

Creating Legal Writing Opportunities in the Digital Era

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Abstract

This article argues there is a need to provide law students with greater opportunities to conduct research based legal writing which develops their skills around critical thinking, reflection, review, and communication. Such skills risk being neglected if law programmes become unduly oriented towards assessing students by means of multiple-choice questions or closed book examinations of very short duration. This article hopes to encourage law teachers, with the assistance of appropriate technology, to introduce legal research writing activities into substantive/doctrinal modules. In this way, legal writing is not confined to stand alone dissertation modules but is embedded more throughout the whole law programme.

Keywords: Technology Enhanced Learning, Scholarly Writing

Introduction

This article argues in favour of providing law students with multiple opportunities to engage in legal writing which develops their skills around critical thinking, reflection, review, and communication. These skills risk being neglected if law programmes become unduly oriented towards assessments in the shape of multiple-choice questions or closed book examinations of very short duration. The focus of this article is placed on academic programmes offered by law faculties (typically within a university context) to undergraduate and/or postgraduate students. It hopes to encourage law teachers, with the assistance of technology, to create fresh opportunities for students to undertake meaningful writing activities in modules which are not wholly devoted to writing a dissertation.

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The connotation of ‘legal writing’ is first explored before reflecting on the extensive variation in the design of law programmes on offer. After explaining why it is unrealistic to expect every law student to enrol in a course/module dedicated to legal writing, this article explores how legal writing might be embedded more throughout a whole programme. The discussion, then, turns to considering the support which may be provided by appropriately selected digital teaching and learning tools.

‘Legal Writing’

At the outset, it is important to elaborate on the connotation of ‘legal writing’ for the purposes of this article. Clarification is required because the readership of this journal comprises members of law faculties in many European jurisdictions and further afield whose familiarity with legal education models is far from uniform. In order to appeal broadly, this article intentionally is not rooted in any one regime of legal education.

The label of ‘legal writing’ can be borne by a wide range of modules with quite differing contents and ambitions. As Rosenbaum points out, ‘Advanced Legal Writing’ courses in the United States may include ones which teach drafting litigation and/or transactional documents; grammar as well as courses which teach what some have termed ‘scholarly’ writing.¹ This article is not concerned with legal writing in the form of drafting legal documents or learning grammar. However, it is reluctant to adopt the tag of ‘scholarly writing’ because of a concern that such a label may convey a misleading impression. That said, this article recognises and endorses the ambition of those ‘scholarly writing’ modules which confer on students ‘a greater mastery of doctrine in a particular area and greater sophistication in thinking than provided by any final exam.’² The legal writing esteemed in this article is writing which develops within a process of analysis, reflection, reasoning, critical thinking and, indeed, rethinking. The latter element is prompted by the exhortation from the Head of

¹ Rosenbaum, J., ‘Brutal Choices in Curricular Design: New Directions in Advanced Legal Writing’ (2011) 19(2) *Perspectives: Teaching Legal Research and Writing*, 134.

² Kelly, C. ‘An Evolutionary Endeavour: Teaching Scholarly Writing to Law Students.’ (2006) 12 *Legal Writing J. Legal Writing Instit*, 285, 285. Kelly acknowledges the influence of Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and, Law Review Competition Papers* (3rd ed., Thomson/West 2005) as well as Eugene Volokh, *Academic Legal Writing: Law Review, Articles, Student Notes, Seminar Papers, and Getting on Law Review* (2d ed., Found. Press 2005).

Research Instruction and Lecturer in Legal Instruction at Yale, Julie Graves Krishnaswami, to students to rethink ‘your issue, your process, your sources, your approach and your search terms.’³ For shorthand, this type of writing is described in this article as research based legal writing.⁴

Research based legal writing lends itself to being taught within a structured iterative process. Early and interim drafts can be enhanced or ‘spurred by constructive criticism and collaboration.’⁵ Kelly’s model of teaching a scholarly writing class entails students editing the background sections of the drafts of fellow students’ research on various topics. In that teacher’s experience, the editing task is a much more valuable one for the student editor than for the student author. This is because the editors identify not only negatives (‘.. they are struck by how annoying rambling musings become, how confusing gaps are, and how important roadmaps and topic sentences are’) as well as the positives (‘[A]lmost universally, the students took what they learned through editing someone else’s work and applied it to their own papers.’).⁶ The structure allows peer review skills to be practiced in a concrete context and that experience, in turn, enhances the valuable skill of self-review. Other striking elements of Kelly’s model are communication and reflection as the students get the space to articulate their ideas to other students.

³ Graves Krishnaswami, J. ‘Strategies for Seeing the Big Picture in Legal Research’ (2016) 25 (1) *Perspectives: Teaching Legal Research and Writing*, 15.

⁴ ‘Research Skill Development’ (RSD) from Willison and O’Regan offers a useful conceptual framework for enhancing students’ autonomy as researchers. Its stated aim is to facilitate the explicit, coherent, incremental, and cyclic development of the skills associated with research, problem solving, critical thinking and clinical reasoning. The model sets out six stages which comprise: (i) ‘Embark and Clarify’ where students initiate research and clarify what knowledge is required; (ii) ‘Find and Generate’ is where students use appropriate methodology to find and generate the needed information/data; (iii) ‘Evaluate and Trust’ entails students determining the credibility of their sources, information and making their own research processes visible; (iv) ‘Organise and Manage’ involves organising information & data to reveal patterns/themes; (v) ‘Analyse and Synthesise’ is where students analyse information/data critically and synthesise new knowledge to provide coherent individual understandings and, (vi) ‘Communication and Apply’ is when students discuss, listen, write, respond. Willison and O’Regan recommend that RSD be deployed as part of a learning routine. RSD is available at <https://library.uwstout.edu/teachingresearch/rsd> accessed 8 May 2020.

⁵ Kelly, C. ‘An Evolutionary Endeavour: Teaching Scholarly Writing to Law Students.’ (2006) 12 *Legal Writing J. Legal Writing Inst*, 285, 286.

⁶ Kelly, C. ‘An Evolutionary Endeavour: Teaching Scholarly Writing to Law Students.’ (2006) 12 *Legal Writing J. Legal Writing Inst*, 285, 290.

Engaging in legal writing which is connected to research offers students the chance to acquire and practice a range of valuable competences. These not only include writing skills but also analytical competences around critical judgment and reflection. Moreover, legal writing assignments offer occasions for interaction with others (for example, in peer-review and group collaboration).

Why don't students choose standalone legal writing modules?

It is enlightening to consider why it is unrealistic to expect every law student to enrol in a module which is wholly dedicated to legal writing. This entails taking a closer look at how law programmes are designed or constructed and the position of standalone legal writing modules in the programmes.

In recent decades, it is increasingly common for law programmes to offer students an extensive 'menu' of modules. The range of modules may correspond to the research interests of the law faculty. The offering may be in response to the perceived demands of the 'market', especially, at Masters level where specialisation is seen as enhancing employability. Law programmes may include some non-law modules as options. Other law programmes are designed with a prescribed interdisciplinary component where the non-law dimension may range from being a Minor (comprising one third of the total) to a joint Major (where it is half of the total). Interdisciplinary (or trans-disciplinary) programmes with law are found not only at undergraduate level. The postgraduate level offering may be designed as an LLM or as a MSC programme which accept graduates who did not study law. No discussion of ambitious law programmes can omit dual legal qualification degrees where students need to acquire competency in two legal systems and, often, in two different languages.⁷

When exploring the composition or design of law degrees it is appropriate to make a short detour to touch on the debates on the shape of legal education in England and Wales. It has been suggested that 'arguments around the purpose

⁷ See Bosch, G., 'The 'internationalisation' of law degrees and enhancement of graduate employability: European dual qualification degrees in law' (2009) 43 (3) *Law Teacher* 284 for a detailed discussion of European dual legal degrees in the form of 'UK based law programmes where the graduate is awarded an LLB (for the UK law part) and another qualifying degree from a partner institution teaching in a language other than English (for the non-UK law part), after completing on a programme of study at both universities within four or five years', fn 3.

of law degrees have crystallised into liberal versus vocational dichotomy'.⁸ At the risk of oversimplification, some educators favour law being taught in the mode of 'liberal education'- which conveys a style of education which is not designed to prepare students for a particular profession.⁹ Proponents of a more vocational orientation favour inculcating competences which have been described in terms such as 'employability' and 'professionalism'. Employability and professionalism, as concepts, are not uniformly defined.¹⁰ Turner, Bone and Ashton have summarised most interpretations of 'employability' as tending to point to 'the skills and attributes that make graduates more likely to gain employment' and most interpretations of 'professionalism' as appearing 'to encompass shared norms, high standards of competency, conduct and public obligation.'¹¹ Some argue that legal educators need to adapt their provision of legal education to produce graduates who are ready for employment as professionals (not only as lawyers).¹² To that end, some law programmes are intentionally designed to include (to a greater or lesser extent) 'clinical' or, more broadly, 'experiential' modules. While experiential learning may be defined in a number of ways, a frequent feature is that students get to practice law, often in the form of clinics (or simulations) where they exercise skills such as client interviewing, negotiation or mooting.¹³

The variation in the types and orientations of law programmes explain the abundance of modules on offer to students. One direct consequence of such a

⁸ Ashford and Guth, J. 'The Legal Education and Training Review; Regulating Socio-Legal and Liberal Legal Education?' (2014) 48 *Law Teacher* 5, 7. See also Webb, J., Ching, J. and Sherr, *Setting Standards: the Future of Legal Services Education and Training Regulation in England and Wales* -Legal Education and Training Review, (LETR) (2013) available at <http://letr.org.uk/the-report/index.html> accessed 20 May 2020.

⁹ Ashford and Guth, J. 'The Legal Education and Training Review; Regulating Socio-Legal and Liberal Legal Education?' (2014) 48 *Law Teacher* 5,7.

¹⁰ Rigg, D., 'Embedding Employability in Assessment: Searching for the Balance Between Academic Learning and Skills Development in Law: A Case Study' (2013) 47(3) *Law Teacher* 404.

¹¹ Turner, J., Bone, A. and Ashton J., 'Reasons why law students should have access to learning law through a skills-based approach' (2016) 52 (1) *The Law Teacher* 2, 3. They refer, inter alia, to Baron, P and Cohen, L 'Thinking like a Lawyer/Acting Like a Professional: Communities of Practice as a Means of Challenging Orthodox Legal Education' (2012) 46(2) *Law Teacher* 100.

¹² Dagilyte, E. and Coe, P. 'Professionalism in Higher Education: Important Not Only for Lawyers' (2014) 48(1) *Law Teacher* 33, 34.

¹³ See, for example, Hall, J. and Kerrigan, K. 'Clinic and the Wider Law Curriculum' (2011) 15 *International Journal of Clinical Legal Education* 25 and Maharg, P. *Transforming Legal Education: Learning and Teaching in early Twenty-first Century* (Aldershot, Ashgate, 2007).

rich choice is the creation of a rather full menu from which students are allowed to make only a limited choice.¹⁴ Moreover, the squeeze on a student's selection may be exacerbated by the need to complete certain 'core' modules which are either required for a degree to be recognised by a professional body or ones which assist university graduates subsequently pass entrance tests to professional schools which confer professional qualifications to practice law.

There may well be other, less tangible, and less verifiable, reasons why students eschew stand-alone legal writing modules. It is possible that some students may believe that specialising in certain substantive modules (for example areas which are commercially lucrative) will make them more attractive to certain employers. There may be a perception from the titles (such as 'Academic Writing' or 'Scholarly Writing') that the material is too challenging or too dull. It seems that some students do not hold legal writing modules in high esteem. Tiscione and Vorenberg go so far as to claim that some

law schools send subtle messages to students that despite what they have heard from practitioners about the importance of their legal writing and research courses, it is not as important as their other courses¹⁵

and, in support, they assert that legal research and writing courses are 'often under-credited, particularly at higher –ranked schools and its faculty usually have lesser titles.'¹⁶ In their view '... the perception that teaching legal research and writing is unintellectual 'women's work' continues as part of the social fabric of law schools.'¹⁷ Their observation raises an interesting point (which cannot be pursued here) about the challenges faced by teachers of legal writing in some US law schools where some have claimed that legal writing professors

¹⁴ In Europe, it is common for an undergraduate programme delivered over three to four years to consist of 180-240 ECTS and a postgraduate programme of one to two years duration to contain between 90-120 ECTS.

¹⁵ Tiscione, K. and Vorenberg, A. 'Podia and Pens: Dismantling the Two Track System for Legal Research and Writing Faculty' (2015) 31 *Colum J. Gender & L* 47, 58. They explain that in the title of the article, 'podia' denotes teaching traditional doctrinal classes while 'pens' denotes teaching legal research and writing.

¹⁶ *Ibid.*

¹⁷ Tiscione, K. and Vorenberg, A. 'Podia and Pens: Dismantling the Two Track System for Legal Research and Writing Faculty' (2015) 31 *Colum J. Gender & L* 47,47. After the phrase 'women's work', they footnote a reference to Stanichi, K 'Who Next, the Janitors? A Socio- Feminist's Critique of the Status Hierarchy of Law Professors' (2004) 73 *UMKC L. Rev* 467, 477.

‘remain lower-status as compared to so-called “doctrinal” (or “case book” or “podium”) professors.’¹⁸

The inescapable conclusion from this discussion is that, for various reasons, some students will not choose to undertake modules which are wholly dedicated to writing a dissertation. This reality, then, raises a concern around the adequacy of legal writing opportunities which are made available to law students.

Across the curriculum

This article suggests that any paucity of opportunities to engage in legal writing for those who do not enrol in standalone legal writing modules may be addressed by creating legal writing activities in other modules. The proposal is to embed legal writing assignments or projects throughout a law programme. It resists the

rhetoric adopted by many law schools faculties that identifies certain courses (e.g. torts, constitutional law, property) as ‘doctrinal’ or substantive’ and legal research and writing as ‘skills’ [because that] encourages the view that legal writing does not teach doctrine or substance. To the contrary, teaching the substance of law – including doctrine, statutory construction and common law analysis- is central to every legal writing course.¹⁹

Inspiration for embedding legal writing throughout a law programme is found in McCrehan Parker’s model of teaching writing, as she puts it, ‘across the law school curriculum’.²⁰ Alluding to the shift that occurred in the attitude of US law schools to legal writing, she says it was not so long ago that ‘the prevailing notion concerning law school writing curricula was that writing is writing and

¹⁸ See further Christopher, C. M. ‘Putting Legal Writing on the Tenure Track: One School’s Experience’ (2015) 31 *Colum J. Gender & L* 65, 68 citing Syverud, K. D. ‘The Caste System and Best Practices’ (2001) *Legal Education 1. J. Assn Legal Writing Dirs* 12, 14.

¹⁹ Tiscione, K, and Vorenberg, A. ‘Podia and Pens: Dismantling the Two Track System for Legal Research and and Writing Faculty’ (2015) 31 *Colum J. Gender & L* 47, 58. They cite Edwards, L.H. ‘The Trouble with Categories: What Theory Can Teach us about the Doctrine- Skills Divide’ (2014) *J. Legal Educ* 181, 194-5.

²⁰ Mc Crehan Parker ‘Writing is Everybody’s Business; Theoretical and Practical Justifications for Teaching Writing Across the Law School Curriculum’ (2006) 12 *The Journal of Legal Writing Institute* 175.

anybody who can get into law school, should already know how to do it.²¹ These days, the more informed and modern position is that the ‘instrumental view of writing has begun to give way to an understanding that *legal writing is inextricably linked to legal thinking* – and only rarely will entering law students already know how to do that.’²² In her view, writing practice throughout the curriculum ‘can help students internalize the structures of legal thought and develop more conscious and efficient processes for analyzing legal problems and communicating analysis.’²³

While Kelly’s ‘scholarly writing’ model (discussed above) was conceived as a stand-alone legal writing course it may be deployed to teach other modules. Kelly offers, as an example, *International Business Transactions*, a module which deals with several topics which are only linked by the possibility of being encountered by international business lawyers. Organised as a seminar, it offers, at the outset, a variety of loosely related topics (for example international sales, foreign sovereign immunities, carriage of goods at seas and the like) and, thereafter, the syllabus tracks according to students’ choices of project.²⁴ The wide range of topics from which students choose to research and write lead Kelly to calling it a ‘buffet’ course. This example may offer some inspiration to law teachers who are unaccustomed to setting legal writing assignments.

One reason why this article assiduously avoids using the labels such as ‘academic writing’ or ‘scholarly writing’ is the wish to avoid any suggestion that research centred legal writing is confined to modules in law programmes which are designed along the lines of ‘liberal education’. Legal writing rooted in research may be incorporated into clinical or ‘experiential’ modules without detracting from their orientation towards professional practice. It is easy to imagine how writing a reflective piece of research would find a place in a module on Professional Ethics. Moreover, modules such as Mooting; Negotiation or Arbitration provide excellent venues for students (singly or

²¹ Mc Crehan Parker ‘Writing is Everybody’s Business; Theoretical and Practical Justifications for Teaching Writing Across the Law School Curriculum’ (2006) 12 The Journal of Legal Writing Institute 175,176.

²² *Ibid* (emphasis added).

²³ Mc Crehan Parker ‘Writing is Everybody’s Business; Theoretical and Practical Justifications for Teaching Writing Across the Law School Curriculum’ (2006) 12 The Journal of Legal Writing Institute 175, 179.

²⁴ Kelly, C. ‘An Evolutionary Endeavour: Teaching Scholarly Writing to Law Students.’ (2006) 12 Legal Writing J. Legal Writing Instit, 285, 292.

collaboratively) to undertake research and writing. Indeed, that such modules typically encourage collaboration and communication creates a conducive environment for peer-review of drafts and debate. Offering students opportunities to engage in legal writing helps refine skills and competences which align with the ‘employability’ and ‘professionalism’ ambitions of law programmes which pursue (what some describe as) a ‘vocational’ vision of legal education.

It is important to stress that legal writing can be integrated into an existing module without undertaking a complete redesign of an existing syllabus. The format of the legal writing activity can be tailored to the learning outcomes of the module or, more broadly, the law programme. Thus, depending on the orientation of the modules, students may be asked to produce a literature review; a critique of a journal article; a case-note; a contribution to a debate or moot; a position paper, or a submission in response to a (simulated or real) public consultation by a public institution. Writing assignments may be undertaken either individually or by a group. In either situation, it is desirable to allow occasion for pre-submission review by peers and time for revision and editing. That there is flexibility of the format of the written piece is important as that facilitates its incorporation, without undue disruption, into modules that previously did not offer opportunities to students to write up their own research.

Technology

How technological tools may facilitate the teaching and learning of research based legal writing is next considered. It starts with a brief overview of digital learning landscape in order to demystify the terminology.

There is a broad range of digital teaching and learning models. At one end of the spectrum, there are wholly online models which have no required on-campus activity and, thereby, accommodate ‘distance learners’. Other models combine online activities with varying degrees of face-to face activities. As one moves along the spectrum (away from wholly online offerings) the models are fundamentally classroom courses which use technology on occasion. These may variously be described in terms of the ‘flipped classroom’; hybrid/ blended online courses and web enhanced courses.

Law Schools across the globe have embraced e-learning and technology enhanced learning (TEL) to varying degrees.²⁵ That engagement is not a story of unbridled success. Concerns have been expressed, in particular, about the wellbeing, connectedness and engagement with peers and teachers of students who are not physically on-campus.²⁶ Moreover, some have voiced the need for law schools to appreciate and understand that ‘generating and maintaining online resources requires a considerable investment of time, energy and expertise on the part of law teachers, who should be provided with appropriate training, guidance, support and workload recognition.’²⁷

Using technology to create opportunities for research and legal writing will not succeed if the law teacher chooses inappropriate digital tools. The importance of considering ‘pedagogy before technology’ is emphasised in a collaboration between UNSW and the Australian Learning and Teaching Council (ALTC) which specifically cautions against getting carried away with the technology offering and urges teachers to ensure that online dimensions remain relevant to learning and are not ‘gimmicks’.²⁸ It advises teachers, firstly, to identify the perceived learning need/aim before selecting the technology which fits. The literature on pedagogy and technology identifies several ‘learning through’ scenarios. Laurillard discusses learning through i) *acquisition* where activities are designed with the assistance of technology (for example, screencasts, PowerPoint with audio, clickers); ii) *inquiry* where brainstorming, information

²⁵ See further, Pistone, M. ‘Law Schools and Technology: Where we are and Where we are Heading’ (2014) 64 *Journal of Legal Education* 586; Colbran, S. and Gilding, A. ‘E-learning in Australian Law Schools’ (2013) 23 (1/2) *Legal Education Review* 201; Pywell, S., ‘Bridging the gap: online materials to equip graduate entrants to a law degree with essential subject knowledge and skills’ (2018) 52(2) *Law Teacher* 154,168-9.

²⁶ This particular concern was examined in recent research from an Australian Law School which found that making recordings of classes available is likely to lead to a significant decrease in student attendance- Skead, N., Elphick, L., Mc Gaughey F., Weeson, M., Offer, K. and Montalto M. ‘If you record, they will not come- but does it really matter? Student attendance and lecture recording at an Australian Law School’ (2020) *Law Teacher* 2, 16. As they note, recording classes may be motivated by commendable desires to accommodate students who are unable to attend lectures; provide an alternative study tool, and/or to support students with disabilities or who are from English speaking backgrounds. The authors cite Gosper, M et al ‘*The Impact of Web-Based Lecture Technologies on Current and Future Practice in Learning and Technology*’ (2008) https://researchrepositor.murdoch.edu.au/id/eprint/12120/1/ce6-22_final2.pdf. See also Hess, G ‘Heads and Hearts: The Teaching and Learning Environment in Law School’ (2002) 50 *J Legal Ed* 75.

²⁷ Emphasis added.

²⁸ UNSW and Australian Learning and Teaching Council (ALTC) (2013) ‘*Planning your on-line class.*’ Available at <http://online.cofa.unsw.edu.au/learning-to-teachonline/lttoepisodes?view=video&video=219> accessed 8 May 2020.

gathering and critique can be assisted by technologies; iii) *practice* where applying the learned material is enhanced by technologies which simulate real world scenarios; iv) *production* having recourse to technology which produces concept maps or posters or animations; v) *discussion* by interacting online asynchronous or Synchronous Discussion (virtual classrooms and web conference technology); vi) *collaboration* using technology to produce an artefact.²⁹ Teaching research based legal writing can be pursued as learning through (at least) inquiry, discussion, production and collaboration.

Technology can extend and deepen the classroom experience. In particular, support can be provided by technological intervention by connecting students and teachers in ways which are more flexible than traditional face to face encounters. This is especially true for the development of ideas and written drafts which can be discussed/reviewed by peers and teacher interacting (asynchronously or synchronously), in, for example, virtual classrooms, discussion forums, web conferences, wikis, blogs and vlogs.

How technology can facilitate international and intercultural knowledge exchange and collaboration is convincingly demonstrated by a recent project undertaken in the field of International Intellectual Property Law.³⁰ The project involved Master's level students (from British, European, American and African backgrounds) in a UK institution debating online with students from diverse backgrounds enrolled in a university in Egypt. The written arguments debated the role of Intellectual Property in respect of access to medicine and were described as 'detailed, thoughtful and well structured.'³¹ Even more notable are the positive results which can flow uniquely from the *online* nature of the venue for the legal writing activities. The project leaders highlight how technology opens up the possibility of student exchanges in the shape of 'exchanges of knowledge much more widely' than other (often market-led) mechanisms of internationalization (for example attracting fee paying international students to UK universities or establishing branches of UK

²⁹ Laurillard, D., *Teaching as Design Science: Building Pedagogical Patterns for Learning and Technology* (Routledge: London, 2012). Also see Bugden, L., Redmond, P. and Greaney, J. 'Online collaboration as a pedagogical approach to learning and teaching undergraduate legal education' (2018) 52 (1) *Law Teacher* 85.

³⁰ Jones, B., Gadallah, Y. and Lazem, S., 'Facebook Debate: Facilitating International, Intercultural Knowledge Exchange and Collaboration in the field of Intellectual Property law' (2019) 53 (3) *Law Teacher* 279.

³¹ Jones, B., Gadallah, Y. and Lazem, S., 'Facebook Debate: Facilitating International, Intercultural Knowledge Exchange and Collaboration in the field of Intellectual Property law' (2019) 53 (3) *Law Teacher* 279, 296.

universities abroad).³² Digital media facilitated this project which, in the project leaders' view, counters the adverse image of internalisation by promoting 'approaches that contribute to mutual rather than one-sided benefit'.³³ They draw attention to how technology not only makes meaningful international engagement possible for students who are not in a position to study abroad but, additionally, provides opportunities for what may be seen as, 'more culturally inclusive pedagogy'.³⁴ In their view :

[D]istance and foreignness contribute to the persistence of the legacies of post-colonialism and orientalism in both unconscious and conscious bias. *But by harnessing freely available online technology, students in different parts of the world, from different legal systems, who would never otherwise meet, were able to encounter each other and address important issues through collaborative learning, discussion and debate.*³⁵

The International Intellectual Property Law project is very encouraging for this article. It illustrates the peculiar support which inexpensive (or free) technology can afford to legal writing projects in (what some may describe as) a 'doctrinal' module which can produce far reaching benefits for the students by enabling an international and intercultural experience beyond what is realisable within the confines of the traditional face to face classroom setting.

³² Jones, B., Gadallah, Y. and Lazem, S., 'Facebook Debate: Facilitating International, Intercultural Knowledge Exchange and Collaboration in the field of Intellectual Property law' (2019) 53 (3) *Law Teacher* 279,281. The authors cite Robson, S.

'Internationalization: A Transformative Agenda for Higher Education' (2011) 17 *Teachers and Teaching* 619 and also Wihlborg, M. and Robson S., 'Internationalisation of Higher Education: Drivers, Rationales, Priorities, Values and Impacts' (2018) 8 *European Journal of Higher Education*, 8.

³³ Jones, B., Gadallah, Y. and Lazem, S., 'Facebook Debate: Facilitating International, Intercultural Knowledge Exchange and Collaboration in the field of Intellectual Property law' (2019) 53 (3) *Law Teacher* 279, 281. They cite Robson, S. 'Internationalization: A Transformative Agenda for Higher Education' (2011) 17 *Teachers and Teaching* 619.

³⁴ Jones, B., Gadallah, Y. and Lazem, S. 'Facebook Debate: Facilitating International, Intercultural Knowledge Exchange and Collaboration in the field of Intellectual Property law' (2019) 53 (3) *Law Teacher* 279, 281. In respect of the phrase 'culturally inclusive pedagogy' the authors cite Robson, S. and Turner Y., 'Teaching is a Co-Learning Experience: Academics Reflecting on Learning and Teaching in an 'Internationalized' Faculty' (2017) 12 *Teaching in Higher Education* 619, 620

³⁵ Jones, B., Gadallah, Y. and Lazem, S., 'Facebook Debate: Facilitating International, Intercultural Knowledge Exchange and Collaboration in the field of Intellectual Property law' (2019) 53 (3) *Law Teacher* 279, 282 (emphasis added)

Conclusion

This article argued in favour of creating increased opportunities for law students enrolled in law programmes in academic law faculties to practice legal writing which is connected to research (rather than drafting documents or teaching grammar). It favoured embedding legal writing activities in modules throughout the whole law programme rather than limiting them to stand alone legal research/dissertation modules which students may choose not to undertake. A well-founded motivation for extending legal writing opportunities within a greater number of modules is to afford more students the chance to acquire and exercise a range of research, analytical and communication competences. The contours of particular legal writing activities may be adapted in the pursuit of the particular attributes desired by any law programme for its graduates.

In this digital era, law teachers may avail themselves of digital learning tools which support legal writing and research activities. Where the technological intervention is carefully thought through and responds to genuine learning needs there are potential benefits for students (and teachers).

The potential benefits of technology assisted legal writing activities are not confined to mastering (substantive) knowledge and skills/competences. Indeed they may extend far further to also include more inter-cultural benefits as a consequence of meaningful interaction with persons located outside the physical classroom.