

‘Responding to the Pandemic: Technological and Ethical Implications of Covid-19 on Legal Education’

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Abstract: The purpose of this paper is to contextualise the discussions of this edition within the Covid-19 pandemic and offer some introductory remarks to the following edition of the Journal of Ethics and Legal Technologies. The paper has the aim of briefly outlining some of the key themes and arguments that are borne out of the papers contained within.

Keywords: *Covid-19, Pandemic, Legal Education, Opportunities*

Introduction

On 30th January 2020, the World Health Organisation's Director-General, Dr Tedros Adhanom Ghebreyesus indicated that the novel coronavirus (2019-nCov) was a public health emergency of international concern, as a consequence of the spread and impact of the disease (World Health Organisation 2020a). Less than six weeks later, on 11th March 2020 the novel coronavirus was declared a global pandemic with the Director-General stressing that countries must "*detect, test, treat, isolate, trace, and mobilize their people in the response*" (World Health Organisation 2020b). National governments sought to enforce measures to curb the spread of the disease with many countries entering a 'lockdown' state to limit transmission. Whilst the impact of the coronavirus on the health of those infected has been potentially devastating, the impact on wider society has also been profound. The rapid impact of national measures to confront the spread of coronavirus, has forced society and more specifically for the purpose of this article and edition legal education providers, to respond at an unusually quick pace.

The measures imposed in order to respond to the pandemic have given rise to a radical curtailment in the ability to deliver teaching, assess and support the student populace in the manner that legal education providers are used to. Whilst measures employed soon after the classification of coronavirus as a global pandemic can be perceived as an attempt to avert a crisis and continue the provision of legal education in light of unprecedented circumstances, at nearly one year since the categorisation it is arguable that this is no longer fully the case. Instead, the impact of coronavirus has invited legal education providers to revisit the status quo in their law offerings and explore potential areas of development. It is suggested that this extends significantly beyond the mere transition from face-to-face to online delivery as is evident in the papers contained in this edition.

The aim of this special edition of the Journal of Ethics and Legal Technologies is to evaluate the measures taken within the legal education sector as a response to the Covid-19 pandemic and examine the potential for further developing best and/or innovative practices within this field. This is done with particular reference to the impact of technology within legal education, given the rapid digitisation of legal education as a necessary pandemic response. Whilst many of the issues explored within this paper and edition are evident in the current literary discourse around legal and/or digital pedagogy, much of this existing research centres upon courses specifically designed for a digitised method of delivery. Here the authors have the opportunity to reflect on and evaluate a complete change in the manner in which legal education is approached, in a timescale that has never

before occurred nor on such a significant and extensive scale. It is also salient to note that these changes were enforced upon both staff and students who were not necessarily mentally nor at times technologically prepared for such a seismic shift in approach; this provides further opportunity for discussion. The special edition draws upon empirical evidence from legal educators and managerial staff within the legal education sector and seeks to critically evaluate experiences within a variety of different institutional settings from both common and civil law jurisdictions. This special edition will stimulate discussion around appropriate technological and ethical responses to the pandemic within the context of legal education and disseminate best practice within the legal and wider higher education communities.

The first paper in this volume is written by the editors of this special edition and was born out of the consideration of the issues raised by the contributing authors. The purpose of this paper is to draw together and provide an in-depth analysis of the key themes advanced in this edition. Furthermore, this paper is designed to identify the potential opportunities that are available as a consequence of the enforced shift to online learning whilst also noting emergent obstacles which may adversely impact upon student engagement and attainment.

Kevin Hubacher's article, the second in this edition, reveals a contrast in the approach to legal education taken by common law and civil jurisdictions prior to the Covid-19 pandemic, with the latter more traditionally utilising a didactic, process-driven method of delivery focussed on knowledge acquisition. The author explores the fundamental shift in approach required by the move to online delivery and advocates for the use of the Socratic method of delivery founded on experiential and authentic learning and assessment. He argues that this method will enable students to engage critically with the law and understand the legal system from a holistic perspective. He concludes that whilst such a paradigm shift may fundamentally affect the aim of legal education in civil law countries that this model of education may result in graduates who are better equipped to handle the fast-paced changes of both social and legal environment.

In the third article of this edition, Isabella de Querci examines the wider implications of the shift to online learning in terms of the effect of social distancing measures on students' wellbeing and the consequential impact of this on their learning. In particular, she highlights how social interaction facilitated through the Socratic method together with the effective design and use of digital learning tools can enhance learning but also mitigate some of the negative effects of lockdowns and social distancing. She argues for the creation of rich learning environments which promotes the use of digital

technologies to foster social interaction and the subject of law itself as a tool for participation and inclusion.

The final paper focuses on assessment and explores the challenges faced by universities and law schools in seeking to balance the interests of the students with university regulatory obligations and the need to maintain academic standards. The authors consider how universities have responded to these challenges and outline the actions which may be taken in relation to assessment as we move towards designing legal education for the post-Covid era.

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