

# The College of Law **E-learning**

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**5-year review**

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## Contents

1	This report	3
2	Background	3
3	i-Tutorials	4
4	S-Mode	6
5	Future directions	9

## 1 This report

- 1.1 In February 2009, the College of Law ('the College') invited me to undertake a review of its use of e-learning techniques over the past five years. In particular, I was asked to evaluate its deployment of i-Tutorials as an alternative to lectures or large group sessions, and also to offer my views upon the Supervised Mode (S-Mode) learning methodology, as currently used on the LL.M programmes and being piloted on the Legal Practice Course (LPC).
- 1.2 These techniques are at quite different stages of evolution within the College. i-Tutorials are well established, widely used, and an integral part of most of the courses on offer; and similar techniques are used in universities and law firms around the world. In contrast, the S-Mode is a new and innovative approach to legal learning that has very few parallels elsewhere. One aspiration of the College is that the S-Mode should be used on a more widespread basis across its vocational and professional programmes; but the College is keen to have feedback and analysis on this innovation before it commits more fully.
- 1.3 I devoted about ten man-days of effort to the research, preparation, and production of this report. Accordingly, the review should be regarded as a high-level appraisal rather than a detailed, exhaustive and footnoted academic study. In preparing the report, I met and spoke with numerous members of staff and students within the College and consulted, formally and informally, with a wide range of law firms with varying degrees of connection with the College. My findings are based on the broad impressions gained from these face-to-face and telephone interviews. I was also informed by various research exercises conducted by the College itself and by some of the law firms with whom I spoke.
- 1.4 The main emphasis of this report is on the use of e-learning in the College. I do not seek to provide broader descriptions or evaluations of any courses of the College, of their learning outcomes, or of their modes of assessment.
- 1.5 Finally, by way of introduction, I must declare an interest. I have devoted more than 25 years of my life to the investigation of the potential of information technology for the law – as an academic and author, as an independent consultant to many law firms, and as an advisor to judges and governments. I therefore write from a point of view: I am wholly committed to the use of IT across the legal world, so long as this brings relevant benefits at sensible cost; but never when IT is being used simply for its own sake.
- 1.6 The remainder of this report is organized in four sections:
  - some background observations about the College, e-learning, and the LPC (Section 2);
  - my assessment of the College's use of i-Tutorials (Section 3);
  - my assessment of the College's use of the S-Mode (Section 4); and
  - various recommendations about future directions for the College's ongoing investment in e-learning (Section 5).

## 2 Background

- 2.1 The College is acknowledged as a leading provider of legal training and enjoys an international reputation within the legal profession in the UK and well beyond. Over the past five years, it has pioneered and invested heavily in the development of a wide range of e-learning resources. Before analysing i-Tutorials and the S-Mode, it is appropriate to set the scene. I do so in this section by making some initial observations about: the reputation of the College; the concept of e-learning; and the Legal Practice Course.

### The reputation of the College

- 2.2 Amongst students, senior lawyers, and training professionals, I invariably find a high level of satisfaction with the services provided by the College of Law. The College has a strong brand within the legal profession of England & Wales. It is widely regarded as well managed, pragmatic, ambitious, and innovative.
- 2.3 Amongst legal educators (legal academics and training professionals in law firms), the College is generally held in high regard and looked upon as progressive and creative. Educators also perceive the College to be an impressive bridge between formal legal education in university and the practice of law (whether in law firms, industry, or the public sector).
- 2.4 The College is also regarded as being highly entrepreneurial, not just by the standards of other legal educational establishments but even by comparison with many commercially successful law firms. Although this means that the College is thought to maintain tight control over its finances and resources, there is also a downside here – some innovative proposals brought forward by the College are looked upon, in the first instance at least, with a certain degree of cynicism. For example, the early inclination of some partners in law firms is to regard the motivation for various changes in the College to be financial (to save costs or increase revenue) rather than educational. This is relevant to this report because I am investigating the perception and impact of new techniques being used by the College for the teaching and learning of the law.

### E-learning

- 2.5 The term 'e-learning' can be confusing and unclear. In this report, I use 'e-learning' in a generic sense to embrace a wide range of uses of information technology in support of teaching and learning. Under the heading of e-learning falls online legal study, podcasts and webcasts, web-linked materials, online demonstrations, interactive learning support, social software (such as Facebook and wikis, when used educationally), and simulated learning environments. While some of these are now at the heart of the courses on offer, the College intends to invest further in e-learning and, as one source of guidance in setting its future direction, decided to commission this independent review of its e-learning achievements and plans.
- 2.6 Generally, in relation to the College's investment in e-learning, I find that students and law firms are impressed with the systems that are already on offer. They are invariably said to be superior to the e-learning facilities found in most law faculties and law firms in England and Wales.

- 2.7 There is a common view that the College should and will continue to enhance and develop the systems it has developed so far. The College is seen as a rapidly involving institution, wholly committed to information technology, and expected to be exploring and exploiting existing and emerging technologies. This is the perceived spirit of the College of Law, being regarded as a high-tech place of legal education that is ambitious in the markets in which it operates.
- 2.8 Although I find general support and enthusiasm for the e-learning used in the College, this should not be construed as universal support from students and law firms. As with all information technologies, there will always be atheists, and agnostics, as well as believers and evangelists. I would classify the great majority of those with whom I spoke in connection with this report as 'believers'.
- 2.9 It is not surprising that a minority remain sceptical or opposed to the use of information technology in legal learning. A few students and lawyers believe strongly that education in the law should be a communal activity – that students and tutors should gather in one place at the same time and work together in learning the law. To some extent, e-learning challenges this synchronous, face-to-face, and social model of legal learning. And the challenge should only succeed if the legal training it enables is better or more efficient than traditional ways and that nothing significant is lost in its adoption.
- 2.10 E-learning should not be regarded, however, as simply replacing traditional ways of teaching and learning the law. It should also be seen as a set of techniques that, potentially, can deliver outcomes that conventional legal teaching cannot engender.

#### Legal Practice Course

- 2.11 Most of the focus of this report is on the use of e-learning in the Legal Practice Course ('LPC'), the intensive legal training for prospective solicitors which is offered by the College as a 1-year full-time course or a 2-year part-time course.
- 2.12 What do law firms want from the LPC? Most large law firms seem to regard the prime role of the College as that of ensuring that its graduates have 'the basics', a term that seems to embrace a working knowledge of relevant everyday black-letter law and of common working practices and processes. Although this is not a detailed statement of learning outcomes, experienced partners in firms seem fairly clear in their expectations – they do not expect or want an excessively theoretical or scholarly approach to the law; but they do want a course that equips students with a firm grounding in the legal rules, principles, and procedures that practitioners must have at their fingertips to serve clients effectively. While there is some expectation that the College should deliver broader skills, training, and insight into wider business issues (such as proposal writing and marketing) it seems, for the most part, that firms prefer to inculcate their own spirit of client handling and client development than entrust this entirely to the College.

### 3 i-Tutorials

- 3.1 I was asked to assess the College's use of i-Tutorials. The College has invested heavily in the production of a formidable range of these e-learning tools. i-Tutorials are online, interactive, multi-media presentations. They are a type of webcast. They cover many different legal topics and are provided alongside online question-and-answer exercises.
- 3.2 As with many webcasts, i-Tutorials appear as video recordings of the heads-and-shoulders of presenters, alongside various visual aids. The i-Tutorial is one amongst a core set of techniques that the College currently uses across its various courses. Some of the other techniques are fairly traditional (for example, face-to-face teaching), while still others are more innovative (such as online demos).
- 3.3 i-Tutorials are provided as (sound only) podcasts as well as PC-based presentations. They are conceived by the College as flexible, re-usable, environmentally-friendly learning tools, particularly suitable for part-timers or those who live far from the College.
- 3.4 My assessment of i-Tutorials, in this section, is organised as follows:
- feedback from students and firms
  - evaluation
  - recommended enhancements
  - the provision of transcripts
  - contrast with conventional lectures

#### Feedback from students and firms

- 3.5 I find, from my interviews and the various research findings that I have examined, that the great majority of students, but not all, speak well of i-Tutorials and the flexibility they offer. Students like that these online presentations can be stopped at any time and viewed as often as is needed (although tutors worry that students spend too much time replaying and then transcribing their notes). Above all, students enjoy being able to watch the i-Tutorials at a time and place convenient for them.
- 3.6 Interestingly, I find that students' views on i-Tutorials vary over time. When they are first encountered, there is some scepticism. But as the courses progress, and not least when students are under pressure, they come to recognise i-Tutorials as powerful and valuable learning aids.
- 3.7 It is also interesting to note, culturally, that the students enjoy laughing at and imitating those presenters of i-Tutorials who have notable quirks. Whereas students of yesteryear laughed at lecturers, students of today poke fun at presenters of i-Tutorials, with the added advantage (from their point of view) that they can replay and study their victims. In the spirit of Web 2.0, on YouTube can be found a spoof i-Tutorial entitled 'Sex Toys in Practice'.<sup>1</sup> On one level, this is first-rate satire. On another, this clip does highlight some of the presentational shortcomings of some of the i-Tutorials – sometimes they are too stilted, a little ponderous, expressionless, and too heavily scripted.

<sup>1</sup> See <<http://www.youtube.com/watch?v=UD4rhp-JpCw>>

- 3.8 As for the law firms themselves, they seem unanimously to approve of the College's investment in tutorials. Indeed many look rather enviously at these systems and wonder why they do not have analogous tools in place for training and knowledge management within their own organizations. Although the firms can generally see scope for improvement in a second generation of webcasts, they speak highly of what is already on offer. There is some feeling, however, that i-Tutorials are a cost-cutting ploy of the College. That misconception can quickly be dispelled by discussion. It can be pointed out, for instance, that one of the drawbacks of i-Tutorials is that they are expensive to maintain – minor changes in law can require an entirely new webcast to be made. i-Tutorials are not cheaper than lecturers.
- 3.14 Another natural next step in the evolution of i-Tutorials would be to make these available as MP4 files so that students could watch them on their hand-held devices. Although they can currently be downloaded as MP3 (voice only) files, it is, in my view, greatly preferable to watch these as videos and not simply listen to them.

#### The provision of transcripts

#### Evaluation

- 3.9 I find that the i-Tutorials of the College of Law compare very favourably with most first generation legal webcasts. I concede that the competition is not strong - sadly, all too often, legal webcasts are too long, rather boring, produced with little flair, and delivered monotonously.
- 3.10 The suite of i-Tutorials produced by the College of Law is the most impressive that I have seen anywhere in the legal world, whether in the private or public sectors. While others may have adopted a policy of more ambitious e-learning technologies, the College has led the way in industrializing and professionalizing the first generation. In contrast with so many low budget legal webcasts, the production quality (sound and vision) of i-Tutorials is extremely high.
- 3.11 I have reservations, however, about the use of professional presenters who recite from tightly drafted scripts. No matter how polished in appearance or clear of voice, it is often hard for those who have not themselves written the material to speak with the spontaneity or enthusiasm that some experts convey when delivering their own work. It is this lack of spontaneity and enthusiasm that probably inspired the spoof i-Tutorial mentioned earlier.
- 3.15 Staff at the College generally say that it is good practice to consume an i-Tutorial in one bite and not to stop, rewind, and re-start (repeatedly) in an attempt to take down a full transcript. Tutors worry that this wastes time.
- 3.16 This concern leads to a related request. Many students would like the full transcripts of the i-Tutorials to be made available. Lecturers at the College and representatives of law firms express a variety of views on this subject. Some believe that this is simply laziness on the part of the students and that making the transcripts available would discourage genuine engagement and efficient note-taking, and so would be too passive a way of tackling the materials. There is a worry here that handing over the transcripts makes it too easy for the students, encourages rote learning, and discourages analysis and understanding. Further, it is pointed out that practising lawyers often have to take notes from meetings that are not delivered as tidy transcripts; and so the i-Tutorials provide good practice for this. In the real world, I hear it argued, lawyers do not receive information, neatly packaged and presented; nor should they at college.
- 3.17 Others feel differently – they want to help students to grasp materials as quickly and as easily as possible, and if this involves providing these materials in a variety of formats, to suit students with different learning styles, then, they say, the provision of transcripts makes sense. Indeed, providing the materials only in the form of multi-media webcasts might be said to disadvantage those who are more comfortable, for example, learning by reading text. And, in any event, it has been pointed out that there is already something of a market in student-created transcripts, so that it might be better to have official transcripts rather than those that are currently in distribution.

#### Recommended enhancements

- 3.12 Either in improving the scripting or ensuring livelier presentation, I suggest that the production teams need to work at injecting some greater sense of excitement and energy in the i-Tutorials.
- 3.13 The College might also usefully explore other methods of providing what are sometimes, essentially, online lectures. I have been much influenced by the success of [www.ted.com](http://www.ted.com) and the 18-minute lectures provided there. Leading thinkers and commentators make these relatively short presentations which, through clever filming and high sound quality, give the sense to the user of actually attending the lecture. I see great scope for the creation of a similar suite of mini-lectures within the College. I regard these as complementary to the i-Tutorials and suggest they would be fewer in number.
- 3.18 On balance, I favour the production and distribution of transcripts. Some students would use them and others would not. I side with those who wish to make this type of legal learning as comfortable as possible. I am troubled by the idea of, effectively, prejudicing those students who absorb legal materials more easily by reading than by watching and listening. I am not persuaded by the argument that colleges should not make it too easy to learn because this does not prepare students for the harsh outside world; this could lead us intentionally to deliver unclear lectures or to write obscure books.
- 3.19 In any event, the transfer of knowledge from, as it were, the expert's head into the student's head should not be regarded as the main objective of legal training on the LPC. In my view, this knowledge, although necessary, is by no means sufficient. It is the ability to apply the knowledge – commercially, practically, creatively, sensitively, strategically, and more – that is the hallmark of the impressive lawyer. The transfer of knowledge should be as pain free as possible, to clear the way and free up time for learning about its application in practice.

## Contrast with conventional lectures

- 3.20 Critics of e-learning often argue that webcasts compare unfavourably to traditional lectures. A lecture is an important social event, the argument runs, and it is important to attend it as a live event. Learning the law is a communal activity, with students convening at the same event.
- 3.21 When pressed, however, it often transpires that these critics have in mind world class orators, who present memorable lectures or preside over inspiring interactive workshops. I do not think it helpful to draw a comparison between webcasts and this idealized version of conventional legal tuition. The reality, in most legal educational environments, is that many lecturers and indeed lectures, are far from inspirational; and workshops tend to be dominated by a few students (some bright and others outspoken) while many say very little.
- 3.22 It is instructive to reflect further on the conventional law lecture: students assemble in the one physical space, and in the British way (which contrasts with the Socratic method used in many US law schools) the student body is 'spoken at' for an hour or so. Generally, law lecturers have not been trained as public speakers or orators. Some mumble and ramble; others simply read out their notes, while only a few are wonderfully articulate and even inspirational. In relation to the first two categories, most law students do not feel that time spent in the lecture room is time well spent. For many years now, I have argued that these should be replaced by e-learning of some sort, presented by outstanding speakers and produced in highly professional ways. I concede that it would be regrettable if law students were never to experience the thrill of assembling with peers in a lecture hall and listening to an outstanding live performance. But we should not preserve the old ways in the delusion that this is the norm.
- 3.23 I find that many students and law firms share my strong scepticism about the worth and impact of conventional law lectures. Their strongest memories of lectures seem to be of those that were interminable and poorly presented. The inspirational orator of complete clarity who can render dry legal subjects riveting is a rare beast. Accordingly, most students pragmatically regard i-Tutorials as a sensible alternative that is more convenient and flexible.
- 3.24 On balance, I conclude that i-Tutorials compare favourably with conventional lectures. I share the view that gathering together in a room to hear a lecture is only worthwhile if the performance is outstanding. Otherwise, the convenience and flexibility trump the benefits of the collective learning experience. I am conscious also that a bad lecture can engender communal ill will.
- 3.25 I do not believe, however, that formal lectures should be abandoned altogether at the College. I sense there remains amongst students and law firms a residual appetite for occasional lectures so long as they are – frankly – superb. In the light of this sentiment, I believe the College should consider hosting an annual season of special lectures delivered by leaders from the profession.
- 3.26 More generally, i-Tutorials should be regarded as the first rather than the final step in the evolution of e-learning in the College. The S-Mode, the subject of the next section of this report, represents, in my view, the next step.

## 4 S-Mode

- 4.1 The supervised mode of study (the S-Mode) is a new approach to legal learning that is being pioneered at the College. It shifts the emphasis in legal learning away from the one-to-many structure of conventional education (one lecturer to many students) to a one-to-one approach, whereby students are supervised on an individual basis by tutors and are motivated to disciplined self-study.
- 4.2 Under the S-Mode, students rarely attend the College. Much of the learning is achieved through the use of i-Tutorials and Demos (online demonstrations), while the supervision itself is delivered on a personal basis by e-mails to and from tutors.
- 4.3 The S-Mode is an innovative blend of new technique, well-tested technology, and traditional, well-proven teaching methods. It has already been used by LL.M students. For LPC students, the College ran a pilot project in 2008/09, offering certain elective courses to a group of part-time students using the S-Mode of teaching, similar to the methodology employed on the LL.M course. The electives offered were: commercial law; employment law and practice; family law and practice, public companies and equity finance.
- 4.4 My assessment of the S-Mode, in this section, is organised as follows:
- feedback from students and firms
  - evaluation
  - recommended enhancements
  - interaction amongst students
  - use in LPC
- Again, I stress that this review is a high-level appraisal. For those involved with educational theory, the S-Mode merits far more detailed investigation and study.

### Feedback from students and firms

- 4.5 From the interviews I conducted and from the research that has been carried out, I find a mixed reaction from students in relation to the S-Mode. On balance and overall, though, I believe the feedback is very encouraging.
- 4.6 I note that students who have no personal direct experience of the S-Mode are much more sceptical than those who have studied within the framework. This presents a marketing challenge for the College – even if the principles and practice of the S-Mode are sound, it may not be easy to sell the idea to prospective students. (The insights of students with no direct personal experience of the S-Mode, from an educational point of view, are, of course, of limited significance.)
- 4.7 Amongst those students who have actually studied under the S-Mode, whether as LL.M students or on the LPC Pilot, there is considerable enthusiasm for the concept. Over and above the advantages of i-Tutorials (see Section 3.5), two main sets of benefits of the S-Mode are generally cited by students. First, they value and enjoy the one-to-one attention of tutors and say that it increases their confidence, both in their knowledge and in their ability to sit the examinations. Second, the S-Mode is said to be much more convenient for part-time students or for those who want to avoid the time and expense of travel.

- 4.8 It is clear to me, however, that the S-Mode has suffered from some teething difficulties. Students with whom I spoke are not happy to have to print out all of the course materials, for example; and it is also obvious that, whilst some tutors are outstanding, others are less engaged and responsive. This second point is crucial – the success of the S-Mode depends in large part on the availability and user-friendliness of the tutors.
- 4.9 I note that some electives were considered by some students to work better than others under the S-Mode. Employment law tutoring seemed to be better received than commercial law tutoring, for example. Whether this is due to the tutoring or the subject matter itself is a question that requires further investigation.
- 4.10 Based on feedback from students, the main shortcoming I identify with the S-Mode, as currently in operation, is the limitations of e-mail as the prescribed way for students and tutors to communicate. Many students would welcome an opportunity, at least some of the time, to interact in real-time with their tutors. They hanker after greater interactivity, and some more informal interchange, as well as the development of a stronger inter-personal relationship than e-mail can often allow.
- 4.11 As for law firms, a common initial reaction to the S-Mode is one of cynicism. There is some suspicion that the reduction in face-to-face lectures and workshops is commercially motivated. Because the College is seen to be entrepreneurial, the S-Mode is often assumed to have been inspired by a desire to cut costs and so improve the financial performance of the College. I am assured by the College, however, that, far from costing less, the S-Mode is more expensive to run than conventional legal training by lecture and tutorial. Again, the challenge here for the College is to shift perception – another marketing job.

#### Evaluation

- 4.12 My investigations suggest that the drive behind the S-Mode is not commercial but educational. The College, it seems to me, is genuinely determined to explore and exploit new methods of educating, training, and helping aspiring lawyers; and, through the S-Mode, is pursuing the plausible premise that students generally perform better when they are accountable to, and working closely with, tutors on a one-to-one basis. This is the essence of the Oxbridge tutorial system, admired throughout the world.
- 4.13 I accept that one-to-one tutorials are not universally regarded as the finest way to teach and learn. In this context, however, the question is not whether one-to-one supervision is optimum but whether it is superior to the main alternative – assembling in groups of, say, 20 students, led by one tutor. My interviews and other feedback suggest that the majority of students themselves prefer the one-to-one framework. They find it more motivating, stimulating, convenient, and less inhibiting. Large group tutorials are criticised as lacking in focus, inhibiting, hard to control, and favouring the outspoken.
- 4.14 In trying to capture the spirit and emphasis of the S-Mode, I have come to characterise it as an attempt to create an ‘electronic Oxbridge’. By this I mean that the strengths of the traditional Oxbridge tutorial system are embraced (the pressure, stimulation, and personal attention from an expert tutor) but achieved in an affordable and practical manner not through face-to-face interaction but by deploying a range of information technologies.
- 4.15 As conceived by the College, the students benefit from this personalized supervision, from the flexibility of i-Tutorials, as already discussed; and from not needing to travel to learn. In relation to this last point, this can enable students to take courses when otherwise this might be physically impossible; or, in less extreme circumstances, it allows students to avoid the cost and hassle of travelling to a physical location to learn.

#### Recommended enhancements

- 4.16 While I support the fundamental idea of moving to personalised supervision, I believe a wider range of communication channels between student and tutor should be adopted and underpin the S-Mode.
- 4.17 I recommend, first, that students and tutors communicate, at least some of the time, either by telephone or, if this is acceptable to both parties, by some kind of real-time instant messaging system. Feedback from students who have done so is very positive.
- 4.18 I see no reason, second, not to go further and conduct these real-time interactions by video-meeting (over Skype, for example). Students say that being able to see their tutors, as well as to chat with them, would make a major difference.
- 4.19 These refinements do not challenge the fundamental thinking behind the S- Mode but would greatly enhance the one-to-one supervision. In other words, I support the move away from student and tutor congregating in the same physical space but I do argue that some supervision has to be conducted synchronously – the engagement should sometimes be a live discussion, allowing an informality of interaction that the immediacy of real-time communication encourages.
- 4.20 This proposal for greater interactivity and use of telephone, instant messaging, and video meetings across Skype meets with the clear approval of various law firms involved in my study. They welcome the increase in personal supervision that the S-Mode brings but are generally nervous that e-mail is not a sufficiently rich channel for the supervisor/student relationship.
- 4.21 I propose a third and final enhancement to the S-Mode – the more widespread use of webinars. An inexpensive and yet remarkably effective technique for teaching and learning, the kind of webinar I have in mind is a seminar that is conducted by telephone with the support of various web-based facilities. A tutor can lead a discussion by telephone with the support of slides to which participants have shared access, and students can respond and interact, either orally on the telephone or by text on screen. I know from feedback at the University of Strathclyde that students appreciate well-run webinars as one of a number of learning environments. For many, it is less intimidating than the conventional face-to-face workshops. Students feel they can ask questions without feeling foolish and are more inclined to float exploratory ideas. The use of webinars in support of the S-Mode would introduce an element of interaction amongst students that law firms and some students say they would like.

## Interaction amongst students

- 4.22 This question of interaction is a fundamental one. Students who study under the S-Mode will rarely congregate and collaborate in the classroom with their peers. While the S-Mode does bring undeniable benefits (for example, students can study at a time that suits them and can study anywhere in the world), concerns are sometimes expressed about the limitations of studying and learning in what is perceived as isolation. A common intuition is that experience of team-working, the acquisition of soft skills, and the absorption of professional values cannot be achieved without gathering together in one physical teaching area.
- 4.23 Educational strategy should not, of course, be premised on intuition. Reliable conclusions about the pros and cons of the S-Mode, I submit, should be based on practical experience of its live operation, scholarship and debate, and a firm grasp of the learning outcomes that the market requires. My investigation suggests that the practical experience of the S-Mode has been positive. I also find that the educational principles underlying the S-Mode have been given deep consideration.
- 4.24 As for the market, I find that law firms are open-minded about reducing (but not entirely eliminating) the amount of time students spend in college buildings. Their concerns here are less about acquiring soft skills and absorbing professional values at the College; this they expect to happen largely within their firms. They worry, rather, that students may miss the opportunity to engage in teamwork and to collaborate with their peers. I find this concern is to a large extent allayed if there is some reassurance that some group meetings will take place alongside the S-Mode. In this context, the experience of the law school at the University of Strathclyde is again relevant. From the mid-1990s, the law school has run Masters degree in computers and telecommunications law by distance learning. The great bulk of the course is undertaken remotely, but the students, at least once, are required to come together. Interestingly, the tutors prefer that this meeting takes place not in the conventional academic surroundings of the university in the centre of Glasgow, but, instead, at Ross Priory, a wonderful country house owned by the University, situated in the south-east of Loch Lomond. When the students convene, the atmosphere is congenial, informal, highly participative, and very much in collaborative spirit.
- 4.25 Similarly, I do think that LPC students working under the S-Mode should periodically congregate together, but I do not think this need or should happen in one of the College's conventional buildings. More imaginative and stimulating locations might be identified. And I suggest, too, that these physical get-togethers should not be dominated by conventional workshops or tutorials but, more imaginatively, should be much more collaborative; simulating perhaps the demands made on young lawyers in firms when they are thrown together, at little notice, to collaborate on some urgent deal or dispute.
- 4.26 I understand that the College is in ongoing discussion with the Solicitors Regulation Authority ('SRA') in relation to the more widespread use of the S-Mode on the LPC. The SRA regulates the profession of solicitors in England and Wales, one aspect of which is the regulation of the training of solicitors.
- 4.27 I stress that I have not spoken formally to the SRA about the S-Mode. But my understanding, from the SRA website and from discussion with the College, is that the SRA currently values and requires face-to-face teaching and learning. Indeed they stipulate that a minimum of hours be allocated to face-to-face teaching and learning. In their own words:
- “Face-to-face’ teaching and learning requires interaction among students and between students and tutors. Tutors must provide feedback to students on the activities undertaken during the session, to confirm and/or enhance students’ understanding of the topics being developed. The SRA does not wish to inhibit providers’ opportunities to develop a range of course structures and to utilise different teaching and learning methods. A minimum face-to-face requirement has been set in order to ensure that all students have some opportunity to meet with each other and their tutors and to undertake activities to develop their team working and communication skills, their ability to relate to other professionals and appropriate attitudes to professional conduct.”<sup>2</sup>
- 4.28 In other words, the main motivation here for stipulating face-to-face teaching and learning is that the coming together of students in tutorials, workshops, lectures, and in college buildings generally, is to help contribute towards what I hear in the College is sometimes called the ‘professional socialization’ of prospective solicitors.
- 4.29 On the face of it, this is entirely sensible – solicitors do not work in isolation from the rest of humanity and so, in their formal education, should be exposed to interaction with colleagues and more senior individuals. On closer examination, three quite different claims might be made here by the SRA or indeed anyone who has concerns about the lack of student interaction on the LPC.
- 4.30 The first claim is that students need to acquire a range of professional, social, and interpersonal skills that allow them to interact comfortably and confidently with their colleagues and those they advise. This might include communication skills, techniques for the conduct of meetings, presentation skills, and even broader skills such as those gained through assertiveness training. While each of these may well be valuable for the practising lawyer, it is not beyond argument that the LPC is the place to provide them. Indeed, most firms say that they prefer to take on most skills training as their own responsibility, not least because they would like to stamp on their own style and approach.
- 4.31 A second possible claim is that students need to be immersed in an environment and exposed to individuals from whom they can learn their craft or trade. When advocates speak of professional socialization, they sometimes mean the exposure of would-be professionals to the working habits of more experienced practitioners.

<sup>2</sup> 'Legal Practice Course Outcomes 2007', p.24, at <<http://www.sra.org.uk/documents/SRA/consultations/355.pdf>>.

And more generally at <<http://www.sra.org.uk/lpc/>>.

And I believe this is vital. However, this level of professional socialization is rarely achieved on the LPC or on any such course because most of the interaction achieved in College is peer-to-peer, amongst students themselves, who are, of course, collectively inexperienced in the working habits and patterns of experienced lawyers.

- 4.32 It is not clear to me, from my discussions with senior lawyers and legal educators, that they expect or want students on the LPC to be professionally socialized in either of the two senses just noted. However, they do want the students to gain some experience of team-working so that their employees are team players. This is the third claim. And I believe it is the main challenge for the S-Mode if it is to be used more widely on the LPC – collaboration and team-working must be accommodated and encouraged. Ironically, however, collaboration and team-working are often not central to the conventional lecture room or workshop, time within which seems to be considered by the SRA as face-to-face interaction.
- 4.33 I do appreciate there are concerns and sensitivities here. I do not think this debate can be resolved by simply stipulating a minimum number of hours of face-to-face interaction. Instead an open-minded, reasoned and evidence-based discussion should take place. The SRA clearly wants to encourage the use of new teaching and learning methods. The burden on the College is to show that the learning outcomes the SRA believes can flow only from face-to-face engagement can alternatively be realised through the S-Mode and associated techniques and technologies.

#### The S-Mode in the LPC

- 4.34 A key question that the College invited me to consider is indeed whether or not the S-Mode should be introduced more widely across the LPC.
- 4.35 If enhanced in the ways I suggest, my view is that the S-Mode holds great potential for far wider use across the LPC. I regard the S-Mode as an exciting new way of delivering personalised professional learning. Most students who have worked under the S-Mode are keen for its wider deployment. And their examination results have been similar to those attending in the traditional way. Law firms needs reassured about the way in which team-working can be achieved but are otherwise supportive of teaching methods that are more effective and efficient. The SRA will also need to be comfortable, however. Again, I encourage open and informed discussion.
- 4.36 Given its track record as an educational institution and as an innovator in e-learning, I believe the College of Law should have the confidence to proceed further with the S-Mode across the LPC, modified in the light of well informed feedback, strengthened by various communications technologies, and embracing more ambitious forms of IT-based supervision. The motivation underpinning the S-Mode is sound – on a highly personalised and supervised basis, to improve the educational experience of students, to enhance their various learning outcomes, and to prepare them more comprehensively for legal practice.

## 5 Future directions

- 5.1 One way of assessing the exploitation of e-learning technology by the College over the past five years is to regard the initiative as progressing through a four stage evolution, as follows:
- Stage 1 – the presentation of legal content through i-Tutorials;
  - Stage 2 – the one-to-one supervision of students via the S-Mode;
  - Stage 3 – collaboration amongst students through Web 2.0; and
  - Stage 4 – virtual legal practice through simulation techniques.
- 5.2 In relation to Stage 1, I conclude that the College has developed and delivered an excellent suite of i-Tutorials; as impressive a collection of legal webcasts as I have seen anywhere.
- 5.3 In relation to Stage 2, my conclusion is that the S-Mode is an innovative, exciting, and important technique for the world of legal education. It is a bold and largely successful initiative that delivers legal learning on a highly personalised basis.
- 5.4 Although impressive, I make suggestions for improvements to i-Tutorials and the S-Mode that would, in my view, enhance the student experience (see Sections 3.12-3.14 and 4.16-4.21).
- 5.5 In relation to Stages 3 and 4, the College has made less progress. Although I believe i-Tutorials, podcasts, online demonstrations, and IT-enabled supervision under the S-Mode combine to produce an impressive learning environment, I suggest that there are further e-learning techniques that the College should explore which would enhance the social dimension of learning and encourage greater collaboration and interaction.
- 5.6 Stage 3, as I envisage it, would involve the College in more widely embracing Web 2.0 technologies, including wikis (for gathering and sharing insight), Facebook-like and Twitter-like social networking (for team-working and collaboration), blogging (for feedback and review), and open-sourcing of legal materials (for knowledge management). These are the communication and collaboration tools of the moment and should, I submit, be integrated into the College's teaching and learning programmes.
- 5.7 If these new technologies are embraced, it seems to me that a higher level of interaction amongst students can be achieved. In turn, I suggest, this will bring a new form of socialization – students will become accustomed to collaboration with one another electronically and gain some considerable insight into the conduct of professional service on an online basis. In the current world of legal practice, in which face-to-face interactions between lawyers and their clients are diminishing and in which electronic communication amongst clients is increasing, this form of socialization is strongly needed.

- 5.8 Although students of today are fully familiar with electronic communication via systems - such as FaceBook, MSN Messenger, and Twitter - the manner in which these systems are used by students amongst one another will often be too informal for professional purposes. Accordingly, increased exposure to electronic communication in a professional setting is not simply possible or desirable. In my view, it is necessary.
- 5.9 As for Stage 4, which will involve virtual legal practice (using simulation techniques), I cite the ground-breaking work of Professor Paul Maharg at the University of Strathclyde. He has moved well beyond the world of webcasts into the field of simulation-based training and transactional learning. Based on his practical experience of using these methods on the Diploma in Legal Practice (the Scottish equivalent of the LPC), he argues convincingly that online simulations of law office activity enable students to engage in legal transactions, to experience the running of a legal practice, to be assessed reliably, to be involved in collaborative learning and, in consequence, to change 'quite fundamentally' what and how they learn.<sup>3</sup>
- 5.10 For students of the Diploma, Professor Maharg has designed a fictional town, Ardcalloch, in which students play the part of solicitors in virtual law firms and are provided, amongst various other facilities, with characters, institutions, professional networks with whom they can communicate; virtual offices in which they can work; simulations of actual legal transactions; and a rich set of resources that lend authenticity to the environment, including newspaper clippings, photographs, wills, bank books, and advertisements. A full history of Ardcalloch has been written, adding still further to the sense of reality that the designers have been at pains to create. Without exception, when I describe this environment to law firms, there is very considerable enthusiasm and interest. Here is a use of information technology not simply to computerize pre-existing teaching and learning processes, but to create new learning possibilities. Inspired by the success of Ardcalloch, Professor Maharg has developed a more generic learning environment, an open-source software platform upon which other law schools can build for their own particular purposes. I strongly recommend that the College of Law explores this option and invests in simulation techniques.<sup>4</sup>
- 5.11 In progressing through all four stages, in due course the College will have a yet richer blend of resources available for its students. And, the more the various techniques of Stages 3 and 4 are embraced, the easier it will be to reassure students, lawyers, and regulators who may be nervous about the diminishing role of conventional face-to-face classroom teaching. Certainly, in discussions with law firms in relation to this report, I find that when they are exposed to the various advanced e-learning techniques, as just discussed, they express a greater degree of comfort and even enthusiasm about moving away from the traditional legal learning that they themselves have experienced.

## Commercial exploitation

- 5.12 Finally, in these troubled economic times, the College should consider the wider marketability of its e-learning products. In particular, I believe that many law firms in England and Wales would benefit from ready access to the wide range of i-Tutorials that the College has developed. These are of use not simply to students who are training to be lawyers but also for more seasoned practitioners who occasionally (or maybe more regularly than that) need to refresh their memories of the basics. I suggest a significant revenue stream could be created for the College by licensing i-Tutorials to law firms.

## The need to be bold

- 5.13 Henry Ford is reputed to have said that if he had asked his customers what they wanted, they would have asked for 'faster horses'. Similarly, I find that many students and law firms, when asked about future developments in the courses offered by the College, will initially tend to advocate the same broad approach as that of today but with some minor improvements and refinements. This is no great surprise. Innovations in products and services tend to come not from consumers and customers but from research and development environments.
- 5.14 Similarly, in the law, the recipients and beneficiaries of legal education are rarely well positioned to think, in transformational or radical terms, about possible changes. It is legal institutions like the College of Law and the Law School at the University of Strathclyde that are more likely to experiment and then launch new methods of teaching and learning in law, blending the best of conventional education with the benefits that new techniques and technologies can bring. It is important that the College listens to feedback but, I conclude, it should also continue to be bold in developing new and ambitious applications of e-learning.

<sup>3</sup> See Paul Maharg, *Transforming Legal Education* (2007), p.172.

<sup>4</sup> <http://simplecommunity.org>



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