

## TEACHING LAW TO ONLINE LAW STUDENTS AT RMIT UNIVERSITY

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### ABSTRACT

This paper discusses the online Juris Doctor Program (JD Program) at RMIT University. The first part of the paper provides a brief overview of the JD Program, the graduate capabilities of the Program and key principles associated with the teaching of law to online postgraduate students. In line with the literature in the area of online teaching and learning, it is argued that online education needs to facilitate deep learning and needs to be based on principles relating to student engagement and active participation.

The second part of the paper showcases some of the courses that are taught on an online basis in the JD Program. A blended approach is adapted to the teaching of the advocacy as well as the Negotiation and Dispute Resolution courses. The Contracts Law course adopts a conversational framework to engage online law students. In discussing the online teaching and assessment practices in this course, the paper demonstrates how the teaching and assessment practices in these courses enhance deep learning and graduate skills and attributes essential for law students through premising the activities on principles relating to active learning and deep learning.

**Keywords:** RMIT University, law education, online

### INTRODUCTION

Over the last decade, the teaching of graduate capabilities and attributes has gained prominence in the higher education sector with a recognition that universities need to produce graduates who possess attributes that can be utilised in their professional lives(1). In the context of legal education, the Australian Learning and Teaching Council and the Council of Law Deans commissioned a report into legal education in Australia and emphasised that in addition to the teaching of discipline based knowledge, the law curriculum needs to develop a range of skills and attributes relating to critical thinking, communication, interpersonal skills, ethics, professional practice and leadership(2). Legal skills which are particularly important for law students include legal research, problem solving, legal analysis, interviewing and provision of advice, drafting and advocacy.

The graduate capabilities developed for the JD Program at RMIT University are built upon these frameworks are grouped into three core areas: discipline knowledge, legal research and professional practice. The Juris Doctor Program (JD Program) commenced in 2007 and is offered only to local students who have previously completed a university degree in any discipline.

The Program is run at a postgraduate, masters level. Generally, the students studying in the JD Program are mature aged and working either on a full time or part time basis. The JD Program is taught on both a face to face basis and online basis.

Offering the JD Program at a postgraduate level and through a distance education program required new teaching and learning and assessment practices which engage students and promote deep learning

Student engagement is central to online teaching as the absence of engagement is likely to result in the students not learning (4). Coates defines student engagement as 'student's involvement with activities and conditions likely to generate high quality learning'(5). Students learn effectively and more willingly when they undertake learning activities themselves (6). Accordingly, the effective engagement of students is dependent upon instructors providing students with opportunities and conditions to become more involved (7).

The maximisation of student engagement is a key factor in Program design (3). Teaching and learning and assessment activities used to facilitate deep learning for online students enrolled in the JD Program are based on principles relating to engagement, active participation, and collaboration(8). A central feature of the online teaching and assessment practices which are embedded throughout the JD Program is that they are designed to enhance various skills and attributes relevant to legal practice and are designed to promote deep learning by way of engaging online individual and group learning activities and assessment practices(9). The teaching and learning activities and assessment tasks require students to be active participants in the learning process and to provide deep explanations and justifications for their reasons (10). Group activities enable students to develop skills associated with team work and the opportunity to learn from each others (11). Moreover, students are provided with opportunities to reflect on their learning (12) and are provided with regular and meaningful online contact opportunities through carefully designed online activities and discussion forums.

The online courses offered in the JD Program are offered on either a purely online basis or through a blended approach. The next section discusses the principles enunciated in this section in the context of a blended approach utilised in the Mooting Program and the Negotiation and Dispute Resolution courses. This is followed by a discussion of the online activities in the Contracts Law course.

## **A BLENDED APPROACH TO TEACHING ONLINE LAW STUDENTS**

Over recent years, blended learning has gained increased recognition in higher education(13). Blended learning , is the integration of traditional face to face and online approaches to teaching and learning(14). Focusing on pedagogy rather than merely the technology involved in the online teaching, blended learning involves a redesigning of the teaching and learning relationship (15). More specifically, the online and face to face components of teaching and learning activities and assessment practices are intertwined so that the combination of approaches in teaching and learning and assessment leads to an overall improvement in the learning process (16). The blended approach has been most effectively used in the Advocacy course and the Negotiation and Dispute Resolution courses (17).

### **Advocacy**

The mooting (or advocacy) program in the JD Program aims to consolidate the learning of substantive law in a number of subjects and also to provide some experience in the use of skills such as advocacy, presentation, teamwork, and so on. In addition to a number of common assessment criteria used in every moot, distinctive knowledge and skills are emphasized in each subject of which mooting is a part (18). It is an "integrated" (that is, it is linked to core law subjects) and "incremental" (that is, the moots develop different skills over time) mooting program(19).

Students who are enrolled in both the face to face and distance education class are required to participate in a moot court. Each student is allocated to a team which is in turn divided into students who are given a role as either counsel or instructing solicitor. The team is provided with a legal scenario which they are required to collectively address by way of legal research and analysis of issues raised by the scenario. The scenarios are subsequently played out in a mock hearing in the form of a moot court role play.

To assist each team to prepare for the moot court, a team wiki is created on the learning hub for both the face to face and online students. Wikis are a collection of interlinked web pages utilised to store and modify information. The owner of the wiki provides permission for at least one of the pages to be modified so that a shared document is created. The remaining pages of the wiki store the different versions of the document(20). Students are provided with an exemplar wiki which assists them to learn the different functions attached to the wiki. Each team is instructed to use their team wiki to research and analyse the legal issues in their allocated scenario and to have a discussion forum about their role plays. In effect, the role play requires the students to work collaboratively in problem solving and preparing for the moot court hearing. The wikis also act as an information sharing measure. Moreover, the instructor is also able to participate in the wikis for each team to provide comments and guidance. The collaborative means of legal analysis and problem solving in the online environment is subsequently utilised in the role play for the moot court appearance whereby the students play their role as either an instructing solicitor or counsel in the court hearing by way of drawing upon the analysis, ideas and methods which were collaboratively developed in the online medium by way of the wiki.

In the Advocacy Program, the use of the wikis allows for the incremental building up of knowledge and the production of a collectively (21) edited brief of evidence and summary of the brief of evidence which are required for the mooting role play. As a collaborative exercise to prepare the brief of evidence, the wikis also provide the opportunity for scaffolding through teacher feedback on the content generated by the students (22).

A blended approach to the mooting task enables the students to not only work collaboratively in the online medium, but also enables them to develop their advocacy, drafting and problem solving skills, which finally culminates in the 'real life' presentation of the scenario at hand.

### **Negotiation and Dispute Resolution**

In Negotiation and Dispute Resolution course, online role plays and class room negotiation role plays are undertaken in tandem to engage students and to develop graduate attributes. A role play is a "social or human activity in which participants 'take on' or 'act out' specific 'roles' often within a predefined social framework or situational blueprint. In role play each 'actor' develops a particular behavior, adopts an approach and/or responds to a scenario on the basis of a combination of the role they are asked to play and their interpretation of the particular scenario with which they are presented"(23).

Ten out of the twelve classes are completed in the face to face medium and two classes are undertaken on an online basis. Students first participate in several face to face classes. In these classes, apart from instilling discipline based knowledge, face to face role plays are also conducted.

The face to face classes enable students to develop a range of skills which assist them in the role plays and additionally enabled relationships to be built up so that students can be paired up for the online role plays.

Following the completion of the face to face classes, students are required to design the scenarios for their role plays and enact these scenarios on an online medium. Students are required to read online lecture resources on the theory of negotiation. The students are then allocated a task through the learning hub. Students are required to work collaboratively to write their role play. Wikis are used to create the role play scenario which each student contributes to. Following the student completion of the role plays on the wikis, the completed scenarios are posted on the discussion board. Each student then takes on the role of the player and then the designer. Students are assessed about their learning through an online survey administered by the lecturer, designed to obtain information about the student's perception of their learning and opportunities for comments on this matter.

Students are required to switch roles and to complete the task again. Following on from this, the students participate in a debriefing session by way of a group blog. In the group blog, students relate their experiences in designing and playing out the role play to the theory of negotiation. The lecturer and an independent mediator also participated in the blog discussion

Reeves, Herrington and Oliver (24) argue that online learning environments can add value to the learning environment by enabling students to: "move freely around the resources provided rather than move in a linear fashion that may not ape the complexities of real life. Problems presented to students can use the full capacities of the technology to present situations and scenarios in video clips, texts links and images to give meaning and purpose to the students' endeavours and to provide motivation to complete the task".

Role plays, conducted through the face to face or online medium in the Negotiation and Dispute Resolution course foster active learning experiences to develop legal skills and generic graduate attributes(25), namely to learn about negotiation skills, problem solving and advocacy , thereby preparing students for their work experiences. The use of the online tools (such as discussion board and blogs) provides students with the opportunity to develop skills relating to communication, problem solving, critical thinking and reflection in the online environment. The online role plays provide the opportunity for students to act out and experience situations from differing perspectives and in doing so, reduce the knowledge- practice gap (26).

Participation in the group blogs provide opportunities for self and peer reflection on the negotiation exercise. The collaborative manner in which the exercise is undertaken and the debriefing which takes place afterwards by way of a group exercise enables for a dialogue to take place between the students and between the students and the instructor which enhances deep learning through reflection and critical thinking skills in the online environment(27).

Regular and constructive feedback by the instructor and peers on the contents of the blogs assists students to reflect, communicate and to construct new knowledge(28).

### **CONTRACTS LAW: THE ADOPTION OF A CONVERSATIONAL FRAMEWORK**

In the online teaching medium, it is essential that the lecturer adopts an active role as this impacts upon knowledge construction. Laruillard (29) advocates for the utilisation of a conversational framework for effective use of online technologies so that the ultimate aim is to engage students through participation in scholarly discussions designed to enhance deep learning.

This is where the instructor's task becomes critical as it is the instructor who needs to provide meaningful learning tasks and appropriate feedback to facilitate this process (30).

The teaching and learning and assessment practices utilised in the Contracts Law course are premised on the above principles so that online law students are provided with the opportunities to construct their knowledge both individually and collectively with appropriate opportunity being provided for feedback and reflection. In this course, extensive and effective use is made of the discussion board for the purposes of both learning and assessment. By way of a commencing forum on the discussion board, students are required to briefly introduce themselves. This exercise enables the students to acquaint themselves with the online environment and fosters a sense of community as the students are introduced to each other.

The discussion board is extensively used for assessment tasks which total 15% of the total assessments in Contracts Law. The assessment requires each student to prepare and make an online presentation and to also comment and contribute to discussion about another student's presentation. At the commencement of the course, each student is allocated with a legal problem. On a weekly basis, a discussion forum takes place regarding a pre allocated topic. Each student is required to post their answer to the legal problem which has been allocated them at the commencement of the course. Other students are then required to post comments and discussion about the answers provided, including room for improvement and whether any issues were missed and so forth. At the end of the week, the student who provided their answer has the opportunity to amend their answers by way of incorporating amendments that have been made during the discussion forum. The revised assignment is then submitted for marking by the lecturer.

In addition to these weekly forums, students in this course are encouraged to utilise the discussion board to communicate with the lecturer and other students. This is achieved through a separate forum where questions can be raised and answers posted by all students and the lecturer. This forum enables students to share their knowledge and to provide feedback so that ultimately all students can benefit from the information on this separate post.

The utilisation of the discussion board for the assessment tasks in Contracts Law encourages and facilitates active learning and engages the student to apply their knowledge to and analyse real life problems. Assessment tasks and learning activities which encourage students to actively participate in the learning process have several advantages. Firstly, a carefully planned online discussion environment which facilitates active participation allows more time for reflection during the discussion.

This engagement and reflection in turn enables students to better consider their answers and to justify their answers and arguments by way of evidence<sup>(31)</sup>. Secondly, collaborative engagement amongst a peer community enhances opportunities for the clarification of ideas, the development of skills and the construction of new knowledge as the "learning becomes a by-product of that interaction"<sup>(32)</sup>. This process of knowledge construction has the potential to facilitate deep learning and higher order thinking <sup>(33)</sup>.

## CONCLUSION

It has been argued that the development of graduate capabilities for online law students is very important so that graduates are 'work ready'. It has also been demonstrated that in the online medium, effective learning can only be achieved through law programs adopting teaching and learning practices and assessment tasks framed upon principles relating to active participation and deep, learning.

The courses which have been showcased in this paper demonstrate how these principles have been put into practice.

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