spect to each other. Without being proscriptive, it is possible to encourage students to understand how their proximity to each other — 'proxemics' — and their own embodiment — 'kinesics' — conveys or creates particular meanings for others. The students then engage in 'status exercises', in which they experiment with eye contact and relative height as they adopt broad or narrow stances, take up more or less physical space, etc. Through participating in and observing such exercises, students begin to understand how the manipulation of certain variables might help put a witness at ease, or, alternatively, be used to create discomfort.

In the second half of the workshop students are given Shakespeare soliloquies to perform. They are asked to pay attention to the content and structure of what they are saying, not to get carried away with the language or emotion of the piece. When performing the piece they are encouraged to focus on the effect they are having on their audience, and to attempt to produce the appropriate gesture or inflection of voice necessary to move the spectator along to the desired state of emotion and understanding. Emphasis is placed on the advocate's ultimate objective, which is to lead the audience through the stages of the argument towards a conclusion.

The first stage of rehearsal involves an analytical phase, sometimes referred to as 'table work', in which the text is broken down into units of action. This precedes rehearsal in space. In the next step students are introduced to the principle of rehearsing 'big' and performing 'small', and are encouraged, when rehearsing argument, to find kinesthetic analogues for figures of logic. For example, words like 'yet', 'but', 'however', 'or' can be used to reorient the body in space. If the speech involves a thesis-antithesis structure, these images or ideas are placed at opposite ends of the rehearsal room, and the advocate moves between them. For example, emphasis of a point that, in rehearsal, involved a movement from one end of the room to the other may, at trial, consist of a turn of the head or a small hand movement. Through rehearsal, gestures and inflections of voice are programmed into the 'body memory', freeing up the mind to monitor the emotion and understanding of the judge and jury.

This rehearsal technique can be adapted to assist advocacy students to prepare for their 'performance' of various components of the trial. Opening and closing addresses are immediately obvious. This is not to suggest that students should prepare a detailed 'script' of their addresses. Rather, they are encouraged to 'table work' their outline to understand how a piece of written text is moved into a performance. By correlating points of argument to units of action, the advocate can develop a feel for moving their audience through a complex set of ideas.

On a very basic level it must be acknowledged that the acquisition of acting techniques, if used inappropriately, prompt some students to engage in over-zealous advocacy. To warrant coverage in a trial advocacy course, instruction in the actor's craft must be taught within a context of ethics and professional responsibility. Advocates should strive to be persuasive and it is the responsibility of advocacy teachers to expose students to techniques that can be used to achieve that objective. It needs to be recognised that courtroom advocacy does take place in the context of a performance and rehearsal techniques warrant coverage in an advocacy course.

Incorporating dispute resolution and drafting skills into a substantive law course

R Buckley

16 *J Prof L Educ* 2, 1998, pp 261–269

In an integrated skills program, each legal skill is studied in a module incorporated into a substantive law subject, with each skill revisited a number of times during the degree to reinforce and build upon the prior learning. At Bond University six skills are taught, each between two and four times. A student will complete 18 skills modules during the course of the degree. However, skills are taught in only 13 compulsory law subjects in the degree. In step with contemporary trends, much of the degree is comprised of a broad range of elective courses which, for reasons of coverage and orderly progression, are not suitable vehicles for the inclusion of skill modules. Accordingly, more than one skill needs to be taught in each compulsory subject. This article addresses how to teach two skills modules in the one subject without overburdening students or faculty. The two chosen skills are dispute resolution and drafting. The chosen substantive subject is Contracts.

The skills taught in the Bond integrated program are legal research and analysis, legal writing and drafting, information technology, dispute resolution, advocacy and oral presentation, and client interviewing and communication. Skills modules are allocated to specific subjects based on an assessment of how good a fit a skill is with a subject. Drafting a contract in a Contracts subject, for instance, is an obvious fit and serves to make concrete a lot of otherwise abstract learning. Likewise, dispute resolution is an obvious fit in a Remedies course, as negotiation resolves far more disputes than litigation. The number of modules offered in each skill varies and is based on an assessment of how many modules students require to attain the desired level of competence. The place of the skills modules within the degree is determined by an assessment of the stage at which students need the specific skills and the stage at which they can most usefully be taught.

In general, skills modules are taught at Bond in two ways: in extra classes

and in the regular weekly tutorials. The author's preferred method is to schedule two extra classes of three hours, which will typically result in 40-50 students in each class. One hour of lecture time in the week either preceding or following the extra classes is dedicated to explaining and demonstrating the drafting skills expected of the students. The extra class then commences with a one-hour explanation and demonstration of the specific dispute resolution skill to be practised that day. This is followed by students engaging in a negotiation role-play, in teams of three, for which common facts have been handed out in advance and brief confidential facts are handed out at the time. Ninety to a hundred minutes in typically allocated for the role-play. With 48 students in the class this requires eight role-plays each involving two teams of three students. The role-play is followed by an immediate debrief of about 20 minutes based on what the teacher has observed in the room.

The second method (given that there are typically 10-12 students to a tutorial at Bond) involves a four-party negotiation, with each party represented by two or three students. This method works best when the final ten minutes of tutorials is set aside for feedback and reflection. However, this leaves 10 to 12 students representing four separate parties only 40 to 45 minutes for the role-play. In the tutorials each student has far less time to speak than in the extra class scenario in which six students have 90 minutes for the role-play. In law schools with larger tutorial groups, the pressures of time may render the tutorial model unworkable.

The writing and drafting element of the module is done by students individually. It works best, and avoids overburdening the students if the drafting and dispute resolution elements dovetail so that one leads into the other. In Contract Law the two types of documents which are drafted at Bond are letters and contracts. Drafting a contract can be used either to lead into or to follow a negotiation. The model which the author commonly employs is for the negotiation role-play to come first and for the students to draft a simple heads of agreement at the conclusion of the role-play. They then take away a copy of the agreement and individually draft a contract to reflect this. The drafting of letters presents the same options. Students can be requested to write a letter of demand and then meet to role-play the negotiation of the dispute or they can negotiate first and then write a letter to record the agreement reached.

In a subject like Contracts, these skills exercises offer substantial benefits to the students' understanding of the course content. Drafting a contract makes concrete that which has, to that stage, been discussed in the abstract. It requires a student to think about much that they have learned in the subject and apply it. The anecdotal feedback from students on the process has been excellent.

Skills are usually taught shorn of values. Skills training, however, had its genesis in the clinical legal education movement, a product of the US in the 1970s, which was traditionally accompanied by a commitment to social justice and to providing legal services to the poor and powerless. Unless a clinical program is available, skills teaching will typically provide the most realistic experience of legal practice an undergraduate law student will have. Accordingly, teachers of skills have a duty to introduce students to practice in this sense by placing the skills in a strongly client-centred, service context and by making explicit the values which the skills are serving. To do otherwise is to reinforce the message that law school is merely a trade school for commercial lawyers.

Reform of skills teaching in the University of Canberra School of Law
J Gilchrist
5 *Canberra Law Review* 1 & 2, 1998, pp 233–244

This article describes how a new law school with limited resources has introduced skills teaching reforms. It also describes how the process of deciding on reforms has aided their reception and implementation. Each may be of guidance to other law programs.

The School of Law at the University of Canberra (UC) commenced its LLB program in 1993 and has an academic staff of 15. The decision to embark on reform at the UC School of Law was taken in 1995 in light of the adoption by the university of a skills policy, as well as such factors as the greater variety and competitiveness of law schools, the adoption by public and private sectors of quality management policies which have spread throughout higher education, and the changes in the scope and efficiency of the legal services industry, which have all contributed to an increased emphasis on better methods of acquiring skills.

The process of legal skills reform has occurred against the background of wider UC curriculum reforms called the 'New Academic Program', which are essentially designed to reduce the number of units on offer across the university to save costs and resources. The outcome of the reforms for the LLB program is that there are now no elective law units available to students. From 1997 the LLB is an all-compulsory unit program.

The skills reform process has throughout been a consultative one in which staff have made decisions on reforms on the basis of a consensus. The most significant differences that arose were philosophical and resource centred. The process has not been without difficulty, but staff response to the work suggests the adoption of a consensus approach to reforms results in