

HOW PBL CAN INCREASE THE EFFICIENCY OF EDUCATIONAL PROCESS AT LAW SCHOOL?

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Abstract: This article aims at providing the approach towards problem based learning at Moldova law schools. Taking into account that current law schools' curriculum contains several elements of problem based learning, authors of this article provided examples of specific interventions used in teaching several branches of law. In particular, authors described the use of individual research projects for administrative law, a group project for constitutional law and solving a practical issue for environmental law.

Authors emphasized the need for problem based approach for other branches of law as well taking into account the specifics of legal studies and the need for including skills based courses in the university curriculum. Moreover, authors came up with a list of recommendations to facilitate introducing of the problem based learning at law schools.

Keywords: law school, students' learning, individual research project, branches of law, administrative law, constitutional law, environmental law.

CONTEXT

Law is one of the most prestigious professions in the Republic of Moldova. However, the number of students enrolled is decreasing in the last years. This phenomenon is determined by several objective factors such as creation of private institutions which provide legal education and increased number of young people which choose to go abroad for studies (Romania, Russia, etc.). However, the biggest problem is the lack of jobs for young people. Unemployment rate among youth is 2-3 times bigger than the average rate on the national level. Reorientation of the social priorities is determined by the occurrence of the new notion of „post-industrial society” which refers to the citizens' ability to be active, independent, to take decisions and to be flexible to the modern life conditions.²² On the other hand, the study conducted by IDIS Viitorul in 2014 shows that in 2014-2015 Moldova was placed 84 in the international competitiveness ranking and 82 in the ranking on efficiency of labor market among 144 countries.²³

Currently the law school curriculum does not meet the needs of the legal profession as it contains a lot of disciplines which are additional burden for students. The majority of law professors still use traditional teaching methods with focus on knowledge transfer with poor engagement of students. Very few professors apply interactive teaching methods and engage students in practical exercises. Thus, after graduation students still lack practical skills and are not able to solve practical issues as the skills gained at the law school does not suffice to start a professional career. In these circumstances it is mandatory to change the attitude of law professors towards legal education process and to encourage the use of new teaching and learning tools. One way to do that is to integrate PBL in the university curriculum.

²² M.A.Malişeva, *Современные технологии обучения и их роль в образовательном процессе, Учебно-методическое пособие*, Санкт-Петербург, 2011, стр.12.

²³ <http://www.business.viitorul.org/audiere/n-ce-msur-sistemul-educational-din-republica-moldova-satisfac-nevoile-de-for-de-munc-ale-companiilor-4>, vizitat pe data 25.08.2016.

In fact, PBL is not only a teaching method or theory but it represents a new philosophy, a new approach to the teaching-learning process, a new approach towards the relationship between the student and the professors. This model is successfully applied for many years at the University of Aalborg and at other European universities, being considered efficient due to the high level of graduates' employment. Today this model is of interest of many scholars and students all over the world.

The opinions regarding the definition of problem-based learning are different. Some scholars consider PBL as a basic didactic principle which shape the existence of other principle (Cerghit I., 1980). Other scholars define problem-based learning as a teaching method. W. Okon, a supporter of problem-based learning says „this is a new theory of learning”.²⁴ According to Coombs and Elden, PBL is a learner-centered (versus content- or instructor-centered) method that challenges the learners to take a progressively increasing responsibility for their own education and is therefore consistent with the constructivist perspective.²⁵

Problem based learning with a central focus on students' learning may contribute to change of the traditional approach of educational process at the law schools because it motivate students, facilitates their active involvement in the educational process. Teaching and learning focused on students is provided also by the p.1.3 of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) approved in Yerevan on May 14-15, 2015.²⁶ Also, this is a basic principle provided by the art.7 of the Education Code of Moldova effective of as 17.07.2014.²⁷

The PBL model encourages students to identify or create a problem and to research and investigate in order to solve it. PBL has the following advantages:

- It creates an active environment for group work;
- It facilitates the confrontation of different positions;
- It encourages the development of intellectual skills;
- It encourages the professional thinking;
- It facilitates the presentation of the students' own idea;
- It develops critical thinking.

Integration of PBL in the university curriculum is a long term process. In order to facilitate this process we have to find a way to persuade law professors to engage in this process and to determine the particularities of a PBL based curriculum.

HOW DO WE PERSUADE LAW PROFESSORS TO USE PBL?

Law professors' reluctance is one of the most common obstacles in the implementation of new educational models and strategies. That is why many universities decided to change educational policies and curriculum step by step as this process implies also additional training program for the teaching staff and appropriate environment for PBL use. In order to change teaching staff attitudes and approaches some universities used the following methods:

²⁴ A se vedea: Nina Socoliuc, Victoria Cojocar. Formarea competențelor pedagogice pentru cadrele didactice din învățământul universitar. Chișinău: Cartea Moldovei, 2007 (Tipogr. "Reclama") – 160 p.

²⁵ Introduction to the Special Issue: Problem-Based Learning as Social Inquiry – PBL and Management Education, Gary Coombs and Max Elden, *Journal of Management Education* 2004; 28; 523.

²⁶ http://www.edu.gov.md/sites/default/files/esg_in_romanian_by_anosr_0.pdf, vizitat pe data 25.08.2016.

²⁷ Publicat în Monitorul Oficial al Republicii Moldova, nr.319-324 din 24.10.2014.

(1) *Familiarization of the staff with PBL model.* A group of professors from Flinders Medical University Adelaide (Australia) decided to show the efficiency of this model during an annual conference. They invited a group of professors and students from another university to simulate a PBL based class. This simulation basically proved that (1) students are very motivated; (2) students demonstrate a high level of critical thinking and problem solving skills; (3) students demonstrate impressive knowledge. The discussion following the demonstration was every bit as important as the demonstration itself. It showed that the PBL students had sophisticated thinking skills, could reflect upon and articulate their learning processes and were not necessarily intimidated by an audience of academics of all levels of seniority²⁸. Nevertheless, what this case study shows is that authentic demonstrations of PBL in themselves may well be a better investment in staff development than readings, workshops and seminars.²⁹

(2) *Expense coverage for PBL integration.* It is very difficult to motivate professors to use PBL when the budget does not allow to increase the salaries for this purpose. This is one of the most common reasons invoked. Both medical and laws schools professors are very much engaged in the professional activity in addition to academic career that is why it is indeed very difficult to motivate them to engage in new activities. An American university found a solution to this problem: use of PBL in the teaching process was included as evaluation criterion for professors who apply for career promotion. This change led to the fact that many departments reviewed the way academic hours were shared and more professors expressed the interest to be involved in practicing PBL.³⁰

HOW A PBL CURRICULUM SHOULD LOOK LIKE?

New teaching model implies detailed review of the curriculum. The key of the PBL model is supervision of the small groups of students. Other interventions such as lectures, seminars, workshops should be organized in order to facilitate the small groups learning process. In this sense, central questions in curriculum development are: (1) what knowledge is important for graduates to develop and (2) what are the key capabilities, skills, and attitudes important for graduates.³¹ Thus, curriculum development process has the following particularities:³²

1. One of the main challenges PBL tutors face is to identify professional core competences and to put these competences, rather than their subject specialisms, at the core of the curriculum.

2. Professors have the role of facilitators or tutors of learning process and this is a difficult transformation. That is why professors need additional training on how to build a PBL curriculum.

3. In PBL curricula, the students need more guidance with independent studying, especially at the beginning of their studies. The result of new way of integrating shared and self/study is to reduce the time spent in lectures and to increase the time for independent study and information seeking. Lectures become a learning resource, like any other type of study including professional literature, work-based training periods, and exercises.

²⁸ Peter Schwartz, Stewart Mennin, *Graham Webb, Problem-based learning. Case studies, experiences and practice*, 2001, pag. 18.

²⁹ Idem.

³⁰ Peter Schwartz, Stewart Mennin, *Graham Webb*, op.cit., pag.20-26.

³¹ Terry Barrett, Sarah Moore, *New approach to Problem-based Learning. Revitalizing Your Practice in Higher Education*, 2011, pag. 7.

³² Ibidem, pag. 231-235.

4. When work placement is part of the students' programme of study, it is essential that PBL tutors familiarize the workplace supervisors with the principles of PBL.

5. Within the PBL tutorial, the capacity for deep learning is strong. But if that capacity is to be authentically realized, the requirements of tutor engagement are substantial.

6. In the PBL curricula, the quality, relevance, and accessibility of learning resources are highly important as PBL students are working on current professional practice problems.

7. If the values and practices of group work are supported throughout the programme, but assessment are conducted on an individual basis only, the consistency of the underlying values becomes confused and contradictory. Another challenge of PBL is to design assessments that are both PBL-compatible and drive learning in relation to the core professional competences identified.

These are just several basic particularities of a PBL curriculum. Each law professor should think how to build a PBL curriculum based on the specifics of each discipline.

PBL EXAMPLES

PBL model is based on the problem as a main trigger for the educational process. The problem can be theoretical or practical, however, it is necessary to formulate it in a way, which will allow students to analyze and solve the problem, even from an interdisciplinary perspective. Working out a solution among themselves in a small group is highly motivating for the students, as recognized by Kilpatrick. In working on the project students apply knowledge they acquired before and they learn new knowledge when they need it (Kilpatrick et al, 1921)³³.

Law professors currently use problems in the educational process, some of them even present alternative solutions and students should choose the right one. However, we think that students should be encouraged to formulate their own problems and come up with solutions. In order to illustrate the type of problems law professors use, we decided to present several examples below.

Example 1: During the seminars of administrative law students have been asked to formulate the topics of their research projects. The majority of them suggested very up-to-date issues such as: „Consultation of citizens on various important problems of local communities”, „Grounds for mayor's revocation”, etc. However, some students faced difficulties to identify a research topic or a problem, which should be solved. In this sense, we consider that a better collaboration between law schools and potential employers should be encouraged through round-tables, joint conferences, visits, internships etc. Employers are the one which can explain students which are the most up-to-date problems.

Currently, the law school curriculums do not provide different methods on how to organize the individual assignments for students. PBL model is mostly based on conducting a project in a limited time (usually during a semester) by a small group of people (3-4). A professor supervises the group. Although a group develops the project, students are evaluated individually in accordance with the contribution of each member of the group. This model should be implemented at the law school once PBL will be introduced in the university curriculum. This model is more efficient and interesting for students than the method currently used for individual assignment.

³³ Kilpatrick, W. H., Bagley, W. C., Bonser, F. G., Hosic, J. F., & Hatch, R. W. (1921). Dangers and difficulties of the project method and how to overcome them. *Teachers College Record*, 22, 283-321.

Example 2: During constitutional law seminars students have been asked to do a group project instead of individual assignments. Although they had a limited period of time to do their assignment (3 weeks), students succeeded to do a project and to present its results at the conference on “Development of constitutionalism in the Republic of Moldova” held by Constitutional Court on May 11, 2016. Students obtained third place in this competition. Students mentioned that group work has many advantages as they are more responsible and each group member is willing to contribute for better result. In fact, mutual assistance is essential for a successful project.

We consider that currently law students should be taught how to work in-group. Unfortunately, currently students do not have the skills to do such projects. The lack of a discipline aimed at teaching students to work in teams (as at Aalborg University) leads to the students’ incapacity to operate in groups and to distribute efficiently their tasks.

Also, the lack of motivation and encouragements for law professors to develop necessary sources to guide students is also a problem. The lack of experience of law professors to guide students and to evaluate the results of their projects is also an obstacle for the proper implementation of PBL. In fact, continuous education of law professors on PBL methodology is crucial for successful implementation of new teaching methods.

Example 3: During environment law classes students may solve the issue of unauthorized dump at the community level. In order for students to solve this problem they have to undertake the following actions: to draft motions and to submit them to competent authorities, to draft preliminary request, to challenge the actions or the omissions of the authorities, to file a motion to court, etc. In order students to do that, they have to know the law and to have proper skills to draft such documents. Unfortunately, currently legal writing and skills is lacking from university curriculum.

While introducing PBL model in teaching environmental law one should take into account that the legal relationships related to environment may occur within other branches of law such as constitutional, civil, administrative and penal law. This means that students should be familiar with other branches while solving environmental law issues. Additionally, the legal framework is very extensive and legal regulations are increasing also due to the harmonization of national legislation to European standards. Another obstacle for using PBL model for teaching environmental law is the lack of jurisprudence in this area. In order to solve the problems students should have access to real cases as well.

In this context, in order to introduce PBL model at law schools should be considered the following aspects:

- the review of human resources and salary policies;
- creation of students’ assistance center;
- creation of an excellence center on teaching and learning for professors in order to facilitate exchange of experience and continuous education;
- improvement of the relationship between the law schools and the employers;
- participation of the employers and graduates at the development of university curriculum;
- introduction of lawyering skills discipline in the university curriculum;
- collection of the feedback from students and graduates about the quality of the curriculum;

- creation of the scholarship program on national and institutional levels for professors which will use PBL model;
- education of professors on using IT tools;
- proper equipment.

PBL use at the law school is indeed a new experience for Moldova as group work on a specific project may involve several disciplines and intercalate the theoretical aspects with practical issues. Moreover, the law professor should supervise and facilitate the group work of students organized in small groups. PBL use will make the disciplines more interactive and will increase students' accountability and develop critical thinking and problem solving skills. These skills are essential for future lawyers. For this purpose each curriculum should provide teaching-learning model and the assessment tools. Students may benefit from interactive learning techniques, research assignments and partnership with other organizations.

Currently there are different opinions regarding the use of PBL model including at the Law School of MSU. However, the biggest challenge is how to find the proper tools to ensure students path in getting knowledge efficiently and facilitating their learning process in a way, which will allow them to learn from their own mistakes.