

1-1-2004

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Recommended Citation

Spiller, Peter (2004) "The Journey of a Law Teacher," *Legal Education Review*: Vol. 14 : Iss. 2 , Article 11.
Available at: <https://epublications.bond.edu.au/ler/vol14/iss2/11>

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TEACHING NOTE

The Journey of a Law Teacher

*Peter Spiller**

My journey as a law university teacher began in 1976 with my appointment as a part-time lecturer continuing uninterrupted to the present. Over these 28 years, I have journeyed both physically and intellectually. My journey has taken me from my homeland to an adopted country. I have also had cause to reflect upon and change my conceptions and practice of teaching.

In this teaching note I share the beginnings of my academic career, my first teaching methods, and the developments that occurred in my teaching. I then describe my present philosophy and practice of teaching, using my first-year law course as an example. I present the evaluations of my teaching and the analysis that I have done of these appraisals. I conclude with the lessons drawn from my teaching journey. I have chosen to share this journey in the hope that this may be a source of inspiration for new academics and reassure more experienced academics who are committed to the cause of student-centred teaching and learning.¹

The Beginnings

Learning is but an adjunct to ourself
And where we are our learning likewise is.²

I begin with my life before my teaching career because, to paraphrase Shakespeare's words, where I have been is where I have learnt my own philosophy of teaching. Parker J Palmer, in his inspirational book, *The Courage to Teach*, stressed the

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1 See below, under the heading "The Role of the Student", for my understanding of student-centred teaching and learning.

2 *Love's Labour's Lost*, Act IV Sc 3.

importance of teachers infusing their work with a strong sense of personal identity.³

I grew up in Durban, South Africa. My parents and grandparents were intelligent people who valued education, but none had been to university or completed university entrance qualifications. My family offered me invaluable qualities: reliability, hard work, and the common touch. The Catholic faith in which I was raised stressed honesty, duty and the service of others. My English grandfather gave me an early model of teaching – with inexhaustible patience he taught his very unpromising grandson to swim.

My love for matters academic emerged as far back as I can remember. I earned from my family an early reputation for having my head in books at family gatherings and received bewildered comments at my early obsession with the myths of Ancient Greece and Rome. By the age of 9, schoolwork was central to my life, both as a way of escaping into another world (especially historical) and as a way of earning parental approval through achieving high marks.

This pattern, involving self-motivation and self-organisation continued into high school. The sound resources and organisation of a state school with an established tradition assisted me and the academic streaming of the time meant that I was in a reasonably supportive environment. The teacher I shall always remember was an intense mathematics teacher. He had both a passion for his subject and a willingness to share with us his reflections on learning. He willed me into a desire to do well for him and into a life-long understanding of the elements of his subject.

My academic success at school made my progression to university obvious and an academic bursary made my university attendance financially possible. My introduction to university life took place in early 1969, when I began a BA degree majoring in English and History at the University of Natal in Durban. Most of the teaching that I experienced through lectures and tutorials was remote and mediocre. I spent most of my time transcribing and learning lecture notes without doing further reading. However, there were two groups of lecturers whose love for their subject was infectious. The Latin and History lecturers' teaching methods tended to be formal and one-sided, but their subject appeared to be an extension of themselves and they took pleasure in sharing this with others. The other memorable lecturers were leading

3 P J Palmer, *The Courage to Teach* (San Francisco: Jossey-Bass, 1998) 10.

figures in the English Department. Their teaching was marked by clarity and rigour, and their close analysis of key texts gave me a skill that has proved invaluable.

At the beginning of 1973, I enrolled in a law degree at the University of Natal in Durban. The three years of my law degree were largely an arid time. There was virtually no exposure to the humanity of the law that gives this subject its fascination, almost all of the courses comprised lectures and examinations without tutorials or internal assessment. Like others of my generation, I was required to engage in passive note-taking with a view to memorising current law as reflected in Acts of Parliament and reported cases, culminating in examinations which required high-speed regurgitation. This legal education neither instilled an understanding of current legal reality nor prepared me for responding to the legal changes of the future. At that time, I was not fully aware of the inadequacies of my legal education, apart from knowing how dull and uninspiring it all was.

However, I valued some lecturers. There were those who showed human kindness, including the lecturer who supervised me in a research project that proved to be the highlight of my degree. Others were good at transmitting their knowledge clearly in a structured way.

Towards the end of the final year of my law degree, the lecturer who was supervising my research project called me into his office to advise me that he was going on sabbatical leave, and asked if I would like to teach his course (the Law of Persons). This was a turning point in my life. Although I was committed to working in a solicitors' office the following year, it was arranged that I would lecture part-time. Thus, at the beginning of 1976, I commenced my teaching career.

First Experience of Teaching

Set in a note-book, learn'd, and conn'd by rote.⁴

I approached my first lectures with serious disadvantages. I had had no teacher training and none was at hand. The models of legal education that I had experienced were limited. I was required to balance the demands of my new work in a solicitors' office with the need to prepare teaching materials.

What was I to do? One factor in my favour was my genuine interest in the subject that had been a favourite and

4 *Julius Caesar*, Act IV Sc 3.

in which I had done well. Another was my joyful excitement at approaching a task that I realised I really wanted to do in the service of others. Yet another was that throughout my life as a student I had had to motivate and organise myself to do the best that I could. I was also assisted by my closeness to the experiences and needs of the law students.

What were the aims and objectives of my course? To the extent that I thought of these at all, I aimed to impart the material contained in the set syllabus. I intended that the students would conclude the course with knowledge and understanding of the main principles of family law in the ways in which they were expressed in key legislation and case law. Thus, like many novice academics, I thought entirely in terms of the transmission model of teaching that had been my own experience as a student.⁵

How was I to achieve these aims and objectives? In preparing my lecture notes, I thought of the approach that had served me well in my studies. This involved a careful structuring of topics so that the subject matter was clear, simple and readily accessible. Throughout the year, as I struggled to keep up with the lectures that I had to give, I thought of ways in which the material could be made more interesting to the students, for example through apt literary and other references.

In terms of presenting my material, I was required to lecture to a group of around 90 students. In this context, the mode of delivery was essentially that which I had found easiest as a law student: that of semi-dictating notes at a slow pace. Assessment in the course was one essay and a heavily weighted examination. This meant that the students and I had a limited opportunity of getting to know their progress in the course.

The evident limitations involved in this teaching approach were mitigated by two factors. First, the subject matter of the course had considerable inherent interest and relevance to the students involving little technical or “black-letter” law. Secondly, I was keen to establish a close personal rapport with the class. To this end, through regular reference to the class list, I learnt the names of all the students so that I could respond to them by name when they asked or were asked questions. This appeared to motivate the students to engage in the course. It was already evident that my instincts for student-centred

⁵ J Biggs, *Teaching for Quality Learning at University* (Buckingham: SRHE and Open University Press, 1999) 21.

education were rebelling at the constraints imposed by the transmission model of teaching that I had inherited.

In terms of the criteria adopted at the time, my first course was a success: the teaching appraisal was very positive and the student grades were above average. The result was that I was offered a full-time lecturing position for the following year. At the end of that year (1977), I was appointed to a permanent position and so my career as a law academic was confirmed.

Developments in Teaching

He ... chid his truant youth with such a grace
As if he master'd there a double spirit,
Of teaching and of learning instantly.⁶

The pattern of my early teaching career was one of teaching and learning simultaneously while weaning myself away from "truant" notions of teaching towards a truer sense of the interconnection of teaching and learning.

I was assigned to teach Roman Law, an undergraduate subject with a class of around 150 students, and Legal History, a postgraduate subject with a smaller group of students. These subjects had interested me, but were of far less relevance and interest to most students than the Law of Persons. I recall my early years of teaching these subjects as involving countless hours of preparing materials such as maps, pictures and copies of original manuscripts. I thought of ways that would engage the students to bring the subject alive for them. So hectic was the schedule that in my first year of teaching legal history I once had to excuse myself two-thirds of the way through a class on the basis that I had run out of material to teach!

In these early days of searching for teaching aids, a particular memory remains an inspiration. One day I was sorting out my overhead projector slides, which were then a novelty for law teachers. Into my office walked the father figure of our law school, a dedicated teacher who was in the 50th year of his lecturing career. He asked what the slides meant, and once I had shown him he declared that he would use them in his teaching. In subsequent years, when new teaching methods have been presented and I have felt reluctant about putting in the effort to master them, I have thought back to the 77-year-old teacher who was not too old to take on a new method that would benefit his students.

6 *Henry IV Part I*, Act V, Sc 2.

Within a few years, my instinct to reach out to students made me realise that truly student-centred learning could not occur in a lecture-only format – as such I tried to compensate by interesting, structured presentations and getting to know each student. From my point of view, I came to be bored with repeatedly semi-dictating lecture notes that covered the syllabus; I was uncomfortable with the lecture-centred teaching that placed all the pressure on me to perform.⁷

A further problem with my teaching method was that it did not align my learning objectives with the assessment. There was very limited formative or internal assessment, which meant that there was little engagement in learning-related tasks or mutual feedback on the progress of the students. Furthermore, in compiling my notes, I paid inadequate attention to what would be examined. In fact, when the departmental secretary asked for examination papers before the end of the academic year, I would react with the irritated question: how could I set the examination before I had completed what I was to teach? While I tried to gear my assessment to what had been taught, there were indications from my marking that there was a gap between the teaching and the desired learning in the course. This became an increasing concern as the university began a policy in the 1980s of opening university education to all races with markedly differing backgrounds of secondary education.

An impetus for change to my teaching practice came from my research and study activities. In 1978, I was granted 10 months leave to take up a scholarship to read for a Masters degree at Cambridge University. Here most of my classes were weekly group meetings with a handful of students taking turns to prepare and make presentations on topics that interested them. I revelled in being in close contact with world-class scholars, who were immersed in the study of original sources, whose fascination for their subjects was irresistible. The Cambridge experience also showed me the depth of engagement of learning that was possible when students took an active role in their own learning. I returned to lecturing with a new enthusiasm for my subjects and the hope that I could replicate my educational experience for my students.

In the early 1980s, I made the momentous change to seminar-based teaching in my Roman Law class. Before

7 Palmer noted that the metaphor of covering the field portrayed teaching “as the act of drawing a tarp over a field of grass until no one can see what is under it and the grass dies and nothing new can grow”: Palmer, *supra* note 3 at 121.

the start of the academic year, I compiled the lecture notes and Roman legal sources into a printed handout that was distributed before classes. Each week students were required to read a section of the notes in the light of key questions that either were on thematic topics or were problem-type questions in which legal principles were to be applied. I reduced lectures to one at the beginning of each week and divided the remaining classes into seminars of which the students had to attend one per week.

The effect of the change was remarkable. Perhaps for the first time, the minds (and not simply the pens) of the students were actively engaged in the course during classes. The smaller class sizes for seminars, the removal of the distraction of continuous note-taking, the opportunity for preparation meant that there was the chance for genuine interchange between the students, the subject and me. This interchange could occur in a measured, incremental way during the course of the year. A far greater number of students now contributed in class, and it was gratifying to see the growth in their confidence and ability in the subject. There was now a greater assessment focus in that the questions I formulated for class discussion formed the basis for the internal assessment and examination. For me, teaching became more pleasurable – I was repeatedly stimulated by the new insights that students expressed in their interpretation of the Roman law sources.

The basic format that I adopted for Roman law continued until the end of my teaching at Natal University. In 1988, I moved to Canterbury University in Christchurch, New Zealand, where I continued with this format. With few exceptions, students expressed their satisfaction at being freed from the teaching-dictating method and the chance to engage in their learning in a focused way during the academic year. Able students blossomed and classes became a creative learning opportunity for those concerned.

At the end of 1991, I moved to the newly-established Law School at Waikato University in Hamilton, New Zealand, and I have remained there since. This Law School consciously addressed itself to student-centred learning through small-group teaching and the provision of course materials for discussion. It was thus in an environment conducive to innovation and effective teaching that I continued to develop my approach to teaching. I was assisted by my wife, who was a member of the Teaching and Learning Development Unit at the university.

A further landmark in my academic career was my appointment at the end of 1991 to a part-time, quasi-judicial position as a Referee in the New Zealand Disputes Tribunals, modelled on the Small Claims Tribunals of Australia. Since my year in the solicitors' office in 1976, I had had very little exposure to the practice of the law. I found my weekly mornings in the Tribunals an exhilarating experience as I experienced at first hand the law in action. My understanding of law and the legal system deepened immeasurably, and the subjects that I taught came alive for the students through reference to the cases that I had decided. My Tribunal experience offered my students and me invaluable insights into how legal knowledge was applied in human situations.

The next important development in my teaching career took place in the late 1990s with my introduction of incentive-based preparation exercises. This was prompted by two problems I had encountered. One problem was the uneven engagement of students in preparation and participation in seminars. Students who were not engaged missed out on key learning opportunities and were not prepared for assessment, with the learning activities in class dominated by the same self-selecting group of students. The other problem that I experienced was the lack of formative assessment that would provide mutual feedback between the students and me. Issues that needed to be clarified sometimes surfaced during class discussion, but otherwise I was left to make judgments on student work only in summative assessment. Students were not alerted to areas in their work that needed to be improved, and I was not attuned to recurrent difficulties that needed to be rectified in my teaching.

The practice that I introduced was that students were required to prepare a one-page written response to focused questions on course materials to be handed in at the start of each seminar class. The preparation exercises were read and returned with relevant comments at the following class. A percentage of the final mark was assigned to students who completed the preparation exercises and attended the seminars. The exercises were ungraded so that students were not penalised for initial failures in understanding, but contained qualitative feedback to assist students to improve.

The introduction of the preparation exercise technique resulted in a significant improvement in student engagement, reflected in student class discussion and higher student achievement. The technique also provided effective formative assessment for the students and me. All of this was in line

with the overall development of my teaching career towards a student-centred approach that aligned teaching and assessment.

The final key development in my teaching career was a heightened interest in the theory of tertiary education. This interest was stimulated by my research for the University of Waikato Vice-Chancellor's Medal for Excellence in Teaching 2003. This challenged me to reflect upon my conceptions of teaching and its theoretical underpinnings. I was heartened by the sense of vocation for teaching that shone through the works of Parker J Palmer and others. I was encouraged to shift my views and practices to such areas as the learning outcomes, key competencies and criteria that I required of my students. My new interest in the theory of tertiary education led to my completion in 2004 of the University of Waikato Postgraduate Certificate in Tertiary Teaching, which provided a useful stimulus and framework for further endeavours in my teaching career.

Present Philosophy and Practice of Teaching

Here let us breathe and haply institute
A course of learning and ingenious studies.⁸

Shakespeare pinpoints that learning should be based on "us" – a joint experience – and that there should be space for life-giving forces and fulfilment for those concerned. In line with this, my present philosophy is that teaching is a shared creative activity in which the teacher assists the student to develop understanding and skills in a particular subject area. For me, teaching involves conversation and interchange amongst teacher, student and subject.

I shall now explain my present concept of teaching with reference to my major teaching commitment at Waikato University Law School, which is to the Legal Systems course. Legal Systems is one of three courses taught to around 180 first-year LLB students. I shall explain the key elements of my teaching philosophy and the teaching practices that I use in Legal Systems to reflect these elements. I present my philosophy and practice in terms of ideals that are sometimes realised and which will no doubt undergo further change in the future.

8 *The Taming of the Shrew*, Act I Sc 1.

The Role of the Teacher

I believe that the good teacher brings to his or her role a strong sense of personal identity and enthusiasm for teaching.⁹ The effective teacher is a mentor figure, modelling what is taught through their actions.¹⁰ The teacher should provide guidance in a collaborative way, although the precise nature of the teacher's role will vary according to the level of the teaching/learning activities.¹¹ The teacher should strive to be an authoritative, though not authoritarian guide, teaching with credibility and authenticity in their field.¹² In order to be an effective director and guide, the teacher should acquire a solid knowledge base and affinity with the subject.¹³

I am fortunate that the Legal Systems course covers areas generic to law, so I am able to draw upon my experience and insights gained throughout my life in the law. Furthermore, much of the course relates to my legal historical interests and judicial experience, so I have an enthusiasm to teach in the subject. Conscious efforts are made to assist students and be approachable, that is, for teaching to occur in a positive, comfortable and relaxed atmosphere, subject to a measure of detachment required by the professional relationship with the students.

I am also fortunate in that I have done considerable research and published extensively in areas covered by the Legal Systems course. The student resources include references to my works and other texts, but the students' attention is strongly focused on primary materials, notably statutes and judgments. The books that I have produced in these areas have required further editions, so I have continually updated and refined my knowledge and understanding. Each year in Legal Systems is a stage in my ongoing journey of discovery in the field as I gain new insights from my students and the subject matter.

The Role of the Student

The student occupies a central role in the educational process.¹⁴ Ultimately, what students do determines whether changes in their understanding actually take place.¹⁵ Thus, teaching

9 Palmer, *supra* note 3 at 90-91.

10 I Shor and P Freire, *Pedagogy for Liberation* (South Hadley, Mass: Macmillan, 1987) 160.

11 Biggs, *supra* note 5 at 72.

12 S Brookfield, *The Skilful Teacher* (San Francisco: Jossey-Bass, 1990) 134.

13 Palmer, *supra* note 3 at 105.

14 Palmer, *supra* note 3 at 31.

15 P Ramsden, *Learning to Teach in Higher Education* (London: Routledge, 1992) 131.

should be a co-operative activity in which talk passes between teacher and students.¹⁶ In the words of Katz, one should teach as though students mattered.¹⁷

It should be recognised that the student in the educational process is not simply a mind waiting to be trained. The student should be seen as a whole person, including their affective/emotional dimensions. This requires that the individuality of each student should be recognised. Furthermore, the achievements and progress of each student should be continually acknowledged to encourage growth in self-confidence.¹⁸ Student concerns and questions should be listened and responded to with respect. Students should have a sense of being seen and heard.¹⁹ It has been recognised that affirming students' self-esteem is crucial to sustained learning.²⁰

Students, particularly in large classes and in increasingly multi-cultural countries, present considerable cultural and social diversity. Teaching practice should enable the teacher to understand the variations that exist in student understanding to be alert to differing student misunderstandings and needs.²¹

In the Legal Systems course, efforts are made to place the students at the centre of the learning process. There is one lecture per week at which attempts are made to engage students through providing materials beforehand with the idea of giving them opportunities to contribute in class. It is recognised that the voice of students can much more readily be heard in smaller groups so the class is divided each week into six groups for a double-period seminar. Every student is encouraged to contribute in seminar classes, so that the wisdom of mature students and the insights of younger students are presented for the betterment of all in the class. Students are required to prepare answers to focused questions on course materials to hand in at the start of the seminar being a one-page summary of their responses. This preparation gives many students greater confidence to contribute to seminar discussions and to learn from each other.

16 Id at 167.

17 J Katz, *Teaching as Though Students Mattered* (San Francisco: Jossey-Bass, 1985).

18 Brookfield, *supra* note 12 at 157.

19 Palmer, *supra* note 3 at 151.

20 Brookfield, *supra* note 12 at 95.

21 M Prosser and K Trigwell, *Understanding Learning and Teaching* (Buckingham: Society for Research into Higher Education and Open University Press, 1999) 135, 169.

In the course an effort is made to value students as whole human beings. I learn and use the name of each student; this process is facilitated by reference to the weekly attendance sheets and by weekly class interaction. The weekly preparation exercises, which are marked and returned each week, allow for the achievements and progress of students to be continually acknowledged. Use is made of audio-visual teaching material and the fun aspect of learning is encouraged. At the last lecture of the year, I compose a song that reflects major themes covered and which is presented by students with accompanying music.

Efforts are made in the teaching and assessment of the course to cater for a diversity of student abilities. The class includes the usual range of academic abilities, with students who are set to make their mark in the legal world and others whose talents are better directed elsewhere. New Zealanders of European extraction mainly populate the student body of the Law School, but the school has the highest proportion of Maori students of any Law School in New Zealand. Some students from overseas include those from Pacific Island countries and Asia. In addition, there are New Zealand residents whose mother tongue is not English and who have different cultural traditions. Another feature of the Waikato law student body is the range in ages: there is a high percentage of mature age entry students, some of whom are without formal academic entry qualifications.

In responding to this diversity, students engage in various forms of assessment and interaction, including written tests, essays, oral and visual contributions. The weekly preparation exercises allow me to become aware of the different learning experiences and the needs of each student. The course offers a separate stream for Maori students conducted by a Maori lecturer. At the start of the year, the self-introduction of the students in each of the streams immediately alerts the students to possible peer groups they can form. To foster peer group learning and support, in the early weeks of stream meetings I direct the class to divide into small groups in order to discuss a set topic to report back to the group as a whole.

Many law students have reported on the peer group as being particularly helpful in the law learning process. Whereas students from other cultures may be shy about asking questions or making comments in class, their peer group provides a safe environment and reassurance that they are not on their own. Maori students in particular demonstrate their need for peer group formation, to replicate the "awhi"

(embracing) communal support of their own culture and to counteract the isolation that a number of them experience.

Educational Development in the Subject

I believe that teaching should involve more than the transmission of knowledge, referred to by Freire as the banking of deposits into empty vaults.²² A course of learning should be designed to engage rather than enorge.²³ Teaching is most effective where students are engaged in learning activities that are related to the course objectives. In this way, teaching has the optimum chance of assisting the majority of students who do not spontaneously reach the standards required.²⁴ Good teaching is directed to the development of understanding and of academic and professional skills. This should mean that the student integrates knowledge and skills.²⁵ Teaching should also be geared towards developing critical thinking.²⁶ This is important in the teaching of law, where true understanding requires an appreciation of the human context of legal developments and openness to alternatives.²⁷

Good teaching focuses on depth rather than breadth, to facilitate deep rather than surface approaches to learning.²⁸ Palmer, in encouraging educators to “teach more with less”, remarked that “each discipline has an inner logic so profound that every piece of it contains the information necessary to reconstruct the whole”.²⁹ Teaching should be based upon a clear structure. It has been observed that the human mind works best in patterns of meaningful connection.³⁰ Effective teaching is conveyed in a way that makes learning accessible – this involves building on the known, making use of students’ existing knowledge.³¹ Pervading teaching should be consistent and honest action – the building of trust – is an important foundation for meaningful education.³²

Good teaching is holistic; in particular, it should align assessment with the objectives and teaching methods of the course.³³ Student perceptions of what is recognised for

22 P Freire, *Pedagogy of the Oppressed* (London: Penguin, 1970).

23 Palmer, *supra* note 3 at 133.

24 Biggs, *supra* note 5 at 8.

25 *Id* at 51.

26 Brookfield, *supra* note 12 at 20.

27 R McGechan, “Preface” (1953) *Victoria University of Wellington Law Review* 9.

28 Ramsden, *supra* note 15 at 137.

29 Palmer, *supra* note 3 at 122-123.

30 *Id* at 127.

31 Biggs, *supra* note 5 at 93.

32 Brookfield, *supra* note 12 at 131.

33 Biggs, *supra* note 5 at 11.

assessment purposes have a substantial impact on their learning behaviour.³⁴ Assessment should reinforce learning. Biggs has remarked that assessment is the “senior partner in learning and teaching”.³⁵ Formative assessment should play a key role and should help to lessen the anxiety of assessment for students.³⁶ There should be assessment incentives for formative assessment that reward the intrinsically motivated students and encourage students who are motivated by external rewards.³⁷

The course outline of Legal Systems notifies students of the aims and objectives of the course. These are to develop an understanding of the basic principles and features of the New Zealand legal system, to develop legal skills of critical analysis of cases and application of legal principles to factual situations. The lecture for each week outlines the principles and features of an aspect of the legal system, models the approach which students could take to the topic, and guides students to readings with focused questions on that topic. The seminars each week provide the opportunity for enhanced understanding through clarification of questions and issues arising out of the lecture, discussion of the student readings and focused questions on the legal system. The streams also allow opportunity for students to develop legal skills of critical analysis of cases and to apply legal principles to factual situations. The materials selected include cases that have had differing outcomes (successful appeals and split decisions) to highlight the struggle for competing principles to engender in students a critical spirit of analysis.

The preference for depth rather than breadth is shown in the fact that each week the course is devoted to a particular theme and all the teaching activities of the week are devoted to that theme. Key ideas, information and skills relating to the theme are summarised and reinforced. Each theme forms part of a six-week module that is assessed as a whole at the end of the module. There are four modules in the course; these are presented in a logical progression. The course outline presents students with the structure of the course, which aims to provide the building blocks for a step-by-step development of the students’ understanding and skills.

34 R Wakeford, in H Fry, S Ketteridge and S Marshall, *A Handbook for Teaching and Learning in Higher Education* (London: Kogan Page, 1999) 58.

35 Biggs, *supra* note 5 at 160.

36 Ramsden, *supra* note 15 at 212.

37 S Newstead and S Hoskins, in Fry et al, *supra* note 34 at 80.

Efforts are made to present the course in a manner that is accessible and easy to understand with simple terms and concrete examples. A range of teaching techniques is used. These include overhead projector transparencies, teaching on whiteboards or greenboards, and dividing the class into discussion groups to report on questions. These methods are supplemented in seminars where all students have the opportunity of presenting ideas and information orally to the group and to debate on controversial areas. Last year, drawing inspiration from my 77-year-old mentor at Natal University, I decided to learn and use PowerPoint. This system, being attuned to the visual and computerised experiences of many of our students, proved to be an attractive and helpful aid to teaching. However, it became readily apparent that it held the temptation to support a polished public performance rather than a dialogue with students, and so needed to be used with caution.

The course outline sets out the assessment tasks and criteria required of the students relating to grades from A+ to C. There is encouragement for ongoing completion of formative assessment tasks by students: 10% of the final mark is assigned to students who complete the weekly preparation answers on the focused questions set and attended the weekly seminars. At the end of each of the first three quarters there is graded internal assessment of the work covered (each counting 10% of the final mark), and the examination includes areas taught throughout the year. The graded internal assessment questions and examination questions are based on the readings and focused questions the students have had to prepare and discuss each week in seminars. Thus, through completion of the weekly exercise, students further their understanding and practise the skills required for the graded internal assessment and examination. Students can approach this summative assessment with reduced anxiety and enhanced confidence.

Evaluation of teaching

Stand by and mark the manner of his teaching.³⁸

In recent years I have made it my practice to ask my students to “mark the manner” of my teaching. The primary vehicle for student appraisals has been the Teaching and Learning Development Unit that organises and processes anonymous student evaluations throughout the University

38 *The Taming of the Shrew*, Act IV Sc 2.

of Waikato. These appraisals have revealed encouraging quantitative scores and indicated satisfaction with various aspects of my teaching.³⁹

In 2004, I conducted a special evaluation of the incentive-based preparation exercises that form an important part of my teaching. In my Fair Trading course, I devised a questionnaire that was handed out with the course appraisal in the last class. The main qualitative response was that the exercises made students do the readings, provided preparation for group discussion in classes and feedback on how to improve and practise for the assessment. In terms of quantitative results, the overwhelming majority of students believed the exercises encouraged engagement in the course (learning step-by-step), gave greater confidence to contribute to class discussion, enhanced the level and value of this discussion, allowed for advice on improvement during the course, provided the opportunity to practise the skills required for summative assessment, reduced anxiety and enhanced confidence in approaching this assessment.

I also analysed the results in the Fair Trading course to explore the linkage between completion of the preparation exercises and the final grades of students. The results showed a close correlation between completion of the exercises and academic success. For example, all students who achieved a final grade in the A range completed the required exercises and attendance, the great majority of those in the C range (55-50%) or below did *not* fulfil the requirements.

While my teaching evaluations have been the cause of satisfaction and encouragement, I am aware that problem areas have surfaced. First, it is apparent that a student-centred approach to legal education requires a considerable time commitment for academic staff. It has been observed that "even the best law teacher is likely to suffer from assessment fatigue".⁴⁰ This fact has become increasingly problematic in the New Zealand context where a recent Performance Based Research Funding exercise has placed considerable pressure on staff to spend more time on research activities.

I believe that there are several lessons to be learnt in this context. First, the staff workload involved in student-centred teaching needs to be properly acknowledged in the allocation of staff teaching loads. Secondly, the practice of teaching

39 The most recurrent comments on teaching were that it was clear, interactive, well structured and indicated what was expected of students.

40 R BurrIDGE, K Hinett, A Paliwala and T Varnava, *Effective Learning and Teaching in Law* (Kogan Page, London, 2002) 73.

that I have described is feasible where courses attract small numbers or where courses are team taught so that staff are responsible for only a certain number of seminar classes. It is sensible to recognise that more economical student-centred teaching methods (for example, involving oral feedback and brief written responses) need to be applied to large classes.⁴¹ Thirdly, there need to be synergies involving teaching and research, so that staff are engaged in teaching in areas where they are research-active, and retained in these areas from year to year as far as possible.

The second major problem area that has surfaced is the continuing lack of engagement of certain students. This is seen in their non-completion of preparation exercises and in their resultant poor academic results. A possible answer to this is the monitoring of student involvement in course activities. At intervals during the course I would contact those who are not engaging in the required work to ascertain the reasons why, attempt to address these reasons, and emphasise the benefits of their involvement. However, I have come to the realisation that I have to grant some students the right not to learn.⁴²

Conclusion

Hitherto ... I have labour'd,
And with no little study, that my teaching ...
Might go ... safely; and the end
Was ever, to do well.⁴³

This quotation points to key lessons that I have learnt on my teaching journey. The first is that teaching is an ongoing experience of learning, involving considerable labour and study. It has rightly been said that one cannot teach except by constantly learning.⁴⁴ In this regard, I have found that my development as a law teacher has been enhanced by various factors, including my recent exposure to the practice of law and the theory of tertiary education.

The second lesson is that a teaching career is subject to the desire for safety on the part of both teacher and student. A relevant factor here has been the environment in which I taught and the extent to which it was supportive of good teaching. Safety caused me to begin my teaching career with

41 T Angelo and P Cross, *Classroom Techniques: A Handbook for College Teachers* (San Francisco: Jossey-Bass, 1993).

42 Brookfield, *supra* note 12 at 162.

43 *King Henry VIII*, Act V Sc 3.

44 K Eble, *Craft of Teaching* (San Francisco: Jossey-Bass, 1988) 9.

the approach that had predominated my own university education. A recent pull of safety has been the impulse to retreat into purely research-related activities that satisfy the demands of the current academic environment. Safety has also been a factor in some of the frustrations and disappointments that I have experienced in my career. Some of these have been self-inflicted, having arisen out of lapses into the one-sided lecturing that offers the allure of security. The antidote to these lapses has been the detached boredom that has quickly descended on the class and me, prompting a rethink on my part in all our interests. Frustrations and disappointments have also arisen out of the safe places of some of my students, in particular, their apparent determination not to respond to the challenge of changes that is part of the educational enterprise.

However, the third lesson is that for those of us for whom teaching is a vocation, there is a countervailing impulse continually "to do well" for our students. It is this impulse that has sustained my belief that it is better to experiment in teaching and sometimes fail, than not to experiment at all. This impulse stemmed from my desire to be of service to others, as reflected in my first halting steps towards student-centred education, and has sustained my continuing endeavours to improve my teaching practice. My impulse to do well in my teaching career continues to draw support from the personal qualities given to me by my family, the teachers who inspired me by their passion, expertise and kindness, my wife who has been a source of educational wisdom and the thousands of students whose eagerness to learn has continually reinvigorated me. They have all been part of my journey as a law teacher, as we have striven together to teach and learn well.