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Foreword - Articles

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FOREWORD

Welcome to the latest volume of the *Legal Education Review*, Australasia's leading legal education journal.

Volume 26 is made up of two issues, a General Issue and a Special Issue. The Special Issue contains three articles about the teaching of legal writing, based on papers presented at the 2015 Teaching Legal Analysis and Writing Skills Symposium held at Melbourne Law School. This Special Issue is the subject of a separate foreword by our guest editor Chantal Morton.

The General Issue is comprised of seven articles that explore a variety of legal education topics. The first article is 'Using Guiding Principles to Construct Effective Multiple Choice Exams to Assess Legal Reasoning' by Felicity Deane and Danielle Bozin. Felicity and Danielle apply established principles for designing effective multiple choice questions to the development of multiple choice exams that can assess high level legal reasoning skills. They advocate for an extension of the use of multiple choice exams and suggest that established principles for designing effective multiple choice questions are transferrable to our discipline. Rule based reasoning in traditional law exams requires that students have knowledge of a legal rule, apply it to a given set of facts, consider any exceptions to the rule, and draw conclusions on the basis of their analysis. Drawing on pedagogical principles of assessment design and the requirements of the skills associated with teaching and learning legal reasoning, Felicity and Danielle argue that this process can be replicated in multiple choice exams in a meaningful manner.

In 'Bringing Diplomacy into the Classroom: Stimulating Student Engagement Through a Simulated Treaty Negotiation', Rebecca Byrnes and Peter Lawrence critique the educational literature in relation to simulations, identifying some methodological flaws in the relevant empirical studies, but also pointing to a strong correlation between simulations and student engagement in studies involving a range of methodologies. Rebecca and Peter build on this literature by reporting the findings of empirical research relating to a treaty simulation based on the Paris climate agreement. Their findings support the value of treaty simulations in enhancing student engagement. The value of simulations as an effective method to assess both skills and conceptual knowledge is also analysed using a model based on Biggs' 'constructive alignment' approach. Rebecca and Peter provide a complete set of materials for running an international treaty negotiation simulation exercise which can be utilized in international law, international relations, international environmental law and negotiation subjects at university.

According to Ai Nhan Ho in 'Legal Education in Vietnam: The History, Current Situation and Challenges', Vietnamese legal education is a relatively new system with the first law school being established in

1976. Today, with more than 40 institutions offering legal education programs at different levels ranging from bachelors to doctoral, the Vietnamese system remains underdeveloped. Heavy emphasis on the teaching of legal doctrine and principles, lack of professional skills training and a passive learning environment are common problems. Ai Nhan discusses the history, current state and challenges of the Vietnamese legal education system, presenting a general picture of Vietnamese legal education and establishing a context for future discussions on possibilities for reform.

The fourth General Issue article is ‘Working the Nexus: Teaching Students to Think, Read and Problem-Solve Like a Lawyer’ by Kate Galloway, Mary Heath, Alex Steel, Anne Hewitt, Mark Israel, and Natalie Skead. The authors argue that despite a clear case for thinking skills in legal education, the approach to teaching these skills often appears to be implied in law curricula rather than identified explicitly. Thinking skills could be taught as part of reading law and legal problem solving. However, learning the full suite of thinking skills requires active teaching strategies that go beyond exposing students to the text of the law, and training them in its application by solving problem scenarios. The challenge for law teachers is to articulate how to learn legal thinking skills, and to do so at each level of the degree. The authors explain how the nexus between three component skills – critical legal thinking, reading law, and legal problem solving – can be put to work to provide a cohesive and scaffolded approach to the teaching of legal thinking. Their approach arises from the Smart Casual project, producing discipline-specific professional development resources directed at sessional teachers in law, but its application is relevant to all law teachers.

In ‘“Warning! Graphic Content Ahead”: Advocating for Graphic Video in the Teaching of Animal Law’, Aaron C Timoshanko, explains that while the educational benefits associated with the use of video in learning environments are well-known, for an animal law educator wanting to leverage these educational benefits, the use of video presents a dilemma. Much of the video relevant to animal law is confronting, distressing or difficult to watch, which may cause some students to experience a negative affective state. It is also largely unknown whether the educational benefits associated with non-graphic video continue to apply when the content is graphic in nature. Aaron aims to address this gap. He argues that student engagement, comprehension and knowledge acquisition, critical thinking skills, information retention and recall, and student interest can be improved with the use of graphic video. He also argues that educators have a role in shaping students’ values and opinions, and graphic video can help in this regard. To reduce the likelihood of students experiencing a negative affective state, five principles are presented which educators may employ when using graphic video. By employing these principles, the risks associated with graphic video can be effectively managed while leveraging the educational benefits of video.

In ‘Critique in Legal Education: Another Journey’, Allan Ardill engages with a body of literature concerned with the demise of critique in Australian legal education. He reflects on Thornton’s *Privatising the Public University: The Case of Law*; the 2013 special issue of this journal, ‘The Past, Present and Future of Critical Legal Education in Australia’; and several articles by James on competing legal education discourses published between 2000 and 2013. This reflection narrates the story of the survival and consolidation of a deeply critical legal core course against the tide of corporatism, vocationalism and doctrinalism that have cemented their dominance in law schools since the 1990s as part of the neo-Liberal turn afflicting tertiary education. Allan concludes that the future of deep legal critique depends on a commitment to embed it across the LLB curriculum and the extent students are persuaded to see it as relevant.

The final article in the General Issue is ‘Comparative Perspectives on Teaching Foreign Students in Law: Pedagogical, Substantive, Logistical and Conceptual Challenges’ by Colin Picker, Lucas Lixinski, Alex Steel, and Dominic Fitzsimmons. The authors contend that legal Education has become a global business, and that law schools, like the universities in which they sit, increasingly compete for fee-paying foreign or international students. They discuss the major issues faced by foreign law students from all parts of the world when they go to study in a foreign jurisdiction, either for an initial or postgraduate law degree, by coursework or research, focussing on the challenges faced by students moving to study in English-language jurisdictions. The authors highlight a range of issues that arise from the general literature and from the perspective of teaching and administrative staff, and the authors’ experiences. The issues include the substantive curriculum, logistics and administration, language, pedagogy, and psychological and emotional concerns. The authors suggest that these issues warrant detailed examination and should be part of any law school’s consideration of how best to support international students.

This volume of the *Legal Education Review* would not have been possible without the contributions of many committed academics, all of whom volunteered their time and expertise. Thanks are especially due to the members of the Editorial Committee for their hard work in bringing this volume together: Matthew Ball (Queensland University of Technology), Allan Chay (Queensland University of Technology), Kate Galloway (Bond University), Kristoffer Greaves (Deakin University), Anne Hewitt (University of Adelaide), Natalie Skead (University of Western Australia), and Sonya Willis (Macquarie University). Three highly regarded law teachers and legal education scholars joined the LER Editorial Committee in 2017: Alex Steele (University of NSW), Kelley Burton (University of the Sunshine Coast), and Anne Macduff (Australian National University). We also farewelled Michelle Sanson (Western Sydney University) as Executive Editor and former Editor-in-Chief, and Donna Buckingham (University of Otago) as a member of the Editorial Committee. Michelle and Donna both served on the LER Editorial Committee for many years, and their

expertise, their knowledge of the legal education sector, and their commitment to working with and assisting authors will be greatly missed. We wish them both the best of luck with their future endeavours.

I would like to thank our hard working Administrator at Bond University, Doreen Taylor, for assisting the Editorial Committee to produce this Volume, and Hayley Vinnicombe, the Business Manager of the Centre for Professional Legal Education at Bond. I would also like to thank Helen Anderson, former ALTA Treasurer, for her careful management of the journal's finances, and the ALTA Executive Committee for their ongoing financial support and encouragement.

All of the articles in the *Legal Education Review* are double blind refereed. Our referees spend many hours reading and providing feedback about our articles, and their efforts are genuinely appreciated by the editors and the authors. We are also grateful for the support of our Editorial Advisory Board, the members of which often serve as referees and provide overall guidance on the direction of the journal.

The *Legal Education Review* has issued a call for submissions to Volume 27 of the journal. The Editorial Committee welcomes the submission of research articles on current issues in legal education from all jurisdictions. Please refer to the *Legal Education Review* website for more details: www.ler.edu.au.

The LER has recently adopted a new approach to the publication of journal articles. The entire publication process now takes place online, including accepting submissions, engaging and liaising with referees, and communicating with authors. The LER has also moved to a process of rolling publication: as each article is completed it is immediately made available on the LER website. At the end of each year, all of the articles are bundled together as a complete volume and distributed electronically to ALTA members. It is also printed in hard copy and distributed to subscribers.

The process of moving the LER website over to its new home at <http://epublications.bond.edu.au/ler/> is well underway. All of the LER back issues are in the process of being uploaded to the new site. Significant improvements over the old site include the fact that current and back issues are all now searchable, and the number of downloads and other metrics are available to authors. We will soon be redirecting traffic from www.ler.edu.au to the new site.

Finally, this is my final Volume as Editor-in-Chief of the LER. After five years in the role it was time for me to stand down. I am very proud of my achievements and I have enjoyed the role immensely. I am still a member of the Editorial Committee as 'Executive Editor', the role that is automatically filled by the most recent Editor-in-Chief. Associate Editor Kate Galloway has kindly agreed to step into the Editor-in-Chief role, and is already doing a brilliant job with Volume 27. The LER is in safe hands.

Professor Nick James
Editor-in-Chief, Volume 26