

Scaffolding the Learning Process: curriculum redesign in a Legal Practice course

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Introduction

This article discusses the re-design of a discrete section of the Business Law and Practice course (BLP) which is one of the compulsory modules of the Legal Practice Course (LPC), a post-graduate course for those training as solicitors.

The first priority was to ensure a constructive alignment of the course aims, the learning outcomes and the teaching and learning methods to ensure that the teaching results in deep learning, as Biggs (1996) suggests can happen if the objectives are set at a high enough level. This approach also requires the student to “arrive at meaning by actively selecting, and cumulatively constructive, their own knowledge, through both individual and social activity” (*ibid.*, p.348) and this was central to the approach to the re-design. At the same time, the LPC written standards (2004) were reviewed to ensure that stated aims of the redesigned course fully covered all the Law Society requirements.

The learning objectives for each session of the course (there are three one hour large group sessions and three two hour small group sessions) were redrafted to ensure maximum benefit for the students. Knight (2001) has argued that outcomes-led rational curriculum planning is a poor approach to complex learning in higher education and advocates a process model, that is a concentration on programme learning processes focusing on what students do. Allan (1997) argues persuasively that learning outcomes focus on “what” the student will learn; their wording is important because the student will determine his conception of the learning experience and its ultimate outcome from that wording.

The redrafted learning objectives now act as a stepping stone between the course aims and the teaching material; they are consistent with the course aims but also summarise for the students the material that will be covered in each session and its complexity. They are an adequate bridge and in the light of Hussey and Smith’s (2003) analysis the course as a whole is sufficiently aligned to achieve the level of learning required.

Integration of teaching and learning activities

For the redesign each large group session and its accompanying small-group session was treated as a discrete unit. The learning objectives for the large-group sessions are now tightly connected to the material delivered in the slides. At the end of each session the students will have clear signposts through the material which will enable them to complete the small group session work successfully and revise for the assessment.

Delivering and consolidating theory in one session and developing practice in a second hands-on session should enable students to both get to grips with the subject quickly and test their knowledge. Specifically, the small-group sessions allow the students to develop key skills and observe and change their learning styles so that deep learning takes place.

The small-group session activities were designed to result in the cognitive changes necessary for the student to achieve the performative aspect of understanding. The aim is for the student to fully understand the legal concepts, and be able to apply that knowledge in practice. This requires two things: a level of understanding sufficient to recognise the issues, and a change in self-perception enabling the student to act professionally when giving advice. Each small-group session now contains a series of exercises in which the student is challenged to apply the theory, either working alone or in a group. Bearing in mind that “what the student does is more important in determining what is learned than what the teacher does” (Shuell 1986 cited in Biggs 1996 p.349), the exercises are designed to allow the students to cumulatively construct and test their knowledge of the subject matter studied and the skills practised.

D’Andrea (1999) suggests that the identification of major categories of student characteristics (for example their knowledge on entry, personal characteristics and learning style) that affect the learning experience can be useful in the planning process. All students have an undergraduate qualification in law. In line with the London Metropolitan University policy, the teaching materials are designed to be accessible to all students, whatever their gender or cultural background or (if relevant), disability. It was assumed that the students will encompass all of the learning styles identified by Mumford (1982), so the tasks have been devised accordingly.

There is a light workload in the first small-group session; the exercises require the students to analyse a problem and apply the law which is relatively straightforward and should particularly suit those with a pragmatic learning style. Experience by itself is not enough to support learning (Beatty 1999) so the exercise is completed by feedback from peers and the tutor. The second exercise requires the students to research online and to discuss the extent to which the right to free speech applies in

a commercial context. This is intended to stimulate debate and to engage activist learners. The case the students are referred to prompts them to think creatively when giving advice; that is, they will be required to “interact thoughtfully with a novel task, to reflect on appropriate feedback, to search to see how they can improve” so moving to achieve understanding through performance (Biggs 1996).

The second session also focuses on group work but the workload is heavier. The main exercise is more complex; the student again has to give advice to a client in circumstances where a criminal prosecution may ensue but this time he or she has to consider his/her professional responsibilities and procedural as well as substantive law. The practical nature of the exercise is designed to help students in their transition to professional status. The focus on procedural questions embeds the idea that some elements of law are relevant throughout all areas of practice.

The third session changes tack. The first exercise consolidates understanding. The second exercise falls into two parts; first an analysis, conducted as a group, of a client’s instructions and the extent to which these can be followed and secondly each student uses materials supplied in the session to draft an agreement. This drafting exercise is challenging as students frequently find it difficult to produce written work under time constraints. From a teaching and learning perspective it is designed to enable the students to test their understanding of the subject matter practically and also to practice a skill (drafting) which will be examined. It is intended to suit all learning styles but should particularly engage those classed as reflectors and theorists. In addition, this is the first time the students work by themselves so they should gain awareness of the extent to which they have grasped the subject area covered by the course. The drafts produced by the students will not be marked, but students will be given a model answer and an opportunity to discuss the exercise with tutors. This is designed to help the student evaluate his or her work. There is thus an alignment of the teaching and learning materials and the formative assessment as advocated by Biggs and others.

The final step of the course design was to devise the summative assessment. As assessment is at the heart of the student experience (Brown and Knight 1994 cited in Brown 1997) it was important to achieve alignment between the examination of knowledge and skills that take place in the summative examinations (which comprise multiple choice questions, an essay question and a drafting exercise) and the course aims and learning outcomes. It is intended that the teaching and learning materials, which incorporate a large amount of tutor feedback in class and a formative assessment, will enable the students to reach the required level of deep learning.

The lack of a strategy for evaluation is a weakness in the redesign and will need to be addressed before the course runs. Hounsell (1999) argues that evaluation is a series of interlocking steps which form a cycle and if any stage is omitted the results are likely to be dysfunctional. So, any evaluation must first clarify its content and focus, devise a feedback strategy, obtain that feedback then analyse and interpret it.

Once this has been done a plan of action must be agreed and acted upon and the cycle then restarts. The strategy, content and focus need to be addressed by the BLP team as a whole.

Conclusion

In pursuing the aim of ensuring constructive alignment between course aims, learning outcomes, teaching and learning activities and assessment, attention has focused on structuring an effective learning process. The exercises the students will complete in the small-group sessions are much more carefully targeted to lead them gently into the subject area through group exercises, to a challenge that will allow each student to evaluate his or her own progress and identify further work needed. It is hoped the course will be more effective in achieving deep learning, and also in assisting students to think and act professionally. Ultimately, the success of the redesign will be determined by the feedback from students and lecturers and the results of the assessment.

References

- Allan J. (1997) 'Learning outcome-led modular design' in Rust C. & Gibbs G. [eds.] *Improving Student Learning through Course Design* Oxford Centre for Staff Learning and Development
- Beaty L. (1999) 'Supporting learning from experience' in Fry H. et al (eds.) *A Handbook for Teaching and Learning in Higher Education* London: Kogan Page, chapter 10
- Biggs, J (1996) Enhancing teaching through constructive alignment, *Higher Education*, vol. 32, pp. 342-364
- D'Andrea V-M. (1999) 'Organising teaching and learning: outcomes based planning' in Fry H. et al (eds.) *A Handbook for Teaching and Learning in Higher Education* London: Kogan Page, chapter 3
- Hounsell, D (1999) 'The Evaluation of Teaching' in Fry H. et al (eds.) *A Handbook for Teaching and Learning in Higher Education* London: Kogan Page, chapter 14
- Hussey T. and Smith P. (2003) 'The use of learning outcomes' *Teaching in Higher Education* Volume 8 (3)
- Knight P.T. (2001) 'Complexity and Curriculum: a process approach to curriculum making' *Teaching in Higher Education* Volume 6 (3), pp. 369-381
- LPC Written Standards Version 10 September 2004 The Law Society
- Mumford P. (1982) *The Manual of Learning Styles* Maidenhead: Mumford

Biographical note

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