

# Report on How Law Students Learn

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## A. Background

1. For years, law teachers in Commonwealth law schools have used the lecture and tutorial method to teach. Moreover, most teachers continue to assign bulk case-reading as the main learning activity, and assess mainly if not exclusively by examination. There is occasionally expressed a concern that the students are overloaded by the amount of required readings, but this has not stopped these traditional practices. In recent years, some law teachers have introduced a greater diversity of teaching and learning activities, including more interactive methods, for example, group presentation, role-play and mootings. Some teachers have also introduced some research and writing components into the learning activities and for assessment purposes. However, there has not to our knowledge been any systematic survey on the effectiveness of any of these methods of teaching and how far they enhance the learning of law students.

2. Teaching and learning methods aside, it is unclear whether and to what extent English language standards, social background, overseas experiences and other social and environmental factors have any impact on the learning of law students.

3. To understand how law students learn is the first step for law teachers and the Faculty of Law to develop effective pedagogical strategies to improve the teaching and the learning of law students in our Faculty. It is hoped that an understanding of how law students learn will provide valuable data for more systematic and coherent teaching planning.

## B. Objective

4. The objective of this study is to conduct an inquiry by way of survey into how law students learn and what factors affect the effectiveness of their learning. As a first step toward a better understanding of the effectiveness of teaching and learning methods we prepared a questionnaire and conducted a survey of student learning practices, including student impressions of the effectiveness of various learning activities. The questionnaire was designed to collect information from law students of different years, from different backgrounds (local JUPAS students, EAS students, fast track students, mainland students

and mature students) and in different programmes (LL.B., Government and Law, Business and Law, Engineering and Law, P.C. LL. and LL.M.). Focus groups were organized to collect more detailed information from students.

### **C. Stages**

5. The whole project consists of 5 stages. In stage I (Nov. 2006 – Feb. 2007), a questionnaire was developed after meeting with law students who provided input on its construction.

6. In stage II (March 2007 – May 2007), the survey was conducted using the questionnaire developed in stage I. A total of 355 law students took part in this survey and completed the questionnaire.

7. In stage III (June 2007 – March 2008), the data collected was compiled and analyzed. Students who had participated in the survey were invited by email to attend a focus group meeting. 13 students attended two focus group meetings. In the meetings, students were asked how they interpreted the findings of the survey and to give their views on teaching and learning in general on the basis of the survey. [Their comments can be found in Part F below.]

8. In Stage IV (April 2008 – December 2008), a report was prepared with findings on the learning of law students and observations on how the learning of law students could be improved.

9. In stage V (January – May 2009), the report will be disseminated to students for comments and to the Faculty and the departments for discussion. A brief presentation was made for discussion purposes at the Faculty Retreat in February 2009.

10. It is hoped that the report can provide objective data for law students to reflect on their learning and for the Faculty to develop effective teaching strategies to improve the effectiveness of teaching and learning. Comments from students on the report will shed light on whether the findings of the report are accurate. Feedback from other teaching staff will indicate whether the recommendations are feasible.

11. As the next step we are preparing another questionnaire and will conduct a survey of teaching practices and teacher impressions of the effectiveness of various practices in the Law Faculty. We want to see how these match up with student learning practices and

impressions, and identify any shortfall between the two.

12. At the same moment, we at the University of Hong Kong are required to adopt, with effect from 2009-10, an outcomes-based approach to teaching and learning. We hope to apply the results of our studies to assist in the transition to the teaching of law according to the outcomes-based approach. In particular, we hope to identify effective learning activities and learning-oriented assessment practices that help achieve targeted learning outcomes.

13. This paper is very much a work-in-progress. The presentation will review our efforts to date, some preliminary findings, and will seek input from conferees as to their experiences in effective learning strategies, and any advice they may have as we continue our study into the next stage.

#### **D. The Questionnaire**

11. The questions in the questionnaire are divided into 3 groups. (The questionnaire is attached to this report.). The first group of questions concerns personal information of the law students. The second group concerns the time spent (the average in hours) on each of the different learning methods. The third group asks whether the students see the different learning methods as an effective means to learn law.

12. Each of the questions in the second group of questions (question 9 to 34) corresponds to one particular study method. From the data that we gathered from the questionnaire, the “time” that the law students spent for each of the different study methods in the second semester of 2007 is tabulated.

13. The category “All” refers to the total 355 law students as a group, without further differentiating them into categories. The whole process was repeated for each of the 11 categories of law students and the values are tabulated. Table 1 is generated from this data.

14. In Table 1, the y-axis corresponds to the 11 categories of students (programme or origin): All, Jupas, non-Jupas + Fast Track, EAS, Mainland, LLB, Mixed Degrees, Year 1, Year 2, Year 3 and Year 4, whereas the x-axis corresponds to each of the learning methods referred to in question 9 to 34.

15. The values are also tabulated in percentage. The denominator of the fraction, used in calculating the percentage was the total time the 355 law students spent (the average in

hours) to study law. The total time spent for each of the 11 categories of law students was different. In Table 1, for each of the 11 categories (see y-axis), there are 2 rows of data (see x-axis). The first row is on the actual times (the average in hours) law students spent on each of the methods to study law. The second row is on the data of the previous row in percentage.

16. The third group of questions looks at whether law students consider the methods referred to in question 36 to 62 an effective means to learn law. Students were asked to indicate for each question whether they “strongly agree, agree, are neutral, disagree or strongly disagree” that the method is an effective method to learn law. If they have not used that method before, they can choose “not applicable”. The results were not distinguished according to the categories of students.

17. For each of the methods to learn law referred in question 36 to 62 (y-axis), the percentage of students’ choices was obtained. The denominator used in calculating the percentage was, “total including missing”. “Missing” means that the participant handed in his questionnaire, but s/he did not make any choice for that particular question.

18. The strongly agree and agree figures are added together for each of the different learning methods and were then sorted in a descending order. This means that the method of learning law that comes first in Table 2 was the method that the highest number of law students strongly agreed or agreed to be an effective means to learn law. It is understood to be the most effective method to learn law. Accordingly the lower the “method” was in Table 2, the less effective it was considered by the students as a method to learn law.

## **E. Results of the Questionnaire**

19. According to Table 1, the total time spent by a law student in studying law (the average in hours) was 378.7 hours per semester. The figures varied only slightly over the 11 categories of students.

20. In this study, we have not included the number of class hours. For a typical course, the class hour per week is 3 and the total teaching week for one semester is 12. For five courses per semester, the total number of class hours is 180. Added to the time spent in studying law, the total time a law student put in studying/learning law per semester is 558.7 hours.

21. In our study, we did not include a separate question on the time students spent in

preparing for tutorials and assignments. This was something of an oversight. Some of this time may have been included by respondents in their responses for the time spent in reading duplicated materials, law textbooks and preparing notes, but based on feedback from focus groups it seems, it would not have been included in student responses.

22. Assuming that students will need additional time to prepare for tutorials and assignments, the total time will be more than 558.7 hours per semester. If a student takes 1 hour to prepare for a tutorial per week; for 12 weeks and for 5 courses, the time will be 60 hours. If a student needs 15 hours to complete an assignment, the total time for preparing assignments for five courses will be 75 hours. This is consistent with feedback from our focus groups.

23. If all these hours are added, the total time will be 693.7 hours, broadly in line with the guidelines of the European Credit Transfer System (adopted by the University of Hong Kong), according to which the workload of a 6-credit course should be 120-150 hours. By that measure the total time for each semester would be 600-750 hours. Judging from this standard, the workload of our students seems about right.

24. The 355 law students were divided into 11 categories as described above (see Table 1). For category “All”, the figures showed that the three most outstanding and important methods of learning law indicating the longest time spent by law students in studying law were “Reading duplicated materials”, “Reading Law textbooks” and “Preparing your own notes”. These three methods accounted for 31% (119.2 hours), 23% (88.7 hours) and 13% (48.4 hours) of the study time respectively.

25. Among the rest of the methods, some accounted for 4-6% of the study time and some were even as low as 1-2%. This shows that they were not used that often by law students.

26. The figures varied only slightly over the 11 categories of students. This means that, regardless of the student category, the same three study methods were the most common and important methods to study law.

27. Table 2 shows that the three methods considered by law students as the most effective means to learn law were “Reading law textbooks”, “Attending tutorial groups” and “Participating in tutorial discussion” in a descending order. They accounted for 89.01% (316 choices), 84.79% (301 choices) and 78.03% (277 choices) respectively.

28. “Attending tutorial groups”, somewhat ironically, came second in Table 2, one position ahead of “Participating in tutorial discussion” which came third. “Attending tutorial groups” might not mean “Participating in tutorial discussion”. A student at the feedback session explained why law students had valued them differently as shown in Table 2 (refer to Part F below).

29. “Preparing a presentation (of more than 15 minutes) in class” accounted for 21.41%, whereas “Listening to class presentation (of more than 15 minutes) by my classmates” only accounted for 12.11%. The former method was the 20th and the latter was the second last (26<sup>th</sup>) in Table 2. This showed that the two 2 methods were not “effective means to learn law” in the eyes of law students. A student at the feedback session explained why that was so. (Please refer to the Part F below.)

30. As discussed above, “Reading duplicated materials” came 1st in Table 1, and accounted for 31% of the law study time of the law students. This showed that law students had spent most of their time on this method. But this method came only 8th as “an effective means to learn law”. Only 65.07% of the participants of this survey strongly agreed or agreed that this method was “an effective means to learn law”. A student at the feedback session explained why law students had spent the biggest amount of time on this method, but did not value it highly. (Please refer to Part F below.)

31. Table 2 showed that law students valued “Reading law textbooks” highly (1<sup>st</sup> - 89.01%), but less so “Participating in study groups” (12<sup>th</sup> - 38.87%), and even less so “Preparing a presentation” (20<sup>th</sup> - 21.41%).

32. Table 2 showed that 70.42% of the total number of the survey respondents had chosen “Preparing my notes (other than lecture notes)” as “an effective means to learn law”. But this “method to learn law” came only 7th in this table. This showed that the law students did not value terribly highly this method to study law, yet they spent much time on it (13% of their time, or 3<sup>rd</sup> ranked of 13 learning activities - see Table 1). The implications will be pointed out in Part G (Findings and recommendations) of this report.

#### **F. Focus group discussion: summary of the students’ comments**

33. Feedback from students in the focus group meetings was intended to help understand some of the data received through the survey questionnaire.

34. We learned, not terribly surprisingly, that students in general were more inclined to

do what was necessary for examination purposes rather than engage in hands-on activities that were geared toward deeper learning. The typical hypothetical examination question might not serve the purpose of encouraging deep learning. That was because it did not require an analysis of the rationale of the law. It did test the skill of applying law to facts, but that skill as tested on final examinations might be achieved without a deep understanding, according to one of the students.

35. One student said that it all depended on how one defines “an effective means to learn law”. If it is defined as “an effective means to succeed in examinations”, then the typical hypothetical exam question could serve the purpose well. But if it is defined as “an effective means to deep learning”, then the typical hypothetical exam question might not serve the purpose.

36. Taking many courses might overload the students. “Excessive amounts of assigned readings” in addition to “taking too many courses” would make deep learning an even more impossible goal.

37. Some students talked about their study skills, selective reading skills and note-taking skills and how such skills help them cope with the huge volume of reading. The students explained the reason why “Preparing my notes (other than lecture notes)” came only 7th as “an effective means to learn law” (see Table 2). It was because the students were not expert enough to use the tool of note-taking.

38. One student said that “textbooks” could provide them with the “general legal principles”, whereas “tutorials” could provide them with “simulated exam questions and solutions”. The hypothetical questions in the tutorials gave the students a chance to apply to the questions the legal principles which they had learnt. Several students expressed the view that the typical hypothetical exam questions in the tutorial might not serve the purpose of encouraging deep learning. That was because it did not require an analysis of the rationale of the law. It did test the skill of applying law to facts, but that skill as tested on final examinations might be achieved without a deep understanding, according to one of the students. But these hypothetical questions were useful for them to succeed in examinations. The two methods above were useful to them, as “an effective means to study law”.

39. A student accounted for the difference between the percentages of the perceived effectiveness of the two methods, “Attending tutorial groups” which accounted for 84.8% and “Participating in tutorial discussion” which accounted for 78%. He explained why

“Attending tutorial groups” was more important than “Participating in tutorial discussion” in the eyes of the law students. The student said that attending tutorial groups might not necessarily mean participating in tutorial discussion. Very often, after instructors had tried for a long time to guide the students in the tutorial to find the solutions of the hypothetical questions, if time was running short and the bell was about to ring, the instructors would just give the solutions to the law students. This meant that, just by “attending the tutorial groups,” the students could already get the solutions of the questions, even without participating in the tutorial discussion. Hence “attending” was more important than “participating in the tutorial discussion” in the eyes of the law students.

40. One student suggested having more tutorials, because the tutorials were useful to them. Ways aimed at lengthening the tutorial duration were suggested by the other students, one of which was merging two tutorial groups and doubling the number of meetings.

41. The students said that they were overloaded by the huge volume of assigned readings. The students pointed out that “overloading” might result in little or no reading at all, because the task became hopeless and students in desperation turned to other means of learning in order to cope. “Too much duplicated materials” was the students’ explanation of why “Reading duplicated materials from the law department”, accounted for only 65.07% and came only 8th in Table 2. This method was not valued particularly highly by the law students, though it used up the biggest portion (31%) of their law study time (see Table 1).

42. According to one of the students at the feedback session, law students had an excess of duplicated materials (DMs), but not all were useful to them. By the estimate of some students, only five out of the 20 pages of DMs were really useful to them. Law students thought that since so much of the DMs was not useful to them, this method to learn law was not an effective means to learn law. That also explained why this method ranked only 8th in Table 2. Law students did not value this method highly, despite the fact that this method used up the biggest portion (31%, see Table 1) of their study time compared with other methods.

43. Law students thought that “preparing and listening to” presentations in class were not means that can assist them to succeed in examinations. Hence they were not considered to be effective means to learn law even though they might help in getting a deeper understanding of law.

44. Students said that the textbook was important to them, and that the textbook was the starting point of their learning. With that in mind they suggested that the booklist should be emailed to them beforehand, not only at the beginning of the academic year, but also before the second semester began. Also, teachers should be reminded to place the order early and make sure there are enough copies.

45. Apart from the selection of reading materials, how the selected materials are presented, arranged and organized would also make a difference. Students gave two examples. For one course, there was no textbook and students were required to read more than 100 pages of DMs every week. For another course, lengthy extracts from casebooks were included in the DMs but not in the order in which they were referred to in class. In both cases, students were driven away.

46. Students of the focus groups were asked to roughly indicate how they allocated their reading/revision time over the academic year. It turned out that some would do 40% of their reading/revision before the reading week, 40% after the reading week, and 20% immediately before the exam. Some would do the reverse doing only 20% before the reading week, 30% after, and the bulk 50% just before the exam.

47. Students admitted that they would read more and prepare for tutorials if they knew each of students in the tutorial group would be asked questions during tutorials. They confirmed that tutorials were indispensable, but there was no consensus as to whether and how tutorial performance should be assessed.

## **G. Provisional Observations and Reflections**

### **Learning Methods**

48. From the feedback session, we noted students' expression of an interest in the Faculty teaching "selective reading skills" to students soon after admission, so that students can adapt to the new learning environment which is heavily dependent on reading large amounts of material.

49. Note-taking skills are important in the learning process. This comes out in the survey results where 70% (7<sup>th</sup> out of 27 activities) agreed or strongly agreed that this is an effective means of learning. As observed by students at the focus group discussion, this is an often overlooked technique for learning. To some degree it is a matter of personal style

and technique but it is a potentially misunderstood learning tool that is worthy of closer examination and possible skills-training at an early stage.

50. Students also spend a significant percentage of time engaged in “preparing notes” (3<sup>rd</sup> most popular of 13 learning activities). What proportion of this is in-class and what is out-of-class, is unknown, although “preparing” notes certainly suggests it includes some after-class work. Engaging the material, including notes taken in-class, by writing notes and summaries of lectures and readings in one’s own words is a highly effective learning technique.

51. From the data, students spend most of their time reading issued duplicated materials (presumably these are all assigned readings) and textbooks. The high percentage of time devoted to reading should not come as a surprise, given that these are most certainly assigned readings. Students tend to follow instructions. [What we do not know is what percentage of assigned readings is being done, and whether the reading allows for deep learning. It cannot do so if there is too much of it, as pointed out by students in the focus groups.]

52. A conclusion we draw is that more thought has to be given by colleagues to the proper selection of reading materials in order to avoid overloading students. It was observed at the focus group meetings that overloading might result in little or no reading at all, because the task becomes hopeless and students in desperation turn to other means of learning in order to cope. The students at the focus group meetings confirmed what many of us already knew - that students in general are more inclined to do what is necessary for examination purposes rather than engage in reading or other exercises that are geared toward deeper learning. Too much assigned readings will inhibit that.

## **Workload**

53. As pointed out by students in the focus groups, teacher expectations/hopes that students will work hard throughout the whole academic year may not be realistic.

54. Moreover, it was observed by some of the students at the focus group meetings that we may be overloading our students with too many courses. There is a need to re-consider the overall workload and the study/learning burden of students.

## Assessment

55. Assessment methods will naturally influence learning and study methods. To achieve the goal of deep learning it is important to examine and assess in a way that encourages or requires deeper learning. This may be easier said than done and will require deep reflection by law teachers and careful planning of courses if the goal is to be achieved.

56. At any rate, as a matter of pedagogical principle we must be sure to examine students according to how we have taught them, according to the learning methods and skills that we have encouraged and nurtured during the course. It is not only unfair but illogical to examine a certain skill if in that course students were never required to engage in activities that would develop that skill. Teaching/learning and assessment go hand in hand.

57. Where the learning activities are not assessed by way of essay, assignment submission, presentation or whatever (continuous assessment activities as opposed to a final examination), the incentive will not be present for students to do what we want them to do to achieve the deep learning goal. Where the learning activities are not assessed, we need to ensure incentives that students will be persuaded by, in order that they will devote sufficient time and effort in the deep learning activities. Ideally, the learning activities should be aligned with assessment, in which case there should be sufficient motivation.

58. If the learning activities necessary to achieve deep learning outcomes do not align with students' perceptions of useful learning activities (this is often the case from our data where, for instance in the "effective means to learn law" question, students value reading textbooks highly (89.01% strongly agree or agree), but participating in study groups (38.87%) and preparing a presentation (21.41%)) very low), we will need to engage students to try to understand the reasons for the dissonance. Students will have to be won over.

59. One example is in-class presentation. From the study, it seems that students do not consider that it is an effective method for learning law. This is very different from the perception of many teachers who use in-class presentation as part of the assessment. In light of the reservation of students, our view is not that teachers should not use in-class presentation. Rather, if teachers believe that in-class presentation should be used, they may need to make more explicit to the students the educational objectives that can be achieved through this method of learning and assessment. Clearer instructions should also

be given on the expected format, content and level of analysis of the presentation.

## **Deep Learning**

60. It was observed by students at the focus group meetings that the typical hypothetical examination question may not serve our purpose of encouraging deep learning. That is because, depending on the design, it may not require an analysis of the rationale of the law. It does test the skill of applying law to facts, but that skill as tested on final examinations may be achieved without a deep understanding, at least according to one of the students. This highlights the need for other forms of assessed learning activities, such as research essays requiring critical analysis, in order that deeper learning can be achieved.

61. However, we noted that law teachers may disagree on the purpose of legal education and the meaning of deep learning in the context of legal education. Whether legal education must cultivate students' ability to analyze the rationale behind the law or whether its purpose is mainly to develop the skill to handle legal problems would be a matter for further discussion among law teachers, and should be considered in the next part of this study of law teaching.

62. We have determined, at a certain level, and with a probably significant margin for error, how students are spending their learning time. Now we need to reflect on what learning activities and assessment methods are most likely to achieve our teaching and learning goals and intended outcomes. Of course, this requires our having to identify our teaching and learning goals, if we have not already done so, and perhaps reach some sort of consensus about what these should be, which we should identify in the next stage. Assuming that they include deep learning and understanding of the subject matter of the course, we should try to determine how this can best be achieved. That is, which of the learning activities that we have identified (for example those listed in Table 1) are most likely to achieve deep learning and understanding. For instance, if we believe that activities that require active engagement of the subject matter, such as preparation for in-class presentations, or even discussing law with classmates, are important means of achieving deep learning and understanding, we need to take steps to achieve that, by designing our teaching and learning exercises accordingly.

63. We have applied for another teaching development grant to study how law teachers teach. We hope that this further study will provide more information and more opportunities for us to address the unanswered questions in the present study.