

THIS CASE THEORY LAW SCHOOL: THE CONUNDRUM OF TEACHING OR HAVING IMPACT?

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Abstract

“This Case Theory” is a study conducted to address the current conundrum faced by the law School in Malaysia. The dilemma lies with the new role and expectation of Modern Universities in the 21st century. It is whether we are “Doing” or Having Impact?” The debate of whether law school are merely doing a law program? or have the law school succeeded to equipped potential law graduates with all the right practical skills have been a continuous and ongoing for decades. Are law school doing it right? Yes, No and Why? It is a Yes because law school’s module has undergone several reappraisal stages and “re-branding” of their teaching methods and its modules to stay relevant to the legal industry in Malaysia. The desire to “keep up” thus far is evidenced by three main methods adopted by law school. Simulations, Role play, and attachment program during semester break are common methods adopted by all the law school in Malaysia. This paper proposes three (3) effective teaching methods on final year’s subjects combining technological apps complimenting the present teaching method for theory using traditional pedagogy. The case theory also processes the content of the simulation are the key factor in making an impact in the legal industry. Thus we have designed our traditional pedagogy and adopted recent development in teaching pedagogy through augmented reality concept. The conclusion of the paper proposed that Conceptual Traditional teaching need to be translated to the legal industry needs via real simulation the best impacts to legal education translates all the legal theories to practicum skills to address the legal market needs.

Keywords: Law students, augmented reality assessment, simulation, civil procedure, criminal law, conveyancing.

1.0 INTRODUCTION / BACKGROUND OF THE STUDY

Registrar Caveats, civil trial, documentary evidence, Statement of claim, affidavits, estate’s petitions are nightmares for law students. Indeed, law studies are a daunting process says law students but for fellows’ lecturer teaching law subjects is a thought provoking process. It is quite a challenge keeping up with the development from the industry and to balance between the industry demands and the spirit of jurisprudence “This case theory” highlights the conundrum experienced by law school policy makers and the legal market. This case theory will begin with an outlines of the final years laws courses, emphasized on the courses’ challenges. The challenges discussed and addressed the concerns among practitioner, public and private authorities, in house legal institutions and others in the industry. The second part of the paper will put forward two (2) propositions, examples of the implementation of the methods that enhanced the practicum skills needed by industry demands. The study focused on civil procedure and conveyancing.

The application of this proposes pedagogy will then be illustrated and translated in a combination of traditional pedagogy. Traditional pedagogy provides the fundamental of legal theories. Understanding and full comprehension jurisprudence of final year’s subjects is important. A strong foundation of the legal

concept of civil procedure in Malaysia for example will assist the students with simulation assessments and assignment projects. This research will adopt an approach known as Augmented Reality Assessment and Legal Information Skills Apps. Data of the study are based on literatures, authors own practical, academic experiences and formal training of relevant fields mentioned above. The data and practical skills include the Malaysia statutes mandatory procedural requirements.

This paper proposed approached which has been tested on final year students. The continuous learning skills test is based on the first phase online launch of “e-Property Sensei” application program to public and law students. All the experiments were conducted under the supervision of the authors. The authors hoped to conduct more clinical program that would have a unique assessment first to third years subject for example family, company and constitutional law and to other law subjects.

2.0 LITERATURE STUDIES

Pedagogy is derived from a Greek word which has been defined as the art and science of teaching methods to students. Over the years, literature's has reveals how “art and science in teaching have developed. It is stated that in the traditional pedagogy it is a process that involves direct flow of information from teacher as sage and students as receivers¹.

With the advent of the rapid technology development, there a need for another appraisal of the legal methods in law school. Today, the law lecturers are going toward more ICT applications in delivering the legal information to students. Therefore there a transition from traditional pedagogy to emerging pedagogy (Mbodila, Muniege, & Kikunga 2012). These scholars argued that as education is an engine for the development and improvement of society, in the 21st century there is a need for educators to teaching methods that will enable learners to use their knowledge efficiently in their daily lives. (Espanada, 2014).

Empirical research has shown that simulated teaching could be one of the most power tools which provide university students with the right learning medium in experience. She further emphasized that simulation is good pedagogy where it can be equipped students with the necessary teaching skills, aptitudes and competencies². With regards to the legal education, scholarship studies has revealed that for legal education, the appropriate pedagogy have been simulation or role play from case law, clinical programs and fictional clients. Over the years, because of the proliferation of the continuing legal education and the increased of in house legal trainer (Macfarlene 1992). The simulation, experienced-based learning in legal education pedagogy are not quite the only consideration to generate the appropriate impact in the legal industry, the methods need the cooperation from the legal industry i.e. practitioners and the judiciary.

There are various definitions of ‘Augmented Reality’ (AR). It depends on the background of the researchers either coming from robotics, entertainment, manufacturing, education, technology or computer sciences (Bower et al, 2014). The most widely understood meaning of augmented reality would be the projections of three-dimensional objects (Azuma, 1997; Milgram & Kishino, 1994). Azuma (1997) provided a comprehensive definition of augmented reality highlighting on the pertinent features of AR namely (i) the combination of real and virtual objects, (ii) provides simultaneous interaction and (iii) the use of three-dimensional virtual and real objects. Nevertheless, from the author’s experience in using augmented reality, it does not necessarily involve the use of three-dimensional objects but it includes two-dimensional images

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² Presnilla -Espada Janet. *An Exploratory Study On Simulated Teaching as Experienced by Education Students. Universal Journal of Educational Research* (2):51-63,2014 <http://www.hrpub.org>.

as well. Other definitions that do not focus on the projections of three-dimensional objects include the definition propounded by Klopfer and Squire (2008) whom defined augmented reality as a platform that provides a real world environment but is creatively designed with strategic location or context with sensitive virtual information. In similar vein, Carmigniani & Furht (2011) are of the opinion that augmented reality means a direct or indirect real-time view of the actual environment but is enhanced with virtual information. Serin (2017) provided a simplified definition that that augmented reality is a ‘mixed reality in which the virtual objects are located in the physical, outer world.’ Despite the differences of definitions, the objective of the use of augmented reality is the same where the users will view the actual and virtual objects at the same time in that particular environment or surrounding that the user is currently at (Azuma, 1997). In fact, the distinctive feature of augmented reality is that augmented reality is able to enrich the perception of the users of the reality. There are no changes made to the real world but it would co-exist as the users would be able to use the actual environment to interact with the virtual objects. Literature has revealed that for legal education, it is an ongoing process, law students upon graduation, will proceed with chambering also known as pupillage before being admitted to the bar. The new lawyers will attach him or herself to any of the areas of law that he or she is interested. As for other positions, the same process of continuous learning process will be adopted by young graduates. This means that the practical skills will be enhanced through the number of years the graduates stay “in practice” in the legal industry.

Therefore we submit that the best art of imparting legal education in law school would be to provide in-depth knowledge of the laws available. As for the practical skills, we propose that for a combination of three methodologies should be adopted. For the sixty percent assessment, all the procedural aspects such as third party proceedings, interlocutory applications, should be explained and taught through practical training, this can be simulated through role-play using emerging pedagogy. One of the emerging pedagogies is Augmented Reality. These methods have been argued that it caters to the generation Z issues of short span of attention. Following the diagram on IDOL model for teaching, all of the 24 pedagogical dimensions were carefully assessed and considered in order to ensure that students’ learning can be enriched. The selection of each dimension is observed to be effective for law modules as it ensures that the students are able to learn independently, albeit with some guidance, and that the module learning outcomes can be achieved. From the author’s experience, this model has successfully equipped final year’s students with the general, basic practical skills and soft skills needed in the legal industry after graduating from any law school. This pedagogy and method of delivery are evidenced with the number of students who successfully obtained a pupillage master for further enhancement of civil and criminal litigation training and being offered a position as attorney in a law firm. The students were observed to be motivated when learning law using augmented reality method. In addition to that, this new pedagogy in utilizing augmented reality is able to improve the cooperation between the lecturer and students due to the collaborative tasks in the educational environment (Billinghurst, 2002). The study flexibility and collaborative learning encourages the students to understand the law better, by being able to learn via touching and exploring learning materials. This is evident as the students’ attention during augmented reality activity appears to be longer as compared to the attention duration of students in conventional classroom, which can be shorter.

Reconciling the evolving legal industry landscape, the Clinical based would provide a good platform to nurture practical skills to final year’s law students. This is because students will be exposed to interview clients, learn to segregate relevant facts for legal arguments of the case, identify cause of action, and identify types of actions to remedy the matter. Mock trials and moots do not provide the appropriate environment and good lawyering skills in students as students often get very competitive which led to unhealthy habits of “caching witnesses or “simply legal drama”. Clinical based program allows students to meet real clients accompanied with the respective lecturers and provide advice to the case. The students will be exposed to draft cause papers but the filing of the papers will be transferred to “pool of firms” agreed to take up the case for the client and further enhance the “getting up of the case” or preparation of the case to court. Through this program, the students will be able to create a healthy and legal networking system through the law school and the industry will get an efficient supply of great potential legal practitioners.

2.1 Online application

To instil practical skills requires, lecturers to be equipped with practical skills. Attachment programs during semester break would help. In addition, the well lecturer will strong practical experience and academically qualified will be able to use computer application programme and developed online app for students and young lawyer. This not only provide a mileage for the lecturer but it is a wonderful contribution to the legal continuous education. One example would be “Property Sensei “Conveyancing @fingertips.”³Property Sensei is an important mobile apps that aims to facilitate parties involves in sale and purchase of real estate by providing valuable information as to legal procedures, legal documentation, solicitors information and other related aspect in sale and purchase transaction in Malaysia. This methods will assist students of usefulness of practical skills and relevant to the legal industry.

2.2 Attachment and visit

To best impact in the learning process, we believed is through the experiential learning itself. Thus the field trip to the land office, developer’s office and other stakeholders like Real Estate and Housing Developers’ Association Malaysia (REHDA) should be made compulsory as part of the assessment. For example, when SMA and STA were first introduced in 2015, there was a lack of literature review in the public domain. Thus, lecturers were left with no options other than going to these stakeholders. Fruitfully from that field trip, the students later found to critically analysed and made a recommendation towards the loopholes that exist in the current legislation. Thus, exposing the student also encourage the students to demonstrate the maturity of thoughts when responding to multiple inputs and context. Field trip found to increase the problem-solving skills among the students. From there, the students are expected to come out with the best practical and contemporary knowledge and apply it to the current legislative framework.

In order to assess the effectiveness of augmented reality learning, a particular instructional design model has been followed namely ‘the Instructional Design for Online Learning’ (‘IDOL model’) that was developed by Dr. Lou Siragusa from Curtin University of Technology. His model is perceived to be all-rounded as the model took into account 24 pedagogical dimensions of interactive learning which includes pedagogical philosophy, instructional design analysis, student motivation, delivery mode, lecturer’s role, lecturer’s online support/training and many others. This model is to be adopted for the delivery of Civil Procedure and Conveyancing in order to accommodate various students’ pedagogical and delivery needs for face-to-face interactions and also online delivery (Siragusa, 2006). al objects (Zhu et al, 2004 and Rizov, 2015). Today, the legal industry is evolving. This is normal as other industry also have been effected by “cliché” as it sounds, globalization , border less market and most importantly technological rapid development. The law school again have a huge responsibilities to balance the role of an educator and Law graduates “Skill Centre “. The former demands the law school to emphasize on the jurisprudence and theoretical concept of law and Justice while the latter warrants a more upbeat paced in the teaching the art and science of legal education.

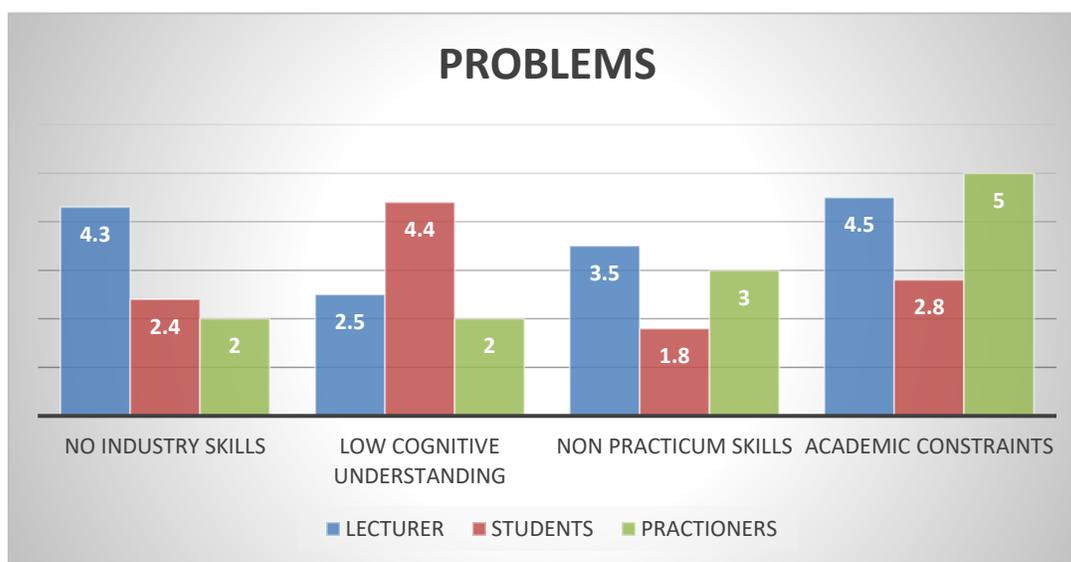
³ Created by ainul hafiza Zainuddin, Nor Akhmal Hasmin, Mardiah Hayati Ab Baka, farrah shafeera hashimm Murdiana Mohksin@Mison, faculty of law, faculty of computer sciences math and sciences UITM

3.0 METHODOLOGY

3.1 The module: Students turn lawyer, magistrate, senior assistant, and in house legal

Empirical studies have revealed law school module has generated impact on the legal industry⁴. Indeed, this result has led many practitioners and law academician to believe that modules have been and should be executed in accordance to legal practicum needs and demands. The motivation to deliver to the needs resulted in numerous brains storming session between legal academia and industrialists. It is an “educated battle” between the legal educationist and industrialist, the debate is generally narrowed to two (2) main concerns first, how much of the substantive laws knowledge are translated into practicum skills to address the demands in the legal market and secondly, is the practical skills during final years of law study fulfilled the “needed” impacts desired by our legal market.

Figure 1: Look before you leap: Legal education dilemma



To address the above conundrum two (2) problem questions, were also considered in our study. The first is the demands and needs of the industry the ultimate and only consideration to design law school module? The second question what is the needs and demands of the legal educations? The case theory proposes that a combination of the traditional pedagogy and emerging techniques would be addressing the law school’s conundrum. This is a continuous and ongoing adventure and without doubt huge responsibilities (Figure 1).

4. Manwaring John, Macfarlene Julie. Reconciling Professional legal Education with the evolving (trial less) Reality of legal Practice. Journal of Dispute Resolution (2006) Volume 1 article 16. Dr Tagoranao Mariam Saidona...PRODUCTIVITY OF MALAYSIAN LEGAL EDUCATIONAL SYSTEM: ITS EFFECTIVE RESOURCES TO MATCH A CHANGING JOB MARKET. (2015) The 2015 WEI International Academic Conference Proceedings Barcelona, Spain.

	Gains Tax, corporate entity, Foreign buyers, Sale by Developer, Sale by Individual, Security Transactions, Letter of Undertaking, Redemption, Islamic Banking, Forced Sale	Form 19G), Statutory Declaration in supporting the caveat.	title) for individual or corporate borrower
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4.0 RESULT AND DISCUSSION

Figure 2 present the case theory framework gathered from this study. The conclusion of the results are as presented in Figure 3.

Figure 2: The case theory framework

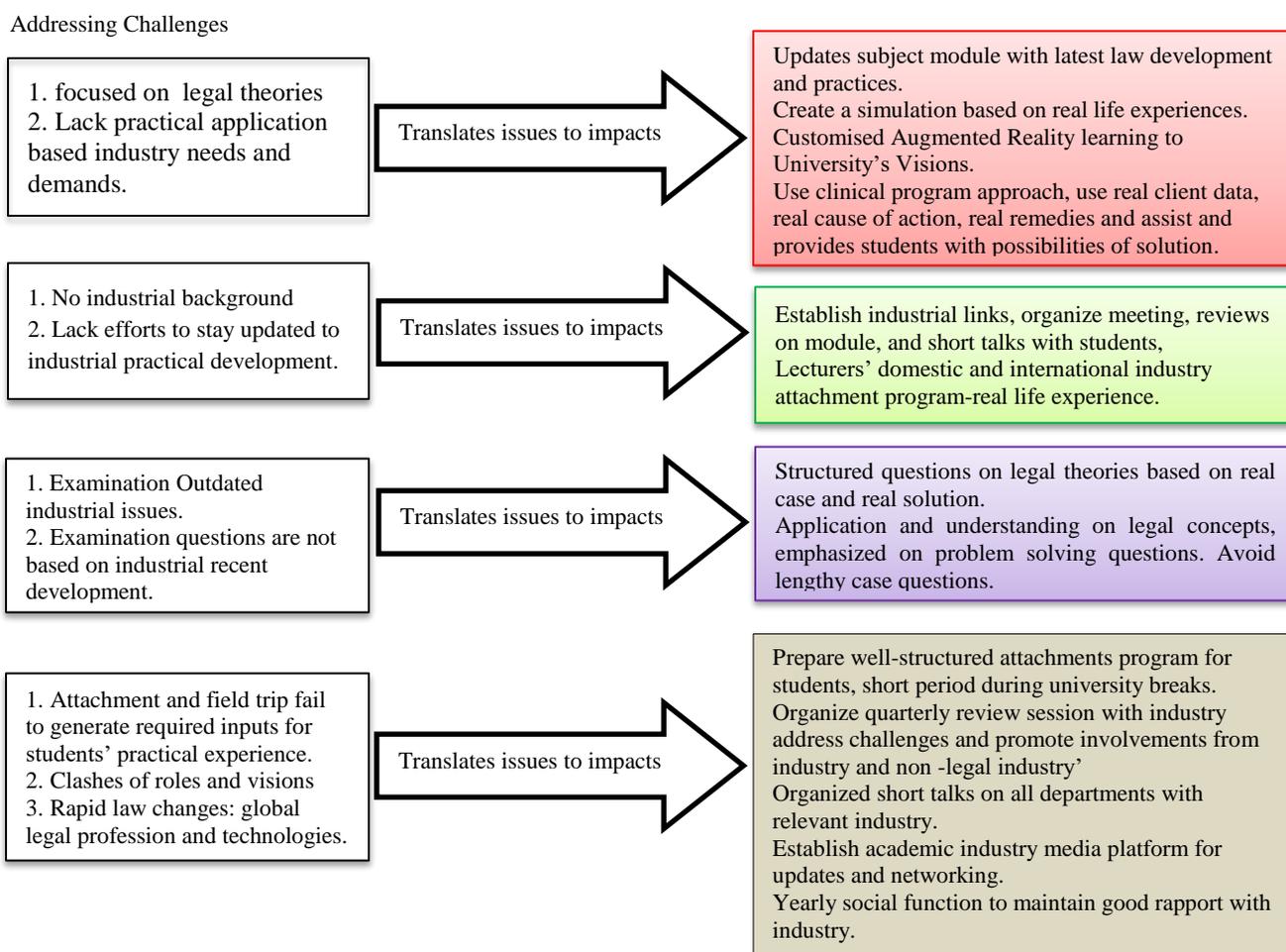
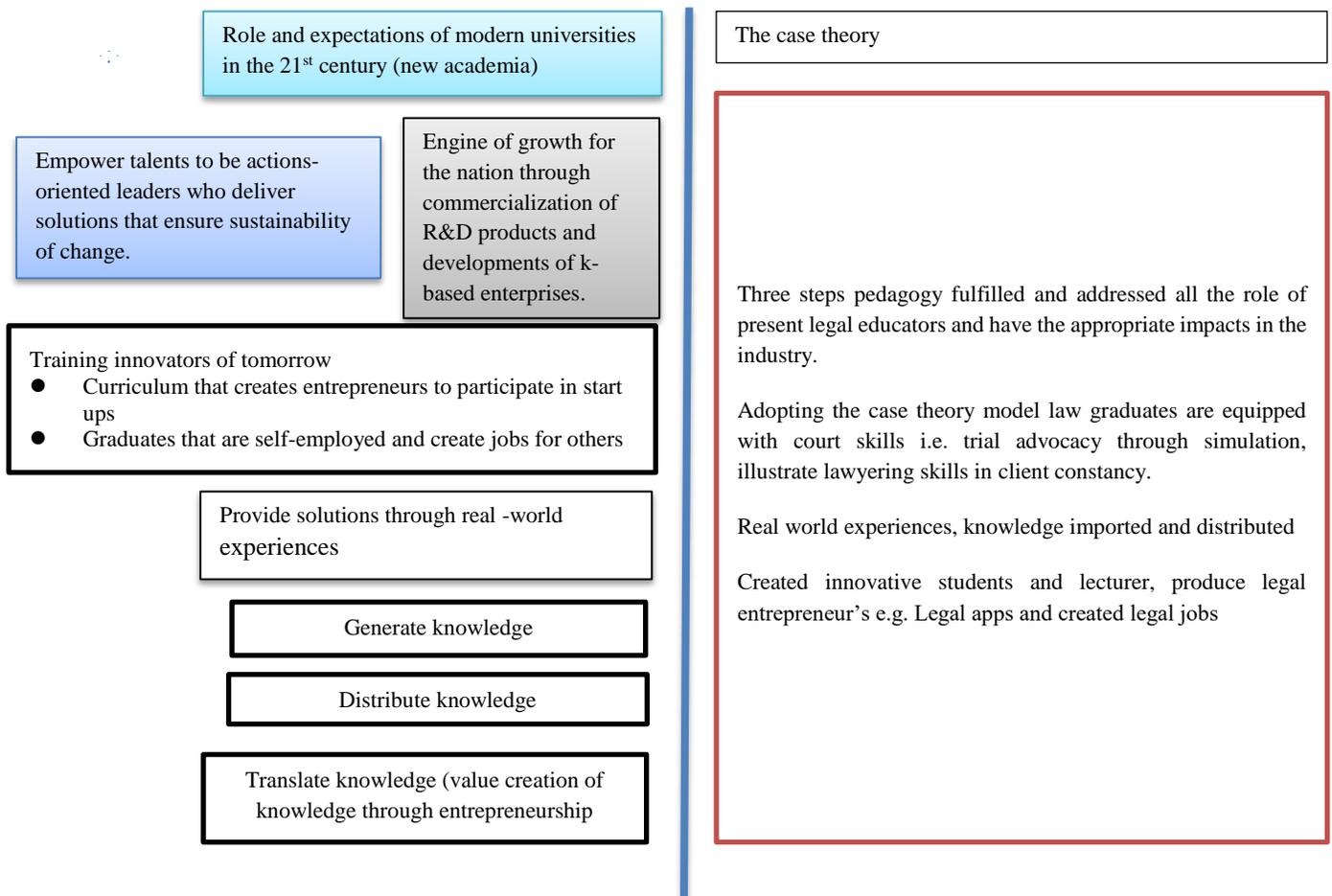


Figure 3. Contemporary Issues in Education and Industry: “Doing” or “Having Impact?”



5.0 CONCLUSION AND FUTURE WORKS

We conclude that to create an impact to the industry are to identify current development of the legal industry and translate all the legal concepts to the industry needs and demands. The case theory provides the three methods that are no exhaustive. The methods are adaptable and can facilitate to evolution of the law and compatible to new development in the legal industry. A good example would be the transition from manual court filing system to online base. Presently, the law school have yet to adopt a full implementation assessment of online Court cause papers filing system, our study open the the possibilities of revising and the methods to carry out assessments to any law subject not limited to year of study. The study invite any educator to revise the module and provides methods to do assessment together with industry practitioners. Lastly, provides the students with the correct and updated legal practical skills relevant to the particular period of practice.

The case study do not take on the role and function of chambering because university legal education take on seven other role and not merely the industrial skills, thus the practical skills taught are general practical skills required and needed by the industry upon graduation. Enhancement of the skills and knowledge will be acquired through number of years of practice. Therefore the best pedagogy is to emulate the combine legal theory with practices in the industry. Simulation and role play does represent the real world legal challenges, therefore direct experience based through clinical program or attachments programs are a good transitional platform to the next level of practical legal education i.e. chambering or pupillage. As legal education is an ongoing process, the authors hope to take up more robust detailed clinical program custom-made for each law subjects. In addition, the authors hope to introduce algorithm concept to law application to legal industry.

Aacknowledgement

We would like to express our gratitude to our students, our faculty and last but not least our family for their support in in this study.

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