

that his or her current skill and knowledge is inadequate for a new situation and then to understand how to learn what needs to be learned. Legal education is necessarily continuous over a lawyer's career, so the lawyer must be equipped to learn autonomously. Critical self-reflectiveness is a quality complementary to autonomous learning. A third general component of much of the learning theory is that students learn best when they are taught how to learn and not simply taught what to learn.

All students can learn to be self-regulating, regardless of age, gender, ethnic background, actual ability level, prior knowledge or motivation and faculty can explicitly help them achieve this goal. Empirical research that shows that students can learn how to control their own learning and become self-regulated learners. Based on the foregoing studies we can conclude that such a program would be very likely to improve student outcomes, particularly if we make sure that students transfer these skills to their regular courses by having faculty learn SRL and cue students to select and use SRL techniques.

In designing a course, begin with demonstrations and discussions of the benefits of the SRL cycle for law school, for the bar exam and for law practice. The idea is to convince students, from the outset, that SRL will work for them in law school. Second, provide instruction addressing both how humans learn and the overall SRL cycle. Understanding the rationale for principles and procedures helps students create a schema for storing the new material presented later in the course. Third, include these recurring activities in the course: a time management/self-monitoring log and required quiz outcome predictions combined with evaluations of those predictions and their causes, each of which are recommended practices.

Teaching students the learning implications of their Myers-Briggs personality types and of their learning styles allows them to self-assess their personality types and learning styles so that productive learning techniques are selected. By adopting a basic, recurring, overarching instructional approach typical of successful SRL programs, students read about a skill, participate in a demonstration of the skill, practise the skill under heavy supervision, and then try the skill on materials typical of what they will have to learn in their educational program and receive feedback on their efforts. Finally, design the final exam to reinforce all the skills the students have learned and to encourage them to apply immediately what they have learned to their work in the course and to their future law studies.

Research suggests that when mental processes are used often, they become automated and more efficient. Expert learners are able to respond quickly, consistently, and effectively to internalised strategies for thinking and problem solving. Unless they hit a cognitive snag, they are able to proceed with most of the mental work being done at a subconscious level. Research in this field already indicates that the more teaching the sort of thinking which is based on a consistent and comprehensive plan and utilises effective pedagogical techniques permeates the curriculum of a school, the more reinforcement good thinking receives. It then becomes more likely that students will incorporate the habits of thought we are trying to teach them into all their ways of thinking.

While there is no way we can be certain that teaching law students SRL skills will improve their performances in our classes and on the bar exam, we have very good reasons to believe that students who already self-regulate are among the most successful in law school, that self-regulation skills can be taught, and that the curriculum reflected in this article will succeed not only in teaching law students to be self-regulating, but also in improving student outcomes.

TEACHING METHODS & MEDIA

Reality programming meets LRW: the moot case approach to teaching in the first year

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A course in legal analysis, writing and research is the most important course law students will take during their first year and possibly in their entire law school career. Until these foundations are properly laid, anything built upon it will be unstable. The challenge for the legal writing professor is to find a way to capture and retain the attention of first-year students, while imparting the skills they will need upon entering the profession.

The traditional skills that serve as the focus of most first-year legal writing courses can be taught in an engaging way by tying all or most of the assignments into a single 'moot case' problem, which the students then work on all year as if they were lawyers. It also provides context in which real legal writing is done in a law office and addresses the need of students to see the real-world application of what they are learning.

Research suggests that active learning is almost always a more effective way to learn than passive learning. The two principal methods of teaching in most law school classes, Socratic dialogue and

problem-solving, are active learning techniques because both require students to engage affirmatively and work with the material, rather than sit passively and listen to lectures. While it may be sufficient for a doctrinal professor to focus on the result of a case, the process orientation of a legal writing professor is better served by engaging in a broader study of how courts decide cases. This approach shows students how lawyers handle cases.

The unrealistic traditional approach to teaching legal writing is overcome by utilising the ‘moot case’ approach designed to address this shortcoming. By participating in the development of the case, students gain a sense of ownership of the problem, which translates into a better understanding of the issues involved and better writing and oral advocacy. The concept is simple: study one case during the course from start to finish.

The author used the moot case format to teach first-year students, and found it to be an effective way to hold student interest throughout the semester. In using this technique, students are able to watch the case develop as it would in a real law office. Each student is paired with an opposing attorney in the other section. All of the traditional first-year writing assignments were incorporated into the moot case.

The effectiveness of this model is hard to measure, but students appear to enjoy the class. Some of the advantages of the approach are the provision of an opportunity to perform practical lawyering tasks, as well as context for the legal dispute being considered. A related benefit of the moot case approach is that the students feel more immersed in the problem, and therefore are able to write more passionately about it.

Moot cases are designed to be too large and complex for a first-year law student to handle entirely on her own. A strict division of labor is necessary and also the promotion of the benefits of group work, including the timely completion of work. A further related benefit is the sense of camaraderie that develops within each law firm which improves the civility in general correspondence with the opposing firm. Students are encouraged to work and learn collaboratively and cooperatively. The moot case technique is ideal for fostering collaboration. Further, the technique provides an opportunity to expose students to a wide range of the ethical problems they will encounter in the practice of law.

The moot case technique has some disadvantages. This technique is likely to add to the demand for class time because of the breadth of skills the moot draws upon. One solution is to recognise the pedagogical value of teaching these additional skills. Another risk is that the professor is not in complete control of how the case will turn out. No matter how well researched and planned the basic moot case problem is, students will almost certainly think of factual or legal issues that the professor had not considered. This accurately reflects real cases. Mooting is also more work for both the professor and students.

It is fair to estimate that fewer than one-half of all practising lawyers consider themselves trial lawyers. The moot case technique focuses on the skills needed by those types of lawyers but includes the whole class in this litigious process. It is, however, valuable for any law school graduate to know about litigation. The additional skills taught through the moot case technique are not litigation-specific. Students in the moot case project must learn to evaluate a legal issue, interview clients and witnesses, review documents, interact with colleagues, both within the firm and opposing counsel, and attempt to negotiate a resolution. All of these skills are transferable to other areas of specialisation.

While the moot case technique presents opportunities for teaching and learning in all of these areas, professors should carefully consider which of these goals is most important, and design the problem accordingly. While the cognitive skills of issue identification, analysis and synthesis, and the performative skills of research and writing (the traditional skills covered in LRW courses) will likely occupy most of the professor’s attention, the professor should also recognise and nurture opportunities for other types of learning.

Once the decision is taken to implement a moot case method in first year, the authors offers the following suggestions: define your goals carefully; prioritise your goals; communicate your goals to your students; provide time for reflection and in-class evaluation; and be aware that problem selection is the key to success. A moot case problem must satisfy two contradictory criteria. First, it must not be so legally or factually complex as to frustrate first-year students. Second, it must be sufficiently complex to sustain interest throughout the year. Finding the balance between those two conflicting needs is often difficult.

Simulation techniques are nothing new. What is new is the suggestion that a full-year simulation can be an effective method to teach the required first-year course in legal analysis, writing and research. The technique provides excellent opportunities for cooperative and collaborative work and is a vehicle by which ethical considerations can be introduced in an interesting way.