Towards a framework for the adoption of the problem based learning approach in law

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Abstract

‘Action learning’ is based on the concept that ‘through the process of reflection and action it is possible to solve problems’. (Savin Baden; 2004). The aim of this action research project was to investigate the use of the Problem Based Learning (PBL) approach within the Skills 102 module, for Law students to develop the appropriate skills required to become independent learners. The study highlights that despite it being on a small scale the students perceived PBL as a positive engaging experience. Hence it is worth investing further time in the context of the Skills 102 module. The recommendations include further improve the gains from the process these include intra-peer assessments within the PBL and review of the role of the facilitator.

KEYWORDS
PBL-law-Skills-independent learners-assessment.
At present I am an Associate Lecturer at the University of Bolton Law School. I started this role from July 2015. Currently in semester 2, I am teaching the Module Skills 102 to first years enrolled on the Foundation Law Degree. The aim of this action research project is to investigate the use of the Problem Based Learning (PBL) approach within the Skills 102 module, for Law students to develop the appropriate skills required to become independent learners.

One of the requirements of our stakeholders the QAA is for law schools to within their learning and teaching requirements develop the curriculum to provide students the opportunities to be creative, critical and become independent learners (UKQC B3) . The learning outcomes for the Skills 102 Module require students to undertake research on a chosen topic of interest in the legal context, and as a part of the summative assessment submit a structured report on it. This assessment is then followed up by an oral presentation and a Personal Development Portfolio (PDP). The PDP requires students to reflect on their learning experience throughout the semester within in this module.

The current design of the curriculum is based on the productive model. Taba (1962) points out that this type of curriculum development model advocates a technical productive process which include steps such as diagnosis; formulating objectives; selection/organisation of the contents; selection/organisation of the learner experiences; determining the methods and terms to be evaluated. The students in the context of their programme plans are provided with lectures on legal research skills followed by learning exercise sessions. The students are given formative feedback throughout the learning exercise sessions. These sessions are aimed for the students to raise any issues on the set exercises and ultimately gain confidence in order to successfully complete the summative assessments. The PDP documents and the student feedback track the behaviour objectives of the students. As Tyler (1949) pointed out that the role of the instructor is to bring about significant changes to student behaviour. However one the problem with this model is that it is more like a shopping list with limited opportunities for interactions (Smith, 1996, 2000). This was the case as in the classroom the prepared students answered and did not want to deliberate with students who had not adequately prepared or were hesitant to participate. In contrast as McKimm (2008) points out that the authentic PBL approach allows the learner to specify the learning objectives, and shifts the emphasis towards reflecting on the problem. Some aspects of problem learning are used within legal education. Such examples include students retaining feedback, set assessments, which emulate real life events, or factious circumstances and require the student to application of the law and provide solutions. The aim of this action research project will be to apply the PBL approach within the sessions to determine whether or not students can define their learning goals, and work both individually or collectively to attain their agreed learning outcomes and eventually become independent learners.
Boud and Feletti (2003) perceive PBL as a technique to structure the curriculum to allow students to engage with practical problems that act as a stimulus for learning. ‘Reiterative’ or ‘closed loop’ PBL can endorse an adequate well-structured knowledge base (Barrows, 1986). In accordance to Barrow’s taxonomy the ‘reiterative’ or ‘closed loop’ methods are most likely achieve the essential objectives of the PBL. These include developing self-directed learning and motivation in students; and the structure of knowledge linking with professional practice.

The reiterative PBL contains the following stages:

1. The problem is encountered and presented to students;
2. Students apply the knowledge and then evaluate the problem in accordance to the level of learning. The knowledge and skills are applied to the set problem in order for effective and reinforced learning to take place (the reiterative loop);
3. The learning has occurred within the process and the results are integrated into the student's existing knowledge and skills (Barrows and Tamblyn, 1980).

Constructivism is the main theory that underlines the PBL's approach to learning and knowledge. Constructivists argue that learning is an active process and that new ideas are based on previous concepts. The cognitive structures are processed to give personalised meanings and organize experiences. (Kearsley, 1996). There are a number of educational principles that arise out of the constructivist view of knowledge. These encapsulate the essence of what the reiterative PBL intends to achieve. The first principle of multiplicity reflects that each individual will have a different viewpoint and hence we all arrive at positions. The principle advocates the importance of collaborative learning and the use of dialogue between individuals. This is evidently reflected in small group learning within the PBL approach. The principle of activeness highlights that learners need to actively engage with the task, this is also the case in reiterative PBL, as students need to apply this principle to find the solutions.

The principle of accommodation and adaption stems from Piaget's theory of 'schemes'. As summarised by Glaserfeld:

Cognitive change and learning take place when a scheme, instead of producing the expected result, leads to perturbation…. (Which)… in turn leads to accommodation that establishes a new equilibrium. (Glaserfeld, 1989:128).

The knowledge acquired by the student has happened by building on past experiences and connections. These processes then add to the establishment of the personal meaning and experience in what has actually been learnt. A mere experience does not amount to learning; there is the need for critical reflection to have occurred for learning to have in reality occurred (Boud et al 1985). The process of critical reflection requires students to deliberate and perform meta-cognitive actions in order to plan activities, measure the success/failure of their activities and revise their behaviour following their monitoring actions. The tutor throughout the PBL sessions provides the students the opportunities to deepen their meta-cognitive awareness and combine their knowledge with skills to foster a 'deep' approach to learning (Ramsden, 1992).

The principle of articulation requires students to be able to deliver their newfound knowledge to others. The learning outcomes require a collective understanding. There has to be sufficient time provided to students for this to occur. Finally the principle of timelessness highlights that learning is a lifelong process and never complete. PBL's self-directional approach fosters this principle, as students continue to 'discover' and 'construct' on their reflections in their lifelong learning journey.

In order to test whether or not PBL can provide an adequate base for students to gain well-structured knowledge and become independent learners, my data collection started with providing three weeks' worth of introductory lectures. The lectures looked at locating legal resources and how to use the law library. Following the lecture the class were provided worksheets, which they had to complete on an individual basis and bring their findings and discuss their results in the next sessions. The questions within the worksheets include a mixture of short questions and multiple-choice questions. After the three weeks, I divided the 28 students in to three groups and then each group was provided a unique legal
problem, which they had to resolve and discuss for the next session. In class the groups return and they sit in their designated groups, each group receives the other group’s problem and has an opportunity to discuss the other group’s problem. I provide some assistance to the groups as they discuss the new problem that they receive in class. After 30 minutes of discussion the groups discuss their original problem and provide solutions. Whilst the other group that was given the problem in the beginning of class can provide peer review as they have had time to discuss the other group’s set problem. All three problems are available on Moodle. Hence all 28 members can read and work on them in the context of the week. The advantage of this method is that each individual in the class can provide peer review to their peers and seek to provide an array of solutions to the set out problems.

At the end of the session I provide formative feedback and provide directions accordingly. In relation to summative assessments the PBL sessions are equipping students to prepare for the summative oral presentation. Students are liaising with legal resources to enable them to complete the summative written research assessment and this learning experience can be valued within the PDP portfolio. Finally after the six weeks I asked for the class to complete the questionnaire (appendix 1) to reflect on their learning experience. The three assessments seem were set to correlate with the learning objectives of the course. These were for the student to identify, analyse information needed to resolve a problem; to communicate ideas verbally and in writing; and collaborate productively in groups. In order to be coherent with the University ethics procedure I completed the RE1 form which was approved by my supervisor. I also adhered to the five principles underpinning educational research as identified by BERA (2011:4). These are that:

- All educational research should be conducted within an ethic of respect for
- The person
- Knowledge
- Democratic values
- The quality of educational research
- Academic freedom (BERA 2011:4)

At the outset I explained to the class that I would be utilising my observations in class and the questionnaires as data. I informed the students that this data was to be used for the purposes of my Action Research Project. The data collected would be on an anonymous basis. Throughout the project no identifying information about any individual would be revealed in written or other communication. In order to gain their informed consent I told the class that any student that does not want to be used within the data sample could inform me and there would be no negative inferences drawn upon that student. I understand that there will limitations within my data collection methods and an element of bias. Students may fill in the questionnaires with answers that they feel I their tutor would want to see. My observations in class may reflect my preference for the PBL procedure, and interpret the results accordingly. In the future if I were to repeat this data collection exercise, I would like to have another independent facilitator with me who would record his/her observation to ensure that I can limit the element of bias within the study.

In my observations within the PBL sessions I noticed that well developed students illustrated out that they had control over their learning, and seemed highly satisfied with the self-directed element. However there were also students who were still demonstrating a surface approach of understanding. They were reliant on their group members doing the reading and were merely participating in class with simple comments. During the observations, one of the reasons these students gave for not committing to the PBL was the time constraint within the weekly PBL sessions alongside other workload meant that they overlooked certain concepts that they had to focus on. As the PBL sessions were weekly regular meetings with peers became an issue, especially for those students who were not participating in class and put the effort in the PBL process. The well-done PDP's made references to the PBL process and the ability for them to self-assess their peers. On the other hand the result of the questionnaires were disappointing as they were filled on a voluntary basis, hence I only received 15 responses. This also accounted to the fact that the attendance records were low for the three PBL sessions. Some responses merely stated a yes or no without any further deliberation from the student. Overall from the student responses it could be seen that the PBL approach triggered a positive attitude, it allowed a student centred environment and encouraged curiosity in learning.

I found the peer assessment technique very useful as it was
making students assess their peers’ contribution in accordance to their own assessment criteria. This method of inter-peer assessment method whereby their peers were assessing a group contribution emphasised the collaborative nature of PBL settings. I perceived it to value the process of learning, as students are encouraged to deviate from strategic forms of learning. From the responses in the questionnaires students enjoyed the peer review process, with a mention of the future possibility of scoring their peers within the PBL sessions.

Summary and Recommendations

The study highlights be it on a small scale that the students perceived PBL as a positive engaging experience. Hence it is worth investing further time in the context of the Skills 102 Module. This is also supported by external research as Bernstein et al (1995) report that students recognised the PBL method to facilitate thinking about the material rather regurgitating it and encouraged deep learning. Similarly, Cockrell et al (2000) argue that within the team leadership changes in accordance to the needs of the project, and that participating members are accountable to each other for achieving their set goals. This was evident in the groups as students relied on each other to feed in their input in the groups.

Whilst the PBL approach had made some positive gains, there are opportunities for further refinements. Boud (1995) argues that peers provide rich information, which is utilised by individuals to make their own assessments. In the future I would like use intra-peer assessment alongside inter-peer assessment. As students will be able to assess the product of what they have produced as a team as well as assess other teams. This should allow them to reflect on their practice and would encourage responsibility in the team, with reference to those students that are not so eager to actively participate with the PBL group. In order to gain the maximum out from questionnaires I would circulate the questionnaire in every session allowing those that have not had the opportunity to complete it do so. I could also provide evaluation questionnaires to students as part of my data, whereby there could rate the efforts of the group members. The results could then be factored in each student’s grade. The feedback would also assist to determine any malfunctioning in the groups. Early intervention can lead to helping students to refocus on the actions and possibly change behaviour in class.

I would also provide more guidance to students when introducing them to their problem in order for them to gain the maximum output from their PBL sessions. This would include assisting them in their groups to agree on unclear concepts, brainstorming, prioritizing the learning objectives, and areas to report back on. This could result in a hybrid approach whereby within the PBL they would have mini lectures to ensure that they are clear on concepts. I would also set ground rules to encourage students to take ownership of their effective performance. This could include a set of expectations in writing devised by the group to establish norms for group behaviour to ensure that all the group members participate. The group members could be assigned roles such as the group leader who ensures that the group in on track and establishes that the relevant resources are being located and used. A recorder could ensure that the group meets outside of the class time. The reporter may ensure that everything is drafted in accordance to the guidelines.

Des Merchais (1993) argues that facilitator training is essential in problem learning, as being a facilitator also means being a learner. I may be able to draw on these past experience sessions as learning tools to determine the appropriate times to intervene in order to stimulate productive discussions between the students. This will entail the use of a mixed facilitating approach, whereby I would encourage students to seek and learn facts through asking them directive questions referring to content (the directive conventionalist approach), combined with methods (the liberating supporter approach) to ensure that emphasis is placed on student centred learning skills.
Summary and Recommendations


Glaserfeld, E Von (1989) Cognition, construction of knowledge and teaching, Synthese, 80,121 -140.


