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'Oh, the Times they are a Changin''¹: The Quiet (R)evolution Revealed

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Marlene Le Brun and Richard Johnstone, *The Quiet Revolution: Improving Student Learning in Law*, The Law Book Company Ltd, Sydney, 1994, lxxv pp, 400 pp, index 401-412 pp. Price: soft cover \$65.00.

*Do more than exist, live,
Do more than touch, feel,
Do more than look, observe,
Do more than read, absorb,
Do more than hear, listen,
Do more than think, ponder,
Do more than listen, understand,
Do more than talk, say something.*
(John Rhoades, 1972)²

One wonders if John Rhoades was thinking about lawyers when this was written. Unfortunately (for innovative law teachers at least) lawyers often have a reputation for being staid and conservative. Only the passage of time and re-education of lawyers, law students and the public can hope to alter this perception. As role models, law teachers can influence students' sense of worth, attitudes, ethics, and professional expectations enormously. Often this potential sphere of influence is exercised unconsciously, if not neglected. As a role model, teachers have the perfect opportunity to communicate to their students why their discipline is exciting and why it is worthy of commitment.

This review article is about the 'quiet revolution' (or is it really an evolution?) currently taking hold of the legal industry. It is about making thinking lawyers ponder, hearing lawyers listen and talking lawyers say something. This article is also about commitment to teaching and having the courage to go out on a limb for the sake of change. For only through change comes growth, improvement and that ever elusive, yet constantly sought after, excellence.

A brief examination of the nature of the discipline of law in the 1990s will reveal the changes currently occurring within the legal profession and legal education which are challenging all members of this industry to rethink their roles. Some would argue that lawyers will never change. However a recent publication of the Law Book Company, *The Quiet Revolution: Improving Student Learning in Law* by Marlene Le Brun and Richard Johnstone is a clear sign of these changing times.

A first of its kind in legal publishing in Australia and perhaps in the world, *The Quiet Revolution* has been rightly heralded as a landmark in legal education. Marlene Le Brun of Griffith University and Richard Johnstone of the University of Melbourne have teamed up to produce a comprehensive treatment of the subject of student learning in law both from theoretical and practical perspectives and from teacher and student perspectives.

1 Bob Dylan, Columbia Records, 1991.

2 J Rhoades, 'The Problem of Individual Change in Outward Bound: An Application of Change and Transfer Theory', unpublished Ed D dissertation, University of Massachusetts.

Based on work accomplished over the past seven years at the ALTA Law Teaching Workshops, *The Quiet Revolution* aims primarily to encourage teachers of law to acquaint themselves with educational theory and develop 'a student-centred, interdisciplinary approach to learning, in which the undergraduate law student assumes an active role in the making of meaning within the discipline of law'³ and is anticipated to provide a basis for future workshops.

The text is divided into three parts: parameters, practice, and possibilities. Part One sets the scene, the role of the teacher, the role of legal education both from the educator's perspective and from the student's perspective. Part Two discusses issues of implementation and includes tips on teaching and preparation. Part Three looks to the future, continual improvement in legal education and the face and form of the future of legal education. Part Three in particular contains issues relevant not only to legal educators but also to legal practitioners.

What then are these changes in the legal profession that have sown the seeds for this 'quiet revolution'? David Weisbrot⁴ in a discussion of the changing nature of Australian legal practice, refers to a great many factors including the dramatic explosion in law student numbers accompanied by the proliferation of new law schools throughout Australia. In a much smaller 'Australian market, one private and thirteen new public law schools have been established since 1985 with several more in the planning stages'.⁵ Clearly not all of the students can find employment directly within the legal profession. Accordingly they move elsewhere and indeed many law students enter university not intending to practise in a traditional legal professional role. Some of these 'elsewheres' include government, teaching, inhouse legal advising for major corporations, public relations, academia, and management within the legal industry.⁶

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 twenty-five percent of the legal profession today comprises women.⁷ This is to be compared with the one percent of the legal profession which comprised women in 1933 and the six percent in 1971. There is a wealth of literature on the communication, learning, attitudinal and motivational differences between men and women.⁸ Clearly this will have an effect not only on the operation of the legal profession in decades to come but also a more immediate effect on the expectations from legal education. Weisbrot refers to the Law Institute of Victoria's 1990 study of career patterns of law graduates. This survey indicated that women were more likely to work in non-traditional areas of law such as those referred to above.

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

Long gone are the days when corporate clients remained loyal to a single law firm and used it for all their legal requirements.⁹

Lawyers are coming under increasing pressure to maintain viable businesses while at the same time clients are expecting more from their lawyer. Many firms are looking for new opportunities

3 M Le Brun and R Johnstone *The Quiet Revolution: Improving Student Learning in Law* (Sydney: The Law Book Co Ltd, 1994), 47.

4 D Weisbrot, 'The Changing Nature of Australian Legal Practice: Some Implications for Education and Practical Training Providers', a paper presented at the APLEC '93 Conference, Sydney.

5 *Id* 7.

6 Note the controversy regarding the meaning of statistics on law student numbers. See for example, C Parker, 'An Oversupply of Law Graduates? Putting the Statistics in Context' (1993) 4 *Legal Education Review* 255.

7 Weisbrot, *supra* note 4, 8.

8 *The Psychology of Sex Differences, Volume II/ Annotated Bibliography* (California: Stanford University Press, 1978).

9 C Hadrill, 'Service Quality in the Legal Profession: the selection of lawyers by corporate clients' *Proctor*, March 1995, 20.

not only to provide 'value added' service to their clients, but also to increase revenue and improve profitability through tough times.¹⁰

Accordingly, it is important for lawyers to consider what their clients value in terms of legal service. A recent Queensland survey¹¹ has indicated that clients select lawyers primarily according to reputation and recommendation. Cost is also an important consideration. This accords with Pattison's¹² advice to lawyers to focus on their 'own client-base' to add value to their business because clients will shop around for quality service and make recommendations to colleagues and friends.

What this means for law students is that law firms are seeking graduates with an awareness of the current state of the market and with the ability to meet its challenges. According to Le Brun and Johnstone, 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'.¹³ The list is taken from the *Report of the Task Force on Law Schools and the Profession* (1992) and comprises a combination of legal skills traditionally taught at law school such as research, analysis, problem solving and critical thinking; and other skills such as dispute resolution, client interviewing and managerial skills which have only recently crept into the curriculum of a number of Australian law schools.

The current popularity of skills courses in dispute resolution and client interviewing reflect the changing role and image of the legal practitioner. Some readers may be disappointed that clinical legal education is not given greater focus in this work. I am of the opinion however that such a criticism is unjustified bearing in mind that the primary focus of *The Quiet Revolution* is not to advocate practical skills training at university level. That is a separate debate not entered into by the authors who clearly state that 'there is a vast literature on clinical programs in law. As the focus of this book is primarily on conventional settings for law teaching, we do not discuss clinical programs in any detail'.¹⁴ Rather the intention is to travel along another path which exposes an alternative strategy to preparing students for the challenges of change.

Le Brun and Johnstone state (at page 41) that law graduates today assume roles as 'negotiators, advisers, litigators, counsellors, conciliators, arbitrators, judges, advocates, administrators, executives and mediators'. They proceed with the notion that generic skills training should be incorporated into the undergraduate degree program, so that students firstly become aware not only of *what* they are learning (content) but also of *how* they are learning (process). In this way students are consciously developing skills while simultaneously increasing their knowledge base.

With a university education promoting responsibility and independence,¹⁵ law graduates would be better equipped to meet the challenges of a '90s marketplace with a broader range of expertise providing them with, first, the capacity to generate new ideas to cope

10 B Pattison, 'Business Service for Lawyers' *Proctor*, April 1995, 14.

11 Hadrill, *supra* note 9, 20. This survey was conducted by Charles Hadrill MBA; it was jointly sponsored by the Queensland Law Society and the Queensland Chamber of Commerce and Industry.

12 Pattison, *supra* note 10.

13 Le Brun and Johnstone, *supra* note 3, 52.

14 *Id* 310.

15 The professional values which lawyers and law students needed to develop were identified by the American Bar Association task force report on *Legal Education and Professional Development: An Educational Continuum* (Chicago, 1992) as being responsibility to the client, public responsibility to the justice system, responsibility to the profession and personal responsibility for one's own professional self-development: cited in R MacCrate, 'Preparing Lawyers to Participate Effectively in the Legal Profession' (1994) 44 *Journal of Legal Education* 89, 93.

with a rapidly changing, highly specialised and technology focussed world, and secondly, 'options other than traditional law careers'.¹⁶

Accordingly, traditional methods of law teaching based on rote learning, drills and discipline are no longer appropriate. Although the 1990s Australian classroom has significantly progressed from the nineteenth century Anglo-Saxon norm, it is suggested that this transition has been a primarily 'external' one. Internally many educational values of our traditional education system remain entrenched. Thinking that does not fundamentally deviate from the norm is still more highly regarded and rewarded than unorthodox and laterally-generated thought. This is reflected in assessment procedures which generally reward ideas and contributions supporting promulgated positivist doctrine.

Students are rewarded for what they *do know* based on assumptions which exist within clearly defined and faithfully taught paradigms, rather than for being encouraged to identify problematic and question current thought. Lichtman¹⁷ refers to this as a 'colouring book' approach to thinking; ie choose your colours and style as you please but stay within the fixed lines.

Easy to say, but what does this modern education rhetoric mean in practice? It is here that the *The Quiet Revolution* does not let us down. The authors argue for a humanistic and interdisciplinary approach¹⁸ to the teaching of law and highlight education as one discipline to be consciously incorporated into the teaching of law. An abundance of scientific literature exists on education theories yet legal educators have been slow to embrace these. Why?

Chapter 1 asks the right questions: Why are we so reluctant to embrace change? What type of changes should we consider? The authors continue by discussing potential and practical barriers to change with considered and thoughtful responses. The 'personal voices' of Pat and Alex, two law lecturers regularly interject throughout the text with very real and personal concerns about the theories and strategies put forward in the text. Many of these comments will voice private and until now often unvoiced concerns of teachers of law about the practical obstacles to, and implications of current and proposed changes in Australian legal education. These issues are directly addressed in the text, providing readers with food for thought on issues most will have personally experienced at one time or another.

In Chapter 1 a discussion of the development of legal education in the common law world provides interesting reading and does much to provide an historical explanation of current dilemmas facing law schools. For example, the out-of-date notion that law is and should remain an inexpensive discipline to fund relates back to the historical beginnings of legal education as an apprenticeship system; the task of legal educators, which consisted solely of training legal practitioners; and to the fact that the majority of teaching was undertaken by part-time teachers and practitioners.¹⁹

Furthermore, 'the preoccupation of many law teachers with rule-orientation, legal reasoning and curriculum coverage, so criticised in the Pearce Report²⁰ . . . may be linked with the works of Langdell . . .', an American scholar who extracted from the flexible, dynamic and apparently chaotic common law, a model of law as a science containing 'coherent, stable, certain and predictable rules'.²¹ This positivist model has been overwhelmingly adopted at university level. The authors argue that the positivist principles

16 H Fordham, 'The Future Face of Law' *Proctor*, March 1994, 15.

17 B Lichtman, *Innovative Games* (Kingswood, South Australia: Human Kinetics Publishers, 1993).

18 Le Brun, and Johnstone, *supra* note 3, 41 ff.

19 *Id* 21.

20 D Pearce, E Campbell and D Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission: A Summary and Volumes I-IV* (Canberra: AGPS, 1987).

21 *Ibid*

which permeate our undergraduate law curricula go largely unchallenged: law teachers constantly operate on theoretical assumptions about the nature of law even in the mere process of explaining cases to our students with reference to the doctrine of precedent.

Le Brun and Johnstone then present a client-centred model of lawyering as an accurate picture of the role of legal practitioners today and draw parallels with a model of student-centred learning in legal education.²² Both these models reflect the basic communication tenet that the most important task of an effective speaker is to know her audience, to put herself in the shoes of the person with whom she is communicating²³ in order to frame the communication in a manner which is most meaningful to that person: for the practitioner this means the client (hence 'client-centred'); for the legal educator this means the student (hence 'student-centred').

Chapters 2 and 3 provide a theoretical background to learning and teaching. In Chapter 2 the authors have been selective in the choice of learning theories discussed, focusing only on those theories considered relevant to legal education. The central premise is that learning does not involve the transfer of knowledge; rather it involves a 'process of construction of knowledge within the discipline culture' of law.²⁴ Accordingly, educational programs should be designed to draw upon the experiences of students, their expectations and objectives.²⁵

The discussion of learning styles in Chapter 2 of *The Quiet Revolution* focuses on *The Learning Style Inventory* (LSI) based on psychological research undertaken by Kolb which has been used for the past seven years at the ALTA Law Teaching Workshop. While this focus is entirely legitimate, there is much literature on learning theory which, without being related to a particular learning style inventory, could have been referred to at this point. For example, it is clear that contemporary educational theory recognises that different people learn differently.²⁶ There is no way that a teacher can please all students all of the time. Some students prefer a systematic, analytical approach, detailed handouts and highly structured sessions, while others prefer active participation, flexible time-limits and are unlikely to read detailed handouts. Right-brain oriented learners absorb visual images and spatial relationships; they are often impulsive and creative learners. Left-brain oriented learners process logically presented material in preference to images.

According to Bruner²⁷ there are primarily three characteristic modes of learning at university level: symbolic (via language), visual (via sight) and kinesthetic (via physical touch), which operate in all individuals to varying degrees. While all students engage in a combination of left-brain/right-brain and visual/kinesthetic/auditory learning styles, many demonstrate a distinct preference for a particular learning style. Students are often themselves unaware of their individual learning style preferences. Various personal style preference indicators are available which assist in identifying the learning styles within the group. This information is highly valuable to the teacher in terms of structuring lessons.

Reference to the LSI could have perhaps been supplemented with a reference to the *Myers-Briggs* model which appears on page 125 under the heading 'Exploring how we teach'. As an accredited *Myers-Briggs* user, I support the use of this instrument not only for teachers themselves but also for students. A wealth of *Myers-Briggs* literature exists on various aspects of personal behaviour including learning styles.²⁸ Hopefully the next

22 This is expanded upon in Chapters 2 and 3.

23 See R Fisher and W Ury, *Getting to Yes* (2nd ed, London: Century Business 1992).

24 Le Brun and Johnstone, *supra* note 3, 71 and 87.

25 Practical guidelines and examples of these types of programs are provided in Part II of the text.

26 W M Timpson, *Concepts and Choices for Teaching* (Madison, WI: Magna) (in press).

27 J Bruner, 'Cognitive Style' in *The International Encyclopedia of Education* (Sydney: Pergamon Press, 1985), 809.

28 See, eg K Golay, *Learning Patterns and Temperament Styles* (California: Consulting Psychologists Press, 1982); J Provost and S Anchors, *Applications of the MBTI in Higher Education* (California: Consulting Psychologists Press, 1987); I Briggs Myers, and P Myers, *Gifts Differing* (California: Consulting Psychologists Press, 1990).

edition of this text will include references indicating the many applications of the *Myers-Briggs* model to learning styles. A practical obstacle to using the *Myers-Briggs* questionnaire with students is the fact that only accredited users may administer it. Two alternatives which perhaps could have been referenced by Le Brun and Johnstone are the Champagne Hogan *Personal Style Inventory* (a behavioural style questionnaire) and the *DISC* model,²⁹ the use of which is not dependent upon accreditation requirements being satisfied.

Chapter 3 discusses the roles a law teacher plays: expert, authority figure, mentor, facilitator, socialising agent, ego ideal, adversarial pace setter and 'teacher as a person'. It is this last role which is adopted, usually simultaneously with other roles, by many excellent teachers. This is the role of a person who 'enters into mutually validating relationships with students by moving beyond all the other roles he or she plays to reveal personal warmth and trustworthiness'.³⁰ It is this element of trust which encourages students to move beyond their comfort zones of learning and experiment with new concepts and processes, thereby challenging existing ones. Although mentioned by the authors (at page 124), the potential real life impressions and long-term attitudinal learning effects this role can exercise upon students needs to be highlighted. These roles are not mutually exclusive and as characters within an actor's psyche may overlay or move in and out of each other in the course of a single teaching session.

Finally in Part I, the two appendices to Chapter 3 (A: HERDSA, 'Challenging Conceptions of Teaching: Some Prompts for Good Practice'; and B: Australian Vice Chancellors' Committee, *Guidelines for Effective University Teaching*) are useful references for individual institutions wishing to implement and maintain good teaching practices.

The theories of Part I are complimented by the practice orientation of Part II which contains a wealth of concrete examples and suggestions waiting to be implemented. Chapter 4 is entitled '*Setting Directions and Designing Assessment to Promote Student Learning*'. Perhaps the most valuable element of this chapter is the explanation and treatment of the process of eliciting, in a learner, cognitive (knowledge), affective (feeling) and psychomotor (skills) outcomes. According to the authors, a teacher must consider all three aspects of the learning process when designing learning objectives. They accurately point out that until recently tutorial questions and examinations in law have focused solely on the cognitive domain. An excellent series of three tables incorporating various levels within the cognitive, affective and psychomotor domains and learning objectives for a class in contract law is presented in this chapter. Designing tables like this for all subjects taught would be a significant aid to designing learning objectives and assessment.

Sometimes, however, the difficulty lies in relating learning objectives to students and knowing where to start with learning objectives. An exercise which I often use is the generation of mission statements as a small group activity. Each group is supplied with large pieces of coloured cardboard and is given fifteen to twenty minutes to create a mission statement containing their learning objectives in the particular subject. Not only does this exercise encourage students to think about their own learning objectives, it also generates discussion and acts as an effective icebreaker at the start of semester. Once written, presented and discussed, mission statements can decorate the walls of the teaching room thereby acting as a constant reminder of collective and individual objectives. They also give students a sense of ownership of the overall structure and aims of the course.

A comprehensive discussion of assessment both in theory and in practice is linked to learning objectives and the cognitive, affective and psychomotor domains of learners.

29 For the DISC model, see M Massey, *The People Puzzle: Understanding Yourself and Others* (Reston, VA: Reston Publishing Co Inc, 1979).

30 W M Timpson, 'Preparing to Teach' in *Concepts and Choices for Teaching*, *supra* note 26.

Various types of assessment are discussed from writing logs to oral examinations, objective tests, class participation and performance-based assessment. Additionally, formats for self assessment and collaborative assessment are presented. It appears that many of these assessment formats are able to address much more than the amount of content absorbed by students. While some of these innovative suggestions are very time and labour intensive, thus establishing practical barriers to implementation, they can be implemented at least on a tutorial level.

Multi-media teaching and learning is the focus of Chapter 5: whiteboards, various forms of visual technology and of course computers. Practical advice is given on the manner in which these devices may be of use to teachers and on *how* to actually use them! This is the really valuable information without which many teachers not well versed in educational technology are unable to employ or experiment with new teaching techniques. For example, the key principles for the design of overhead transparencies (at page 238) should be compulsory reading for all university teachers. The subsequent discussion on teaching materials suggests how such materials can support and reinforce learning objectives.

However, clever technology alone cannot improve student learning. Consequently, Chapter 6 discusses various teaching methods such as lecturing, activity-based methods in large classes, teacher-led discussion, student-led discussion, buzz groups, co-operative learning groups, pyramiding (or snowball groups), simulations of lawyering models, hypotheticals and more. Most interesting are the suggestions given for improving learning in very large classes as this is a problem faced by many law teachers. Faced with the statistic that students lose concentration after about twenty minutes,³¹ methods to 'break up' the lecture, change the style of explanation, eg from narrative to anecdotal to conceptual, and using student related examples are very real choices a lecturer can make before entering the teaching arena.

Figure 1³² illustrates the 'time zones' within a workshop, seminar or tutorial. *Allocated time* refers to the amount of time allotted to the lesson, say fifty minutes. *Instructional time* refers to the time which remains after the students have settled themselves, and housekeeping notices and the like are made, say forty minutes. During this time, learning objectives for the lesson and instructions for setting up activities or procedures are explained. *Engaged time* is the time during which students are intellectually (cognitive), emotionally (affective) and/or in terms of skills (psychomotor) involved in the process of learning, say twenty-five minutes. *Learning time* is lightbulb time; the point at which students transfer the experience of *engaged time* to meaningful patterns within the cultural structure of the discipline of law, say fifteen minutes.

When determining what material is to be covered in a class, it is important to consider the impact these 'time zones' will have on proposed learning objectives. The actual length of each 'time zone' will vary according to the format or structure of the lesson, class numbers and content. Figure 1 appears to support the following comments by the authors:

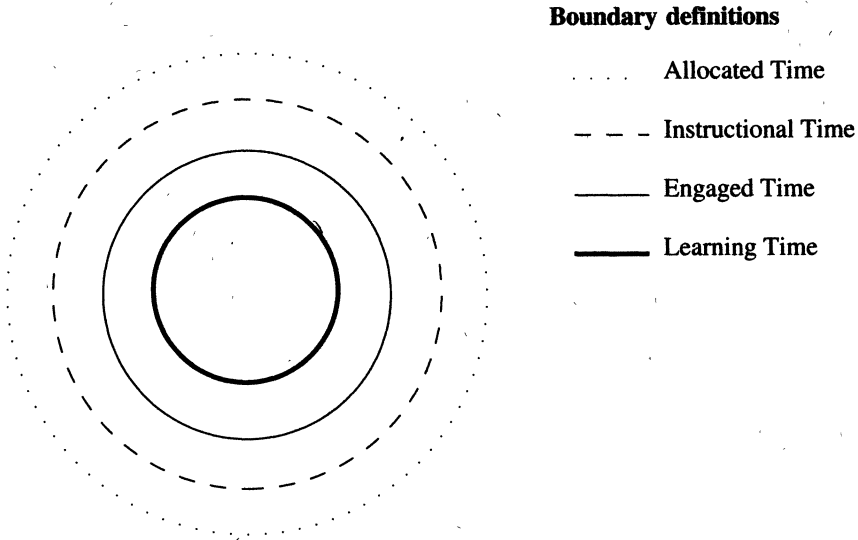
To promote student learning, we need to ensure that teaching is more focussed on the development of all-round student skills, in interests and values, so that students actively learn inside and outside the classroom in activities in which they discuss, experiment, play, reflect, observe, intuit, as well as engage in abstract thought. We, as teachers of law, can learn new methods and new skills and reshape our teaching materials to promote independent and cooperative student learning outside class so as to ensure that class time is used for different activities which meet a variety of learning objectives.³³

31 D Newble and R Cannon *A Handbook for Clinical Teachers* (Lancaster, England: MTP Press, 1983) cited in Le Brun and Johnstone, *supra* note 3, 260.

32 Adapted from a seminar on conceptual learning run by Dr Bill Timpson at The Tertiary Education Institute, University of Queensland, April 1994.

33 Le Brun and Johnstone, *supra* note 3, 311.

Figure 1
'TIME ZONES'



The challenge for teachers of law is to expand the inner circle as far as possible and not to stop at the boundary of allocated time. Learnings do not occur at the same time for all students. Often learnings occur outside the allocated time for a lesson. Expanding the inner circle involves increasing student awareness of the learning process within the framework of learning objectives. The impact of learning time is not limited to quantity considerations. Awareness of learning processes and objectives is equally as important.

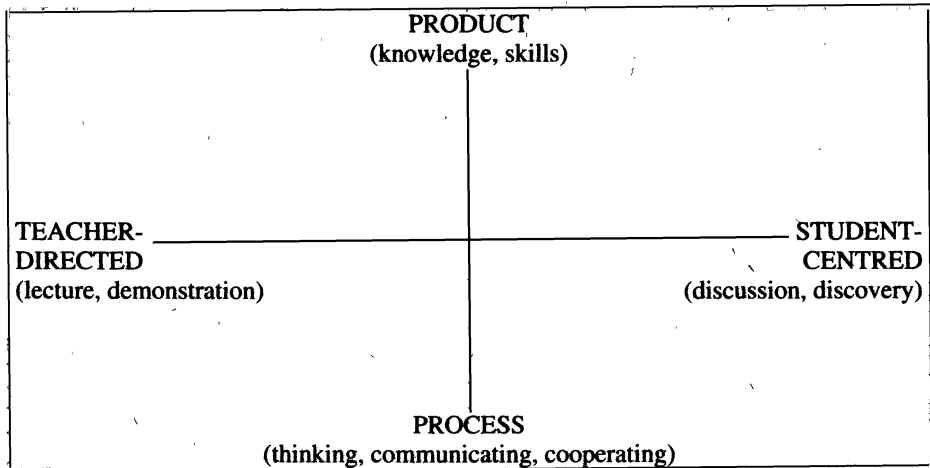
When engaging in activity-based teaching, an extremely important element in expanding the inner learning circle is the debrief. Although canvassed by Le Brun and Johnstone in Chapter 6, I consider it of paramount importance in the context of improving student learning. Any activity has limited learning value without a directed and focused debrief consisting usually of a series of questions relating to the various levels within the cognitive, affective and psychomotor domains. The questions are structured in such a way as to lead students to the points of transfer which allow them to make meaning of the preceding activity. A discussion on the use of questions in class under the heading '*Teacher-Controlled Class Discussion*' discusses similar concepts within the context of class discussions. Perhaps a more detailed treatment of the '*debrief*' might follow in a second edition.

Chapter 7 sets out to integrate the various elements discussed in the previous chapters by considering how to structure a class so that the appropriate learning objectives are achieved: students are given feedback and the material is canvassed. What is particularly useful in Chapter 7 is the comprehensive example of how to structure a class in contract law. This example spans five pages and discusses a possible structure for four different classes related to this subject. The authors also do not neglect to highlight the importance of good planning and good preparation for effective teaching. Several useful planning techniques are outlined including a form of 'brainstorming' or idea generation, activity plans and rehearsal. Approximately two pages are devoted to actually conducting the class. This is perhaps an area which could have been expanded as the class performance consists of more than the 'opening' and 'ending' which are the two major headings in this section. It is appreciated however that the authors have attempted a most daunting task in

canvassing a great many issues in legal education throughout this text. Clearly they cannot be expected to have written a comprehensive account of each issue. Nevertheless, perhaps in this case footnoted references to further texts specifically dealing with the performance aspect of teaching would have been valuable.

The following diagram of the '*instructional map*' captures in valuable visual form many of the threads that Le Brun and Johnstone are pulling together in Chapter 7. It provides a useful means of preparing lesson structure and is taken from a session run by Bill Timpson at The Tertiary Education Institute, University of Queensland.³⁴

Figure 2
'The Instructional Map'



According to Timpson:

By permitting the university instructor to plot the interaction of course and objectives with activities intended to maximise students' learning, the instructional map represents a visual outline of the intended teaching and learning process. The map is also designed to provide valuable conceptual and visual cues for thinking through an entire course or individual lessons as well as a systematic check for instructors while teaching. It allows for decisions along three different continua: from teacher-directed to student-centred, from product-focused, and from individual to group-based.

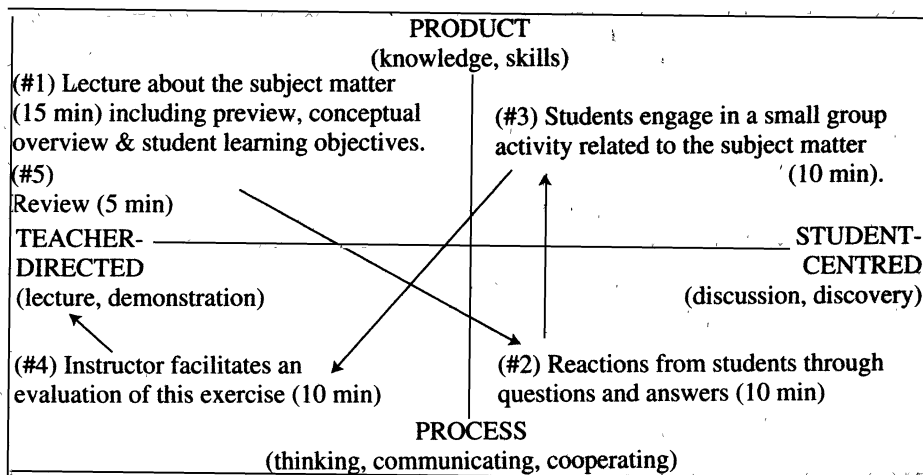
The horizontal axis displays the continuum from teacher-directed to student-centred instruction. The vertical axis divides product from process. As lessons are designed using the diagram, academics can further indicate whether an activity will involve individuals or groups of students. By writing in the mix of activities for any given class, one can begin to see the way they combine to meet goals and objectives.

Superimposed over the axes is an example of a completed map for a typical lesson (Figure 3). 'In addition to presenting basic information that I want students to know (product), I also provide opportunities for them to reflect upon their own experiences (process). Part of the class time is spent in lecture (teaching-directed), and part is reserved for discussions in small groups (student-centred). Finally, I mix individual writing assignments with whole class instruction. The variety of activities helps to keep me and my students alert and focused.'³⁵

³⁴ Timpson, *supra* note 30.

³⁵ *Ibid*

Figure 3
'The Instructional Map'



Part Three of *The Quiet Revolution* comprising Chapters 8 and 9 focuses on the future of law teaching in Australia. Chapter 8 deals with the difference between evaluation, assessment and appraisal of teaching. It is important to recognise the different purposes of these processes in order to avoid inadvertent misuse and subconscious fear of them due to a misunderstanding of their respective functions. Examples are given of various forms of evaluation questionnaires to suit various time frames and teacher purposes. Alternative methods of evaluation are explained such as structured group feedbacks, the nominal group technique and the Delphi technique where students are returned a summary list of all participants' comments, rank them in importance and then suggest improvements. This last technique has the benefit of specifically seeking out thoughtful, constructive comments from participants. Most valuable in this particular discussion however is the concise explanation of the difference between constructive and destructive feedback. Feedback is an essential feature of evaluation and if not delivered in a constructive manner can have disastrous effects for the person receiving that feedback. In keeping with the recurrent text theme of the reflective practitioner role of the law teacher, a section is also devoted to methods of self-evaluation. The authors emphasise the point that evaluation must always refer back to the aim of university teaching which is to enhance student learning.

The process of assessment of a teaching performance relates to 'staff selection, confirmation of tenure, and promotion . . . Staff appraisal is where law school management helps teachers improve their performance.'³⁶ Accordingly, a valuable instrument in the assessment process is the production of a teaching portfolio. Not only do these provide a form of self-assessment for the 'reflective practitioner', they are also extremely useful for staff promotion preparation.

The face and form of legal education is the topic of the final chapter in *The Quiet Revolution*. Focusing on current developments and obstacles facing legal education, the authors take a look at the undergraduate law degree in terms of law degree programs, law curricula, academic staff and the legal profession. Particular areas of concern for the future are identified as being the nature of assessment, the 'voice' of law (ie introducing critical

and moral discussions with an inter-disciplinary base into the law curriculum), and the teaching of ethics.

While it is more than worthwhile reading from cover to cover as a text in its own right, this book can also be used as a reference guide. To this end *The Quiet Revolution* is excellently referenced with a comprehensive table of contents and a detailed and extremely useful index. Particularly useful is the extensive reference list comprising fifty or so pages from xxvii to lxxv. This provides an excellent resource for readers seeking to explore in greater depth issues introduced and canvassed in this text. The regular use of dot point summaries and diagrams enhances depth of understanding of the subjects broached, several of which will be new for many readers.

It is fairly safe to assume that this book will attract the already converted, ie law teachers who are already interested in continually improving the teaching aspect of their work. However, if this work encourages (which I am sure it will) a heightened discussion of legal education issues, this will in turn prompt more teachers of law to consider the benefits for themselves personally and professionally of integrating the art and science of education into their day to day activities.

According to MacCrate,³⁷ legal educators and practising lawyers are engaged in a common enterprise: the education and professional development of the members of the profession. The development of the skills and the values of competent and responsible lawyers lies along a continuum that starts before law school, reaches its formative and intensive stage during law school, and continues throughout a lawyer's professional career: '[I]t challenges all law teachers . . . to look beyond their own compartments of scholarship and teaching, to escape the confines separating doctrinal learning from skills and values instruction, and to identify that role they can play in the preparation of lawyers along the educational continuum of that profession of which all who work in the law are members'.

If law graduates continue to seek work outside the traditional framework of legal professional employment then unemployment statistics for law graduates are not expected to soar. It is clear, however, that there is an ever increasing gap between the type of employment that a law graduate seeks and the type of education a law graduate experiences if legal education remains loyal to traditional paradigms of teaching and lawyering.³⁸

The Quiet Revolution recognises this widening gap and seeks cleverly not to build bridges to cross the gap but rather to develop a coherence in purpose, practice and ethics based on the conception of law as a cultural practice between legal education and the widening paradigm of legal professional employment thus not bridging the gap but narrowing it.

37 MacCrate, *supra* note 15, 89ff.

38 Parker, *supra* note 6, and Weisbrot, *supra* note 4, 9.