

THE UNIVERSITY *of York*

YORK **LAW** SCHOOL

GUIDE TO PROBLEM-BASED
LEARNING

*An Introduction to Problem-Based Learning for Law Students**

1. The purpose of this Guide is to give you an understanding of the use of Problem-Based Learning (PBL) within the York Law School (YLS) Curriculum. The aim is to give you enough information about the 'nuts and bolts' of PBL for you to feel comfortable in your first PBL session. You may also find it useful to come back to this guide at various stages throughout the programme here at YLS. You may benefit from reflecting upon the PBL process at various stages of your development in the three years of your academic degree.

- Please try to read this before you start at YLS
- It is essential to read it before you start your second week
- Keep it with you in Blocks 1 and 2 as it will help you to understand the PBL process as you explore it for the first time

2. In addition there is some background on the use of PBL in higher education. For those of you who are interested in the theory behind PBL you may be interested in further resources which are available in the library.

3. Finally there is an introduction to working in the Student Law Firm (SLF). This will be very different from your previous learning methods and it will take some time to acclimatize. Once again the key to developing your role in the SLF is to reflect upon the operation of the Firm as a whole.

4. There is no magic to PBL but there is a skill involved in the process which can be developed through practice, discussion and reflection.

5. The process of PBL can be challenging for some people at first. You will, however, have plenty of opportunity to develop your skills. Normally you will have four PBL sessions per cycle. This will help you to assess progress, reassure you that you are developing your skills satisfactorily and provide an opportunity for your PBL tutors and other academic staff to pick up and deal with any issues at an early stage.

* This guide takes its form and structure from the Student Guide to PBL which was written by various students in HYMS. We are very grateful to our friends in HYMS for allowing us to use their experiences and insights for the benefit of Law students.

Using this Guide

For most students the jump to Higher Education is a challenge. There are many different aspects to get to grips with - for YLS students this jump is evidenced by the use of new teaching and learning methods largely centred around Problem-Based Learning (PBL). We want to try to make this jump as easy as possible. This Guide is designed to be used as an integral element of your Block 1 - *Induction* - which takes place over weeks 1 and 2 of Term 1 at YLS. It isn't the only thing you will have to read and understand but it should make your first PBL session a lot easier. Read it, think about the process of PBL, talk about it with anyone who's interested, draw diagrams of the process, describe it in ways which can be understood by a 10 year old - in other words do anything that will immerse you in the basics of PBL.

Familiarising yourself with the language and processes of PBL is one of the best ways to progress smoothly in your first year here at YLS. Understanding the *rationale* behind PBL and the *mechanics* of the PBL process are two key elements to preparing a firm platform for the rest of your time at YLS and beyond.

This Guide provides an example of the PBL process because research has shown that students who use worked-examples as an initial mode of instruction perform better than those who are simply asked to undertake the process for the first time without any worked example. Having said that don't think that this Guide will provide you with all of the answers. Your skill in PBL will develop as you undertake the process on a week-by-week basis. You will have the opportunity to take stock during the reflection weeks and to reflect upon your progress and understanding of that process.

One of the primary aims of PBL is to develop 'active learning' amongst participants. In other words promoting the responsibility for learning to you, the student. Accordingly there are elements of this Guide which require you to engage actively with certain 'exercises' or reflective sections. These provide the opportunity for you to think about what you have read, consolidate those thoughts and give you a chance to prepare for your upcoming PBL sessions. There is no formal requirement to do this - it will not form part of your assessment for example - but it will get you into some good habits and help you work through your ideas. As with all aspects of PBL you will find it works better if you talk about it with other members of your SLF and/or other students and friends.

A Theoretical Introduction to PBL

Having an understanding of the goals of Problem Based Learning and how it is designed to meet them can help students if at any time they find the process difficult or frustrating. To gain a clear picture of the objectives of PBL and how it works, it is useful to compare it with the conventional form of legal education.

How is PBL different?

PBL is a very different way of learning, and one which is unusual in legal education in the UK.

Defining PBL

"A teaching and learning method which puts a problem first, and in which further learning is conducted in the context of that problem."

Traditional Approaches

Most universities teach law (and most other subjects) in a traditional format whereby there is a transmission of information - facts about the law and how it is applied - from teacher to student. In traditional law programmes, this transmission takes the form of lectures or large group seminars and through the study of prescribed reading which describe general legal principles, largely through statutes and case law.

Under this process, you are not presented with problems until you have sufficient knowledge - from these lessons, books and other resources - to solve them. The main role of the problems is to 'test' you on how much knowledge you have acquired, and how well you can apply it. Typically, you will start with the general principles you've learned and work to apply them to prescribed (and often unrealistic) problems, which will be discussed and analysed in tutorials and small group seminars.

PBL

PBL takes a very different approach. It places the student at the start of the process and reverses the traditional transmissive approach to teaching.

In PBL, the discussion and analysis of a problem *starts* the process of learning, rather than acting as the end point. A PBL problem sets out a factual scenario that raises legal issues *which you have not yet studied*. The key role of the problem is to trigger your awareness that these issues

exist, and create an interest in them by highlighting their real-world ramifications. Once this has happened, the problem then gives you a context which you can use to identify exactly what you need to learn in order to understand the problem and address the issues which it raises.

The first stage of this will happen in your Student Law Firms. The SLFs, through facilitated discussion, will identify the issues which require further investigation, and the gaps in knowledge which need to be filled in the course of this investigation. Subsequently, self-directed study sessions, plenaries and the Block Guide will help you to fill in those gaps and to develop a deeper understanding of the problem.

Problem-Based Learning v Problem Solving

Lawyers have a tendency to emphasise the importance of problem-solving, and problems in traditional approaches reflect this, with an emphasis on *advising* the client or *constructing* an argument for one side or the other. Sometimes, even in PBL, when you look at a problem, a 'solution' will seem to immediately appear. This might be a commercial solution (pay the other side off), a practical solution (apologise) or even a temptingly obvious legal solution.

There is, however, a critical distinction between problem-solving and problem-based learning. Problem-solving is an important legal skill and one which will be developed further in your skills sessions and later on in the programme. PBL, however, is concerned with much more than simply teaching you to solve a problem - its principal goal is developing knowledge and understanding. The point of a PBL problem is not simply to teach you how to advise a client on their chances of success (in the real world, this can be tricky even for experienced practitioners), but to provide you with a real-world context that serves as a springboard for achieving a deeper knowledge and understanding of legal rules and the way they work.

Accordingly, the problems or cases you encounter in PBL may not be resolved, or even resolvable. This is not crucial to PBL. Whilst there will be opportunities to develop problem-solving skills, and whilst these skills are important, developing them is not the primary goal of the PBL process. It is therefore important that you stick to the PBL process, and not slip into problem-solving mode, however tempting that may seem.

Example

If you had a virtual client who had a problem with libel in a newspaper article, the expected outcome of the PBL cycle will only rarely require the SLF to work out whether the client would 'win' in Court. More commonly, it will require you to work out how libel is defined in law, how it relates to broader issues such as freedom of expression and the right to privacy, and possibly some of the possible remedies - to, for example, prevent

publication. By looking at the problem you may also identify specific issues - such as whether offensive opinions are necessarily libellous or whether the disclosure of facts which are 'in the public interest' may be allowed. Over the course of the cycle, you will work to learn enough to fill in these gaps and - as a result - get a fuller understanding of the law of libel, an awareness of what remedies are available and, possibly, knowledge of the workings of industry bodies such as the Press Complaints Commission. The problem may or may not require you to use this information to actually formulate some advice to the client, but it would have given you a rich and nuanced appreciation of the rules of law and their implications in the real world.

This emphasis on problem-based *learning* rather than problem-*solving* does not mean, however, that a client focus and problem-solving approach is irrelevant to the programme. Instead, these form a major part of the Legal Skills modules you will study. You will find that some of the clients you 'meet' in the PBL cycle emerge again in your skills sessions, where you will be asked to use the knowledge and understanding gained in your PBL sessions together with your problem-solving skills to evaluate the issues identified within particular factual contexts, and advise clients on the best course of action. In the substantive subjects themselves, however, the main purpose of the problems is not to be solved, but to create an environment within which you can learn.

Why do it this way?

So why do we do it this way? What is the advantage to starting with a problem, rather than with a lecture, and to emphasise problem-based learning rather than problem solving? A later section considers this in some detail, but there are two reasons that are particularly important. One of these is generic and one is specific to law.

The generic one relates to the use of case studies. Realistic case studies make the relevance of what you are learning very clear. Rather than learning rules in the abstract, you learn them in a context that shows you what they mean in practical terms, and what impact they have on real-life situations. This can be immensely helpful, both in terms of remembering what you learn, and understanding why it is important.

The law-specific one relates to an oft-repeated maxim that law school does not teach you *the law*, it teaches you to *think like a lawyer*. This is something you'll hear regardless of where you choose to study law. And it's true. Let's take the law of obligations as an example. There are, literally, *hundreds* of obligations once you take those created by statute into account, and several dozen even if we restrict ourselves to the "traditional" ones which have an ancient pedigree. No law programme could possibly

hope to teach you the ingredients of every single one of them. What law degrees can do is to give you enough of a sense of the broad principles that underlie the law of obligations so that you'll know how to deal with cases as and when you get them.

Problem-based learning is far better suited to this task than traditional styles of teaching and learning. Because you start with a problem which involves issues you have not learned, PBL *requires* you to start thinking in these terms from the outset. In addition, problem-based learning lets you focus on the key principles, which form the core of what you need to know about the law, without getting stuck in technicalities or minor exceptions.

The Guided Discovery Model

Problem-based learning can describe a range of different methods of learning in which the problem is set out first as a context for future learning. One key variable in these different methods is the extent to which the learning outcomes are open and identified by the group. At one extreme there is the Open Discovery model of PBL in which students are free to define their own outcomes. At the other end of the spectrum, the Guided Discovery model provides more structure in terms of learning outcomes which are prescribed for each group so that there is consistency and to ensure that all students are learning about the same issues.

Thus, in the libel example above, students may have identified the following learning outcome:

'to understand the notion of a 'celebrity' in today's society'

In the Open Discovery model, this would be a perfectly proper outcome which may of course differ from other groups' outcomes.

The Guided Discovery model, in contrast, might specify a common learning outcome across all SLFs as:

'to understand the constituent elements of the law of libel'

YLS uses the Guided Discovery model. The Open Discovery model works better in disciplines within the humanities, such as philosophy, where questions and issues are relatively open-ended. There is, however, a significant advantage in having consistent learning outcomes on a programme such as law, where there are certain basic principles that everyone ought to learn. In addition, Guided Discovery works well in terms of delivering the essential professional and vocational requirements in terms of the subjects required for a Qualifying Law Degree.

An Illustration of the differences between models

Your client is a 14 year old who has been charged with possessing a knife. Some of your SLF think that the constituent elements of the offence of possessing an offensive weapon may be relevant to that week's learning. Others in the SLF may note that your client is a juvenile and a gang member so that issues of competency and collective criminal responsibility may be relevant. Others may want to consider the causes of youth crime and perhaps what factors led to your client being stopped by the police or what policies would be the most effective in preventing or deterring knife crime.

The Guided Discovery Model

Under the Guided Discovery model the SLF would consider all these ideas by looking first at the block learning outcomes to try to work out where the problem 'sat' within those outcomes. Are there any general pointers to the relevant areas which are being considered? The Managing Partner may note that the Block learning outcomes make no mention of offensive weapons but contain a few outcomes related to juvenile crime including sentencing and competency. The SLF would then phrase these relevant issues as learning outcomes and defer investigation of other issues for a later date or perhaps for personal research.

The Open Discovery Model

Examining the same problem in an Open Discovery model would see the SLF making decisions about what they thought was 'most' interesting about the problem and then determining the learning outcomes. Thus in this model students may decide to study the causes and effects of juvenile knife crime - without ever considering the constituent elements of the offence.

In both models the process of learning is the same. The key distinction is the width of the framework within which learning outcomes are set. Under the Guided Discovery model, the range of potential outcomes may be wide but there is a degree of guidance and structure which SLFs work within. In Open Discovery the outcomes are formulated entirely without constraint.

PBL and the broader curriculum

It is essential to take a wide view of how the Law programme at YLS fits together and to keep this in mind when you conduct your study.

PBL is not just a learning method or tool. It is more aptly described as a 'curriculum concept', encompassing scope and sequence, course outline and content, learning materials, course of study and planned experiences. The use of problem based learning facilitates the delivery of an integrated curriculum: theory and skills can be taught and learnt together and socio-

legal aspects of law can be considered alongside practical problems and the basic law underpinning them.

The learning you do in the PBL sessions and the self directed study between these must not be viewed as separate from the other learning opportunities you have during an academic week. In addition to the PBL sessions there will normally be at least six plenaries, one skills sessions and other events on the careers and professional development programme. These sessions are all designed to reinforce, elaborate upon or introduce you to the issues raised in the PBL cases you have seen. The best way to get the most from all these additional sessions is to keep in mind the PBL cases and see if you are able to relate the material you are given to the case to supplement, deepen and enhance your understanding of the issues you have located as arising from it. The same is true of the resource book - this will be most useful if you look at it each week *after* you've had your PBL session for that module, and keeping in mind the PBL cases you've seen.

Example

In your PBL session you may have a client with a problem with an awkward neighbour. This provides opportunity to consider the basic law of nuisance and also serves as a context to see what happens when competing property interests conflict. You may consider how the law of nuisance works, what a statutory nuisance is and how anti-social behaviour is regulated. These areas of study may be raised by the PBL case and touched upon on one or two of the plenaries running through the week. In a following skills session you may be asked to meet and interview either this client or the feuding neighbour as a client. You may have a skills plenary on communication skills and an introduction to client interviewing. This may lead you to consider how to deal with agitated and upset clients; gaining the information you need to advise further; preparing a written piece of advice and then negotiating with the other side in trying to mediate a solution. A skills session where that advice is discussed with the client may follow as a lead-in to a mediation later in the year. From these sessions you will be able to reinforce what you learned in the PBL cycle and see how that may apply in a simulated practice context.

The PBL sessions and further plenaries may lead you to consider the problem of anti-social behaviour and neighbour nuisances and to evaluate the legal response to this. You might ask yourself whether litigation is always (ever?) an effective remedy. Where the PBL case may have led you to a preliminary conclusion as to the rights and wrongs of a problem, the skills session may provide you with an opportunity to view it from a different perspective. A careers session later in the year from a practitioner experienced in ASBO litigation may give you a further insight into how the law works in the real world and further enhance your evaluation of its effectiveness. Returning to the problem after the week's study or even later in the year, you should have gained a realistic and rich picture of the problem and found a context on which to hang all your learning on these different aspects of the problem.

PBL in YLS – An Overview

The Process of PBL - What happens?

The theory behind PBL is quite clear and experience has shown that students who understand this theory get to grips with the process quicker and more effectively than those who simply engage with the process without any prior understanding.

This next section sets out the application of theory within the context of the YLS PBL cycle. We'll describe the way in which the SLFs have been set up and the various roles within the firms. We'll also explain the weekly PBL cycle in a bit more detail and the stages of the PBL process.

The PBL sessions

In each Foundation Stream subject your SLF will be presented with up to three 'problems' a week. Most, but not all, of these will involve virtual clients posing a legal problem or issue. You will work together in your SLF to decide, through a facilitated process, what information you need to understand the problem and surrounding issues. Once you have identified the nature of the problems or issues you will draw up an agreed set of learning outcomes for the SLF and use the next few days to research, using different resources, the information which will help you meet those outcomes before the SLF reconvenes. At the next SLF meeting you will have an opportunity to discuss the interim findings of your research with your colleagues and clarify any areas of further research. This is known as the 'recap or feedback meeting' At the final SLF meeting in the PBL cycle the SLF will wrap up the problem by discussing the firm's final findings.

The goals of these PBL sessions are to use a range of information sources, some found in your Block Study Guide, some identified by experts in the plenary sessions, and other resources identified by the SLF in the meeting and by you in your own study time.

The Problems

One of the underlying theories behind PBL is that adults learn best when they undertake self-motivated tasks which are linked to a context which is relevant and realistic. The 'problems' will, therefore, normally consist of a realistic situation which promotes the PBL process and your learning by:

- Engaging your interest so that you want to learn about the topic
- Embedding your learning in a realistic setting
- Triggering existing knowledge and understanding which enables you to build upon what you already know.

The Student Law Firms (SLF)

The SLF is an integral part of the PBL process and acts as a primary resource for individuals by:

- Facilitating the sharing of prior knowledge and understanding
- Providing different perspectives on meeting the learning outcomes
- Stimulating reflection
- Providing a pool of different skills of the group members to be drawn out and utilised.

The SLFs are the vehicle for your PBL teaching. They are based around small groups of 8-10 students. Each student is allocated to an SLF at the start of each academic year and you will not normally be allowed to change during that year. The firms are allocated on the basis of ensuring a mix of different types of learners and team roles.

Each SLF will have one main PBL tutor who will act as a facilitator for the majority of PBL sessions. This tutor will not change during the year and will act as tutor for particular PBL sessions. Most firms will have an additional tutor for some of the PBL sessions. In addition, there are 'Senior Partners' who have responsibility for the operation of the firms and other pastoral and academic matters.

The effectiveness of the SLF depends upon all of the members and thus attendance at PBL sessions is compulsory. We'll be monitoring attendance, and disciplinary action is likely to be taken if you fail to attend a certain number of PBL sessions.

The PBL Weekly Cycle

The YLS 'PBL Cycle' for first years starts on a Thursday. This is largely because there is a need to give SLFs the maximum amount of time to undertake self-directed learning, attend plenaries and reconvene in an interim session before concluding the cycle.

Within a normal week SLFs will attend 3 PBL sessions and one interim/recap session. Each PBL session is expected to last approximately 1 hour and 30 minutes.

Thursday	Start Problem 1	Start Problem 2	
Friday			Start Problem 3
Saturday	Self-directed study		
Sunday	Self-directed study		
Monday	Self-directed study		
Tuesday	Recap session		
Wednesday	Self-directed study		
Thursday	End Problem 1 Start Problem 4	End Problem 2 Start Problem 5	
Friday			End Problem 3 Start Problem 6

Roles within the Student Law Firm

The Student Law Firm is the group within which the PBL and skills work is carried out. There are formal sessions and roles within those sessions but outside those, there are few restrictions on how work and activities may be undertaken.

PBL Tutor/Facilitator

In most sessions the PBL Tutor will be a member of our Adjunct Faculty - a part-time position with the main responsibility for facilitating the PBL cycle. Your PBL tutor facilitator will normally have some practical experience of the legal profession will join the SLF at the start of each PBL cycle. Each SLF may have more than one PBL tutor but will have the same PBL tutors throughout the year.

The role of the PBL tutor is to facilitate group discussion, create a healthy environment that allows all members to contribute to discussion, provide feedback and monitor the group's progress. The PBL tutor is not there to provide easy answers and it will be of no benefit to the group to try to obtain the week's learning outcomes from them. For PBL to be effective students need to arrive at the outcomes themselves and bypassing this part of the process will only be detrimental to your learning, no matter how tempting it is (no trying to look over the tutor's shoulder!).

In contrast to 'telling you the answers', the PBL tutor will encourage you to explore the breadth and depth of a subject, thereby assisting in the learning process. Thus instead of saying 'you should be looking at the definition of 'offensive weapon' in the Offensive Weapons Act 1996' the PBL tutor may guide you towards recognising it yourself with statements such as; 'Are there any other aspects of the problem we need to discuss?' or 'Does that comment sufficiently explain this part of the problem?'

The PBL tutor is as much a member of the group as anyone else and it is important that the SLF are able to reflect on the tutor's role and contribution. If for example, the group feels that the PBL tutor is leading the discussion too much or it is dissolving into an hour long lecture, it is important that the members of the group diplomatically raise their concerns. Openness and honesty is a vital part of group dynamics and failure to raise issues can lead to discord and poor group dynamics.

What to expect from a Problem Based Learning Tutor

- Models behaviour that individuals within the SLF will adopt
- Promotes student interaction within the SLF
- Guides learning within the SLF
- Motivates the students to learn

- Monitors the progress of each student in the SLF
- Monitors attendance
- Provides feedback to the PBL Tutor Group and the Curriculum Development Team
- Helps students to identify relevant learning resources
- Provides support and a first point of contact for academic or welfare problems.

What you can do to help the Problem Based Learning Tutor

- Remember that they are part of the group and include them in academic and social discussion
- Show appreciation when they offer constructive and helpful advice
- Invite them to contribute when you think you need help
- Be specific about the assistance you need - don't ask for answers, ask for contributions to the discussion
- Abide by the Partnership rules - you drew them up
- Be positive and creative and willing to contribute

Managing Partner

At each PBL session someone needs to lead the discussion and be in control of the SLF. The Managing Partner (MP) has this responsibility. It is important that everyone has a chance to be a MP and experience the challenge of leading a group. Accordingly the MP should be rotated between SLF members on a per-problem basis. This means that each student should have the chance of being a MP at least once a term. It is more than likely that at some point in your career you will be required to chair or run some form of group discussion. The skills you can develop from chairing a group at this early stage in your education could be invaluable.

Some of you may have some experience of chairing groups but there are a few suggestions for successful Chairing a group can be quite daunting at first so some suggestions as to how to be a successful MP are set out below. Don't worry, you won't be expected to be expert in all these functions at day one - you will develop your skills throughout your time at YLS.

1- Agreeing the process for the SLF.

It is the MP's primary responsibility to ensure that all firm members have agreed on how the session will be run, what tasks need to be achieved, what time is to be kept, what breaks will be taken, how discussion will be conducted and so on. For example, in the recap session where there is more than one problem to cover, rules may need to be set about how long is going to be spent on each. The MP will also be responsible in ensuring the SLF partnership rules are complied with - examples include: only one person to speak at a time or no business other than the task in hand to be discussed outside of the breaks.

2- Introduces the problem for discussion.

It is important that all firm members know what is to be discussed. If the MP spends a few moments introducing the problem, (eg by identifying the client name and any previous dealings with the SLF) it is often effective way to set the tone for discussion and focus the firm on the task. Try to motivate the firm members during the introductory discussion and be sure that everyone is interested and ready to begin.

3- Invites Participation.

You will find different group members contribute in different ways and to different degrees than others. It is the MP's responsibility to ensure that everyone is involved and feels able to contribute.

It is good practice to encourage or draw the quieter members into the discussion and to ensure that they have opportunity to speak. Sometimes it can be difficult to quieten the louder members but do remember that this is your job and you do have a license to diplomatically call them to order. If people respect the Firm rules and process they should not take it personally. Remember also the presence of the PBL Tutor and the point made earlier that they should not be made to feel like a wallflower. The MP should be ultimately responsible for involving them. Sometimes the problem is not getting people to talk more, but to talk less. Sometimes the discussion can move off onto tangents or dissolve gossip. If you set an example and do not go down this road yourself it will be easier to bring the group back on track.

4- Stimulates and Summarise.

The MP should ideally try to keep the firm interested, motivated and stimulated. Remember that it is more fun to be in an upbeat than perfectly serious group. The more involved and interested people are in the problem and the discussion, the better it will be.

Keeping people on the point can also prevent boredom and distraction setting in. As well as stimulating the group, the MP is required to summarise. Regular short and clear summaries of what has been said can help to keep people interested, stimulate new ideas, deepen discussion and create an opportunity for the group to recap and ensure that the content of preceding discussion has been correct.

5- Elaborates or reformulates discussion.

When opinions or ideas have not been clearly formulated or expressed it is important that those who voiced them are encouraged to elaborate. Try to reflect back to people your understanding of what they have said in order to provide them with opportunity to clarify or expand on the point they have made. Saying things like "Can I just clarify that you meant this..." "Would you mind expanding a little on that point"?

Elaborating or reformulating discussion helps keep to the subject, deepen and stimulate discussion and also to illustrate that you are listening. Many ideas need to be coaxed out of people and being a good MP means the ability to assist people in expressing and clearly formulating their ideas. If the discussion seems to be stuck in a rut, paraphrasing or rewording the topic at hand can help firm members seek new direction in the same topic area. Always check that the reformulation is a reflection of the discussion and that everyone agrees with the content. This is essential to ensuring that everyone knows what is being discussed and that people are not at cross purposes.

6- Oversees the timekeeping.

It is very important that the Firm uses their time effectively. Sessions should not run over the allotted time period as students will become disinterested and annoyed. Use summaries to clarify where the Firm has got to and what they need to cover in order to move the group on. If the group appears tired or frustrated a five minute break can be a very effective way of increasing the performance of the Firm. It is your responsibility to monitor how the Firm is progressing and issue a break if or when one is needed.

7- Monitor and pass observations on the process.

Sometimes the Firm can get very involved and it may require the MP to pass observations on how the Firm as a whole is functioning. Say what you see happening in the Firm, notice patterns such as 'everybody is talking to me' or 'everybody is trying to talk over each other'. The MP should also pass comment if they notice any problems developing. For example if people seem to be annoyed with one person who is always talking too much then drawing this to the Firm's attention can prevent problems developing. Passing comments on the 'here and now' of the Firm and generating discussion about group dynamics within the Firm can prevent members from arguing about the content of the problems when there are really other issues bothering them.

8- Propose evaluative comments on the Firm's performance and your own as Managing Partner for general discussion.

As MP you should evaluate the session both during its process and at its close by asking open ended questions such as "How does everybody feel about what we are doing and the way it is done?" or: "Is everybody satisfied with our progress?" Asking the group to provide feedback on how you performed as Managing Partner will be very useful for how you progress in this role.

9- Structure the PBL session by bringing each stage and the session as a whole to a conclusion.

Providing a commentary on where the Firm is within the process and checking with Firm members that each step has been satisfactorily concluded helps structure the session and ensures that all members agree with any conclusions made.

10- Allocates tasks and responsibilities

The allocation of tasks within the session (eg scribe) may be decided within the SLF as a whole although the MP must take the ultimate responsibility for this.

Summary of Role of Managing Partner

- Agrees the process for the Firm
- Introduces the case for discussion
- Invites participation and ensures that everyone is contributing equally and that no one is too quiet or too dominant
- Stimulates and Summarises
- Elaborates or reformulates the discussion.
- Oversees the timekeeping and moves discussion on where necessary.
- Monitors and passes observations on the process.
- Proposes evaluative comments on the Firm's performance and your own as chair for general discussion.
- Structures the session by bringing it and the stages that comprise it to a conclusion.

Top Tips for Successful Chairing

- Try to find a balance between keeping people focused on the task and keeping the session fun. This can be a challenge but produces the most enjoyable and productive working environment.
- Read the cases before the session. This will give you opportunity to estimate the time needed for each case and to be prepared for leading the Firm into discussion.
- Set an example: If you believe it is important that the Firm members say what they want to say, take the first step and say what you think and feel. This can stimulate others to say what they think and express their feelings as well as their thoughts.

Scribe

As with the Managing Partner, Students rotate the role of scribe for each problem. The function of the scribe is to write an account of the group discussion on the Smart Board (or white board) and to order ideas and problems as they are raised. The scribe is also responsible for ensuring that everyone gets a copy of the 'end product' of the discussions. The scribe has to pay close attention to what the group is saying and keep a good record so no discussion is lost and wasted. The challenge for the scribe is to ensure that as well as writing down discussion, they are contributing to it.

A good scribe tries to be objective about what is being said and not ignore ideas and thoughts in favour of their own ideas and agenda. The account kept must be a true account of the whole Firm's discussion. Sometimes the Firm can go too fast and the scribe cannot keep up. If this happens it is important the scribe speaks up and asks the Firm to slow down. At the end of the first PBL meeting it is the scribe's responsibility to write up the Firm's learning outcomes on the Smart/White Board.

The scribe needs to capture the interlinking ideas which have been discussed. This can be done in different ways although the use of 'spider diagrams', 'mind-maps' or 'concept maps' are most useful.

Role of the Scribe

- Listens carefully
- Notes down ideas and concepts even if apparently trivial
- Organises the notes by categorizing concepts
- Checks the accuracy of the notes with other Firm members
- Continues to contribute to the Firm
- Posts the learning outcomes the Firm has decided upon after the session (this could be on the firm's page on the VLE or via e-mail).

Top Tips for a Scribe

- When the group reflect on the process at the end of the session try to persuade the others to give you feedback on how useful your work as a scribe has been. This is the best way to improve your scribing skills and the performance of the group as a whole.
- Don't try to write down everything word for word. This will slow the session down too much. Try to develop a succinct way of making clear notes on what has been said. It should seldom be necessary to write a complete sentence.
- Do not be afraid to tell the group to slow down.

Firm member

Although the roles of PBL Tutor, the Managing Partner and Scribe are important in the context of running a PBL session, each individual Firm member must recognise their equal responsibility to contribute as fully as they can. PBL works exceedingly well if all Firm members are committed to the task and the process. Problems can occur, however, if some students are disengaged or not contributing properly. Being a member of a Firm can be a rewarding but sometimes difficult role. It is important to try to develop the habit of regularly reflecting upon your own contribution to the Firm. No matter how hard you prepare yourself academically for the PBL sessions, the work you do will only pay off fully if you and the rest of the students Firm are functioning as a unit.

At the heart of the PBL process is the fundamental requirement that

students adopt and develop the mind of an 'adult active learner'. This is a very different approach to learning strategies and techniques which may have been adopted in a school environment. This approach requires students to take 'ownership' of their own learning based upon a principle of active engagement with the pursuit of learning outcomes. Active learning also means that it is often difficult to provide an estimate of how much self-directed study students should aim to do on top of scheduled classes. Different students have different learning capacities, strengths and weaknesses. An important challenge is to identify your own learning needs and experiment with the techniques and time that will enable you to address them.

Key Points for Firm Members

- The success of each meeting is the responsibility of all the Firm members.
- All Firm members must respect the roles of the scribe and the chair and assist them in their roles.
- The Firm should be about shared ownership. Try to keep a balance between dominating the discussion and sitting on the sidelines saying nothing. Neither of these positions will help you or the group.
- Students should not be shy to contribute ideas, especially during the brainstorming session. All ideas are equally valid. Even if an idea or answer is refuted the act of discussing and refuting it is as valuable as an answer whose validity was accepted.

Top tips for Self Directed Learners

- Be patient with the adaptation process and recognise that it may take you some time to settle in fully to group work and self directed learning.
- Do not be afraid to try new learning techniques. If you have problems it is often more productive to rethink your approach to study rather than the suggesting the course is redesigned! If your old study methods produced results at school it may be tempting to pursue them even in face of evidence that they don't deliver.
- If you fall behind with work on a PBL course it is very difficult to catch up. It is certainly not possible to survive by cramming a few days before the exams so try to develop and consistent and disciplined timetable for your study. It will help you in the long run and make the weekly work more enjoyable.

The PBL process for law

Having hopefully now provided you with an understanding of the objectives and logistics of PBL, we introduce the 'PBL Process for Law'. To illustrate these process steps we have written a short PBL case and shall explore each step giving sample dialogue from a SLF discussing the case. We have made the case as short and simple as possible so do please note that it will not exactly mirror the detail of those you will encounter in class. It is also a guideline, its function to illustrate the **PROCESS** rather than the exact content of a PBL session. The dialogue we have included is thus only a very small sample of the sort of discussion that occurs at each step and is far from comprehensive. Please note also that we have deliberately excluded any references to the PBL tutor's comments - this is unrealistic but helps capture the process undertaken by the Firm alone.

Please bear in mind that this process does not include any written work or assessment that you might have to undertake. It is likely that each problem will have associated written work and reflection which will need to be incorporated into your Learning Portfolio. The process of PBL is associated with but independent from your assessment activities. Your Learning Portfolio should capture evidence of your learning rather than being the endpoint for your studies (see the YLS Guide to Learning Portfolios for further information on this).

The Seven Stages of the PBL Process

1. Gather key information and clarify unclear terms and concepts
2. Define the problem
3. Analyse the problem
4. Arrange ideas systematically and consider them in-depth
5. Identify the learning outcomes
6. In self-directed study use a range of resources to meet the learning outcomes
7. Share the results of your self-directed study with the rest of the Firm. See how far your understanding of the legal issues and the analysis of the facts assists with an understanding of the problem as a whole and what further knowledge is required. Cite the resources used.

Example of a PBL case

Mr. Davison rings you up. He is a long standing client of the firm. He sounds very upset and reports that he has been interviewed by a policeman who wanted to know more about recent events at St Matthews, the local Church of England Church - a Church where Mr Davison was, until recently, regular worshipper.

The newly appointed Vicar is a leading member of a Group which advocates gay marriage within the C of E. Mr Davison is theologically conservative and objected violently to the appointment of the new Vicar. For some weeks now he, along with a few like-minded folk, has held silent vigils outside the Church every Sunday. They have been asked to move along by the Vicar and a passing police officer but Mr. Davison has maintained his right to protest. Last week, he sent an e-mail to all members of Parish Council which read:

'Why listen to fornicators, blasphemers, hypocrites and liars? He who purports to lead the Church is a maker of false statements to police in order to have innocent people arrested. What is he afraid of? The Truth should never be concealed.'

On Sunday, things took a turn for the worse according to Mr. Davison. He says that the Vicar came out and started shouting and swearing at him in a very aggressive manner. Mr. Davison was called a 'bully' and the Vicar confronted the group as a whole shouting that he would not be subject to this sort of distress or harassment any longer. Mr Davison said that he was overcome by the emotion of the situation and shouted back that the Vicar was 'The Whore of Babylon'.

The policeman left with a warning that he may have committed several Public Order offences particularly in relation to the harassment of the Vicar. He says that he has simply exercised his right of free religious expression and that he feels that it is a reasonable position to criticise hypocritical religious leaders.

You advise Mr Davison to come in and see you later this week to discuss the matter further.

Stage 1 - Clarify unclear terms and concepts and collate key information

Aims

- To engage all members of the Firm
- To focus members on the task(s)
- To start the process of learning
- To ensure that everyone understands the terms used including technical terms
- To identify key information which will set the context for the problem
- To ensure that all of the problem is considered
- To ensure that everyone has a similar understanding of the situation described in the problem without any ambiguity

Stage 1 - Task 1 Read the Problem and Clarify Terms

Read out the full problem. If the problem includes supporting documents, only the main problem needs to be read aloud at this stage. Identify words whose meanings or pronunciation are unclear. They can be looked up directly in a legal or other dictionary and the prior knowledge of the whole group should be pooled. If they remain unclear they become a learning outcome.

Example Dialogue

Student 1: Is anyone unclear about the meanings of some of any words?

Student 2: Well I'm not clear about fornicator, blasphemer and 'The Whore of Babylon' - are they offensive?

Student 4: I think the Whore of Babylon is another name for the Devil and the other two are also religious in nature.

Student 1: I'll look them up in the dictionary or online.

Student 3: It seems to me that the definition of harassment might be important here?

Student 2: I think I know something about that - isn't it something to do with stalking people?

Student 3: But there is also a 'public' side to all of this - you couldn't say that the group outside the church were 'stalkers' but they could arguably be harassing the Vicar?

Student 1: It may have a specific legal meaning.

Student 4: Yes I don't fully understand that so can we make that a learning outcome?

Chair: That sounds like a good idea.

Scribe: So I'll write on the board 'Identify and understand a legal definition of harassment.'

All- Yes, thank you!

Stage 1 - Task 2 Gather key information

Certain key information needs to be extracted from the problem before it can be further defined and analysed. The nature of this information might vary from problem to problem but will most often involve identifying:

- Who is the Client?
- What are the Client's interests?
- Are there any other relevant interests which need to be considered?
- What are the basic facts of the problem?

This approach allows the Firm to concentrate on the relevant issues in the problem by setting out the real-world context for the learning. A problem in this sense is anything relevant to the client's interests and may include social, moral or commercial issues as much as purely legal ones. When collating key facts be careful only to record the basic information which you can glean from the problem. It is important to state the facts as read and make no assumptions or inferences. Some problems may be 'clientless' but the same process of identifying interests and basic facts/issues is important because it sets out a framework for further work.

Example Dialogue

Chair: Who is the Client?

All: Mr Davison.

Chair: What are his interests here?

Student 2: Clearly he wants to know whether he's committed a criminal offence, doesn't he?

Student 3: He may also want to know whether he has a lawful right to protest against what he considers to be immoral.

Chair: What about other interests?

Student 4: Well the policeman and the Vicar also want to know whether an offence has been committed. The Vicar may also want to know whether he can stop the protests and disruption.

Student 2: What about the others who are protesting? Are they allowed to continue?

Chair: What are the basic facts?

Student 2: D along with others holds protest vigils over a period of several weeks

Student 1: D and others are asked by the Vicar and a police officer to stop

Student 3: D then sends offensive e-mail to the Parish Council

Chair: Hold on there is an assumption there - shall we just say that he sends an e-mail

Student 4: Last Sunday, the Vicar becomes upset and confronts D and the group.

Student 1: D shouts at the Vicar and calls him 'The Whore of Babylon'

Student 3: D visited by Policeman who suggests that Public Order offences may have been committed

Scribe: I've captured those key facts on the Board

Stage 2 - Define the problem

Aims

- To define the task ahead and further engage the whole group in it.
- To stimulate intrinsic interest and curiosity.
- To encourage people to think deeply rather than just memorise.
- To broaden the horizons of the discussion.
- To provide an initial framework and starting point for the rest of the discussion.

Task

Ideally this should be a fast moving and involved analysis where the group contributes their views and thoughts to problems under discussion. This links back to the key information gathered at Stage 1. How do the facts and the various interests relate to one another? What exactly lies at the root of the problem? Sometimes the problem is clear right from the start - has X committed a criminal offence? Has a contract been formed? If this is the case you can move to the next stage without further consideration. In many problems, however the relationships between different elements of the problem may not be clear. Certain facts may raise questions rather than clarify matters. Sometimes the problem needs to be considered from different angles. You may need to categorise the information and set it out diagrammatically. Looking at the parties involved, the relationships between them and the key issues which link them can often prove to be a good starting point.

Once the basic problem has been identified, it may help to try to 'encapsulate' the focus of the problem in a memorable sentence or phrase. This helps direct the relevance of the problem analysis. As time goes by, these summaries will become increasingly "legalised", but at the initial stages they won't usually be. This step is important, nonetheless, as Firms need to get into the habit of forming a preliminary idea of what the problem is about before they start doing a detailed problem analysis.

Example Dialogue

Chair: What is at the heart of this problem?

Student 1: Well it seems to me to be whether what the Client did was criminal or whether he has a right to express his views

Student 2: But there seems to be at least two issues here - there is the individual 'harassment' of the Vicar by the Client as evidenced by the e-mail and the shouting match and then there is the issue of the group as a whole and their 'protest' outside the Church

Student 3: Don't forget though that there is the issue of the Client's right to express his religious views

Chair: How shall we summarise this?

Student 1: How about 'Bully or Righteous Indignation'?

Student 2: Or what about 'Harassment, Public Disorder and the Right to Protest - the case of the Bullied Vicar'

Chair: Yes I like that last one.
Scribe: Shall I write that down then.
All: Yes, thank you!

Stage 3 - Analyse the Problem

Aims

- To produce as many ideas as possible which assist in understanding the problem.
- Draw existing knowledge out of memory and apply it.
- Form and test links between law and facts.
- Encourage deeper thinking by analysing and synthesising recalled knowledge.
- Pool the knowledge of everyone in the group.

Task

Having read through the problem, summarised the key information and attempted to see the problem as broadly as possible the next stage of the process involves an analysis of the problem at a much more detailed level based upon a range of ideas and assumptions that can be formed by the Firm as a whole. Students should now try to think about which specific areas of law may be relevant. Some of these ideas may be based upon pre-existing knowledge and some from working with the facts or logical conclusions. This will involve initial brainstorming, where students name anything they think may be relevant, followed by a detailed analysis where they discuss everything they've put down and figure out which of them are actually relevant and which are not. Many groups find this easiest by drawing a 'mind map' or spider diagram on the Smart/white board. The main aim is to try to get down enough ideas to provide you with a solid base upon which to base further refinement.

It is important that you feel comfortable to raise whatever points you feel relevant and not be inhibited by thinking there is a right and wrong answer. Each student will have a different perspective on the problem, all of which may be equally valid. The pooling of ideas will stimulate others and allow comparison and discussion which is an essential part of the process. The result is a list of problems to be discussed in the next stage. Note that this 'problem list' should not be a definitive list of learning outcomes. This is the 'starting point' for further discussion.

Example Dialogue

Chair: OK let's brainstorm the issues in the problem?

Student 1: The policeman talked about Public Order offences and harassment so they must be a major focus for the problem.

Student 4: How can this sort of stuff become a criminal matter involving the police?

Student 3: The protest has been silent - no threatening or abusive language used in the protest at least.

Student 1: Well that was true until the 'Whore of Babylon' line. Also 'other

like-minded folk' have been involved

Student 2: It seems to be a bit over the top to call standing silently outside a Church harassment?

Student 3: But it depends upon how many were with him - I'm not sure I would be happy crossing a 'picket line' of objectors.

Student 1: It's obviously been going on for some time now - it says 'some weeks'. They've been asked to move along by the Vicar and a Police officer and seemingly they've refused.

Student 3: The Vicar is obviously upset about the various goings on.

Chair: But it doesn't suggest that he's more or less upset about any particular aspect does it?

Student 4: The e-mail sent to Parish Council. It says some offensive things - particularly in the context of a Vicar. Also an accusation that he had made up false allegations to get the Police to arrest them.

Student 4: What about his right to express his own religious views? We did that problem last term where we discussed the freedom of expression under Article 10 of the European Convention on Human Rights.

Student 2: Yes that's right, that included legitimate protest didn't it?

Student 3: But what about the individual harassment? I seem to recall that there is legislation to protect people from stalkers - I read about it in the papers in relation to that actress. You can get a Court to stop people from harassing you.

Student 1: Yeah - I remember that - there is definitely some legislation which prevents you from individually harassing people.

Student 2: What about the Vicar's right to privacy? Isn't he entitled to lead his life in peace without demonstrators standing outside his Church? Also isn't the e-mail defamatory?

Student 4: But that doesn't concern the police does it?

Chair: No, but we should note both of those down as an avenue of potential interest.

Stage 4 - Arrange ideas in a systematic way and consider them in-depth

Aims

- Streamline and organise the list of issues.
- Actively process and restructure issues.
- Form and test links between facts and law.
- Encourage deeper thinking by analysing and synthesising information.
- Define the limits of knowledge
- Prepare to define learning outcomes
- Identify basic resources

Task

Stage 3 should have resulted in many different ideas which relate to the general problem identified in Stage 2. These will, however be relatively unstructured although the process of capturing them on a Board may have identified tentative links. The key now is to scrutinise these ideas in greater depth and try to sort out the ideas into some sort of systematic order and coherent constituent parts. Some things may be discounted as irrelevant or not related to the main problem. Some concepts will need to be linked and priority issues identified. The process should end with a schematic representation of the issues. It starts to define learning outcomes but writing them down too soon should be resisted as they could be misleading or too general.

You may have a lot of potential themes for study and not be clear about which ones are relevant. You should be cautious not to rush on to define (often unmanageably large) chunks of learning. Remember that you are undertaking the Guided Discovery model of PBL. If you have a list of more than 6 or 7 key themes you will probably need to narrow down the issues. You should look to your Study Guide and the Block learning outcomes and themes for help in narrowing down your list. They will give you some pointers as to what you are studying this week. It is important, however, that you do this at this stage of the PBL process rather than at the beginning as it is the process of generating ideas and links between those ideas which provides you with the initial platform for your self-directed learning. You should discipline yourself to address each Block learning outcome explicitly and ask if there are relevant issues relating to that theme.

Example Dialogue

Chair: Right - lets try to make sense of all this.

Student 1: There seem to be two main themes related to whether harassment is a criminal offence.

Student 4: One seems to be connected to group activities and public disorder and the second to individual harassment.

Chair: Let's group and link the various relevant facts to each of those issues.

Student 2: We should probably also note the likely existence of criminal statutes in relation to both - we need to find out what they are because

they will define the elements of the offence - which in turn links to the facts

Student 3: The third main issue seems to be related to the right to free religious expression

Student 2: We should put Article 10 of the ECHR with that - I seem to remember there were a few important cases on that.

Chair: I wonder whether we can link these three themes?

Student 3: The underlying question seems to be: 'When does your right to freedom of religious expression turn into actions which might be deemed to be criminal?'

Chair: Yes there does seem to be two competing interests here - on the one hand why should the Vicar have to put up with personal attacks on his integrity and on the other why shouldn't our Client have the right to say what he believes to be right and protest against what he thinks to be wrong?

Student 1: I wonder also whether there might be any difference between the two different types of harassment?

Student 2: Yes there seems to be a qualitative difference between the two situations but together they form a pattern of behaviour - perhaps the same facts can lead to two different offences?

Once that has been done it is possible to move on to identify (where relevant) basic primary resources. This should help you refine the issues further and provide a clear platform upon which to construct precise and specific learning outcomes.

Example Dialogue

Chair: We should try to identify any relevant statutes and key cases we should be looking at.

Student 1: I looked in the back of Smith and Hogan under 'harassment' and it seems as if there is the Protection against Harassment Act 1997 which looks on the point.

Student 4: I'll look that up on Westlaw.

Chair: We should also start with *Halsbury's Laws*. What about the public order issue?

Student 2: We did some elements of the Public Order Act 1986 in the Plenary last week, I wonder if it covers harassment?

Student 3: Let's also look that up in *Halsbury's*.

Student 4: There seem to be a number of possibilities to do with 'threatening or abusive behaviour' as well as intentional harassment. These are all in sections 4 to 6.

Student 1: Let's link the Public Order Act section 4-6 and the Harassment Act with the relevant issues. We'll also need to consider the various cases listed.

Student 4: We also need to look at Article 10 of the ECHR again.

Chair: Let's check on Westlaw on the actual wording and leading cases. Could the Scribe capture those different issues please?

Stage 5- Define Learning Objectives

Aims

- Define the way ahead in terms of knowledge and understanding required.
- Define appropriate resources for self directed learning.
- Produce a list of learning outcomes, mostly in the form of questions that will have to be answered.

Task

The Firm should now agree on a set of focused and achievable learning outcomes.

This stage uses the expertise of the entire SLF to discuss appropriate and attainable learning outcomes and concludes the discussion. The learning outcomes should, where possible, be in the form of **specific** questions that address the problems/ issues identified in earlier stages and address the gaps that students have identified in their knowledge.

The outcomes produced can be divided into three categories, primary, secondary and deferred to assist structuring and prioritising learning.

Primary outcomes are those which every member of the group should study.

They are of direct importance to the issues raised by the case and support the objectives laid out in the course study guide.

Secondary outcomes are issues of lesser importance to the case and the week's objectives but that may hold interest for some students. These can be researched by those of the group who wish to pursue them.

Deferred outcomes are important issues that will be addressed later in the course and thus they can be deferred until later.

Example Dialogue

Student 1: Well we need to know whether our client has committed a criminal offence. I think we should look at 'harassment as a public order offence'

Student 4: I don't think that's specific enough.

Chair: We need to consider the offences we've just looked up in more detail and what we want to know about them.

Student 2: So the outcome should be to describe and understand the offences of harassment in the Protection Against Harassment Act 1997 and the Public Order Act 1986.

Student 3: That sounds like two learning outcomes to me.

Student 4: Also the Public Order Act doesn't necessarily mention harassment as an offence so we need to look a little bit more broadly at that.

Chair: We mustn't forget the Article 10 issue - freedom of expression.
 Student 2: And the critical overlaps between all of these issues.
 Student 3: So we have three main learning outcomes.
 Student 1: There seems to be a lot of case law in relation to these statutes so we will need to consider the principles the Courts have adopted when interpreting these provisions
 Student 3: So that's a fourth primary learning outcome.
 Chair: I think that there is a more general and interesting question about the way society seeks to balance fundamental rights such as the right of religious expression as against the protection of the individual - I mean what does this problem say about life and law in the 21st Century?
 Student 2: That also raises the question of privacy and defamation which everyone seems to be ignoring.
 Student 3: Let's look at the Block learning outcomes in the Study Guide again - none of these seem to map onto to privacy or defamation.
 Chair: I think we will cover that in a later problem so let's defer that as a learning outcome.

Examples of Potential Learning Outcomes from the problem

Learning Outcomes

Primary

1. Describe the elements of the offence of harassment under the Protection against Harassment Act 1997.
2. Describe the elements of any relevant offences under the Public Order Act 1986.
3. How is the right of freedom of expression under article 10 of the ECHR relevant to these offences?
4. How have the Courts interpreted these offences and what principles have they adopted when applying the law to specific facts?
5. What issues are raised when trying to balance the competing rights of individuals to freedom of religious expression and the need to protect others from harassment?

Secondary

1. How does the criminal law and civil law overlap in cases of harassment?
2. What sanctions are available under both offences?

Deferred

1. What are the constituent elements of the law on defamation and the protection of privacy?
2. How does the law on privacy and defamation protect an individual's reputation?

3. How does the law on privacy and defamation overlap with freedom of expression?

Top tip for Producing Learning Outcomes

A common problem is the setting of outcomes that are unclear or too broad to be realistically covered. Writing an outcome as say 'offence of harassment' or 'liability for defamation' is a waste of the preceding discussion and will present great difficulties when you set about tackling it. When setting the outcomes try to make them: focussed; not on too broad areas of study; possible to achieve in the time available; and clearly phrased. It is good practice to focus learning by phrasing the outcomes as questions. This gives direction to students and aids the attainment of a deeper level of understanding during private study. The other advantage of phrasing the outcomes as questions is that you know you have accomplished the task when you have found a good answer! Do not be afraid to leave some objectives to be formulated on the midweek recap session for feeding back at the final session of the PBL cycle. This is a good way to avoid work overload.

It is vitally important that each member of the firm understands what is required of them at this stage before embarking on their self-directed study.

Stage 6 - Using different resources in self-directed study to meet the learning outcomes

Aims

- Develops students' ability to research, pursue their individual learning needs and provides material for pooling, discussion and critique at the following recap session.
- Private study is an essential complement to the PBL group sessions. Where the first PBL meeting serves to activate and explore prior knowledge, private study provides the real opportunity to enhance the depth and breadth of your knowledge.
- To gain familiarity with a broad range of research resources including primary sources such as statutes and cases; and other secondary sources such as text books, practitioner texts, journal articles and official publications

A particular strength of PBL is its ability to integrate and encourage the actual application of learning. To make the most of PBL students must acquire knowledge in parallel with skills and attitudes. Self directed learning combined with the PBL sessions helps students to build up their own repertoire of competence.

Task

At stage six, students end the PBL session for that problem and begin their private study for the week. Students should use a range of resources to meet the learning outcomes set in stage five. The study guides list recommended reading for the week, and the VLE will often have pointers to electronic resources.

Don't forget that plenaries are an important additional resource. They won't give you all the answers but will often act as a way of bringing your learning together or illuminating particular aspects. It is often very useful if you have done some preparatory work before attending the plenary so that it will help you understand the content from an informed perspective.

One of the critical points to understand is that there are no 'right' or 'wrong' resources; students should use whatever they personally find useful. Thus the Study Guides provides suggestions - if you find them unhelpful or find more accessible information elsewhere - tell us!

It is important however that you keep a note of all resources you use as you will need to be able to reference the material used when you feedback at step seven on the recap session and at the final session in the PBL cycle. Notes should be made and adequate active learning conducted to be able to feedback your findings to the rest of the SLF.

Stage 7- Share the results of your self-directed study with the rest of the Firm

Aims

- To consolidate knowledge by putting it into words and discussing it.
- To assist each other in understanding difficult concepts: A student who has come to understand a difficult concept is often the best person to help a peer who is struggling with it.
- To elaborate and enhance each student's pool of knowledge. Sharing different answers to the same questions elaborates upon the learning of individual students and produces a sum that is greater than its component parts.
- To critique and correct any misconceptions. Pooling information provides opportunity for students and the PBL Tutor to correct each other, resolve conflicts raised by the literature found and add new learning.
- To define new questions and the limits of existing knowledge through critical reflection on the answers the group has found.
- To train students in the discipline of citing and criticising resources. Students should start to be able to judge the validity of information by its source, critically appraise strength of evidence and learn 'triangulation' of information by cross checking different sources.

Task

After conducting private study on the learning outcomes, students reconvene for a recap session on all of the problems covered at the start of the cycle and to pool and synthesise the information they have gathered. Each student should come prepared to talk through and share the work they have done on each of the set learning outcomes.

The key to this session is to emphasise understanding over repetition of unanalysed notes. The aim of pooling information from private study is to help each other with difficult concepts, to expand on each individual's knowledge base and to identify areas where confusion or uncertainty still exists. It is possible that during the discussion not all issues will be resolved and new ones may appear. These are dealt with in the same way as for the first session, by identifying fresh learning outcomes. These are then studied privately for the remainder of the week and the results brought back and shared with the group on the following PBL session before the new problems are seen.

Top Tips for a successful feedback session

How you run the recap and final feedback sessions is up to you as a Firm. There are many different methods you can adopt and you may need to experiment to find a method that works best for you.

You could go round the Firm asking an individual to lead the discussion on an outcome and the rest of the group follow. You may feel it appropriate for an individual or a sub-group to 'major' in a particular outcome and make a short presentation on it with group discussion following. This is a useful way to practice 'presentation skills' and also can be a good way of controlling time to each outcome (if you restrict the presentation and discussion to a certain length). In addition, leaving other students to teach you is not always a good learning method.

Where the outcomes of the week are heavily detailed and related to substantive topics, you could use games or cards with key words or concepts to define written on them to test each other and other imaginative ways of making the feedback more interactive and challenging.

The key point to note is that it may pay to experiment with different methods, to talk to other Firms about how they are 'feeding back' and to consider different methods according to the subjects that have been pursued. For example you may find that you require a different way of describing detailed substantive law learning outcomes to more discursive topics outcomes. It would be very useful if students felt able to feedback how their group conducts this session on a thread on the PBL outcomes board on blackboard.

Why do PBL?

Does Problem Based Learning Work and if so, How?

You should now have grasped the philosophy behind PBL and the logistics of how it is conducted. For those of you who are interested we have outlined in the following section more detail on the educational objectives of PBL and how it achieves them.

Please note these drawbacks are not present in all traditional programmes, they are general weaknesses rather than specific criticisms

Some Drawbacks of Traditional Law Programmes

- Can create an artificial divide between basic legal principles and law as it works in the real world.
- Time is wasted acquiring knowledge that is subsequently forgotten or found to be irrelevant.
- Acquisition and retention of information that has no apparent relevance can be boring and demoralising for students.
- There can be a strong focus on individual legal subjects which presents an artificial picture of the overlaps in subjects in the real world.

Some Benefits of a PBL Programme

- Enhances students' skills to acquire principal and key concepts that should be better retained by the learners and allow them to use information learnt in other similar situations.
- Develops students' legal reasoning skills, critical thinking and decision making strategies.
- Develops students' skills in integrating knowledge across disciplines and deepens understanding of the role of a law in society
- Prepares students to pursue lifelong learning.
- Promotes small group learning, the need for effective teamwork and collaborative learning

Advantages of Problem Based Learning:

Relevance: By using realistic case studies of legal issues problems the relevance of programme content is made clear. Students are not faced with a frequent problem of abstract learning of legal principles where it can be initially unclear why certain things are being taught.

Identification of core principles: The case studies provide opportunity to direct students to the core of what they need to learn and steer them away from getting too bogged down in the intricacies of legal subjects which although interesting are not strictly fundamental. PBL is believed to have the potential to make an important contribution to the information overload that overburdens many students on law programmes.

Generic Competencies: Using the cases and working in groups enables students not only to develop the knowledge to understand and practice law but broader transferable skills such as communication, problem solving and team working, all of which are essential for a successful transition from university to workplace.

Student Centred: PBL demands that students take responsibility for their learning. It engenders an independent and active approach to learning rather than endorsing passive and rote learning. The student becomes actively engaged in the learning process and consequently develops a deeper understanding of the subject and improved retention of the information. In addition, students are prepared for continuing education in their professional lives where the speed of innovation and development in law means that professional lawyers are personally responsible for continually reviewing and updating their knowledge.

Motivation: PBL is fun, sociable and thought enjoyable by both staff and students. There is significantly less scope for students to become distracted or disengaged from the work as in conventional teacher centred education. The nature of the work means that students will find little use in rote learning information and thus are freed from this notoriously tedious aspect of legal education.

Deep Approach to Learning: During the PBL process students interact with the learning material more than in an information gathering approach (ie. sitting in a lecture). Concepts and conclusions are related to experience and contexts provided which aid attainment of a deeper level of understanding and retention rate of the information.

PBL utilises existing knowledge: Whilst generating learning outcomes students make use of their own and other group members existing knowledge to identify what they need to learn. This involves activating existing knowledge and then fitting new knowledge into the framework. This serves to continually reinforce and develop what students know and is seen as a very efficient way to learn.

Prototype Learning: By using case studies it is thought that PBL captures the most successful elements of adult learning. In short, students learn best when they are ready to learn, when they are involved in setting goals and in deciding on the content to be learned and when they actively participate in decisions affecting their learning.

Key Points

Problem Based Learning helps law students by:

- Promoting deeper rather than superficial learning.
- Improving retention and recall of information.
- Increasing motivation for and enjoyment of learning by providing an active, stimulating and sociable learning environment.
- Fostering self directed learning skills which is likely to lead to law graduates becoming life-long learners.
- Helping students develop interpersonal and team work skills essential for the world of work after graduation

Common problems with PBL

Hopefully, for many of you reading this booklet and especially those amongst you emerging from teaching centred and didactic A level education, PBL may be an attractive idea. The opportunity to learn at your own pace, make your own decisions and accept responsibility for it may sound a welcome break from the prescriptive nature of your previous education. It may also sound rather daunting, and many students will have concerns about whether they will cope, manage to learn what they need to learn, and so on.

PBL is undoubtedly hard at first and adapting fully to the process can take a long time. The following section is written to illuminate the most common problems that students encounter with PBL. We don't attempt to solve the problems you may encounter; it is an essential part of the process that you do this yourselves, but we hope that by highlighting some common areas of concern that you will be reassured if or when they occur.

PBL can be time consuming

Some may find it frustrating that a lot of time is spent just drawing up objectives and then having to search out resources to meet these objectives. You may feel at first that the process plays games with you. 'Tell us what we need to learn and we will go away and learn it' may be your response. This is to misunderstand the nature of the process and if or when you feel these sentiments over the year it may be advisable to come back and read through this document. The discovery of what you need to know, and why, is an essential step in owning, retaining and using the knowledge necessary.

Settling in can be difficult

The transition from secure, teacher-pupil to secure, self directed adult learner takes longer than you might expect. Six to twelve months is a realistic estimate, although most students have made sufficient progress in the first four to six weeks to recognize the advantages. Do not be disheartened if some sessions do not seem to be going well or if you are finding the self directed learning hard work. There are bound to be ups and downs during the 'settling in period' and indeed, throughout the course. This is all part of the challenge and the learning curve you are on.

Coping with uncertainty

Uncertainty is probably the biggest problem faced by students 'doing PBL' and often at the root of doubts, concerns and worries on a PBL course. A school environment protects a student well from uncertainty: You are told what to learn and how to learn it. You have the assurance of a set of unspoken rules: 'Learn well what is given to you and you will get the grade that will take you to the next stage in the academic race.' It can be stressful but at least you know what you are supposed to be doing!

Problem based learning raises all sorts of questions for students rooted in uncertainty. Am I using the right kind of learning resources, am I using enough of them? Am I learning things in sufficient depth and do I understand things sufficiently? Do I know enough and how am I doing?

These are all worries you will have throughout the course; this is normal and part of the PBL process. Uncertainty is an inherent part of life and in short, unavoidable, whatever the approach to learning.

Law is a field dominated by uncertainty and change. One of the key skills a lawyer must possess is the ability to use judgement, available knowledge and experience in situations of uncertainty. There is frequently no right or wrong answer and advising a client may be a process of informed and guided trial and error.

Learning is similar in many ways. There is no right or wrong way to understand information; it is a personal journey of discovery. Some subjects you may learn well alone, others you may benefit from working in a group. It is about finding your own way and learning to cope with the fact that one of the few things that is certain is uncertainty.

Workloads

The loudest concern students voice about PBL is the volume of work. The answer to this is simply time management. You will find that in some weeks there will be more work than others but it should all be manageable. If you are not coping it may be advisable to look at how you are spending your study time, ask whether you are using it effectively. Are you doing two hours solid work or fifteen minutes and chatting for the rest? The more disciplined you are with how you use your time the more you will find that you have. Finding the right level of detail to go into when conducting self directed learning is a big problem for most people on a PBL course.

Key ways to minimise these problems are to tighten up the learning outcomes your Firm sets, discuss fully whether they are realistic in the time attainable and use the plenaries to help you gauge what detail you should be going into. In addition, saving setting some outcomes to the recap session and setting them to be achieved by the Thursday can secure a more manageable workload.

How to Destroy Problem Based Learning: Common pitfalls to be avoided

When students stick rigidly to the seven steps, do the appropriate amount of study and work hard at their group dynamic, PBL can be extremely successful and rewarding. Sometimes people complain that 'PBL' doesn't work or that they find it exasperating. Blaming the course structure, PBL or your Firm is an easy way to avoid looking at the real reasons why your group meetings are not working well. Outlined below are common pitfalls to be avoided when conducting a PBL session. These should be born in mind or perhaps referred to if or when you feel your group time is not progressing as fruitfully as it should.

1. Not understanding how Problem Based Learning Works

If students are to get the best out of PBL, they have to understand how and why it works. The steps of the PBL session operate best if one understands why the steps are there. It is common to find that the most disgruntled students have no idea of how PBL works or why it is used and consequently feel that the method has been imposed. Spending time reading this booklet or researching PBL further from other resources may save students a lot of time and worry in the future.

2. Bypassing Steps 2 to 4 of the PBL process

As students grow complacent with the process some find it tempting to simply read through the problem and then spend only a few minutes deciding on what topics to study. Failure to engage in all steps of the process means that students fail to access their own and the rest of the group's prior knowledge. This wastes resources and failure to brainstorm properly makes subsequent reading on and around the problem, less productive. Skipping these steps will lead to a more superficial understanding and less information is likely to be retained.

3. Being insufficiently critical

This may come as a surprise to you but much information in text books is incorrect. The pace of change of law is so rapid that even new editions may be years behind current law. An essential task for the group now and later for you in your career, is to evaluate the reliability of information. When a member of the Firm offers information a reflex action should be to ask 'how do I know that is true?' Students should get into the habit of always noting their information source and consistently evaluating them.

4 Confusing consensus with critical appraisal

Critically appraising the information and knowledge that a PBL group pools is an essential part of the process. Students should be cautious however not to confuse group consensus or agreement with critical appraisal. The latter is not a form of agreement but a type of questioning. It is more useful to identify and understand areas of disagreement than to achieve consensus as

this permits more rigorous discussion and investigation of the issues being disputed.

5. Splitting main learning tasks

It was noted earlier that one way of running the recap and feedback sessions is to allocate one outcome to each group member to 'major' in and present back to the group. If students manage to do each primary outcome as well as their major topic this has potential to work but students should be very cautious when taking this approach. A common result is that most students fail to address the majority of the core learning objectives, the group stops concentrating whilst each member gives their presentation and the whole group loses the value of synthesising different perspectives into a common understanding. Students should be aware of this as it can be detrimental to all students' learning.

6. Not doing enough or the right sort of study

There is no escaping the fact that a law course is hard and a PBL law course requires students to work especially hard. Students need to be disciplined and motivated to carry out the necessary self directed learning. The easiest way to destroy the potential success of PBL is for students to come unprepared for the recap feedback sessions. Students should also note that spending hours diligently writing out notes will be of no use to the discussion session. Students must be familiar enough with their notes to be able to discuss them fluently with other group members.