from highly diverse ethnic backgrounds, the largest group being Indian who account for around 7% of all students. Between 16 and 20% of all full-time undergraduate students are mature (aged over 21 in their first year of study), though mature students account for 75% of students on part-time degree courses. Law schools appear to have relatively few students with special needs. Data pertaining to students' career intentions suggest that the proportion of students intending to enter the solicitors' branch of the profession remains fairly constant, though there appears to have been a fall in the numbers stating their intention to become barristers.

SKILLS

Teaching alternative dispute resolution in Australian law schools: a study

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2 *Commercial Dispute Resolution J* 3, 1996, pp 209–231

Despite the growth in professional interest in the use of ADR processes, the extent to which ADR is taught in Australian law schools does not appear to have been the subject of study. Whilst there has been considerable anecdotal evidence that ADR teaching is widespread, there had been no known attempt to measure its extent. This study was undertaken with the aim of standing as a foundation for research in this area. It shows that a large number of courses are now offered by Australian law schools which contain some aspect of the teaching of ADR but it cannot be viewed as part of 'mainstream' education.

One of the main objectives of the study was to provide information about the level of integration of ADR teaching in the curricula of Australian law schools. The intention was to ascertain the extent to which the courses are offered where students might develop a different perspective on process other than one centred wholly on the functioning of courts, without making any related value judgment.

There are a number of ways in which the teaching of ADR may be integrated within a law school curriculum. There is a fundamental dilemma associated with the teaching of methods which are essentially process based: should they be taught as part of existing substantive law subjects or should they be taught on a 'stand alone' basis? The study attempted to ascertain which option Australian law schools had taken as well as to identify the related issue of the level of integration of ADR within the curriculum of each law school.

The level of integration was determined by applying the model devised by David, who proposes four options. Those options in descending order of preference are: first, the complete integration of ADR in each undergraduate subject; second, teaching ADR in the introductory law course with it being taught again within some later, preferably compulsory, final year subject or subjects; third, for ADR to be taught outside the normal undergraduate subjects and for each student to be compelled to do one or two days per year of a skills course which is taught alongside and parallel to the core subjects'; and, fourth and least desirable, for non-mandatory ADR courses to be offered at a basic level or at an advanced level.

It was ascertained that at least 108 subjects are taught in the 22 law schools surveyed which contain some aspect of ADR, which encompasses a large range of dispute resolution processes. The most common form of dispute resolution taught is mediation, taught in just over 82% of the subjects, followed by negotiation at just over 78% of subjects. While the David model favours the compulsory teaching of ADR, 59% of the survey respondents stated that the particular ADR subject was not compulsory. Option 2 of the David model states that ADR should be taught at the first year level and again be compulsory in final year. The survey showed that this is not the way in which ADR is commonly taught in law schools. David is a strong advocate of the view that assessment is vital in order that ADR may be seen as a legitimate subject area; in 41 of the subjects, ADR was assessable with an indication in respect of nine of the subjects that it was not assessable. Written assessment was the most frequent form of assessment but in only two of the cases did it comprise 100 percent of the assessment.

The methods which are used to teach ADR should be associated as much as possible with the skills and techniques for teaching those skills which the objectives of the course identify. Question 10 of the survey asked respondents to set out the teaching methods linked with the teaching of each form of ADR in the particular subject. In each case, traditional lectures were the teaching method most frequently used. Question 12 sought to determine whether the study of ADR in the particular subject encompassed an attempt to understand its application in practice. The question asked whether or not students were required to observe or to become involved in a practical situation outside the classroom and, if so, whether or not that element was compulsory; in 29% of the courses, a component involved students participating in ADR

outside the law school and in only two courses was this involvement compulsory. It appeared from an analysis to the answers to question 13 that only three schools made an attempt to integrate the subject with any other subject or into the curriculum generally.

The number of students taking a subject with an ADR component is an important statistic in determining its reach. Fifteen courses had enrolments in excess of 100. All of these courses were offered at the undergraduate level. This point reinforces the need for ADR to be taught to large numbers at the undergraduate level in order for it to be offered to a large number of law students.

ADR is a long way from being part of mainstream legal education, despite the diversity and range of courses offered. There is a low level of integration of ADR within the curricula of Australian law schools, with only one law school operating at close to the ideal David model. Whilst the number of courses does appear to have burgeoned, the evidence gathered shows that these courses are not tied into the mainstream of legal education and that no transformation of legal education has occurred through their introduction.

Lawyers learning to survive: the application of adventure-based learning to skills development

N Spegel
14 *J Prof Legal Ed* 1, 1996, pp 25–50

Current models of skills teaching, while clearly more student-centred and interactive than in the past, still largely focus on 'the dominant paradigm of law practice' — rights-based, litigation-focused and lawyer-centred. Legal educators must break through the layers of traditional legal culture which define the lawyer as an adversarial advocate and demand respect for a profession steeped in impractical structure and incomprehensible language. The medium of adventure-based learning (ABL) creates experiences powerful enough to explode myths and stereotypes, to change student attitudes and to encourage both teachers and students to make the needed 180 degree turn.

The nature of Australian legal practice is undergoing change. Clearly not all students can find employment directly within the legal profession. A second significant change is the number of women at university and in practice; this affects not only the manner in which the legal profession will operate in years to come but also has a more immediate effect on student and employer expectations of contemporary legal education. A third fundamental change relates to the nature of legal practice itself: clients demand expertise and value for money and are prepared to shop around for a law firm which will meet their needs. Employers of law graduates comprise a wide spectrum of organisations and are seeking people who possess the ability to meet the challenges of change.

It is argued that the skills which underlie the various tasks of a lawyer should become the focus of legal skills training. The true challenge of skills training lies not in teaching students about skills in a particular context but rather providing a real opportunity for students to develop their own skills. To learn about skills means putting students through the paces of skill processes; it involves superficial learning. Developing students' skills, on the other hand, involves deep learning. By placing the focus on fundamental and universal skills, students are better able to apply what they learn beyond the traditional roles of barrister and solicitor to a broad range of contexts.

ABL brings forth real responses in students rather than potentially programmed, superficial responses which more easily occur in popular forms of experiential learning such as role-play. In this way, ABL moves beyond teacher-student rhetoric to enhance deep learning within students.

The objective of The Adventure Project (the elements of which are described in detail in the article) was to assess the feasibility of ABL as a means of teaching dispute resolution to a multi-disciplinary audience in a tertiary context. As part of this research project an 'adventure day' was piloted. This day-long program was structured to provide participants with an introduction to dispute resolution skills. A variety of adventure-based activities was designed. Analysis of the journal entries, interview and video transcripts which were part of the day indicated that the majority of the participants, irrespective of discipline, were enthusiastic about the method of teaching which resulted in crystallised learning which was subsequently applied in their lives to various degrees.

The study indicates that ABL provides an effective means of facilitating meaningful and lasting learning in terms of individual skills development of tertiary students. In this context the results further suggest that student participants benefit from interaction with co-participants from a range of backgrounds and disciplines. The significance of this finding is reflected in the growing interdisciplinary nature of lawyers' work.

Potential applications of ABL to skills training are as varied as the