

of these processes. That is, it is necessary to examine how the equation of state and non-state actors is shaking out in different field of standard setting, as well as across different institutions. It is only with such analyses that we will garner an understanding of what models are now available in the construction of new international institutions, of which the era promises many, as well as the re-construction of old ones.

International law has long been a step-child within the American legal academy, and has enjoyed little favour among political and other social scientists. At least since the end of World War II, international law has been treated at best as an anomaly, at worst as a quantity not deserving the label of 'law'. Within the law schools, disfavour of international law was compounded by the conventional positivistic approaches to domestic law subjects. This disrespect in large part corresponded to a historical context in which the aspirations of international law far exceeded results. This will change in years to come, reflecting the new importance of international law on the ground and there are some signs that the reversal is already on the way.

The reintegration of international law into the legal academy should be facilitated by a trend toward less court-centric analysis in other areas of legal scholarship. The reintegration of international law scholars into the legal academy will be facilitated also by the application to international law problems of methodologies established in other areas.

International law is now positioned to be a first-mover in both the law and social sciences. Within the law, it is not difficult to imagine the development of international legal decision-making models that might cross the divide to apply to domestic law subjects. As such areas as environmental and intellectual property law become increasingly internationalised, it is likely that the international structures for addressing them will have, or should have, much in common.

## LEGAL EDUCATION GENERALLY

### Principle 5: good practice emphasises time on task

R A Jones

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Good practice emphasises time on task. Time plus energy equals learning. Efficient time-management skills are critical for students and professors alike. Allocating realistic amounts of time means effective learning for students and effective teaching for faculty. How an institution defines time expectations for students, faculty, administrators and other professional staff can establish the basis for high performance for all.

A superficial consideration of this principle may cause one to conclude that time on task is an essential element of legal education and that law schools do a good job of requiring their students to spend time on tasks. Students typically have heavy course-hour requirements and it is expected – particularly in the first year – that a tremendous amount of work be done outside class in preparation for each class hour.

While students spend a great amount of time on their studies, are there areas in which student learning opportunities are not being maximised because of a failure to insure time-on-task behaviour? From the first day of law schools, there are ways to help students to use their time more efficiently. Now they find themselves in many courses with a single examination at the end of the semester. They may not learn whether their study and preparation time has been sufficient, and sufficiently efficient, until the semester has ended and midcourse corrections are no longer possible.

There are many ways in which faculty can facilitate efficient class preparation and plan writing exercises to make the best use of student time. Some have employed mastery learning concepts, structuring their classes so that all students can successfully pass an examination demonstrating mastery of the subject in

question. Teachers also should ask their students just how much time they spend on out-of-class preparation and assignments. If teachers underestimate the time necessary to complete assignments, or fail to coordinate significant assignments with other faculty, students may be unable to devote the time necessary to complete particular assignments successfully.

If students see the time they spend on their legal education as an investment in their long-term professional success, they will be more willing to devote time to their courses. Unfortunately, the perception persists among at least some students that, in addition to being paid for their efforts, they can learn 'real' law better from legal employers than from law school faculty.

Ensuring that individual teachers themselves commit sufficient time to the institutional task at hand is crucial to the total teaching and learning environment. Law teachers also should never forget that they represent a window on the legal profession for students and that they are powerful role models for their students.

In addition, faculty have a responsibility to insure the optimal use of student time during a course. Unfortunately, student course evaluations may be of little immediate help if teachers receive them only after the semester is over. Although questions of student confidentiality must be addressed, teachers might consider asking their students for a midterm evaluation, soliciting student views about use of time and other aspects of their courses. Faculty advisers and administrators also may be helpful in identifying students who are having problems more generally in applying themselves to their legal studies.

Even within the constraints of a typical law school schedule, faculty have great discretion as to course pacing and the use of time within the semester. To make most effective use of time, they must think of their courses as semester-long endeavours. Will the semester be a series of separate sketches, as in a course in which ten different guest lecturers address ten disparate topics; or will it be like a framed



canvas whose surface has been filled, inch-by-inch, with meaning and relevance to the whole? The richness of the final composition will depend largely on the professor's willingness to perceive the semester as a teaching unit and develop the course to exploit its unity.

At many schools, particularly in urban areas, faculty as well as students may be attracted to employment opportunities outside the law school. Schools should have serious policies concerning outside consultation by faculty, and faculty must police one another in this respect. If we expect students to devote their full attention to the task of learning, we must devote ourselves to the task of facilitating and nurturing the student learning that we expect.

While students and faculty are primarily responsible for ensuring appropriate time on tasks, they teach and learn within the environment that is the modern law school. Effective learning requires prompt feedback but at many law schools there is little ongoing feedback on the teaching effectiveness of individual faculty. All too often, serious consideration of teaching occurs only within the context of the tenure and promotion process, which operates as a one-time yes-or-no hurdle to be surmounted rather than as a process for the discussion and improvement of teaching.

During the promotion and tenure process, law schools employ outside reviewers to evaluate faculty scholarship. Why not similarly employ outside reviewers to evaluate teaching? While each law faculty must itself define the most appropriate teaching for its institution, could not outside experts help in this process? Such reviews might be helpful in moving the dialogue for a yes-or-no summative judgement on teaching effectiveness to a more formative process focusing on ways in which the candidate's teaching could be improved over time.

Faculty should consider the impact of their school's curriculum on their efforts to make the most efficient use of student and faculty time. In too many law schools, the curriculum has developed haphazard-

ly, with no comprehensive plan for how a particular course relates to other courses or to the school's pedagogical mission. Faculty teach their individual courses without any consideration of what is being taught in other courses. Students may learn and relearn the basics of certain doctrines in several classes, while equally important material is not addressed in any course because individual teachers believe the material is best addressed 'elsewhere'.

Many law schools have furthered more efficient use of student time by careful curriculum planning. At other schools faculty have team-taught courses that otherwise would be quite distinct, such as Torts and Contracts. When courses are combined or coordinated in this way, course coverage can proceed in a more creative fashion and students can better appreciate the relationship between different areas of the law.

The successful pursuit of rewards and awards for outstanding teaching is important if we want to focus in legal education on the centrality of teaching. All too frequently, we value only what we can measure and it is difficult to quantify teaching and learning environments. While higher education has become increasingly preoccupied with educational 'outputs' in recent years, there are few measurable outputs within legal education. The profession must develop alternative models that give teaching and learning a more central place in the valuation of law schools. We cannot expect students, teachers, and law schools to commit time and energy to the improvement of teaching if teaching does not count for much within legal education.

**Principle 6: good practice communicates high expectations**

OCDark

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Most students come to law school with high expectations for themselves. They are the sort of people who are highly motivated, who set goals and seek excellence and who are committed to the long haul. But at some point – and usually it is early in their

first semester – they forget about seeking or maintaining high expectations. Instead, they focus on just getting by, not embarrassing themselves in the classroom and somehow slogging through all the briefing and reading of cases for classes the next day.

Part of the problem is the way the law curriculum is structured, particularly in the first year. Too often work is assigned without any regard for the reality of the students' day, their level of experience and understanding, or their skills in time management.

There are a number of ways to articulate and support high expectations. First, teachers must clearly articulate their expectations to their students. The goals set must be attainable and reasonable. Second, teachers must communicate expectations repeatedly, in a variety of ways. Care must be taken to communicate the goals to all students, because high expectations are important for everyone – not only the well-prepared and well-motivated students who can readily pick up a teacher's signals. Third, it is important to identify possible barriers to effective communication of high expectations to students and then identify and implement solutions. Finally, the classroom exists within an institutional framework; it is important to support the communication of high expectations throughout the entire learning environment. Teachers who automatically and unconditionally value their students and develop mutually respectful relationships with them will have good success in communicating high expectations to their students.

How does the teacher convey to students over a sustained period of time the belief that all of them can learn and, in the context of law school, can learn to be effective advocates? Attitude is all about behaviour. A teacher who is careful to spread around the difficult assignments to all students, who seeks maximum participation from as many students as possible during a class hour and who finds ways to compliment and encourage, publicly and privately, sends a message to students that they can and will learn.