

nation. Secondly, social utility arguments suggest that there are social benefits for all in including minorities in the mainstream. Four sub-arguments can be advanced: that indigenous lawyers will provide more appropriate services to their community; that law school diversity is positive for all students; that indigenous students can act as role models for those in the minority community; and finally that indigenous law students can help to eliminate negative stereotypes that inhibit minority participation in community life. Weisbrot's study of the background of Australian lawyers discovered that most were educated at selective private schools, had conservative political affiliations and were from high socio-economic backgrounds. Clearly, in Australia, the profession remains fairly homogeneous. Homogeneity may not be a good thing; it encourages intolerance and ignorance. Finally, distributive justice is about sharing wealth and opportunity among all citizens of a nation. Distributive justice includes concepts of fairness and justice. The rule of law is the linchpin of our notion of what justice is and affirmative action programs can transform the formal idea of equality into substance and reality.

The situation in Australia is dynamic and it would be difficult to discuss all the types of support offered by all Australian law schools. To a large degree, Australian programs rely on 'word of mouth' for recruitment, which appears to be an effective way to attract indigenous students. The University of New South Wales' (UNSW) program appears to provide a good example of the 'snow-balling' effect: the numbers of indigenous students enrolling in the program have continued to grow steadily as more students move up through the program. Most Australian university law

schools offer alternative access procedures to indigenous students. Lavery's research indicated that nine of 18 law schools surveyed in 1990 had special entrance provisions for indigenous students. During the 1990s, several pre-law programs have been established. This success is most likely related to several factors including: a continued commitment to access and support to indigenous students, the development of the Aboriginal Law Centre and the snow-balling effect.

In terms of ongoing support, the Aboriginal Law Centre was set up in 1981 at the UNSW and its role has continued to expand. In 1987, the University established the Aboriginal Student Centre which provides a permanent meeting place for students and encourages student networking and use of resources. Griffith Law School has developed a 'Mentoring Program', which aims to give indigenous students the opportunity of making connections with solicitors in the workplace. Most universities which provide pre-law programs also provide extra tutorial support on either a needs basis or at regular intervals.

Looking to the future, much can be done to reduce the difficulties which indigenous people face in accessing the legal profession. Scholarships and assistance in the purchase of textbooks can assuage the effects of poverty. Education issues can be addressed to some extent by pre-law programs. Access would be better provided if law schools combined resources to deliver pre-law courses. Although many law schools have alternative access programs, in many cases indigenous students are still not being attracted in the numbers which may be expected. Recruitment should be an important focus for law schools. Nettheim suggests that one of the

major reasons indigenous students are not successful at law school is social alienation. Law schools need to work to counter this by providing indigenous centres in law schools, access to Aboriginal resource material and by displaying Aboriginal art. The development of sensitive curriculum is also important.

UNSW recently evaluated their indigenous support programs and found that the gradually increasing support services for indigenous law students has corresponded with an increasing number of students receiving credits or above in their assessment, while subject failure rates have fallen. In most law schools, it is still too early to say whether the programs outlined above have been successful. Access remains important but the key focus should be on the implementation of programs which foster the success of indigenous students, to which is linked the need to find ways to reduce their attrition rates.

Indigenous students' perceptions of factors contributing to successful law studies

C Penfold

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Studies have frequently looked at the needs of Aboriginal and Torres Strait Islander students and identified difficulties which these students face in the formal academic system. Lack of financial support, schooling background, pressure from family and community, health problems, inappropriate curricula, identity crises and negative stereotyping have all been identified as contributing to the poor rates of indigenous participation and success in formal education. As a result, indigenous Australians are under-represented in all professions, including law. While the number of in-

indigenous law graduates has greatly increased in recent years, attrition is still of concern. Law schools continue to search for ways to attract, retain and graduate indigenous students. This study is a step in that process.

This study aimed to identify factors which assist indigenous students to succeed in non-indigenous, mainstream institutions and to identify what law schools may do to encourage that success. Nineteen indigenous students and recent graduates of University of New South Wales (UNSW) Law School took part in the study. The study was not intended to test any particular hypothesis but rather to produce a picture of positive experiences which contribute to indigenous students completing law degrees.

While the interviews asked students only about success, many students referred to the difficulties they faced in order to explain the positive factors. All the difficulties identified in previous studies were experienced to some degree by the participants in the current study. These include experiences of alienation, lack of confidence and language barriers. Indigenous law students still face the enormous difficulties common to other indigenous students. These difficulties may be further exacerbated for law students by the discipline itself.

The indigenous students interviewed for this study were able to identify many factors, both within the law school and outside it, which contribute to success in completing law studies. Students believed their own motivation and determination to be the most significant factor involved in completing their courses. Although these are personal factors, universities are in a position both to use and to influence them. First, it would be useful for selection committees to give weight to evidence of student

motivation, as attrition and failure rates suggest that those without this hunger for completion will not survive. Secondly, universities must nurture their students' drive by providing an encouraging environment.

Other factors with important positive impact were: the opportunity to network with other indigenous students; role models; the supportive atmosphere of the law faculty; relevant and appropriate curricula; the support scheme for indigenous students within the law faculty; the Aboriginal Tutorial Assistance Scheme; and cadetships and professional support. The support offered generally by indigenous students to one another was of exceptional benefit in helping them to complete their degrees. Student responses show the overwhelming benefit of having role models, which include high profile people, recent indigenous Australian law graduates and non-indigenous class teachers. Individual teachers and the law faculty as a whole were seen as important contributors to the completion of degrees; the behaviour and attitudes of teachers generated a comfortable atmosphere within the school and greatly encouraged indigenous students.

Students found the atmosphere of the UNSW faculty to be one of support and encouragement. While some reported experiences of alienation and intimidation, these were largely tempered by a genuine desire within the faculty that they succeed. Unfortunately, while students felt so supported by faculty staff, a few felt less comfortable with other students.

Part of the positive atmosphere within the UNSW Law School came from a belief that it takes indigenous issues seriously. Having the Aboriginal Law Centre gave a good feeling about the law school and was seen as an indi-

cator that the school is interested in and willing to act to benefit indigenous people. The law school has made a great effort to provide a curriculum which is, and is perceived to be, relevant and appropriate to indigenous Australians. It first introduced a course on Aborigines and the Law as long ago as 1979 and legal issues relating to indigenous rights are incorporated into many compulsory subjects. Students clearly felt that the inclusion of indigenous issues in the curriculum assisted them to complete their studies.

Student support schemes may contribute greatly to the successful completion of degrees and lend weight to the students' belief in a school's general supportiveness. While the initial focus of the UNSW scheme was the provision of academic support through individual and small groups tutorials, students claim that the benefits of such a program are far wider. The scheme now also offers personal and social support, and provides a link between indigenous students and the faculty. The Aboriginal Tutorial Assistance Scheme (ATAS) is also a contributing factor. While many students have obviously been helped by ATAS tutors, students have also criticised some tutors, the way some students use tutors and the administration of the scheme. Possible solutions include closer supervision and more thorough checking on tutorial programs but the question of resources remains.

It is clear from student responses that changes in university policy, the systems and environment, staff attitudes and behaviour and the resources provided really can make a difference to the likelihood of indigenous students completing law degrees. Student motivation is a major player in student success and that motivation can be

bolstered through the encouragement of student networks, role modeling, a supportive law faculty, relevant and appropriate curricula, a far-reaching student support scheme, ATAS tutoring, cadetships and exchange programs. The focus on success does not reduce the need for understanding the complexity of the indigenous student experience at law school. As many students still commence but do not complete degrees, it is clear that significant barriers remain and that further research in this field must be conducted. It is hoped, however, that the identification of positive contributors to success will allow universities and law schools to do more of what they are doing well and to introduce further positive factors to the indigenous law students' study environment.

TEACHERS

The uneasy integration of adjunct teachers into American legal education

A F Popper

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In many urban areas, a rich and varied community of potential adjunct faculty is available and law schools make frequent use of them. Despite their numbers, too often adjuncts remain shadowy figures who enter the law school under cover of darkness, rarely participating in the intellectual dialogue of the institution. Even more rarely do they participate in discussions about changing pedagogical styles, testing methods or other topics pertinent to teaching.

One way to address concerns about skills development is to use a corps of adjuncts to supplement conventional offerings in the curriculum. When adjuncts are used in conventional, upper-level courses, the likelihood that they will achieve the goals

of skills development is low. Either by design or by coincidence, they will do to their students in the classroom what was done to them when they were law students. Much of the pragmatism and experience adjuncts have achieved in the practice of law is probably lost or set aside.

Newly hired adjunct faculty are never too old, too distinguished or too wise to be above an indoctrination program carefully designed to communicate the few things on which your faculty might agree. You should present to the adjunct a clear picture of the kinds of teaching methods used and the success rates achieved by different faculty using methods such as simulation. You should describe the grave risks inherent in believing that one can prepare one's own materials for a course the first time through. You should describe the grading practices in your law school and explain the curve if one exists. This one-on-one training, generally by a faculty member serving as an associate dean, has an intensely paternalistic quality but law school administrators must clearly play the role of trainer at the outset.

We have long recognised that adjuncts are well equipped to teach skills courses, such as trial advocacy and negotiation. Adjuncts are also a terrific resource for enriching the upper end of any curriculum, the specialised 'capstone' courses. But there is a very real need to calibrate adjunct expectations of student performance. Adjuncts are often poor judges of students' interest in a field and of their sophistication in the field. Concepts that are second nature to the lawyer / expert / adjunct after 20 years in practice are new and complex to a second-year law student. The expert lawyer who is not aware of this disparity is likely to be ineffective as a teacher.

We come to hiring and evaluation. Many law schools find themselves inundated with requests from practising lawyers to take a shot at teaching. These schools can let the forces of nature create their resumé bank of prospective candidates. For many reasons, not the least of which is honesty about faculty diversification, it is a good idea to advertise positions annually. The sources of adjunct teachers are apparent: private firms and sole practitioners, the judiciary, government agencies, trade associations, public interest groups and nonprofits, and even the world of politics. As you cultivate potential sources of adjunct faculty, you are also spreading the good word about your law school.

Finally, to evaluation — most important, what to do when the evaluations of classroom performance are poor, alarming or otherwise problematic? Assuming that you are willing to invest some energy into the situation, rather than immediately firing an adjunct, consider whether the situation is one that would change if you found a complementary team teacher. Or the inadequate evaluations may be the result of external circumstances that can be corrected if you give the adjunct some help. But if all attempts to assist the adjunct have failed, the end game begins. There is no easy way to fire an adjunct.

TEACHING METHODS & MEDIA

Class participation: random calling and anonymous grading

J M Rogers

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A law teacher intends to teach not only legal doctrine but the analytic techniques used to ascertain and ap-