

at law school and the value of the same skill to the potential law practice showed a marked disparity. Whether law school was the appropriate site to learn certain skills was also surveyed. An investigation as to where young rural, urban and city lawyers actually learned their skills followed.

Hiring partners were found to take, first and foremost, the law school attended and the class ranking of the applicant into account and then communication abilities and general appearance and demeanour when hiring graduate lawyers. In contrast to the findings from a similar survey done in the 1970s, today's law schools have an increased role in teaching legal ethics, communication skills, and 'confidence inspiring' skills. Hiring partners in the 1970s placed much heavier emphasis on the substantive and procedural knowledge possessed by the graduate than they do today.

Explanations as to the survey results centre around law schools as sorting places for legal hierarchies, the emergence of clinical law teaching and the business nature of modern legal practice. A reconciliation of legal science and legal practice is offered through the realisation of the skills common to both. Furthermore, the sophistication that legal science brings to new emerging areas of practice, such as negotiation and ADR, is inherently useful in practice and serves as a marketable product within a legal practice.

RESOURCES

[no material in this edition]

SKILLS

Legal skills training: some thoughts on terminology and ongoing challenges

JH Wade

5 *Legal Educ Rev* 2, 1994, pp 173-193

The definition of a skill can be broken down into three elements: action, practice, and a degree of competence. Learning a skill will necessarily involve doing, doing repetitively, and doing until a level of objective competence is achieved. To educational psychologists the main features of skilled behaviour is that it is goal-directed, learnt, entails co-ordinated activity that is responsive to the environment, involves a repertoire of micro-skills and that the transition from learning to accomplishment is generally accompanied by a shift to intuitive levels of response for the micro-skills elements. The definition of 'skills' is flexible and can be manipulated for many purposes.

The traditional goals of legal education, which the author does his best to list in 14 categories, are quite overwhelming. Lawyers as modern day problem analysts need to know something about everything and everything about something. Amongst the goals of law schools are the learning by rote of certain rules, the ability to manipulate rules, the ability to criticise rules, the development of broad research skills, the various philosophies of law, the sociological study of the law and the identification of ethical issues.

Out of these goals of legal education, which are skills goals? All require action, practice and a

level of competence. It would appear that every goal involves teaching skills. Skills, however, have come to have a more narrow meaning in legal education and include goals such as writing, interviewing, communication, advocacy, identifying ethical issues and more technical transaction skills. Such skills supposedly involve a greater degree of physical activity. Those excluded from the narrow definition of skills involve a greater degree of reflection and internal cognitive activity. There have been three identifiable waves of skills: (1) traditional skills, that is the ability to manipulate and critique rules, in thought, word or writing; (2) the skills of paper and people management, interviewing, negotiating, drafting and advocacy which emerged in the 1970s with the clinical education movement; and (3) the skills of interviewing, drafting basic correspondence and technical documents, which also emerged in the 1970s but through postgraduate PLT and CLE courses. A fourth wave of skills training is difficult to identify or define. It may involve law schools re-emphasising macro problem-solving and social planning.

The challenges involved with teaching third wave skills are lack of time, lack of a systematic curriculum structure to accommodate the teaching and learning of these skills, lack of commitment from both inside and outside the law schools, lack of resources, student unwillingness to engage actively in skills exercises, lack of experiential learning opportunities, the branding of skills acquisition as mere training or indoctrination, the labour intensive nature of skills training, teacher burnout, structural and institutional disincentives, interference with the

coverage of substantive topics, vagueness of assessment criteria for skills assessment and the lack of appropriate teaching materials.

Using group skills in honours teaching: the European Human Rights Project

J Murdoch

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The need to promote skill development has been fuelled by criticisms from employers, such as perceptions of the lack of transferable skills in university graduates. Innovation in higher education is being assisted by the agendas of the Higher Education Funding Councils. However, staff and students are suspicious of anything but the tried and tested means of teaching and assessing undergraduate law.

The University of Glasgow's School of Law sought to develop certain enterprise skills through the use of student-run 'syndicates' and group assessment within a mainstream Honours level course in which critical appreciation of subject matter remained essential. The project involved a group of 10 senior Honours students being set the task of preparing written and oral pleadings on a fictitious case giving rise to issues under the European Human Rights Convention.

Students are allocated to two teams, one for the applicant and the other for the government. The work involves intensive research and preparation culminating in a presentation to the 'court' comprised of lawyers involved in human rights work. Teaching staff play the role of mentors and

counsellors and monitor standards. Students are entirely responsible for their own learning and project management over a four month period. The teams are left to their own devices with no 'information providers' or 'command figures'.

The learning process was split into three different stages: (1) an area of research on the case was allocated to each student in a group. Each team member had to give a seminar on the case law on their individual area of research and its relevance to the moot problem; (2) condensing of the five sets of individual research into a single word-limited presentation; (3) preparation for oral presentation.

The motivation, enthusiasm, depth of learning and time expended by students on the project was exemplary. The acquisition and development of critical thinking, independence, research, organisational abilities, oral and written communication skills, ability to apply knowledge and self reliance are highlighted by the participating students. Many students recorded increased confidence from participation in the project. However, care may be needed to ensure that the groups achieve and sustain adequate cohesion.

Assessment was an integral part of the project and involved four elements: (1) individual assessment, with each student grading each member of the team's contribution; (2) peer group assessment, involving team group discussion of individual assessments; (3) internal assessment by the course convenor who would monitor group and individual performance; and (4) external assessment of individuals

and teams by lawyers acting as judges in the 'court' exercise.

The project achieved its objectives of encouraging active learning and the development of transferable skills, thereby bridging the gap between the 'academic - vocational' divide.

Legal skills for non-law students: added value or irrelevant diversion?

A Ridley

28 *Law Teacher* 3, 1994, pp 281-291

The challenges faced by those who teach and learn legal subjects on non-law programs differ from those faced by their colleagues on law degrees. A legal skills workshop has been established for Accountancy students at the University of Portsmouth. The workshop developed due to the move in higher education generally towards a realisation that the acquisition of knowledge and the application of knowledge are twin objectives, the increased emphasis on competences in professional accountancy training and the growing interest in skills-based courses in legal professional education. Although there is a gulf between the aims of a legal skills program for non-law students and the integrated teaching of skills in a law degree, students on any course which includes an element of law can benefit greatly from skill development through the medium of the law course.

Four issues were considered in the design of the workshop: (1) The territorial nature of disciplines: lawyers teaching on non-law degree programs are isolated from their colleagues, with law being just one