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Conference on Teaching and Learning in Law

"Directions in Legal Education 2018"

1 - 2 June 2018

Book of Abstracts

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2.00 – 2.30 pm Opening Address
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The Hon. Mr. Justice Joseph Fok. Hong Kong Court of Final Appeal

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2.35 – 3.20 pm Keynote Speaker I
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Prof. Paul Maharg. Osgoode Hall Law School, York University

Three portraits and a seascape: An exhibition of future law schools
Law schools in the early twenty-first century are under many pressures that did not exist half a century ago. Law as a body of knowledge has become much more fissured and specialised in the curriculum; it has also become globalised; there are many more pressures now on faculty research and teaching activities; law schools are more diverse, operating within a massified HE system now firmly embedded within New Management policy/audit practices; students come with new expectations and leave for new and more diverse employments; regulatory pressure is more powerful and more frequent upon the law schools; digital education is reshaping the law curriculum; financial support is rarely commensurate with the demands made upon the school. How might law schools respond to these bewilderingly complex changes? I argue that while faculty may consider that the fundamental values of law schools remain largely similar, such pressures are inexorably altering law school activities, and as a result the materialities of law schools themselves are changing. Other disciplines in the academy, however, can help us imagine portraits of what we might become, and how we might adapt and change in the future.

In this presentation-as-exhibition I shall outline three possible futures for law schools, none of them antithetical to the other. The first portrait paints law school as a design school, and to illustrate this I shall show the strong similarities between Problem-Based Learning (PBL) and the Bauhaus aesthetic. The second portrait reveals law school as a kindergarten, and in the detail of that portrait we shall see how learning, code and multimedia can be used to develop critical and professional identities, much as play and creativity are used in High Scope and Montessori kindergartens. The third portrait focuses on the strong parallels between law school and art school, taking *inter alia* the central place accorded to both habit and creativity in art school learning, and how those capabilities can be developed in law school, not least in learning what might be regarded as the foundations of our own discipline: justice, legal reasoning, communication, legal history. Finally we shall consider the art of seascapes: what faculty and regulators can learn from the concept of a seascape for the future of law schools; what students can appreciate and practice in their own lives and careers.

Parallel panel session 1 - Training for the professions

Mr. Paul Mitchard QC. Faculty of Law, The Chinese University of Hong Kong
Preparing students for legal job applications
Whether or not the content of academic legal training matters. The role of professional qualifying examinations in preparing for a legal career. What else students need to prepare for a legal career – including languages, personal and behavioural skills, professionalism training. The need for awareness of career choices and of the legal market. Whether HK's universities, the Law Society (and HK Bar) in combination fulfill these requirements.

Mr. Wilson Leung. Temple Chambers
Preparing students for practice at the Bar
The 'core' academic subjects (e.g. contract and equity). Other academic subjects to be studied as optional modules or on introductory level (e.g. conflict of laws). Research skills: it is more important to teach 'how to find the law' than 'what is the law'. Critical thinking: how to attack/defend any given proposition and any given side of a case. Forming, articulating, and defending one's own view. More advocacy training, including interlocutory applications (i.e. not just 'Supreme Court' issues) and performance skills (e.g. voice training). Career guidance (especially: should you join the Bar; what to expect if you do join; and nuts & bolts of joining).

Ms. Mary Schaus. Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates
Preparing students for solicitor job applications

Parallel panel session 2 - Challenges facing legal education systems

Dr. Rabbiraj C. & Prof. Tania Sebastian. School of Law, VIT, India
The urgent need for revival and renewal of Law Education in the Government and Private Sectors in India
The infusion of zeal in the Indian legal education landscape came in 1987 with the commencement of a dedicated university with a five year integrated course in law, attracting the best of students, faculties and resources. This was the beginning of a revolution, and with added enthusiasm of the private sector, legal education began its renewal in India. This led to professionalism in the legal profession that came about as a result of the deteriorating state of affairs in government law colleges. However in the past three decades, nearly all sectors and all forms of legal education have failed. With this background the paper explores the need for an urgent revival of practical-oriented legal education and renewal of research based legal education that requires immediate attention.

A strenuous attempt to induce the missing aspect of socio-legal and inter disciplinary research into the education eco-system is required, as today legal education in India *still* needs to truly prepare students for their legal careers. The absence of social justice in representation of students in the private sector and the link to see the world of the poor and the helpless makes the education incomplete and elitist. The presence of socio-legal empirical research needs to be addressed to address the problem of inadequate data, more so as it provides the missing link in a subject that is based on 'practice.'

The conclusion deals with various methods to efficiently address these short comings. We suggest an all-inclusive measure to include students, and work towards the professional development of faculties of law. This also includes the need for educators to be allowed to explore avenues that they teach, use and encouragement of deputations, and practioners for technical subjects in teaching law. Other concerns peculiar to the Indian scenario that are addressed include the alien concept of academic freedom and the failure of the Bar Council of India as the regulatory body for legal education in India, more so as teaching law should be done in a manner that is reflective of law as a socially relevant, plurality-sensitive subject and as a living and breathing organism that is reflective of the society, and not as a training ground for sharks.

Prof. Stephan Sonnenberg. Jigme Singye Wangchuck School of Law
Learning from our students: Designing a doctrinal course around an overarching research topic
During the Spring semester, 2018, Stephan Sonnenberg taught a course on Contract Law at the Jigme Singye Wangchuck School of Law. The course was taught to the first batch of law students, at Bhutan's first and only law school, which opened its doors just six months earlier. That law school was founded to teach law in Bhutan, at the highest of international standards, but also consistent with Bhutanese customs and values. As such, the course was intentionally designed to be ground-breaking.

Of particular interest to Sonnenberg during the course design process was how to embrace the ongoing relevance of Bhutan's rich customary practices in the course. Bhutan's formal legal system only began to emerge in the 1950s, with the establishment of its judiciary and—since that time—a growing body of legislation and case law. But, of course, Bhutan before the 1950s was not a "lawless" place; instead, it was a place where local dispute resolvers handled disputes based on Bhutanese traditions and customary norms. In most parts of Bhutan, those same traditional norms continue to influence how most Bhutanese distinguish right from wrong, and informal dispute resolution practitioners continue to handle the majority of local disputes.

How, then, to bring those traditions into a doctrinal course on contract law, especially in a context where very little prior research exists on these traditions? Sonnenberg's strategy involved sending students back to their respective home villages *before the course begin* to conduct in-depth diagnostic interviews with village elders. Having armed his students with this first-hand knowledge, Sonnenberg structured the course to encourage continuous reflection throughout the course, comparing modern contract doctrine with the traditional norms students uncovered in their interviews. Sonnenberg proposes a paper reflecting on this collaborative classroom learning process, and the outcomes of such a pedagogical approach.

Ms. Xin Yuan. Griffith University Law School
The future trend of Chinese Legal Education: From the Chinese Juris Master Degree's perspective
My presentation will use the Chinese Juris Master Degree as a starting point to introduce the future trend of the Chinese legal education reform. The Juris Master Degree is a practice-oriented legal education degree, which was established in the context of Chinese political and economic reformation in the 1990s. The number and complexity of legal conflicts have been increasing because of the enactment of the rule-of-law policy and the reform towards a socialist market economy. Therefore, the Juris Master Degree aims to cultivate more elite legal professionals to deal with these increasing transactions and legal conflicts.

The Chinese legal system and legal education system have trended towards westernization since the 1990s. The Juris Master Degree, which was established based on the American Juris Doctor model, is a good example of this. However, the Juris Master Degree has faced many problems because the imported education model did not fit into the Chinese context. Recent reformation policies have been issued to recontextualize the JM degree and aim to build the legal education model with Chinese characteristics. It can be regarded as a signal that Chinese legal education is transferring from imitating foreign legal education models to building its own model based on the Chinese context. Therefore, the Juris Master Degree provides a good starting point to introduce and analyse the Chinese legal education reform.

After an introduction to the problems within the Juris Master Degree and the Chinese legal education system in general, my presentation will focus on several recent Chinese government – issued politics regarding legal education. The analyses of these policies will provide a window into the future of China's legal profession. As China is playing an increasingly important role in the world market, for other countries, knowing trends within the Chinese legal profession is of significance in order to react to China's development and seek future cooperation opportunities.

Parallel panel session 3: The future of legal education I

Prof. Geraint Howells. Law School, City University of Hong Kong
Every pint bottle should contain a quart – Expectations of legal education
Law degrees often have a stipulated core in Hong Kong this is large. 11 subjects are stipulated by the professions and Universities often add their own requirements. Since the extension to four years general education has also been a core component. On top of this there are demands for experiential learning, overseas study and ensuring students understand the business of law and the context within which law forms operate and recently the impact of technology on law and lawyering. This talk will open a discussion of how much and what types of things a law school should do and whether the traditional law school model can adapt or needs to be replaced by new models.

Prof. Alvin See Wei Liang. Singapore Management University
Humans versus Machines: Opportunities in the midst of uncertainties
Some say that machines will eventually replace lawyers. Given the astonishing pace of technological advancements, nobody can say for sure that this will not come true. However, even assuming the accuracy of the prediction, there are at least two characteristics of the law that will slow down this process, and which lawyers can exploit to retain a foothold. One is the complexity and inherent imprecision of the human and legal language. The translation of law into code thus involves a preliminary step of interpretation, often requiring consideration of the relevant history, political and socio-economic factors having influence on the law. Not only does this preserve the role of lawyers as chief interpreters of the law, it also opens up opportunities for those who are competent in both fields in the endeavour to translate law into code.

The other difficulty with the study of law is that there is often no right answer. Law is dynamic. Conclusions are often arrived at after balancing a range of competing considerations. In contrast, machines mostly operate in a binary manner ("Yes" or "No"). Even if the provision of legal service can be reduced to a matter of winning or losing, merely predicting the probability of an outcome, which machines allegedly do better, is under-representative of what lawyers do best. In an adversarial system, both sides are expected to put forth their best arguments, and it is not infrequently that prevailing laws are overturned. Surely this is not the result of merely arguing what the law is, but what the law should be, which often requires a great deal of persuasive ability and creative argument. Given that the nimbleness of the human mind has its unique place in the study and practice of law, providing adequate training in this regard should clearly be the focus of today's legal education. This will better prepare law students to meet the challenges of tomorrow and to grasp opportunities in the midst of uncertainties.

Ms. June Sieh. Berwin Leighton Paisner
Mr. Ian Lee. School of Accounting & Finance, the Hong Kong Polytechnic University
Legal education in keeping pace with finance technology (Fintech)
More and more complex legal challenges have been arisen at the intersection of technology and financial services over the last few decades. With each phase of innovation comes with enhancement of customer expectations, evolution in the regulatory regimes and a shift in the competitive landscape. In order to maintain its competitiveness and facilitating a lean "new economy" of open-access financial services, regulators, policymakers and market leaders such as those working in financial institutions and law firms, are quickly and effectively accessing technology to be well prepared for this period of transformation.

For future law students, whether they will become the legal technologists, financial services regulatory and enforcement lawyers, intellectual property lawyers, banking, finance, structured finance and capital market professionals and other experts, will sooner or later encounter the challenges presented by this new reality. They must be well prepared themselves and act quickly and competently to become the key in orchestrating progressive strategies that liberate Fintech businesses in the evolving regulatory environments.

This study will explore the innovative and essential approaches in legal education in order to equip the future law students to embrace the opportunities in this era of transformation. It will look at the examples of practical applications of Fintech projects or transactions that goes beyond the cryptocurrency transactions, explore the risks that would possibly be posed by Fintech projects or transactions, discuss on how the regulators in different relevant jurisdictions are formulating new rules in order to tighten their control over the activities of Fintech projects or transactions.

Parallel panel session 4: Legal education and human rights

Ms. Kayliegh Richardson & Ms. Ana Speed. Northumbria Law School, Northumbria University
Consideration of whether participation in the international '16 days of activism against gender based violence' campaign is an effective teaching tool for raising awareness and understanding of gender based violence
The international campaign, '16 Days of Activism against Gender Based Violence', seeks to raise awareness and understanding of gender-based violence in a variety of settings. The campaign requires its participants to join in in advancing the right to education and challenging violence, discrimination and inequality and take into account intersections such as gender, race, ethnicity, religion, sexual orientation, socio-economic status and other social identifiers.

The authors of this paper are both clinic supervisors at Northumbria University in Newcastle Upon Tyne, England. As part of their research project the authors asked final year students on the MLaw degree at Northumbria University to become involved in the campaign by participating in a variety of awareness raising activities during the course of the 16 days, which ran from 27 November 2017 until 10 December 2017.

The research aims are to identify whether participation in the project:

1. increased the students' engagement with issues of gender justice.

2. was an effective educational tool for raising the students awareness and understanding of gender based violence in its many forms.

3. increased the students' understanding of the domestic and international framework for protecting victims (in particular women and children) of gender-based violence.

After the activities, students were sent a questionnaire asking them to discuss their experiences of participating in the activities and whether they felt that participation in the project achieved the aims set out above.

This paper will discuss the activities undertaken by the students and will address the data gathered. Finally, the authors will discuss their thoughts on whether awareness of gender-based violence and other international family law issues can be appropriately raised in an educational setting.

Mr. Michael Vidler. Vidler & Co. Solicitors

Mr. Mark Daly. Daly, Ho & Associates
Commentary on Legal Education from a Human Rights/Public Interest practitioner's perspective

Parallel panel session 5 - The legal educator: role, identity and professional development

Prof. Lutz-Christian Wolff. Faculty of Law, The Chinese University of Hong Kong
Law teacher motivation –Really important?
Modern legal education is - or at least should be - student-focused. Particular attention is given to the question how students can be motivated and how effective particular teaching devices and methods are in this context. Against the backdrop of the resulting student centeredness the motivation of law teachers receives much less attention. This appears problematic as everybody will agree that law teachers' motivation is important as well and should consequently be addressed at different levels for the sake of achieving the desired learning outcomes. This paper discusses related questions from the viewpoint of three stakeholder groups, i.e. teachers, students and the providers of legal education. It first asks why law teachers teach rather than, e.g., opting for work in private practice. Attempting to go beyond the obvious, this paper then explores if and why teachers' motivation is important for legal education. To turn the findings into action items the last part of this paper analyzes how law teacher motivation can be increased - or at least maintained at the current level - and what the role of different stakeholders should be in this regard. A summary concludes this paper.

Prof. Eunice Tang. Faculty of Education, The Chinese University of Hong Kong
Building and sustaining an online Community of Practice (CoP) in professional undergraduate programmes: an example in teacher education
Aligning with the social network perspective, communal constructivism in which individual contributes to and benefits from a community which provides a living repository of learning has become a prevalent theory in technology-based learning. The theory addresses situated practices and communal learning processes that enable identity building and knowledge construction through negotiation, reasoning, inquiry, and collaboration within the norms and practices of the group or community (Wenger, 1998; Lave & Wenger, 2001; Wenger, 2006; Hughes, 2010; Haythornthwaite & Andrews, 2011). Sharing the same theoretical construct, Platform for Teacher Education (PLaTE) was created in 2007 with aims of producing professional, effective and reflective English Language teachers.at the Faculty of Education, The Chinese University of Hong Kong. PLaTE contains of 3 network sites, serving different functions at different stages of learning. The network site "Teaching Portfolios" works on .a Community of Practice (CoP) environment. Members include pre-service and in-service English teachers, graduates, Faculty staff, and other teaching professionals. "Teaching Portfolios" focuses on the process of professional development during the 5-year of study at undergraduate level. Student teachers document their learning outputs and interact with mentors or experienced members from the community. Currently, "Teaching Portfolios" has 410 members, 12,350 posts, 13,488 comments and 7,128 authentic English lessons. In this presentation, the technical design framework and its operational design framework will be exhibited. Members claimed that they became more reflective, supportive and inquisitive after they had more interaction with the community members. However, active participation of individuals, interactiveness among members and sustainability of the community still need to be enhanced. The experience will certainly shed light on the future development of similar construct in other professional programmes.

Prof. Michael Lower. Faculty of Law, the Chinese University of Hong Kong
Developing the professional identity of the legal educator

Many of us agree on the need to move to student-centred teaching and learning and for students to be self-directed learners. This has implications for the role of the teacher since the emphasis is no longer on the teacher's role as transmitter of information.

Paradoxically, however, the teacher's role is more important than before since creating student-centred learning environments requires more of the teacher than mere information transmission. Students need to be prompted to engage in self-directed learning, to receive guidance and support so that they have the knowledge and skills that they need to achieve more in the learning environment created than they could have achieved without it.

The teacher is prompt, designer, facilitator, expert, role model and coach. The teacher may need to lead a team including educational technology experts and, perhaps, a group of assistants or facilitators. The demands made on teachers can only increase as they try to satisfy the expectation that they will prepare students to participate in the new knowledge economy.

I argue that this change requires teachers to have a greater sense that the role of legal educator (of HE teacher in general) is a professional role and that 'teacher' is their professional identity. This entails that there is a profession of legal educator / HE teacher.

One of the characteristics of a profession is that it has its own knowledge base. Being a professional means, among other things, that one has achieved a certain knowledge of, and ability to work with, the professional knowledge base. A more extended vision of professionalism sees the professional taking responsibility for the curation and development of the professional knowledge base.

Law Schools that want to promote the professional development and identity of the teachers that work in them have a range of avenues that they can pursue. They can encourage and facilitate teachers to engage in action research and share their findings (perhaps in scholarly publications). They can encourage professional accreditation through schemes such as HEA or HERDSA Fellowships. They can promote inter-institutional collaboration and knowledge exchange.

There is much that can be done to complement institutional efforts such as the creation of Communities of Practice that seek to develop knowledge within more specialized fields.

9.30 – 10.35 am Plenary session: Directions in Legal Education

Prof. Lyria Bennett Moses. Faculty of Law, the University of New South Wales
(via Skype) What law students need to know about technology
One question that often gets asked when people think about the future delivery of legal services is "What do lawyers need to know about technology". This brief presentation will discuss the practical question of how to teach law students technical skills and, more importantly, how to embed such teaching within a critical framework, sensitive to ethical issues and professional challenges. In particular, it will focus on what law students need to know about artificial intelligence (and why), legal information systems (and how) and blockchain.

Prof. Rick Glofcheski. Faculty of Law, The University of Hong Kong
Learning law independently through authentic problem-solving
Law is conventionally taught through lectures and tutorials, or simply through lectures. This tends to produce a largely passive learning experience that relies rather heavily on what Biggs characterizes as knowledge transfer. There is limited scope for engagement with the material, and retention levels are low, students often lamenting how little they retained after completing a course, and how, after entering the world of work, how little from their formal legal education they were able to recall and apply on the job. With a view to addressing this learning deficit, the presenter designed and introduced, as a compulsory component of the course, a self-directed student assignment that has come to be known as the reflective media diary (RMD). It requires students to read the news media and identify news stories that relate to the subject matter of the course being studied. The assignment begins at the start of the course. When the student identifies a relevant news story, the student must write a short analysis of the news report from a legal (eg tort law) perspective. The student must diarize at least one and up to three news stories per month. There is no limit on the number of news reports that can be diarized, but ultimately the student must shortlist ten items (no more than three from any given month) for inclusion in the final submission. The student must then produce an in-depth legal brief on two of the news stories. Because the assignment is self-directed and completed over the duration of the course without any teacher intervention, and because it requires students to identify authentic problems, the assignment can be seen to produce more sustainable and more relevant learning, and foster a life-long, learning disposition that takes into account the social dimension. Students learn a skill not otherwise taught: how to identify legal issues in unflagged settings. The presentation will explain the background of RMD, initial difficulties encountered, how they were overcome, and the substantial learning gains achieved, with reference to scholarly literature and to data collected from students.

Mr. Jeremy Dein QC. 25 Bedford Row, London
Responding to domestic and global demands – joint liability
To aspire to a career in law is less for the faint hearted than ever before. Fierce competition still puts the spotlight on academic results. Dreams, though, are quickly shattered.   Only around a quarter of would be solicitors in the UK secure a training contract, whilst fewer than one in five aspiring barristers achieve pupillage. Similar challenges exist in Hong Kong, and elsewhere. Thus, maximum collaboration between legal academics and practitioners is increasingly vital to the nurturing of a strong, developing, and useful legal profession. There must be mutual acknowledgement of the demands made upon new entrants to the legal profession – educators and practitioners alike. Practice needs to find ways of interesting academia in its concerns, whilst respecting educational goals more. Equally the realities of modern day practice must find a place throughout legal education. A powerful CV that glitters with experience of life and extra curricula activity is the lifeblood of the would-be lawyer nowadays.   Together, universities and practitioners have a responsibility to prepare the aspiring to meet this challenge. And as more people and goods flow across borders, foreign laws become relevant. Globalization of legal education, and practical experience of cross border issues, is crucial. Law, in all its forms, is at the very heart of society. Modern lawyers must be competent to service diverse needs as never before.   Academics and lawyers together are jointly liable for ensuring that skills now taught   address the demands of practice today , if the next generation of lawyers are to be the stars of tomorrow.

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11.05 – 11.50 am Keynote Speaker II

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Prof. Julian Webb, Melbourne Law School, The University of Melbourne.
Beyond future shock: Will there be a law school in 2040?
With this paper I intend to offer a provocation: given the pace of technological change that we are now facing, what might be the focus of law schools in 2040? Will there even be a recognisable institution called a law school?

Nearly fifty years ago, Alvin Toffler predicted many of the far-reaching technological developments that we now take for granted. These developments constitute the modern condition that philosopher Luciano Floridi describes as "onlife" – "the new experience of a hyperconnected reality within which it is no longer sensible to ask whether one may be online or offline" (*The Onlife Manifesto,* p.1). A world of hyperconnectivity, in which "change is the only constant" (a phrase Toffler also coined) offers considerable challenge, not least for law, which seems constantly to be engaged in a race to keep pace with technology. As a consequence, we tend to operate in a state where the future arrives prematurely, and with a social and psychic cost: the experiences of overwhelm, disorientation and denial that constitute the *Future Shock* of Toffler's title.

Drawing on conceptual work in the philosophy of information, social complexity theory and regulation, I distinguish the future (shock) facing law schools into the mid-21st century: an emerging state of 'onlaw', a concept that I use to characterise the increasing embeddedness of legal norms within the facticity of technological systems.

Onlaw challenges both the concept of law itself, and the practices of legal education. It suggests that the law school, if it is to survive and even thrive, must engage deeply and systematically with technology, not treat it as merely another tool or a problem for which law is a solution – as "legal tech" or an optional "law and…" extra. As a way of beginning the conversation, this paper concludes with a short manifesto for an onlaw curriculum that might assist us in re-designing the law school for 2040.

Parallel panel session 1 - Flipped classrooms and videos / podcasts to support learning

Prof. Kate Offer. University of Western Australia
I flipped the Law and the Law won: Flipping the Law classroom for higher level learning
The flipped classroom model has been a 'buzzword' in K-12 education for some time but the concept has been slow to make serious inroads into the tertiary sector. Law Schools in general have largely reflected this wider reticence.

Despite the gradual inclusion of modern teaching techniques, the dominant method of instruction in Law Schools is still the lecture and tutorial model. Generally the lecture is used as the primary means of content delivery, with a weekly tutorial seeking to reinforce this newly acquired knowledge by giving students the opportunity to apply it to (typically) a hypothetical fact scenario.

The issue with the traditional approach has been maintaining student engagement, particularly at the content delivery stage. The "chalk and talk" approach of the traditional lecture faces significant challenges in a world where students are increasingly exposed to sophisticated and engaging methods of acquiring information. In contrast, the 'flipped' model, where content delivery takes place outside the classroom through online means, leaves greater class time available for more active engagement, where students can delve deeper into the some of the more complex issues associated with the subject, with the guidance of the lecturer.

This article focuses on the author's successful adoption of the first fully 'flipped' classroom in the teaching of Torts to first year students enrolled in the Juris Doctor at the Law School at UWA in 2017. In it, the author will examine the flipped model of education and discuss how was the model adapted to the teaching of Torts as well as the resources that were necessary to successfully implement the strategy. Finally, and most importantly, the author will discuss the outcomes that were achieved, both in terms of student engagement and the quality of student output.

Ms. Jenny Chan. Faculty of Law, The Chinese University of Hong Kong
The challenging decisions involved in Flipping a Law course
In March 2015, Professor Wolff and I first experimented with the Flipped Classroom model. Since then, the Flipped Classroom model has become an increasingly popular teaching approach. This innovative teaching approach generally refers to using video lectures before class to free up in-class time for interactive activities to engage students in higher-order learning. It is because of this pedagogical appeal that we decided to run a pilot study on its feasibility in teaching the LLM course "The Law of International Business Transactions II" at the Chinese University of Hong Kong.

Reflecting on the experience, the most challenging decision we had to make was to decide on the most suitable approach for the online lecture. This presentation introduces the available approaches for giving online lecture (the screen capture, white board and audio only approaches) and the alternative approach of using Open Educational Resources. It also explains how we used a list of questions to assess the feasibility of each approach.

Mr. Alan Gibb. Faculty of Law, The Chinese University of Hong Kong
Micro-modules – Gimmick or (useful) gizmo?
Alan Gibb is a Professional Consultant at CUHK. He has won teaching awards at HKU (SPACE) and at CUHK. Over the past three years he has produced a total of 15 micro modules (duration approximately 8- 10 minutes each), with the assistance of CUHK AV Services Unit, in the areas of Conflict of Laws, Commercial Law and Contract Law.
The principal aims of the micro-modules are to complement traditional teaching methods by focusing on areas where students traditionally have difficulty (making the same mistakes year in year out), to overview complex topics highlighting key issues and to demonstrate the connections between different areas of law which are traditionally taught in a linear way. To ensure that the micro-modules are not merely a passive learning experience each micro-module is accompanied by a quiz to enable   students to self-test their understanding of the issues raised in each video.

The focus of the presentation will be on an evaluation of the benefits of these micro-modules in enhancing the students' learning experience. Based on Alan Gibb's own experience and feedback from focus groups, are the micro-modules merely a placebo with no discernible gains to the students' comprehension of an area of law or just a glorified form of spoon feeding? Alternatively have they actually had a beneficial effect on students' developing a better understanding of the law, thereby enabling them to take their independent study of a topic to a higher level?

Parallel panel session 2 - Students as researchers

Prof. Rehan Abeyratne. Faculty of Law, The Chinese University of Hong Kong
Encouraging Active Learning and Self-Directed Research
For many law students, passive learning is the norm. Their attention is directed towards the mastery of technical concepts and memorization for exams. This is, of course, essential in preparing for law practice, but students may not feel empowered to analyze legal materials on their own or to chart their own intellectual paths. I will discuss methods adopted in my courses this year to stimulate more active learning among students and to encourage them to take ownership of their legal education.
I focus on two such methods. First, in my undergraduate constitutional law course, I required students, in groups of 3-4, to choose a pressing social or political problem in Hong Kong and to write a 750-word blog post outlining that issue and proposing solutions. These posts were then uploaded to a class-wide blog for comments and reflection. The most innovative posts were also selected for publication in a leading scholarly blog. Second, in my postgraduate comparative constitutional law course, I asked each student to select any country's constitution (everyone had to choose a different country) and to become the class "expert" on that constitution. Each week, students were expected to tell the class how their chosen constitution addressed the topic of discussion, which ranged from separation of powers to judicial review.

I conclude by discussing challenges encountered in both courses, including students' reluctance to speak regularly in class, and their singular focus on grades rather than learning outcomes.

Prof. Isabelle Giraudou. Graduate School of Arts and Sciences, The University of Tokyo.
Climate change Law Education in post-Fukushima Japan and the progressive building of a cross-disciplinary 'Anthropocene Curriculum'

How can Environmental Law education engage with the proposed 'Age of Humankind'? While much environmental law maintains a 'business as usual' tone, how might we train the so-called 'Gaian generation' of environmental learners? This paper is largely a speculative attempt to answer the question. Focusing on interdisciplinary pedagogical frameworks recently established for a mixed body of students in earth sciences, geoengineering, and environmental humanities, it discusses the practical and theoretical conditions under which integrated syllabi and innovative pedagogies may, beyond the rather hermetic space of law faculties, contribute to the development of Climate Change Law education in Japan.

This paper considers in particular the promising and challenging features of courses designed at the interface of Disaster STS (as a subfield of 'Science, Technology and Society', that investigates the relations between science production and policy outcomes), global environmental governance (that addresses the need for institutional science-policy interfaces), and critical environmental legal studies (that seek to move beyond the human/environment unproblematised distinction by combining law and environmental sciences in a way that belongs solely neither to law nor to ES). Such courses should allow students to explore the relevance of emergent 'boundary organizations' for dealing with climate change and their legitimacy regarding the development of environmental regulation based on negotiated rulemaking processes. Drawing on case studies, role-play simulations, and problem-based learning tasks, these courses should also facilitate the acquisition of complex skills, such as legal reasoning in 'post-normal' scientific contexts.

By emphasizing the pedagogical value of complementary fields such as Disaster STS, global governance, and critical environmental legal studies, this paper seeks to shed further light on the significance of Climate Change Law education for the progressive building in post-Fukushima Japan of a cross-disciplinary 'Anthropocene curriculum'.

Prof. Michael Lower. Faculty of Law, the Chinese University of Hong Kong
Forming a Community of Inquiry in an undergraduate course

This paper describes the creation of a community of inquiry in an undergraduate course previously taught in a traditional, information-transmission mode. Students are asked to work collaboratively to produce a blog post. Students can agree to post their work on a blog in the course Blackboard site. They can submit their post to a public blog and they can apply to work as editors of the blog.

The community of inquiry approach is pedagogically innovative for a large undergraduate class. It adopts a collaborative and constructivist approach. The work (publishing to a public blog) is authentic work that can be of use to others. The approach marks a return to the historical idea of the university: students are participants in the research work of the university and not mere consumers or spectators of research.

This approach has implications for assessment and feedback practice. Summative assessment is seen as a stage in the process of learning how to produce good work and of understanding the characteristics of what counts as good work in a community of practice. Feedback on work submitted for summative assessment is offered in the spirit that the work is not necessarily complete and that it can be improved upon.

The goal of the community of inquiry approach is to create a self-sustaining system for inquiry that inculcates in its participants an understanding and appreciation of the qualities of good work.

Parallel panel session 3 - Law and History / Developing student literacies

Dr. Sarah Wilson. York Law School, University of York.
A future-oriented reflection on teaching history in law schools: the benefits of 'embedding' history for Legal Education - and for mapping global aspirations for Higher Education?
This paper draws on my experiences of how, as a Law teacher, I have always encouraged students to think about Law historically. It explains the importance of my dedicated module in Law and History as a vehicle for this, and also for helping to 'map' more ambitious applications I see for 'Law and History' in Legal Education.
At *Directions in Legal Education 2016* I presented on the value I attach to a 'Law and History' approach in studies of Law. This approach encourages students to examine Law's relationships with society across time, by embracing the 'legal history' tradition found within conventional studies of Law, particularly in the UK and across the wider Common Law 'world', and also looking beyond this through engaging with the discipline of History. In 2016 I also suggested that in the twenty-first century Law School, studies of Law emphasising the 'temporalities of social life' (per Sewell, 2005) would benefit from being embedded within curricula generally rather than being pursued through isolated and 'self-selecting' modular study.
Following this, at *Directions 2018* I am looking to speak about how such a general embedding of 'Law and History' might take shape. In doing so I will draw on my recent involvement in developing further historical approaches for studies at York Law School, beyond the existing Law and History module, and across undergraduate, TPG and PGR curricula.
In doing so, I will also reflect on how the 'pursuit of history' (per Tosh, 2010) within Law Schools today could help to shape a vision of Higher Education for the twenty-first century which is strongly global and internationalized. For the latter I will draw on how international visiting students have engaged with the 'Law and History' module, and how the benefits which they perceive in doing so might be applied more extensively in encouraging 'global citizenship' in Higher Education.

Ms. Bronwyn Davies. The University of Auckland New Zealand

Undergraduate legal writing courses: IRAC and other mysteries
As legal writing courses become more of a mainstream feature of law degree programmes, law schools are confronting the challenges associated with addressing the specific learning needs of law students in this skills domain.

What may become second nature to the second-year student can seem very rocky terrain to the first-year. And this is where we often leave our students adrift. We assume that by telling them about the IRAC formula - perhaps even explaining how it works using a past exam question to illustrate it – we are somehow absolved of any further responsibility to teach legal writing.

But telling – even explaining - is not teaching. Telling is a teacher-centred approach to the efficient downloading of information. Learning is a student-centred process occurring within the individual. Therefore learning the skills of legal analysis and legal writing has little to do with downloading information. And 'telling' has little to do with developing the complex set of skills students require to complete law school assessment tasks.

Developing the writing skills required for law school is traditionally done on the fly. Even the word 'skills' triggers alarm with the shutters rolling down for many law professors: if it doesn't involve legal doctrine then it's not part of my role. Yet after marking student assessments we can often be heard to lament the lack of cohesive, balanced, structured analysis in our students' work. How then do we teach to these fundamental determinants of success at law school?

This paper offers a confident step away from 'teacher-centred telling' to 'student-centred learning' through first-year legal writing courses. It suggests a model for teaching the time-honoured IRAC formula and other law school assessment formats by using the simple, 'three Ps' approach: Present, Practise, Produce. Hopefully it will spark discussion and debate about whether, and how, we should teach the skill of legal writing at law school.

Ms. June Sieh. Berwin Leighton Paisner
Mr. Ian Lee. School of Accounting & Finance, the Hong Kong Polytechnic University
News media literacy of law students
News media literacy involves acquiring knowledge about the production, content and effects of news and the skills to apply this knowledge when using news media. This is important in a society which promotes active participation of citizens in democracy. However, the level of news media literacy was questioned in recent years, especially after the involvement by Cambridge Analytica in the 2016 US presidential election and the UK Brexit referendum were revealed.

A recent US study found that over 75% of Americans believe that traditional major TV and newspaper media outlets report "fake news". An EU study in 28-members states revealed that over 80% of respondents think that the existence of fake news is a problem in their country and for democracy in general. MIT conducted a comprehensive study on the spread of news on Twitter and found that false news spread further and faster than the truth. As such, news media literacy is now more important than ever, especially for the younger generation.

This study will seek to measure the level of news media literacy of law students in Hong Kong. They are selected for this study as previous studies have found that education level and age are important factors affecting the level of media literacy as their higher cognitive abilities should positively affect their ability to understand the production, content and use of media. They should also have a higher motivation to consume news which should correlates with higher levels of news media literacy. The news media literacy survey used in the previous studies, adapted for local context, will be used for this study. It is hoped that the results can provide a clearer picture on the level of preparedness of our students, many of whom will become future leaders or key decision makers.

Parallel panel session 4 – Student voice in legal education

Ms. Anneka Ferguson. ANU School of Legal Practice
Valuing dissonance
My previous research into the predictors of professional learning outcomes of law students in a GDLP has generated data that reinforces the importance to wellbeing of constructing a legal education environment that supports students to feel motivated and well by supporting Self Determination Factors and enabling students to make progress towards their values. Since then, anecdotal examinations of the reasons 1st year law students have come into law and their observed cynicism about the legal professions ability to provide this suggests that there is a profound deconstruction of student's view of the potential for law to meet their values that occurs at a very early stage in their academic career and that this, if not managed appropriately, may account for some of the demotivation, lack of wellbeing and/or cynicism we observe in later stages of their academic career – possibly through a process of cognitive dissonance. This paper will provide an introductory exploration of cognitive dissonance as both a positive and negative aspect of legal education with a view to establishing discussion with the audience regarding whether this is an appropriate consideration in our attempts to improve the wellbeing of law students.

Ms. Vicci Lau. Faculty of Law, The University of Hong Kong
Informal student evaluations to enhance teaching and learning in legal education
Students' evaluations on courses and their teachers are normally conducted at the end of each course. It usually takes at least a few months before teachers can see the comments and feedback of students from the evaluation results, by which time it would be too late to address any comments of these students for the benefit of them. It is argued that some of the students may also not have a strong incentive to provide genuine comments and feedback because they know that their comments will not benefit them before the relevant courses finish. This paper seeks to investigate the effectiveness of an alternative form of student evaluation, an informal mid-term student evaluation of their teachers which is conducted in the middle of the term when the course is taught half-way through, as a tool to enhance both student learning and teaching. The paper reports on the findings of research on both students' and teachers' perceptions of the pilot implementation of this informal mid-term student evaluations by a number of tutors in the tutorials of a few post-graduate law courses. Data was collected using a paper questionnaire distributed to the students and the teachers at the end of the relevant term. The findings describe students' perceptions of the way the pilot impacted on the effectiveness of their learning and achieving the learning outcomes of the course and their willingness to provide genuine comments and feedback on the teaching of the course and tutorials, as compared with the traditional end of term evaluations. The findings also describe teachers' perceptions of the way the pilot impacted on the effectiveness of their teaching, given that students provide their comments half way through the course.

Mr. Liam Elphick. The University of Western Australia Law School
To WED or not to WED: Implementing student-centred learning in classrooms
A student-centred approach to tertiary teaching has become a focus for many higher education providers in recent years, ensuring that students are more involved in shaping the way they are taught and how they learn. This approach has consistently been championed as maximising the effectiveness of student learning and promoting a feeling of belonging at university. However, the practicalities of student-centred learning are often challenging, with early deadlines for the distribution of course curricula and other administrative requirements limiting the ability of instructors to implement student-centred learning to any great degree. This is magnified in Law

Schools, where accreditation requires the teaching of a set of compulsory units and associated prescribed areas of knowledge. Rather than focusing on a whole-of-curriculum approach to student-centred learning which can create a significant administrative burden for a Law School, this article proposes and reports on a more flexible and grassroots student-centred learning approach to the teaching of Law classes: the 'WED' approach. The WED approach - which seeks early student input on what they 'Want', 'Expect', and 'Don't want' ('WED') to get out of their Law classes - was trialled in nine undergraduate and postgraduate Law tutorial groups in 2016 and 2017 at the University of Western Australia, with students surveyed on their experiences. This was armed with an on-going, online anonymous feedback tool made available to students. In confining the extensive theory of student-centred learning to a pragmatic practical technique that is easy to implement in a unit, teaching and learning outcomes were maximised without creating an additional administrative burden.

Parallel panel session 5 – The future of legal education II

Dr. Eugene C. Lim. School of Law, City University of Hong Kong
Teaching jurisprudence in a 'Technology-Enabled' classroom: An experiment with experiential learning
Many law students approach the study of jurisprudence with fear and trepidation. From the very first page of assigned reading, the subject of legal theory appears to be shrouded with an almost impenetrable thicket of philosophical and technical jargon. It is little wonder then that some students postpone their encounter with the subject until the very final stages of their law curriculum, in an attempt to defer the "agony" of grappling with this most challenging of subjects.

This presentation seeks to demonstrate that studying legal theory does not need to be a painful experience, and that the way in jurisprudence is taught in the classroom can have a significant impact on how students perceive the subject. Through examples and case studies, the presentation explores the effectiveness of "technology-enhanced" pedagogical techniques designed to enliven the teaching of jurisprudence in the university classroom, and to alleviate the pain that many students associate with the subject. By drawing upon feedback received from students on the use of experiential learning initiatives in the teaching of jurisprudence, the presentation will offer some preliminary thoughts on the teaching methods, tools and techniques that appear to have generated some degree of success in making legal theory exciting and enriching, and in transforming each student's jurisprudential journey into a meaningful and stimulating experience.

Prof. Muamar Salameh. Department of Law, Prince Mohammad Bin Fahd University
Difficulties facing the innovative approaches in learning law between the commitment to the traditional approach and transition to modernity
The development of legal education is facing many difficulties, such as the development of curricula in law programs, and this is the topic of this study. As we look at most of the study plans of the law programs, we note that the development of the inclusion of new courses on the study plans is very little and does not keep pace with the development of various fields. The main reason for this is due to the fact that the duration of university studies is limited to a number of years or a certain number of hours and therefore there is no room for adding new courses. This study tackled the problem in terms of re-teaching the law to focus on the exact specialization to obtain educational outputs that meet the needs of the labor market and are able to understand and absorb the finer disciplines of the law. This study is based on a comparison between many universities of different legal systems, such

as Latin, Anglo-Saxon and Islamic systems. This study concludes important results such as the non-ignorance of the traditional aspect in the teaching of law programs, because of the importance of this aspect in building the personality of the law graduate, but at the same time the possibility of reviewing the study plans in terms of balancing between the traditional side and modernity, so that study plans are developed in a way that allow the law student to choose his or her specific specialization during the last years of university study.

Ms. Lin Sijie. Faculty of Law, University of Macau
Law, multiple supports needed: New challenges for the development of legal curriculum and the expanding job market
The article reviews the recent developments and trends of law firms and emerging support technologies related to the practice of law. Law firms are becoming more diverse and employees with inter-discipline knowledge are required. However current legal education focuses on the law itself and is lacking in a law supporting technology curriculum. This article addresses the void in the educational system pertaining to the combination of law and law support technology. It is a challenge for legal education to keep pace with the rapidly evolving legal market.

In the first section, the author describes new developments in legal support technology utilized in present day legal proceedings. In the traditional vertical understanding a law firm needs outstanding lawyers who excel at the practice of law. But in the new reality horizontal and multi-level support is extremely important to produce excellent lawyers and even law firms. In this new paradigm, the legal industry transcends the limited vertical approach and exists on a dual vertical and horizontal axis. The future of advanced legal education should be designed with an inter-disciplinary curriculum to address this changing world. Additionally, the paper explores the job requirements related to the curriculum of top law institutes. It is obvious that the legal curriculum could be enhanced in relation to market demands.

The purpose of this study is to examine the newly developed legal support market and relevant curriculum required to function therein.

2. 15 – 3.45 pm <u>The Big Debate</u>: Directions in Legal Education

Chair

Mr. Richard Morris

Speakers

Mr. Edward CHAN King Sang SC, Justice of Peace

Mr. Jeremy Dein QC, Barrister, 25 Bedford Row

Prof. Paul Maharg, Distinguished Professor of Practice, Osgoode Hall Law School, York University

Mr. Martin Rogers, Partner, Davis Polk & Wardwell LLP

Prof. Julian Webb, Director of the Legal Professions Research Network, Melbourne Law School

Parallel panel session 1 - The future of legal education III

Mr. Liam Elphick & Prof. Kate Offer. Law School, The University of Western Australia
Legal APPtitude: Introducing students to App creation to solve legal problems
Recognising that the legal industry is going through a significant period of upheaval as a result of technological innovation, in August 2017 the University of Western Australia Law School established the Legal APPtitude Pilot Program. This program brought together two academic staff members, Kate Offer and Liam Elphick, and a third-year Juris Doctor student, Alex Cook, to coordinate ten students in the building of two law applications. Applications were built using software developed by Neota Logic, allowing the creation of tangible, practical applications without requiring complex coding expertise. Liam's team of five students created an app that allows users to input information about a product they have purchased and informs them as to whether they would be entitled to a refund or return under the Australian Consumer Law. Kate's team created an app that provides guidance to persons living in sharehouse arrangements on the rights they are entitled to under tenancy law. These two applications provide end-users who may not possess significant legal knowledge with clear, concise and actionable advice and insight, and are now publicly available. Following this semester-long pilot program, a new Juris Doctor 'Legal APPtitude' unit was created and will run for the first time at the UWA Law School in Semester 2, 2018. This presentation will share the experiences and lessons learnt from the Legal APPtitude program.

Prof. Steven Gallagher. Faculty of Law, the Chinese University of Hong Kong
"Law and Technology" – What is it?
The phrase "law and technology" is used by many different people and seems to have different meanings according to who is using it. The phrase is now often being used by law schools as they seek to attract students with claims about their future law courses and their pioneering programmes in legal education which may give their students an advantage in the practice of law in the future. This short presentation will attempt to identify some of the meanings of the phrase and in particular how it is being used with regard to legal education- and perhaps how it should be used.

Ms. Polly Poon. Thomson Reuters
How AI is affecting legal education and what will be expected of law graduates

Parallel panel session 2 - Simulated clients and client interviewing

Ms. Queenie Lai. Faculty of Law, The Chinese University of Hong Kong
Preparing law students for practice: The simulated client project
The "Simulated Client" project was awarded the Teaching Development and Language Enhancement Grant for the 2016-2019 Triennium by the University Grants Committee. Simulated Clients are lay people who are trained to act as if they are law firm clients for the purposes of teaching and learning. In the academic years 2016-2017 and 2017-2018, 3 Simulated Clients were trained to benefit a cohort of 140 students in the Corporate Finance course. Based on an authentic business synopsis, students were asked to give client presentations in the form of a 'Client Pitch'. The involvement of Simulated Clients allows students to have valuable interaction with trained clients in a powerful simulation. Students work on a range of client-facing skills that would be crucial to their success as future legal practitioners. The speaker will discuss her progress and findings of the project – from the selection and training of Simulated Clients, student survey feedback to evaluation of benefits of this learning exercise.

Effective lawyering goes beyond having a sound knowledge of the law. The Standing Committee of Legal Education and Training (SCLET)'s Comprehensive Review of Legal Education and Training Report identified a range of future priorities for training, one of which is commercial awareness. Clients want lawyers who are not just technically competent but who are interested in business, who can relate to clients and contextualize their advice. Transformational learning occurs when students are afforded chances to meet with clients and go beyond the case book. Beyond acquiring substantive knowledge, this simulation exercise develops essential lawyering skills: commercial awareness, client empathy, asking insightful questions, struggling with dilemmas, analysing different possibilities, weighing consequences, exercising judgment and recommending sensible courses of action based on informed research and evaluation.

Mr. Jack Burke. School of Law, City University of Hong Kong
Scholarship in practical legal training: The final empirical frontier
Invariably, in most fields of publically significant modern endeavour, ranging from sport to education to science, it is an expectation that the performances of the actors operating within those realms are regularly evaluated using evidence-based empirical measures. Although there have calls for the development of scholarship within the field of practical legal training ("PLT"), in order to determine whether the curriculum and teaching and learning methodologies used in PLT are optimized so as to best prepare students for the demands of contemporary legal practice, this outcome has essentially failed to materialize throughout PLT as a whole, and, with some limited exceptions, PLT in Hong Kong. This is perhaps not surprising taking into account the heavy teaching loads that are the lot of PLT educators. However, bearing in mind the growing pressure in various jurisdictions to abolish mandatory PLT, it is in the interests of all stakeholders who believe PLT to be a necessary component of the educational and training continuum to gather data to demonstrate that it adds value to this learning experience.

Professional Conduct is perhaps the area of legal education and training which has drawn most attention from regulators and (usually) more academically oriented scholars as one which requires reform. This paper will explore, using comparative research and potential qualitative and quantitative

studies (as some fairly rudimentary examples of possible research into PLT), ways to assess how to effectively improve the teaching of Professional Conduct in the PLT curriculum.

Prof. Wilson Chow & Prof. Michael Ng. Faculty of Law, The University of Hong Kong
Teaching, learning and researching practical skills in client interviewing – Empirical analysis of HKU's experience
HKU Faculty of Law is the first common-law law school in Asia (if not the world) that makes it compulsory for all final-year law students to undergo practical client interview training through standardized clients interviews (SCI) before they start working as trainees or pupils. Since February 2013, more than 1,800 HKU law students learned through SCI the essential skills in conducting an initial meeting with client. This paper discusses how to make SCI work effectively for large cohorts (more than 300 yearly) of students and, more importantly, presents empirical data of SCI assessment and evaluation results of the last four cohorts of students with a view to understanding how gender and learning through second language (i.e. English) impact students' learning and experience. This paper will also introduce the latest initiative in linking up SCI and HKU's clinical legal education programme in practical legal training.

Parallel panel session 3 - Storytelling and contemporary references in legal education

Ms. Teresa Somes. Macquarie University
Movies, memes and unorthodox methods: Using contemporary references to explain (some) content in Equity and Trusts
Responses submitted in student feedback forms over many years consistently state that equity and trusts is one of the most demanding areas of study undertaken during the student's undergraduate law degree. For subjects such as tort law, family law, or criminal law, the everyday world provides a rich source material to demonstrate recognisable themes or topics, some of which the students may have experienced themselves. These examples and experiences can 'anchor' legal principles and help put legal learning in context. Equity and trusts poses challenges for students, as much of the content is both conceptually difficult and often removed from any lived experience a student has yet encountered. This presentation demonstrates how a variety of contemporary mediums that provide familiar references such as memes and movies can enrich the delivery of content. In addition, storytelling that goes beyond the information provided by prescribed texts is used to supplement and contextualise cases. There are multiple advantages to incorporating these tools into the teaching of equity and trusts. It allows complex and at times seemingly inaccessible subject matter to be presented in such a way to encourage a student's understanding and engagement in the subject. Students find its inclusion adds variety and enhances their enjoyment, which in turn promotes retention of the material. The benefits of using what may appear to be incongruous connections between legal information and, for instance, a movie, go further than assisting the student's comprehension; by strategically incorporating unexpected material in standard content, it provides some light-hearted relief in what is recognised to be an intense and demanding subject.

Mr. Mitchell Stocks. Faculty of Law, The Chinese University of Hong Kong
Storytelling for lawyers: Lessons in the classroom
Humans have told stories throughout recorded history. These stories have come to us orally and in writing in the form of myths, legends, cave paintings, and stone tablets. Stories then and now serve to educate, indoctrinate, and entertain. The art of storytelling and art itself may be part of our biological adaptation as humans. This may explain why humans respond so well to stories and why they persist.

Stories also play a major role in the practice of law. Experience shows that it is often useful to think of our work, at least in an adversarial system, as a contest among competing stories:

- The facts are known, shared, or discovered;
- Each side marshals them to tell a different story; and
- The ending is written by the decision maker.

This is just as true when negotiating a merger as when deciding an accused murderer's fate.

Storytelling is a skill. In considering the utility of deploying it in the law classroom, we might consider these essential questions:

1. What do successful lawyers do?
2. What must our students be able to do to become successful lawyers?
3. Is storytelling an essential skill and can it help students acquire other essential skills?
4. If so, how can we successfully integrate storytelling into our teaching?

I will examine these questions by focusing on the use of stories as a memory aid, as a way of structuring student feedback, as a means of encouraging close reading, as an essential part of cultivating empathy, and as a necessary technique in communicating persuasively.

Ms. Jenny Chan. Faculty of Law, The Chinese University of Hong Kong

Storytelling – An overview of teaching approaches
Storytelling has become a popular pedagogy in legal education. Despite this, systematic research on storytelling as a teaching approach is rare in both legal education and general education. This paper attempts to fill this gap by building a category of teaching approaches. Based on a desktop research, the author collects the relevant articles from major legal journals and organizes them according to the subjects, types of story and teaching approaches. This will hopefully provide teachers useful information when they design their courses in the future.

Parallel panel session 4 - Collaborative and problem based approaches

Dr. Richard Hedlund. Lincoln Law School, University of Lincoln
Modernising the (property law) curriculum at Lincoln Law School
I want to critically reflect on my experience modernising the curricula in the property law modules I teach on at Lincoln Law School, aimed at making them more suitable to modern graduate demands. When I started three years ago, the modules were taught in a traditional manner: a lecture followed by a seminar, where the students discussed what they had learnt and applied that to a problem scenario. I saw some limitations to this methodology. Importantly, there was inadequate scope to develop analysis; the seminar questions did not encourage the students to read secondary sources. This resulted in a mismatch between the students' learning and the critical analysis they were later assessed on.

I developed a five-point plan for my module, the Law of Succession, which I redesigned. Key goals were developing critical thinking, internationalisation, and including practical, simulation-based learning. I wanted the module to cover five types of questions:

(1) Doctrinal questions, to ensure the students understood basic legal principles; (2) normative questions, to develop critical thinking; (3) comparative law questions, to develop critical thinking and cultivate an international understanding of legal issues; (4) problem questions, to develop the students' understanding by applying it to realistic scenarios; and (5) practical tasks, so the students can learn by doing.

Three years on, I want to reflect on the implementation of this design plan, which has thankfully been met by overall positive student feedback and assessment results. I also want to reflect on what skills are still being missed out on: based on informal conversations with lawyers, I am conscious that, in particular, more must be done on developing social and communication skills. I want to reflect on how these skills can be more explicitly included in the module design.

Mr. Ian Lee. School of Accounting and Finance, The Hong Kong Polytechnic University

Implementing the constructivist approach in legal education
The Constructivist approach requires the teacher to create the environment for students to discover new knowledge, often by using scaffolding techniques which provides the opportunity for students to build upon their own knowledge and experience. Indicators of success include the students taking up the responsibility for their own learning; being able to develop their own scaffolding techniques (rather than rely on guided instructions from the teachers); and gaining a greater sense of self-regulation (being able to motivate themselves to overcome any impediment to study).

Implementation of the Constructivist approach can sometimes be problematic, especially in terms of time and classroom management. However, a more fundamental problem arose as the emphasis has often been placed on the activities rather than on the cognitive and meta-cognitive development of the students, leading to mere completion of the planned tasks and activities, but the objectives may have been overlooked. Measurement has also been difficult for the same reasons.

This study will compare the effects on two Business Law classes with identical teaching content in which the Instructivist ("spoon-feeding") approach was used for one class, and the Constructivist approach was applied to the other class. In addition to analysing the results from formative assessments that were undertaken throughout the semester, feedback on the effectiveness of the

approach will also be obtained from students in both classes through individual and group interviews. It is hoped that this study can provide a more precise and practical method for applying the Constructivist approach in legal education.

Prof. Michael Lower, Ms. Wai Ling Sonia Cheung and Dr. Paula Hodgson. The Chinese University of Hong Kong

Student engagement: Learning analytics beyond LMS
Learning analytics can provide teaching professionals an opportunity to describe student learning behavior, and enable them to change how they design and teach their courses. Data archived in a learning management system (LMS) can show student access patterns while some access the LMS throughout a course, visiting at the beginning of a course or towards examination period. When students are working in assignments or projects, data can show how individuals revisit materials in different topics. As there are growing number of educators creating video-based materials which can be uploaded to the popular video platform YouTube, educators can set it for private such that students provided with the links may view these video-based materials. The built-in analytics can equally provide useful indicators, including if students may watch the videos during the period of course offering, and number of students turn on the subtitle function. Apart from engaging in course materials in the LMS and in YouTube, students may be assigned to do activities including writing blogs, online quizzes and forum activities. With deadline set in these activities, a list of students who have not completed the suggested time will be readily displayed, and educators can communicate with them to find out further assistance is required. As archived data can be retrieved readily, the analysis and representation of data about learners in both the LMS and the YouTube analytics can provide professionals evidence to be better informed about their students learning behavior and to reflect on means to engage students in e-learning.