and negative connotations. It encourages the sharing of ideas and drawing of inspiration from one another. On the negative side, the authors envisaged a potential problem with freeloaders and the outsider. The code of ethics and work program were intended largely to circumvent this issue.

When canvassed informally in tutorials prior to experiencing small group learning in Property Law, many of the students seemed to have a positive view of working in small groups for tutorial presentations. However, fewer students seemed to feel positive about completing their research assignment in groups.

When the idea of small group learning was introduced to students, the information provided was sparing and in general terms. With hindsight, and with the benefit of the insight provided by case studies, it would have been preferable for additional and more specific information to be available to students to provide them with a firmer foundation for drafting of a more detailed code of ethics and for better mental preparation for the tasks ahead.

Feedback was provided to students about the content of their research assignments and group presentations. However, the authors offered little input about or evaluation of the groups' working as a team or the division of tasks. Students were thus offered little guidance on how to operate within the group rather than as an individual, but generally seemed to develop the teamwork skills required.

Pedagogically the small group team based approach is a sound one. As the respondents reported, it provides students with an opportunity to share information, opinions and ideas through in depth discussion as well as to interact and communicate with one another in an environment of mutual support. This cooperation and pooling of resources in turn can lead to a greater understanding of the subject matter and improved study techniques and problem solving skills. Students can also acquire or develop interpersonal skills including the ability to communicate, compromise and cooperate in a group.

There was some commonality between the top SLG and RAS benefits identified by the students: sharing of opinions and discussion; sharing of workload; acquisition of interpersonal and academic skills; social interaction; and increased understanding of Property Law. The difficulty that stands out for both forms of small group work is logistics and is one of the variables encountered in group work that are generally beyond the control of the teacher.

Notwithstanding the benefits of the RAS identified by respondents, in light of the nature of the difficulties experienced and the relatively high proportion of the students' annual assessment attributable to this component and given that the average reaction was negative, it is hard to justify the continued use of the RAS. Conversely, despite the range of difficulties associated with the SLGs, in light of the nature of the benefits gained and, given that the average reaction was more positive, the authors believe that SLGs should continue.

However, given that administering SLGs and oral presentations is also extremely time consuming and resource intensive, it may not be feasible to maintain small group learning in the form described. Even if it is not possible to continue with SLGs on a formal basis, students of Property Law are still encouraged to form and work in SLGs informally as before.

TECHNOLOGY

Information technology and US legal education: opportunities, challenges, and threats

P Martin

Digital technology holds out exciting opportunities to US law schools. They can involve academics, lawyers, and judges situated anywhere in the world in their educational program; offer both less costly and more flexible educational arrangements; provide access to students currently excluded by cost and distance; distribute faculty scholarship more widely, at less cost; share courses and students; and extend their reach to regions and educational audiences previously closed. It also exposes US law schools individually and collectively to severe challenges.

Not only may others take advantage of the new opportunities opened by digital technology, but they may also upset the current market for JD education. Possible futures include: the emergence of a few dominant programs, at least for some segments of the already stratified legal education marketplace; law schools retaining credentialling authority while more and more of the preceding education is delivered by commercial entities; failure for law schools that cannot deliver value for the added costs entailed in residential instruction; and erosion of the symbiosis between faculty teaching and scholarship.

Many schools lack the institutional competence to respond effectively. Among the organisational and cultural elements that handicap law schools in the current environment are: limited capacity to respond quickly and strategically to external change; narrow notions of mission and market; an approach to academic program planning and governance generally that defers heavily to individual

faculty preferences; little experience in building and teaching courses collaboratively or even with assistants; and inadequate financial and human resources to develop and sustain technology-supported instruction.

Given the difficulty of gauging educational performance, administrators and regulators, especially, focus on such tangible features. The principal regulatory standards in the US governing legal education stipulate the number of hours students must sit in classrooms, the qualifications of those who preside over those class sessions, and the institutional setting where they take place down to minute physical detail. Given this tendency, it is useful to imagine what we might learn if we asked an outsider to investigate and report back on how the activities of law schools and law faculties relate to the broader phenomena of 'law' and 'education'.

The possible implications of flexible, high-capacity electronic storage, communication, and exchange media are numerous. They include but are hardly limited to how instruction of current students is carried out. These are, after all, technologies that pay scant attention to distance, technologies that can penetrate geographical, political, and institutional boundaries that previously seemed utterly defining. In theory they might enable law faculties to expand their reach, to play a role in the education of additional categories of students, both students of the same age and educational background as those they currently enrol — being no longer limited to those who can travel to the university to sit in its lecture halls and use its library — and other groups as well. More generally, they might lead US law schools to a radical change in how they conceive of their student bodies, faculties and research possibilities. They might, for example, come to view academics, lawyers, and judges situated anywhere on the globe as prospective presenters, commentators, and mentors for students. For their part, students might come to view individual courses or programs offered by widely scattered institutions as accessible components of their legal education, without any thought of having to move from place to place. Significantly, all of this could occur across national boundaries.

In one sense the pressures for dramatic change in the means of delivering legal education seem large, for the potential gains are enormous and the prospects of competition real. The overhead generated by the physical environment of higher education — the library facilities, classrooms, and student spaces of all kinds, along with the staff involved in their operation — constitutes a major part of the explicit cost of university-based legal education.

Less costly and more flexibly scheduled legal education has the potential for being far more inclusive. Were the reach of individual institutions to expand in this way, the emergence of one or more truly national — indeed, truly international — law schools might well follow.

Academic institutions are deeply embedded in and affected by the broad cultural, technological, and economic forces at work in the society. On the other hand, compared to many of the sectors to which they most directly relate, including in law the professions to which their students graduate, academic institutions are not agile. They are well suited neither to launching venturesome new initiatives nor to adapting their mission and practices to large-scale external changes.

One particularly difficult area illustrates the degree of challenge. The staffing for a technology-based legal education program is likely to look quite different from today's typical faculty roster. Sustainable cost-effective online education involves the conversion of a significant fraction of classroom teacher activity into reusable multimedia content. Creating and subsequently revising (as distinguished from recreating) that educational commodity requires a team rather than an individual teacher and skills few law professors have. To complete the full course package requires diverse forms of student monitoring, guidance, exchange, and evaluation. The differentiated teaching roles and institutional structure this would seem to entail are not likely to be swiftly embraced by the faculties of existing law schools. Nor is it clear where research and scholarship fit in a faculty that has been restructured around cost-effective online instruction.

The culture and status arrangements of most law faculties will make all of this very difficult to achieve. Legal academics are accustomed to a very high level of individual autonomy. While many of their counterparts in law practice have experience working on project teams of substantial scale and duration, most law teachers are accustomed to being stars on their own stage.

Unless law schools succeed in changing old patterns of teaching, and unless they succeed in organising their human resources for teaching and research in a networked world, that very connectivity is likely to marginalise their role. Encourage it or not, law schools will have networked students. Networked students will use computers to connect to products and services offered by publishers and non-academic educational entrepreneurs.