



The Role of Innovative Teaching and Learning Methods in Legal Education

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Abstract

“That is the challenge for legal education: linking the interest of legal educators with the needs of legal practitioners and with the public the profession is pledged to serve.”

(Educating Lawyers: Preparation for the Profession of Law, William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, Lee S. Shulman. p. 4, San Francisco: Jossey-Bass, 2007.)

My purpose with the paper is to support the idea that the aim of innovative teaching and learning methods is to translate the enthusiasm of teaching to students' enthusiasm to learn. Furthermore I am convinced that the role of legal education is to ensure that while teachers are teaching explaining students are learning and understanding the argumentation. The aim is to ensure that students become familiar with the standards of legal thinking as soon and as efficiently as possible. I believe that innovative methods can be perfect tools for it. It might sound obvious, however in legal education it often happens that students are not able to follow the material, since they are required to study a lot and they are struggling with the knowledge level of thinking. Hence it is the task of the teacher with the aid of innovative methods to break deadlocks and avoid impasses that might occur during the students' learning process. In terms of presentation methods I especially focus on mini-lecture. Regarding innovative verbal teaching and learning methods I discuss simulation, role-playing. Taking into consideration innovative out of class teaching and learning activities I promote personal reaction papers. Finally in the paper I introduce the application of learning portfolio as an innovative assessment method which can reflect to the crucial question of “How students learn?” in legal education. Additionally I clarify how trends in assessment try to move from single method to multiply methods, from evaluating the “product” of the student to appreciating the process of development as well.

1 Introduction

The general statement is that the reasons behind the innovative teaching and learning methods and approach are the failures and weaknesses of the traditional methods. Traditional methods are not enough to promote adequate level and quality of student learning [1]. It tends to be teacher-centered methods, while ignoring the student-centered aspects of teaching and learning. In terms of assessment it does not pay enough attention to students' real knowledge and skills. On the contrary the crucial question without satisfactory answer still exists: Why teach and try to learn innovatively despite the risk associated with it? Adding that from the student's perspective the innovative methods are not welcomed in any case, situation, learning environment. It is very interesting that however students are critical of conventional assessment methods they admit that they appreciate safety and security comparing to the innovative methods. There is sometimes a presumption that the reasons behind the innovative methods are to release lectures, to make assessment easier, to reduce costs. On the contrary students argue that exams, essays which often appear to them are totally irrelevant and pointless tasks. Since it does not measure real learning and would not make sense in real life situations [2]. However a lot of empirical researches, studies, working papers support the idea and beneficial aspects of innovative methods we still do not know enough about the overall success of it.



2 In legal education

I do believe that the general ideas behind innovative methods are quite the same in any discipline. Motivating, encouraging students with the help of these methods promote interest toward the subject and try to find tasks that seem to be meaningful after the exams as well. Additionally give more chance for the students to share with the teacher and peers their ideas, opinions. However distinct disciplines can have different challenges, advantages, and opportunities regarding the innovative methods. Hereinafter I try to highlight just some characteristics of legal education comparing to other disciplines. From my point of view in legal education we can talk more about a problem-solving than problem-based learning and special attention shall be paid to this fact while designing the introduction of innovative methods. Legal science is not abounding with fictional questions, open-ended situations and problems. The step-by-step logical problem-solving through knowledge delivered by the teacher is more suitable in legal education. In this scenario the role of the student is to become a real problem solver who masters legal knowledge through more or less bounded problem solving. On the other hand the task of the teacher is to guide the student to the right knowledge and solution [3]. It seems that in a problem-solving approach the teacher is always a guide and a facilitator. I do believe that labeling an information deliverer type of teaching as teacher-centered and a facilitator way of teaching as promoting active learning and being student-centered is not totally correct. In my opinion, especially in legal education, the balance should be kept between the mentioned roles. Hence before introducing some innovative teaching and learning methods which are not often used in legal education I clarify the importance of mini-lecture as a presentation method. I am convinced that in legal education mini-lecture mixed with student activity is the most forwarding. On mixture I mean a short lecture at the beginning followed by seminar, practical, debate, or discussion. It looks like that there is not so much innovation since in legal curriculum a lecture and then few days later a seminar is well-known and widely acceptable, however sometimes not enough efficient. Thus the most important is to eliminate the strict division, even physical between the lectures and the seminars and to have lectures with student involvement. The teacher should promote and not force conversation among the students about the material, cases, subject matter. Moreover students can become good group-workers, role-players, after they are able to be individual learners. Hence students should lean the material step-by-step in order to be prepared for problem-solving and critical thinking what is essential in legal education and profession. I am convinced that brainstorming and active learning is also important from the first class, however it cannot replace individual learning. In summary the students may receive new information on each class and teacher's task is to leave enough time for them to incorporate the materials. Additionally educating lawyers have two major limitations. Firstly, giving only little attention to teaching students how to use legal thinking in practice. Secondly, law schools fail to focus on developing social skills. However law schools were able to make some progress in legal ethics education the social and cultural skill, context of legal profession is still marginal in the curriculum. On the contrary students need opportunities to lean and practice responsibilities of legal profession [4].

2.1 Simulation, role-playing, reaction papers, learning portfolio

In terms of verbal teaching and learning methods I demonstrate role-playing, simulation. I am certain of the efficiency of these methods not only in drama and sociology classes but in legal courses as well. The goal is to create a scenario that suits the topic, it is a safe setting however it pretends that it is real life. As a consequence it is appropriate to enable students to develop social skills which are essential for educating lawyers. One main advantage of role-playing and simulation is the possibility to encourage evaluation and synthesis of the subject matter while practically taking students out of their chairs and allow them to learn it by doing. In addition it is the role of the teacher to explain for the students that it is not (not only) fun, but an opportunity to participate in the learning process. In legal education it might be a moot court exercise, building up a negotiation strategy and observing a conclusion of a contract, or an alternative dispute resolution role-playing. They are appropriate to develop the argumentation and text analyzing and research skills of the students that they would need definitely in their professional life. Furthermore students can achieve deep-learning that is prerequisite of long-term knowledge [5, 6]. On the other hand this method can be time-consuming, hence it cannot be applied spontaneously, randomly. The teacher as the instructor of the simulation, role-play should have clear goals regarding the learning outcome and elaborated plan in connection with this method. Adding that it can be simultaneously in class and out of class activity, since a detailed role-play in



order to present it might need additional student preparation. Furthermore assessment of this method can be critical and confusing: only teacher assessment or teacher, peer and self-assessment as well. Regarding out of class teaching and learning method I discuss personal reaction paper. In legal education research papers, position papers and argumentative essays are more often used as written assignments than personal reaction papers. In fact it is quite understandable since reaction papers try to promote cooperation between the writers "hand", "heart" and "head." The only element that sounds strange in legal education is "heart," since law students in general are not get used to focus on their personal feelings, experience while writing a paper for a class up to 600 words. Albeit the ability to apply the material to their own lives is definitely relevant not only in sociology classes but also in legal education [7]. Hence the purpose of these papers is not grading, but exercising self-reflection while enhancing other aspect of the learning process. However giving feedbacks for the students are essential, since they were required to report something personally important for them. Feedbacks are essential in order to help students to develop their problem-solving tactics and strategies. The role of feedbacks is to get at the heart of a student's difficulties [8]. For these reasons reaction papers are not appropriate for giving students a problem or question that demands a real thesis answer. The objectives of this assignment are to encourage writing that is more explanatory, tentative and personal than the standard academic essays. In a reaction paper exercise students can be asked to clarify their reading, interpretational problems or the teacher can give a quotation and invite students to make personal comments on it [9]. One example, a statement by Albert Einstein: "We can't solve problems by using the same kind of thinking we used when we created them." The instruction for reaction paper as follows: Explain what you think about the main features of legal advocacy? Compare problem solving methods and adjudication in legal disputes while reflecting to the given quotation. Additionally information regarding the learning problems is essential for teachers in order to avoid deadlocks in the learning process. A reaction paper task in legal education might be asking about the obligatory internship, experience, and difficulties. Furthermore it might require students to introduce a discrimination related problem in their home county, region, or reflection on the connection between traditions, moral values and law through a personal example. Finally, I introduce learning portfolio both as an innovative assessment technique and a way of learning. It is an assessment technique since students are asked to collect, analyze, select representative samples of their work which are relevant in a given course for grading. Similar to simulations and role-playing the career of portfolio did not start in the legal education. Since one of the main ideas of portfolio, -namely making learning visible- is not a criterion or requirement in legal education. Adding that beyond the unquestionable innovation of portfolio it is all about to force students to write. As they prepare the pieces, receive feedbacks from the teacher they are expected to have all the time written evidence about deeper understanding, improved critical thinking skills [10]. A portfolio assessment in a legal course might require students to collect 5-8 pieces with variable length. These documents should be handed over to the teacher as a portfolio on the last class. The students are informed about the possible items of the portfolio that they will put together in the course of the seminar, lecture, and practical. Namely: a paper that shows interdisciplinary skills, two paper analyzing recent court decision-relevant to the course material, reflection and giving own opinion on a seminar/lecture/practical discussion, one essay that demonstrates research skills, review an article from a given legal periodical. It is a very creative task building on student motivation. On the other hand it can be an overwhelming and continuous work for a student. As follows the teacher is responsible for considering the students workload carefully. The portfolio as a learning process is very individual and independent task. However it is more about the students own decision how to demonstrate their achievements, it is essential to ensure an ongoing reflection, evaluation, feedbacks from the teacher's part. Portfolio is one of the best tools to observe how students learn. On the contrary students are not always willing or able to accept such a high level of independence and responsibility for their own learning.

3 Conclusion

In summary an innovative teaching and learning method is not panacea. It cannot replace traditional methods in legal education. For these reasons I argue that innovative methods shall be applied and introduced in collaboration with the traditional ones. The importance of incorporating legal doctrine from the beginning of the legal studies is undoubted. However innovative methods can provide law students significant experience with practice and opportunities to deal with issues of legal profession.



References

- [1] Race, Phil: Why Assess Innovatively? (2003). In. Sally Brown-Angela Glasner (Eds.), Assessment Matters in Higher Education, Choosing and Using Diverse Approaches (pp. 56-70), Celtic Court 22 Ballmoor, Buckingham: The Society for Research into Higher Education & Open University Press.
- [2] McDowell, Liz-Sambell, Kay (2003). The Experience of Innovative Assessment: Students Perspective. In. Sally Brown-Angela Glasner (Eds.), Assessment Matters in Higher Education, Choosing and Using Diverse Approaches (pp. 72-80, Celtic Court 22 Ballmoor, Buckingham: The Society for Research into Higher Education & Open University Press.
- [3] Savin-Baden, Maggi - Howell Major, Claire (2004). Foundations of Problem-Based Learning (pp.3-9), Maidenhead: Open University Press.
- [4] Sullivan, William M - Colby, Anne - Welch Wegner, Judith-Bond, Lloyd - Shulman, Lee S. (2007). Educating Lawyers: Preparation for the Profession of Law (p. 6), San Francisco: Jossey-Bass.
- [5] Denbo, Susan M. (2005). Contracts in the Classroom-Providing Undergraduate Business Students with Important "Real Life" Skills. The Journal of Legal Studies Education, 22(2), 149-167.
- [6] 2006 APSA Teaching and Learning Conference Track Summaries (2006), from: <http://www.apsanet.org/imgtest/Summaries.pdf>, (20 March 2011).
- [7] O'Flaherty, Kathleen M. (1992). Introducing Students to the Concept of the Sociological Imagination: A Written Assignment. Teaching Sociology, 20(4), 326-328.
- [8] Brown, George- Bull Joanna-Pendlebury, Malcolm (1997). Assessing Student Learning in Higher Education (pp. 146-147), New York, London: Routledge.
- [9] Bean, John C. (1996). Engaging Ideas: The Professor's Guide to Integrating Writing, Critical Thinking, and Active Learning in the Classroom (pp. 92-94), San Francisco: Jossey-Bass.
- [10] Zubizarreta, John (2009). The Learning Portfolio: Reflective Practice for Improving Student Learning (pp. 3-51), San Francisco: Jossey-Bass.