

Interactive learning spaces

Using the Herschel Labs in legal education

TT Arvind

Director of Learning and Teaching

Newcastle Law School

The pedagogic goal

Overcoming the limits of a lecture – seminar model

What is the problem with this layout?



In a nutshell...

The centre of learning is not the whiteboard.

It is the student.

What is the problem with this layout?



In a nutshell...

Fragmenting the relationship between
acquiring, discussing, researching, and reflecting.

Teaching in conventional spaces

- Dichotomized learning activities
 - Large group lectures (230+ students)
 - Small group seminars (12 students)
- Lectures are oriented around transmission
 - Justification: provide scaffold / basis for further learning
- Seminars are oriented around application and discussion
 - Deepening knowledge, developing argumentation and critical reasoning through discussion
- Model reinforced by the traditional approach to building rooms:
 - Large lecture theatres with long rows of seats (not designed for discussion)
 - Small seminar rooms arranged flexibly (not designed for transmission)

Changing the layout changes everything



Breaking the dichotomy

- The impact of a new type of space:
 - Enabling the design of new types of learning activities
 - Enabling the embedding of new types of skills
- New goals:
 - Constant dialogue between theory and praxis
 - Instant utilization of received ideas
 - Establish collective ownership of ideas as they are learned
 - Activities to integrate into existing frame of reference as you discover
 - Freed from the tyranny of the long wait for the next seminar cycle
 - Immediate feedback on approach to utilization
 - Iterative approach to learning, embedding, extending, consolidating
 - Working with 'unknown unknowns' and 'known unknowns' as part of the learning process

Example 1

Learning to read legal texts

A typical legal text

“In *Paragon Finance v Nash*, the Court of Appeal held that the exercise of contractual discretion was reviewable if it was exercised in a manner that was *Wednesbury* unreasonable. In *Lymington Marina v Macnamara*, however, a different bench of the Court of Appeal rejected the *Wednesbury* test. Arden LJ held that the question of whether contractual discretion was fettered should instead be resolved with reference to ordinary principles of implication in fact.”

Students struggle to make sense of their textbooks

Learning to parse this is not something that can be taught in a lecture

The lecture-seminar model loses the immediacy of assistance

Developing a legal frame of reference

- Frames of reference contain knowledge:
 - Knowledge of the real world:
 - Things people do, ordinary motives, and patterns of reactions
 - Knowledge of the conventions of texts
 - Language, modes of expression, things left unsaid
- Frames of reference also contain ability to use knowledge
 - Ability to draw on your knowledge to supplement texts
 - Understanding aspects of what is going on that aren't explained
- Main task in first semester:
 - Developing the outlines of a frame of reference for law
 - Done through a 'Wider Academic Skills Programme'
 - Taught entirely in HLL

A typical session

- Lecturer: Explaining key aspects of working with a type of source
 - Strategies of hypothesis formation and correction
- Students in groups: Activity 1
 - Simple (but real) text: E.g. extracts from a court judgment
 - Simple activity (in a group):
 - Work to extract meaning and significance
 - (Possibly) work to establish relationship with other (already studied) texts
 - (Possibly) work to evaluate how to make use of the text in legal argumentation
 - Supported and facilitated by roving moderators (academic staff)
- Lecturer: Issues that posed problems and how to overcome them
- Students in groups: Activity 2
 - Initial analysis of a more complex text and plan for dealing with it
 - Next class starts with a group presentation on the text

An integrated model



- Brings into class matters that would otherwise be done in self-study
 - Supports aspects of learning that would have at best unstructured support
 - Reliant on ad hoc conversations with personal tutors and seminarists
 - No way of identifying who needs support until results come in
 - Could not have been done without the HLL

Example 2

The practitioner mindset

Working creatively with the law

- Thinking about the law as a toolkit rather than as a set of rules
 - Structuring transactions rather than obeying binding commands
- Reading judgments diagnostically
 - Why did the defendant lose? How could they have protected themselves?
 - What should I do differently to ensure my clients are protected?
- A typical session:
 - Lecturer introduces a case, highlighting the approach taken
 - Outlines the arguments of the parties and the reasons behind the outcome
 - Students (in groups) identify the contractual clauses that were defective (from the perspective of the losing party)
 - Lecturer provides feedback on their findings
 - Students research law to redraft the clause in a more waterproof way
 - Present their result, legal justification, and research pathway