



Précis Paper

Changing Law Education in an Online World

Abstract – Over the past 30 years developments in technology have inspired changes in both teaching and practising law in Australia, expanding research, access to content and online interaction. In the online law education space Australia does some really innovative work. Professor Michael Adams and Dr Ying Chen discuss the changes and future directions.

Discussion Includes

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Précis Paper

Changing Law Education in an Online World

1. In this edition of BenchTV, Professor Michael Adams (Head of Law School) and Dr Ying Chen (Law Lecturer) discuss the changing structure of law education in Australia.

Structures and organisations

2. There are about 40 law schools in Australia, the majority of them publicly funded universities. In the early 1990s Justice L J Priestley determined the 11 core areas that were required for a law degree, such as contract, crime, torts. There were actually 12 - the 12th is Statutory Interpretation. A course is the actual degree. Individual components such as contract law are known as subjects or units.
3. All law teachers tend to belong to ALAA, the Australian Law Academics Association (ALAA). It was developed in the 1950s. Out of ALAA was created the Corporate Law Teachers Association which came in in 1991.
4. The Council of Australian Law Deans (CALD) meet two or three times a year. CALD has developed standards for law schools.
5. Each State has its own admitting authority. The LPAB is in NSW.
6. Traditionally, PLT - practical legal training - is held in the College of Law.
7. There are professional law bodies – law societies, Bar associations for barristers.
8. You would get your law degree, then PLT, then seek admission. There's a character test. Usually, you then work under another solicitor for a few years before gaining an unrestricted certificate.
9. There's quite a turnover – 25 per cent leave within five years.

Role of CALD and ALAA

10. These two bodies are particularly important for university education. ALAA takes a very active role in supporting academics, particularly the nexus between teaching learning and research which is very valuable. The latest research can be fed straight into the classroom.
11. ALAA works with New Zealand as well as Australian law schools, and supports academics in the south Pacific.
12. CALD supports law schools in individual structures.

Main points of ALAA Conference 2021

13. It considered how legal education has changed. Timeframes and changing costs and attitudes of students has had an impact. Education is a very big investment and students can now see themselves as consumers who pay for something and expect something in return.

14. It looked at the importance between teaching, learning and research, and community engagement, involvement with professional bodies to convey information, and in the media.

Evolution of legal education

15. Since the 1990s a lot has changed in the technology of management systems - from the '90s when there was teaching in front of a large classroom to the evolution of online education. And also the adoption, particularly in Covid times, of the flipped classroom - the big lecture is effectively dead. It's seen as much more effective to record 20-30 minute lectures or multiple mini-lectures, with subtitles and translations, and the ability to add graphics and information, case citations, reference to journals etc.
16. Students tend to have live tutorials, via Zoom and other technologies, or in a classroom in a small group. The flipped classroom model has become very popular.
17. Law Schools all have the core subjects but they specialize in different areas. The University of New England has the Australian Centre for Agriculture and Law at <https://www.unen.edu.au/research/research-centres-institutes/the-australian-centre-for-agriculture-and-law> and First People's Rights and Law Centre at <https://www.unen.edu.au/about-unen/faculty-of-science-agriculture-business-and-law/school-of-law/research/first-peoples-rights-and-law-centre>
18. Each university will do that in their own way and build up a reputation beyond the basic requirements of their law degree.
19. The technology allows for more comparative law, to research through databases, it's more dynamic, legal education today is more interesting and exciting with greater insights.

Changes in education law

20. In the 1980s and '90s you did get to know all your students. You would know them by name, you knew what was happening in their family and life. There was more time and smaller numbers.
21. It was a transition time as Minister Dawkins amalgamated colleges of advanced education with other universities to make them larger and more efficient. It moved to a mass education model. Some schools now have over 1,000 student first years. That changes how you do things.
22. With advances in technology most of the barriers have disappeared and there is improved availability.
23. Adult learning approaches have changed. We have better access to research, to what works for student engagement - online teaching used to be very passive, now we have real-time questions and answers. It's also changed expectations, students want answers immediately.
24. There's more ability to do international law, comparative law, to research, you can bring into the classroom what is happening.

25. Even the type of assessments have changed – we do online assessments, we do online mooting. The courts are working electronically and virtually so we can moot with our students in our moot court when they are sitting in their homes or offices.
26. Our average age of student is actually a 36-year-old woman, probably with a family, and a career, who is changing careers wanting to become a lawyer. We have a wide range of students from 17-year-olds to people in their 80s.
27. It's such a radical change that we are now so much more available to students and that's pretty exciting from an equity and gender perspective.

Changes in researching law

28. Research is what makes it a university rather than a college or training institute. At UNE they have coordinated expertise in triple R law – Regional, Rural and Remote law – and have a podcast Law in the Bush.
29. Research has been able to use SurveyMonkey, Qualtrics and other technologies to reach a much broader section, in regional and rural areas.
30. WorldLII (www.worldlii.org), coordinated by AustLII, brings together all the nations that provide free public information.
31. The big commercial publishers Thomson Reuters and LexisNexis Butterworths also provide incredible services, and through law firms, libraries and universities we have access to huge amounts of back information, journal articles, and others.
32. Also, government reports are readily available, such as the recently released *Examination of Victorian Universities' Privacy and Security Policies* by the Office of the Victorian Information Commissioner, 2021.
33. Research is exciting today because of the technology now available.

Teaching variations

34. Different countries have very different approaches to teaching law. Countries like Malaysia, Hong Kong and China have differences and similarities but as a general statement, their teaching seems to involve more rote learning, knowing cases. There seems to be more exploration in the US, UK and Australia. The way we use assessment tasks can be quite different. The way we do essays rather than just examinations is a distinction. The Socratic method is used a lot in the US, less so in Australia.
35. In the online education space, Australia does some really innovative work, even more so than other common law countries.
36. Mexico and China share many similarities, they have civil law systems and statutory law is the most important source of law. The emphasis is on the transmission of legal knowledge. But they have realised the importance of critical thinking and it is improving. Their students have much stronger statutory interpretation skills which we could improve.

Comparison of online education

37. Online education has been happening here earlier than in a lot of overseas universities. China, India and Japan generally do not do online law education. Japanese professors have been fascinated by our approach, how we deliver units and engage students in their learning process.

Impact of Covid-19 on law teaching

38. The way academics have taught in law schools face to face has a long history. In the last 30 years we've seen major changes occur. Covid-19 has escalated the need to have more online through our management systems.
39. There has been lot of research in universities in Australia into the pedagogy and adult learning space to make the most of our management systems. Systems like Noodle and Canvas are a big investment for universities but they offer lots of features like marking and feedback, and hyperlinks to information.
40. Through things like Open Universities Australia you can do just one subject at a time. Microstudying, or 'chunking down' is making learning accessible.
41. It's a challenging time for all lawyers, and academics. There's a strong outreach of mental health, counselling services. The impact is critical on our families, our friends, and people's studies. It's a high priority to get a work life balance right as well as keep providing a service as we have throughout the pandemic.

Future of legal education

42. Education has dramatically changed over the last 20 years. BenchTV is a great example of our ability to analyse cases by those involved at the time.
43. Practical legal training has become more sophisticated and CLE has been developing and changing. There are many more services in CLE. Where lawyers used to have to go off to conferences and special events now their ability to get CLE through online services has changed. As our understanding develops around student engagement we will see many products emerging.
44. Interactivity will become even more important, even quicker. With courts online, we need to train lawyers to become more comfortable with screens.

BIOGRAPHY

Professor Michael Adams

Head of Law School, University of New England, Armidale

Professor Michael Adams is an internationally recognised specialist in corporate law, governance, securities markets regulation and legal regulation (particularly e-learning). Michael has been writing, teaching and regularly presenting on all these topics for over 20 years. He is a Fellow of the Australian College of Educators (FACE), as well as the Australian Academy of Law (FAAL), and is also a Fellow of the Governance Institute of Australia (FGIA & UK FCIS). He is the author of 10 books and 30 chapters, 50 articles and over 250 conference/seminar presentations. In 2000 he was the recipient of the Australian University Teacher of the Year, for Law and Legal Studies, as well as 2005 CSA President's Award.

Dr Ying Chen

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Dr Ying Chen is an academic at the University of New England School of Law. Her research primarily focuses on global food governance. She is particularly interested in questions relating to how agricultural trade affects global food security and safety, and what the world can do to improve food governance for better protection of human rights and the environment. She has taught in the United States, Mexico, China and Australia.

BIBLIOGRAPHY

Legislation

Corporations Act 1989 (Cth)

Publications

Examination of Victorian Universities' Privacy and Security Policies, Office of the Victorian Information Commissioner, 2021

Marlene J Le Brun and Richard Johnstone, *The Quiet Revolution: Improving Student Learning in Law*, Lawbook Co, Sydney, 1994

Other

Australian Institute of Criminology www.aic.gov.au

Australasian Law Academics Association (ALAA) www.alaa.asn.au

Agriculture and Law Centre, University of New England

Australian Law Reform Commission www.alrc.gov.au

Corporate Law Teachers Association (CLTA) www.clta.edu.au

Council of Australian Law Deans (CALD) www.cald.asn.au

First People's Rights and Law Centre, University of New England

NSW Legal Profession Admission Board (LPAB) www.lpab.justice.nsw.gov.au

WorldLII www.worldlii.org