
**Australasian Law Teachers Association - ALTA
2006 Refereed Conference Papers**



**Australasian Law Teachers Association – ALTA
Annual Conference**

61st Annual ALTA Conference

Victoria University, Melbourne, Victoria, Australia
4 – 7 July 2006

Legal Knowledge: Learning, Communicating and Doing

Published Conference Papers

This paper was presented at the 2006 ALTA Conference in the
'Legal Education' Interest Group

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The Australasian Law Teachers Association (ALTA) is a professional body which represents the interests of law teachers in Australia, New Zealand, Papua New Guinea and the Pacific Islands.

Its overall focus is to promote excellence in legal academic teaching and research with particular emphasis on supporting early career academics, throughout Australasia, in the areas of:

- (a) Legal research and scholarship;
- (b) Curriculum refinements and pedagogical improvements in view of national and international developments, including law reform;
- (c) Government policies and practices that relate to legal education and research;
- (d) Professional development opportunities for legal academics;
- (e) Professional legal education and practices programs.

*Conference Papers published by the ALTA Secretariat
2006*

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THE MERLIN AFFAIR:
USING MULTI-MEDIA IN THE TEACHING AND LEARNING
OF LAW

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I INTRODUCTION

The Merlin Affair is an integrated series of multimedia modules which is designed to span the LWB480 *Media Law* course at the Faculty of Law, Queensland University of Technology. This unit is a one semester elective which routinely attracts an enrolment of 70-90 students. *The Merlin Affair* utilises the *LawSim* template program, which was developed in the Faculty several years ago.¹ Each topic of the *Media Law* course is represented by a separate chapter in *The Merlin Affair* program, which traces a story which unfolds week by week, chapter by chapter. The basic story revolves around a government Minister who makes a controversial decision concerning the choice of a route for a proposed bypass road. The developing story, which traces its path through topics such as confidentiality, privacy, defamation, contempt, racial vilification, media regulation including cash for comment, broadcast licences and media ownership and control, sees the Minister accused of taking a bribe for his decision and the way in which various media outlets including a current affairs television program, a broadsheet, a tabloid news paper and a redneck radio talkback host all cover the developing story.

Until 2004 LWB480 *Media Law* was taught by a traditional means of a weekly two hour lecture and one hour seminar. *The Merlin Affair* was introduced as an integrated component of a revamped program of weekly two hour 'lectorials', which combine aspects of both lectures and tutorials. As Salmon pointed out online methods for learning and teaching should be 'viewed as a new context for learning, not just as a tool'.²

II PEDAGOGICAL UNDERPINNINGS

The stereotypical image of law school teaching has been described in the following terms:

¹ The author was a Chief Investigator on this project as well.

² Gilly Salmon, *E-Moderating: The Key to Teaching and Learning Online* (2000) 17.

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Traditionally law is taught through a series of lectures, with little or no student involvement, and a tutorial programme. Sometimes tutorials are referred to as seminars but the terminology used is often insignificant: both terms refer to probably the only form of student participation that takes place throughout these students' academic legal education. The tutorial consists of analysing the answers, prepared in advanced (sic), to artificial Janet and John Doe problems or esoteric essay questions.³

It might be queried how well such an educational approach equates with legal practice in the real world. Apart from anything else a client's problem may involve areas of law which are not readily apparent and may involve overlapping areas of law and sometimes other disciplines. The information required to resolve the problem rarely if ever comes conveniently summarised in a half-page tutorial question but instead has to be actively derived from a variety of sources. It is also necessary to separate relevant and irrelevant material.

By contrast, *The Merlin Affair* involves a problem based learning approach which requires students to collect information or resources in a realistic context, distinguish the material from the immaterial, organise and analyse the balance, and communicate a resolution of the problem.

The pedagogical justifications for *The Merlin Affair* program may be found in the convergence of two lines of thought. Ramsden's concept of 'approaches to learning' denoted 'the way in which anyone goes about learning is a relation between the person and the material being learned'.⁴ This 'relation' might reflect either a surface approach to learning in which students rote learn and focus only on the superficial signs of what they have read or been told rather than the underlying meaning of those signs or alternatively a 'deep approach to learning' in which students seek to understand correlate what they are learning to existing knowledge and structure content into a coherent whole.

³ Julian Web, 'Why Theory Matters' in Julian Web and Caroline Maughan (eds), *Teaching Lawyers' Skills* (1996) 23.

⁴ Paul Ramsden, *Learning to Teach in Higher Education* (1992) 40.

At about the same time, Laurillard⁵ proposed a model for successful learning of law. The model comprised five phases, namely that students should:

- (1) become familiar with the key ideas and information in each area of law and know how these ideas and information are organised or structured;
- (2) accurately relate the language of the law to its underlying meaning;
- (3) act on simulated but realistic situations on the basis of what they know about the law, theories of law and the practice of law;
- (4) use feedback to modify their understanding and adjust their actions; and
- (5) reflect on actions and feedback in relation to the structured ideas in a given area of law.

In relation to the third stage, it is true that all law schools attempt to facilitate discussion, whether in large or small groups, by the use of problem-style exercises which are based on, or which are similar to, 'real life' fact situations. A much smaller number offer clinical legal education in which students may come face to face with actual clients with actual problems, although usually only of a minor nature. While this may be seen as a desirable model for the preparation of future lawyers, it involves obvious drawbacks in the form of cost and organisational requirements. On the other hand, multi-media programs like *The Merlin Affair* offer the potential to produce experiences comparable to those of clinical education without the attendant disadvantages. It has particular advantages in a subject like *Media Law* where in some cases form can be as important as substance. They also enable participation in the learning environment of greater numbers of students than traditionally able to participate in clinical legal education and offer greater convenience and flexibility in relation to when that learning may take place.

⁵ Diana Laurillard, *Rethinking University Thinking* (1993).

III MERLIN AFFAIR MODULES

The Merlin Affair modules, like other *LawSim* modules, reflect an interaction between three elements: problems, information/resources and tools. This is an interaction that is familiar to many students under a different guise. It is the same interaction used in role playing and strategy computer games: for example, send the knight on a quest (problem), picking up clues along the way by interacting with other characters and elements in the vicinity (resources), combating other characters or creatures or unlocking the clues with the use of weapons, spells etc (tools).

A Problems

Designing problems such as those in *The Merlin Affair* goes beyond the simple matter of creating a hypothetical scenario involving two disputants. Two guiding principles that have been suggested are that problems should be dynamic, and that they should involve students' interest and motivation.⁶ Dynamic problems simulate the way in which information is presented in the real world. For example, the problem may contain irrelevant or incoherent information or gaps in information, which require students to weed out irrelevant information and seek out information crucial to the problem.⁷ Ensuring student interest is Ramsden's first principle of effective teaching. This includes making learning of unit material a 'pleasure' for students.⁸ Students will also be motivated and interested if they can relate to the problem and resources and are able to build on their existing knowledge. Learning occurs best when what is being learned is relevant and meaningful and when the learner is actively engaged in creating his or her own knowledge by connecting what is being learned with prior knowledge and experience.⁹ While this can be difficult in the case of those with limited life experiences, such as many 17-19 year old students, this is no reason to refrain from devising problems involving issues that students have not encountered

⁶ Yang Wong 'Harnessing the potential of problem-based learning in legal education' (2003) 37(2) *The Law Teacher* 157, 164.

⁷ Ibid 164-5

⁸ Ramsden, above n 4, 96.

⁹ Barbara McCombs and Jo Sue Whistler, *The Learner-Centered Classroom and School: Strategies for Increasing Student Motivation and Achievement* (1997) 5.

before in their own lives. A central element of all problem based learning is the experience of learning something new.¹⁰

A well structured set of problems engages students in a range of intellectual and practical tasks. In *The Merlin Affair* the problems are either core or non-core in the sense that the core problems build on each other to develop the central storyline of the alleged bribe of a Government minister in return for the choice of route for the road bypass. Non-core problems may pursue a story line that is associated with the characters but not part of the core story, such as gossip stories about an affair between Lancelot, a fellow Minister, and Guinevere, the Premier's wife. Non-core problems are generally used for assessment items in alternating years.

B Resources

The information or resources provide the factual content of the module. The resources supply the means by which students relate to the overall exercise. In the case of *The Merlin Affair* the story of the allegedly corrupt Minister is conveyed by media familiar to all students, including a mock tabloid television current affairs program and mock tabloid and broadsheet newspapers. Other resources created for the program include journalists' notes, letters, excerpts from *Hansard* parliament reports, political cartoons, 'shock jock' radio broadcasts, voicemail and calendars. Students may also access the Internet to locate additional resources where necessary for some problems.

Resources are accessed utilising an 'office' metaphor with clickable hotspots.

¹⁰ Wong, above n 6, 165



The 'office' metaphor

An important additional feature which enhances the richness of *The Merlin Affair* is the provision of the perspectives or comments of characters in the story. For example, the privacy chapter includes the perspectives of the television journalist who is seen in the mock current affairs program conducting 'walk-ins' on various persons in pursuit of the story, and the political adviser Nimue who finds that she unwittingly is transformed from confidential source to one who has her private life disclosed to the public. This provides an additional dimension to the debate regarding free speech and the manner in which it is exercised by the media, and the collateral damage that may thereby be caused.

C Tools

Tools are the aids to research and writing that help support students approaches to the information they address in the problems. They represent the the interface between the problems and the resources. In a science based problem-based exercise like the well known *Investigating Lake Iluka* tools may be depicted in the form of the test tubes and other water samplers which might be used to test a resource like a lake to resolve a

problem like suspect water quality,¹¹ tools in a law context may be seen as being more difficult to present in tangible form. The tools that are utilised when answering problems in law include the relevant principles of law and other basic research and legal writing skills that will have been inculcated in earlier law subjects. *The Merlin Affair* therefore includes a port that allows easy Internet access, and thereby legal databases, and includes the default *LawSim* tools, which include primers on precedent, statutory interpretation and methodologies for answering legal problems.

IV STUDENT RESPONSE

In the period 2004-2006 three surveys were conducted to obtain feedback from students regarding the effectiveness of *The Merlin Affair*. For practical reasons, the surveys were limited to internal students. Although this accounted for approximately 50 of the 70 enrolments in the unit each year, only 72 students participated in the survey due to a number of factors. At the QUT Law Faculty many lectures are now audio streamed via the Internet. This has provided an improved learning environment for external students. It has also provided an increased opportunity for flexibility in study which is taken advantage of by many internal students, who find they must now also work for reasons including the need to work to pay student fees. Numbers were also reduced by the timing of the survey unintentionally coinciding with the due date of assessment in other units in some years. Although the number of students surveyed was limited to about one-third of the total of the three cohorts, it was nevertheless sufficient to provide an insight into student response to the program.

The first part of the survey addressed technical issues. Bender warns that in online environments it is also important for the lecturer to work against deterrents for effective learning such as students facing technical difficulties or feeling

¹¹ The Learning Team, *Investigating Lake Iluka* <<http://learningteam.org/htmls/iluka.html>> at 21 February 2007.

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overwhelmed.¹² Students should be focused on the content of the program and not distracted by technical issues.

'The Merlin Affair was easy to navigate around'

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
12	43	8	7	2

Only nine students (13 per cent of respondents) did not find the chapter construction and office metaphor easy to use. As one student remarked: *'Once I understood where I needed to go it was very easy.'*

An aid to navigation is the use of a cursor which changes when it passes over a 'hotspot', that is that part of the office image, such as the newspaper, television or telephone, which acts as a link to the related resources. In the original *LawSim* template these hotspots were animated eg the newspaper would unfold or the telephone receiver lifted, an effect achieved by multiple photographs of the office layout. Another means of assisting students is by the provision of hints concerning the resources that would assist resolution of the problem. A student commented: *'The tips section for each chapter made this very easy, and let you know exactly what you needed'*

'The hints in The Merlin Affair were an important aid to answering the questions.'

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
33	29	8	2	0

Feeling overwhelmed is not restricted to being overwhelmed by the technology. It also includes being overwhelmed by the workload associated with undertaking the activity. In a previous program developed using the *LawSim* template called *Whiskey Bravo*, student responses in its first year of use were clearly coloured by two factors:

¹² Tisha Bender, *Discussion-Based Online Teaching To Enhance Student Learning: Theory, Practice and Assessment* (2003) 31.

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the difficulty to print material that was on-screen and the number of hours required to complete the modules. The first was a technology issue which resulted from a deliberate decision by the instructional designer concerning an anticipated preference by users for information to be presented by way of flip screens rather than scroll screens. Whilst it may have been true that flip screens mimicked the turning of a page, and for that reason might have been considered more realistic, it meant that copying a document of any length became a cumbersome cut and paste exercise which unnecessarily added to workload and slowed completion of modules. It was on reflection an error which was later addressed in a redesign of the template. The second was the amount of information and resources included in each module. This past experience informed the design of the modules in *The Merlin Affair* and successfully removed the distraction of workload concerns from the student's overall assessment of the program.

‘The amount of workload associated with *The Merlin Affair* is appropriate’

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
16	42	12	2	0

The Merlin Affair has also provided the opportunity for new modes of assessment. In particular, it provides the setting for the ‘Open Justice’ exercise worth 10 per cent of the unit marks. The area of open justice involves a large number of statutory provisions which restrict the reporting of court proceedings. Discussing areas involving a large volume of sections in statutes can be a tedious and ultimately unsatisfying experience for both students and lecturer. To overcome this problem, *The Merlin Affair* provides an exercise where students are given the mock notes of a reporter who ostensibly sat in during a court case and noted various conversations. Students are then required to advise the reporter which part of the notes may be published. To construct their advice the exercise requires independent student research of the various legislative provisions, rather than the provision of this information in class. Answers are then exchanged in class and marked under direction during a discussion of the ‘open justice’ topic. There is provision for review of any endeavour that a student believes could warrant additional recognition. The

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remaining assessment task included two mini-assignments each worth 15 per cent of the unit marks (the first on an area in the media law component of the unit and the second on the more policy driven broadcast law component), optional class participation (10 per cent) and an end of semester examination (50 per cent). The unit therefore offered a range of assessment tasks which addressed the different aspects of the unit. Ninety five per cent of the students reported that they were satisfied with this range with comments including *'In particular having mini-assignments enables students to work progressively without the stressing about a major assignment.'*

The Merlin Affair demonstrates the proposition that multimedia can present realistic settings that simulate practice and enable students to use what they know of a law in an enriched learning experience.

'The Merlin Affair has helped me to understand how media law operates in practice.'

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
20	48	3	1	0

'The Merlin Affair provides a realistic setting to demonstrate the operation of media law'

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
24	42	6	0	0

This in turn leads to engagement and, as Ramsden advocated as part of his first principle of effective teaching, makes learning of unit material a 'pleasure' for students.¹³

'I enjoyed undertaking The Merlin Affair as part of this unit.'

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
21	38	11	2	0

¹³ Ramsden, above n 4, 96.

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In three years only 2 students indicated that they did not enjoy the experience of *The Merlin Affair* as part of their studies. This is borne out by the qualitative comments, which included:

'It was an interesting and interactive practical exercise and it definitely helped put Media Law into the proper perspective.'

'The Merlin Affair provided consistency while allowing you to see practical application.'

'I really enjoyed The Merlin Affair tutorials. It definitely made it easier to understand, especially when I actually looked forward to using the resources to answer the questions.'

'Much more interesting than standard tutorial questions.'

'A very different, and importantly interesting, way of applying the subject matter.'

The ultimate aim of the programme was to aid a students understanding of the subject matter. Student responses indicate that this objective was achieved.

'The Merlin Affair has aided my understanding of Media Law'

Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
21	47	7	0	0

Sixty eight per cent of respondents indicated that the program had aided their understanding and none disagreed with the proposition. This means that even where in relation to other questions such as whether students had enjoyed the program and whether the workload it was considered to be appropriate which had one or two students dissenting, nevertheless these students found that the program was helpful. Specific comments included:

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'I found myself gaining a better understanding of the work through Merlin'.

'Using Merlin Affair has definitely helped me to understand the subject matter.'

'I found that the interactive learning is a great opportunity for students to practice answering questions and identifying the issues.'

'Content is delivered in a logical sequence, different resources complement and follow each other. Everything connects and relevance is clear.'

'It has been a well structured course and very interesting for any student with an interest in the media, current affairs etc.'

'I have greatly enjoyed my time in this unit. The difference in teaching methods and variety in the assessment has been a welcome change to other law subjects.'

'I think The Merlin Affair is an excellent addition to Media Law. It seems extremely well organised and prepared, and very appreciated by the students. It provides excellent practical knowledge of Media Law and allows you to really think outside the substantive content - two thumbs up!!'

V CONCLUSION

We now live in an age of exponential change. Our students have different demands on their time and have different expectations concerning their learning experiences. The extent that traditional methods of teaching law such as the large two-hour lecture group and weekly one-hour tutorial group address those demands and expectations may be doubted. By contrast, multimedia programs such as *The Merlin Affair* which simulate realistic and dynamic environments interest and engage students and help to make their learning enjoyable. Provided issues such as production costs can be sufficiently addressed, as it was in the case of *The Merlin Affair* through use of the *LawSim* template, it is a methodology that we are likely to see adopted more widely in tertiary education including law schools.