

Chapter 10. Understanding Common Interviewing Pitfalls: An Evaluation of *Legal Interviewing Skills*

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Abstract

This paper reports on the evaluation of a computer facilitated learning resource which allows law students to identify common pitfalls in client-lawyer interviews. Using an evaluation framework developed by Alexander and Hedberg (1994) and Bain (1999), the CFL resource, Legal Interviewing Skills, was evaluated in three areas: interface design, learning processes and interview skills. Twenty-three post-graduate law students participated in the evaluation which involved the observation of students as they interacted with the resource, think-aloud protocols, questionnaires and focus groups. Students were generally positive about the program and showed greater confidence in interviewing after using it. However, there are a number of areas where the program could be improved; namely, ease of navigation, the structure of learning tasks and the use of feedback to promote meaningful engagement with learning.

1. Background

Like many other undergraduate law degrees, the law curriculum at Monash University has a subject that deals with the law of torts. A 'tort' in law describes a breach of duty between parties that have no explicit contract. The torts subject in the undergraduate course at Monash University covers a number of areas of law including torts concerning goods and land, negligence, vicarious liability and contribution between tortfeasors; and skills of a torts lawyer. More generally there are two aspects to the torts curriculum which students are required to become skilled in: content and practice. Students must be able to analyse and examine critically the current state of the law of torts from different perspectives and be able to explain how that law can protect the personal, proprietary and economic interests of

people in Australia. In addition to understanding the content of the law, students must be able to examine a situation that has caused a person loss or damage and determine whether that person has a course of action which falls within the description of any of the torts covered in the course. Students must be able to interview and advise potential clients and, therefore, must have refined legal interviewing and communication skills.

In recent years the tort law lecturers introduced optional, problem-based, interviewing and negotiation exercises for small groups of torts students. A major difficulty for the course coordinators was finding effective methods for carrying out this form of skills training with large groups of students (300-400). The existing methods for teaching interviewing and negotiation skills, such as supervision, role-playing, answering queries, and participating as interviewees, have proven to be very resource intensive. Even though the law school and the legal profession recognise the need to teach these skills, most law students miss out on adequate training because of the lack of resources. A multimedia program, *Legal Interviewing Skills*, was developed to address this problem and it provides students with an interactive, flexible, and self-directed learning resource. The program exposes common problems or pitfalls in the client interviewing process and helps students identify the skills needed to address these problems. The resource focuses on the skills needed to conduct successful client interviews and acts as a precursor to students undertaking a negotiation role-play involving an accident-related problem.

Legal Interviewing Skills consists of a suite of three CD-ROMs. The first in the series covers material on generic legal interviewing skills, the second CD-ROM looks at an accident scenario from the complainant's perspective, and the third CD-ROM looks at the same scenario from the defendant's

perspective. Like the development of many computer facilitated learning resources, the development of *Legal Interviewing Skills* has adopted modular approach where the content of modules was determined by academic staff. As such, the development and implementation phases of the program's development cycle overlap. The first module of the program (CD-ROM-1) is stable, and is the focus of the investigation reported here. Evaluation conducted on this module will inform the development of the remaining modules in *Legal Interviewing Skills*.

The first module of the program is divided into four interrelated sections. There is an optional introductory tutorial detailing the basic skills required for conducting legal interviews. The second section of the program presents students with a nine minute video that shows an interview between a lawyer and a client. The video exemplifies 'poor' interviewing techniques. The third section presents a similar interview situation, however, this time it exemplifies 'good' interviewing skills. The final section of the module is the 'interview evaluation' section in which students are asked to critically evaluate the poor interview. The interview is divided into a number of segments with each segment exemplifying a subset of communication micro-skills. The students' task is to evaluate each segment of video with reference to the generic interviewing skills that have been highlighted in previous sections of the module by identifying aspects of the interview that have been poorly carried out by the lawyer. Feedback is given to students to alert them whether they have identified all 'problem' skills identified by a panel of experts. Students are also able to toggle between the good and poor interviews to further explore their understanding of interviewing skills. The task is cumulative in that students are exposed to a greater variety of skills as they progress through the evaluation exercise.

One of the primary design approaches in *Legal Interviewing Skills* was the use of high quality audio and video to depict a realistic legal interview environment. Professional actors, full screen video, actual torts scenarios and realistic legal contexts were combined in an attempt to promote students' engagement with the program. In addition, high quality audio and video were deemed necessary in order to depict individual communication and micro-skills. These skills cover both verbal and non-

verbal behaviour, are often quite subtle and the developers thought that it would be difficult to capture these subtleties using other media. For example, one area interviewers in a legal context must be wary of is a condescending attitude which would be difficult to portray using other media.

2. Evaluation Model and Questions

The focus of this evaluation study was guided by the evaluation framework developed by Alexander and Hedberg (1994) and extended by Bain (1999), which was developed with specific reference to computer facilitated learning programs. This framework has four primary phases: analysis and design, development, implementation and institutionalisation and its core features are similar to other evaluation frameworks (Draper, 1996; Reeves, 1989; T. C. Reeves, 1993). The focus of the analysis and design phase is the current curriculum and teaching and learning practices within it. In what has typically been called a 'front-end evaluation' or 'needs assessment' (Flagg, 1990; T. C. Reeves, 1993) an evaluation is carried out on how a computer based innovation can be aligned with the needs of students and the objectives of the curriculum. In the development phase of Bain's (1999) framework the evaluation is formative and as such focuses on refining and improving programs. In this phase Bain (1999) highlights the need to investigate the learning environment and processes. The implementation phase is student-centred and calls for summative evaluation of both students' learning processes and outcomes. Finally, the institutionalisation phase considers long-term evaluation of impact and whether there have been lasting benefits (or disadvantages) as a result of the program's implementation. The evaluation reported here falls primarily into the development phase of Bain's (1999) framework.

Within the development phase the evaluation was formative, concentrating on students' learning processes as they navigated their way through the program. The initial focus was on students' perceptions and use of the interface with particular emphasis on the audio and video and navigational structure. It was envisaged that this type of evaluation would highlight areas in the program's development which could be refined and improved. We also planned to evaluate students' learning

processes in terms of the types of cognitive strategies they employed while using the program (such as general learning strategies, critical thinking and reflection). It was expected that think-aloud protocols would be very useful in this aspect of the evaluation as they encourage participants to articulate some of the cognitive processes they are employing.

An additional aspect of the evaluation was more summative in nature, drawing on Bain's (1999) implementation phase. This aspect of the evaluation focused on students' confidence with and understanding of issues associated with interviewing and associated micro-skills – a major learning objective of the program. While these outcomes were not assessed directly, we planned to see whether students' appreciation of these skills changed as a result of working through the *Legal Interviewing Skills* program. We also assessed students' confidence about the nature and use of these skills and asked students to reflect on whether the program assisted them in recognising common pitfalls and problems in interviews.

In summary the specific focus areas of this evaluation were:

- *Interface Design*: students' perceptions of the interface and graphic design, with particular emphasis on whether the video and audio was seen as effective and how easy it was to navigate.
- *Learning Processes*: how students used the program, with specific reference to the cognitive and learning strategies used by students as they completed the program.
- *Interview Skills*: whether the program fostered interviewing confidence, students' recognition of common pitfalls in interviewing and an appreciation of corrective interview skills and strategies.

Table 10.1. A summary of the data collection techniques employed in each focus area of the evaluation.

	Interface Design	Learning Processes	Interview Skills
Observation	X	X	
Think-Aloud Protocols	X	X	
Think-Write Protocols	X	X	
Pre-Task Questionnaire			X
Post-Task Questionnaire	X		X
Focus Group	X	X	X

3. Evaluation Methodology

Sample

Twenty-three students undertaking the Postgraduate Diploma in Legal Practice, Skills and Ethics at Monash University participated in the evaluation. While the program was developed with students in the early years of an undergraduate law degree in mind, the lecturer-in-charge of the postgraduate program thought that it would be a useful addition to the postgraduate diploma. The sample was considered suitable for this reason. Also, it was expected that students with more experience in law and legal interviewing would make a valuable contribution to the evaluation. Ten males (43%) and thirteen (57%) females participated in the evaluation and their ages ranged from twenty-three to sixty-one, with the average age 35.52. Of the sample, almost half (43%) had had previous interviewing experience, and two (9%) had experience as a lawyer.

Data Collection

The class was divided into two groups for the evaluation which took place in week eight of second semester, 2000. Students worked individually with the program over a one-hour period in a computer lab. The data collected in this investigation combines both quantitative and qualitative techniques and thus represents a mixed-method approach (Reeves, 2000). As some data collection techniques are not suitable to investigate some questions, particular techniques were used to investigate specific evaluation questions. A variety of data collection techniques were used including, observation, think-aloud protocols, think-write protocols, questionnaires and a focus group. Table 10.1 presents a summary matrix of the methodology employed in this evaluation and details of the specific data collection techniques used in each focus area of the evaluation.

Data collection was carried out in four stages. Before students began working with the program a pre-task questionnaire was administered. While using the program participants were observed and were asked to complete a think-write protocol. A subset of participants were asked to undertake a think-aloud protocol. After spending approximately an hour on the program students were asked to complete a post-task questionnaire. Finally, a focus group session was conducted with a small subset of students at the conclusion of the session. Details of the data collection techniques employed in this investigation are outlined below.

Observation

Two methods of observation were employed in the investigation: real-time and deferred. Four trained observers carried out real-time observation of eight students completing the program. Four additional students were video-taped while they completed the program which formed the basis of deferred observation. Guidelines were used to structure the observations so that there was some consistency across the observers. These guidelines fell into four categories of technical, interface, useability problems and learning processes.

Think-Aloud and Think-Write Protocols

In each group, two students used tape recorders to construct an oral account of their progression through the program. All students were encouraged to write down their thoughts of the program as they were working with it.

Questionnaires

The pre- and post-task questionnaires contained both scaled response items and open-ended questions. Quantitative items employed five-point likert scales and were labelled from "strongly agree" to "strongly disagree". The pre-task questionnaire administered before students began using the program focused on students' confidence in conducting client interviews. The post-task questionnaire comprised three sections. The first section was based on the questionnaires of Reeves and Harmon (1993) and Kennedy (1998) and focused on the interface design of the program and the design approach adopted by the developers. The second section asked students about the interview skills that were the focus of the program. These items asked

students to indicate the degree to which the program helped them identify specific communication and micro-skills (such as body language, closed questions and empathy) and common problems or pitfalls in the client interviewing process. The final section replicated the pre-task questionnaire and asked students' to reflect on their confidence in conducting an interview now that they had worked through the program.

Focus Group

Seven students from the first evaluation group were asked to participate in an informal, but semi-structured focus group at the conclusion of the session. The first author led the focus group in which three other researchers participated. The focus group was audio-taped and guided by a number of prepared questions. The questions were based on usability and interface design including the use of audio and video, students' perceptions of how the program affected their understanding of interview skills, what strategies students used while using the program and areas where the program could generally be improved.

4. Results

The results presented below are organised into three main sections (interface design, learning processes and interview skills) reflecting the three evaluation foci of this investigation. Data collected using the methods outlined in Table 10.1 are reported in each of these sections where appropriate. Students' comments are provided in italics and the source of the data (focus group, protocols, observation or questionnaire) is provided in parentheses. The scaled responses to questionnaire items have been collapsed into a three-category classification ("agree", "neutral" and "disagree") to assist with interpretation.

Interface Design

Results regarding the evaluation of interface design were divided into two areas: the use of audio and video and navigation and useability.

Use of Audio and Video

The use of audio and video multimedia elements in the program were singled out because the developers were very keen to see if the use of high quality audio and video and full screen video were seen as appropriate and

valuable by students. In the questionnaire, three items directly related to the use of video and audio within the program. All students indicated that they thought the use of video and audio was appropriate and the aesthetic quality of the program including audio and video was high. In the focus group students were asked more generally about their impressions of the use of video in the program. The response was generally positive with students commenting on both the technical quality of the video and how the video was particularly useful given the content focus of the program:

I thought the videos were excellent, they certainly pointed out the bad things; about what not to do for an interview. [focus group]

Students' positive perceptions of the video were also recorded in their general comments about the program where approximately half of students mentioned it as one of the program's 'best' aspects (see Table 10.2).

In response to the question "Did you use the 'full screen' for viewing the video?" the majority of students (78.3%) indicated they used the full screen video while 17.4% said they did not (one student did not respond to this question). A number of students (4) indicated they only used the large screen after been told it was available. Written responses indicated that students liked the full screen video because it was:

Less distracting and easier to

concentrate on the task at hand. [questionnaire]

Useful to have this selection to become more involved in the interview techniques. Real life feeling to the scenes. [questionnaire]

Just easier, better for me (since I wear glasses anyway) and you don't miss anything. [questionnaire]

Open responses revealed that six students who said they had used the full screen video indicated they actually preferred to toggle between the full screen and the small screen video depending on their needs. These needs seemed to hinge on where students were completing the program, which section of the program they were in and the availability of controls while viewing the video. Typical comments were:

At home I would watch it on my laptop in bed on full screen. In the computer lab I'd alternate between both. [questionnaire]

I did it for one of the interviews but actually found it easier when the screen was small – to have the checklist beside the screen while you are watching the interview was very helpful. [questionnaire]

Sometimes, the reason being because I wanted to stop or pause. I suggest

Table 10.2. Students coded responses to the question "What were the best aspects of the program?".

Video	11
Generally good	5
Better than a text-based explanation	2
The ability to review	2
Comedic	2
Interview Skills	11
Ability to compare good and bad interviews	6
Seeing the interviewers skills (questioning and legal advice)	2
Better for students with no interviewing experience	2
The good explanations of interview skills	1
Able to see all 20 micro-skills in the evaluation section	1
Other	9
Interactivity	3
Able to go at own pace	2
Good actors	2
General presentation of the program	2

this be incorporated on a large screen as well. [questionnaire]

In the initial watching of the video ... for the evaluation no. [questionnaire]

If I do that [view the video at full-screen] I won't see the checklist. So I'd better use the small-screen. [think-write]

Only two students gave reasons why they did not use the full screen video; these were:

I am long-sighted so I found it easier to have a smaller screen. [questionnaire]

[It is] better to have all [the] controls at the ready to pause or rewind. [questionnaire]

In the focus group, there was a great deal of discussion about how students used, and would like to use, the video to investigate micro-skills and legal interviewing techniques. The general consensus from the focus group session was that the video quality was excellent and gave a very realistic feel to the resource. However, while students were very positive about the quality of the video and saw it as a useful tool in the teaching and learning of interview skills, they did express a number of reservations about how they interacted with the video within the structure of the program. While related to the use of video, these results will be reported below in reference to students' learning processes.

Finally, three of the seven students in the focus group expressed feeling frustrated with the audio, or more precisely with the lack of audio, as they navigated through the program. These students expected the audio to be present from the beginning of the resource and said they thought their headsets were faulty as no sound was present. This comment was also evident in the data collected from the think-write

protocol, observation and in the focus group.
volume control? [think-write]

*volume-control problem. [observation]
It would be good to know when the voice would be coming on so I wouldn't be worried "Oh, am I missing something" all the time. [focus group]*

Navigation and Useability

The questionnaire contained three items directly related to navigation together with an open response item on the navigational structure of the program and one item on useability. The data that emerged from these questions were somewhat contradictory. It can be seen from Table 10.3 that the majority of students (57%) found it easy to navigate around the program and approximately 70% of students said they found the program easy to use. However, well over half the students (61%) indicated there were times when they were confused about their location in the program and a number of students (36%) indicated they had trouble locating information they had previously attended to.

Only nine students responded to the open-response navigation question in the questionnaire and the responses did not shed much light on why some students were confused about their location within the package. In fact a number of students (4) indicated that navigation became easier as they progressed through the program. One student's comment highlights how a user's navigational experience may change over the duration of their program use...

[I was] wandering blindly. [There] were times where I had no idea where I was or what I was doing. [It was] very confusing. Once I worked out some of the options however it was very useful and it became a great tool. Just frustrating getting there. [think-aloud]

Table 10.3. Students perceptions of the navigation and usability.

	Mean (SD)	Percentage		
		Agree	Neutral	Disagree
I found it easy to navigate my way around the program	2.61 (1.08)	57	26	18
There were times when I was confused about my location in the program	2.52 (1.24)	63	9	27
Sometimes I found it difficult to locate pieces of information I had previously located.	3.26 (1.29)	36	14	50
I found the program easy to use	2.26 (.92)	69	17	13

This was of concern to developers as they had tried to make the navigation simple and intuitive. Problems with the navigation structure were also obvious during observations which showed that students were sometimes not entirely sure about where they had been or where they were going and how to access information they had once seen. In open ended responses on the 'worst' aspects of the program (see Table 10.4), a number of students offered recommendations about how to reduce navigation confusion such as including a back button in some sections and having a system that alerts students to where they have already been in the program. Another recommendation that was suggested by two of the focus group participants, and consequently agreed to by the others, was to include an overview of the resource, a suggested pathway through it and the intended outcomes. From this feedback it became evident that with minor modifications, such as consistent use of 'back' and 'forward' arrows and menu structures, and by adhering to consistent guidelines, major navigational problems could be overcome.

5. Students' Learning Processes

Our investigation of students' learning processes was primarily carried out using qualitative data collection techniques (observation, focus group and protocols). Data collected using these methods were supplemented with open responses from questionnaires. The most overwhelming response in both focus group and think-aloud data related to the way students negotiated the 'interview evaluation' section of the program. As mentioned above, in this section a student's task is to evaluate a number of interview segments and to identify aspects of the interview that have been poorly conducted by the lawyer. For each segment, students are asked to identify (by checking a box) all 'problem' skills in evidence before moving on to the next segment. After indicating which skills they feel are problematic in the segment, students can obtain feedback as to whether their selections are correct or incorrect as deemed by an expert. For further information, students can hyperlink to an explanation of each of the micro-skills that have been identified. Accessing this information is optional and students may choose to skip this activity and progress to the next video segment.

Many students found the interview evaluation task frustrating and tedious, especially when they could not easily identify all the interviewing problems for a particular video segment. Students were particularly frustrated when they felt they could not progress to the next segment of the interview until they had correctly identified all the relevant micro-skills. While students were not being restricted by the application, some students felt they could not move on until they had correctly identified all the answers.

Sometimes answering the evaluation questions became a bit tedious. [questionnaire]

[On] some occasions as far as I was concerned there were four really obvious questions [problems] and two which could have been any out of the ten. And then that got really frustrating for me because it could be [any of] these six and you're there just messing about trying to get the right two. [focus group]

I must get an answer, I cannot proceed until I do... [think-write]

Possibly as a result of this frustration, a number of students indicated that the task soon became one of 'getting the right answer' rather than reflecting on the use of appropriate and inappropriate interview techniques. A number of students in the focus group and those participating in the think-aloud protocol suggested their completion of the evaluation section became more an exercise in 'trial-and-error' or 'systematic guessing' to get the right answer rather than reflecting on how particular problems manifest themselves in interviews. As a result, the goal of the learning task became the *identification* of the full compliment of problem skills for each interview segment rather than how these skills affect the interview process. Typical comments included...

[I] spent more time trying to get the little red tick rather than actually thinking about the content.[think-write]

There was no sense of you actively thinking about what you'd done wrong, it was more trying to get the right answers. [focus group]

It was very frustrating for me not getting the right answers over and over again, but I kept going until I succeeded, I am pedantic. [think-write]

Despite these reactions, 65% of students agreed that the program encouraged them to reflect on the content area and only three students (13%) thought this was not the case. Students also expressed concern about the provision of feedback in the program generally and with regards to their learning and understanding specifically. While students were told whether they had correctly or incorrectly identified particular micro-skills, they were not provided with meaningful feedback about why their choices were correct or incorrect. Although half the respondents thought the feedback was meaningful, a third indicated that they felt the feedback was not meaningful to them and 44% suggested the feedback did not help them understand where they went wrong. Comments which support these latter figures include...

The evaluation gave no feedback as to where I was wrong. Other than a hit and miss answering approach I could not find the correct answer [questionnaire]

Towards the end of the evaluation it was a matter of systematically clicking on the boxes. The feedback that was given was not meaningful as it only stated that I was wrong [questionnaire]

It seems, therefore, that the process of 'systematic guessing' many students reported using may be linked to the failure to provide adequate feedback. That is, if more meaningful

feedback were provided to students detailing *why* an answer is wrong, they may be encouraged to make a more considered second attempt at the problem rather than adopting a 'hit or miss' approach to simply obtain the 'right' answer.

Another reason why a number of students felt the feedback was inadequate was that they did not necessarily agree with the 'experts' opinion of what constituted a 'problem' micro-skill in the context of the interview. This was borne out in students comments on the 'worst' aspects of the program where three students commented about disagreeing with the answers (see Table 10.4). This finding may be a function of the more experienced sample used in this evaluation. Typical comments included...

I did not agree with some of the 'right' and 'wrong' answers. [questionnaire]

The problem being some of the answers you provided me with may be your opinion of what is wrong or right. [focus group]

While it was interesting to see that students used a number of strategies to complete the 'interview evaluation', one strategy which students didn't use came as a surprise to the developers. Students had the ability to hyperlink from any of the micro-skills within the evaluation exercise to detailed information about that particular skill. This function was used sparingly by students. The developers assumed that students would use the hyperlink function to re-visit the summaries of general interviewing skills to assist them with their analysis of the interview segment. However

Table 10.4. Students coded responses to "What were the worst aspects of the program?".

Learning Process	10
Disagree with the answers, no justification given	3
Pre-occupation with faults with no opportunity to identify good features	3
Evaluation exercise not complex enough	2
Evaluation a bit monotonous	2
Interface Design	7
Hard to know where to go next	4
Hard to know how to get back	2
Display right answer sooner	1
Other	3
No live links	1
Assumes a certain level of computer knowledge	1
Bad interviewer was too crass, rude and obnoxious	1

most students attempted the evaluation exercise without needing this information and seemed to rely on their prior knowledge, knowledge they had previously acquired from the resource, or by toggling between the good and poor interview videos. When questioned in the

focus group many students said the reason why they did not use this function was they did not know it was available. Clearly this has implications for the instructional and interface design of this section of the program.

I didn't even try that [hyperlink] because all the other things earlier that I thought [were hyperlinks] weren't, so I didn't even bother. [focus group]

'Scroll over .. click on it'. [think-aloud - observer]

That's what I want because this is useful, and I didn't know about that [hyperlink]. [think-aloud-student]

Another aspect of students' learning processes related to the program's general structure and how students would prefer to interact with it. It emerged in the focus group that the majority of students would have preferred to have completed the evaluation section of the program first, before accessing general information on how to conduct a legal interview and micro-skills. One student in the focus group also suggested that after completing the evaluation section, she would have liked to label segments of the extended video interviews as good and poor, rather than having the videos labeled for her. Typical comments on these issues include:

I would have thought...to show the video to start, and then the evaluation, and then actually the reading bit. [focus group]

You could have...a little film to begin with...that's the introduction, then watch the two films [videos], then it launches into 'these are the steps we're going to go through now, and now we'll evaluate' [focus group]

Finally, a number of students said they were disappointed that the evaluation section only focused on 'poor' interview skills rather than a balance between 'poor' and 'good' skills. While six students appreciated being able to compare poor and good interviews (see 'best' aspects of the program Table 10.2), three students

mentioned that one of the worst aspects of the program was that the evaluation section focussed only on the poor interview (see Table 10.4). This issue was discussed in the focus group...

You [the developers] seem to be focused on trying to get people to examine what was bad about the 'bad interview' and what could be learnt from that, but you didn't actually say anything about the 'good interview' you just sort of ...[Respondent A]

You think there should have been the same sort of evaluation checklist for the good interview? [Interviewer]
Pointing out where the good points were. That would be a good thing, so you could see the good things to do? [Interviewer]

Yes, that's right. [Respondent A]

The positive side as well as the negative side. [Respondent B]

I think that would be a good thing because at the end of the day you want to leave the room knowing what is the good thing to do. [Respondent C]

Yes. [Respondent A]

I think the teaching has to focus on the good, not only on the not so good. [Respondent B]

6. Interview Skills

The final focus of this evaluation was to investigate whether the program affected students' confidence in conducting a legal interview. In the pre-task questionnaire students were asked how confident they would be conducting an interview with a client about a fencing dispute with an elderly neighbour. Students recorded their responses on a likert scale that was labeled "not confident" and "extremely confident". This same question was asked of students once they had completed the program. A comparison of students' confidence before and after using the resource is presented in Table 10.5. It can be seen from these figures that students generally reported being more confident about their abilities in conducting legal interviews with clients after having completed the program, with only one student reporting not being confident about their interviewing skills after completing the session.

Table 10.5. Students' confidence in conducting a legal interview before and after using the program.

	Percentage		
	Not Confident	Neutral	Extremely Confident
Pre-Test	3 (14%)	10 (43%)	10 (43%)
Post-Test	1 (4%)	7 (30%)	15 (65%)

Students were also asked about whether the program helped them identify specific interviewing problems and micro-skills. Twenty specific skills were targeted which can be seen in Table 10.6. The results in Table 10.6 show that for each skill the majority of students indicated that the program helped them identify these skills in the course of an interview. While a positive result, it is perhaps not surprising given an explicit focus of the program was in this area and the sample was of postgraduate students, almost half of whom had previous interviewing experience. It remains to be seen whether students' ability to identify these problem areas in a legal interview correlates with their successful management of these problem areas when actually conducting a legal interview. Areas which may be of particular concern are gender and cultural bias, the use of leading and complex questions, overloading clients with implications and mistaking opinions for facts, as these are areas some students had difficulty identifying.

7. General Discussion and Conclusion

The primary focus of this evaluation was concerned with the development phase of Bain's (1999) evaluation framework. As a result, this evaluation sought to gather information which would assist with the refinement and improvement of the CFL program *Legal Interviewing Skills*. Consistent with this goal, the evaluation produced both positive and negative findings in the three focus areas of interface design, students' learning processes and interview skills. In the area of interface design students were overwhelmingly positive about the use of video: both its technical quality and its appropriate use given the content of the program. A number of students commented that video was an easy way to see common pitfalls in conducting interviews. This validates the design focus of the development team, which employed video because it was

Table 10.6. Degree to which students indicated the program helped them identify specific interviewing problems/skills.

	Percentage		
	Agree	Neutral	Disagree
Poor introduction/rapport	83	18	0
Discourtesy	78	22	0
Empathy lacking/misplaced	65	30	4
Condescending attitude	78	14	4
Judgmental attitude	83	17	0
Gender/cultural bias	53	30	17
Poor preparation	78	17	4
Closed or narrow questions	74	17	9
Leading questions	69	17	14
Complex questions	54	36	9
Irrelevant questions	69	17	9
Confusing jargon	74	14	9
Implications overload	57	29	14
Opinion mistaken for fact	52	24	24
Unwarranted assumptions	62	19	19
Practical issues overlooked	82	14	5
Pre-occupation with litigation	91	9	0
Options not canvassed or explained	86	14	0
Financial and personal costs ignored	91	9	0
No clear instructions sought	73	23	4

seen as not only a way to make the program engaging but also as the most appropriate medium to display interview and micro-skills. Most students made use of the full screen video option and many students toggled between full and small screen video. However, it is clear that further attention should be given to making video controls available in the full screen mode. Likewise, attention should be given to the use of audio controls throughout the program. Student confusion could be reduced by allowing students to control the level of audio and by clearly indicating when an audio track is playing.

An area of the interface, and the program generally, that students did report having trouble with was navigation. Despite the developers' best efforts to make the interface intuitive, a number of students reported being confused about their location in the program and about how to get to where they wanted to go. While a number of students reported having less trouble as they became more familiar with the interface, it is clear that some redevelopment is needed in this area. Students offered a number of suggestions which will be considered by the development team. These recommendations involve the consistent use of buttons and menus and a gauge to alert students whether they have been in a particular area of the program previously. With relatively minor modifications a substantial improvement in the area of "ease of navigation" is expected.

The evaluation of students' learning processes focussed mainly on the "interview evaluation" section of the *Legal Interviewing Skills* program. We discovered that students found this section somewhat tedious. There are a number of possible explanations for this. The developers underestimated how persistent law students would be in this section. That is, students refused to move on to the next video segment until they had satisfactorily completed the section they were in; which meant finding all the correct answers. This desire for success led many students into a learning strategy of "systematic guessing". We hope this problem could be alleviated by providing more adequate feedback to students (an aspect of the program they were critical of) in order to encourage greater reflection and more meaningful interaction with the evaluation section. It may be possible to achieve a similar outcome by restructuring the task itself so that

students are given a limited number of chances to select the correct answer.

Students, on the whole, did not use the hyperlinked explanations of micro-skills in the interview evaluation section. When asked why this was the case, many students said they did not know this was an option available. Clearly this is an area for redevelopment and would become more important if the general structure of the program was changed as many students suggested. That is, if students were encouraged to evaluate interviews as their first task rather than after completing a general overview of micro-skills, students may have a greater need to link to unfamiliar terms and micro-skills. The restructuring of the program is an issue which will be considered by developers. The rationale for placing a general overview before the interview evaluation section was that students may not be familiar with many of the terms associated with communication and micro-skills. However it may be more worthwhile to introduce students to these terms in the context of an interview, as they need them, thereby promoting an intrinsic motivation to understand their relevance.

Finally, the evaluation revealed initial evidence that the program was on the right track in terms of achieving its learning objectives. These were associated with promoting students' awareness of communication and micro-skills associated with conducting a legal interview. The content developers were particularly interested in getting students to appreciate common problems or pitfalls in interviews. The results suggest that students are able to identify these pitfalls and are generally more confident about conducting a legal interview after completing the program. However, as noted above, these are preliminary results only, focussing on students' perceptions of their own skills. Further investigation is required to determine whether the program has an impact on how students actually conduct interviews.

The development team will use the findings of this evaluation, not only to edit and improve the first module in the *Legal Interviewing Skills* suite, but also to inform the development of the remaining two modules. The evaluation has focussed developers' attention on critical areas of development, namely navigation, the structure of the program generally, individual learning tasks and the provision of feedback.

The team plan to implement the resource, module by module and in its entirety after further development, evaluation and testing with undergraduate law students at Monash University. It is hoped that *Legal Interviewing Skill* will fill a gap in the law curriculum – caused by overcrowding and large class sizes – and become an invaluable teaching and learning resource.

8. References

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