

Active learning in the classroom: a review of legal research teaching at Singapore Management University for first year undergraduates

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Abstract

When the Singapore Management University's first-year law curriculum was redesigned to concentrate all its legal research teaching in the Legal Research and Writing course, the Law Librarians were presented with a fresh opportunity to revisit and revamp how they taught legal research. Instead of using the previous lecture-style approach, a flipped classroom approach was used to encourage active learning. Online platforms were utilized for topics that students were able to learn independently, freeing up the time for in-class activities and discussions for more complicated topics. This paper will reflect on the changes made using the flipped classroom and blended learning methods and make recommendations for the future.

Keywords:

legal research, information literacy, educational technology, flipped classroom, blended learning

Introduction

Much has been written about the need to produce practice-ready graduates both in the United States and United Kingdom exemplified in recent literature relevant to the digital age (Kaplan & Darvil, 2011; Mishkin, 2017). Studies have indicated that between 35 to 60 percent of trainees' time in law firms can be spent conducting legal research (Kaplan & Darvil, 2011; LexisNexis, 2015). Therefore, it is important that legal research instruction be imbedded throughout the law degree programme. Such programmes should simulate real-life legal problems and provide students an opportunity to conduct realistic legal research, and be better equipped for practice.

Law firms have complained about the lack of advanced and cost-effective legal research skills (LexisNexis, 2015) in their new hires. This makes sense considering that law firms don't always want to allocate resources to training their new associates. Digital natives reliant on Google are also prone to overestimating their research competencies especially if their legal research instruction is limited to simplistic research problems "treasure hunt" exercises (Drake, 2016). As they gradually research complex legal issues, they become aware of their deficiencies.

With regards to the teaching pedagogy, one criticism is the over-emphasis on teaching key databases and locating specific cases rather than applying overarching research skills to their scenario. According to Kaplan & Darvil, "new attorneys either fail to retrieve or overlook key authorities and therefore miss the fundamental principles governing the issue." (Kaplan & Darvil, 2011). There should be a greater emphasis on teaching students to refer to secondary sources and to question the needs of their scenario rather than to allow them to jump immediately into locating a case. Prior to the advent of the internet, users had "a limited number of sources to go to. Now, the issue is often knowing where to start searching, or more often when to stop searching, when faced with an almost infinite variety of sources - "critical evaluation is the key". (Hunter, 2013). In some cases the information does not exist and one must know when to end the search (Mishkin, 2017). Today's students having been raised with technology require "a learning-centred approach in which the student, not the teacher, is the focus" (Kaplan & Darvil, 2011; Whetten, 2007).

Singapore Management University (SMU) was founded with innovative education at the forefront and has adopted an "interactive pedagogy" where "Small classes, coupled with focus on interactive learning, dialogue, class presentations and project work were touted as key differentials. Students 'would be given personalised attention' and it was SMU's plan to 'produce a new breed of graduates'" (Tan, 2015). Class participation was made an important component of assessment and class sizes were approximately 45 students to facilitate better discussion.

Drake identifies a number of requirements for a course to qualify as an experiential simulation. The format is flexible and the courses can be in the form of "tradition research courses, flipped classroom courses, online research courses, and specialized research courses." (2016). Class sizes should be small and the exercises should reflect real-life legal problems. There should also be opportunities for feedback and reflection from an instructor. Lecture time is not a dominant consideration. The flipped classroom is ideal provided the class sizes are small as it provides adequate time to practice skills, while the online research course is less likely to meet the requirements because there is no direct supervision (Drake, 2016). According to Drake, the "primary characteristics of active learning are that (1) students' classroom experiences involve more than simply listening to the instructor; (2) the

emphases are on skill acquisition and higher-level thinking; and (3) students engage directly in activities.” (Drake, 2016).

Active learning is beneficial because it demonstrates to students the relevancy of what they are learning to the real-world scenario. In the context of legal education, simulating realistic legal problems for the students to resolve prepares them for being an actual lawyer, where they would have to tackle such legal problems in the course of their work.

This article will describe the evolution of legal research instruction conducted by SMU Libraries for first year law students and the steps taken to produce practice-ready graduates.

Legal Research Instruction at SMU - Prior practice

SMU Law Librarians predominantly followed the teaching practice that had been put in place by their former colleagues. Legal research for first year undergraduates, which comprised both LLB and JD students, was taught in two courses offered by the School of Law, LAW 104 Legal Systems, Legal Methods and Analysis (“LAW 104 LSLMA”) and LAW 106 Legal Research and Writing (“LAW 106 LRW”). The two courses differed in that LAW 104 LSLMA was more focused on retrieval and LAW 106 on integrating the research into their writing as well as understanding the importance and usage of these materials.

a. LAW 104 LSLMA (Semester 1, Academic Year 2017-2018)

I. Methodology

LAW 104 LSLMA teaches the basic research skills necessary to locate resources and understand citations. For this course, a previously developed eLearn module (i.e. an online learning platform) covering topics such as deciphering different citations for primary and secondary sources and locating them in the collection or in relevant databases was employed. The content was largely maintained save for minor changes.

The eLearn module included teaching videos and material, links to useful research guides and quizzes on selected topics. The module was divided into topics and students were required to take a quiz after going through the content for each topic. The quiz at the end of each topic tested students’ ability to differentiate citation types (book, article, case, legislation, parliamentary debate etc.) and use the right databases in finding resources. Students were also tested on the appropriate resources to utilize based on their task, such as checking legal abbreviations or finding a book. To prevent the sharing of answers, a question bank was created and students were randomly assigned questions. The questions were designed to not only test the students’ knowledge, but also give them hands-on practice in using databases and resources. A final assessment quiz worth 5% of the final score for LAW 104 LSLMA was embedded into the eLearn module. The students were required to get 80% correct in both quizzes to pass.

II. Evaluation

On the whole, using the eLearn for LAW 104 LSLMA met with positive feedback. The course coordinators approved of this initiative and faculty noted the relevance of these skills to other courses such as Contract Law and Criminal Law. Faculty also observed that these skills were not easily picked up by students during the ordinary course of their studies and supported the library initiative.

There were several benefits of using an eLearn module to teach legal research. First, it reduced the number of in-class sessions and saved time for the Law Librarians to focus on other endeavors. Second, it delivered a consistent product to all the students. Third, it offered students the flexibility to learn at their own time and pace. Finally, it was accessible and convenient for both the students and the Law Librarians.

One downside with using eLearn is that the librarians were limited to using MCQ questions in the assessments as it was difficult to administer questions with long or short answers. Administering long form answers would require the librarians to dedicate more time marking. However, a limitation of MCQ questions is that they do not show how the students found their answers. Additionally, there was reduced opportunity for face-to-face contact which cannot be alleviated fully through orientation talks or the reference desk.

b. LAW 106 LRW (Semester 1, Academic Year 2017-2018)

I. Methodology

Unlike the library component in LAW 104 LSLMA which focused more on basic research skills, the library component in LAW 106 LRW focused on understanding the different types of legal resources and looking at how they can be integrated into writing and research assignments.

One of the main focus areas was on honing the students' search strategies and encouraging a good research process. To do this, the students were taught how to discern the relevant laws, facts, issues and subjects and come up with appropriate key terms. They then practiced crafting search statements and used them to find relevant resources. Students also learned how to evaluate these resources for relevance and authoritativeness.

Additionally, students were trained on how to utilize databases effectively to locate various kinds of legal resources. The LawNet database was the focus and other databases such as Singapore Statutes Online, JustCite, eGazette, Parliamentary sites (Singapore and UK) and legislation.gov.uk were included. Separate workshops were held on Lexis® Singapore and Westlaw Next. For this component, the Law Librarians adopted a primarily lecture style approach. Useful resources and tools such as research guides and online videos were recommended to the students.

II. Incremental changes

A review was done with the course coordinators to discuss and plan the lessons for the upcoming semester. The intention was to remove any potential overlap between LAW 106 LRW and LAW 104 LSLMS and move towards a flipped classroom approach.

The Law Team decided to make some changes to the upcoming LAW 106 LRW module based on the review which were intended to better address the students' weaknesses and hone their practical skills and knowledge.

For the previous semester (Semester 2, Academic Year 2017-2018), the following changes were made to the course outlines:

1. The C.R.A.P. test, a tool to use when deciding if a website is a credible, was removed from both courses
2. A blended learning approach was incorporated to teach the segment on Lexis and Westlaw databases. An eLearn module with PowerPoints was used instead of traditional lectures. Students had to complete a mandatory quiz on both databases and the pass mark was 80%, which counted towards 5% of their class participation grade.

The Law Librarians were available for set consultation hours for the quiz exercise. The teaching PowerPoints were uploaded by the faculty after the class.

III. The new first-year curriculum 2018-2019

For the upcoming 2018-2019 academic year, SMU's law curriculum was revamped and the teaching of legal research was consolidated into the LAW 106 module. The Law Librarians decided to redesign the library component of the legal research curriculum, taking into consideration the benefits of active and experiential learning. The law team met on several occasions with the Course Coordinator of **LAW 106 Legal Research & Writing 1**. The main objective of the course was to develop skills in legal analysis, research and writing.

Discussions centred on how to provide more activity-based exercises in class which were relevant to students' actual assessment in school and simulated a real-life legal problem. This decision was based on studies that have shown that active learning allows students to retain knowledge better as compared to the traditional lecture-style approach (Drake, 2016). It was decided that the Law Librarians' legal research component would span four weeks, with each session covering a different topic (introduction and secondary sources, case law and noting up, legislation and parliamentary debates, and foreign legal materials respectively).

Each session started with a 15-30 minutes lecture highlighting the key issues and points for the topic of the week. To make more time for hands-on legal research in class, the Law Librarians decided to teach some topics via weekly pre-readings that were uploaded on a research guide for the course before each session. This flipped classroom approach gives students more in-class time to practice hands-on exercises, and improves their practical "lawyering" skills (Drake, 2016). Students were advised to read the pre-readings before the beginning of each session as they would be expected to utilise these skills in class.

One of the topics that was included as a pre-reading was Boolean searching. The rationale was that while the Boolean concepts were simple enough, there could be differences in the Boolean terminology and outcomes for searches across the different databases. (Lowe et al., 2018). The Law Librarians also observed that students had a tendency to go overboard with their Boolean terminology after learning the concepts. What they really needed, it was felt, was hands-on practise and guidance. Studies also support the notion of omitting Boolean to free up more time to discuss other more important concepts such as conducting research, evaluating results and much needed discussion (Lowe et al., 2018).

For the in-class activity, the Course Coordinator provided the Law Team with a Practice Memorandum Exercise based off a hypothetical legal scenario referred to as “the predictive closed memorandum”. This was intended to simulate the working lawyer experience. As Drake observes, adopting an active learning approach in conjunction with a simulation highlights to students the relevance of what they are doing (Drake, 2016). The memorandum was used in the four weeks of lessons.

For each lesson, students were divided into groups of five and asked to sign into a google doc where they had to work on an activity sheet. Each group was given about 15-20 minutes to identify the relevant legal issues and legal resources that would help them in drafting a legal memorandum for the hypothetical (“the Activity”). The students were asked to focus on different kinds of legal materials for each session i.e. secondary sources in session 1, local case law for session 2, legislation and parliamentary debates for session 3 and foreign legal material for session 4. This activity would be assessed and progressively became more complex involving “the same legal issues and fictional clients so that students are forced to learn the legal research process (a simplified version of the Rombauer method) incrementally.” (Meyer, 2016).

The class sizes were kept small at around 15 to 25 students per class, which gave the Law Librarians an opportunity to give each student the attention and guidance they needed. The instructor, co-trainer and faculty were available for questions or explanations during the exercise. This was followed by a debrief session that included a review of the retrieved results as well as other feedback. At the end of the week, the teaching PowerPoint presentation slides were uploaded on the research guide for the students’ reference.

The rationale for this structure was that by moving the simpler, more fundamental topics online, more time could be allocated to fruitful discussion or addressing trickier issues in class (McKenzie et al., 2013). Moreover, active learning has been shown to enhance student participation and their learning (Yilmaz, 2017).

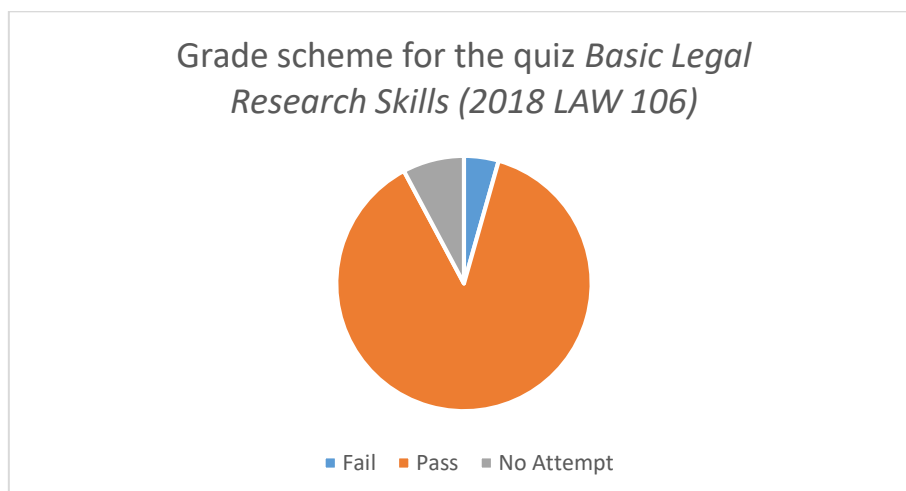
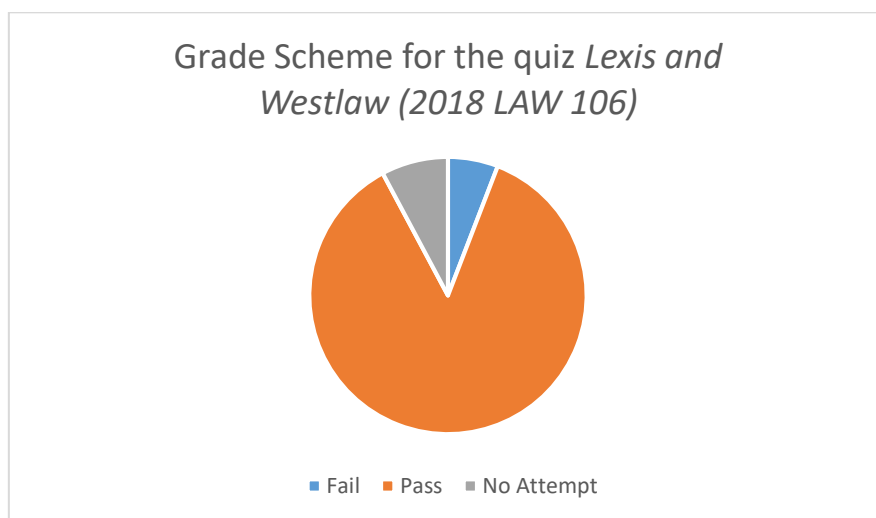
In addition to the in-class sessions, students were expected to complete a compulsory assessment on eLearn, which comprised quizzes on the Lexis and Westlaw databases, and basic legal research skills respectively – designed along the similar lines as the quizzes for LAW 104 LSLMA. The passing mark was set at 8. The questions were selected randomly from a databank to ensure that they did not share answers with each other. To ensure that students took them seriously, these quizzes counted towards the students’ class participation grade as well.

IV. Assessment

With such changes in the way legal research was taught, it was important to conduct an assessment to determine if the new methods proved to be effective.

The Law Librarians collated the students’ grades for the quizzes and feedback for the library sessions. Overall, 205 students were enrolled in the LAW 106 LRW 1 course, with 189 students completing the quiz. Students were given three attempts to do each quiz. The students generally did well for the quizzes, with an average

of 87% of the students passing both quizzes with at least an 80% score. This showed that the students understood the concepts taught and were able to apply it effectively.



The Law Librarians also sought feedback from the faculty and Course Coordinator about the revamped course. The feedback from them was positive, and they were pleased with the improvements made to the teaching, learning and delivery. One faculty member expressed a preference for the inclusion of such in-class activities over pure traditional lectures.

The Law Librarians also had an internal discussion on the new mode of instruction. They noted that moving selected content to the research guides as pre-readings really freed up class time and gave them an opportunity to conduct a more comprehensive in-class activity. Students also took the opportunity to clarify any questions they had about legal research or databases with the librarians during class time.

The sessions also provided an opportunity for close interaction with the students. The Law Librarians noted that the sessions seem to have increased the visibility of the Law Librarians to the law school community, as the students who underwent the course recognized the librarians and were more willing to reach out to them for research consultations or queries.

One of the downsides noted was that students did not always read the pre-readings as instructed, which led to some of them being a bit lost during in-class sessions. However, that was partially alleviated through the in-class activities and clarification by the Law Librarians.

Conclusion

Based on the good quiz scores, faculty feedback and internal discussions, it may be concluded that the changes made to the legal research component was a positive one. The success of the programme was also due to the support that the Law Librarians received from the faculty in the design of the course. The fact that it was mandatory and included an assessment component reinforced its importance to the students and provided motivation (Yilmaz, 2017).

Moving forward, the Law Librarians will further refine the course by fine-tuning the selected pre-readings to ensure that nothing crucial was included there (as students may not always read it). Instead, such content could be moved to the in-class lecture at the beginning of the session. The activity will also be refreshed in the upcoming academic semester to ensure it stays up-to-date and interesting. On the whole, the current flipped classroom approach, which incorporates active and blended learning, seems to be an effective one and will be continued. To end with Meyer's paraphrasing of Palfrey and Gasser:

“...libraries are needed more than ever in education and that our jobs in the future will be to “create a self-service environment” for these students, while at the same time helping them navigate the countless options they have for getting information.” (Palfrey & Gasser, 2016).

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