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ENABLING PROFESSIONAL DEVELOPMENT FOR SESSIONAL COLLEAGUES IN LAW: REFLECTIONS FROM THE *SMART CASUAL* ONLINE INITIATIVE¹

ABSTRACT

The numbers of sessional staff teaching in law schools continue to grow, yet little has been done to provide for their professional development. This is particularly critical because these colleagues are likely to be less able to attend face-to-face development sessions or to participate in informal ‘corridor’ discussions. This article analyses what amounts to best practice in professional development of sessional colleagues in an online environment, including: the need to adopt a peer-to-peer tone; appeal to a range of teacher experience; draw on contemporary scholarly approaches to teaching and learning issues; and provide recognition of digital literacy, internationalisation, diversity, gender and Indigenous issues. These insights are drawn from the experience of developing modules as part of the Australian Government funded *Smart Casual: Promoting Excellence in Sessional Teaching in Law* project. The article draws on feedback from sessional staff focus groups and an autoethnography of the authors of the modules to reflect on the complexity of the task of developing professional

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¹ The authors of this article are all members of a national Australian project to develop online law specific professional development materials for sessional colleagues, funded by the former Australian Government Office for Learning and Teaching. The project was funded in two stages, the first a pilot phase of three modules, the second a fuller scale development of a suite of nine modules. Steel and Galloway were part of the Expert Advisory Group in the pilot phase and became full team members for the second phase. The views in this project do not necessarily reflect the views of the Australian Government Office for Learning and Teaching. This project has received ethics clearance 6866 from the Flinders University Social and Behavioural Research Ethics Committee.

development materials that neither patronise nor alienate their target audiences and the implications this reflection has on the importance of collegiality in the law school environment.

I INTRODUCTION

Recent years have seen an explosion in the number of adjunct or sessional colleagues² in higher education and in law schools. Estimates put the number of sessional colleagues in Australian universities at between 40–60% of all teachers.³ There is no regulatory stipulation restricting the use of sessional colleagues in Australian law schools. As a result the level of employment of sessional colleagues within law schools may be even higher than the 40–60% seen across the sector generally. Cowley's 2009 survey of Australian law schools suggested that up to 50% of courses were then taught by sessional colleagues,⁴ a percentage likely to have risen substantially since then. Australia's 40 law schools range in size, with annual enrolments from 65 to over 1000.⁵ Even in larger law schools with a strong cohort of

² As we see our non-permanent fellow teachers as colleagues, in this article we describe them as such. We use the term 'sessional' to describe paid university instructors who are not in tenured or permanent positions, staff who can range from recent graduates to full-time practitioners and retired judges: Mary Heath et al, 'Beginning to Address "The Elephant in the Classroom": Sessional Law Teachers' Unmet Professional Development Needs' (2015) 38 *University of New South Wales Law Journal* 240; Jill Cowley, 'Being Casual About Our Teachers. Understanding More About Sessional Teachers in Law' (Research Paper No 48, University of New South Wales Faculty of Law, 4 November 2010) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1702630>. We describe these colleagues as 'sessional' on the basis of their employment contracts — casual or fixed term, teaching session by teaching session — and to avoid the negative implications of terms such as 'casual': Jill Cowley, 'Confronting the Reality of Casualisation in Australia: Recognising Difference and Embracing Sessional Staff in Law Schools' (2010) 10 *Queensland University of Technology Law and Justice Journal* 27, 29. We use sessional instead of adjunct because adjunct extends to honorary, guest or expert lecturers. The focus of this paper and our project is on colleagues who are, through their employment, expected to be professional tertiary educators.

³ D Davis, B Perrott and L J Perry, 'Insights into the Working Experience of Casual Academics and Their Immediate Supervisors' (2014) 40 *Australian Bulletin of Labour* 46, 47–8; Alisa Percy et al, 'The RED (Recognition, Enhancement, Development) Report: The Contribution of Sessional Teachers to Higher Education' (Report, Australian Learning and Teaching Council, June 2008) <<http://www.olt.gov.au/resource-red-report-sessional-teachers-unsw-2008>>.

⁴ Cowley, 'Being Casual About Our Teachers', above n 2, 25.

⁵ 38 accredited law schools are members of the Council of Australian Law Deans, and two are not: Council of Australian Law Deans, *Australia's Law Schools* (November 2013) Studying Law in Australia <<https://cald.asn.au/slia/australias-law-schools/>>; Top Education Institute, School of Law (2018) <<https://www.top.edu.au/home/school-of-law>>; Legal Profession Admission Board, *Diploma in Law Course* (16 August 2018) <<http://www.lpab.justice.nsw.gov.au/Pages/diploma-law-course/diploma-law-course.aspx>>. While the US has five times as many law schools

permanent research-based colleagues, a decision to teach in small classes can result in very high levels of reliance on sessional colleagues.⁶ One large Australian law school had 75 sessional academics in 2014, teaching over 50% of the classes.⁷

Consequently, professional development for sessional colleagues is of fundamental importance to the teaching of law degrees. With funding from the former Australian Government Office for Learning and Teaching, the *Smart Casual: Promoting Excellence in Sessional Teaching in Law* project (*Smart Casual*) sought to address this priority by developing online, law-specific professional development modules. This article draws on feedback from sessional colleagues who trialled the modules and an autoethnography of the authors to reflect on the complexity of the task of developing professional development materials and the implications of this reflection on collegiality in the law school environment.⁸

II BEST PRACTICE IN HIGHER EDUCATION PROFESSIONAL DEVELOPMENT FOR SESSIONAL COLLEAGUES

Effective professional development is not a one-off, orienteering program, but instead should be an ‘ecological’ approach that is evoked by engagement with other colleagues.⁹ Based on their research into the needs of sessional colleagues in Canadian universities, Webb, Wong and Hubball suggest that the professional development of sessional colleagues requires the existence of ‘a flexible community of practice’ and ‘a scholarly approach to teaching and learning’.¹⁰ Communities of practice, as defined by Wenger and others,¹¹ revolve around a shared concern or

(207 ABA approved in 2017, see American Bar Association, *ABA Approved Law Schools by Year* <https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools.html>), the US has 13 times the population (318 million: 23.6 million in 2014). For law school enrolments see, eg, Edmund Tadros, “‘Massive’ Pool of Law Graduates Divides Industry”, *The Australian Financial Review* (Sydney), 9 October 2014; Wes Ward, ‘New Law Degree Surpasses Expectations’ (Media Release, 24 February 2016) <<http://news.csu.edu.au/latest-news/charles-sturt-university/csu-students/new-law-degree-surpasses-expectations>>.

⁶ Cowley, ‘Being Casual About Our Teachers’, above n 2, 11, 23.

⁷ Rachel Hews, Jennifer Yule and Justine Van Winden, ‘Sessional Academic Success: The QUT Law School Experience’ (2014) 7 *Journal of the Australasian Law Teachers Association* 15, 15.

⁸ The responses in the autoethnography, where referenced in this article, are identified by the anonymised code ‘Author A’, ‘Author B’ etc.

⁹ Peter Knight et al, ‘Enhancing Part-Time Teaching in Higher Education: A Challenge for Institutional Policy and Practice’ (2007) 61 *Higher Education Quarterly* 420.

¹⁰ Andrea S Webb, Tracy J Wong and Harry T Hubball, ‘Professional Development for Adjunct Teaching Faculty in a Research-Intensive University: Engagement in Scholarly Approaches to Teaching and Learning’ (2013) 25 *International Journal of Teaching and Learning in Higher Education* 231, 232.

¹¹ Etienne Wenger, ‘Communities of Practice and Social Learning Systems’ (2000) 7 *Organization* 225, 229; Bernadette Mercieca, ‘What Is a Community of Practice?’ in Jacquie McDonald and Aileen Cater-Steel (eds), *Communities of Practice — Facilitating Social Learning in Higher Education* (Springer, 2017) 3, 9–12.

interest (domain), a sense of mutual trust and connection (community) and the development through shared experiences of particular practices and identities (practice). Such communities are unlikely to develop in atomistic ‘training’ courses, where participants come together for a single event and are subject to instruction. On the other hand, deleterious effects on teaching practice can emerge if communities develop practices based on folk wisdom without a scholarly basis. Any program of professional development therefore needs to provide for multiple opportunities to meet in an environment that promotes reflection and communication around evidence or theoretically based ideas.

Webb, Wong and Hubball also emphasise the need for localised development programs, a point repeated by Hamilton, Fox, and McEwan.¹² One example of a local program supporting sessional colleagues at the Queensland University of Technology (‘QUT’) Law School is outlined by Hews, Yule and Van Winden (‘the QUT trial’).¹³ This program appointed one permanent and two sessional colleagues to liaise with other sessional colleagues, supported by an online frequently asked questions (‘FAQ’) website. The program was primarily aimed at building a sense of connectedness for sessional colleagues and answering administrative queries. A number of social events were organised. However, there did not appear to be much focus on professional development, and interestingly feedback from sessional colleagues indicated that this was what they most wanted included in the initiative,¹⁴ similar to the arguments of Webb, Wong and Hubball.¹⁵

Importantly, the QUT trial highlighted a lack of success in getting sessional colleagues to attend face-to-face meetings. The organisers noted:

It is thought that these challenges arose primarily due to the large numbers of sessional academics working remotely from the university. ... Further, attending on-campus events when not otherwise attending campus on a given day is often time-consuming and difficult.¹⁶

One response to these issues is to develop online professional development materials,¹⁷ something we have undertaken through the *Smart Casual* project. The modules are intended to provide an accessible set of practical, yet scholarly, materials around which individual law schools can build localised communities of practice

¹² Webb, Wong and Hubball, above n 10; Jillian Hamilton, Michelle Fox and Mitchell McEwan, ‘Sessional Academic Success: A Distributed Framework for Academic Support and Development’ (2013) 10(3) *Journal of University Teaching & Learning Practice* 1.

¹³ Hews, Yule and Van Winden, above n 7.

¹⁴ *Ibid* 22.

¹⁵ Webb, Wong and Hubball, above n 10.

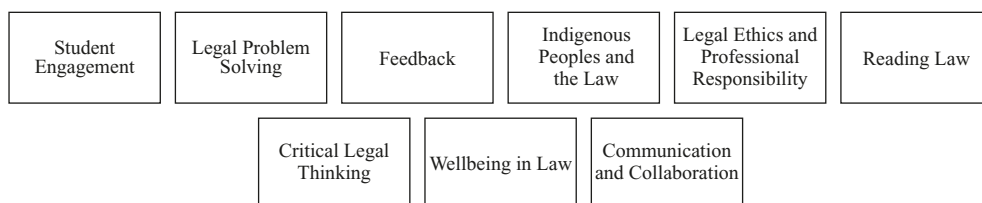
¹⁶ Hews, Yule and Van Winden, above n 7, 23.

¹⁷ The advantages of online development opportunities for sessional staff are considered in Danielle Hitch, Paige Mahoney and Susie Macfarlane, ‘Professional Development for Sessional Staff in Higher Education: A Review of the Current Evidence’ (2018)

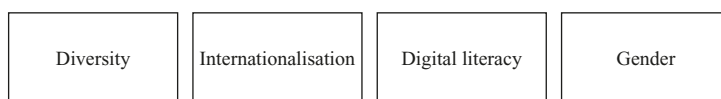
on professional development. While primarily written with Australian colleagues in mind, much of the content is of relevance internationally.

III THE *SMART CASUAL* PROJECT AND MODULES

Smart Casual contains nine modules to date:



Four strategic themes critical to law and law teaching are also explicitly woven into each module:



The online modules can be accessed freely by law teaching colleagues worldwide.¹⁸

As senior legal educators, we had heard from sessional colleagues that they found it difficult to access development support. We resolved to address this problem, but realised that we had a limited understanding of what was required.

We therefore began our project with an empirical analysis of sessional law teachers' needs. This involved surveying sessional staff in three law schools and a national survey of law school leaders (Associate Deans). This identified a series of priorities which we grouped into nine topics.¹⁹

A pilot set of three modules (Student Engagement, Feedback and Legal Problem Solving) were developed, trialled and published in 2014. A further five modules were subsequently developed and the first three updated in light of our experience. Part of the second phase was to also embed four themes through the modules (Diversity, Internationalisation, Digital Literacy, and Gender). These four areas we felt were

Higher Education, Research and Development 285, 295–6. Their article provides a valuable review of studies into sessional colleagues' experiences but does not place those findings into larger theoretical framings.

¹⁸ Smart Casual, *About* <<https://smartlawteacher.org>>; Smart Casual, *Background to the Project* <<http://www.lawteachnetwork.org/smartcasual.html>>.

¹⁹ For the methodology and a detailed discussion of the results of this research see Heath et al, above n 2.

important and relevant to all of the more practically focussed modules, but worked best as perspectives on issues rather than modules in their own right.²⁰

In both phases, research into the underlying academic literature for each topic was undertaken by the *Smart Casual* team. Position papers were then drafted and circulated to a national Advisory Board of expert legal educators. Following feedback and refinement, draft modules were created. These modules were then sent to the Advisory Board, before being further refined and tested with focus groups of sessional law teachers. After another process of refinement, final versions were released online.

As we incorporated the broader themes we also became increasingly aware of our own limitations. Consequently, we engaged expert consultants to provide background papers on the themes and how to embed them within the modules. While eight of the modules were written as a group with interwoven themes, we recognised that the Indigenous Peoples and the Law module had to be developed from an Indigenous perspective. As a result that module is solely authored by Ambelin Kwaymullina.

The drafting of the *Smart Casual* modules highlighted a number of critical questions about how best to encourage law colleagues' understanding of teaching and learning issues. This raises issues of:

- (i) Whether it is acceptable to make value judgements about pedagogical approaches or theoretical positions on learning in structuring a set of modules which are intended to have relevance to all Australian law schools;
- (ii) To what extent it is appropriate to see the exercise as one of training or a peer-to-peer discussion;
- (iii) How to produce a set of resources that can be of use to sessional teachers with a range of experience;
- (iv) How to recognise the breadth and complexity of modern scholarly research into teaching and learning issues, in a concise format primarily aimed at practical tips for success;
- (v) How to support teaching that includes within the substantive content, encouragement of digital literacy and internationalisation, and responds appropriately to the need for better recognition, inclusion and respect for diversity, gender and Indigenous peoples' perspectives.

²⁰ For a discussion of the initial consultation and development of the first three modules see *ibid*. For the approach taken in developing the balance of the modules and themes see Heath et al, “*Smart Casual*”: Towards Excellence in Sessional Teaching in Law’ (Report, University of Adelaide, Flinders University and University of Western Australia, 2014) <<https://smartlawteacher.org/other-publications/>>.

Our responses to these questions were ultimately to develop the modules so that they:

- (i) Were development materials written specifically for Australian sessional teachers in law;
- (ii) Provided a nascent sense of a community of practice by incorporating video vignettes from actual sessional colleagues;
- (iii) Did not dictate or promote particular pedagogical approaches (which may be set by law schools). Instead they draw on successful teaching techniques within a range of pedagogies as illustrations;
- (iv) Recognised the role of affect in teaching and conveyed the joys of teaching. The modules aim to be engaging, motivating and encouraging as well as instructive;
- (v) Encouraged discussion and reflection rather than determine choices — the modules are based on a respectful peer-to-peer approach recognising that participants may have relevant experience and alternative philosophies on teaching. Rather than stating propositions, the modules encourage reflection through open questions and allow teachers to navigate their own route through the material;
- (vi) Sought to avoid oversimplifying complex issues but at the same time recognised the time constraints of sessional colleagues. They aim to avoid overwhelming new teachers but also provide advanced advice for experienced teachers, using a trunk and branches approach to the module layout. Experienced colleagues can follow links to further reading, and novice users can concentrate on core issues;
- (vii) Had a blend of fundamental concepts and practical examples, ideas to consider and practical techniques to use in the participant's next class. Different participants will value these elements differently;
- (viii) Embedded scholarly research into teaching throughout the module with clear links to alert participants to its existence, while avoiding language that is overly scholarly;
- (ix) Aimed to break down mono-cultural tendencies in legal education through recognition of diversity in the modules, particularly through diversity in the interviewed sessional teachers and in assessing the needs of students;
- (x) Were positioned and contextualised as part of a larger whole with underlying themes permeating all modules and an introductory presentation linking the themes to the modules.

The modules are intended to satisfy some, but not all, of the principles of best practice academic development. They are designed to be time-efficient and available

on an ‘as-needs’ basis, so sessional colleagues can use them as and when required. However, we recognise that in isolation the resources will not engage sessional teachers in collaborative endeavour nor in the collegial discussions which are important in developing teaching expertise. Consequently, we have also developed supporting resources for law schools using the modules and have trialled half-day workshops based on individual modules.²¹ Initiatives such as these can help ensure sessional staff can access support from continuing and experienced colleagues.²²

The modules were drafted in Microsoft PowerPoint and converted to Articulate Storyline.²³ We chose this combination of technologies both for ease of development,²⁴ and also because, although we wanted to have the ability to be non-linear in our approach, there remained an inescapable linear logic to most topics. Each module begins with a series of core concept slides and then provides multiple topics building on those ideas. Users can work through the topics sequentially, or use a menu on the side to skip to slides of interest.

IV METHODOLOGY

In this article we reflect on why we designed the modules in the ways summarised above. The questions raised and challenges we faced are analysed through a range of methodologies. We complement an analysis of the relevant literature with auto-ethnography in which we provide our narrated reflections on the questions raised²⁵ in the context of developing the resources. Autoethnography places the researcher at the centre of the research, with the focus on the self in a social-cultural context. It:

reviews personal experience reflexively ... and from this analyses and distils key issues about that autobiography from an ethnographic stance, i.e. what the

²¹ For initial ideas of how such programs can be developed see, eg, Catherine F Brooks, ‘Toward ‘Hybridised’ Faculty Development for the Twenty-First Century: Blending Online Communities of Practice and Face-to-Face Meetings in Instructional and Professional Support Programmes’ (2010) 47 *Innovations in Education and Teaching International* 261; Norman Vaughan and D Randy Garrison, ‘How Blended Learning Can Support a Faculty Development Community of Inquiry’ (2006) 10(4) *Journal of Asynchronous Learning Networks* 139.

²² Research into the extent this happens is lacking: Hitch, Mahoney and Macfarlane, above n 17, 296.

²³ Articulate Storyline is an e-learning tool which enables the construction of interactive content.

²⁴ We recognised the limitations of the technology, but also our own limitations as educational designers and chose to emphasize the content over the design.

²⁵ Carolyn Ellis and Arthur P Bochner, ‘Autoethnography, Personal Narrative, Reflexivity: Researcher as Subject’ in Norman K Denzin and Yvonne S Lincoln (eds), *The Handbook of Qualitative Research* (Sage, 2nd ed, 2000) 733 (this seminal chapter is not in later editions); Carolyn Ellis and Arthur P Bochner (eds), *Composing Ethnography: Alternative Forms of Qualitative Writing* (AltaMira Press, 1996).

personal experiences say to the reader about culture, values, relations and society in relation to the topic of research interest.²⁶

In foregrounding the experience of the researcher in the research process, it can sometimes raise issues of selective memory and the subordination of facts for emotional responses.

For this research, we independently answered a series of questions posed by one author, which asked us to reflect on the development process. Those questions largely mirrored the questions raised in the following sections of this paper. By co-authoring the resulting analysis, we retained control over the use of any of our responses and had the opportunity to edit out any individual responses which might have been thought to be misleading impressions of the participant's position.

In addition, with ethics approval obtained from the Social and Behavioural Research Ethics Committee, Flinders University (Project 6866),²⁷ we have drawn on the feedback and experience of sessional colleagues who contributed to the *Smart Casual* resources either by way of evaluation — questionnaire and focus group — or video interviews. Focus group participants were volunteers recruited via email for both the pilot phase (SC 1, 2014 n = 28) and second phase (SC 2, 2016 n = 33) and were anonymously recruited from law schools in New South Wales, Queensland, South Australia and Western Australia where team members taught. Each participant reviewed three modules of their choice and was then interviewed in a focus group by an independent facilitator using semi-structured questions. Those unable to attend were emailed a questionnaire of the focus group questions. Focus group transcripts and questionnaire answers were anonymised. Participants brought a broad mix of experience, age, gender, and geographic influences to their comments, but the anonymous nature of the transcripts prevented any demographic analysis of responses.²⁸

While the law schools involved differ in pedagogical approaches, size and location, they could not be said to be fully representative of the diverse tapestry of legal education in Australia. However, we found a wide range of approaches and experiences among sessional colleagues. These differed from school to school and indeed within schools. The responses are therefore thick qualitative accounts of lived experience.

²⁶ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (Routledge, 2018) 298.

²⁷ Institutional ethics approval for the use of this data was obtained in accordance with the National Health and Medical Research Council of Australia, National Statement on Ethical Conduct in Human Research (2007). In this article, feedback from each set of participants is identified by a separate group number: thus 'Smart Casual 1 trial feedback group 1'; 'Smart Casual 2 trial feedback group 2'. The groups are collations of responses by State. The membership differs from 2014 to 2016.

²⁸ Given the small numbers involved this is likely to have been inappropriate in any event.

In adopting this multi-faceted research methodology, we provide a ‘profession of stories’;²⁹ the scholarly stories of researchers, our own stories of experience and practice, and the shared stories of our sessional colleagues. Because of this multi-faceted approach, this article is not structured in a standard literature review, data analysis, or discussion format; instead, it moves back and forth between the three to capture the conflicting dimensions we discovered.

This article discusses the modules in detail, but space constraints prevent us from providing multiple illustrations. We encourage readers to access the modules as they read this article.³⁰

V PEDAGOGIC POSITIONS

Gibbs and Coffey’s landmark article on training university teachers demonstrated that there was a link between training and good teaching at university level.³¹ Exactly what form that training should take in law schools has not been the subject of detailed study. In the US context, articles by Popper³² and Lander³³ merely suggest the importance of a mentor. Research in other areas of higher education suggests that ongoing, collaborative practices that encourage reflection are required.³⁴

A significant amount of the literature on professional development of academic colleagues takes for granted that they are not teaching as they should.³⁵ There is also a view that professional development programs can have ‘positive’ effects ‘provid[ing] a kind of “alternative culture” that counter-balance[s] the negative influences of

²⁹ Michael Dyson, ‘My Story in a Profession of Stories: Auto Ethnography — an Empowering Methodology for Educators’ (2007) 32(1) *Australian Journal of Teacher Education* 36 <<http://ro.ecu.edu.au/ajte/vol32/iss1/3>>.

³⁰ Smart Casual, *The Smart Casual Professional Development Modules* <<http://smartlawteacher.org/modules>>.

³¹ Graham Gibbs and Martin Coffey, ‘The Impact of Training of University Teachers on Their Teaching Skills, Their Approach to Teaching and the Approach to Learning of Their Students’ (2004) 5 *Active Learning in Higher Education* 87.

³² Andrew F Popper, ‘The Uneasy Integration of Adjunct Teachers into American Legal Education’ (1997) 47 *Journal of Legal Education* 83, 84–6.

³³ David A Lander, ‘Are Adjuncts a Benefit or a Detriment’ (2007) 33 *University of Dayton Law Review* 285, 293.

³⁴ Fran Beaton and Amanda Gilbert (eds), *Developing Effective Part-Time Teachers in Higher Education: New Approaches to Professional Development* (Routledge, 2012).

³⁵ See, eg, Marie-Anne Mundy et al, ‘Setting the Standard for Faculty Professional Development in Higher Education’ (2012) 5 *Journal of Academic and Business Ethics*; Nick James, “‘How Dare You Tell Me How to Teach!’: Resistance to Educationalism within Australian Law Schools’ (2013) 36 *University of New South Wales Law Journal* 779; Kate Galloway and Peter Jones, ‘Guarding Our Identities: The Dilemma of Transformation in the Legal Academy’ (2014) 14(1) *Queensland University of Technology Law Review* 15.

the culture of teachers' departments'.³⁶ The assumption is also generally that there are clear best practices that colleagues can be expected to adopt. However, these assumptions are often tied to particular theoretical teaching constructs — such as constructivism³⁷ — or particular teaching modalities — such as online or 'flipped' classrooms,³⁸ and are not automatically generalisable to other contexts. Similarly, it has been argued that professional development approaches are on a spectrum from 'domesticating' to 'emancipating'. Domesticating approaches aim to bring colleagues into an approach to teaching that is in line with institutional practices (or, we could add, in line with theoretical approaches), and emancipatory approaches would encourage critique of existing practices in an institution.³⁹

Smart Casual is intended to be of use to sessional colleagues across a range of teaching environments, and remain applicable within a range of predetermined departmental approaches to pedagogy. Sessional colleagues are unlikely to have much say over the pedagogical approach adopted in a law school or law subject, though they may well be able to develop approaches to teaching within those parameters. Consequently, a professional development program ought not to offer suggestions that might undermine what they are expected to do in a particular institution. At the same time, the fact that the *Smart Casual* resources are addressing colleagues across a range of institutional approaches inevitably means that as they describe what we consider to be best practice, they will be in many ways emancipatory. Even within the confines of a set curriculum and pedagogy there is likely to be room for improvement and innovation.

We are aware that all teachers approach the various options in teaching with their own belief system. As Errington states:

Central to a teacher's belief system are likely to be dispositions regarding teaching and learning. These encompass held beliefs about what teachers believe they should be teaching, what learners should be learning, and the respective roles of teachers and learners in pursuing both. The criteria for educational choices is likely to extend well beyond the singular pursuit of learning objectives to envelop a much broader range of beliefs, such as, views about learners and learning, perceptions of 'worthwhile' knowledge, and the organization of learning. ... In determining what is considered 'worthwhile', it follows that teachers who subscribe to one set of viewpoints are likely to act in a manner different from

³⁶ Gibbs and Coffey, above n 31, 98.

³⁷ A number of these theories are set out in Michael Hunter Schwartz, 'Teaching Law By Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching' (2001) 38 *San Diego Law Review* 347.

³⁸ See, eg, Patricia D Wolf, 'Best Practices in the Training of Faculty to Teach Online' (2006) 17(2) *Journal of Computing in Higher Education* 47.

³⁹ Ray Land, 'Agency, Context and Change in Academic Development' (2001) 6 *International Journal for Academic Development* 4, 4, 7–9; Sue Clegg, 'Problematizing Ourselves: Continuing Professional Development in Higher Education' (2003) 8 *International Journal for Academic Development* 37, 38.

those adopting some other perspective. ... What is clear is that the primacy effect of teacher beliefs will be likely to induce teachers to put beliefs into practice. Whether teachers act in an implicit way to held beliefs, or from a more informed, articulate stand, they will express what constitutes worthwhile teaching and learning for them anyway.⁴⁰

It follows that any professional development program must recognise the potentially divergent views of its participants. We believe that the main divergences the *Smart Casual* modules face are sessional colleagues' views as to the appropriate relative weight to place on knowledge acquisition versus independent thought,⁴¹ the emphasis on black-letter law or contextual approaches,⁴² the role of colleagues in supporting student wellbeing, approaches to diversity and inclusion, questions of privilege and power, and the appropriateness of inculcating values⁴³ — or not.⁴⁴

All of these complex and overlapping considerations informed our approach to developing the modules. It is certainly also true that as academics with a strong interest in assisting colleagues to be the best teachers they can be, we have strongly held opinions as to what is 'good' and 'bad' teaching. However, the process of drafting, editing and reviewing the modules has itself led us to a new appreciation of the diversity of viewpoints. As one author put it:

It is inevitable that we have adopted pedagogical approaches and theoretical positions in developing the models. However, it is also inevitable, given the diversity within the project team and the contribution each team member made to the development of all the modules, that it will not be a single approach — rather we have each brought aspects of our own pedagogy to the collective table. It might be expected that a user will choose to adopt aspects of the modules that resonate most strongly with them.⁴⁵

⁴⁰ Edward Errington, 'The Impact of Teacher Beliefs on Flexible Learning Innovation: Some Practices and Possibilities for Academic Developers' (2004) 41 *Innovations in Education and Teaching International* 39, 40–1.

⁴¹ Mary M Kennedy, 'Choosing a Goal for Professional Education' in W Robert Houston, Martin Haberman, and John Sikula (eds) *Handbook of Research on Teacher Education: A Project of the Association of Teacher Educators* (Macmillan, 1990) 795.

⁴² Alex Steel, *Good Practice Guide (Bachelor of Laws): Law in Broader Contexts* (2013) Legal Education Associate Deans' Network <<http://lawteachnetwork.org/resources/gpg-broadercontexts.pdf>>.

⁴³ Fiona Cownie, 'Exploring Values in Legal Education' [2011] (2) *Web Journal of Current Legal Issues* <<http://www.bailii.org/uk/other/journals/WebJCLI/2011/issue2/cownie2.html>>.

⁴⁴ Stanley Fish, *Save the World on Your Own Time* (Oxford University Press, 2008); of course, such a rejection of values is a set of values in itself that is arguably less honest.

⁴⁵ Author A.

The representative nature of those involved has also helped to avoid partisan approaches to ‘best practice’:

I think that having six co-authors, an expert review panel, theme experts, and an overview of the literature has meant that we have largely identified where there is an alternative view point, or where an approach is not a universal one. We have done this, I think, in as brief a way as possible without engaging deeply into alternative approaches. ... I do think also that the breadth of experience across the project team and our extended networks means that we are likely to (but not necessarily definitely) have a grasp of the landscape and how the issue is approached nationally.⁴⁶

The project’s philosophy is summed up in this statement from one of the authors:

It is not possible to stand entirely outside a pedagogical or theoretical approach. Inevitably we are adopting a position. The attempt to create something of relevance to all law schools is certain to fall short of the mark (as well as being perceived to do so). However, the alternative is to offer nothing in a space where we know many colleagues are seeking support and have not been able to find what they are looking for. The audience for these modules is made up of educated people who want to build up their skill levels. I trust that they will make their own assessments of what to use, how it fits into the context in which they teach, and what they will discard. I am sure most are working in an environment like my own, where there is no uniformly accepted theoretical or pedagogical stance.⁴⁷

In all of this we must recognise that to be entirely neutral is mythical — even for external professional developers.⁴⁸ This is even less possible for us as the authors of the *Smart Casual* modules, as we are teachers ourselves and see all issues through the lenses of our own experiences. We instead imagine the relationship between ourselves and the module users would most resemble the critical friend/seeker model proposed by Rathbun and Turner:

The developer enables the teacher to look at his or her actions from an unfamiliar vantage point and interprets his or her behavior in new ways. Underlying this model is the notion of what it means to be a ‘true friend’: mutual respect, forgiveness of faults, tolerance for idiosyncrasies, shared commitment to teaching well, and respect for scholarly critique. Friendship neutralizes inequalities in the relationship. Critical friends may also engage in reciprocal critique.⁴⁹

⁴⁶ Author G.

⁴⁷ Author H.

⁴⁸ Gail Rathbun and Nancy Turner, ‘Authenticity in Academic Development: The Myth of Neutrality’ (2012) 17 *International Journal for Academic Development* 231.

⁴⁹ *Ibid* 234: they place this relationship in contrast with doctor/patient, seller/purchase, counsellor/counseled, researcher/subject, co-inquirer and challenger/defender models.

Importantly, we have attempted to engage in evidence-based suggestions, with most propositions or teaching tips in the modules having their own citation from the literature. Participants can thus easily go to a source to further test the assumptions or propositions in the module. The addition of links to further resources received positive comment — as did the inclusion of a brief description of the nature and utility of the resources (rather than just a link).⁵⁰

Further, beyond beliefs as to what it is appropriate to teach, are a range of beliefs and values that are displayed as part of teaching. As Cownie points out, ‘[I]aw teachers, like others in the academy, need to be aware not only of the values inherent within the subject-matter of their discipline. They also need to pay attention to the pedagogic values, which permeate every moment of the teaching process.’⁵¹ These include the degree of enthusiasm shown, levels of affect, personal behaviour, respect for students and levels of formality.

Overlooking the affect in teaching can lead to counter-productive dryness in online materials. The use of interviews with sessional colleagues was one way to alleviate this. As one module trial participant put it:

there was a sense for me that these modules, while very useful, didn’t really encourage teachers and students to ‘have fun’ with the material and talk about what is easy about the law, or what is exciting about the prospect of ambiguity or uncertainty — *however these issues were drawn out well in some of the videos.*⁵²

There are also issues of preserving the autonomy of students, who are to be informed but not indoctrinated. As Lawton has noted in the US social justice context:

we must also recognize that the choice to support social justice is a value judgment, reflecting the morality of those performing the work. This choice is particularly important in the context of legal education, where our students likely (and rightly) have alternative views of morality than those of us who have accepted the responsibility of educating them.⁵³

For the modules this meant that we aimed to encourage sessional colleagues to be respectful of student diversity in moral outlook, while at the same time recognising the diversity of moral and pedagogical outlooks of sessional colleagues themselves. The use of a peer-to-peer tone and focus on self-reflection — which work towards answers rather than directly imposing them — is thus also intended

⁵⁰ *Smart Casual 1*, trial feedback group 3, 2014.

⁵¹ Cownie, above n 43. For a discussion in one context see Mary Heath, ‘Encounters with the Volcano: Strategies for Emotional Management in Teaching the Law of Rape’ (2005) 39(2) *The Law Teacher* 129.

⁵² *Smart Casual 2*, trial feedback group 3, 2016 (emphasis added).

⁵³ Julie D Lawton, ‘The Imposition of Social Justice Morality in Legal Education’ (2016) 4 *Indiana Journal of Law and Society Equality* 57, 58.

to allow participants to disagree with the modules' propositions. The intention of the modules is to raise issues and prompt reflection, not to determine choices. One author commented:

the emphasis on a peer-to-peer approach to the modules should mean that we are reflective and respectful about the adoption or rejection of those practices by the participant. It is important though to recognise that sessional colleagues operate in a learning environment that is not set by them and so the modules should not be trashing approaches that colleagues might be required to adopt. I'd hope that the modules nudge towards what the literature demonstrates is evidence based best practice but accept other practices might be appropriate or required.⁵⁴

Focus group participants appreciated this approach, even if they disagreed with aspects of the module:

It was giving us insights into how we think about the law and how we teach thinking. It was talking about metacognition, which is how we think about our thinking. I thought that was really, really important. There were a lot of insights for me. Putting the law into its broader context and considering different perspectives.⁵⁵

One of the slides said, 'you don't have to agree. Your values need not cloud your analysis of what the law actually holds.' There's a difference between 'what does the law say' and 'do I agree with it?' It was actually quite good that [the module] articulated [that] you could read things in different ways.⁵⁶

But then I saw every so often there would be the germ of something interesting and I realise oh I've thought about that and just glossed over it or I've done something very crude to deal with that and this is starting to ask those questions. And it ... often ... didn't take you much further or didn't sort of ... deliver on the problem of trying to help you solve it but just the fact that it was framed and they'd made a go of it made it interesting enough to think about it.⁵⁷

Others would have preferred a more directed approach:

but then often times there were too many questions, there were no answers, and there were no links to what is the policy about having a go at students who haven't prepared in tutes?⁵⁸

where there is an extensive list of questions, just give the answers.⁵⁹

⁵⁴ Author A.

⁵⁵ *Smart Casual 2*, trial feedback group 4, 2016.

⁵⁶ *Smart Casual 2*, trial feedback group 4, 2016.

⁵⁷ *Smart Casual 2*, trial feedback group 1, 2016.

⁵⁸ *Smart Casual 2*, trial feedback group 4, 2016.

⁵⁹ *Smart Casual 2*, trial feedback group 4, 2016.

It's fine to say, 'do you want to do this in your class?' or 'what about ethics?' I love those questions. That's great, and I think about them anyway, especially at night time not going to sleep, but what about 'here are some suggestions'? That's the point of it. This is not a soulsearching exercise.⁶⁰

These reactions caused us to modify the modules to offer more suggestions, for example. Yet, to us, they also reinforced the need for the modules to be the beginning of a collegial discussion. Ultimately, the modules are not conceived as an endpoint for professional development, but rather as a start. How to achieve that conversation is discussed below.

VI TEACHER-TRAINING OR PEER-TO-PEER DISCUSSION

A fundamental question we faced in drafting the modules was the appropriate tone. Outside of the law school context, a large proportion of the academic development literature emerges from secondary school-based approaches and describes programs as 'training'.⁶¹ Such approaches, however, tend to assume a knowledge or experience deficit in the audience; we took the view that this was inappropriate for legal sessional colleagues. Even new sessional staff are full colleagues and come with their own experiences of learning and teaching, which may be greater than permanent, tenured staff. Consequently, it was important to find ways to encourage reflection through a peer-to-peer dialogue, and with no expectation of change.

Despite this intention, the tone of the first iteration of the modules in the pilot project was still 'largely instructional — "you should", "do ..."'.⁶² Following feedback from the Expert Reference Panel we made a conscious switch to a more collegiate 'sharing, not training' model. It marked an explicit decision to conceive of the modules as germinators of communities of practice. This collegiate, community-building role for the modules was appreciated by pilot focus groups. There was a definite sense that the modules offered an opening to a sense of community amongst the sessional colleagues. They felt the modules helped close the gap they experienced when they were unable to discuss their teaching with colleagues.⁶³ Ideally though, a law school would provide and support that conversation around the modules.

One key feature of the modules is the interspersing of short video interviews of sessional colleagues. This is intended to shift focus away from the inevitably authoritative text of the modules and provide a nascent sense of a community of practice. There was widespread support from the *Smart Casual* focus groups for the use of the videos.

⁶⁰ *Smart Casual 2*, trial feedback group 4, 2016.

⁶¹ See Gibbs and Coffey, above n 31; Mary M Kennedy 'How Does Professional Development Improve Teaching?' (2016) 86 *Review of Educational Research* 945.

⁶² Author N.

⁶³ *Smart Casual 1*, trial feedback group 4, 2014.

Focus group reactions to the initial three pilot project modules emphasised support for the use of videos of current sessional colleagues. There was a strong sense that this turned the modules into peer-based discussions, with the interviewed colleagues demonstrating different perspectives to the participant's own, and offering views that were at times dissonant with those foregrounded in the modules. The following comments are representative:

It was really good the videos were coming from people at our level. It was really nice to hear some of the tips about what people do and the tricks they use. For me it was almost reassuring to see some of the things I do echoed in their comments.⁶⁴

It was nice the videos weren't a lecture. You weren't just being talked at; it was like they were trying to engage with you a bit.⁶⁵

I can't talk about the videos highly enough, I thought that the different perspectives, that the way they engaged with us, that the tips they gave us were fantastic.⁶⁶

The second set of modules sought to build on that impact by emphasising, through the choice of interviewees, the diversity of sessional colleagues and the environments in which they teach. This was recognised by some focus group participants:

I feel like the videos were quite obviously ... trying for the diversity and gender balance, which was really good.⁶⁷

Some suggested that the modules could go further with the videos:

I don't mind the talking heads because it's a classic educational approach. But it could vary a bit I agree I mean maybe what you could do is have one of those things where it's actually in a real live classroom.⁶⁸

Others suggested the people in the videos could be better identified as sessional colleagues by providing a biography and more context to the video clips.⁶⁹ Both the classroom and biographical interviews have merit, but are separate projects in their own right. We were conscious of wanting to provide our volunteer interviewees some level of anonymity and to avoid identifying individuals with law schools or particular teaching environments. Decontextualising the clips was intended to make the interviewees' insights more universal, but that came at the cost of requiring the viewer to imagine a context, hopefully one that was relevant to that viewer.

⁶⁴ *Smart Casual* 1, trial feedback group 3, 2014.

⁶⁵ *Smart Casual* 1, trial feedback group 3, 2014.

⁶⁶ *Smart Casual* 1, trial feedback group 3, 2014.

⁶⁷ *Smart Casual* 2, trial feedback group 4, 2016.

⁶⁸ *Smart Casual* 2, trial feedback group 1, 2016.

⁶⁹ *Smart Casual* 2, trial feedback group 1, 2016.

A particular issue in pitching the tone of the modules was how to prompt reactions from participants without giving the impression of lecturing. The modules attempt to achieve this through a series of questions that prompt reflection. However, they also include ‘toolbox’ sections incorporating practical suggestions and strategies for dealing with a range of issues that might arise in law teaching.

This was positively received by the focus groups. Comments included:

I really liked the way the module invited teachers to self-reflect. If you can’t self-reflect as a teacher you are going to run into a lot of troubles. But sometimes you don’t really know how. I liked the questions that asked ‘how do you think this is relevant to you?’, ‘what do you think you could change?’⁷⁰

It was good to have questions. Like you said, ***, I did think about some things I could improve. I thought I should sit back and question ...⁷¹

So it wasn’t just how would you get your students to do it but how would you actually demonstrate it in your teaching? And I really liked that, I thought that was a very well designed module in that way. So that was really useful for me because it got me thinking about: do I do those things? Oh, I do some of them, maybe I could do some of them better.⁷²

I really think the emphasis on process, and thinking of teaching more as a process, and being reflective and critical on the process itself with identifying problems, coming up with a range of solutions, being prepared to think of them more as a toolkit that you might draw on depending on the specific situation, rather than there being a single answer, is important.⁷³

In consciously switching to a collegiate model, some underlying issues surfaced. In the following paragraphs we set out our reactions to that change. One issue was the need to change writing styles to be less didactic:

part of the drafting process required a conscious shifting of voice from ‘legal research’ to one that was far less prescriptive and much more playful and from a written to an oral ‘discourse register’. This made it far easier to draft modules in a way that encouraged self-reflection, acknowledged uncertainty and might stimulate conversations between sessional staff members.⁷⁴

This conscious need to change voice was also linked to the initial impulse to demonstrate the intellectual research base that underlay the modules:

⁷⁰ *Smart Casual* 1, trial feedback group 3, 2014.

⁷¹ *Smart Casual* 2, trial feedback group 4, 2016.

⁷² *Smart Casual* 2, trial feedback group 1, 2016.

⁷³ *Smart Casual* 1, trial feedback group 3, 2014.

⁷⁴ Author I.

First, I was immersed in the intellectual aspects of the module, attempting to distill and translate from academic articles to a more diagrammatic and abbreviated representation. My first imperative related more to sequencing and breaking down some of the more complex ideas into bites. In doing so I was probably working on a more didactic approach, defaulting to a lecture mode of designing PowerPoint. This was clear to the reviewer, who would immediately pick up the variations in tone throughout the draft module.⁷⁵

There were also significant constraints imposed on a peer-to-peer approach by the summary nature of the modules:

The hardest thing was the necessity to keep text to a minimum in the format which meant that you really only had a binary choice between conclusive statements and rhetorical questions. If you used too many statements you were ‘telling’ the participants. But if you asked too many questions ‘how have you experienced this issue?’, etc. you ended up haranguing the participants. ... What I found quite useful was the slightly discordant tone the videos set. I might want to make a particular point, but the video clip had a sessional peer seeing it slightly differently. That for me helped to soften the authoritative tone, and also I think encouraged a critical reading of the module’s claims.⁷⁶

Getting the peer tone right was also difficult partly because while we were trying to write as if we were talking to peers, addressing the range of potential audiences was a challenge:

My in-person peers are a very diverse crew. There isn’t any one size fits all approach to conceptualising one’s peers. I also think that though we try to think about the diversity of our peers as people, in terms of work roles, in terms of institutional settings, inevitably there are aspects that we miss or that we are blind to. And that sometimes our own struggles with colleagues who are resistant to scholarship of teaching and learning, or to changes in methods, show in what we write.⁷⁷

I’m conscious that I interpret the literature against my own preferred approach to teaching and so discount aspects of the literature I don’t find to have been a realistic reflection of my own experience. I have to realise that the same is true for sessional colleagues, so I have to be careful to only propose approaches that might work in some circumstances rather than assume my ideas are the only way or the best way.⁷⁸

Despite our best efforts, the tone used in the initial drafts of some modules provoked negative reactions:

⁷⁵ Author G.

⁷⁶ Author A.

⁷⁷ Author H.

⁷⁸ Author A.

I did find — and this might be an age thing — I did find some of it a little bit patronising.⁷⁹

the treatment just rubbed me up the wrong way [in] that it was sort of excessively formalistic. There was a germ of something interesting in there but wrapped around with sort of pseudo-academic sort of trappings.⁸⁰

And you sort of were taught to suck eggs and most of us if we're teaching in the law faculty obviously have the credentials to be able to do that. So I think I found it a little bit off-putting sometimes to be sort [of] told: this is how you do this, this is how you do that.⁸¹

The final versions attempt to address these concerns. Getting the tone right remains an ongoing issue and one we suspect differs from context to context, and from participant to participant.

VII APPROPRIATENESS OF COVERAGE

Designing professional development materials to support improvement in teaching and engage sessional colleagues is a complex process. The *Smart Casual* project was designed to develop materials through surveys and research into potential relevant topic areas, testing of trial modules with sessional colleague volunteers, and refinement into a final version. Given the wide potential audience for the resources and the deliberate intention not to be didactic or lesson/task oriented, part of the complexity of the iterative process was determining the appropriate coverage of modules. To maintain user interest, the assumptions underlying the drafting of the modules were: that to maintain user interest, the modules could not be too text heavy, should use graphics and diagrams where possible and encourage reflection by raising questions that may not have clear answers.⁸² To ensure their relevance, the modules targeted specific issues that arise in teaching environments both online and offline. Having colleagues in videos reinforced the relevance of these issues by showing how they had been dealt with by peers.⁸³

⁷⁹ *Smart Casual* 2, trial feedback group 3, 2016.

⁸⁰ *Smart Casual* 2, trial feedback group 1, 2016.

⁸¹ *Smart Casual* 2, trial feedback group 1, 2016.

⁸² We set ourselves a working rule of a maximum of 50 slides per module.

⁸³ There are synergies in our approach and that of Keller's ARCS-V model, though we were not aware of the model at the time we began the project: John M Keller, 'Motivation, Learning, and Technology: Applying the ARCS-V Motivation Model' (2016) 3(2) *Participatory Educational Research Journal* 1 <http://www.perjournal.com/archieve/issue_3_2/1-per_16-06_volume_3_issue_2_page_1_15.pdf>.

One of the drivers and principal aims behind both the pilot and the full project was to develop discipline-specific resources.⁸⁴ An advantage of a discipline-based approach is the ability to provide more specific, detailed examples that would be familiar to the participants:

It was really pleasing to open the modules and think ‘oh, someone is really concerned about me and what I’m doing.’ Normally you get things that are vague and generic and just about ‘teaching’, not teaching law. Which is very very different.⁸⁵

This was much more law focused [compared with prior generic training] which made it much more helpful for filling in the gaps I hadn’t already received from that sort of [generic] training.⁸⁶

And compared to someone who is going in to tak[e] 8-hour [science] labs once a week, the requirements on us are very different. It makes it hard to generalise that for instance how to handle a problem situation; ‘oh, but my problem is a chemical spill’.⁸⁷

While a discipline-based approach allowed for coverage of more relevant topics, the difficulty remained that the modules were to be viewed by a range of sessional colleagues, from first-time teachers to very experienced teachers. This raised real dilemmas. A first-time teacher could well be overwhelmed by a complex theoretical reflection on teaching practice and only want to know how to deal with a concrete problem. An experienced teacher might well have strategies to deal with common problems but be looking to be challenged and stretched in terms of their overall teaching practice. Striking the right balance was challenging:

By using a peer-to-peer model, and incorporating some video vignettes of more experienced practitioners and teachers, we tried to avoid being seen as trying to tell users, particularly those who may have been teaching for many years, how to teach. Rather the modules are about highlighting issues that a sessional teacher might face and sharing ideas on how to deal with them. Through the use of prompts and questions, it is intended that more experienced teachers will be encouraged to reflect on their own teaching and identify things that they might change — or not.

However, we anticipate that the majority of our users will be less experienced. For these users we have in places been very explicit in modelling best practice

⁸⁴ For a full discussion of the justification for the discipline-based approach see Heath et al, above n 2.

⁸⁵ *Smart Casual* 1, trial feedback group 3, 2014.

⁸⁶ *Smart Casual* 1, trial feedback group 3, 2014.

⁸⁷ *Smart Casual* 1, trial feedback group 3, 2014.

— whether it be suggesting specific classroom activities, words or body language that may be used in particular circumstances, or how feedback can be given.⁸⁸

The modules, therefore, contain concise propositions and possible approaches, but also encourage further exploration through questions and links to further reading. When the modules were trialled, participants tended to agree that providing additional materials was of benefit even if they had not followed those links initially. The modules provided tips and strategies for dealing with a range of teaching issues. Some more experienced sessional colleagues who trialled the modules reported in the focus groups that they had already attempted some of the methods suggested and found the modules reinforcing, reassuring and validating. Importantly, this approach proved helpful to both novice and experienced colleagues. Focus group participants commented:

I went through each of them before I'd taken any classes ... and I think that kind of calmed me down a little bit, just gave me a little bit of reassurance.⁸⁹

this is my second year of teaching. And it just made me feel some of the concerns and worries I had, I wasn't so dumb. Actually they're general things. And if I'm worried about these things I'm probably on the right track because other people are worried about them too.⁹⁰

The first [module on engagement] was really good for reinforcement... because it shows what were some good aims... it was useful to say 'that's on the right track'.⁹¹

So if you were just starting they'd be enormously useful. But if you've been teaching for a while they're useful, they make you think but they're not anywhere near as useful as they would be for someone starting out.⁹²

some of those 'what is communication' and things would have been very useful when I first started teaching to define what it was that was expected. After doing it for years, you go, 'I already know'. So, I guess it depends where it's pitched.⁹³

It was validating ... that gives you more confidence.⁹⁴

⁸⁸ Author N.

⁸⁹ *Smart Casual* 1, trial feedback group 3, 2014.

⁹⁰ *Smart Casual* 2, trial feedback group 1, 2016.

⁹¹ *Smart Casual* 1, trial feedback group 3, 2014.

⁹² *Smart Casual* 2, trial feedback group 1, 2016.

⁹³ *Smart Casual* 2, trial feedback group 3, 2016.

⁹⁴ *Smart Casual* 1, trial feedback group 3, 2014 [more experienced sessional teacher].

I think examples are always great. If you don't like it, just skip over it. It's user-friendly, and you can skip over it. In a way, it's not prescriptive, but this doesn't tend to be prescriptive. I think hints are great.⁹⁵

in fact after reading them last night I used at least two techniques from the Reading Law and Ethics modules in my *** class today!⁹⁶

Many sessional colleagues spoke about the capacity of the modules to trigger wider conversations with fellow tutors, mentors, supervisors and friends who were also teaching. However, as expected, more experienced colleagues wanted more:

Some of us that have been teaching a little bit longer we want something a bit more trouble shooting, a bit juicier.⁹⁷

The endorsement of the intention to provide modules that could become ongoing references influenced the writing of the second phase modules. However, the amount of information needed to create baseline understandings for users varied across modules. Some topic areas such as 'wellbeing', aimed to inform sessional colleagues of issues rather than provide detailed solutions. The modules that were more skills based, such as 'legal critical thinking', required a more detailed theoretical approach. However, finding the right level of complexity at which to pitch the modules was difficult.

Problems of inappropriate depth were addressed through a number of design features. Authors noted:

[It] required tough decisions about where to start and finish. It helped that we had rejected a linear approach and so people using the modules can chart their own way through the material. We also used a hierarchy of text and hyperlinks that should allow people to choose the depth to which they follow a topic.⁹⁸

there were problems with the modules being too long and too dense for some topics and in those cases hopefully the participants can still see a framework skeleton that allows them to initially skim and then use the module as an ongoing reference point — and the links to further materials is important in creating that sense.⁹⁹

But it was clear to us as authors that there were different ways of getting to the right level:

⁹⁵ *Smart Casual 2*, trial feedback group 1, 2016.

⁹⁶ *Smart Casual 2*, trial feedback group 3, 2016.

⁹⁷ *Smart Casual 1*, trial feedback group 3, 2014.

⁹⁸ Author I.

⁹⁹ Author A.

I think at this stage, and given the purpose of the project, the modules need to be foundational ... but that the provision of links to scholarly materials is a way to engage even the more experienced teacher.¹⁰⁰

staff are so different that everyone will find something they can learn here. I know I have learned a lot from others on the team. It needs not to be overwhelming, but there need to be plenty of invitations to reflect, consider and stretch.¹⁰¹

the module had to be of use to experienced teachers, and I found that as I wrote it I also learned a lot I hadn't known. ... The bigger problem for me was how to avoid the module becoming overwhelming for a new teacher. The trick there was hopefully to emphasise simple tips to do something in each area so that for each topic there was something simple a teacher could try in the next class without much preparation.¹⁰²

Feedback from the focus groups suggested that the modules are, for the most part, appropriately pitched:

But I think it's useful also when you've had a little bit of exposure so you're not either full of confidence or totally full of fear. You're sort of feeling your way. And this helps you along that path.¹⁰³

I found [the module on engagement] reassuring, because the techniques that I was using were definitely reinforced.¹⁰⁴

VIII SCHOLARSHIP OF LEARNING AND TEACHING

One of the factors that complicated the level of detail embedded in the modules was the question of how much underlying scholarship should be apparent. Webb, Wong and Hubball have noted the importance of a scholarly approach to the professional development of sessional colleagues, an approach 'informed by the research literature, methodological rigor, and evidence-based approaches for best educational practice.'¹⁰⁵ However, they recognise that '[a]djunct teaching faculty have often been removed from higher education environments for some time and ... may be unaware of contemporary approaches to teaching and learning in a research-intensive

¹⁰⁰ Author G.

¹⁰¹ Author H.

¹⁰² Author A.

¹⁰³ *Smart Casual* 2, trial feedback group 1, 2016.

¹⁰⁴ *Smart Casual* 1, trial feedback group 3, 2014.

¹⁰⁵ Webb, Wong and Hubball, above n 10, 233.

university,¹⁰⁶ often resorting to the traditional, didactic teaching methods.¹⁰⁷ Further, a research-based pedagogy takes time,¹⁰⁸ which is often a limited commodity for sessional colleagues whose focuses may not be directed solely on teaching. Sessional colleagues may be working in an environment where scholarship of teaching and learning is not perceived to be as valuable as ‘primary, in-discipline research’,¹⁰⁹ and are unlikely to be paid to engage in pedagogical research.

Therefore, while conscious that the *Smart Casual* modules were not intended to be research resources, it was critical that the content of each module was evidence-based and firmly grounded in the scholarship of teaching and learning in law. As one author put it:

It’s really critical for sessional colleagues to appreciate that teaching isn’t something for amateurs, but that it is a professional activity that requires reflection and reading to really achieve skill in. Particularly for new teachers that understanding can help them to realise that they aren’t expected to begin as experts, and also that there is a lot of research that can help them to become better teachers.¹¹⁰

Indeed, sessional teachers who trialled and provided feedback on the first three draft modules recognised the importance of the modules incorporating ‘comment and critique about which techniques work best in which contexts and clear indications of which strategies have research evidence based support as opposed to anecdotal support’.¹¹¹

We therefore undertook a literature review and wrote a position paper on each of the module topics. Valuable feedback on these papers was received from members of the *Smart Casual* Expert Review Group with a particular interest, and/or expertise, in that topic. One author noted:

The formal exercise of conducting a literature review forced me to read widely, link academic and higher education professional knowledge, and look for relevant and practical SoTL [Scholarship of Teaching and Learning] material inside and outside Law. My aim was to draw on this work (and show enough of the background knowledge) and offer access to research in the relevant areas for

¹⁰⁶ Ibid 232.

¹⁰⁷ Ibid 231; Pete Boyd and Kim Harris, ‘Becoming a University Lecturer in Teacher Education: Expert School Teachers Reconstructing Their Pedagogy and Identity’ (2010) 36 *Professional Development in Education* 9.

¹⁰⁸ Webb, Wong and Hubball, above n 10, 233.

¹⁰⁹ Mark MacLean and Gary Poole, ‘An Introduction to Ethical Considerations for Novices to Research in Teaching and Learning in Canada’ (2010) 1(2) *Canadian Journal for the Scholarship of Teaching and Learning* Article 7, 3.

¹¹⁰ Author A.

¹¹¹ *Smart Casual* 1, trial feedback group 3, 2014.

those who might be interested, but to do so without swamping sessional staff with unnecessary detail.¹¹²

The challenge was to strike an appropriate balance between direct engagement with scholarly content, and distillation or synthesis of content, while at the same time being mindful that the modules needed to be user-friendly, relatively short, and appealing to a broad-range of sessional teachers, including those who may not appreciate the importance of scholarship or how to implement it in their teaching. We reflected:

I don't know what is the 'appropriate amount' — I vacillated in my thinking. On the one hand I would imagine a sessional teacher who just needed the tools to do a job, and who might become alienated if the module was filled with quotes from the literature and references. On the other hand, I know that my own experience as a sessional was enhanced through engagement with the literature, and that I appreciated receiving training that was always fully grounded in the scholarship.¹¹³

even where it is possible, having a grasp on what is best practice and being able to implement it are different. I know that major changes in my teaching have taken long periods to implement, and my own thinking and action on some of the themes has been lifelong. Sessional colleagues are no different. ... we cannot hold out to precariously employed people who are not paid to spend time reading it that they should be doing this research and reading and acting on it when many of our well paid and tenured colleagues will not.¹¹⁴

Accordingly, aside from the inclusion of references throughout and relevant resources at the end — that sessional teachers can link to if they are interested and have the time — the scholarship (or at least the depth of scholarship) underpinning the module content was not explicit in the topic modules. In recognition of this, and to emphasise the importance of an evidence-based approach to teaching, a separate 'mini-module' on the importance of the scholarship of teaching and learning was developed and referenced at the end of each module, which included links directing users to appropriate resources.

I think it is important to offer guidance and support at the level of research evidence-based tips — things people can realistically try out, aim for or nudge themselves toward. ... I think that it is important to make sure that sessional staff know there are bodies of research underpinning some of what we do in class ... And that those who want more are empowered to go out and find it for themselves.¹¹⁵

112 Author I.

113 Author G.

114 Author H.

115 Author H.

Text these days is layered — through the use of hyperlinks, for example — that engages the reader in realms beyond linear progression. That our modules are online allows for discrete and discreet opportunities for the reader to branch off into their own investigation.¹¹⁶

providing links to further reading did provide hopefully easy avenues for sessional colleagues to access the research efficiently.¹¹⁷

Participants in the trial of the draft modules considered the links to additional resources very useful. In particular, participants might derive additional benefits from revisiting the modules as they become more relevant to their current teaching needs. For example, participants can replay the feedback module when marking is approaching, or as their teaching experience unfolds and they further reflect on the content.

I looked at a couple of the additional readings and I found them to be really good overviews of the information; they actually matched up with what you were saying on the slides and videos.¹¹⁸

I thought the links to the videos to give examples and the links to some of the articles and so forth were really quite good if you were the type of person that — okay, on this area, I'm struggling a bit or I want more information — you could have it. But if you were quite fine about that area, you could easily just skip over it and not have to go into all the detail.¹¹⁹

I thought the external references at the end were a good level as well. They weren't over the top. I was really interested in the critical thinking one because that's what my area of research is, anyway. So, I was interested in what articles they provided for that, and I thought they were a good level. I thought they weren't too confusing, which can happen, and they weren't too basic. I thought it was good.¹²⁰

IX DIVERSITY, CROSS-CULTURAL RESPECT AND INDIGENOUS VOICES

Reflecting on the approach taken in the *Smart Casual* pilot it became clear that while from a sessional colleague's time-poor perspective targeted modules such as 'increasing engagement in class' were what they were looking for, there are larger issues that pervade legal education. These issues of Indigenous inclusion and awareness, diversity, gender, internationalisation and digital literacy needed to be addressed across the suite of *Smart Casual* modules.

¹¹⁶ Author G.

¹¹⁷ Author A.

¹¹⁸ *Smart Casual* 1, trial feedback group 3, 2014.

¹¹⁹ *Smart Casual* 2, trial feedback group 3, 2016.

¹²⁰ *Smart Casual* 2, trial feedback group 3, 2016.

Law and legal education have been slow to embrace diversity¹²¹ despite the increasing diversity of the student cohort¹²² and the diversity of the wider community. This tends to generate a self-reinforcing cycle of exclusionary practices into which law graduates, including law teachers, are enculturated.¹²³ Colleagues may come to their teaching without having experienced inclusive teaching, and/or having been educated within a tradition which erases difference rather than welcoming it. Legal education is also set to dramatically change in line with globalisation and the digital revolution, and law teachers and students need to be prepared.

Our proposed solution was to incorporate these overarching issues as themes that could be woven into the more practically oriented modules. While we appreciated that this would be a very difficult task, it proved to be more challenging than imagined. Digital literacy and aspects of internationalisation are predominantly skills and content-based — but are both very wide-ranging in their impact and likely to involve curriculum changes or technologies that might not be in a sessional teacher's control.

Recognising diversity (including gender diversity) and embedding Indigenous perspectives into the modules was very complex because of the lived experiences involved. Indigenous peoples, students and colleagues cannot be essentialised into single voices or backgrounds, and we felt inadequate and ill-placed to attempt to describe those experiences. International students are often only defined as 'not local', but beyond that negative definition these students may come from a range of backgrounds and cultures and have many issues shared with 'local' students.¹²⁴

As we grappled with these complexities it became evident that almost every point being made in the modules could be reconsidered through the lenses of the themes. For example, a discussion of encouraging student contributions to class discussion takes on different perspectives when viewed through alternate lenses of computer mediated communication, students who are the first in their family to attend university, transgender students, students from educational systems that discourage critique

¹²¹ Angela Melville, 'Barriers to Entry into Law School: An Examination of Socio-Economic and Indigenous Disadvantage' (2014) 24 *Legal Education Review* 44; Marcelle Burns, 'Towards Growing Indigenous Culturally Competent Legal Professionals in Australia' (2013) 12(1) *International Education Journal: Comparative Perspectives* 226; Margaret Thornton, 'The Demise of Diversity in Legal Education: Globalisation and the New Knowledge Economy' (2001) 8 *International Journal of the Legal Profession* 37.

¹²² Elizabeth Stevens et al, 'Equity, Diversity and Student Engagement in a Law School — A Case Study Approach' (2006) 16 *Legal Education Review* 1; Melville, above n 121.

¹²³ See generally Australian Law Reform Commission, *Equality Before the Law: Women's Equality*, Report No 69 (1994); Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991).

¹²⁴ Colin Picker et al, 'Comparative Perspectives on Teaching Foreign Students in Law: Pedagogical, Substantive, Logistical and Conceptual Challenges' (2016) 26 *Legal Education Review* 161.

of teachers, students from regional and remote areas and Indigenous students. Each of these lenses are themselves simplifications of a range of experiences and overlook personal characteristics. Additionally, many students are dealing with combinations of these situations. There was a significant danger in a summary slide-based module presentation that all these nuances would be removed. In the end our approach was reduced to including a diverse range of sessional staff in the embedded videos and highlighting the relevance of, and making reference to, themes at appropriate points in the modules.

While the feedback from the focus groups was divided, participants largely did not consider that all themes were embedded successfully and adequately across all the modules. Divergence of opinion was possibly based on the particular modules reviewed:

The themes are well integrated and they are obvious enough to be recognised as important influences on the material but not so much that they become token additions which is sometimes the case with particularly gender diversity themes in some training materials.¹²⁵

I can't say I noticed a lot of those themes, if any at all.¹²⁶

The Communication and Collaboration one had a lot of digital literacy. I think there was *** talking about how he uses Twitter to engage with his students. So, I think that maybe some of the modules hit the mark more than others.¹²⁷

Yeah. One of the slides or pages was called working with diversity, and there was a reasonable amount of focus on diversity, I felt.¹²⁸

I noticed the international one on the communication module, which was useful. It was there. ... It was there, but it wasn't something that I needed right now. I didn't notice much on — what do they mean by digital literacy in this context?¹²⁹

To overcome the relative invisibility of the themes, a new introductory module was developed to provide a theme-based context for staff prior to beginning the modules.¹³⁰ This introductory module takes participants through short outlines of the scope of the themes and asks that the modules be read with the themes in mind.

¹²⁵ *Smart Casual 2*, trial feedback group 1, 2016.

¹²⁶ *Smart Casual 2*, trial feedback group 3, 2016.

¹²⁷ *Smart Casual 2*, trial feedback group 4, 2016.

¹²⁸ *Smart Casual 2*, trial feedback group 4, 2016.

¹²⁹ *Smart Casual 2*, trial feedback group 3, 2016.

¹³⁰ Smart Casual, *The Smart Casual Professional Development Modules* <<https://smartlawteacher.org/modules/>>.

But dealing with the themes more deeply remains a challenge, as one trial participant noted:

Just how relevant [the themes] are to the substance of the law was in my view not sufficiently developed if the intention is for these issues — rather than direct teaching tips — to be the take-home message.¹³¹

The *Smart Casual* project team received feedback on the Indigenous perspectives position paper from the *Smart Casual* expert theme consultant. The project team recognised the limitations of presenting Indigenous issues as a pervasive theme rather than a critical topic deserving of a stand-alone module. Recognising also the plethora of issues involved in the project team — none of whom are Indigenous — purporting to provide an authoritative voice on Indigenous issues,¹³² we invited an Indigenous colleague, Ambelin Kwaymullina, into the project to develop a separate module on fundamental background knowledge of Indigenous issues. This module does not attempt to provide cultural competency training — a project being undertaken elsewhere.¹³³ Instead it offers a set of materials that provide sessional colleagues with a baseline awareness of Indigenous issues that may arise in teaching law. The *Smart Casual* project has only increased our awareness of the complexities of creating professional development materials in this area.

X HOW THE MODULES SHOULD BE USED

The ‘wicked problem’ of sessional colleagues not being easily able to attend face-to-face development sessions and the risk of online modules that were not adequately supported or contextualised influenced decisions about the most effective ways to implement and use modules. Initially, we considered that a virtual community of practice¹³⁴ could be created through a combination of reflective questions and a national Facebook page would be ideal. Although there was some support in theory for a Facebook group, much of the feedback from the focus groups indicated that Facebook may not be an appropriate solution, or was a platform they did not use:

The idea in there of having a Facebook page where you could be... part of a community of sessional teachers, where you could dip in and have those resources available... and even just communicate with other people. I know sometimes

¹³¹ *Smart Casual 2*, trial feedback group 3, 2016.

¹³² Allan Ardill, ‘Non-Indigenous Lawyers Writing About Indigenous People: Colonisation in Practice’ (2012) 37 *Alternative Law Journal* 107, 108, citing Linda Alcoff, ‘The Problem of Speaking for Others’ (1991) 20 *Cultural Critique* 5.

¹³³ Australian Government, *Indigenous Cultural Competency for Legal Academics Programme* (21 January 2016) Office for Learning and Teaching <<http://www.olt.gov.au/project-indigenous-cultural-competency-legal-academics-programme-2014>>.

¹³⁴ See, eg, Anne Bourhis, Line Dubé and Réal Jacob, ‘The Success of Virtual Communities of Practice: The Leadership Factor’ (2005) 3 *Electronic Journal of Knowledge Management* 23 <<http://www.ejkm.com/volume3/issue1/p23>>.

being a sessional teacher is very isolating. We're generally not on campus a lot... I've got that support but I know there's a lot of people that don't. Having that Facebook sort of outlet where you could ask someone a general question, and even seek reassurance ... I like that idea. That would be really useful.¹³⁵

I suppose the benefit of the Facebook group or the discussion board is you can crowdsource an answer and get a few different perspectives and then put them together or select the one you think best fits your scenario. So, one-on-one isn't necessarily — that can be helpful if you've got a senior mentor who can say, 'this is how I've dealt with this before'. Sometimes you want other sessional staff who are around your age or around your level of experience or whatever, and I appreciate that can be quite difficult to do because you don't want to have a weekly meeting and talk about all the problems.¹³⁶

Someone has to monitor it. Someone needs to monitor it and answer the questions.¹³⁷

I wonder if there's a bit of a thing — I'm not a big Facebook user — but whether people view that as something they do socially and it's not really something they'll do if they're having problems with their tutorials.¹³⁸

It can actually be quite good. If you want to use it as, 'I had this issue tonight. What do I do?' Those sorts of generic things that you don't really need to approach your supervisor. It's just getting some ideas. That would be pretty good. Also to post up get-together or whatever it might be. So, if people wanted to use it in that sense, it would be quite good, particularly for someone like me. I'm out of my office ... so I'm basically stuck at home.¹³⁹

I don't use Facebook for professional things. I barely use Facebook at all. And I just yeah so that sort of turned me off a little bit as well whatever however they want to do it but just yeah.¹⁴⁰

My entire life is about why Facebook is evil.¹⁴¹

Focus group feedback reinforced the view that it remains essential to build collegiality around teaching and not to rely solely on online solutions. As Gray¹⁴² points

¹³⁵ *Smart Casual* 1, trial feedback group 3, 2014.

¹³⁶ *Smart Casual* 2, trial feedback group 4, 2016.

¹³⁷ *Smart Casual* 2, trial feedback group 4, 2016.

¹³⁸ *Smart Casual* 2, trial feedback group 4, 2016.

¹³⁹ *Smart Casual* 2, trial feedback group 3, 2016.

¹⁴⁰ *Smart Casual* 2, trial feedback group 1, 2016.

¹⁴¹ *Smart Casual* 2, trial feedback group 1, 2016.

¹⁴² Bette Gray, 'Informal Learning in an Online Community of Practice' (2004) 19(1) *Journal of Distance Education* 20; see also Bourhis, Dubé and Jacob, above n 134.

out, virtual communities of practice require skilled leadership, and a shared sense of community — something very difficult to establish outside pre-existing institutional or group settings.

Overwhelmingly, the focus group participants were very supportive of the approach adopted in *Smart Casual* but what was also very clear was that after undertaking the modules sessional colleagues then wanted more. They wanted to discuss their reactions, they wanted to go further with aspects raised and to seek out permanent staff or other sessional colleagues for advice. More experienced sessional colleagues wanted to ‘talk back’ to the modules and explain how their personal approaches were better or an alternative. No-one saw it as a waste of their time. All wanted more:

I’d go even further than that and say I’m here on campus from two till four. If you wanted to catch up with me and have a chat, let me know. I’ll meet you at wherever. You can’t discount the importance of just looking at someone, I think.¹⁴³

You need some way of getting feedback from people who have experience ... but have got a view that you can really take on.¹⁴⁴

To us, these reactions validate our belief that the modules are merely the beginning of a conversation, of the development of a community of practice. Practically, this is the task of the law schools who employ sessional colleagues.

XI BEST PRACTICE

The *Smart Casual* project sought to develop a suite of online modules to assist sessional colleagues with their professional development. Modules were developed in light of the scholarship of learning and teaching and through feedback from experts and sessional colleagues. The final modules reflect that process and have significantly developed from their original conception. Our experience suggests that there are a number of factors that contribute to successful professional development modules:

- (i) For modules to have broader impact, they cannot dictate or promote particular pedagogical approaches. Such decisions are the prerogative of a law school. The modules can, and should, draw on successful teaching techniques within those pedagogies as illustrations.
- (ii) If the modules are targeted towards sessional colleagues, they should not include curriculum design suggestions, only teaching techniques.

¹⁴³ *Smart Casual 2*, trial feedback group 4, 2016.

¹⁴⁴ *Smart Casual 2*, trial feedback group 4, 2016.

- (iii) Where possible, the modules should recognise the role of affect in teaching and try to convey the joys of teaching. The modules can be motivating and encouraging as well as instructive.
- (iv) Module design should encourage discussion and reflection, not determine choices. The modules should be based on a respectful peer-to-peer approach recognising that participants may have relevant experience and alternative philosophies on teaching. Care should be taken to avoid any patronising or lecturing tones.
- (v) Modules should not oversimplify complex issues but at the same time must recognise the time constraints of sessional colleagues. They should aim to avoid overwhelming new teachers but should still be designed to provide advanced advice for experienced colleagues. One way to achieve this is to design the module using a ‘trunk and branches’ approach. Experienced colleagues can follow links to further reading, and novice colleagues can concentrate on core issues.
- (vi) There should be a blend of fundamental concepts and practical examples; ideas to consider and practical techniques to use in the participant’s next class. Different participants will value these elements differently.
- (vii) It is important to embed the scholarly research of teaching throughout the module with clear links to alert participants to its existence. The module should, however, try to avoid language that is overly scholarly.
- (viii) The modules should not seek to be a complete solution. They should be used as part of a broader collegial discussion. These discussions are ideally organised by individual law schools, and can generate communities of practice.
- (ix) Giving sessional colleagues their own voice in the modules is important to promote the peer-to-peer tone — further development could include giving students their own voice as well.
- (x) It is critical to break down the mono-cultural tendencies in legal education through recognition of diversity in the modules — whether in terms of colleagues, students and/or clients.
- (xi) The modules should be positioned and contextualised as part of a larger whole with underlying themes permeating all modules.

Despite our best efforts, a number of issues remain, requiring further research:

- (i) Both our own technical limitations and the difficulty of finding a suitable technology were issues. Finding a platform that is easily accessed and does not quickly become obsolete is also difficult.

- (ii) Overcoming the isolated nature of sessional work remains difficult. The *Smart Casual* modules are a first step towards providing support, but collegial discussion remains critical. Online social media platforms may not be effective if a community has not already been developed, and schools may need to individually devise support mechanisms.
- (iii) There is a possibly irreducible problem in properly conveying the nuances of broader themes for legal education that are not tied to substantive law or skills. Properly conveying the importance of developing respect for diversity, gender and Indigenous perspectives is difficult to do in a disembodied, online and summary format. These themes require exploration through longer-term personal discovery and interaction with those experiencing them. Such themes might best be seen as forms of experiential professional development.

XII CONCLUSION

It seems clear that higher education and future generations of students will fundamentally rely on sessional colleagues to bear a high proportion of the teaching load. In that environment, relevant collegial professional development that meets the needs of sessional colleagues is essential. That support must be flexible and accessible, and thus at least partially online. While some of that support can quite appropriately be generic in content, some of it needs to be discipline-specific. We have argued that law is one discipline where discipline-specific professional development for teaching is highly desirable, if not essential. The *Smart Casual* project represents a groundbreaking initiative to provide a freely available set of resources to help law schools support the teaching of their sessional staff. The initiative has itself raised a number of significant questions about what is appropriate in supporting sessional colleagues, and to a large extent those questions are not easily answered. Fundamentally, they are the questions we all confront in making choices in our own teaching. However, it is abundantly clear that sessional colleagues want and appreciate support in developing their teaching.