

law teachers who conscientiously wish to improve their teaching practices. It will assist them to understand what are the ingredients of the teaching equation and how the various elements interact as parts of the entire system. It is a conspicuous landmark in our understanding of what exactly is involved in teaching and learning law.

However, it also cannot escape one of the great weaknesses in many of the models which one encounters in much of the general instructional design literature: the more an educational phenomenon is broken down into its component parts, the more impenetrable and labyrinthine it can become, with the risk of blurring the vision of the relative importance of each of those parts and their contribution to the bigger picture. Fortunately, this particular model/framework appears to be securely anchored in commonsense. The litmus test will be the extent to which classroom law teachers ultimately make use of it to improve their teaching practices.

Editor

#### **A comprehensive approach to orientation and mentoring of new faculty**

D Keating

46 *J of Leg Educ* 1, March 1966, pp 59-66

Law school faculties have so increased in size since the 1970s that it has become no longer practical or for them to function as a single social unit as in the past when new faculty could fast become acclimatised to the nuances of the faculty culture.

In 1993 the Washington University law school bit the bullet and decided to invest time and resources into creating a formal and comprehensive orientation and mentoring program for new faculty. This consisted of four elements:

- a detailed memo, 'Things I wished I had known as a new faculty member'
- a series of four two-hour orientation sessions
- a formal mentoring program, and
- a detailed question-and-answer memo about the tenure process to supplement the formal tenure document.

The 'Things I wished I had known' memo addressed a broad range of disparate items from consultancies outside the university to where the coffee was kept. The importance of annual updating was recognised, as was the need for different customised versions for full-time tenure-track staff, visiting faculty, adjuncts and summer school faculty.

It was realised that some important topics did not lend themselves to a memo and require fuller discussion. Two-hour seminar-like orientation sessions on teaching, creating and grading exams, pursuing scholarship, and dealing with the law reviews, taking the format of round table discussions, were spaced over the course of the year to coincide with the times when the subject matter would be most relevant. These proved to be one of the more successful aspects of the orientation program.

Whether there should be a formal mentoring program at all met with some debate. Assignments are made at the start of the academic year and most people tend to keep the same mentor from year to year. Mentors are expected 'to assist the development of the candidate in the areas of teaching, scholarship, and general acclimation with the law school community'. A major issue was trying to reconcile the conflict of interest between a senior faculty member's role as mentor and as a voting member of the tenure committee. The mentoring program as it works in practice is a useful resource for new faculty in their first year or two of teaching but by the end of the second year they

have usually figured out which senior colleagues they will turn to for regular advice.

The fourth element, questions and answers about the tenure process, was not adopted until 1995. Tenure is obviously of foremost concern to untenured staff and the subject so large it clearly merited separate treatment. While the formal tenure document is confined to the statement of standards and criteria, the Q & A addresses both procedural details about which there must be specific answers and subjective matters on which it is clear there is no single answer. One danger is that the school could be later held responsible by the university or a court for the failure to follow the guidelines as articulated by the faculty.

Law schools which seriously invest time and effort in an orientation program may well discover benefits to their untenured faculty that go beyond the mere transmission of useful information, such as contributing to a greater sense of community within the school.

## **TEACHING METHODS & MEDIA**

### **Thinking about first year law teaching**

J Goldring

2 *Canberra Law Review* 2, 1995, pp 137-144

The climate of legal in Australia has changed markedly since the publication of the Pearce Report in 1987. These changes are marked by different approaches to the content of legal education and also a change in teaching techniques. Reading *Thinking about law*<sup>3</sup>, a collection of

<sup>3</sup> Hunter, R, Ingleby, R & Johnstone, R, (Eds) *Thinking about law: perspectives on the history, philosophy and sociology of law*, (1995) Sydney: Allen & Unwin



essays intended for first-year students, prompted the author to re-examine the ways in which first-year students learn law.

First-year students need to develop broad perspectives on law. In Australia, university law schools must reconcile the intellectual demands of the university and the competency-based needs of the different branches of the practising profession. Students must develop certain stores of knowledge, skills, competencies and attributes which will enable them to participate in society as educated citizens engage in various types of legal work. This requires technical skills, an ability to recognise changes in society and sufficient flexibility to apply existing skills and knowledge within that changed society and to learn continuously from whatever sources are available. This in turn requires an understanding of the social, political, historical and economic context of the law.

There is ample literature to suggest that students learn less enthusiastically when they are confronted with material that is unfamiliar, or expressed in jargon that is strange and distant. The book takes an approach to learning whereby students are encouraged to examine the arguments critically, question the assumptions on which they are based and relate them to previous knowledge and understanding, rather than learning by rote. There is also ample literature that suggests that students learn more when they are actually engaged in doing something which requires them to explore and apply the objects of their study. While this suggests that 'clinical' experience is the most effective way for students to learn, it is far more expensive than traditional education. However, hypotheticals and other problem-based techniques can be used in the class-rooms in ways that lead students to technical solutions and also to 'contextual' issues. Understanding the law is incomplete without an

understanding of the processes of creation and transformation of the law and legal culture.

#### **A new law teacher's guide to choosing a casebook**

E L Muller

45 *J Legal Ed* 4, December 1995, pp 557-567

Where can the new law teacher turn for advice on how to choose the most appropriate casebook? Although excellent articles offering advice to new teachers have been published in recent years, they virtually offer no guidance on selecting a casebook. A new teacher needs to know much more information in order to choose casebooks that will carry him or her through the difficult first year of teaching.

Basically, casebooks have been categorised as those containing 'cases, cases and more cases', 'cases and substantial commentary' and 'cases and commentary with direction and probing'. The law lecturer is extremely important to the three major casebook publishers. You should contact them to tell them the course you will be teaching and ask them to send examination copies of any casebook that relates to these courses. Once they know who the new teacher is, these publishers and the smaller publishers as well will begin to bombard him or her with copies of their products.

The new teacher must resist the temptation to pick the most popular book. Experienced teachers need much less from a casebook than the new teacher and their preferences should not dictate the latter's choice. While it is impossible for anyone else to choose a book that best suits the style, interests and perspective of the individual teacher, there are several helpful guidelines. Look at copyright dates and make sure that the casebook you choose is not about to become obsolete; choose a casebook that balances cases with notes, questions

and other explanatory material as long as it is not too long. A casebook that is overly scholarly will be lost on most law students and the class will not have the time to cover all the material. Choose a casebook containing problems that require students to apply the cases they are reading to new facts. They represent a ready-made way of presenting the material through something other than constant interrogation. The teacher should remember that the casebook will be the primary resource for teacher and students alike; it should guide as well as provoke and should offer a relatively conventional approach to the course materials, particularly in areas that the teacher does not know well.

The interdisciplinary shift in the study of law in recent years has begun to manifest itself in casebooks, and the new law teacher may find that a casebook that presses a reader to view the material through the lens of, for example, economic theory, will make the legal doctrine less accessible to the student and add to the teacher's burden. It may also be helpful to find out something about your prospective students from experienced colleagues. A demanding, scholarly book, for example, will be wasted on a group of students who want to join a small-town general practice. Avoid blindly choosing a book that will create or fuel controversies better avoided in the first year of teaching.

Finally, choose a casebook that comes with a teacher's manual. You should ask the following questions about it: Does the manual supplement the difficult and unanswered questions in the casebook with still more difficult and unanswered questions, or does it actually suggest some answers?; Does it offer you the benefit of the author's experience in the classroom?; and Does the teacher's manual actually tell you how to use the casebook? In other words, ensure that the manual itself both makes the materials clear to the teacher and