



Journal of Information, Law and Technology

**Transactional Learning:  
*Ardcalloch* Sheriff Court is open for business**

Karen Barton, Glasgow Graduate School of Law, University of Strathclyde  
Patricia McKellar, UK Centre for Legal Education, University of Warwick

## **Abstract**

This paper describes a work in progress within the evolving transactional learning environment at Glasgow Graduate School of Law and places this development within the wider context of our philosophy of professional legal education. The pedagogic rationale and models on which our work is based are described and the practical implications of the implementation discussed.

## **Keywords:**

## **1. Introduction**

In 2000 Glasgow Graduate School of Law (GGSL) at the University of Strathclyde developed a virtual community for use in their professional legal practice training course, The Diploma in Legal Practice. This virtual town, *Ardcalloch*, contains all the (virtual) utilities, businesses, agencies, government organisations etc. which provided the backdrop for virtual student ‘firms’ to progress simulated legal transactions. Each of the utilities and other organisations have their own webpage presence in *Ardcalloch* with working links and relevant information to encourage the sense of authenticity e.g. the Building Society has searchable information on how to apply for a loan, the Electricity Company has information on how to pay outstanding accounts etc. Students on the professional legal practice course are divided into ‘firms’ of four trainee solicitors and required to undertake a number of transactions (e.g. the purchase and sale of a house, winding up of an estate for a private client, personal injury negotiation) on behalf of their (virtual) client. The students are engaged in what has been described as ‘transactional learning’ with *Ardcalloch* providing the backdrop for this *Transactional Learning Environment* (TLE). As we have developed the TLE, and learned from our students’ and our own experiences, we have also been able to design more sophisticated transactions and educational models. The *Civil Court Action* is the most recent iteration of this process and is an example of how we enable students to practise legal transactions using a variety of tools to help them understand the nature and consequences of their actions, close to the world of practice, but safe from its actual realities. Developments in technology as well as reflections on our own experience of designing and managing these projects have allowed us to extend both the scope and authenticity of the learning activities that students are engaged in, leading to a richer learning experience. Further developments focus on technology-enabled curriculum re-design which will provide an opportunity to integrate the theoretical and practical aspects of the course more closely and create a blended learning environment where the theory-practice relationship is made explicit. This will provide the conditions for students to further develop their professional skills and achieve a higher level of functioning knowledge and reflective practice.

## **2. Phase 1: The Virtual Court Action**

Our project, originally called The Virtual Court Action (VCA), was initially developed by the authors as a concept in 1997 based on theories of situated learning and constructivism (Barton & McKellar, 1998; Barton, McKellar & Maharg, 2000). It was designed as a stand alone package for use by first year undergraduates studying Civil Procedure as part of a BA Law degree and was based on standard email and document assembly software packages combined together to produce an innovative computer-based learning system. Instructions for the project and the mechanisms for progressing the transaction were issued to the students in hard copy but thereafter communication was via email. The VCA replicated, so far as was possible at that time, the process involved in initiating or defending a civil action through the Scottish courts including the interaction between the opposing firms, their clients and the court with the module leader responding in character, e.g. as the Court or client as appropriate, through email correspondence with the firms. Due to constrictions of time and resources it was only possible to take the students to a certain point in the procedure which resulted in the project terminating before any formal court appearances had taken place and some of the more sophisticated procedural steps had been taken. The project lasted for a period of five weeks and students who took part generally found it to be a positive and rewarding experience, citing contextualisation of the subject material; increased motivation; group learning; and the interactivity of the process as the aspects they found most beneficial. So far as possible, the application was integrated with tutorials and lectures within the Civil Procedure module itself by ensuring that the requisite substantive law had been covered prior to engagement with the project. Support systems were also incorporated within the document assembly packages.

It was clear, however, that the project was viewed as a unique learning and assessment environment quite different from any other experience the students encountered in other aspects of their programme of study which was essentially a much more traditional instructivist-based lecture and seminar format. To this extent, while the pedagogic model underlying the project design was clearly based on constructivist principles and was successful in so far as it assessed extended performance as well as conceptual understanding, it was viewed as an isolated activity with no real consequence beyond the extent of the project itself. This narrow scope and the relatively short timescale of the project clearly limited the opportunities for the type of situated learning described in the work of Lave and Wenger (1991); the second pedagogical principle on which our design was based. Although the students clearly learned from the experience of being in the situation, it was only one of a number of possible situations; the time required to form the type of communities of practice described by Lave and Wenger where 'legitimate peripheral participation' might take place was not available within the confines of the curriculum; and the authenticity of the environment, which underlies the philosophies of both constructivism and situated learning, was low.

Although the VCA ran successfully in this format for several years we were aware of these shortcomings, and as a result were keen to extend the scope and functionality of the system further in order to address some of these issues. In particular we were unable to incorporate the element of a court appearance or introduce deviations from

the standard form of court procedure. We also desired to further increase the involvement of the client and the element of professional responsibility for decisions taken within the process. However, apart from minor developments such as the addition of discussion forums and FAQ's, it became apparent that any major extension or re-development of the project would require a significant and quite fundamental change in learning and teaching strategies adopted in this module and in other subjects right across the curriculum within the institution where we were based. This degree of change was, for various reasons, not feasible within the existing circumstances but our determination to realise these ideas remained very much alive.

### **3. Transactional Learning and Ardcalloch**

It is accepted nowadays in higher education for modules or whole courses to be delivered through Virtual Learning Environments (VLEs), and most institutions have made some level of investment in one of the various forms of generic application that integrates an administrative as well as an educational function, for example *Blackboard*, *WebCT*, *Moodle* etc. This dual role of many of the VLEs currently in use tends to constrain educators and course designers into adopting certain approaches to teaching and learning within this environment. These generally fall into two categories. The first of these is an instructivist approach characterised by the provision of resources such as lecture notes, handouts, links to on-line materials and may also include the integration of on-line quizzes for formative assessment. The second model is focussed more on group tasks, discussion forums and dialogue, perhaps employing the type of *e-tivities* described by Salmon (2002) and is based on social mediation and a constructivist approach to learning. At GGSL, however, we have created a bespoke VLE rather than relying on proprietary systems and have therefore been able to design a learning environment based on our own philosophy of professional learning and teaching. The virtual community of Ardcalloch has been developed where simulated legal transactions form the basis for enhancing student learning within a postgraduate professional practice course. This work has been widely reported (Maharg 2001, Maharg and Paliwala 2002, Maharg 2004) and its value as a learning environment recognised in other jurisdictions.<sup>1</sup> What is different about Ardcalloch is that it was developed, solely and primarily, as a learning environment in which students are immersed in a virtual reality that enables them to take on roles and responsibilities within the transactions that they carry out. Not only is the underlying pedagogic model based on truly constructivist and situated learning theories, but we see this role of the transaction as pivotal in student learning and now recognise that Ardcalloch, rather than falling into the category of a virtual learning environment, more accurately embodies the development of the concept of a *Transactional Learning Environment* (TLE). A TLE is defined as exhibiting the following characteristics:<sup>2</sup>

1. Active learning;
2. The practical realities of transactions forming the basis of learning;

---

<sup>1</sup> For example, Ardcalloch was recently featured in a *Blog* of the 2004 *State of Play Conference* in New York where it was described as a 'remarkable educational tool' and 'creative approach to legal education'. For full text see: ([http://terranova.blogs.com/terra\\_nova/2004/11/state\\_of\\_play\\_2.html](http://terranova.blogs.com/terra_nova/2004/11/state_of_play_2.html))

<sup>2</sup> These characteristics were originally defined by the creator of the TLE, Paul Maharg in a GGSL internal working paper

3. Opportunities to reflect on learning;
  4. Collaboration (both within and across teams);
  5. Process, or holistic, learning.
- (Maharg, 2004)

As we have observed students' experiences of learning in this environment, and reflected on our own experience of developing and managing these learning activities, we would suggest that a more complete definition of a TLE also includes further two important attributes:

6. Immersion in professional role-play;
7. Task authenticity.

These two qualities are important since we have observed that students are not simply involved in progressing a simulated transaction within what we might consider a relatively safe environment, but they are in fact taking part in a much more sophisticated process that involves them taking on the persona of a professional lawyer within the virtual spaces of Ardcalloch and their student 'firm'. Herrington, Oliver & Reeves (2002) contend, in relation to on-line learning environments, that "Authentic settings have the capability to motivate and encourage learner participation by facilitating students' 'willing suspension of disbelief'." This allows them to become immersed in the setting, providing motivation and encouraging perseverance. As already discussed, authenticity lies at the heart of constructivist and situated forms of learning. The three conditions for authenticity of "ownership" of learning; "project-based" tasks contributing to a "bigger picture"; and encouragement of the learner to "generate multiple perspectives" cited by Petraglia (1998) are evident in the TLE which allows them to enter and play these roles in authentic situations which it was not possible to replicate previously.

*'Electronic mediation of experience can enable richer and more complex role play and personal engagement arising out of experience than would otherwise be possible using more conventional media.'*  
(Maharg 2006).

A second important factor is that the transactions are no longer merely stand-alone projects, each with a different focus or educational purpose. Each transaction takes place within the context of a 'firm' of students working together under the guidance of a practice manager: in reality a practising lawyer who is also a tutor on the course. Each firm operates within the virtual community of Ardcalloch where they progress a series of transactions simultaneously, each associated with a particular module, using their firm's 'intranet' containing practice management tools such as correspondence files, style libraries, firm noticeboards, diaries, activity logs and personal logs which effectively integrates these transactions together into the year's caseload for the virtual firm. Successful student firms develop a sense of joint enterprise and trust (Barton & Westwood, 2006) and are able to learn effectively forming communities of practice. The transactions become the core element of the course for the students where learning is integrated with practice and they are supported in making the transition from law student to practicing lawyer.

This authentic immersion, and learning through participation allows us to shift students from merely learning process, procedures and facts to learning, through first hand experience, about professional capabilities such as personal responsibility, team working, ethics, client care and risk management – a far more ambitious yet worthwhile aim. And this transition is clearly articulated by students in the reflective reports they submit to us at the end of the year:

*“...our projects were quite clearly not completed in isolation...it was therefore vital to prioritise our workloads”*

*“...the [Project] really emphasised the importance of client care...this aspect was vital to the successful completion of the project (as well as any future transaction in my traineeship.”*

*“Specifically...I was able to visualise transactions and the chain of events...this knowledge is something that cannot effectively be taught in lectures.”*

*“In the real world inter-firm politics and problems cannot be allowed to have an adverse affect on the clients nor the work that is done for them.”*

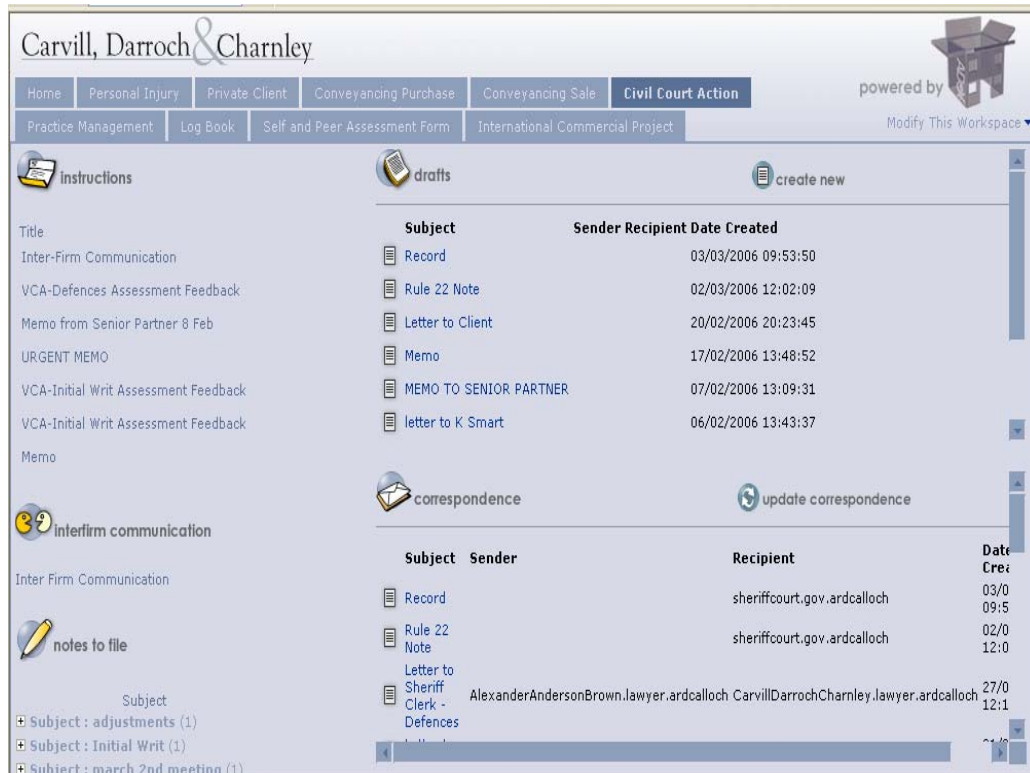
*“I felt this year that I was more like a solicitor than a student...I felt as if I was doing real work for a real client as opposed to doing work that I had to do as a student to get me the marks that I needed.”*

*“Before I began the Diploma, the Law was a detached subject, something that I learned in lecture theatres and tutorial rooms. It did not connect to the outside world in any way. The Diploma, and especially the firm projects, has taught me that the Law is an interaction. It is an interaction between the lawyer and client, between lawyer and court, and between lawyer and other members of the legal profession.”*

It was clear that the TLE with the tools it provided, but more importantly, built on this underlying philosophy towards professional legal education, provided exactly the conditions we needed to develop our VCA project as we had always envisaged it.

#### **4. Phase 2: The Civil Court Action within the TLE**

The Virtual Court Action, renamed as the Civil Court Action (CCA), could now be developed as one of the portfolio of cases assigned to the student firms within Ardcalloch. The TLE provided a level of reality and richness that was not possible in the previous phase of the VCA. As with the other TLE projects, it would appear as one of the files within the virtual firm environment and would involve firms acting on behalf of citizens of Ardcalloch raising or defending a civil action.



[Figure 1]

Figure one shows the Firm Environment for the Civil Court Action. This is a form of virtual file with space to receive inter firm messages, store notes to file, access banks of document styles, share draft documentation and view correspondence relating to the transaction. Students can access this area individually or as a group, externally or in the university.

The TLE allowed us to further integrate the presence of the virtual Sheriff Court within the process. It could now become a significant presence within the transaction rather than an anonymous email address. The Sheriff Court website in *Ardcalloch* could provide information the firms might need to help them progress their action (forms, guidance notes etc.) and be updated on a regular basis to reflect current 'live' cases. The website also had a link to the 'real' Scottish Courts website thus encouraging students to become familiar with the site they will use in the world of legal practice. For example, in order to raise an action the firm requires to pay a fee for the warrant to the sheriff clerk. Most students don't know how much this fee will be as it is dependant on the type of action raised, and the subject of fees is not covered in detail within any of the associated Civil Procedure classes or materials. Through the virtual world of Ardcalloch Sheriff Court, the student firms are able to link directly to the actual Sheriff Court website which details the current fees for specific actions. Thus students are directed to use 'real life' payment levels but at the same time they are also becoming familiar with a website which they will use regularly once they are in practice.

The TLE will also make it possible, given the sophistication of the tools within the environment itself, to extend the project beyond its previous scope to incorporate filmed interviews with clients; include incidental procedure as it arises; and extend

progress of the action through the adjustment of pleadings stage to the options hearing where the students would present their case in the court in front of a 'real' Sheriff. This blending of the real and virtual further enhances the authenticity of the task and immersion into professional role play.

Currently the CCA project is organised as follows. At the start of the project, those firms who are acting for the pursuer receive a memo, which is sent through the intra firm communication system in the TLE, from their senior partner outlining the case and instructing them to raise an action. They are also sent their client's precognition (statement) and any relevant initial productions. It is our intention, in future, to provide a video of the client interview and require the students to draft the precognition themselves. The pursuer firms then raise and progress the action on behalf of their client by drafting documents, corresponding with the Sheriff Clerk, the defender and their client as required and following the correct procedure within the given timeline. The opposing firms will, when similarly instructed by their own senior partner who will send them the service copy of the writ and any other documentation served on the client, defend the action in the same way. At a certain point in the process the firms receive additional information from their clients which require them to make adjustments to the pleadings. The subsequent information has been written to suggest covertly to the firm that there are a number of productions which they might find useful. Indeed, if the firm investigate these statements properly they will find there will always be something which should be lodged in court in the form of an inventory of productions. In the first year of running the shorter form of the project within the TLE (2004/5) not one firm asked for sight of the possible productions. In its second year (2005/6), when the project was extended, approximately one third of firms lodged productions relevant to the case suggesting that the longer the firms had to deal with the project the more they were able to engage, enquire and reach a more favourable conclusion on behalf of their client.

Each transaction involves a unique scenario and for each scenario we have created a range of documents pertinent to that case. For the session 2006/07 there were 35 different scenarios each requiring its own document sets. For example, one of the scenarios involves the sale of a car which is the subject of a number of complaints. The document set for this scenario includes repair invoices, car maintenance expert reports, vehicle service records, returned cheques etc. Each document is as close to an original as we can manage to create so as to continue the requirement for authenticity, with documents being scanned where appropriate. It is also necessary to have every document which may be requested by a firm available to the managing tutor as there is no time while the project is running to create these as required.

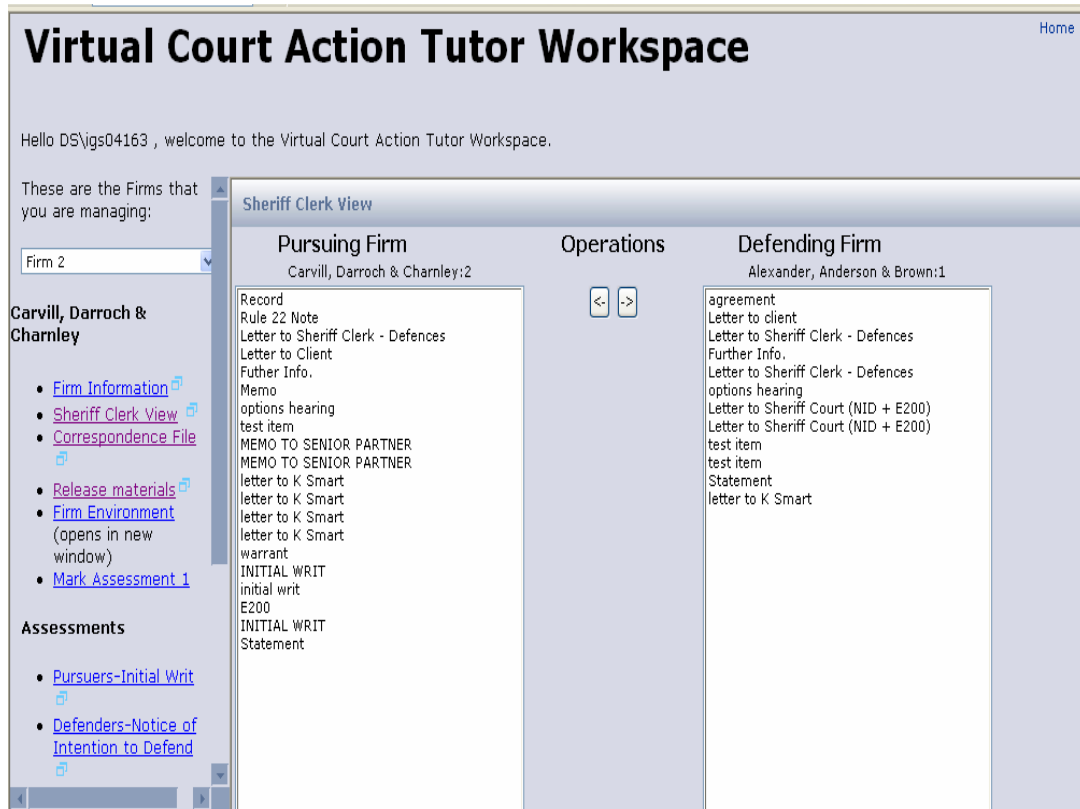
Each transaction is also progressed uniquely, since the firms will have to make strategic choices, respond to each other's claims and deal with new information or unknowns as the transaction progresses. Within certain limits, each transaction can potentially follow its own track depending on how firms respond to and initiate procedures. Indeed, on occasion, firms have taken routes that we had not anticipated the firms would consider. In one case, in order to protect their client's position and ensure there would be adequate funds to meet the hoped for ultimate decree in his favour, a firm sought to arrest on the dependence of the action (i.e. they sought a warrant to arrest (freeze) funds belonging to the defender). The arrestment was served on all the banks and building societies in *Ardcalloch* to ascertain if the



defender had any resources there. While this was particularly enterprising of the firm involved, if it had been allowed to take its course would have required considerably more time and alternative processes than were available for the project. We dealt with this situation by responding in character as the banks/building societies indicating that no funds were held on behalf of the defender. However, we require to take notice of the way in which firms seek to pursue or defend the action on behalf of their client to ensure that we are offering the appropriate routes for resolution of the conflict.

This example illustrates clearly the type of decisions educational developers need to take when designing such projects, and the necessity for robust educational models on which to base these design choices. Barton & Maharg (2006) have developed a spectrum model of simulated practice based on more than five years' experience of developing and implementing alternative approaches to transaction-based learning. The model provides a method of categorisation of simulations between a 'bounded field' of practice at one end of the spectrum and an 'open field' of practice at the other. In this model, the CCA would appear to be located towards the 'bounded field' end of the spectrum. However, as the example above highlights, if the students do not follow fairly predictable operations in the way we envisaged, then back-up plans or strategies to deal with these situations must be designed into the simulation, and this requires consideration of the procedural as well as educational features of the transaction.

While the TLE allowed the authors to create all the elements of a fictional transaction as far as the firms were concerned and to allow them to work in what was a seamless front end, it was also necessary to build adequate 'back office' administrative systems to allow those managing the project to be able to do so in a timely and resource efficient manner. The CCA tutor workspace enabled the managing tutors, of which there were two for the whole project, to choose which firm to view and gave a variety of interfaces with which they could communicate with the firms, and which reflected the various 'roles' that the tutor plays within the transaction (e.g. Sheriff Clerk, Senior Partner, client etc.).



[Figure 2]

By selecting from the drop down list on the left hand side of figure two the tutor is able to choose the firm she is seeking to view. The menu below displays a list of the possible interfaces available. For instance tutors can release documents, populated with the correct information for any given transaction or firm, quickly and easily using the selection and send process illustrated in figure three.

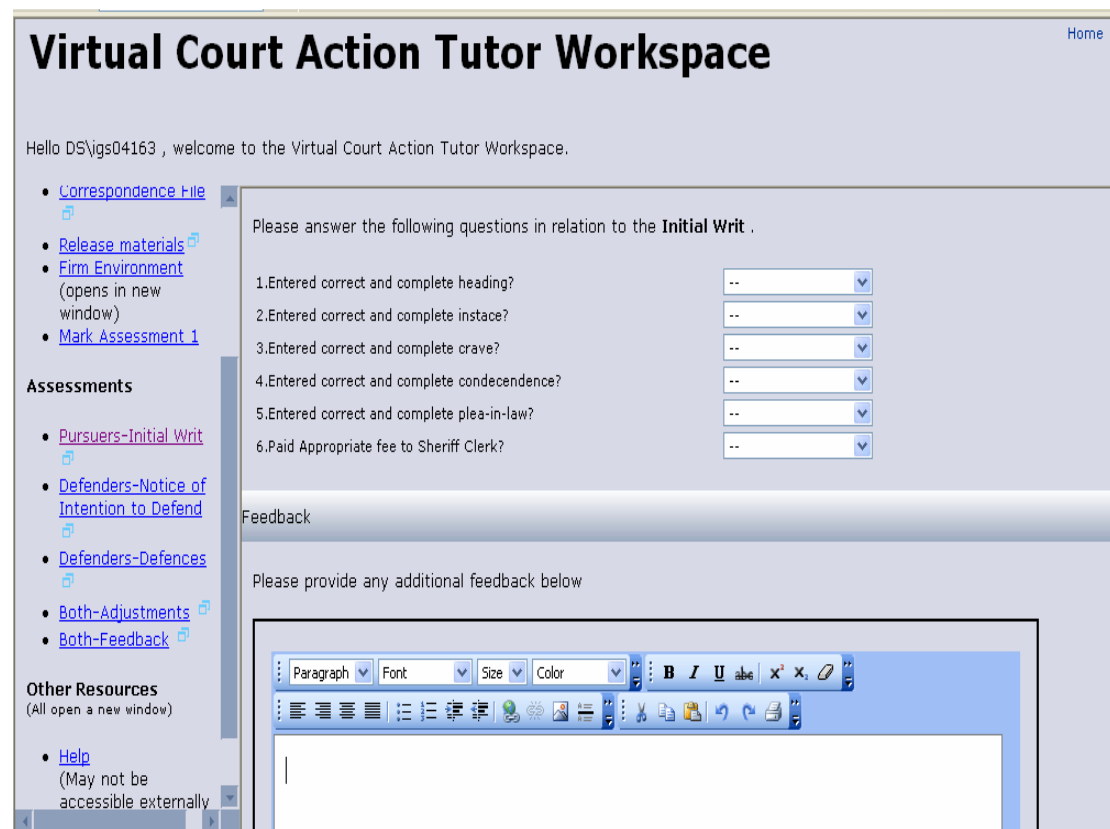


[Figure 3]

It is also possible for the tutor to create a letter to the firm using a blank template or to view basic information about the scenario for any particular transaction.

Since the TLE is designed to be a 'safe' environment where students can learn as much from making mistakes as getting things right first time, we cannot rely on firms to progress the transactions effectively at all times and there require to be mechanisms which will deal with the situation where a firm, for whatever reason, fails to take a particular step which results in the other side being similarly unable to act. To illustrate this point, if the pursuing firm fail to raise their action against the defender the defending firm cannot enter appearance. In view of these eventualities we had to create fictional yet 'correct' sets of documents for each side of a transaction so that in the unfortunate event of a firm being unable to continue the documentation pertinent to that action would still be served on or sent to the other side.

The CCA was not only a learning environment but also an assessment tool. Each major stage of the transaction was assessed as a group project by a tutor and each element marked according to whether it was competent/not yet competent/merit. There was also a space for free text feedback as indicated in figure four.



[Figure 4]

In order to maintain the sense of authenticity and reality, the firms receive this feedback in the form of a memo from their senior partner. Firms are given two opportunities to submit their documentation within the given timescales and if on the second occasion it is still judged not competent that firm will be removed from the CCA and will be deemed to have failed the project. In that event each member of the

firm would be required to sit a formal written exam. So far no firm has failed the CCA, although this sanction has been used in other transactional learning projects in the TLE. On some occasions there have been individual students who have been unable to complete the project with their firm due to personal circumstances and in that event they have been directed to sit the written exam.

Currently the project is maintained and monitored principally by the authors although use is made of research assistants to 'bulk send' standard documents which require no tutor input. It is hoped that as the project progresses more of these aspects can be automated or at least reduced to an administrative task to relieve the tutor workload. The more the tutors become accustomed to the project the more likely this will be the case.

By the end of the process the firms must be in a position to present a motion at the options hearing. Currently the action only reaches the stage of preparation for the hearing as there are practical issues with trying to find space in the timetable to assess 300 students in advocacy within the project. It is planned that this should be incorporated within the next iteration of the CCA as advocacy is assessed elsewhere in the course and it will be possible to re-design the curriculum to reflect this.

Taking account of Eraut's (1994) observation that,

*"In most professions thinking about the theory-practice relationship is still dominated by the applicative mode of use and one or two dominant interpretative paradigms. This limits both the potential use of theory and our capacity to interpret, refine and improve practice."*

the Civil Court Practice module, incorporating the CCA project, has been developed using a blended learning approach. While the term blended learning is hard to define Sharpe et al (2006) in their review of current literature considered the most representative model within UK institutions as being 'scenarios which blend technology with face to face teaching'. They further subdivided this broad category into three different types of provision found within the institutions in the study:

- The use of on line supplementary resources (principally through institutional VLEs) in courses which are largely run in a more traditional mode
- Changing practices within courses involving 'extensive use of other technologies [i.e. not through a VLE] that are available to enhance and ...change how students study, interact and learn'
- A more universal or overarching view of the use of technology to support learning (including the use of the learners own technology e.g. mobile phones).

Our approach falls into the second category where we have required to engage in redesign of the module with emphasis on a 'tell, show, do' model of learning. The students are 'told' about procedure through a webcast learning environment (also developed at GGSL), they are 'shown' how to apply and use the procedure in their seminars and they conduct ('do') a court action in the TLE. The review by Sharpe et al suggests that course (re)design is a critical success factor and that 'transformation appears ... to result from applying principles of constructive alignment to the redesign'

This integration and alignment of blended and traditional learning practice within the Civil Court Practice module has been a significant challenge. The resulting redesign of the curriculum entailed not only a re-thinking of the educational rationale underpinning the course including traditional learning and teaching methodologies but also the development of new technologies and resources to enable this change. For example, an element of this challenge can be attributed in part to the Civil Court Practice course being the first within the Diploma in Legal Practice to exploit fully the power of the webcast environment with the integration of video, multimedia, graphical and text-based resources into a rich student-centred learning environment (McKellar & Maharg, 2005). Students currently use this resource in place of f2f lectures alongside their fairly traditional course of weekly seminars. The webcast environment is viewed positively by students who report flexibility and re-usability to be among its most valuable benefits.<sup>3</sup> However, it still tends to be regarded as the ‘academic’ part of the course, its use by students being primarily directed towards study and passing exams. In order for the students to gain maximum benefit from this environment the seminar topics are synchronised with the timescales the students are working to within the CCA transaction. For example, students should have firstly engaged with the webcast lecture concerning the relevant part of the procedure and secondly practiced and discussed the drafting of initial writs or defences with their tutors before they have to carry this out this task on behalf of their clients within their firms in the TLE. This is not always as straightforward to achieve as it may seem and activities designed to encourage students to complete the webcasts each week were introduced such as interactive multimedia units and regular on-line multiple choice tests that had to be completed by certain dates to ensure that this academic underpinning had taken place.

It is also important to reiterate here that the CCA project does not now run in complete isolation within the Civil Court Practice module. The firms are dealing with other transactions at the same time within their virtual firms – notably the purchase and sale of a house, a personal injury negotiation and winding up an estate of a client who has died intestate. And it is this immersion into the ‘real’ world of practice that provides a rich learning environment where students develop their time management, team working, client care and resource management skills and enables the students to start the transition from student to trainee solicitor. In other words they are beginning to evolve as professionals. Lee Schulman (2005) describes the ‘signature pedagogies’ which are peculiar to the teaching of the professions. They are not the same as content knowledge but are capable of transforming ‘knowledge attained to knowledge in use’. Thus signature pedagogies create a different form of understanding which is manifested through experience and reflection - what can be explained as learning to think like a lawyer. Through the role play experience and the ability to look back and consider the consequences of their actions students undertaking the CCA are developing their meta cognitive skills to allow them to become more intuitive professionals and thus build identity, character and values.

## **5. Civil Court Action Phase 3**

---

<sup>3</sup> Detailed results of the evaluation of the webcast learning environment can be found at [www.gqsl.strath.ac.uk/ldtu/research](http://www.gqsl.strath.ac.uk/ldtu/research)

Our aim in the Diploma is essentially to enable students to leave us with what Biggs (1999) refers to as functioning knowledge, based on the idea of performance of understanding or an ability to put knowledge to work, and to start practising as a trainee solicitor. According to Biggs, functioning knowledge is dependant on declarative (knowing what) knowledge, procedural (knowing how) knowledge and conditional knowledge (knowing when and why). We can view the webcast element as providing the declarative element and the tutorials the procedural element.

In addition, Schon (1987) defines a 'reflective practicum' where learning by doing and a dialogue of reciprocal reflection-in-action between coach and student are the main features. He defines a practicum as "a setting designed for the task of learning a practice" where students learn through undertaking projects, frequently in a group situation. This is clearly inherent in the design of the TLE where each transaction forms the backdrop for learning the essential features of practice, and context-rich feedback from tutors provides this mutual reflective dialogue. In addition, the Activity and Personal Logs which are a vital element of the TLE provide the environment for students to reflect on their experiences of dealing with uncertainty, uniqueness and conflict facilitating their reflections in- and on- action. He goes on to describe the practicum as "... a virtual world, relatively free of the pressures, distractions and risks of the real one, to which, nevertheless, it refers. And it is through the medium of the group that a student can immerse himself in the world of the practicum...learning new habits of thought and action." However, Schon warns that "A practicum may fail because its striving for realism overloads students with practical constraints or because (...) it leaves out too many important features of real world practice." The virtual town of Ardcalloch and the virtual firms in which the students practice fulfil this concept of the practicum in a very tangible sense, balancing realism and a sense of authenticity with a learning environment that enables students to engage in experimentation and reflection.

It is clear therefore that in many respects Ardcalloch and our TLE models have attempted to realise this notion of the reflective practicum, albeit with some restrictions e.g. we cannot follow exact time limits as set by the courts as we have to reflect the time period we have available in the semester, also we have to try and ensure a similar amount of work falls on both sides to allow for parity in assessment. However, as Schon points out and some of our students report, a potential problem with this approach is the fact that students are essentially thrown in at the deep end; of 'doing' without necessarily knowing what they need to learn and as a result may suffer loss of control, competence and confidence, even if only in the short term. It is therefore essential to ensure that the blending of the traditional 'academic' elements of the course with the reflective practicum of the CCA is carried out effectively in order to prevent the "dual curriculum" effect Schon warns of where the reflective practicum element has no relationship with classroom teaching and is reduced to a second class activity.

The third phase of the development therefore is more ambitious still and will involve integrating the Civil Court Action as it exists within the TLE and supported by the tutorial programme with the webcast learning environment. As described previously, we already create links between the different elements: the scenarios used in role plays in the multimedia units are further developed in the tutorials; the webcast environment contains styles, templates and documents which students will use in the

CCA; and the webcast lectures as well as the tutorials are organised to follow the progress of the CCA. In addition, within the webcast environment students are provided with a flow chart of the procedure in a civil court action which is a form of road map allowing them to chart and plan their own progress through the CCA transaction. This flow chart contains the 'pattern' which we hope the students will retain as part of their tacit knowledge when they finish the course. Far from being a crib sheet for students we hope they will refer to it as often as possible so that its contents and the processes depicted become second nature to them. In this third phase then, it is intended that students referring to the flow chart will be able to follow clickable links and will be taken to the webcast lecture that deals with the issue highlighted as well as other supporting resources. Further integration of the TLE and CCA project will create an environment where conditional knowledge is developed, and thereby enabling students to transform their learning into functioning knowledge.

Re-configuring the course with the CCA project as the main foundation upon which everything else is structured will provide an opportunity to integrate the theoretical and practical aspects of the course more closely. The webcasts and seminars then become learning resources, seen as directly supporting the transaction and allowing students to link seamlessly from the TLE to various points of the webcasts environment as required in a form of 'on demand' learning within the context of the reflective practicum. This ability to blend their student or 'learning' identities with that of their 'role-play' identities as professional trainees will, we hope, create a new form of support scaffold for the students within the TLE; one where work and learning are seen as being part of the same continuum and the 'theory-practice relationship' is made explicit thus providing the conditions for students to further develop their professional skills and achieve a higher level of functioning knowledge and reflective practice. It is on these emerging philosophies, therefore, that we intend to develop our e-learning tools making them a more coherent, continuous and harmonious whole. As far as our students are concerned, we will leave them with the final few words:

*"...it was extremely gratifying...to feel like you were developing into someone who would be a competent solicitor."*

*"We were all aware that the approaches we adopted in each project were not perfect but this is a learning environment, and I feel we have done just that."*

*"Working within the simulated firm environment that the Diploma provides has been, in my opinion, a steep learning curve. The education I have gained...has been much more than academic."*

## Endnotes

Barton, K & Maharg P (2006) *E-simulations in the wild: interdisciplinary research, design and implementation of simulation environments in legal education*, in Gibson D, Aldrich C, Prensky M (eds), *Games and Simulations in Online Learning: Research and Development Frameworks*, London: Idea Group Inc.

Barton, K & McKellar, P (1998) *The Virtual Court Action: Procedural Facilitation in Law*, ALT-J, Vol 6, Part 1

Barton, K, McKellar, P & Maharg, P (2000) *Situated Learning and the Management of Learning: A Case Study*, *The Law Teacher*, Vol 34, Number 3

Barton, K & Westwood, F (2006) *From student to trainee practitioner – a study of team working as a learning experience*, *Web Journal of Current Legal Issues*, [2006] 3 (<http://webjcli.ncl.ac.uk/2006/issue3/barton-westwood3.html>)

Biggs, J (1999) *Teaching for Quality Learning at University*, Buckingham: SRHE & OU Press

Eraut, M (1994) *Developing Professional Knowledge and Competence*, London: The Falmer Press

Herrington, J, Oliver, R, Reeves, T.C, (2002) *Patterns of engagement in online learning environments*, *Australian Journal of Educational Technology*, 19(1), 59-71

Lave, J & Wenger, E (1991) *Legitimate Peripheral Participation*, New York: Cambridge University Press

Maharg, P (2001) *Negotiating the web: legal skills learning in a virtual community*. *International Review of Law Computers & Technology*, 15, (3), special edition, 'Web-based Teaching, Learning & Assessment in Law', Maharg, P. (Ed), 345-361

Maharg, P (2004) *Virtual communities on the web: transactional learning and teaching*, in *Aan het werk met ICT in het academisch onderwijs*, Vedder, A. (Ed), Rotterdam: Wolf Legal Publishers

Maharg P, (2006) *Authenticity in Learning: Transactional Learning in Virtual Communities* *The Journal of Information, Law and Technology (JILT)* forthcoming

Maharg, P & Paliwala, A (2002) *Negotiating the learning process with electronic resources*. In *Effective learning and teaching in law*, BurrIDGE, R. *et al.*, (Eds) pp. 81-104, London: Kogan Page,

McKellar P and Maharg P, (2005) *Virtual Learning Environments; The Alternative to the Box under the Bed*, *The Law Teacher*, Volume 39, No 1

Petraglia, J (1998) *Reality by design: The rhetoric and technology of authenticity in education*, Mahwah, NJ: Lawrence Erlbaum Associates



Schon D (1987) *Educating the Reflective Practitioner*, California: Jossey Bass

Schulman, L (2005) *The Signature Pedagogies of the Professions of Law, Medicine, Engineering and the Clergy: Potential Lessons for the Education of Teachers*,  
Delivered at Math, Science Partnership workshop, Irvine, California, February 2005.

Sharp, Rhona, Benfield Greg, Roberts George, Francis Richard. *The Undergraduate Experience of blended e-learning: a Review of UK Literature and Practice*. The Higher Education Academy, 2006 <http://www.heacademy.ac.uk/4884.htm>