QUALITY

Malaysian Journal of Quality Vol.1

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EDITORIAL

This inaugural issue of the Malaysian Journal of Quality focuses on the theme, "Quality Initiative: From Strategiy to Implementation". We are pleased to report that we received a number of excellent papers for this inaugural issue. Hence, we are publishing the papers in two parts: Part I in December 2005 (English) and Part II in February 2006 (Malay). The journal envisions to be an official platform for documenting any quality initiatives that has proven workable and of value to any organisational community or society at large. The journal will provide opportunities for academicians and professionals from various fields to interact via published work with members inside and outside their own particular disciplines.

This issue contains seven papers, all from academics from various local universities, but their papers represent findings from study done both inside and outside of universities. The first paper looks at whether quality differentiation strategies gives impact on companies competitive advantage and its' customer satisfaction. The second author proposed an alternative way of building a learning organisation by providing a case study done in a local university. While the third paper provides a finding from a case study that promotes the idea that diverse cognitive ability amongst its executive results in better financial performance.

In focusing on the theme of quality initiatives in the university environment, the following four papers revolves around issues on how to improve teaching, learning and management system in universities. The fourth paper touches on the idea of higher education as a service and it defines the concept of an excellent lecturer from students' perspectives by comparing findings from a university in the United Kingdom to that in Malaysia. It reveals that the most important attributes of an excellent lecturer are competence, communication, reliability, responsiveness, and understanding. The fifth paper shares a modest way of monitoring and improving student performance in a Medical program that includes student feedback, examination performance and question analysis. The sixth paper critically looks at various methods of teaching law and its contending issue between teaching law to non-law students and teaching full fledged law students, where the author concludes that there is no superior method of teaching law but suggests that the effective teaching method rests more on the self of the lecturer rather than the method and his/her ability to create balance between fulfilling the need to pass exams and to develop legal skills. Finally the seventh paper documents a roadmap that consists of nine steps that a faculty has undertaken in implementing the ISO 9001:2000 guidelines in improving its management system.

We hope that this issue of the Malaysian Journal of Quality will be useful in efforts to better understand how quality initiatives can promote impeccable improvement in any organisational setting.

Roziah Mohd Janor
Chief Editor
Mohd Ismail Ramli
Wan Jaafar Wan Endut
Editors

A CRITICAL LOOK AT THE VARIOUS METHODS OF TEACHING LAW

John Chuah Chong Oon

ABSTRACT. The purpose of this paper is to explore the various conventional methods of teaching law in respect of its strength and shortcomings. The question of which is the superior method of teaching law naturally arises in view of the fact UiTM has targeted itself to be a world class university by the year 2006. Teaching, writing and research are after all the bread and butter of every lecturer and to attain or maintain world-class standards, several questions on the methodology of teaching law will be addressed. Several issues would also be discussed along the way. In particular the writer seeks to argue that there may be a distinct difference in teaching law to non law students who are studying law as a single (or two) subject; compared with full fledged law students. Hence should pragmatism in teaching law prevail over idealism, that is should we teach students with the primary emphasis to pass exams or to face the challenges of working life via development of professional skills bearing in mind a university paper qualification is no guarantee of success in the working life? Lastly what should be the strife of the law lecturer as he/she endeavors to continue to improve himself/herself as a lecturer besides the acquisition of knowledge?

KEYWORDS Legal Education

INTRODUCTION

The various methods of teaching law discussed in this paper include the lecture, case studies, seminars, clinical education, tutorials and the Socratic approach. It is arguable there are no hard and fast rules as to what constitutes a certain methodology of teaching, and more often than not we can only tell them apart via guidelines. More importantly these methods overlap from time to time depending on the teaching style of the lecturer. The two most common method of teaching law in most universities are the lecture and tutorial, which will be discussed first. The other methods mentioned will follow suit. Along the way the issues posed in the abstract will be addressed. This will be followed by a discussion on which is the better method of teaching law, if such exists at all. Lastly a brief delve into contemporary psychology of education is necessary to shed light on the issue of improving the law lecturer's teaching skills.

THE MAGISTERIAL LECTURE

The Malaysian society it seems places a significant difference between teacher and lecturer. A quick glance into the Oxford Dictionary confirms that there is no discernable difference between the two. Public perception it seems hold that lecturers lec-

ture and teachers teach! Enter then the realm of the magisterial lecture. It is not completely far fetched then that public perception is to envisage the scenario whereby the law lecturer standing in a big air conditioned lecture hall in front of hundreds of young minds ready to absorb and take notes on whatever is spoken as if attending some sacred ritual. Truth is many of us lecture in classrooms no bigger than the atypical secondary school classrooms. However the common trend running through lectures is that there is a dispenser of knowledge and a recipient, namely the lecturer and student respectively. Questions may be allowed though often than not this is sporadic in nature. With this framework in mind then, we have to ask ourselves is whether this method of teaching is really effective? Is the evidence of its undeclining popularity and prevailing use over rated?

The former Dean of the Faculty of Law in the University of Malaya, L.A. Sheridan (1961) argues that the lecture has little more than a marginal education value since lecturers repeat what they have read which the audience therefore can read for them. Further if lecturers propound unpublished original ideas they should publish the same first in which the audience can again read for themselves. Lectures according to him then are a method of making things seem easier and to embrace them within a smaller compass. Lecturers should offer services that the library cannot provide such as leading discussions, analysis and criticism and assisting understanding. Cortes (1979) points out that the student's span of attention is seriously limited even for the eloquent lecturer. She aptly states that lectures causes passivity in learning since students strife to take down notes which is to be resuscitated at a future time for cramming before exams! Then there is the problem of note taking itself since identifying essential points to be taken requires quick perception. A failure to grasp this technique would result in inadequate notes. Flores (1979) states that boredom is the most frequently cited shortcoming of lectures. To him it is difficult for a college professor to keep his students interested for more than forty minutes. The lectures also lack intellectual stimulation and the resulting failure to develop analytical skills results in "spoon-feeding" of information. The Committee on Legal Education in the Developing Countries (1972) reports that many university law schools rely heavily on the magisterial lecture and teaching methods which emphasize imparting information on legal doctrine more than its application which fails to develop student participation in the learning process and development of professional skills.

There is much truth in the above stated arguments on the lecture as a method of teaching law more so when the lecture is too heavily relied upon as a method of teaching. I could not agree more to these arguments if lectures are the only means of teaching law employed. However in most universities the lecture is often employed together with other methods of teaching which to an extent weakens the above said arguments. Whilst I concur with Flores' contention above, it is submitted that if lecture is a boredom and the staying power of students is limited, then the practical thing to do would be to cut short the lecturing time; and thus instead of a few hours of lectures

in a stretch, why not spread the same over a few days with shorter lecturing periods? Due to clashes of students timetable, I had the opportunity to split one of my classes from two hours twice a week to one-hour lectures four times a week. The result is that the students and the lecturer feel fresher, more energetic and we actually covered much more than my other classes following the usual timetable! Perhaps a research should be conducted to verify this experience. Some of my students can stay up the whole night watching live football. I sincerely doubt that our young healthy generation lacks staying power. Perhaps a lack of interest in the subject is closer to the truth. This is particularly true in my opinion, with regards to a proportion of non-law students studying law as a subject in the framework of their course. Then it is also up to the lecturer to generate more creativity in their lectures perhaps by using more visual aids and bringing the law in more practical terms to the students, rather than adhere to dry academic indulgence all the time. But again, there is only so much the lecturer can do if students are going through the rigors of too many hours of lectures a week. Fatigue inevitably sets in regardless of one's age or health.

To address the contentions of Cortes above on note taking, the simple solution lies in better teaching materials. Handouts given to students should point the way to the important cases with proper references to the law reports or journals and textbooks. Printed notes in my experience, help the student to pay more attention since they are less preoccupied with writing. It also sets them free from the anxieties of not knowing what to take down or rushing to take down in time the salient points; or even worse copying their friends' notes when the lecturer is explaining. It also enables the student to read before the lecture so that he can get a better understanding of the subject matter during lecture. Of course there is a danger of over providing students with materials that they become lazy and feel unnecessary to step into the library since they are spoon-fed. As such the law lecturer it is submitted, has to strike a balance between assisting their students during lectures without turning them to be spoon-feeders. Lecturers are encouraged to facilitate, a term defined as to make easier or possible by the Cambridge Advance Learner's Dictionary. It is submitted that to facilitate effectively, the law lecturer has to take into account all the peculiar circumstances of the students before him.

In my campus, manuals are strictly prohibited as students are required to go to the source, namely textbooks, in their acquisition of knowledge. Students are encouraged to seek out the sources of knowledge on their own in the library. Again there are pros and cons to this approach. Prima facie, this is the ideal path towards developing students who are independent and diligent in the pursuit of knowledge. This arguably translates to their working life, which is desirable. Its arguable that these students will show greater flexibility and ability the higher they climb the academic ladder where rote learning to pass exams takes a lesser role. It is also foreseeable that these students will be the most likely to succeed in the working life since most employers will not spoon feed their employees on how to do their jobs. In the survival of the

fittest in the jungle of working life, those students brought up in the environment of being provided everything will struggle against their more independent and diligent counter parts. This is in line with the report of the Committee on Legal Education (supra), which encourages student participation, and development of legal skills in the professional context as opposed to passive recipients of knowledge. This provides argument for the lecturer to facilitate namely as Sheridan (supra) aptly puts it is to lead, criticize and assist understanding.

However desirable though this approach seems is not without problems. Firstly there is the time factor. Many students nowadays take up to five different subjects per semester and each semester lasts less than five months.. Coupled with other extra curricular activities, which they are encouraged to participate in, it is no wonder why so many of my students complain of lack of time to study. It seems that to facilitate independence all the time may cause undesired stress amongst students who cannot cope with the demands of this approach. Secondly there is the pragmatic argument which in the words of Palma (1979) demands that the law teacher be able to adjust himself to the changing realities he finds himself in. According to him, the effective lecturer has to take into account the peculiar circumstances of his students bearing in mind the primary purpose is to assist the students to pass their exams. He was speaking of his own experience teaching full time working students or self supporting students doing the Bar exams in the Philippines, where he adopted a method of lecture as a main tool (interspersed now and then with case study and recitation) rather than idealist or perfectionist, since most of his students neither have the time nor mental strength to read cases and do research. He admitted that this approach is not the ideal method to be followed in law schools where students are professionals or full time students who have all the time to study and need not worry where to get their daily bread. Whilst there should be no problems for most full time law students to be taught using the idealist approach to develop their professional skills, it is arguable that the same approach may not be suitable for non-law students studying law as a subject. These students have little or no previous experience studying law and to ask them to do research, read cases which even lawyers find tedious from time to time and to read law text books may be a waste of time since most of them would be groping in the dark. It is not that these students are of low IQ; rather law is simply not their main field. The situation is no different than from asking law lecturers to study statistics or chemistry for the first time! Bottom line is, if the approach does not assist these students to pass their exams then it is in my opinion pointless. These non-law students are not going to work in a legal firm nor end up as corporate legal executives. Their main purpose is to pass their law paper so that they can get their paper qualification and be the professional in their chosen respective majors with some understanding in the law subject they encountered. Hence the law lecturer it is submitted, must do more instructional teaching to these group of students like spending more time explaining legal doctrines, helping them to analyze legal problems, remembering cases and providing them with sufficient materials to pass their exams. And if time permits, then only should they be

assigned cases to read and compare. The development of legal skills of the practicing lawyer is not the priority if at all a consideration for this group of students.

Until our Malaysian exam oriented system is changed, there is no shame in indulging in the lecture as a tool of teaching law. In this context then it would be affront to common sense if idealism is allowed to dominate pragmatism in teaching law. According to Cortes (1979), much more subject matter can be covered in a lecture which is well planned as to coverage and duration, compared with teaching methods which requires eliciting students' response which is a slow and an exhausting process. Certainly good lectures provide a foundation students of all categories can build on and save time. It provides a pathway to avoid deviation of understanding law for the novice. To address L.A Sheridan's argument that lecturers repeat what they have read in lectures, it must be borne in mind that lecturers do not as a principal open the text-book or law reports in the lecture room and start reciting or summarizing the same. If lecturing were that easy, then there would be an over surplus of law lecturers in the world as any law graduate can lecture by merely stating what he has read! Fact is, law lecturers do much more than that. Many of us have studied the law for many a years and may even have practiced at some time as a lawyer. In layman's language, we have 'eat, breathed and slept' law and thus when we lecture, it is the cumulative effect of knowledge and experience. It is one thing to listen to a novice painter explain about art and it is altogether another thing to listen to a master artist do thus. There is something sanctifying about good lectures that some make an impression that last a lifetime. That is one of the main reasons why parents are willing to spend money educating their children by sending them to reputable institutions of higher learning so that the best lecturers teach them. To be the best one has to be taught by the best. Otherwise it would be more expeditious to opt for distance learning and save all the extra costs. Even distance learning nowadays provides some form of interaction with the tutor/lecturer via computers.

Thirdly the argument for lectures lies in its ability to reach a larger audience. Flores (1979) states that the lecture imparts information in a shorter time compared with other methods and holds the possibility of reaching the greatest number of students in the most exciting way. For him if the lecture fails to achieve thus, then the fault lies with the lecturer and not the lecture as a method of teaching law. As UiTM continues to strife towards world-class standards, it is foreseeable that faculties would increase in size and variety. To cope with this demand, mass lectures provide the simple solution whereby hundreds of students can be reached with the minimum amount of time spent. This would cut down on wastage of lecturers' time repeating identical lectures from class to class. Time and mental energy would be better spent doing more research and conducting tutorials with fewer numbers of students in a group where personal attention may be given to weaker students.

In short, the lecture as a method of teaching law despite some conspicuous

shortcomings still deserves a place in the toolbox of the law lecturer. How effective the lecture can become lies closer to the ability of the lecturer rather than the method employed. This will be argued towards the end of the paper. And whilst the lecture still remains the bread and butter of law lecturers in Malaysia as far as teaching methodology is concerned, it is often employed together with other methods, the most widespread being the tutorial.

THE TUTORIAL OR PROBLEM METHOD

As opposed to the lecture where the students are passive recipients of knowledge, the tutorial envisages a method of teaching where the students take a more active participation in the learning process. Usually questions are given beforehand to students to prepare whereby during tutorials these problems will be addressed by the students with the law lecturer playing the role of the facilitator in guiding and often coaxing the students to answer. Extra questions are often asked to develop the students' critical thinking and analytical skills. Cortes (1979) explains this methodology as class discussions of problems formulated in an area of law covered in their course and their assignment for class discussion. It could be considered as a modification of the case method teaching since it is employed where case study is not the principal activity. According to her students are referred to legislation, cases and other materials to solve the problems.

The benefits of this method are obvious. Cortes (1979) points out that this method is useful in training students in the appreciation of facts and the recognition of issues; thus enabling students to reflect on law and doctrine and to consider alternative solutions to legal problems. With careful preparation, this method it is submitted, can help develop the professional legal skills of law students as well as prepare the non-law students studying law as a subject face their exams. In the case of the latter it gives the lecturer the opportunity to show students how to properly answer legal questions since these students may be new to legal approaches in answering questions. Used together with the lecture this method balances the passivity often associated with the lecture. It also enables the lecturer to communicate in a more intimate manner with the students assessing their strengths and weaknesses. It provides the students the opportunities to ask questions; a luxury they cannot during lectures due to the large number of students and perhaps shyness in a large crowd or time constraints. However this method is only effective it is submitted, if the tutorial group is small and the students are willing to participate and prepare beforehand. In my experience, large tutorial groups are self-defeating for the simple reason personal attention is impossible and students still find it difficult to address their problems in a large crowd usually due to anxiety of being ridiculed by their peers. Participation is also poor if the crowd is big for the same reasons. It is also true that weaker students find this approach stressful. These students have problems understanding lectures and thus find preparation for tutorials difficult. To expect them to participate is difficult and a

slow painstaking process and the students themselves shun from tutorials in order to avoid the stress. This can be countered to a certain extent with the use of tact. Cortes (supra) mentioned the teaching style of the late Dr. Theodore Dwight of New York commonly known as the "Dwight method " of teaching law where he would question his students tactfully a day after lecture. He never gave a rebuff or was huffed and imposed no stress on the students and was treated like an oracle! This is in line with UiTM's policy of "insan mesra" where students should be treated like clients in the professional context. The lecturer should realize that at one stage of his life he was also a student at the mercy of his/her all-knowing lecturer.

Yet it is these weaker students who need to attend tutorials more than anyone else. Good students normally find tutorials helpful in that they are taught how to apply the law to real life problems (usually taken from past year questions) and this enhances their understanding of the law tremendously. This is the feedback I get from my students. Tutorials also provide the opportunity for the law lecturer to motivate the students. It is for these reasons that I think tutorial sessions should be made compulsory. It makes a lot of sense to have mass lectures, which cut down wastage of hours repeating lectures to different classes and use the extra time for tutorials for smaller groups of students. In my previous university, the tutorial groups have a maximum number of six students only. As UiTM moves to be on par with other prominent universities of the world, quality academic time spent between lecturers and students is a must since by interacting, the student can pick up the thinking style of the lecturer. The tutorial teaching method provides the perfect platform for this provided it is properly conducted.

THE CASE METHOD

The case study method of teaching law has its roots in the teaching approach of Christopher Langdell who believes the shortest and best way of mastering legal doctrines is by studying cases, which it embodies. The rationale being law as a science consists of principles and doctrines that have developed slowly through a series of cases. In practice, students are assigned cases to read from casebooks and discover the law for themselves before classes. During classes, the lecturer would discuss and analyze the cases with the students tracing the development of the doctrine at hand. Comparisons with previous decisions and creating hypothetical cases could be done to bring out the possible variations of the application of the ratio (Cortes 1979) (pg18-19). In practice, most universities incorporate this method as part of the tutorial rather than depend on it solely nor exclusively. Most lectures would cover a discussion of cases from its early inception to trace its development though this is simplified due to time constraints. Moot sessions may then be conducted in classes or venues built to create the courtroom atmosphere.

Personally, I am an ardent advocate of this method. The best method of study-

ing any academic discipline in my opinion is to go to the source or roots of the subject matter. In law, the sources are simply legislation and cases; not textbooks nor journals nor commentaries. These latter categories represent guides and references only and its importance should not be overstated. This method may not be entirely suitable for non-law students taking law as a single subject due to the fact it is time consuming and requires a properly equipped library. Many of them would find difficulty going through twenty pages of law reports, others losing patience with the sheer bulk. Further it serves them little value arguably when they start working unless they want to switch lines to be members of the legal profession. For them it is more important to understand what the law is, how to apply the same and pass their law paper. Textbooks and notes with some incursions to journals are more than sufficient. However for the full-fledged law student, this method serves their higher calling well. Cortes (supra) argues that this method stimulates the reception and retention of ideas, creates more awareness to the consequences of application of legal rules and the social foundation of legal rules. Also it is less mechanical as ideas are developed in a natural way, which enables it to evolve to new situations more easily. Students who are acquainted with cases only as already summarized version miss the discipline, which careful study and analysis can provide. For the aspiring future lawyers, the ability to locate relevant statutes and law reports, to read and comprehend represents their bread and butter. This is particularly true for the litigation lawyers who have to argue cases before the judge. Where better place to start learning the art of comprehension and analyzing of cases than in universities? It is not sufficient it is submitted, to accept the summarized versions of ratios and obiter dictas; since pedagogue creates the superior legal mind in the long run.

Yet this method of teaching is not without its flaws. If used too extensively it takes up too much of the student's time. For exam purposes there is only so much the student can write in the allocated time and this skill is hardly evaluated. Law exams test the students understanding, memory and application of the law rather than the ability to discern or elicit the law at grass-root levels, which this method seems most useful to equip the student with. Cortes (1979) also points out that due to limited study time, only the useful decisions should be chosen, arranged and systematized in the presentation of the course. Overloading students with too many cases can be counter- productive. Sloppy references to portions of the decisions lifted out of context can also do more harm than good to the training of law students. As such the demands placed on the lecturer under this method is substantial. The lecturer has to himself be conversant with the development of the law via cases and must himself be a master of analyzing cases. Lecturers who have been spoon-fed to notes and summarized law reports relying more on textbooks rather than the actual sources of law would have difficulty adopting this method of teaching. Further, a careful use of casebooks is necessary since there is no guarantee as to the accuracy of the commentaries stated therein. Again here, the law lecturer has to guide the students from wrong deviations of the law. Used together with the lecture and incorporating this method in tutorials may be a highly effective teaching tool in developing the professional skills of the future lawyer.

THE SOCRATIC APPROACH

Defined by Cortes(1979) (pg.15-16) as a method whereby the lecturer assigns provisions of law, cases, textbooks and other materials for the student to prepare. During classes, the lecturer would briefly introduce the subject, then proceeds to ask questions based on the assignments. Questions that are searching and provoking coupled with hypothetical variations of the factual situations presented not only test the students' understanding of the law but spur them to think. The result is to avoid simple attempts to recall assigned readings. The roots of this method can be traced back to the great Greek teacher Socrates who according to Harno taught by merely asking questions. He delivered no lectures, made no assignments nor wrote anything. Of course due to changing times, what Cortes described is a modified version of the Socratic approach. In Malaysia, I have yet to hear anyone employing this method of teaching law. Arguably what was described has it links to the tutorial filled with questionnaires that require active student participation. To me the spirit of this method lies in the ability of the lecturer to ask thought provoking questions.

It is submitted that many law lecturers employ this method from time to time without being conscious of it when they start asking questions during tutorials, which sets the students thinking hard. It would be inconceivable to imagine that this method can stand by itself today without the lecture. To employ this method as a principal method of teaching law requires a long time to finish the syllabus and time is a luxury law students and lecturers do not have much nowadays. Even if it is employed, there is the possibility that the unimaginative law teacher would reduce the sessions to questions that test the students' ability to reproduce faithfully from the given assignments thus encouraging rote learning. This is pointless in the world of practice since deviations from the original would pose problems for students trained by rote. Whilst rote learners with good memory may actually do well in exams, it is the flexible critical student who holds the upper hand in courtroom litigation. And it is precisely these types of law students that the Socratic method aims to produce. There is also the strong possibility that many students would struggle to get adjusted to this method. Socrates certainly had some of Greek's finest learners as his students, which enables him to employ this method effectively. In Malaysia, the education system does not afford our students at whatever level to sit around and think in perfumed gardens like ancient Greece. Students are trained to learn as much as possible in the shortest possible time to get as many distinctions as possible and highest CGPA scores. To change our students learning style to the mould of thinkers ala Socrates and his students is something that is unlikely to happen overnight.

Further, L.A.Sheridan (1961) argues that this method requires greater preparation beforehand, requires greater effort during class and "rarely leaves the teacher in the end with a warm thrill of having constructed a masterpiece". However this method does bring to the attention of the law lecturer the importance of asking questions that

enable the students to think deeply and prevents them from degenerating into rote learners. Quiz sessions used by some lecturers may incorporate the Socratic method of questioning to the benefit of the students.

THE SEMINAR OR WORKSHOP METHOD

Described by Cortes (1979) as a method where the lecturer's role is to guide discussion and draw student participation in groups not more than twenty. The syllabus usually consists of a bibliography and other related areas though with fewer cases. The focus group consists mostly of advanced students and graduate ones with the thrust on a particular area of law, where in depth study is the objective. Usually the outcome is research papers. This sounds very similar to law workshops whereby an expert in a particular area of law conducts mini lectures and opens the floor to ask questions. Sometimes feedbacks are elicited. Students participating in seminars normally have a keen interest in that area of law. Coupled with the fact the lecturer is an expert in that area of law seminar provides an excellent opportunity for law students to specialize in areas of law not afforded in depth in their normal curriculum. However the availability and time of the lecturer conducting the seminar may pose a problem. When outside lecturers are employed, extra cost is inevitable. Availability of places is another issue since places may be limited by space and qualification of students.

CLINICAL EDUCATION

The latest trend of method of teaching law is the clinical education. It is arguable that this method has its roots in moot sessions (mock trials) where courtroom litigation is reenacted in the university and students participate in them to sharpen their courtroom skills and awareness under the guidance of the lecturer. Cortes (1979) points out that modern technology has enabled this method to be carried out effectively. Closed circuit television of courtroom scenes, computer simulations, audio visual aids to name but a few, all plays a part in enabling the students to participate in role playing in various duties of the practicing lawyer. The thrust is to expose the student to the practical problems of practice and enable them to learn by doing. Tadier (1979) adds that professors may take part in role-playing in court watched by students who will criticize and learn from the scenes. Some universities as part of their curriculum require their students to attend proceedings both judicial and administrative as part of the students' learning process. How these courses are conducted varies from university to university but the underlying purpose is similar namely to give students some degree of practical exposure in the world of practice.

Whether the thrust of clinical education is to supplement or to usurp the pupilage training stage of the future lawyer is debatable. Under section 12(2) of the Legal Professions Act 1976, the law student who has met the academic criteria is required to serve pupilage for nine months under a lawyer of seven years standing commonly

known as the master. This creates a master-pupil relationship often found in apprenticeship. The less than satisfactory state of this arrangement has been discussed in detail in my dissertation entitled "The Practical Training of Lawyers in Malaysia - High Skill Formation or Cheap Labour?". In view of this, clinical education arguably plays an important part in the proper development of the nation's young lawyers as a supplement to what chambering often fails to provide. At least in the universities, which employ this method, it is available to all students equally in terms of time and expert guidance, and not subject to the whims and fancies of the individual Masters. However the effectiveness of clinical education ultimately depends on the lecturer conducting it. The essential difference between clinical education and the other methods of teaching law mentioned above lies in its ability or at least desire to expose students to the real world of practicing law. To learn effectively it is submitted that the students need a role model lawyer (that is, the lecturer) who not only can instruct them, but also whom they can imitate as a model. Learning via the modelling process according to Bandura (1971) consists of four necessary components namely attention, retention, production and motivation. The student learn selectively (attention) to what they have been exposed whilst retention is necessary, otherwise learning has not taken place. Production of what is learnt takes place upon practice of the new behavior. While these three components determine how much observational learning has taken place, motivation determines whether observational learning will lead the learner to imitate someone. The rationale being, we imitate the behavior of others when we expect to be rewarded for doing so. The law student learns practical legal skills by observing the conduct of the lecturer during clinical classes but would only imitate if they were driven by the motivation that they would be rewarded with the acquisition of skills that would enable them to be successful lawyers. Arguably then, the type of lecturer students would be motivated to imitate are those who have been practicing law for a few years and not the novice who has yet to even step into the world of chambering.

This contention finds further support in the fact that one of the key areas of legal practice is problem solving. Clients are not interested in whether their lawyer can quote pages of statutes or case law; they just want their legal problems solved with the minimum fuss, time and costs. And if the lawyer cannot solve problems in a practical, expeditious way then they are not much use to their clients. Robert Gagne's hierarchy of learning puts problem solving at the highest level of learning, stating that it involves re-combining old rules into new ones for this is the only way to enable it to answer questions and solve problems, more so for real-life human problem-solving situations (Gross, 1987). To be effective it is submitted, that clinical education must be conducted in such a way whereby knowledge of the law must be utilized to solve problems of the hypothetical client taking into account all his particular circumstances. No textbook is going to be able to teach this. Only the lecturer who has had several years of practice can properly point the way to expeditious problem solving in real life to the students. Sometimes going to court may not be for the client's best interest. Sometimes settle-

ment works best and sometimes clients just need to feel a sense of security that the lawyer has lent an ear to their problems. Most lawyers pick up these problem-solving skills after they start practicing.

Outside the academic confines of the university, social factors inevitably comes into play in the world of practice. Gredler (1992) writes that Bandura's social cognitive theory emphasizes the interaction of the environment, personal factors and the behavior in learning. Lave and Wenger (1991) regard learning as a socially situated process that happens naturally when individuals are allowed to participate in such communities and are allowed to set up relationships between themselves, what they have learnt and its application in a gradual movement from peripheral to full participation. Engestrom (1994) points out that whilst social interaction plays a central role in the process of learning, he also emphasized the value of structured teaching. To him, investigative deep level learning is rare without instruction and thus instruction is necessary to enhance the quality of learning. Thus in order for the clinical education to be effective it has to incorporate social factors associated with actual practice such as ability to work accurately under pressure, dealing with clients and fellow workers and staying power namely long hours at work and meeting datelines. This has to be carefully monitored with structured teaching provided by the lecturer every step of the clinic. Again, to be able to give such instructions, the lecturer has to internalize the culture of legal practice.

The ability to do public relations is also getting more important in a market saturated with lawyers. Unless one works in the judiciary, lawyers today or at least the majority of them in private practice have to do some form of public relations for business development either with bankers, estate agents, insurance companies or housing developers to survive. The days when clients seek out lawyers are long gone, unless it involves a very specialized area of law. Lawyers who sit in their office hoping to survive on walk-in clients are treading on thin ice. As such, it makes a lot of sense if clinical education incorporates some element of other academic disciplines such as marketing, public relations and economics to prepare the law student of what lies ahead. It is also advisable for the clinical courses to incorporate some elements of management, in particular human resource management. Partners of firms have to manage their subordinates, train and recruit, even motivate and appraise their staffs from time to time. The new lawyer has to learn how to get the more senior clerks to do their work on time and delegate effectively. In fact, managing people is one of the more difficult tasks confronting the new practicing lawyer. Most law graduates step into the world of practice without any background of managing people. It is strongly suggested that the chambering stage of training is unlikely to provide the pupil with the above mentioned knowledge for the simple reason many masters themselves are not converse in these areas, which explains why the turnover rate of legal firms in Malaysia is quite high and why some firms are poorly managed. Where better to equip the law student of this knowledge than clinical education during university level?

In short it is argued that if clinical education is to be conducted effectively, it has to embrace a holistic approach that incorporates all the social elements of practice in addition to the legal skills required. This has to be taught and modeled by a lecturer experienced in practice in the area of law for which the clinical education aims to train the student in. Cross discipline into other academic fields mentioned above arguably provides the impetus for a holistic clinical education. Having looked at the various methods of teaching law, the question arises which is the preferred method to usher the university towards world-class standards?

IS THERE A SUPERIOR METHOD OF TEACHING LAW?

My answer to that question is there is no superior method of teaching law, but only superior lecturers in terms of effective teaching. The Workshop Group A chaired by Dean Sta Maria (1979) concludes that the law lecturer should be allowed to adopt the several methods of teaching and have the discretion to adopt a combination of the various teaching methods. This is so because as Cortes (1979) puts it, "No single method answers law teaching needs for all courses, in all schools, at all times. Each law teacher will have to work towards attaining teaching effectiveness by actual doing and continuous trying." In the words of Espinosa (1979), "A professor who chooses any teaching method becomes an effective teacher of law when he knows not only what to teach but avoids what not to teach". In everyday teaching, the law lecturer normally combines the various methods mentioned above to suit his preferred style of teaching. Hence the shift of focus on which is the superior method of teaching law should now be on what are the qualities that the law lecturer should possess to teach effectively besides knowledge of law. Rothstein (1990) argues that knowledge of the subject matter does not guarantee the ability to teach it. Cortes (1979) argues that competence in law teaching does not just happen but is the result of conscious effort. In short, qualification in law does not necessary mean competence in teaching law.

TOWARDS EFFECTIVE LAW TEACHING

One of the prerequisites of teaching in a secondary school it seems is a diploma in education. At least that was the case when I was schooling. All my teachers had one. As we move up the ladder to tertiary level, few if any of my lecturers' are conversant in the theories of education and learning. Whilst qualification as such is no guarantee for effective teaching, it is submitted that some knowledge of the learning theories and psychology of education is important towards effective teaching. Professor Syquia (1979) suggests that law teachers be required to take some education subjects, specifically the principles of teaching. This is supported by the Report of the Committee on Legal Education (1972) , which reports that many law teachers should receive some kind of training in learning theory and educational methods. The advantages of being equipped with education theories are substantial. Due to space con-

straints, only the three most relevant would be discussed namely classroom management, motivation and comparability of the students' learning styles with the teaching. The elaborations proffered here are not meant to be a thorough exposition of the subject matter but a brief introduction. Other benefits such as better awareness of gender and linguistic differences, addressing students' unique needs and diversities, assessment and even the application of learning theories to instructional learning would be dealt with in a later paper.

Rothstein (1990) writes that classroom management is essential to effective teaching since the more time spent on teaching, the more the students are likely to learn; as opposed to spending time handling discipline problems. According to her, classroom management involves a broad range of techniques used to facilitate instruction, maximize learning time, maintain a pleasant atmosphere, prevent disruptive behavior and handle discipline problems. Sometimes lecturers have the privilege of teaching good students where of discipline is not an issue at all. Other times a few students may appear not interested at all or worse, starts disrupting the class by talking away. Classroom management techniques go a long way in my opinion to address this issue. Hence the study of classroom management teaches the lecturer the techniques of classroom dynamics and shows him/her how to use them to his advantage. Creating a positive physical as well as social class environment helps the students' performance. Glaser's (1990) research shows that individual academic achievement goes hand in hand with high levels of group support and cooperation. However, such group support and cooperation according to Parsons (2001), entails much more than merely grouping students together since it requires the melding of teacher and students into a singular learning group. Otherwise the class remains a collection of individuals who happen to share a time and space. It takes skill for the law lecturer to develop entitavity where a group of individuals begins to perceive itself as a unique team or unit with its own identity (Campbell, 1958). The law lecturer is also more aware of the need to create cohesiveness in a group where as Parsons (2001) puts it, means the students see themselves as an integral part of the group having a sense of belonging. As the university moves towards world-class standards, it is expeditious that law lecturers have a certain command in the art of classroom (or lecture room) management so as to improve standards of teaching.

Another aspect, which the aspiring law lecturer can look at to improve his/her effectiveness in teaching, is the area of motivation. Good students have no problems motivating themselves to study whatever the source of their motivation may be. Poor students academically speaking usually lacks motivation. Perhaps teaching law to law students it is submitted, is easier in terms of motivation, compared to teaching law to non-law students who are compelled to study law because their syllabus requires it. Whatever the situation, Rothstein (1990) aptly argues that students are unlikely to learn unless they are motivated to do so, therefore a large part of teaching involves motivating students to learn what the teacher has planned. She goes so far as to state

that motivation is a prerequisite to learning. Whilst factors of motivation may vary from student to student, the underlying principle is the same namely it affects the direction a student takes. Brynes (2001) provides that teachers and classroom environment can affect student motivation in significant ways for instance when the instruction is meaningful, challenging, and affords a degree of choice, students are more likely to be engaged than when instruction lacks these features. Further, students are more likely to participate when they establish positive social relationships and feel valued. As such, there is relation between classroom management discussed above and motivation. Biehler & Snowman (1990) suggests that a teacher's attitude and personality may influence student motivation and it is undeniable that differences in teacher attitude and personality exists. According to them, students who admired their teachers perform well in class to earn the teacher's approval. Also, a teacher's expectancy can have a serious impact on the student's behavior and achievement in the classroom (Dusek & Joseph 1983). Thus Good & Brophy (1977) suggests that a teacher expecting specific behavior and achievement from a student will behave differently towards the student. This in turn will indicate to the other students the behavior and achievement expected from them by the teacher and this affects their self-concept and achievement motivation. In short, whether we are talking about extrinsic or intrinsic motivation of the students, the law lecturer has a role to play to enhance thus. By doing so, then the effectiveness of teaching law would escalate.

Last but not least is the compatibility of the lecturer's teaching style with the students' learning style. Houston (1997) defines the many types of learning style categories to include Psychological/affective styles, Physiological styles and cognitive styles. Psychological styles relate the students' learning to their personality traits, self-esteem, inner strengths and sense of individuality. Physiological styles relates learning to the use of the students senses or environment stimuli for example auditory, visual, tactile/haptic and hemispheric. Cognitive styles relate that the student processes learning to how things are perceived and information. To illustrate the importance of compatibility, take a student who relies heavily on auditory learning and the lecturer who prefers to use all the modern technology visual aids as the crux of his teaching style. The result is that the student would struggle to cope whilst the visual learner would have a field day. There is nothing to suggest that the majority of students are visual learners. More subtle however are the frequent mismatch in cognitive learning.

Parsons (2001) illustrates this point by stating that teachers who are field-independent learners tend to use field-independent teaching styles such as giving lectures, emphasizing cognition, use corrective feedback and grades motivationally. He stresses that where there is congruence between the students' learning styles and the lecturer's teaching style, then the students learns best. Unfortunately according to him, teachers ignore learning style variations and teach all the students the same way. Tennant (1988) provides that when teacher and students' styles are matched, then they view each other more positively and teachers evaluate the performance and intellects of the stu-

dents higher. Also the goal of their interaction is more likely to be achieved. Unfortunately in practice, many students are field-dependent learners whose mode of learning is strongly influenced by the prevailing context or setting, and value practical information, yet most teachers utilize field-independent strategies (Dunn & Dunn 1987). However there are psychologists who challenge the educational benefits of matching cognitive styles. Wagner (1978) questions whether such congruence creates the kind of environment optimal for learning. To him, opposition, contradiction and obstacles are necessary conditions for individual development and creativity. Yet even if the law lecturer is aware of the mismatch, the question arises whether he can cater for the needs of every student in a large lecture hall. Perhaps this application of learning styles and teaching style compatibility works best in a small group like a tutorial setting where personal attention can be given.

CONCLUSION

The various methods of teaching law looked at have its rewards as well as flaws. It would be difficult to ascertain which is the superior method without any guidelines as to what constitutes the most desirable model. At the end of the day, effective law teaching it is submitted, depends more on the law lecturer than the teaching methods employed. The law lecturer has to be pragmatic in his teaching to balance the needs of his students to pass exams and to develop legal skills. He/she has to take into account the peculiarity of the students in the class. Whilst we are not desirous to create a generation of students who are rote learners and spoon fed, neither should we pursue the other end of the spectrum excessively. Trying too hard to leave too much for the students to do for themselves can be counter-productive more so when the students before us are not law students who has little foundation and interest in the law. Neither are they going to practice law someday. Their priority is to pass the law paper. Besides legal knowledge, the law lecturer can further enhance his/her teaching effectiveness by understanding the science of education, in particular,classroom management, motivation and matching of teaching styles to learning styles of students. However the list is by no means exhaustive.

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