venture drafting problem and experienced a range of learning activities in the drafting of other commercial agreements, such as a share acquisition agreement and an employment agreement. Certain features of all the commercial agreements in the course were deliberately made similar so as to promote the transfer of learning from one context to another.

Which provisions of the agreement are selected to focus on depends on a number of factors. For example, what students have already done in the course is important. They cannot be expected to come up with solutions that require knowledge and skills for which the course has not yet prepared them. Selection also depends on the special facts or story underlying the problem. Issues are allowed to surface that are a natural outgrowth of the story. As a rule, designers should not force issues into a problem unless they fit with that story. While focused practice can lead to achieving specific learning objectives that arise from these selections, the objectives themselves are nonetheless written at a high level of generality so as to avoid giving away solutions.

There are three features of the problem that show how practice can be focused so as to enable student skill or understanding to be efficiently evaluated. The first of these features is minimisation of original drafting. Students are required to do original drafting only in relation to one short clause. In the remainder of the agreement the only drafting required is redrafting.

The second feature is minimisation of response: like a multiple-choice quiz, the exercise attempts to assess understanding and skills with the briefest responses from students. The third feature, as discussed above, is that the exercise calls for students to meet specific skills objectives in response to individual, segregated instructions and not in response to a set of general instructions that asks students simply to draft an entire agreement.

TEACHING METHODS & MEDIA

Flexible delivery, educational objectives and the (political) importance of teaching
L McNamara
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University administration and government policy in Australian higher education demands that institutions, faculties and departments engage in strategic marketing to attract students not merely from across the country but from around the world. The aim is to develop and deliver courses such that the market share captured is constantly increasing – and this in an environment of ever-tightening budgetary constraints. Filtered through the commercialisation of management, the demands on academics have changed: 'flexible delivery' is fast becoming the sine qua non of 'innovative' and 'valuable' teaching and marketing in higher education. In the Internet, more so than any other medium, lies the possibility of radical change not merely in administration and course delivery, but also in course design and teaching.

Educational objectives must remain paramount and the use of technology must be contingent upon the teaching and learning aims of a subject or course. In particular, it is suggested that the type of technology employed is very much a secondary concern. There is not necessarily a need to use technology to its limits unless the learning objectives require it.

The term 'flexible delivery' should not be understood as inherently requiring or limited to Web or other Internet delivery, but includes a range of factors which increase flexibility in access, teaching and learning. Flexible delivery materials may thus include a wide range of print-based materials or, for instance, video recordings, audio recordings, or CD-ROMs. Flexible delivery should also not be equated with distance education or open learning. It encompasses 'mixed-mode' delivery which may utilise a combination of face-to-face and flexible approaches. Nonetheless, it is the perceived potential of the Internet to dramatically enhance education and access

to education which makes it so appealing as a medium for the expansion of flexible delivery.

While many teachers desire (or are compelled) to deliver courses more flexibly and make use of Internet technologies in their teaching, anecdotal evidence would suggest this is frequently accompanied by scepticism about the educational value in using technology – what might it do for learning?

In the drive towards flexible delivery, teaching matters – not technology. It is essential to examine the predisposition to and motivation for the use of new technologies prior to determining whether particular applications of technology are either appropriate or desirable. For those who would prefer the traditional methods of classroom-based teaching, there is a need to realise not simply that the Internet is here to stay as an imposition of management, but that it provides genuine and valuable opportunities for teaching and learning, many of which require little technical skill and can still foster positive learning outcomes.

Conversely, where flexible delivery is administratively defined in terms of cost efficiency or pure technological advance, there is a need to recognise that pedagogically valuable use of Internet technology may not necessarily be interactive, and it may not necessarily utilise the very limits of computing capacities.

The first year introductory subject in the Bachelor of Laws degree at the University of Western Sydney, Australia, is Introduction to Law. The subject has traditionally been taught with a weekly one-hour face-to-face lecture and two hour tutorial class. The *Starting Out* project in 1999 set about replacing the lectures with a weekly electronic 'web-lecture', while maintaining the weekly tutorial, making it a 'mixed-mode' subject with both Web and face-to-face delivery. The project was driven by several needs, including the alleviation of administrative and resource pressures.

The subject Web site provided access to all substantive and administrative aspects of the course which in the normal

course of events would have been dealt with in lectures. To facilitate student interaction and input, there was an email link to the subject coordinator; hypertext links to relevant sites, including relevant news and current affairs; a feedback link; and a basic discussion page. The aim was not to deliver yet more readings for students, but to make the 'electronic lecture' a form of active engagement between the teacher and students designed to enhance not merely the flexibility, but also the quality of learning.

In a text oriented web-based lecture, how could the explanatory aspect of the lecture remain meaningful, especially where more difficult readings are concerned, without delivering a simplified and less voluminous precis of the materials? To simply post a set of lecture notes to a subject home pages without any critical awareness of the difference the medium makes too easily divorces teaching from educational objectives. The resolution of the dilemma was seen as residing in the primacy of student-centred learning. Explanation was to occur not so much through statements, but through questions. The lectures sought to take students through the readings very closely, posing questions and directing them to the particular passages in the readings which best explained the article or extract at hand and drew their attention to the issues which were the focus of the questions.

Where 'simple' web-lecture questions referred students to page references and the content of the materials, 'complex' questions required students to use the answers to the questions regarding content in order to compare and contrast different parts of the materials or particular arguments and themes from the different materials. In doing this, they were often reminded expressly of the critical and analytical objectives of the course, and of the requirements in assessable tasks, such as the exam, where they would be required to reflect upon the arguments and themes in the readings, making an argument in response to a question and supporting their answer with appropriate reference to the course readings.

The shift from personal face-to-face teaching to non-personal web lecturing raised questions about formality and communication. The web-lectures were intended to be informal and to some extent controversial. Does such informality set an inappropriate example when students are expected to write their essays in a formal and scholarly manner? While, as a matter of understanding, the absence of an academic may make little difference, the question of intellectual culture is more troubling. The face-to-face lecture imparts not merely knowledge alone, nor only the skills to analyse what is claimed to be knowledge. Crucially, it can impart by example the desire for knowledge. It is difficult to convey one's very personal passion for learning through a non-personal medium. The shift to web-based delivery is one which needs to be balanced carefully with the significance of such communication and with the possibility that in the push for budgetary savings and strategic marketing a faculty might lose its intellectual constituency.

The question remains, of course, whether students engaged in deep learning to any greater extent that they might have in the traditional lecture format. On the positive side, there were many students who saw the web-lectures as valuable. The extent to which students will engage in 'student-centred learning' seems less straightforward than the literature suggests at times and is compounded by a myriad of reasons why students do not want a deep and sophisticated approach to teaching and learning.

The continuing vitality of the case method in the twenty-first century
D D Garner
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Law school pedagogy is truly a unique feature of the legal profession. The widespread use of actual, decided cases, as the primary material through which students gain an understanding of the law, is a vast departure from the normal educational system in which the material taught has generally been substantially 'processed' prior to reaching the student. Interestingly, the rise

of 'the case method' in legal education was not a gradual, natural development in the history of legal pedagogy. Rather, it was largely the result of an academic fiat by a single man: Christopher Columbus Langdell, Dean of Harvard Law School, in the early 1870s. Since that time, however, Langdell's legacy - the case method - has come under heavy fire, especially in recent years. As legal education enters a new century, it is appropriate to consider the vitality of the 130-year-old case method.

The novelty of Langdell's case method was that it cast out the textbooks, and in their place used cases, carefully selected and arranged to illustrate the meaning and development of principles of law. Instead of offering students the principles of law as ground up, pureed, and reconstituted by legal scholars who then spoon-fed them to their infantile students, the case method confronted students with 'the law', rather than the law as construed by any particular professor. Moreover, the role of the professor was transformed from that of a revelator of dogmatic legal principles to that of a Socratic guide, leading the student to an understanding of concepts and principles hidden as essences among the cases.

Langdell's case method innovation offered a reasoned rationale - a 'scientific' theory - of legal education. In short, the great initial contribution of the case method was that it provided legitimacy and respectability to college-level legal education. To Langdell, law was a science and the students were the scientists. The effect of this last comment was that the burden of constructing the framework of legal doctrine was effectively shifted from the professor to the student. Thus, at an early stage, the case method made its claim to methodological supremacy on the grounds that it effectively taught students to 'think like lawyers'.

Although the original intention of the case method was to educate students on the core principles, or substance of the law, the focus shifted relatively early on. The case method requires students to read actual cases, picking out holdings, tracing the court's analysis, sorting the relevant