

REVIEW ARTICLE*

The Quiet (R)evolution: Improving Student Learning in Law by ML BRUN and R JOHNSTONE (Law Book Company, 1994) pp vii-lxxv, 1-412. Softcover recommended retail price \$65.00 (ISBN 0455 212 791).

The title of this brilliant new guide for law teachers comes from a written comment by Professor Jim O'Donovan on the 1991 ALTA Law Teaching Workshop. His feedback encapsulates what one might say about this book:

Before I came to the Workshop I was wavering in my academic career, not because I disliked research and writing but rather because I had lost my way as a teacher or facilitator. No doubt, I will lapse from time to time, but I feel affirmed in my vocation and I am eternally grateful to you all for your expertise, your sensitivity, your patience and tolerance and your support...you have all done a remarkable thing in devising and conducting this Workshop... I, for one, doubt whether a group of five academics could do more to improve the standards of law teaching in Australia. Thousands of law students will benefit from your efforts.

Be of good cheer and relax now in the knowledge that you have started a *quiet revolution*.¹

Marlene Le Brun and Richard Johnstone are two former co-ordinators of the annual ALTA Law Teaching Workshop, and the book is based on some of the materials used for the Workshop. While there have been a number of extraordinarily useful books on teaching in higher education generally,² their book

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1 M Le Brun, R Johnstone, *The Quiet (R)evolution: Improving Student Learning in Law*, Law Book Company (1994) p xv.

2 Most notably, P Ramsden, *Learning to Teach in Higher Education* (1992). See also D Rowntree, *Assessing Students: How Shall We Know Them?* (1987); RR Schmeck (ed.), *Learning Strategies and Learning Styles* (1988); F Marton, D Hounsell, N Entwistle (eds), *The Experience of Learning* (1984); G Gibbs, T Habeshaw, *Preparing to Teach: An Introduction to Effective Teaching in Higher Education* (1989); GA Brown, M Atkins, *Effective Teaching in Higher Education* (1990); DA Schön, *Educating the Reflective Practitioner* (1987).

is the first to address the concerns of law teachers specifically. The authors build on the general theories in higher education and apply them to the teaching of law.

The book is organised into three parts. Part I outlines the basic theoretical framework. Part II discusses all aspects of teaching in law, based on the theories developed in Part I. Part III considers the evaluation and assessment of teaching as well as factors which may affect law teaching in the future.

In Chapter One the authors examine the development of legal education in Australia and argue that legal training, based on law as a set of rules to be transmitted by lecturers, is outdated and misguided. Rather, it is contended, legal education must be concerned to examine not only the normative content of legal rules but also the operation of the legal system in action. The conception of a client-centred lawyer, who is not restricted to cognitive skills, but aware of emotional, attitudinal, and motivational aspects of human experience, is advocated as the model for legal education. To achieve this ideal the authors propose that a student-centred approach to teaching should be adopted. Unfortunately this theme of 'creating' client centred lawyers is not explicitly pursued throughout the book. While the focus of the book is indeed on student-centred training in law, this is based more on educational theory, in particular Ramsden's research on student learning, rather than expressly linked to the ideal professional lawyer.

Chapter One also canvasses the barriers to change in legal education, and many of these difficulties will ring true, even with those legal educators who are committed to change: the fact that despite rhetoric about the importance of good teaching, research publications are more readily awarded by promotion than teaching excellence; the demands of keeping up to date with our subject areas and administrative commitments in faculty and university committees; the difficulty of being one of few staff members committed to improving teaching and students' lack of exposure to active and interactive learning in other subjects. The authors introduce the very effective personal voice of Pat and Alex here, two law teachers, who express the fear and concerns that many law teachers have about educational theory. The following comments by Pat are typical for what this reviewer has heard in conversations with other law lecturers about teaching:

Provided I cover the area of law and enough students pass without major trauma, why should I trouble myself with faddish educational theory that, in reality, dictates how I should behave in my own classroom?... I think this rhetoric about teaching excellence is another attempt to interfere with my academic freedom.³

Measurements about the quality of teaching are too subjective to be of use. In the end, it is just a matter of personality anyway... I am tenured and...I don't aspire to go any higher on the ladder. Why ever should I bother?⁴

Pat's and Alex's concerns are expressed and addressed effectively throughout the book.

Chapter Two outlines the educational theories on student learning. While the literature considered by the authors is remarkably comprehensive, a stronger focus on Ramsden's research on student approaches to learning might have been preferable so as not to confuse readers with the wealth of material. The

3 Note 1 *supra*, p 6.

4 *Ibid*, p 33.

explanations as to why teaching should be student learning centred may not be sufficiently clear for the casual reader. The chapter also contains a good discussion on how to accommodate the needs and experiences of students from various backgrounds.

Chapter Three focuses on teaching for improvement of student learning. The authors explain the importance of establishing and maintaining an effective learning environment in our classes and give useful tips for how to achieve this. Characteristics of good teaching are briefly introduced, and two important documents by HERDSA⁵ and the Australian Vice-Chancellors' Committee on good teaching practice at university are appended, but the links between these factors and effective student learning are unfortunately not spelt out. Instead, the dangers of following these guidelines are overstated.

Chapter Four introduces Part II on teaching practice. The importance of setting goals, aims and objectives for student learning and their use for course design, implementation and evaluation as well as for students in directing their learning are effectively explained here. In particular, the authors demonstrate how objectives can be set in the cognitive, the affective and the skills domains to produce well rounded lawyers. The chapter provides a good description of how assessment can and should be used as an integral part of teaching and learning when linked with the set objectives. The reader is provided with numerous ideas on forms of assessment other than the traditional exams and essays and their respective benefits and problems. Self-assessment and peer-assessment are also canvassed in this chapter.

Chapter Four is devoted to the use of media such as overhead transparencies, boards, flip charts, videos, audio-cassettes, and computers. The most important part of this chapter deals with the effective design of teaching materials to promote student learning.

Chapter Six begins with a critique of lecturing and introduces techniques to improve this teaching method, but is generally concerned with outlining teaching strategies which promote student learning. Every conceivable method, from teacher-led discussion, the Socratic and the case method, student-led discussion, learning in small groups, and brainstorming, to activities in which students model lawyering such as the problem method, simulations, mootings, mock trials and clinical legal education, is described effectively. The reader is thus presented with a wealth of ideas for adoption or adaptation in his or her teaching.

Chapter Seven pulls the previous chapters together by setting out some principles for the selection of teaching methods and media, and by giving some specific suggestions for planning, preparing and conducting classes. The chapter ends with a powerful example of structuring materials and classes in the teaching of agreed damages clauses in the law of contract.

Chapters Eight and Nine form Part III, which concludes the book. Chapter Eight emphasises the importance of teachers evaluating their own teaching performances and describes methods of doing so effectively. In addition, assessment and appraisal of teaching for the purposes of promotion and improving

5 Higher Education Research and Development Society of Australasia Inc.

teaching efforts of individual staff are discussed. Chapter Nine outlines some factors which may affect law teaching in the future as well as areas for future research in the teaching of law.

As this summary of the book's contents has shown, its coverage is very broad while at the same time providing specific teaching tips based on the central ideal of improving student learning in law. It is to be hoped that this book will be read by everyone involved in legal education. Not only thousands of law students, but all law teachers will greatly benefit from the efforts of Marlene Le Brun and Richard Johnstone, since both learners and teachers will gain greater reward and enjoyment in their lives at law school. The comprehensive bibliography ensures that the book is not only a most welcome introduction to teaching in law, but also a useful reference work on the subject.