

ying and of practices which facilitate, rather than impede social movements.

In the main, lawyering is about the provision of legal services to individual clients on a case-by-case basis. Individualisation describes aptly not only the formal delivery of legal services, but also the conceptualisation of client problems. Problems facing any given client are assessed and understood within a context whose outermost boundaries are those drawn by the particular client's life. Broadening the context to question whether others share a problem or to include an assessment of social, economic, or political structures, is beyond the reach of most lawyering. Problems belong to clients; they are possessions, like the clothing on their backs. Problems which clients present to lawyers are quickly conceptualised and categorised as 'legal' problems. Avenues open for the resolution of any given problem thus, not surprisingly, appear to lie within the boundaries of the legal system.

Another feature of lawyering is its commitment to instrumentalism. Perhaps precisely because lawyers believe in the efficacy of legal remedies, their practices are dictated by efforts to obtain them. Within this outcome orientation, 'success' is understood to be the securement of a favourable legal result. An important offshoot of this belief in the efficacy of legal technique and legal remedies is that it privileges lawyer know-how and thus justifies lawyer dominance and its correlate of client silence.

In an individualised, case-by-case approach to lawyering, harms are largely understood to be individual and private; not shared and social. Because problems are understood as individual in nature – as aberrations in an otherwise just social and legal or-

der – that order goes unchallenged. The active critical stance essential to social movements not only fails to materialise, but is actively suppressed, in the lawyering process. The lawyering process tends to be decidedly anti-critical.

To what extent can the blame be pegged on legal education? The core of legal education continues to be the appellate court decision and learning to analyse these decisions continues to be legal education's central pre-occupation. A central message communicated through the study of appellate court decisions is that lawyering entails the rational application of law to facts in a world where facts are 'found', the law is given and applied, and concrete, legitimate results are produced.

Doctrinal analysis routinely obscures the reality that both facts and law are deeply ambiguous. A consequence of this reality is that relevant questions about the role of values, emotions, and political choice—in both legal process and substantive outcomes—are rarely posed. Legal education prepares students to work within the existing order, marginally, incrementally modifying it through litigation. A reasonable deduction which follows is that lawyers trained in this anti-critical educational environment are unlikely to see client problems as anything other than individual problems, to search for systemic patterns of oppression, to attempt to understand the structural roots of client problems, are even less likely to challenge those structures and thus, are unlikely to practise in ways that render them allies of social movements. In sum, anti-critical legal education is the forbearer of anti-critical lawyering practices.

The central message of lawyering taught through doctrinal analysis – that the primary skill of the lawyer is the ability to apply an existing stock of legal categories to a set of abstracted facts – combines with the socialisation process of law school, to teach students to distance themselves from their clients' lives.

Legal education has changed and is changing in ways which render it potentially more responsive to social movements. Most, if not all, law schools have introduced courses that seek to make explicit the role of law in reproducing the oppression of particular groups. In placing law as an object for critical reflection about questions of power, justice and oppression, such courses are consistent with the aspirations of social movements. Courses on gender or race issues are examples. While curriculum changes, admissions policies and support programs are important, they have not resulted in a major rethinking about the way in which law is taught. In the main, changes in the curriculum have been at the periphery, with little impact upon the core of legal education, particularly the formative first year curriculum. Law schools have taken some steps towards change but the core of legal education and, in particular the traditional vision of lawyering which it imparts, remains quite firmly in place.

SKILLS

Multi-modal delivery approaches in teaching postgraduate level research courses

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It is generally agreed that the ability to undertake legal research is an es-

sential legal skill. The law is a dynamic and ever changing discipline with the result that knowing how to find the relevant law is often more important to a practitioner than knowing the legal rules which might quickly become outdated. Apart from the everyday practice of law, legal research skills are also necessary in undertaking postgraduate studies. Dealing with the complex and difficult areas taught at a postgraduate level requires the ability to research not just in Australia but internationally and may also involve interdisciplinary research. The Law School at the Queensland University of Technology (QUT) recognises this and the subject, Advanced Legal Research, is a recommended unit in its Masters of Laws program.

A number of developments have given rise to the present emphasis on flexible delivery/learning and made it an essential consideration in higher education. These developments include: the increase in higher education numbers in Australia; the increase in the diversity of student backgrounds, prior learning experiences; motivations and styles of learning; the fact that students come to tertiary study with a wide variety of levels of preparation; the decrease in the level of government funding, together with increasing class sizes, which has highlighted the need for educational institutions to ensure quality of education is maintained in an ever-decreasing resource environment; the rapid expansion of the availability of technologies both in the workplace and at home; the increasing need for universities to widen the pool out of which their students are drawn; and recognition of changing economic, work and lifestyle circumstances.

Flexible delivery/learning is a broad concept. The approach adopted

at QUT in teaching legal research skills at a postgraduate level is multi-modal, encompassing the use of a combination of face-to-face teaching, print-based media, electronic communication and audio technology, the choice by students of times for attendance on campus and the provision of materials in different forms to suit individual student needs. There are a number of important qualities of flexible learning that are essential to the flexible teaching and learning of research skills: varied and adaptable teacher/learner interactions; an emphasis on quality interactions between teacher and learner and amongst learners; appropriate use of teaching/learning resources; advances in technology; and recognition of variety in student learning styles and backgrounds.

Advanced Legal Research was first offered as a one-semester postgraduate unit at QUT in 1993 and ran in a part-time format for four years. In 1997 two new modes were trialed: the Summer Intensive and the External Program. A comparison of the curriculum of the three modes shows little disparity, with minor alterations and innovations being phased in over the first few years of the course, and these changes then being incorporated into the final model. A difficulty experienced across all modes of delivery in teaching the course was the varying levels of experience and ability in students undertaking legal research skills. The student surveys also highlighted a perception that the delivery modes could be ranked, with the Summer Institute mode most popular, followed by Part-time and then External, with compatibility with work and family commitments being major factors in the decision.

Using a multi-modal or flexible delivery approach in teaching legal

research skills can assist students to develop their own strategies for dealing with changes in the legal research process. A multi-modal delivery approach assists in the development of independent lifelong learning. It can enhance student learning of electronic research skills. The approach caters for variety in student backgrounds and learner styles. A multi-modal approach allows students to more easily combine work and/or family commitments and study. Different multi-modal delivery approaches may be suitable for different forms of postgraduate study.

Other observations include: introducing different delivery modes involves a re-education process in itself; skills development is enhanced through working with others and requires face-to-face interaction; a multi-modal approach in teaching legal research skills needs to be tailored to different initial levels of skills experience and ability; the approach does not necessarily result in significant learning outcome differences; and responses to the Summer Intensive were the most consistently favourable. Employers' requirements are a growing consideration, as most postgraduate students are in some form of employment, and the employers are an important consideration, in determining the delivery mode offered.

Although it is reasonable to assume that postgraduate students are highly independent, they may not always be confident with delivery methods requiring technical skills or which are very different from their previous educational experiences. An approach of support and guidance, gradually encouraging independence in learning but still offering alternative methods of accessing assistance in the preferred model.