

1999 with the award of a grant for the development of a multi-media teaching/learning package in legal ethics and professional responsibility. The direct involvement of students in projects helped increase student learning of client interviewing, both for those students who used the package as well as for those who were employed in its development.

The successful completion of grant-funded projects on teaching and learning can produce feelings of relief as well as of accomplishment. In the end, the evaluation of the project proceeded on a number of levels, involving more individuals than originally planned or even anticipated. In retrospect, it was this aspect of the project – the formative evaluation of the project – that proved to be one of the most, if not the most, productive and enjoyable aspect of the entire undertaking.

The benefits of involving students – and colleagues – in the initial conceptualisation and creation of teaching/learning products have yet to be tapped. Perhaps in time the involvement of students – and colleagues from other disciplines – in all aspects of project design, development, implementation, and evaluation will be built into criteria for the award of grants. The grant process itself needs to be made more transparent, and greater opportunities for sharing information amongst grant recipients need to be created.

Packing them in the aisles: making use of moots as part of course delivery

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10 *Legal Educ Rev* 1, 1999, pp 83-106

Usually the only audience which mooters have, aside from the specially constituted Bench, are those few friends or family who come along to lend support. Even when there is an audience, there is little suggestion that they are intended to benefit in any way by observing the moot. The fact that spectators are rarely, if ever, provided with any information concerning the moot problem indicates the ne-

glect of the benefits of mooting to the audience.

This seems to reflect a rather limited appreciation of mooting and its power as an educational device. While it is widely acknowledged that moots provide skills training for those students involved, moot programs which are run in the context of a particular areas of study may be structured so as to enhance the acquisition of knowledge of the substantive law by both the participants and the audience.

Before examining the educational possibilities that mooting presents when spectators are present, it is helpful to revisit quickly the advantages of the exercise for its active participants. It is widely acknowledged that students gain a number of generic skills from mooting. These can be grouped under the umbrella name of communication skills and include the ability to present an oral argument, to be capable of conveying meaning through written expression and also to work as a team with the various forms of communication that teamwork entails, notably negotiation and explanation. Of course, the very legal nature of the exercise ensures that mooters must be competent legal researchers and confident in their knowledge and use of legal language.

All core subjects of the Bachelor of Laws curriculum at University of Western Sydney Macarthur must feature a 25% skills component. This means that in each of these subjects, a quarter of the teaching time and the assessment must relate to a specified legal skill. The skill which is concentrated upon in Constitutional Law is mooting which is worth 30% in total. The slightly higher weighting was a recognition of the very high demands which mooting makes upon students in contrast to some other legal skills.

In 1997 a number of changes were made to the delivery of the subject with the aim of pacing mooting throughout the semester. This contrasted with the previous system of the moots being clumped at the end of the course where they occurred not only in the designated skills

hour but also the two hour blocks set aside for tutorials. A model was adopted under which a topic would be lectured upon in, say, week five of the semester. The students then prepared for a tutorial on this topic in week six and, finally, witnessed four of their classmates perform a moot concerned with this area of the law in week seven.

There were two attractive features of this approach. First, it facilitated the reinforcement of student understanding of lectured topics through preparation for the moot, and the assessment of students in the professional context provided by the moot court. Second, looking beyond the issue of the mooters' learning, it presented an opportunity for what may be best described as informed spectating. Essentially, all this does is seek to extend some of the benefits of mooting to the audience. Surely their understanding of a legal topic can be improved by watching others debate the correct application of the law to a problem. We often request our students to make tutorial presentations to each other. The fact that a moot is situated in an extremely legal environment – unlike lectures or tutorials – should only strengthen the learning experience for all concerned. To that end, over the course of the semester, all students watched the moots of their colleagues in the same skills/tutorial group. They were provided with the moot problem about 15-20 minutes before the moot actually commenced and given that time to read it. The moot problem was based around the topic covered in tutorials in the preceding week and lectured upon the week prior to that.

The heavy emphasis on skills at UWS Macarthur can often mean that when one attempts to revise that component of a subject the rest of the course must inevitably be redesigned also. This was very much the case with Constitutional Law. The key to increasing student interest in the moots they watched was obviously to make them more relevant to the remainder of the course. To this end the coverage of a topic changed from the weekly progression of lecture/tutorial/moot which was described above

A re-ordering occurred so that a topic would be covered, again across the span of three weeks, but using a lecture/moot/tutorial sequence. The placement of the moot between the two traditional means of delivery was designed to enable a full debriefing of the moot problem in the subsequent tutorial. The aim of this was two-fold – first, students were made aware that they would be expected to discuss the problem in the tutorial and would be asked about what the mooters had said in relation to it. They were given the problem a full week in advance of the actual moot and told to prepare an answer to it for discussion in the tutorial two weeks later. Obviously, there was now a reasonable incentive for closely following the proceedings in the moot court. Second, by discussing the problem after the moot, staff were able to clarify particular issues that may have become confusing in the course of the legal submissions.

The changes that have occurred in the delivery of this one subject at UWS Macarthur have been fairly significant, yet it is clear that there is so much more that can be done. In particular, stronger efforts should be made to ensure that theory is not lost in a sea of doctrine and skills. At present there is a substantial portion of the course devoted to an examination of the tenets of Western legal theory which underpin the Westminster system of government, but perhaps this material could be enhanced by a greater connection to the material covered in the moots, or at least the reflection upon them.

It is educationally sound and, despite student protestations at the time and the occasional sleeper in the audience, the survey results indicate that there are benefits to be gained by those students who are prepared to devote a little preparation and energy to making the most of their spectating role. A tighter course structure can assist students to do this. The role of feedback can also receive more emphasis. The potential then exists for students to approach their studies in Constitutional Law in a manner which prepares for and facilitates learning through a variety of contexts, thus enabling a deeper understanding of all facets of the course.

TECHNOLOGY

Leila's working day: one of the futures for legal education

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34 *Law Teacher* 1, 2000, pp 1-16

It is fashionable to predict the future: it allows one to be utopian, to promote one's causes. To talk of futures is more daunting. Futures envision parallel universes, ambivalences, or even fractal pluralities. The account of Leila's day is a realistic utopian future, albeit with a dash of poetic licence. It is not an attempt to predict the future, but to imagine and to an extent argue for a well provided legal education in which Information and Communication Technology (ICT) will play a considerable role. Such a future is intended to be educationally stimulating in the placement of the student in the centre of the learning process; in involving contact, personal and ICT based, among lecturers and students; in emphasising situational and skills based learning without undermining intellectual skills.

Essential to the positive vision is a rediscovery of learning in the context of information and communication technology. The vision has to adapt realistically to a new environment characterised by fundamental restructuring of the higher educational system in its funding, staffing, size and nature of institutions; by changes in law and lawyering as a consequence of increasing global competition and challenges from other professions on the monopoly enjoyed by lawyers; by lifetime learning, rather than the very short periods of academic and professional training to which we have become accustomed; and finally by global learning in which the suppliers, consumers and the substance of legal education transcend national geographical boundaries.

Traditionally, legal education emphasised a relatively rigid syllabus delivered by means of lectures and tutorials over which the student had little control. In contrast, Leila's learning activity has radically changed, not merely in its use of information technology, but also in the pedagogical shift from the present sys-

tem of teaching to student-centred learning. Such a transformation involved a variety of components, including independent resource-based learning and situated learning through active engagement with legal situations.

In Leila's future, the learning system, with its emphasis on project based work, actively encourages her selectively to explore this wide range of resources, but also to interact actively. It is this aspect of learning from and through the context which has been increasingly emphasised by learning experts.

Leila's work schedule is organised by Sal, her system assistant. Leila determines the priorities in her study, work and social existence; Sal ensures that these are properly timetabled. In her selections of courses, Leila relies on LawLife Inc, one of a range of advisory services on study as well as remunerative work. Such services have become essential because the learning experience is increasingly seen as a lifetime one. The greater sophistication and size of educational and assessment tasks involved can only be managed by an equivalent sophistication in the development of the university's Learnnet, which is an evolution of the intranets which became common at the end of the century.

Developments in lifetime learning have fundamentally transformed the learning time of law. It became apparent that legal education goes well beyond the confines of Blackstone's tower – legal education is as pervasive as law. While the academy only became strongly involved in professional legal education towards the end of the century, by Leila's time, the distinction between the academic and professional phases of legal education has become progressively blurred.

Where Leila and her university are located is not defined. In fact, Leila could be located anywhere. Learning became increasingly globalised in the law twentieth century as students started going to the metropolitan countries for their education. This phenomenon was increasingly supplemented by a new phenomenon – of global distance learning.