NATIONAL CENTRE
for
LEGAL
EDUCATION

Teaching Family Law

Frances Burton

Norma Martin Clement

Kate Standley

Catherine Williams

Teaching & Learning Manual

Teaching Family Law

Frances Burton

Norma Martin Clement

Kate Standley

Catherine Williams

NATIONAL CENTRE

LEGAL *for*

EDUCATION

Contents

Foreword

The National Centre for Legal Education was established to disseminate information about teaching and learning in law and to support the development of innovative teaching and learning practices. As part of its work, the NCLE has commissioned a series of Teaching and Learning Manuals of which *Teaching Family Law* is part. This book will be a valuable resource for teachers wishing to rethink, refresh or develop their courses and we hope that it will be widely used. In keeping with the objectives of the Teaching and Learning Manuals, the book is full of practical advice and commentary while being sensitive to the differing teaching environments and styles with which the reader is familiar.

The authors and the NCLE are grateful to Chris Barton of Staffordshire Law School for reading and commenting on an earlier draft of this manual.

About the Authors

Frances Burton is a Senior Lecturer in Law at London Guildhall University. She has taught Family Law for over 20 years, on both undergraduate and vocational courses. Originally a property law specialist at the Chancery Bar (at which she still practises part-time) she developed an interest in Family Law through comparative study of matrimonial property regimes in both common law and civil law jurisdictions. She is the author of several books on Family Law, including a vocational textbook, *Family Law and Practice*, and a *Guide to the Family Law Act 1996* (Cavendish Publishing) and is currently writing the Family Law title in Cavendish's *Principles of Law* series. She has recently completed the MA in Education offered by the School of Education of the Open University.

Norma Martin Clement is a Teaching Fellow at the University of Leeds. She has been teaching Family Law at Leeds since 1984 and introduced one of the first child law courses in the country in 1989. As well as teaching law undergraduates, she has wide experience in designing and delivering courses in this field for a variety of audiences, including solicitors, social workers, guardians ad litem and magistrates.

Kate Standley has taught Family Law at the University of Essex for more than a decade. She is particularly interested in teaching and for this reason transferred from the post of Lecturer in Law at Essex to that of Principal Teaching Fellow. She is also a qualified primary school teacher and taught in primary schools for several years before studying law. She is currently taking the Teaching in Higher Education Certificate offered by the Open University's Centre for Higher Education Practice. Besides writing on family law generally, she is the author of two family law texts for students: *Family Law* (Macmillan) and *Cases & Materials on Family Law* (Blackstone Press).

Catherine Williams, Senior Lecturer in Law, teaches law at Sheffield University. She has taught a wide range of subjects, but her main interest has been Family Law ever since she first started teaching it in the mid-70s. Since the inception of the Children Act 1989, in October 1991, she has regularly acted as an independent investigator, and an independent chair of panels, where a complaint has been made against social services. She has written widely in the area of Family Law, and in particular is co-author of one of the leading student textbooks in Family Law, Hayes and Williams *Family Law: Principles, Policy and Practice* (Butterworths).

Preface

In 1967 a 'Liberal Studies' 'lecturer' took his City and Guilds Catering students (later to be immortalised as 'Meat 1' in the Tom Sharpe novels) to the Probate, Divorce and Admiralty Division of the High Court. The afternoon was wholly devoted to the significance of certain stains on bed linen belonging to someone called "the woman named". Four years later, after the Divorce Reform Act but before the Special Procedure, the same chap was in charge of another group, the London External LLB class. (That was an interesting course, on which supposedly weaker students were prepared by supposedly weaker tutors for much harder examinations.) He took them to the County Court for an hour. They saw about five petitioners each being humiliated in turn. For the rest of the year, these students proceeded to write down, with varying degrees of accuracy, such impressions as their tutor may have gained from reading *Bromley's Family Law* the previous evening.

Family law is growing up. So is university teaching. *Teaching Family Law* brings these two matters together. Perhaps the advertising will play on its value to the tyro, but the old hand's students stand to gain at least as much from her reading this book: "Good teachers are always evaluating themselves" (Ramsden, P. (1992) *Learning to Teach in Higher Education* at page 217). Of course our students will 'only' gain vicariously, as this is not a text on family law despite the many references it makes to such works.

It does not try to proselytise. There are many good ways of teaching family law just as there are many good ways of teaching anything. Perhaps there are as many good ways as there are teachers. A number of them are mentioned here. One of them is 'charismatic' teaching, a gift which - perhaps - frees the lucky tutor from such pedestrian irrelevancies as reading books like this. Yet not all of us are so blessed, perhaps even including some of those who think they are, and *Teaching Family Law* will free them from the burden of relying exclusively on their native talent.

Both new and old universities are represented here, both amongst the authors themselves, and others who gave generously of their ideas and experience. Perhaps the new university influence is most apparent with regard to the particular needs and contributions - unique to family law - of older/part-time/evening students. This is a pragmatic work which reviews the best of current practice in curriculum design, agendas for small group meeting, and assessment. And it is a reference book which enables family law teachers, who are worked harder than most of their colleagues by virtue of their subject's faster rate of change, to milk it quickly and efficiently. I already have.

Chris Barton
Staffordshire Law School
October, 1999

SECTION A

What is Happening in Law Schools Today?

This chapter aims to provide an overview of the state and practice of teaching family law in university law schools in England and Wales, together with an assessment of the respective strengths and weaknesses of the various courses and methods of delivery which we have encountered, and some suggestions for further development. While our target audience is both new and experienced lecturers, we anticipate that this overview will probably be most useful to new teachers of family law, both those new to undergraduate teaching in general and those for whom family law is a new subject rather than an existing specialist interest or area of expertise.

Survey of Family Law Teaching

The last family law teaching survey was conducted on the basis of a questionnaire by Jacqueline Priest of the University of Durham in 1997. She received responses from 43 universities (29 'old' and 14 'new'). As part of the preparation for writing this manual we decided to devise and administer our own questionnaire (see Appendix 1). We received responses from 40 universities, a sample comprising slightly under half 'older' (or 'old style') institutions, including Cambridge, two London University Colleges, Durham and Buckingham, all of which relied on the traditional Oxbridge tutorial system or, subject to rather larger numbers, variables of it. The remaining replies were from the former polytechnics, now mostly semesterised, and some with escalating student numbers and steeply diminishing resources to contend with. Of the 40 institutions, one or other of us visited 14, and thus our collective first hand knowledge, based on interviews to supplement the questionnaires, covered 18 universities.

Structure of the Courses

Like Jacqueline Priest, we found that the teaching year was mostly either the traditional one of 3 terms, with the usual breaks for Christmas and Easter Vacations, and ending with a Long Vacation in the summer; or the 2 semester model, with the same vacations as well as an additional inter-semester break half way through the year. Buckingham, which has always operated a 4 term 2 year law degree course, was an exception to either of these formats. Courses were therefore mostly designed to fit either a semester (one and a half terms) or an academic year (in London this in effect means that teaching is fitted into 2 terms since that University, like Oxbridge, has a very short summer term). However, some universities were either considering semesterisation (or alternatively de-semesterising) or had actual plans to change the structure of the academic year. We considered that the semester system posed special problems for family law teachers: often an institution's degree structures made it impossible to teach the subject other than as two separate 'short fat' modules rather than as one or two 'long thin' ones, spread over at least 24 weeks of the two semesters of an academic year, so as to produce appropriate coverage of (1) the Law of Marriage/Divorce and Adult Relationships (whatever that course was called in a particular university, and titles varied enormously) and (2) Child Law. The reason for this concern is that family law – as a human subject requiring application of the law to unusually 'real life' situations on which students may be expected to have some existing opinion – generally requires a longer time scale than most other subjects for a class to become accustomed to 'thinking like a Family lawyer', and in particular to acquiring the skill of lateral thinking across related subject areas and the inter-disciplinary approach which is essential for a proper grasp of family law (capabilities all probably unique to this subject). Thus any short fat module posed a considerable challenge for the teacher.

In view of these demands on the student, we were not surprised to find (as Jacqueline Priest had two years earlier) that family law was generally offered as a Year 2 or Year 3 option, in both single and joint honours degrees, by which stage in a student's development its particular learning demands might be better met.

Teaching Methods

There was no uniformity of teaching methodology. In the breakdown which follows, universities are identified where it may facilitate colleagues' contacting the designated teachers for further information or other exchange of ideas (for a Directory of Family Law Teachers, see Appendix 5).

Lectures

Lectures were found, as in the 1997 survey, to form the backbone of most courses, and were variously relied on for the following functions, not ranked in any order of importance:

- weekly class contact, usually one hour or two
- introduction to sources and how to think
- blocks of class time for part-time students
- problem solving exercises (on unseen questions)
- generating discussion
- imparting clear and organised knowledge, especially sound basic principles and an 'overview'
- providing 'focus' to guide reading and private study
- offering some 'in depth' sessions
- enthusing, entertaining and motivating
- explaining difficult areas of the syllabus to 'enable' learning
- asking and answering questions
- balancing social and legal issues, relating law to context, e.g. explaining the evolution of the law
- getting over the 'feel' and 'ethos' of the subject
- covering recent developments

Some lecture sessions were not truly interactive – merely 'encouraging' questions and discussions – others genuinely expected (and obtained) answers to problems handed out for preparation and report back at the lecture, or used small 'buzz groups' into which students moved at points during the lecture, to explore questions raised and then to report back on an agreed answer. One lecturer interviewed commented that lack of interaction, even by asking questions, might be a problem without a solution, since e.g. Far Eastern students, especially the Chinese, have no culture of interaction, because asking questions is seen as loss of face: moreover, large numbers and weight of material to impart often inhibited interaction.

Also, sometimes students have their own agenda for lectures: one university reported that the most common form of interaction was *snoring*! Even in these days of largely unfunded university courses, it seems that the sub-vampire habits of some students, who party relentlessly by night and sleep by day, are not to be interfered with in the cause of achieving academic depth in their undergraduate experience. Feedback suggests that lecturers should not necessarily take this clear ordering of student priorities personally and in appropriate cases should avoid disturbing much needed beauty sleep through innovative and attention seeking teaching methods!

However, both questionnaires and interviews explored the various ways in which lecturers could continue to keep keen students awake and actively participating.

Many lecturers used:

- OHPS (preferably coloured)
- blackboards
- whiteboards
- statutory material

More innovative methods were the use of:

- cartoons
- documentary evidence, e.g. UN Reports on the World's Women (QMW)
- videos (e.g. social services training in Child Law, interesting TV programmes)
- hard copies of diagrams and flow charts
- hard copies of OHP transparencies for students to make notes on the whole of the white space

Further tips included:

- not dictating notes, encouraging students to *listen* and not to *attempt* a verbatim note
- not trying to do too much, making an initial plan and then *severely cutting* it
- providing videos for students to *borrow* (no time to show more than clips in class)
- conveying enthusiasm for the unique 'real life' relevance of family law
- telling jokes, working in anecdotes
- restating ideas in three or four different ways, encouraging students to make *summary* notes

Professor Michael Freeman at UCL considered that a lecturer need *not* necessarily use visual aids at all, but instead of overworking these contemporary aids – which are now not only the norm but may be seen as positively commonplace – should rely on what has become the genuine innovation of *charismatic delivery* to hold students' attention. This would appear to be an effective tip as his lectures are apparently regularly packed.

Seminars/Tutorials

Groupwork was found, as in the 1997 survey, to take a variety of forms and to operate on a wide variety of timescales – 1-2 hours per fortnight or week, or as much as 2 x 2 hours per week for a shorter period. Groupwork generally tended to be designated as either a seminar or tutorial, but neither was precisely defined by any of our respondents.

The purpose of these sessions, whether as 'seminars' or 'tutorials' was variously seen (again unranked in any order of importance) as:

- encouraging preparation for effective participation
- testing students' understanding of reading
- checking their ability to apply the law to case studies
- promoting student-led discussion of wider issues
- threshing out ideas
- reinforcing and consolidating lectures and reading
- dealing with confusion

- practising oral skills
- going deeper into topics to stretch students beyond lectures
- exploring secondary or minor issues and social policy
- generating group dynamics
- embedding black letter law into a practical context and inter-disciplinary approach
- getting students to listen to others and to think on their feet
- instilling confidence in the subject and the materials at students' disposal
- facilitating student learning
- maintaining interest and motivation
- pacing students' reading, e.g. 2-3 articles, 4-5 cases and a section of the textbook per class
- practising examination questions
- assisting students to navigate complex statutory material
- getting to know the students
- eliciting original ideas and managing their development
- engaging in ongoing legal and social debate

In practice, it seemed that classes were often used for a variety of exercises entirely distinct from the traditional seminar or tutorial, e.g.

- interactive computer exercises
- guest speakers, e.g. social workers, unmarried fathers, single parents with contact dilemmas
- skills exercises, e.g. negotiation, role play, presentation, mooting
- some use of IOLIS and the Internet
- many courses had their own websites

The size of seminars also varied enormously: the lowest numbers were 2-4 (Buckingham and Cambridge). The next largest were 6 (Manchester), 8 (Durham, Liverpool John Moores, Hull and Leicester) and 8-12 (UCL, Warwick, Nottingham Law School and Brunel). Above these levels, numbers climbed steeply to as many as 30 or 40 + , and tended to be largest mostly in (but this was not entirely restricted to) the former polytechnics. Such numbers obviously limited choices of teaching methods in the larger groups, and clearly in those groups the use of any skills exercises would be progressively more difficult despite coping strategies such as dividing classes into self-administered groups only loosely supervised by the itinerant tutor.

Some universities, however, use both seminars and tutorials. All De Montfort's basic teaching is effected *entirely* by interactive seminar (i.e. without lectures at all) but reinforced by tutorials in which students practise examination type problems, and (except for one introductory lecture) Leeds runs its Child Law course in the same way. However, in this latter case the supporting tutorials are 'virtual', i.e. conducted on the University's IT system, and entirely by the students, with a small staff surgery backup.

Those universities conducting seminars and/or tutorials encouraged active participation by:

- references to websites
- extensive use of non-legal material, e.g. using newspaper articles to show the law in practice, and the shadow of the law in reality cast over much of family life

- use of 'family sagas' to engage students' emotional and intellectual interest in the solution of those families' problems (see Appendix 4 for an example)
- use of Children Act 1989 statistics
- pointing up the family/criminal crossover
- with the aid of a supplementary part-time tutorial team, running all tutorials concurrently so that students cannot 'group hop', and reporting absences
- using a variety of exercises and activities so that each seminar is different
- restricting the tutor's contribution to 25% of the class time (placing a watch ostentatiously on the table in order strictly to police this rule)
- prompting quiet students to contribute
- encouraging student responsibility for learning by allowing students to chair the session (which the tutor nevertheless actively observes, making notes for later feedback)
- inviting a student to mark the performance of the group
- always resisting student expectation of a mini lecture
- never breaking silences
- introducing some element of mediation (a very topical innovation in which students show some interest)
- dividing students into small groups to consult, brainstorm and report back answers
- expecting all students to participate
- asking questions of named students to come to see tutors with queries?
- using tutorials for assessment (see Chapter 5)
- setting learning outcomes
- novelty exercises, e.g. a board game

Innovation in Teaching

Other innovative possibilities for seminars can include games, such as the highly original board game devised by Judith Masson at Warwick which underpins the teaching of parental responsibility and reinforces students' knowledge of access to court for s.8 orders. Tutors could doubtless devise their own variants of this creative approach to areas of the syllabus which students find difficult or dull.

However, very complex innovation is not necessarily required in order to catch students' imagination and harness their energy and enthusiasm. Indeed, only recently Andrew Hannan and Harold Silver (respectively Reader and Visiting Professor of Higher Education at the University of Plymouth, where they co-direct the ESRC's Learning Society project on Teaching and Learning in Higher Education) have warned of the dangers of lecturers trying out new teaching methods being labelled 'eccentric' – but nevertheless exhort such innovators to 'Be brave'! Not surprisingly, the authors highlight the fact that 'the commitment and time involved in developing a new approach to teaching and learning clashes with the frequently dominant emphasis on research' and that 'this, together with other traditional attitudes, explains some of the more critical perceptions of innovators' colleagues'. So not everyone will *want* to innovate, or feel that they can necessarily challenge institutional culture or assumptions about what is best for students and their own particular institution. Nevertheless, the Hannan-Silver research has revealed that many innovations which work are not actually ground breaking and that many, perhaps even most, people simply adapt others' ideas and initiatives. As the very purpose of this manual is to share more widely what is good in contemporary

teaching of family law and identify some pitfalls that might be best avoided, it is clear that even small 'pickings' from the medley of colleagues' tips may refresh or energise an otherwise tired, or simply solidly traditional, course in such a way that students and tutors get more out of the teaching and learning experience.

A good example of a creative extension of the fairly traditional teaching tool of inviting students to chair a session – by no means confined to law teaching, as who has not played 'schools' as a child? – is the Staffordshire model, where Professor Chris Barton and Mary Hibbs have developed this basic idea, in a particularly imaginative manner, as a means of allowing a tutorial to go ahead *in the absence of the tutor,* whether that be for illness or other, sometimes deliberate rather than accidental, cause. At Staffordshire, not only are students asked to chair the session, but also to *mark* the group, *and* the class is tape-recorded and later doublemarked by the tutor, or another member of staff, so that feedback may be given at the next tutorial.

At QMW, Hilaire Barnett expressly delegates to students the task of noting new cases and updating *her*. In return for the time saved, she marks their examination based questions, so as to give students both writing practice and an idea of the standard they are achieving in this respect, and thus tackling both time and workload pressures creatively. Moreover, her view is that the tutor does *not* have to be perfect, rushing to provide students with every latest case. Her mutually beneficial practice, in leaving some updating work for students to do themselves and expecting to use some of her own time saved to mark written work which students realistically need to do for grading their potential examination outcomes, both avoids spoonfeeding and creates an explicit partnership between tutor and students.

Written Coursework

Because of concerns such as cheating and plagiarism, and students missing classes as submission deadlines approach, many universities have abandoned coursework in favour of 100 % examination. This may be an end of course written examination or one that is partially oral, as in the case of Sheffield, where oral assessment in class is used to contribute to the student's overall grade for the subject (see Chapter 5). The removal of coursework, where this has been effected, has reduced a student's opportunities for practising written work, albeit not under examination conditions. However, some universities continue coursework, some with as much as a 50 % weighting, coupled with extensive feedback, sometimes via interview with a tutor. Universities in this category include: Essex (1 essay per term, 50 % weighting); Lancaster, Wales, Liverpool, Nottingham Law School and Warwick (40 %); Luton and De Montfort (30 %); Brunel, Leeds Metropolitan, Leicester, Liverpool John Moores and Teesside (25 %); Hertfordshire, Leeds, Manchester, Thames Valley, University of Central Lancashire and UWE (15 %). Problems notwithstanding, not all universities have retreated from 100 % coursework: one Cambridge course still uses 100 % coursework of 12,000 words as the *only* means of assessment, and there are similar arrangements at Anglia and Sunderland.

Other institutions use non-assessed essays to provide writing practice e.g. Hull (two pieces: one case study and one essay in the students' own time on their Family Law course, which is assessed by 100 % examination, although the same university's Family Protection course retains a 50 % coursework element). Manchester also uses an 'optional essay', as does Durham (which also uses a *compulsory* problem) with the tutor providing extensive notes on performance. In addition to its 25 % coursework component, Leeds has one unassessed essay. Buckingham and UCL also use 'non-optional' essays, which are marked and returned with comments, but do not count towards the degree classification. UCL does not chase students if essays are not done, but it appears that they generally *are* submitted, and are of such high quality that 25 % will be published in the college's prestigious journal.

The Role of Educational Theory

Considerable effort has been expended in recent years in exploring and discussing ways of improving student learning (see Chapter 3). One such debate has centred on the role of lectures and the balance (especially in short modular units, in which all contact time is precious) between lectures and groupwork (seminars/tutorials).

With the sole exception of De Montfort, in every university whose courses we studied the lecture (where used) had not only been retained as a means of imparting knowledge which could have been obtained by students' pre-reading, but these contact hours were heavily relied upon as the backbone of the course and the major tool for enabling learning by students. In an era when many students are forced to work in termtime, it is perhaps surprising that more lecturers do not rely to a greater extent on pre-reading – perhaps supplemented by a more detailed lecture outline, or possibly a 'mini-manual' along the lines of the pre-prepared materials or 'course planners' used in the best distance learning packages, and indeed, as the foundation of the groupwork which is the backbone of postgraduate vocational courses in law (see Chapter 4 and Appendix 3 for examples of learning packages). By thus freeing up the weekly lecture time, this would usually more than double the time available for detailed 'in depth' work in tutorials. However, it is clear that lectures are perceived by both staff and students as an *essential point of contact and interaction,* even if that interaction on the part of the student is of the most passive, or limited active, type.

At UCL, Professor Michael Freeman advances two strongly held views in support of the retention of the lecture:

- that entirely *without* any suggestion of spoonfeeding – and UCL expects students to do 10 hours work per week per subject – it is actually *impossible to overteach*

- that *entertaining lectures and the sheer charisma of the lecturer* are a key factor in the success of a course

This latter view can be borne out by anecdotal evidence of great law lecturers of the past, e.g. the late Professor David Daube, Regius Professor of Civil Law at Oxford, whose lectures on Roman Law in the 1960s appeared to be attended by as many non-lawyers as lawyers, since it was often impossible to get a seat. This trend apparently continued when he moved to Berkeley, where he was ultimately as much mourned by American students when he died there earlier this year as by the Oxford elite. On the other hand, contemporary Oxbridge students' complaints of the poor lecturing skills of some eminent scholars have recently received extensive press comment.

The real key to the importance of lectures would therefore appear to be the potential for enthusing and motivating students, a view supported by the theory of 'situated learning' expounded by Brown *et al* (1989) who rely on recent research in developmental and social psychology for the proposition that learning is a process of enculturation, in which the student is an apprentice who must enter the practitioner community and adopt its concepts, procedures and perspectives (Brown, 1989). This view is further supported by the theory of Pintrich *et al* (1993) that learning is a 'hot' process which can enable students to feel purposeful and motivated, as they draw on the social relationship surrounding their learning experience and on their own beliefs about the area of learning in which they are engaged in achieving conceptual change. This is not a new theory: Piaget (1981) advanced his original version as long ago as 1954, when he noted that cognitive processes would be influenced by students' motivational beliefs. It would therefore seem essential, as argued by McCaslin and Good (1992) that the motivational role of the lecture is supported by systems which help students to become 'active, self-regulated learners who are engaged in problem solving and meaningful learning',

not just 'passive obedience' or 'unfocused freedom'. It is also important that students have guidance as to which areas of their prior learning may *facilitate* current learning and which may not. In effect, in order to resolve any discrepancy, it may sometimes be necessary for students to *un*learn (see Pintrich *et al*, above).

If lectures are the motivational force, groupwork is the technical workshop in which, with adequate facilitation, the nuts and bolts of a subject are deconstructed, examined and reassembled into a shiny new intellectual product, which when fuelled may be used for countless cerebral journeys. This experience is in theory what the undergraduate is on the course for in the first place. Last year a conference at the University of Brighton ('The 6th Improving Student Learning Symposium', 7-9 September 1998) identified 10 steps to improving learning, set out in the paper 'Ten Levers for Higher Learning', presented by Thomas A. Angelo of the School for New Learning, De Paul University, Chicago, which seem to be supported by both educational theorists and by our survey of contemporary family law teaching in England and Wales.

To tread these 10 steps students must:

1. Engage actively – intellectually and emotionally – in their work.
2. Set and maintain realistically high motivational expectations and goals.
3. Provide, receive and make use of regular and timely feedback.
4. Become explicitly aware of their values, beliefs, preconceptions and prior learning – and be willing to unlearn if necessary.
5. Be instructed in ways that recognise and stretch their existing learning styles and/or preferences and levels of development.
6. Seek and find connections to, and real-world applications of, what they are learning.
7. Understand and value the criteria, standards and methods by which they are assessed and evaluated.
8. Work regularly and productively with lecturers and tutors.
9. Work regularly and productively with other students.
10. Invest as much engaged time and high quality effort as possible in their study.

Benchmarking

This is the age of quality assurance, and it has scored a definitive hit, which cannot be ignored, in higher education. This may be a positive development rather than a threat, since it provides a useful framework within which family law teachers may place with some confidence an increasingly wide and complex syllabus and be sure of delivering to students some part of their 'graduateness' quotient which benchmarking sets out to measure.

The QAA Law Benchmarking Panel has decided to set out the national standard for law as a threshold statement which is set at the bottom of the Third Class Degree as the *minimally* acceptable graduate. However, a modal statement of the typical student is inevitably set higher – it is suggested at the 2.1-2.2 boundary – and linked to learning outcomes. Obviously this must now *formally* drive the course leader's goals in designing and delivering a Family Law module. This is especially so since family law, being about people and relationships, is particularly suitable for the demonstration and testing of the seven key areas identified by the QAA as is indicated opposite:

Subject specific abilities

Knowledge	*A sound grasp of the basic principles from lectures and reading.*
Application and Problem Solving	*Solutions applying the principles to real life scenarios in group work.*
Sources and Research	*Adoption of an inter-disciplinary approach, social policy and current affairs being particularly relevant.*

General transferable skills

Analysis, synthesis, critical judgment and evaluation	*In which the student's prior knowledge and social-conditioning will play a considerable part.*
Autonomy and ability to learn	*In which generating motivation for assumption of responsibility for the student's own learning is crucial.*

Key skills

Communication and literacy	*To be practised orally in seminars and tutorials and in writing via written practice of examination problems and/or formative coursework.*
Other skills: numeracy, IT and teamwork	*To be practised in both electronic research and word processing of assignments, and numeracy and teamwork in the groupwork sessions: numeracy being particularly tested in the context of ancillary relief and use of data, e.g. Children Act 1989 statistics.*

The overt impact of benchmarking was not obvious in most of the courses we studied, possibly because such standards *have* long pervaded the best courses. Nevertheless, it will now become essential to *prove explicitly* that students have demonstrated measurable performance in each of the key areas. Family law teachers are lucky that their subject has such wide potential for achieving this. Thus they will more than perform their share of demonstrating benchmarking quality in their specialist area, and no doubt earn the gratitude of colleagues whose subjects do not lend themselves so easily to such overt application of the standards, since every course is not expected to contribute equally to an institution's demonstration of these yardsticks of 'graduateness'.

Despite the shift towards considerable skills teaching, these cannot be taught in a vacuum, and black letter law will therefore inevitably remain a significant component of the course, so that an appropriate quantity of legal information will continue to be taught and assessed. The importance of this knowledge component cannot be over emphasised, especially in the context of the continuing complaints that trainees in the legal profession do not know enough law. However, in line with the QAA paper, it will be necessary to place greater emphasis on institutions and procedures, with a shift from merely studying legal principles towards an understanding of how the law operates in practice. It was evident from our survey that some universities already encourage students to go marshalling with judges or

Incorporating 'Skills' Teaching in Family Law

sit with local district judges, and this is invaluable. However, more practical links could also be developed, e.g. with local authority social workers. Each university will no doubt assess and make use of its local facilities in this respect.

Family law teachers can assist their colleagues a good deal by taking responsibility for some or all of the specific benchmarking heads, especially where students have some prior acquaintance with a benchmarking approach in the core subjects of the law degree.

Application and Problem Solving

Students will need practice (including written practice) in applying legal principles to hypothetical situations which enable them to demonstrate arguable conclusions, displaying analysis, logic, structure, critical judgment and evaluation. Attendance – *properly prepared* – in seminars or tutorials would appear to be crucial to achieve this, especially in the case of weaker students. Some scheme needs to be devised to secure attendance, or an alternative exercise completed *in lieu*.

Sources and Research

Reliance on both paper and electronic sources requires a degree of computer literacy and it is suggested that all study packs and reading lists should automatically include electronic references (e.g. IOLIS and all the extensive free material available on the World Wide Web. See Appendix 2 for a list of useful websites). Such references should also facilitate a certain amount of distance learning, so as to address chronic student absences, whether avoidable or not. If students cannot be *compelled* to attend seminars or tutorials (and one probably has to accept that in the contemporary funding context there will increasingly be some problems about consistent attendance), at least this alternative resource would underline the other benchmark which requires that students become well motivated independent learners.

As students should use both paper and electronic (and both primary and secondary) sources for research, it may be that where coursework still exists, it could be replaced by a seen question researched under direction by students over a period (say one or two months) and then written up under examination conditions – a solution to the epidemic of plagiarism and cheating and adopted with success by London Guildhall University in three non-family law modules, and equally suitable for family law.

Analysis, Synthesis, Critical Judgment and Evaluation

Despite the perceived value of lectures, it seems that extensive lecturing time may not be able to be justified: more time *might* have to be given in future to seminars or tutorials, since the testing of these general transferable skills is the rationale of traditional education. Groupwork is the obvious forum in which to perform this vital function, which is as important as the key role of the lecture. De Montfort seems to be blazing a trail here in its seminar *plus* tutorial structure, without traditional lectures (and see the experience at Leeds described in Chapter 4).

Autonomy and Ability to Learn

Progression through the three years of the degree (two at Buckingham) must now necessarily involve transition from teaching to learning, so that both second and third year modules should include demonstrable independent research (both paper and electronic) and this should clearly be most pronounced at third year level when spoonfeeding should be a distant memory!

Communication and Literacy

A trend towards oral assessment in seminars or tutorials is an apt tool for testing ability to communicate a comprehensive and clear viewpoint, but written work also needs to be assessed, albeit perhaps formatively, for clarity and lucidity, and also for use of English, spelling, grammar and punctuation. 'Optional' essays, case studies and other in-course assignments are the obvious way of testing these competencies. As marking much work which does not count towards the degree class is a burden

on staff and seen as 'pointless' by examination orientated students, there might be much to be said for regularly adopting the traditional Oxbridge tutorial system method. This requires all students in a group to bring to class a *written* answer to a problem or essay question which they may be selected to read out loud. Alternatively, if they prefer, they may make a presentation using the OHP, flipchart or white/blackboards. This is particularly appropriate in family law as students can be asked to prepare a presentation on some peripheral aspect of the potentially overlarge teaching syllabus to cover a topic to which class time cannot otherwise be devoted. For example, a presentation on how Part II of the Family Law Act 1996 is supposed to work is especially appropriate, as most students have a general knowledge view on this, gleaned from the popular media, and it is interesting to see what they can do when presented with the statute and asked to produce their *own* account. Now that the Lord Chancellor's Department has let it be known that the stumbling block to implementation is the public's adverse reaction to the piloting of the initial information meeting (and in particular the disappointing reception of opportunities for mediation) students could be asked to prepare their own version of an information meeting.

Another alternative exercise could be on wardship, for which there is not usually now time in most child law courses, which must deal comprehensively with the alternatives provided by the Children Act 1989. These methods, plus one submitted piece of written work per term, should afford sufficient general communication and writing practice to produce a significant improvement overall and particularly in examination performance.

Numeracy, IT and Teamwork

The IT requirement really means that all students should be able to word process work to be handed in. They must also be given the opportunity to handle statistical information and some exercises in data response, for which Children Act 1989 statistics and those behind the proposals for divorce reform could be used. Both this skill and the presentation skills mentioned above offer good opportunities for teamwork, which is repeatedly stated to be regarded as a core skill by 21st century employers. In all the above it should always be remembered that far more is learned by *doing* than by listening, and that such active opportunities are extremely valuable.

Collaborative research projects are particularly valuable, especially where each member of the group is allowed to assess the ultimate contribution of the other members to the overall achievement, as this also calls on effective communication skills, critical judgment and objective evaluation. This system was effectively used by Jacqueline Priest at Durham. It is a tool often most effectively used on postgraduate vocational courses and in actual practice in both halves of the legal profession, so as to enable large amounts of updating material to be covered time effectively, without every practitioner being obliged to do all his or her own reading. In the Family Law option on the Legal Practice Course, collaborative small group research has commonly been used to ask students to research in their own time, and then to present their findings. In this way at London Guildhall University, it has been possible thoroughly to cover the Family Law Act 1996 – which although still not yet in force will remain essential background knowledge for a new 2000-2001 trainee – virtually in its entirety, without sacrificing already stretched workshop time, which indisputably had to cover the *current* law which trainees would encounter the moment they started the training contract. Some students, who had at the same time been anxious about their advocacy assessments, discovered in this groupwork presentation process that there was in fact "nothing to it", after explaining to the rest of the class the various hypothetical interpretations of some of the vaguer interpretations of the Act! Some even seemed to be acquiring a positive taste for the idea of explaining such matters to future clients, and some were so attracted by the opportunity to be at the centre of attention that they even saw themselves as not too distant conference speakers, soon *dispensing* the compulsory Law Society CPD points as well as gaining them themselves by delivering such sessions!

Conclusions

Overall, the survey indicated a positive approach to the teaching of family law in universities whose courses we studied. This was an encouraging conclusion despite accounts of escalating student numbers and diminishing resources leading to: rapidly shrinking library provision; poor teaching rooms and photocopying restrictions; wide ability spread of students; and, in particular, the problems of semesterisation and modularisation which were usually seen both as detrimental to teaching and learning and leading to superficiality. There were also complaints about blanket demands for 'efficiency' sometimes without regard for the demands of the course; the spread of subjects some lecturers are required to teach; excessive marking loads; loneliness where there is only one family law teacher in a University; library resources so poor that a lecturer's *own* research has to be conducted elsewhere. All these indicated the breadth and depth of the constraints that some dedicated family law teachers nevertheless struggled to overcome in the interests of a quality learning experience for their students.

Conversely, it was clear what exceptional results good quality provision could access. At Buckingham, Mary Welstead and Susan Edwards spoke of the 'positive collaborative effort' they were able to achieve with students on the basis of Buckingham's excellent 2 by 2 tutorial system, contractual staff availability to students and generous library resources. This contrasts with some of the newer universities where sheer and ever growing numbers rule: although this latter phenomenon is by no means confined to new universities. Jacqueline Priest at Durham had concerns about growing tutorial group sizes. However even this cannot keep a good family law teacher, or a keen and capable student, down: at UCL, Michael Freeman reported 'amazing examination performance' – 15 Firsts – while highlighting the constraints of his budget and weekly tutorials of 8-12 (or larger if fortnightly). However, it is fair to say that UCL had no library resource problems. At QMW, Hilaire Barnett, author of a well known feminist title, while mentioning her strategies for keeping the workload in reasonable check, obviously still enjoyed broadening students' minds beyond the traditional syllabus, although she had taken care not to overegg the pudding by making the course overtly feminist. At Durham, Jacqueline Priest, while voicing concerns about numbers, still obviously enjoyed concocting the 'family sagas' with which she generated continuity on her course (see Appendix 4), clearly being well qualified, if she ever contemplates another career, to assume the mantle of the late Catherine Cookson in this regard!

Despite the gripes, in themselves possibly cathartic when shared with colleagues – a process which can now be extended through our Directory (see Appendix 5) – the overwhelming impression was of the sheer quality of some of the teachers whom students are lucky enough to have teaching them and of how time, trouble and effort invested in thoughtful course leadership and design, and imaginative teaching, were obviously justified by the delivery of courses which *worked,* and from which other teachers, as well as the students, could learn in a satisfactory way. Self satisfaction was *not*, however, evident (one teacher delivering a quality traditional course, when asked for any creative tips, claiming that she had none, other than 'Groping in the dark, like everybody else'). The variety of perspectives identified by the survey on how family law can best be incorporated into a law degree and the surmounting of the various difficulties encountered at least means that no one in search of diversity, innovation and flexibility need henceforth grope in the dark *alone*.

Teaching Family Law – A Special Case?

The Nature of Family Law and its Implications for Teaching

Family law is a 'different' subject in teaching terms from all other options, and certainly from the core subjects of the qualifying law degree. It is often said that there is little *law* in family law. Only recently Christine Piper has returned to this old chestnut in the Journal of the Society of Public Teachers of Law (see Piper, C. 1999). In the practising legal profession, the tendency is ever towards increased specialisation amongst those who practise family law: both the Solicitors' Family Law Association (SFLA) and Family Law Bar Association (FLBA) having now opted for formal specialist accreditation, although the SFLA is somewhat ahead in implementation of their accreditation scheme. Both the practising profession and academic family law teachers accept that a proper study of family law requires both a knowledge of the areas of law with which family law has a crossover (e.g. criminal law, housing, landlord and tenant, even business and employment law), and an inter-disciplinary approach, giving non-specialist and non-law elements – such as social policy and psychology – a high priority. This in turn has led to a separation of family law from other areas of litigation and the requirement for at least an awareness, but preferably also a working knowledge, of alternative dispute resolution systems. This background has led to the formulation of extensive guidance by the SFLA as to the proper conduct of cases on behalf of children and the existence of both an SFLA Code (which the Law Society considers should be observed by *all* solicitors, not only SFLA members) and an SFLA education committee mission statement with the following objectives:

> 'to equip members with the skills, insight and information necessary for them to apply the SFLA Code of Practice in their family law work;
>
> to enable members to give legal advice which is enhanced by an understanding of the emotional aspects of family life and the personal consequences that may follow any change;
>
> to increase members' self awareness so that their client relationships are well bounded and creative.'

In other words, while neither the practitioner nor, in academic life, the teacher or the undergraduate, can do without some basic black letter law, what students need to learn and law teachers to teach is the *application* of the law in the individual case, and in particular the proper exercise of the discretions, which are a significant part of the black letter law and often operated entirely unguided by decisions in past cases – for family law has mostly no pretensions to reliance on precedent. A good example of this distinct family law ethos is the non-confrontational encouragement in both law and practice to put the family first and, as Christine Piper identifies, to 'stress relationship responsibility' and the informal resolution of conflicts. The University of Central Lancashire underlines this by reproducing the SFLA Code as part of its course materials, and while many more students today approach a law degree as just another useful discipline in which to achieve benchmarking 'graduateness', rather than for the purpose of entering the practising profession as Family Lawyers, such links with the practical context of the law are useful as illuminative of the *essential nature* of this area of law and the tensions between its various practical components which constitute the dynamics of family law as practised in the field. Indeed, its *distinct style of practice and the interdisciplinary influences on it* is one of the most basic principles of family law as such.

Apart from the potential width and breadth of the subject matter and the impact of its satellites, the most intimidating aspect of family law for both teachers and students at undergraduate level is its requirement for life skills which, depending on their stage of development, students may or may not yet have. The teacher too, if not a specialist, may be similarly challenged. Nevertheless, paradoxically, therein lies the appeal of a family law course to many students, as every one of them will either have, or *lack*, an intact family, and probably therefore have opinions on some of the issues of the day, if the teacher is only able to persuade students to express them. Indeed, the Lord Chancellor, Lord Irvine of Lairg, made this very point in a House of Lords' debate on the role of the family (see *Hansard* 11 December 1996, 1095) remarking 'When it comes to family law, we all think that our views are as good as anybody else's'. The challenge for the law teacher is to turn this on its head by reminding students that they are human people with life experience and, unless totally shut out from the media, presumably some awareness of current affairs. As student family lawyers, their responsibility is to absorb, and the teacher's to facilitate students' absorption of, so much of the ethos of the social worker, the psychologist and the SFLA Code observing practitioner as is necessary to anticipate what a court might order if a dispute were not successfully negotiated and settled without recourse to litigation. Without this familiarity with the practical context of family law, the law as such cannot be understood.

Contrary to the opinion (quoted by Christine Piper) of Sir Hartley Shawcross that 'Divorce' (as it was then called) was 'a very simple branch of the law' which required 'no study or thought at all', the delivery of a well balanced family law course today probably requires a good deal more thought and effort, in both planning and execution, than most subject areas. It is an especially fast moving subject, in which even the Court of Appeal is sometimes on a demonstrably steep learning curve, and the teacher's *prime* responsibility is imparting a sound grasp of the basic principles of law and practice.

The Status of Family Law

The allegation is sometimes made that family law is a low status subject both within law schools and professional practice. It is not regarded as a 'sexy' subject. ('Sexy' here of course in its journalistic sense of 'glamorous' or 'cutting edge', because in a more literal sense family law does deal with sex through, for example, the definition of 'consummation' in relation to nullity of marriage or 'adultery' in divorce). Given this low status, shouldn't new lecturers planning their career paths be advised to avoid family law at all costs and do their utmost not to be landed with teaching it? As a career move, the evidence on family law is mixed. There are now university professors who are recognised as family law specialists, but not many – around a dozen out of some three hundred law professors. There are a growing number of university research centres scattered around the country, from Cardiff, to Brunel, Staffordshire, Liverpool and Leeds to name but a handful. Such centres boost the research profile of family law and through their membership and agendas reflect the interdisciplinary dimension of the subject area.

Reasons which could be offered for the low status of the subject include:

The perceived 'feminisation' of the subject
Modern family law (and child law in particular) is viewed as 'women's stuff' and is predominantly done by women, whether as law teachers, or as solicitors and barristers. While there are some very well known and respected family law academics and practitioners who are men, it is the perception of the gender balance that is significant. The sociology of the professions suggests that where a profession is seen as 'feminised', there is a loss of status and prestige for its practitioners. Could it be that this applies even within universities and law schools to particular academic subjects?

The 'newness' of the subject

Family law is a relatively new subject within the undergraduate curriculum. It has been claimed that it was 'invented' by Peter Bromley in 1957, with the publication of the first edition of his textbook. In the same year a collection of essays was published by the Faculty of Laws of King's College, London entitled, *'A Century of Family Law'*, commemorating the centenary of the Matrimonial Causes Act 1857, which introduced civil divorce into English law. John Dewar (1993) notes that 'it is unclear why the academics took so long to annex family law to the academic curriculum,' but given that we are now virtually a further half-century along the line it seems implausible to assert that the 'youth' of family law alone accounts for its disregard.

It is regarded as a 'soft' subject

Family law is believed to lack the intellectual rigour and challenge of more traditional 'black-letter' subjects such as contract or land law. There are a number of assumptions lurking behind this particular claim which link it to the more general assertion that family law is not really law at all.

The first assumption, which has been in circulation since the 1970s, is that there is too much discretion, too much attention to the detailed facts of particular cases, and not enough principle, or precedent to the extent that the rule of law is undermined. In terms of these deficiencies, the 1990s list adds, 'and too much reliance on expert witnesses'. The latter reveals a more general concern with the relationship between family law and the so-called 'psy' disciplines, and the extent to which the two interact and whether there is 'colonisation' by one or the other (see King and Piper, 1995).

The second assumption concerns the development of the socio-legal studies movement over the last thirty years and the volume of empirical studies in the field of family law. Ruth Deech (1990) is well known for regarding this as a pernicious influence on the process of law reform and one reason why family law is regarded as lacking in intellectual challenge and content.

A further reason for the 'softness' of family law is its 'fuzziness' in terms of how it all hangs together. As John Dewar (1992) points out in the opening chapter of his undergraduate textbook, as an academic subject, family law lacks the two criteria of coherence usually associated with a legal discipline. The first criterion he identifies is where there is an organising legal concept from which the discipline derives its name, as in contract or trusts law. Since 'family' is not in this sense a legal concept, family law does not fulfil this first criterion. The second criterion is where the discipline takes matters of legal relevance to a 'real world' phenomenon as its concern, *viz.* housing law or labour relations. Dewar concludes that although family law as currently taught in law schools apparently possesses coherence of this second type, it fails on the second criterion as well. Although many family law courses do cross-cut into legal topics primarily located in other disciplines, this tends to be at the margins, rather than the core of the family law syllabus. As Dewar explains, to take the second criterion seriously would make any family law syllabus unmanageably broad, ranging across not just the welfare state and the fiscal system but also the health service and education.

The fact that family law does not satisfy either of the usual criteria of coherence does not necessarily mean that family law should be thrown out of the academy. Indeed John Dewar has recently argued (Dewar, 1998) that not only can modern developments in family law be characterised as chaotic, contradictory, or incoherent, but that that is a perfectly normal state for family law to be in, because of its subject-matter.

In pedagogic terms, the 'fuzziness' allows a 'thousand flowers to bloom'. There may be a common 'core' of content, but it is clear from our survey that the precise parameters of syllabi vary considerably between law schools. To the extent there is a common 'core', it is evident from perusal of any of the undergraduate textbooks. Beyond that, the particular selection of topics, the emphasis and the orientation of the course is left to the creativity of the course developer.

The Attraction of Family Law

It can be confidently asserted that one of the characteristics of good and effective teaching is communicating one's enthusiasm for the subject. Much of the job satisfaction for university teachers comes from being able to share one's love for one's subject and thereby encourage and stimulate students' engagement with the course. So what is it about family law that commands such dedication?

The intellectual challenge of family law

In terms of defending family law as a theoretical enterprise to academic colleagues, a good starting point is John Dewar's article, 'The Normal Chaos of Family Law' (1998) 61 MLR 467. In this vigorous counter-challenge to the negative view of family law, he asserts that family law deserves a higher status within law schools and indeed can be seen as a paradigm example of modern law. Drawing on Marc Galanter's work on 'legalisation' (1992) he identifies the characteristics of modern family law which justify this claim. 'That is to say, it is an area of law that extensively incorporates materials or information from other disciplines, losing its distinctively legal flavour in the process, which Galanter calls a 'de-differentiation'; and that it is an area of law that operates not by direct physical coercion or 'brightline' rules but through 'indirect symbolic controls' which 'radiate messages', something Galanter calls a diffusion of legal authority.' (Dewar (1998) at p. 470). Dewar sees family law as increasingly taking the form of what Galanter has described as a 'second kind of politics': 'law more and more becomes the context in which those contradictions or oppositions that cannot be resolved politically are worked through...legislators have in fact created a set of inconsistent principles and commitments...while at the same time using law to give the appearance of having created shared values; and then have off-loaded the detailed working out of those contradictions to the legal system.' (Dewar (1998) at p. 484).

Family law deals with 'big' questions

As a 'second kind of politics', it is not surprising that family law addresses fundamental questions. Some of those questions are to do with the nature of law and legal concepts as described above, and some are to do with society and social policy. John Dewar (1998, at p. 468) notes that in relation to family law, 'questions about rights, justice, autonomy, relationships and values rise to the surface of legal debate in ways that are often readily visible to even the untrained eye.' If the untrained eye can recognise this, the challenge for family law teachers is to ensure that law students do not get so tied up in the technical intricacies of, say Part IV of the Family Law Act 1996, that they fail to address these questions. Rather the students' 'inside' knowledge of the law should be used to add insight and understanding of how the law does and should handle such controversial topics as children's rights, divorce, child protection and adoption.

The infinite variety of human life

It may be that curiosity about people and their lives is one reason why family law remains endlessly fascinating to those who teach it. Family law tells us stories about people's lives and how they lived or live them. The stories that are told in family law involve fundamental human emotions and passion often displayed in extreme situations – love, hate, commitment, betrayal, fortitude, revenge. Sometimes those stories provoke amazement, sometimes admiration, or sympathy, or even outrage, but it is the infinite variety of human life as displayed in the cases that accounts for much of the enduring appeal of family law.

Particular Advantages of Teaching Family Law

Family law means real people

One of the clear advantages of teaching family law stems from the subject-matter. It has an immediacy, and a human interest for students which is unmatched by most other undergraduate law courses. Students bring to the course their own

experiences of family life: not only as children, but increasingly as partners and parents. Everyone on the course has some existing frame of reference or, to put it another way, fieldwork experience, even where they are part of an intact family. In dealing with the legal consequences of personal relationships, family law refers to their past, their present, and their future.

As a matter of good practice, it is important in constructing and delivering any course to know who the students are, in terms of prior educational experiences, and levels of ability, as well as background legal knowledge and skills. Family law teachers need in addition to acknowledge and to be sensitive to the life experiences and cultural background that the students bring with them to the subject.

Remember*:*
- In planning the course, the diversity of the student population. Don't assume that the students are of only one gender, race, class background, age group, sexual orientation, or religious affiliation.
- In delivering and presenting material, be aware that it may impact on sensitive personal experiences.

In particular:
- It is not uncommon to have students in class whose parents are in the process of divorcing. Even though the students may be young adults, they are not necessarily detached from this.
- It is less common, but not unknown, for students to have direct or indirect experience of abusive and oppressive personal relationships. Awareness of this is particularly important when dealing with domestic violence and child abuse. Be aware too of the gender dynamics in the class when dealing with these topics; the classroom environment needs to be safe and unthreatening for both men and women students.
- Recognise and value cultural diversity in your students. Use this diversity to draw out expectations and norms and as a platform for discussing comparative material.

Family law is dynamic

Dynamism is exciting. The topicality of family law helps grab students. Students get a clear sense of the law as 'living'. This dynamism keeps the teachers on their toes – there is no chance of teachers simply recycling their twenty year old lecture notes.

Particular Difficulties in Teaching Family Law

Pace of legal developments

The dynamism which makes family law such an attractive subject to students, poses its own difficulties for teachers and course co-ordinators. It is the constant and rapid change and development which differentiate family law from other law modules, bar perhaps revenue law. In practical terms, what are the difficulties teaching a subject where the legal landscape is constantly changing and shifting?

Accessing the information

Family law moves so fast that it is too risky to leave all one's updating to the summer vacation. There has been an explosion of information over the last decade and a half in relation to family law. What is striking is to go into any law library and just look at the physical presence of the Family Law Reports on the shelves. Since 1986, there have been two volumes each year and since 1993 each of those volumes weighs in at around the 900 to 1100 page mark. Keeping up to date with the case-law across the full range of the syllabus is quite a task today, and that is without 'reading around' the subject in the form of reports of empirical research, or collections of essays or monographs.

Tips on updating:

- *Family Law's* newsline feature is invaluable for reporting developments on a monthly basis.

- Especially since the Labour government came into power, it is necessary to keep a watching brief across a range of government departments and this is assisted by the accessibility of government documents and press releases on the world wide web (see **Appendix 2** for a list of useful websites).

- Persuade the library to subscribe to LAWTEL. Using its daily update feature provides advance warning of case-law developments as well as information on the progress of legislative bills, the promulgation of statutory instruments, and a review of mainly practitioners' journals. An alternative updating service is provided free on a weekly basis at the *Family Law* web site (see **Appendix 2**).

- Experienced teachers realise that there is no point in feeling defensive or embarrassed if in the middle of a class a student suddenly springs on them the case in that morning's, or last week's *Times* law reports. Take advantage of their initiative by getting them to explain the relevance of the case to the context under discussion.

- For those with a particular interest in the public law aspects of child law and developments within social work more generally, the weekly magazine, *Community Care,* is an invaluable source of information, combining both 'news' items and more thoughtful journalism.

Whether to incorporate new information

Family law teachers are constantly refining and reworking course content to deal with new developments in the law. Evaluating the significance of new case-law or journal articles is fairly straightforward and poses no particular pedagogical complexities, except the risk of creating an overburdened syllabus. Martin Parry from the University of Hull gives this helpful advice: if you add to the syllabus, whether by way of a topic, a journal article, a statute, or even an individual case, always take out an equivalent amount.

Dealing with transitional situations

Deciding how to handle transitional situations is not exceptional: increasingly there is a considerable time gap between Royal Assent and the implementation of new legislation. However, undergraduate family law teachers now face a particular dilemma due to LCD press release 159/1999, announcing that the government does not intend to implement Part II of the Family Law Act 1996 in 2000, as previously expected. Furthermore, the Lord Chancellor's Department has indicated that April 2000 will be the earliest for any announcement as to when, if ever, Part II will be implemented. The Family Law Section of the SPTL conference in Leeds, September 1999, discussed the implications of this for undergraduate teaching and concluded that one way to accommodate this development would be to spend around a third of the time allocated for divorce law dealing with the 'old'/current law under the Matrimonial Causes Act 1973, a further third on Part II of the Family Law Act 1996, and the remaining time looking at the development of mediation.

The Naming of Parts: Curriculum Planning

In planning the syllabus, it is rare for people to start from scratch. To a large extent, courses were reviewed at the time of modularisation and semesterisation within universities and were re-packaged in the appropriate format. This is an important point as it is rare for curriculum planning to be carried out with purely educational considerations in mind. The particular political and economic context of the institution is usually influential, not to mention the bureaucratic procedures required to be followed.

In addition to the institutional constraints curriculum planning is likely to take account of teaching staff's commitment, interest and expertise in relation to particular topics. For example, at the University of Hull, a second family law course,

'Family Protection' was developed because of staff interest in both domestic violence and child protection issues.

Shifts in university education more generally in the 1990s have resulted in teaching commonly accounting for some 25% of the allocated time, measured according to the credit weighting of the particular module. Conceptualised in this way, with students having three hours outside the class for every one spent inside, this may be helpful in specifying realistic out of class tasks.

Institutional constraints determine whether family law is delivered as a 'long thin' module taught over the full academic year, or a 'short fat' lasting for one semester. In our survey most of the respondents who were delivering 'short fats' expressed concern about the intense time pressure, both for themselves and for students. They felt that students had less time to absorb and reflect on the material during the course and prior to the summative assessment. Although they believed that the overall quality of student learning had not declined significantly, they nevertheless regarded the shift to 'short fats' as a negative consequence of modularisation and semesterisation.

A side-effect which has been fostered by modularisation is the rise of the specialist child law course. This of course reflects broader legal developments, and in particular, the Children Act 1989 and Child Support Acts 1991/1995. In pedagogic terms, developing a specialist child law course relieves the pressure arising from the demands of an ever-growing syllabus. In an essay arising out of the SPTL seminar series in 1991-1992 'Beyond the Core', Dewar (1993) argued that fission of the subject, with child law and in particular child protection law splitting off, would be highly undesirable. He went on to argue for a reconsideration of the syllabus, moving away from marriage and divorce to parenthood as the central organising concept. In this revised syllabus, child protection would remain within the 'core', containing as it does 'much of the material essential to a proper consideration of parenthood in the law' (p.85). The second feature of Dewar's revised family law syllabus was a new emphasis on family justice in a broad sense, not limited to whether or not there should be a family court, but looking more generally at how family disputes are resolved.

Some six years on from Dewar's proposals our survey indicates that his recommendations do not seem to have been accepted by the majority of family law teachers. To some extent, Part II of the Family Law Act 1996 has meant that marriage and divorce are still the central organising concepts, although not every course deals with them chronologically in advance of matters to do with parenthood. We detected no particular emphasis on family justice – if it is covered at all, it tends to be in the context of the new divorce law rather than more generally.

A further issue may be to do with nomenclature or maybe indicative of something more fundamental. Where courses are given distinct names, as opposed to numbers such as 'Family Law I or II', then the choice is 'child law', not 'parent law'. That might be because 'parent law' sounds strange, but it might also suggest that the orientation of the so-called child law courses is different from the model suggested by Dewar. Rather than taking parenthood as the organising concept, which might be the case for adults, the child law courses take childhood as their organising concept – a more child-oriented approach.

If the Procrustean bed of modularisation requires some division within the curriculum, then it is important for curriculum planners and students to acknowledge that the divisions are likely to be to some extent artificial and arbitrary. To slice off the public law relating to children, for example, does not sit easily with the integration of public and private in the Children Act 1989; neither does it easily encompass adoption law. Equally unsatisfactory is any division between legal consequences of relationships between adults on the one hand, and child law on the other. To the extent the former assumes that the adults are childless

or have adult children only, it flies in the face of reality. To ignore the parent-child relationship and the consequences of parenthood, particularly in dealing with financial issues after relationship breakdown, presents a very partial picture of the operation of the law. Yet for a child law course simply to focus on financial support for children, separate from the question of support and accommodation for their carer, is likewise partial. There is probably no simple solution to this dilemma, except a realisation that students should be encouraged not to compartmentalise the law and to take a holistic approach wherever possible.

Teaching, Learning and Family Law

This chapter looks at teaching and learning generally in the context of family law. It focuses on methods, approaches and materials that can be used. It is intended primarily for those who are new to teaching, but it is hoped that there may be something useful for those who are not so new.

Teaching

Teaching is a complex process. It involves more than the transmission of information.

Students need to be taught to understand, to think, to apply the law, to relate law to policy and so on. They also need to be taught skills, whether they be study skills (e.g. report writing, research etc) or 'general transferable skills' (see Chapter 1). Family law as a subject has its own particular demands. Students must be taught a wide-range of skills. They must be taught how to handle facts, to make decisions on the basis of facts, and to understand the law in its social context. They must be able to read closely and apply carefully a vast body of complex statutory material. They must have an understanding of the human condition. They must be aware of social and economic policy, and be able to handle complex theoretical and ethical arguments (e.g. the nature of children's rights, the ethical implications of human assisted reproduction). Procedure is also important, whether it be in the context of divorce, local authority child protection cases or other cases involving children. Students must also be taught that child and family issues require special and delicate treatment, and understand the disadvantages and advantages of alternative dispute resolution in family cases. Furthermore, as family law is such a rapidly changing subject, keeping up to date is a constant demand. In short, both teaching and learning family law are difficult tasks.

There are considerable pressures on us as teachers. Greater student numbers and decreasing resources mean that we have to think about how we can support and encourage independent learning. In addition, there has been in recent years a greater recognition of the need to prepare graduates for the world of work and the identification of a number of 'key' or 'transferable' skills has been discussed and debated. In fact the *Report of the National Committee of Enquiry into Higher Education* (the '*Dearing Report*', 1997) has recommended 'that institutions of higher education begin immediately to develop, for each programme they offer, a 'programme specification' which . . . gives the intended outcomes of the programme in terms of . . . key skills: communication, numeracy, the use of information technology and learning how to learn . . .'

Effective teaching involves not just subject knowledge, but organisation, instruction, and evaluation. A good teacher uses a wide range of teaching methods effectively and efficiently; is clear about learning outcomes; can match teaching methods to student needs; and is versatile and flexible. Good teachers are also reflective practitioners. They make sense of what took place, what went well and not so well, plan how to teach next time and put it into action. They are aware of the students' learning condition (i.e. the pressures they are under and their learning difficulties). Good teachers also encourage their students to reflect on their learning.

Teaching itself is a learning process. It is impossible to get your teaching right all of the time, particularly the first time. Your ability to teach will evolve, provided you think about your teaching, evaluate it and are willing to make new plans. What it is particularly important to remember is that you are not the fount of all knowledge, but that successful teaching depends as much (if not more so) on method as on

What is a Good Teacher?

content. You may find it helpful to keep a log or diary of your teaching sessions (you could devise a pro forma for this purpose) in which to note down what went well and what went badly and why, how you could improve the sessions, and to jot down any new ideas.

Learning

According to research (e.g. by Marton and Saljo, 1976), there are two approaches to learning which may broadly be categorised as 'surface' and 'deep' approaches.

Surface Learning

A surface approach is concerned with the acquisition of knowledge. It is characterised by: memorising; rote learning; looking at the parts of a task rather than the whole; particularisation rather than abstraction; extrinsic motivation, and passive learning. Information is accumulated rather than digested and processed (i.e. understood, evaluated, reviewed, retained). Students are concerned only with 'getting the correct answer' rather than knowing how to arrive at the correct answer and being able to assess whether it is correct or not.

According to Gibbs (1992) the following course characteristics will encourage a surface approach:

- a heavy workload
- relatively high class contact hours
- an excessive amount of course material
- a lack of opportunity to pursue subjects in depth
- a lack of choice over subjects and a lack of choice over the method of study
- a threatening and anxiety provoking assessment system

As family law teachers we should bear the above factors in mind when deciding, for example, on course design, degree of autonomy to give our students, methods of assessment etc.

Deep Learning

A deep approach to learning, on the other hand, is concerned with comprehension, application, analysis, synthesis and evaluation. It is characterised by: relating new and previous knowledge and theory to experience; taking a holistic and integrated approach to learning; comparing, evaluating and testing knowledge; making distinctions and generalising; using intrinsic motivation; and engaging in active learning. Students who take a deep approach endeavour to understand and process what they are learning, and their view of 'reality' may change. They will try to understand the rationale for a particular legal principle, the logic of an argument, and how something fits in with the overall picture. Students who adopt a deep approach see learning as understanding. Those who adopt a surface approach see learning as memorising.

Although surface learning has some value, deep learning has been found to be more effective, not only because what is learned is retained for longer but because the learner acquires skills, knowledge and understanding which are more adaptable, e.g. in particular to the world of work. Deep learning, it seems, is more likely to be fostered where students:

- are actively involved in their learning
- set their own high, but attainable, goals
- are independent and autonomous learners
- make constructive use of regular feedback
- are capable of reflecting on their own learning and are aware of their own strengths and weaknesses as learners

- are taught by teachers who stretch their learning
- find connections with other parts of the subject and outside the subject
- apply what they learn to the real world
- understand and apply to their own work the criteria and standards by which they are assessed

Entwistle and Ramsden (1983) found that deep approaches to learning occurred in contexts characterised by freedom in learning, less formality, good teaching input, a good social climate, where the workload was not too heavy and where clear goals were set.

Encouraging freedom and independence in learning is a fundamental educational goal: it encourages deeper learning and prepares students for lifelong learning (it is a transferable skill and one of the key skills laid down by the QAA Law Benchmarking Panel, see Chapter 1). It is also a necessary consequence of the great expansion in student numbers without a proportionate increase in teaching staff. Students must therefore be encouraged to organise their own learning. They must be shown how to use resources, to plan their own work schedule, to assess their own progress, to set their own learning objectives and to adopt a critical and reflective approach to their studies.

Encouraging autonomy will have an impact on course design. The degree of autonomy favoured will influence, for example, the number and function of the teaching hours, the types of assessment and tasks set. Autonomous learning could in fact be the major organising principle of the whole programme, i.e. where lectures are few and not used for instruction but for fostering autonomous learning, where students conduct self-assessment, negotiate assessment criteria, decide on their own projects, etc. In a teaching environment characterised by autonomous learning the teacher's role is one of facilitator rather than instructor and greater emphasis is placed on developing strategies which help students to learn how to learn and less on what substantive law should be presented.

Planning the Course

Family law courses can include a wide range of topics (as most areas of law impact on the family) and a wide range of approaches (e.g. black-letter, socio-legal, theoretical, philosophical, economic, feminist). The family law teacher is therefore faced with a considerable choice as to what can go into the syllabus. This has its advantages (there is a wide choice), but also its disadvantages (some areas will have to be pruned out of the course).

When deciding on the syllabus, family law teachers have to ask themselves many questions. How much historical and social background should be included? Should the 'new' divorce law be taught when it has now been shelved? How much emphasis should there be on the substantive law of divorce when it is now largely procedural? Is it worth spending much time on nullity when there are so few nullity petitions each year? Would it be better instead to concentrate on international and European issues where there has been an expansion of law? Where should something on human rights be included (see Bell *et al*, 1999)? Should the child maintenance formula be taught when it is likely to be abolished? How much, if any, comparative law should be included? How much social science should be included? How should cohabitation be assimilated into the course? Should it be a separate topic or be integrated throughout the course? Should some 'non-traditional' areas be included, e.g. the family and medical matters, or the family in Europe? Should a philosophical/socio-legal/feminist approach be adopted? How should the course start off – with something on the family, or on marriage and cohabitation, or perhaps something on family justice or on approaches to family law?

There are difficult decisions to make, but what is vitally important is not to overload the syllabus. A smaller syllabus will encourage deeper learning. Ask yourself whether the course is too intensive? Should something be dropped? Teach things you are interested in – your expertise in your areas of interest should enthuse the students. Also experiment a bit.

A 'traditional' (indeed typical) family law syllabus might look as follows. The first part deals with adults, the second with children. In modular systems, the first part will be often dealt with in one module, the second part in another.

Example of a 'traditional' family law syllabus

1. Definition of family.
2. Marriage and cohabitation.
3. Getting married: formalities: who can marry whom; heterosexual, homosexual and transsexual relationships.
4. Nullity of marriage: void and voidable marriages.
5. The legal consequences of marriage.
6. Occupation and ownership of the family home.
7. Domestic violence.
8. Marriage breakdown.
9. Financial and property consequences of marriage breakdown.
10. Financial and property consequences of death: wills; intestacy; Inheritance (Provision for Families and Dependants) Act 1975.

———————————

11. Parental rights and responsibilities.
12. Children's rights: the emergence of children's rights and the *Gillick* competent child.
13. The Children Act 1989.
14. Children on family breakdown: s.8 orders; and financial provision and child support maintenance.
15. Child protection.
16. Adoption.

This syllabus is similar to the structure of some family law textbooks. You might decide, however, to devise a completely different syllabus – perhaps one based on themes (e.g. on the creation and termination of marital and quasi-marital relationships, or on problem families). You might decide to include other topics, such as international aspects of family law (e.g. jurisdictional rules, reciprocal enforcement of judgments, family law and the European Union, family law and the European Convention on Human Rights, international conventions affecting families), or medical issues and the family (e.g. assisted reproduction, consent to medical treatment, abortion, surrogacy). You might want to include something on housing law and homelessness, social welfare law or mediation. You might want to adopt a comparative or theoretical perspective. If you wish to do these things, then a 'traditional' syllabus, like that above, will have to be pruned, e.g. you might decide not to teach nullity, or reduce the time you might otherwise spend, say, on the substantive law of divorce, as it is now largely procedural, or you might decide not to do anything on the family home as the students study it in their Land Law course.

Organising Your Teaching

Your teaching sessions need careful preparation. You need to be clear about your aims in respect of both process and content. You should predict what sort of help the students might want (e.g. with their assignments, revision, examination technique, correcting misunderstandings, acquiring a deeper understanding, getting to know other students).

When planning the course, think about your teaching in terms of large and small group sessions – rather than as lectures and tutorials. Different parts of the syllabus may lend themselves to different sorts of small group teaching (e.g. set up a discussion group or workshop on divorce reform), while other parts are better dealt with in large group sessions. Thinking in terms of small and large group teaching means that you are less likely to become rigid in your thinking about teaching methods (i.e. that certain methods are used only in tutorials, and others only in lectures), when techniques traditionally used in tutorials can be used equally well in lectures, and vice versa. When organising the course, you may decide not to do any large group teaching at all. A few family law courses (e.g. Leeds, see Chapter 4) have no large group sessions but only small group teaching, whereby students are given set reading, structured handouts, questions, and then meet in small groups to discuss and apply what they have prepared. This may work better than having large group sessions (particularly where large group sessions are being used solely for the transmission of information), as small groups encourage independent and deeper learning. When planning the course, you will also have to consider whether certain topics can be dealt with by assessment only, by lecture only, by tutorial only, or by student research or directed reading only.

Obviously you will have to juggle with certain constraints, e.g. numbers of students on the course, staff availability, staff interests, resources, teaching hours, room availability, department/university policies. You will also have to make sure that all the books you want students to consult are in the library and that you have contacted your bookshop to make sure there are plenty of copies of the recommended books. Prepare short-loan packs if needed.

The aims and objectives of the course should be stated in course documentation, including the course guide. Aims and objectives should be clear and well formulated as they act as criteria against which the appropriateness and quality of your teaching can be judged. They also provide a guide for course design, as well as guidance for students.

Course Aims and Objectives

Examples of course aims and objectives

Example A

This course aims:

- to teach both the legal theory and the practical application of family law;
- to consider policy issues arising from the substantive law;
- to examine proposals for reform;
- to encourage an ability critically to assess and analyse the impact of family law on the state, individuals and the family unit.

Example B

This course aims:

1. to explain, analyse, apply and evaluate the legal rules, concepts and values governing and regulating family relationships;
2. to locate the development of the law, including the institutions and procedures, within a historical, demographic, social and economic context;
3. to promote critical and informed debate on the relationship between families and the state, the interface between family law and family policy and the roles of men and women in families, and to introduce the various theoretical perspectives on family law;
4. to review the range of methods of dispute resolution practised in the area of family law;
5. to consider the impact of the European Convention on Human Rights on family law;
6. to provide practice in the development of a number of key skills, in particular: conducting legal research, applying legal principle and statute to family problems, oral and verbal communication, use of IT resources, the ability to work in teams.

Aims and objectives also need to be specified at other levels of the course, e.g. at lecture and tutorial planning level, and when deciding on assessment.

In addition to aims and objectives, it is useful to specify 'learning outcomes' on course documentation, e.g. 'At the end of this course/tutorial/lecture you should be able to…'. Transferable skills (see Chapter 1) should also be incorporated into a list of learning outcomes (and aims and objectives). Specific learning outcomes act as useful checklists for students to assess their progress.

Reading Lists

Rather than just providing a list of books and journals, classify books (e.g. as introductory, essential and additional material) and also give short comments on books. Some teachers also explain what a 1st class or good 2:1 student would be reading as opposed to a 2:2 or 3rd class student. When providing more directed reading lists (e.g. for small group work), use a system of asterisking or coding to identify essential and supplementary reading. When referring to reading material on lecture handouts and tutorial worksheets identify relevant chapters and/or page numbers, and, where necessary, suggest alternatives (in case the material is not available). It is also useful to refer to relevant journals and websites, and, if necessary, to IOLIS, which contains a set of family law workbooks. (For a list of family law books and websites etc, see Appendix 2.)

Handouts

All students expect 'handouts': they are their security blanket. Unfortunately – as with the purchase of a textbook – such materials can create an entirely false sense of security. Students are slow to realise that having 'the handout' – or textbook – is not the same as having read, questioned, discussed and thoroughly absorbed its contents. The aim in a subject such as family law, where understanding and practical grasp (rather than parrot fashion ingestion of material) is all, should therefore be to provide *fewer,* but *more effective,* handouts. In the electronic age, where computer resources can be accessed by many more students at a time than the traditional paper copies, there is certainly now a case for regarding institutional restrictions on photocopying as an advantage, not a constraint, since when the entire originals are so easily available on screen, budgetary restraints on the use of the photocopier simply compel disciplined thought as to what is really needed, and in the long run benefit both students and lecturers. Moreover, with rare exceptions, handouts should be provided at the beginning of a course and preferably in one instalment. This assists students to take an overview of a course and to form an impression of its coherence before embarking on it. It also obviates the nightmare of students who, for whatever reasons, miss classes from constantly coming to ask for 'last week's handout' or, worse, 'the handouts for the last five weeks'. Once they fall behind, especially in a part-time group, they may *never* catch up and probably will not do so *effectively* in any case. The understanding should always be – and can realistically be insisted upon if all materials are issued at the start of the course – that it is the responsibility of any student who misses classes to cover independently the section of the syllabus missed. This is the least expectation of the benchmark requiring 'Autonomy and Ability to Learn' (see Chapter 1).

Handouts can in appropriate cases be delivered electronically, leaving the student to download and file paper copies if required.

Precisely *what* handouts are required is likely to be dictated by the nature of the particular family law course, but as a minimum a course outline, syllabus, class schedule, reading list, case list, seminar and/or tutorial questions, and sample past examination questions are likely to be needed. For part-time students especially, a study pack, including copies of key (often multi-disciplinary) articles, is likely to be required due to such students' greater difficulty in getting to the library.

A 'course guide' or 'handbook' can also be prepared and distributed in advance of, or at the beginning of, the course. Students need to see the whole picture. The following is a suggested checklist of contents:

Checklist for course guide/handbook

- **names, room numbers, telephone numbers and e-mail address, office availability of teachers**
- **an index of the contents** of the guide (this should appear on the front page)
- **aims and objectives of the course**
- **skills which will be acquired**
- **an outline syllabus** allocated between lectures/tutorials/seminars (including a short description of each topic chosen)
- **explanation about arrangements of teaching sessions** (i.e. times, dates of lectures and tutorials)
- **explanation of teaching and learning methods**, including what you expect of students in the different teaching sessions
- **details of assessment**: assessment task(s), criteria, submission details (e.g. whether they should be word-processed, whether footnotes and a bibliography should be included, word length, formatting requirements), rules on plagiarism, deadlines, something on the examination
- **reading lists** (i.e. compulsory reading, recommended books, major law journals, law reports, websites)
- **worksheets for tutorials or seminars** containing e.g. topics for each session, questions or case studies for preparation, some 'benchmarking' information

It could also include the **lecture handouts and lecture outlines**.

Other things that might be included: tips on writing assignments; questionnaires to guide students' reading; details about pre-course reading; a sample examination paper; what is expected of a 1st class assignment/examination answer.

This basic pack (i.e. coursebook/handbook) can obviously be added to indefinitely, but further materials tend to be optional, even if sometimes helpful, as they may make the handouts unnecessarily bulky. Also, when added to the student's file of lecture, seminar/tutorial and private study notes, more than the basics creates much too much material, and thus either confuses or spoonfeeds students, who need to do some work themselves to satisfy the 'Autonomy Benchmark'.

The following might also be selectively included:

- Flow charts
- Copy OHP slides for annotation
- Full lecture outlines or notes or 'Study Guides'
- Photocopies of relevant or illustrative newspaper or magazine articles
- Formative assessment worksheets, usually in multiple choice format

A wider choice of resources for students can obviously be provided and essential paper bulk much reduced where a Law School has a course dedicated web page on which material can be posted for selective downloading and updates and news made available on a rolling basis. However, students given a choice do tend to think they must download *everything* anyway, so may end up with the very bulk which the *choice* element was meant to obviate! Nevertheless, such browsing still contributes to their IT experience, saves resources, including movement and storage of traditional bulky paper handouts, and is probably cost and time effective in the long run.

Whether paper or electronic versions are used, the word 'WELCOME' strikes a friendly note at the top of the initial page of any handout. In the age of mass higher education, students often tend automatically to feel unbefriended, even when overextended tutors do their best for them, so such small touches can be valuable.

Challenges in Designing Handouts

Inevitably there will be problems, mainly of consistency, e.g. between full-time day and part-time evening courses, with different opportunities for library access; varied background knowledge; constraints on time and space; huge numbers of students; and part-time staff for multi-groups.

The part-time/full-time divide

Ideally both sets of students should follow the same course since they will usually take the same examinations for the same degree, but they probably cannot use exactly the same course outline as their class times and tutors will differ. A separate handout should ideally be *personalised* for them, making sure there is an opportunity for such part-timers to have access to staff office hours at a time when they are on university premises, failing which a time for telephoning should be set up.

Varied background knowledge

With the large numbers and wide spread of ability in any contemporary student body, inevitably there will be challenges in enabling the weaker students to keep up (while not overwhelming them with material) and yet stimulating the more able. Adherence to basic principles of the subject in outlines and reading lists will usually address this, as most students will then be able to reach the lowest common denominator standard while the more able can be directed to the extra reading categories, to websites, LCD Reports, articles (whether paper or electronic) and to the plethora of free legal material e.g. on the Government web sites, now available on the world wide web (see Appendix 2). All these will supplement the basic handouts, which can thus be kept simpler. However, very pressurised part-timers simply may have to have study packs (see Appendix 3 for an example, and Chapter 4 for some ideas).

Constraints on time and space

This is the hardest part of preparing handouts, since a keen family lawyer (or a lecturer who wants to become one) inevitably want to include everything! In this respect 'small is beautiful': very full and copious handouts do not actually do students much of a favour and can lead to visual and intellectual indigestion. Our survey of many versions of traditional courses indicate that it is better to restrict the full range of traditional family law topics to the long thin module and in the 'short fat' space of the single semester – where students may not have sufficient time to study the subject in depth before assessment – to restrict the topics to be covered. When drafting the syllabuses and accompanying handouts, the Christmas Tree principle is useful – survey your handiwork and consider what can be *taken out*! The solution to any serious withdrawal symptoms in this context is to obtain validation for a *new* module, encompassing the excised topics in a different and logically coherent theme from that which has been slimmed down.

Huge numbers of students

Family law traditionally attracts large numbers, which can create large tutorial groups. Tutorial sheets in this case benefit from being designed around small group work, which instantly create the necessary small groups: a spokesperson can be elected to coordinate the work of each group into an answer to share with the class. This method also enables more questions to be covered, so that a larger number of questions than usual will be required for each tutorial sheet. However, such a bank of questions is no bad thing, since any excess can always be used for private study, especially revision. This multi-group strategy is much used on postgraduate vocational courses, which are always pressured for both time and detailed coverage of a bulky syllabus, and also firmly targeted at learning outcomes. It is also a method which encourages teamwork and independent student centred learning, both important benchmarking goals.

Other groupwork exercises for large numbers include peer assessment in groups and student chairs of multi-groups. Seminar/tutorial materials can easily be specifically designed for these exercises.

Part-time staff teaching multi-groups
The problem in this situation is consistency, for which good handouts are crucial, particularly very precise reading lists and carefully designed seminar/tutorial materials so that each tutor knows precisely what to cover in each session and students all receive the same messages, regardless of who teaches their group. Nevertheless, some meetings – as a minimum a pre-course meeting and some in-course contact for feedback – are also essential to control consistency across the groups. UCL, which deliberately timetables all its tutorials at the same time to prevent 'group hopping' – and must therefore rely on a team of part-time tutors – has successfully addressed any potential problems through maintaining ongoing communication between tutors in the manner suggested.

It is clear that the essential decision in preparing handouts is to identify which types and examples will actually help students and which will merely weigh down the file. In this context certain questions need to be answered:

- How much 'distance learning' is expected of students, either because of absence or deliberate pursuit of the Autonomy Benchmark?
- What part-time learning support can be given by such materials?
- Realistically, what time can be freed up by use of out of class resources to enable the class to undertake more creative and especially collaborative work in seminar/tutorial sessions?
- Realistically, what meets the *needs* of contemporary teachers and students to produce a positive teaching and learning experience?

It is worth putting initial thought into this and getting the answers right because family law offers unrivalled opportunities both for learning a valuable specialist subject which has a bearing on most other areas of law, as well as for acquiring a great deal of useful legal general knowledge and the full range of skills required of the modern lawyer. It is a subject particularly useful for developing independent thought, fostering a critical approach and the articulation of opinion. Moreover, far from being the despised soft option which it is often mistakenly labelled, it can be taught at various levels and tailored more easily than most subjects to students' mixed abilities. Achievement of this will be much easier with well thought out handouts, precisely targeted to learning outcomes.

Lectures

Most, but not all, family law teachers give lectures. The conventional lecture (i.e. 50 minutes exposition by the lecturer) has advantages: it provides a means of teaching large numbers of students at once; it provides information; it provides structure; it introduces students to a topic; it can identify key points and current and topical problems and keep students up to date; it can give the subject life. It also provides a social function by giving students the opportunity to be with their peers. However, the conventional lecture can have certain disadvantages: it emphasises the transfer of information and facts; students are often passive recipients rather than active learners, so that they become easily bored; attention spans are limited; students forget most of what they have heard; note-taking may be poor; knowledge is assumed to belong to the lecturer. In fact, although expository lectures are intended to inform, they may not do so. Moreover, research (e.g. by Bligh, 1998) has shown that while lectures are as effective at conveying factual information as other methods, they are not more effective.

As conventional expository lectures are not generally a particularly effective teaching method, it may be better to move away from seeing them as expository to seeing them as opportunities for presenting material in a variety of ways for a variety of purposes. You may in fact decide that your teaching goals are better achieved not by lecturing, but by using other methods, e.g. by conducting more small group sessions and/or by using self-instructional materials, such as learning packages, study guides, workbooks, computer based materials (e.g. IOLIS). (For an alternative approach to lectures, see Chapter 4.)

The Exemplary Lecturer

The exemplary lecturer is a confident and able presenter, who uses a variety of oral and visual presentation techniques, who selects appropriate material and presents it in a well-structured way, who thinks about and writes down the objectives of the lecture and makes the students aware of them. The exemplary lecturer will understand that:

- the attention span of most students falls off after about 20 minutes
- active participation should be encouraged, as it will keep students' attention and foster deeper learning
- effective learning should be fostered, i.e. deep and autonomous learning (see above)
- lectures should not just regurgitate a textbook
- there may be better ways of conveying information than lectures
- information is not knowledge
- students gain from a mix of methods
- individual students learn differently

Preparing Lectures

You will need to plan the lecture course in advance, as you will have to decide how your lectures will integrate with your small group sessions. You may decide that some topics can be left out of the lecture programme altogether, and be dealt with instead in small group sessions or by coursework.

As far as planning an individual lecture is concerned, you should think about what the function of the lecture will be. A lecture can satisfy several functions. It can, for example: provide the content of the course; explain ideas, theories and approaches; give a framework for further study; develop skills (e.g. analysis of legal problems); direct students to reading, ideas, theories they should follow up; and even provide inspiration.

Once you have decided on its function, you should think about what the purpose of the particular lecture is and how it should be structured. You will need to consider: whether you need to review the previous lecture; how you should introduce the lecture topic; what the main body of the lecture will be; whether you wish the students to complete any activities; whether students should prepare anything in advance and/or follow up anything after the lecture; what visual aids you will need etc. At the beginning of the lecture it is a good idea to provide a brief review of the previous lecture (if you are following on from the previous lecture), and then to give your audience some idea of the lecture plan (an OHP transparency or handout can be used for this). Tell your audience what the structure of the lecture will be, e.g. 'Today's lecture deals with four issues… (Explain briefly what they are.) Half way through the lecture we will do a short exercise and then we will move on to consider…'. At the end of the lecture, summarise the main points (e.g. on an OHP transparency). You can get the students to conclude the lecture themselves, e.g. by asking them questions, or by asking them to write down the three most important points of the lecture. Tell the students what you will be dealing with next time, and what (if anything) they should follow up and prepare for next time, e.g. 'Read chapter 2 and we will start the next lecture with a short exercise'.

To encourage active learning and to keep their attention, you could set a short exercise during the session, e.g. a quotation to summarise or discuss; a mini-problem question to answer; some data to analyse; an open-ended question to brainstorm or to discuss in buzz groups; or ask them to summarise in two sentences the lecture so far. Make sure there is time for asking and answering questions (prepare your questions in advance). Encourage them to write down questions (theirs and those you ask them) or to discuss possible questions and answers in pairs.

When preparing a lecture, it is best to start by mapping out the overall structure, and then add the detail. Concentrate on having a logical sequence. Don't digress too much, as your audience will lose the thread. Cover a few points well rather than several points badly. In your lecture plan make a note of how long you intend to spend on each part of the lecture, e.g. when to stop for questions, for a task, to make your concluding comments, to introduce a visual aid, for students to read, to think etc. Decide when you want your audience to listen, reflect, take notes, read handouts, deal with short tasks etc.

As far as writing lecture notes is concerned, some lecturers prefer detailed notes, while others have only key points. Some talk from OHP transparencies or handouts. You should decide what works for you – but, whatever method you choose, don't read from your lecture notes – look at your audience and establish a rapport with them. Detailed notes may help your confidence, but it is easy to lose one's way and difficult to see the main points and structure of the lecture. You will be more likely to read detailed notes verbatim, which will sound unnatural and stilted. It is better to make outline notes (some lecturers use cue cards) which contain the structure and key points of the lecture.

During the lecture you should help students with their note-taking by explaining the lecture structure clearly and by emphasising key points, e.g. 'The four main points here are...', 'The important principles here are…', 'I want you to concentrate on…'. Also tell them when they should/should not take notes. Make sure that the pace of the lecture is not too fast and allows for pauses. At the end of the lecture summarise the main points, e.g. 'The three most important points of this lecture were…'. It is sometimes useful to provide lecture notes, or put the structure of a lecture on a handout or web page.

Checklist

When preparing a lecture:

1. Decide on the topic.
2. Make a note of any ideas, facts, questions, sources of information. Use a free-association technique – don't worry about the order. Then organise your ideas etc.
3. Decide on the title.
4. Prepare a rough outline, i.e. introduction, overview (purpose, context, overview of main points, recapitulation of earlier materials), main points (development of each point, examples, restatement of point), review, conclusion (including details of next lecture, preparation required, etc).
5. Make more detailed notes, e.g. about facts, ideas, important areas.
6. Structure the lecture, i.e. organise it under headings (e.g. time for activities, periods for discussion, time for thinking, time for questions, time for visual aids).
7. Prepare handouts, visual aids, activities (e.g. questions, mini-problems).
8. Make a note of resources needed, e.g. OHP, flip chart.
9. Make a note of anything the students should do and bring to the lecture and/or the next lecture (e.g. do they need to bring a statute book?).

Lecturing Devices

Lecturing devices:

- Proceed from observation of reality (e.g. a case study, a newspaper article, an account from a government paper, a mini-problem) to principles, theories, solutions, options etc.
- Proceed from a holistic view to a more detailed view.
- Proceed from generalisations to particular examples and applications.
- Start with a quotation (e.g. an extract from a case or an article) from which you can develop the rest of the lecture.
- Begin with a question which is to be answered by the rest of the lecture.
- End with a question which can be answered after what has been dealt with earlier in the lecture.
- Structure the lecture as a series of questions to be answered.

Handling the Case Law

You will have to decide how you are going to handle the wealth of family law cases. It has been said that 'a mass of cases makes for unintelligible law' (Birks, 1985, p.2). It is probably better, therefore, to give students a sound framework for further study by lecturing on a few key cases (the most recent ones in the higher courts in particular), and provide them with the key principles. Once a good skeleton of rudimentary principle has been provided students can then move on to more complex and higher order intellectual tasks. A few key cases dealt with well will be better than a mass of cases dealt with badly.

Using OHP Transparencies

OHP transparencies are useful for summarising key points and giving the lecture a structure which is communicated to the students. Transparencies should be word-processed and the lettering should be large (at least 24 point with 36 point for headings). A transparency should not contain too much information, and not too many should be used in one lecture. Keep them clear and simple. Use bullet points. When presenting them, face the front, not the transparency, and give your students time to absorb them. Do not leave the transparency on if you have moved on to a different point. To avoid students spending time copying them down (often slowly) and not listening, transparencies can be reproduced on handouts (e.g. by using a computer package, such as 'Frontpage'). Transparencies are useful for showing short quotations (including newspaper headlines) which are good for prompting discussion.

Lecture Handouts

Lecture handouts can be used for a variety of purposes, e.g. to provide material to supplement the lecture (quotations, questions for discussion etc), to provide an outline of the lecture, to provide a full set of lecture notes, to act as study notes, to contain follow-up activities (e.g. reading lists, web-sites, problems and questions to answer). Whatever their purpose, they should be well presented, e.g. they should contain lots of white space, highlighted quotations, diagrams, material in boxes, pictures etc. Make sure that you give students time to look at handouts during lectures. Handouts can be made available on the web.

When compiling handouts you will need to ask yourself: What is the purpose of the handout? What will it contain? When will it be given out? Some handouts are 'minimalist', and others read like textbook summaries.

Suggested contents of a lecture handout

A lecture handout might contain:

1. The aim(s) and objectives of the lecture (these can be written instead on an OHP transparency).
2. Pre- and post-lecture reading.
3. An outline of issues, a plan of the session, cases etc to be considered.
4. Key principles and important quotations – these can provide a focus for discussion in the lecture.
5. Concluding summaries.
6. Questions to encourage further thought, and to guide reading (though it may be better to deal with questions during the lecture).
7. Learning outcomes, e.g. 'At the end of this lecture you should be able to…'.

It can be a good idea to leave gaps on lecture handouts which can be filled in by the students. It could be simply a wide margin on one side in which students can make annotations. It is possible, however, to be more creative. Here are two examples. The first example is useful for dealing with key cases, particularly as family law cases contain a wealth of important facts which there is not time enough to get across in lectures. The facts can act as a mini-problem for students to discuss in small groups and to make predictions as to how the case was decided. The correct answer can then be written into the appropriate spaces. As an alternative, the key principle(s) and/or judicial dicta from a case can be stated on the handout and a space left for student to fill in the facts.

Example 1 (from a lecture handout on child abduction: defences under the Hague Convention)

Re H (Abduction: Acquiescence) **[1997] 1 FLR 872, HL**

The father was born in Israel; the mother in England. Both were strict Orthodox Jews. They married in London in 1991. Following the marriage, they spent much of their time in Israel but also spent substantial periods of time with the mother's family in England. The children were born in 1992, 1993, and 1995. Unfortunately, the marriage was not successful, partly because the mother was not happy living in Israel. In November 1995 the mother flew to England with the children without their father's consent. The father consulted his local Beth Din (a religious court of law) in Israel. He was advised by the Beth Din to ignore the English proceedings and the Beth Din entered its own summons which was ignored by the mother. The Beth Din then ordered that the father should take whatever steps he saw fit, and six months after the children had been removed from Israel he invoked Hague Convention proceedings.

Mother's argument:

Father's argument:

Points the House of Lords had to consider:

Questions the House of Lords asked about the nature of acquiescence for the purposes of art. 13 of the Convention:

The House of Lords' conclusions:

In the following example, the students can fill in the grid either by listening to what the lecturer says – or referring to their statute books in pairs or groups and attempting to find the answers themselves – which can then be corrected by the lecturer and/or with the help of the other students. It is possible to devise similar grids for use in other contexts (e.g. in respect of orders under Part IV of the Family Law Act 1996 or under the Children Act 1989) and different grids for other purposes (e.g. to illustrate differences or to identify advantages and disadvantages).

Example 2 (from a lecture handout on financial provision for children)

The Acts	Who can apply?	Against whom?	Criteria applicable	Possible orders
MCA 1973				
DPMCA 1978				
CA 1989				

The first lecture is important. Not only is it good to get off to a good start and to give a good impression, but it is an opportunity to lay down the ground rules and tell the students about what you plan to do in the lectures. The initial lecture should be used to explain the course aims, the syllabus, the teaching methods you intend to use, materials needed, assessment, your expectations of lectures, resources, study time, study skills, etc. As far as content is concerned, many family law lecturers will typically start with a lecture on what we mean by the family or something on marriage and cohabitation. A more exciting start perhaps would be to start with a fairly general lecture on 'Family Law Today', which looks at current controversies and new developments and proposals for the future. This will show the students the present relevance of the subject and fire their enthusiasm. You could bring in recent newspaper cuttings for students to look at and discuss (and at the same time remind students of the importance of keeping in touch with developments by taking a good newspaper).

- Be on time, and expect the students to be on time too.
- Be audible. Vary your voice. Make sure the pace of delivery is correct. Address the audience. Don't read verbatim from notes.
- Your lecture should have a clear structure, i.e. an introduction, defined sections, links and signposts, and a conclusion. Tell students what you are doing and what you intend to do.
- Use visual aids which are appropriate and effective, and clear and legible.
- Make sure the content of the lecture is set at the right level. Use good examples. Relate the lecture to the rest of the course.
- Think about what your students are doing during the lecture. Think about their learning needs. Have they stopped concentrating? Do they appear to understand what you are saying? Are they taking good notes? Should you change tack?
- Don't worry if you have not prepared enough. Have a few 'time-fillers' up your sleeve, e.g. ask the students to write down three things they have learned from the lecture.
- Encourage interaction and active participation, i.e. questions and answers, discussion, set tasks, e.g. a discussion of a short problem question.
- Provide handouts and good guidance about sources.
- Don't put too much into the lecture – otherwise you will have to talk too fast to finish it. Cover a few key points well and give examples.
- Make sure you obtain feedback about your lectures.

- Encyclopaedic lectures are self-defeating: the more informative the lecture, the less well-informed the students may be. You don't have to cover everything there is on the subject. Slimmer lectures are more interesting and livelier. Lectures are best used to provide students with a conceptual overview of the topic. More complex and detailed material is better dealt with by reading, whether from a lecture handout or from references to be followed up afterwards.
- Don't expect to be able to know all the answers.
- Think about method and structure as much as (if not more than) content. Concentrate on process, i.e. preparation, organisation, comprehensibility, stimulating interest, getting a rapport with the students.
- Make sure your lectures do not just regurgitate a textbook.

Small Group Teaching

Small group teaching can take different forms (e.g. seminars, tutorials, workshops, discussion groups, student presentations) and involve a variety of activities. Different institutions adopt different terminology for small group teaching, e.g. 'seminar' is often used interchangeably with 'tutorial'. Here, however, 'tutorial' is used as the generic term.

Small group teaching has many advantages over large group teaching (e.g. the large lecture): learning is deeper; active learning is fostered; it encourages discussion (which promotes thought, understanding, evaluation, improves critical thinking, and problem-solving, and communication skills); it allows students to apply the law to real life problems; it gives students the opportunity to work in groups; it makes students aware of other ideas; it gives them an opportunity to test ideas; it increases student curiosity; it encourages respect for other points of view; it allows difficulties and misunderstandings to be sorted out.

Although small group teaching has many advantages over large group teaching, there is no reason why small group techniques should not be used in lectures. The opposite is also true, e.g. a 'mini-lecture' can be given in a tutorial – this is particularly useful for explaining a difficult area.

The size of the group is an important consideration – the larger the group the less likely it will be that students will contribute to discussion. If there are more than about six in the group, quieter students will say less and one or two students may say nothing at all. With large groups, it will be necessary to use techniques which encourage everyone to participate (see below). In terms of duration, small group sessions are generally one or two hours long. A two hour session is usually better because it provides time to do a variety of tasks, and to do things in depth, but resource and time-tabling restraints may make this impossible. Some tasks (e.g. where there is oral assessment, or where students are giving presentations) may require more than an hour. As far as frequency is concerned, some family law courses have small group sessions once a week, but most seem to favour fortnightly sessions. While students may be less well prepared for weekly rather than fortnightly sessions, weekly sessions can be used to advantage where no (or perhaps little) preparation is required. e.g. a 'mini-lecture' could be given followed by a related exercise, or a video followed by a class discussion.

Tutorials are usually closely integrated into the lecture programme (in order to provide reinforcement and to take the lecture material to a deeper level), but it is a good idea to use tutorials (and other small group sessions) on their own to cover a part (or parts) of the course. This avoids the problem of tutorials getting out of synchronisation with lectures, relieves the monotony of tutorials being used to follow up lectures, and helps vary the learning process.

Tutorials

The tutorial is the most common form of small group teaching. Tutorials can, however, be interspersed with workshops, student-led presentations, debates, role playing sessions, a mediation or negotiation exercise or seminars. It is more interesting and stimulating to have a programme of varied activities.

It is important to lay down the ground rules for tutorials at the beginning of the course (in course documentation, and/or preferably at an initial tutorial), e.g. what is expected in terms of preparation, participation, attendance, assessment, etc. The format, aims and objectives and rationale of tutorials should be explained and discussed, e.g. that tutorials will develop reasoning and communication skills, provide opportunities for group work etc. Students should also be told where and

when you may be contacted. It is a good idea to allow the students to participate in deciding what the ground rules should be – this makes them more motivated and more likely to participate.

It is particularly important to stress the importance of sound and diligent preparation. Tell the students what you expect from them in terms of preparation, e.g. time they should spend, what they should read. Tell them that if they prepare well their understanding of the subject will be much greater, that they will be able to participate more deeply in discussion and that they will obtain higher marks in their coursework and examination (and in the tutorial itself if oral performance is assessed, as it is at some universities, see Chapter 5). Stress the importance of following up matters raised in the tutorial. Stress that the tutorial's success depends on them, not just you.

The Initial Tutorial

The initial tutorial can be used as a session for laying down the ground rules (see above) and explaining arrangements, as well as an opportunity for the group to get to know each other – this will reap benefits in the long run. There are various ways of doing this. You can get each student to introduce him/herself (give name, whom he/she knows in the room, what courses he/she is doing etc), or ask students to get into pairs and talk to each other, and then ask one of them to introduce the other and vice versa. You can also get them into groups so that they can talk to each other informally.

One idea for the initial tutorial, involving an opportunity to introduce family law issues, is to get students to bring newspaper cuttings dealing with family law matters which they have collected over the vacation – these can be discussed in smaller groups or with the whole group. Other ideas are to discuss in groups the answers to a family law library quiz which they have completed, or to get students to work in groups to complete a typical family law problem (e.g. something on domestic violence, divorce, children) with the help of their statute book (this will get them to realise the importance of statute and give them an opportunity to get to know each other).

Organising the Tutorial Task

Discussion can be generated in various ways, e.g. by means of a student-led presentation, a lead-in 'mini-lecture', an initial video, by questions on an OHP transparency or handout. Discussion in most cases, however, is generated by students preparing questions (discussion type and/or hypothetical case studies) provided on worksheets which they have received in advance. It is essential, however, during the course to give students the opportunity to deal with questions 'blind' (i.e. which are sprung on them at the tutorial) and with or without being required to do preparatory reading/research in advance. This not only gets students 'thinking on their feet', but gives them experience of what it is like in the real world, and also provides a greater incentive to attend. Some students feel, quite justifiably, that there is not much point attending a tutorial to go over what they have already prepared, sometimes even in discussion with their own tutorial group members over coffee!

Suggested Activities for Small Group Sessions

The following activities can be used in tutorials and other small group sessions (and some of them in lectures). Their main advantage is that they encourage all students to participate actively in discussion.

Break the whole group into sub-groups and allocate tasks (either before or during the session), and then get the groups to report back to the whole group. The following techniques can be used:

Pyramid Groups

Each student works alone, then discusses in pairs, then in groups of four. The idea is to pool ideas and reach reasoned conclusions and solutions.

Syndicate Groups

Small groups (4-6 students) work on the same problem, or different aspects of the same problem at the same time. After a specified time, the ideas, conclusions etc are pooled and discussed by the whole group.

Buzz Groups

Small groups (e.g. 3 or 4 students) discuss one or two specific questions or issues, which are then reported back to the whole group (e.g. 'Why is there so much child abduction, divorce, increasing cohabitation etc?'). The aim of this technique is to help students generate ideas, questions, comments.

Brainstorming

Pose a question, and ask members of the group freely and spontaneously to call out suggestions which one member of the group (not necessarily yourself) writes on the board, flipchart or OHP transparency. Explain beforehand that suggestions can be made in any order, that no reason or justification should be given, and that nothing should be said about other people's suggestions. When suggestions are no longer forthcoming, or after an agreed period of time, the group then considers and discusses the list of suggestions, e.g. it can reject some of them and/or rank them. The aim of the exercise is to encourage creative thinking and to generate new ideas for discussion in a random, unstructured and anxiety-free way – it is therefore particularly appropriate at the beginning of a session. It is important to encourage students to let their ideas flow freely, however outrageous those ideas may be.

Collecting ideas/questions

This involves collecting ideas, experiences, points for discussion etc. Everyone in the group, including the tutor, writes down a question or idea based on the tutorial material. These questions are written on the board, flipchart, OHP transparency, and students are then set to work on the questions in pairs/groups.

Rounds

Every one in turn (including the tutor) is asked to make one statement/comment about the task set (whether it be a discussion question or case study scenario). Nobody must speak while a person is speaking, and it does not matter if someone repeats what has already been said. The aim of the exercise is to get everyone contributing and to start discussion going.

Role play

A scenario is provided and students are given roles to play, e.g. to act as pressure group representatives (e.g. for Families need Fathers, End Punishment of Children), as husband, wife, cohabitant, child etc.

Debates/Moots

A debating/mooting topic is given and groups or individuals are allocated to each side of the debate/moot. They are given the opportunity to prepare their case and then to present it.

Panel session

Get the students to prepare on a particular topic, appoint a panel and then give other members of the group cards with written questions for them to ask of the panel (or get students to prepare their own questions).

Paired interviews

Students take turns to interview and be interviewed on their knowledge and/or ideas about a particular issue and then bring their findings to the larger group(s).

Chairing

Allocate the task of chairing the session to one of the students in the group. He/she will be responsible for dealing with the running of the session. A notetaker could also be appointed to write a report, which could be published, e.g. on a web page.

Most tutorials are preceded by a worksheet of reading and questions for discussion. The worksheet should contain: the aims and objectives of the session; the required reading and other preparatory tasks; the tasks/questions for the session; and perhaps a set of learning outcomes (e.g. 'At the end of this tutorial you should be able to...'). It may be a good idea to have a set format for the worksheet, e.g. 'Topic', 'Preparation', 'At the Class', 'After the Class'. As far as preparatory reading is concerned, asterisk or use a system of lettering to identify essential reading. Don't make the required reading too long – encourage critical and thoughtful reading of key texts. However, do stress the need to read widely. Don't forget to include non-legal materials, e.g. statistics, newspaper cuttings.

Constructing Questions

Throughout the course, both in lectures and in tutorials, it is good practice to set hypothetical 'problem' questions (i.e. questions involving a case scenario). Family law is a practical subject and problem questions enable students to find their way around the complex mass of statute law and case-law and apply it to the facts concerned. It also gets them used to handling facts and, in particular, understanding how the courts exercise discretion. Students generally enjoy problem questions and most examiners require them to answer them. (For examples of 'problem' questions, see Chapters 4 and 5, and Appendix 4.)

Discussion questions can be 'closed' or 'open'. Closed questions (e.g. state, define, explain, summarise) test knowledge. Open questions (e.g. apply, predict, compare, analyse, evaluate, discuss) encourage higher thought processes. Closed and open questions both have their place. Closed questions are particularly good for opening up a topic, for getting students to learn the basics and for focusing their reading.

> **Examples of 'closed' questions as a precursor to a tutorial on divorce**
>
> Can a man living in Spain start divorce proceedings in the English court?
>
> Is adultery a ground for divorce?
>
> A man rapes his wife on their wedding night – can she divorce him?
>
> What is the test of 'unreasonable behaviour'?
>
> Why is 'unreasonable behaviour' a misnomer?
>
> Henry is bored with his wife Wendy – can he divorce her?
>
> Give three reasons for the general dissatisfaction with the present law of divorce

> **Examples of closed and open questions for a tutorial on Gillick and children's rights**
>
> **Gillick v West Norfolk and Wisbech Area Health Authority [1986] AC 112**
>
> What were the DHSS Guidelines?
>
> What, according to Lord Fraser, were the questions raised by the appeal?
>
> Under what circumstances did Lord Fraser consider it would be appropriate for a doctor to provide contraception without parental consent?
>
> What is the ratio of the *Gillick* case?
>
> Does the '*Gillick* competent child' have real autonomy?

It is possible to devise quite searching closed questions (e.g. on the provisions of the Children Act 1989). However, closed questions are not sufficient on their own. Open questions are needed to generate discussion. Open questions should not, however, be too broad and general. A general statement followed by the word 'Discuss' is not a good idea. For example, a question such as 'Discuss article 12 of the European Convention on Human Rights, which provides that 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family', is too broad. It may create unnecessary anxiety and result in students saying nothing at all. Instead, give the students more guidance (e.g. ask them to produce two arguments for and two against the proposition) or tell them that the tutorial (or part of it) will take the form of a debate, and that the whole group will be split into two groups, with one group arguing in favour of a right to marry whatever the nature of the relationship, and the other group arguing to the contrary. To make the task more focused, inform the students in advance as to which side of the debate they must argue for – this will concentrate their thinking and result, hopefully, in a more stimulating session.

General discussion questions can be broken down into their constituent parts at or before the tutorial (e.g. key points can be written on the board, flipchart or an OHP transparency). Each part could be allocated to a sub-group for discussion. Each group could prepare a short presentation or report back to the whole group. For example, Part IV of the Family Law Act 1996 could be broken down into the following topics for discussion: Does it provides a clear and comprehensive code? Does it give sufficient protection for adults and children? Does it reduce hostility between the parties? The same technique can be used to discuss any statute, case, journal article, government paper etc.

Guidelines for the discussion can be given on the tutorial worksheet itself, for example:

Consider the following statement:

'People who live together without marrying should not expect to be entitled to the same legal benefits as those who marry. Furthermore, to give them the same legal benefits would undermine the institution of marriage.'

At the tutorial you will be expected to 'dissect' this statement and give reasoned arguments for your views. You will need to consider, e.g.: what the 'benefits' of marriage are; whether they are 'benefits'; the different sorts of 'living together' relationships and whether the law should make a distinction between them; whether the existence of children should make any difference; what is meant by the 'institution of marriage' in contemporary society; whether treating married and unmarried partnerships in the same way will undermine the institution of marriage.

Remember …

When organising the tutorial task:

- Don't provide too many questions – fewer questions will encourage deeper learning;
- Vary the ways in which the questions are dealt with (e.g. give no preparation time; ask students to prepare an outline, a first paragraph, an argument in favour of one of the parties; ask students to prepare answers in groups and report back);
- Don't make the task too open-ended – sometimes it is best to be very specific (e.g. ask students to bring one question to the tutorial, to think of an opposing argument/viewpoint to a stated opinion, to identify the main points of a case or an article, to come with a précis of a particular article, or judgment, an extract from a book, to come with a number of prepared statements about a particular topic);

- Make sure the topic for discussion is many-sided – this will ensure students respond;
- Devise different activities so that the structure of each seminar is different – this keeps students on their toes, e.g. ask the students to prepare some reading on a particular topic but do not set them the topics for discussion until they arrive – then get them to discuss the question/answer the problem in groups in the tutorial session;
- Ensure that students are quite sure of: what the tasks are, why they have been chosen, and what they are meant to achieve; how the session will be organised; what preparatory work must be done;
- Ensure that they will be able to get through the tasks set in the time allowed.

*Suggested
Tutorial Tasks*

1. Consider the options in Law Commission or Government papers and prepare them for discussion (e.g. the options for divorce, see the Law Commission Discussion Paper, *Facing the Future*; the options in respect of changing the law of parental responsibility vis à vis unmarried fathers, see the Lord Chancellor's Department's Consultation Paper, *1. Court Procedures for the Determination of Paternity. 2. The Law on Parental Responsibility for Unmarried Fathers*). You might consider asking them to write a written response, or get them to think of their own options for reform.

2. Write a short or outline dissenting judgment to a unanimous, but controversial decision (e.g. *Lloyds Bank plc v Rossett* [1990] 2 FLR 155 or *Re J (Abduction: Custody Rights)* [1990] 2 AC 562) or write an appeal against a judgment.

3. Construct a flow chart, e.g. illustrating Part IV of the Family Law Act 1996, the divorce process, how cohabitants can claim an interest in the family home etc.

4. Construct a time line showing, e.g. the development of divorce law, the development of parental rights, the divorce process.

5. Write a letter to a client explaining the law, e.g. to a wife on her husband's death intestate, to a mother who wants to change her child's name on divorce.

6. Answer a quiz on a particular statute (e.g. the Children Act 1989) or get a group to set a quiz which they can then inflict on another group.

7. Prepare a poster presentation, i.e. prepare a poster on flipchart sized paper capturing the essence of a controversial issue, e.g. parental responsibility for unmarried fathers, property rights for homesharers, the need to reform divorce, the advantages and disadvantages of mediation.

8. Devise (in groups) a questionnaire on some controversial topic, e.g. divorce, parental responsibility for unmarried fathers, child support, corporal punishment of children.

9. Conduct a role-playing, mediation, or negotiation exercise.

10. Construct a chart showing the differences between two things, e.g. between the Hague and European Conventions on child abduction, between a void and a voidable marriage – this can be done as a poster presentation.

11. Discuss two articles on a similar topic (e.g. from *Family Law* – they are topical and manageable).

12. Analyse raw data.

13. Get students thinking about two sides to an argument, e.g. the advantages and disadvantages of police intervention in domestic violence disputes, whether unmarried fathers should/should not automatically have parental responsibility You could nominate students in advance to deal with each side of the argument or arrange for groups to give a short presentation (say 5 minutes) from a particular viewpoint.

14. Ask students to prepare a summary on some topic and ask them to bring them to the tutorial.

15. Prepare arguments for and against, and from different points of view, e.g. the reform of divorce law from the point of view of a spouse, a child, a family law solicitor; the arguments for and against the presumption of equal distribution of assets on divorce in the case of a wealthy divorce and otherwise; the significance of the Child Support Act 1991 and subsequent legislative developments in respect of child support from the point of view of children, mothers, fathers and the State.

16. Encourage students to make predictions, e.g. how the English concept of parental responsibility would be analysed by foreign courts in cases brought under the Hague Convention; what sort of reforms the Law Commission is likely to recommend in respect of homesharers and what sorts of difficulties might be foreseen.

17. Divide the group into two. Get each group to do a specified question. Answers are then provided to the other half of the class – this provides an incentive for turning up.

18. Get students to read short controversial articles (*Family Law* is particularly good for this) and then to summarise, evaluate and provide contrary arguments.

19. Get students to discuss a group of cases (e.g. the cases on significant harm, the House of Lords' cases on child abduction, *Gillick* and the post-*Gillick* cases).

20. Get students to discuss social aspects, e.g. How have personal relationships changed and why? Why are so many people divorcing? Why are so many people cohabiting rather than marrying? (Questions like this are good for getting discussion going – as students can talk from their own life experience.)

21. Get students to make comparisons, e.g. between the legal effects of marriage and of cohabitation, between the law in England and Wales and in other jurisdictions.

22. Get students to collect material from newspapers on family law and related topics (e.g. about child abduction, divorce, children on divorce, the plight of absent fathers, victims of domestic violence etc) and bring them for discussion.

23. Ask 'What if…?' questions, e.g. What would have been the outcome of a particular case if the parties had been married rather than unmarried?

24. To help students with essay and examination technique, type up some essay and examination answers (i.e. a 1st, 2:1, and 2:2), get them to define the assessment criteria they would adopt and then get them to mark them. This is an extremely useful exercise.

Running the Tutorial

The seating should be informal – the best arrangement is to sit in a circle (unless you intend to break into small groups). Your place in the circle is important – avoid sitting at the front of the room or under the whiteboard, as this suggests that you are there to instruct. It is not a good idea to sit in the same place each week. Make sure that the session has been planned carefully – tutorials need as much (if not more) planning than lectures. At the end of the session, summarise, review and draw the points together (you can use the board or OHP for this).

Providing Feedback

You should provide feedback on tutorial contribution. There can be teacher assessment, self-assessment, and/or peer-assessment of tutorial performance. Get the students to assess your contribution. Feedback could be something as simple as each group member saying one positive and one negative thing about the group's 'performance' (including the tutor's). In some universities tutorial contribution is assessed formally as part of the overall mark for the course (see Chapter 5). Even where there is no formal assessment, it is important that each student has some idea of his/her tutorial performance. A note can be made on each student's file for reference purposes. Feedback should be made available to students.

Dealing with Problems

Problem: The students will not speak

- Ask yourself: Are the questions/tasks suitable? Have the students prepared satisfactorily? Am I creating too much anxiety? Were the ground rules laid down sufficiently? Ask the students what is going wrong.

- Use some small group techniques.

- Tell them that you are not going to speak for 20 minutes, and that you will leave the room if necessary and come back later (appoint two observers to report back when you return).

- Allocate questions, parts of questions and/or specified reading to

particular students in advance, e.g. get students to conduct role plays and give advice from one perspective (as husband, wife, father, mother, parent, local authority etc) or to argue in favour of one side of a proposition.

- Ask them to bring to the tutorial: key points/issues which can be opened up for discussion by the whole group; a précis of a relevant article, a case, or a chapter of a book; an interesting newspaper cutting they have found; a question they have compiled themselves.

- Get each person in turn (including yourself) to make one statement about the topic – it does not matter if they say something that has already been said.

- Invite each student to write down a question about the tutorial material (e.g. about something that interests them or something they do not understand), or a statement that could be contradicted and discussed by the others. Put these questions onto the board/flipchart and ask the students in pairs to solve them.

- Get the students to take responsibility for running the group, e.g. get a student to chair the session each week, someone to take notes (these could be published on the website, and a record kept on the student's file for CV and reference purposes).

- Write the theme of the tutorial in the middle of a board, OHP transparency or flipchart paper, and then get individual students to add the lines of association as they arise for discussion.

- Get the students to write down a number of key words on the tutorial topic. These can then be collated and ranked on a board, OHP transparency or flip chart and can then form the agenda for the discussion.

- Encourage them to bring their textbooks, statute books, articles, photocopies of cases and their lecture notes to tutorials – this may help discussion.

Problem: The dominant students will not keep quiet and the quiet students will not speak

Make the students in the group aware of the problem, and discuss with them a possible solution. Create a task where nobody speaks twice until everyone in the group has spoken once. Another idea is to get each student to assess whether he/she is a high or a low contributor to discussion. Then put all the high contributors into one group and the low contributors into another. This should encourage the low contributors to speak and the noisy ones to sort it out among themselves! If these ideas do not work, then confront the dominant person(s) individually.

Problem: The students will not prepare for the session

Discuss the matter with the students. Perhaps you could break their preparation into more manageable parts, get them to prepare less, help them with their organisation. Perhaps the coursework should be reduced. Perhaps they are under too much pressure from other courses.

It is worth bearing in mind the following factors, which, according to Anderson (1997), students consider promote active participation and listening in a tutorial:

- an informal group atmosphere

- the tutor's skill in facilitating debate in an authentic, engaged manner

- not too large a group

- students themselves investing effort in discussion and creating a good group atmosphere

- students' own self-esteem and confidence
- the nature of the subject being discussed
- students' personal interest in the specific subject matter being discussed
- students' personal knowledge of the topic and of the discipline as a whole
- appropriate preparation by the students
- a clear focus for preparation provided by the tutor
- not too much pressure from other coursework

Other Small Group Sessions

Workshops

Workshops, like tutorials, encourage collaboration and problem-solving. Students are involved in active learning. The tutor, whose role is that of chairperson, introduces a problem-posing or a problem-solving activity, which students discuss in groups. One member of the group can take notes. The group may prepare a flipchart sheet or OHP transparency summarising its conclusions – which can be discussed by the whole group. The workshop technique is good for group dynamics: it engenders the feeling that the group are working together to solve a particular problem; it also reduces student anxiety. A workshop will probably work best some way through the course.

Seminars

Seminars involve students in turn reading out a paper to the group, and the other students asking questions of the speaker. The disadvantage of student-led seminars is that they can be deadly dull and difficult for the student audience. It is better to think of other methods of doing this, i.e. to get students to give presentations.

Student-Led Presentations

Presentations encourage the use of communication and presentation skills. They can be done as an individual or group activity. They can be made part of the assessment process, e.g. as part of an assessed family law project. Students will need to be given some instruction in presentation skills, e.g. how to use the OHP or flipcharts, how to give a poster presentation, how to introduce the topic, conclude, handle questions, organise the material, etc. It is a good idea to prepare a handout/booklet giving advice on giving presentations, or to devote a single session to this. The audience can ask questions and provide feedback at the end of the presentation. They can also assess the presentation, in which case the assessment criteria will need to be communicated. The students themselves can engender the assessment criteria – this will help improve their own presentations.

Discussion Groups

The following areas provide good material for discussion sessions (or debates): whether cohabitants should be given the same rights as married couples; reform of divorce; reform of child support; transsexual marriages; the corporal punishment of children; state intervention into family life; the rights of children (in particular to what extent should they have a right to consent to medical treatment); mediation instead of litigation. A worksheet for the discussion session could be as follows:

> **Discussion Session on Cohabitation**
>
> The tutorial will be a general discussion on cohabitation. We will discuss some of the following: What is cohabitation? Why do people choose to cohabit rather than marry? What are the legal distinctions between cohabitation and marriage? What are the legal disadvantages (if any) for cohabitants? Should the law treat married couples and cohabitants equally? How do separating cohabitants settle disputes about their finances, property matters, and their children? Are cohabitants discriminated against? Does the law give them sufficient protection? Come to the session with some questions of your own.

- As much preparation (if not more) is needed for small group teaching, as for lectures. A successful tutorial requires a clear agenda – it is particularly important to get students to prepare properly in advance. The agenda or objectives of the tutorial can be displayed (e.g. on flipchart, OHP transparency) to give a structure for the tutorial.

- It is vitally important to lay down the ground rules early on – particularly the expectation that students must participate and that the success of the tutorial is as much their responsibility as yours.

- Ideas and techniques used in tutorials can be used in lectures.

- It is important to avoid tasks in tutorials that can be done by the student at home, otherwise students will feel the session has been a waste of time and will fail to attend. They must see a need to attend. One way of doing this is to break the task into constituent parts (e.g. make a particular student or group of students responsible for one question, or one side of an argument, or advise a specified person in a problem question). Another is to give them some reading in preparation for the tutorial and explain that the meeting will take the form of a discussion of an unseen problem (the final session could be used to discuss an unseen examination problem).

- Try and vary the format of the tutorial – arrive and do something unexpected.

- Give the students time to think, read, discuss.

- Give praise and encouragement where it is due.

- Try to understand the precise meaning of what students say when they contribute to discussion; do not rephrase their statements but ask them to clarify their meaning or expand.

- Be honest: if you do not know the answer, say so, and tell them that they or you will find the answer.

- What are you trying to achieve in family law tutorials?

- Are there any ways in which your sessions could be improved?

- Do you talk too much? How can this be resolved?

Assessment

Assessment is an important part of any family law course. Not only does it have an important role to play in setting academic standards (particularly important in the context of current concerns about 'benchmarking'), but it influences students' motivation to study and their approach to learning (i.e. whether they adopt a surface or deep approach). Assessment also determines the employment prospects of students, and provides mutual feedback for students and teachers.

There are two sorts of assessment: formative and summative. Formative assessment is used for diagnostic purposes with the aim of helping students improve – to inform the student's further development. Summative assessment is assessment used for examination purposes, i.e. to assess a level of achievement and provide a mark – to sum up a student's achievement. Assessment can, of course, be both formative and summative, e.g. a family law assignment which contributes to the final mark can contain comments, suggestions etc. to help a student improve his or her performance.

It is important to be clear about what you are assessing in your family law course, and why. It is important to consider whether there is too much assessment, as this can have an effect on other parts of the course, e.g. tutorial preparation and

attendance at lectures and tutorials. Too much assessment also encourages surface learning, as students will have insufficient time to reflect on their learning. You might also consider whether to include some formative, rather than summative, assessment. Summative assessment has disadvantages in that it encourages students to become results merchants. They develop a selective and strategic approach to their learning – in short, they 'play safe'. You may also wish to consider using some form of student self-assesment. (For more on assessment see Bone, 1999.)

SECTION B

Case Studies

This section of the Manual includes two case studies of family law teaching at two universities: Leeds and Sheffield. They have been chosen because the family law teachers at these institutions are doing something which is particularly distinctive, and which is likely to be of interest to family law teachers generally.

Chapter Four on the experience at Leeds is written by Norma Martin Clement. Leeds was chosen as the teaching methods for family and child law appeared to be quite different from those used in other institutions. At Leeds there are no lectures (except for an initial two hour lecture in which course arrangements are communicated and explained), and only small group teaching which is run in conjunction with a series of 'study guides'.

Chapter Five on the experience at Sheffield is written by Catherine Williams. Sheffield was chosen because the teachers there are doing some interesting work using oral assessment, as well as a statutory exercise on the Children Act 1989 and project work.

Although the methods and examples of activities described here pertain to a particular family law/child law course, they can be adapted and used by family law teachers in other contexts. Thus, for example, instead of having a whole course relying on a study guide, as at Leeds, a study guide can be developed for a particular topic, e.g. where there are no lectures on that topic, but it is covered in a seminar. Similarly many of the practical learning activities can be selectively used within more conventional lecture/seminar courses.

Family Law at Leeds

There are two 'family law' courses at Leeds University. One, 'Family Law' so called, covers much of the usual subject matter, while 'Child Law' deals with both the private and public law relating to children, excluding education and juvenile offending. Both courses are delivered through a single two-hour introductory lecture, followed by a series of two hour seminars. As optional courses, they are open to both level 2 and level 3 students. Family Law is not a formal pre-requisite for Child Law, so while Family Law tends to be taken by level 2 students, and Child Law by level 3s, it is possible for either level 2 or level 3 students to take both courses concurrently and this sometimes happens.

In this chapter, the development of the courses, and the rationale for delivering the courses in this way will be described, as this may be relevant to other teachers of family law. In addition some illustrations of the teaching methods used will be provided.

Historical Development of the Courses

The basic format of the current courses was pioneered in a 10 credit module, Family Law (Marriage and Divorce), in 1993/94. The immediate stimulus to develop this course was the process of modularisation and semesterisation introduced by the University of Leeds at that time. The decision to adopt this particular format was influenced by three factors:

- recognition that lectures achieve a limited number of educational goals;
- acknowledgement that family law was well served by undergraduate text and casebooks; and
- the belief that structured seminars would promote active learning by the students.

A further review of the teaching methods for both Child and Family Law was required in 1997/98 due to the departmental adoption of a particular methodology for assessing the efficiency of course delivery. Efficiency is measured as 'credits per hour' (cph) calculated by taking the number of students registered for the course (say 'x'), multiplying x by the credit weighting of the course (either 10, 20 or 30 as the case may be), and dividing the product by the total contact or teaching hours. In December 1997 the department adopted a policy requiring courses for 1998/99 onwards to have a minimum of 25 cph. As Family Law usually recruited 35-40 students and was delivered in 20 hours, its cph rating was 20 at best. Child Law, although a 20 credit course, had a cph rating of under 12, since it was delivered in 26 hours of lectures, 14 hours of seminars plus a 2 hour revision class, to around 25 students.

Slightly different methods were chosen to boost the cph rating of both courses. In relation to Family Law, the decision was taken to keep the style of delivery and trim the overall number of hours to 18, but to uplift it to a 20 credit course, amending the syllabus to bring it closer to a traditional family law course in terms of coverage. The shift away from 10 credit courses was part of a more general trend within the School of Social Sciences and Law at Leeds, with concerns being expressed that in practice 10 credit courses were not equivalent to 50 % of 20 credit courses and that students taking a number of 10 credit courses were being overloaded.

The decision in relation to Child Law was to reduce the overall number of hours, and to move to a primarily seminar based method of delivery, following the success of the family law model. This again was in line with more general developments within the department of using seminars increasingly for smaller 'optional' subjects in the second and third years of the undergraduate degree.

With a relatively low number of contact hours (18 hours in total for Family Law and 20 for Child Law), additional methods of student support need to be offered. Within the department, support is delivered through regular 'surgery hours' with tutors, together with e-mail contact between students and tutors. In addition we have been able to take advantage of a new method of support created by the University of Leeds Teaching and Learning Support Unit. This is the Nathan Bodington building, which is a virtual building, providing interactive services and accessed via the world wide web (www.tlsu.leeds.ac.uk/nathanbodington.html). It is called a building because it houses facilities which would traditionally be provided in a study centre. It has floors allocated to different academic departments, and on each floor there are suites of rooms for particular modules. A variety of different types of rooms can be created, including reading rooms containing documents, and group discussion rooms. For Family and Child Law, there is a 'bulletin board' room for notices and announcements relating to the course, and a general discussion room where students can e-mail tutors and their class-mates. For particular topics within the courses, there are additional rooms, including some containing answers for written exercises within the study guides, and one housing a multiple choice test on the allocation and acquisition of parental responsibility.

Important Characteristics

Student Population

Leeds law students are mainly recruited at 18/19 years following A-level examinations. They are high ability students as judged by an average A-level score of over 26 points. There are usually more men on the Family Law course than on the Child Law course, but both courses are predominantly taken by women students. In terms of ethnic diversity, around 10 % of the entry to the single honours law degree consists of students from ethnic minorities, and this is usually reflected in the composition of both courses. There are usually only one or two older students on each course.

The relative youth of the students means that they are more likely to be in a cohabiting relationship than married. In Child Law, there may be one or two student-parents in the class. Allowances have to be made for the general lack of 'life experience', albeit that they will be bringing their own experiences of childhood and family life to the courses.

Innovation and the Departmental Culture

The general culture of the department is also important. Students can be quite conservative and not at all enthusiastic about any departure from the traditional lecture/seminar format as delivered in their department. When Family Law was first taught by seminars only, this was an unusual format for Leeds and there were always a handful of comments on the annual evaluation questionnaires bemoaning the absence of lectures. Now there has been a more general shift towards seminars in the smaller optional subjects for level 2 and 3 students, this type of comment has simply disappeared. (It might also be that the Family and Child Law courses are no longer the furthest away from the lecture/seminar norm given the range of innovative teaching methods offered in the department.) It is no longer necessary to convince the students of the validity of the teaching methods but students do recognise that the course places a different type of demand on them, with more effort required 'up front', during the year.

Advantages and Disadvantages of Seminar-Only Delivery

Advantages	Disadvantages
● Fosters independent learning. It also seems to foster a deeper understanding of the subject. Students have the space to develop their own views on the different materials studied.	● Development costs. Requires initial time investment by teachers in preparing and writing the study guide materials, plus setting up the Nathan Bodington suites. Further time is called for in devising the lesson plan, and setting out the running order for the activities in the seminars.
● Requires students to work fairly consistently throughout the academic year, which assists retention of knowledge, placing less pressure on them for revision; this is especially valuable as there is less time under the modular system for revision. Students also develop good time management skills.	● There may be a 'knock-on' effect for lecture-based courses taken concurrently. Students under pressure of time can 'coast' if they go to the lectures and get a set of notes – they may give priority to the seminar-based course simply because its demands seem more immediate.
● The seminars also promote skills of oral presentation. Over the course of the year, students noticeably develop greater self-confidence in making contributions to class and group discussions, and improve their ability to speak clearly and effectively.	● Issues of infrastructure including the group size. Although the family course regularly runs with around 40 students, this is close to the maximum and the optimum number is under 30. The course could be adapted to deal with more students, but once the number exceeds 50, then it would be better to have two seminar groups with 25 students per class.
● Students actively engage with the subject and appear to enjoy the classes. As a teacher, the seminars are very enjoyable, because the students can't just re-iterate what the lecturer said, and are very willing, indeed eager, to participate in what are often very lively discussions.	● Timetable requirements. A two hour slot is preferable as it allows a range of exercises and activities.

Designing and Writing the Study Guides

In the absence of lectures to provide the framework for learning and to guide student reading, the study guides written to accompany each topic become a pivotal element of the course. As developed and used in Leeds, they are not like Open University course materials. The bulk of the course content is not in the guide itself but elsewhere – in the textbooks and the library. The purpose of the guide is to support independent study by the students – it is not intended to be a 'cases and materials' set for the Leeds courses as there are good commercially produced works which serve that purpose. These guides are written to 'wrap around' chosen readings from accessible sources.

Ideally it is better to have just one book, or at most two, as the source of all the readings. In practice, this has not been followed. For Family Law, the original choice of text was Dewar (1992) as it was pitched at the right level of detail, with a good

The Purpose of the Guides

balance between the doctrinal and socio-legal approach. However, as there has been no new edition since 1992 and family law has moved on considerably since then, Dewar has been superseded by Cretney's short text (1997) but as its coverage of some topics is a bit too brief, it is supplemented with additional reading from other texts. For Child Law, we usually give alternative references wherever possible, but occasionally excerpts from one particular book may be identified as essential reading.

Although the study guide is written to 'wrap-around' a textbook, this does not mean that Family and Child Law students never need enter the law library. Leeds law library has a short loan collection dedicated to students, with multiple copies of all student texts and cases and materials. This means that there is access to texts which are recommended on an occasional basis throughout the course. The library holds only single copies of the specialist family law journals, so where a particular article is recommended reading, either the actual journal or a photocopy will be placed on temporary collection. This is preferable to students getting very frustrated chasing single copies, but in general it is accepted that for seminar preparation there will be a limited range of reading outside the required cases and the main text.

Planning the Writing

Planning the writing links in with planning the curriculum more generally (see Chapters 2 and 3). It is important to break the material down into 'manageable chunks', and to be realistically modest about the amount of preparatory reading set to encourage broader participation in the seminars, and to avoid a 'surface' learning approach which can result from excessive amounts of reading. In gauging what is a realistic amount, the assumption at Leeds is that students will spend 75 hours in total for a 10 credit course and 150 hours for a 20 credit course, and these figures should be used as a guideline in planning the amount of reading and other work to be set. A further point is that the seminars are unevenly spaced across the two semesters, and students are told at the outset that the 'gaps' reflect the amount of preparatory work required so that they are given more time for 'heavier' topics. Remember too that if you are familiar with a subject, you are likely to underestimate the time it may take to read and grasp what can be quite densely written texts.

The study guides try to move away from passive 'book work' of a list of chapters from a text, journal articles, cases and statutes. The aim is that the students get involved in thinking about, working with and making the material theirs. The guides strive to be accessible and 'user-friendly'. They should be easy to follow, clearly structured and stimulating.

Many of the following tips and hints are equally applicable to 'standard' handouts and should not be regarded as unique to study guides:

Style: Tips and Hints

- The study guide is not an academic text, so it can be relatively informal in style.
- There is no reason not to be personal, using the pronouns, 'I' and 'we', and referring to the students as 'you'.
- Write as clearly as possible. This includes explaining or defining technical terms or concepts, and using short sentences and paragraphs.
- Use headings and sub-headings for structure. When producing a long document (the guides for each topic can be between 16 and 20 pages in length), use a cover sheet to set out the page numbers corresponding to the headings and sub-headings.
- Always number the pages. If you don't, there is a risk that the materials come back from reproduction in the wrong sequence.
- Aim for consistency in presentational style, but don't go overboard.

- Experiment with the word-processor to break up the text and differentiate between the different tasks and activities required by way of preparation for the seminars. For example, you can use italics to differentiate exercises and tasks from commentary. Another idea is to put boxes around any readings to draw attention to what is required.

- It is important to leave sufficient space on the handouts to encourage students to write in their answers directly on the guide, rather than on a scrappy piece of note paper. In practice this can be checked by printing off a draft and attempting to write in the answer. If it doesn't fit in the space allowed, then you need to increase the space allocated. Since office staff may shrink the materials at the photocopying stage to save on paper, defeating the whole purpose of the spaces, it is best to explain to them the importance of keeping the reproduction at 100%.

- Develop your own style! Just as people have individual lecturing styles, they will have different styles for writing study guides. The more you do, the more your individual style develops.

In terms of planning the guide for any particular topic, the basic template adopted at Leeds is:

Basic Template

- an introduction
- the body of the work
- conclusion or summary
- any preparatory material for the seminar

Sometimes the aims and objectives are set out in the introduction, and sometimes they are included before the seminar exercises. As the study guides and seminar activities work together in delivering an integrated 'learning experience', this is why the topic objectives are sometimes included at that point in the guide, so that students then can use them as a checklist at the end of the class.

Examples of Exercises Within the Study Guides

Many of the exercises used at Leeds may appear rather simple and basic, involving relatively low-level intellectual and analytical skills but as the students are primarily responsible for their own learning, it is important to build up their competence, knowledge and understanding gradually. The exercises within the study guides seek to ensure that the students have the foundations in place so that the higher level skills of critical analysis and application can be explored within the seminar.

Comprehension exercises are used most frequently within the guide. This type of exercise encourages students to read in a purposeful way to obtain the information they need to answer the questions. For example in relation to readings on the historical development of the law, the questions can focus attention on key landmarks and changes. Close reading of statute is another skill which can be promoted through comprehension type questions (see Example 1 below). In relation to demographic and other statistics, students can be asked to identify trends and patterns or to offer their observations on the material presented. A further permutation is to devise a series of simple multiple choice questions to test students' understanding and knowledge (see Example 2 below). Sometimes particular assistance can be given by indicating within the questions the number of sub-points or factors required. Alternatively, the question can leave blanks or missing spaces for the students to insert missing words or expressions.

Comprehension Exercises

Example One

In this example the questions lead the students through sections 42, 44 and 62 of the Family Law Act 1996.

Read CRETNEY, pp. 99 – 104 and tables at pp. 108 – 111 and Part IV Family Law Act 1996

Answer the following questions:

NON-MOLESTATION ORDERS

1.   What types of behaviour may constitute 'molestation'? (see *C v C (Non-molestation order: jurisdiction*) [1998] 1 FLR 554).

2.   The category of applicants for non-molestation orders under s.42 is wider than under the old law. Will non-molestation orders be available between:

     (i)   a gay or lesbian couple living together?

     (ii) a heterosexual couple who have separate homes, but frequently spend nights together?

     (iii) a group of students sharing a house, which one of them sub-lets to the others?

     (iv) cousins?

3.   What particular qualifications apply in the case of engaged couples?

4.   What are the criteria for a non-molestation order?

5.   Who is a 'relevant child' under this legislation?

6.   What is the potential duration of a non-molestation order?

Course: **Family Law**
Topic: **Marriage**

This is the second topic studied within Family Law, so in this example, the reading is introduced in paragraphs (a) and (b).

(a) **There is no substitute for reading the statute**

Nullity, like much of modern family law, is statutory in form. The law was comprehensively reformed in the Nullity of Marriage Act 1971, and now consolidated in ss.11-13 MCA 1973. Start your study of this topic by reading these provisions, then read the textbook. Note because of the paucity of nullity petitions, much of the case-law in this area is pre-1971 but in general the old cases are still relevant to the interpretation of the statutory provisions.

(b) This topic demonstrates the growing influence of the *European Convention on Human Rights.* The interpretation of *Article 8* (the right to respect for one's private and family life) and *Article 12* (the right to marry and found a family) have been examined in cases involving transsexuals.

READ <u>ss.11-13 & 19 Matrimonial Causes Act 1973</u>

Now read CRETNEY, Chapter 2

(N.B. The topic of polygamous marriages (s.11(d) MCA 1973) is outside the syllabus.)

Test questions

To test your grasp of the technical detail of the law of nullity, answer the following questions by ticking the appropriate answer.

1. What is the minimum age for marriage in English law?

    (a)   16 years
    (b)   18 years

2. After how many years' absence can a party to a marriage be presumed dead? (See s.19 MCA 1973).

    (a)   5 years
    (b)   7 years
    (c)   10 years
    (d)   21 years

3. Following *Corbett v Corbett* [1971] P.83, what criteria do the English courts use to classify parties to a marriage as 'male' and 'female'?

    (a)   Biological criteria i.e. chromosomal, gonadal, and genital tests
    (b)   Social and psychological criteria i.e. gender identity and gender role tests

4. Can a post-operative transsexual contract a valid marriage under English law?

    (a)   Yes
    (b)   No

5. Is marriage between first cousins permitted under English law?

    (a)   Yes
    (b)   No

6. When can a woman marry her son-in-law? (See Marriage (Prohibited Degrees of Relationship) Act 1986.)

    (a)   Never
    (b)   If both are over 21 and have divorced their respective spouses
    (c)   If both are over 21 and their respective spouses are both dead

7. In a case which attracted considerable media attention, a Wakefield couple were 'married' by a theological student on a work experience placement. Was the marriage valid? (See s.25 Marriage Act 1949.)

    (a)   Yes
    (b)   No

8. Duncan does not want to have any children and insists on using a condom when he has sex with his wife, Erica. Has their marriage been consummated? (See *Baxter v Baxter* [1948] A.C. 274.)

    (a)   Yes
    (b)   No

9. Like many couples today, Frances and Geoff had sex before they were married. On the way to their honeymoon after their wedding reception, there was a car accident. Geoff is now confined to a wheelchair and is impotent. Can Frances petition successfully for nullity on the ground of Geoff's incapacity?

    (a)   Yes
    (b)   No
    (c)   Perhaps

10. Is the test for duress subjective or objective?

    (a)   Subjective
    (b)   Objective

11. In 1993, when Ian married Cathy, he did not know she was pregnant by William. Ian discovered the truth about Sam's paternity on the child's 4th birthday. Could Ian now seek to have his marriage with Cathy annulled?

    (a)   Yes
    (b)   No

12. When a marriage is annulled, can the 'wife' or 'husband' apply to court for financial provision? (See ss.23, 24 MCA 1973.)

    (a)   Yes
    (b)   No
    (c)   It depends

Classification exercises can serve a variety of different purposes.

Sometimes a classification exercise can encourage the students to read what might seem to be quite amorphous primary materials. It is almost a consciousness-raising technique, the purpose being to fix the outlines of the topic, rather than to fill in the detail. Classification exercises work well in relation to Part III and Schedule 2, Part 1 of the Children Act 1989, on the powers and duties of local authorities, and also in relation to the United Nations Convention on the Rights of the Child 1989. The exercise used in relation to the UNCRC 1989 is the example set out below.

Course: **Child Law**
Topic: **Childhood**

Classification of the rights in the UN Convention on the Rights of the Child

There are various ways in which the Articles in the Convention can be classified.

Cretney and Masson distinguish:

- basic human rights
- civil and political rights
- economic and social rights
- cultural rights
- protective rights

Fortin uses a classification system devised by Leblanc:

- survival rights: not just the right to life, but all rights which sustain life
- membership rights: treating the child as a member of her community and family
- protection rights: guard the child against abuse of power by individuals and the state
- empowerment rights: secure respect for the child as an effective member of the community, through promoting her freedom of thought and conscience and encouraging her capacity for self-determination

Another classification is based on the 4 Ps:

- **Participation** of children in decisions affecting their own destiny
- **Protection** of children against discrimination and all forms of neglect and exploitation
- **Prevention** of harm to children
- **Provision** of assistance for their basic needs

Exercise:

Use one of the classification systems set out above and devise a grid with the appropriate headings reflecting the types of rights. Then read the text of the UNCRC 1989 and allocate the Articles to the relevant category.

This exercise is a useful way of ensuring your familiarity with the substantive articles of the Convention. Don't worry if there seems to be overlap and articles can be placed in more than one category. Personally, I like the 4Ps: they are easy to explain to both adults and children and they point up the complementary approach to children's rights.

A variation on this type of exercise is the use of a table or grid to 'compare and contrast'. As well as being deployed within the study guides, this can be used for 'poster exercises' within seminars. Set criteria can be given to the students, or the adoption of appropriate criteria can be part of the exercise.

This type of exercise can be used in a wide range of contexts:

- a comparison of void and voidable marriages
- a comparison of the legal effects of marriage and cohabitation
- emergency protection orders/child assessment orders can be compared
- the legal effects of long-term fostering, section 8 residence orders and adoption can be compared where children are being cared for outside their birth family

The following exercise was devised by Clare Furniss, of the Department of Law, University of Leeds.

Example Two

Course: **Child Law**
Topic: **Care Proceedings and Related Issues**

Choice of orders
The threshold criteria for a care order and a supervision order are the same (section 31(2)). So how will the court decide which order to make? The welfare of the child is paramount and essentially the court will have to weigh up the protection provided by each and the risk of harm to the child, to reach an appropriate decision. Note that under s.31(5), if the applicant has applied for a care order, the court can make a supervision order, and vice versa.

Exercise:
Draw up a table to illustrate the similarities and differences between these two orders. Include the effects of the order in terms of parental responsibility, the duties of the local authority, the duration of the order, and who may apply.

Flow Diagrams

The purpose of flow diagrams is to make students think about the stages in a process, rather than to develop their graphic design skills. However, some students do produce brilliant diagrams, and it does seem that displaying the information in visual format is helpful for some students. For this type of exercise personalised feedback is recommended.

Example One

Course: **Child Law**
Topic: **Child Abuse and Child Protection**

Seminar Instructions:

1. Draw a flow diagram illustrating the various stages of local authority intervention from initial referral, distinguishing between emergency and non-emergency cases. (Use a separate sheet of paper and put your name on it as the diagram will be collected in the seminar.)

Example Two

Course: **Child Law**
Topic: **Adoption**

Seminar Instructions:

1. Draw a flow diagram illustrating the various stages in the adoption process, distinguishing between stranger and relative adoptions. (Use a separate sheet of paper and put your name on it as the diagram will be collected in the seminar.)

As explained earlier (see Chapter 2) family and child law students draw on their own experiences of family life and childhood. We can use their everyday experiences to get students personally interested in the topic and motivated to learn.

The first exercise set out below is used as a way in to the concept of parental responsibility. It is better if exercises of this type are not seen as 'free-floating' but are perceived to have some relevance to the later readings and activities. So the follow-up to the exercise is also included.

Example One

Course: **Child Law**
Topic: **Parenthood**

Exercise:
On a separate sheet of paper, make a list of what you think 'parenting' a child involves.

(If you are interested in the list I devised, you can check it out in the discussion room in the Nathan Bodington building.)

Follow-up:
Read **Bainham**, pp.94 – 98 or **Cretney & Masson**, pp. 611 – 625

Note the legal incidents of parenthood as set out in list form by Bainham or compile your own list from the headings used by Cretney & Masson.

How do the items listed compare with your definition of 'parenting' in the earlier exercise?

The follow-up for the second example below was not built into the study guide but was part of the seminar activities (see further below).

Example Two

Course: **Child Law**
Topic: **Child Abuse and Child Protection**

What is child abuse? Defining the 'problem'

Exercise
What does the term 'child abuse' mean to you? Brain-storm – write down on a piece of paper all the things you can think of that can be done to children and which you consider to be abusive. You might like to use the standard categories:

- neglect
- physical abuse
- sexual abuse
- emotional abuse

Do these categories help you to group the items on your list? Are there some items that don't fit into any of these categories?

The Dartington study (*Child Protection: Messages from Research*) points out that 'most behaviour has to be seen in context before it can be thought of as maltreatment.' There are many definitions of abuse in the legal and scientific literature. The absence of a single definition is not necessarily problematic as the different agencies or groups apply their definition for different purposes: 'the policy maker deciding where to place scarce resources, the public worrying about how best to bring up children, the social scientist trying to estimate how much abuse exists and the professional making difficult judgements about child safety.'

As well as setting the exercise and checking that the students have completed it, it is important to give feedback. This is important to clarify any misconceptions that may have arisen and also to reinforce any successful learning that has taken place. Feedback procedures can vary from orally reviewing the exercises within the seminar, to the distribution of written 'model answer(s)' in class for the students to take away, through to posting the answers within the Nathan Bodington building just before the seminar takes place, so that students can check them afterwards. The latter two methods can be used more widely to deliver feedback. If a tutor has set too many questions to get through in the requisite class time, then students can become quite resentful and de-motivated if they have prepared questions which are not dealt with. Supplying written answers particularly for problem type questions can defuse student anxiety about not 'getting through the business'.

Running the Seminar

The physical layout of the teaching space is very important in creating the right learning environment within the seminars. As the seminars frequently move between small group and whole class work, the ideal is a seminar room on one level, rather than the students sitting in serried ranks with the teacher out in the front. There must be sufficient space for students to move their chairs around to form small groups, yet the layout should not mean that anyone feels left out or marginalised when working in the whole class. Ideally there should be sufficient whiteboards for the small groups to work at. The whiteboards need to be visible from anywhere in the room to allow feedback from the individual groups to the whole class. If there are insufficient whiteboards, it is possible to use A3 poster paper, a supply of thick-tipped pens and Blu-tack or a flip chart stand as an alternative but then it is more difficult for groups to compare their work and get whole class feedback.

Hints and Tips for Dividing Students into Groups

- The easiest way to subdivide the class is to count off the students where they are sitting. This has the advantage that level 2 and 3 students tend to sit with their friends and the group dynamics will reflect this. But sometimes it is good to shake things up and alter the whole class dynamic by mixing up the students. As much as anything, getting students to stand up and move around will help wake them up in a two hour class.

- Work out how many groups are needed. Suppose there are 23 students in the class, and you want 4 groups. Tell the students you are going to call the groups 1, 2, 3, and 4 and specify the physical location or 'home corner' for each group. Next count students off where they are sitting, '1, 2, 3, 4, 1, 2, 3, 4' and so on. Then all the students numbered 1 move off to their corner, the number 2s to theirs and so on. This is a very quick and simple way to divide up the class.

- Another method which takes more time but provokes some amusement is to use birthdays. A variation would be star signs. Again the starting point is the total number of groups, and the designation of their location. If four groups are required, then they can be called 'spring babies, 'summer babies' and so on. The risk with this method is the seasonal variation in birth rates might produce uneven group sizes so the additional numbers then have to be redistributed.

- A further method requires a bit more in the way of advance preparation by the tutor. Cut some index cards in two so you end up with the same number of cards as there are students in the class. Then choose various categories equivalent to the number of different groups required: Jane Austen novels, breeds of dogs, Walt Disney characters, dance steps and so on. In class, shuffle the cards and deal them out. Then there is usually some confusion and laughter as everyone finds their genus and moves to their location.

- A final method is to line the students up by height. This requires sufficient space in the classroom for all the students to stand in line and then be counted off into groups.

The latter three methods take more time but have a secondary function as icebreakers. They are fun so everyone relaxes and the small group work starts on a really good note.

As the seminars involve such a mix of exercises and activities, we have found it helpful to devise a lesson plan or crib sheet even if only one person is responsible for running the class. The plan essentially sets out the timetable for the two hours, specifying the activities and setting down time estimates for them. They are estimates as there is always slippage in the timing.

Lesson plans are also invaluable where there are multiple groups led by different tutors. The plan in that case should inform the other tutors of the pedagogical rationale of the activities and exercises, rather than just the substantive 'answers'.

A lesson plan does not have to be presented in any particular format. Putting it on a disk allows for continuity from year to year if the mix works well, but it also allows for post-seminar notes to be added on what worked and what didn't, and thus allows for modifications where necessary.

The exercises described below have been selected because they are rather different from 'conventional' discussion and problem style questions, and thus may be adapted by tutors seeking to add to their repertoire of seminar exercises. The Leeds courses still make considerable use of 'conventional' questions as they develop important analytical and problem-solving skills.

All three of the examples set out below are given to the students in the seminars with no advance preparation other than working through the study guide for the topic. Using 'unseen' activities in this way keeps students on their toes, and they usually rise to the occasion.

Course: Family Law
Topic: What is the Family?

This is an exercise which is used in the first seminar of the course. It follows on from a multiple choice quiz consisting of ten questions about the demographic changes affecting families in the twentieth century.

The object of the Diamond 9 exercise is to consolidate knowledge of the key points and to reflect on the implications of the changes. In 1998/99 the exercise was broadened to include economic/social/technological factors associated and linked with the demographic shifts. Note that the list given to the students makes no reference to any legal reforms. This was deliberate in order to avoid any entanglement at this early stage of the course in the debate over whether law precipitates or reflects social changes in family life.

Students are divided into groups of 4/5. They are given a typed sheet either with nine demographic or nine socio-economic 'facts', together with pens, scissors, glue and a sheet of A3 paper. They are asked to discuss among themselves the relative importance of these 'facts' and to represent their significance in a diagrammatic form. Hence the name, 'Diamond 9' as this is one possible outcome.

Students are also told they are free to reject any of the factors suggested and to propose alternatives. They have 20 minutes to complete the exercise. It usually provokes much discussion in the groups and the finished products often display a lot of imagination and lateral thinking, with different shapes and arrows used to demonstrate links and relationships between the various factors. The A3 posters can

be displayed on the classroom walls or whiteboard (with sticky tape or Blu-tack) so that all groups have an opportunity to compare their work.

Sample Diamond 9 lists appear below. The choice of factors can be customised to suit a teacher's own interests or a particular course's coverage.

List 1: Demographic factors
- People are living longer
- Increase in divorce rate
- Rise of cohabitation
- Fewer first marriages
- More children born outside marriage
- Smaller household and family sizes
- Rise in the number of people living by themselves
- Growth in the number of lone parent families
- Fall in fertility: rise in the number of women who are childless by choice and older age at child-bearing.

List 2: Socio-economic factors
- Increased proportion of women in the labour market
- Immigration and growth of ethnic minority population
- Polarisation between dual earner and no-earner families
- Improved control over fertility through contraception and abortion
- Greater participation of women in higher education
- Childbirth less risky and fall in infant mortality
- Rise in the 'companionate' marriage
- Improved access to welfare benefits
- Divorce and cohabitation less stigmatised.

Example Two: 'Any Questions'

Course: Family Law
Topic: Cohabitation and the Future of Marriage

The objective of this exercise is to ensure that students do not share any of the popular misconceptions as to the legal position of cohabitants. It is based on the 'radio show' format. Most students are familiar with the basic format but international students may not be so a quick explanation may be required.

A set of five or six questions is prepared in advance and put on numbered index cards. These cards are 'planted' on volunteers. A panel of 'experts' plus a chair is convened (all class members are eligible to be 'experts' if they have prepared for the seminar). The members of the panel sit at the front of the class and the chair takes over the running of the session. The chair invites the first questioner from the audience to put their question to the panel who can confer before providing an answer. Other members of the audience can make comments, ask additional questions etc. Some questioners will expand their role and give the class their 'life story' in advance of posing the question. The role of the chair is quite important as they need to know what they are doing, be fairly authoritative, and it helps if they have a sense of humour. After all the questions have been asked and answered, the chair should ask the audience to show their appreciation in the usual way, after which the experts and chair retire to their previous seats. Again this exercise usually takes around 20 minutes to set up and run.

It is important to 'debrief' the class after this exercise as the panel members do not always get the answer 100% correct. Rather than intervening while the session is running, as that risks disrupting the performance, it is preferable to save any comments to the end, noting any particular points down as they arise. It is helpful to put the original questions on an OHP and show it to the class while you talk through the answers.

Some sample questions, sufficient to start a group off on this exercise, appear below. Tutors can apply the basic technique to different areas of law and can add endlessly to this list, using topical questions, as well as questions which commonly cause confusion.

1. What is common law marriage?
2. Is walking away from a relationship easier if two people live together rather than marry?
3. Is it true that if you live with someone for more than six months, but then you split up, you have a legal claim to half their home?
4. Even though we lived together for twenty years and had three children together, now that we've split up I won't have to pay her a penny in maintenance, will I?
5. If anything happened to me, she is my next of kin, because we live together, so she will inherit everything, won't she?
6. We have both registered the birth of our daughter, so we both have parental responsibility for her: isn't that right?

Course: Child Law
Topic: Child Abuse and Child Protection

This is the follow-up exercise to the 'brainstorming' exercise on the definition of child abuse. This particular exercise, and indeed some of the actual examples it uses, is based on the Dartington study, *'Child Protection: Messages from Research'* (1995) and the proposition advanced in the report that child abuse is not an absolute concept. The debt to the Dartington study is always acknowledged expressly at the close of the exercise.

The following sheet is distributed to the class:

Defining Child Abuse
1. A girl aged six arrives in school with a bruise on the side of her face. She says that she bumped into a table.
2. A five year old boy in reception class says that he has been watching naughty videos with his dad.
3. A six year old boy regularly comes to school without a coat, wearing threadbare jogging pants, a thin sweatshirt and torn trainers. He brings sweets for his lunch.
4. A three year old girl clings to the health visitor during a home visit. She wants to be held and is reluctant to return to her stepmother.
5. A six week old breast-fed baby of middle class parents, the third child after a gap of six years, has not regained his birth weight. Mother insists he is content and feeds well.
6. A girl of twelve is reported to be falling behind with school work. She is withdrawn and reluctant to join in class activities. Her parents have recently separated.

7. Several bruises are noticed on the back of the legs of an eleven year old boy, who is reluctant to change for PE. He says that he doesn't know what caused them.

8. A nine year old boy is a regular non-school attender. He is the eldest child of six siblings in a travelling family who live in a caravan. When he does attend school, he frequently uses foul language and is aggressive to other children. He is often seen helping his father with his scrap metal business.

Exercise:

In relation to the scenarios above, ask:

● Whether abuse may have occurred

● Why you have come to that conclusion

● Whether areas of doubt remain

● What additional information you would need to be certain that 'significant harm' has or is likely to occur.

The class is then divided into four groups and each group is allocated two of the scenarios to discuss for up to 15 minutes. Then each of the groups reports back on their discussions to the rest of the class: this stage of the exercise lasting for another 15 minutes.

As well as drawing on material covered in the study guide specifically relating to definitions of abuse and the concept of 'significant harm', this exercise incorporates revision of learning acquired at the very start of the course, relating to the physical and psychological development of children. (Admittedly, some additional information had to be supplied in relation to scenario 5, as to when new-borns are normally expected to regain their birth-weight.) The final component of the exercise ('What additional information you would need…') encourages students to use their knowledge and imagination to speculate beyond the bare facts presented.

This exercise really engages the students and can spark a very spirited discussion of the moral and legal dimensions of what is regarded as child abuse.

The detail of the scenarios can be varied. For example, the facts of cases where the courts have considered the issue of whether the threshold has been crossed, can be adopted for this exercise.

Example Four: Role Play

Example 2 (above) is a short role-play exercise involving the whole class variously as the panel of 'experts', the chair or the audience. More ambitious role-plays may be better situated towards the middle or end of the course so students are less inhibited about 'acting out' their role.

There are four main types of role-play: skills-based, issues-based, problem-based, and speculative-based. It is possible to devise role-play scenarios within family law which fit within any of these categories or are 'hybrid', involving more than one approach. In particular, within an undergraduate law degree, the skills component is more likely to be general intellectual and 'people skills', leaving 'professional' skills such as interviewing and advocacy to the vocational courses.

Role-plays can be adapted to illustrate the various modes of dispute resolution practised in family law. For example, in the Leeds courses, students take on the roles of solicitors, clients, court welfare officers, magistrates/judges and mediators in different exercises. In the Family Law course there is a 'scripted' role-play of a court hearing in relation to a residence and contact dispute. The students playing the roles are allowed to improvise and depart from their script where they feel this would assist the authenticity of the hearing. Following the 'performance', the class is

divided into groups of threes to sit as magistrates. In addition to determining their decision in the case, each group must provide reasons for it by reference to the relevant statutory provisions and case-law.

Unscripted negotiation and mediation simulations have also been used successfully. Negotiation exercises are a good vehicle for examining financial provision post-divorce with students assigned to either the husband's or the wife's 'side' and required to produce an agreed settlement within a specific time-frame. It is important that the negotiation is conducted 'within the shadow of the law' and the students realise that they have to justify their agreement by more than simple horse-trading.

While the students need little explicit guidance on negotiation techniques, as it is a skill used in every-day life, there is less familiarity with mediation and more background preparation may be required. For example, before the mediation exercise within the Child Law course at Leeds, students are given written guidance explaining what the participants do in mediation and the stages which may occur in a 'typical' mediation. In addition they are given specific references to sections within some of the 'how-to' practical guides on mediation to follow up.

In all the role-play exercises used in the Leeds courses, the teachers act as observers and timekeepers rather than in-role, but in some instances it may be appropriate for the teacher to be in-role, say as a chairperson for a simulated case conference.

'De-briefing' is essential in relation to all role-play exercises, both in relation to the substance of what has happened and as to the process. The teacher should allow individuals to reflect and present their accounts of the experience as well as facilitating a group analysis of how the exercise went. Many students admit to being nervous in advance but get so caught up in the process that they forget their nerves and thoroughly enjoy themselves.

Different Methods of Assessment: The Experience at Sheffield

This chapter describes the experience of using some differing methods of assessment which have been introduced by the family law teachers at the University of Sheffield. The Family Law course at Sheffield is offered as an option in both the second and third years. A significant proportion of the students opt for Family Law (approximately 165 -190 students choose to study it each year).

Three different methods of assessment are described, and a detailed account is given of how they are conducted. The possible benefits and detriments of each of the methods used are given at the beginning of each section.

I   Assessing Oral Performance

One method of assessment, which is not widely used but which has been found to have a lot of merits by those who do use it, is to assess the oral performance of all the students, giving them a mark which goes towards their final total for the Family Law course. The method as used at Sheffield is described below, with examples given of the type of information which should be given to the students and explaining how the oral assessment might be carried out.

There are a number of advantages in using oral performance as part of any assessment of students. Clearly, a major aim of any family law course is that students have a good understanding of the particular subject. This can certainly be assisted by using oral assessment. The advantages of oral assessment are in particular:

The Advantages of Oral Assessment

High satisfaction rating
At Sheffield the major benefit of using oral assessment has been found to be the extremely high satisfaction rating. As far as the staff are concerned this has principally manifested itself in finding that students are now extraordinarily well motivated and gone are the days of students trying not to catch the tutor's eye and desperately hoping they will not be asked a question. Each and every seminar has been extremely lively, and the student participation rate has been superb. The level of debate has been consistently high.

It might reasonably be thought that many students would not like the idea of oral assessment. The prospect of being 'examined' at every seminar could be very daunting. However, the experience at Sheffield is that the students are hugely in favour of the system. After the first year of running the system, the students organised their own survey of student attitudes to Family Law. They circulated a questionnaire at a lecture attended by 140 out of the 178 students doing Family Law, and found 138 of those attending the lecture liked oral assessment and would like to see it introduced into other courses. Another year, the students, as a body, sent a letter to the Head of Department. The letter commented:

> 'All students have been given the opportunity to put forward their own points of view as well as benefiting from the opinions of fellow students during debate, a major feature being that all the time we were being encouraged by our tutors and marks were available as an incentive to apply ourselves to the challenge before us. We can only say that the course has been a tremendous success with the students.'

Additionally, each year since its introduction, oral assessment has been regularly cited on student questionnaires, which are administered throughout the law department, as the 'best' experience the student has had in teaching. Indeed, as an illustration of how popular it has become, although in a 2-hour session staff and students alike might be expected to wish to have a break in the middle, it has been a common experience that students have not wished to break off, preferring to carry on with the seminar. Also, not infrequently at the end of the seminar the students have repaired to the common room and carried on debating with one another!

Encourages students to work in a purposeful manner
(N.B. For ease of writing, all classes will hereafter be called seminars.)
Oral assessment not only ensures that the students prepare thoroughly for their seminars, but in addition it also ensures a significantly high attendance rate. The average attendance rate at seminars at Sheffield runs at about 96 % each year. (See further below for how to deal with absence.)

Ensures participation
All lecturers will recognise the way that some students are advantaged/disadvantaged by the 'pure' examination system. Students who have contributed well throughout the year/semester, who have clearly worked hard and who have made very intelligent points in the course of discussion do not necessarily do themselves justice under examination conditions. Conversely, some students do not do much preparation, come to seminars to take advantage of other students' hard work, and because they have good short term memories and good examination technique end up with a high mark. Assessing oral performance goes at least some way to addressing this imbalance. Students also appreciate how the examination system tends to favour those with good examination technique, and a very large majority at Sheffield have commented that they find including the mark for oral assessment as part of their overall mark a much 'fairer' system.

Reduces examination pressure
This can be for more than one reason. Obviously, as a result of oral assessment the examination will not count for everything, which helps reduce pressure. Also, because the students are, in effect, already being examined in each area which is the subject of a seminar, if the lecturer so desires it is possible to let the students know that they will not be further examined in certain areas of the course. Thus the examination paper can be limited in the topics to be covered, leading to less rote learning revision work for the students and more opportunity for them to get to grips with a limited number of areas in greater depth. (Notifying the students that certain areas will/will not be on the examination paper can either take place once the seminar cycle has finished, or at some later date, but before they are settling down to revision.)

Maintains quality
One possible and feared consequence of semesterisation, whereby subjects are taught over a relatively short period of time, is that students, because they have so much to absorb in such a short period of time, will not reach the same level of understanding as under the old 'whole year' system. However, there has been no discernible difference in the quality of written examination papers in Family Law post semesterisation. It is the Family Law teachers' view that the maintenance of quality has been considerably assisted by the introduction of oral assessment.

Possible Disadvantages of Oral Assessment

What are the problems in using oral performance, and can anything be done to alleviate any disadvantages?

No external checking
This is undoubtedly the case, unless arrangements are made for the external to visit the institution and see oral performance in action, which would be highly unlikely. However, if so desired, it is possible to arrange for checking by an internal examiner

colleague, which should go some way towards alleviating any suggestion of subjectivity of marking (see below).

Bias

One of the aspects of examining students which now operates in virtually all institutions is that written examination papers are marked anonymously. In this way students are protected against any possibility of bias, whether conscious or subconscious, on the part of the examiner. However, it goes without saying that oral performance cannot be assessed anonymously! There is no obvious solution to the problem of possible bias, which applies equally to the exceptionally likeable student as to the student that the tutor really cannot warm to, other than for the examiner to be aware that (s)he must at all times guard against it. It is partly for this reason that it is suggested that too great a weight should not be given to oral assessment.

Unfair for international students

The experience at Sheffield has shown that international students are not prejudiced by this method. It has been found that provided the tutor conducting the seminar adopts a sympathetic approach to those students who are frightened of speaking out, in what is for them a foreign language, then they are very willing to participate. In addition, provided they are asked to do so, English students tend to be very helpful and supportive of international students. The international students at Sheffield have expressed just as positive a view of oral assessment as have the home students.

Points that can be borne in mind by a tutor when conducting a seminar are that it is well worth reminding the home students at the outset of each seminar to make sure that they allow international students to be heard. Also, when sitting in discussion groups, care needs to be taken that international students do not sit at the edge of a group.

Students may go off track

There can be a temptation, the minute a student sets off on the wrong track, to get him/her straight back on course. However, just as in a written examination, this is of course one of the things the lecturer is testing, i.e. have the students understood the questions and can they apply the law correctly? Students must therefore be left to make mistakes, and the tutor should only correct once the student has finished speaking. However, a real *advantage* here of assessing oral performance is that the better students will themselves correct a mistaken student, demonstrating their understanding of the issues. They can then be given an appropriate higher mark.

Students may fail to use supporting authority

Many students may come out with absolutely correct accounts of the law, but fail to back up their statements with the relevant authority. However, this is no more of a problem than in a written examination. In marking students, their failure to cite adequately should be part of their assessment just as it would in a written examination.

Some students may remain silent

As the students know in advance that oral performance is part of their assessment, this again is not really a problem. If students fail to contribute to the class they cannot expect to gain marks, any more than if they enter an examination and fail to write anything down. The important point for the tutor is to ensure that (s)he creates a climate in which students do feel comfortable speaking.

Students may suffer stress

Continuous oral assessment might discourage some students from taking Family Law. They might undoubtedly perceive this as too stressful an undertaking. However, it should be made clear at the outset that students are not expected to do presentations, speak at length in front of the rest of the class, or act in any other way which is quite different from in their 'normal' seminars. The experience at Sheffield has been that numbers in Family Law have remained at about the same

level both pre and post oral assessment, and even those students who have said that they were not very keen on oral assessment have not said that they found it stressful.

Tutor may not hear student's contribution
Amongst the students who are not so keen on oral assessment it is almost universally the case that they find the disadvantage of the method to be that any good points made may go unnoticed by the tutor, who cannot be present with the group all of the time. Whilst this is undoubtedly true, from an educational and whole group perspective this obviously does not matter. If they are making the points, informing other students and encouraging debate in their group then the purposes of the seminar are largely being fulfilled. As far as the individual is concerned, the important point to make is that they do have plenty of opportunity when the tutor *is* present to demonstrate their abilities and they should take advantage of it.

Timetabling Tip

Many institutions have a 'standard' number of contact hours for students in subjects, centring around the number of lectures for a full/20 credit course allied with the number of tutorials/seminars. This can cause difficulties if the aim is to increase the number or length of seminars in order to be able to carry out oral assessment. A way to avoid such difficulties is to do as at Sheffield, where the Family Law teachers negotiated a slight decrease in the number of lectures in return for an increase from the normal one hour smaller tutorial to two hour larger seminars but thereby keeping the same number of student contact hours. This may also help to alleviate one of the problems associated with semesterisation, whereby a person may find him or herself taking a very large number of tutorials in Family Law over a relatively short period of time. Thus instead of having to teach 10 x 1 hour tutorials in a week on the same topic, the tutor now has to take 5 x 2 hour seminars. Most people would find the latter both much more manageable and much more enjoyable.

A Model for Oral Assessment

The following is the model used at Sheffield University in Family Law seminars. It is described in detail in order to give a clear idea as to how the system operates. However, it is, of course, purely a suggested model. Clearly, it may well not fit comfortably in to another institution's way of organising teaching. However, it is suggested that many ideas can be extrapolated and used in a way that is appropriate to the particular institution and teaching team. Therefore, the general set up is described, and then different types of seminar are dealt with in some detail, with timings and details of the assessment method used.

Advance Planning

The key to assessing oral performance is advance planning. For the system to succeed it is vital that the tutors have a very clear understanding of what it is they are looking for before they go in, and that they have set up the system so that students can demonstrate they have acquired both the knowledge base and the skills of application which the tutors are seeking. It is also vital that all members of the teaching team have a common understanding and have agreed in advance that they will all run the seminar in essentially the same way, in order to ensure a level playing field for all students. Realistically this means that the system would be extremely difficult to run with a large team of tutors. It is probably the case that the system will not work if more than 3 or 4 members of staff are involved, and the method may not be suitable if post-graduate tutors are part of the teaching team, although that obviously does not necessarily follow. However, it is suggested that a meeting between all the tutors should always be arranged before each seminar to agree all matters.

One very basic point that needs to be taken into account if assessing oral performance is the question of mistaken identity! Students might quite rightly, particularly if there are a large number of people in the class and particularly at the early seminars, worry that the tutor might not know who they are, or muddle them up. To guard against any such possibility two fundamental precautions need to be taken. The first is a requirement that each student must be asked to sign in to each seminar so that there can be no question as to whether or not the student did actually attend. The second is that students must always wear name badges. At Sheffield the system is for the tutors to take white sticky address labels with them to every class and the students then write their names in large letters on the label, large not because the tutors are short-sighted, but to ensure once again that there can be no case of mistaken identity. Obviously, another method would be to supply the students with a permanent name label at the outset, although if this method is preferred it should be remembered that there is always at least one student who will forget to bring their label with them. Despite the fact that the tutor should get to know all the students fairly quickly, it is recommended that students should wear their labels throughout the course as a protection at all times against any allegation that students have been muddled up and given the 'wrong' mark.

The students need to know at the outset that they will be subject to continuous assessment by means of oral performance in seminars and the type of things the tutor will be looking for in order to make the assessment. Instructions along these lines are suggested:

ASSESSMENT
Oral work (20%)
You will be able to obtain up to 20% of your marks for your oral contribution in seminars.
Oral contribution includes:

- coming well prepared to the seminar, bringing your notes with you;*
- making relevant points in the discussion;
- citing relevant case law and statutory material;
- asking questions;
- listening carefully to others in order to gain from their comments;
- formulating a response to the points which others are making;
- showing an understanding of the law and the policy which informs the law;
- showing that you are learning as the seminar progresses.

Oral contribution does not mean attempting to dominate a seminar and talking the whole time.** It *does* mean contributing to, and sometimes taking the lead in, small group discussion.

(*At Sheffield the tutors have found that this is an important first step in the seminar. The vast majority of students come with plenty of notes, photocopies of articles they have been asked to read with sections highlighted, answers worked out to questions, etc. The occasional student comes with very little work having been prepared in advance. This student is often the one who is quite vocal once things get going, having latched on to other students' ideas. The tutor scoring the performance can then make appropriate allowance (i.e. deduction) for the fact that the student has not prepared in the same way as other students.

**Where a student does try and dominate the group this should lead to an appropriate reduction in the mark that the student would otherwise gain. Such a student should be told by the tutor before the next class that they are not scoring well, due to their dominant behaviour.)

Marking Oral Performance

When allocating marks for oral performance the expectation should be that by the end of the course there is a reasonably similar distribution of 1sts, 2:1s, etc. as for other methods of assessment. However, experience at Sheffield has shown that, except for those rare students who do not do the work, very low marks are very unusual. Also, on the whole the marks are slightly higher than for written examinations, where more students tend to fall down. Having slightly higher marks is a not unexpected, and it is suggested is a fair result of oral assessment. As students are required to participate, and are assisted by each other, they are almost bound to get a 'reasonable' mark, particularly as they cannot really make a complete mess of a question as they might do in an examination.

For the purposes of marking the students the tutor may find it useful to have a grid at the seminar in which (s)he puts ticks. Using the guide which explains oral assessment to the students could be the basis of a model for the grid. For example:

	Notes	Points	Citation	Questions	Listening	Response	Knowledge	Learning
Name								

Another way of recording the mark is simply to have a comments section beside the students' names, e.g.:

	Comments	Mark
Name		

An Adaptable 2-Hour Model

The method described below is based on a 2-hour model and all the splitting of the groups of students, and the timings suggested, are done on this basis. However, it is suggested that with a little bit of restructuring the method described would easily adapt to a one-hour model. If a one-hour model is preferred the size of the class should not be allowed to become too large, with a suggested *maximum* of 12 students. This is in order to be fair to the students. To give all students the opportunity to be heard the tutor will need to group them. Once a group size goes above six there is a real danger that some students, particularly international students, will simply not be able to break in to discussions. Thus, if there is a large group, with one hour there are real dangers that some students will not be heard and the system will not work. The same fundamental point, (i.e. that the class size must not be too large) also, of course, applies where the seminar lasts for 2 hours. At Sheffield, where the 2-hour model operates, the *maximum* number has been set at 19 students per group. Allowing for the occasional student who attends at the 'wrong' time, this means classes do not go above 20, which is felt to be the maximum number of students that a tutor can keep sensible track of during the two hours.

Explaining Oral Performance

The basis of oral performance should be explained to students at the outset, and some effort made to reassure them that it is both as 'fair' as possible, as well as not being too onerous. Additionally, some idea of the weight of the seminar should be made clear at the outset. On the basis that a maximum of 20 % of the marks are allocated for oral performance, and it is suggested that the figure should not go higher, they can all be given equal weighting if that is desired. However, it is possible that the lecturer might wish to vary the weight of seminars. For example, if the lecturer has decided that only a limited number of topics should appear on the written examination paper it may be that (s)he would then prefer to weight those topics which will be dealt with solely in seminars more heavily, as they will not be re-examined. Whichever weighting is used, in marking seminars it is possible to give 'real' marks at each seminar, e.g. $3^1/_2$ % out of 5 %, or give marks out of 100 %, e.g. seminar 1 – 67 %, seminar 2 – 55 % etc. If the former method is used then fractions of 1 % must be used, otherwise it becomes impossible to distinguish between very widely varying performances. If the latter method is used, it is suggested that the lecturer might wish to mark in bands

rather than in precise marks. This can be done either by having a mark, e.g. of 60% for a low 2:1, 64% mid 2:1 and 67% high 2:1, or by marking in 5% bands, i.e. 55%, 60%, 65%, 70% etc. Where unequal weighting is preferred this must be built in to the calculation in working out the final mark.

In advising the students how their marks will be allocated this type of information could be published at the outset of the course:

Marks for oral performance

Oral performance is worth 20% of your final mark. Each seminar will be equally marked out of 100% and your aggregate then calculated.

E.g. if you gained marks of 60%, 54%, 67%, 60%, 54% and 64% this would equal 60% (rounded up) overall for your oral performance, leading to a final mark of 12% of your total marks.

Or
The marks will be divided between the 5 seminars in the following way:
Seminar 1, (week 3 of the semester): worth 5%
Seminar 2, (week 5 of the semester): worth $2^1/_2$%
Seminar 3, (week 7 of the semester): worth 5%
Seminar 4, (week 9 of the semester): worth $2^1/_2$%
Seminar 5, (week 11 of the semester): worth 5%

Because of the methods of calculating the mark for oral performance, whichever method is used, students will receive total marks such as $12^1/_2$%. At Sheffield it has been found that the fractional marks can prove to be very useful, when added to the examination mark and any coursework mark, in resolving borderline cases.

Absence from Seminars

Because oral performance is part of the students' assessment some mechanism must also be built in for the case of unavoidable absence from a seminar. It is first of all suggested that it is made clear to all students from the outset that normally they *must* attend the group to which they have been allocated and must seek permission to come at a different time if they know in advance that they cannot attend at the correct time. If this does not happen, the tendency to put off the evil day and attend at the latest date may result in too many students trying to attend the final seminars in the cycle, to the detriment of those students who are rightly in those groups. However, inevitably some students will miss a seminar because of illness and other good reasons. Such students may be able to attend a later group (and it is for this reason that it is suggested that where groups are not equal in size, wherever possible the later groups are the smaller groups), or inevitably miss the class altogether. For those students who do miss seminars, making them catch up by handing in written work instead may or may not be appropriate depending on the nature of the illness, or reason, and the length of absence. It is therefore suggested that advice concerning absence is given in advance to the students along the following lines:

ABSENCE
Attendance at Family Law seminars has a particular significance because 20% of the assessment is seminar-based. Therefore, in the case of absence from seminars we will require you to produce medical* or other appropriate evidence of the reason for your absence. Where you do this we will *normally* require you to hand in some written work in order to obtain your marks. However, where you have been ill, or absent for other serious reason, for a period of time we may not require you to do this, and we will scale up your other marks so that you are not prejudiced by an unavoidable absence.

If you feel that because of your illness, or other reason for absence, you will be prejudiced by having to complete written work you must see your tutor in order to gain an exemption from completing the written work.

(*Unless your institution has a different system, students should be able to self-certify for up to 7 days' absence.)

Recognition must be given to the fact that international students may be deterred from doing Family Law if oral performance is part of the assessment. They therefore need to be reassured that they will not be prejudiced if they do take the course. Once the system has got going word of mouth from year to year should ensure that they do not fear that they will be prejudiced. This has been the experience at Sheffield, where there is quite a large body of international students. Over the years there has been a steady, and appropriately proportionate, number of international students taking Family Law. When the original details of the course are given out reassurance on the following lines could be given to the students:

> We would like to reassure you that the fact that English is not your native language is understood by us, and that those who have some difficulty in expressing themselves in English will not be prejudiced. Experience over the years in other institutions is that international students are able to play a full part in the course, and that they swiftly develop the confidence to engage in lively discussion.

Seminar Examples Using some Different Assessment Methods

Possible topic of seminar – divorce and nullity

It is important that students do not feel intimidated by oral assessment and at Sheffield we have found that a seminar on divorce and nullity is a good 'ice-breaking' seminar, which can set the students off in the right manner. The subject matters of divorce and nullity are not 'difficult' areas; most students can get to grips with them relatively easily. Also, when coming to them for the first time most students find these areas very interesting, and the topics can arouse quite passionate emotions in a number of students. In the given examples below questions have been asked in order to highlight issues arising out of the Family Law Act 1996, and it may be that tutors will wish to continue to refer to that Act, as it does enable students to get an idea as to why the law of divorce is problematic. However, clearly the questions could now be posed without including any reference to the provisions of the 1996 Act.

The aims of the seminar can be set out at the start of the sheet, e.g.:

> When preparing for, and participating in, this seminar we want you to show that you:
>
> (i)   have a clear understanding of the law of nullity;
>
> (ii)   have a clear understanding of the (current*) law of divorce;
>
> (iii) have understood how Parts I and II of the Family Law Act 1996 would alter the law of divorce;* and
>
> (iv)   are able to discuss the law both constructively and critically.

(*These can be omitted if you decide not to make any reference to the 1996 Act.)

A reading list should then be included with pages to read from a major text, some recent case law and useful articles. A series of questions are then given. At Sheffield it has been found helpful to give quite a long list of relatively short questions. There is a specific reason for this. Particularly for those students who are timid, to have a number of questions whose legal content is simple to answer is a good initial boost to their confidence. They are then willing to get engaged in the debate surrounding the answer. Thus, for example, an easy question can be set on transsexual marriages which can then lead to fierce debate as to the 'merits' of the answer and whether the law should be amended.

Because a long list of questions can appear very daunting, students need to be reassured that despite the length, the question sheet is not nearly as difficult as it first appears. Thus it is suggested that an appropriate message is included on the seminar sheet e.g.:

Listed below are rather a lot of questions. However, do not be alarmed! They are designed to help you to put your reading on nullity and divorce into context. The facts of the questions are mainly straightforward, and can even sometimes be answered with a simple 'yes' or 'no'. In the seminar we will discuss the issues surrounding the questions. For the purposes of any question which raises the possibility of divorce, please answer on the basis of the current law and assuming that the Family Law Act 1996 has been brought into force.*

(*This last sentence obviously would not be included if deciding to make no reference to the 1996 Act.)

The example given below has six main questions with various alternative scenarios contained within the questions. The questions include references to the Family Law Act 1996, but these could be omitted. If it is preferred not to refer to the FLA 1996 the divorce questions might sensibly differ from the examples given, as they highlight issues stemming from a comparison between the 'old' and the 'new' law. After the questions a suggestion as to how to run the seminar is then given.

Questions

1. Alan and Betty have been married for 15 years and have 5 children. It has just been discovered that at the time of the marriage Betty was 15 years old. Both Alan and Betty want the marriage to continue.

   (a) Is this a valid marriage? If your answer is 'no', what, if anything, can the parties do?
   (b) What is their position if they have just discovered they are brother and sister?
   (c) If Alan has just died leaving all his personal property to be divided between his legitimate children, in what circumstances, if any, will the children inherit?

2. Claire and David went through a ceremony of marriage in 1980. They have two adopted children, now aged 10 and 8. Their relationship has broken down and Claire has moved out of the family home. Claire and David have agreed that David should look after the children. David is applying to the court for financial provision and property adjustment orders. He does not have a job and has always stayed at home to look after the children. Claire is very wealthy.

   What advice would you give David if:

   (a) At the time of the marriage, Claire, to David's knowledge, was already married to somebody else.
   (b) Prior to the marriage, Claire, whose birth certificate records her as male, had undergone a sex-change operation. At the time of the marriage ceremony Claire genuinely believed that she could get married as a female. However, she did not tell David that she was a transsexual. David has only just discovered the truth.
   (c) The position is as in (b) except that at the time of the marriage David knew that Claire had had a sex-change operation.

3. Ewan and Flora have been married for 2$\frac{1}{2}$ years. Discuss the legal position in the following alternative circumstances:

   (a) Ewan is aged 70. He is incapable of consummating the marriage because of impotence.
      (i) Flora wants the marriage to be annulled; or
      (ii) Ewan wants the marriage to be annulled.

(b) Gertrude discovered Ewan, aged 25, having sexual intercourse with Flora when she was aged 14. Gertrude threatened Ewan that unless he married Flora as soon as she was 16 that she, Gertrude, would inform the police. Gertrude also told Ewan that a prison sentence would be almost inevitable. Since the marriage, Flora has given birth to two daughters.

Ewan wishes for the marriage to be annulled, so that he can marry his true love, Pauline. Flora does not want the marriage to be annulled.

4. Harry and Imogen have been married for 6 months. At the time of the marriage Imogen was pregnant. Harry assumed that he was responsible for the pregnancy and that is why he married Imogen. Imogen has recently given birth, and has just revealed that Julian is the child's father.

    (a) Harry wants to end the marriage. Advise Harry.
    (b) How would your advice differ if Harry made this discovery after 4 years of marriage?
    (c) Is the law in this area satisfactory?

5. Ken regularly gets drunk on Saturday nights, comes home and knocks Louise about causing severe bruising. Ken and Louise have been married for two months. Louise is seven months pregnant and fears for the safety of her unborn child. Ken is always contrite after these drunken episodes and wants Louise to remain with him.

    (a) Louise wants to end the marriage immediately. Advise Louise.
    (b) Would the new law of divorce be preferable to the present law of divorce in cases of this kind?

6. Melissa, now aged 45, and Nigel, now aged 50, married in a Roman Catholic ceremony in 1975. They have 7 children, ranging in age between 24 years and 4 years. Nigel walked out on Melissa two months ago and is having an adulterous relationship with Olivia, aged 18. Nigel wishes to divorce Melissa so that he can marry Olivia. Melissa is deeply religious and is totally opposed to divorce. One child, Paul, aged 15, who is taking GCSE exams this year has become clinically depressed and possibly suicidal since learning about the marriage breakdown and Nigel's intentions. Paul desperately wants his parents to stay together.

    (a) Can Nigel gain a divorce, and if so how soon, under the current law?
    (b) How would your answer differ if the provisions of the Family Law Act 1996 were in force?
    (c) Should the law prevent Nigel from obtaining a divorce because of:
        (i) Melissa's wishes, feelings and religious beliefs?
        (ii) The impact the divorce may have on Paul?

Running the Seminar

It is important *at the outset* to get the students to work together in groups, to engage in meaningful discussion even when the tutor is not observing the group, and to adapt to working with different people. If the right pattern of working is set from the very beginning it will thereafter make the subsequent seminars much easier to run. It is suggested that in order to achieve these objectives that the following method of running the seminar could be used.

The students should be told at the beginning the approximate timings for each part of the seminar, so that they can pace themselves appropriately. Bear in mind that a 2 hour seminar will amount in practice to about 1 hour and 50 minutes.

1. **Divide the students in to 4 groups of 4 or 5 students.**
N.B. For this, and subsequent methods, the assumption is made that there are between 16-20 students in each seminar group.

When the students are first divided there are certain factors the tutor may wish to bear in mind initially and these should also be considered when dividing students into groups in subsequent seminars. Thus one factor the tutor may consider will arise where there are a number of international students whose first language is not English. It is suggested that they should not all be placed in the same group, but should be spread amongst the different groups both for their own and for the home students' benefit. It has been found that such students are particularly valuable when discussing divorce and nullity. This is because they often come from a very different cultural and religious background and can therefore bring a very different, alternative perspective to the discussion. They, of course, need to benefit from the home students' experience of English cultural life.

Another matter which the tutor may wish to consider is whether the ratio of males to females in each group is roughly the same. It may well be that male and female experience and perceptions of Family Law is sometimes rather different and it is therefore a good idea to try to keep a balanced group. A further possibility is to try to keep a mix between mature and 'standard' students. However, although this may seem an attractive proposition, it is suggested that this could be a rather dangerous route to go down! The chances of dropping an unintentional clanger are perhaps too high to make this a viable suggestion.

2. **25 minutes:**
Ask the students in their groups to go through questions 1 and 2 on the seminar sheet.
During this time the tutor should be circulating between the groups, giving about 6 minutes of time to each group. Timekeeping on the part of the tutor is essential at these seminars, in order to ensure fairness between students.

3. **10 minutes:**
Whole group discussion of the issues arising out of each group.
Ask one or two members of each group very briefly to describe any particularly interesting, contentious or tricky issues identified by the group and whether the group could reach any conclusion on the issues. As they have been warned in advance that there is only 10 minutes for group discussion, it should be made clear that the students outlining a group issue are not expected to go on at length, but simply to outline an issue. This should help to ensure that those who are shy are not intimidated at being asked to speak to the rest of the class.

4. **Redivide the students**, (bearing in mind the factors about the balance of groups outlined above), e.g. moving 2 students out of each group and asking them to join a different group.

5. **25 minutes:**
Repeat the process in 2., this time dealing with questions 3 and 4.

6. **10 minutes:**
Repeat the process in 3., asking different students, ones who have not already identified a group issue, to speak.

7. **Redivide the students again.**

8. **25 minutes:**
Repeat the process in 2, this time dealing with questions 5 and 6.

9. **10 minutes:**
Repeat the process in 3, yet again asking different students, ones who have not already identified a group issue, to speak.

An aim the tutor may wish to have is that by the end of the seminar *every* student should have been asked to outline a group issue.

1. Groups are formed, care being taken over making each group 'balanced'.

2. **25 minutes:** Tutor is moving between all 4 groups who are considering questions 1 and 2.

A	B	C	D
Qs. 1 & 2	Qs. 1 & 2	Qs. 1 & 2	Qs. 1 & 2

3. **10 minutes:** Whole group discussion of questions 1 and 2.
    One or two students from each group raise particular issues.

A, B, C & D

Whole group discussion
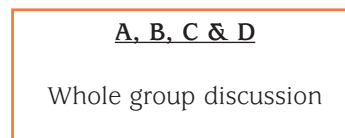
4. All groups re-formed, trying to keep a good 'balance'.

5. 25 minutes: They now consider questions 3 and 4. Tutor is moving between all 4 groups.

E	F	G	H
Qs. 3 & 4	Qs. 3 & 4	Qs. 3 & 4	Qs. 3 & 4

6. **10 minutes:** Whole group discussion of questions 3 and 4.
    One or two **different** students from each group raise particular issues.

E, F, G & H

Whole group discussion
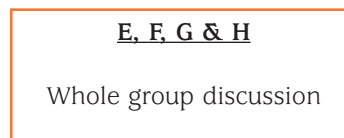
7. Groups are reformed once again.

8. **25 minutes:** They now consider questions 5 and 6. Tutor is moving between all 4 groups.

I	J	K	L
Qs. 5 & 6	Qs. 5 & 6	Qs. 5 & 6	Qs. 5 & 6

9. **10 minutes:** Whole group discussion of questions 5 and 6. One or two **different** students from previous whole group discussions from each group raise particular issues.

I, J, K & L

Whole group discussion

The aim can be to ensure that by the end **every** student has raised a group point.

Possible topic of seminar – financial provision and property adjustment
In advance of the seminar the students need to know exactly what is expected of them. They therefore need to be given very clear instructions as to what to prepare, and an idea of how the class will be run. This is a seminar where students will be allocated a role, either to act on behalf of the husband or the wife. Each tutor will therefore need to allocate roles in advance of the class, and pin the allocation up on a noticeboard. The following is the type of advice it is thought the students will need in preparing for the class. It should be included in the handouts given out to all students, and it is suggested that it should also be pinned up on the noticeboard which is being used to display whether the student is acting for the husband or wife:

1. The subject of this seminar is financial provision and property adjustment orders on marriage breakdown. In preparing for this seminar you need to consider:

    (i)   the statutory guidelines in s.25 of the MCA 1973;
    (ii)   the clean break provisions in s.25(A);
    (iii)   periodical payments; and
    (iv)   the choices to be made in relation to the disposition of the matrimonial home.

2. **Before preparing your answers to the problems below look at the list which will be displayed and see whether your client is the husband H, or the wife W, and prepare your answers accordingly.***

    (*Knowing students, it is suggested that this is put in bold!)

3. At the seminar, working in small groups, you will be asked to negotiate a financial and property settlement in relation to each of the problems below. We will deal with both problems in the seminar, but for assessment purposes we will concentrate primarily, but not exclusively, on how you approach problem 1.*

    (*The reason for this instruction to the students is explained below.)

4. You will need to prepare written notes (not an essay) for your own use in advance of the seminar. In advising your clients, and in structuring your notes, make sure you indicate clearly:

    (i)   The orders for financial provision and property adjustment you would most like to obtain for your client, adopting a realistic approach.
    (ii)   The alternative arrangements you would be prepared to negotiate over, and those matters on which you would not compromise.
    (iii)   Your reasons for (i) and (ii).
    (iv)   You should keep a record of the statutory material and case law on which you intend to rely.

5. After the seminar we suggest that you engage in the following piece of self-evaluation in the light of the seminar discussion:

    (i)   did you properly consider the alternative arrangements which might be made;
    (ii)   did you correctly identify the matters over which you would be prepared to negotiate and those on which you would not compromise;
    (iii)   did your agreement achieve a fair settlement for your client?

The instructions should then be followed by your reading list. Once again students should be given some reading from a general family law textbook on financial provision and property adjustment, plus some case law, normally concentrating on the major decisions and those relevant cases which have arisen since the publication of the textbook. Also, any useful articles should be included.

In order to do justice to the subject of financial provision and property adjustment the students need to cover a large amount of material. The major textbooks on

family law all have extensive coverage of the topic. However, questions become unwieldy and increasingly implausible if too many issues are packed in to one question. On the basis that there is just the one 2-hour slot for an ancillary relief seminar it is therefore suggested that it is sensible to set two different questions.

The following timings are approximate guides as to how to divide the time allowing for the fact that classes do not start on the dot, and the need for a breather in the middle.

1. 15 minutes:
Divide all the husbands in to two groups and ask them to discuss in those groups their approach to *question 1*. The members of the group should outline to each other their favoured solution for the husband and their compromise position.

Divide all the wives in to two groups. Either (a) ask one group temporarily to swap sides and become husbands; or (b) leave them all as wives. Whichever method is preferred, ask them to discuss in their groups their approaches to *question 2.**

The tutor should be concentrating solely on the two groups of husbands during this time, leaving the wives to get on with it on their own. In practice it has been found that the wives enter into the spirit of the class and are just as committed to discussing their question as the husbands who are being observed.

(*Both methods (a) and (b) have been tried, and both have proved successful.)

2. 10 minutes:
Join all the husbands together and get the whole group to agree how they might argue their case against the wives. In particular, require the group to agree any matters on which they will not compromise.

Where the groups of wives have divided as in (a) above ask the two groups now to argue with each other on question 2. Where they have all remained as wives as in (b), join them together to agree how they would argue for the wife.

Once again the tutor should be concentrating solely on the husbands.

(Where (a) has been chosen for the wives, the noise levels can rise to quite a high pitch at this stage!)

3. 15 minutes:
Repeat the process as in **1.** above, but this time round concentrate on the wives.

4. 10 minutes:
Repeat step **2.** but concentrate on the wives.

Approximately **50 minutes** has now passed, and it may be sensible to take a short break.

5. 40 minutes:
Divide the groups of husbands and wives into two once again (either the same groups as in step 1, or mixing them up). Then ask both groups of husbands to face a group of wives each and reach a negotiated settlement. By the end of the 40 minutes the settlement must be recorded on a piece of paper to be handed in to the tutor.

During this 40 minutes the tutor should be circulating between both groups. It is very important to insist they must reach a settlement, as otherwise no agreement will be reached. The tutor will be taking account of how some people are still willing to negotiate sensibly under severe time pressures; some students will agree to almost anything in order to reach agreement; and some will remain obstinately and unreasonably unmoving. (Particularly in the case of the latter, how the other members of the same group manage to cope with that person can be very instructive.) Comparing the outcomes of the two sets of negotiations can be fascinating. Despite what they agreed in their earlier groups, when they were all husbands and all wives, and what matters they would refuse to compromise over, it is often the case that, once they have to negotiate with each other, then groups reach widely differing solutions.

Part of the final mark for each individual student can be allocated over the solution the *group* has reached if the tutor considers that this is fair and all members have agreed to it. Thus consideration should be taken account of e.g. where a group has negotiated a very favourable/unfavourable package on behalf of their client, or where neither the husbands or wives has thought to include a relevant provision, etc. Of course, where one student has e.g. valiantly tried to stop the other members of the group concluding a poor deal, or has tried to get the group to take matters into account but the suggestion has not been taken up, that student should not be penalised.

6.   10 minutes:
Whole group discussion on question 2, to settle any outstanding issues.

Diagrammatic representation of method 2

1.   15 minutes:
Tutor is looking solely at the husbands, who are establishing their client's case in question 1.
Wives are doing question 2.

A	B	C	D
Husbands Q.1	Husbands Q.1	Wives Q.2	Wives Q.2
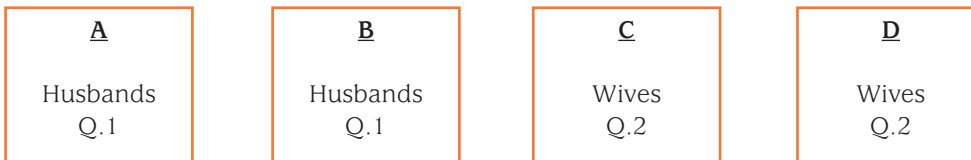
2.   10 minutes:
Tutor is looking solely at the husbands, who are agreeing their negotiating terms for question 1.
Wives are doing question 2.

A and B	C and D
Husbands Q.1	Wives Q.2

3.   15 minutes:
Tutor is looking solely at the wives, who are establishing their client's case in question 1. Husbands are doing question 2.

A	B	C	D
Husbands Q.2	Husbands Q.2	Wives Q.1	Wives Q.1
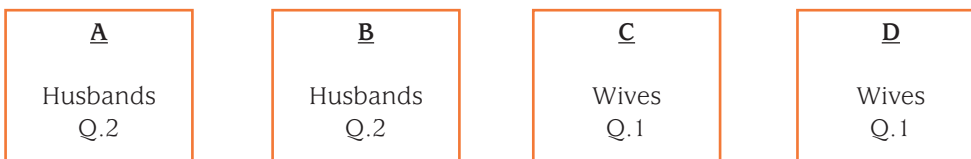
4.   10 minutes:
Tutor is looking solely at the wives, who are agreeing their negotiating terms for question 1. Husbands are doing question 2.

A and B	C and D
Husbands Q.2	Wives Q.1

5.   40 minutes:
Tutor is observing both groups, who are negotiating a settlement on their client's behalf for question 1.

<table>
<tr><td>A and C

Husbands
v
Wives
Q.1</td><td>B and D

Husbands
v
Wives
Q.1</td></tr>
</table>

6.   10 minutes:
Whole group discussion of outstanding issues arising out of question 2.

Example Questions for Ancillary Relief Class

Problem 1
Harold and Wilma, who are aged 40 and 38, are getting divorced after 15 years of marriage. It has been agreed that their children, a boy and two girls aged 12, 8 and 3 will live mainly with Wilma.

At present Wilma and the children are living in the former matrimonial home. It is a four bedroomed house in a nice part of the town, close to the children's schools. It has been valued at £160,000. There is a mortgage liability of £60,000, and the monthly payments are £300. Harold and Wilma are legal and beneficial joint tenants.

Harold has rented a one bedroomed flat for £400 a month. Harold earns £1,700 a month net of tax. Wilma has a chemistry degree and worked as a laboratory technician at a university until their first child was born, but she has not had any paid employment since then. Wilma has a close relationship with Mervyn who occasionally stays overnight at the house. Mervyn earns £15,000 a year, and has no dependants. Wilma says she has no intention of marrying him.

Assume that the Child Support Agency would calculate the maintenance requirement for the children to be £400 a month and would require Harold to pay this amount to Wilma.

Advise your client

Problem 2
Henry and Wanda were married in 1990. Henry was then aged 55 and Wanda was then aged 50. Wanda had previously been married. She met Henry after she was widowed. At that time she was supported by a widow's pension and by her own earnings as a senior police officer. At the time of the marriage Wanda's son had just been made redundant. He was married with a young family, so Wanda gave him the house in which she had been living when she moved in with Henry.

Henry is a businessman. He bought the matrimonial home before he met Wanda. It is a beautiful old cottage on the outskirts of London. When he bought the cottage it was fairly cheap because it was in a dilapidated condition. Henry lovingly restored the cottage, and it is now valued at £250,000.

When Henry and Wanda were first married, Henry commuted to his office in London. Then, to Wanda's dismay, Henry took out a lease on a flat in London and started to spend nights away from home. Wanda became very depressed and started to drink heavily. The relationship between them rapidly deteriorated, and two years ago Henry left home altogether.

Wanda has become increasingly dependent on alcohol, and was recently convicted for a shoplifting offence. As a result she has been dismissed from the police force and has lost her accrued pension rights. She has remained living in the cottage, and her sole source of income is income support.

Henry is due to retire shortly. He will have a pension income of £24,000 per annum, which will be index-linked, i.e. it will increase with inflation. His widow would receive half that sum. Over the years he has spent any capital on the cottage and its contents, but he has savings of £10,000. His lease on his flat expires in three months time. He wants to return to live in the cottage, but not to live with Wanda. He wants a divorce.

Advise your client.

Possible topic of seminar – issues surrounding residence and contact

In method 2 much of the emphasis is on the *group* reaching agreement between them. Method 3 introduces some individual work (in a different way from method 1 which is a very gentle introduction), enabling the tutor to see each student briefly in action on his/her own. However, in the same way as method 2, students are allocated roles in advance which need to be posted up on a noticeboard. The type of instructions given to students are once again listed below.

Seminar On Issues Surrounding Residence And Contact

1. In this seminar we will be considering issues surrounding residence and contact. Please prepare answers to BOTH questions below. **You will all have been allocated a role, representing either the mother or the father in <u>both</u> cases. Please see the noticeboard to find out who is your client.**

PLEASE NOTE: M = MOTHER;   F = FATHER*

(**Using a key such as this, where you are not calling mothers e.g. Anna and Alison, and fathers e.g. Barry and Bert, is important for the avoidance of any doubt. Otherwise a student could think M = Male, and F = Female.*)

2. At the seminar each one of you will be required to present an argument on behalf of your client. You will be doing this after discussions with others in your group who also represent your client. If nervous of doing this, please note that it is part of the GROUP'S responsibility to assist each member in deciding what points to argue for your client.*

(**Some issues in a question may well be much easier to argue on behalf of a client than others. It is therefore important to stress to the students both before and at the seminar that it is not 'winning' the argument that counts, but the way in which the client's case is put forward that is of importance.*)

The instructions should then be followed by your reading list with some reading from a general family law textbook on residence and contact issues and any important articles. This area of law, of course, generates a lot of case law. Generally speaking students find it helpful to have cases that are both 'for' and 'against' them. It is therefore suggested that you might want to give them a fairly lengthy case list to read. If this is the situation, the following instruction may help to reassure students:

3. There are a lot of cases listed below. You will find that *most are short*. When reading a case it is important to read the whole judgment and not just the head note in order to get a 'feel' for how the judges approach the welfare principle. The cases are very easy to read and, dare we say, interesting!

This method is particularly easy to adapt to a 1-hour method, as the method suggested is based on one hour, which is then largely repeated in the second hour. However, although the timings given below are identical, it is suggested that in reality slightly longer time should be devoted to the first hour and question 1 where there is a 2-hour slot. This is because the students will know exactly what is required of them in the second hour and will have discussed a number of the pertinent cases which will also have been relevant in the first hour. Additionally, they will also know who is going to have to speak in the second hour, thus not taking up any time in deciding who is speaking.

Hour 1:

1.   16 minutes:*
Divide both the mothers and the fathers in to two groups of each. Within their groups ask the students to discuss the issues identified as being/they consider to be, pertinent to question 1. In particular, they should be highlighting those cases which appear to operate in their favour and those which they will need to distinguish.

(*The tutor will need to try and get round all four groups in this time, which is why a number divisible by four is chosen. Endeavouring to give each group an approximately equal length of time is clearly important to the students, who will wish to feel that they are being treated fairly. It is therefore vital for the tutor to keep a close eye on the time.*)

2.   16 minutes:
Put all the mothers together in one group and all the fathers together in another. Ask them to establish what they are going to argue in their client's favour on each of the identified issues. Then ask them to allocate the legal points which are going to be argued to HALF the members of each group. Thus, for example, if there are four points identified as needing to be resolved and four members of the group have been allotted a role, each person could be asked to talk to one of the four points. However, where there are five students then one issue, in the example given below point (i), could be split.*

(*If there are international students in the class, this is a point at which the tutor might well feel it appropriate to direct the home students to allow the international students to have first choice as to whether they wish to argue question 1, or question 2. Also, the international students might be given first choice as to which issue in the question they would prefer to deal with.*)

3(a).   16 minutes:*
Those students who have not been allocated a role for question 1 sit on one side of the room as 'judges'. The rest of the students are told that they must stand up and address the judges. They have a maximum of *2 minutes* in which to outline their case.**

(*This amount of time is based on having 4 members in each group, each being allowed 2 minutes to speak. Where the time is not so easily divisible, the students can simply be told that they have a global amount of time to present the whole case on behalf of the mother/father.*

**For some students 2 minutes is really a very long time, while for others it is not nearly long enough. Thus, part of this exercise tests how well students manage to stick to time. Also, the group understanding of the issues can be discerned. Some points have more weight to them than others and therefore whether the group has agreed that student A will speak for less time, as there is less to say on a particular issue, whilst student B should have a little bit longer, can also be borne in mind.*)

3(b).   24 minutes:
If deciding *not* to include step 4 below, about 8 minutes can be added to step 3. Then each student has about 3 minutes in which to outline his/her case. The 'judges' simply sit and listen, and do not take any active part.

4.   7 minutes:*
Where there is a little bit of time left at the end there may be an opportunity for judges to ask questions. Also, they can be asked to vote on whether they think that as a group the mothers or the fathers did the better presentation. Alternatively, they can be asked to vote on each individual issue, on the basis of the 'best' argument.**

(*This figure is given on the basis that the whole exercise will take approximately 55 minutes. The expectation that stage 4 will take place may be included in the tutors' plans, but if the timings go astray, as the students take too long to present their arguments, the seminar can simply be run as if 3(b) was planned.*

**Students should be reassured that just because the judges have voted in a particular way does not mean that if they are on the 'losing' side that they will therefore not score as high marks orally as students on the 'winning' side. Clearly the tutor must make his/her own independent judgment as to the merits of each individual student's performance.*)

Hour 2:

Repeat the same sequence as in hour 1, the only change being that those students who had to present an argument in the first hour now become judges at the end of the process, and those who were judges now present their bit of the case.

Diagrammatic representation of method 3

Hour 1:

1.   16 minutes:
Tutor is observing all 4 groups. All students are considering question 1 on behalf of their client.

A	**B**	**C**	**D**
Mothers	Mothers	Fathers	Fathers

2.   16 minutes:
Tutor is observing both groups, who are agreeing how they are going to argue the case on their client's behalf for question 1.

A and B	**C and D**
Mothers	Fathers

3(a) or (b). 16/24 minutes:
EVERY student who is representing the mother or the father presents a part of their client's case to the judges and the tutor for question 1.

Half of group A and B	**Other half of groups A, B, C and D**	**Half of group C and D**
Mothers	Judges	Fathers
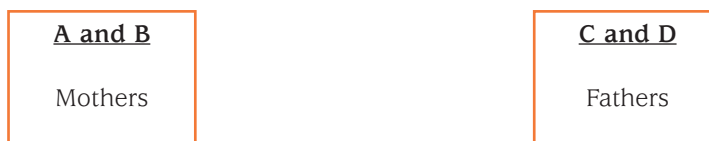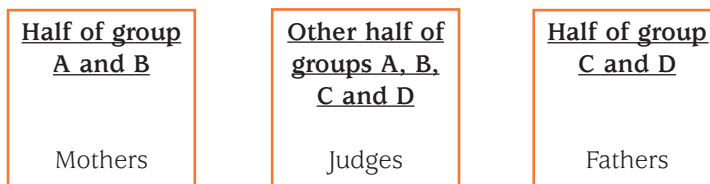
4.   7 minutes: Judges may question advocates, and vote if 3(a) is chosen.

Hour 2:

1.   16 minutes:
Tutor is observing all 4 groups. All students are considering question 2 on behalf of their client.

A	**B**	**C**	**D**
Mothers	Mothers	Fathers	Fathers

2.   16 minutes:
Tutor is observing both groups, who are agreeing how they are going to argue the case on their client's behalf for question 2.

A and B	**C and D**
Mothers	Fathers

Half of group A and B	Other half of groups A, B, C and D	Half of group C and D
who were judges in the previous hour	who were advocates in the previous hour	who were judges in the previous hour
Mothers	Judges	Fathers

3(a) or (b). 16/24 minutes:
EVERY student who is representing the mother or the father presents a part of their client's case to the judges and the tutor for question 2.

4.   7 minutes:
Judges may question advocates, and vote if 3(a) is chosen.

Of the two questions that are given here, question 1 actually gives the students the issues about which they are to argue, whereas question 2 leaves it up to them to decide what are the pertinent issues.

Example Questions for Residence and Contract Classes

Question 1

Marian and Frank are the parents of Gregory, aged 13 years, and Susan, aged 4 years. They lived together as cohabitants for 10 years and separated 4 years ago. Three years ago Marian met Roland, whom she married 6 months later.

Frank is unemployed. He shares a house with Uriah, and the two of them are often to be found in a public house which prostitutes frequent. Uriah was recently charged with offences of indecent assault on young boys and girls, but the CPS did not proceed with a prosecution because of evidential difficulties. Gregory used to like visiting Frank and Uriah. Frank bought himself and Gregory season tickets for the local football club, and Gregory really enjoyed going to matches. After the match they usually went to McDonald's for a burger and then on to the pub. Gregory told Marian that later in the evenings he, Frank and Uriah watched videos. When, on a number of occasions, Marian asked about the videos, Gregory giggled, looked uncomfortable and said they were not really suitable for boys of his age. Marian became increasingly concerned about the influence that Frank was having on Gregory, and in particular that he might be being exposed to pornographic videos. She therefore stopped all contact between Gregory and Frank.

Gregory is very upset and angry about not seeing Frank, and on two occasions he has defied his mother by truanting from school and going to visit Frank. He has told the court welfare officer that he wants to go and live with Frank. He says he does not like his stepfather, Roland, and that his mother is too controlling of his life. He says he is old enough to make his own decisions about his father.

Susan has never had any contact with Frank. She is being brought up to believe that Roland is her father. Roland treats Susan like a daughter. Every now and then Frank has pressed Marian for him to be allowed to see Susan, but Marian has always refused and said that she will never let him anywhere near her daughter. Roland has made it clear to Marian that if ever Frank starts having contact with Susan and she is told that Roland is not her father that he, Roland, will no longer be able to look upon Susan as his own and that this could threaten their whole marriage.

Frank has applied for:

(i)   a parental responsibility order for both children;
(ii)   a residence order in relation to Gregory;
(iii)   a contact order in relation to Gregory should residence be refused; and
(iv)   a contact order in relation to Susan.

Advise Frank/Marian.

Question 2

Monica and Fritz are the parents of Charlotte, now aged 6 years. At the time of Charlotte's birth Monica and Fritz were living together as cohabitants and the family were all known by Fritz's surname. The relationship did not last due to Fritz's violence towards Monica, and the parties separated when Charlotte was 2 years old.

Two years ago Monica met Sam, a Canadian, who soon moved in to live with her and Charlotte. Fritz has maintained contact with Charlotte, and takes her out for the day at least once a month. However, Charlotte tells Monica that Fritz makes unpleasant comments about Monica and Sam. Monica has therefore become increasingly unhappy with the contact arrangements. Six months ago Monica stopped contact altogether. Monica and Sam have now married, and Monica and Charlotte are now using Sam's surname for all official and unofficial purposes. Monica and Sam would like to start life afresh in Canada. They have no particular plans in mind, but as Monica is a trained secretary and Sam is a skilled electrician they do not foresee any great difficulty in obtaining some sort of work. Charlotte is attached to Sam, but is very much aware that Fritz is her natural father.

Fritz is now married to Rowena and they have a daughter, Diana, now aged 3 years. Charlotte used to enjoy going to see Fritz, but she found his denigration of her mother difficult to cope with. She is very fond of Diana and also enjoyed seeing her paternal grandparents, who often visited whilst she was with Fritz.

Fritz is alarmed at the prospect of Monica taking Charlotte out of the country. He would like contact to be increased and for Charlotte to visit him every weekend, staying overnight from Saturday to Sunday.

Monica/Fritz is seeking your advice.

II   An Exercise on Statutory Interpretation

A second method of assessment that has been tried is to set the students an exercise in statutory interpretation. This requires the students to read a statute with a great deal of care in order to answer a series of questions on the Act in question. This has proved to be an invaluable exercise in getting the students to get to grips with the Children Act 1989 in particular. However, it is, of course, possible to do this with regard to any statute and it has also been employed in relation to the Family Law Act 1996. Requiring students to undertake such an exercise could lead to it forming part of the final assessment of the students if so desired. Alternatively, it could be marked and handed back to the students and then form the basis of a seminar.

Advantages

The advantage of such an exercise is not simply in enhancing student skills at statutory interpretation, but also in familiarising them with the Act. By the time they have completed the exercise students should feel confident in finding their way around important parts of the Act. Thus, in setting the questions the lecturer may have more than one objective in mind. Clearly, the most important aim is to test the students' abilities correctly to answer the questions. However, questions may also be put in such a way as to highlight issues which are of considerable significance.

Possible Objections

Clearly if a student has done all his or her own work no problem arises. However, the nature of such an exercise means that it is impossible to know whether students have:

Worked in collaboration with other students
Comment:
If wishing to use the exercise as part of the students' final assessment clearly a weaker student may work with a very bright student and benefit accordingly. However, it is suggested that this is not a deficiency in the system, but is a good use

of collaborative working. If the aim is to ensure that the student both succeeds in discovering the correct answer and develops his or her legal skills of statutory interpretation, that aim has been achieved. Using students to teach one another is just as viable a method of teaching as any other.

Simply copied another student's work

Comment:

This is a serious issue which may persuade the lecturer that it is not, after all, a viable option to use the exercise as part of the assessment. If a student can gain marks without doing any work at all this is clearly not satisfactory. However, despite this point, at Sheffield we have been persuaded that the exercise *can* still be used as part of the assessment and have continued to do so for a number of years. This is because:

- First of all we have found, in practice, that students *do* really do the work. Students are very quick to spot when others appear to be profiting at their expense and are quick to spill the beans on one another. To date we have not received a single complaint that a student has failed to do the exercise.

- Secondly, and allied to the first point, students are also extremely reluctant to do a lot of work themselves and then simply hand that work over to someone else. Their own self-interest demands that others should be made to work just as hard as they are doing.

- Thirdly, it is possible to ally the single questions with slightly more complex, longer questions which need to be answered more fully. This should demonstrate if one student is copying off another.

- Finally, the amount of marks which are awarded to the questions can, and it is suggested should, be relatively limited, for example requiring the students to answer 20 questions for which they can gain up to 10 % of their marks.

Difficulties in Setting up the Exercise

Setting testing questions is not an easy task. It can be difficult to pose a question that can only be answered with reference to one section and sub-section (and sub sub-section where appropriate.) Also, it is worth noting that setting questions which require a negative response is particularly tricky. It is therefore suggested that it is a good idea to test the questions out on willing colleagues if at all possible.

One possibility might be to set multiple choice questions. The lecturers at Sheffield have chosen not to do this, as they do not feel confident that they have enough knowledge of such an exercise to be able to do it successfully. However, it may be that the method could be used if someone has the appropriate expertise. At Sheffield the method chosen is to set a series of questions which require a 'true' or 'false' response, plus an indication of how the students have reached their answers.

Instructions and Examples

The students obviously need to be given clear instructions as to how to complete the exercise. It is therefore suggested that they should be given examples of questions with the correct answer inserted. The instructions to students may be couched in the following terms:

Answers to the statements below can be found in Parts I, II, III, IV and V of the Children Act 1989, and in any relevant schedules.

Each statement can be answered with either a "TRUE" or a "FALSE". However, you cannot guess the answer! You MUST state from which section and sub-section of the Act you get your answer. For example, if you think the answer to statement 6 is "TRUE", simply writing that is insufficient. **You must give both the section AND sub-section AND sub sub-section if necessary, which tells you the answer.**

Please write your number on the sheet. Ring the TRUE or FALSE boxes. Put the statutory provision in the space provided. **Each answer is worth $^1/_2$ a mark.**

Example statements:

Where parents are unmarried, the father automatically has parental responsibility for their child.

   True   (False)   Statutory provision

                                                Section 2(2)(b)

A local authority must provide services designed to give disabled children the opportunity to lead lives which are as normal as possible.*

  (True)   False   Statutory provision

                                                Schedule 2, para 6(b)

(*The reason that the second example is chosen is to try to ensure that the students do look in the schedules as well as in the main body of the Act.)

Following on from the explanation, the students are then given a series of questions. Examples are given here of some of the questions which have been asked at Sheffield, and an explanation of some of the common pitfalls that students have fallen into when answering the questions:

Questions

1. In an unopposed application for a section 8 order the court must have regard to the wishes and feelings of the child, where this is practicable.

    True*   False*   Statutory provision*

*(*This is obviously normally placed under each question.)*

(This question has regularly been incorrectly answered and has proved to be a good test of the students' careful reading of the Act. Many students simply read section 1(3)(a) without paying careful attention to the wording of section 1(4) and therefore answer 'true' and insert s.1(3)(a).)

2. When Colin married Deirdre she already had a child, Edward, by her previous husband whom Colin treated as if he were his own son. Six years later Colin and Deirdre have parted, and Deirdre intends to remove Edward from the country. Colin is entitled to apply in relation to Edward for a prohibited steps order to prevent his removal.

(This tests the students' abilities in finding their way around section 10, which many find difficult. Indeed, the students can find questions surrounding sections 9 and 10 very testing, particularly those concerning foster parents. In relation to this specific question, quite a number of students have answered true and then wrongly cited either section 10(5)(a) or (b), failing to note the qualifying words in the opening to section 10(5). Also, rather mysteriously, a fair number have written true and cited section 10(2)(b). The reason for this answer is not immediately apparent.)

3. Sally is aged 11. Her parents are unmarried and her father does not have parental responsibility. Sally is being accommodated by a local authority at her father's request. Yesterday Theresa, Sally's mother, who is a prostitute and who lives with her pimp in a brothel, demanded to remove Sally from accommodation. Theresa is entitled to remove Sally.

(This is a question that the great majority of students are able to answer correctly. However, its merit lies in provoking debate about the provisions of section 20. Students are surprised, and often disturbed, when they discover the simple answer is true, and they certainly wish to explore what strategies or other options the local authority might wish to pursue. Questions on section 20 lend themselves particularly well to stimulating discussion, as it is relatively easy to think up an 'unmeritorious' situation.)

III   Student Projects

A third method of assessment which has been tried at Sheffield is to engage the students in undertaking an original project. Essentially what this entails is requiring all the students to undertake some fieldwork which necessitates them going out and finding out the views of the public on some particular issue, or visiting institutions to ask questions or find a piece of information.

When the first project was set up in Sheffield this stemmed out of both a desire to encourage the students to undertake their own original work, as well as a wish to test out public knowledge surrounding parental responsibility agreements. It should therefore be acknowledged that it was an underlying hope of the lecturers at the outset that it might successfully turn out to be a mini research project. However, there is no reason why a project should necessarily be seen as a method of undertaking research, and there are very sound reasons for not venturing into a project for research reasons. If research findings are a hoped for outcome of the project one of the main difficulties will be in ensuring that the research has a sound methodological basis. Also, as students with widely varying abilities are undertaking the research, the project must not be too dependent on the students' own initiative or the results may not have any validity. Neither of these objections, however, automatically disqualify the project from having any weight. The tutors at Sheffield would certainly not lay claim to have set up a project which was perfect from a methodological standpoint, but they did feel that the information that was found out was such that it was justifiable to write up the students' findings. (A detailed account of the project can be found elsewhere. See an article by Hayes and Williams, 1999.)

Two sets of students at Sheffield have now undertaken a project. There has been a first project, which then had a follow-up study. Both projects concerned parental responsibility agreements. In the first, 129 students studying Family Law I were asked to go out and try to get hold of a parental responsibility agreement form from a wide variety of places. They were asked to visit 'legal' institutions such as Magistrates' and County Courts, solicitors and law centres, as well as 'non-legal' places, such as the CAB, Registry of births, marriages and deaths and social services departments. They were then asked to record where they were successful, and where they failed. In the event of failure, they were further asked to record whether, when they visited that particular place, they were given any helpful advice as to where they might go instead. The students then had to write up their findings. In view of the findings of the first group of students a follow-up study was mounted with a small group of students who were studying a half-option in Family Law II. This time 22 students were asked to approach members of the public and ask them whether or not they had ever heard of a parental responsibility agreement, and where the respondent said 'yes' to record what the respondent thought such an

agreement was. Whether the answer was 'yes' or 'no', having explained what a parental responsibility agreement was, the students then asked all respondents where they thought they might go to in order to obtain a parental responsibility agreement form. Again, the students were then required to write up their results.

No plagiarism

One of the curses of setting assessed essay work is the danger of plagiarism. If the students are required to go out and do their own original piece of research, which they must then write up, the possibility of plagiarism is almost non-existent. Furthermore, if it should occur it would be instantly detectable.

Demonstration of abilities

A project should test the students' abilities in all sorts of ways. Students are required to use their own initiative, either in undertaking the project and/or in writing up the material. They are required to take responsibility for their own work; they cannot rely on other students to do the work for them. Many differing skills can be tested, not all of which will necessarily occur in every project but some of which definitely will. For example the following might be tested: research skills, data presentation, analysis of data, essay writing, statistical analysis. Additionally, if the students are involved in the initial setting-up of the project their methodological and drafting skills can be utilised.

Repetition, or build-on, of projects

Once a suitable topic has been identified it may be possible to repeat the project in future years. Thus, it would be feasible once again to ask students at Sheffield, or anywhere else, to investigate the availability of, or knowledge of, parental responsibility agreements. Or, in view of the consultation paper issued by the Lord Chancellor's Department on parental responsibility, do a follow-up study to collect people's views on parental responsibility and unmarried fathers. Because the students are required to do their own research it does not matter if the same project is set more than once.

Marking

A particularly attractive feature of project-setting from the tutor's point of view is that of marking. Because the students are required to do their own original piece of research each piece of work which is handed in is different, rather than being a better or worse version of an essay which the students have been set.

Family Law is very personal

It is not necessarily easy to think of topics that are suitable for students to undertake, as many areas of Family Law are far too personal for students to be questioning others about, and students should never be asked to undertake any research which might create problems for any relevant agencies, e.g. social services or the police. Thus, for example, it is suggested that it is likely to be extremely difficult, if not impossible, to set an appropriate project surrounding the issue of domestic violence. However, this is not really a disadvantage in project-setting, it is more a question of recognising that a great deal of care must be taken in setting any project. Also, it must always be remembered that some students are deeply affected in their own personal lives by certain aspects of Family Law.

International students

Whilst it may be appropriate to send out home students for example with questionnaires, or ask them to visit certain institutions, this may not be fair on, or suitable for, international students. However, if this difficulty arises it can be alleviated by setting international students an alternative piece of work, most obviously they could be asked to complete an assessed essay instead. (In the original project at Sheffield this is what the 40 international students were required to do.)

Advantages of Setting a Project

Possible Disadvantages of Setting a Project

Disabled students

The same considerations as apply to international students may also apply to disabled students. But once again they could be set an alternative assessed essay.

Project Suggestions

If a project can be set up clearly it can either be a stand alone project, or it can tie in with the work the students are required to prepare for their seminars, for instance the law of divorce, which is an ideal area for setting up a student research project. Thus in describing method I for oral assessment above, questions were posed surrounding the law of divorce. Clearly, when the Law Commission were originally considering the issue of divorce reform members of the public were quite widely consulted. It could therefore now be interesting to ask members of the public whether they approved or disapproved of the decision to abandon implementation of the divorce provisions of the Family Law Act 1996, and then give them the scenarios in questions 5 and 6, with the answers, and see whether they had a different reaction. Such a project would probably have no methodological validity whatsoever, but as an exercise in getting the students to demonstrate a variety of abilities could be very worthwhile. Alternatively, simply trying to discover the public's probable misconceptions of the effects of the proposed reforms could be another interesting project.

There are many other areas which might be suitable for a research project. Some examples of possible topics are: issues arising out of cohabitation, and in particular the current 'home-sharers' debate; asking members of the public what they think the phrase 'common law wife' means and whether they think a 'common law wife' has any legal status; looking at the changes in child support and seeing if they have the public's approval; considering questions arising out of adoption, e.g. should step-parent adoptions be encouraged or discouraged?; considering one of the many issues arising out of fertility treatment. These are merely some suggestions, no doubt there are many other areas which could be investigated.

Making Arrangements

In setting up any project an important factor to bear in mind is the place and timing. If it involves the students visiting institutions in order to find something out, like the first project in Sheffield, then it is likely that the work will have to take place away from the home university. So in relation to the Sheffield project, clearly there would have been absolutely no point in 129 students all visiting the Sheffield courts asking for a parental responsibility agreement form, and it is more than likely that there would have been some extremely annoyed court personnel if this had happened! The students were therefore required to carry out the work during the Easter break, when a large number of them were away from Sheffield. Thus if the project requires students to visit institutions then an appropriate time when they will be in their home area must be used. However, if the project requires students to seek information from members of the general public, as in the second project at Sheffield, then there is no reason why all the work should not occur in the same place and the students can be asked to carry it out during normal term time.

Depending on the size of the class, it may be feasible to involve all the students in the planning stage of the project. However, even if this is not a practicable option, some students may be keen to volunteer to help in setting it up and certainly at Sheffield, when setting up the second project, we found that the students made some excellent suggestions when designing the questionnaire. However, it is suggested that students should not get marks for volunteering, as this could unfairly penalise those who are unable to do so.

Running the Project

There is little to say about this. The idea is that, having mounted the project, the students now decide for themselves exactly how they wish to undertake the task. Although the students must have been given clear research objectives, the more leeway they are given thereafter to demonstrate their abilities the better. In the Sheffield projects, the students were simply asked to write up their results, with no

detailed instructions on how to do this. The way they undertook this varied enormously, from the not very good to the absolutely excellent. For example, some students simply filled in the questionnaire sheets they had been given and did not make any serious attempt to analyse any of their results. Others drew up tables in a variety of forms. Some did graphs, again presented in many different ways. Some mapped the places they had visited. Students also wrote some extremely amusing accounts of their research, as the following vignettes illustrate, (the names of the students have been changed):

'Seizing the rare opportunity to lie with permission I decided to tackle my project from the authentic approach. I pretended that I was an unmarried mother trying to get hold of a form for myself and my boyfriend, and on one occasion I even borrowed my friend's baby.' (Nina).

'In exchange for a fish and chip supper, I persuaded my girl friend to agree to be 'Mary', the mother of 'Cathy', aged 3, and to come with me when I made my approaches.' (David).

'The Registrar was quite patronising and treated me as if I was fairly stupid (more than I was appearing to be). My plan to block any questions about my personal details didn't work. She simply ignored my responses and continued to question me about such matters as whether I had been present at the birth, whether I had gone to the Registry Office with the mother, and whether my name was on the child's birth certificate. I managed to bluff my way through then ran like the wind!' (Nick).

Indeed, neither lecturer at Sheffield will ever forget the account related by David, above, whose work was peppered with hilarious incidents and who wrote a delightfully humorous commentary.

Conclusion

In conclusion, the projects proved to be a very successful exercise. The vast majority of students thoroughly enjoyed doing the work. Many said so in their commentaries and many could not wait to relate their accounts when meeting the lecturers after the Easter break. They found it a very enlightening and educative experience. It widened their interest and knowledge more generally about the impact of law on family relationships and how 'ordinary' men and women perceive this. The lecturers also thoroughly enjoyed both setting up the projects and reading the resulting commentaries. Such was the success of the two projects that plans are now afoot for further project work, and the lecturers have already identified subjects for the next two cohorts of students. It would therefore seem an eminently good reason to recommend projects, both on the basis that they are educative and that they are enjoyable.

APPENDICES

Family Law Questionnaire

Please note: This questionnaire applies only to ***undergraduate non-LPC*** courses.

Name of institution : ....

Address of institution:. ....

Name(s) of family law teacher(s):.. ....

....

....

If you would like to be included in a directory of family law teachers (to be included in the Manual) then please provide the following:

Telephone no: ....E-mail address: ....

1. The Family Law Course

i. Name of the course: ....

ii. What degree scheme(s) is it part of? ....

iii. Approximate number of students taking the course:...

iv. Duration of the course (in weeks): ....

2. Course Structure

We would like to know about the aims of your course and its content. Please could you provide a copy of any documentation** which shows this.

** ***Please note:*** It is not our intention to reproduce any of your course documentation, samples etc in the *Family Law Teaching Manual.* We merely want to have a look at them in order to see what sorts of things are being done by family law teachers.

3. Teaching
Lectures

i. How many hours a week are lectures and for how many weeks? ....

ii. What is the duration of a lecture? ....

iii. Is there student participation during the lecture? If so, of what kind?

....

....

iv. What do you consider to be your main function(s) as a lecturer? ....

....

....

v. Do you prepare handouts? If so, can you provide some samples? ....

....

vi. What visual aids do you use?

....

....

....

vii. Are they any ideas/tips you have found which improve your lectures and which you would be willing to pass onto other family law teachers? If so, describe them.

....

....

....

....

Tutorials/seminars

i. How many students are there approximately in each tutorial/seminar?. ....

ii. How many tutorials/seminars does each student have each week/fortnight?........

iii. How long is a tutorial/seminar? ....

iv. What topics do your seminars/tutorials cover?.. ....

v. Do you provide handouts/worksheets/reading etc? If so, can you provide samples** please? (** See page 1.)

....

....

vi. What do you consider to be the main function(s) of tutorials/seminars? ....

....

....

....

vii. Are there any ideas/tips that you have discovered which improve your tutorials/seminars and which you would be willing to pass onto other family law teachers? If so, describe them.

....

....

....

....

....

4. Assessment

i. What methods of assessment do you use? ....

....

....

ii. Do all of these methods count towards the final coursework mark for degree class purposes? If not, explain which do not and why. ....

....

....

iii. If more than one method of assessment is used for final course mark purposes, identify the weight in pecentage terms of the different methods (eg 50 % coursework, 50 % examination).

....

....

....

iv. Are students always assessed individually? If not, then can you explain how they are otherwise assessed (eg in pairs, groups)?

....

....

....

v. Have you had (or have) any problems with the assessment process? If so, how has this been (or might be) resolved?

....

....

....

Assignments

i. How many assignments (eg essays, exercises) must students complete during the course?

....

ii. What form do the assignments take? Can you provide some samples?** (see p.1)

....

....

iii. What sort of feedback (if any) is given to student about their assignments?

....

....

Examination

i. How many hours long is the examination? ....

ii. How many questions out of how many must be answered? ....

iii. What materials (if any) can students take into the examination? ....

....

....

....

5. Resources

i. Do you use the web for your teaching? If so, how? ....

....

....

ii. Do you encourage students to use the web? If so, how? ....

....

....

iii. Have you used IOLIS, the computer learning programme, in your teaching? If so, how?

....

....

iv. Are there any web sites that you have found particularly useful for family law teaching? If so, could you list them.

....

....

....

....

v. Are there any resources you would particularly recommend?

....

....

....

....

....

....

6. General

i. What do you consider to be the main internal and external constraints on your teaching, and how have these affected the teaching and learning experience?

....

....

....

....

ii. Are there any innovations in teaching which you have introduced in the last few years? If so, can you explain them, giving reasons for why you decided to introduce them, and do they work well?

....

....

....

....

....

....

THANK YOU for taking time to complete this questionnaire.

If you have any other comments then please write them below.

....

....

....

....

....

....

....

....

....

....

....

....

....

Family Law Resources

A. BOOKS

1. Textbooks
2. Statute books
3. Cases and Materials Books
4. General
5. Journals

B. USEFUL WEBSITES

1. Government Services
2. Courts
3. Publishers
4. Other Useful Websites

C. IOLIS

A. BOOKS

1. TEXTBOOKS

Bainham, A. (1998) *Children: The Modern Law*. Family Law (Jordans).

Barnett, H. (due 2000) *Family Law Textbook*. Cavendish.

Barton, C. and Douglas, G. (1995) *Law and Parenthood (Law in Context Series)*. Butterworths.

Black, J., Bridge, J. and Bond, T. (1999) *A Practical Approach to Family Law*. Blackstone Press.

Burton, F. (1997) *Family Law & Practice*. Cavendish.

Cretney, S. and Masson, J. (1997) *Principles of Family Law*. Sweet & Maxwell.

Cretney, S. (1997) *Family Law (Textbooks Series)*. Sweet & Maxwell.

Dewar, J. (1992) *Law and the Family*. Butterworths.

Dodds, M. (1998) *Family Law*. Old Bailey Press.

Fortin, J. (1998) *Children's Rights and the Developing Law (Law in Context Series)*. Butterworths.

Freeman, M. (1998) *Child Welfare and the Law*. Sweet & Maxwell.

Hoggett, B. (1993) *Parents and Children – The Law of Parental Responsibility*. Sweet & Maxwell.

Hayes, M. and Williams, C. (1999) *Hayes and Williams: Family Law – Principles, Policy and Practice*. Butterworths.

Lowe, N. and Douglas, G. (1998) *Bromley's Family Law*. Butterworths.

Standley, K. (1997) *Family Law*. Macmillan.

Wragg, T. (1998) *Family Law (Framework Series)*. Financial Times Management.

2. STATUTE BOOKS

Cooke, E. (ed) (1999) *Butterworths Student Statutes Series: Family Law*. Butterworths.

Gravells, N. (ed) (1999) *Sweet & Maxwell's Family Law Statutes*. Sweet & Maxwell.

Oldham, M. (ed) (1999) *Statutes on Family Law*. Blackstone Press.

3.   CASES AND MATERIALS BOOKS

Diduck, A. and Kaganas, F. (1999) *Family Law, Gender and the State*. Oxford: Hart Publishing.

Hoggett, B., Pearl, D., Cooke, E. and Bates, P. (1996) *Hoggett, Pearl, Cooke and Bates: The Family, Law and Society.* Butterworths.

Standley, K. (1997) *Cases & Materials on Family Law*. Blackstone Press.

4.   GENERAL

Alston, P. (1994) *The Best Interests of the Child: Reconciling Culture and Human Rights*. Oxford: Clarendon Press.

Alston, P., Parker, S. and Seymour J. (eds) (1992) *Children, Rights and the Law*. Oxford University Press.

Angel, W. (ed) (1995) *The International Law of Youth Rights.* Martinus Nijhoff.

Asquith, S. (ed) (1994) *Justice for Children*. Martinus Nijhoff.

Bailey-Harris, R. (1998) *Dividing the Assets on Family Breakdown*. Family Law (Jordans).

Bainham, A. (ed) (1996) *The International Survey of Family Law*. Kluwer Law.

Bainham, A., Pearl, D. and Pick, R. (eds) (1995) *Frontiers of Family Law*. Chichester: Wiley.

Bainham, A., Day Sclater, S. and Richards, M. (eds) (1999) *What is a Parent? A Socio-Legal Analysis*. Hart Publishing.

Barlow, A. (1996) *Law Relating to Cohabitation*. Tolley.

Barlow, A. (1997) *Cohabitants and the Law*. Butterworths.

Barton, C. and Hibbs, M. (1998) *Questions and Answers on Family Law*. Blackstone Press.

Bedingfield, D. (1998) *Children in Need: Children, the State and the Law*. Family Law (Jordans).

Bird, R. (1997) *Domestic Violence and Protection from Harassment*. Family Law (Jordans).

Bird, R. (1998) *The Ancillary Relief Handbook*. Family Law (Jordans).

Bishop, G. *et al* (1996) *Divorce Reform: A Guide for Lawyers & Mediators*. FT Law and Tax.

Bradley, D. (1996) *Family Law and Political Culture: Institutional Perspectives on Scandinavian Law*. Sweet & Maxwell.

Bridge, C. (ed) (1997) *Law Towards the Millennium: Essays for P M Bromley*. Butterworths.

Brownsword, R., Cornish, W.R. and Llewelyn, M. (eds), (1999) *Law and Genetics: Regulating a Revolution*. Hart Publishing.

Burrows, D. (1999) *Family Law and the Civil Procedure Rules: A Family Law Special Report*. Family Law (Jordans).

Burton, F. (1996) *Guide to the Family Law Act*. Cavendish.

Cobley, C. (1995) *Child Abuse & the Law*. Cavendish.

Collier, R. (1995) *Masculinity, Law and the Family*. Routledge.

Cretney, S. (1999) *Law, Law Reform and the Family*. Oxford: Clarendon Press.

Davis, G., Cretney, S. and Collins, J. (1994) *Simple Quarrels*. Oxford: Clarendon Press.

Davis, G., Wikely, N. and Young, R. (1998) *Child Support in Action*. Hart Publishing.

De Haas, M. and Bispham, C. (1998) *Domestic Injunctions (Family Practice Series).* Sweet & Maxwell.

Dewar, J. (1992) *Law and the Family.* Butterworths.

Dingwall, R. and Eekelaar, J. (eds) (1988) *Divorce, Mediation and the Legal Process*. Clarendon Press.

Doek, J. (ed) (1996) *Children on the Move: How to Implement their Right to Family Life*. Martinus Nijhoff.

Doggett, M. (1992) *Marriage, Wife-beating and the Law in Victorian England (Law in Context Series)*. Butterworths.

Douglas, G. and Sebba, L. (eds) (1998) *Children's Rights and Traditional Values*. Ashgate.

Edwards, S. (1996) *Sex and Gender in the Legal Pr*ocess. Blackstone Press.

Eekelaar, J. and Sarcevic, P. (1993) *Parenthood in Modern Society: Legal and Social Issues for the Twenty-First Century*. Martinus Nijhoff.

Eekelaar, J. (1991) *Regulating Divorce*. Oxford: Clarendon Press.

Eekelaar, J. and Maclean, M. (1994) A *Reader on Family Law*. Oxford: Clarendon Press.

Eekelaar, J. and Nhlapo, T. (eds) (1998) *The Changing Family*. Hart Publishing.

Evans, D. (ed) (1996) *Conceiving the Embryo: Ethics, Law and Practice in Human Embryology*. Martinus Nijhoff.

Evans, D. (ed) (1996) *Creating the Child: The Ethics, Law and Practice of Assisted Procreation*. Martinus Nijhoff.

Fijalkowski, A. and Fitzmaurice, M. (1999) *Right of the Child to a Clean Environment*. Ashgate.

Fisher, T. (1992), *Family Conciliation within the UK: Policy and Practice*. Family Law (Jordans).

Fisher, T. *National Family Mediation, Guide to Separation & Divorce*. Vermillion.

Finch, J., Hayes, L., Masson, J., Mason, J. and Wallis, J. (1996) *Wills, Inheritance and Families*. Clarendon Press.

Freeman, M. (ed) (1996) *Children's Rights: A Comparative Perspective.* Ashgate/Dartmouth.

Freeman, M. (ed) (1996) *Divorce: Where Next?* Ashgate/Dartmouth.

Freeman, M. (ed) (1999) *Overcoming Child Abuse: A Window on a World Problem*. Ashgate.

Freeman, M. (1999) *Cultural Pluralism and the Rights of the Child*. Ashgate.

Freeman, M. (1983) *The Rights and Wrongs of Children*. Frances Pinter.

Freeman, M. (1996) *Family Law Act 1996 (Sweet & Maxwell Legislation Handbook*). Sweet & Maxwell.

Freeman, M. and Veerman, P. (1992) *The Ideologies of Children's Rights*. Martinus Nijhoff.

Freeman, M. (1997) *The Moral Status of Children: Essays on the Rights of the Child.* Martinus Nijhoff.

Fox Harding (1997) *Perspectives in Child Care Policy*. Addison Wesley Longman.

Gauthier, H. (1996) *The State and the Family: A Comparative Analysis of Family Policies in Industrialized Countries*. Oxford: Clarendon Press.

Hoggett, B. (1996) *From the Test-tube to the Coffin: Choice and Regulation in Family Life* (The Hamlyn Lecture Series). Sweet & Maxwell.

Hall, J. and Martin, D. (1993) *Child Abuse Procedure and Evidence*. Barry Rose.

Hamilton, C. (1995) *Family, Law and Religion*. Sweet & Maxwell.

Hamilton, C. and Standley, K. (eds) (1993) *Family Law in Europe*. Butterworths.

Haynes, J. (1993) *Alternative Dispute Resolution: Fundamentals of Family Mediation* (English version edited by Thelma Fisher and Dick Greenslade). Old Bailey Press.

Heinze, E. (1995) *Sexual Orientation: A Human Right*. Martinus Nijhoff.

Henderson, P. (ed) (1995) *Children and Communities*. Pluto Press.

Hill, M. and Aldgate, J. (1996) *Child Welfare Services*. Jessica Kingsley.

Hill, M. and Shaw M. (eds) (1998) *Signposts in Adoption*. BAAF.

Hill, M. and Tisdall, K. (1997) *Children and Society*. Longmans.

Himes, J. (ed) (1995) *Implementing the Convention on the Rights of the Child: Resource Mobilization in Low-Income Countries.* Martinus Nijhoff.

Hodgson, D. (1998) *The Human Right to Education*. Ashgate.

Hoyle, C. (1998) *Negotiating Domestic Violence*. Oxford University Press.

Jenks, C. (1996) *Childhood*. Routledge.

John, M. (ed) (1996) *Children in Charge: The Child's Right to a Fair Hearing.* Jessica Kingsley.

John, M. (ed) (1996) *Children in Our Charge: The Child's Right to Resources*. Jessica Kingsley.

John, M. (ed) (1996) *A Charge Against Society: The Child's Right to Protection*. Jessica Kingsley.

Kaganas, F., King, M. and Piper, C. (1995) *Legislating for Harmony: Partnership under the Children Act 1989*. Jessica Kingsley.

Kilkelly, U. (1999) *The Child and the European Convention on Human Rights*. Ashgate.

King, M. and Piper, C. (1995) *How the Law Thinks About Children*. Arena.

Kroll, B. (1994) *Chasing Rainbows: Children, Divorce and Loss*. Russell House.

Kurczewski, J. and Maclean, M. (eds) (1997) *Family Law and Family Policy in the New Europe*. Ashgate.

Lansdown, G. (1995) *Taking Part: Children's Participation in Decision-Making*. Institute of Public Policy Research (IPPR).

Levy, A. (ed) (1995) *Refocus on Child Abuse*. Hawkesmere.

Lockton, D. (ed) (1994) *Children and the Law*. Cavendish.

Lockton, D. (1997) *Domestic Violence*. Cavendish.

Lowe, N. and Douglas, G. (eds) (1996) *Families Across Frontiers*. Martinus Nijhoff.

Lyon, C. (1993) *The Law Relating to Children*. Butterworths.

Lyon, C. and de Cruz, P. (1993) *Child Abuse.* Family Law (Jordans).

Maclean, M. and Eekelaar, J. (1997) *The Parental Obligation: A Study of Parenthood Across Households*. Hart Publishing.

Maclean, M. and Kurczewksi, J. (1994) *Families, Politics and the Law*. Clarendon Press.

Marshall, K. (1997) *Children's Rights in the Balance: The Participation – Protection Debate*. Edinburgh: The Stationery Office.

Mason, J. (1998) *Medico-Legal Aspects of Reproduction and Parenthood.* Ashgate/Dartmouth.

McGillivray, A (ed) (1997) *Governing Childhood*. Ashgate.

Mee, J. (1998) *The Property Rights of Unmarried Cohabitees*. Hart.

Noone, M. (1996) *Mediation*. Cavendish.

O'Donovan, K. (1993) *Family Law Matters*. Pluto Press.

Oliver, S. and Clements, P. (1999) *Enforcing Family Finance Orders*. Family Law (Jordans).

Parkinson, L. (1997) *Family Mediation (Family Practice Series).* Sweet & Maxwell.

Parry, M. (1993) *The Law Relating to Cohabitation*. Sweet & Maxwell.

Parton, N. (1991) *Governing the Family*. Macmillan.

Parton, N. (1997) *Child Protection and Family Support*. Routledge.

Pintens, W. (ed) (1997) *International Encylopaedia of Laws: Family and Succession Law*. Kluwer.

Plotnikoff, J. and Woolfson, R. (1995) *Prosecuting Child Abuse*. Blackstone Press.

Priest, J. (1993) *Families Outside Marriage*. Jordans.

Roberts, A. (ed) (1997) *Helping Battered Women: New Perspectives and Remedies*. Oxford University Press, USA.

Roberts, M. (1997) *Mediation in Family Disputes*. Arena.

Rogers, L. (1998) *LLB Learning Text: Family Law*. Blackstone Press.

Rogers, L. (1998) *LLB Cases & Materials: Family Law*. Blackstone Press.

Rosenblatt, J. and Lewis, I. (1997) *Children and Immi*gration. Cavendish.

Salter, D. (ed) (1999) *Pensions and Insurance on Family Breakdown*. Family Law (Jordans).

Schaffer, H. (1990*) Making Decisions About Children: Psychological Questions and Answers*. Basil Blackwell.

Sheldon, S. (1997) *Beyond Control: Medical Power and Abortion*. Pluto Press.

Simpson, B. (1998) *Changing Families: an Ethnographic Approach to Divorce and Separation*. Berg.

Smart, C. (1984) *The Ties that Bind*. Routledge & Kegan Paul.

Smart, C. and Neale, B. (1998) *Family Fragments?* Polity.

Smart, C. and Sevenhuijsen, S. (eds) (1989) *Child Custody and the Politics of Gender*. Routledge.

Spencer, J.R. and Flin, R. (1993) *The Evidence of Children: The Law and the Psychology*. Blackstone Press.

Stewart, S. (1998) *Conflict Resolution: A Foundation Guide*. Waterside.

Swindells, H. and Skilbeck, R. (1999) *Family Law and the Human Rights Act 1998*. Family Law (Jordans).

Triseliotis, J., Shireman, J. and Hundleby, M. (1997) *Adoption – Theory, Policy and Practice*. Cassell.

Van Bueren, G. (1995) *The International Law on the Rights of the Child*. Martinus Nijhoff.

Van Bueren, G. (ed) (1997) *International Documents on Children*. Martinus Nijhoff.

Van Bueren, G. (ed) (1998) *Childhood Abused: Protecting Children against Torture, Cruel, Inhuman and Degrading Treatment and Punishment*. Ashgate.

Verhellen, E. (ed) (1996) *Monitoring Children's Rights*. Martinus Nijhoff.

Wellman, K. (1997) *An Approach to Rights: Studies in the Philosophy of Law and Morals* (deals *inter alia* with aspects of children's rights). Kluwer.

Wintemute, R. (1997) *Sexual Orientation and Human Rights*. Clarendon Press.

White, R., Carr, P. and Lowe, N. (1995) *The Children Act in Practice*. Butterworths.

Wragg, T. (1998) *Family Law*. Pitmans.

5. JOURNALS

Child and Family Law Quarterly, (CFLQ) (formerly *Journal of Child Law,* J Ch L), Family Law (Jordans).

Childright, published monthly by the Children's Legal Centre (see web site below).

Family Law (Fam Law), Family Law (Jordans).

International Journal of Children's Rights, Martinus Nijhoff.

International Journal of Law and the Family.

International Journal of Law, Policy and the Family, Oxford University Press.

Journal of Social Welfare and Family Law (JSWFL), (formerly *Journal of Social Welfare Law*, JSWL).

B. USEFUL WEBSITES

1. GOVERNMENT SERVICES

Acts of the UK Parliament (including Bills currently before Parliament): www.hmso.gov.uk/acts.htm

Department of Health (circulars, subject index, publications, press releases, and has a linked site to the Child Support Agency): www.doh.gov.uk/

Department of Social Security (with a linked site to the Child Support Agency): www.dss.gov.uk/. The Child Support Agency can be found direct at: www.dss.gov.uk/csa/index.htm. The Green Paper, *Children First: A New Approach to Child Support* (Cm 3992) can be found at: www.dss.gov.uk/hq/csgp/index.htm

Home Office (eg. press releases, publications, subject index **, information, research and statistics): www.homeoffice.gov.uk/

** The subject index includes: Acts of Parliament: circulars; statistics; consultation papers; Bills before Parliament; Human Rights; research; domestic violence.

House of Lords Debates (*Hansard*):
www.parliament.the-stationery-office.co.uk/pa/ld/ldhansrd.htm

Law Commission: open.gov.uk/lawcomm

Lord Chancellor's Department (eg. Press Notices, The Courts, Consultation Papers, Access to Justice, Individual and Family Matters**, Speeches, LCD Research, Publications, Statute Law Data Base, Human Rights, and Related Sites): www.open.gov.uk/lcd/

Family Law speeches include:
Lord Irvine, Lord Chancellor, at the UK Family Law Conference (25 June 1999) with web link to the Government Consultation Paper, *Supporting Families,* the Family Law Act 1996, the ancillary relief pilot scheme, and the civil justice reforms; and

Lord Irvine, Lord Chancellor, at the closing session of the Fourth European Conference on Family Law (2 October 1998) with web link *inter alia* to the Council of Europe, the Family Law Act 1996.

** The Lord Chancellor's Department Family Law web pages include: Policy Division Newsletters; Family Law Act 1996; Lord Chancellor's Advisory Board on Family Law; Lord Chancellor's Speech on Family Law (see above); the *Consultation Paper on 1. Determination of Paternity and 2. Parental Responsibility for Unmarried Fathers*; the Consultation Paper on *Supporting Families* (www.open.gov.uk/lcd/speeches/1999/1999/fr.htm); the Ancillary Relief Pilot Scheme; a guide to the Family Law Act 1996 for victims of domestic violence; and the Official Solicitor's web site.

Official Solicitor: www.offsol.demon.co.uk including the Child Abduction Unit, with information and guidance about child abduction (including texts of the Conventions).

Stationery Office (Full text or summary of selected documents prepared for the Internet by The Stationery Office, as well as other official publications): www.official-documents.co.uk/

United Kingdom Parliament (House of Commons, House of Lords, Parliamentary Services, search the UK Parliament publications database, Index, Enquiries, full text of Bills): www.parliament.uk/

2.   COURTS AND LAW REPORTS ETC

European Court of Human Rights (general information, pending cases, judgments and decisions, basic texts, press releases, European Convention on Human Rights): www.dhcour.coe.fr/ Judgments: www.dhcour.coe.fr/eng/Judgments.htm

European Court of Justice and Court of First Instance (includes press releases, texts of cases lodged, recent case-law etc): curia.eu.int/en/index.htm. See also EUROPA – the web site of the European Union – below.

House of Lords (judicial business):
www.parliament.the-stationery-office.co.uk/

3.   PUBLISHERS

Ashgate (Dartmouth): www.ashgate.com

Blackstone Press: www.blackstonepress.co.uk/
Butterworths (including up to date news, press information, academic site etc): www.butterworths.co.uk/

Cambridge University Press: www.cup.cam.ac.uk/

Hart Publishing: www.hartpub.co.uk

Jordans (Family Law) (for *Family Law* and *Child and Family Law Quarterly*) (site includes free family law update, and linked web site to *Child and Family Law Quarterly* (www.cflq.com) which contains summaries of articles and casenotes since 1997): www.familylaw.co.uk/

Oxford University Press: www4.oup.co.uk/

Sweet & Maxwell: www.smlawpub.co.uk

Web Journal of Current Legal Affairs: webjcli.ncl.ac.uk/

4.   OTHER USEFUL SITES

British Agencies for Fostering & Adoption (BAAF): www.baaf.org.uk

Centre for Europe's Children (the Documentation and Information centre for the Programme for Children which the Council of Europe, in co-operation with UNICEF, intends to promote the United Nations Convention on the Rights of the Child). The website includes: Council of Europe policies, statements, research and reports; text of the UN Convention on the Rights of the Child and State Party reports; a web site data base of child rights web information; list of publications; documents: eurochild.gla.ac.uk/

Children's Legal Centre (publications, policy and campaign work, press releases, *Childright* journal, research and 'At What Age Can I?' (a useful information sheet about when children can do certain things)): www2.essex.ac.uk/clc/

Council of Europe (includes Human Rights information bulletins, case-law, text of European Convention on Human Rights, and link to the European Court of Human Rights): www.dhdirhr.coe.fr/

CRIN (Children's Rights Information Network) – a global network of organisations sharing their experiences of information on children's rights. (Includes the full text of the UN Convention on the Rights of the Child, and web link to EPOCH – End Punishment of Children): www.crin.org/

Defence for Children International (including the text of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption): childhouse.uio.no/childrens_rights/dci_hagu.html

Demos – Demos is a think tank and research institute based in London. Its role is to help reinvigorate public policy and political thinking and to develop radical solutions to long term problems: www.demos.co.uk

Domestic Violence Date Source (dvds) (includes facts, data, bibliography etc): www.domesticviolencedata.org/

EUROPA – The European Union Website (includes basic information on the European Union, e.g. The Parliament, the Council, the Court of Justice, citizens' rights, sources of information, policies, and includes access by subject to legal instruments in force, legislative activity in progress etc): europa.eu.int/index-en.htm

Families Need Fathers – Organisation which believes that children have a right to a loving relationship with both parents. Promotes shared parenting. Information and guidance on law and research, including links to Acts of Parliament: www.fnf.org.uk

Family Law Consortium: www.tflc.co.uk

Family Policy Studies Centre: www.vois.org/uk/fpsc

Gingerbread – Support organisation for lone parent families. Information on law etc: www.gingerbread.org.uk

Hague Conference on Private International Law: www.hcch.net/

Institute of Public Policy Research (IPPR) – A centre-left think tank which aims to promote and contribute to a greater understanding of key social, economic and political questions: www.ippr.org.uk

Joseph Rowntree Foundation (JRF) (research reports, research projects): www.jrf.org.uk/

National Children's Bureau – Organisation devoted to identifying and promoting the well-being and interests of children and young people across every aspect of their lives. Undertakes research projects which can be accessed: www.ncb.org.uk

NSPCC – Publications, research and information service: www.nspcc.org.uk

Reunite (National Council for Abducted Children) (information and research on child abduction): www.users.dircon.co.uk/~reunite/intro.htm; www.reunite.org/

Save the Children Fund (UK): www.savethechildren.org.uk

Shared Parenting Information – Aims to promote responsible shared parenting after separation and divorce. Research, information and resources available: www.spig.clara.net

Solicitors' Family Law Association – Code of Practice, mediation updates and press releases: www.sfla.co.uk

SOSIG (Social Sciences Information Gateway) (offers social scientists a quick and easy way of finding quality networked information that can support their work, e.g. a SOSIG Internet catalogue of electronic journals, reports and papers newsletters, data bases, home pages of key social science organisations): www.sosig.ac.uk/

UK College of Family Mediatiors – The professional standard-setting watchdog and public information providing body for family mediation in the UK. Information on how mediation works etc: www.ukcfm.co.uk

UK Official Publications (UKOP) – Indexes all official publications, including both HMSO and departmental or 'Non-HMSO' publications from 1980 onwards: www.ukop.co.uk

United Nations (international law, economic and social development, human rights, humanitarian affairs, publications, databases etc): www.un.org/

United Nations High Commissioner for Human Rights (treaties, publications, press statements, Universal Declaration of Human Rights, related links, e.g. UNICEF, UN decade for human rights education 1995-2004): www.unhchr.ch/

US Department of State: Office of Children's Affairs – Information on child abduction, including text of the Hague Convention: travel.state.gov/int'lchildabduction.html

Women's Aid Federation – Organisation for women and children experiencing physical, sexual or emotional abuse in their homes. Information about domestic violence, the civil and criminal law, and including facts and figures and useful websites: www.womensaid.org.uk

C.   IOLIS

IOLIS (introduced in 1995) is a computer assisted learning package comprising a set of courseware materials designed for single user activity produced by the Law Courseware Consortium, based at the University of Warwick, for use in legal education. Each piece of courseware consists of an electronic workbook, a notepad and a resource book containing legal materials. The courseware also uses hypertext facilities within the workbook and the resources book. It is authored by leading academics. It is easy to use. It provides self-test questions and feedback. It has excellent resource books with leading case reports, statutes. Academic articles are included in the workbooks. Each workbook has a scrap book and copy/printing facility. It is regularly updated.

IOLIS contains the following family law workbooks:

- marriage and cohabitation;
- domestic violence;
- divorce and mediation;
- child support;
- property division on divorce;
- parenthood;
- the welfare principle;
- children and private ordering;
- child protection;
- issues in child protection;
- adoption;
- international influences.

Example of a Study Pack

Dita Gill at London Guildhall University devised the following 10 week pack to support a traditional Divorce Law course to save students' time in looking for materials which could be spent in reading them, and also to relate their progress directly to the 'benchmarking skills' (see Chapter 1).

Tutorial 1: History of Divorce Law

Aims and Introduction.

Defining the Family (IOLIS) + 3 questions on these extracts.

History of Divorce Law (Hoggett, B., Pearl, D., Cook, E. and Bates, P. (1996) The *Family Law and Society – Cases and Materials*, 4th edn, Butterworths, Chapter 6) + 3 questions on this extract.

Relevant Benchmarking Skills

- to demonstrate understanding of the context in which the law operates (social, economic, historical, philosophical and cultural);
- to retrieve information using paper and electronic sources;
- to show awareness of legal institutions;
- to analyse complex factual information in a systematic way.

Tutorial 2: Jurisdiction, One Year Bar, Ground for Divorce

Question 1 from previous year's examination paper.

Photocopy of report of *Blyth v Blyth* [1966] AC 643, HL.

Extract from Hayes M. and Williams, C. (1999) *Family Law: Principles, Policy and Practice*, 2nd edn, Butterworths, pp. 513-515 + question on the standard of proof of adultery .

Extract from Hoggett *et al* (see above), pp. 21-22.

Photocopy of *Cossey v UK* No 16/1989/176/232 and commentary, 21 Fam Law 363-364.

Extract from Edwards, *Sex and Gender in the Legal Process*, 1996, Blackstone Press, pp. 13-14 + discussion of English law's position on transsexuals.

Relevant Benchmarking Skills

- to demonstrate understanding of the historical, cultural and international context in which the law operates;
- to apply knowledge to factual situations to provide answers to problems;
- to retrieve legal information using paper sources;
- to use primary legal sources;
- to integrate material from different sources in a coherent way;
- to use abstract ideas in argument;
- to judge the merits of different solutions and give reasoned argument in favour of a chosen point of view;
- to read and discuss legal materials written in technical and complex language.

Tutorial 3: Current Law of Divorce

Further study of question 1 from Tutorial 2.

Photocopy reports of *Sheldon v Sheldon* [1966] 2 All ER 258-265.

Pheasant v Pheasant [1972] 2 WLR 354-358.

Dowden v Dowden [1978] 8 Fam Law 106-107.

Mason v Mason [1980] 11 Fam Law 143-144.

Excerpt from Hayes and Williams (see above), critically commenting on the above + problem question on which to advise.

Relevant Benchmarking Skills

- to demonstrate in depth knowledge of divorce law;
- to demonstrate understanding of the historical and social context in which the law operates;
- to apply legal knowledge to standard situations to provide answers to concrete problems;
- to identify and retrieve legal information using paper sources;
- to use primary legal sources;
- to identify relevant facts and issues and identify their relative importance;
- to synthesise doctrinal and policy issues in relation to a topic;
- to handle alternative solutions;
- to undertake independent research in new areas, starting from standard sources.

Tutorial 4: Current Law of Divorce, Protection of Respondents

Problem questions.

Tutorial 5: Children in Divorce

Excerpts from Lowe, N. and Douglas, G. (1998) *Bromley's Family Law*, 9th edn, Butterworths, Chapters 9, 10, and 12 and arrangements for children on divorce pp. 250-51 + problem question

Tutorial 6: Children in Divorce, Reform of Divorce Law

Extract of the judgment of Sir Thomas Bingham MR in *Re O (a minor)(contact: imposition of conditions)* [1995] 2 FLR 124, [1996] 1 FCR 458 + case analysis.

Abstract of *Re H (A Minor) (Parental Responsibility)* [1993] Fam Law 273 and commentary + problem question.

Extract from the Law Commission's 1990 Report, Family Law: *The Ground for Divorce* in Hoggett *et al* (above) Chapter 6, p.248 *et seq*.

Extract from *Rayden & Jackson on Divorce*.

Michael Freeman, 'The Next Children's Act?' [1998] Fam Law 341 + critical analysis.

Tutorial 7: Children in Divorce, Reform of Divorce Law

Geoffrey Kingscote, 'Incorporation of the European Convention on Human Rights' [1998] Fam Law 195 + questions on performance of UK's obligations under article 8 of the Convention and under article 3 of the UN Convention on the Rights of the Child.

Michael Freeman, 'Divorce Gospel Style' [1997] Fam Law 413 + question on the Law of Divorce under the Family Law Act 1996.

'Divorce Outcomes for Children' [1998] Fam Law 449-451.

John Eekelaar 'The Family Law Bill – The Politics of Family Law' [1996] Fam Law 45.

Martin Richards 'Divorce Numbers and Divorce Legislation' [1996] Fam Law 151.

Extract from Cretney, S. (1997) *Family Law – Textbook Series*, 3rd edn, p 59 *et seq* 'The Effect of the Family Law Act 1996 on the Divorce Process'.

Elizabeth Cleverley, 'Family Law Act 1996 – New General Principles – No Fear!' [1998] Fam Law 547.

Extracts from Black, J., Bridge, J. and Bond T. (1999) *A Practical Approach to Family Law*, 6th edn, Blackstone Press + critical analysis.

Tutorial 8: Reform of Divorce Law, Ancillary Relief

Extract from Ruth Deech in *The Independent* (1990) and commentary in Hoggett *et al*, Chapter 6, p 256 *et seq.*

Martin Richards, as above + critical comparison of conclusions.

Martin Bradley (1996) *Family Law and Political Culture* (*Scandinavian Laws in Comparative Perspective*), Sweet & Maxwell, pp. 64-72, 125-133 and 177-185 (Sweden, Denmark and Norway).

Muriel Wallis 'Ireland gets divorce' [1997] Fam Law 271 + critical analysis of these regimes in comparison with England.

Problem question on ancillary relief.

Relevant Benchmarking Skills

- to understand and present relevant numerical information (e.g. statistics) as part of an argument;
- to judge the merits of different solutions and give reasoned argument in favour of a chosen point of view.

Tutorials 9 and 10: Finance and Property on Divorce

Problem questions for understanding and examination practice

'Family Sagas'

The following family law problem questions involving hypothetical case scenarios were devised by Jacqueline Priest, formerly of the University of Durham, where she used them in her tutorials. She has given permission for them to be reproduced.

1. Alison is a promiscuous 17-year-old. She is pregnant by Barry, but she has also had sexual intercourse with Chris. When Barry dies in a road accident, Alison tells Chris that she is pregnant, and does nothing to correct his mistaken assumption that the baby is his. She accepts his proposal of marriage. On their wedding day, just as they and their guests are leaving the register office, a terrorist bomb explodes in the street. Both Alison and Chris are injured. Alison suffers a miscarriage. Chris sustains head injuries which leave him with gross facial disfigurement. On his discharge from hospital, Chris goes to the flat where he and Alison had planned to live, but appalled and repelled by his appearance, Alison refuses to admit him and yells at him to go away and never come near her again. Chris returns to live with his parents and submits to a lengthy programme of skin grafts and reconstructive surgery. Initially, Chris hoped to make himself less repulsive to Alison, but two years into the series of treatments, he falls in love with Diane, a nurse. Diane is unconcerned by his appearance. She is, however, very anxious to have children and before committing herself to Chris insists that he undergo tests to confirm his fertility. These tests indicate that Chris is completely infertile. Chris then realises that the child which Alison had been expecting could not have been his.

    Could the marriage of Alison and Chris be annulled?

2. After a chaotic period as a prostitute during which she has a daughter (Ella), Alison forms a relationship with Fergal. He comes to live with Alison and Ella in the council house of which Alison is the sole tenant. Fergal is a kind and loving man whom from the outset has treated Ella as if she were his own child. Before long, Alison and Fergal have a daughter, Grace. For a time all goes well. However, when Ella and Grace are aged four and two respectively, Alison begins to drink heavily. When she has been drinking she hurls verbal abuse at Fergal, and recently has also punched and kicked him. Fergal, a large well-built man, is not fearful for his own safety, but he is concerned for Ella and Grace, for whom Alison now shows little care or concern. The girls have not, as yet, witnessed any of the outbursts of physical violence or verbal abuse, but Fergal fears that it is only a matter of time before this occurs.

    Advise Fergal with respect to Alison's continued occupation of the home.

    How, if at all, would your advice differ if Alison and Fergal were: a) married; or b) joint tenants of the council house in which they live?

3. Following Alison's departure from the home, Fergal is granted a residence order in respect of both girls. After several months, Alison stops drinking and asks Fergal to give her a second chance. She moves back in with him, but never manages to settle back into the domestic routine. After eight months, she leaves again, and Fergal is once more left to care for Ella and Grace on his own. He does so with assistance from his mother, Hannah. Widowed when Fergal was a small boy, Hannah has for many years lived with Ian, who has been happy to take on the role of grandfather to the girls. The girls have a strong and loving relationship with both Hannah and Ian. When Fergal's job begins to involve occasional working trips abroad, Fergal accepts Hannah's suggestion that the girls should live with her and Ian.

    What is the effect of this sequence of events on parental responsibility for Ella and Grace?

4. Alison has become obsessed with the idea that Hannah turned Fergal against her. Once or twice a week she comes to the street where Hannah and Ian live and stands on the pavement outside the house accosting neighbours and other passers-by, and regaling them with her supposed persecution by Hannah. She has started drinking again and when drunk has taken to telephoning Fergal in tears begging him to come away with her and start their relationship afresh. Sometimes she makes as many as ten calls in the space of a few hours, often in the small hours of the morning.

    Fergal and Hannah find Alison's behaviour very distressing. Advise them as to any steps they may take to put a stop to it.

    Time passes . . . . .

5. Nearly three years have now elapsed since Ella and Grace went to live with Hannah and Ian. For the past year Fergal has been working in Saudi Arabia. Ella (now aged 8) and Grace (now aged 6) are thriving in Hannah and Ian's care. Alison has shown little interest in them, except that she never forgets to send them birthday cards, and small sums of money for Christmas presents. Ella and Grace have some recollection of her. They refer to her as 'Mummy', and to Hannah as 'Mummy Hannah'. Alison last saw them ten months ago when she came to Hannah and Ian's home in some distress and begged them to take in her newborn child, Joanne. With customary generosity, Hannah and Ian agreed, and Joanne is thriving in their care, doted on her by her two half-sisters. Last week, Fergal died after a short illness.

    Could Hannah and Ian seek a residence order in respect of the three girls?

    What difference, if any, would it make if Hannah and Ian were married?

    What difference, if any, would it make if Fergal were still alive?

    Could Hannah and Ian apply for adoption orders in respect of the three girls?

    Assuming that adoption proceedings proceed to a full hearing, what are the prospects of persuading the court to dispense with Alison's consent?

6. While Hannah and Ian are still considering whether to make any application to the court Alison returns to the area and has been heard to say that she intends to remove her children from Hannah and Ian's care.

    Is Alison entitled to remove them? What steps would you advise Hannah to take to prevent their removal?

    Suppose that when Alison returns to the area application has already been made for adoption orders in respect of the girls. Would Alison be entitled to remove the children from Hannah's care while the adoption applications are pending?

    Could Fergal have made a guardianship appointment in Hannah's favour in respect of all/any of the girls? If so, would this have strengthened Hannah's position?

7. In the event, Hannah and Ian decided not to pursue adoption. Instead a joint residence order was made in their favour and, for the past six years, they have continued to bring up Ella, Grace and Joanne. Alison's present whereabouts are unknown and all contact with her has ceased.

    All has appeared to be well, except that Ella has not fulfilled her early scholastic promise and recent school reports indicate that both Ella and Grace have become very moody, even by the standards of female teenagers. Last

week, Ella died as the result of taking an ecstasy tablet at her fifteenth birthday party. The post mortem reveals that she was three months pregnant. When the police search her bedroom for evidence as to the identify of the drug supplier they find Ella's diary, in which three entries appear to refer to sexual intercourse between herself and Ian. DNA tests establish that Ian was the father of the baby that Ella was expecting. The local authority applies for care orders in respect of Grace and Joanne.

How would you expect the local authority to put its case for care orders in relation to the 'threshold conditions'?

8. Hannah does not accept the DNA findings and finds it impossible to believe that Ian could have behaved improperly toward Ella. The local authority's care plan accordingly proposes placement of the children with a view to adoption, with no continuing contact with Hannah (or, of course, with Ian). The judge does not approve of this approach. Her reasons are as follows:

    In view of the likely difficulty (which the local authority acknowledges) in finding an adoption placement for Grace (now aged 13) and Joanne (now aged 6) together, the judge considers that, while Joanne might benefit from adoption, Grace's interests would be best served by maintaining contact with the younger sister on whom she dotes, and that the two girls should therefore be placed with long-term foster-parents.

    In long-term care the girls would benefit from continued regular contact with Hannah.

    Have you any comments to make on the judge's reasons?

    If the local authority is not receptive to the judge's encouragement to reconsider its care plan, what are the judge's options?

9. Suppose that a care order is made, and that Hannah is granted regular contact with the girls. While Ian is awaiting trial on criminal charges arising out of his contact towards Ella, he commits suicide. Hannah, once she has recovered from his death, wishes to resume caring for the girls.

    Advise Hannah.

Family Law Teachers

We are grateful to the following family law teachers who so kindly gave of their time to answer our questions. Their contact details are also included in most cases. We have also included our own details, and the names of other family law teachers whose names were mentioned on completed questionnaires.

Allen, N., Nottingham Trent University.
Tel: 0115 941 8418.

Bainham, Andrew, University of Cambridge.
Tel: 01223 337733.

Ball, Caroline, University of East Anglia.
Tel.: 01603 592521/592057.
E-mail: C.Ball@uea.ac.uk.

Banks, Sam, University of Huddersfield.
Tel: 01484 422288.

Barnett, Hilaire, Professor, Queen Mary & Westfield College, University of London.
Tel.: 0171 975 5555.

Barton, Christopher, Professor, University of Staffordshire.
Tel.: 01782 294550.
E-mail: c.j.barton@staffs.ac.uk

Beresford, Sarah, University of Lancaster.
Tel: 01524 65201.

Berkan, Barry, University of the West of England.
Tel.: 0117 965 6261, ext. 2326.
E-mail: Barry.Berkan@uwe.ac.uk.

Booth, Penny, University of Sunderland.
Tel.: 0191 515 2000.
E-mail: Penny.Booth@sunderland.ac.uk.

Brayne, Hugh, Professor, University of Sunderland.
Tel: 0191 515 2000.

Bridge, Caroline, University of Manchester.
Tel.: 0161 275 3588.
E-mail: caroline.bridge@man.ac.uk.

Bridge, Stuart, University of Cambridge.
Tel: 01223 337733.

Briscoe, Janet, Anglia Polytechnic University.
Tel: 01245 493131.

Buck, Trevor, University of Leicester.
Tel.: 0116 252 2349.
E-mail:tgb1@le.ac.uk.

Burton, Frances, London Guildhall University.
Tel.: 0171 320 1521.
E-mail: burton@lgu.ac.uk, fburton@nsp-partnership.co.uk.

Cooke, Elizabeth, University of Reading.
Tel.: 0118 987 5123.
E-mail: e.j.cooke@reading.ac.uk.

Creasey, Julian, Leeds Metropolitan University.
Tel.: 0113 283 7549.
E-mail: J.Creasey@lmu.ac.uk.

Cribb, Christine, University of Wales, Swansea.
Tel.: 01792 205678.
E-mail: C.Cribb@swansea.ac.uk.

Davey, Martin, University of Manchester.
Tel: 0161 275 2000.

Diduck, Alison, Brunel University.
Tel.: 01895 274000.
E-mail: Alison.Diduck@brunel.ac.uk.

Doupé, Hilary, University of Central Lancashire.
Tel.: 01772 893079.
E-mail: hdoupe@uclan.ac.uk.

Edwards, Susan, University of Buckingham.
Tel: 01280 814080.

Fargher, Fiona, Liverpool John Moores.
Tel: 0151 231 2121.

Freeman, Marilyn, London Guildhall University.
Tel.: 0181 320 1519.
E-mail: MarilynFreeman@Beecroft.net.

Freeman, Michael, Professor, University College, London.
Tel.: 0171 387 7050.

Furniss, Claire, University of Leeds.
Tel.: 0113 233 5031.
E-mail: C.Y.Furniss@leeds.ac.uk.

Hackett, Mike, University of Hertfordshire.
Tel: 01707 284000.

Hayes, Mary, Professor, University of Sheffield.
Tel: 0114 222 6776.
E-mail: m.hayes@sheffield.ac.uk

Heenan, Sue, University of the West of England.
Tel.: 0117 965 6261, ext. 3707.
E-mail: Susan.Hennan@uwe.ac.uk.

Hibbs, Mary, University of Staffordshire.
Tel.: 01782 294550.

Hodges, Diane, Thames Valley University.
Tel: 0181 579 5000.

Hodgkinson, Brenda, University of Central Lancashire
Tel: 01772 201201.

Homer, Margaret, Anglia Polytechnic University.
Tel.: 01245 493131, ext. 3208.
E-mail: m.homer@anglia.ac.uk.

Jones, Richard, Liverpool John Moores.
Tel.: 0151 231 3931.
E-mail: R.P.Jones@livjm.ac.uk.

Kaganas, Felicity, Brunel University.
Tel.: 01895 274000.
E-mail: felicity.kaganas@brunel.ac.uk.

Kay, Frances, University of Hertfordshire.
Tel.: 01707 286219.
E-mail: f.m.kay@herts.ac.uk.

Lockton, Debbie, De Montfort University.
Tel.: 0116 257 7183.
E-mail: dlockton@dmu.ac.uk.

Lyon, Christine, Professor, University of Liverpool.
Tel.: 0151 794 2818.
E-mail: ass110@liverpool.ac.uk.

Martin Clement, Norma, University of Leeds.
Tel.: 0113 233 5021.
E-mail: N.MartinClement@leeds.ac.uk.

Mason, Julie, University of Central Lancashire.
Tel: 01772 201201.

Masson, Judith, Professor, University of Warwick.
Tel.: 024 7652 3172.
E-mail: J.M.Masson@warwick.ac.uk.

Mendoza, Lindsey, Anglia Polytechnic University.
Tel.: 01245 493131, ext. 3039.
E-mail: lmendoza@anglia.ac.uk.

Miller, Gareth, Professor, University of East Anglia.
Tel.: 01603 456161.
E-mail: Gareth.Miller@uea.ac.uk.

Moran, Gaye, South Bank University.
Tel.: 0171 815 6725.
E-mail: morang@sbu.ac.uk.

Mulholland, Mary, De Montfort University.
Tel: 0116 255 1551.

Murphy, John, University of Manchester.
Tel: 0161 275 2000.

Myers, Maxine, Leeds Metropolitan University.
Tel: 0113 283 2600.

Naughton, Carolyn, University of Luton.
Tel: 01582 734111.

Norris, Terence, University of Huddersfield.
Tel.: 01484 472051.
E-mail: E.P.Norris@hud.ac.uk.

O'Donovan, Katherine, Professor, Queen Mary & Westfield College, University of London.
Tel: 0171 975 5555.

Ogle, Michael, University of Central Lancashire.
Tel: 01772 201201.

Olaseinde, Michael, University of Luton.
Tel: 01582 734111.

Oldham, Mika, University of Cambridge.
Tel.: 01223 339423.
E-mail: mpo1000@ws.cam.ac.uk.

Paliwala, Abdul, Professor, University of Warwick.
Tel.: 024 7652 3090.
E-mail: abdul.paliwala@warwick.ac.uk.

Piper, Christine, Brunel University.
Tel.: 01895 274000.
E-mail: christine.piper@brunel.ac.uk.

Rodgers, M.E., Nottingham Trent University.
Tel.: 0115 941 8418.
E-mail: Liz.Rogers@ntu.ac.uk.

Savas, Diane, Sheffield Hallam University.
Tel: 0114 272 0911.

Sharp, Malcolm, University of Liverpool.
Tel: 0151 794 2000.

Sood, U, Nottingham Trent University.
Tel: 0115 941 8418.

Standley, Kate, University of Essex.
Tel.: 01206 872554.
E-mail: standk@essex.ac.uk.

Tarassenko, Sophie, Thames Valley University.
Tel.: 0181 231 2978.
E-mail: Sophie.Tarassenko@tvu.ac.uk.

Townsend, Peter, University of Teeside.
Tel: 01642 218121.

Wallbank, Julie, University of Lancaster.
Tel.: 01524 594240.
E-mail: j.wallbank@lancaster.ac.uk.

Welstead, Mary, University of Buckingham.
Tel.: 01280 814080.
E-mail: mary.welstead@buck.ac.uk.

Williams, Catherine, University of Sheffield.
Tel.: 0114 222 6719.
E-mail: C.Williams@sheffield.ac.uk.

Wragg, Diane, College of Law, York.
Tel: 01904 682000.

Wright, Katherine, Sheffield Hallam University.
Tel: 0114 272 0911.

References

Chapter 1

Brown, J., Collins, S., Duguid, P. (1989) 'Situated Cognition and the Culture of Learning', *Educational Researcher,* Jan/Feb, 32,42.
Hannan, A. and Silver, H. (1999) 'Innovation motivation'*, The Times Higher*, 25 June 1999.
McCaslin, M. and Good, T. (1992) 'Compliant cognition: the misalliance or management and instructional goals in current school reform', *Educational Researcher,* 21(3): 417.
Piaget, J. (1981) 'Intelligence and Affectivity', *Palo Alto: Annual Reviews.*
Pintrich, P., Marx, R. and Boyle, R. (1993) 'Beyond Cold Conceptual Change: the role of motivational beliefs and classroom contextual factors in the process of conceptual change', *Review of Educational Research,* 63(2): 167,169.

Chapter 2

Deech, R. (1990) 'Divorce Law and Empirical Studies', *Law Quarterly Review*, 106: 229-245.
Dewar, J. (1992) *Law and the Family*. 2nd ed. London: Butterworths.
Dewar, J. (1993) 'Concepts, Coherence and Content of Family Law' in Peter Birks (ed.) *Beyond the Core.* Oxford: Oxford University Press.
Dewar, J. (1998) 'The Normal Chaos of Family Law', *Modern Law Review,* 61: 467-485.
Galanter, M. (1992) 'Law Abounding: Legislation around the North Atlantic; *Modern Law Review,* 55: 1-24.
Graveson, R. H. and Crane F. R. (eds.) (1957) *A Century of Family Law 1857-1957*. London: Sweet and Maxwell.
King, M. and Piper, C. (1995) *How the Law Thinks about Children*. 2nd ed. Aldershot: Arena.
Piper, C. (1999) 'How do you define a family lawyer?' *Legal Studies,* 19(1): 93.

Chapter 3

Anderson, C. (1997) 'Enabling and shaping understanding through tutorials' in Marton, F., Hounsell, D. and Entwistle, D. (eds.), *The Experience of Learning.* Edinburgh Scottish Academic Press.
Bell, C. *et al* (1999) *Teaching Human Rights.* National Centre for Legal Education.
Birks, P. (1985) *An Introduction to the Law of Restitution*. Oxford: Clarendon Press
Bligh, D. (1998) *What's the Use of Lectures?* 5th edn, Oxford: Intellect.
Dearing, Sir R. (1997) *Report of the National Committee of Inquiry into Higher Education*.
Bone, A. (1999) *Ensuring Successful Assessment.* National Centre for Legal Education.
Entwistle, N. and Ramsden, P. (1983) *Understanding Student Learning.* London: Croom Helm.
Gibbs, G. (1992) *Improving the Quality of Student Learning.* Bristol: Technical and Educational Services Ltd.
Marton, F. and Saljo R. (1976) 'On Qualitative Differences in Learning: I Outcome and Process', *British Journal of Educational Psychology*, 46, 4-11.
Ramsden, P. (1988) 'Studying learning; Improving teaching' in Ramsden, P. (ed), *Improving Learning: New Perspectives*. London: Kogan Page.

Chapter 4

Bainham, A. (2nd ed.) (1998) *Children: the Modern Law*. Bristol: Family Law.
Cretney S. (1997) *Family Law*. London: Sweet and Maxwell.
Cretney S. and Masson J. (6th ed.) (1997) *Principles of Family Law*. London: Sweet and Maxwell.
Dartington Social Research Unit (1995) *Child Protection: Messages from Research*. London: HMSO.
Dewar J. (2nd ed.) (1992) *Law and the Family*. London: Butterworths.
Fortin J. (1998) *Children's Rights and the Developing Law*. London: Butterworths.

Chapter 5

Hayes, M. and Williams, C. (1999) 'Parental Responsibility Agreements – Successfully Combining Research with Teaching', 33 *Law Teacher* 1.

FURTHER READING

Anderson, C. (1997) 'Enabling and shaping understanding through tutorials' in Marton, F, Hounsell, D. and Entwistle, D. (eds.), *The Experience of Learning*. Edinburgh Scottish Academic Press.
Baume, D. and Baume, C. (1996) *Learning to Teach. Running Tutorials and Seminars.* Oxford Brookes University: Oxford Centre for Staff and Learning Development.
Bell, C. *et al*. (1999) *Teaching Human Rights*. National Centre for Legal Education.
Bligh, D. (5th ed.) (1998) *What's the Use of Lectures?* Oxford: Intellect.
Bone, Alison (1999) *Ensuring Successful Assessment*. National Centre for Legal Education.
Brown, G. (1978) *Lecturing and Explaining*. London: Methuen.
Gibbs, G. (1992) *Teaching More Students 2: Lecturing to More Students*. Oxford: Oxford Centre for Staff Development.
Gibbs, G. (1992) *Discussions with More Students*. Oxford: Polytechnics and Colleges Funding Council, Oxonian Rewley Press.
Gibbs, G., Habeshaw S. and Habeshaw, T. (4th ed.) (1992*) 53 Interesting Thing to Do in Your Lectures*. Bristol: Technical and Educational Services.
Johnstone, R. and Joughin, E. (1997) *Designing Print Materials for Flexible Teaching and Learning in Law.* Sydney: Cavendish.
Johnstone, R., Patterson, J. and Rubenstein, K. (1998) *Improving Criteria and Feedback in Student Assessment in Law*. Sydney: Cavendish.
McKeachie, W. (10th ed.) (1998) *Teaching Tips*. Lexington, MA: D.C.Heath.
Mullender, R. [1997] 'Law, undergraduates and the tutorial', *Web Journal of Current Legal Issues*: http://webjcli.ncl.ac.uk/1997/issue3/mullen3.html.

Journals on Teaching

Journal of Further and Higher Education
Assessment and Evaluation in Higher Education
The Law Teacher

Teaching and Learning Websites

Many universities have their own teaching and learning websites. Other websites are, e.g.:

Computers in Teaching Initiative (CTI): http://www.cti.ac.uk/

Fund for the Development of Teaching and Learning (FDTL): http://www.ncteam.ac.uk

National Centre for Legal Education (NCLE): http://www.law.warwick.ac.uk/ncle

Staff and Educational Developers Association (SEDA): http://www.seda.demon.co.uk