

COMPARING ONLINE LEGAL EDUCATION

Ius Comparatum – Global Studies in Comparative Law

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COMPARING ONLINE LEGAL EDUCATION

Past, Present and Future

Edited by
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Comparing Online Legal Education. Past, Present and Future

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FOREWORD

A long time ago I experienced the mixed joys of both undergraduate and postgraduate law lectures and tutorials delivered directly in the classroom among fellow students. In my final undergraduate year in 1973, however, I studied part-time entirely remotely by reading lecture notes with references to the relevant texts and cases. Luckily, I had access to an excellent law library and was the associate of a judge in a final appellate court where there were other such judges with associates who were recent graduates. I could bounce ideas off them and learn from the cases argued before the court. I hate to think what that experience of remote learning would have been like had I not had that environment around me. I admire greatly those lawyers who have successfully educated themselves solely through distance or online education.

I recognise the advantages that modern technology can provide to remote learning not only through video-conferencing of lectures and tutorials but by direct access to relevant primary materials online. That early experience, however, has biased me in favour of live teaching in a class full of students actually present. As the general rapporteurs recognise in their General Report, even interactive video-conferencing makes it more difficult for remote students 'to engage in classroom discussions ... where picking up on nuances can be harder than in physical interactions, even for native speakers'. Common experience of video-conferencing outside the academic environment backs up those conclusions.

There is so much to be learned also in informal discussion with lecturers and other students and from an environment where the social interaction and physical facilities are focused on what you are studying. As the special rapporteurs say about the experience of online education in Macao, 'law is rooted in human interactions, benefiting not only from direct student–teacher contact but also from student learning among peers, through classroom teaching but also other personal contacts on campus'. This personal contact is recognised as a continuing advantage particularly in aspects of courses where students need to learn practical or 'soft' skills.

The period leading up to the International Academy of Comparative Law's 2022 Congress in Paraguay coincided with the spread of the COVID-19 virus and the curtailment of normal legal education in very many jurisdictions. So the decision to examine the topic of online legal education at the Congress proved to be very 'timely', as Professors Nottage and Ibusuki say in their General Report. Suddenly online legal education had become frighteningly necessary

and common. It can also provide access to courses otherwise practically too expensive or unavailable to less privileged students. What, therefore, may be the consequences of greater use of online legal education for the future of the profession and the teaching of law around the world?

This useful volume examines those issues relevant to online legal education in 13 jurisdictions representative of the major common law and civilian traditions as well as some hybrid jurisdictions. It makes some tentative predictions for the future of such education. The examples also carry the advantage of having been drawn from countries with widely varying economies, unequal access to technology for online teaching and differing traditions in the teaching of law.

The general and special rapporteurs link legal education to the legal profession and main legal traditions of each jurisdiction covered, and include pre- and post-admission education for law graduates. The focus is mostly on university-level legal education but practical professional training in some jurisdictions is also addressed. Online education for such practical training can be more effective than may be the case for young undergraduates. It is also notable that the topic shows the typical tensions between continuity and change often found in comparative studies.

Some of the main general conclusions reached are that developments in online legal education in the 13 jurisdictions examined should be influenced by the nature of the jurisdiction's legal tradition and legal profession, its level of public funding for universities, its level of economic development, including its infrastructure for information and communications technology, and the particular impact of the COVID-19 pandemic. The work as a whole will be especially useful for those considering how to deploy online legal education in a particular jurisdiction, using that analysis, with a view to setting up a properly nuanced regime for that style of education for that jurisdiction.

Those charged with these significant responsibilities in jurisdictions and universities around the world will derive great benefit from studying the insights contained in this volume.

The Hon. James Douglas KC
Royal Commissioner
Former Judge of the Supreme Court of Queensland
Associate Member of the International Academy of Comparative Law
Member of the Senate of the Australian Catholic University

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LIST OF ABBREVIATIONS

AAM	Macao Association of Lawyers
ABA	American Bar Association
ADSL	Asymmetric Digital Subscriber Line
AGC	Attorney General's Chambers
AI	Artificial Intelligence
AITI	Authority for Info-communications Technology Industry of Brunei Darussalam
ALEP	Advanced Legal Education Programme
ANVUR	Agenzia di Valutazione del Sistema Universitario e della Ricerca
AQF	Australian Qualification Framework
ASEAN	Association of Southeast Asian Nations
AU	African Union
AZVO	Agency for Science and Higher Education
BAS	Bar Association of Seychelles
BSB	Bar Standards Board
BVC	Bar Vocational Course
C3L	Centre for Lifelong Learning
CALD	Council of Australian Law Deans
CARNET	Croatian Academic and Research Network
CBA	Cyprus Bar Association
CFU	Italian University Credits
CGS	Commonwealth Grants Scheme
CityU	City University of Macau
CJEU	Court of Justice of the European Union
CLE	Continuing Legal Education
CLP	Certificate in Legal Practice
CMS	Case Management System
CMS	Class Management System
CMS	Course Management System

CNF	Italian National Bar Council
CoE	Council of Europe
CommTLE	Committee on Teaching and Learning Enhancement
CPD	Continuous/Continuing Professional Development
CPLE	Centre for Professional Legal Education
CPLIED	Canadian Centre for Professional Legal Education
CRUI	Italian University Rectors' Conference
CSP	Commonwealth Supported Places
CTLE	Centre for Teaching and Learning Enhancement
CYQAA	Cyprus Agency of Quality Assurance
DAD	Didattica a Distanza (distance learning)
DAI	Degree Awarding Institution
DESI	EU's Digital Economy and Society Index
DORH	Croatian State Attorney's Office
DSES	MSAR Higher Education Bureau
EFS	Electronic Filing System
EIU	Economist Intelligence Unit
EJS	European Justice Scoreboard
EJTN	European Judicial Training Network
ELFA	European Law Faculties Association
ERA	Academy of European Law
EU	European Union
FFO	Ordinary Financing Fund
FLC	Faculty Learning Community
FLL	Federal Legislative List
FLSC	Federation of Law Societies of Canada
FT	Full Time
GAP	General Adjournment Period
GDP	Gross Domestic Product
GPA	Grade Point Average
HE	Higher Education
HEC	Higher Education Commission
HECO	Higher Education Commission Ordinance
HECS/HELP	Higher Education Contribution Scheme/Higher Education Loan Program
HESF	Higher Education Standards Framework

HKU SPACE	HKU School of Professional and Continuing Education
HR-ZOO	Croatian Scientific and Educational Cloud
iCMS	Integrated Course Management System
ICON	In-Class Optional Niche
ICT	Information and Communications Technology
ICTO	Information and Communication Technology Office
IUM	International Islamic University of Malaysia
IMF	International Monetary Fund
IPC	Integrated Practice Curriculum
IT	Information Technology
ITSP	Information Technology Strategy Plan
IVLE	Integrated Virtual Learning Environment
JCMS	Judiciary Case Management System
JD	Juris Doctor
KUPUSB	Seri Begawan Religious Teachers University College
LACC	Law Admissions Consultative Committee
LAT	Law Admission Test
Law-GAT	Law Graduate Assessment Test
LBA	Lahore Bar Association
LC	Legal Council
LEC	Legal Education Committee
LHCBA	Lahore High Court Bar Association
LLB	Bachelor of Laws
LLD	Doctor of Laws
LLM	Master of Laws
LPA	Legal Practitioners Act
LPBCA	Legal Practitioners and Bar Councils Act 1973 (Pakistan)
LPC	Legal Practice Course
LPP	Law Practice Program
LSAT	Law School Admission Test
MBL	Macao Basic Law
MEXT	Japanese Ministry of Education, Culture, Sports, Science and Technology
MIB	Malay Islamic Monarchy
MMU	Multi-Media University
MOEC	Cypriot Minister of Education, Culture, Sports, and Youth

MOOC	Massive Open Online Course
MSAR	Macao SAR
MSC	Multimedia Super Corridor
MUR	Italian Ministry of Universities and Research
MUST	Macau University of Science and Technology
NCA	National Committee of Accreditation
NRRP	National Recovery and Resilience Plan
NUS	National University of Singapore
ODR	Online Dispute Resolution
OECD	Organisation for Economic Co-operation and Development
OUM	Open University Malaysia
PBC	Pakistan Bar Council
PBCLER	Pakistan Bar Council Legal Education Rules
PBS	Pakistan Bureau of Statistics
PC	Personal Computer
PCLL	Postgraduate Certificate of Laws
PhD	Doctor of Philosophy
PHEC	Punjab Higher Education Commission
PLPBCR	Pakistan Legal Practitioners and Bar Councils Rules
PLT	Practical Legal Training
PRC	People's Republic of China
PSLMS	Pakistan Social and Living Standards Measurement Survey
PT	Part Time
PTA	Pakistan Telecommunication Authority
QA	Quality Assurance
QMS	Queue Management System
SAC	Superior Advocacy Council
SADC	Southern African Development Community
SAEH Act	Act on Scientific Activity and Higher Education
SAR	Special Administrative Region
SCLET	Standing Committee on Legal Education and Training
SCS	Space Collaboration System
SeyLII	Seychelles Legal Information Institute
SHEC	Sindh Higher Education Commission
SIDS	Small Island Developing State
SMS	Short Message Service

SMU	Singapore Management University
SQA	Seychelles Qualifications Authority
SRCE	E-learning University Computing Centre
SUSS	Singapore University of Social Sciences
TA	Teaching Assistant
TEQSA	Tertiary Education Quality and Standards Association
UBD	University of Brunei Darussalam
UGC	University Grants Committee
UiTM	Universiti Teknologi MARA
UKM	National University of Malaysia
UM	University of Macau
UNESCO	United Nations Educational, Scientific and Cultural Organization
UniSey	University of Seychelles
UNISSA	Sultan Sharif Ali Islamic University
UNODC	United Nations Office on Drugs and Crime
UOL	University of London
USJ	University of St. Joseph
USKOK	Croatian Office for the Suppression of Corruption and Organised Crime
UTB	University of Technology Brunei
VCF	Video-Conferencing Facilities
WHO	World Health Organization
WTO	World Trade Organization

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