great weight on what they termed 'the humiliation factor' in the French system ie. if the students had not done the work for the seminar, the tutor would grill them further for an answer. When asked whether this was a culturally specific method rather than one based on the particular personality of the tutor, the students were unanimous in their conclusion that this rigour in the seminar method was particular to the French system and all pervasive.

The study of other societies and legal cultures is a valuable academic pursuit in itself. Even without accreditation from the other system, the study of comparative legal systems is an invaluable asset in the understanding of our own legal culture. Students on the dual degree program should, on graduation, have a unique insight into two legal systems and a deep understanding of the context in which the law operates and develops.

INDIVIDUAL SUBJECTS/ AREAS OF LAW

Evidence teaching wisdom: a survey
C W Sharpe
26 *Seattle U L Rev* 2003, pp 569ff

A law school course on evidence offers a rich variety of pedagogical approaches. The classroom possibilities in this area of the law stem from the role of evidence law in creating the factual record of a case. The familiar dynamics of the trial offer dramatic opportunities that can enhance learning. Abstract rules can be understood in a variety of ways: case analysis; direct application to a series of problems; the simulated posing, opposing, and resolving of objections arising under the Rules of Evidence; or some combination of these approaches. It is not surprising that all of these pedagogical methods are reflected in the teaching approaches of evidence faculty.

This Survey secures data on the methods American law school faculty use to teach the law of evidence. It provides insights into the teaching of evidence and facilitates discourse among evidence faculty on how we teach the course, for the benefit of new or occasional instructors as well as veterans. Specifically, the Survey focuses on the question of which classroom instruction approach predominates among evidence professors.

There is no clear line of demarcation between the case and problem approaches to teaching evidence, and one's approach is, of course, driven by the teaching materials. For purposes of distinguishing between approaches as clearly as possible, the Survey uses the following definitions: the case approach is defined as using texts that feature the edited versions of full judicial opinions followed by notes, questions, problems, or some combination of the three; the problem approach is defined as using teaching materials that feature textual discussion almost exclusively, followed mainly by problems, with few edited opinions. While most teachers will use one of these two teaching methods, others use a hybrid approach.

Among the seventy-nine respondents 46 percent use what is described as the problem approach. The problem approach used by these professors conforms fairly strictly to the format of problem texts. The students read textual materials from the primary and secondary texts, work the problems in advance, and discuss the problems in class with some interspersed lecture. On the other hand, 26 percent of the respondents use the case approach. The remaining 21 percent use some hybrid approach — usually a combination of problems, cases, simulations and other techniques.

While the case and problem approaches have become standardised, the Survey reveals considerable variation in hybrid approaches. A sampling of these approaches includes the following: (1) using case-approach materials with about half the discussion in each class session based on hypothetical problem handouts and electronic teaching software; (2) combining a problem-oriented text with the professor's own materials, consisting of cases and some statutory materials; and (3) using a problem approach supplemented by cases, or a case approach supplemented by problems, with simulations featuring role playing with the students and professor. The role-playing simulations are designed to help students recognise objectionable materials and learn to articulate objections and responses to objections.

Survey respondents provided well-articulated rationales for choosing one method of teaching over another. The rationales focus on professorial judgments about how to best deliver value to the students. Those professors choosing the problem approach expressed the recurring and interrelated themes of engagement, application, efficiency, and the advantages of the approach as a learning vehicle. Professors indicate that the problems better capture and hold the attention of students. The components of application, including knowledge of the content and structure of the Rules and the ability to control complexity under the problem approach, led professors to applaud this approach as a superior learning vehicle. The problem method's characteristics facilitate coverage.

Professors preferring the case approach articulate the themes of realism and the value of judicial thinking regarding evidentiary issues. They see a value in exposing students to the actual contexts of evidentiary problems and the analysis that judges employ to address those problems. For these professors, cases are richly textured, real problems, and analysis of the opinions educates students by providing either an example or a basis for critique.

As one might expect, those respondents using a hybrid approach believe that neither the problem nor case approach is up to the challenge of satisfactorily teaching evidence stu-

dents. The remarks of these respondents reflect a conscious blending of the themes of engagement, realism, application, judicial thinking, and efficiency, to produce a superior pedagogy.

Choosing which approach to use requires professors to make conscious tradeoffs. Professors were also candid about the challenges associated with each of these approaches. None of the three approaches is free of challenges. For the new or occasional evidence teacher, articulation of these method-specific problems provides the opportunity to match teaching methods with the teacher's strengths or preferences.

Most respondents recognise that the problem approach presents a variety of pedagogical issues. First, noting that the problem approach relies upon student preparation for its effectiveness, professors cite the unevenness of class preparation. Second, the unpredictability of class pacing as students grapple with problems creates coverage issues. Third, reorienting students from case analysis to understanding and applying rules, principles, and policies can generate student discomfort.

The case approach also is seen as posing challenges. First, professors note the challenge of getting students to appreciate how the rules are actually used in court and the effect of evidentiary error on the ultimate outcome of the case. Second, professors cite the difficulty of generalising from the particular case to the variety of issues raised by the applicable federal rule. Finally, respondents cite other problems such as the complexity and inefficiency of the case approach as compared to the problem approach, and suggest that the problem textbook offers the students a faster way to a basic level of comprehension than does the case method.

Professors address preparation problems by using a variety of devices to hold students accountable for the materials. A sampling of these devices includes the following: (1) assigning panels of students to each set of problems; (2) dividing the class into groups that are responsible for leading the class discussion or for taking opposing positions and ruling on evidentiary issues presented by the problems; (3) making sure that students know what material will be covered in class; and (4) counting class participation in the final grade. In terms of the case approach, to deal with the problem of appellate decisions obscuring the strategic use of evidence rules in practice, professors also take steps to compensate for other perceived deficiencies in the case approach.

A noteworthy distinction between the problem and case approaches is the high incidence of team and small group assignments and role playing under the problem approach. A majority of professors in each category use detailed syllabuses. Professors in all three categories extensively use partially or fully objective final examinations.

While the Survey indicates that the problem approach predominates over the case approach among current evidence professors, the effective use of hybrid approaches by a significant minority of professors suggests the importance of thinking beyond a bipolar view of evidence-teaching methodology. The Survey is a richly textured snapshot of the thinking behind the teaching and evaluation practices of seasoned evidence faculty.

Preliminary reflections on teaching about ethnic minorities in law
P Shah
37 *Law Teacher* 1, 2003, pp 18–35

This article presents some reflections on approaches adopted and experiences of being involved in teaching the field of Ethnic Minorities and the Law. The author started off co-teaching this subject as a timid postgraduate student at the School of Oriental and African Studies, University of London.

It is remarkable that student interest in courses tackling these topics has generally tended to be quite high, although it was noticed that a number of reservations also preoccupy students when considering taking up such courses. Not least among these are worries about being marginalised or penalised in the job market. This has largely not been the case in actual practice and there is evidence that older lawyers are rewarding students who have under their belts the sorts of qualifications that they themselves never got the chance to study. The ever-increasing emphasis on diversity-aware workers provides an added incentive in this context.

An ever-present worry is the possible 'ghettoisation' of the discipline. More worrying is the assumption that white English law students do not need to know about the legal implications of increasing cultural pluralisation within British or European societies. Another important trend has been that the overwhelming majority of students are tending to be female, and there is cause for thinking about whether and why ethnic minority studies in law are also gender-coded in students' minds. There appear to be obvious parallels here with Family Law and Women and the Law courses which attract mainly female students. There is also reluctance about the topics taught and approaches taken within law departments where fellow academics can often be dismissive due to prevailing orthodoxies or latent fears.

If the British legal order largely expects conformity, refuses to fully recognise diversity and penalises people for cultural hybridity, is there a framework of legal inquiry that can help us to approach things more positively? Our response has inevitably had to involve a departure from the way in which law was being taught elsewhere and as it has generally presented in the leading textbooks, regardless of which topic is dealt with. Indeed, it has been essential to start from basics and pose questions about how we conceptualise law. We there-