Exploring Curriculum Design in Legal Education

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1. INTRODUCTION :

An important facet of teaching and learning is curriculum design. Teaching in the classroom is a second step towards the ultimate goal of imparting education to the students. The first remains the planning or the designing of the course. The curriculum is never a static document; it is an ongoing conversation that needs revision and development to keep pace with the changing market dynamics.

The author strongly believes that student-centred learning that emphasizes students' responsibility for planning, interacting with teachers and other students, researching, and assessing learning is more effective as compared to other approaches. [As discussed by Cannon, (2000)][i]. It helps them develop lifelong learners, it helps them to evaluate themselves, and manage time and skills to access information and particularly for law students, it can help them develop legal acumen. In addition, another facet to curriculum designing is what is stated by Roger Cramton, he calls for a curriculum that is both more theoretical and more practical. More attention would be devoted to exploring the theoretical foundations of basic legal relationships.[ii] There is a need to re-orientate legal education around "what lawyers need to be able to do", rather than remaining bound to the traditional focus of "what lawyers need to know".

Hence, an important question to ponder is "How is our curriculum enhancing the student learning experience?" Which design is the most appropriate to achieve the goal? The author has found that in legal studies Problem-based learning is an efficient way of student-centered learning in education. With a student-centred approach, the students are required much more to learn than just learning from the course content to pass the exam. It is also true that the assessment of pedagogy is an effective criterion to assess a curriculum design.[iii]

The focus should be on how efficient the instructions are rather than the learning. Transmitting information to students is more likely to encourage surface learning, where learning is temporary whereas student involvement in the learning process through focus on the quality of learning encourages deep cognitive learning. (Newble and Cannon 1995)[iv]. Barr and Tagg [1955][v] stated that universities have promoted the least effective methods of student learning since they have confused means with ends. The student learning experience is the golden nugget that any academician individually as well as the institution wholly aims for. The author discusses the various steps involved in designing a course and the challenges and solutions thereof.

2.   CURRICULUM DESIGNING:

The curriculum design includes aligning learning strategies, materials and the experience to defined outcomes. As rightly pointed out by Newble and Canon (1989) in their seminal work "A Guide to Improving Teaching Methods", a successful course design forges "educationally sound and logical links between planned intentions, course content, teaching and learning methods, and the assessment of student learning while taking full account of student characteristics".

Twenty-first-century Indian law students cater to a completely different and structurally complex professional environment from their predecessors. The content, methods and focus of legal knowledge are now also changing so rapidly that, in many areas of practice, the theoretical law learnt at Law School is not sufficient. At a broader level, legal practice has been transformed by external drivers such as globalization, competitiveness, information and communications technology and by a determined move away from the adversarial system as the primary dispute

resolution method. Expectations of the sector should align with student demands: universities should recognize "that there is a need to ensure that graduates have the generic skills desired by employers such as analysis, communication, teamwork and leadership skills."[vi]

In the contemporary era, there needs to be a significant shift in teaching and learning approaches in higher education i.e. from "teacher-centered" teaching to "student-centered" and "independent" learning. As Coaldrake and Stedman[vii] have noted "Deeper understandings of the nature of student learning, and pressures to reposition the teaching and learning environment around learning outcomes, demand a more professional approach to university teaching." Because of the covid, the entire delivery system has changed. Academicians address more diverse student groups to teach at more flexible times and locations. It has become important now to master the use of information technology in teaching.

Traditionally, educators have approached curriculum planning from the perspective of what lawyers "need to know". While this approach will usually lead to graduates with good technical skills, but may not prepare the students for long-term careers. A doctrinal heavy education does not equip the students with generic but necessary skills needed to perform in the modern workplace. Vignaendra [1998][viii] identified that the most frequently used skills by law graduates in any type of law-related employment were communication (both oral and written), time management, document management and computer skills. In any discipline, students will go through several changes of a career in their working lives and hence it is necessary to focus on tertiary education which will develop students' ability to transfer skills from one context to another context.

In an interesting report by the UK Centre for Legal Education on General Transferable skills in the law curriculum, it was emphasized that formal curricula were not addressing various skills that are required by the employers including oral and written communication, teamwork, leadership, commitment, respect for others etc.[ix] The pedagogical solution to the mismatch between traditional teaching and the prevailing workplace demands lies in the acceptance that knowledge - "hot to do, how to communicate, how to write, how to work in teams" is as important as conceptual knowledge and that the curriculum should successfully integrate these two aspects.

At the outset, the curriculum development process broadly involves the following steps; gathering information; designing the content; building the content into a workable instructional unit; and evaluation. The first step requires planning and determining who the learner is, what they need and what should be the scope of it. Some questions to address include; who will take the course? ; what does the learner already know?; what is their attitude towards the subject? Once all these basic information is available, the subject matter expert should be consulted to seek other related information. With this information in hand, one should move on to the next step.

The second step involves designing the objectives. Clear objectives include action adjectives as per Bloom's taxonomy including Identify, Modify, Plan, Analyse, Evaluate, create etc. These objectives are to be carefully connected with the content of the course. There has to be a clear alignment between the objectives and the content otherwise, the objectives will not be measurable which eventually affects the learning outcomes. Given the fact that now a lot of learning occurs online, it becomes necessary to consider the environment in which students study such as will the learners be accessing the material on their mobile phones or in a classroom. The next step involves how to sequence the content and what delivery method to use. This requires further research for appropriate materials and what type of graphics to use. The third step involves building the content into a workable instructional unit. The content needs to be presented most understandably including the graphics, animation etc.

The following points are fundamental for sketching a pedagogy:

Identify your students and their awareness of the course.
Developing self-management skills
Make them solve Real-world problems and authentic tasks
Self-assessment tasks
Formal and informal means of evaluation

3. KNOW YOUR STUDENTS :

Various reports demonstrate a relationship between students' previous experiences and their performances as learners. (Meyer & Boulton-Lewis 1997[x], Trigwell & Prosser 1991[xi]), Gaining this information can put the teacher in a better

position to assist the students in enriching their learning. These experiences have a strong influence on their motivation for learning. When students are motivated to engage they develop a deeper level of learning compared to students who are motivated to pass the examination only. We connect more with them when we are aware of their previous experiences and understanding of the subject.

When a program is designed, the modules are incorporated depending on the market requirement. For example, BBA when integrated with law assumes that a student who has an interest in business or management would be more inclined towards taking the BBA LLB Course. During admissions, the entrance examination does not assess them in their social background or their existing knowledge as such. Hence, while designing the course, it becomes important to consider the diversity of the students in a class to be effective in achieving the goals.

4. PROGRAM OUTCOMES / COURSE OUTCOMES :

Clear and precise learning outcomes enable the students to appreciate what is expected of them and how they might know what they have achieved. The course objectives drive student learning goals and assessment.

One can define the learning outcomes in a way to enables students to acquire knowledge, skills and attitude. Knowledge refers to the subject matter of the course. Specific requirements of knowledge related to the identified course. Attitudes refer to the thought processes involved in deploying the skills. For instance, the critical thinking method, the active listening method, a proactive attitude towards learning etc.

Verbs that are often used to encourage a deeper level of understanding by students include reflect, hypothesis, relate, theories, argue, analyses, evaluate, and create [Bloom's taxonomy] [Biggs 1999] For example, Analyze the copyright law in the context of the rights of filmmakers. Students' assignments need to show you how well students are solving hypothetical problems, drafting contracts, writing academically, critiquing what they read, applying principles, and thinking about concepts.

5. ASSESSMENT :

The assessment is aimed at determining the achievement of specific learning outcomes. The assessments need to be aligned with the learning goals and methodologies that we use. In student-centred learning, the emphasis is on knowledge, attitude and skills, as discussed above. All assessment methods require that students present evidence of their learning. We should be aware of what we want to know through what we are asking. Student-centred learning is encouraged by the use of formative assessment and criterion-referenced assessment:

Formative assessment aims to gather feedback on learning and for grading purposes; it is a summative assessment that is used. Another form of assessment is criterion-referenced assessment wherein both teachers and students can more easily see where students are succeeding and where they are not. The following table is taken from Main 1993[xii], it indicates a range of assessments that capture some of this information

Project work	seek information; reason; plan study in appropriate depth; organize information for special purposes; present ideas ; be original; sustain appropriate motivation
Coursework	maintain appropriate motivation; participate in work of class; develop techniques appropriate to course goals; sustain interest or energy; relate different tasks to each other
Oral communication	cope with questions and arguments; show reasoning behind statements or ideas; interact with others; use general or technical language in an appropriate manner; express ideas fluently
Simulated tasks	show appropriate attitudes; interact with others—apply knowledge or experience; analyses and synthesise ideas ; display creativity or imagination
Group project	Cooperate; benefit from 'real life' situations; evaluate personal skills; integrate with other views or models

6. ASSIGNMENTS :

Students are more involved and challenged when they work on a project dealing with an unsettled issue and generating questions about it, reflecting on their learning. It also teaches them how to move from known to unknown. This enables the students to develop their understanding in terms of what they already know and how they apply that knowledge to the unknown. The resources such as lectures and textbooks are viewed as means to an end that the students can draw on when needed. This is to facilitate self-managed learning.

7.   PROBLEM BASED LEARNING :

Problem-based learning is important to facilitate a student-centred learning approach. The problem however should be based on a real-world problem. A real-world problem motivates the students to look at new dimensions of the acquisition of knowledge. Problem-solving encourages these outcomes:
1.   Learning the multi-dimensional nature of problems
2.   To find balance in a constrained environment
3.   Skills to achieve a solution

When students have developed such skills for discovering new knowledge, they have taken a step towards lifelong learning.

8. TUTORIALS :

The challenge of interacting with so many students in a classroom is undeniably the most difficult task. Tutorials as an opportunity to meet students in smaller groups so that they can interact with each other as well as with the faculty.

9. TEAMWORK:

This is another tool to assess the student's ability to work in a group. As per my experience, many students fail to work in a team because of several reasons including, their inability to work with others, or not everyone being inclined to work, some are more dependent on others and want their work to be done by other group members and so on. However, this is one of the most common strategies used in a student-centred approach i.e. to make them work in a group. This is an effective way for students to learn to work in the office as well as in family life. The ability to work in teams is highly sought after by employers.

10. LECTURES:

Lectures are one of the ways to get information, however, some students find reading or working on an assignment more efficient whereas some students prefer a lecture before they can work on an assignment.

11. CONCLUSION:

As an academician, it is important to understand the need to design an effective module keeping in mind the constructive alignment of the teaching-learning and assessments of the module. Alignment in a design facilitates the learning by students in a progressive manner. To accomplish this, there are different tools to prepare a course including taking information from various stakeholders including the professionals from the industry, the students, their parents, alumni, fellow academicians and people from different industries. For instance, the law does not operate in isolation, it can be studied from different aspects including societal implications, economic implications, business implications and so on. Designing a legal course, hence, requires an in-depth deliberation, of society, economics and other dimensions.

REFERENCES:

[i] Cannon, R. (2000). Guide to support the implementation of the Learning and Teaching Plan Year 2000. ACUE, The University of Adelaide.
[ii] Cramton, Lawyer Competence and the Law Schools, 4 U.ARK, LITTLE ROCK L.J. 1(1981).

iii Maria Druzhinina, Natalia Belkova, Elena Donchenko, Feng Liu, and Olga Morozova, "Curriculum Design in Professional Education: Theory and Practice" SHS Web of Conferences 50, 01046 (2018) CILDIAH-2018

iv Newble, D. and Cannon, R. (1995). A handbook for teachers in universities and colleges: A guide to improving teaching methods. 3rd ed. London, Kogan and Page.

v Barr, R.B. and Tagg, J. (1995). From learning to teaching: A new paradigm for undergraduate education. Vol 27, no. 6.

vi B Nelson, Higher Education at the Crossroads – An Overview Paper, DEST, Canberra, April 2002.

vii P Coaldrake and L Stedman, Academic Work in the Twenty-first Century Changing Roles and Policies, DEST Occasional Paper Series 99- H, 1999.

viii 2 S.Vignaendra, Australian Law Graduates Career Destinations, Centre for Legal Education, Sydney, May 1998 at 39

ix UK Centre for Legal Education, Benchmark Standards for Law Degree in England, Wales and Northern Ireland, November 1998, Warwick, UK.

x Meyer, J. H. F., & Boulton-Lewis, G. M. (1997). Variation in students' conceptions of learning: An exploration of cultural and discipline effects. Research and Development in Higher Education, Vol 20.

xi Trigwell, K., & Prosser, M. (1991). Improving the quality of students learning: The influence of learning context and student approaches to learning on learning outcomes. Higher Education, 22, 251-266.

xii Main, A. (1993). The development of preparation courses for new academic staff. DEET, Higher Education Evaluations and Investigations Programs, AGPS: Canberra.