

A common thread in the course descriptions is instruction in effectiveness and efficiency in developing a research plan. Not only are students expected to learn how to use electronic resources, but also when and why to use them, with particular emphasis on realistic options for online access. The research log is also a good tool for instructors to evaluate student progress, for students to evaluate their own progress, and for students to conduct peer-evaluation.

The second half of the Advanced Legal Research course focuses on specialised research in several areas of law. Focusing on individual subject areas promotes effective instruction in integrating non-legal sources with legal sources.

The difficulty with developing a practical problem has been resolved to a degree by requiring students to draft research problems of their own creation. Students are required to select a topic that has practical application. These topics should require students to consult a broad range of resources that would be consulted if the students were researching the problem for a brief or memorandum. Students are required to draft their own set of facts, a list of instructions for the various sources that needed to be consulted, and an answer sheet for those instructions. These projects are then reviewed extensively by the course instructor, and resubmitted to other students who are required to conduct the research as instructed in the various problems. Moreover, students are required to study the facts given in the problem, and conduct research to locate additional authority that may apply to their specific problem. The function of this project is rather similar to a peer review or peer editing process, because students are required to evaluate another student's research in order to find authority that would help resolve the problem presented.

The course project has solved, at least partially, the problem of creat-

ing significant and practical exercises. Students are required to use a fairly wide range of resources intelligently in order to develop these problems. While this caused some frustration among students, it caused less frustration than previous attempts to create comprehensive exercises and has accelerated the students' understanding of the various sources covered in the course.

The dialogue concerning legal research instruction should not end. As the availability of information continues to change, so too must the pedagogical values associated with legal research instruction. Legal information is not cheap, and the people who eventually pay for the academic community's inability to teach research skills are the students' future clients.

Truth in action: revitalising classical rhetoric as a tool for teaching oral advocacy in American law schools

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Effective oral argument is crucial for success in legal advocacy. Trial lawyers must develop oral argumentation skills because they are not usually born with a golden tongue. Most trial lawyers, however, are thrown into practice without ever receiving this essential training.

It takes years of experience and consistent practice for an attorney to develop strong oral argumentation skills. Unfortunately, most law students have only one experience with oral argument, the first-year moot court competition, and even less receive actual training in oral argument during law school. In effect, each law student must 're-invent the wheel' of oral advocacy.

Both legal practitioners and scholars acknowledge that even in the last decade oral advocacy has been neglected in many ways. Why is oral advocacy not being taught? Scholars and practitioners have offered many

explanations. Some point to the sharp reduction in time allowed for oral argument in appellate court, or the crushing burdens of increased business in trial courts. Some commentators find that because attorneys' skill in oral advocacy is declining, judges neglect oral argument. Ultimately, the lack of good oral advocacy springs from the lack of a real methodology.

While many law schools seem to assume that oral advocacy skills can be easily acquired after graduation, some schools are starting to recognise the need for teaching it. Good oral argument pedagogy requires a set of tools that are clearly defined, readily applicable and flexible, so that an advocate can both increase her level of preparation as well as 'think on her feet.' Though many critics have excellent ideas that should be incorporated into law school pedagogy, none, or few, of these critics have offered a coherent and comprehensive system for the way oral advocacy should be learned or taught.

Most law school advocacy programs focus on research and writing disproportionately to oral argumentation. In fact, most law students are only required to give one oral argument in the culmination of their first year. Rarely are law students ever required to take additional courses requiring oral advocacy. Some law schools, however, are making oral advocacy a higher priority. While most law schools require students to give an oral argument, they rarely provide formal instruction on oral advocacy. Generally, students practise oral arguments with peers or once in front of a teacher. Even worse, oral advocacy is something that is thrown in at the end of the semester, rather than integrated into the entire course.

Classical Rhetoric embodies a pedagogical system that can aid students as they develop skills of oral argument in the preparation stages as well as presentation stages. Fundamentally, it was separated into five canons: Invention,

Arrangement, Style, Memory, and Delivery. Legal orators utilised these canons to create and organise arguments, to improve eloquence, and to increase powers of recall and presentation. Within the canon of Invention, *topoi*, or topics, assisted orators in developing legal arguments. The canon of Style contained exhaustive catalogues of figures of speech that were divided into two categories: (1) schemes, or artful deviations from the ordinary arrangements of words, and (2) *tropes*, or creative variations on the meanings of words.

Legal orators used the methods of these five canons to appeal to a jury's sense of ethos, pathos, and logos. These three appeals, or modes of proof, often worked together and will be addressed at greater length in the analysis of the two cases at hand. *Ethos* deals with how the speaker represents himself and his client, *pathos* deals with how the speaker appeals to his audience, and *logos* deals with the logic of the words themselves and how the speaker interacts with the audience. Examining the inner-workings of ancient rhetorical schools will introduce the reader to Arrangement, Memory, and Delivery.

Prominent Roman orators like Cicero honed their oratorical skills in rhetorical schools. These schools focused first on preparation. Students read orations and observed other orators so that they could eventually imitate these orators in declamation. Today, however, law schools generally prohibit first-year students from seeing other students' or practitioners' work before they complete their advocacy briefs and oral arguments to ensure that students do original work. Unfortunately, the technique of imitation has been misunderstood and curtailed. Many law professors view imitation with distaste because they think that it gives students a disincentive to come up with original arguments.

Law students today should also be given the opportunity to benefit from

imitative exercises. Such exercises will sharpen students' memories and creativity and will help them develop a catalogue of tools to solve problems and express their arguments well. With the advent of the Internet and other multi-media resources, advocacy instructors could direct their students to excellent examples of the best legal orators of our day. Law students could carefully examine the strengths and weaknesses of lawyers' oral arguments and imitate the techniques of their modern day 'superiors'.

While the modern legal education system lacks concrete methodologies for teaching oral advocacy, many scholars are reluctant to accept classical rhetoric as the answer. Though current methods of oral argumentation may help trial lawyers achieve momentary effects on a jury, these victories are fleeting. Using the ethics and methodology of rhetoric as exemplified by Cicero will help law students develop solid skills that will help them and the judicial system in the long run.

Although much is written today about the importance of oral advocacy, there is no concrete methodology, despite the fact that good oral advocacy skills do not magically descend upon law students once a dean places a diploma in their hands. Good oral advocacy requires training and structured practice in addition to intellect and talent. Law schools must stop skimming over oral advocacy as an afterthought in the first-year curriculum. As the system now stands, many students could leave law school at the top of their classes without having developed skills in trial oral advocacy.

Using a modified problem based learning approach to motivate and enhance student learning of taxation law

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Professional practice involves graduates being faced with a variety of problems for which there is no defined or

clear-cut solution. Such divergent problems are not quantifiable or verifiable and so do not lend themselves to a single, simple solution but require a self-directed response based on a creative analysis of the contextual factors involved.

As an academic teaching Taxation Law to undergraduate accounting/law students in the Law School at the Queensland University of Technology (QUT), the author had observed that these students often have difficulty applying tax theory to new fact situations. This appeared to stem from an inability to be self-directed in their approach to learning Taxation Law. The students were often very lecture-dependent, expecting that there would always be a right answer and a defined approach to getting that answer.

As professionals, however, these graduates will need to be aware of the possible taxation implications of many transactions they advise on, even if they do not actually practise in this area. Once they graduate they will be continually challenged by unique situations for which they have no previous experience. These new situations will defy predefined solutions and a self-directed response will be required. This is of particular importance in areas like Taxation Law, which are complex and constantly changing.

The author commenced researching student learning and concluded that a Problem Based Learning (PBL) approach would be one way to address the issues raised above and encourage more effective learning on the part of the students and integrated a modified PBL approach into an introductory undergraduate law unit.

PBL is a method or strategy in which the starting point for learning is a fact situation (the problem) that the learner needs to solve. The problem itself becomes the stimulus and reason for learning. No matter whether law graduates enter the legal profession or pursue careers in accounting, government or other areas, they will