

elicitation of interests, which can increase the chances of resolving many disputes. There is always the danger of manipulation and it is the intention of the user that determines whether the use of a tool is ethical. Further, NLP models should be used with respect and with the interests of the other party in mind.

### **Teaching practical legal problem solving skills: preparing law students for the realities of legal life**

C Hammond

10 *Legal Educ Rev* 1, 2000, pp 191-207

In 1998 the Law Society of Western Australia banded together with Women Lawyers of Western Australia to commission a consultant to better understand the reasons for the apparently high rate of people leaving the pro-fession. A final report was published the following year. The report investigates why young lawyers, particularly women lawyers, were exiting legal practice within the 3-7 year post admission stage. The report's findings show that lack of fulfilment, stress, onerous working conditions and general quality of life issues are the key factors behind the migration from legal practice.

The report contains 27 recommendations for improvement directed to the legal profession, law schools, and legal firms. The recommendations fall into the categories of Professional Growth and Development, Career Improvement, Quality of Life and Organisational Culture. Four of the recommendations listed under the Professional Growth and Development category are pertinent to university law schools.

The recommendations largely target three key critical concerns of traditional law school education: (a) the selection processes for entering law school; (b) the 'gap' between traditional legal education and the realities of legal practice; and (c) the need for a law degree to provide a liberal education, rather than be seen simply as leading to life in a legal practice.

The criticism that legal education fails to prepare law graduates for legal prac-

tice is not new. The Pearce Report of 1987 stated that most Australian law schools teach neither theory nor practice, but doctrine. The traditional approach depended upon an exposition of substantive doctrine with little or no practical or critical perspective.

When drafting the Notre Dame College of Law curriculum in 1995 and 1996, the College of Law Advisory Board recognised the competing goals of providing a liberal education and training professional lawyers. To achieve the goal of training professional lawyers and narrowing the gap between legal education and legal practice, the curriculum drafters emphasised the inclusion of 'practical' skills and ethics throughout the substantive units of the degree, and included a compulsory third-year one semester subject called Legal Problem Solving. This course was designed to be an integrated and practical course where students could learn legal skills, such as client interaction and problem solving. To achieve these goals, it was decided that the course should be structured as closely as possible to a simulation of the real life world of private legal practice. While the pressures and strains of legal practice are difficult to emulate, it was decided that strict time limitations, group work and time accountability could assist in the simulation.

The course was designed to run as an intensive one week experience for the students. This required planning and consideration as to what could and should be expected within that time period. Finally, as with all law subjects, the skills and materials covered had to be assessable and the assessment criteria had to be open to scrutiny and discussion.

The key objectives of the course were identified and articulated to the students at the start of the course as being: to introduce students to effective and professional interview techniques and to develop client interaction skills; to develop students' abilities to elicit and identify relevant factual material from clients; to develop students' problem solving skills; to develop a 'self-learning' approach; to develop general communication skills; to

develop students' abilities to work in a group; and to encourage students to think laterally.

Two weeks prior to the commencement of the course, students were given the course outline and a reader containing materials covering interview techniques, the lawyer-client relationship and communication skills, both oral and written. No textbooks were prescribed. However, students were referred to certain texts as useful and helpful source books.

The Legal Problem Solving Course was designed to achieve one goal: namely, bridging the wide gap between university legal education and 'real life' law. The feedback received so far is generally positive, but the extent to which the goal has been achieved will only be truly assessable with the passing of time and graduation of the students involved from university to legal practice. While there is only so much that 'real life' simulation can achieve, the incorporation into the course of group work and time limits, coupled with the emphasis on skills and self-directed learning should help to prepare the ground in some respects for law students intending practice, if only to raise their awareness as to the expectations, pressures and strains which exist. However, the need to prepare students for the practice of law should not be emphasised to the exclusion of actually making changes to the profession. Graduates need workplaces which offer a more diverse, more inclusive, more supportive and more flexible environment.

## **TEACHING METHODS & MEDIA**

### **Enhancing student learning of law by involving students (and colleagues) in developing multi-media teaching and learning materials**

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34 *Law Teacher* 1, 2000, pp 40-57

Efforts to improve the quality of teaching and learning have been a hallmark of the 1990s tertiary educational landscape in