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Abstract
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BEYOND DELIVERY

BLENDING EDUCATIONAL TOOLS AND STRATEGIES: INTEGRATING ONLINE LEARNING IN PRACTICAL LEGAL TRAINING PROGRAMS

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Over the past decade, there has been an increasing use of on-line learning tools and strategies in pre-admission practical legal training (PLT) programs. Where once on-line learning may have been regarded as experimental novelty in these programs, it has now become an indispensable adjunct to traditional methods of practical instruction.

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Introduction

Since Practical Legal Training (PLT) began in Australia in the 1970s, it has continued to evolve to meet the challenges encountered in the educational and legal environments within which it is placed. The latest of these challenges lies in an increasing pressure to offer skills-based courses online. While this pressure may test the capacity of instructors and designers of PLT courses, it also offers an opportunity to create innovative and thoughtful learning environments employing a range of learning and teaching techniques. It provides an ability to develop blended learning courses utilising both face-to-face and online tools to accommodate a greater variety of student learning needs and preferences.

This paper considers the history of online learning in the PLT environment, in particular at the Queensland University of Technology (QUT) and the University of Wollongong (UOW), and how the introduction of online course components has altered student learning experiences and

accessibility to training. In doing so, the paper reflects on differences and similarities in the ways that each program has approached the challenge of online learning in a vocational environment.

The Advent of Online Learning

The Nature of PLT

In most common law countries, a person who wishes to practice law must complete a period of pre-admission practical legal training before entering practice. Depending on the jurisdictional admission requirements, this training may be completed through either a form of apprenticeship known as "articles of clerkship" or an institutional program of vocational training together with a period of practical experience in the legal workplace. These institutional vocational training programs ("PLT" programs) aim to teach the concrete tasks entailed in the practice of the legal profession (such as the ability to draft a contract, to appear in court and so on) and to engender the confidence, values and attributes required for competent and professional practice. Learning in these programs is usually problem-based and relies on the simulation of real life scenarios. While programs differ in content, structure and degrees of simulation, in order to successfully complete a PLT program a student must demonstrate competency in a specified range of practical legal tasks.

Early Online Learning

PLT programs were first offered in Australia in the 1970s as jurisdictional-specific fulltime on-campus courses. While electronic learning tools, such as video presentations and taping of lectures, were increasingly utilised over the following decades, these tools were used mainly to support face-to face interactions with students. In more recent times, the impact of globalisation and technological innovation has led to an ever-increasing use of electronic technologies to support teaching and learning and to a demand for flexibility in service delivery due to changing patterns of work, study and life (Stehlik, 2003, p.15). As a consequence, PLT programs are increasingly offered in a variety of modes, including part-time, distance and online to greater numbers of students and over a greater number of jurisdictions.

The first Australian "online" PLT program commenced at the College of Law in Sydney in 1997 (Lawyers Weekly, 2003). While it was not really "online" as it was delivered via CDRom, it represented a shift in the way in which PLT was delivered. The program was formally introduced to the PLT community at an Australasian Practical Legal Training Council (APLEC) Conference at QUT in 1997 to some criticism from those who attended, many of whom believed that it was not possible or practical to teach skills-based programs via technological means. This view was widely held for some time and it was some years before other programs ventured into this area.

With the development of the internet, PLT began to be delivered in a true "online" format. In early online PLT courses written materials were simply placed online without regard as to how students would interact and be motivated in a new environment (Lawyers Weekly, 2003). However, as those involved in PLT began to gain an understanding of how online learning environments could operate, courses began to expand online offerings to include artifacts such as written resources, lectures and frequently asked questions. However, this limited use of the available technology did not further the rich integrated and flexible learning environment contemplated by Cunningham et al (2000) nor did it offer students the novel learning opportunities that were available in other law programs. Nevertheless, this conservative approach to online learning in PLT was changing, with a number of PLT programs offering online courses and others beginning to use a variety of online tools to support emerging flexible program delivery models. Over this time, online PLT has developed from a naïve model, which was largely learner-content oriented, to a standard model, which while similarly learner-content oriented also encourages learner-instructor and learner-learner interactions (Roberts, 2002, based on Moore, 1996, and Roberts, Jones & Romm, 2000).

Challenges to Creating Online Learning Environments for PLT

Instructor Skills and Attitudes

The learning focus of PLT has customarily centred on face-to-face involvement in teaching and assessment. A move from this method of delivery towards online education involves skill and

attitudinal changes both in instructors and in students as well as fundamental changes to the objectives and structure of PLT programs (Singh et al, 2005). As Brennan (2003, p.42) commented of online learning in vocational education:

> The new roles and skills for the online teacher come from attitudinal predispositions. Qualities such as perception, compassion, collaboration and creativity are considered essential prerequisites for online delivery success. These attitudes are the initial building blocks from which teachers develop new facilitation, motivational, mentoring and guiding roles and skills. Communication is profoundly different online where teachers are concentrating on clarity and regularity.

Clearly, not all teaching staff wish, or are readily able, to make this transition. Many who excel in face-to-face teaching will have difficulty acquiring the technological skills necessary to make a successful transition to teaching in an online environment and will have difficulty in adjusting teaching styles to accommodate online teaching strategies (Jones, 1996). Further, the transition requires an initial substantial financial commitment by any course or institution to develop new structures, materials and teaching strategies and, an often overlooked, ongoing financial commitment to ensure the maintenance and continuing quality of these new systems.

Student Learning

Another challenge associated with moving towards the online delivery of PLT programs is the way in which PLT students learn. PLT programs rely on interactions between those involved in the training process: between students, academics and students, and practitioners and students. Learning in PLT involves acquiring not only a knowledge of and ability to perform defined legal tasks but also an understanding of and ability to function within the legal professional culture.

For many distance students the culture of the legal profession will be most effectively absorbed through personal experience (Sternberg et al, 2000) through work experience prior to admission. However, for students without workplace experience, "personal experience" may be limited to the experience received in the simulated work environment provided in many PLT programs. Other opportunities to acquire knowledge of the legal culture, for example by active observation (Lave & Wenger, 1991; Lubit, 2001) and social interaction (Rathjen, 1976; Bush, 1984; Meltsner, 1983), are necessarily based either in the workplace or in the physical educational environment.

Creating a Sociable Environment

To create teaching and learning environments that are conducive to student learning, it must be recognised that socialisation plays a significant role in the learning process. As Brennan (2003, p.39) comments, "the individual focus implicit in a great deal of online pedagogy, while ostensibly conforming to learner-centred practices, may not do so and in fact, may represent a backwards step. Learning is a social activity as well as a cognitive one, and unless this ‘sociability’ is guaranteed by online materials, only the most motivated students will persist." Interactivity is also a crucial factor in effective learning (Cheng-Choo, 2003) and the creation of learning communities will have a positive effect on the learning process (Moller et al, 2005).

PLT programs were inherently sociable. For example, at QUT, full-time students are immersed in a campus-based simulated legal environment. Similarly, at UOW, students complete an intensive study program, which encourages professional bonding with other students, academic staff and practitioners, while undertaking work experience in a legal environment.

The Cultural Dimension of Online Learning

Another challenge to be faced is that online learning will not suit all students or match all educational needs. Online teaching strategies often do not take into account that students have individual learning styles. Also, as Brennan (2003, pp 41-42) notes:

> The literary demands imposed by many online courses and modules as well as the cultural homogeneity characterising many of them, raises questions about the ability of the skills of students from a non-English-speaking background and Aboriginal and Torres Strait Islander groups to undertake online learning... Fundamental issues such as

the cultural appropriateness of questioning, conversational conventions, language acuity and student attitudes towards interaction with authority take on a heightened importance in an online environment.

With both law schools and the legal profession actively encouraging the enrolment of students from differing cultural and ethnic backgrounds, relying on a "one-size fits all" program is problematic. For example, students from impoverished backgrounds may be economically disadvantaged and those with access to technology may find that, instead of encouraging the diversity of background, culture and history that contributes to the critical analysis of legal problems, online learning might well homogenise the learning experience.

Moving Online

In recent years, both QUT and UOW decided to utilise online learning in their programs. This step was taken amid mixed reaction from the PLT stakeholders. Online delivery was encouraged by Universities who saw it as a means of accessing and accommodating greater numbers of students. Students were enthusiastic about the advent of flexible online PLT, many seeing it as a way to fit postgraduate study into a life complicated by work and family commitments. For students who lived away from university centres, it was a way to study and gain a qualification, which had not previously been open to them. However, for the legal profession, who were the potential employers of PLT graduates, the suggestion of online training was treated with scepticism. The idea of providing skills-based training online, without face-to-face contact, was contrary to traditional legal training methods and many employers thought it could not be done successfully.

The Legal Practice Course (QUT)

The Legal Practice Course (LPC) at QUT commenced in 1978 and is one of the oldest Australian PLT programs and the first to be conducted in a University setting. The LPC was conceived as an on-campus full-time course and, for many years, was conducted over a full academic year. The LPC first initiated an online presence in the early 2000s with an online teaching (OLT) site for each subject. The OLT sites were originally general, static university sites. There was no flexibility in how the sites could be used. They were merely used to disseminate paper-based materials and offered little opportunity for interactive activities other than "frequently asked questions". The main advantage of loading materials onto the OLT site was that students could access materials, at their convenience, when they were off-campus.

Online trials

The first online interactions were trialled in 2003 when the writers included an online quiz in the Litigation Unit. The online quiz dealt with an area of legal practice that students traditionally found difficult. The rationale in incorporating the online quiz into the course was to evaluate how students felt about online teaching methods, and also to provide some variety and flexibility in teaching methods. This limited trial found approval with students (Maxwell & Pastellas, 2003).

Further online strategies were incorporated into the course in 2004 with the trial of two online units for part-time off-campus students. The impetus for this was university-based. The strategic plan of the Faculty of Law, in line with general University priorities, includes these objectives:

- To promote the integration of information technology, teaching and research throughout the Faculty.
- To develop the Faculty of Law's national leadership position as a provider of professional education.

The provision of an online PLT course was seen as essential in placing the LPC in the national market for professional education. It increased access to students beyond the south-east corner of Queensland and provided students beyond this geographical location with the opportunity to complete a quality PLT course. The anecdotal evidence and feedback from students during and after these trials presented a positive picture for the introduction of online components in these courses. Students generally appreciated the variety of teaching modes: They liked the flexibility that allowed them to complete the work in their own time and at home (Maxwell & Pastellas, 2003). However, not all students were convinced that online learning was suitable for them.

Offering a fully online course
In 2005, part-time off-campus students complete PLT by way of a blended course. Students undertake an initial period of face-to-face training where they attend on-campus for two introductory units which set up the basic legal skills that they require to complete the next units. This initial training is a compulsory pre-requisite for all other units. All assessment items for these two introductory units must be competently completed before commencing the next phase of training. While on-campus sessions are interactive and include a number of face-to-face performance-based assessments, most items of assessment are submitted online. After the initial training most students complete the course online and off-campus. Students receive all materials via relevant OLT sites. Paper materials are not provided at all. Students are given extra weekly materials and have access to online discussion sites which are serviced by instructors. Assessment items are submitted, marked and returned using the online Assessment Submission site.

While a formal evaluation of the online course has not yet been undertaken, academics teaching in the online course have sought comments from distance students involved in Course 2 of 2004 and Course 1 of 2005. Also, students have given unsolicited feedback on the online and distance experience. These comments have been noted and reflected on by the academics involved in delivery of the online course. These are some of the issues that have been raised by staff and students, which deserve further consideration in future course planning:

- Students may feel isolated when studying off-campus and in isolation. This reinforces the idea of learning as a social activity as well as an intellectual one. To feel part of the group learning environment, students must be able to share their learning experiences with others through the use of online discussion forums. It is also important for students to have regular communication with instructors who are available to provide guidance and instruction.
- Students enjoy the flexibility that off-campus courses provide. They can complete the work in their own time at their own convenience while having access to online materials, supplementary material and online discussion forums.
- Both student computer competence and the technical reliability of the online learning site can affect the learning experience. Students become frustrated if they cannot efficiently and effectively access learning sites and materials. Online learning sites must be user-friendly, readily accessible and reliably available. Instructors and designers must acknowledge differing levels of student computing skills and that study must accommodate differing work and life commitments.
- From an instructor's point of view, the successful implementation and running of an online unit is time-consuming and requires the development of different teaching skills. Instructions to students must be clear, leaving no room for misinterpretation. Materials must be self-explanatory and easy to access. Instructors need to communicate regularly with students and monitor student progress and involvement very carefully. It is much easier for students to be forgotten and fall by the wayside when access to them is remote.

The next phase
At this stage, and based on the online trials so far, it is contemplated that the online off-campus option will remain for students who complete the LPC. It is not contemplated that this be the only option for students. In recognition of the different learning styles and preferences of students, there will remain the choice of whether to complete the course as a full-time on-campus student or to complete it off-campus online, but including the completion of the initial face-to-face on-campus pre-requisite skills units. Both these modes can usefully employ a variety of teaching and learning modes to enhance the student experience. A blended approach, which uses the best of face-to-face and online strategies, is indicated to accommodate a variety of student needs (Ekland, 2003).

The Graduate Diploma in Legal Practice
The Graduate Diploma in Legal Practice (GDLP) commenced in 1997 with the aim of expanding opportunities for law graduates to undertake PLT in New South Wales. From the start, the GDLP was delivered in a flexible distance mode in which students researched and completed most assignments off-campus while attending compulsory on-campus instruction and assessment sessions. Written assignments were submitted by post or by facsimile. Instruction and guidance were provided to students through face-to face sessions and individual email and telephone

contact. While student surveys revealed a high level of student satisfaction, the GDLP was intensive and demanded high levels of staff /student energy and commitment.

Online trials

In 2004, the GDLP made its first foray into online learning with the creation of a WebCT teaching site for "Commercial and Property Law Practice". Initially, the site offered limited interactivity and merely supplemented the face-to face program. The site was used to deliver information, such as assignment materials, notices about assignments and other course matters, communications with students and so on. Student interaction was limited and students appeared reluctant to engage in the site's interactive features. For example, a discussion forum designed to manage student queries and encourage peer learning was not accessed at all during the course. While off-campus, students still pursued interactions with instructors and other students through personal emails and telephone calls rather than through the site. Website "hits" suggested that many students did not access data on WebCT, preferring to rely on information provided in on-campus sessions. It became clear also that students were failing to access the electronic readings and precedents essential for their learning and that their general online research skills were not adequate.

After extensive consultation with the University's Centre for Educational Development and Interactive Resources (CEDIR), the site was reinterpreted to allow it to fully support the teaching objectives of the subject: ie the completion of assignments to a standard demonstrating subject competence. In 2005, the site began to include recorded lectures and power point slides, instructions and other materials required to complete assignments, a due date calendar, an assignment submission tool, a tool to release materials selectively, a discussion board for each module and a private mail facility. Similar sites were established for the other course subjects.

To address the need to provide students with the skills to interact with WebCT and to pursue required online research, a specific teaching session was devised and conducted early in the course. Students were told to use WebCT for all electronic contact with their instructor. While private discussions regarding matters such as extension requests and other sensitive issues were available through a personal mail feature, all general queries were to be posted on the relevant discussion page. Anyone could answer a question posted in this way and all students were encouraged to do so. Coordinators regularly monitored their sites but only answered questions that had not been appropriately addressed by another student.

Initial outcomes

During Course 1/2005, instructors monitored site use. Immediately observable was a reduction in incoming personal emails and telephone calls from students. Students began to make use of the WebCT discussion tool. This was especially noticeable in the Commercial and Property Law Practice subject in which few students sought to use other means of communication. The discussion tool was used extensively by about 25% of the students, to some extent by another 50% and not at all by the remaining 25%. The assignment submission trial reflected similar numbers of frequent users (students who sought to submit more assignments online than were strictly permitted) with around 65% submitting all required work online and only 10% failing to submit any work online. Student familiarity with online research and databases also increased. Unlike the 2004 experience, students reported no difficulty in performing basic WebCT and online research tasks. While the site's recorded lectures and accompanying slides showed few "hits", a number of students reported that these features were useful in their preparation for assignments. All students accessed assignment materials and details online and utilised the calendar on each site.

Formal evaluation

At the end of Course 1/2005, the use of WebCT to support learning was evaluated as part of a larger GDLP survey. The survey included some questions requiring response on the Likert scale and others requesting written feedback. In terms of course teaching and learning, most students viewed the online GDLP features as enhancing their learning (90% of students answered in the affirmative to this question). In terms of usefulness for student learning, the most popular online features were online activities and the assignment submission tool (93% of students), closely followed by the slides and online calendar. Of least reported use were recorded lectures (69% of students). However, this figure might be due to the numbers of students who attended these

lectures on-campus. While students were not specifically asked about online discussion forums and interactions with instructors, 73% of students who responded to the question “what were the best aspects of the website and online resources” named one or both of these features.

Both formal evaluation and instructor/student observations throughout Course1/2005 suggested that students were embracing the online environment. This approach contrasted markedly with the interactions noted in 2004. This raised the question of what may have brought about this change. In considering this, one might reflect on the intersection of the survey results, website “hits”, independent instructor and student feedback to find that two matters stand out. First, the revised program actively sought to provide instruction and support for both academic staff and students engaging in the learning activities. It was recognised that prior engagement with online learning might be limited for both groups and some specific on-campus instruction and “skilling” was essential to facilitate engagement. Second, the revised program provided greater opportunity and encouragement for students to become part of a community of learning. (Even after the course ended, students continued to use WebCT to interact with others about the program and its completion.) Actively encouraging, but not forcing, students to interact seemed to advance the creation and maintenance of a vibrant and ongoing learning community. The formal survey results (supported by instructor observation) suggest that maintaining this relationship is crucial to student perceptions of the usefulness of their learning experience.

The next phase

In 2006, the GDLP will offer a blended learning program relying on both face-to-face and online teaching and learning strategies. The program will commence with a period of off-campus preparation, followed by a week-long introductory on-campus session. This session will seek to provide the underpinnings of knowledge and community that is necessary to support later interactive learning in the program. Online features, successfully trialled in 2005, will be retained and several on-campus sessions will become optional, allowing greater flexibility as to when, where and in which form, students access instruction.

Conclusion

The feedback, both formal and informal, provided through these early trials of blended learning in these PLT programs will need to be further explored as both programs evolve to meet the needs of students into the future. Initial indications are, however, that the approach to teaching and learning that is being taken by both programs will be as useful in PLT as it has been in other vocational programs. The approach goes much further than the initial forays into online learning in PLT as it recognises the human element in educational design, both from the point of view of the instructors who must become familiar with new methods of teaching their discipline and from the perspective of the students who must find new ways in which to interact with the teaching materials, the instructors and each other.

The experience of using initial face-to-face instruction as a foundation for building a community of learning which can be maintained and enhanced through discussion and electronic communication with instructors and other students has proved successful for both programs. Informal feedback, arising especially from the initial difficulties with the WebCT site at UOW, further supports a view that in PLT online learning should not seek to stand alone into the future but rather as part of a holistic approach to teaching and learning.

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