Use of Innovative Pedagogy in Teaching Law – Some Personal Experiences

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SOME PERSONAL EXPERIENCES

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In our interface with justice education, in recent times, there is an increased focus, not only on developing an understanding of the contents of law, but also in employing innovative strategies and creative approaches to teaching law. This is intended to maximise the effectiveness of the desired outcomes of the education. In this presentation, I will share before this august gathering, some of my own experiments in the classroom with pedagogy, while teaching Constitutional law, Family law, Legal Methods and ‘Communication and Advocacy Skills’ in recent years.

A. COLLABORATIVE TEACHING

One often-ignored, yet effective method of teaching, is the use of collaborative teaching, also called by varied names, such as cooperative teaching, team teaching, co-teaching, joint teaching, coordinated teaching, and collective teaching. It is a model in which two or more educators work together and address the learning needs of all the students of a class, through a joint and coordinated response. In the early years of National Law School of India University, Bengaluru, where I was a student, our Constitutional law classes used to be simply magical, with four professors walking into class and giving us four different perspectives into one provision of the Indian Constitution, and thereafter triggering us to think, analyse and deliberate. I tried to re-create that magic for the benefit of my students and myself, albeit with many more limitations. The insights I gained and the lessons learned through such an exercise are given in a nutshell below.

1 The topic is more elaborately discussed in Saumya Uma (2017), ‘Shifting Sands: Collaborative Teaching as a Legal Pedagogy’, South Asian Journal of Multidisciplinary Studies, Volume 4, Issue 4, June, pp. 101-117 (ISSN:2349-7858). A version of this was presented at the Law Teachers’ International Seminar on ‘Critical Reflections on the Methodology of Teaching Law in India’, organized by the National Law School of India University, Bangalore on 2-3 December 2016
Collaborative teaching became a popular method of teaching in the 1970s and thereafter, when students with special needs had to be ‘mainstreamed’, inspiring general and special instructors to experiment with different teaching approaches in order to make the curriculum accessible to all students. Initially, this model of teaching was projected as ‘the power of two’; soon, it gave way to ‘the power of two or more’.

The rationale for incorporating collaborative teaching methods includes the following:

a) It breaks the territorial nature of classroom teaching, where each teacher believes, consciously or unconsciously, that other teachers cannot ‘step’ into one’s subject of specialization. It then opens up possibilities for a teacher to engage with many new subjects, and thereby, improve his / her own learning curve, and making teaching an intellectually challenging as well as satisfying experience;

b) It challenges the hierarchy that traditionally exists between a single educator and the students, thereby decentralising and democratising the student-teacher relationships; while hierarchy between student and teacher may still exist, collaborative teaching facilitates a dissipation of power, minimizing the chances for ad hoc and arbitrary exercise of power.

c) Collaborative teaching lends itself to multiple interpretations and solutions through teaching, through multi-dimensional and multi-disciplinary perspectives. This is of particular importance to the teaching of law, which provides for multiple solutions to problems, and shares intrinsic linkages with other social sciences such as Economics, Political Science, Sociology, Psychology, History and the languages. Multidisciplinary approaches to teaching law augre well with multiple educators from varied disciplines teaching together in a collaborative manner;

d) It provides a platform for shared expertise, skills, experiences and perspectives between two or more educators. It combines the strength of educators, reinforcing each other and complementing one another’s weaknesses. If two or more educators, together, have a superior pool of information, expertise and skills to share with the students, there is no reason why the students should not benefit from the same;

e) It reduces the teacher to student ratio, and provides for more personalized learning environment, thereby enhancing the efficiency of teaching;

f) If we find that law students often work in isolation, with cut-throat competition among their peers, educators are not far away from this phenomenon either. In a highly competitive environment, collaborative teaching hones a culture of shared responsibility for planning, preparation, execution of teaching and evaluating its outcomes. It has the potential to enhance inter-personal relationships among the educators and a bonding / camaraderie between them, which is a major gain to the institution.

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2 See for example, Friend, M., & Cook L. (Producers) (1996). The power of 2; Making a difference through co-teaching. [Video]. (Available from Elephant Rock Productions, Inc.)
g) It provides for enhanced effectiveness in classroom management; 
h) It breaks the monotony of teaching by a single educator; and
i) By reducing person-dependency, it provides for continuity and sustainability in teaching.

Collaborative teaching has many models. Some of the more popular ones are as follows:
- Two or more educators well-versed with the subject;
- Two or more educators well-versed with different disciplines related to law, and willing to explore the inter-linkages between them;
- A team comprising of regular educators for the subject along with a guest lecturer;
- A combination of regular educators for the subject along with practitioners;
- A combination of educators with specialists and para professionals; and
- A team of educators along with one or more student educators who have opted to teach a specific topic.

Collaborative teaching, to be successful, has certain pre-requisites. A shared passion for the subject among the educators, an openness to unlearning and learning from other team members, the spirit of team work, the willingness to engage in meticulous planning and continuous introspection, having an understanding of a common disposition towards students, effective communication and transparency in functioning and flexibility in interchanging roles during classroom teaching are some of them.

Collaborative teaching is not without its set of challenges. Some of the more recurring challenges include the following:
- Often, if educators’ teaching load is high, they may not have adequate time for joint planning prior to and introspection after each class.
- Unless roles and responsibilities among the team of educators is clearly defined, there is a potential danger in some team members being more active, and others feeling a reduced sense of ownership towards the course.
- Each educator has a unique style of teaching. Having different teaching styles in classroom teaching can be beneficial to students as it breaks the monotony. However, it can have adverse ramifications if students start comparing one style to another, and find one more effective than the other. A synthesis of different teaching styles and approaches to teaching can only happen in an environment, where the team of educators are willing to learn from each other’s styles, and provide free and frank feedback to the other.
- Ego clashes can sound a death knell to any initiative on collaborative teaching, and must, at all times, be averted, through open communication and transparency in functioning.
- Presenting differing views, positions and perspectives from educators is healthy, particularly in teaching law, as law is not monolithic. It has various layers and
nuances. With mutual respect for opinions and standpoints different from one’s own, such differences among educators would not result in a deadlock in class.

- In a system where educators are accorded credits for the number of hours of teaching, and collaborative teaching by two means halving of the number of credits, there is a clear disincentive to explore collaborative teaching. As such a form of teaching is both resource intensive and time intensive, the credits accorded should actually be doubled!

In conclusion, the discipline of law lends itself quite naturally to collaborative teaching, due to its multiple standpoints, varied interpretations and a range of solutions. The virtues of adopting an interdisciplinary approach to the teaching of law are increasingly becoming apparent. Collaborative teaching can be a key to successful implementation of the interdisciplinary approach to legal education, which is a need of the hour.

B. PANEL PRESENTATIONS

Topics with multiple perspectives on issues of contemporary relevance can successfully be taught in the classroom through a panel presentation. For example, in Family Law I, on the very important issue of the Uniform Civil Code, a panel consisting of various educators, addressed the students from multiple perspectives: historical, philosophical, sociological, political, economic, feminist, minority rights and legal. The panel presentation was moderated by me, as a core faculty teaching Family Law. Students of all batches were invited to participate in the exercise. With a detailed briefing to each panellist prior to the presentations, as to the desired outcome of the exercise, the panel presentations opened up various issues for intense discussion and deliberation between the presenters and the students, and among the students themselves.

C. ROLE PLAYS

Role plays can be a fun way of encouraging students to read closely and intensely important texts of law, as they cannot don the roles without a nuanced reading and understanding of the texts. One topic on which a role play was attempted in the Constitutional law class, to lay the foundation for discussing Article 17 (abolition of untouchability). This was undertaken by way of students donning the role of Dr. B.R. Ambedkar in his writing - ‘Annihilation of Caste’ and Mahatma Gandhi on his response to the same. The other students were also encouraged to read the texts to be able to participate effectively in the exercise and ask intelligent questions. The use of role play helped students to a) read the texts closely; b) understand the issues and arguments advanced; c) explore their relevance to the current context in India; and d) motivate them to read other writings of Dr. Ambedkar.
Another issue on which the role play method was employed, was in reading and understanding the landmark judgment of *Kesavananda Bharti vs. State of Kerala* of 1973. Several students assumed the role of each of the thirteen judges of the Constitutional Bench, and delivered a short speech indicating the reasoning given by the respective judge in the judgment, through a role play. This was followed by questions posed by the other students, and a discussion that followed. The crux of the issue in this case was whether or not the Legislature has powers to amend the Constitution, which would have the effect of abridging all and any of the fundamental rights. The role play method was found suitable for understanding the judgment, as each of the eleven judges of the Constitutional Bench had a specific position and reasoning on the issue, which warranted a nuanced understanding. The majority and minority opinions were then analysed, discussed and deliberated upon.

**D. GAMES & OTHER ACTIVITIES**

*Play is by its very nature educational. And it should be pleasurable. When the fun goes out of play, most often so does the learning.*

One way of making learning fun and helping students to pay attention and stay focussed on the subject is by using the game method.

**One Step Forward, One Step Backward**

As a foundation for understanding 'Equality' under the Indian Constitution, the concepts of power, privilege, opportunity, equality, multiple identities and forms of vulnerability and intersectionality were taught to students of Constitutional Law through a game - 'One Step Forward, One Step Backward'.

The class was divided into two groups - volunteers who played the game, and observers who observed the game. In this game, there was a set of pre-determined questions that were read to student volunteers who played the game. Upon reading out each question, the student volunteers would decide to take a step forward, backward or stay in the same position. The questions asked were linked to aspects that would provide power, privilege, additional or a lack of opportunity to the students. For example:

If your parents own a car, take a step forward.

If you have faced any form of violence or abuse in your life, take a step backward.

At the end of a set of 20 questions, the students realized that although they began at the same starting point, they were at different end points, depending on disadvantage or advantage. Experience sharing by the student volunteers and insightful analysis by the

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3 Joanne E. Oppenheim, *Kids and Play*, Chapter 1, 1984
observers helped the students to understand the transformation of difference to discrimination and its linkages with disadvantage and denial of opportunities and access to resources. The concept of inter-sectionality was also illustrated and discussed.

**Visual Learning**

As educators, we often tend to assume that all students are auditory learners. In reality, students have varied dominant learning styles – auditory, visual and kinesthetics. Legal education largely consists of auditory learning. However, being a visual learner myself, I tried to use pictures and images as triggers for discussion of legal concepts. While discussing the concept of equality in the Indian Constitution, the concepts of equity and equality, for instance, lent themselves easily to the visual learning method, due to a range of images available on the internet that attempt to depict equity and equality. A popular image is of three persons standing behind a fence watching a football match – an adult, an adolescent and a child, with differing heights of blocks beneath their feet. This popular image sends out a message that equality means same treatment, while equity is need-based. The image was used to trigger discussion in class consisting of a series of questions such as:

- What may be problematic about such a visual representation?
- Does equality consist only of the sameness approach?
- What is the difference between formal and substantive equality?
- If equity is need-based, who decides the needs?
- Where does such a person / institution derive the right to do so?
- Are there potential dangers in how needs are determined depending on who determines them?

In a subject such as Family Law II dealing with succession and inheritance, drawing family trees becomes a very essential part of understanding schemes of succession and shares of each heir, and for problem solving in this regard.

Drawing is a creative exercise, that most of us indulge in as children, but lose touch with in our adulthood. As part of a group activity in understanding the concept of discrimination in Constitutional law, students were asked to make posters of a) de facto and de jure equality; b) prejudice, difference and discrimination; c) direct and indirect discrimination; d) formal, protective and correctional approaches to equality. Each group had to explain their poster with examples and instances of discrimination, and case law related to the same. This activity enhanced students’ creativity, skills in reading, understanding and analysing concepts and case law, and facilitated an informed discussion in class.

**Word Antakshari & Quizzes**

In a post-lunch class of Family Law II, when students were sleepy and not in a state of mind for serious discussion, a way of utilising the hour was by getting them to play ‘Word
Antakshari’. In this game, each student would get to say a word or concept, and explain the same in a sentence. The next student to follow would have to give a related word or concept and explain the same, and the game goes on. By the time 40 students have completed this activity, in one round, 40 concepts / terms / ideas have been revised by students in a fun manner. An example is as follows:

Hindu → Hindu joint family → Karta → duties of karta → coparceners → pious obligation → Mitakshara coparcenary → Dayabhaga coparcenary → women as coparceners → women as karta → Hindu Succession Act amendment of 2005 → antecedent debts → dwelling house…

Quizzes have also been used effectively to revise specific portions of a course or at the end of the course, to revise all that has been taught during the semester. This method was used in Constitutional law as well as in Family Law II. Students who make detailed notes in class volunteer to take on the role of quiz masters, while other students become the score keepers and the time keepers. Participating students were divided into three groups. Students conducting the quizzes have devised various rounds – such as the objective questions round, negative marking round, rapid fire round, the audio visual round and so on. My role has been to moderate the conduct of the quiz, and to act as a referee from time to time, as well as to present small gifts (such as chocolates or pens) to winning teams.

Other games used during class include dumb charades, ‘fish bowl’ and ‘Just a Minute’.

E. STORY TELLING

As children, most of us have listened to stories, and are conditioned to listen to and respond to the same. However, as we progress from adolescence to adulthood, we lose touch with story-telling which is an important pedagogy in teaching law. In the Constitutional law class, evolution of the doctrine of Basic Structure was explained to the students in the format of a story. The story highlighted the journey of the doctrine from Sajjan Singh case in 1951 to Minerva Mills case in 1980. It helped in tracing and understanding the relevant Constitutional Amendments made during this time (1951 - 1980) which have a significant impact on evolution and crystallization of the doctrine. The story also highlighted the constant tension between the Legislature and the Judiciary. A similar exercise was undertaken on the changing concept of cruelty as a ground for divorce in Family Law, and on the trajectory of Shah Bano judgment.

F. CLINICAL APPROACHES

Trial Observations

Trial observations through court visits are an important aspect of the students’ enhancement of ground (courtroom) realities, to help them bridge the gap with theoretical and conceptual aspects taught in the classroom. The courtroom education has
the potential to complement classroom education, particularly but not limited to, courses in procedural law and in advocacy / communication skills.

Students of Communication and Advocacy Skills course were taken to court complexes, where they sat in court rooms and observed trials. A check list was provided to them, to help them focus on what they should observe in court, including demeanor of the judge, advocates and witnesses, argumentative and persuasive skills of advocates, communication by witnesses and other stakeholders in the court. Students were also encouraged to speak to litigants outside the courtroom and learn of their experiences with court processes. The trial observations were followed up with classroom discussions, where students shared their observations and perspectives.

**Observation of Client Counselling**

There was an attempt to introduce observation of client counselling by practising lawyers, in the Communication and Advocacy Skills course at the bachelor’s level, and in a course on Clinical Methodology at the masters level. The aim was to facilitate students’ learning by observation. I decided that rather than simulation exercises, students may learn more about counselling skills and techniques by seeing how lawyers counsel their clients. However, there were roadblocks to this process, initially from the lawyers themselves, who had concerns of breach of confidentiality, comfort level of clients with having students observe the process, and a shortage of logistical support (including space constraint) to facilitate student observers during client counselling. Students too had an initial reluctance, as they would have to do the observation after court hours – typically 6 pm to 9 pm, when lawyers counsel their clients. Would their conveyance be reimbursed? Would the extra hours they invested reflect in attendance? What advantage did such an observation hold? Would the lawyer be forthcoming and accommodative? What exactly did they have to observe? There were issues of coordination between the course facilitator (in this instance, me) and the concerned lawyers, to ensure that the students did indeed visit the lawyers’ offices for observation, and benefitted from the same. There was a further issue of convincing the administration of the necessity of such a creative approach to teaching client counselling. Although the attempt to employ this method was not successful in the end, this has a potential to be used in other educational settings where client counselling is taught.

**Listening & Speaking Skills**

Communication consists of reading, writing, speaking and listening. While reading and writing are major forms of communication used in legal education, speaking and listening skills are usually not taught in class. The importance of listening skills in legal education cannot be over emphasized. A way of enhancing listening skills of students was to have a discussion with them on concepts of hearing and listening, obstacles to listening, what listening entails and so on, and thereafter giving practical exercises in listening comprehension through audio visual means. Several rounds of listening
comprehension, with increased level of difficulty, helped students realize the potential for enhancing and sharpening their listening skills.

Typically, law students are encouraged to take part in moot court competitions from Year II. It is assumed that a level playing field exists, and all students are equally equipped and comfortable with skills of public speaking. In reality, this is not so, which is why most students are eliminated from the competition through intra-moot court competitions. Public speaking skills are a basic aspect of advocacy skills and contribute to effective lawyering.

‘Communication and Advocacy Skills’ course aimed at enhancing the public speaking skills of students, by helping them prepare contents for speeches and in organizing one’s thoughts, and thereafter demonstrating the same through speaking in the presence of the class for 1 minute, 2 minutes and 5 minutes in progression. All students were encouraged to provide feedback to the student who had ‘performed’, starting with positive aspects and thereafter the aspects for improvement. Non-verbal communication and body language, use of hands, use of movement, importance of eye contact and voice modulation, use of humour, emphasis on good opening and concluding remarks, and ways of building a rapport with the audience are some aspects that were discussed in detail.

Audio visual clips, such as the famous speech of Michelle Obama at the 2016 National Democratic Convention, were screened in class, and analyzed by students in terms of the factors that contributed to its global impact. Analytical and persuasive skills of students were honed through their participation in class debates on issues of contemporary relevance.

G. CONCLUSION

Legal education lends itself to a range of teaching methods. The lecture, discussion, problem-solving, case study and case law methods have been frequently used to impart legal education. The role of the educator has changed in recent times, with the advent of the internet, and students’ access to a range of information from online sources. In the present context, the educator in a classroom plays a lesser role as a disseminator of information, and more as a guide for critical thinking and reading, and as a facilitator for building skills, values and perspectives among students. Innovative pedagogy can help fulfil the changing role of the educator in legal education, both within and outside the classroom.

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