PRESENTATION ABSTRACTS

DAY 1   FRIDAY   26 NOVEMBER 2021

10.15-11.15am	**KEYNOTE #1**

'The Future is Hybrid: Actually, It Already Is'

Professor David Thomson, **Sturm College of Law, University of Denver**

Throughout the history of technology, we have tended to react to the hot new thing in fearful, binary terms. All or nothing, on or off, massive change is coming tomorrow. While there are some examples where massive change has happened - the automobile displaced the horse, computers displaced the typewriter - those levels of displacement are fairly rare, particularly in areas dependent on human-to-human interaction. Indeed, the history and development of technologies over the last century teaches us very different lessons.

Much more common is hybridization – a mix of technology and the human. This was already happening in education, and that trend was accelerated by our adjustments to the pandemic. In this keynote address, I will offer a vision of our hybrid future in legal education and encourage everyone to embrace the opportunities for teaching and learning that are offered by that future.

11.30am – 1pm	**PARALLEL PANEL SESSION #1**

Room A – Law Outside the Law

'Interdisciplinary Learning – Challenges and Lessons from the Field: Co-teaching Engineering and Law to Engineers and Lawyers'

Lyria Bennett Moses (UNSW) & Richard Buckland (UNSW)

While most law students in Australia do dual degrees, thus gaining expertise in two disciplines, they rarely have the opportunity to work in interdisciplinary teams as the legal expert. Universities provide few opportunities for students with different disciplinary backgrounds to come together to solve problems. The lack of such training at university level (not just for law students) is often reflected in the real world, with many policies for complex challenges (climate change, technology policy, and indeed COVID) approached from a single perspective at a time. For example, COVID policy can be portrayed as health versus economics just as AI policy may be portrayed as innovation versus regulation. Universities are structured to feed students through disciplinary tracks, and even multi-track programs (like dual degrees) are rarely more than the sum of their parts.

In 2020, we decided to see whether we could get students to engage in interdisciplinary thinking about policy challenges in the domain of cyber security. We ran courses simultaneously in Engineering (Security Engineering and Cyber Security; Extended Security Engineering and Cyber Security) and Law (Regulation for Cyber Security). Students attended a common lecture and were integrated in tutorials that focused primarily on real policy challenges for governments and organisations. They also attended separate lectures (on more technical aspects of cyber security for Engineering students) and seminars (on the legal and regulatory framework for Law students). There were significant challenges – practical (university administration), expectations management (law and engineering students have very different expectations of courses), incentives (for students to step outside their respective comfort zones), and pedagogical (we learnt a lot over the course of the semester). This presentation will explain the purpose of the integration of these courses, set out the challenges encountered and outline our responses (both during the course and prospective). It will also reflect on the possibilities for interdisciplinary learning more broadly.

'Teaching Law for Everyday Lives: Demonstrating the Relevance of Legal Education for All'

Aidan Ricciardo (UWA) & Kate Offer (UWA)

This paper presents findings from an empirical study of 175 students who studied 'Adulting: Law for Everyday Lives', a unit taught at the University of Western Australia to undergraduate non-law students. The unit is designed to be highly relevant to students' everyday lives, seeking to address the lacuna in young people's knowledge of the real-world legal issues which are relevant to their lives. For example, it teaches the law relating to housing, relationships, working, and health care. It uses a collaborative approach to curriculum design, adopting

a student-led model of co-creation of learning content, allowing students to meaningfully contribute to their own educational experience, thus developing what Iverson and Pedersen call a 'co-creative generative dialogue.'

The existing scholarship on teaching real-world, everyday knowledge primarily relates to secondary education, with only limited research in this area focussing on higher education. The literature indicates that students value learning real-world knowledge and skills, and that this learning can significantly improve young peoples' ability to use this knowledge in their everyday life. In relation to student-led learning and collaborative curriculum design, the literature suggests that it can lead to greater student engagement, motivation and learning, assist in the development of graduate attributes and have a positive impact on student-teacher relationships. It is, however, still relatively unusual in the higher education context.

The results from the empirical study align with findings from previous research in these areas and offer further and richer insights about why students value curriculum co-creation and how students use taught knowledge in their everyday lives. The presenters will discuss how these findings validate legal education practices which include students and blend academic and real-world learning.

Room B – Student Collaboration

'Absent Presence: Why Working with Peers Is Still Important'

Dominic Fitzsimmons (PVCESE Academic Skills, UNSW), Caroline Lunt (PVCESE Academic Skills, UNSW) & Mark Duffy (UNSW)

Peer to peer learning has often been based on a sense of a shared physical space. It is time outside the official class timetable where a more experienced 'peer' (an UG student in 3rd year or above, or 2 terms for JD) works with a small group of 1st year students on a regular basis throughout the term and guides discussions on how to study in law. This paper looks at the impact of going online for the Law Peer Tutoring program (LPT). The LPT has run since 1998 and is an enduring collaboration between the Faculty of Law & Justice and the Academic Skills unit (formerly known as The Learning Centre). Since T1 2020, like many aspects of teaching and learning, it has been online. This shift to online learning has led to interesting changes in the way students interact, connect, foster a sense of community and trust/belonging, and participate online. Participating online includes a two-fold displacement: students are not in the classroom so not surrounded by the ambient sounds/behaviour of studying and learning; second, they are in a non-study environment, so they have to work harder to 'imagine' themselves in a formal study environment. What is most interesting is how students have worked with the absent presence of each other. This paper reflects on recent educational research, and the comments of the Law Peer Tutors, in the past year.

'Lessons Learnt: Virtual Teaching and Learning of Transactional Law Courses – The Hong Kong Experience'

Vicci Lau (HKU)

This paper seeks to evaluate the students' and the teachers' experience in virtual teaching and learning of transactional law courses to see what has worked and what has not, including the effectiveness in engaging and interacting with the students using the different online formats and features. Transactional law courses, like contract drafting, corporate finance courses, generally focus more on practical skills training for the students, including problem solving, drafting and communications skills, which often involve more interactive discussions and practical in-class exercises. In order to adapt to virtual learning, different formats and features have been used, including pre-recorded lectures and different features on the Zoom platform for small group tutorials, to make virtual classes more engaging and interactive to help students acquire these practical skills.

The paper reports on the findings of research on both students' and teachers' perceptions of virtual versus physical classes, the reasons for any preference and the different features that they find most helpful in engaging students in class, which was conducted in the context of a few post-graduate level transactional law courses at The University of Hong Kong. The findings of this research will inform us of the lessons learnt from this virtual learning experience from both the perspective of the students and the teachers, which will help with our future planning of e-learning activities.

'Teaching That Which Isn't There – Without Being There… A Study on the Creative Contracting Component of the BLIP Unit at UWA During COVID 19'

Camilla Baasch Andersen (UWA)

Compounded by COVID, the 2020 teaching of the re-imagined Business Law in Practice Capstone unit was challenged with communicating legal design research and creative contracting and converting it to applied skills, with minimal face to face contact. Using a combination of creative reading lists, online workshops and online group work, a class of 160+ students were challenged to reimagine contracting, without being able to conduct the more traditional "contract jamming" – and the results showed a very creative engagement across a multitude of smaller groups. Their reflective logs indicated which approaches worked well to engage them in the process, and this paper will explore the challenges as well as the varying degrees of success of some of the approaches taken to embed the applied learning.

Room C – Pursuit of History

'The 'Pursuit of History' in Legal Education in the 21st century: Reflections on the Current Climate of 'risk and change' Located in Long Term Pedagogic Aspirations and Experiences of Pandemic Teaching from Australia, Hong Kong, and the United Kingdom'

Steven Gallagher (CUHK), Marcus Harmes (USQ), Sarah McKibbin (USQ) & Sarah Wilson (UYork)

This panel draws attention to long-standing visions for the role of history in legal education. It links these with illustrations of how teaching through the Covid-19 global pandemic has involved adjustments seeking to manage the spatial and wider experiential challenges of living through 'lockdown'. Overall, the panel presents a range of perspectives on the different ways in which law teaching (and underpinning pedagogy) which is influenced by history can respond to these considerable challenges in ways which can help to improve universities' standing amongst the legal community beyond academia and can also speak to the significance universities can and should have within the wider community.

In identifying long-term aspirations, all the papers in different ways speak to how imbuing history into the ways in which law students learn - and come to understand - law can provide important support for the strongly vocational orientation associated with legal education. This is evident in experiences drawn from compulsory first year undergraduate legal study (Harmes and McKibbin), finalist study (Wilson) and CPD (Gallagher). It will also be argued that, at the same time, such approaches can promote avocational values, including ones grounded in social cohesion and citizenship (Wilson). In focusing on delivering learning through the pandemic specifically, all presentations share examples of adjustments which have been made, and experiences of working with established programmes in very different mediums. In doing the latter, the presenters will also comment on what a return to face-to-face delivery might mean for the experiences of the past year, and whether there might be any 'Covid Keeps' for legal education as we seek to achieve a post-pandemic world.

1.45– 2.45pm   PARALLEL PANEL SESSION #2

Room A – Pandemic as Opportunity

'Coronavirus and Crisis Capitalism'

Peter Burdon (UA), Maria Giannacopoulos (Flinders), Ben Golder (UNSW), Daniel McLoughlin (UNSW)

The pedagogical practices of educators are not pure but shaped by political, economic and social conditions. For the past thirty years legal education in Australia has been shaped by neoliberalism1 and educators have adapted to larger classrooms, casualization, the jettisoning of critical material, managerialism, and forms of surveillance that reduce teaching to metrics.

It is tempting to view the COVID-19 pandemic as a break from neoliberalism. An opportunity to take stock, rethink old practices and "adapt for a post-COVID-19 world." Against this narrative, this paper argues government ministers and university managers have used the pandemic for "crisis capitalism" – an opportunity to restructure parts of the University and push through unpopular reforms. The reforms include structural changes such dramatic job losses4, cuts to programs5, fee increases for law and humanities degrees and pressure to find new international markets. Other reforms more immediately affect learning and teaching such as larger classes, a pivot toward online learning, and the normalisation of proctoring technology. These changes will influence the future of legal education and are being implemented without genuine consultation with university staff and students. Far from representing a break with the past, they are a continuation of the neoliberal project and concomitant with past mismanagement and successive funding cuts to higher education.

Following this analysis, the panel explores how university workers might respond to the current crisis. Resistance to "innovation" and the "new" presents a difficult platform for educators to rally around. On the other hand, we argue, there has not been sufficient thought to the tactics and languages that can be used to combat crisis capitalism in the context of higher education.

Room B – Changing Teaching Perspective

'Unlearning Colonial Norms'

Ingrid Matthews (UNSW) & Kev Dertadian (UNSW)

In this paper we present a case study on unlearning colonial norms in a gateway criminology course at the UNSW Faculty of Law & Justice. The authors present pedagogical tools designed to be broadly applicable across Law & Justice courses, underpinned by four core principles (Matthews 2017). Bringing examples from course learning materials, we illustrate how to decentralise euro and anglo-centric perspectives on northern systems of law and defining crime. This approach is consistent with the principle of place-based learning and understanding that anglo-centrism reproduces inaccuracies in the knowledge base, a result that is counter to the purpose and function of universities as institutions of knowledge. The work of First Nations scholars is used to 'scaffold' course content, from an extended acknowledgment in

week one to being embedded throughout course materials (Porter 2016; Whittaker 2020; McQuire 2019). We argue that this approach, what Ahmed has conceptualised as 'the politics of citation' (2017: 17), is crucial to student understandings of colonisation as determining the shape and reach of institutions of crime and justice; and impacts which continue to create and sustain intergenerational trauma (Longbottom 2018). Finally, we reflect on the limits to decolonising the pedagogy and institutions of Law and Justice. Here we suggest a place-based analysis of the jurisprudence of colonisation and the creation of criminality as transitional approaches toward decolonising curriculum.

Room C – Student Engagement

'Law Student Engagement During the COVID-19 Pandemic'

Judith McNamara (QUT), Rachel Hews (QUT) & Zoe Nay (QUT)

During the COVID-19 pandemic, law schools in Australia and around the world were forced to transition rapidly to online learning due to campus closures and lockdowns. The resulting 'emergency remote teaching' or 'pandemic pedagogy' had a significant impact on the student experience, with the national Student Experience Survey showing a marked reduction in how students rated their experience, with the largest drop being in learner engagement.

In this paper we will explore the effect of 'emergency remote teaching' on law student engagement and present the findings of a project undertaken in 2020 in a period during the pandemic when students were learning wholly online. In this study we sought specifically to understand how student engagement was influenced by online learning. We will provide insights into how law teachers and law schools can learn from the experience to enhance the law curriculum by adopting student-centred and innovative approaches to online and blended teaching. While emergency remote teaching presented many challenges to student engagement, for students who had high academic self-efficacy there were considerable benefits in the flexibility of online learning. In contrast, many students, particularly those who did not have well developed independent learning skills, felt overwhelmed by the experience. They reported feeling isolated and missed the sense of belonging and connection created by the campus experience, including interacting with peers and teachers both in classroom settings and informal settings. Where teachers were caring, supportive and enthusiastic, this led to an increase in student engagement. However, where teachers were unfamiliar with the use of the e-learning tools, or where students were not confident themselves in using the tools, engagement was negatively affected.

We argue that after the pandemic is over, law schools should encourage teachers to continue using e-learning tools where they are educationally appropriate to provide more student-centred and hybrid approaches to enhance the law curriculum.

'The Absence of Presence: How Phantom Students and Silence Impact Learning and Teaching in Online Law Classrooms'

Leah Williams (UNSW)

Student participation is a core pillar of law teaching. Participation encourages students to prepare, engage and reflect critically on course material. In online classes, students encounter a novel technique for disengagement known colloquially as 'phantoming'. By logging into the session, the student can achieve the appearance of presence while being physically or mentally absent from their device or the virtual classroom. In this paper, I explore the phenomenon of phantoming to understand how silent students haunting online classrooms impact learning and teaching strategies and interrogate the differences between managing disengagement in face-to-face and online environments.

Student feedback from 2020 suggests that the indeterminable presence of students in online classes significantly impacted the learning experience of active student participants. In particular, small group discussions became a 'breakout group lottery' in which some students won the major prize of active discussants while others suffered the loss of the opportunity at the hands of phantom students. More generally, however, phantoming in online classes impeded the development of cohesive and comfortable learning environments with students reporting feelings of anxiety and resentment towards classmates whose effective absence created a lack of reciprocity for the efforts made by active participants.

For teachers, the presence of silent students is not simply an indication of disengagement, but raises important questions about equity, accessibility, student wellbeing and class design and delivery. These are not issues unique to online classes, but the teacher's ability to evaluate and resolve them is significantly altered in the virtual classroom. Teachers developed a range of strategies to determine the extent of and to combat phantoming. These strategies comprised both adaptations of traditional face-to-face classroom techniques and online-specific approaches to encourage and monitor student engagement. From requiring qualitative or quantitative peer reviews on small group discussions, to running polls or other interactive activities or hosting drop-in sessions, teachers sought to build community and foster participation.

Room D – Assessment

'Resit Exams in Legal Education: Lessons from a Novel COVID-19 Assessment Trial'

John Juriansz (WSU), Nga T Nguyen (WSU) & Colin Clark (WSU)

Resit exams permit students who have failed a subject to sit a supplementary exam to demonstrate achievement of the academic standards required for program progression. Resit exams are not common among Australian law schools. Law students are often assessed by way of formal high-stakes and summative final examinations. Even when the final exam is not designed to be a threshold assessment, a frequent consequence of failure is that students lack the cumulative marks necessary to pass the unit and demonstrate achievement of the key learning outcomes. Academic failure impedes student progression and retention. This presentation reports on student perceptions of the strengths and limitations of resit exams during a pandemic and discusses their potential role in legal education. The data were obtained from law student performance metrics, questionnaires, and focus groups. Students acknowledged the pedagogical and psychological benefits of resit exams, regardless of the challenges posed by exam thresholds, high-stakes summative exams, and the COVID-19 pandemic. Students also questioned whether the imposition of exam thresholds and high-stakes summative exams had adequately supported their learning and accurately measured their performance.

'How Do Teachers Design Assessment in Constitutional Law?'

Luke Beck (Monash) & Melissa Castan (Monash)

This paper centres the teacher-educator in the midst of the Covid pandemic in Australia. In particular, this paper considers the choices and practices of teacher-educators in designing assessment in Constitutional Law.

Our research examines three key aspects of assessment design in compulsory Constitutional Law units. First, the choices Constitutional Law teachers make in designing assessment tasks. Secondly, Constitutional Law teachers' own assumptions and attitudes towards assessment generally and their own assessment practices. Thirdly, what Constitutional Law teachers perceive to be their colleague's views about assessment.

This paper presents results from a mixed methods survey undertaken in 2021 of Constitutional Law teachers, in order to examine practices, motivations and assumptions of Constitutional Law teachers.

3-4pm	KEYNOTE #2

'Automation in Law: Fact or Fiction — or Both? And, so, What Do Law Students Really Need To Learn in Law School?'

Professor Natalie Skead, University of Western Australia Law School

In recent years the legal education discourse has been dominated by calls from several quarters for law schools to prepare law graduates better for a technology-filled and increasingly automated profession. At the same time, and particularly following the onset of the COVID-19 pandemic, many law schools have been caught up in the higher education vortex of online learning. All signs point to this continuing post-pandemic, a move some say is necessary to ensure flexibility and access to tertiary education for our students.

This keynote explores these related issues in the context of legal education in Australia in 2021. In doing so, it considers the purpose of a legal education and what it is a law student really needs to learn to prepare them for life after Law School.
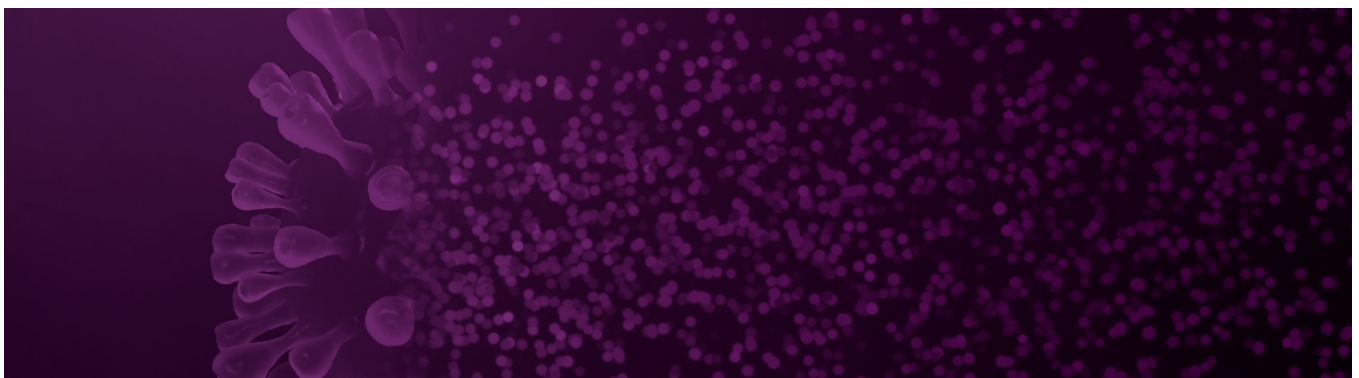
10-11am	KEYNOTE #3

'Risks for Legal Education: Existential or Energising?'

Professor Alex Steel, Faculty of Law & Justice, University of New South Wales

50 years ago, when UNSW Law was founded, legal education seems in hindsight to have been a fairly risk-free enterprise. Universities were well-funded, education was elite and mostly free. The legal profession was held in high regard and there were few law schools. There were low expectations around teaching quality and the student experience. Opening a new law school in this environment offered multiple opportunities to easily improve Australian legal education.

Risk and change in legal education were already present in 2019 – with talk of too many law graduates, rising costs and disruption to the profession from technology. But that paled next to the existential crises that 2020 brought to Australian law schools' teaching methods and digital competence, revenue and student numbers, student and staff wellbeing. While Australia appears to have navigated through the crisis elsewhere COVID-19 continues to ravage whole populations.

In light of all of these changes, this keynote will sketch what appear to be some of the key risks to legal education at this moment and in the coming years. Having outlined those risks some possibilities for mitigation will be discussed, and whether the risks can instead be seen as opportunities. Is legal education in 2021 able to embrace the sort of fundamental changes that UNSW was emblematic of in the 1970s?

11.15am – 12.45pm	PARALLEL PANEL SESSION #3

Room A – Synchronicity

'Impact of COVID-19 Pandemic on Teaching, Learning Process on Legal Education and in India'

Priti Saxena (Babasaheb Bhimrao Ambedkar University)

The COVID-19 pandemic has disturbed the lives of people not only in India but across the globe. Today, the spread of coronavirus disease 2019 (COVID-19) is becoming irresistible. In response to this unprecedented challenge, the Union Government of India and State governments have ordered closure of academic institutions, (lockdown in the cities as a whole) to control the spread of the infection with guidelines to 'Work from Home'. As a consequence, teachers and students are confined at home. Teaching and Learning online courses through the internet to complete the required academic tasks has become a new normal. As the semester has been going online and various courses are offered online on UGC portal also, the teachers and students learnt the use of internet and various platforms used for teaching online by trial and error initially and now in a well-organized manner. Although these decisive actions and efforts are highly commendable and necessary, there are also reasons to worry about drawn-out school suspension, home confinement, and distance learning. These seem to have adverse effects on students' physical and mental health to the extent of committing suicide even. In addition, a series of issues such as fear of contagion, frustration and boredom, inadequate information, and lack of private space at home, and above all the digital divide is continued to emerge and increase during the COVID-19 outbreak. This physical and mental health of students has a direct impact on their learning. The examination system, evaluation and assessment have all changed due to pandemic affecting familiarity and progress of students in a professional course of legal education.

So in this background, the institutions offering legal education, how they are doing in pandemic time, what changes have been made in the teaching, exam and evaluation system will all be explored in this paper.

'Experiences of Synchronous Hybrid Teaching in UK Criminal Law: An 'Unremitting Hellscape''

Jessie Blackbourn (Durham)

Synchronous hybrid teaching is an emerging area of pedagogical practice. It has been fuelled in recent years by developments in learning technologies and increased student demand for flexible learning approaches. In the 2020-21 northern hemisphere academic year, however, it was adopted in response to the global coronavirus pandemic to facilitate students who had opted for online learning to participate in classes that were also taught 'in person'. At Durham Law School, the decision to shift to hybrid synchronous seminars took place without staff consultation and at the last minute (shortly after the academic year had started but before the first seminar had taken place). This presented challenges, both in terms of pedagogical practice and technological capabilities; staff who were required to deliver synchronous hybrid seminars had little opportunity to prepare for this novel mode of teaching, and there was an inadequate provision of

technological facilities in teaching rooms. The delivery of synchronous hybrid seminars was challenging for staff in these conditions. One colleague described it as an 'unremitting hellscape'. However, whilst the impact on staff is of course a cause for concern, this type of teaching practice has the potential to significantly affect student learning experiences. A key concern is that has the potential to create inequalities in access to education amongst the student cohort, depending on whether they access their learning online or in person. This paper first outlines how synchronous hybrid seminars were delivered at Durham Law School in the first term of the 2020-21 northern hemisphere academic year, highlighting the key technological and pedagogical challenges, before moving on to assess the potential for this mode of teaching to create a risk of inequitable experience amongst the student body. It sounds a note of caution against adopting novel and untested pedagogical practices in the midst of a pandemic, and against retaining them going forward.

Room B – Skills Development

'Teaching Innovation to Lawyers: Technology-Focussed or Technology-Informed?'

Lisa Toohey (UoN), Monique Moore (UoN) & Sara Rayment (UoN)

This paper reports on our experience of a research-led teaching initiative designed to develop innovation skills in lawyers and law students. The impetus for doing so was the increasing concern from the legal profession, and from futurists such as Susskind, about the future of a "disrupted" ecosystem of legal services. Increasingly, lawyers are being called upon to "be innovative" but their education, professional experience, and perhaps even typical personality traits tend to make innovation a challenging process for lawyers. We therefore embarked on a process of examining how lawyers understand innovation, how they learn to innovate, and how best to teach innovation skills to future lawyers.

These efforts led to the creation, in 2018, of the first Australian law school course dedicated to Legal Design Thinking. While the course was borne out of a wish to focus on the impact of technology on the changing practice of law, our research-led approach to the course instead caused us to deploy collaborative, human-focussed approaches, and practical, mostly analogue, experiential learning. For example, rather than focussing on building apps or the applications of Artificial Intelligence, we focussed on principles of legal information and visual law and encouraged the building of physical 'old school' prototypes to represent potential technological solutions. We refer to our approach as 'technology-informed, but not technology-focussed'.

Our paper will report on our experiences of introducing this approach, reflect on our own design decisions in constructing the course, and explain the skills and attributes that were developed through formal Design Thinking instruction to help facilitate innovation. Our discussion is based on a range of sources – our own reflections on the teaching experience, the extant literature, and qualitative data that we have collected as part of a broader project examining lawyer engagement with innovation.

'Students' Use of Authority in a Post-truth World'

Francis Johns (UTS)

From marking this semester it appears students have suddenly forgotten how to use cases in supporting legal arguments. Cases are cited with no reference to the principles they stand for, nor any reasoning to connect authorities with the conclusions supported by them. Yet students continue to write with such confidence. In first year we teach students how to justify the application of rules. It is a rhetorical discipline. But perhaps students also need to be aware of the range of rhetorical devices which persuade, and when and when not to use them.

The Aristotelian taxonomy is a helpful starting point. We encourage logos, the use of logic to develop an argument. However, when a student's writing forgoes logic it does not mean there is an absence of a rhetorical style. There could be a reliance on pathos (emotion) or ethos (personal reputation). There are also so-called rhetorical syllogisms where the premise is assumed so it does not need to be explicitly stated. An apparently unreasoned conclusion could in fact be a rhetorical syllogism. A reference to a part to represent the whole, synecdoche, is also an element. A bare case reference used to convey the decision's principles of law and reasoning, without more, could be seen as synecdoche.

Being able to classify what students are doing is a pedagogically constructive way of correcting misapprehensions regarding the way they are meant to respond to a legal problem. Classification also helps us realise that what students may be doing, in relying less on clearly developed lines of argument (logos), is a result of convincing themselves that minimalist approaches (rhetorical syllogisms or synecdoche) are adequately persuasive.

In a post truth world where public discourse is so debased, students do not regularly see examples of how to develop an argument or engage in analysis. Most of the examples of rhetoric students hear or read now, are reliant on pathos, ethos or synecdoche. Their perception of what is persuasive rhetoric is likely based on an appeal to symbols, catchphrases, talking points or slurs, where the limit of critique is listing the corresponding antonyms. Any commentary only needs to contain terms such as 'tone deaf', 'snowflake', 'woke' 'plandemic' or 'politically correct' and the position of the author can be established without any clear reasoning. Current events dramatically demonstrate how this approach has the ability to persuade.

A year of learning outside the classroom has also removed them from Socratic engagement with tutors or their peers. It is much harder to challenge a student via a screen. No doubt the growing prevalence of the sale of online uni notes, which are also written in this minimalist style, is a corrupting influence. Our challenge is to get students to identify and reflect on different rhetorical approaches to help them understand what our expectations are in formal legal writing.

'Teaching Law Students Soft Skills Online'

Katrina Williams (Curtin) & Christina Do (Curtin)

In the past decade, the legal academy has shifted significant attention towards technological disruption, and considered how such innovation has changed the teaching and practice of law. And suddenly, entirely unexpectedly, the COVID-19 pandemic hit and everyday life as we knew it changed overnight! Like all industries, the higher education sector was forced to transition to online delivery suddenly in response to the pandemic. Whilst the move to online and remote learning has inherent benefits for higher education providers, academics and students, there are undeniably equivalent shortcomings. In Australia, as government restrictions are pared back, academics and students are cautiously making their way back onto campuses. It is unlikely that higher education providers will completely revert back to teaching methods employed prior to the onset of the pandemic, such as fully face-to-face delivery of teaching content, for various reasons. As a consequence, online teaching is here to stay.

Like with all disruptions, the pandemic has given the higher education sector an opportunity to innovate and implement sustained positive change. However, given this new 'normal' for teaching delivery, and the growing recognition of the importance of soft skills within the workforce (including within the legal profession), how can higher education providers within the legal academy ensure the teaching of soft skills through online platforms? This paper considers the growing recognition of the importance of soft skills in the legal profession and explores when in the legal education continuum soft skills should be taught. The paper will also highlight the pedagogies that support the teaching and learning of these skills. Drawing on these teaching pedagogies, this paper will analyse how legal academics can best translate practices involved in traditional face-to-face teaching to the practice of virtual teaching through online platforms.

Room C – Outside the Classroom

'Place-Based Pedagogies of Hope'

Amelia Thorpe (UNSW) & Bronwen Morgan (UNSW)

There is a strong tradition of legal education engaging with its social, economic and political context. Recognising in various ways "how legal education participates in the reproduction of what sucks about the system" (Kennedy, 2007: 1), progressive legal academics at UNSW and many other law schools have worked to engage students in thinking about the politics of law, its role in capitalism, colonialism, and other forms of injustice. While there remains much in need of critique, the urgency of current crises – especially climate change – has prompted us to search for other strategies. Focusing on two electives we have developed and taught at UNSW, this paper describes our efforts to cultivate what Henry Giroux calls "educated hope" (Giroux, 2007: 33).

In looking for ways to inspire rather than overwhelm students, we have found centring discussions on the place of law to be productive. Rather than starting with a particular area of law, in *Cities, Planning, Law and Justice* and in *Law, Urban Sustainability and the New Economy*, students explore the range of laws that shape daily life in the city where we live and teach, Sydney. In teaching these two courses over the past six years, we have found that a focus on place can be effective in building not just students' critical capacity, but also agency and hope.

'Reflection Skills in Times of Cultural Change/Crisis'

Anna Cody (WSU)

This moment is a time of potential change as the world grapples with the pandemic of Covid 19, and its impact on health, lives and family and economies. Many of the assumed norms such as work, the ways in which we organise our lives, and our political systems' effectiveness have been questioned deeply. Simultaneously social and political issues have arisen as the international order has been questioned and domestic politics have played out. In Australia specific social and cultural movements have become more prominent during 2020 and 2021. The intense bush fires of 2019/2020 which for many evidenced the looming reality of climate change and its impact began this period. The recognition of ongoing systemic racism seen in the Black Lives Matter movement and connection with Indigenous deaths in custody gained prominence; and the ineffectiveness of law and political systems to deal with violence against women in the workplace, expressed through the Women's March for Justice was loudly pronounced. These social movements are both part of, and expressive of, ongoing challenges in society, and raise bigger questions on environmental, race and gender grounds particularly, about how society is regulated and controlled, including within law and the legal system. The Covid-19 crisis has opened up long existing issues and enabled fresh eyes to be brought to these entrenched issues.

Currently our law and legal system have issues around systemic exclusion of diverse people in the legal profession. This influences how our law and legal system are shaped and demonstrates the impact of a lack of diverse voices. One of the aspects of diversity which impacts on the law is who makes up the legal profession, and that individuals working within the law and legal system should be able to question or interrogate themselves, their values, attributes and the impact that may have on their lawyering.

In this paper I will examine the role of teaching students reflection skills as a means to increase the diversity of our practice of law and the legal profession. While the diversity of our legal profession and the representativeness of our practice of law will require many measures to achieve true diversity and equality, I argue in this paper that teaching law students reflection skills is one means to achieve this and to contribute to some of the larger social issues which the Covid 19 pandemic has surfaced.

'Pandemics, Professional Skills and Pro-Bono Tax Law Assistance: Students' Self-Efficacy When Volunteering with an Online Tax Clinic'

Brett Freudenberg (Griffith), Melissa Belle Isle (Griffith) & Colin Perryman (Griffith)

With the advent of Covid-19 restrictions, a student tax clinic had to transform itself from delivering face-to-face pro-bono tax assistance to a fully online environment. This transformation to an online environment had a number of technical and legal issues to navigate, such as how to provide for adequate supervision by a registered tax agent of this student assistance to vulnerable taxpayers. While students appreciated the ability to continue their experience working at the tax clinic online, what did it mean in terms of their self-efficacy (confidence). Particularly, with the online environment would students still have sufficient opportunities to develop their self-efficacy through mastering, modelling, social persuasion, and judgements of own physiological states? This article describes how the tax clinic was able to operate fully online, and will provide data concerning the development of students' self-efficacy in this online environment. To provide a comparison, data from prior cohorts who participated in the physical office space will also be considered.

1.30 – 3pm	PARALLEL PANEL SESSION #4

Room A – Changing Perspectives

'Post-Pandemic Authoritarianism and the Role of Legal Education'

Joshua Krook (UA)

Martin Luther King Jr. once wrote that "Everything Adolf Hitler did in Germany was 'legal'," referring to the fact that authoritarianism can arise within democratic legal structures. The post-pandemic world presents this threat today. With new federal laws limiting or abolishing freedom of movement, association, speech and freedom of the press, a question hangs over Australian democracy. More than ever before, law schools and law students need to take a critical look at government overreach and law reform proposals to protect our basic democratic rights. This paper offers a critical perspective on current pedagogy and a few suggestions on how to motivate students to consider such topics.

'Understanding How LGBTQI+ Students Experience Law School'

Aidan Ricciardo (UWA), Stephen Puttick (UWA) & Natalie Skead (UWA)

The past two years have made it more apparent than ever that different students experience law school in very different ways. But there exists very little quantitative or qualitative data on diversity in law schools, and even less examining how students' diverse backgrounds and social identities – including their sexual orientation and gender identity – impact on their law student experience.
This paper reports findings from a cross-institutional study which examined the law school experiences of LGBTQI+ students and recent graduates at all law schools in Western Australia. The findings reveal that much of the law school experience is similar for both LGBTQI+ and non-LGBTQI+ students, and that LGBTQI+ law students generally perceive their law school to be an accepting and fair environment. However, the findings also show that, compared to their non-LGBTQI+ peers, LGBTQI+ law students self-censor more often, witness more incidents of bullying and harassment, and feel greater levels of stress when interacting with academic staff.

From these findings, the presenters will discuss strategies that law schools might consider in order better to support LGBTQI+ diversity, visibly promote acceptance of 'otherness' in tangible ways, and ensure a safe learning environment in which all students can flourish.

'Going Forward, I Will Utilise All of the Resources Available to Me': Growing First Year Law Student Personal and Professional Development Through a Self-Reflection Quiz'

Anna Cody (WSU) & Sandra Noakes (WSU)

This paper discusses the impact of a self-reflection quiz in a first-year law subject on growing law students' personal and professional development, and their ability to assess their capabilities and performance.

A 'Self-Reflection Quiz' is conducted as a non-assessable quiz activity via the learning management platform, vUWS, in first year law Units at Western Sydney University. It was initially designed to encourage the students to consider whether their outcome in the Unit (or in a particular piece of assessment) reflected their approach to their studies in the Unit. Originally, the Self-Reflection Quiz was employed at the end of the semester, once students had received their final result in the Unit. However more recently it has also been used as a tool to engage students early in their degree, and to manage student expectations about studying law. These features of the Self-Reflection Quiz became particularly relevant with the emergence of COVID-19, and first year students' adjustment to online learning.

The paper situates the Self-Reflection Quiz as a method of bridging the divide of law students' high expectations of academic success, and their lived experience at law school, which has been demonstrated to have a deleterious effect on law student mental health and well-being. It also positions the Self-Reflection Quiz as a tool of transition pedagogy in the context of a diverse cohort of students. WSU actively pursues an agenda of widening participation in HE, ensuring '[p]articipation rates of students reflect the diversity of the community, including low SES and Aboriginal and Torres Strait Islander students'. This means that WSU law school's student intake is 'more diverse and socio-economically disadvantaged than is the case for traditional law schools, with a high incidence of students from low socio-economic status backgrounds, who are first in family to attend university and who speak a language other than English at home'. Additionally, while 'the majority of students come from school or higher education, 12% are Vocational Education and Training students'.

The paper draws together literature on the role and purpose of reflection within learning law, teaching students about self-management, and achieving within their studies and later legal career. Students frequently experience blocks in their first year of law studies, and experience unrealistic expectations of academic success. Using a Self-Reflection Quiz may be one means of teaching students basic self-reflection skills, and helping them to connect their success with specific actions they can take to improve their chances of success.

Room B – Skills Development

'Opportunities in Challenging Times: Teaching a Professional Legal Training Programme During and After the Pandemic'

Julienne Jen (HKU), Wilson Chow (HKU) & Michael Ng (HKU)

"It was the best of times; it was the worst of times" (Charles Dickens, A Tale of Two Cities).

Whether we like them or not, COVID-19 has brought new challenges to higher education; whether we seize them or not, COVID-19 has also brought new opportunities for enhancement in teaching and learning of law and lawyering skills.

In this paper, we share how we have adapted to the challenges to the HKU Postgraduate Certificate in Laws (PCLL) programme brought by the global epidemic. As the necessary common qualification for entry to the legal profession, the PCLL admits not only local law graduates but also overseas returnees with qualifying law degrees from any common law jurisdiction who aspire to practise law in Hong Kong. It is practice-oriented and skill-based with transactional and procedural knowledge of different areas of legal practice as contexts for skills training. These salient features amplify the impact on the conventional modus operandi of the PCLL brought by the public health concerns, travel restrictions and quarantine requirements during the pandemic.

On the other hand, in the middle of every challenge finds opportunity. We utilise different facets of technology, from pre-recording large group classes for transmission of knowledge, live streaming demonstration of skills, conducting online one-on-one and small group practical sessions via e-conferencing software, to online proctored examinations. On reflection, some of the learning in a virtual classroom in fact mimics changes in real life legal practices, which has made the training in the PCLL even closer to the 'new normal' reality.

In this paper, extrapolating the experience in a core course of the PCLL at HKU, we argue that the pandemic has destructed constructively the inertia of teachers and students against e-learning and the paradigm for the post-pandemic world will shift on how the tech-assisted learning environment can better blend with (instead of replacing) the face-to-face mode of teaching.

'Like, Comment and Share: Examining the Impact of *Fairfax Media Publications Pty Ltd v Voller; Nationwide News Pty Limited v Voller; Australian News Channel Pty Ltd v Voller* [2021] HCA 27 (8 September 2021) on the University Sector in Australia?'

Julia Day (UNE)

Social media is increasingly becoming an integral part of people's lives. Traditionally people view social media as a form of entertainment. It is clear though that social media is being utilised in many divergent settings including within universities. We know anecdotally university students are using social media in an informal setting in parallel with their units of study. The question is whether this usage could be successfully transferred to a more formal setting. To investigate the attitudes law students, have towards using social media within their teaching setting, the authors distributed a survey to academic staff and students at the University of New England. Within this presentation we will isolate our analysis to the attitudes of law students in regards to using social media within their legal units.

This presentation will provide a general overview of the student survey responses to provide a snapshot of attitudes towards utilising social media to pique student interest when completing their law courses. The authors will conclude that given the current university environment it is prudent to trial using social media platforms to incite student interest.'

'A Pyrrhic Victory for Professional Development: A Critical Reflection Upon 2020's Rapid and Obligatory Transition to Remote Delivery'

Nick James (Bond)

In 2020, the COVID-19 pandemic forced law schools to rapidly transition to remote delivery of their programs and to place a greater emphasis upon technology-enhanced learning. Those legal academics who were unfamiliar with (and even resistant to) this method of delivery were obliged to very quickly develop their digital skills to facilitate this transition. The success of the transition is unclear: while most law schools have managed to continue to deliver their programs during the pandemic, student feedback about the quality of the remote delivery has been mixed. Nevertheless, the emphasis upon remote delivery and technology-enhanced learning is likely to continue and even increase in the coming years. In this paper I interrogate the assumption that the rapid and obligatory transition to remote delivery that took place in 2020 will form a stable basis for further development of digital skills by legal academics. Drawing upon the notion of academic resistance as well as the well-known distinctions between surface and deep approaches to learning and intrinsic and extrinsic student motivation, it is argued that the impact of 2020's rapid and obligatory transition to remote delivery upon academic motivation, morale, freedom and identity outweighs the benefits, and exposes law schools to the risk that, without mindful intervention, the quality of technology-enhanced learning will in future be lower than optimal.

Room C – Pandemic as Opportunity

'Cultivating an Ethos … Online'

Ben Golder (UNSW) & Sundhya Pahuja (UMelb)

For some time, both of the presenters of this paper had been conducting separate informal skills sharing sessions between researchers with very different levels of experience. These sessions were designed to share skills and experience in ways that offered different things to different people: training to those who sought it, a modelling of training for others, and a renewed intergenerational exchange to others. The long lockdown of 2020 forced a pivot to online everything. This created an opportunity to merge the 'skills circles' being conducted at Melbourne by Sundhya and UNSW by Ben. Merging encouraged us to reflect more explicitly on the purpose and form of the skills circles, and what it might mean to do it online. A central idea emerged from the collaboration between us, about the cultivation not only of skills to help one succeed as an individual, but of an ethos to help one live in a collegium. This paper reflects on that experience.

'Online Legal Education: Current Situation and Prospects for the Future'

William Van Caenegem (Bond) & Trish Mundy (UoW)

The COVID-19 pandemic necessitated the move to online by all Australian Law Schools in 2020 and beyond. For many 'traditional' on campus legal education providers this required, quite literally, a 2-3 week 'scramble' to transition to online delivery. Teaching academics and school leaders were challenged to quickly engage with new technologies, design online learning resources, redesign assessment, and consider ways to support and facilitate student leaning in an online environment, all while taking into considering such matters as accreditation bodies' requirements, academic integrity, resourcing constraints, and staff and student wellbeing. The sudden and difficult circumstances flowing from the coronavirus raised many important questions for law schools. These included the benefits, challenges and potential of online legal education in Australia, managing substantive constraints such as how we best teach, learn and assess legal skills in an online environment, to regulatory constraints imposed by various gatekeepers that arguably prefer traditional models of legal education. The pandemic has also raised broader questions for universities, including the implications of the sector's dependence on international students for funding. The International Academy of Comparative Law has recently commissioned a series of 'country reports' as part of a special collection on Online Legal Education. The collection will attempt to document and explore the evolution of online legal education in each respective country/region of the world, and consider current and future prospects for online legal education as well as the challenges and lessons from the transition to online in the context of the pandemic. This presentation will provide an overview of this project, its work to date and preliminary findings.