

REFLECTIVE ESSAY

Enlivening the law classroom: Let students speak, not just sit

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To date, legal education in Hong Kong is still mainly carried out through teacher-designed classes: law teachers are the ones selecting and preparing course materials whereas students as recipients are assessed through written examinations. Speaking from a student's perspective, I (Phoebe) feel that following this format, students learn passively. Most of the time, they stay quiet and jot down what their teachers say. There are, of course, innovative alternatives, such as flipped classrooms and experiential learning, but these are still invariably designed by teachers. Despite the growing awareness and adoption of student-teacher partnership in other disciplines, legal education has been slow in responding to this call. As a teacher, I (Alice) observe that many colleagues regard course design as the teacher's exclusive jurisdiction. When they try out innovative technology for learning, for example, they will enlist technical staff or invest in new hardware or software. From my own experience, successful pedagogical innovation depends much on understanding and meeting students' needs, and we can do so by involving students as partners and co-designers.

In this reflective piece, we (a law student and a law teacher) reflect on our experiences of initiating and engaging in a learning and assessment activity called in-class optional niche, or ICON in short. We will share how students have been empowered and incentivised to co-create learning and teaching materials and collaborate with their teacher and peers in the teaching process. Our aim is to show that student-teacher partnership in legal education is not only viable, but also beneficial to both students and teachers. We hope the entrenched expert-novice divide could be bridged by "a collaborative, reciprocal process through which all participants have the opportunity to contribute equally, although not necessarily in the same ways, to curricular or pedagogical conceptualisation, decision-making, implementation, investigation, or analysis" (Cook-Sather et al., 2014, pp.6–7) with an emphasis on decision-making.

IN-CLASS OPTIONAL NICHE (ICON)

ICON is a learning and assessment activity in an intellectual property law elective. The course is offered to final-year students in four undergraduate programmes at the University of Hong Kong and delivered through 12 weekly seminars in one semester. ICON is optional as it is meant to invite (rather than require) students to share the teaching and learning of the course. While other assessment components of the course, namely an optional research essay and a compulsory written examination, test students' ability to analyse legal problems and present their arguments in writing, ICON aims at raising

students' awareness of legal issues in everyday life and at training their ability to communicate effectively and creatively. As a student-teacher partnership initiative, ICON also enables students to take part in the design and delivery of the course.

This is how ICON works. Prior to each seminar, a forum is set up on Moodle (a learning management system) for students to upload the teaching materials that they, as co-teachers, have produced for that seminar's topic. They are co-teachers because they must first do the required reading to grasp a basic understanding of the topic and then design teaching materials based on their reading and additional research to share their knowledge with the whole class. As partners, students consciously and conscientiously share the decision-making process with the teacher, who leaves it to the students to decide what examples to include and how to present them in each seminar.

Choice is what distinguishes ICON from other learning activities. As co-designers of course content, students are free to decide whether and how frequently to take part in ICON (the more weeks they opt in, the more ICON marks they will score). In each week's Moodle forum, students will find a seminar outline with a specific topic and a list of questions defining the expected scope of discussion and guiding them through their reading and research. A question for seminar 8, which focuses on trademark registration, is reproduced here as an illustration:

Question 1: Your task is to give a 3-minute tutorial on trademark search. First, read 1.004–1.005 of the textbook, and go to WIPO site <http://www.wipo.int/classifications/en> to look for the current edition of International Classification. Next, go to the IPD website <https://www.ipd.gov.hk/>, do an online search for a word mark and a non-word mark, share your search results, and explain the significance of the international classification and the meaning/function of different search criteria on the IPD webpage.

Any student who is interested in working on the question could publish a post in the forum. The post need not be long; its aim is to give other students and the teacher an idea of what the student has found and would like to share. If more than one student is interested in the same question, they should discuss it among themselves to avoid duplication and make reference to one another's presentations for collaborative learning. Students are informed of the student-teacher partnership and its rationale so that they can decide what role they want to play in the learning and teaching process. After indicating their interests, students will go ahead to design their topic-specific teaching tools and upload them onto the forum before class.

During class, the teacher will first give a short introduction and then invite interested students to come out one by one to the front and, as co-teachers, present their materials and initiate discussions. For much of the lesson time, students are the ones teaching. The teacher will interrupt only when there are points that need clarification or elaboration. At the end of the seminar, to recognise students' effort and reward their contribution, marks are awarded to those who have made substantial contribution to knowledge construction and engaged their peers in meaningful discussion.

As can be seen, ICON differs from conventional teaching in that it enables students and teachers to assume new roles: students take the lead in composing teaching materials and delivering knowledge; meanwhile, teachers serve as facilitators in both processes.

A TEACHER'S PERSPECTIVE: ALICE'S REFLECTIONS

Before immersing myself in student-teacher partnership, I had experimented with different pedagogical approaches. About a decade ago, I started encouraging students to share their knowledge in class on an ad hoc basis. There was no systematic planning back then; my humble wish was that students could learn more and retain more by taking the role of active advocates rather than passive recipients of knowledge. Looking back, I would now probably call it an attempt to engage students as participants, an approach that differs from the traditional view that law teachers as experts should take sole responsibility for course content and ensure that the latest legislative amendments and new court judgments be included in the syllabus in a timely manner.

My decision to take a participatory approach was prompted by two empirical studies that I conducted with my colleagues—"How Law Students Learn" and "How Law Teachers Teach," from which we learnt that many students found their role too passive in the law classroom, resulting in ephemeral and superficial learning (Lee et al., 2009a; Lee et al., 2009b). I continued with the same approach until 2016 when I came to appreciate the versatility of student-teacher partnership through a professional teacher-training programme that I attended. Co-launched by the University of Hong Kong and the UK Higher Education Academy,¹ the programme was an eye-opening opportunity for me to examine and evaluate various pedagogical theories and practices. Through literature review and discussion with colleagues, as well as reflecting upon my own practice, I saw the potential of turning my courses into a student-teacher partnership, which has since become an essential part of my teaching philosophy. I have adapted ICON for my other courses since I launched it for the intellectual property elective in the academic year 2017–2018.

From my experience, "students as partners" is more effective than "students as participants" in generating a sense of belonging and ownership, not only figuratively but also literally, as students are explicitly acknowledged as co-authors in the Moodle forum and they grant one another permission (in the form of a Creative Commons licence²) to mix and use the teaching tools that they have created for the course. While sharing the responsibility for course design and delivery, students and teacher build a community of learners that transcends the credit-bearing course. Phoebe and her classmates have been working with me on my YouTube educational channel called *The Copyright Classroom* since they completed the intellectual property elective, and their contribution as partners is visibly acknowledged in each animation video we produced for the channel.³

Another benefit of student-teacher partnership is the high-quality teaching materials and multimedia learning aids that students produce for teaching and learning and for peer engagement in class. Students are motivated to do so, as they know from the outset that effectiveness in arousing student interest and relevance to the chosen topic are the criteria for ICON achievement (we use the term "achievement" as it better captures student satisfaction than the word "assessment"). Both criteria are achieved when students use real-life examples from their own experience to engage their peers and stimulate discussion. One student, for instance, used a pirated online game to illustrate copyright infringement, while another student shared her school choir performance to explain the fair dealing exception to copyright infringement. It has been my observation that student-selected illustrations are more likely to arouse peer interest than teacher-designed presentations.

To see if students shared my observation and how we could improve on ICON, I initiated an online evaluation of its effectiveness in addition to the regular institutional end-

of-semester student survey. To ensure equality, I made an open invitation to all students who have taken the intellectual property course, and three of them volunteered to design an online questionnaire with me. They chose Google Forms, a web-based application that was trusted by students but relatively new to me. I learnt from my students in the process, and we came up with six questions on the expected learning outcomes, as shown in Table 1 below. Generating results instantly, our survey turned out to be more user friendly and efficient than the institutional one, which took at least 2 months for the results to be released.

Table 1. ICON questionnaire results⁴

QUESTION	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE
1. ICON motivated me to search for new knowledge.	8 (38.1%)	11 (52.4%)	0	2 (9.5%)
2. ICON motivated me to construct my own knowledge.	9 (42.9%)	11 (52.4%)	1 (4.8%)	0
3. ICON motivated me to share my knowledge with others.	9 (42.9%)	11 (52.4%)	0	1 (4.8%)
4. ICON motivated me to learn from and connect with others.	5 (23.8%)	13 (61.9%)	2 (9.5%)	1 (4.8%)
5. ICON enabled me to connect my studies with daily life.	11 (52.4%)	10 (47.6%)	0	0
6. ICON has aroused my interest in the subject.	10 (47.6%)	9 (42.9%)	1 (4.8%)	1 (4.8%)

While all students were positive about the ICON objectives of co-constructing knowledge and drawing connections between their studies and daily life, we noticed that one or two disagreed on other survey questions. Upon reflection and further discussion with the student partners who worked with me on the survey, I found out that students might find the unfettered freedom unprecedented and need guidance on how to make their decisions. Thus, when I ran it again in 2018–2019, right at the beginning of the course, I invited those who had done ICON before to come and share their experience with the currently enrolled students. As expected, students became more confident as they had a better idea of the achievement criteria, and all opted for ICON.

Also, we realized that students in different programmes might not afford the same amount of time for ICON as their final-year credit loads were different. Thus, upon follow-up discussion with students, it was resolved that moderation should be the way forward. We (students and teacher) believed that it would take away the stress if we put a cap on the number of weeks that students could contribute to ICON, so that students would not be overwhelmed by self-imposed continuous assessment. It is through engaging students as partners in course renewal and evaluation that I could confidently refine the learning activity and its desired outcomes to suit students' needs.

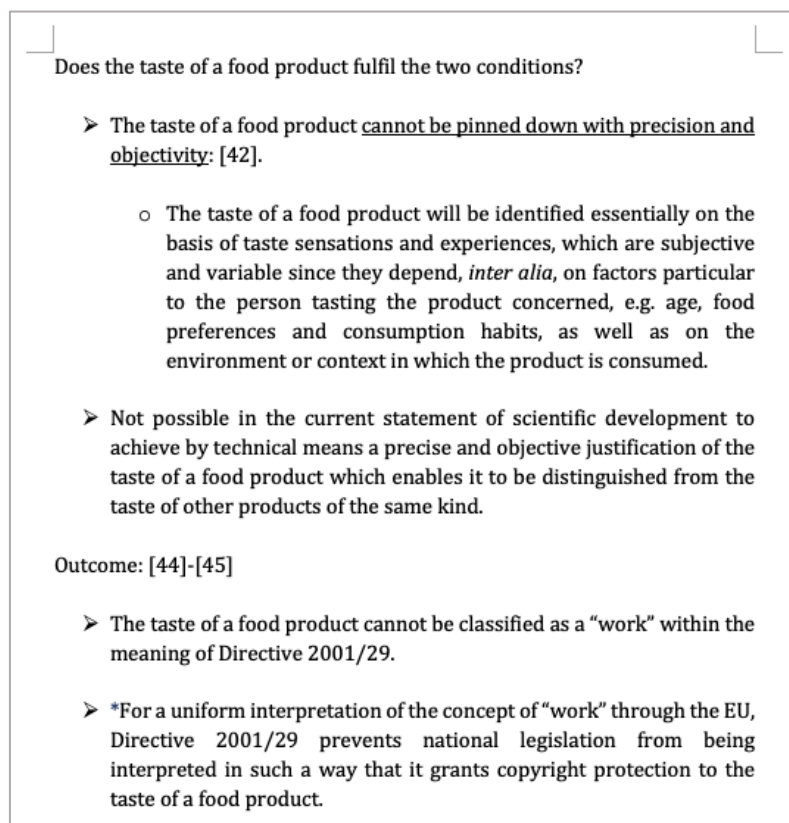
A STUDENT'S PERSPECTIVE: PHOEBE'S REFLECTIONS

I took Alice's course in semester 2 of the academic year 2018–2019. When I learnt from Alice that ICON was initiated to make her vision of student-teacher partnership in legal

education a reality, I was intrigued because the idea of partnership was new to me. Unlike my other teachers, Alice did not take a dominant role in teaching. She shared her power with her students through ICON, through offering students the chance to decide what they wanted to learn and discuss in class and how teaching was to be conducted. Although I was at the same time worried that I might not be capable of analysing legal cases in a complex manner and leading discussions on my own, I decided to give it a try because I was keen to know how co-teaching worked.

At the beginning, I found that composing lesson materials and teaching were challenging because I barely knew how to present my findings in an interesting way. Figure 1 shows extracts from a nine-page summary which I prepared for the purpose of explaining how a case decided by the Court of Justice of the European Union was relevant to the first topic of the course—copyright subsistence. Initially, I thought that my summary was comprehensive and helpful. However, when it came to the presentation, I noticed that my classmates could not really follow because my summary contained too much irrelevant verbiage—this led to difficulties when I tried to initiate discussions. Things did not go the way I planned: I thought some classmates would raise questions after my presentation and then I could make use of those questions to spark a lively discussion, but it turned out that my classmates were rather quiet, almost uninterested, and I could not think of an intriguing question on the spot.

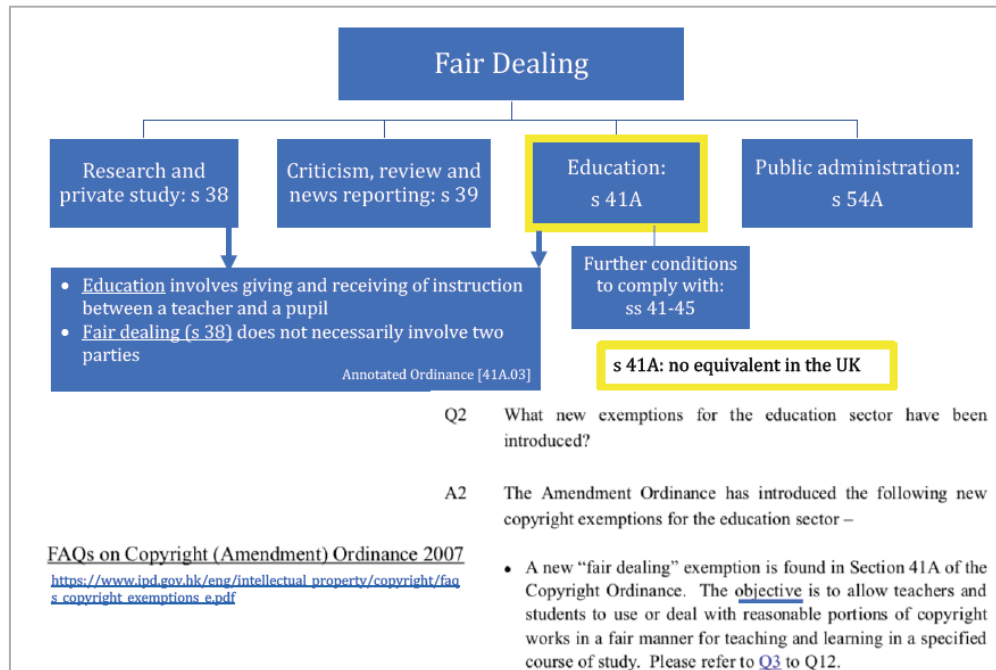
Figure 1. Extracts from Phoebe’s nine-page case summary



I felt frustrated because I did not do well for the first time. But through observing my classmates’ presentations, and with the benefit of Alice’s guidance, I learnt how to deliver information in a more reader-friendly manner. Figure 2 shows a tree diagram that I made

for the purpose of explaining the fair dealing exception on education under Hong Kong copyright law in the fifth seminar. I chose to present my findings through a tree diagram instead of chunks of paragraphs because through a diagram, I could effectively show the relationships among various legal provisions and help my classmates better understand my findings. I also prepared discussion questions in advance. The result was that my classmates were much more responsive—I saw them nodding or jotting down notes during my presentation; we also had fruitful discussions.

Figure 2. A tree diagram illustrating the fair dealing exception on education



Through ICON, I not only learnt how to communicate legal principles to others more effectively, but my problem-solving and analytical skills also improved tremendously. During each seminar, some classmates would share examples of intellectual property issues they found in everyday life. Their examples allowed me to test my knowledge and practise my skills of applying the law. I was motivated to ask questions and share my views during discussions. Active participation in class increased my sense of belonging to the course, and I felt that I was more in charge of my own learning. I learnt a lot more when I played a leading role in the teaching and learning process when compared to passively consuming knowledge.

After all, co-teaching was not as unworkable as I had thought it to be. Upon research, I realised that a number of universities overseas have implemented pilot schemes to experiment with student partnership, such as the My Learning (MLE) skills programme at the University of Manchester (Grayson et al., 2018) and the Student as Learners and Teachers (SaLT) project at Bryn Mawr College in the United States (Cook-Sather, 2018). I also learnt from my own experience in ICON that law students were in fact very capable of creating high-quality teaching and learning materials and leading academic discussions under suitable guidance. I felt grateful that I had been given the opportunity to discover my potential and explore the possibilities of reinvigorating the law classroom. I hope that

through sharing how ICON made a remarkable impact on my journey of learning, more students will be interested in taking part in student-teacher partnership.

CONCLUDING REMARKS

The success of education does not only depend on how well a teacher teaches; how much students learn also matters. In a conventional law classroom, often we only hear one voice, that is the voice of the teacher. Students rarely have the chance to make substantial contributions. As passive recipients of instructions, students' potentials were left undeveloped and they became exam-oriented and lost the urge to explore beyond the syllabus.

There is a need to change the way legal education is conducted, and we believe that the move to student-teacher partnership is a viable option. As shown from our reflections, through ICON—through co-developing teaching and learning materials and co-teaching law—both of us gained a lot more, whether in terms of legal knowledge or soft skills. Partnership not only brings diversity to the classroom by welcoming views from multiple perspectives, but also adds vibrancy to it by encouraging interactions between students and teacher, as well as among students themselves. Indeed, the benefits of student-teacher partnership have in fact been recognised in a large body of published literature (for example, see Cook-Sather & Abbot, 2016).

Acquisition of knowledge is a process that cannot be completed without active participation by the learner. What students need is an opportunity to explore their own way of learning, make inquiries, and lead discussions. We sincerely hope that more educators will be willing to take the step to effect changes on the legal education system.

NOTES

1. In 2016, the University of Hong Kong, with the UK Higher Education Academy (HEA), launched a programme for academic staff to attain HEA Senior Fellowship and a Professional Certificate in Leading Teaching and Learning in Higher Education: <https://www.cetl.hku.hk/professional-certificate/>.
2. Creative Commons (<https://creativecommons.org>) is an international not-for-profit initiative that promotes respect for copyright by making available licence templates for creators to grant permission to reproduce their copyright works while retaining the right to be acknowledged as authors.
3. *The Copyright Classroom* is a YouTube channel co-designed by the authors of this reflective essay with other students who have taken the same intellectual property course at the University of Hong Kong: https://hku.to/Copyright_Classroom.
4. The questionnaire was conducted in compliance with the University of Hong Kong's research ethics committee guidelines.

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