelty value of computer simulations. In her view, there is a place in the curriculum for many different teaching methods. However, in order to be truly effective, each method must be carefully and continually monitored and re-evaluated in terms of the goals it might achieve and whether there is any scope for improvement in its implementation. Hopefully, increased



forums for sharing ideas about teaching methodology as we enter the next millennium will assist in the process of making sure an appropriate balance is struck between the uses of different methods in various fields and in maximising the potential of each approach taken.

### **Learning interviewing with video: creating multi-media packages for skills teaching**

M Le Brun

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Anecdotal evidence and current literature on teaching and learning suggest that the learning of any skill, such as that of conducting an initial lawyer-client interview, is enhanced when the skill is introduced and modelled, rehearsed and practised, reviewed, reflected on, evaluated and refined. Modelling of a skill, such as that provided by a video on interviewing, is central to the process of knowledge and skills acquisition. Although there are limitations associated with the use of multi-media packages to teach students lawyering skills, these packages can help situate learning better than lecture/tutorial-only approaches can offer.

The production of visual materials to teach interviewing skills was made possible with the award in 1998 of an Australian Federal Government grant from the Committee for University Teaching and Staff Development. The grant involved the development of a multi-media teaching/learning package that could be used to enhance the teaching and learning of effective legal interviewing skills.

The package comprises two videos and two guides: one for facilitators/teachers, and one for users/students/practitioners. The teaching package was designed, in part, to fill the gap that is created when one uses only print-based materials to teach interviewing skills. The videos provide examples of modelling of some of the skills involved in interviewing clients, act as triggers for discussion, and provide a basis for the assessment of learning about interviewing. The two

guides provide additional scaffolding and offer suggestions on how to use the videos.

The guide for users includes sample questions that can be answered by users working alone, in teams, or in groups. It includes prompts for discussion, additional interview scenarios and further references and resources. The guide for facilitators mirrors the guide for users. It outlines how the video can be employed in a variety of learning contexts, includes questions for discussion, explores how the skills that are learned can be transferred to different contexts, provides additional interview scenarios, and lists useful references and resources.

Ideas about the sorts of instructional packages that could be produced within the budget were gathered from a variety of sources. The content, film quality and educational value of the videos were discussed at length and members of the legal profession were consulted on content and on drafts of the scripts. Their comments proved invaluable; they provided an insight into current legal practice that was lacking otherwise. The original aims of the videos were to introduce students to the framework of an initial interview demonstrating exemplary practice; and in the second, to demonstrate an interview from start to finish, providing prompts for review, reflection, and discussion. The aims and design evolved, however, due to the appeal of showing a one-on-one interview and a team interview, and showing both sides of a story.

The first of the videos was designed to depict much of what would occur in an initial lawyer-client interview of a new client by a team of relatively experienced and effective lawyers. The second was structured to depict the handling of a new matter in an interview of a corporate client who had a long-standing business and social relationship with his lawyer.

The package was to be designed for specific use by law students — whatever their year of study — as well as for

legal studies students who might be interested in studying law.

Various instructional aims influenced the design and development of the guides. In particular, the responses made by student evaluators involved in the project directed in large part their design, layout, structuring and content. Facilitators may need to help students learn how to approach video as a learning tool. Methods for developing cognitive processing skills are suggested and ideas about how the videos and guides can be used are offered in the guide for facilitators. Students and practitioners are encouraged to find their own solutions to the questions asked.

Finally, students and practitioners are encouraged, first, to develop their own criteria for evaluating the effectiveness of an initial lawyer-client interview, and, second, to use these criteria to judge the effectiveness of an interview. These approaches help students and practitioners develop their self-questioning techniques and their abilities to work at a meta-cognitive level. Moreover, they encourage students and practitioners to adopt deep approaches to learning. The feedback from the student evaluators highlighted the importance of flexibility if the learning package were to succeed. The guides thus incorporate self-paced and self-directed learning opportunities. Students and practitioners are able to set their own learning outcomes and work at a rate at which they feel comfortable.

The design and production of non-traditional teaching resources for legal practitioners and for law students can be fulfilling — as well as demanding and exhausting. Although they can be costly to produce and may have limited appeal to a limited audience, their use in helping individuals learn about effective lawyering skills cannot be overlooked. If effectively designed and professionally produced, they can provide a learning experience that is adaptable and accessible for a range of learners, whether first-year students or third-year practitioners.