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

*Wan liza Md Amin, Ainul Hafiza Zainudin, Puteri Sofia Amiruddin

Department of Law, Universiti Teknologi MARA Shah Alam Campus,
40450 Shah Alam, Selangor Darul Ehsan, Malaysia

*Corresponding author’s email: wanliza@uitm.edu.my / drpmuitm@gmail.com

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 receivers.

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 (Mbowila, 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 competencies. 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

---

In reality as a platform that 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 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.

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 methodology should be adopted. For the sixty percent assessment, all the procedural aspect such third part 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 pedagogy is Augmented Reality. This method has 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 learning independently, albeit with some guidance, and that the module learning outcomes can be achieved.

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 segregates 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 “cashing witnesses or “simply legal drama”. Clinical based program allows students to meet real client accompanied with the respective lecturers and provide advice to the case. The students are will be exposed to draft cause papers but the filing of the papers will be transfer 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.” Property 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.
3.0 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 industry\(^4\). 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.

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).

---


---
Law Program

University roles & visions

Module ➔ Theory + Practices


Knowledge delivery and Assessments

Clinical Program, AR Concept: Simulation, Drafting (real court papers /caveats forms, Form 14, 16A) Client Consultancy, legal firm management, Cost and Risk managements, Interlocutory hearing, full trial civil and criminal.

GRADUATE ON TIME
COURTS, ATTORNEY CHAMBEERS, LEGAL FIRMS, BAR COUNCIL, FINANCIAL INSTITUTIONS, AND INHOUSE LEGAL EXECUTIVES.

Figure 1. The Case Theory

Table 1. The Case Theory Subjects Models

<table>
<thead>
<tr>
<th>Chapters</th>
<th>Theory</th>
<th>Drafting</th>
<th>Simulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIVIL PROCEDURE PAPER 1</td>
<td>7 Chapters; Introduction to CP, law Limitations, Parties, Modes of Originating, Writ of Summons, Pleadings, Appearance</td>
<td>Pleadings: Court Documents i.e. Cause Papers, Writ of Summons, Statement of Claim, Memorandum of Appearance, Defence and Counter-Claim, Notice of application and Affidavit</td>
<td>Client Consultation, Interlocutory application, Summary Judgement Order 14, Striking Out Application Order 18, Amendment, Pleadings</td>
</tr>
<tr>
<td>CIVIL PROCEDURE PAPER 2</td>
<td>Injunctions, Case managements, bundle, full trial, Costs, Full Trial</td>
<td>Opening Statement, Witness Statement, Closing Statement, Notice Application, Certificate of Urgency, affidavits, undertaking</td>
<td>Full trial procedure, examination in chief, cross examination, re-examination, closing or summing up statement, taxation, bundle A, B &amp; C</td>
</tr>
<tr>
<td>CONVEYANCING &amp; NON-CONTENTIOUS LEGAL MATTERS (CONVEY)</td>
<td>Introduction, Parties to a Sale and Purchase Transaction, Property under Master Title and Individual/Strata Title, Restriction-in-Interest, Malay Reserved Land, Stamping, Caveat, Adjudication and Stamp Duty, Real Property</td>
<td>Salient Points of Sale and Purchase Agreement, Memorandum of Transfer (Form 14A), Memorandum of Charge (Form 16A), Discharge of Charge (Form 16N) Entry of Caveat (Form 19B), Withdrawal of Caveat</td>
<td>Preparation of File 1. Sale and Purchase Transaction (with/without title) from a Developer or individual/corporate entity 2. Loan Transaction of Property (with/without</td>
</tr>
</tbody>
</table>
4.0 RESULT AND DISCUSSION

Figure 2 presents 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**

Addressing Challenges

1. focused on legal theories
2. Lack practical application based on industry needs and demands.

Translates issues to impacts

Updates subject module with latest law development and practices.
Create a simulation based on real life experiences.
Customised Augmented Reality learning.
Use clinical program approach, use real client data,
real cause of action, real remedies and assist and provides students with possibilities of solution.

1. No industrial background
2. Lack efforts to stay updated to industrial practical development.

Translates issues to impacts

Establish industrial links, organize meeting, reviews on module, and short talks with students,
Lecturers’ domestic and international industry attachment program-real life experience.

1. Examination Outdated industrial issues.
2. Examination questions are not based on industrial recent development.

Translates issues to impacts

Structured questions on legal theories based on real case and real solution.
Application and understanding on legal concepts, emphasized on problem solving questions. Avoid lengthy case questions.

1. Attachment and field trip fail to generate required inputs for students’ practical experience.
2. Clashes of roles and visions
3. Rapid law changes: global legal profession and technologies.

Translates issues to impacts

Prepare well-structured attachments program for students, short period during university breaks.
Organize quarterly review session with industry address challenges and promote involvements from industry and non-legal industry.
Organized short talks on all departments with relevant industry.
Establish academic industry media platform for updates and networking.
Yearly social function to maintain good rapport with industry.
Figure 3. Contemporary Issues in Education and Industry: “Doing” or “Having Impact?”

Role and expectations of modern universities in the 21st century (new academia)

Empower talents to be actions-oriented leaders who deliver solutions that ensure sustainability of change.

Engine of growth for the nation through commercialization of R&D products and developments of k-based enterprises.

Training innovators of tomorrow
- Curriculum that creates entrepreneurs to participate in start-ups
- Graduates that are self-employed and create jobs for others

Provide solutions through real-world experiences

Generate knowledge

Distribute knowledge

Translate knowledge (value creation of knowledge through entrepreneurship

The case theory

Three steps pedagogy fulfilled and addressed all the role of present legal educators and have the appropriate impacts in the industry.

Adopting the case theory model law graduates are equipped with court skills i.e. trial advocacy through simulation, illustrate lawyering skills in client constancy.

Real world experiences, knowledge imported and distributed

Created innovative students and lecturer, produce legal entrepreneur’s e.g. Legal apps and created legal jobs
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.

Acknowledgement

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.

References


Mbodila, Muniege Kikunga Muhandji. (2012). The Use of ICT a comparison of traditional pedagogy and merging pedagogy enable by ICT’s. World com proceedings.


**Statutes**

1. Malaysia National Land Code 1965
2. Real Property Gains Tax 1976
3. Stamp Act 1949
4. Housing Development (Control and Licencing) Act 1966
5. Strata Management Act 2013, Strata Titles (Amendment)Act 2013
7. Legal Profession Act 40
8. High Court Rules 2012
9. Subordinate Act 194