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## **LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES**

### **VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

#### **"Music in Lectures and Examinations to Promote Right Brain Activity"**

*Victoria University of Wellington Legal Research Paper No. 142*

**JOHN PREBBLE QC**, Victoria University of Wellington - Faculty of Law, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, University of Notre Dame Australia - School of Law  
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Since 1998, most of John Prebble's classes in Laws 211 Contract and Laws 365 Elements of Taxation have been accompanied by background music from the Baroque era, approximately 1600 to 1750. The same music was played in 2012 and 2013 as background to classes in Taxn 301, Advanced Domestic Taxation, a course in the Victoria University Business School.

Broadly speaking, most music from the Baroque period is suitable to listen to while studying or in

class. People are not entirely certain why this should be, but one plausible explanation is that Baroque music generally has a very regular tempo and, apart from fast movements, about one beat per second. That is said to be approximately the rate of alpha waves in the human brain. There are thought to be two possible benefits.

First, some people hypothesize that stimulating alpha waves may promote creative thinking. Most legal study calls more directly on the analytical processes of the brain. It is thought that people can learn more effectively if creative processes are brought to bear at the same time. Secondly, people generally learn best if they are in a state described as "relaxed alertness". Music that mimics the pattern of alpha waves is thought to promote this state. Surveys of student preferences show that about 75 per cent prefer music in class, and another 10 per cent or more are indifferent.

Music in examinations: Experience suggests that the longer and more intensively people have been exposed to Baroque music during teaching the more likely they are to opt to have Baroque music during examinations if they are given that choice. In 2013 after 6 weeks or so of music in lectures over 70 per cent of classes in both contract and taxation opted for music in their mid-term examination. Students who chose music scored higher than those who chose silence. The difference in contract was two per cent and in taxation four per cent.

The paper examines some of the hypotheses that attempt to explain such results.

### "Organisation and Composition of Legal Prose"

*Victoria University of Wellington Legal Research Paper No. 143*

**JOHN PREBBLE QC**, Victoria University of Wellington - Faculty of Law, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, University of Notre Dame Australia - School of Law  
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This paper provides guidance on legal writing. There is advice on sentences and punctuation, words and spelling, style, and references. A series of writing examples are used to outline common mistakes and errors. Most examples relate to tax law, but the paper applies to legal writing in general.

### "Different Seating Charts? The Process of Legal Education as Represented in New Zealand and United States Fiction"

*(2012) 18 NZ Association for Comparative Law Yearbook 117*  
*Victoria University of Wellington Legal Research Paper No. 144*

**GRANT HAMILTON MORRIS**, Victoria University of Wellington - Faculty of Law  
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Both New Zealand and United States fiction examines the nature of legal education. After comparing and contrasting fictional representations in both jurisdictions, it is clear that there are more similarities than differences. Many of these similarities relate to the negative effects that the process of legal education has upon students. The Socratic Method serves as a ready symbol of this pedagogical failure, but it is only one of many ways in which New Zealand and United States fiction affirms the findings of legal education research. Fictional imaginings of law schools emphasise problems relating to teaching methods and teaching staff. As Duncan Kennedy has argued, the question of power permeates law school and heavily influences these problems. Confusing assessment, limited feedback, extremely high workloads, a lack of practical training, and emotional stress are all represented in New Zealand and United States fiction. There are some minor differences between the fictional representations from the two jurisdictions but the overall message is very similar. These are real issues and fiction portrays this in a powerful way. Legal educators in both jurisdictions should pay careful attention to fictional representations, in addition to education research, in the quest to improve law school teaching.

### "International Tax Education"

*Revenue Law Journal, Vol. 5, pp. 151-174, 1995*  
*Victoria University of Wellington Legal Research Paper No. 145*

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International tax education should be approached strategically. The strategy proposed has two elements. First, competencies should be developed, both skills based and knowledge based; and secondly, teaching techniques should be identified.

The article offers a philosophical and theoretical basis for the teaching of tax and suggests an approach to curriculum planning and programme design for the education of people who work in the area of international taxation. It examines the role of the teacher; the types of skills that students could be expected to acquire, such as critical thinking, elaboration, meta-cognition and types of reasoning; the distinction between substantive and administrative rules; and the importance of self-education. Proposed strategies for learning build on the kaizen approach, developed by W Edward Deming, that emphasises the importance of continuing education. A syllabus of topics and skills that could be included in continuing education curricula are given.

## "Indigenous Legal Issues, Indigenous Perspectives and Indigenous Law in the New Zealand LLB Curriculum"

(2009) *19 Legal Educ Rev* 257-270.

*Victoria University of Wellington Legal Research Paper No. 146*

**CARWYN JONES**, Victoria University of Wellington - Faculty of Law

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The teaching of Indigenous content in an LLB course can have a great impact on the learning of students. This article identifies three key types of Indigenous content that can be incorporated in an LLB course: Indigenous Legal Issues, Indigenous Perspectives and Indigenous Law. The author draws on his experience as a lecturer of Public Law and Māori Customary Law in order to show the benefits that teaching this content will have in a legal education, as well as the difficulties one may face when incorporating the content into the curriculum.

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Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and

senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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