

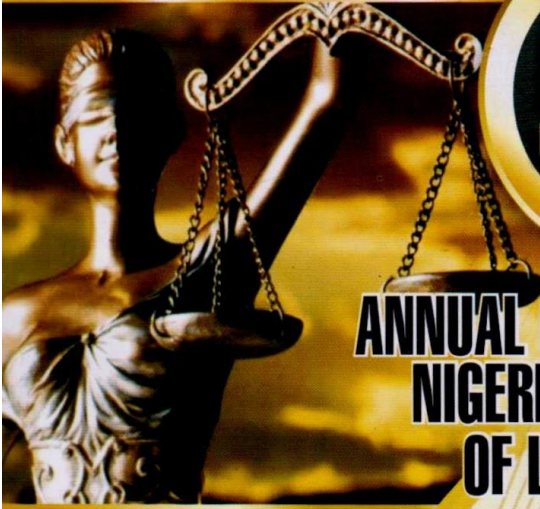
NIGERIAN ASSOCIATION OF LAW TEACHERS (NALT)

Lex et lumen pro bono omnia
c/o Faculty of Law, University of Ibadan, Ibadan, Nigeria

PROCEEDINGS OF THE



52nd



ANNUAL CONFERENCE OF THE NIGERIAN ASSOCIATION OF LAW TEACHERS (NALT)

Theme:

Legal Education, Research & Innovation

Date: 30th June–5th July, 2019

Edited by:

Prof. Adeniyi I. Olatunbosun
Prof. Simisola O. Akintola



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Editor -in-Chief

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ISBN: 978-096-250-6

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Published by:

Nigerian Association of Law Teachers

Printed by

Yinkatec Publishers Nig. Ltd.

No. 25 Adelaja Street, Mokola Ibadan.

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Abstract

Teaching of law with technology is like a house being set ablaze by multiple explosives, so much that one can't really have full control or tell what will happen next; because the eruptions keep coming from unexpected angles. Unlike the traditional method of teaching law, where most teachers had the monopoly of framing course outlines, the books to be used and teaching methods, teaching law in the technological age poses innumerable issues. With the advent of e-law books, digital library, video conferencing, virtual classrooms, internet teaching blogs and myriads of available online resources for teaching and learning law; the 21st Century law teacher is often on the edge because, in some cases, his students even have better access to the technological devices than he does and if he is not smart enough he may become the student in need of learning. This paper is a surgical examination of the multifaceted positive and negative issues arising from teaching law with technology and advocates strongly for an immediate bridge building in methodology so that the benefits of technology can be best harnessed without also losing the benefits of the traditional approaches.

Key Words: Teaching law, Technology, Emerging issues.

1.0 Introduction

Technology has exerted a sweeping impact on diverse aspects of human endeavour; and the teaching, learning and practice of law has also been radically affected by the innovation it brings.¹⁸¹⁴ Teaching of law in the twenty first century comes with peculiar

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¹⁸¹⁴ See for example K. Maranga, "The Role and Impact of Technology in Legal Education," available at <https://ssrn.com/abstract=1520831>. Accessed June 25, 2019. The author noted that "legal education has changed over time" through the growth and significance of technology. See also U.S. Department of Education, "Use of Technology in Teaching and Learning" available at <https://www.ed.gov> where it is stated that "[t]echnology ushers in fundamental structural changes that can be integral to achieving significant improvements in productivity"

challenges, especially for those who saw the pre-technological era. There is a great dilemma between rising up to embrace the innovations of technology and sitting tight on the familiar terrain of traditional delivery of knowledge.¹⁸¹⁵ While some argue strenuously that teaching law with technology does not necessarily advance learning or cognitive assimilation of law than the traditional method, others maintain that the use of technology in teaching law has improved the learning process among the beneficiaries. For instance, Blissenden observed as follows: "one key aspect to note is that technology is, of itself, not the answer. It is a platform through which learning and teaching in a student-centered environment may be enhanced. Mere access to technology does not equate with an enhanced learning environment. Student access to technology can be a distraction rather than an enhancement."¹⁸¹⁶ Another view which serves as a good focuser for this paper goes as follows:

The advances in technology should instead be utilized to supplement existing learning and teaching practices. For instance, podcasts and online lectures should not replace face-to-face interaction between a professor and their students. Instead, podcasts and online lectures should provide flexibility for students who are attempting to balance study, work, and family commitments. Face time, in the form of face-to-face lectures and tutorials, provides the necessary link between the availability of online material and the facilitation of a learning environment. On the other hand, it would be a mistake to completely dismiss technology for educational purposes. It is clear that technology is a large part of everyday life, of which education is now an integral element. Consequently, it makes sense to link the two together. Technology provides a platform for communication and interaction, and to break down distance barriers.¹⁸¹⁷

Before descending into the arena of discourse, it is apposite to have a fundamental appreciation of the key words forming the title of this paper. In the technical sense, there is no formal definition of the expression "Teaching of Law". However, an author, Joshua Jones, has attempted to define "legal studies" which is sometimes used to describe teaching of law. According to him, "Legal Studies refer to an academic endeavor focused on learning laws, learning how to apply those laws, and learning how to process

¹⁸¹⁵ G. Bajpai and N. Kapur, "Innovative Teaching Pedagogies in Law: A Critical Analysis of Methods and Tools", available at <https://ssrn.com/abstract=3172741>, accessed June 25, 2019. Here the authors argued, among others, that: "In order to produce such competent and committed practicing lawyers, law schools must undergo to curriculum enrichment, innovative delivery of instruction and assessment of student learning as a regular practice."

¹⁸¹⁶ M. Blissenden, "Teaching Undergraduate Law Students in the 21st Century – Pedagogy in a Technological Era", *Athens Journal of Law - Volume 1, Issue 4 – Pages 213-220* at 215-216. See also J. Levy, "Teaching the Digital Caveman: Rethinking the Use of Classroom Technology in Law School" available at <https://ssrn.com/abstract=2604350>, accessed June 25, 2019 where in discussing the advent of technology and its impact on legal education he opined that "Initially, however, no research exists on the Classroom effectiveness of these technologies, so educators rely instead on intuition to guide their choices. But the track record for making decisions in this way is fraught with mistaken assumptions and failed experiments."

¹⁸¹⁷ M. Blissenden, (n3).

transactions and legal claims on behalf of clients.”¹⁸¹⁸ His definition, is a useful guide to understanding this discourse, but it appears to be learner centered, without capturing the instructor’s role. For the purpose of this discourse, Teaching of law can be summarized as the sum total of the methods, tools and curriculum used by instructors or teachers to transfer the knowledge of law in all its ramifications to the beneficiaries or students.¹⁸¹⁹ The term “Technology” is wide and there are various definitions of the term.¹⁸²⁰ The word technology is derived from the Greek word “techno” which means the willingness, skills, knowledge of the way, rule, skill, tools and “logos” which means science, word, learning, mental state.¹⁸²¹ It has been said that “Technology is a body of knowledge devoted to creating tools, processing actions and extracting of materials...The application of technology typically results in products.”¹⁸²² “Emerging” is an adjective meaning “newly formed or just coming into existence.”¹⁸²³ It also means, “Becoming apparent or prominent”¹⁸²⁴ Issues have been variously defined to mean, “A point or matter of discussion, debate, or dispute. A matter of public concern. A misgiving, objection, or complaint. A problem or difficulty.”¹⁸²⁵ Viewed from the above perspectives, teaching law with technology is nothing more than the innovative resources adapted through the years to aid in transmitting the knowledge of law to the beneficiaries. Such resources over the years include, but are not limited to, books, film, radio, television, computers, electronic bill boards, e-books, emails, text messaging, tablets, smart phones, power point, video conferencing, virtual class rooms among others.¹⁸²⁶ The emerging issues in this regard are newly found or prominent concerns, problems, matters to consider or prominent discussions in this regard.

There are so many issues or questions that come to fore when the topic of teaching law with technology is placed on the table. The issues range from what teaching law with technology entails, the desirability of teaching law with technology, the practicability or effectiveness of teaching law with technology, the impact of technology on teaching law, the challenges and the way forward in dealing with all the current and future issues that may arise in this regard. This paper is literally an exegesis of the above issues. Although the topic is of a universal appeal the writers will to a large extent beam their search light on Nigeria where the context so admits.

2.0 Origin of Teaching Law With Technology

It is impracticable to trace the origin of teaching law with technology, without mentioning the origin of teaching law itself. The teaching of law has a chequered history in the sense that there is no unanimity as to when formal teaching of law began or where it did. There is also no consensus as to what is even acceptable as to teaching law because of the generational and territorial differences among other variables. As noted by an author:

*The history of legal education in the common law is one of transformation. From the Inns of Court in London to the Modern University, from informal adhoc training to formalized accreditation, from law schools experimenting in techniques and methods to the dominance of a single method of instruction. The history is a battle of ideas. Ideas over what the law is, how it should be taught and the kind of students a law school should produce....*¹⁸²⁷

For the purpose of this work, it is important, as also stated above, to note that “one of the earliest means of formal teaching was oral – through human speech although technology has been increasingly used to back up oral communications. In ancient times, stories, folklores, histories and news were transmitted and maintained through oral communications, making accurate memorization a critical skill...”¹⁸²⁸ As society grew several innovations were adopted to facilitate teaching. One of the firsts of which was the production of a book as a tool for teaching. Several other developments emerged, notable of these was the advent of the computer, internet, e-books, interactive board, power point and other technological tools now used in teaching law.¹⁸²⁹

3.0 Methods and Tools for Teaching Law

The primary goal of any method or tool for the teaching of law is to ensure that the students comprehend as much as possible what is being taught. Thus, diverse methods and Tools have been adopted through the years to impart the knowledge of law. Out of

¹⁸¹⁸ J. Jones, “Legal Studies Definition” available at <https://classroom.synonym.com>. Accessed June 25, 2019.

¹⁸¹⁹ “Law” in its own right has several meanings. For the purpose of this discourse, law can be defined as “A system of principles and rules of human conduct, being the aggregate of those commandments and principles which are either prescribed or recognized by the governing power in an organized jural society as it’s will in relation to conduct of the members of such society, and which it undertakes to maintain and sanction and to use as the criteria of the actions of such members” See “What is law” *Black’s Law Dictionary Free Online Legal Dictionary*, 2nd Edition, available at <https://the-lawdictionary.org>. accessed June 26, 2019.

¹⁸²⁰ K. Ramey, “What is technology- Meaning and its Use.” Available at <https://useoftechnology.com> accessed on June 26, 2019.

¹⁸²¹ L. Stoic, “The Importance of Educational Technology in Nigeria” available at www.ijersee.com, accessed June 26, 2019.

¹⁸²² *Ibid.*

¹⁸²³ “Emerging,” *The Free Dictionary*, available at <https://www.thefreedictionary.com>. accessed June 27, 2019.

¹⁸²⁴ “Emerging” available at <https://www.bing.com/search?q=emerging+meaning&form=PRUSEN&mkt=en-us&httpsmsn=1&refig=e329953f997846b3b7a10d22531fb968&sp=1&qs=AS&pq=emerging+me&sc=8-11&cvid=e329953f997846b3b7a10d22531fb968>, accessed June 27, 2019.

¹⁸²⁵ “Issues” *The Free Dictionary*, available at <https://www.thefreedictionary.com/issue>

¹⁸²⁶ J. Levy, “Teaching the Digital Caveman: Rethinking the Use of Classroom Technology in Law School” available at <https://ssrn.com/abstract=2604350> Accessed June 26, 2019. See also M. Pistone and W. Binford, “Implementing Effective Education in Specific Contexts.” Available at <https://ssrn.com/abstract=2555975>, accessed June 26, 2019.

¹⁸²⁷ J. Knock, “A Brief History of Legal Education: A Battle Between Law as a Science and Law as a Liberal Art.” *Legal History* Vol.17.No.2.2017. p30-61.

¹⁸²⁸ C. Heston, “Teaching in a Digital Age”, available at <https://bc.ca.>chapter>sect>. accessed June 26, 2019.

¹⁸²⁹ For a comprehensive history and development of technology See generally, M. Blissenden (n4) and R. Merges, P. Menel, and M. Lemley, *Intellectual Property in New Technological Age.*(Aspen Publishers. New York, 20008) pp 543-570.

the numerous methods and tools adopted for teaching law, the authors would go with the following summary of the work of Bajpai and Kapur.¹⁸³⁰

(a) Case Method

The study of cases on every subject helps student in deciphering the *Obiter Dicta* and *Ratio Decidendi* of the judgment. It makes them read, analyze, and interpret cases themselves. By this method law student are able to learn better as they are asked to reach their own conclusions about the meaning of the court's judgment. This method enables students to understand legal principles on their own through carefully framed questions. Students are expected to be prepared for class in advance by reading the assigned materials like case opinions, notes, law review articles, etc. and by familiarizing themselves with the general outlines of the subject matter. The student learns the rules and principles developed by Courts and learns to relate those rules to legal doctrines and to facts and vice-versa.

(b) Problem Method

The problem method of teaching is often used as a major alternative to the case method teaching. It can be defined as a method which uses hypothetical fact situations as the centre piece for student analysis and discussions. The problems typically present plausible situations of varying detail and complexity. Students then select a course of conduct or predict a court's decision based on a variety of legal and non-legal materials either provided to the students or readily available to them.

(c) Collaborative Method

Under the Collaborative method students actively participate in the learning process by interacting with each other and listening to other's point of view. It establishes a personal connection between students and the topic of study and helps them to think in a less personally biased way. Group projects and discussions are examples of this teaching method. Teachers may employ collaboration to assess student's abilities to work as a team, leadership skills, or presentation abilities.

(d) Interactive Method

It can be simply defined as experiential learning whereby law students gain practical skills and deliver legal services in a social justice environment. During the process students are confronted with real life situations and play the role of lawyers to solve the problems. They do it by interacting with clients or each other to identify and resolve legal issues, and are subject to critical review by their teachers or peers. Role-playing typically involves taking sides on a case. From there, groups can present opposing perspectives on the facts, simulate oral advocacy, or even re-enact oral arguments. On research and citation assignments, student groups can complete exercises, as well as complete research pertinent to their memorandum or brief assignments.

¹⁸³⁰ G. Bajpai and N. Kapur (n 2). See also H. Obleck, "The "Adversary Method" of Law Teaching", available at <https://www.jstor.org>, accessed June 25, 2019. There, Obleck canvassed only three methods of law teaching.

(e) Seminar Method

It refers to a structured group discussion and what usually follows is a formal lecture or lectures often in the form of an essay or a paper presentation on a theme. It is a teaching technique for higher learning. A specific subject or topic is delivered as an article, report and working paper in the seminar. The article and its concepts submitted in the seminar are analyzed and discussed through group discussion to arrive at a final decision or concept.

(f) Lecture Method

The lecture method can be defined as a continuing oral presentation of information and ideas by the teacher; it is presumably a synthesis of his own reading, research and experiences, interpreted in light of his own insights. Theoretically, in the true lecture, little or no active student participation is involved. In practice there can be much variation in how closely this format is adhered to. There is a varying degree of use of the blackboard, slide projector, assignments to be done outside of class and question and answer sessions; but all of these variants involve the lecturer as the primary agent in the instruction.

(g) Socratic Method

The Socratic Method also known as Socratic debate is a form of cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presumptions. The Method has been praised for many reasons such as it aims to develop crucial legal analytic skills, to accustom the student to the lawyer's adversary style of exchange, and to provide a forum in which the student speaks in public.

(h) Clinical Method

The establishment of clinics created a way to focus attention on functioning models of legal education reform and to expose students to the standards of service and excellence. A major way in which this is achieved is by implementing a range of carefully planned clinical programs and connecting them effectively to the rest of the curriculum, pausing regularly to evaluate the extent to which they are accomplished. Among the principal aspects of this method, students are confronted with problem situations of the sort that lawyers confront in practice; they deal with the problem in role; they are required to interact with others in attempts to identify and solve the problem; and, perhaps most critically, the students' performance is subjected to intensive critical review.

(i) Field Action Project

Field action projects can be used as a method to investigate and inquire issues affecting the society and suggest remedial measures to solve them. In this method, the law students are associated with the members of social work group to conduct an inquiry on social issues particularly relating to women and children.

(j) Outcome Based Learning Method

Outcome-based education (OBE) requires that a future-driven curriculum focus be developed, and demands performance assessment. It is a systemic reform effort which focuses on predetermined outcomes, or curriculum goals.

(k) Research Methods

Research methodology is a separate branch of law providing for a systematic method of discovering new facts and verifying old facts.¹⁸³¹

On the tools, Bajpai and Kapur identified four tools for teaching law which they also explained as follows:

(i) Visual Tools

Visual tools are devices that allow teachers to engage students through their sense of sight. They include handouts, chalkboards, flipcharts, overhead transparencies, slides, videos, and computers. Visual tools can be divided into two categories according to their primary uses. The first category—handouts, chalkboards, flipcharts, overhead transparencies, and slides—is most useful for presenting graphics.

(ii) Computers or Information and Communication Technology-

Presently, five of the most effective and promising applications of computers in legal education are (1) the computer as a visual tool in the classroom, (2) electronic lessons, (3) electronic discussion and supplements, (4) the Internet, and (5) electronic casebooks.

In the midst of increasing knowledge and abilities through technological resources it should not be ignored that human interactions between teacher and student have a profound impact on students' learning experiences.

(iii.) Writing Exercises

Exercises, whether done in or out of class, whether graded or not, whether formal or informal, help to develop thinking skills. As students explain or explore an idea in writing, their understanding and misunderstanding of concepts become clearer. For example, when students draft legal documents such as a will or a complaint, they discover the limits of their knowledge and they develop a deeper understanding as they apply abstract principles to a life-like situation. Writing exercises also helps to generate thoughtful class discussions.

(iv) Flip Class Technique

The flipped classroom is a pedagogical model in which the typical lecture and homework elements of various courses are reversed. Short video lectures, are viewed by students at home before the class session, while in-class time is devoted to exercises, projects, or discussions. The video lecture is often considered as the key ingredient in the flipped approach, such lectures being either created by the instructor and posted online or selected from an online repository.

At a Law school, the teacher may either upload the video lectures on the online database of the University or e-mail on the group e-mail Id. of the class. A compliance report is prepared by the teacher where the entire week's course materials or video links are circulated in advance to the students.

¹⁸³¹ See G. Bajpai and N. Kapur (*n 4*)

4.0 What does it Mean to Teach Law with Technology?

It is pertinent to lay more emphasis on this sub-topic since it strikes at the core of this paper. Teaching of law with technology is simply one of the many tools adopted by the law teachers to pass on the knowledge of law. It has been noted that "Law school teachers as a whole have seldom been recognized as technology innovators, but the fact is that legal educators have been adapting to the digital age in recent years."¹⁸³² Teaching of law with technology is very broad as the dimensions of technology keep expanding. Pistone and Binford,¹⁸³³ have carefully and graphically captured what can be described as what teaching of law with technology portends. In their words:

*Walk into almost any law school in the United States and a visitor can find course websites, internet research, digital communications (emails, texts, messaging, social media, and more), e-books, visual aids, electronic billboards and streaming, and the widespread utilization of laptops, tablets and smartphones. Many law schools are offering distance learning both in the form of remote externships and through online coursework. Law school clinics are increasingly acquiring practice management software and converting themselves into "paperless" offices, while others are operating "virtually" (without dedicated office space). A number of legal educators are conducting assessments online, others are recording and posting their lectures on internet for students to review outside the classroom, and still more are digitally recording students in both live and simulated settings and providing detailed feedback.*¹⁸³⁴

From the above, it can be seen that teaching of law with technology literally takes law teaching to the clouds. It has been noted that, "unlike the use of the traditional blackboard, students can have access to these materials and also view assignments or group works from time to time. The wide use of course management systems and CALI programmes indicate that legal education has crossed a threshold in the use of electronic technology in the classroom."¹⁸³⁵ Teaching of law with technology has been justified as a panacea to the problems in the education sector such as overcrowded classrooms, shortage of qualified teachers and inefficient teaching methods.¹⁸³⁶

The 21st century dawned into an unprecedented advancement in technology in every sphere of human endeavours. The world woke up to see itself in a state called, Globalisation, that is, "the process of denationalization of markets, laws and politics in the sense of interlacing peoples and individuals for the sake of the *common good*."¹⁸³⁷

¹⁸³² M. Pistone and W. Binford, "Implementing Effective Education in Specific Contexts." Available at <https://ssrn.com/abstract=2555975> accessed June 26, 2019.

¹⁸³³ *Ibid.*

¹⁸³⁴ Indeed Pistone and Binford went further to add other variants such as: Customizing Digital Texts, Recording, Flipping and Blending, Assessment, Feedback and interactive Software, Law Practice Resources, Online Instruction: Syncing, Asyncing and MOOcing, Games and Simulation.

¹⁸³⁵ I. Olubiyi, A. Olaniyan and N. Odiaka, "The Role of Technology in the advancement of Legal Education and Practice in Nigeria." Available at <https://www.researchgate.net/publication/280566346>, accessed June 28, 2019.

¹⁸³⁶ A. Umeh and C. Nsofor, "Modern Trends in the Use of Educational Technology in Classroom," *International Journal of Education Learning and Development*, Vol.2, No.5, p.75.

¹⁸³⁷ J. Delbrück, "Globalization of Law, Politics, and Markets—Implications for Domestic Law—A European Perspective", 1 *Ind. J. Global Leg. Stud.* 9, 11 (1993) (italics in the original).

Globalisation is driven by knowledge and capital. Advancement in Information and Communications Technology (ICT) is of particular interest to all disciplines.¹⁸³⁸ Technology has revolutionised the way things are done the world over. Technology has also rubbed off on the Legal Profession, and indeed, the way law is taught.¹⁸³⁹ Technology is not adopted in teaching law or any course at all for the fun of it, rather, it is to ensure effective teaching and learning. Thus, the use of technology in teaching is not justifiable unless it has the effect of enhancing student learning.¹⁸⁴⁰ Laurillard concludes: "There is no point in using communications and information technology unless it clearly improves the quality of learning in some way."¹⁸⁴¹ In addition to the methods above, some tools for teaching law with technology will be specially addressed below:

i. Video Conferencing

This has to do with host live interactive meetings with the aid of internet connectivity, a computer and a web camera. Video conferencing, also known as VC, allows lecture sessions to hold with the participating students being virtually anywhere in the world.¹⁸⁴² In VC, students who participate in the lecture are able to see, hear and speak to one another, irrespective of the part of the world each student is, they are also able to see, hear and interact with the lecturer. With VC, teaching and learning is real time, legal principles, cases and provisions of the law can be discussed by the instructor, and arguments, contributions, questions and answers taken from students from their various locations.

With Video Conferencing, law students need not converge under the same room, for lectures, as the process dispenses with the requirement of having large lecture theatres. Basically, only about three pieces of hardware are needed for VC; these are, a personal computer, a webcam on the PC, and the PC needs to be hooked up to a high speed internet connection.¹⁸⁴³ VC is seen to be a promising tool in the teaching of law, particularly, for the injection of international comparative flavour "in the curricula, as it will enable guest speakers from long distances share resources."¹⁸⁴⁴

¹⁸³⁸ Faculty of Law, University of Uyo, Nigeria "Publication of Legal Materials in the Twenty-First Century", being a paper presented by the, at the Annual Law Teachers Conference held at Kogi State University, Anyigba, from 17 – 20 May 2010. Imo Udofa (LL.M), Dorothy Nelson (Ph.D), Etefia Ekanem (LL.M) & Idorenyin Eyo (LL.M) prepared the initial draft. Prof. Nsongurua Udombana (LL.D) finalised and edited the draft.

¹⁸³⁹ G Pearl, "Legal Education and Technology: An Annotated Bibliography" (2001) 93 No 3 *Law Library Journal*, 1.

¹⁸⁴⁰ Tina Cockburn and Anne Matthew, "Lecturing Law with PowerPoint: What is the point?," available at <https://core.ac.uk/download/pdf/10886817.pdf>, accessed June 27, 2019.

¹⁸⁴¹ Laurillard D, 'Using Communications and Information Technology Effectively' in McKeachie W, Teaching Tips: Strategies, Research, and Theory for College and University Teachers (10th ed, Houghton Mifflin Company, Boston, 1999), p 183.

¹⁸⁴² "What is Video Conferencing? - Definition, Advantages & Disadvantages," available at <https://study.com/academy/lesson/what-is-video-conferencing-definition-advantages-disadvantages.html>, accessed June 26, 2019.

¹⁸⁴³ S. Salter, "Teaching Law Students to Think Like Law Reformers," available at <https://www.youtube.com/watch?v=ivPh1INUBr8>

¹⁸⁴⁴ Ifeoluwa Otubiyi, Ngozi Odiaka, and Abayomi Olaniyan, "The Role of Technology in the Advancement of Legal Education and Practice in Nigeria" Conference Paper, June 2015.

ii Interactive White Board

There are not too many lecture theatres in Law Faculties in Nigeria that interactive white boards, IWBs, are not spotted as pieces of educational technology. The IWB is a teaching tool that is relatively new in law teaching. IWBs make the teaching and learning of law interesting. They present interesting affordances in the classroom environment, such as multiple visualisation and multimedia presentation.¹⁸⁴⁵ While with IWBs the lecturer maintains his grip of the class, like the traditional note dictator lecturer, they afford him the ability for movement and animation, spiced with colours. An effective use of the IWB gives the lecturer the opportunity to pull the students to the board, thereby winning their attention, and easy to sustain interaction with the students. The multiple visualisation and multimedia presentation IWBs afford the law lecturer the opportunity to allow him switch from one point or principle to another while still interacting with the students and maintaining a lively class. The affordances make IWBs an innovative tool with high potential for mathematics instructional environments. In focusing development of specific areas of the law, IWBs come handy as their usage help to improve knowledge and understanding of legal principles.

Although, IWBs can be said to help improve whole-class teaching by adding to the lessons' visual impact and interactivity, it has been "cautioned that the IWB can even reinforce traditional teaching styles because it is so well suited for whole-class, teacher-led pedagogy."¹⁸⁴⁶ Considering the conservative nature of the legal profession, the use of IWBs in teaching of law, therefore seems to itself as a very useful tool which maintains the traditional setting of the class, while at the same time applying result-oriented technology.

ii. PowerPoint

PowerPoint as a technology tool for teaching and presentation affords the lecturer the opportunity to use features which include sound, movement, graphics and colour are popular in his presentation. In using PowerPoint to deliver his lecture, the lecturer first reduce his presentation into slides of short, clearly and concise points, and with brief explanations. In the slides, the lecturer may play with colours, sound, animation, and graphics, depending on the message the lecturer sets out to deliver, to captivate the attention of the students. These features of carefully prepared slides may potentially to raise the interest of law students, to keep attention and to encourage active engagement with the lecture materials.¹⁸⁴⁷ The sound, movement, graphics and colours features of Power point presentation engage the mind of the students and keep them focus on the lecture.

Research has reveals that the use of PowerPoint has been of much benefit to law students. In a survey conducted in order to illicit undergraduate law student opinion on the impact

¹⁸⁴⁵ M. De Vita, L. Verschaffel, and J. Elen, "Interactive Whiteboards in Mathematics Teaching: A Literature Review," *Education Research International* Volume 2014, Article ID 401315, available at <https://www.hindawi.com/journals/edri/2014/401315/>, accessed June 25, 2019.

¹⁸⁴⁶ B. Gregorcic, E. Erkina, and G. Planinsic, "A New Way of Using the Interactive Whiteboard in a High School Physics Classroom: A Case Study", available at <https://link.springer.com/article/10.1007/s11165-016-9576-0>, accessed June 25, 2019.

¹⁸⁴⁷ The survey was carried out by Matthew, and it is cited in Cockburn and Matthew, *op cit*.

of the use of power point as a teaching tool on their learning, 70% of all students surveyed considered that power point presentations in lectures made learning more interesting, and almost 75% of the students surveyed considered that power point presentations added variety to lectures.¹⁸⁴⁸ Also, the survey results reveal that the use of power point in lectures helped 96.6% of the students to follow the content of the lecture.¹⁸⁴⁹

One must note that as effective as the use of power point might be as a tool for impacting on the students, the lecturer must take extra care not to lose the thesis of his lecture to the attractive features of his slides. From the survey results, it is suggested that law lecturers should be very careful not to over-feature their PowerPoint presentations.¹⁸⁵⁰

5.0 Impact of Teaching Law with Technology: The Polemics

Teaching law with technology, although it has brought sweeping changes, as has been highlighted above, has had both negative and positive impacts in a lot of ways. Interestingly, scholars are largely divided on the impact that teaching law with technology has brought.¹⁸⁵¹ However, a pedestrian examination of some of the positive impacts that technology has added to the teaching of law is that it has broken the monopoly of access to learning materials by teachers in the sense that students, by being given access to myriads of online resources. Students can reach over 1000 materials on a subject than the manual search for books in a library.¹⁸⁵² For example, it has been noted that "One of the biggest steps that has enabled technology in law to involve is the digitalization and storage of case law, statutes, and regulations. Recently, Harvard Law School has made their entire collection of caselaw available to the public. This has enabled technology firms to aggregate, store, and provide statistics about the law in a way that we have not seen in the past."¹⁸⁵³ Technology has made it easier for teachers to track plagiarism through the use of digital soft wares that easily detect copied materials that have not been properly credited to the authors.¹⁸⁵⁴ The use of virtual class rooms have largely eliminated the chances of physical sexual harassment between students and their teachers.¹⁸⁵⁵ Use of online sources to submit assignments and research papers eases the load of teachers and students moving around with bulky books or materials looking for each other, with the risk of forgetting them somewhere.¹⁸⁵⁶ On the negative side, it has been argued that the

¹⁸⁴⁸ *Ibid*, at 1= 17.

¹⁸⁴⁹ *Ibid*.

¹⁸⁵⁰ *Ibid*, at 118.

¹⁸⁵¹ J. Levy (n13).

¹⁸⁵² See E. Adu and S. Olatudun, "The Use and Management of ICT in Schools: Strategies for School Leaders", *European Journal of Computer Science and Information Technology*. Vol.1, No.2, 11, Where the authors noted among others that "ICT increases the flexibility of delivery of education so that learners can access knowledge anytime and from anywhere."

¹⁸⁵³ B. Burk, "New Technology and its Impact on the Practice of Law" available at <https://www.theexpertinstitute.com/author/bruce-burk/>, accessed June 26, 2019.

¹⁸⁵⁴ R. Sharma, "How the interest of technology is impacting plagiarism" available at <https://www.thefastmode.com>124>, accessed June 28, 2019.

¹⁸⁵⁵ J. Buttarro, "Preventing Sexual Assault: A Guide for College Students", available at <https://collegestates.org>. Last accessed June 28, 2019.

¹⁸⁵⁶ S. Ghavirekr, "Teaching and Learning with Technology: Effectiveness of ICT Integration in Schools", available at <https://paks.semanticscholar.org>, accessed June 28, 2019.

use of some tools of technology can weaken or destroy the effect that a one -on- one mentoring has on students. It has also had the effect of raising a technologically dependent generation that does not even bother to study and memorize principles, because they feel they can just "google out" anything they need.¹⁸⁵⁷

6.0 Emerging Issues on Teaching of Law With Technology

Teaching of law with technology raises a lot of issues; some of which have been highlighted already in the course of addressing this paper. The emerging issues from the teaching of law with technology are hereby summarized as follows:

i. **Distractions:** There is a strong argument that teaching law with technology could pose a lot of distractions for students because when the internet is opened for learning they may go to other sites and lose focus thereby reducing ability to assimilate what is taught. Others feel that those things mostly happen when a boring teacher is teaching. On this issue Levy notes: "Those defending classroom laptop argue that technology is not the problem; rather it is boring professors. If students are misusing laptops in class, the argument goes, it is no different than the off-task behaviors of a bygone era when bored students passed notes, read the newspaper, or stared out the window."¹⁸⁵⁸ On the other hand there is an argument that defends teachers as follows:

*No teacher, no matter how interesting, can simultaneously fight the Darwinian survival imperative served by a distracted brain and the evil minions of Silicon Valley. And even if you were "the most interesting man in the world" it would not help, according to a new study that found distractions interfering with "high interest" lectures have a greater adverse effect on learning than those interfering with "low interest" ones.*¹⁸⁵⁹

ii. **Dilemma of learning the technology at the cost of understanding the law itself:** There is a great concern about issues of substance and procedure. The course to be taught is the substantive law such as Evidence extracted from computers. This may require that the teacher should demonstrate by using a computer to open a database and print out the data to be used in court. A teacher or student that is not knowledgeable in the use of the technological devise must first learn how to use the devices, before appreciating how to tender such evidence in court.

iii. **Inability or refusal of some law teachers to use technology:** Some law teachers do not just know how to use certain technological devices for the purpose of teaching. For example, the interactive teaching board, which is an electronic device, has been reported to be erroneously used by some traditional teaching for writing with markers. A corollary to the foregoing is a situation where some teachers just outrightly refuse to touch or use the technological devices for teaching.

¹⁸⁵⁷ *Ibid*.

¹⁸⁵⁸ J. Levy (n3).

¹⁸⁵⁹ *Ibid*.

iv. Inability of some students to use technology: Some law students have not had the privilege of being exposed to technological devices such as conducting a research using the Law Pavilion, Westlaw or to make power point presentations. Thus, when scores are awarded for presentation, an otherwise brilliant law student who has no skill in technology stands a chance of being failed in a law course.

v. Lack of technological infrastructures in some institutions of learning: Some schools do not just have some technological devices or tools for teaching or learning law. Some schools do not have simple devices like digital projectors for power point presentation; some have no functional internet servers, no subscription to digital libraries among other challenges.

vi. High cost of using technology to teach: A big challenge that keeps resurfacing preeminently in discussions on using technology is the issue of cost. Some of the online resources are very expensive and very few teachers and schools can afford them.

vii. Power failure, server break downs and systemic faults: A perennial challenge in using technology to teach law, especially in less developed countries is the problem of unsteady power supply. For instance, if a teacher has his lesson in his laptop, with intent to share the lesson to the students in an interactive way, and the battery life of the system runs out then; in the absence of electricity that will be the end of the lecture. Where there is a system failure, total dependence on technology can frustrate learning. Commenting on the disadvantage of Artificial Intelligence (AI), an author said: "AI is a machine and a machine can break anytime. AI keeps so much information related to lesson, material and also subject about education to the class. If the machine breaks and AI needs to be repaired, then all information inside it will be lost too."¹⁸⁶⁰

viii. Premature Internet of things: Internet of things literally means connecting every system service or operation to the internet. When the people and the system we work under is yet to attain proficiency, then it is unhealthy to go into internet of things in teaching law; otherwise the outcome will lead to injustice or pose unmanageable problems. An author illustrated the situation as follows:

*On the other hand, his conclusion that classroom technology has been historically underused because administrators hastily invest in it without first consulting teachers still holds true today. For instance, Professor John Palfrey describes how administrators at Harvard Law School did exactly that in the 1990s when, like many other law school administrators at the time, they unilaterally decided to put internet connections in every classroom. Once the faculty figured out students were using the internet during class to surf the web instead of learn, they ordered the connections removed.*¹⁸⁶¹

ix. Hacking: Teaching law with technology cannot be conclusively discussed without addressing the problem of the possibility of exposing connected systems in a

learning environment to hackers who can hack in and destroy or defraud persons who have no strong security.¹⁸⁶²

x. Disenfranchisement of good teachers: There is generally a gradual disenfranchisement of good traditional teachers by the insistence on teaching law with technology. There is often a sense of withdrawal from participating in teachings and trainings that require the use of sensitive technological gadgets.¹⁸⁶³

xi. False technological reputation without pragmatism: A sad page in legal education, nowadays is the fact that, perhaps in a bid to get accreditation or attract certain classes of students, some schools acquire hi-tech devices that they never use nor know how to use. Unsuspecting persons who go there to study, may sooner or later discover that the whole packaging was just a mirage.¹⁸⁶⁴

xii. Plagiarism: In this era of copy and paste, the issue of originality is highly elusive. Teaching law with technology appears to increase more chances of plagiarism if there are no tracking devices. Even where such exist, what can students do when their teacher is passing on knowledge that he does not possess?¹⁸⁶⁵

xiii. Challenge of error management: A striking issue that occurs is that once a wrong information is put out there to the students in the online environment, it becomes difficult to retrieve. Unlike in the traditional method of writing on boards, where simple mistakes can easily be corrected by wiping it off; errors in computerized work can remain as a permanent advertisement of the tardiness, ignorance and incompetence of a teacher.¹⁸⁶⁶

xiv. Viruses: The problem with viruses corrupting electronic or computer devices is another big challenge with using these technological tools to teach. Viral infections easily lead to loss of data, damage to files and computer down time.¹⁸⁶⁷

xv. Profiteering through technology: Teaching law through the use of technology has prospered a lot of law teachers in so many ways ranging from sale of e-books, job

¹⁸⁶² S. Morse, "The Negative Effects of Hackers" available at <https://itstillworks.com/negative-effects-hackers-2867.html>, accessed June 27, 2019.

¹⁸⁶³ See T. Heick, "Why Some Teachers are Against Technology Education." Available at <https://www.teachthought.com>. Accessed June 27, 2019.

¹⁸⁶⁴ For more discussions on the issue see: H. Radder, "Pragmatism, Ethics, and Technology" <https://scholar.lib.vt.edu/ejournals/SPT/v7n3/radder.html>, accessed June 27, 2019.

¹⁸⁶⁵ R. David, "Is Technology Responsible for the Increase in College Plagiarism?" available at <http://en.writecheck.com/blog/2011/10/04/is-technology-responsible-for-the-increase-in-college-plagiarism>, accessed June 27, 2019.

¹⁸⁶⁶ B. Simmons, "Human Factors & Error Management" available at <https://www.bainessimmons.com/human-factors-error-management/error-management/>, accessed June 27, 2019.

¹⁸⁶⁷ Digital Bridge Institute, "Implementing Security (3)", *Advanced Digital Appreciation Programme for Tertiary Institutions*. Available at <adapt@dbieducation.org> Accessed June 26, 2019. See also A. Trotter "Cyber Viruses Infect Schools Across Nation", available at <https://www.edweek.org/ew/articles/2003/09/10/02virus.h23.html>, accessed June 27, 2019

¹⁸⁶⁰ B. Alexa, "The Disadvantages of Artificial Intelligence in Classroom", available at <bisintek.com/science/2017/1>, accessed June 28, 2019.

¹⁸⁶¹ J. Levy (n.3).

opportunities through their digital publications, attraction of classified funding to their institutions to mention a few.¹⁸⁶⁸

xvi. Compulsive dynamism of technology: The rate of changes that occur in technology have been issues of concern to teachers and learners. It can be so frustrating at times just to find that one can no longer open a certain application because it is an outdated version. An author captured this issue as follows: "Pressure to innovate means that administrators invest in new technology before a need is identified or teachers have even had a chance to figure out whether or how to use it. Thus, technology often becomes a solution in search of a problem, which further explains Professor Cuban's paradoxical conclusion that it is "oversold" yet "underused"."¹⁸⁶⁹ The issue here is how long can spend money to train people to adapt to a certain technological method only to know that it is obsolete?

xvii. Issue of recognition of law degrees issued by institutions who rely mainly on technological methods: This discourse cannot end without mentioning the issue of online law programmes. The Nigerian Law School for instance has not been accepting

candidates from the National Open University of Nigeria (NOUN), largely because of the way that law is taught there does not meet the criteria of practical training required by the Nigerian Law School.¹⁸⁷⁰ This burning issue requires thoughtful consideration as we call for the need to embrace technology in teaching law and the need to balance it with the peculiar rudiments of the legal profession.

It is impracticable to exhaust in this paper, all the issues, challenges, concerns or novelties that teaching of law with technology portends, because the issues are multifaceted and dynamic. The truth is that teaching of law with technology has come to be a legitimate part of our academic family, just like a step brother that has been legitimized by our father. The issue that falls on the table now is how shall we cope with this next level of academic life? As it has been curiously observed, "When looking at the current widespread diffusion and use of ICT in modern societies, especially by the young, the so-called digital generation, then it should be clear that ICT will affect the complete learning process today and in the future."¹⁸⁷¹

7.0 Recommendations

In the light of the emerging issues on teaching of law with technology, it is apropos to pause at this stage to make a few recommendations on the way forward, as follows:

¹⁸⁶⁸ M. McDermott, "New Campaign: Classrooms not Computers, Stop Education Profiteering", available at <https://therealnews.com/new-campaign-classrooms-not-computers-stop-education-profiteering>, accessed June 26, 2019. Doing business at the online level has brought a lot of money and opportunities. See R. Merges, P. Mencl, and M. Lemley, *Intellectual Property in New Technological Age*, (Aspen Publishers, New York, 2008) p.543 where the authors showed that the "Computer Software and Internet Commerce are among the fastest growing and Most Promising Industries in the United States."

¹⁸⁶⁹ J. Levy (n3).

¹⁸⁷⁰ See B. Wahab, "NOUN Suspends Law Admission as Management Negotiates with Law School", available at <https://www.pulse.ng/>, accessed June 29, 2019.

¹⁸⁷¹ See E. Adu and S. Olatudun (n 39).

- i. There is an urgent need to sensitize law teachers, students and other stakeholders in the education sector on the trends in technology and how they positively or negatively impact legal education. This mental reorientation is critical to an informed discourse on how to embrace or handle the issues.
- ii. Proficiency in the use of ICT should be a pre-condition for hiring new law teachers and the old teachers must be given a reasonable time to catch up with emerging technologies and there should be mandatory continuing programmes to update themselves with the use of technological gadgets and applications.
- iii. Schools and governmental institutions should make adequate provision for the acquisition of technological gadgets and soft wares for teaching and they should ensure that there is constant power supply, maintenance
- iv. There is need for ensuring that technological gadgets acquired for use in teaching law are actually applied by the teachers and the students.
- v. Teachers and students must at all times ensure that there are alternative arrangements made for law teaching in event of a failure on the technological devices.
- vi. There is need for teachers to also engage the students in off line activities that will build oratorical skills, presentation skills, and interpersonal skills among other skills.
- vii. Excellent law teachers who have scholastic off line materials that can help law students can be encouraged to put their publications online and their institutions, can also seek their consent to transmit their works online so that they can also benefit from the profits of online publications while also transferring their knowledge of law.
- viii. Law teachers should have anti-plagiarism soft wares installed in their systems so that they can detect works that have been plagiarized.
- ix. Law teachers, in transferring knowledge on line, must demonstrate utmost diligence and reduce the chances of distributing errors in their materials.
- x. Law teachers should, as much as possible, be consulted for their ideas on the needed technological gadgets and applications whenever schools want to acquire such.
- xi. In the light of the technological advancements all over the world, educational authorities should make necessary amendments in their laws and insist on a curriculum that integrates on online and on campus programmes that still ensure standardization of law teaching. As rightly said about the Department of Education (DOE) of United States of America:

In sum, the DOE study found that online tools work best when combined with face-to-face classroom teaching as part of a hybrid approach to instruction. To the extent any correlation was found between the use of technology and better learning outcomes, the study's authors cautioned against attributing it to the technology itself rather than the extra hours of instruction students received in the blended programs. The Durham Study reached a similar conclusion with respect to digital classroom tools finding that they

generally work best when supplementing existing teaching practices rather than replacing them.¹⁸⁷²

8.0 Conclusion

The world has been awash with technological gadgets and applications through the years. These technological devices have been used in teaching law, although they have been slowly embraced. A critical finding of this paper is the fact that, although there are innumerable advantages, teaching law with technology can be fraught with myriads of issues that still call for attention. The paper makes interesting recommendations on how best to deal with the issue of technology. Notably the paper strongly advocates the combination of technological and traditional methods that will best produce the needed outcome which is a learning of the law.

¹⁸⁷² J. Levy (n3).