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

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Citation

LAWYERS LEARNING TO SURVIVE

THE APPLICATION OF ADVENTURE-BASED LEARNING TO SKILLS DEVELOPMENT

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Keeping pace with the changing face of Australian legal practice requires new approaches to teaching, both at university level and in professional training. This article considers the integration of adventure-based learning (ABL) approaches to meet new challenges in skills training. The discussion reviews the relevant literature and reports on a recent ethnographic study on the effectiveness of ABL techniques in the teaching of skills at tertiary level.

Both the literature review and the ethnographic study indicate that ABL is an effective method for developing participants' skills. The results of the study suggest that ABL is effective for coaching participants in skills relevant for law graduates. The article argues for its application to the teaching of skills to students of law and discusses how ABL can be practically utilised by legal educators.

INTRODUCTION

Managing change is not something which lawyers are trained to do. Yet, changes currently occurring within the legal profession and legal education are challenging its members to rethink their roles. Will the legal profession survive into the next century? Of course it will. The question is, however, in what form? Students entering law school with preconceived notions of what it means to be a lawyer need to rethink their attitudinal and behavioural models. They look to teachers of law to prepare them for the challenges facing a discipline undergoing rapid change and major restructuring.

The notion of equipping students with skills to survive change and to create opportunities where there is conflict needs to move beyond conference rhetoric and into action. Current models of skills teaching, while clearly more student-centred and interactive than in the past, still largely focus on '[t]he dominant paradigm of law practice' (Gold 1996:16) - rights-based, litigation-focused and lawyer-centred. Gold argues for lawyers to see their role as facilitators, supporters and creators rather than debaters, destroyers and analysts. Before this 180 degree turn can occur, legal educators must break through the layers of traditional legal culture that generations of Western lawyers have allowed to develop. Traditional legal culture defines the lawyer as an adversarial advocate and demands respect for a profession steeped in an impractical structure and incomprehensible language. Breakthroughs can only be accomplished by powerful experiences which allow students the opportunity to reconstruct their views of law, of lawyers and of themselves.

This paper argues that 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 that 180 degree turn.

ABL conjures up images of nature camps, abseiling, building rafts and outdoor survival activities. While these images are not false, they inadequately represent the potential applications of ABL. By exposing the fundamental underpinnings of ABL, this paper argues for its application to the teaching of skills to students of law.

The past decade has seen the application of ABL expand to audiences such as corporate Australia, delinquent and unemployed youth, alcoholics anonymous and quit smoking groups. As these sectors of the Australian community embrace the long term benefits of ABL, one educational sector is notably absent - universities and professional graduate-training institutions.

Higher education has traditionally favoured academic approaches to learning: the lecture/tutorial system, the Socratic method, research. While some forms of experiential learning are becoming more popular in the tertiary context, ABL, one form of experiential learning, remains virtually unknown.

This paper discusses how ABL can be practically utilised by legal educators in the teaching of skills and reports the results of a study undertaken to investigate ABL in terms of:

- ability to create an environment which promotes deep learning within students;
- effectiveness in the teaching of skills at tertiary level; and
- suitability to a multi-disciplinary environment.

First, the concept of ABL is outlined and briefly illustrated. Secondly, current challenges facing legal educators are addressed, followed by a theoretical justification for the introduction of ABL to the teaching of legal skills. Finally, a report on an ethnographic study, referred to as 'The Adventure Project' undertaken at The University of Queensland in 1995 is presented, completed by a look at proposed applications of ABL. Throughout this paper illustrations of the application of ABL to skills training will focus on dispute resolution skills; namely communication, lateral thinking, problem solving, negotiation and mediation.

ABL has been defined by Latess as:

> The process of eliciting, in a learner, cognitive [knowledge], affective [feeling] and psychomotor [skills] outcomes by using physical and social challenges and perceived risk [disequilibrium] which can be controlled by individual(s), circumstances and/or equipment and paraphernalia.
> (Latess 1992:17)

Subsequent reflection and debriefing help participants make meaning out of the experience in order to apply their learnings to the next activity and a new environment (Flor 1991:27). The 'adventure' element refers to the challenge of stepping outside one's comfort zone to grapple with the unknown and face a sense of disequilibrium or in Latess' terms, perceived risk. In doing so, participants are encouraged to harness conflict and uncertainty and transform them into a positive catalyst for change.

As in all forms of experiential learning, the adventure-based learner carries out the action, observes the effects and then generates concepts and principles to apply to a different environment. In contrast traditional learning begins with presenting knowledge to the learner in an organised manner. The learner then absorbs this information in its prepared structure and tries to apply it (Gager 1982:31).

Adventure-based learning activities may be divided into the following categories:

- icebreakers/introductory activities;
- trust games/cooperation games;
- problem solving/initiative activities;
- wet weather activities/activities in small spaces /brain teasers.

These activities use equipment such as ropes, planks, harnesses, tennis balls and nature itself.

WHAT MAKES A SUCCESSFUL LAW GRADUATE?

> Many law students enter law school with the expectation that they will learn to
> think and act like lawyers.
> (Hyams 1995: 64)

The above-mentioned quotation begs the question, how do lawyers think and act? The answer is anything but straightforward.

In a discussion of the changing nature of Australian legal practice, Weisbrot (1993:4-7) refers to a number of factors including the dramatic explosion in law student numbers accompanied by the proliferation of new law schools throughout Australia. Clearly not all students can find employment directly within the legal profession. Many law students enter university with no intention to practise in a traditional legal professional role. Accordingly they move elsewhere. Some of these 'elsewheres' include government, teaching, in-house legal advising for major corporations, public relations, academia, and management within the legal industry.

A second significant change is the number of women at university and in practice. Nearly half of all current law students are women and over 25 percent of the legal profession today comprise women (Weisbrot 1993:8). There is a wealth of literature on the communication, learning, attitudinal and motivational differences between men and women (Moir and Jessel 1991:195). Clearly this factor will have an effect not only on the manner in which the legal profession will operate in years to come but also a more immediate effect on student and employer expectations of legal education.

A third fundamental change relates to the nature of legal practice itself.

> Long gone are the days when corporate clients remained loyal to a single firm
> and used it for all their legal requirements.
> (Hadrill 1995:20).

Clients demand expertise and value for money. Accordingly they are prepared to shop around for a law firm which will meet their needs. Lawyers are now working more frequently with other professions and disciplines to service their clients' needs in legal and related matters. Weisbrot (1993:23) refers to the development of multi-disciplinary partnerships between lawyers and non-lawyers such as accountants,

technical experts and social workers with the ability to provide 'one-stop shop' services to clients.

As indicated above, employers of law graduates comprise a wide spectrum of organisations and are seeking people with an awareness of the current state of the market who possess the ability to meet its challenges. According to Le Brun and Johnstone (1994:52), the skills and attitudes required by today's law graduate include: 'legal analytical and critical abilities; communication; fact investigation; research skills; problem solving and option generating; counselling and dispute resolution; litigation; professional responsibility; and organisational and managerial skills'. These reflect a number of fundamental master skills which can be categorised as follows:

The Basic Group:
a.   can listen, read, observe, investigate;
b.   can use acceptable grammar and language;
c.   can organise information;

The Interpersonal Group:
d.   can explain, describe and instruct;
e.   can analyse and interpret people's behaviour;
f.   can question effectively;
g.   can create conditions for effective communications;
h.   can respond and react skilfully to others;

The Legal and Decision-Making Group:
i.   can identify and evaluate relevant facts;
j.   can identify and evaluate legal issues efficiently;
k.   can analyse and select appropriate options;
l.   can design and implement a plan of action;

The Professional Behaviour Group:
m.   can manage;
n.   can deliver and produce;
o.   can perform with insight [into one's own limitations.

These four categories were identified by the creators of the British Columbia Practical Legal Training Program (Gold 1983). The final skill (can perform with insight) was added by Ayling and Costanzo (1984). The entire list is cited in Park (1990:164).

To complete the development towards a facilitating, supporting and creating lawyer, new skills need to be introduced into the lawyer's repertoire. The following suggestions expand upon the master list.

The Basic Group - add 'can learn'.
Fundamental to coping with change is the capacity to learn new skills, to develop current skills and adapt them to different environments. Learning to learn is learning to survive.

The Interpersonal Group - add 'can motivate and persuade'.
This skill, it is suggested, goes beyond 'can create conditions for effective communication'. People need to be motivated to survive change. People need to be persuaded to embrace change. Change is not something which happens and then is

over. It is an ever-present challenge. In the same way that clients demand change, in some circumstances they may resist it. Accordingly interpersonal skills include the ability to encourage others to think in a future-oriented, innovative and constructive manner.

The Legal and Decision-Making Group - add 'can see the big picture'.
Making decisions without reference to the big picture means making uninformed and irresponsible decisions. Lawyers need to be able to recognise patterns in large amounts of information. They need to be able to structure information in such a way that they can both understand the interconnection between all issues and explain it to others. Accordingly identification, analytical and evaluation skills, while essential, are not sufficient.

- add 'generating innovative ideas'. Lateral thinking techniques such as brainstorming and mindmapping are essential for forward-thinking professionals in law or any other discipline. Creative ideas do not emerge from critical analysis skills. Although analysis is an essential and valuable skill, it can limit creativity if introduced too early into the decision-making process. While the master skills refer to analysis and selection of appropriate options, generation of options is not mentioned.

- reword skill j. to the following: 'can identify and evaluate legal and non-legal issues efficiently.'

Clients do not visit lawyers with neatly carved out legal disputes. Their problems will inevitably involve non-legal interests, concerns and needs. The traditional lawyer ignores these 'extraneous' issues and concentrates on legal issues. If the client is lucky, the legal issues will be resolved in his/her favour, while the non-legal issues may fester and perhaps escalate into greater conflict. If the client is unlucky, s/he loses out on the legal issues and suffers a blow-out on the non-legal issues. Offering legal services means that, as in any service industry, clients should receive the best possible service. The urgent need to address client's problems proactively and holistically is reflected in the growing popularity of alternative dispute resolution (ADR), a domain over which the legal profession holds no monopoly. Accordingly the range of competition is broad and multi-disciplinary in nature.

It is argued that the extended list of master 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, whether it be interviewing, advocacy or negotiation. It involves superficial learning. Developing students' skills, on the other hand, involves deep learning. Deep learning takes students back to basics. It occurs when barriers and inhibitions are abandoned and students are able to experience events at an intimate and individual level (Biggs 1989:12-13). The true challenge of skills training is to effect attitudinal and behavioural change through the development of master skills which will prepare law graduates for a professional world driven by change from every direction. 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.

THE CONTRIBUTION OF EXPERIENTIAL LEARNING

Experiential learning is an approach which focuses on participants' experience. By reflecting on their feelings and thoughts about the experience, participants are led by a facilitator to knowledge and skills. As facilitator, the teacher must believe that students can make meaning out of their own experiences rather than relying on interpretations of others' experiences which are then written down and communicated to students.

> Students can provide much personal experience and their views come from various perspectives, depending on their age and life history. Some students have knowledge and experience which has been forged experientially by the vicissitudes of life outside a university. This is an untapped resource that should be used in the students' work relations with each other.
> (Hyams 1995:65)

To date skills training has embraced interactive and experiential techniques to prepare students in the above-listed skills areas. By facilitating the sharing of student perspectives, experiential learning techniques such as the role-play contribute significantly to breaking down communication and perception barriers. Role-playing allows students to experiment with their behaviour and skills in a manner not possible in real-life situations. Based on written scenarios that students act out and then reflect upon, role-plays are imitations of reality which as the name suggests, take on a 'play' quality. Despite the positive nature of play discussed later in this paper, the simulated nature of a role-play allows students to treat it as 'just a game' if they wish. Unless assessment is directly linked to role-playing, there are no real consequences for participants' behaviour. In assessing the effectiveness of the role-play at undergraduate level, much depends on whether or not participants take the activity seriously. If taken seriously, the learning potential of role-playing is enormous. Where this is not the case, the activity can lose much of its value.

ABL CREATES ITS OWN REALITY

ABL takes experiential education one step further. By adding the element of disequilibrium, the activity becomes less predictable and therefore real. Disequilibrium is a curious concept because its reality depends on perception. If students feel at risk when temporarily blindfolded during an activity, then they are at risk, despite the fact that they are, in an objective sense, completely safe. ABL brings forth real responses in students rather than potentially programmed responses which more easily occur in popular forms of experiential learning such as the role-play. In this way ABL moves beyond teacher-student rhetoric to enhance deep learning within students. Adding a dimension of reality to activities means that the emergence of real conflict within the student group must be reckoned with. This is discussed below in The Adventure Project findings.

Within the skills context, ABL works for three primary reasons:

• The philosophy of ABL takes us back to basics.

• ABL incorporates play with disequilibrium.

• ABL penetrates cultural barriers.

ABL Takes us Back to Basics

The theoretical foundations of adventure-based learning are closely linked to the work of John Dewey, the American educationalist and philosopher. He argued that only through experience are individuals provided with the opportunity to develop original thoughts. This seems to accord with a fundamental aim of education: to develop in young people the capacity for individual and original thought. In Australia, legal skills training is experiencing a period of rapid growth and development. There is a need for creative, original thought to play an integral part in this expansion.

The key features of ABL are (Yaffey 1991:22 ; Flor 1991:28):

- Participants are removed from centres of population.

- The natural environment itself creates the backdrop for unique challenges to be met (the rock, the mountain, the ropes course).

- The activity requires full mental and physical attention; it usually involves disequilibrium and uncertainty.

- The activity is undertaken voluntarily (challenge by choice).

- Each activity is followed by a structured reflection.

An explanation of the legitimacy of these features and their relationship to the teaching of dispute resolution skills follows.

Elements 1, 2 and 3: Participants are removed from centres of population; unique challenges are presented by the environment; the activity usually involves disequilibrium and uncertainty.

Adventure-based learning is based on the belief that we are able to identify and recognise our own values through our focused and 'pure' interaction with nature. (Yaffey 1991:24).

> Many of the core values that experiential education embodies look beyond the individual and point to the need for caring and responsible actions towards others and the environment.
> (Garvey 1989 cited in Flor 1991:32).

The training of lawyers is equally concerned with responsible actions towards others in terms of professional ethics in communication, advising, negotiating and decision making.

In a displaced environment without outside interference, student participants develop trust in the group and gradually abandon inhibitions and comfort zones in terms of participating, creating and experimenting thus establishing a climate for personal change and development. Adventure activities demand from participants skills such as communication (active listening), option generation, conflict mapping, planning and leadership. Activities can be structured in order to provoke conflict within the group.

Participants are therefore able to experience and reflect upon their value-system (and attitudes and actions that flow from it) in their approach to real conflict situations.

Adventure-based learning programs can address questions of how to deal with changing environments, processes and roles - a major challenge facing law graduates today. This can be done by giving participants the choice and responsibility for their approach to the adventure experience. Norms regarding assertive communication, decision making, feedback, criticism and achievement of goals can be developed by participants within one day.

Element 4: The activity is undertaken voluntarily (challenge by choice).

No one is ever forced to participate in an adventure. This would be detrimental to the empowerment process as success or failure could too easily be attributed to the facilitator. Saying 'no' and making choices are also important to the learning process.

Element 5: Each activity is followed by a structured reflection.

Actual achievements realised during the course often reflect potential which participants did not know existed within themselves. Experiences are often intense and can 'trigger' developmental processes within participants. With effective guidance by the facilitator (otherwise these moments can be short-lived), participants recognise the potential within themselves to develop according to the particular focus of the program.

In planning an adventure-based learning program, the sequencing of activities is of the utmost importance. As the program progresses, so too does the challenge of each activity and the complexity of skills required to complete it. Participants reflect on the sequences involved in complex actions, for example, communication, negotiation and ultimately mediation within the dispute resolution context.

ABL Incorporates Play
The notion of 'play' is relevant to ABL. According to Melamed (1988:13), it is conceivable that what makes play possible makes learning occur. Melamed investigated the role of play in learning. The results of her research indicated learning quality can be improved during play because play is intrinsically motivated and personally rewarding. Play comes from a feeling of well-being. Since play can reduce stress, frustration, and fear of failure, it can help create new ideas and encourage students to move to the edge of their learning comfort limits and beyond. The conditions for play are easily recreated in an ABL setting.

In Melamed's study of attitudes to play, five areas emerged which were compatible with learning (Melamed 1988:18):

> Relational - the capacity for cooperation and connectedness;
> Experiential - validating and learning from experience;
> Metaphoric - intuitive and right brain thinking;
> Integrative - valuing a holistic and organic connectedness to people and things; and
> Empowering - facilitating transformation in ourselves and the world(s) we inhabit.

Relating these notions to dispute resolution training, all the areas identified by Melamed appear relevant:

- The relational: interest-based negotiation and mediation is based on the notion of a cooperative process in the search for mutually satisfying results (Henderson 1993:78).

- The experiential: much mediation training is already based on situational role-play or problem-based learning techniques, where participants learn from reflection on the activity.

- The metaphoric: option generation is a phase in both negotiation and mediation models. The skill behind this phase is called brainstorming or lateral thinking which involves right brain, creative thinking (de Bono 1990:5).

- The integrative: by looking beyond two parties' positions to identify their interests, by mapping disputes, mediators are searching for a big picture view of the dispute beyond just the legal issues. This allows for the development of suitable strategies for resolution.

- The empowering: the aim of dispute resolution training is to facilitate development and change within participants, many of whom have years of adversarial training and experience behind them. The facilitator's goal is attitudinal and skills development of participants which will have a real impact on their lives and not be forgotten the next day.

Students love to play. Disequilibrium and play are not mutually exclusive terms. On the contrary, many ABL activities integrate play elements such as ball skills, balancing, climbing and swinging and the perception of risk.

ABL Penetrates Cultural Barriers
ABL has the ability to move beyond the cultural barriers which limit our learning potential.

As professional communicators, advisers and negotiators, lawyers deal with people from all walks of life. They must be able to put themselves in the shoes of their clients, colleagues and opponents and be able to view situations from others' perspectives. With the emerging interdisciplinary nature of lawyer's work, law students must develop perspectives beyond the narrow focus of law alone.

In the last decade or so, alternative dispute resolution has appeared in various contexts playing numerous roles and containing a multitude of meanings for the various people involved: lawyers, marriage guidance counsellors, community representatives, banking institutions, educators and many others. Each discipline, culture or interest group which utilises dispute resolution techniques, does so through its own paradigms. Accordingly each model employs its own jargon and emphasises different aspects of the process. For example, dispute resolution training in a professional legal context takes place within a very specific culture. As a result of their training and the nature of their work, lawyers are typically outcome oriented. It is therefore not surprising that most lawyer models of mediation training start with an overview of the mediation process, followed by step-by-step training of the process. In such cases it is not unusual for minimal attention to be devoted to understanding the nature and sources of conflict. Many lawyers would argue that this goes beyond their role. Counsellors and others with a psychology background, on the other hand, would spend significantly more time delving into the causes and reasons behind the particular conflict.

ABL activities do not recreate scenarios within a particular culture as role-plays do. ABL goes beyond the acted out words of a role-play by focusing on a situation which results from participants' actions and reactions, thus providing real experiences for all participating cultures. As most activities take place in a displaced environment (outdoors), much of the 'culture' that individuals cart around with them is left behind in the classroom.

REPORT ON THE ADVENTURE PROJECT

While literature indicates that ABL is particularly well-suited to teaching young people because of their energy and propensity towards risk taking (Godfrey 1980 cited in Cason and Gillis 1994:40), there is a paucity of research data confirming this. In the past, extravagant statements have been made in the name of ABL. This 'panacea for all ills' approach has been detrimental to the movement. Many critics have simply highlighted the questionable research methodology and dismissed all evidence as lacking in credibility. Cason & Gillis (1994:40) argue on the basis of a meta-analysis of 43 separate studies of adventure-based learning programs with adolescents that ABL is effective in creating 'change' experiences. They maintain however that ABL is significantly more effective than their data was able to reveal and encourage further empirical studies to be undertaken.

The objective of The Adventure Project was to assess the feasibility of ABL as a means of teaching dispute resolution to a multi-disciplinary audience in a tertiary context. The research design for The Adventure Project utilised qualitative methods (Merriam 1988:67-118; Silverman 1993:1-19) of data collection and analysis. Data was gathered using a combination of techniques. These included systematic observation from video-tapes (Mehan 1993:93), semi-structured interviews in pairs (Mehan 1993:71; Silverman 1993:90), stimulated recall sessions (Peterson et al. 1984:487) and journal entries (Merriam 1988:104; Subeck et al. 1991:25). The Adventure Project employed the following methodology.

Methodology
The participants
The pilot project involved fourteen student participants from various university departments: Education, Government, Human Movement Studies, Law, Management and Psychology. While these participants were at different stages in their university studies, none of them had studied dispute resolution skills previously. Their ages varied from 18 to 40 years. There were six male and eight female participants.

The venue
The activities took place outdoors in an isolated part of The University of Queensland campus known as The Forum. This area is set by a lake with trees scattered around its outer boundaries, providing an ideal site for setting up adventure activities. Objections to the use of ABL such as: 'It is too expensive'; 'We don't have the time or resources to send our students out on retreat for a few days. . .' are based on the popular belief that ABL programs necessarily involve participants transferring to a site geographically remote from their normal environment. The Adventure Project was deliberately conducted on campus to assess the feasibility of running such a program on site, thereby avoiding extra costs of transportation, accommodation and food.

The adventure program

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 including communication, lateral thinking, problem solving and negotiating. A variety of adventure-based activities were designed to these subject areas. The objectives of the adventure day were:

- to encourage participants to feel comfortable about actively participating within the group and voicing their opinion on issues;

- to increase participants' awareness of how communication, lateral thinking, problem solving and negotiation skills can play a role in dealing with conflict.

Systematic observation

Throughout the day participants were videotaped not only during activity and reflection sessions but also in interactions with their peers during 'down' times. The six hours of tape were broken down to small workable segments.

Reflective journals

Throughout the day participants kept a journal in which they recorded their reactions to the activities and ideas stimulated by the day. Copies of these were made and used as data.

Interview

Six of the fourteen students were interviewed for the evaluative process. The audio-taped interviews of approximately 30-40 minutes were conducted in pairs and took place one month after the adventure day. Students were asked to indicate if any changes in thoughts or behaviours had occurred as a result of their involvement in the adventure day. Transfer of knowledge from the specific ABL setting to the real life setting was investigated.

Stimulated recall session

On the completion of each interview, a videotape containing extracts of the day was shown to the interviewees. The tape promoted recall by the participants who often exclaimed: 'I had forgotten about that!'

Data from the journals, interviews and stimulated recall sessions was transcribed and coded. Other relevant information gained from the videotapes was added to the data. Themes describing actions and thoughts of participants were developed from the data. Analysis involved the constant comparative method (Lincoln and Guba 1985:339) with categories identified from the data. Cross coding between two researchers ensured intra-coder reliability.

Results

Six categories were identified from the data: negotiation, communication, cooperation, lateral thinking, group conflict and experiential learning.

Negotiation

Participants identified negotiation as the primary skill involved in the initial activity. Negotiation is a process where two or more parties who perceive their goals, needs, interests or behaviour as incompatible, attempt to reach an agreement regarding those incompatibilities (Richards and Walsh:1990).

In the first activity, participants were split into groups of three and given specific food resources. No group had sufficient resources to make breakfast on its own. Therefore each group had to barter with the other groups to gather enough resources to make breakfast for its members. Each group nominated one person (negotiator) to negotiate on its behalf. The negotiators from each group met in an 'inner circle' (a geographical area demarcated by a rope) where the negotiations took place. Other group members stood on the edge of the circle and observed negotiations. Participants had to complete the task within a set time frame.

During the debrief to this activity participants discussed what negotiation strategies they used, why they employed them and whether or not they worked. Participants reported that in order to develop a strategy they first needed to know what they wanted. This was not straightforward as consensus had to be reached within each negotiating team. There were, in fact, two levels of negotiation occurring simultaneously: intra-team negotiations and inter-team negotiations.

Coercion was felt from within the group and from other groups (Video 00:56). Pressure was placed on the negotiators both by their own team and by the other negotiators. At times there was also competition to get ones' voice heard in the negotiation session. Participants identified walking away, yelling and communication breakdown as reactions to coercion. As no future dealings between the negotiators was foreseen beyond this activity, participants considered that the relationship was not important if yelling louder was a more effective short term tactic. If, however, there was to be a future relationship, participants suggested that negotiating to achieve mutual benefit would be the appropriate strategy. This demonstrates an awareness of fundamental negotiation issues and strategies to deal with them.

Students further indicated that alternative options for agreement altered as more information was revealed about what the other teams' needs were and what resources they had at their disposal (Video 01:01). They addressed the fact that values vary according to circumstances and needs. (Video 00:49). According to one participant, a teaspoon of coffee could have been worth all the bacon and sausages in the world, particularly if they were vegetarians. Participants also discovered that it was useful to trade services as well as goods (Video 01:03), although some were reluctant to accept this initiative at first. Accordingly non-tangible items such as the services of preparing breakfast and washing-up were identified as having a value. In terms of negotiation strategies all data sources confirmed some participants learnt the power of creating a need in others, particularly with respect to goods with little apparent value. Initially participants found it difficult to bargain with things of little value such as coloured tissue paper. After a while one team started to package and sell a product, thereby creating value, and others followed suit. For example one group 'sold' the coloured tissue paper as a decorative breakfast table accessory in a package with other food resources (Video 00:50; 01:02).

Participants also commented on various negotiation styles that they observed. 'Some people were very possessive [competitive style] and others would just give everything they had [accommodating style].' (Interview with A). Entries in the reflective journals included the following, 'A great learning on negotiation was not to prejudge the background of your negotiation partner. . . and trust is an issue.'

As regards the various roles within the negotiation process, each team had nominated a negotiator to barter within an inner circle on their behalf. The dynamics of the group in the inner circle was different to that outside the circle. This led to

some misunderstandings and an imbalance of power. Participants in the inner circle were actively and directly involved in the negotiation and therefore appeared to have more power than those outside the circle. Participants outside the circle were trying to influence those inside the circle in terms of their negotiating strategies and actions. A number of participants outside the circle indicated that they felt left out and therefore ineffective and without power. Yet others outside the circle attempted, with some success, to influence those in the inner circle and began their own negotiations with others on the outer circle. Without making a conscious decision to do so, these participants were negotiating not only about content (food) but also about the process of negotiating itself. As a result, the potential influence of informal channels of negotiation was recognised by participants.

When asked what would have been necessary for the entire negotiation to run more smoothly, participants identified the following skills both during the debrief (video) and in their journals:

- communication: participants recognised that poor listening skills and unnecessary repetition to deaf ears inhibited effective negotiation in this activity;
- organisation and planning: participants agreed that ground rules (such as only one person speaking at a time) or a structure for facilitating communication in a multi-party situation could have been established. Accordingly the importance of preparation, planning and structure in the entire negotiation process was highlighted.

Communication
Communication is defined as the process whereby an idea is transferred from one person (sender) to another (receiver) using visual, verbal and vocal means. An extremely important aspect of being a good communicator is active listening. Active listening is a skill which involves attentive body language, clarify and empathetic questioning and paraphrasing (Halpern 1992).

The overwhelming number of responses in the reflective journals centred around communication skills. Data from all sources confirmed that communication emerged as a major area of learning. In debriefing the initial activity many participants pinpointed the importance of communication as a skill underlying the negotiation process.

Learning related to communication fell into three categories:
- communication skills;
- listening;
- the role of communication structures.

Specifically participants indicated surprise at the major role of body language in the communication process (Video 01:53) and how much opportunity there was for messages to go astray. According to one participant's journal entry, 'Had we known each other better we would have understood certain tones and meanings of specific instructions more effectively.' This reflects an awareness of the power of non-verbal elements of communication and also the importance of knowing your listener. In one activity messages were passed along from the front to the back of a team and literally underwent many filters before reaching the other side. Students recognised that many messages did not get through at all and that those which did were to a large extent distorted. This finding was highlighted in one journal entry where a student wrote, 'Communication is useless if it is misunderstood.' This

reflects an understanding of a fundamental communication principle, namely, what is communicated is that which is actually received by the listener. Accordingly a skilful communicator selects appropriate communication techniques based on his/her knowledge of the listener's needs, interests and motivation. One participant summed this up: '[I need to] understand their goals and their needs, consider the best technique to communicate with them, carefully instruct and make sure they are confident in themselves and with my instructions.'

When asked what changes they would make to their own behaviour to improve their performance in an activity, one journal entry focused on communication skills of the sender: 'I wouldn't give so much information, because it tended to bombard the other person.' The quote implied that the participant was aware that important elements of his/her message were not being received because of over abundance of details.

During an interview, another revealed, 'I learnt that day that there are some people who don't like to be touched. . . It never occurred to me before. This is something I can't understand; something I have to learn about.' This comment demonstrates how important sensitivity to others' comfort zones is in the communication process. If your communication partner is not comfortable with certain actions or behaviours, the communication loop is thrown into disarray. In this case, touching with the intention of being supportive had a threatening impact on the listener to the extent that he/she was no longer concentrating on the message.

Participants reported that communication within smaller groups (four to five members) was more effective than in the larger group (fourteen members). There was more discussion and consideration of other group members within the small group because all were able to have input and play a meaningful role in activities (Video 03:38). In the larger group activities, journal entries indicated that students had identified the following as the most important skills to focus on: 'including people in decisions, listening to all ideas and inclusion of all group members.' At the same time, poor communication, frustration and conflict also occurred within the smaller groups. This prompted the comment by one participant that if within smaller units there was such difficulty communicating, the problem would be amplified many times over in a real life organisational situation with a greater number of people. Upon reflection participants agreed that one strategy for improving group cohesion and task efficiency would be to break down the overall task into smaller, manageable pieces, delegating each piece to various team members. In general, this data reflects participants' awareness of communication issues within organisations. These are issues which most students will have to face early in their careers.

One facilitator commented that the groups seemed to communicate well when things were going well. As difficulties arose such as personality clash or imminent task failure, frustration prompted comments such as: 'This is a silly game.' (Video 02:25; 02:32). This clearly demonstrated to participants how fragile effective communication procedures in fact are. At the same time the data demonstrated that the most effective and memorable learnings stemmed from periods of frustration and fear. In the words of one participant, '[it] was memorable because I was so afraid . . . I can remember everything quite clearly.' (Interview with H). When reflecting on a particular conflict situation which arose on the adventure day, another participant exclaimed, 'It still lives in me today - What's to say it doesn't live in them too?' (Interview with A). Yet another participant considered his/her

most important learning to be that 'the learning one can do about oneself and others is immense when one becomes frustrated and challenged.' (Reflective journal).

Cooperation
Cooperative behaviour occurs when people consider others' goals, interests and needs as well as their own. In contrast, competitive behaviour seeks to enforce one party's goals, interests and needs at the expense of the other's. Competitive behaviour places little value on the relationship of the people involved in the situation (Condliffe 1991).

The issue of cooperation was highlighted by participants in a particular activity where there was the choice of a competitive or a cooperative approach both on an intra-team and an inter-team basis. The video, reflective journals and interviews confirmed that all teams adopted a competitive approach to the activity. A 'them versus us' mentality emerged. In one case one team asked another for help but received none. During the debrief, a member of the abandoned team expressed disbelief that others had left them stranded (Video 02:32). Further discussion revealed that the decision by one team not to help others was not unanimous. In fact one team member initially replied: 'Oh we'll help them won't we?' The next person in the team replied: 'No, of course not. We want to win.' (Video 02:12). After that nothing was said and they continued with their task, ignoring the other team's cry for help. In other words, participants placed no value on the relationship between the two teams and proceeded with a purely competitive mindset.

When asked how they could have performed better, participants overwhelmingly acknowledged the need to listen more effectively and to ask questions to clarify and confirm. Poor listening skills resulted in incorrect assumptions being made which ultimately led to divisiveness both within and amongst the teams. This indicates a realisation by participants that a competitive approach would not always serve their own interests in the best way. This is a fundamental concept in interest-based negotiation.

When asked during the interview if there was any one thing that stood out over the day, one participant replied, 'Yes, that things can be achieved in a much more effective way with group cooperation.' (Interview with A). Many participants commented on this in relation to the final activity. the Spider Web (see Appendix).

> I felt that we were all in a very dangerous situation . . . I think a lot of people had some fears and concerns. We all managed to get each other through. We all managed to co-operate . . . I think there was a lot of caring in that exercise and I felt that we accomplished something. For the first time everyone had come together.
> (Interview with H).

In response to the question, 'What is the most important thing that you have learnt in this program?', two comments were: 'In certain circumstances competition can be very destructive.' 'I need to stop being so competitive and start working on cooperation skills.' Clearly the impact of both competitive and cooperative behaviour on group identity and task success was brought home to all participants in a very real sense by the end of the day. The experiential connection between success and cooperation is, it is submitted, essential for deep learning and behavioural development in an area such as legal negotiation.

Lateral thinking

Lateral thinking is a term coined by Edward de Bono to refer to non-linear, non-logical thinking patterns such as brainstorming (de Bono 1990). It emerged as a recognised and relevant skill in all data sources, particularly in the video and reflective journal.

When asked about memorable moments in one activity, all members of a particular sub-group shared details of their innovative way of tackling the problem. This reflected an overwhelming sense of achievement and ownership of the lateral ideas generated. One participant summarised the thoughts of many when he said, 'Sometimes what you perceive as a disadvantage may in fact be an advantage to you.' (Video 02:34). He referred to a particular activity and explained that as no one had questioned the group's assumptions and expectations, most participants did not recognise the 'hidden' advantage until after it had occurred fortuitously. As discussed earlier, legal education still focuses on analysis and outcome, neglecting creative thinking as a problem-solving tool. Participants are constantly surprised that questioning and challenging self-imposed structures can contribute to efficient and effective problem solving.

Another participant commented that she had seen this activity done before and therefore knew the way that it 'should' be done (Video 02:33). Others responded negatively to the suggestion that there was one right way to complete it. It was felt by the majority of participants that such comments could limit successful outcomes by introducing preconceived notions of right and wrong ways to achieve goals. In general the above discussion reveals a vital rule of brainstorming, namely, that no idea is to be criticised and no idea is too stupid to be put forward and considered. Within the mediation context, the brainstorming of options for settlement is crucial to the process. If lawyers representing clients in a mediation do not understand the importance of taking off their evaluation hat until brainstorming is complete, the scope for resolution of the dispute will be restricted.

Group conflict

> There were a couple of times during the day when I sort of felt that there was division.
> (Interview with A).

Group conflict refers to conflict within the small groups established throughout the day, within the group as a whole and also to inter-group conflict. Conflict exists where one party perceives that his/her values, principles or needs are incompatible with another's (Tillet 1991:7). Both latent and manifest (overt) conflict are included within this definition.

When asked what came to mind when reflecting on the activities of the day, several participants made reference in their journals to the apparent ease with which conflict seemed to arise. The factors which were recognised by participants as promoting group conflict were:

- poor communication, in particular insufficient listening which led to frustration;
- dominant and passive roles;
- task failure;
- 'personality' clashes.

In the final debriefing session of the adventure day, participants noted that at no stage throughout the day had any of the teams established a structure for communicating amongst themselves. All felt that absence of formal communication channels interfered with group harmony and inhibited effective task completion, particularly in the larger groups.

Participants commented in the video, their interviews and reflective journals that poor communication, in particular, insufficient listening, led to frustration and promoted group conflict throughout the day as the following comment demonstrates. 'We were talking past each other. That really frustrates me. I didn't want to belong to the group. I just wasn't talking at all.' (Interview with A).

The interplay between the various themes of the day - communication, cooperation, lateral thinking and conflict was powerfully demonstrated in reflections of participants. Participants recognised the effects that each of the theme areas could have on the others and became aware of the dangers of decompartmentalising skills, behaviours and processes. In particular there was a high correlation between poor communication skills and structures and the emergence of group conflict.

Feelings of conflict were not openly addressed during the adventure day and so the conflict remained latent with feelings brimming beneath the surface. When asked in the interview why and how the dominance occurred, some participants were at a loss: 'It just sort of happened!' commented one interviewee (Interview with H), while others considered a lack of structure such as a consultation process allowed dominant personalities to repeatedly assume control. Many participants felt that a structured consultation process would have given all team members a voice in terms of decision making and problem solving resulting in both greater task efficiency and harmonious relationships within the group. One participant remarked (Video 3:35) that it was necessary for people to recognise that the consultative process involved a time and resource cost. He continued that it was therefore important to weigh up the long term cost and disadvantage of protracted conflict against the cost of establishing a consultation process. These thoughts reflect a mature consideration of conflict management issues.

The data unanimously confirmed that a connection existed between failure to complete a given task, poor group processes and the level of conflict within the group. In at least two cases (Interviews with A and J), participants mentally withdrew from the task when frustrated by the activity contributing to an underlying sense of conflict (latent). One participant told herself that it was 'only a game' and was 'too silly for words'. Another handled rejection of his idea by mental withdrawal from the group (Interview with J).

Considerations of their own behaviour and how they related to others revealed a broad spectrum of human behaviour even within a group of fourteen. Participants described the attributes of various behaviours based on their experiences on the day. Their comments demonstrate that avoiders, accommodators, compromisers, co-operators and competitors (Condliffe 1991:29) were all represented at various stages throughout the day.

Upon reflection, participants felt that it was important for them to recognise situations of potential frustration for others. For example, ' It was just rubbing me the wrong way when she tried to organise me.' (Interview with A.) In this context one group of five participants highlighted the importance of not only recognising and appreciating behavioural differences between people but also utilising them

towards achievement of the common goal (Video 03:45). This learning also reflects the theme of cooperation.

Finally, the reflective and revealing comments of one participant during the interview process send a serious message to the legal profession and to legal educators: 'Law training is cut and dry and can be very harsh. If you are not exposed to anything else, then that is the way you will operate - everything is black and white with no grey in between. . . The nature of a lawyers' work is dealing with conflict, so what better place to start than in the grey.'

Experiential learning

> I got a sense of being in a real situation. That was why I was so pleased I got through.
> (Interview with H).

Experiential learning was defined earlier in this paper as a process where the learner carries out the action, observes the effects and then generates concepts and principles to apply to a different environment. Statements such as the above quote and the earlier reference to being placed in a 'dangerous situation' (Interview with H) illustrate the ability of ABL to place participants in a much more 'real' situation than most classrooms are normally able to offer.

Analysis of the journal entries, interview and video transcripts indicated that the majority of the participants, irrespective of discipline, were enthusiastic about the method of teaching and had crystallised learnings and subsequently applied them in their lives to various degrees. Of particular interest was the fact that participants personalised their learnings and spoke in terms of what they had learnt about themselves in their interactions with others. No two comments were identical, as each participant took away something that was relevant to him/her. The following comments demonstrate the contrasting learnings.

> Now I stop and listen. Not all the time. . . but the adventure day made me aware that I do not listen sufficiently and that listening is an important part of communication. I knew that theoretically already but the activities on that day demonstrated its importance to me. I learnt about listening in a practical sense.
> (Interview with J).

In contrast, another participant articulated an important aspect of her personality of which she was unaware until she had participated in the adventure based activities.

> I didn't realise when an obstacle comes up that I can't be bothered with it . . . I just leave it . . . I wish I knew that at the beginning of my law degree. My whole study program might have been slanted differently. Ever since then [the adventure day] I have been monitoring myself very carefully. . .

Generally speaking the more mature participants (40 years) transferred their learnings to a deeper level than the younger (18 years) participants. This was evident in all data sources but particularly in the interviews.

Conclusions
The following conclusions based on the above results consider the feasibility of employing ABL to the teaching of skills at tertiary level.

> Everyone studying law should be involved in a program like this. It humanises you and highlights your strengths and weaknesses.
> (Interview with A).

Conflict and frustration which emerged throughout the day did lead to greater learning amongst participants because it was real conflict and not simulated, reinforcing the value of the reality and risk that ABL creates. The statements about conflict experiences and learnings elicited from the interviewees were made four weeks after the adventure day. This illustrates the ability of ABL to provide students with an opportunity to recognise and learn a great deal about their own behaviour and their strengths and weaknesses. The ability to perform with insight about oneself has been identified (Ayling and Costanzo cited in Park 1990:164) as a master skill required by law graduates. The interview data indicated that students attached personal meaning to their learnings, many of which related to interpersonal skills, particularly listening and understanding others. Interpersonal skills feature strongly in Gold's master skills list (Gold 1983:6).

In terms of negotiation, cooperation and lateral thinking, the results indicate a clear correlation between task failure on the one hand and lack of planning and poor management of team members' skills and ideas on the other hand. Participants' comments during debriefing sessions indicate a recognition of the need to organise and establish structures to achieve set goals, reflecting Gold's decision-making and professional behaviour skills (cited in Park 1990:164).

In terms of participant behaviour, the results clearly indicate that the observable behaviour captured on the video did not reflect a significant amount of what was going on in terms of group conflict, although some friction was evident between participants from time to time. This information was revealed primarily in the interviews. It is suggested that these issues could have been drawn out to a greater extent in the debriefing sessions. Alternatively, reinforcing to the student group at the start of the adventure day that they are responsible for their own behaviour, interactions, outcomes and learnings, may have encouraged them to be more assertive about dealing with their feelings regarding others' behaviour.

As regards the multi-disciplinary mix of pilot participants, no participant felt that the mode of instruction or formulation of tasks was inappropriate for their discipline. In other words, no sub-group felt left out. Participants acknowledged the benefits of others' perspectives and feedback. The activities appeared to reach all participants in terms of personal meaning, indicating that ABL is a suitable teaching strategy for a multi-disciplinary group.

Age appeared to be no barrier to the effectiveness of ABL. In fact mature age students seemed to gain a deeper understanding of the subject matter than teenagers.

Accordingly, 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 interactions 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 (Weisbrot 1993:23).

APPLICATIONS TO LEGAL SKILLS

The above investigation demonstrated that the physical activities within an ABL program contain significant cognitive and affective elements that can be specifically transferred to a legal skills context. For example, in the Minefield activity (Appendix A) students are concentrating on explaining or receiving instructions.

This relates directly to the master skill of 'can explain, describe and instruct'. As indicated in the findings, student learnings from this activity highlighted complex issues involved (such as how to frame a message to maximise effective impact) in these apparently straightforward skills.

Another illustration is provided by the activity, Site Central, where participants, given little or no notice, must work with others to complete certain tasks on the basis of insufficient information and within a strict time frame. (Actually all the information exists within the group, if all participants were to share their knowledge cooperatively.) Is this challenge so very different from the dilemma of the inexperienced litigator who has been handed a file 'out of the blue' and been asked to instruct a barrister in court the same morning? The geography may be different but the skills required to handle the situation are identical:

- can learn;
- can listen, can analyse and interpret people's behaviour;
- can question effectively;
- can create conditions for effective communication;
- can identify and evaluate relevant facts;
- can see the big picture;
- can manage and can deliver and produce.

Ethical considerations also arise in ABL activities, particularly those involving teams. The temptation to cheat and beat the others manifests itself clearly in Quicksand Crossing (Appendix A) where parties have the choice to adopt either a competitive or cooperative approach to crossing a river by raft. Most participants automatically adopt a competitive approach. Some of those who experience frustration choose to cheat. When this is discovered (as it invariably is because facilitators know all the tricks) those most critical of the unethical behaviour are fellow participants, not the instructors. Critical comments from peers rather than facilitators (who are in an authority position) are likely to weigh more heavily in participant's minds and provide rich material for a lively debriefing session where analogies are drawn with ethics in practice.

The 'adventure' in adventure-based learning (contrary to myth) relates to the element of risk, not physical challenge. In fact many ABL activities contain very limited physical requirements. Risk is something lawyers grapple with on a daily basis. In many respects lawyers are risk managers, calculating the chances of success for their clients within the spectrum of dispute resolution options such as litigation, mediation or settlement conference. The fear of facing the unknown is a feeling that many articled clerks and a number of solicitors have confided to the author in her role as an educator. This fear is related to the risk of trusting others, the risk of public failure and humiliation in dealing with new situations, the risk of not fitting into the 'culture'. These are major issues commonly faced by lawyers, particularly recently graduated lawyers.

Skeptics may challenge the quality of the connection between the risks and challenges of the legal profession and the physical challenge of being led blindfolded through a minefield or allowing oneself to be lifted by colleagues through a giant spider web. The vital point to be made here is that ABL provides cognitive and affective challenges over and above the physical challenges upon which observers commonly focus. This is where the quality of the connection between risk in practice and risk in ABL is to be found. Learning how to cope with cognitive and affective challenges through the ABL experience can assist students

of law to gain greater confidence in tackling the daily challenges of a demanding professional career.

Risk is also an essential element of more 'conventional' forms of experiential learning commonly used in legal skills training such as the role-play. In a role-play students are entering a situation which is at least to some extent 'new'. They are expected to perform according to the guidelines of the task and at the same time in a manner consistent with the culture of the group. Again, they are experiencing risk in a public sense. Yet, for the reasons outlined earlier in this paper, the risk is less immediate, less obvious and less 'real'. Some students choose not to 'let go' and undertake the risk of the task, seeking acceptance of this behaviour from within the group. In contrast, ABL challenges the current culture of the group by placing it in disequilibrium and encouraging a new culture of challenge by choice to develop in a supportive environment. More often than not, participants choose to be challenged.
In terms of specific applications, ABL can be easily integrated into classroom lessons. In other words, ABL can add colour or variance to a lesson without altering its entire structure. Two examples will demonstrate the application of specific ABL activities to legal skills.

1. For example, in a lesson on negotiating skills, students may find themselves in a typical workshop situation with a mixture of teacher presentations, small group work and role-plays. Speedball (Appendix A) is an ABL activity which focuses on lateral thinking and group brainstorming processes. As an after lunch activity, Speedball gets students moving, thinking and laughing without any major upheaval. Students form groups of approximately twelve. Within each group they are given the task of moving a tennis ball in a particular sequence in the fastest possible time. This activity requires minimal equipment and can be done inside or outside the classroom depending on available space. Processing the experience allows students to specifically focus on option generating in the negotiation context directly before they move into a role-play. It is the author's experience that student negotiated agreements contain significantly more inventive and varied clauses when negotiated immediately after Speedball.

2. Minefield (Appendix A) is an activity which should take place either outdoors or in a gym area. It is the perfect activity to launch a discussion on communication as the basis for interviewing, negotiating or mediating skills. As students are blindfolded as they move through the minefield, the entire visual aspect of communication is missing. This has several effects. First, students experience the enormous relevance of body language in communication and second, those students directing others through the minefield become acutely aware of the potential (mis)reception of their message by others. Debriefing topics usually include:

    *   verbal, vocal and visual aspects of communication;
    *   the major role that the visual (body language) aspect of communication plays;
    *   (mis)use of jargon and assumptions in communication related especially to lawyer-client interviews; and
    *   development of a communication model.

For those more sceptical about the ability of adventure to operate as a vehicle for teaching 'serious skills', ABL activities make excellent icebreakers. Although breaking the ice is not the same as breaking through layers of legal tradition,

adventure icebreakers do free students of common classroom inhibitions and encourages them to say what they think, ask questions and listen to each other.

Potential applications of ABL to skills training are as varied as the nature of adventure activities themselves. There are, however, a number of considerations relevant in all situations.

• Timing: The earlier in the semester, that students are introduced to ABL the more benefits are to be gained. Already in the first lesson students form their impressions of the teacher, their fellow students and the role that they will or ought play in the classroom. Before preconceived ideas set in, students should be led out of context into disequilibrium where they have the opportunity to develop a new culture for the class group.

• Teacher/ facilitator participation: Teachers cannot expect students to move beyond their comfort zones if teachers themselves are not prepared to do the same. Although this may appear to be a great risk, it grants teachers the freedom to experiment, get things wrong and relate to students on a more human level.

• Sequencing: Students may rebel if thrown in the deep end of ABL. Activities should be sequenced so that simple skills are introduced first and build towards complex skills. For example, activities involving lifting should not be done without first engaging the students in some trust and touch games.

• Processing the experience: Experience has no learning value if there is no reflection. The quality of the debrief directly affects the quality of the learning. Accordingly teachers must prepare debriefing sessions thoroughly.

The resource materials listed at the end of this paper contain information on how to conduct ABL activities and how to structure debriefing sessions.

The central tenet of this paper has not been not to deride the value of popular experiential learning techniques such as the role-play but to encourage legal educators involved in the teaching of skills to continue the search for innovation and quality in teaching. Role-plays are excellent vehicles for skills development. Like all techniques, however, if overused they lose their value. When students are able to question their own behaviour, attitudes and values and discover the future potential of their own skills ability rather than undergoing a series of skills drills ('three role-plays and call yourself a negotiator' syndrome!), learning has a deeper and more lasting effect. The future of the legal profession depends upon the flexibility and adaptability of current graduates to create roles for lawyers in changing and totally new environments. In the tertiary context, ABL is a totally new environment which brings with it greater effort, greater risk and greater rewards for both teacher and student.

NOTES

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APPENDIX

MINEFIELD

Purpose: To highlight trust and communication skills.

Instructions: Team members are blindfolded and must walk from one boundary to another through a minefield (approximately 10m x 3m) consisting of various obstacles and colourful junk. They are guided through the minefield by other sighted members of the team who are able to give verbal instructions on where to move next but cannot have any physical contact with the blindfolded members of their team. This activity takes about 40 minutes together with debrief.

QUICKSAND CROSSING

Purpose: To increase team cooperation and communication and student's lateral thinking skills.

Instructions: Six participants start on each of 2 'rafts' at either end of a patch of quicksand, (approximately 10m long). Participants are to move from one end of the patch of 'quicksand' (just normal grass will do) to the other, while remaining on the raft at all times. Each raft consists of six blocks of wood. Exact dimensions and method of assembly are available on request from the author. This activity takes about 40 minutes together with debrief.

SPEEDBALL

Purpose: To encourage lateral thinking and the formation of communication structures in groups.

Instructions: Participants form groups of approximately ten. Within each group, the facilitator asks participants to 'gather around'. A tennis ball is introduced into the group and participants are asked to pass the ball around the group in a random sequence. This sequence is repeated a number of times until the group members are familiar with it. Then the group is challenged to complete the sequence in the fastest time possible. Once participants realise that that they are not limited by their current circular formation, experimenting and lateral thinking begin. After experimentation, the task can usually be completed by a group of ten within one second.

SPIDER WEB

Purpose: To improve communication skills between group members and highlight issues of trust and the need for individuals to consider group needs.

Instructions: The web is constructed out of rope and is supported by two metal poles. It is approximately 2m high and 3m wide. Each hole is unique and has its own problems and advantages. Some students will find that they are better suited to one 'hole' than another, but these needs must also fit with the needs of the group, and some inventive options might be needed. Details of how to construct a spider web can be found in Rohnke, K. 1989, *From Cowstails and Cobras 11: A guide to games initiatives, rope courses and adventure curriculum*. Dubuque, Iowa: Kendall, p. 106.

The objective of the activity is to move your entire group through the web. Once one hole is attempted (that is once a person moves through the hole) that opportunity is closed and the hole is no longer available. All team members must pass through the web successfully (that is without touching any part of the web). If the web is touched more than three times, the entire team must start again.