

# EXPORTING AUSTRALIAN LEGAL EDUCATION TO INDIA: A “TRAIN-THE- TRAINERS” WORKSHOP FOR INDIAN LAW TEACHERS

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*Tell me, and I'll forget.  
Show me, and I may not remember.  
Involve me, and I'll understand.*

— Native American Proverb

## INTRODUCTION

In 1987 the Australasian Law Teachers Association (ALTA) Law Teaching Workshop celebrated its tenth anniversary. For over a decade, it has conducted residential workshops for law teachers in the Australasian region annually, and in 1994 it sponsored the first advanced workshop for participants of earlier workshops. Although the workshop has evolved since its introduction into Australia from Canada by Professors Neil Gold and Mary Gerace, its main aim has remained the same — to professionalise the teaching of law in tertiary institutions in the Australasian region.<sup>1</sup> It is, therefore, somewhat fitting that, by chance, ten years on, workshops were held in York, Western Australia and in Bangalore, India.

## BACKGROUND

The first law teaching workshop in Australia was offered at

Moss Vale, New South Wales, with the support of the Law Foundation of NSW.<sup>2</sup> From 1988-1993 the workshop organisers and presenters modified the workshop in response to feedback from participants of each workshop and in order to address current issues in legal education. In 1994, the ALTA Workshop was redesigned:<sup>3</sup> its focus shifted from its original attention on “teaching as performance” to “teaching as facilitating student learning”, in keeping with developments in our understanding of how students learn.

The workshop now focuses primarily on developing the abilities of law teachers to enhance student learning through effective teaching; however, its immediate aim has always been to assist individual academics improve how they teach law.<sup>4</sup> Although workshop participants briefly explore the institutional setting of law teaching within which they work, the workshop has never been designed specifically to help participants formulate concrete training programs/instructional packages for use in their own law schools. The benefits that might flow from offering a workshop in which law teachers learn how to train their colleagues (in effect, a train-the-trainers model) until now have remained largely untapped.

We tried to achieve this long-term and broader goal in a “Training the Legal Trainer” Workshop held at the National Law School of India University in October 1997 under the auspices of a grant from the Australia-India Council. By marrying aspects of the ALTA instructional framework with a train-the-trainer model, we were able first, to introduce Indian law teachers to ideas about effective teaching and learning in law and, then, to help them design training programs that they could offer to their colleagues in their home institutions and regions.

## THE NATIONAL LAW SCHOOL OF INDIA UNIVERSITY (NLSIU)

The National Law School of India University opened its doors to law students about the same time that the first ALTA teaching workshop was held in 1987.<sup>5</sup> The National Law School was established by the National Law School of India Act 22 of 1986 which received the assent of the Governor on the 13th April 1986. The mission of the National Law School is: to advance and disseminate learning and knowledge of law and legal processes and

their role in national development; to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reform, and the like; to organise lectures, seminars, symposia and conferences; to promote legal knowledge; and to make legal processes efficient instruments of social development. Its students hail from all parts of India, from neighbouring countries, and from Africa. Although the NLSIU's main emphasis has been on its five-year undergraduate program, it is developing other offerings, such as post-graduate courses, distance education programs, and research activities leading to doctoral degrees in law and in social science subjects that have a bearing on law. It also conducts a number of continuing education programs for judges, lawyers, teachers and paralegals. In addition to its core educational functions, the Law School organises and hosts a number of workshops, seminars, and refresher courses for a variety of law-related purposes. In 1995 the NLSIU sponsored a refresher course on clinical legal education. This course was instrumental in bringing together academics from Australia, India, England, and the United States. It also provided an ideal foundation for workshops on law teaching that were yet to be planned.

## THE NLSIU CLINICAL LEGAL EDUCATION REFRESHER COURSE

In 1995 the National Law School sponsored a three-week Clinical Legal Education Refresher course that was organised by the first Director of the NLSIU, Dr. NR Madhava Menon. Approximately thirty-five law teachers from India and Pakistan attended, and six law teachers from three common law jurisdictions were invited to participate as resource persons.<sup>6</sup> The objectives of the workshop were specified,<sup>7</sup> learning outcomes stated,<sup>8</sup> and topics chosen to reflect developments and current issues in clinical legal education.<sup>9</sup>

As the Refresher Course program was designed, in part, to introduce Indian law teachers to clinical initiatives in India and elsewhere and to create networks of colleagues and friends, much of the focus was on the provision of information by way of lecture and demonstration. As a result, participants had neither any significant opportunity to demonstrate what they had learned at the

Refresher Course nor any opportunity to explore in depth what we know about how students learn.

### AUSTRALIA-INDIA *NEW HORIZONS*, 1996

In 1996, the Australian Government launched the “New Horizons” program in order to develop and enhance trade and cultural links between Australia and India. As part of the promotion, the Australia-India Council and the International Legal Services Advisory Committee arranged a special Australia-India Legal Conference in Delhi. One section of this program was devoted to legal education, and it was attended by a significant number of legal academics from both countries. At the conference it became clear that legal educators from both countries had a great deal to learn about the range of facilities and the extent of scholarship in the other, and indeed, within their own countries. Many, if not all, participants hoped that the contacts developed at this conference might initiate much closer links between law teachers in the two countries. One specific consequence was that the conference brought Menon, Goldring and LeBrun together with Mr. Jim Kennan QC, the Chair of the Australia-India Council and an active supporter of developing ongoing links between lawyers in Australia and India. The Council subsequently agreed to support the workshop.

### “TRAINING THE LEGAL TRAINER” WORKSHOP, 1997

The 1996 Australia-India New Horizons Conference provided one opportunity to strengthen the relationship between Indian and Australian legal educators; the 1997 Training the Legal Trainer Workshop provided another. The two aims of the “Training the Legal Trainer” Workshop were: to introduce participating law teachers in India to contemporary Australian approaches to teaching and learning law; and to provide them with a framework for improving the quality of teaching in their home institutions and regions. The primary learning outcome we sought was that, by the end of the workshop, participants would have designed and would be able to present an appropriate training package for use by law teachers in their own regions or institutions using some of the

teaching methods and approaches that we introduced. We measured the success of our work by giving each participant an opportunity, at the end of the workshop, to make a presentation about the training package that he or she designed.

The 1997 “Training the Legal Trainer” Workshop provided a natural progression from the 1995 Refresher Course and the 1996 Australia-India New Horizons Conference; it built upon and further developed the ideas introduced at the Clinical Legal Education Refresher Course and further strengthened contacts made in Delhi. The focus of the 1995 Refresher Course was on clinical education and clinical methods. Given, however, that few Indian law schools are in a financial position to offer their students live-client, in-house clinics, the application of what participants learned in 1995 was somewhat limited for some of the participants. It also appeared that in India, “Clinical Legal Education” has acquired a slightly different meaning from that in Australia or in North America, as it is taken to cover virtually any learning experience that involves practical or problem-solving exercises for students.

The 1997 workshop was designed, in part, to bridge the gap between traditional teaching methods and clinical teaching methods. Participants’ evaluations indicated that it succeeded in this goal. It addressed effective teaching methods. It provided participants with formal and informal opportunities to learn about and practise these methods in a variety of learning settings. It gave participants an opportunity to consider how such methods could be used in their home institutions. Finally, it provided participants with a theoretical and practical framework that they can use to improve the quality of law teaching in their home institutions.

### *Organisation and Collaboration*

The organisation of any residential seminar in one’s own country is difficult. Offering a program jointly with colleagues with whom one has never worked before, and to do so in a country, such as India, where the resources available are very different from those to which Australians are accustomed, presents challenges. In addition to managing the actual logistics of presenting a workshop abroad, we were concerned about the level of attendance and whether participants would feel comfortable with a highly interactive workshop model. In

particular, we were uncertain whether all aspects of the workshop — based on Australian design and educational experience — were culturally appropriate in India. For example, we hoped that participants would be willing to give and receive direct and constructive feedback from their peers. We also hoped that all the participants would be willing to present aspects of their training packages to one another. As it turned out, these fears were largely unfounded.

The participants reported that the teaching and feedback sessions were the most successful parts of the workshop. In order to try to tailor aspects of the workshop to the Indian environment, we encouraged participants to design their own feedback forms. Despite the unfamiliarity of the notion of giving direct feedback to colleagues and despite some reticence, most participants used the feedback model that we had presented and indicated in their written evaluations how useful they found the session overall.<sup>10</sup>

As far as contributions and logistics were concerned, the workshop ran very smoothly indeed. Although the former Director of the NLSIU, Dr Menon retired in early September 1997, he attended and actively contributed to the success of the workshop. In addition, Dr Menon's successor, Dr N L Mitra, participated in and led several sessions in which he had a particular expertise and interest. Dr V Nagaraj, who was responsible for most of the organisation and day-to-day operation of the workshop, also contributed actively to the success of the workshop sessions.

Since the workshop was designed to draw on Indian and Australian expertise, and since not all NLSIU teachers could be available for every session due to other university commitments, we developed a draft program that we could modify once in India and as the workshop progressed (see appendix). This collaborative and flexible approach to curriculum development and to teaching, although somewhat stressful at the outset, proved fruitful, enjoyable, and most successful for both teachers and participants. For example, because participants found that experiential learning through making a brief presentation and giving and receiving constructive feedback (on Day 4) were particularly valuable, we were able to change the program for the last two days to allow

more time for presentation and feedback. We were also able to vary the program to accommodate the special interests and commitments of Indian presenters.

### *Participation*

Fifteen participants attended the workshop. Most were committed law teachers, though the length of their teaching experience varied. They included a number of principals, directors, professors and vice-principals. Their attendance was significant, given the importance that formal status holds in many Indian institutions; we believed that they would be well-placed to introduce some of the ideas explored at the workshop.

Although we appreciate that invitations were extended by NLSIU to most well-established Indian law schools, we were disappointed that only two of the 15 participants in the workshop were women. We are aware that in India, as in Australia, many women teach law and that their numbers are growing. We realise now that we should have taken special measures to ensure that women were better represented amongst the participants. Also the majority of participants were local, from southern India. In retrospect, we should have offered the cost of economy air travel, at least for participants from northern India, to encourage participants from all parts of the country. Although firstclass rail travel is usual in India, the train journey to Bangalore from centres such as Bombay, Delhi and Calcutta is long — up to 48 hours — and the October University vacation is usually only two weeks long. Moreover, the level of comfort and cost of first class travel varies, depending upon whether the coach is air-conditioned. This, too, may have affected the willingness of individuals from Northern India to travel. One other explanation for the lack of participants could be that legal education is not seen as important as other areas of education.

### *Background and Expectations*

At the outset of the workshop, most participants did not have clear expectations of what would be discussed, although one participant had a strong foundation in the literature and theory of learning and teaching. Four of the fifteen participants had attended the three-week Clinical Legal Education Refresher course.<sup>11</sup> The

workshop was designed to cater for these different backgrounds. To illustrate: for the “returnees” part of Day 2 was devoted to discussing what they had learned in 1995, what they have tried, what worked, and what lessons they had learnt. For the remainder of the participants, Day 2 comprised a survey of the current state of legal education in India. In this session we examined: the history of, and resources given to, legal education; the attitudes, expectations, and learning approaches of Indian students; the teaching methods Indian law teachers employed; and the various institutional frameworks within which legal education was offered.

The conception of learning and teaching that most participants held at the outset of the workshop was fairly traditional and teacher-centred. The constraints on legal education in India — the lack of resources, the quality of students, the domination by the Bar Council of India of the curriculum, to name a few — have led to the development of a rather circumscribed view of the nature of teaching and learning law. Law students in India are invariably taught by lectures and examined almost exclusively in formal, closed-book terminal examinations. As a result, our greatest challenge as workshop designers and leaders was to introduce participants to the idea that, while both teacher and student have an important role to play in the learning process, research shows that effective learning is a student-centred, rather than teacher-centred, process. Since students learn in different ways, the task of the teacher is to facilitate student learning.

The major challenge for the participants was not only to learn more about effective ways of teaching but to find ways to involve students actively in the learning process, not an easy task given the limited resources available in India and the prevalence of, and preference by both students and teachers for, the lecture method. Many participants reported that pressures of student numbers and time-tabling constraints forced teachers to lecture to large classes. They also reported that their institutions did not have teaching aids and devices, such as overhead projectors and video cameras and monitors, to enable them to vary their presentation.

As the workshop progressed many of these ideas changed. Most, if not all, participants began to appreciate why, if learning is to be effective, students should become involved in their learning. They began to understand that this approach demanded work on the part of teachers as well as a willingness to experiment and take

risks by both teachers and students.

### *Evaluation*

Formative and summative written evaluation forms were distributed and collected during the workshop. The completed evaluation forms indicated that participants considered the sessions were useful and well-prepared. As noted above, they also indicated strongly that participants found the presentation and feedback sessions extremely beneficial because the participants could demonstrate what they had learned during the workshop. Similarly, the hands-on use of new technology was enjoyed by all participants, even though many expressed disappointment because their institutions lacked these facilities. The feedback that we received suggests that the participants' own encounters with experiential learning — learning by doing — convinced them of the value of experiential learning. The feelings of the participants were summed up by one participant,

(T)he workshop succeeded in compelling the participants to think about the teaching process, areas in which reform is needed and (gave) an opportunity to participants to think and assess ... their role as teachers.

Lastly, many participants listed new activities that they intended to implement upon their return to their home institutions. In order to determine the longer term impact of the workshop and the success of their initiatives, we will be sending all participants a final written evaluation form in May 1998.

### FUTURE DIRECTIONS

The workshop was originally envisaged as a “one-off” activity that would equip a small, yet key group of Indian law teachers to undertake their own activities in their home institutions and throughout India. We are fully confident of success in this direction. We are also confident that the workshop has generated considerable goodwill towards Australia amongst Indian law teachers.

The “spin-offs” from the workshop are likely to be considerable.<sup>12</sup> More could be achieved:

- Follow-up workshops could be conducted in India to report on initiatives, setbacks, and lessons, and to discuss new

developments and future directions.<sup>13</sup>

- Indian law teachers could be sponsored to attend the ALTA Teaching Workshop.
- A schedule of visiting fellowships could be offered so that the knowledge and awareness of Australian legal education within India is enhanced.

On the basis of what occurred in the 1997 workshop and the participants' evaluations, we believe that the participants will establish a network in India similar to that developed by participants of the ALTA Law Teaching Workshop in Australia — a network that not only operates informally, but has also resulted in the establishment of the Legal Education Review, and the organisation of the Advanced Law Teaching Workshop and of various conferences that focus on specific aspects of law teaching, such as the integration of the teaching of “skills” within “mainstream” law subjects.<sup>14</sup>

We also believe that almost all the participants will present training programs of various kinds in their home institutions and regions. Moreover, it appears that a core of four or six Indian law academics are sufficiently confident to continue with, and take forward, what was begun in 1995, strengthened in 1996, and further developed in 1997, by presenting one or more teaching development workshops in India, possibly on a national level.

Finally, we believe that legal education, “Australia-style”, has achieved some international credibility. Until now, it appears that Indian law teachers were unaware of the nature and quality of Australian law schools and Australian legal education. As a result of this workshop, there is now a core of senior and influential Indian law teachers who know about the contribution that Australia is making, and continues to make, to excellence and innovation in legal education.

### Training the Legal Trainer Workshop Timetable

Day	Session 1/am	Session 2/am	Session 1/pm	Session 2/pm
1	Registration; Welcome and introductory remarks	Setting the climate for learning and the workshop learning context <ul style="list-style-type: none"> <li>• who we are</li> <li>• why we are here</li> <li>• what we want to achieve (ascertaining participant expectations)</li> </ul>	Introducing the workshop and the work for the week	Introduction (cont)
2	Summary & review of Refresher Course*	Summary & review of Refresher Course (cont)	Discussion of innovations, setbacks, lessons and future strategies	Reports about innovations after 1995 Refresher Course and the possibilities
	Context of legal education in India: Past, present, future	Context of legal education in India: Past, present, future	Context of legal education in India: resources and opportunities	Opportunities for improvement in Indian legal education today
3	Current ideas about learning theory	Setting objectives: learning outcomes <ul style="list-style-type: none"> <li>• teaching sequence</li> <li>• training package</li> </ul>	Introduction to ideas about legal knowledge, teaching and learning	Choosing a training package topic

4	Teaching to promote learning: <ul style="list-style-type: none"><li>• how students learn</li><li>• teaching techniques and methods</li><li>• using media to help learning</li></ul>	Teaching to promote learning (cont)	Feedback <ul style="list-style-type: none"><li>• giving and receiving constructive feedback</li><li>• creating a constructive feedback document</li></ul>	Review and summary Preparation for individual 5 minute teaching session Complete evaluation form no. 1
5	Presentation: teaching & feedback	Presentation: teaching & feedback (cont)	Promoting learning through assessment	Designing assessment/evaluation packages
6	Reflective practice: the role of reflection and evaluation in learning	Designing a training package	Designing a training package (cont)	Preparation for presentation of training package
7	Individual presentation of training packages & feedback	Individual presentation of training packages & feedback (cont)	Review and evaluation of workshop Complete evaluation form no. 2	Closing addresses and farewell

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<sup>1</sup> For a description of this first workshop see B Boer, *The Australasian Law Teaching Clinic: Its Past, Present, and Future* (1989) 1 *Legal Educ Rev* 145.

<sup>2</sup> The Law Foundations of NSW and Victoria have provided substantial support to the ALTA workshops since 1987.

<sup>3</sup> In 1994 M Le Brun and C Bond were employed under the auspices of a Commonwealth Staff Development (Cathie) grant to redesign the workshop and develop an advanced workshop. M Le Brun and C Bond, *Law Teaching Reconceptualised* (1995) 6 *Legal Educ Rev* 23.

<sup>4</sup> Despite this somewhat narrow compass, the benefits of the workshop have not been inconsiderable.

<sup>5</sup> William Twining surveys some aspects of the National Law School in *Blackstone's Tower: The English Law School* (London: Stevens and Sons/Sweet and Maxwell, 1994), at 54.

<sup>6</sup> The foreign resource persons were Frank Bloch, Clark Cunningham, Ken Gallant, and Jane Schukoske from the United States, Roger BurrIDGE from England, and Marlene Le Brun from Australia.

<sup>7</sup> Participants were expected: to evaluate the current programs of practical training in law schools and examine the plans and strategies for their future development; to study the theory and practice of clinical teaching in American and English law schools; to examine the scope of introducing alternative dispute resolution methods within the LLB curriculum; to develop a syllabus with teaching methods and materials for practical training courses; to work out syllabi and teaching plans for practical training courses in their respective law schools; to learn about the National Law School experiment on clinical education and provide critical feedback to determine the feasibility of introducing such initiatives elsewhere in India; and to explore ways and means to involve law students in legal aid programs.

<sup>8</sup> They were expected, inter alia: to learn about the strengths and weaknesses of practical training programs adopted in Indian law schools; to prepare basic drafts of action plans for the development of clinical education in their law schools; to contribute to the production of the first draft of a handbook on clinical legal education; to develop standardised procedures for student supervision and evaluation in practical training courses; and to exchange experiences and continue to learn from one another, possibly through the creation of a South Asian Association of Clinical Law Teachers. The participants of the refresher course were to become the first members.

<sup>9</sup> Some of the topics included: an overview of clinical education in India and elsewhere; the status of clinical education; concepts and theories of learning and teaching using a clinical model; teaching clinical skills; supervising and evaluating students in clinics and field placements; student competitions; strategies for implementing clinical programs; staff development, and financial and human resource generation; and national and international cooperation plans and programs.

<sup>10</sup> By far the session considered most beneficial was "Feedback". One participant commented on one evaluation form that the "(g)iving and receiving (of) constructive feedback is an essential thing of good law teaching ..."

<sup>11</sup> Four participants reported enthusiastically on their attempts to introduce what they had learnt during the 1995 Refresher Course; however, they stressed that there were still many things left to be achieved, with one participant acknowledging that "the students (ie participants) now want to learn ..."

<sup>12</sup> As a result of the Workshop, the NLSIU has offered to host the first national client-interviewing competition in 1998, with a view to encouraging annual participation by an Indian team in the International Client Counselling Competition.

<sup>13</sup> The participants offered additional, practical suggestions for future workshops.

Topics that they would like to see addressed include: techniques in effective public speaking, since most law teaching in India is still lecture-based; teaching large classes; teaching and learning at post-graduate level; teaching, learning, and the Internet; developing effective verbal and non-verbal communication skills; developing effective research methods; and preparing and using simulations. Participants were also interested in holding regional workshops and periodic teacher evaluation programs, and they emphasised the importance of active involvement in workshop activities.

- <sup>14</sup> The first “skills” workshop was offered in 1996, sponsored by the Client-Centred Legal Practice Unit of Griffith University.