Building a Curriculum Framework: Law, Lawyers and Society

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Building a Curriculum Review Framework: Law, Lawyers and Society
School of Law
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Abstract
This project was a sub-project in the overall Law Faculty Learning and Teaching Award for 2005/6. It sought to develop a model for sustainable curriculum development and reinvigoration in the School of Law. The course chosen as the test vehicle for developing this process was LAWS 6210 Law, Lawyers and Society. The initial intention was to reconfigure the course to take advantage of the availability of full audiovisual facilities in the teaching rooms of the new Law building, but as the project developed a much more fundamental rethinking of the course, its overall objectives and modes of delivery occurred.

In many approaches to curriculum review, there is an assumption that the rationale for the course is already determined and the review process is merely about deciding which teaching materials, or mode of teaching, are the best methods by which to achieve the aims. However, our review allowed each participant to share their understanding of what the course meant to them, therefore providing a much richer understanding of the aims and the potential of the course. By investing significant time in creating a common understanding of what the course could be used to achieve, and what the underlying rationales for the course were, the process became much more streamlined and there was a much greater degree of unanimity amongst the participants.

The experience of the review of Law, Lawyers and Society has made it clear that for curriculum reform to be truly effective, significant time is required in order to consider the fundamental aims of the course.

Context
Law, Lawyers and Society is a compulsory course in the undergraduate law degree (LLB). It is a significant course that bridges the gap between an intellectual understanding of legal, the broader social environment in which Law occurs, and the personal, professional and ethical issues that graduates face in acting as legal practitioners. The course has a long and proud tradition of being the first course of its type in Australia and remains at the forefront of courses of this nature in Australian law schools. In terms of the depth of content and breadth of issues covered it remains unparalleled in Australian legal education.

The course is taught in both the semesters, involving over 400 students each year. The course also includes a compulsory clinical component taught in conjunction with the Kingsford Legal Centre. The course is taught by a mixture of full-time and sessional staff, many of whom have been teaching the course for significant periods of time.

The Aims and Philosophy of Law, Lawyers and Society
Law, Lawyers and Society is a course in applied legal ethics. It examines the different values, rules and regulation that affect legal practice. It is designed to teach students to identify the values, rules and norms that lawyers should apply in practice; evaluate what roles lawyers do play in society and the justice system, and what roles lawyers ought to play; identify and begin to develop the skills necessary for ethical practice.

The course considers the lawyer-client relationship, the regulatory framework governing legal practice including the role of self-regulation, the role of lawyers as advocates including the
responsibility of lawyers for access to justice and the special duties and roles of the criminal
defence lawyer, the prosecutor, and the public interest lawyer.

One of the guiding principles of the course has always been to overcome the misplaced perception
that ethics are dry esoteric issues that do not necessarily impact on hard-core commercial practice.
The course also seeks to demonstrate that there is a specific set of legal ethics that are
conceptually separate from the ethics of private individuals, and that form the basis of the regulation
of the legal profession. One of the implications of this is that what amounts to legal ethics is more
than a theoretical moral issue, but also a highly developed and articulated set of behavioural
requirements that are the subject of detailed judicial elaboration.

Rather than consider these principles and relationships in artificial isolation, the course aims to be
thoroughly immersed in, and traverse, all significant doctrinal aspects and areas of law taught in the
undergraduate programme. Thus another guiding principle of the course has been to provide a
“keystone” course. For students this brings together all the disparate areas of doctrinal and
sociological study into one overarching course both highlights the interaction of the various areas
of study and also underlines the organic connection of these disciplines to ethical principles.

*Law, Lawyers and Society* has provided a focus for some of the key graduate attributes expected of
all students graduating from the Law School. Most relevantly the Law School's Graduate Attributes
state:

| A commitment to personal and professional self-development, ethical practice and social
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| • a willingness to engage in life-long learning, that is, retaining and extending existing legal and other
|   skills and knowledge; |
| • the capacity to work both independently and as a productive member of a team; |
| • an understanding of the ethical framework in which law is practised; |
| • acceptance of personal and professional responsibility, |
| • a sense of social responsibility and justice; |
| • a commitment to values of equity, diversity and inclusiveness. |

One of the key aims of *Law, Lawyers and Society* is thus to make explicit and real the importance of
these attributes in the understanding of the content in other more obviously discipline-specific
courses.

**Impetus for curriculum review**

Two key imperatives drove the need for curriculum reform in *Law, Lawyers and Society*. These were
the introduction of a complete reform of the regulatory regime surrounding legal practice in 2005/6,
and increasing judicial focus on the conduct of lawyers in large, complex commercial and
government litigation (most publicly seen in cases such as British American Tobacco, James Hardie
Industries and the AWB Royal Commission). This necessitated a need to restructure the course to
take into account this new regulatory regime and emerging judicial focus and provided an
opportunity to revisit the course and reconsider what the main themes of the course should be.

Another key aspect of the course is that as the course is such an innovative and advanced offering,
there is not any textbook that adequately covers all the material in the course. As such the textbook
used, though adequate in its own right, has been heavily supplemented by other materials both
relating to substantial areas of knowledge and also contemporary media-based teaching stimulus
material. With the significant change in the regulatory environment and increasing availability of
alternative materials it was also considered important to reconsider the role of the textbook in the course and balance that against the increasing volume of additional readings that were being set for students in order to fill perceived gaps in the coverage provided by the textbook.

Relationship of review to Guidelines on Learning that inform Teaching.

One of the requirements of the Learning and Teaching Awards is to demonstrate how the review relates to the Guidelines on Learning and Teaching adopted by UNSW (http://www.guidelinesonlearning.unsw.edu.au/).

In reviewing a course of this complexity the curriculum review touches on all aspects of learning and teaching. While the Learning and Teaching Award funding was to provide an opportunity to develop a framework for ongoing curriculum reform, the experience of the review of Law, Lawyers and Society has made it clear that for curriculum reform to be truly effective, significant time is required in order to consider the fundamental aims of the course. As such, some detailed issues in relation to the learning and teaching of individual classes remain to be fully worked through. It should also be recognised that the way in which individual classes are taught remains to a significant degree a decision of the individual teaching a class, and consequently it would be inappropriate to provide an overly prescriptive format for teaching on a class by class basis.

However an indication of the eventual outcomes of this process can be gleaned from the methods of teaching that are currently being employed in the course. It is intended that these methods of teaching be maintained into the future, with some adjustments to take into account the aims of individual classes and increased technological options available.

Following is an outline of elements of the course that relate to the Guidelines:

- Small group teaching: many classes are based around Socratic discussion of reading materials (Guidelines 1,2,3) – it is aimed to expand this with the use of online discussion boards to allow for more considered discussion (Guidelines 4, 13, 14).
- Many classes involve small group solving of ethical problems. In order to resolve these issues students are required to draw on their own experiences and hopefully see them in a new light as a result of the discussion (Guidelines 1, 2, 4, 5, 14).
- In order to make these problem scenarios more authentic students are now increasingly being exposed to video and other audiovisual stimulants, taking advantage of the facilities in the new Law Building (Guidelines 6, 9, 13).
- Students are required to form small groups to do independent research on topics prior to their consideration in class and to present their findings to the class. Such presentations are encouraged to be inventive and interesting – such as through the use of student-produced videos, role plays, etc. These presentations can now also be delivered by electronic means if appropriate (Guidelines 1, 2, 9, 11, 14).
- Students are required to complete reflective journals on their developing perspectives on ethical issues and their resolutions to dilemmas encountered. It is aimed to develop a method of electronic submission and publication through the use of Vista (Guidelines 1, 2, 4, 8, 11, 13).
- In order to keep the course relevant and interesting, a large amount of current affairs material is collated throughout the semester and used in class. One of the outcomes of the review has been to set up a method whereby such material can be easily added to a Vista site and accessed in real time in a class room setting. The aim is not merely to use such material as set readings but also to see them as scaffolding to enable self directed learning by students who can choose to access the material to build their own understanding of the role of ethics for lawyers and the general community (Guidelines 1, 2, 9, 11, 13).
• The existence of such rich materials and the ethical dilemmas posed by the course lend themselves to an emphasis on formative assessment. It is aimed to develop a more formative approach, possibly using Vista as a tool (Guidelines 7, 15, 13, 16).

Strategy

The project aimed to provide a grassroots, or “ground-up” approach to curriculum reform, that could be undertaken by the staff of the course at their own pace and which was based around a scaffolding of technical and mentoring assistance. It was based on a deliberately staged approach to allow time for reflection on the impact of changes to the course.

Stage One was a series of initial meetings with both staff teaching the course and mentoring staff. This included members of academic staff with experience in designing new courses, or redesigning existing courses to take into account educational technology and the Faculty’s educational designer. In these meetings the reasons providing an impetus for curriculum review were discussed; the range of possible technological innovations and learning support technologies were outlined and the pros and cons of the technologies discussed.

In Stage Two, the teaching staff convened a series of meetings at which they shared with each other their different experiences of teaching the course, some over significant periods of time, and others for the first time. They also shared their own understandings of what made the course important, and what the course was attempting to achieve - noting that these two ideas might not be entirely congruent. As a result of these meetings, which were far longer but more fulfilling than had initially been anticipated, an agreed and more developed sense of the overall aim of the course was produced. This now forms the basis of the introduction to the course, and is drawn on in setting objectives for each class.

INTRODUCTION TO LAW LAWYERS AND SOCIETY

This course examines the different values, rules and regulations affecting everyday legal practice. What values and ideals should apply to legal practice? Do the existing rules and regulation achieve those ideals in practice? How can we best achieve ethical practice as individuals and as a matter of institutional design?

In Law, Lawyers and Society students will:

1. Examine what roles lawyers do play in society and the justice system, and what roles lawyers ought to play.

2. Learn to identify the rules and norms that lawyers should apply in practice.

3. Develop the skills necessary for ethical practice including skills for:

   • negotiating legal disputes;
   • resolving ethical and social issues; and
   • communicating effectively with clients and colleagues.

Objective One
Role of Lawyers in Society

Social Practices and Social Structure: Students will be expected to understand how the everyday actions of individual lawyers can have certain consequences because of the social norms that govern legal practice and how these norms and structures influence what lawyers do in daily practice. What is the proper role of lawyers in society? To advance justice? To act purely as adversarial advocates? How do the real conditions of practice affect lawyers’ ability to act ethically or to comply with the law? How does the way society is organised interfere with
the ideals underlying the law or codes of ethics governing lawyers? Is self-regulation an appropriate tool for regulating the legal profession?

**Lawyers and Social Structure:** In this course we examine the way in which individual lawyers and the legal profession interact with broader society through issues such as:

- Relations between lawyers and clients including communication, status, and power.
- Barriers to access to justice.
- Ethics in different areas of practice: family law, criminal law, commercial/corporate law, general real estate/wills, legal aid/public interest.
- The place of the legal profession in the economy, including application of anti-competitive practices to legal services.
- Social and ethical issues arising in large firm practice.
- The historical exclusion of women in the profession and continuing discrimination and harassment in the profession.
- The adversarial system and alternatives for dispute resolution.

**Values for Legal Practice:** Underlying different ethical and social norms and legal rules are different values about the role that lawyers ought to play in society.

The sources of values for legal practice include:

- Stakeholders' expectations, needs and desires (ie clients, courts, colleagues, the public).
- General social ethics: justice, equality, rule of law, adversarial system, self-regulation and how these apply specifically to lawyers.
- Personal values and beliefs.

The main values that are considered to govern legal practice are:

*Advocacy:* An ideal of devoted service to clients in an adversarial legal system where citizens need advice and representation to enforce the rule of law.

*Social Responsibility:* An ideal of fidelity to law and justice if the rule of law is not to be subverted by clients who will pay a lawyer to do anything.

*Public Interest/Justice:* An ideal of willingness to defend people and causes who may need special help to attain justice regardless of self-interest.

*Collegiality:* An ideal of courtesy, collegiality, professionalism and mutual self-regulation amongst members of the profession.

Each of these values says something about the role that lawyers ought to play in society. In this course students are encouraged to identify for themselves their own values and how they might influence and integrate with values and ethics for legal practice.

**Evaluating Legal and Ethical Rules:** We can judge existing legal and ethical rules and norms according to:

- the extent to which they are consistent with the underlying values we decide are important for legal practice in theory, and,
- the extent to which they are effective at promoting or guiding compliance with those values in practice.

Different people will come to different judgments on those issues. You have to make your own ethical and value judgments, but the essence of living in community and especially in
democracy is that you are also able to explain, justify and negotiate about your choices with others.

Objective Two

Identifying and Using the Values, Rules and Norms Necessary for Ethical Decision-Making and Practice

The main objective for this course is that students begin to articulate and develop an integrated framework for ethical decision-making in legal practice. This is a process for taking into account different considerations that are relevant to ethical decision-making. (It is not a formula that gives you the correct ‘ethical’ answer to any dilemma).

A framework for ethical decision-making in legal practice should be able to respond to considerations from:

- General ethics and values (including students’ personal beliefs and values);
- Conceptions of the roles and responsibilities of lawyers and the legal profession (from the perspectives of the lawyer, the client, the state, the profession and the public);
- The ‘law of lawyering’ (including professional conduct rules and the general law as applied to lawyers); and
- The social structure of the legal profession and legal system.


‘Keep in mind that for now we are not talking about what is involved in the correct moral opinion, but rather about what it is for an opinion to be a moral opinion at all, be it correct, incorrect or whatever.

- Considering something ethically requires that one go outside, or beyond, one’s self-interest alone in reaching a decision. Moral opinions, then, are not opinions based only on promotion of one’s self-interest. Moral opinions are impartial.
- An ethical opinion is one which can be ‘universalised’. It is one which is perceived to apply to everyone in similar circumstances, and not only to oneself.
- Ethical opinions must be able to be defended with reasons. This requirement distinguishes ethical opinions from biases and mere preferences, for which one might have no reason at all…
- Moral opinions are centrally ‘action-guiding’. They are not of only theoretical or academic interest. They are centrally concerned with evaluating behaviour and with prescribing ways in which people should behave. To at least some extent, this requires that one think about the consequences of one’s actions.’

Read C. Parker’s article A Critical Morality for Lawyers: Four Approaches to Legal Ethics at pp 10-18 in this volume of Materials which examines the different approaches to legal ethical decision-making.

Diagram One at p 9 sets out the different considerations that lawyers might want to take into account in ethical decision-making. As this diagram suggests, central issues that lawyers will need to think about include:

- To what extent should lawyers have different ethics to other people? Ie to what extent should lawyers’ ethics be determined by reference to a particular social role we expect lawyers to play (eg zealous advocate in an adversarial system); or to what extent should lawyers be held to the same general ethics as anyone else (eg duties to the public interest override duties to clients sometimes)?
What is the nature of lawyers’ obligations to law and the legal system (eg to test its limits in the interests of client autonomy; to preserve its integrity and spirit; or to reform it to make it as just as possible in the public interest)?

How should lawyers relate to clients: and what role should conscience and moral discourse play in the way lawyers advise clients?

How can ethics be put into practice at the level of the individual practitioner? The law firm? The profession as a whole?

**Objective Three**

**Skills for Ethical Practice**

The skills of a good lawyer are necessary for both effective and ethical practice. Therefore throughout this course attention is drawn to where various skills are significant, and where they are often problematic in everyday life including:

- The role of good lawyer-client interview practice and communication in achieving ethical practice.
- The role of preventive legal advice and client-centred advising practice in good and ethical practice.
- Negotiation skills for settling client’s disputes
- Skills for negotiating and fighting with others in your firm/workplace over ethical and social issues.
- How to prevent and handle complaints from clients and others.

Particular attention is paid to the concept of client care ie good communication and complaints handling skills to avoid client misunderstandings and dissatisfaction that could lead to legal or disciplinary action.

Since this course aims not just to make students aware that these skills are necessary but to help students develop those skills, the course includes practical exercises for developing these skills and learning in practice how they relate to ethical and socially aware practice. This includes the requirement that each student takes part in and write a report on a client interviewing session at Kingsford Legal Centre.

In **Stage Three**, the teaching staff then reviewed the current class structure and content against these new overall objectives and outcomes, and engaged in a painstaking process of evaluating each set reading and additional teaching material against these objectives.

As a result each class was stripped down to a core objective and materials assigned that both raised the issues in a succinct way and promoted class discussion. An example of the outcome of this process can be seen in the following example of a class reading introduction:

**Class 13.1**

**Fairness & Candour in the Adversary System**

**Essential Pre-Reading**

- Ross & MacFarlane paragraphs 12.11-12.14, 13.2-13.20E.
- Solicitors’ Rules 17-19, 22, 23.
- Extract from An Introduction to Civil Procedure Act 2005 and
Uniform Civil Procedure Rules 2005, Attorney General’s Department of NSW, August 2005 at pp 242-244
- Kingston (1998) ‘Callinan casts a long shadow’ in this volume at p 256
- Section 177 Legal Profession Regulation 2005 in this volume at p 257

Further Reading
- Ross, Ethics in Law, Chapter 14.
- Dal Pont, Lawyers’ Professional Responsibility, Chapters 19 & 21.

Objectives for this Class
- To identify the potential impact of the adversarial system on lawyers’ representation of clients.
- To identify and apply the legislation and rules designed to curb excessive adversarialism on the part of lawyers.
- To identify the rules governing lawyers’ responsibilities of fairness and honesty in civil litigation.
- To examine the extent to which the Civil Procedure Act and Rules and barristers’ conduct rules alter the balance between advocate’s duties to the client and to the courts, and come to an opinion on whether the balance is correct.

Excessive Adversarialism

Some writers have identified a problem of “excessive adversarialism” among the legal profession. Excessive use of delaying and adversarial tactics in pre-trial discovery has led to reforms of civil procedure throughout Australia.

The adversarial system raises the issue of the extent to which lawyers’ duties to their own client should be balanced against duties to the administration of justice, particularly duties of fairness and candour to the other side and to the court. The rules discussed below are explicitly designed to overcome some of the problems of excessive adversarialism by balancing the duty to the client with the duty to the administration of justice.

Hopeless Cases & Unreasonable Delay and Expense
- Would it contravene the cab rank principle for a barrister to refuse a brief where he/she thought the case would not succeed? (See Barristers’ Rules 100(d))
- In what circumstances can lawyers be held responsible for delay and expense in cases in which they are appearing?

Unsupported or Irrelevant Allegations
- Do lawyers have any role in checking the truthfulness of clients’ allegations before arguing them in court?
- What sanctions are available if a practitioner fails to comply with this rule?

Misleading the Court
- Lawyers must not make misleading or false statements to a court, nor allow their client to make statements to the court that the lawyer knows is false.
- What should a lawyer do if their client tells them they have lied to the court? (Barristers’ Rules 32) What if the client threatens to commit perjury?
Interference with Witnesses and Other Parties

- Why are lawyers restricted from communicating with other parties or their witnesses? (See NSW Professional Conduct & Practice Rules 18, NSW Barristers’ Rules 54 & 55.)

Problem for Discussion

1. You are contacted by a father who wants you to act on his behalf. He wants to sue his son for defamation. You invite the father to your office for a consultation. During this meeting you realise that the father is actually suffering from some type of mental disorder, although he is not so seriously affected that you would consider having him committed. He does appear to be capable of understanding the court process and of giving you instructions. After a consideration of the facts, it is apparent that the action clearly will be unsuccessful. You explain this to the father but he insists that you commence the action.

This process is still underway, as the initial teaching of each new class prompts revisions and further elaboration of the objectives of the classes. There is also a possible need to re-visit particular classes in light of later decisions as to teaching strategies and on-line support.

In Stage Four the project team met to discuss what the appropriate role of the Vista website and other online resources should be. This discussion deliberately took place subsequent to the identification of the materials to be used to ensure that decisions in relation to educational technology were not victim to “cargo cult” pressures, but were based on an informed understanding of the educational aims of the course.

The outcome of these discussions was to use Vista to a lesser degree than had been originally envisaged, to avoid the use of the Vista site as a repository of vast amounts of “additional materials”. The aim was to make the site as lean as possible, both to reduce otherwise unnecessary staff time in preparing and maintaining the site, and also to emphasise to the students that everything on the site was considered important and should be viewed.

Another outcome of the discussions, which was not foreseen at the beginning of the process, was to organise the materials on the site by themes, rather than by individual classes or topics.

In Stage Five a research assistant was trained in basic Dreamweaver skills and the process of creating a course website was begun. A basic html structure of pages based around the key themes identified in Stage Four was created and populated with materials that were already available in digital form. Following this a process of scanning of printed materials not available in digital form is being undertaken.

At the conclusion of the process, stylesheet pages were added to the site to create a Law School look and feel to the site, and uploaded to the course Vista site.

In Stage Six, which ran concurrently with Stage Five, the revised course was taught to the full student cohort and staff and student responses collected informally and impressionistically on each class. In addition, the CATEI process was used to evaluate student satisfaction with the old format of the course and the new format. It should be noted that this round of CATEI evaluation is being done without any significant Vista use within the course. A third round of CATEI evaluations will be conducted and compared to the earlier results once the website is fully operational. This will allow us to evaluate not only the curriculum review of the course, but also whether providing the materials through the Vista site increases student satisfaction with the way in which the course is taught.

Stage Seven will involve a full review of the project taking into account the feedback from students and teaching staff. Having made any necessary adjustments to the course a presentation to the Law Faculty is planned to highlight the new course as part of a seminar on innovative approaches to teaching.
Discussion

Timelines

One unexpected outcome of this process was the amount of time that needed to be devoted to discussing the overall objectives and aims of the course. In many approaches to curriculum review, there is an assumption that the rationale for the course is already determined and the review process is merely about deciding which the teaching materials, or mode of teaching, are the best methods by which to achieve the aims. However it became clear that early on that by having everybody involved in teaching the course share their understanding of what the course meant provided a much richer understanding of the aims and the potential of the course. The investment of significant time in the creation of a common understanding of what the course could be used to achieve, and what the underlying rationales for the course were, meant that when it came to the stage of deciding what content would be covered in each class, and what the reading materials should be, the process became much more streamlined and enjoyed a far greater degree of unanimity amongst the participants. It also had the effect, as discussed below, that the need for reliance on educational technology was lessened, as it became clear that the underlying aim of the course was to get students to engage with ethical practices and this could be really only done by encouraging students to engage in face-to-face discussions. The face-to-face discussions led to more of a challenging of individual assumptions then was likely to be achieved by requiring students to read greater amounts of materials or to access more web sites.

The use of Dreamweaver in conjunction with WebCT Vista

In terms of providing web sites and discussion boards for students, the university only supports the Vista platform. One of the disadvantages of the Vista platform, on its own, is that the process of updating sites can be quite laborious, and it is difficult if not impossible to maintain a mirror site on the teacher’s own computer.

However by using the Dreamweaver program in conjunction with Vista, many of these difficulties can be overcome. By building the core of the site as html pages in Dreamweaver, files can be easily linked with a degree of graphical flexibility that is not possible in Vista. There are also the additional benefits of the “what you see is what you get” functionality of Dreamweaver, which enables the creation of links with a “drag-and-drop” option. By linking Dreamweaver to Vista via DNS, it is possible to construct and update html pages offline on the teacher’s computer, and then publish them to Vista with one keystroke. This enables convenient and speedy maintenance of a site, at times and in places which are more convenient to the teacher.

There is a minor cost to staff of gaining a licence for Dreamweaver, and a slightly greater cost in receiving basic training Dreamweaver, but for the purposes of maintaining and updating the site very little knowledge of the program is required. This is because once the site architecture in the layout of the pages have been designed, updating is primarily a process of finding new materials or typing in new notes both of which are very simply done.

In terms of the interface with Vista, it remains necessary to create links to the Dreamweaver generated pages from an initial Vista front page, and there is some technicality in how those links are generated because of the fact that Vista is so heavily reliant on JavaScript. However, it is a quite simple process that need only be done once a semester, and as long as the number of links from the Vista front page is minimised the amount of work involved is not significant.

The role of the website in the redesign of the course

In stage one of the review of the course, a number of options as to the use to which Vista could be put were discussed. One option which was considered, was the option currently used in the criminal law courses. Those sites, developed by Alex Steel, are also heavily based on Dreamweaver interacting with Vista. In those courses however, the set textbook provides all of the required readings, and the course follows quite clearly defined topics, which are largely self-
contained. As such the website is used to provide convenient online access to the relevant legislation, further case law and other law reform materials. It also contains a wealth of newspaper articles which relate to the various offences and issues discussed in each class. This model results in a very content-heavy Vista site, including far more material than the students are realistically expected to read. The aim of the site is to provide easily-accessed electronic materials for the teachers in the course to be able to pull up onto a screen during class and thus demonstrate to students real-world applicability of the issues being discussed, or to use actual reports or legislation as visual aids in teaching. It is also a convenient method for providing updated materials as new caselaw or legislation emerges post the publication date of the current edition of the textbook.

The teaching staff of Law, Lawyers and Society drew on the site architecture provided by this model, but recognised that there were significant differences in the uses to which the Vista site was to be put. Rather than seeing the site as an elaboration of the materials in the text, the site in Law, Lawyers and Society provides an alternative theoretical structure with which to view the issues raised in the course.

While the textbook and printed materials group the classes and readings along traditional and practical lines – such as the lawyer-client relationship and lawyer’s duties – the website materials are grouped in an alternative manner that emphasises key themes that cut across these traditional categories – such as access to justice and the role of women in the profession. This has the effect of demonstrating to students that these issues are not easily pigeonholed and have impacts in a number of different ways.

The amount of content placed on the site was also the subject of some discussion. While from a student-centred learning approach, the provision of a large amount of resource material from which students can draw in developing their own approaches to the issues has demonstrated benefits, it was felt that for this course, there was a need to focus the student’s minds on some key issues without the distraction of too many forms of reference. Thus the aim has been to construct a site that contains material that directly complements and relates to the objectives of each class, and that is the most relevant, contemporary and succinct treatment of the relevant issue. This is because the aim is concentrate on ensuring that there is space in each class to fully discuss the issues raised, rather than create an expectation in students that all materials will be summarised.

As a result, the aim will be to review the material on a regular basis, and to consider removal and replacement of existing materials rather than just addition of new materials.

### Outcomes and evaluation

#### Outcomes

The project has been highly successful both in terms of concrete outcomes and also in terms of insights into ways of approaching curriculum reform.

The seven stage curriculum review framework that has emerged appears to be easily adaptable to other courses and the experience of those involved in this review will constitute a valuable resource for other courses that wish to undertake this form of review.

The most interesting outcome of the process aspect of the project was the importance of allowing significant time up front to allow all participants to share their understanding of the course and its role. Particularly in courses of such interdisciplinary nature a clear and shared understanding of the aims and philosophies of the course is necessary in order to be able to develop clear and coherent understandings of the objectives of each class, and the time spent on developing the objectives led to clear time efficiencies when it came to agreeing on the focus and relevant materials for each class. It also provided an excellent forum in which to develop for students a detailed and nuanced written statement of the aims of the course, that went beyond formulaic course objective statements.
In terms of outcomes for *Law, Lawyers and Society*, the course now has a reinvigorated sense of focus and clearly stated rationales for each class. There is an articulated trajectory for the order of the classes in the course, and this is balanced with the elaboration of an alternative thematic approach on the course website.

The website now contains carefully chosen materials that complement the current textbook, and which provoke discussion without overburdening the students with written materials. Additional stimulus materials have also been added to enhance the in-class learning experience. The website is still in the process of construction and it is intended to be used as a core part of the teaching model in 2007.

**Evaluation**

CATEI evaluations of the course in the old structure and new structure (without the website component) have now been undertaken. The results of the latest CATEI survey have not yet been made available to the project team so it is not possible for any comparisons to be yet made. It is aimed to further compare those results with 2007 results that take into account the incorporation of the website to assess student satisfaction. The development of a more detailed questionnaire is also under consideration.

However, anecdotal evidence from teaching staff of student attitudes to the course and satisfaction with the content and discussions suggest that the new focus to the course has been very positively received by students, and a high degree of recognition of the importance of the course has been achieved.

**Future developments**

The review of the course has highlighted the fact that the issues in legal ethics and practice are only increasing in importance and practical complexity. In such an environment there is a clear need for a new book on legal ethics and practice to be written that takes into account the many issues that Law, Lawyers and Society consider. Staff are currently considering how to undertake such an onerous but important project and the most appropriate medium in which to do so.

Now that the key objectives of the course are more clearly articulated it is possible to investigate the development of audio-visual materials to support the discussion of key themes. This year staff organised the inaugural Tristan Jepson Memorial Panel on depression and legal practice check correct title, which all Law, Lawyers and Society students attended. The resounding success of the event, and the profound impact that it had on many students has encouraged staff to investigate ways of recording such events on video, and to consider incorporating further such activities into the further development of the course.
References

This project is informed by the research into active learning, student-centred learning and problem-based learning. Much of this research is contained in the UNSW Guidelines on Learning and is therefore not reproduced here. Following is an indicative list of some of the law specific research that draws on these pedagogic approaches:


P Baron "Deep and surface learning: can teachers really control student approaches to learning in law?" (2002) 36(2) Law Teacher 123-139.


Hess and Friedland, Techniques for Teaching Law, Carolina Academic Press, 1999


D Maranville "Infusing passion and context into the traditional law curriculum through experiential learning" (2001) 51 Journal of Legal Education 1 51-74.


Acknowledgements

Please include any acknowledgements if relevant.

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