

Professional legal accreditation online – an innovative approach to an online learning community

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INTRODUCTION

Online learning is increasingly becoming the favoured mode for reaching new learning communities in both developed and developing nations. Underpinning this approach is the provision of well-designed online courses that are learner-centred, emphasise learners as active constructors of their own knowledge, acknowledge the importance of context in developing understanding and advocate the key role that experience plays in learning whilst attempting to build virtual and local learning communities that supports learners. This paper explores the key themes of access to, and the design of, online learning environments within the context of a case study for professional legal accreditation. Further, it suggests applications for both developed and developing nations to reach wider audiences.

THE AUSTRALIAN LAW EDUCATION CONTEXT

Traditionally, Australian Law graduates are expected to complete a year of supervised practice in a Law firm before receiving professional accreditation and being allowed to practice in their own right. A student in the State of Victoria, Australia for example, must have obtained the degree of Bachelor of Laws (LL.B.) and undertaken at least 6 months of supervised, practical legal training before they receive admission to the profession.

One option for this practical training is known as 'Articles of Clerkship' during which the graduate works as an 'articled clerk' in a law firm under the supervision of a fully qualified solicitor for 12 months. Alternatively, the law graduate may complete an accredited, fee paying training course at a recognised University such as the Graduate Diploma in Legal Practice at Monash University, which is a 6 month online course or the Postgraduate Diploma in Legal Practice, Skills and Ethics (PDLP) which is a 4 month face to face course.

Currently, there is a movement to adopt a set of National standards, known as the 'Priestly standards', for admittance to practice as a lawyer in Australia and a

number of the larger law firms are supporting this move as they can see clear advantages for their staff who may have to move to offices in another State of Australia.

One challenge for an online course of practical legal training is therefore the need to satisfy the requirements of these National standards. Another issue is that many graduates do not receive 'articled' positions in law firms and are looking for alternatives that will satisfy current professional admission requirements. Online practical legal training now offers hope for these graduates and others, such as those who are geographically dispersed and would not normally have access to 'articled programs', to complete their required professional training.

ISSUES IN ONLINE LEARNING

Well-designed online courses aim to be learner - centred, with an emphasis on learners as active constructors of knowledge and recognition of the importance of context and experience in developing understanding. The key concepts of interaction and integration are especially important for groups of learners and therefore courses need to provide access to shared information and shared knowledge-building tools. Currently, we are seeing the emergence of many so called "learning environments" that claim to merge and integrate many features and tools, not as separate entities, but as a cohesive and more holistic learning environment. Yet these systems still propose a model of management and a collection of tools that require the learner to repeatedly move between them, encouraging a more segmented and disassociated learning experience.

Savery & Duffy (1995) describe four principles that can be applied to learning environments based on constructivist views and which guide their design:




- Learning is an active and engaged process.
- Learning is a process of constructing knowledge ... learners function at a metacognitive level.
- Learning is focused on thinking skills rather than working on the "right answer the teacher wants."
- Learning involves "social negotiation." ...challenge their thoughts, beliefs, perceptions and existing knowledge by collaborating with other students.

Boud and Prosser (2002) suggest four key principles for high quality student learning in higher education from a learning perspective that can further inform learning environment design. These are:

1. How do learning activities support learner engagement?
2. How do learning activities acknowledge the learning context?
3. How do learning activities seek to challenge learners?
4. How do learning activities provide practice?

The challenge for educators now when developing quality online learning environments is to design collaborative learning and present an integrated framework within which learners can work effectively rather than just assemble a patchwork of discussion groups and chat rooms.

ONE APPROACH TO DEVELOPING ONLINE LEARNING ENVIRONMENTS

A recent development by a Monash University team led by Dr Leonard Webster is a software package known as LEX (Webster, 2003) which is currently being applied to a number of courses including professional accreditation courses in practical legal training. LEX presents learners with an integrated 'worksite' that combines resources, communication tools and activities into one environment. When first logging in learners are presented with an 'Organiser' (see Figure 1) that provides them with a clear overview of the main components of the Unit, including the Modules, Topics and Assessment tasks. One useful feature of the organiser is that learners can quickly identify which assessment tasks they have attempted, submitted or not attempted by the relevant icon next to the task ( means not attempted,  means attempted and the  indicates there is teacher feedback available on their submission – Please see Figure 1, arrow 3).

The main work area for each Module is reached by clicking on the relevant Topic heading on the Organiser page. The Topic page offers learners a range of useful tools which can be grouped into three main categories:

1. The top navigational bar
2. The activities
3. The layout of the resources.

The top navigational bar remains in place on each page (Please see Figure 1, arrow 1), and it contains 6 features:

1. An organiser button – which allows learners to go back to the organiser page.
2. A search button – which allows learners to browse and view other learners' responses to certain activities.
3. A contacts button - which allows learners to access a list of staff and the other learners enrolled in that Unit plus links to their email and web pages.
4. A discussion button – which allows learners to access the discussion forum containing structured discussion on the Unit content, activities and assessment.
5. A notices button - which allows learners to read formal announcements posted by the teacher.
6. A logout button – which allows learners to logout of their worksite.

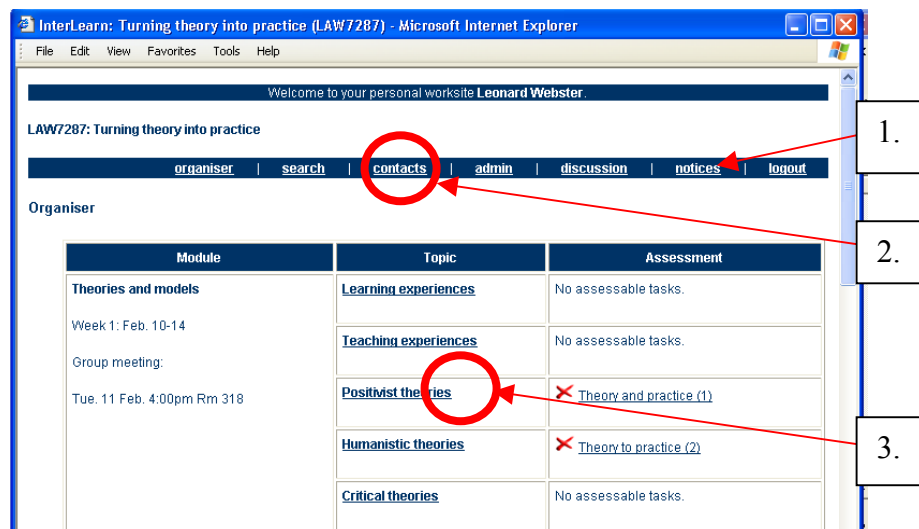


Figure 1: Navigational menu bar

Teachers have an additional 'admin' button (Please see Figure1, arrow 2) which allows them to access the teacher only management features such as authoring materials, assessment support and forming groups within the class.

The Topic page was created to show the framework of learner resources, with links to other notes, resources, readings, PowerPoint and audio files. It thus acts as an elaboration of the organizer without containing so much detail as to lose the organizational features of an online tool (networks are quite hierarchical). This design deliberately leads learners from an overview and statement of

outcomes of the topic, to the resources they require, to the activities and finally to further relevant resources.

The heart of LEX is the activity design and search features. Building on a face-to-face tutorial model, learners can participate in activities that can be shared at a number of levels. The levels of activity can be defined by the teacher as either 'shared', that is, available to all students, 'group based', meaning available to only a small group of students, 'non-personal individual', meaning available only to the student and teacher and finally, 'personal individual', meaning only available to the student for their own personal work.

The activity design feature allows the teacher considerable freedom to design online activities that encourage learners to develop a response, view others' responses and then modify their answer to represent their newer understanding. This design also allows the use of online role playing and other group activities.

When teachers click on their 'admin' button on the navigation bar, the subsequent page presents three features to select from – the 'manage materials' link, the 'student assessment' link and the 'manage tutorials' link (see Figure 2). The 'manage materials' link enables to teachers to create or edit existing materials. This is done through a hyperlinked, hierarchical table of contents, with the highest level being the modules, then topics and within topics activities. Any level can be directly accessed from this table.

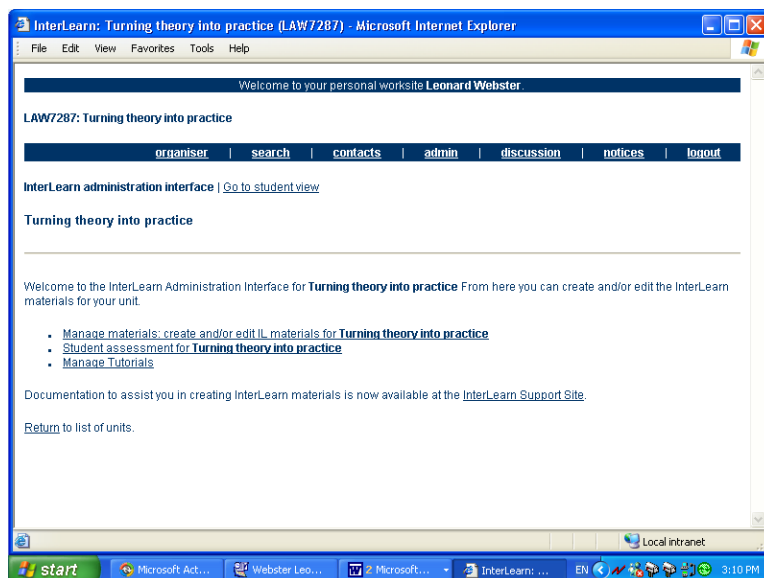


Figure 2: Teacher administration interface

The names for each of these logical chunks of learning materials can be changed but the design draws extensively on an organized hierarchical and logical structure.

The second link from the teacher administration interface, 'student assessment', allows teachers to gain an overview of the progress of learners as well as providing and recording feedback. This addresses the problem of overseeing and monitoring the progress of learners in a visual way, a difficulty with many e-learning approaches. The same symbols are used in the learner assessment view as elsewhere in Lex, with a text balloon symbol indicating that the teacher has provided feedback. As soon as the teacher has posted the feedback, the same symbol appears in the learner's view of the organiser.

The final link, 'manage tutorials', enables teachers to select groups for their class. This feature enables the management of large classes as well as establishing groups for activities including role plays.

Defining a learning community in a large national law firm

In writing this paper one question that arises immediately is what do we mean by a "learning community". An analysis of the literature by Brook and Oliver (2003) suggests that the notion of learning communities, while widely accepted and underpinned by theories of learning does not have a substantial empirical base. However, they trace the phenomenon of community declaring it to be useful in the support of online learning, particularly for social interaction, construction of knowledge and collaborative understanding.

The following characteristics also assist us in describing a learning community for an online professional accreditation course. Oliver (Moore and Brooks, 2000 as quoted in Brook and Oliver, 2003) notes that a learning community is characterised by:

- A willingness of members to share resources
- Acceptance & encouragement of new membership
- Regular communication
- Systematic problem solving
- Preparedness to share success.

Jonassen, Davidson, Collins, Campbell and Haag (1995) have suggested that learning communities are focused on 4 key principles:

- Context
- Construction
- Collaboration
- Conversation.

In addition to considering these defining characteristics of a 'learning community' we must also consider what constitutes an online or "e-learning community". Sheard, Ramakrishnan and Miller (2003) posited that, "An electronic learning community is founded on the concept of a group of learners communicating and collaborating online in a mutually beneficial way".

This is supported by Murphy and McKenzie (2000) who state that, "In an online environment a learning community is enabled and sustained by the use of communication facilities".

We can apply elements from all of these models to describe the attributes of the learning community portrayed in our case study as follows:

- Members sharing resources – this is encouraged by the provision of the Unit specific discussion forum (for the use of both learners and Teacher) and the notices area (for Teacher postings only), and the provision of all learners' and Teachers' email addresses. Learners are encouraged to share details of any resources (print or online) that they discover which are not already listed as Unit resources.
- Regular communication – again this is encouraged by the readily available email addresses of members, and the provision of the Unit specific discussion forum and the sensitive moderation of this forum by the Teacher.
- Systematic problem solving – this is encouraged and facilitated by the structure of the Modules and the use of relevant learning resources, interesting preparatory tasks and then challenging activities, many of which require learner collaboration.
- Preparedness to share success – this is encouraged by the use of both collaborative activities and reflective activities that require learners to disclose their triumphs and failures.

- Context – this is encouraged by the use of relevant activities that mimic the real life work tasks required of staff in a large law firm and, as far as practicable, use of real life documentation and websites. It is also possible to invite expert guests from industry or the firm to participate in the discussion forum, providing context within the industry more broadly as well as context within the learners' real life working environment of the firm.
- Construction – this is encouraged by requiring learners to actively engage in constructing their own knowledge by completing staged and reflective activities, and by allowing learners to further develop their own responses in the context of their ongoing experience in and out of the community group.
- Collaboration - this is encouraged by requiring learners to participate in collaborative activities which may be in pairs or small groups.
- Conversation – this is encouraged by requiring learners to engage in sustained dialogue with other learners and the Unit Teacher and also in dialogue with themselves via the personal and reflective activities.

In the case described in this paper, we have found it useful to consider the above characteristics when observing a learning community in a large National Law firm with offices in all Australian States. Learners in this community are situated in an organisational framework (the firm), providing consistent and common services, embarking on careers requiring lifelong learning (common purpose), sharing ambitions, and operating across distances or jurisdictions that might see the organisational units comprising of several sub communities and the need to be able to transfer understandings (interoffice transferability) from one sub community to another. Other observations include the need to provide ongoing support structures for the Graduates to explore their profession and also to align work and learning so as to be seamless, and to encourage networking as well as taking on responsibility. Finally, to encourage creativeness, innovative and openness to review, the learning community would need to be flexible so as to be able to encompass new demands and challenges. These community characteristics need to be considered with any principles of good design of online learning to enable successful implementation of any online course.

APPLYING INNOVATION TO THE LEARNING COMMUNITY

LEX has been utilised in the Law firm to better address the current and future learning needs of the graduate lawyer. The online legal practice course combines substantive practice areas, oral and written skills and a pervasive approach to issues of legal ethics. Examples of the core skills developed in the course include client interviewing, advising, negotiation, mediation and dispute resolution, advocacy, legal research, letter writing, drafting—litigious and non-litigious documents. LEX provides the flexibility for teachers to create activities that target these core skills across the course, within the context of the practice areas studied and within the context of the firm's culture. The course encourages learners to share experiences, reflect on their practice and engage with each other, teachers and experts, providing enough scaffolding for them to explore the complexities of legal profession and its practice.

By using LEX, learners are engaged in online activities designed to allow collaborative and reflective learning and to encourage an understanding of core principles in each practice area. The activities seek to specifically develop core skills, allowing graduates to work at their own pace, place and time – a particular advantage for those working in law firms full time, with the variety of demands that this places on them while studying. Other features of the program include an individual worksite for each graduate that automatically records their work and their submission of assessment tasks and provides them with advance organisers.

LEX provides all learners with on-demand access to a shared resource set. The resources include quick access to relevant professional documentation, such as Acts of Parliament, as well as drawing extensively on the law firm's in-house precedent banks, style guides and policies which the learners use daily in their work-related duties. Some activities make use of expertise within the firm and the broader industry to contribute to discussion on relevant topics and issues, providing both specific cultural contexts within the learning community, as well as highlighting similarities and differences that may exist in a broader industry context.

Perhaps the most important factor in the value of LEX as an online learning environment to learners and teachers has been the packaging of LEX as a 'holistic' learning environment. Graduates using a web browser and internet connection have immediate access to all communication tools, search functions,

activities, resources and well-structured learning material within the one interface. There is a consistent environment for learners across the length of their course allowing them to become familiar with the appearance and operation of the tools and resources available to support their learning.

An example series of activities in LEX in the Legal Practice course involves role-play within a predefined group (a feature of LEX). In the first activity participants are asked to take on the role of a trainee/articled clerk and to prepare draft documents on behalf of a client. The participants utilise firm specific proformas and guidelines in the preparation of the documents, building on core skills through simulation of every day tasks they perform in their daily work. The documents are then submitted to their 'supervising Partner' in the firm.

In the second activity, the participants take on the role of the supervising Partner. As the Partner, they study and review the documents prepared by the 'trainee' and then provide comments and any suggestions for additions or amendments. This activity engages the learner and encourages a shared understanding as the participants review another's response in relation to both the document preparation guidelines and their own responses. This ability to compare their response with another's can assist to clarify and/or rethink their own understanding and method of approaching the task.

In the third activity in the series, the participant again adopts the role of the trainee/articled clerk. They are presented with the comments and suggestions of their 'supervising Partner' and given an opportunity to redraft their documents accordingly and submit them for formal assessment by the teacher. The participants are also required to record any changes made to their submission and the reasons for them. This reflection then becomes available for future reference and linking to other activities.

This course facilitates a lifelong learning as graduates are encouraged throughout the course to take responsibility for their own learning. They are also well positioned to gain further qualifications, as there are a number of articulation pathways that provide credit for the completed legal practice course towards further qualifications, including Master of Law courses.

CONCLUSION

The approach to online professional legal accreditation as described above is now being considered for possible global partnerships and is providing the environment for extending support for the Monash University Law Faculty's initiatives into areas such as the South Pacific, Burma, East Timor and Indonesia. Substantial progress is being made to elaborate new learning tools that have a clearer association with learning and instructional theories for use in previously unreachable learning communities. We need to encourage more creative approaches to developing new tools for such a complex undertaking as learning. There is much to be gained by encouraging, empowering and enabling teachers to be more creative in their approaches to how they teach and how learners learn (Brennan, McFadden et al. (2001); Harper, Hedberg et al. (2000); Hedberg (2003), and by empowering the learners. By developing and utilising boutique software such as LEX, that offers teachers the opportunity to create effective and flexible learning environments and includes a range of integrated learning tools, we have taken the first steps towards our longer term goal of reaching wider audiences and achieving quality online education.

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