Teaching consumer law based on PBL principles within a workshop frame

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ABSTRACT

Changing learning objectives was the beginning of rethinking the pedagogical frame of my courses within a traditional law study program. The objectives were changed in order to aim for students becoming better at reflecting on the curriculum. I chose to work within a workshop frame incorporating some of the Aalborg PBL principles. The two courses conducted within this frame are Danish Consumer Law (in Danish) and EU Consumer Law (in English). They are both electives at master level (8th semester) at the Law School at Aalborg University. This case description gives an insight into the structure of the workshops and gives examples of what tasks the students are assigned to work on in the group work in order to achieve the learning objectives.

NEW LEARNING OBJECTIVES REQUIRED A NEW PEDAGOGICAL APPROACH

For two years, I taught consumer law within the traditional lecturing frame of 2-3 hours lecture 13 times pr. semester finishing off with an oral exam. Consumer law is an elective course at master level at the Law School at Aalborg University, Denmark and has about 15 – 25 students pr. year. After these two years, I became more ambitious about the learning objectives of the course and with the teaching experience. I wanted the students to be more engaged and active in the learning process and hereby making them able to reflect on a high level of complexity/abstraction and not just gain knowledge of specific facts and remembering them for the exam. Admitting that my current teaching was not going to help me reach these new learning objectives (Biggs, 2003; Herskin, 1997), I decided to do something differently with my teaching.

As I am a researcher at Aalborg University, it was only natural to look for inspiration in the principles of the Aalborg PBL model. In the Aalborg PBL model, student activity supported by

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a feedback system is a key factor. The PBL model is based on ideas from cognitive constructivism (Savin-Baden & Major, 2004), and it is believed that when the students reflect on their own activities, they increase their level of learning.

The Aalborg PBL model (as it is described in the University guidelines) has *not* been implemented at the Law School at the University. Among others, the reason is the law curriculum. The Law schools feel an obligation to teach the law students certain areas of the law much like students of medicine and engineering are expected to know the Latin names of the different body parts and specific mathematical formulas, respectively. This set law school curriculum does not leave much room for whole semesters with comprehensive problem based student team projects as is the core element of The Aalborg PBL Model. However, in order to reach the new learning objectives of my teaching, I have tried to take some of the principles of The Aalborg PBL Model and applied them on my teaching within the frame of our traditional study program at the Law School. For three years now, I have been teaching Danish Consumer Law within this new workshop frame. In addition, this year, I have elaborated on the frame in a new course, EU Consumer Law (conducted in English). In the following, I will describe the workshop frame and give some comments on my experience using this frame. The comments can only for now be based on my personal experience and a student course evaluation from 2016 on Danish Consumer law. It is there for impossible to give any scientific empirical proof of whether the workshop frame is better than the former teaching method. Also, the change of learning objectives and examination method make a comparison difficult to perform.

THE PBL PRINCIPLES IN A WORKSHOP FRAME

Currently, at the Law School at Aalborg University, most semesters consist of 3 courses of 10 ECTS each. In regards to the elective courses, it is up to the person responsible for the course to organise it within the limits of maximum 40 hours lecturing time (maximum time given to the teacher to teach the course – not containing preparation) and maximum 270 student hours. Overall, my two elective courses in consumer law and EU Consumer Law are now structured in 7 workshops of 5½ hours each. At the end of the course, the students write a small project in groups of up to four people. This project forms the base of the oral group exam. During a workshop, I alternate between short lectures and group work. The group work is always followed by a class discussion and maybe a student presentation.

Preliminary thoughts

First of all, I have a clear idea of what the learning objectives of each workshop are, and well beforehand, the students get an overview of the reading material, the topics for each workshop and some reading questions for each topic.

As the *learning objectives* for my courses are a little different from the traditional courses, I take some time explaining to the students that the learning objectives and the workshop activities are very closely linked and that they need to participate actively in order to reach the learning objectives (Ramsden, 1999, p 127). In the beginning of each workshop, I introduce the learning objectives of that workshop. Preferably, the students should be asked to elaborate on the objectives at the end of the workshop or maybe even write a few words about it for a course portfolio. However, this is not something, I have implemented (yet!).

The teaching material is based mainly on the traditionally accepted sources of law and research based articles. The students are not given a collection of material, but have to find the specific material themselves from the list of materials given to them by me. I believe that finding and working with the real sources of law give the students an approach to the learning process that is different from using mainly books where many analyses and conclusions are served to them on a silver platter. Each year, a few students have expressed that it is more frustrating to work this way as the sources of law can seem more difficult to understand, and as the students are not giving the overview that some books might provide. Other students tell me that they feel they are working in a more authentic and realistic way. I believe that in the process of working with the sources of law, they form their own overview and as this overview is formed by themselves and not given to them, they are able to get a better comprehension of it (Ramsden, 1999, p 127).

Consumer law is a gigantic legal area consisting of both public law and private law legislation, so I have had to brutally select seven topics for each course. *The topics* represent basic general consumer law as well as so called 'hot' topics. The latter is influenced by what *I* am currently interested in and doing research in. This year a 'hot' topic was consumer protection in the frame of the sharing economy based on a digital platform business model (Uber, Airbnb etc.).

Feedback and formative assessment are very important elements in a learning process (Havnes & Smith & Dysthe & Ludvigsen, 2012). During the course and not only at the exam, the students must be able to get an idea of their level of knowledge and competences in order to adjust to the academics demands of the course. The academic demands can sometimes be difficult to clearly identify – despite course description and oral introduction. One way to conduct formative assessment before entering the classroom is through *reading questions*. The purpose is to give the students an idea of what questions they are actually expected to be able to answer. Additionally, the reading questions also give the students a helping hand focusing their reading. As the students are expected to spend about 20 hours preparing for each

workshop, some focus may be needed. Also, the students might understand better when they have to apply the knowledge from the reading right away. As a side effect, my hope is that the reading questions help to motivate the students to actually read the assigned material!

The workshop

In order to ensure that there is time for all the planned activities, the workshop is tightly and timely structured into different modules: Lecture, group work, discussion, and group presentation. However, if we have a really interesting discussion, I will not enforce the timeframe too strictly.

Table 1

Time	Duration	Activity
8:15	30	Lecture
8:45	15	Break
9:00	60	Group work
10:00	15	Break
10:15	40	Discussion
10:55	35	Group work
11:30	30	Lunch
12:00	20	Discussion
12:20	40	Group work
1:00 pm	30	Discussion

Example of a workshop schedule

The *lecture* module is normal classroom teaching. As it is rather small classes of up to 25 students, I still try to activate the students with questions along the way, making them think and reflect with me. I use the lecture to give the students an overview and to put the topic into a historical and broad perspective. Here we can also discuss principles and challenges.

After a lecture, the students *work in groups* of 4-6 students. The group assignments consist of **questions** and **tasks** and are given by me. The *questions* are mainly open questions where often some research into the course material is needed and where the answers are (somewhat) open for discussion. These questions have multiple purposes. Some questions aim at getting the students to relate to specific problems. Other questions aim at forcing the students to consider how topics or/and principles of consumer law correlate. The questions also help to give the students an idea of the most important areas of the topic. The *tasks* also have multiple purposes. Some of the tasks aim at giving the students an overview of a certain area. For instance, I am very fund of having the students draw up mind maps. Another task is to have the students present a specific area of the day's topic. Another type of tasks gives the students an opportunity to work with a topic in an alternative way. Learning about the information duties for online

sales is at the starting point a somewhat boring and uninspiring topic. In that workshop, a task is then for the students to make their own webpage design taking into account all the legal requirements of the information duties and going through all the layers of a fictive webpage. They then present it to the class and then we all discuss their result. Some students are given another but similar task. These students have to critically analyse already existing web pages in order to identify the information required by law. In this process, the students might even detect that the chosen web page is *not* in line with the legal requirements. One of the more traditional tasks when teaching law is to solve a case related to the workshop topic. An alternative to this is to have the students design their own case and then solve it. By constructing their own case, the hope is to get the students more engaged and in control of their own learning.

Apart from the already given examples of tasks to be performed in the group work sessions, the following will introduce two other examples of activities put into the group work. The two examples illustrate the problem oriented approach as well as research based teaching. Here research based teaching is defined as the teacher bringing research into the classroom as well as the students working with the material using accepted research methods – becoming researchers themselves. Research based teaching can help raise the professional level of knowledge and from a pedagogical perspective research based teaching might help motivate and activate the students in the learning process (Ramsden, 1999, p 127).

Recently, I have been a part of a group of international legal researchers working with a draft for a new directive regulating digital platforms such as Uber, Airbnb, etc. This inspired me to construct a workshop for my EU Consumer Law students with the purpose of drafting such a directive. I had one of my very skilled last year students come and give an hour lecture on the categorization of and challenges with these digital platforms. At that time, he was writing his thesis about digital platforms. The first task for the students then was to discuss the need for a new directive based on what they knew is not already covered by EU. After a class discussion about their findings, the task was to structure the directive. This made the students work with law from a law-making-technical point of view, getting an understanding of the different relevant considerations to take into account. Finally the last task was to fill out the specific chapters in the directive. The final result was not impressive, but the *process*, however, was very enlightening with good discussions along the way. Many of the students have chosen to elaborate further on the topic in their projects.

The other example is very different from the first. The students in the Danish consumer law course sometimes have a hard time finding their way through parts of our Danish Contract Law. So the first task was to *design* a matrix in order to find their way through the law – 'if you can answer 'yes' to this, you go to paragraph xx. If you can answer 'no', you go to yy and so on'. After that, they had to *apply* the matrix on case law from the workshop reading material in order to identify the legal problems in the cases. Then they were given the task of *deriving* the legal arguments from the case law and finally *elaborate* on their findings. These different tasks help

the students work with a topic from different angles starting with a very narrow analytical approach and ending up with the broad, reflective approach.

Of course in practice, the biggest challenge is to make the group work effective. The workshop frame depends on 1) students showing up! 2) students showing up *prepared*, and 3) students being willing to participate actively. To facilitate efficient group work at the workshops, they work in the same groups at each workshop. They appoint a minute keeper in charge of taking notes and mailing them to the other members of the group. They also appoint a chairman responsible for 'getting the job done', and he is also supposed to ensure that everyone get to speak. Especially in EU Consumer Law where all students are non-native English speakers, it is very important that all students practice their oral English. I circulate between the groups to facilitate their discussion and push them forward if they come to a dead end – or to a whole other end!

When the groups are done with their group work, they return to the classroom for a *class discussion* and maybe a student *presentation*. In the discussion, the aim is to further qualify the different arguments from the group work. Here I try to ask critical questions, challenging their different positions. These questions also provide formative evaluation – giving the students an indication of their own academic level compared to the level that I demand.

After the 7 workshops, I introduce them to the formal guidelines for their finishing project. They have to write the project in groups of 2-4 students and the volume is between 8-15 pages. They choose their own 'problem' and their own material (inside and outside the curriculum). In the introduction, I make clear that the project must encompass a section where they reflect on their problem and their findings. Otherwise they apply a traditional legal dogmatic research method. As there are almost no resources available to supervise the writing of their projects, I hold one joint supervision session. Preceding this session, all groups send at least their formulated problem to me. They are also invited to send their outline of the project. I send the material from each group to two other groups asking them to prepare feedback to their fellow students. At our joint session, each group will get feedback on their formulated problem from two other groups as well as me. From my experience, using feedback from peers is a great learning experience for the ones giving feedback as well as the one receiving the feedback. Often one group can identify a problem with another group's formulated problem, but have not realised that the same feedback actually could be given in regards to their own formulated problem.

Group exam

The exam is conducted as a group exam in line with the pedagogical frame through the course. Typically, the students each do a short presentation of a topic related to the project. Then we discuss the project for the main part of the remaining time. For the last part of the exam, I ask about related issues based on the course curriculum. Because the exam is based on a project, I can qualify the exam more than with a tradition oral exam where they draw a question.

Therefore, I can expect more knowledge as well as a higher level of reflection on the project topic. Also, the extra time we have because of the number of students (half an hour with two students instead of just 15 minutes) makes it possible to get much more into detail and to conduct reflective discussions. All in all, this type of exam eliminates to some extent the learning by heart. Each student is evaluated individually based on their performance at the exam – with only very little consideration to the quality of the project.

PBL and the workshop case

Activating the students through group work based on problem solving as well as problem oriented project work supports the idea of problem orientation. Naturally in working with law, we work with cases which off course is also problem oriented, but as I have outlined, the workshop group work aims at expanding the problems presented to the students to also encompass problems related to a broader perspective. Apart from problem orientation, also team work, collaboration and feedback are main principles in the PBL model. The workshops have a build in feed back systems both from peers and from the teacher and the workshop frame is based on team work. More feed back and supervision could be given in relations to the project if more hours were awarded to the course or if the groups were assigned to do more peer reviewing of each other.

As the project only fills up a third of the course and the students are not supervised through the whole process, the project is not the main source to achieve the articulated educational objectives as is one of the core elements of the Aalborg PBL model. In this workshop frame, the project becomes a mix of an unsupervised and separate learning process and a presentation of their knowledge and skills. They will have developed their skills during the workshops through the group work questions and tasks and through working with the sources of law learning to work using the legal method. Thus, the project is still an important part of the outcome of the workshop based course.

DOES THIS PEDAGOGICAL APPROACH WORK?

The challenges in teaching based on PBL principles are well known (Laursen, 2004, p 67; Keldorff, 1989), and this workshop framework do not eliminate for example wrong group dynamics, students not working hard enough and issues related to curriculum. One challenge might be bigger at law schools, though. Some law students have expressed to me that they actually *prefer* lectures combined with reading a lot at home. They say that they are comfortable with this kind of teaching and they are able to read the course material themselves well enough to pass the exams. Whether these students are just very good at learning this way or whether the exam only measures the lower layers of the Blooms taxonomy (Krathwohl & Bloom, 1964) is not for me to say. If the latter is the case, of course such an exam can be perfectly legitimate for some courses especially on bachelor level.

Also the advantages with the Aalborg PBL model are well known (Laursen, 2013, p 39). Even though it is hard to measure whether the advantages are also present in my workshop frame, I still dare to say, that both the students' performance at the exam as well as the informal and formal feed back from the students indicate, that they *have* learned to think at a higher level of abstraction/with a higher level of complexity (Course evaluation, 2016). At the exam, I can now ask questions at a level where they are forced to reflect on different topics and that require them to include other aspects of law than they would do traditionally. As the learning objectives also have changed, I cannot say that the grades have improved. But as I now demand more and the grades definitely have not *decreased*, I would argue that they *have* learned more.

This workshop frame will probably work best with a small group of students (maybe up to 35). Also, as the topics are brutally selected leaving out other important areas, the workshop frame is best applied on elective courses, where there might be more freedom of choice in regards to the curriculum. The students might not get to learn about *all* major areas of consumer law, but the areas that they *do* learn about, they learn at a deeper level − getting an *understanding* of consumer law that they can use if they have to explore other specific areas of consumer law.

What is next?

If I were to take my courses a step further embracing the Aalborg PBL principles even more, I could do so in different ways. I could leave the learning objectives up to the students - maybe spending the first workshop formulating specific learning goals. One way of doing this could be to give the students some reading material beforehand, so that they can better qualify their goals. Taking it even further, the students could themselves become responsible for finding material for the following workshops in order to reach these learning goals. Even further still, the students could be assigned to teach the others certain topics related to the learning goals − reaching the highest retention rate and consequently probably a higher level of learning − at least for this specific topic!

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