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**Developing Multimedia Flexible
Teaching and Learning Packages:
Valuing New Genres of Legal Scholarship**

M J Le Brun
Visiting Associate Professor of Law
City University of Hong Kong.

LWLEBRUN@cityu.edu.hk.

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Abstract

This article explores possible reasons why the academy has - and will continue to have - problems valuing contributions made by legal academics who develop teaching/learning materials in law using modern technology. It outlines reasons why the valuing of this type of scholarship is difficult and discusses why this matter is of importance to law teachers, law schools, and universities.

Keywords: Legal Scholarship, Teaching Law, Learning Law, C&IT in Legal Education, CAL, CBL, Flexible Teaching and Learning Materials, Self-paced Learning Materials, CD-Rom, Genres of Scholarship, Promotion.

1. Introduction

In 1999 I received invitations to visit the two university law schools in Hong Kong for one academic year. The offers coincided with a major review of legal education in Hong Kong, in which I have a particular interest. Until now, much of the preliminary review into legal education has focused, understandably, on the models of legal education that Hong Kong might adopt in the future and the advantages and disadvantages of each. Not surprisingly (but somewhat disappointing, nevertheless) little attention to date - whether in the September 2000 interim report or in the submissions received from interested persons on the review - has focused *specifically* and *in sufficient detail* on the potential that teaching for learning has to transform legal education and legal practice. Even less attention has been devoted to the role that institutional cultures can and do play in promoting student learning.

Fortunately, both of these shortcomings are addressed in the draft final report of the preliminary review of legal education and training in Hong Kong, which was released in late May 2001. In their report on the review, the consultants highlight the centrality of teaching to any improvement in the quality of legal education in Hong Kong university law schools. In short, they recommend that law teachers in Hong Kong adopt teaching strategies that actively engage students in their learning, strategies that encourage them to adopt deep approaches to learning. They also state clearly that they:

‘see no other teaching initiative that is likely to produce a or the legal education and training system best capable of meeting the challenges of legal practice and the needs of Hong Kong society into the 21st century (as the Terms of Reference enjoin)’.

In addition, and of equal significance, is that in their final report, the consultants also raise the role of institutional culture and the importance of leadership in effectuating change. They state that the recommendations that they make in their report

impeded by the pressure which the university places on all teachers to research and publish, and insufficient funding being provided to ensure a sufficient number of teachers are available to support such an educational programme... This change

... will only be possible if the university is ready to recognise, in real ways not just in lip service, that this type of teaching requires considerable time....

The role of teaching in the work of the university has received increasing prominence in universities in part because educators are thinking more deeply about what is involved in research and teaching and about what is involved in creating a scholarship of teaching. In a seminal article written for the Carnegie Foundation for the Advancement of Teaching, Ernest Boyer stated that:

‘What we urgently need today is a more inclusive view of what it means to be a scholar - a recognition that knowledge is acquired through research, through synthesis, through practice, and through teaching’.

Although Boyer’s message is clear, its acceptance in the academy has been mixed and cannot be taken for granted, particularly when one attempts to translate what teaching means into practice in universities today.

This brings me to the two issues which are the focus of this article: one concerns academic incentives and rewards when it comes to the creation of new ‘genres’ of scholarship (such as the production of a web site or a CD-ROM); the other concerns the importance of rewarding initiatives in legal education that are designed to teach the ‘whole’ person.

I draw on a case to illustrate my concerns. I recently produced a CD-ROM on legal ethics and professional responsibility entitled ‘Ethics, Conscience, and Professionalism: Rediscovering the Heart of Law’. The multimedia package is designed around two core videos that are written to engage the users of the CD-ROM intellectually and emotionally. It was produced so that users would be encouraged to move beyond simply learning about the rules of legal ethics by asking them to reflect deeply on the role of the lawyer, the function of codes of conduct and rules of law, and on their values, attitudes, and motivations. It achieves this by marrying text, video, graphics, and sound. I then sought to have its worth valued within my university. Thus far, I have had little success in arguing my case that I have created a new type of scholarship, one which has a rightful place in the academy.

I refer to this example because I think it illustrates some of the problems that the academy will face as a growing number of academics become increasingly conversant with, and interested in, modern technology and begin to exploit the potential that technology holds for enhancing student learning. I believe this case study indicates the sort of problems that universities in general, and law schools in particular, will need to address in future. If legal educators wish to improve the quality of legal profession, they need to improve student learning in law. They need to do more than attend primarily to the cognitive development of their students. To achieve this goal, they need, *inter alia*, to promote and reward both good teaching as well as the scholarship of teaching. If, as I believe, the quality of lawyers’ work is directly related to how student learn law and learn about law, then the quality of lawyering may well decline unless and until we create - and continue to create and maintain - appropriate rewards for innovations in teaching and contributions

to the scholarship of teaching.

2. Background

I was employed in 1992 as the Deputy Foundation Dean of a newly established law faculty in Australia because of my work in legal education, in particular and because of the contribution that I have made to 'professionalise' the teaching of law. During my time there, the university was eager to promote the quality of student learning by encouraging academics to participate in various initiatives. Staff were encouraged to apply for national teaching awards for excellence in university teaching, national teaching fellowships, and other competitive teaching grants. The amount of work, time, and energy involved in applying for these awards was high, the success rate was low, and, as a result, few applications of adequate standard were submitted. In response, the university developed an incentive scheme to encourage staff to submit applications that were competitive. In brief, short-listed teaching projects received incentive money, as did the competitive research project proposals. Not surprisingly, the number of higher quality proposals for teaching grants increased.

The university also attempted to raise the importance of teaching in several other ways. It created the faculty-based posts of Deputy Dean for Teaching and Learning, introduced additional means to evaluate teaching more effectively (eg; through the use of teaching portfolios), and conducted research into enhancing teaching quality (eg; through peer teaching experiments).

Various other initiatives were introduced at the faculty and departmental level to encourage staff to focus on their teaching. In my faculty, for example, teaching interest groups became part of the fabric of faculty life, and additional incentives were created to encourage staff to develop their scholarly activities. A Publication Incentive Scheme was introduced which provided considerable financial incentives for staff to write and publish (see the Appendix for information about the incentives provided under the scheme).

In time, the teaching-related and research-related initiatives described above coincided with a university-wide push for the development of flexible learning materials. Members of academic staff were encouraged to develop web sites, self-paced learning materials, and the like. Another flurry of teaching-related activity began apace. This interest in and push for the development of multimedia teaching/learning products provided a fertile environment for academics to develop innovative educational packages, packages that could exploit the developments in modern technology.

During this time of change in ideas about the role of teaching in the Australian academy in the mid- to late-1990s, changes in teaching and learning in law schools picked up speed. The focus and content of curricula in law schools shifted. Law teachers began to move away from content-driven curricula (cognitive domain orientated curricula). They began to integrate generic skills (eg; communication) and lawyering skills (eg; interviewing) in innovative and, on occasion, systematic ways into the undergraduate law curricula. What have been lacking to date, however, are initiatives designed specifically to engage student learning in the affective domain.

I took advantage of this propitious time, thinking that the climate in higher education in Australia had changed significantly so that I could afford to devote more time to my work in developing multi-media teaching/learning materials. I applied for awards that would give me time to develop flexible teaching/learning materials that integrated knowledge, skills, values, and attitudes. I chose to develop teaching/learning materials for legal ethics and professional responsibility because it is an area of law that has been neglected in Australian law schools and because the subject-matter is appropriate for the holistic approach that I wished to adopt.

3. The CD-ROM: 'Ethics, Conscience, and Professionalism: Rediscovering the Heart of Law'

Late in 1998 I was awarded a National Teaching Fellowship and a Committee for University Teaching and Staff Development (CUTSD) grant from the Australian Federal Government. Part of the monies given under these awarded was used to buy out my time from teaching and other commitments so that I was free to devote most of my time to the projects. The Fellowship proposal was designed to improve the teaching of legal ethics and professional responsibility in Australian law schools through a sharing of ideas with leaders in legal ethics teaching in the United States and Australia. The CUTSD grant built on what was learned under the terms of the Fellowship. The main aim of the CUTSD grant was to produce multi-media teaching and learning materials in legal ethics and professional responsibility. The CUTSD grant funded the production of two thirty-minute videos and accompanying hardcopy teaching materials for law students and trainee legal practitioners.

The completion of the video-hardcopy package changed direction when Blake Dawson Waldron (BDW) Lawyers offered to provide financial support to convert the video-hardcopy material into an interactive CD-ROM format. Launchpad Multimedia in Brisbane, Queensland, Australia were employed to produce the CD-ROM.

The CD-ROM 'Ethics, Conscience, and Professionalism: Rediscovering the Heart of Law' was completed in February 2001, approximately 1¼ years after the scripts for the videos were written and approximately 2¼ years after the Fellowship commenced.

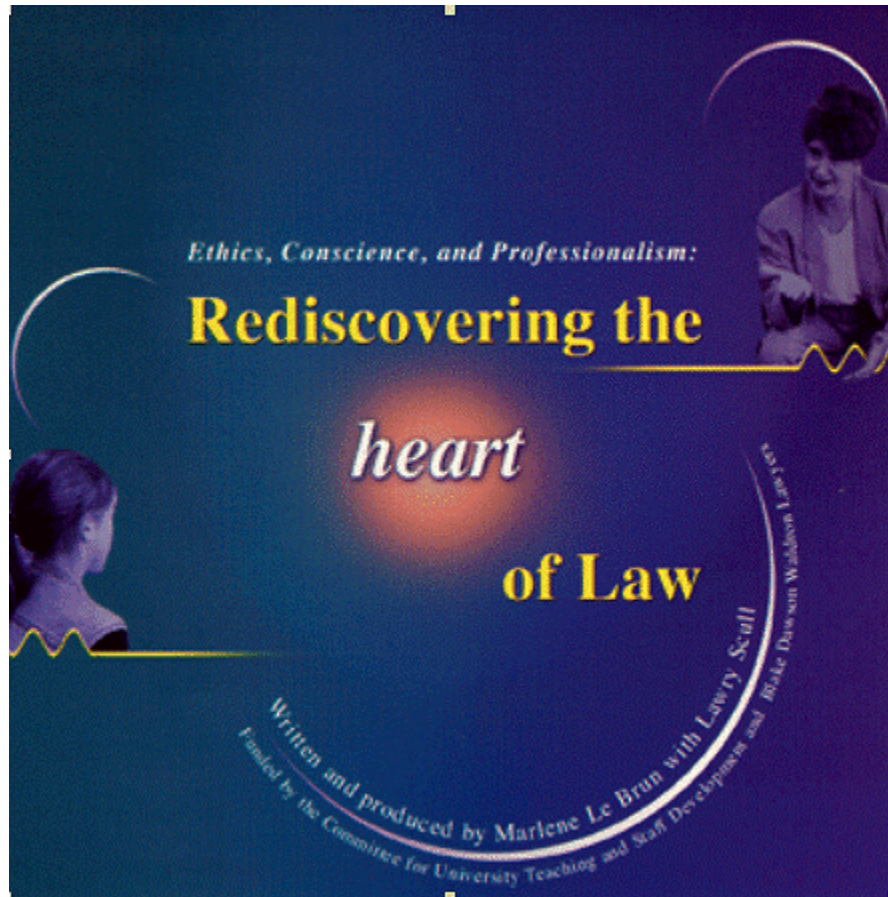


Figure 1: Title Page from 'Ethics, Conscience, and Professionalism: Rediscovering the Heart of Law', CD-ROM.

4. Valuing My Work

Upon completion of the CD-ROM, I applied to claim the publication incentive money from my faculty. On my application, I indicated that I thought that the CD-ROM should be valued the same as a book because there was no space to tick 'CD-ROM' on the form. At the time of my application, the author of a sole-authored book is awarded Australian \$2200. As I have co-authored books that range in length from approximately 150-400 pages, I had a clear idea of what was involved in writing and publishing a book. And I knew that what I had accomplished in the CD-ROM involved the same effort and was of equal value.

I did not argue my case because I did not think it was needed. I assumed that the work would be valued appropriately for many reasons. The university itself appeared to value teaching and, it was engaged in evaluating teaching. The university had instituted ways to measure the worth of 'non-traditional works,' such as works of art. University staff members were heavily involved in the development of flexible teaching/learning materials. And the CD-ROM had already been recognised as of high quality; it was short-listed for 'Best Higher Education Title or Site' for multi-media teaching/learning packages by the Australian Interactive Multimedia Industry Association at their 7th

Annual Industry Awards ceremony.

Thus far my application has proved unsuccessful. I was advised that I needed to have a publisher and an ISBN number. Instead of having \$2200.00 deposited in my research account, only \$450.00 was. This is the amount awarded for a sole author refereed journal article.

4.1 Staking My Claim

Were I to argue my case afresh for the payment of the incentive money, what would I say make my claim credible? This matter may seem unimportant, even irrelevant - after all, we are only talking about a relatively small amount of money. My main concern is not the money, however. It concerns the way that works of this nature *should be valued* in the academy. This issue is important because it raises the sorts of problems that many academics will face who want to produce and do produce new genres of scholarship. This issue is particularly important to law teachers, though, because these teaching and learning tools can transform legal education and, perhaps, the quality of the legal profession by addressing learning in the cognitive, affective, and skills domains.

What arguments can I advance to show that the CD-ROM is equivalent to a book or book-like in value? Here the distinctions that are being made between scholarly teaching, the scholarship of teaching, and scholarship generally offers some insight.

Scholarly teaching is reflective teaching that is informed by current knowledge in the discipline (eg law) and by current ideas about teaching in the discipline (ie; law teaching). The *scholarship of teaching*, by way of comparison, embodies the essence of scholarship generally, but it does so in relation to teaching. Although what counts as scholarship is discipline-specific, scholarship generally as we know it today shares some common characteristics. Scholarship advances our understanding of our world in various ways, for example through the conduct of empirical research or the analysis of textual materials. Thus, it can be said to contribute to the totality of human knowledge, qualitatively and quantitatively. Scholarship involves the asking of questions and draws on the processes of inquiry and investigation. A scholar steps back, reflects, searches for meaning and significance, and subjects her/his work to scrutiny by others. Scholars suspend belief and ask for proof; they want reasons and demand evidence. Scholarship is public. It is susceptible to critical review and evaluation by one's peers. And scholarship is accessible for exchange and use by the members of one's scholarly community.

Good teaching has close parallels with scholarship, despite what many say. As Shulman describes, good teaching begins with a vision of what is possible, as does research. It is enacted, as is scholarship. And teaching has outcomes, as does research. Effective teaching promotes learning, as can scholarship. Finally, effective teachers review, reflect on, and evaluate their work, as do scholars. What tends to separate teaching from other forms of scholarship, however, is the nature of teaching; teaching is essentially *private*. And what makes the *evaluation of teaching* more difficult than the evaluation of traditional scholarship is the nature of the evaluative 'event.' To prove that one is an effective teacher, one needs to provide evidence, which often includes what other

effective teachers say about one's teaching. This usually involves the observation of one or a few classes by peer teachers. This episodic 'snapshot' cannot, however, provide an accurate picture of teaching that promotes learning. Although teaching materials can be reviewed and the overall curriculum surveyed, these do not necessarily provide the richness of information needed to evaluate effective teaching. And, although of use, student evaluations and grades awarded for achievement do not necessarily add sufficiently verifiable data for a sound and useful evaluation to take place when one admits that some teachers do teach in a way to secure 'good' teaching evaluations from their students.

These problems do not readily affect the evaluation of scholarship. Books, articles, monographs and the like are public. They provide a record of achievement that is permanent. They are accessible to others and can be built upon by other writers who can adopt, criticise, justify, or distinguish what they think from what has been written. They are reviewed before and, quite often in the case of books, after publication. And these reviews, themselves, contribute to how the work is valued.

The distinctions that seem so easy to draw between the evaluation of teaching and the evaluation of scholarship disappear, however, with the production of multimedia teaching/learning packages that are designed by scholars in the field to promote student learning and enhance understanding of the discipline.

4.2 The Value of the CD-ROM

I believe that 'Ethics, Conscience, and Professionalism: Rediscovering the Heart of Law' should be valued as a work of scholarship equivalent to a book for the reasons outlined below.

Laurillard identifies the essential aspects of the complete learning process in terms of: a discussion between students and teacher about their conceptions; adaptation of the goal set by the teacher in light of the students' descriptions; interaction between the students, the teacher, and the world; and reflection by the students on their descriptions of their conceptions. Laurillard adds, rightly in my experience, that:

'[t]he design of any media-based materials must address all these aspects,' even though she also admits that 'it is very difficult for any one medium to address them all'.

Although 'Ethics, Conscience, and Professionalism' does not meet all the criteria that Laurillard elaborates, it does go a long way to incorporating some of these key features.

The videos are based directly on original research that former colleague, Debra Lamb and I conducted (ie original research). This research involved the asking of questions and processes of inquiry and investigation of professional practice of legal practitioners in Queensland. The video storylines themselves are based directly on this research.

The concepts addressed in the CD-ROM range from the theoretical through to the

practical. The CD-ROM achieves easily what no book on teaching legal ethics and professional responsibility can. It is designed holistically to address learning in the cognitive, affective, and skills domain. It draws on and builds upon students' experience, and it engages them directly and immediately in their learning (ie the educational package is based in our understanding of how adults learn). It can engage users with various learning styles because it can address more readily the affective domain as well as the cognitive domain through the use of sound, text, and image.

What is interesting in terms of the reward that might be given for innovations in teaching is that the production of a CD-ROM in many ways makes the valuing of my work, at least in this individual example, *easier*. What has not been recognised or acknowledged this far by my (former) faculty is the fact that modern technology has transformed the essentially private act of teaching. The CD-ROM is public. It is a permanent artifact, one that attempts to capture the immediacy, richness, and complexity of ethical decision-making. By its very nature, the CD-ROM (like a website) is more *public* than the act of every day university teaching (which is not normally captured, for example on a permanent record (such as video) for any prolonged period of time). But even more than a website, the CD-ROM does not need access codes. Once pressed, like a book the CD-ROM is potentially accessible to any user and, like a book, it can be illegally copied and distributed. It, therefore, needs the same legal protection afforded books and is book-like.

Since the CD-ROM is public and builds on, synthesises, and disseminates some of the work of lawyers, educationists, and IT specialists, it can be reviewed and criticised as can a book. Authors and publishers of books eagerly await book reviews by respected scholars in their field, knowing the benefits that a favourable review holds. Interestingly, the possibilities for review and evaluation have increased as a result of the nature of my CD-ROM enterprise. The reviewers of the package can be educationists and IT specialists as well as lawyers and law teachers. Still, reviews of teaching/learning packages are uncommon, in part because of the newness of the media and, in part, because of our reticence (perhaps inability?) to gauge quality by ourselves in terms of the totality of the teaching/learning package. This does not mean, however, that such reviews will not, one day, become commonplace in what in the future will become mainstream 'journals'.

The CD-ROM displays another characteristic of scholarship because, like a book, it can be built upon by others. As in the case of a second edition of a book (or a 'pocket part'), the CD-ROM can be updated by developing a complementary web site that keeps the law current. Users can add annotations to text to which others can send comments and postings (eg to bulletin boards and chat rooms). Technologically more advanced products can be developed in disciplines other than law, for example by building on some of the innovations included in the CD-ROM.

In short, a case can be made that the CD-ROM is indeed scholarship. It is based on current research. It is public. It can be subject to peer review. Moreover, it can be accessed, examined, built upon, and shared by members of the academic community. Its creation and production were demanding, exhausting - and rewarding. Certainly, the amount of research conducted for the CD-ROM, the amount of time, energy, and ingenuity invested, and the amount of creativity that was involved equal that of many law

books. The workload involved in the production of a CD-ROM is particularly grueling when one fully understands what must be done to ‘proofread’ the product prior to pressing. Once the prototype was complete, the time-consuming, tedious, and difficult job of proofreading and checking began. Unlike writing a book or an article, this job could not be delegated. This entire final task rested on me. I needed to ensure that the text was accurate, the links appropriate, the layout and presentation attractive and user-friendly, and the entire package operational. I had to make sure that my conceptions had been translated into CD-ROM format that users could access, enjoy, and learn from.



Figure 2: Screenshot with content of CD-ROM and how it can be navigated.

4.3 Why Valuing New Genres is so Difficult for the Academy

My case for payment of the incentive money would have proceeded more smoothly had I been informed about the criteria for payment *before* I embarked on the project. This may have proved difficult to do, however. Laurillard cautions that it is

‘not feasible to ensure effective teaching through multimedia methods by promulgating prescriptive guidelines on how to design materials, or what to use these methods for’.

If there were, evaluation committees could consult these guidelines. The problem of

gauging the worth of a product like a CD-ROM is not, however, limited simply to the lack of criteria against which to measure its contribution.

To illustrate: there are at least eight reasons why evaluating the contribution of a CD-ROM in law is more difficult than evaluating a law book. The CD-ROM is *interdisciplinary* in nature. It was designed and has been produced by a *team* in response to an educational *problem* that I wished to solve. It focuses on *teaching and learning*. It *does more than many other 'high tech' educational packages* - it does not simply transmit information; it makes a *contribution*, one that cannot be *surveyed* as easily as can be a book or an article. And it does not readily conform to conceptions of '*knowledge*' in the law.

What makes the valuing of a CD-ROM in law different and more difficult than the valuing of a law book is that unlike many (most?) law books, the CD-ROM is *interdisciplinary in its essence*. And, although it was designed and crafted by a lawyer, it has been brought into being by the efforts of an interdisciplinary *team*. Its worth cannot be rated effectively by lawyers alone, nor can the work product be easily divided into proportions of contribution by each team member without some considerable effort and honesty on the part of team members. To determine the value of the CD-ROM, lawyers, educationists, and IT specialists need to be consulted. For example, lawyers need to be asked to evaluate its academic merits, educationists asked to comment on its ability to engage and enhance student learning in law, and IT specialists asked to determine its contribution to the development of cutting-edge teaching/learning technologies. To be evaluated properly, lawyers will have to consult - worse, rely on - non-lawyers (not a very attractive prospect for academic lawyers, most of whom are 'lone rangers'). Few academics in law work regularly in a collaborative way as a member of a team. Fewer still work collaboratively and as a director of a large team. Even today appointments and promotions committees have trouble deciding how to value co-authored and jointly-authored books and articles, where few individuals from the same discipline are involved. The difficulty that they face is compounded where the team involves student researchers, project evaluators, actors, technicians, artists, IT specialists, administrators, and legal academics. Determining the value of the achievements of a large group as diverse as those needed to design and produce an interactive flexible teaching/learning package that has video as a core teaching/learning tool is not straightforward. This type of evaluation is not easy, particularly where the production team for the CD-ROM works in the open private market where stories of attempts to 'push the technological envelope' may be interpreted as weakness if the attempts at innovation fail, or are interpreted as 'spilling the beans' (giving the competitor trade secrets or insight into where the IT developer finds challenges).

Moreover, to value the *contribution* that the CD-ROM makes, we need to determine what the product adds to what has been known before or done before. Here **our** own (perhaps outdated) conceptions of what can be achieved in the classroom and in multimedia teaching/learning packages might be challenged. This value-added contribution can be difficult to assess in a teaching/learning package. First, many of us do not know about or appreciate the capabilities and capacities of teaching for learning with technology. We may think that all modern technology can do is transmit information to our students more

efficiently than, say, a textbook or lecture notes. If this is the common conception that review committees who evaluate multimedia teaching/learning packages have, then it is hardly surprising if they conclude that a CD-ROM, for example, is not equivalent to a scholarly publication. Here the hold of the transmission model of teaching and learning seduces and infects our thought processes once again.

Another reason why valuing the contribution of multimedia teaching/learning tool is difficult to do, again, lies with the essentially *private nature of teaching*. Generally, we do not know what our colleagues actually do in the teaching arena unless their work has been published and documented or been otherwise made available. We know so very little about what has been taught, how, and why in the past in this area in Australian universities and law schools. In addition, the likelihood of learning about what has been accomplished before is low also because, on the whole, there is little incentive to publish articles about law teaching and curriculum development and because few of us share what we do in our websites, etc with any one other than our students. If there is no clearly known baseline, how can one readily measure progress or the contributions that we make?

This is not the end of the issues that confront those who wish to be able to evaluate the contribution of an innovative teaching/learning product. Here different conceptions of what a '*problem*' is and what a problem means and signifies in research and in teaching arises. Schulman explains how the existence of a problem in research is often the *impetus* for creative and generative investigation, critique, or analysis. In teaching, however, problems exist to be solved, and the admission that one has a teaching 'problem' is often interpreted as an acknowledgment of ineffectiveness as a teacher. The creation of the CD-ROM described in this article began with my desire to remedy a problem. I wanted to know what could be done to engage students deeply in learning about legal ethics so that their knowledge and understanding is enhanced, their abilities to make ethical decisions improved, their moral senses engaged, and their motivations to act ethically stimulated. In short, I was attempting to formulate a new conceptual framework for shaping the ideas that I had about what effective education in legal ethics might or should entail. I wanted to help my students understand why legal ethics is important by engaging their learning in more than simply the cognitive domain. I wanted to draw on the strength of narrative as a teaching/learning strategy; I wanted the videos to be sufficiently relevant and interesting so that they provide context for the users to explore law, society, and themselves as ethical actors and agents. I wanted to try to tap into some of what I have learned from those I have taught - whether students or colleagues - about creating windows for change. And I wanted to address the central but hard questions in legal education: how can we teach our students so that they become intellectually more able, socially more responsible, and ethically more aware?

Another difficulty exists in the valuing of the worth of the CD-ROM. Since the CD-ROM is designed to enhance learning of legal ethics and professional responsibility, one might argue that its value should really be *measured solely in terms of what is learned*. Although the idea of valuing the worth of the CD only in terms of learning outcomes is understandable, it is rather peculiar when we compare it with how we value publications and teaching. Seldom do we review books or articles simply in terms of learning

outcomes. Seldom do we evaluate teaching solely in terms of student learning outcomes. In truth, teaching is more often evaluated in terms of teaching performance rather than in terms of what students actually do learn. Yet when we consider what the value of a teaching/learning product such as a CD-ROM is, we may simply assume that learning outcomes are all that matter. But such a conclusion is naive when related, for example, to a teaching/learning package that is cutting-edge technology at the time it is released. A product such as a CD-ROM straddles two 'camps' - it is neither beast ('book') nor is it fowl ('teaching'); it is both beast ('book-like') and fowl (aimed at enhancing learning as is teaching). New ways to evaluate its worth need to be developed that suit its specific genre.

Valuing the CD-ROM is also difficult when compared with a book because a book can be surveyed *in toto*, as if one were flying in a helicopter above an open field. '*Surveying*' a CD-ROM is more like flying a helicopter through a maze. One cannot get an entire 'handle' on it in one fell swoop, as it were. Navigating through a sophisticated CD-ROM takes time, patience, and some expertise.

The difficulty of placing a value on a multimedia teaching/learning product is further exacerbated by the *epistemology of law* and the narrow compass within which *legal scholarship* is defined'. Few academics teaching in law schools, at least in Australia, are encouraged to - and rewarded when they - stray from black-letter legal scholarship. The CD-ROM is more than just a departure. It is 'not traditional' in any sense. It is not traditional in content. It is not traditional in form. It is not traditional in production, use, or distribution. Innovative teaching/learning materials in law may do more than 'stray.' They offer challenges to the dominant paradigm of what scholarship in law is, how it is developed, how it is promoted, how it is distributed, and how it is used, and how its merits are assessed.

It is, therefore, not surprising that the evaluation of a product such as the one described in this article can prove unsettling for committees of legal academics (and, often, university bureaucrats) who do not know how to handle and categorise these new genres or creations. These individuals may actually believe that what constitutes scholarship is fixed. In this belief, they are mistaken. Shulman notes:

[W]e have invented, in all of our fields, forms of display and communication called articles, monographs, performance, artistic creations, designs, and the like. Each field has its traditions and conventions about the questions you ask and the forms you use to display the fruits of scholarship for the evaluation and use of one's intellectual community.... *Yet these are inventions...* They are conventions of the disciplines that have evolved over time to ease the communication of scholarship and its critical use.... Each field has achieved an economy of inquiry and communication that compresses and transforms the process of investigation.

Note too that these conventions did not appear spontaneously. They evolved slowly and painfully, over time, and they helped shape the scholarly communities in which they evolved (emphasis added).

5. Concluding Thoughts

Although I was dispirited when I initially heard that my application for the \$2200 was rejected, I decided to persevere with my claim for the full amount of incentive money on principle, despite the effort and aggravation involved. I finally did secure an ISBN number for the CD-ROM, and I have been advised that the producer of the CD-ROM is, in fact, a 'publisher'. With this knowledge in hand, I submitted my claim for the remainder of the incentive money.

Just as I was completing this article for presentation at a conference to accompany the CD-ROM, I was asked another question by my faculty about my claim for incentive monies. They needed to know whether the 'publisher' is in fact a '*commercial*' publisher. After investigation, I advised, 'Yes, they are.' I readied myself for the next hurdle.

In spite of these setbacks, I am optimistic that the additional incentive monies will be paid once the quality and worth of the CD is appreciated. Of course, had the CD-ROM been produced as a book, the issue of the payment of \$2200 would not have arisen - and I would have been given the money sooner as a book of comparable worth would not have taken so long to write and publish.

And despite my disappointment, the members of my team and I have learned a great deal from our efforts in producing the first CD-ROM on legal ethics teaching in Australia. I am using much of what I have learned from the CD-ROM in my current work - the development of an expandable web site for teaching law students how to conduct a client-centred interview. And what I learn from that project will stand me in good stead for my next project, whatever that will be.

Still, despite the enthusiastic reception that the CD-ROM has received so far, I am beset by nagging doubts. In many ways what has concerned me most is how an institution, which until now could be applauded for the gains it has made in promoting learning through the recognition of teaching excellence, appears to misunderstand the impact of their decision on my case (and on cases like mine that may arise in the future). Their decision brought again to my mind outdated conceptions of the nature of legal scholarship and the nature of teaching and learning. Their decision has undercut the laudable claims that they have made about the importance of teaching and about the significance of developing flexible, student-centred teaching resources. Their decision reinforces the truth that more rewards are given to 'lone rangers' who play it safe in universities than to team players who are willing to experiment and innovate.

This experience has led me, once again, to question my priorities and those of universities when it comes to the importance of students and the importance that is accorded the teaching of students. For example, I wonder whether any university law school will view my recent work as valuable - as a contribution to the research on legal ethics and as a contribution to the scholarship of teaching for learning in legal ethics and professional responsibility for example when I apply for promotion or appointment at another university. And I wonder what I would say if I were asked by junior colleagues today about whether it is wise for them to apply for and use monies to produce an innovative

flexible learning packages for teaching students law. Why should they bother when there are no clear channels for them to engage with work of this nature in ways that will make a significant difference? What advice *would* I give my colleagues? What advice *should* I give my colleagues, given what I have learned (time and time again) about how university after university has failed - and continues to fail - to reward the scholarship of teaching (as well as scholarly teaching)?

I am certain of at least two things.

First - I know that without an infrastructure and a culture that rewards initiatives such as the one described in this paper, innovations will not flourish. The experience that I describe here challenges much of the rhetoric of universities who claim that promoting learning through the development of teaching innovations and the scholarship of teaching are important. The decision in my case (at least until now) indicates a lack of appreciation of how teaching innovations can and should be valued and a lack of understanding of the importance of valuing such efforts by providing well-defined and publicised criteria that staff can consult to decide how they will channel their energies.

Laurillard is spot on when she states that:

If teaching excellence is the aspiration of universities, then it must become the aspiration of individual academics. This means it must be accorded both the status and rigorous judgmental procedures that research has. . . . Status is accorded via promotion and other academic rewards. . . .

In tandem with changes in . . . policy on teaching excellence and its implications for the implementation of new teaching technologies, academic administration at institution level must debate and negotiate the appropriate changes to be made to current promotion and appraisal practice. These must then be communicated to all staff.

Even though this did not occur in my case yet, I remain optimistic. And I am hopeful about the situation in Hong Kong. Not only do the consultants to the legal education review in Hong Kong recognise the centrality of teaching to the quality of legal education, they have also emphasised the importance of the relationship between change and rewards in the academy. In order to achieve the goals that they advocate in teaching for learning in law, the consultants have recommended that the universities in Hong Kong:

recognise that [the form of teaching they espouse] is of equal importance as research and writing, when it comes to considering tenure and promotion [and] . . . [the universities should] also provide sufficient funds to the law programme to ensure that such an educational programme can be implemented If sufficient funds for this more intensive form of teaching are not forthcoming, the whole thrust of the reforms proposed . . . will be undone'.

Secondly, I know what my advice would be if I were asked directly what could be done

by universities to encourage academic staff to develop new genres of scholarship. I would suggest, 'Provide genuine incentives to your staff so that they are encouraged to consider introducing innovations in teaching and learning - and make sure that the criteria for your incentives are flexible enough to reward staff who do try new approaches, who work in multi-disciplinary teams, and who disseminate the fruits of their efforts in various ways. Don't be constrained by the traditional categories (eg; 'book', 'refereed journal article'). If the work is valued by colleagues from other disciplines with expertise in the subject or development/production process, trust their judgment. Be proactive, not reactive. Provide opportunities for team work. Offer incentives, tell all your staff that the incentives are there for them, and then reward them.'

To accomplish this goal in the realm of educational technology in law, the matter may not be as simple as my advice suggests, however. In order to do this, we will need to discover how best to evaluate the value of innovative teaching/learning products. And we will need to develop and maintain a system that rewards their creation and that can, where necessary, apportion rewards accordingly, a system in which individuals are willing to think laterally about contributions that are made - and may be made, a system that encourages and rewards individuals for creating educational products and for writing about their efforts. In addition, we will need to be aware that rapid developments in technology will affect - and, I hope, will enhance - research and scholarship in law, in education, and in legal education. We will need to be aware that the creation, valuing, and flourishing of new educational technologies will likely affect our conceptions of teaching and learning. They will touch how we relate to our colleagues. They will affect our career decisions and possibilities for career progression. Finally, we will need to acknowledge that the notion of scholarship - that in the discipline of law has been tied to text and tome - will need to be changed to embrace the new genres of scholarship that modern technology can create and will continue to create.

PS You may be interested to know that after this article was written, I was awarded the full amount given for the publication of a book for my CD-ROM. Case closed? Yes, for me - perhaps not for others who try to get credit and recognition for the technological innovations that they have introduced to enhance student learning of law.

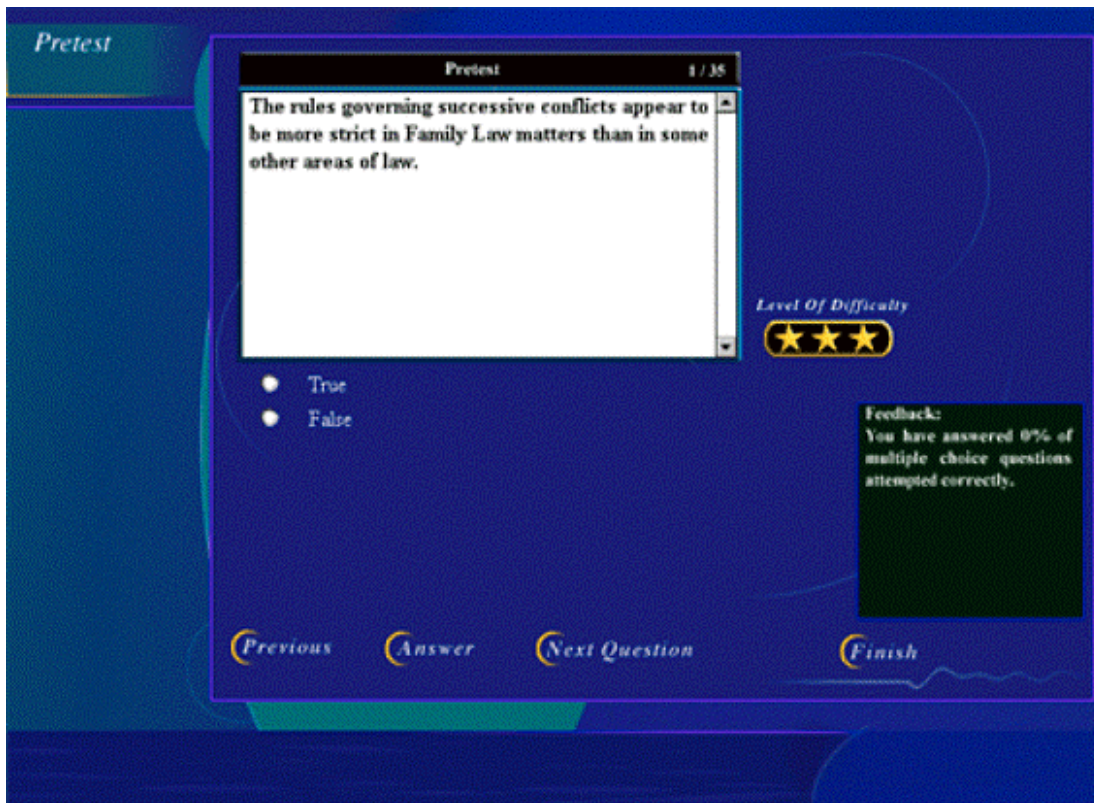


Figure 3: Screenshot demonstrating one interactive exercise

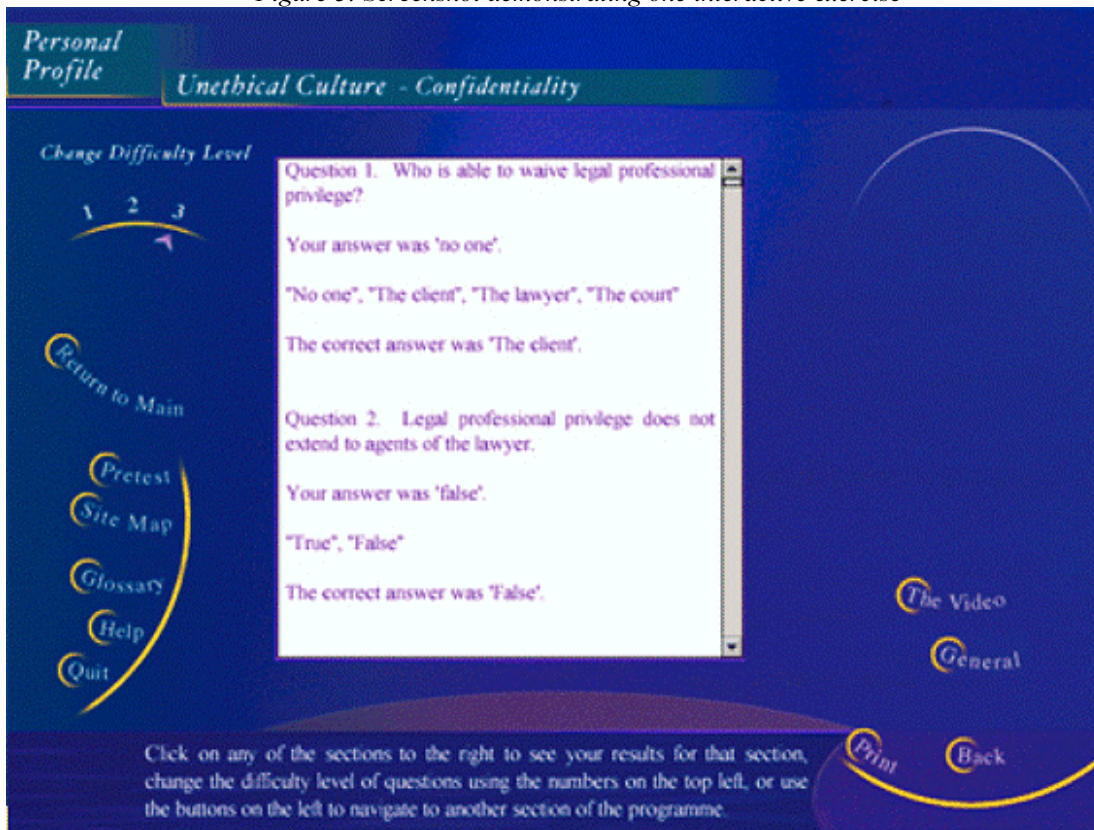


Figure 4: Answers to an interactive exercise

Appendix 1

Example of a Publication Incentive Scheme

(Amounts paid depend on classification and number of authors)

All staff

Book (Research Monograph)	\$2200
Refereed Journal Article	\$ 450
Book Chapter	\$ 450
Conference Paper (Refereed International Conference)	\$ 450

Staff up to level of Senior Lecturer

Book (Cases and Materials)	\$ 400
Edited Book	\$ 300
Major Review Article	\$ 200
Conference Paper Presented	\$ 100

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