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Prestel as a Medium for Teaching the Law of Contract Teachers' View Versus those of the Public and Students

Max Young

Luton College of Higher Education

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Abstract: This paper reports on research that was carried out to see whether it was possible to "teach" users how to tackle legal problems by providing CAL law tutorials via the medium of Prestel (a videotext system). The CAL tutorial was a simple introductory lesson on the formation of contracts. Views on the Prestel tutorial were elicited in two ways. Firstly, a number of Law Schools were approached directly. Secondly, the tutorial ended in a response frame and users of the tutorial were asked to fill in the frame with their views of the tutorial. This Paper reports on the users' views of the tutorial and then goes on to consider future possible use of videotext as a teaching medium.

Background

The genesis of the research reported in this paper was the author's previous work carried out into CAL (Computer Assisted Learning) tutorials in contract law. The main aim of those tutorials was (and still is) to help law students develop an understanding of the methodology of problem-solving in law and in particular contract law.

The original CAL tutorials were designed to help first-year law students apply their "raw" knowledge (tacit knowledge) of law to a specific substantive problem. The tutorials help students develop a logical step-by-step approach to the problem (procedural knowledge), analysing each part of the problem bit by bit and gradually letting the answer develop by itself, rather than a full-frontal attack on the problem. The tutorials teach the student to go through each question step by step, considering each "component" (the author's name for a sentence, phrase or word that may or may not be legally significant). As the main aim of these tutorials is PROBLEM SOLVING, these tutorials are aimed at the type of problem met in a tutorial; they are not designed to teach a subject "ab initio". In other words, knowledge of the law of contract is presumed. It is the APPLICATION of that knowledge that is being taught and tested.

Prestel/Lawtel CAL tutorial

This research, carried out in 1987/8, was a development of the idea behind the original CAL tutorials. The idea was again to help "teach" students (users of Prestel) how to tackle legal problems. This time, instead of delivering the tutorials via a micro computer, Lawtel provided "space" on

Prestel. The very nature of Prestel (it being frame based and only recognising numeric keys) meant that the CAL tutorial format of free text response had to be abandoned and a simple multiple-choice format had to be adopted instead. The CAL tutorial that was chosen to be adapted as the Lawtel/Prestel tutorial was the first simple introductory lesson on offer, invitation to treat and acceptance.

The actual tutorial that appeared on Lawtel was some 80 pages long and could take anything between half an hour to an hour to complete and could in fact be "fairly tedious" to complete (as was commented upon). The first tutorial started, as did the original CAL tutorial, by explaining to the user the methodology of problem solving.

The explanation consists of only a few pages. However, unlike the original CAL tutorial, once the tutorial problem was presented to the user it was not possible to "freeze" it on the screen because every time one keys to a new Prestel page the whole Prestel page is overwritten: this also proved an irritant to some users.

The general form of the tutorial was the identification of the component followed by a response by the computer.

Once the component had been correctly identified the user was asked to choose from a list the legal significance, if any, of the component.

Once more the computer would respond to the answer.

The user would then be asked to select from a list a suitable authority and again the computer will respond.

The tutorial then moves on to the next component.

Findings

Views on the Prestel tutorial were elicited in two ways. Firstly, Lawtel directly approached a number of Law Schools. Lawtel was provided on a trial basis on condition that comments were received on the Lawtel tutorial. Secondly, the Lawtel tutorial ended in a response frame and users of the Lawtel tutorial were asked to fill in the frame with their views of the tutorial.

Some 50 or so replies were received. There is no pretence in this paper that the replies in anyway represent a scientific sample and therefore any statistical analysis of the replies would not be valid. However, the sample is large enough to provide a range of evidence to enable some tentative conclusions to be drawn.

For convenience the replies received have been divided into the following categories:
Local authorities and others, Law students, Lecturers, General public, and Prospective students

Each category has been split, unscientifically, into *for the tutorial* or *against the tutorial* although, as will be seen, several replies fall somewhere in the middle.

The only editing of the replies that has been done is the deletion of some remarks concerning technical problems; these were very few in number.

The categories

Local authorities and others

For

"I am a Legal Assistant with a Local Authority. I enjoyed the lesson very much and would like to hove a go at others."

"Excellent easy to follow lesson. More please on other subjects. CAB is staffed by 'other' category staff i.e non-professional legal advisers." CAB

"I am a conveyancer with about 2 years' experience working for solicitors and I found your lesson interesting, if a little basic. The pages should, however, contain more than one line of new information each. Thanks."

"Very interesting and good fun can we have more lessons on different subjects. Thank you." Trading standards service.

Against

"It was unnecessarily protracted and could have been given more succinctly and cheaply.' Trading standards.

Brief comment

Three of the replies in favour of the tutorials are from "non-professional" lawyers and they all requested **more** tutorials.

Interesting to note the difference of opinion between two different trading standards services.

Law students

For

"It has been a while since I studied contract law at LSE but I certainly enjoyed the refreshment course you offer. I never realised that the contents and cases of the course are used outside the college. Anyway that was fun."

"I can't always remember the names of the cases: I am a first year law student."

"I am presently reading law as an external student for an LLB degree. I enjoyed this lesson and found it refreshingly easy to follow. Can you do lots more? "

"I thought the case was very stimulating and exceedingly fruitful and of great help. Thank you."

"Very useful."

"Useful as a discipline. Please give more but at a higher level. Student first year Degree Course. Thank you."

"Quite enjoyed the expenence."

"I am a student in my first year and I found the exercise useful."

"Good."

"Thank you it was of great value - as a law student it helps to be taken through step by step even though my lecturer in contract law would not approve of the use of just one case throughout."

"Fun I thought but a bit slow to start with." CPE Student.

"Useful should include more subjects."

"Very useful and interesting but I got bored with the way it was set out." BTEC Nat Dip Bus Studies.

Against

"The multiple choice answers should be more varied in the example the answer was the Pharmaceutical Society of Great Britain each time. The questions could be more taxing."

"Informative. Obviously very basic but too much repetition in the case authority used."

"Isn't there a bit missing at the end saying why the shopkeeper can refuse to sell? Otherwise O.K. but frame response times make viewing tedious." Law student.

"In one or two places the answers given are too clear cut. In particular I did not like the distinction between no significance and invitation to treat in some places. In a sense an invitation to treat has no significance."

Brief comment

Note the words used by those in favour of the tutorials to describe them: enjoyed, stimulating, exceedingly fruitful, great help, fun. Again there were requests for more tutorials.

Generally the comments of those not in favour of the tutorials related to the basic (simple) nature of them.

Lecturers

For

"We found it most interesting all but a little repetitive - especially the constant redisplaying of the facts of the question." "We" are lecturers at this institution."

"My colleague and I are very impressed. How about a final page summarising the logical path and the conclusions? Like test too. Will try on students."

"A useful exercise and a good variation on the usual contract revision lesson. Yes we would like more, please." Lecturer.

"Very good. I run a YTS in Retail and Distribution, teach trainees this, Sale of Goods Act and Trade Descriptions Act. I introduce it early in their training because I think it gives them confidence to know the law."

Against

"No reason was given for why the shopkeeper can refuse to sell the goods."

Replies by letter

"Basically, the idea seems to be a good one but I feel it would be better if some explanation was given when a wrong answer is selected."

"A simple straight-forward problem; the area of law involved would normally be taught in a lecture in a matter of minutes. We all thought the programme useful as regards the potential uses of the system, rather than particularly interesting in its own right (albeit recognising the enormous amount of work which obviously went into it). Students certainly understood the problem and enjoyed going through it. Staff would prefer to evaluate a more conceptual and sophisticated question which allowed for less clear-cut answers and recognised the uncertainty of the law. Some of us also found the selection of component parts to be somewhat arbitrary in that we found the explanation for the division to be less than convincing in some cases. In conclusion: an exciting development which aroused considerable interest as regards its potential uses."

"1. I totally agree with the approach of trying to distinguish relevant and irrelevant components; many students do not have this ability at the start of our courses (in Business Law).

2. It is a useful introduction to the use of "I.T." aids to legal problem solving.

3. I did, however, have some reservations: -

- The strictly sequential approach was somewhat laboured and did not encourage one to grasp the essential elements in a case history.
- The whole exercise was totally dependent on knowledge of one case, of which the facts were a virtual facsimile; could not a more complex, hypothetical problem have been devised, such as the enclosed copy seminar question?
- I did not think it made users aware of legal analysis often leading to several alternative solutions, ultimately only capable of resolution by argument in court.
- I got very fed up of the facts being reprinted at every stage!
- There was no guidance as to what the difference is between an offer and an invitation to treat, or the reasoning behind "Boots"; part of my teaching consists of persuading students to use legal principles rather than merely finding decided cases with apparently identical facts."

Brief comment

Overall lecturers were in favour of the tutorials. Generally the criticisms made of the tutorials by the lecturers were the same as those made by the law students viz the tutorial was somewhat basic (simple) in nature.

General Public

For

"Interesting. I have no legal training and found the lesson worthwhile. I can't see your motivation for providing it but more please."

"Excellent idea!"

"Thank you for an interesting and educational insight into the working of another profession."

"Very informative and an easy step by step approach of how to view a legal problem. My thanks for good work."

"It takes an awfully long time to get through the frames, but was interesting and informative. Thank you."

"I enjoyed the lesson."

"I am a Chartered Electrical Engineer, who might have been a Lawyer! I found the lesson well structured, but perhaps a little repetitive. But I think your use of Prestel in this way is excellent. Best Wishes."

"We thoroughly enjoyed the Lesson and would like to see more on varied topics."

"I enjoyed discovering as a layman just how much I didn't know about the Law."

"I enjoyed this lesson very much but felt that the components were confusing but then the purpose must be to identify components which are red herrings'. Thanks and congratulations."

"Absolutely fascinating - and very useful next time I am shopping. How about some on employment contracts?"

"As a general member of the public I found it useful and interesting. More please."

Against

"Interesting but a bit vague in places lets have more and some pointers to Scots Law."

"I am an Electronic engineer. I found the lesson interesting, at first, but it was dragged along more than usual because of financial reasons, I thought, to keep us on line a bit longer. It should be more to the point. But overall OK."

Brief comment

The tutorial was very favourably received by the members of the general public. Note the words used by those in favour of the tutorial: interesting, informative, enjoyed, fascinating. Even the two comments of those "not in favour" of the tutorial found it interesting.

Prospective students

For

"My daughter plans to read law at university and your lesson gives a useful insight into legal reasoning."

"As a prospective law student I found the Lawtel test very interesting and informative

and hope that it will help me in my university and polytechnic interviews to come. Keep it up (different sections of the law as well of course). Thanks again."

"Very educational! I sit my A-level Civil Liberties paper on June 17, so any help would be gratefully appreciated, eg. Police Powers; Euro Law Convention; Bill of Rights etc. Thanks."

Brief comment

Again a favourable response to the tutorial.

General Comments

Teachers' versus others' views of the tutorial

The title of this paper showed my predisposition to the partiality of lecturers when it comes to alternative forms of teaching. This predisposition has been brought about over a number of years as a result of the reluctance shown in the past by some lecturers to the use of CAL. It is refreshing, and encouraging, to see from the lecturers' replies that they are generally in favour of the tutorials. It would seem, then, that the teachers' views are not really any different from those of any other category of user.

Did the tutorial "teach" users how to solve problems?

Without any further feedback from the users of the tutorial it is impossible to form any real conclusion on this question. What can be said was that users of the tutorial did find it useful, enjoyable, stimulating, helpful, fun, interesting, informative and fascinating and, like Oliver, asked for more so even if the tutorial did not fulfil its original aim it did prove to be a popular teaching method.

Criticisms of the tutorial

The criticisms of the tutorial, which were very few in number, came mainly from just two categories viz law students and lecturers. Basically the complaints were that the tutorial was too simple and was too repetitive. These observations are true but do not take account of the fact that the tutorial was intended to be basic and to be used as an introduction to *anyone* - not just law students and lecturers.

Conclusion

The results of this experiment are most encouraging and demonstrate the possibility of delivering an interactive teaching/learning medium into potentially anyone's home. Whether this is practical, feasible or affordable will be discussed in the following section.

A future for Prestel tuition?

Even if Prestel tuition works several points must be considered.

Target market

a. Level of tuition - At what level should the tuition be pitched? Should it be pre-degree or degree level?

A possible answer to these questions might well be indicated by the users' responses examined above. The one lesson seems to have catered for a variety of tuition levels. Bearing that in mind it might be possible to design at least some courses that were capable of covering different levels of tuition. With careful thought and design different pathways could be provided through a lesson so as to cater for different levels of tuition.

b. Should a "whole degree" be designed?

If the Prestel tuition was to be targeted at degree level should it provide for just first year tuition or should it try and provide tuition for all stages of a degree?

Perhaps an obvious start would be to design lessons to cover the "core" subjects of a law degree. Whilst this might appear to be economically desirable (there being a large market for these subjects), educationally it might be more appropriate to provide courses for less popular subjects. The reason for this being that whereas it might not be economical, or possible, for individual institutions to run less popular subjects, if those subjects were available in a different form then a wider variety of subjects would be available to users at those institutions.

Prestel - Other uses

a. A source of software lessons

Prestel could also be used to down-load PC-based CAL or data base materials so that a user could do the lesson off-line and be able to repeat it as many times as he wished at no extra cost. One advantage of down-loading lessons rather than disk distribution is cost of distribution to supplier and, probably, the user. Another advantage of down-loading lessons is the speed of update of those lessons. Lessons can be updated at any time, users informed of this via Prestel, and then the new updated version of the lesson can be immediately down-loaded by the user.

b. Electronic mail

Another use of Prestel is the mailbox (electronic mail) facility of Prestel. Users could communicate with the "lecturer" concerned, or other users, via the mailbox to discuss the lesson or to ask questions or make enquiries. Users' questions, queries, responses etc could be made available to all other users via the mailbox or via pages specially set aside on Prestel for such matters so that a "true" type of tutorial could take place. This tutorial could be co-ordinated by a "lecturer".

c. Textbook

Another possible use of Prestel could be in the form of a constantly updated textbook. Perhaps a conventional textbook or hard copy of the course materials could be supplied to the user at the beginning of a course; the textbook and course materials could then be kept up-to-date via Prestel. If the tuition was available via Lawtel then the source of updates would already be available for users.

d. Testing

User testing could also be made available, say in the form of multiple-choice random questions, possibly via a gateway system. In this way users could test their own progress and "understanding" of a subject. The results of the tests could also be used to provide "coursework" marks for users.

Costs

a. User costs

Assuming a user has available a PC computer, or compatible, the fixed additional costs to the user would be approximately £200 for a modem and £20 for communications software. Running costs on Prestel would consist of Prestel charges plus British Telecom charges. Since Prestel is now available to 100% of the UK telephone population at local call rates the Prestel plus British Telecom charge to users would be approximately £1.80 per hour. In addition to these user charges would be a Prestel residential standing charge of £8.00 per quarter.

The final charge to be considered would be the user charges to the provider of the lessons. These charges could be on a simple course-fee basis or on a cost per frame basis.

b. Development costs

The cost of development of the videotext lesson described in this paper is similar to the cost of developing other forms of CAL viz to provide one hour of tuition via videotext would take between 100 to 300 hours of development time. If an average time for development is taken as 150 hours and the development cost per hour is taken as £20 per hour then it would cost some £3,000 to develop a one hour lesson. To this figure would have to be added the costs of providing the lesson on Prestel which could add another £1,000 to the cost of the one hour lesson.

Conclusions

Given the encouraging responses by users to the Prestel lesson, it would appear that videotext tuition is a possible worthwhile tuition medium and that further experimentation and evaluation should be carried out. If the market for such tuition was only a few hundred it should be possible to provide lessons at about £10 per hour to the user.