

Background



- Research project at the Institute of Education (UCL Knowledge Lab)
- Partly inspired by:
 - two LLMs
 - several years of practicing law in London and Washington, DC
 - teaching in Sri Lanka
 - designing online modules for Belarus (Ostrogorski Academy)



ПРА АКАДЭМІЮ

КУРСЫ

ВЫКЛАДЧЫКІ

ENGLISH



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Міжнародныя фінансавыя інстытуты



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Экономические кризисы



Руслан Раманаў Радзівон Марозаў

Сучасная дыстанцыйная і бізнес-адукацыя

Questions

1. What prevents the conventional legal education from becoming **more relevant to the legal profession**?
2. To what extent could legal education adapt to greater **international harmonisation** by offering the generic knowledge and skills now required on the international marketplace?
3. How can **online technologies** help make legal education more accessible and relevant to the legal profession?
4. What is the place of **inquiry, discussion, collaboration and practice** in legal education?
5. How should **texts and videos** be structured to achieve greater student satisfaction and better learning outcomes?

(see pp 17-18)

The role of technology in legal practice



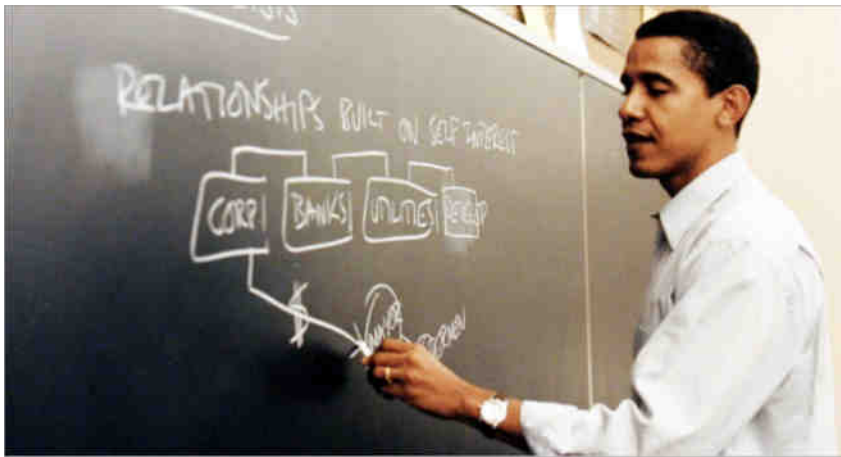
- From typesetters to computers
- Traditional law libraries - legal databases
- E-discovery and e-filing
- Online arbitration
- Artificial intelligence, lawtech startups
- Outsourcing
- According to Deloitte over 114,000 jobs could be automated in the UK legal sector within the next 20 years

More homogenous law practice



- Globalisation and multinational enterprises
- Spread of law firms and accountancy firms
- International conventions (e.g. CISG, NY Convention, BITs)
- English as the dominant language, English law preferred
- LLM is seen as a prerequisite for successful career, usually a top up of the main law degree

Law teaching has not changed that much



- Yes, computers used for typing and legal databases
- Yes, most Western universities use VLEs such as Moodle and Blackboard
- But remains mostly didactic, detached from legal practice
- Academia and the legal profession - often two different worlds

Uniqueness of legal education



- Focus on cognitive and professional skills more important
- Law was not a taught discipline, no need to have a degree in the UK until 1970s
- Revival of law qualification via the apprenticeship route in the UK

Today a law degree alone not enough to practice



- UK - training contract
- US - bar exam
- Law firms/clients subsidise junior lawyers who need to learn many things from scratch
- Education remains didactic, not interactive and detached from practice
- The same problem in other jurisdictions

The effect of new technologies on learning

- Offering blended degrees (Moodle, Blackboard, Turnitin)
- Offering entirely online LLM degrees
- However, main law degrees in many countries (e.g. the US) are not taught online because of regulations
- LLB in the UK can be obtained online (e.g. University of London degree)

An advertisement for John Marshall Law School. On the left, a woman with long brown hair is looking down at a laptop. The background is a bright, modern interior. In the top left corner, there is a red box with the John Marshall Law School logo and the text "JOHN MARSHALL LAW SCHOOL CENTERS FOR EXCELLENCE". On the right, the text "EARN AN LLM OR MJ DEGREE ONLINE— ANYTIME, ANYWHERE" is displayed in bold, black and red fonts. Below this text is a dark grey button with the text "LEARN MORE" in white. At the bottom center, there is a small line of text: "Prof. Yarik Krivoi - Putting Legal Education into a Practical Context - The Potential of Online Learning - 19 October 2017".

**JOHN MARSHALL
LAW SCHOOL**
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LEARN MORE

Prof. Yarik Krivoi - Putting Legal Education into a Practical
Context - The Potential of Online Learning - 19 October 2017

THE IMPORTANCE OF

TECHNOLOGY IN EDUCATION

5 BENEFITS OF TECH IN ED

Technology in the field of education can be a powerful tool.

1. FUTURE ORIENTED

The future is all about technology and multi-screening. Education can't lag behind.



2. LEARNING BECOMES INTERESTING

It engages and challenges students with brand new and interactive methods.



3. IMPROVES SKILLS



4. INCREASES COLLABORATION

Students can work and collaborate with people in other locations. Distance learners can join online communities.



5. REDUCES WEIGHT

Instead of carrying lots of books, students just carry a laptop, a tablet or a mouse which contain all their books and projects.



Incorporating technology into teaching law

- Add technology competency requirement
- Teach the business of law
- Embed legal knowledge in technology tools
- Think like an international law practitioner
- Contextualise the knowledge
- How to achieve that?

Lev Vygotsky



Born November 17, 1896
Orsha, Russian Empire, now in Belarus

Died June 11, 1934 (aged 37)
Moscow, Soviet Union

Alma mater Moscow University
Shaniavskii Moscow City
People's University


Known for Cultural-historical psychology,
Zone of proximal development

Education theory: social constructivists

- People learn from the teacher and the environment (spontaneous and scientific concepts)
- The role of institutions is to create conditions to encourage students to engage in learning
- Skills and knowledge must be learned in context of social interaction, through discovery, communication and imitation

Education theory: phenomenography

Ference Marton
Educator



Ference Marton is a Swedish educational psychologist who is best known for introducing the distinction between deep and surface approaches to learning, and developing phenomenography as a methodology for educational research. [Wikipedia](#)

Born: 7 March 1939 (age 78), [Hungary](#)

- Construction of narratives
- Understanding structural levels within a text (in the broad sense, including, e.g., videos) to discern the intended meaning
- Focusing the attention of learners on what actually matters within a text
- Deep and surface approaches to learning

Case study 1: redesigning texts for learning

TEXT 2

(pp.20-22)

TEXT 1

Jurisdictional Issues in Investor-State Arbitration



How do you identify a relevant treaty?

Jurisdiction of tribunals depends on whether an investor can benefit from protections of a specific bilateral investment treaty (BIT). While it is easy to identify multilateral treaties, finding bilateral treaties is more difficult because there are now too many of them.

The United Nations Commission on International Trade Law (UNCTAD) offers an excellent collection of treaties online, which is also free.

But the only reliable way to establish whether a treaty is in force is to contact the relevant government or embassy.



B. Jurisdictional Issues

(a) Existence of an applicable treaty

[8.14] To determine whether an investor enjoys investment treaty protection, an applicable treaty between the state in which the investment was made and the home state of the investor must be identified. It is easy to identify multilateral investment treaties, because they are sufficiently notorious. It is, however, more difficult to detect applicable BITs, considering their number and the absence of a comprehensive list. Although the UNCTAD list is helpful, the only accurate means of verifying the existence of a BIT, and whether it is in force, is by contacting the treaty section of the relevant government or embassy.

[8.15] Most BITs contain provisions with respect to their effective date and duration. An issue may arise as to whether investments made prior to the date on which the BIT came into effect are eligible for protection under it. Tribunals have generally taken the position that prior investments are afforded protection and some treaties are explicit in this regard. The Argentina–United States BIT, for example, provides that it shall apply to investments existing at the time of entry into force, as well as to investments made or acquired thereafter. A distinction should be drawn between application of a BIT to investments made prior to its entry in force and its application to alleged breaches that occurred prior to that date. In *Técnicas Medioambientales Tecmed SA v The United Mexican States*, the tribunal held that while the concerned investment was eligible for protection under the BIT, the BIT could not have retrospective application to actions by the host state prior to its entry into force.

[8.16] Bilateral investment treaties also commonly include provisions regarding the legal status of investments after the termination or expiry of the particular BIT. Generally, such provisions indicate that investments that were otherwise covered by the treaty whilst in force will continue to benefit from the same protection for a specified 'sunset' period, usually of between ten and fifteen years after termination or expiry.

(b) Protected investors

[8.17] Once a potentially applicable treaty has been identified, the relevant treaty provisions defining the eligible investors, or nationals, should be reviewed. Investors covered by protection of investment

| | Plain text | Contextualised text |
|-------------------------|------------|---------------------|
| Correct answers (of 40) | 21 | 28 |

Prof Yarik Kryvoi - Putting Legal Education Online
Context: The Potential of Online Learning, 15 October 2019

The rise of video in learning

- Screen-based communication has become the second communication revolution
- Students increasingly turn to online videos as a learning resource
- People increasingly rely on mobile devices: access any time, anywhere
- How to make videos more effective for online learning? Design and redesign science (design science as iterative empirical process, pp. 11-13):
 - Clearly show the structure
 - Short length (up to 6 minutes)
 - Using images to contextualise knowledge
 - Use self-assessment quizzes (individual)
 - Discussion boards to increase interactivity (social)

Case study 2: producing videos for learning

pp. 22-25

| Questionnaire on videos | | |
|---|--------------|-------------|
| | 24-Sep-2017 | 29-Nov-2016 |
| | Colombo (33) | London (9) |
| positive aspects | | |
| good use of (practical) examples | 16 | 4 |
| clear and precise presentation | 15 | 5 |
| good use of visuals, making it more interesting, helped understand | 9 | 7 |
| excellent summary of the most important issues | 6 | 2 |
| | | |
| negatives/things to improve | | |
| speed is too fast (particularly graphics) | 16 | 1 |
| remove the image of the presenter more often, replace it with text/graphics | 7 | |
| more effective conclusion needed | 5 | |
| less monotonous voice | 5 | 1 |

Next steps

| Contextualised learning | Effective narratives |
|--|---|
| Social interaction, through discovery, communication and imitation | Analysis of large-scale data on the usage of videos and texts produced by others (e.g. Futurelearn, Open University, Youtube) |
| Using peer-review learning and discussion boards | Designing and redesigning videos and texts on the basis of identified principles of design |
| Contextualising texts and videos to create effective learning environment (image-argument synergy) | Triangulation with forum comments about the content |
| Learning lessons and creating elements to be integrated into an experimental MOOC | |