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Thursday, 3 July 2014

Steps to generate (digitally enhanced) change in legal education



Information exchange the old way*

My last two posts have featured a developing argument in favour of designing legal education within a 'digital context'. **Initially** I argued that the degree requires a shift from the silos of disciplinary categories to a more contextual approach to teaching and learning law. I **then suggested** that the imperatives of contemporary (and future) digital technologies and their integration into the fabric of our lives demanded a re-imagining of law and legal education within a digital context. Others have articulated this in different ways. See for example [Paul Maharg](#); the [IT Country Justice](#); [Kris Greaves](#); and [Richard Grant](#) and [Marc Lauritsen](#) in the US context.

So far these are justifications for changing what we do but without much direction in how we might go about it. I'm cognisant of the reality for many academics that a lot of change is just hard work. However I believe that it is our job, our

responsibility to keep abreast of change, to evaluate, to experiment and to lead. In this post I suggest a few steps that each of us can surely take to kick off a more wide-ranging change within the discipline.

Wherever you go, there you are.

It's best, I think, to start with what we do know, rather than a deficit model of what we don't. What 'digital skills' and knowledge do you have? What is the extent of your 'digital practice'? Here are some suggestions for steps to take regardless of your feelings of competence in the world of IT - adopting a broad categorisation of entry level skill; consolidating skill; and mastery. My suggestions are somewhat general, broadly predicated on an assumption of a commitment to reflective practice.

Entry level

Critically analyse your use of PowerPoint. What is the educational purpose of this tool? Are you [using this tool effectively](#) in your teaching? I think often PowerPoint is used because it is expected - not because the lecturer has assessed that it is the right tool for the job. This exercise can assist in evaluating other digital aids to teaching and learning.

Do you record your lectures? If so, why? Again, it's useful to [identify the aim](#) of digitally enhanced teaching tools. Have you [asked your students](#) how they use this resource? Could you achieve this outcome in a better way? For example, I have observed that because of the amount of small group work and general discussion in my lectures, coupled with my constant movement, lecture recordings are a terrible way to 'capture' any content delivery. I have pre-recorded 'lectures' available to all students online as an alternative to 'live'

About Me





Kate Galloway

I lecture in land law at James Cook University and I write and think about the nature of

property and its representations in the law; about issues affecting women; about justice generally; and about legal education

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recordings. The recordings cover the detail of the content and concepts leaving face-to-face time open for a more interactive experience.

Do you use databases for your research? I suspect it would be difficult to find a legal academic who did not. The question that follows from this, is the extent to which we model this technology use for our students. Do we *teach* strategies and process for online research? [Clare Cappa has written a Good Practice Guide](#) identifying the importance of a scaffolded approach to research within the law curriculum. A good starting point would be an interrogation of our own personal digital research processes and how we communicate them to our students.

Do you know about [Open Access](#)? Do you publish in open access publications? Consider the role of knowledge, the role of legal rights and protections and take a critical view of the world in which we work and the control of and to knowledge. This might open doors to thinking about the possibilities of the law in light of digital technologies.

Consider how digital technologies might affect your field of interest. A few examples of questions to start further inquiry:

- Public lawyer? What effect might electronic voting have on the franchise?
- Do you like real property? How is e-conveyancing affecting our understanding of the nature of 'fraud' in the Torrens context?
- Is torts your thing? What does 'privacy' mean in the context of social media - consider the difference between NRL player [Todd Carney's sacking](#) following publication of pictures of him performing a 'lewd' act, and [Andrew Ettinghausen's defamation payout](#) for the publication of nude photos of him. (Comparison courtesy of [@AequoEtBono](#).)
- If your field is evidence or civil procedure, you would likely already be considering [e-trials](#) and the [effect of technologies on how we regard evidence](#).

Once you starting thinking about technologies in your field, there may be questions that you can pose to your students, or activities or resources that you can offer that will expose them to different ways of thinking about law and its relationship to society.

Hate facebook? Why? If you can effectively articulate this, you already have the foundations for a critical approach to digital contexts and law. (Though you may need actually to try it out before your case can effectively be prosecuted...)

Some other first steps: Attend a session on effective use of your university's learning management system. Each month read one legal education article discussing using digital technology. Buy a book via Amazon. Borrow an e-book from your library. Use an image citing a creative commons licence. Whatever your current level of experience, try one new aspect of technology and think about its implications.

I like to encourage people to press buttons.

Consolidating

Perhaps your subject site uses a few of the technological bells and whistles. So take stock of what you use, and perhaps ask what is the role of the *technology* in your teaching. For example some years ago I set students a task involving three blog posts during the semester. It transpired however that students were reluctant to comment on others' posts; and that some markers were printing out the post, marking and handing back the paper. We questioned the utility of the digital tool in this context - students could achieve the outcome through 'conventional' means. The blog lost its enhanced capability because we were using the task in an analogue way.

Whatever teaching and learning settings are used, and whatever tasks are set, it's important to ask why that medium has been chosen, and how it enhances student learning. It's no use applying technology for its own sake. It's for this reason that I suggest that we too need to work with, to use a variety of technologies to fully understand their potential and their limitations. Similarly, we need to talk to our students to find out how they are using technologies and how they are learning using the tools we offer them.

Following this first step, those who are consolidating their digital knowledge and skills might look at trying out [blogging](#), [Twitter](#) or even Facebook in a professional capacity.

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(There are myriad other social media too, of course.) Using these tools - even as an observer (or 'lurker') on Twitter or Facebook - can give an insight into how networking can be digitally mediated. The purpose of this is twofold. First, how can we participate in knowledge exchange (the purpose of education after all); and second, what are the implications of this for the text and practice of the law?

If you are already *teaching* using some digital tools, consider whether or to what extent you are incorporating digital contexts in your subject area (see discussion above). If you are already raising some issues, how might your subject design change to take this to the next level? Can you write a learning outcome into your subject design, that deals with student knowledge or skills in digital realms? Are you able to change an assessment to incorporate a digital component, or scaffold some digital skills into your teaching?

Model to colleagues and students the importance and relevance of digital skills by engaging in practices such as embedding hyperlinks in your student materials; becoming literate in aspects of digital publication; taking responsibility for your e-research repository; and most of all, being inquisitive about the tools available, their use and their potential.

Mastery

I tip my hat to those at this level (some of whom I've cited above and in previous posts). These are our colleagues who teach standalone subjects such as e-commerce or law and technology. They write about the future of the profession (which, I note, is *now*). They lead in developing court technologies and processes and the skills needed to accompany them. They are thinking always about **digitally-mediated information networks** - the very essence of both the law and the academy.


Those of us at entry or consolidating levels look to those with mastery to lead the debate and the discussion, and to show us how it can be done. And so I encourage this level of practitioner to keep writing about their work and to continue to lead in thinking about the law and its practice in this way.

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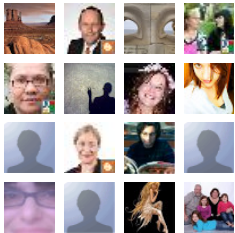
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