

Legacy of Lockdown: Exploring the Opportunities for Development in Legal Education as a Consequence of the COVID-19 Pandemic

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Abstract: The aim of this paper, is to highlight the impact of the novel coronavirus on those entering and undertaking legal education. It seeks to explore the opportunities that mass-disruption to the status quo presents both within the classroom and the wider extra-curricular experiences of law students at the undergraduate and postgraduate level. Additionally the authors seek to examine the key challenges faced by technology enabled, socially distanced legal education and considers whether these challenges will remain should a more technologically enabled, flexible approach to legal education provision survive pandemic conditions. The paper draws upon some of the key themes raised in other papers in this edition of the Journal of Ethics and Legal Technologies. This paper will also offer some reflections on the impact that the pandemic has had on Coventry Law School, and seeks to identify specific areas for development/consideration by legal education providers in the post-Covid era.

Keywords Covid-19, Legal Education, Professional Capabilities, Technology Enhanced Learning, Social Interaction

Introduction

From the point of recognition of the spread and impact of the coronavirus as a pandemic (World Health Organisation 2020), a seismic shift in the way universities and law schools provide legal education to their student body has occurred. Responding to the measures implemented by national governments in order to combat the spread of the virus, legal education at a minimum has been socially distanced and for the most part, has been facilitated entirely online. It is argued that such a rapid shift in approach to legal education provision has never before occurred and the pandemic situation has caused a radical shake up of the status quo. This shake up has created significant challenges, not only within the ‘classroom’ but also in the context of the wider experiential, developmental and social function that university education provides. However, it has also provided a unique opportunity to critically reflect on the advantages of a more digitised and often more flexible approach to legal learning.

The aim of this paper aligns with that of the edition overall, in that it seeks to consider the opportunities the pandemic has provided in terms of the advancement of legal education provisions, whilst also scrutinising the difficulties that a socially distanced/technologically enhanced educational provision presents. Where appropriate, the paper advances methods for overcoming these difficulties. In addition to drawing out the key themes from the other papers presented in this issue, the paper also provides direct empirical observations from the authors’ experience at their own institution. Coventry University is a post-1992 higher education provider in the heart of the UK. The University is comprised of four faculties, with Coventry Law School situated within the Faculty of Business and Law. Courses are offered at both the undergraduate and postgraduate level with several intakes per year for postgraduate courses. The school’s student population comprises of a diverse range of students with a significant proportion of international students, particularly at the postgraduate level. Pre-covid teaching delivery was primarily provided on a face-to-face, on campus basis through a combination of lectures, workshops and seminars, with a focus on experiential learning in order to facilitate both the acquisition of legal knowledge and perhaps more importantly, the development of transferable skills to support students in reaching positive career destinations. The observations and reflections provided in this paper draw upon the authors’ unique experience of teaching, assessing and supporting the student community from across

Coventry Law School,¹ in addition to having managerial oversight of their respective portfolios.

2. The Development of Professional Capabilities: The Instrumental Purpose of Legal Education

It is arguable that one of the primary functions of legal education is to support the development of professional capabilities so as that a student is able to transition to further vocational training or directly into the legal profession, depending on the route to qualification within a particular jurisdiction. These professional capabilities are not strictly limited to the professions themselves and a wide variety of graduate destinations are envisaged for those persons undertaking undergraduate and postgraduate level legal education. Additionally, these professional capabilities are not just limited to ‘knowing’ the law as is initially described by Hubacher but rather the skills necessary to operate effectively within the legal domain. This is supported particularly at undergraduate level by the Quality Assurance Agency’s Benchmark Statement for Law applicable to undergraduate higher education providers in the UK (QAA, 2019).

Students perceive the instrumental value of degree level education of high importance (Nicholson and Johnston, 2020) which extends beyond mere transference of knowledge to development of an appropriate skills set to facilitate engagement in graduate job markets. Newstead et. al (1996) in an evaluation of 844 university students found that 66% of those students surveyed, perceived their education as a ‘means to an end’ i.e. a method of achieving something further, such as a job, post qualification. In the context of the law, this is often legal practice. This perception is also reflected in and even perpetuated by the necessity² to have undertaken a ‘qualifying law degree’ (QLD) for the purpose of entering the profession in the UK. Although this has been somewhat eroded as a consequence of the Solicitor Regulation Authorities’ adoption of the Solicitors Qualifying Examination,³ and dispensing of the QLD requirement, degree level study

¹ Through the course of the pandemic, the authors have developed asynchronous online teaching content, and have also delivered synchronous teaching sessions on a socially distanced face-to-face basis and online. The have also been responsible for the adaptation and setting of assessments during the pandemic, in addition to providing pastoral support to students currently undertaking their studies.

² Although there are other routes to qualification as either a solicitor or a barrister in the UK, students will predominantly undertake a qualifying law degree for the purposes of transitioning to the vocational stage of training.

³ The Solicitors Qualifying Examination is a two stage, centralised assessment process for the purpose of admission to the roll of solicitors in the UK. The SQE assessments form one

remains a requirement for most persons seeking to enter the profession. Thus intrinsic value in degree level study even outside of a subject area is evident, consequently confirming the benefits of higher education study in instrumentalising the realisation of improved career prospects.

Although the instrumental value of a higher education through procurement of future employability may amount to an intrinsic motivator for higher education students in choosing to come to university, it is not necessarily the specific motivator for engagement within the ‘classroom’ setting. Kneale (2009) indicates that students are unlikely to engage with teaching that focusses on their future employability in a ‘deep learning’ manner without there being some form of immediate or tangible benefit. Given that the delay between a learning experience and tangible benefit such as employment, may extend over a period of months, if not years in some instances, development of professional capabilities may not be the day to day as opposed to overarching motivator for engagement and learning. Whilst this may not be the case, this does not mean that this purpose is not borne in mind when designing learning activities, programmes of learning and assessments. It is this facilitation of the development of professional capabilities which necessitates deep-learning and active engagement within the classroom setting.

Lectures are commonplace within the higher education setting both within common law and civil law jurisdictions. Morton (2009) suggests that they form a significant part of the student experience both in the context of face-to-face and online learning provisions. Whilst Bonwell (1996) argues that they have the benefit of presenting large amounts of information to a large audience in a manner which is controlled by the lecturer, it is the deficiencies in this didactic method of delivery, such as the difficult in maintaining the interest of students only passively engaged in learning (Stuart and Rutherford, 1978) that means that lectures are often complimented by student-centred modes of delivery, such as workshops and seminars. These sessions encourage student inquiry, collaboration and the development of competencies appropriate to the subject area and at least in UK institutions, often employ the Socratic methods that Hubacher suggest should be revived in civil law jurisdictions.

At the heart of the Socratic method is social interaction and dialogue between educator and student. The role of the educator is to facilitate an active learning environment, to encourage and enable the learner to think actively about the legal issue at hand. This approach considers the classroom

of four requirements for admission into the profession and will replace the current route to qualification from 1 September 2021.

to be a collaboration space and requires an active discourse and employs the process of questioning. This student-centred approach to legal education is advocated by Querci and Hubacher and the authors of this paper. Furthermore Holland (2019) states that interaction is fundamental to both knowledge construction and the empowerment of learners. Whilst Tang & Tsui (2018) note that such interaction facilitates the sharing of values and interests amongst peers. From the literature there is clear evidence to suggest that social interaction should lay at the heart of the learning experience and that it is fundamental to ensuring positive learning outcomes and facilitate the development of professional capabilities. (Garrison & Cleveland-Innes, 2005; Cho & Kim, 2013; Alqurashi, 2019)

3. Technology Enhanced Learning as a Response to the Pandemic

In order to maintain the effectiveness of collaborative, student-centred learning opportunities in light of Covid restrictions, technology enhanced learning and at times entirely technology facilitated learning has had to step in. Technology enhanced learning is perceived as an enabler for more flexible approaches to learning (Gordon, 2014: 7) which have ultimately been necessary to prevent legal education delivery from grinding to a halt in these uncertain and rapidly evolving times. Gordon (2014:10) highlights that the use of ‘virtual learning environments’ are already ubiquitous in higher education within the UK, however the extent to which these platforms are utilised to facilitate active engagement, and indeed other platforms are used for this same purpose, inside and outside the classroom is more varied. November (2012) asserts that in order for technology to be utilised effectively within the classroom, a shift away from instructional learning to an experience owned and controlled by the student is necessary and therefore institutions that already operate in a more student-centred paradigm, will likely have found the shift in delivery easier than their more traditional counterparts.

However, responding to the pandemic has not necessarily meant that legal education providers have been able to plan and develop modules or even entire courses, to best utilise technology enhanced teaching to support the development of professional capabilities in the context of legal education. The education sector has adopted technology enhanced/facilitated learning as a necessity rather than as a choice (Dhawan, 2020: 7). Carey (2020) argues that the current concern is not whether online teaching or teaching enhanced learning can provide a quality education, which the authors assert should at least in part concern the development of professional capabilities, but rather

how academic institutions have been able to adapt to online/technology enhanced learning in such a massive manner. Education provision has effectively become a mass testing ground, a social experiment, in the extent to which digitisation of education can support educational aims and objectives across the sector. Dhawan (2020:15) submits that where teaching staff may previously have been complacent and not interacted with learning technologies, this enforced engagement has sparked a new era for online/technology enhanced learning which will allow institutions to reflect upon and further implement the fruitful side of e-learning technologies.

Whilst mass engagement with digital teaching tools and technologically enhanced modes of teaching have the potential to benefit higher education provision, some of the draw backs of the same should also be noted. While students may appear to be digitally literate due to the highly digitised social environment that many of us operate in, students may not have the skills required to operate digitally in an educational context (Aesaert et.al. 2017; Ng: 2012). Students skills and competencies are variable and therefore development of such digital literacies need to be embedded within the curriculum rather than pre-supposed at the commencement of a course. Students also suggest that a lack of community,⁴ technical problems and difficulty in understanding instructional goals are also major barriers for online learning (Song et. al, 2004). Furthermore, engagement with technology enhanced and online learning is premised on the notion that all students will have equal access to such technologies. However, during the first lockdown in the UK, 52 percent of 1416 students surveyed by the Office for Students indicated that their learning had been impacted by slow or unreliable internet connection. 18 percent were impacted by a lack of access to an appropriate device such as computer, laptop or tablet, with 4 percent saying that they were severely affected (Office for Students, 2020). Therefore, digital inequity or digital poverty is a concern in the current and potentially future climate.

4. Supporting Students in a Technology Enhanced or Wholly Digital Learning Environment.

The enforced shift to technologically enhanced or fully online delivery of courses presents further challenges in terms of the support provided to students. It is widely recognised that student support is instrumental to the optimization of student learning and to the success of the wider student experience (Earwaker, 1992). Whilst student support was once considered to be a separate, ‘add-on’ to predesigned courses (Thorpe, 2002), it has since

⁴ To be explored further below.

been determined that it should be essential to course design as it is one of the key drivers in determining the effectiveness of the course (Kucuk, 2010) in satisfying its instrumental aims. However, it is submitted that when learning in a fully online or blended environment the level of support available to students is critical if students are to achieve their goals and the learning objectives of the course. (Rovai & Downey, 2010; Wheeler, 2006). It is thus imperative that educators create a learning environment which utilizes a variety of support strategies in order to meet both the differing needs and learning styles of their students.

Often a significant proportion of the support given by educators is instructional in nature, however Mullens and Tallent-Runnels (2006) recognize the importance of effective emotional support in a technologically enhanced environment. Beiter et al (2015) note that student anxiety commonly centres on concerns regarding academic performance, pressure to succeed and graduate opportunities. This is particularly relevant as we amend our practice in response to the pandemic. Cornine (2020) emphasised that public health emergencies may have significant psychological effects on the student population resulting in feelings of anxiety, fear, and worry. In particular, students may experience anxiety arising from increased physical distance from those who are quarantined (Wang, Horby, Hayden & Gao, 2020). This may be heightened by the campus activity and the subsequent shift to fully online learning may exacerbate the psychological impact of the pandemic and lead to feelings of apathy, fatigue and boredom (Juni et al, 2020). It is therefore important that universities (and the government?) redouble their efforts in providing psychological and other support services for students, in order to facilitate the maintenance of psychosocial wellbeing and successful engagement in education provisions.

5. Responding to the Pandemic at Coventry Law School

When the initial lockdown period in the UK was announced in March 2020, Coventry Law School adopted an online-supported approach to delivery which continued throughout the May-September semester. Face-to-face delivery was suspended, and for staff and students at Coventry Law School and many other Law Schools across the UK, this represented a significant shift in how teaching was delivered. Staff and students were forced to adapt at haste to a new method of teaching and learning. To a certain extent this was mitigated by the fact that for many students, the end of the academic year was approaching, however students taught through the summer semester experienced a prolonged period where teaching methods did not align to the norm, nor were they as was anticipated when many students

enrolled on their courses. Aside from anxiety created by this sudden shift to online delivery, another unfortunate consequence for the final year and postgraduate students was the loss of the informal parts of their University education, in particular those key markers to the end of their undergraduate and postgraduate University journey. Due to the restrictions, rites of passage such as the end of year ball were not possible, nor was the final milestone, graduation. The class of 2020 were unable to enjoy the usual celebration of their success with family and friends nor were they able to reunite with peers from their course. Graduates reported a sense of loss that could not be overcome despite institutional efforts to provide alternative online celebrations.

Further to the change in delivery method, modules⁵ assessed by traditional in-person examinations were required to provide alternative assessment methods such as online open-book examinations, in order to address the restrictions imposed by lockdown and social distancing measures. Coventry Law School, during the April/May 2020 assessment period, saw 16 examination assessments transformed in this way. As students readied themselves for undertaking assessments in unfamiliar circumstances and at times, circumstances not conducive to best performance due to personal circumstances, academic staff had to revisit assessment questions and tasks in order to ensure that they were appropriate to the new assessment approach. Of concern was the issue of how instances of academic misconduct could be reduced in light of adapted assessments. Assessment changes implemented in response to Covid-19 have remained in place during the 2020-2021 academic year, as social distancing has not permitted a return to traditional assessment methodologies.

It is evident from the discourse around higher education amongst the public, particularly as the main September intake approached, that there was a significant degree of apprehension amongst individuals considering entering and continuing in higher education in 2020. This was exacerbated by the uncertainty created by the complete cancellation of secondary examinations and the subsequent governmental U-turn on A-level results based upon Ofqual's standardisation algorithm in favour of 'Centre Assessed Grades', four days after the release of results.⁶ Whilst the Office of Students

⁵ Both the LLB and LLM programmes at Coventry University comprise of a number of different modules that must be completed in order for an award to be conferred on a student.

⁶ A grades standardisation algorithm was produced in June 2020 by the regulator Ofqual in England, Qualifications Wales in Wales, Scottish Qualifications Authority in Scotland, and CCEA in Northern Ireland. The algorithm was designed to combat grade inflation, and was to be used to moderate teacher-predicted grades for A Level and GCSE students. After the A Level grades were issued, and after criticism, Ofqual, with the support of HM Government,

demanded indications of what the 2020-2021 academic year would ‘look like’ as regards delivery from higher education providers, a lack of clarity about exactly what to expect as a student studying on campus remained. Despite moving to a ‘hybrid’ model of delivery that was seen on the continent earlier in the summer, what was envisaged as far as delivery was concerned, varied by institution in the UK.

Whilst at Coventry University, the numbers of students applying for courses in the Faculty of Health and Life Sciences were buoyant, this was not translated across the other faculties and Coventry Law School experienced a decline in undergraduate student numbers for the first time in several years. Applicants for postgraduate study were also seeking to defer their course start, in the hope of commencing their studies on campus in the UK rather than at home, more often than not, overseas. Some students already enrolled on courses at Coventry Law School considered the possibility of temporary withdrawals, in the hope of being able to return to their studies in more familiar and less disrupted circumstances. Whilst some of the reluctance to commence or continue legal education during the pandemic could be attributable to anxiety and concern surrounding an individual’s health and physical wellbeing, the pandemic does call into question student priorities in respect of legal education and higher education more generally. The instrumental value in development of professional capabilities although a priority for many, seems to sit alongside the desire to have a ‘full’ university experience.

As a consequence of the easing of Covid related restrictions in the UK, students were welcomed back on to campus in September 2020, albeit in a socially distanced manner and in a more limited capacity than students had previously experienced. A blended approach to delivery, utilising a new Learning Experience Platform – Aula - was offered to those students opting to return to campus. For students unable or not wanting to attend, all courses could be provided fully online via this platform in conjunction with Microsoft Teams/Zoom or other similar platform. Approximately two thirds of all undergraduate students opted for a blended approach to delivery in September, however this number diminished significantly as the first semester progressed, as students were permitted to transition to online only delivery at any point during the semester. At the postgraduate level, all students opted to undertake their course entirely online. The traditional large-scale lectures that formed the backbone of at least most undergraduate law degrees, were no longer possible given requirements for

withdrew these grades. It issued all students the *Centre Assessment Grades* (CAGs), which had been produced by teachers as part of the process.

social distancing. Lectures were replaced with shorter asynchronous micro lectures or podcasts allowing students to engage with them in their own time and at their own pace. In the blended model asynchronous content was further supplemented with a regular face-to-face seminars/workshops in the classroom. These were delivered in socially distanced format, with limited student interactions due to the measures in place. An equivalent online seminar/workshop was also created. Whether the student had opted for fully online or the blended delivery, their curriculum contained a further blend, that of synchronous or asynchronous delivery.

Due to a return to nationwide lockdown in January 2021, semester two of the 2020-2021 academic year has commenced fully online. Whilst core library and other support provisions remain in place on campus for those students currently living on campus, the vast majority of staff and students are operating on a ‘working from home’ basis.

6. Opportunities for the Development of Legal Education provided by the Pandemic

As Hubacher suggests, the traditional lecture as a tutor led vehicle for exposing students to legal concepts is readily transferable to digital platforms. As regards Coventry Law School’s response to the pandemic, the asynchronous micro-lecture content satisfied this purpose, with exposure to legal content facilitated by pre-recorded lectures. This lecture content was however compartmentalized into smaller, more manageable chunks of learning, in an attempt to maintain interest amongst the student community. However, teaching methodologies at Coventry Law School and many other UK universities, extend beyond the type of ‘rote’ learning seemingly more prevalent in civil jurisdictions. This is evident within lectures but more readily so in the context of workshop/seminar type sessions, which tend to be more aligned with the Socratic method that Hubacher expounds should be revived in the context of civil law jurisdictions, so as to respond to social-legal developments. Consequently utilising digital technology to support the Socratic method within teaching sessions, does not appear as ground breaking in the context of Coventry Law School, particularly considering as an institution, ‘innovation and digital fluency’ and ‘creativity and enterprise’ are considered to be key in supporting transformational learning (Coventry University, 2015).

Within Coventry Law School’s pandemic response, it has been synchronous teaching that has allowed for opportunities for important interactions that foster deeper learning and skills development. It is in

instances of synchronous teaching that technology enhanced learning has come to the fore during the pandemic, as in the absence of it, both student interactivity and engagement had the potential to be hindered either by the socially distanced room layouts on campus, or the lecture style reversions that can take place, when delivering teaching sessions via Microsoft Teams/ Zoom or other similar platforms. The importance of peer-to-peer interaction has been highlighted as positively impacting on the efficacy of learning and on the wider student satisfaction (Alqurashi, 2020). When evaluating the efficacy of online learning Zulficar, et al. (2019) reported that student-initiated discussions were considered more effective than those initiated by the educator. Of key importance are activities such as discussion and collaborative group activities. In socially distanced classrooms where students were two metres apart and had to face forwards at all times, the traditional methods of collaboration were not possible. In order to combat this, academic staff developed creative solutions to facilitate collaborative efforts and support student engagement. These solutions were enabled by digital technology such as Padlets, Kahoots, Microsoft Forms, Google Docs etc. Significantly these methods were also able to be abstracted and used in the online version of workshops/seminars in order to ensure a congruous learning experience across the different delivery methods.

In some instances, student interactions were actually improved through the use of digital tools, particularly where students were set on a collaborative task or project. Shared visibility of a task/project through the digital platform with the ability to respond to one another in real time, created a more inclusive environment for collaboration and discussion. The use of Padlet for example, allows students to share thoughts and ideas, arrange those ideas in a meaningful way and comment on the thoughts and ideas of others in a dialogic format or even simply by up/downvoting a student post. Additionally, the utilisation of ‘quizzing’ software to check understanding and knowledge often acted as a springboard for the further discussion that would not necessarily have been facilitated had knowledge checking taken place in a non-digital format. The simple question of “does everyone understand what we have just explored?” can be converted into a more targeting check of understanding through such quizzes. Self-identification of areas where understanding may be lacking through online quizzes, allows students to take ownership of where to take the session to next. Although these are just two examples, it is suggested that legal education and higher education providers more generally, must ensure that they continue to evaluate the effectiveness of technology enhanced approaches to teaching, so that the benefits that it can bring can be maintained post pandemic and courses adapted to incorporate these.

Although asynchronous online content does not readily lend itself to the dynamism of its synchronous counterpart, one of the significant benefits that asynchronous content created in response to the pandemic has, is the flexibility it brings to individual learning experiences. Allowing students to access asynchronous content ‘on-demand’ and without the rigidity of a prescribed timetable may actually improve access to course content. Many students have competing commitments alongside their educational studies, such as part-time working, caring responsibilities etc. Asynchronous content reduces and potentially eradicates the need for a student to choose between these conflicting interests, thus supporting the fair access and widening participation agenda. Furthermore, during the pandemic asynchronous content has enabled students to learn from across the globe without being constrained by time differences. This was particularly beneficial within the postgraduate community at Coventry Law School, given that the vast majority of students are international, and all opted for online-only delivery. Whilst some students struggled with the flexibility that asynchronous online learning provides, as examined below, the necessity for students to take ownership of their own learning schedules and patterns, may actually have the potential to bolster the professional capabilities that legal education seeks to develop. Self-management is identified as one of the key skills and qualities of mind that a law graduate in the UK should possess, (QAA, 2019: 5) which flexible learning may facilitate the attainment of.

A further benefit experienced by students as a consequence of the pandemic, is the opportunity to engage with extra-curricular activities and events that previously may not have been available. Partly as a consequence of discussions around ‘value for money’ as a consequence of the impact of the pandemic on higher education provision⁷ and also due to the ease in facilitating events via online platforms, the number of additional events and activities provided at Coventry Law School has increased during the pandemic. This is particularly the case in respect of events provided by members of the wider academic and legal communities. It is significantly easier to organize an event such as a guest lecture or interactive session via Microsoft Teams/Zoom than it is to organise an equivalent event on campus. It is also important to note that the influence of the pandemic is being felt far beyond the walls of the classroom, as members of the wider professional and academic legal communities have also had to adapt to digitisation within their respective fields. As a consequence, those persons may now feel more at ease delivering sessions virtually, when previously this may have

⁷ Universities in England, Northern Ireland and Scotland can charge up to £9,250 a year for undergraduate tuition. Distance - learning provisions are often less than this.

deterred them from participating. Consequently, the pandemic has provided greater scope for such extra-curricular provision and enhancement of the development of professional capabilities and the student experience. Online events and in particular events that are recorded and made available later, can support fairer access in a similar way to asynchronous lectures as outlined above. Furthermore, students and presenters are no longer bound by locality, meaning that participants can engage on a globalized scale. Collaborative Online Interactive Learning projects at Coventry Law School have seen participants from numerous different countries such as China, Indonesia and Saudi Arabia. Additionally, the events that have taken place have the potential to be developed into fruitful partnerships on a cross institutional or institutional to professional level. Institutions that have engaged in these type of activities need to ensure that the relationships forged during the pandemic continue to be fostered so that the legal communities can continue to benefit.

While the pandemic has provided the opportunity for greater interaction between students, academics and the wider legal community in the manner outlined above, it may be anticipated that other sorts of interactions such as placements, internships and other work experience opportunities have been diminished in light of restrictions. Whilst that has been the case in some contexts, innovative law firms and pro-bono clinics such as the Coventry Law Centre Legal Clinic have continued to operate, with new ‘virtual placement’ opportunities becoming available in some instances. As with other extra-curricular activities previously mentioned, the lack of constraint to physical premises may afford students with greater opportunity to engage in experiences which give them insight into their future career aspirations and develop the necessary skills to operate successfully within the professional domain. Advancement into the legal profession is currently an ultra competitive dominion. If these virtual opportunities continue to be provided once face-to-face opportunities resume, instances of meaningful professional experiences could increase. As a consequence of undertaking these opportunities, students may be able to make a better informed decision regarding whether to undertake the risk of vocational training in pursuit of professional recognition.

The final opportunity presented by the pandemic to be considered in this paper, although examined more closely by Betts and Kaur in this edition, is the diversification of assessment methodologies that has the potential to arise as a consequence of social distancing measures enforced by the pandemic. The traditional face to face examination is prevalent to varying degrees in higher education institutions, however it is arguably unusual to see undergraduate provision completely devoid of examination style

assessment. With the pandemic restrictions in the UK limiting the number of people who could congregate at any one time, the possibility of holding large scale examinations became untenable. Examinations had to be adapted to other assessment methods such as online open book examinations or coursework, at speed. At the time of writing traditional examinations have been omitted from three assessment periods at Coventry Law School. Whilst there is arguable inherent value in examinations, particularly as regards limiting instances of academic misconduct, contract cheating etc. legal educators are now in the position where they should be questioning whether or not legal education should be moving away from this archaic method of assessment. Betts and Kaur suggest that the current climate has provided the opportunity for diversification of assessment methodologies, with the potential to integrate more authentic forms of assessment within legal education provisions and this position is supported by the authors of this paper. Once again, the pandemic has presented the legal education sector with the opportunity to critically reflect on what it means to undertake legal education and in particular the methods of measuring attainment. This enforced self-reflection has the potential to promote a significant shift in the way in which legal educators and legal education operate.

7. Difficulties Presented By Socially Distanced Legal Education

Although the pandemic has provided the necessary conditions for a potentially meaningful shift in the nature of legal education provisions, it is exactly this shift albeit in a quick and seemingly temporary manner that has caused significant anxiety amongst the student body. The literature is clear that social interaction is an essential element of learning in both online and offline environments (Woo & Reeves, 2007; Kang & Im, 2013; Lasfeto, 2020). Social interaction has a particularly important part to play in the support of students engaging in technology enhanced learning, as students may more readily feel isolated by the reduced opportunities for interaction (Mulinberg & Berge, 2005). Whilst technology may have enhanced social interactions within the synchronous workshop/seminar environment by enabling the Socratic style of delivery seen at some education providers, the whole scale shift to online/socially distanced delivery has meant that students have fewer interactions with their teaching staff. It is posited therefore, that such a curtailment in social interaction may lead to increased difficulty for students in engaging with the course materials, which may negatively affect attainment in assessment. Furthermore, the fact that students do not receive the usual opportunities to privately interact with their peers, may compound feelings of boredom and dissatisfaction with this method of learning and a

decrease in the wider sense of belonging to the School and wider university community.

Therefore, activities that encourage social interactions between both staff and students may be beneficial and keep the spirit of learning intact as we navigate the remainder of the pandemic (McInnery & Roberts, 2004). More recently, Razali, et al. (2020) highlighted the importance of social interaction as one of the vital factors in supporting online pedagogy, in increasing student satisfaction and the attainment of learning outcomes. However, research has acknowledged the difficulties of orchestrating and nurturing social interaction of this kind in the online environment. It is therefore submitted that barriers to social interaction in online learning may create further barriers which impede the effectiveness of online learning. Smith and Wade (2014) suggest that specialised support is critical to student success in the cases of flexible learning. Wild (1994) further states that students who take responsibility for their own flexible learning, require a great deal of psychological support in terms of reassurance about the course, the academic team in charge of their course and their own abilities. Converting learning opportunities and assessments to be delivered online is arguably a concern of practical and pragmatic relevance, but, as argued by Hubacher, nonetheless within the capabilities of legal education providers in a manner that is not so readily the case in other disciplines. However, the issue of how to continue to provide adequate pastoral support to fledgling lawyers is a more difficult problem to surmount. Whilst true distance learning provisions may accommodate such support by design, education providers during the pandemic, may simply not have the ability to orchestrate the type of impromptu conversations that take place in the corridors of university buildings and at the end of classes, that provide reassurances and support to the student body. Although many of the extra-curricular events outlined above were developed in order to facilitate further opportunities to engage in staff-student and student-student interactions, this is undermined where students choose not to engage in these events, potentially for the reasons explored above. With that being said, once a return to on campus delivery is affected, the ability to provide pastoral support in the manner legal education providers are accustomed to will return, thus potentially removing this blocker to engagement with some of the more positive aspects of technology enhanced learning.

A further source of student anxiety is the uncertainty created by the flexibility of blended/online learning. Although the potential positives of such are outlined above, this has nevertheless been a significant cause for concern and has at times hindered engagement by some students. With only synchronous teaching sessions formally timetabled, students found themselves for the first time without the benefit of a weekly structure.

Whilst some students flourished in the environment where they could create their own pattern of learning, many felt at sea without. Anecdotally, students reported struggling with the self-motivation in managing their engagement with the asynchronous content without the familiar structure of a timetable, a device present expressly or implicitly throughout their pre-degree education. Furthermore, the ‘draw’ on to campus for those students undertaking the blended mode of delivery, was diminished as compared with the pre-Covid position. Students at Coventry University were promised at least 5 hours of face-to-face contact on campus on most courses if they opted for the blended approach, however this amounts to approximately a 60 % reduction in the amount of face-to-face contact that an undergraduate student would typically experience on law courses. A sense of overwhelm due to newfound freedom and online content provided in a more upfront fashion, has disengaged some students who would previously have been carried along through their course through the obligation to attend face-to-face teaching instances. This however was not felt as prevalently amongst postgraduate students who opted entirely for online-only delivery. This may imply that postgraduate students have already developed the competencies to cope in these circumstances, either through prior learning or personal/professional development opportunities.

Some of the anxieties or difficulties highlighted previously will be diminished or even extinguished as a consequence of transitioning out of the pandemic. However, it is submitted that in order to overcome the anxieties and difficulties associated with more flexible learning if it is to remain post-pandemic, a shift towards a more independent learning culture that transcends across HE and secondary education may be necessary. If this were to be effected at the pre-HE level, students would arguably be better prepared for undergraduate study approached in this more flexible and independent way. Anxiety and difficulty would not be as prevalent due familiarity and a pre-existing skillset that would facilitate coping with this type of delivery. The experience of undergraduates would be more aligned to the postgraduate pandemic experience. However, if this were not to be the case, developing the skillsets within undergraduates to be able to self-motivate and manage their time/workloads effectively in a more flexible climate, must be embedded within the purpose of earlier undergraduate education in order to facilitate effective engagement throughout.

In addition to the drawbacks of flexible learning, a further complication that may inhibit student engagement with law courses across all HE settings, is equality of access to learning experiences. A student’s ability to engage in learning activities is premised upon them practically and physically being able to do so. Whilst on campus, access to libraries, study spaces and

technology etc. are controlled at an institutional level, which is reassuring to academic staff who may be concerned with equality of access. However, in the circumstances of the pandemic, many factors such as environments conducive to learning and access to technology so as to engage with learning activities, fall outside of institutional control. For instance, when studying online differences may be exacerbated by issues such as personal access to a computer or the internet, or simply the availability of a quiet place in which to study. Students who are forced to undertake their learning at home often share both space and an internet connection with other members of their family, who are also learning remotely or working at home. International students may also be affected by differing time zones and other accessibility issues. Whilst it is a persuasive argument to suggest that online or at least technology enhanced learning has the potential to develop professional capabilities and enhance the student experience post-pandemic, this is considerably undermined if a student is unable to benefit from these opportunities due to personal, social or economic circumstances. Continuing higher and indeed primary/secondary education in the pandemic way, without sufficient provisions in place to support students in such circumstances, may have the effect of undermining fair and equal access and marginalising certain sectors of society. Exclusion at the stage of legal education has potentially ramifications for the professions and the digitisation of legal education could spell a backwards step in much needed diversification. Consequently, in whatever guise technology enhanced or online learning occurs post-pandemic, a mindfulness towards such concerns is implored. Although courses provided entirely online on a distance learning basis presuppose that a student has personal access to technology that enables them to engage with that course, the same cannot necessarily be said for courses that operate on a more flexible blended/hybrid model. Legal education providers may need to consider that responsibility to provide access to digital technologies may be incumbent upon them outside of the locality of the university campus, if moving forward, the delivery methods employed during the pandemic are retained.

8. Conclusions

The pandemic has highlighted that teaching experiences can at the very least be replicated online. It is the argument contained within this paper, that legal education has the potential to be enhanced post-pandemic if the digitisation of legal education is appropriately reflected upon and best practices continued, despite eventual return to conditions prior to March 2020. There is real opportunity created by institutional responses to

pandemic restrictions to enhance development of professional capabilities not only within teachings sessions through online collaborative learning activities, but also through authentic and innovative assessments and greater interactions with the professions and wider communities. Despite the grim circumstances of the pandemic, there are clear positives that can be elucidated from its impact on legal education.

However, it is imperative to remember that university, particularly at undergraduate level, is an important developmental experience for many students as they transition into adulthood. This is so even if this is ancillary to a students' ultimate goal of graduate employability and improved career prospects. The prospect of the curtailment of many of the experiences associated with university may go some way to explain the reluctance for many to apply to university and the discontent felt by students experiencing yet another semester in circumstances that do not align with their expectations of what 'university should be'. Anxiety created by these circumstances and the difficulty in alleviating such anxiety, has exacerbated disquiet amongst some student communities.

Understanding the challenges that students encounter when learning online will help inform future strategy and necessary interventions in order to create an equitable learning experience. It is vital that we understand the nature of the barriers to remote/online learning and also the support needed by students in order to succeed, as this will be pivotal in the future design and implementation of effective online, blended learning or at least technology enhanced learning. Whilst some of these barriers will be alleviated by simply moving out of the restrictive measures enforced by the pandemic and the better facilitation of social interactions, others will continue to be pervasive and will need to be reflected upon when determining what aspects of pandemic education should remain. Some barriers may actually necessitate a greater cultural shift in the way in which education is provided and accessible to students. If a unified approach to such is not developed, the gaps between secondary and higher education in particular may be widened. Further exploration of bridging this gap may be required in the not too distant future.

The development of online education has been accelerated significantly by the coronavirus outbreak. The utilization of digital technology may therefore initiate a move towards a new paradigm of teaching and learning post-pandemic. A shift from the traditional lecture-based, teacher-centred approach to more student-centred activities with a focus on group activity, discussion, facilitated and enhanced by online platforms may be on the cards. Therefore, to achieve this a conceptual and philosophical review of teaching

and learning roles, and connections between and learners and teaching materials may potentially be necessary.

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