

taught to think beyond the boundaries of rights and liabilities. Law students should be made aware of schemes for decision making and problem solving. The framing of problems and identifying client objectives is a fundamental skill as often people solve the wrong problem. Divergent and creative thought should be encouraged in the solution of legal problems. Law students must be taught to assess the solutions to the client's problems and predict the effects of alternative courses of action. In making decisions the lawyer should be aware of and act in the knowledge of the client's attitude towards risk and not in accordance with the lawyer's own.

The third step is the realisation that all legal decisions involve relationships among individuals or organisations. An appreciation of economics, psychology and sociology is required properly to contextualise legal decision making in a client-centred regime. Often the client will possess industry-specific knowledge which should be employed in decision making. However, there are approaches to thinking about relationships and organisations that apply across many contexts and therefore should be part of a lawyer's repertoire of skills.

"Legal education can neither compensate for character defects nor substitute for experience, but it can help develop the habits of thought and analysis conducive to problem solving and good judgment."

STATISTICS

[no material in this edition]

STUDENTS

[no material in this edition]

TEACHERS

REVIEW ARTICLE

Today's law teachers: lawyers or academics?

P Leighton, T Mortimer & N Whatley
Cavendish Publishing Limited,
London, 1995

This report canvasses the findings of a widely distributed 1994 survey of law teachers located in all sectors of higher education throughout the United Kingdom. The back cover of the book announces that "As well as providing valuable statistical information on law teachers, the survey also gives useful insights into the aspirations of law teachers, how they view their role, and their feelings about their profession". The claim is also made that "For the first time ever, a clear picture emerges, and it reveals a number of surprises and startling contrasts."

The authors list three factors which instigated the research: the need for effective policy development at a time when legal education is being subjected to considerable change, debate and review; the desire to supplement the data collected in a recent UK survey of law teaching which covered courses, student numbers and resources, but left law teachers largely untouched; and the fact that there is a paucity of existing research on law teachers and law teaching.

They pose what they define as the central question addressed by the project, which in turn reflects a

dilemma that has long plagued legal education, going back to the Ormrod Report in 1971 and beyond.

"Are [law teachers'] primary concerns academic enquiry and debate, the exploration of ideas, intellectual challenge and establishing a broad context? Is, perhaps, the pinnacle of their work research and research students? Or do they mainly see themselves as key providers of a stage towards a vocational qualification and therefore emphasising professional legal skills?"

From this broad aim, the authors have derived a number of research questions and presumably have deliberately chosen their research design to best answer these questions. First, they proposed to collect the usual demographic data about law teachers as an occupational group. Second, they planned to ascertain how important to their population are teaching, teaching qualifications and educational matters generally. Next, they posed the rather abstruse question "What makes up a law teacher's professional life?" The final question is "What do law teachers feel most strongly about and what changes would improve the quality of their professional experience?" Predictably, they also announce their intention of exploring the relationships that exist between the demographic variables and the dependent variables generated by the last three questions.

The research methodology described in chapter 2 includes a brief account of the steps taken to develop the questionnaire and to identify the population of law teachers, as well as the procedures followed to distribute the questionnaire and maximise responses. A response

rate of 41% is reported, yielding 1,165 completed forms out of a sample size of 2,850 reached. The unsupported statement by the authors that this is a high enough level to conclude that the responses are representative of law teachers as a whole places them on very shaky ground with respect to the weight of the research literature. At the most it is an acceptable response rate, but in the absence of any reported efforts to test for non-response bias the representativeness of the results cannot be substantiated.

Chapter 3 deals with the findings with respect to the demographic variables, namely age, sex, current workplace and post, length of service and previous experience of practice, as well as their academic and professional qualifications. These data reveal few surprises. Of the respondents 58% were male and 42% female. However, it was interesting to note that, whereas 34% had already been teaching in higher education prior to taking up their present position, 20% had been attracted to academic life from legal practice. Of those holding vocational qualifications, 32% were solicitors and 21% barristers, with only 18% possessing a teaching qualification.

Chapter 4 focuses on the attributes of law teachers as professional teachers. The questionnaire asked the respondents whether they held a qualification in teaching, on the unquestioning assumption that this would be an important indicator of a strong commitment to teaching. As already mentioned, it was discovered that only 18% were qualified as teachers. The authors then try to discern, if so few are formally trained teachers, where they obtained their teaching skills. It appears that 49% of the respondents

had undertaken some form of structured induction program. However, only 36% of these reported a program of more than 16 hours duration, which was judged to be the minimal desired length. An attempt was also made to gather data on the nature of the subject coverage for these inductees. The authors observe that, if about one third of the respondents did not have the benefit either of teacher training or induction programs, where do they go to cultivate that critical skill? - presumably they pick it up in a hit or miss fashion on the job. Finally in this chapter, the authors present the data collected about the actual usage of a range of teaching methods. Not surprisingly, the use of experiential learning techniques was most favoured by those with a prior teaching qualification.

The report moves on in chapter 5 to a consideration of the activities of law teachers in their role as academics, including the respondents' current involvement in research, studying for further qualifications and consultancy work and the journals they read and why, as well as their journal subscriptions. In this reviewer's opinion, this information sheds only a dim light on the professional roles of law teachers with few consequences capable of practical application.

The concluding section of the questionnaire, as reported in chapter 6, contains the best prospects for some really meaningful data but again falls short of the mark. These two questions about the levels of importance ascribed by teachers to selected features of their current jobs and what aspects could be changed to enhance their job satisfaction are the only attempt to gather data about opinions and attitudes. Unfortunately, they can scarcely be

said to give us "useful insights into the aspirations of law teachers". Four-point rating scales are employed "in order to identify more easily [their] real priorities". Thus we discover, for example, that 99% and 88% of the respondents respectively rate the factors, "teaching and contact with students" and "the opportunity to undertake research" as either essential or important elements of their jobs as law teachers. However, the authors do admit that the value of their research was limited by the fact that it was only possible to identify the key areas which appeared materially to affect perceptions of job satisfaction. On the other side of the coin, they asked the respondents to rate the importance of nine items as measures for enhancing their job satisfaction.

The authors conclude their report by asserting that "there are some clear messages here". However, they fail to establish the significance of their findings and how they can be practically applied and by whom. There is no doubt that a great amount of data has been collected, but for what clear purpose? The report itself is only 71 pages in length. Indeed, this is the sort of research which regrettably serves to raise more questions than it answers, a point not lost on the President of the Association of Law Teachers, who notes in his preface to the book that "On many occasions I found myself wishing that a particular point had been pursued further." Perhaps some follow-up interviews could have teased out the greater detail he was seeking.

There can be no doubt that the working lives and professional roles of law teachers is eminently worthy of attention and detailed research in the interests of increasing our

understanding of the phenomenon of law teaching with a view to its improvement. However, in this reviewer's opinion, the project would have been greatly assisted if closer attention had been given to the research design at the outset. The data analyses do not go beyond frequencies and percentages and the necessary cross-tabulations, which is very strange for a quantitative study, even one that is essentially exploratory and not testing hypotheses. Although it is easy to discern the independent and dependent variables used in the design, the relationships between them have been inadequately treated. Thus, at points in the report claims are made of the existence of significant differences between groups. However, without subjecting the data to certain basic tests normally used to determine statistical significance, notably chi-square, t-tests and analysis of variance, such statements must remain merely conjectural. For example, it would have been so easy to have employed either t-tests or analyses of variance, where appropriate, to tease out the significant differences with respect to the relationships between the demographic variables on the one hand and the dependent variables formed by the respondents' views on the importance of various aspects of their work and the measures offered for enhancing their job satisfaction on the other.

Unfortunately, in this, as in other respects, this project has failed to live up to its promise. It has certainly not gone very far towards answering the central question posed by the authors of whether law teachers see themselves as lawyers or academics.

Editor

How important is teaching to law teachers?

P Leighton & T Mortimer
29 *Law Teacher* 2, 1995, pp 152-168

This article has been written by two of the three authors of the UK research report, *Today's Law Teachers: Lawyers or Academics?*, reviewed above. It focuses on those findings contained in the report which relate to issues about teaching.

The topic of law teachers and law teaching can clearly generate heat and controversy. The central criticisms of law teachers appear to be that they are ill equipped for their work and may even be poor teachers. And yet the pages of *Law Teacher* are packed with articles on interesting or innovative teaching methods.

Are these articles unrepresentative of law teaching generally? Is the overwhelming majority of teachers using traditional, declaratory methods requiring little active participation from students? Legal education appears to remain wedded to the notion that bad teachers are tolerable, that competent students will themselves direct their studies and that anyway law texts and other learning materials and methods are more than adequate.

Ambivalence towards teaching, as opposed to scholarship, represents one of the central dilemmas of legal education. Others concern the purpose of legal education itself: the extent to which it merely comprises stages leading to the production of effective practising lawyers or whether emphasis should be given to the acquisition of lawyerly skills, especially in the context of a need to relate legal education to its social, economical and political framework.

The article then describes the research design and methodology adopted in the study and provides a synopsis of the findings relating to law teaching. It concludes with the admission that there are aspects of the findings which clearly require further probing. Suggestions are made of further research topics which could be pursued, either by undertaking a more detailed questionnaire covering a narrower range, by interview or by ethnographic research methods.

TEACHING METHODS & MEDIA

Business law for non-lawyers: setting the stage for teaching, learning and assessment at Hong Kong Polytechnic University

L M Skwarok
29 *Law Teacher* 2, 1995, pp 189-212

Those who teach law to non-lawyers are the forgotten players in the legal education arena, shadowed from the limelight by those who lecture to prospective lawyers in faculties dedicated to the study of law. The important role played by law teachers in preparing students for the business world is seldom acknowledged by academics, students, legal practitioners or industry. The teaching of Business Law to business students needs not and perhaps should not be taught in the same manner as to LL.B. students.

Three fundamental issues relating to the teaching of business law need to be addressed: (1) What is the most effective method to teach large groups of students? (2) Students often perceive the Business Law subject as peripheral to other units, such as accounting, economics or