

Optimizing Legal Education through Technology-Driven Pedagogy

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Abstract—Legal Education has its own realm of pedagogy that for quite some time have remained to be resistant to change. However, with the advent of an exponentially improving technology, it cannot be denied that a certain degree of transformation to legal education has been adapted by law schools. While the benefits are arguably evident, the extent and effectivity of these pedagogical tools have remained to be murky. This paper provides a brief overview on legal education and how technology pressures it to transform. It discusses how legal academics adapt to the changing need of times and how technology has become useful in furthering the potential of legal education. Many academicians who employ the use of technology realize its potential from the natural desire of 21st century learners to increase interaction over social media platforms and their unparalleled improvement in terms of digital literacy. The effect of using this however was noted to be a double-edged sword. On one hand, it was able to be a reliable support in teaching the law to students. At the same time, it presents several problems including academic dishonesty, loss of focus, misinformation, and passive learning. An increasing gap between web-connected learners versus those who are not is also stressed. In conclusion, the need to effectively integrate technology to legal education is key to making lawyers who are more prepared to real life applications. The attempt to integrate technology, when effectively done, will be beneficial to learners of the law.

Index Terms—technology-driven pedagogy, legal education, pedagogy, law studies, progressive learning

I. INTRODUCTION

Technology has already become an indispensable aspect of life. It has dramatically transformed the way we think, communicate, process information, provide entertainment, and even learn. Present educational systems are already very open in integrating technology

in teaching as it is deemed to be an indispensable aspect of real life.

There is no question that academics have already realized the value of utilizing technological advancements in order to maximize student learning and provide a more extensive yet accessible pool of knowledge for learners. The same however has not yet been fully embraced in the study of law.

Legal education has its own realm of pedagogy, it was previously hinged on a Socratic method of teaching which until now is very evident in the way it is taught. The law classrooms remain teacher-centered with knowledge emanating from the lecturer over tutorials or classes.

Over the years, the system, curriculum, and teaching pedagogies of law have been roughly the same. Although recent times and demands have little by little transformed its ways, it remains to be in relative lag as compared to other traditional studies [1].

Unfortunately, there is no stopping the great technological era from becoming a necessity of living. It has become so intertwined in the way we live that it has become difficult to imagine life without it. Hence, even the legal practice has already changed in response to the transformed human interaction.

Although relatively minutes steps, at least for one, law learners no longer have to go to the libraries to get a hold of their assigned cases. Online repositories have now become a staple in legal education. But the teaching per se have roughly remained the same.

This begs the question, why is the study of law resistant to change?

The claim is that the reason behind the slow progress in educational pedagogies is due to the distinct nature of the legal practice. Legal academicians have been taught one way and they have turned out to be a fine set of lawyers—leaders in their field of expertise. But what they had to go through can be simplified by technology in

multitude folds and thus, law professors fear that the new breed of learners will not have the same discipline that they thought was necessary to become great men of law like them.

This is also complicated by the fact that most of the current professors of law although brilliant, are already very old and are very hesitant to try new technologies as they have spent most of their careers without relying on them. Furthermore, many also don't realize how far technology has brought us and how quick this evolution came about.

The consequence of this rapid change has also immensely transformed the kind of lawyers that the society craves for. Today's time has put emphasis on legal research, technical applications, skills, and a fast-paced results. Unfortunately, the legal education sector has been failing dramatically in responding to this.

Classical legal education has also burdened law students with subjects of heightened difficulty but questionable relevance over a technologically riddled world. Hence more often than not, law graduates came out more academic rather than useful. This necessitates law graduates to take up further studies and/or apprenticeship before being able to be relevant in their certain desired job.

Another characteristic that distinguishes Law studies is the gargantuan amount of information that has to be obtained, read, and reviewed. The information revolution has been very effective in this department. Logs of information in different types such as sound clips, video recording, and digitized copies of documents are immortalized over the world wide web and most of them are available for access.

Unfortunately, the big information repository is not filtered, and most does not have mechanisms for accuracy verification. Thus, it becomes a double-edged sword for learners especially when they are not able to distinguish correct information from rubbish. When law professors realize that these happens, it furthers their belief to not involve technology in the picture.

Law studies also encourage higher level of thinking. And legal academics are convinced that conventional legal pedagogies are the way to go. They are preparing lawyers that would be able to be quick in their thinking and are able to respond immediately just like in courts. This might just be right. However, the role of lawyers has significantly moved out of the courts and a more significant part of the graduates represents clients in arbitrations, trade negotiations, and amicable settlements which may actually need a different set of skills. Helpful Hints

II. TECHNOLOGY AND LAW

The practice of law has drastically changed as a consequence of the great technological leaps that mankind took. Technology has put down barriers for lawyers to be able to do transnational practice. While some jurisdiction prohibits the actual practice, lawyers are now able to help clients who also have cross-border transactions like corporations or businesses by providing an avenue of real time communication.

The connectivity that technology provides has shrunk the world. Legal decisions are already influenced by outside factors such as global opinion and other available legal precedents. This is also admixed with international pressure who gets to be updated locally via tools of technology.

Technology also increases the efficiency of legal services. It allows lawyers to do more and accomplish bigger feats. With the aid of computers, analyzing data which previously take months or years are done in a snap of a finger. Meetings which are geographically difficult to do are done in the comfort of one's own home. Pleadings which have to be produced quickly can be done in a matter of minutes. Cross-border consultation with field experts which used to be costly and hard to set are made more possible over online collaborations.

Technology also provides the non-lawyer population access to basic legal concepts affecting their rights and obligations which are essential to their day to day business. It has become a catalyst for laymen to gain fundamental knowledge of the law that were once deemed to be exclusive to legal experts and luminaries. In essence it substantiated the legal maxim "Ignorantia legis neminem excusat"

Advancements in technology also opens up a new wing of law. New types of evidences emerge in the form of emails, SMS, video recording, blogs, and even sometimes social media posts. Aside from that, technology also furnishes us with new ways to commit crimes. Cybercrimes such as cyberlibel, electronic data tampering, and cyberhacking are only amongst the many emerging ways that are now utilized by offenders to propagate ill deed.

One of the most significant gifts of technology is the equal access to information. With the advent of the internet, data from around the globe becomes available even in places with very scarce resources. Gone are the days when only people who are able to buy books or have access to distinguished libraries get to update themselves with timely knowledge.

The availability of information anytime as well as learning opportunities—24 hours a day, over the internet is another advantage for technology. Versus the classroom, online modular courses for example may be done at the most convenient or comfortable time for the learner.

Although seemingly positive, there are certain challenges that technological interventions need to hurdle. For one, highly technical devices are not readily available and may be limited in some countries. Immediate cost accompanying computerization may not be easy to put up.

Internet may also be unavailable in some places, in fact there are still places where electricity is a problem so much so that learning the law may not really be their priority.

III. LEGAL EDUCATION IN THE DIGITAL ERA

The Justice System around the globe is in serious peril. As legal demands become bigger, more problematic, and more complex, law practitioners were exposed to

problems that were never seen before leaving us with a dumb-founded judiciary overwhelmed with today's legal dilemma.

Paradoxically, amidst the increase of enrollees in law related-academic courses, the innate difficulty of undergoing a rigorous legal training coupled with traditional pedagogical methods of law schools, have discouraged students from glamorizing law education keeping them at a good distance from taking up law studies. As a result, there has been a steep decline of law graduates here and abroad.

Technology provides real-time access to important legal information which would otherwise take quite some time to be disseminated. This is crucial in preparing for a rapidly evolving world. The research work that is involved in the same also requires students to become proficient with statistical tools and research element that are simplified by technology in order to help analyze data faster and more efficient than ever.

Hilyerd in 2008, also mentioned that an active and well thought off legal research over digital platforms have made a greater diversity in framing legal theories. [2] The availability of different opinions and facts over the web provides a virtual battlefield where a person gets to be exposed to a champions weaknesses and strengths. This leaves the learner with a more informed arena and thus, a leading to a more informed decision. [3]

In many law schools, classrooms now are mostly equipped with wireless internet access, projectors, and computer hubs which are often utilized by professors in their discussions. Virtual libraries and legitimate online repositories provide equal access lo law resources even at low economic academic institutions. Continuous improvement is seen as there is increasing Internet accessibility, computer labs, and one-to-one iPad or laptop initiatives for students' use are being pushed. [4]

In some schools, live video conferencing is utilized to conduct classes when well-sought speakers are unavailable to be geographically present. Professors who had to go abroad for professional reasons are still able to conduct classes halfway through the globe.

Some professors also employ the use of online academic walls where students can post subject related comments or inquiries. Forums and discussions when actively participated by students creates healthy exchanges of ideas that may involve even introvert minds.

Even with the efforts of some, many law schools are still engrossed on the keeping their conventional ways amidst the changing times. Unfortunately, the increasing diversity in opportunities that have opened up for law graduates as a consequence of technological advancements is being ignored by a lot of law schools.

In the Philippines alone, databases such as CD Asia, Lawphil, Lexis Nexus, myLegalWhiz, Westlaw, Chan Robles Virtual Law, and Supreme Court Virtual Library provide students around the country access to same legal information. This means that it balances out the field among law graduates no matter where you are and what school you are in.

Many law schools remain to choose and follow a uniformly prepared curriculum which fails to recognize

that this already era has a distinct way of living and that the technological aspect of the same may no longer be disregarded. The computer generation partly lives online and their presence over it is a direct extension of the species.

IV. CURRICULUM RESPONSE

As we progress in the 21st century, it is important that higher educational institutions maximize the continuously improving digital literacy of learners as well as their unparalleled dedication to social media.[5]

In response, various reputable law schools around the globe have already ventured in integrating technology-driven pedagogical methods in their educational process. Law schools such as Charles Darwin in Australia is offering a Master of Law degree over an online curriculum in response to geographical limitation over its countries' vast territory.

In different institutions in Illinois, law schools utilize different ways to integrate technology in their curriculum. Their focus is to make sure that technology becomes as integrated as possible in fundamental courses of lawyering and at the same time teaching new attorneys the value of being experts about the marriage of law and technology.

The Chicago-Kent Law School, as part of these law institutions, began shifting to technological learning by spearheading a webpage which uploads researches and provides other software materials which could aid in the academic needs of students, their professors and even the staff.

Loyola University on the other hand, included Legal technology as a course for their students which introduces a variety of Law office software that are useful for practice. Lastly, DePaul University College of Law revamped their curriculum by exposing future lawyers to subjects which develops mastery of technology, knowledge on business, and professionalization.[6]

Harvard, Stanford and Pritzker law schools have also initiated changes to their curriculum to better prepare their graduates to a more realistic practice in the future, that which employs technology in evidence, transactions, negotiations, communications, and even document repositories.

While the American Bar Association is clear on its advocacy to promote technological advancements in law pedagogy, it has yet to fully realize this limiting obtaining degrees through traditional methods. They are not alone.

Unfortunately, bar associations all-over the globe has remained conservative in allowing students to obtain their degrees online which enfranchises the legal education while at the same time failing to democratize access to the same.

Thus, although the study of law could ideally be done over the internet. Regulatory bodies remain hesitant about giving full autonomy to distance learning.

The Legal Education Board of the Philippines for example has not endeavored on allowing law schools to conduct distance learning in any law school in the Philippines. This is amidst their clear mandate to "To

prescribe the basic curricula for the course of study aligned to the requirements for admission to the bar, law practice (emphasis) and social consciousness, and such other courses of study as may be prescribed by the law schools.”[4]

This however is not unique to the country. Every other law school regulatory body remains hesitant to allow such a radical way to teach law.

V. THE OTHER EDGE OF THE SPECTRUM: TECHNOLOGY HINDERING QUALITY OF EDUCATION

While technology may seem all good, there is a reason why legal academics have a certain degree of resistance in embracing it to marry legal education.

Technology paradoxically can also be a burden to learning especially when utilized ineffectively.

Technology may foster a false sense of security to students. With the enormous amount of information that is available over the internet, studying may become a mechanical job.

Because of technology, students no longer put on significant efforts to fulfill their requirements thinking that they could get everything easily. For example, when students are asked to read cases, most students would rely on pre-made case digests which may undermine some important points on full text cases. Thus, this may hinder the full appreciation of the law which is among the objectives of legal education.

The fear of some academicians also roots from the thinking that technology maybe a hindrance to actual learning. Some students merely copy someone else’s work over the internet and the answers are so easy to get, that students fail to realize its value.

On the other hand, when the professors themselves fail in their efforts to use technology, it becomes detrimental to the learning of students. The use of PowerPoint slides for example, especially if they are too wordy, boring, and uninformative, may foster a passive learning environment. [7]

Technology is also binary, assessments done using technological platforms, while objective, may not be reflective of the true learning of students. Furthermore, the subtle but important points are disregarded by computer programs which would otherwise be noticed by a law professor.

Technology may also depersonalize education. When using technological platforms, only previously perceived situation or sets of circumstance may be deemed by a computer to be right. Other than that, failure to match to a certain computer input is deemed unacceptable.

The availability of technology also offers a distraction for students. Some students play, chat, and surf the web for things not related to their subject during their classes. This shifts the focus of the student which again negatively affects learning. This is a serious concern as the normal attention span of learners has drastically decreased. With the advent of technology, people have become impatient and wanting for immediate results.

As a consequence of convenience, technology can also be utilized negatively in breeding academic dishonesty.

With information being readily accessible, students may abuse it to cheat or plagiarize which does not only diminish learning but also negatively impact their character.

The enormous amount of information available in the net may also be not that helpful as it bombards the young futile mind of learners with unfiltered data which may lead to loss of focus. Thus, a more guided approach to the use of technology is necessary to assure that this does not happen.

Injecting technology to the Conventional Curriculum Technology is a crucial aspect in the development of legal education. As it injects itself on previous conventional ways of thinking, it brings with it both the negative and positive effects of technology. While only the positive aspects are useful the negative effects may be watered down if careful and effective execution of integration is achieved. (see Fig. 1)

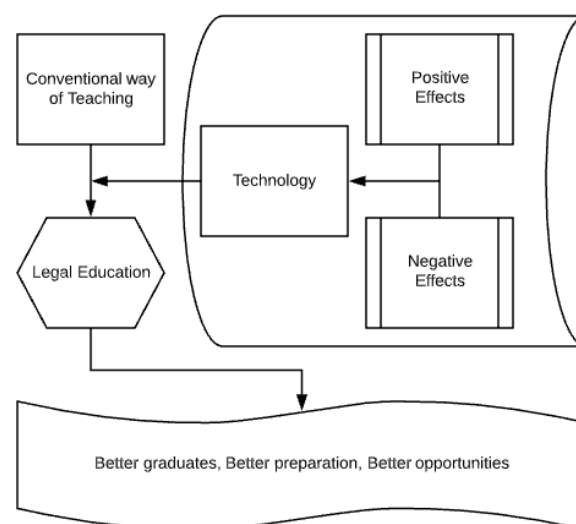


Figure 1. The figure shows the attempt to integrate technology to the way of teaching. The figure emphasizes the to tiered effects of technology to the curriculum

As law schools become more and more involved in the academe, it is but logical that they learn to adapt to the changing times [8] as the academe readily does. Being institutions of learning the objective is always to prioritize the learner for him to be ready for the challenges that lies ahead of his life.

VI. CONCLUSION

The conservative nature of law schools has retarded its growth and prevented it to achieve its full potential in educating the future lawyers of this generation amidst the significant advancements on technology. Efforts that are currently made towards integrating technology in the pedagogy of legal education has brought about positive outcomes in the readiness for practice of law graduates.

The effect of integrating technology to teaching however, was identified as a double-edged sword. While it was able to be a reliable support in teaching the law to students, it is also destructive in a sense that it can lead to several problems including academic dishonesty, loss of

focus, misinformation, and passive learning. An increasing gap between web-connected learners versus those who are not is also stressed.

Ultimately, there is a need to effectively integrate technology to legal education in order to produce making lawyers who are more prepared for real life applications.

The attempt to integrate technology, when effectively done, will not only be beneficial to learners of the law but it will also make sure that it will not produce any negative effect to the academe.

A. Other Recommendations

Researchers researcher suggest that a quantitative analysis should be done in order to quantify the extent of effect of integrating technology to law studies. Case analysis between technology integrated teaching and conventional methods of teaching in law schools may also be done to obtain a concrete glimpse of the effect of integration.

CONFLICT OF INTEREST

The authors of this paper declare no conflict of interest for this publication.

AUTHOR CONTRIBUTIONS

Please state each author's contribution to this work, it can be up to several sentences long and should briefly describe the tasks of individual authors. e.g., AB conducted the research; CD analyzed the data; AB wrote the paper; ...; all authors had approved the final version.

ACKNOWLEDGMENT

Our thanks sincerest thanks to our family, friends, and loved-ones who has been always there to support us! This paper would not be completed without the help of Willie, Jireh, Rapha, Shekinah, and Monique Noa!

REFERENCES

- [1] N. Firth and C. Newbery-Jones, "Digital assessment for the YouTube generation: Reflective practice in 21st-century legal education," in *Critical Perspectives on the Scholarship of Assessment and Learning in Law*, A. Bone and P. Maharg, Eds., Australia: ANU Press, 2019, pp. 51-78.
- [2] J. O. Sonsteng. (2007). A legal education renaissance: A practical approach for the twenty-first century. William Mitchell Law Review. [Online]. 34(1). Available: <https://ssrn.com/abstract=1084098>
- [3] W. Hilyerd, "IT in legal education: Computer Assisted legal research," University of Louisville School of Law Legal, Kentucky Bench & Bar, vol. 71, no. 4, July 2007
- [4] Studies Research Paper Series No. 2008-21. [Online]. Available: <https://ssrn.com/abstract=1140226>
- [5] S. Kuker. (2009). Institute for Legal Initiatives, Research on Legal Education. Problems and Prospects. [Online]. Available: <https://www.bili-bg.org>
- [6] K. M. Maranga. (June 9, 2010). The Role and Impact of Technology in Legal Education. [Online]. Available: <https://ssrn.com/abstract=1520831>
- [7] M. C. Palmer. (July 17, 2017). Legal Technology Has A Home In Law School Education. [Online]. Available: <https://www.2civility.org/legal-technology-home-in-law-school-education/?fbclid=IwAR01kUmKssksqJkCOhfHcLPOifPiDQNiD0cl9tCIXHxtfFmEGYZtiXtqs>

- [8] M. Thornton, "Dreaming of diversity in legal education," in *New Directions for Law in Australia: Essays in Contemporary Law Reform*, R. Levy, M. O'Brien, S. Rice, P. Ridge, and M. Thornton Eds., Australia: ANU Press, 2017, pp. 549-558.

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