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Citation: Allbon, E. (2019). Changing mindsets: encouraging law teachers to think beyond text. Journal of Open Access to Law, 7(1), pp. 14-16.

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Changing mindsets: encouraging law teachers to think beyond text

Emily Allbon*

* Senior Lecturer at City, University of London and the creator of the lawbore and tl;dr resources

Abstract. The law student learning experience is still a predominantly textual one in the UK; students are expected to do a significant amount of reading in preparation for lectures and tutorials. Research around transmedia and multimodality shows us that engagement levels can be much heightened when different formats are used in teaching materials. This piece gives insight into the creation of a resource aimed at inspiring UK teachers of law to use more visual methods of communicating the law.

tl;dr: the less textual legal gallery, is a showcase of legal learning and communication materials focusing on visual and alternative modalities. Its collections are created by a diverse range of individuals, many in collaboration with students, illustrators, lawyers in practice and technologists. Artistic talent varies as does the reliance on tools. The paper also explores tools that may help law teachers be more visual in how they explain concepts and principles in law.

Keywords: Pedagogy, Student Engagement, Visual Law, Legal Design

1. Introduction

This is a practical and personal piece, introducing a new resource which may be of interest to the legal design¹ academy: tl;dr. The article seeks to give the reader some insight into the motivation for the site's creation, and the journey taken to ensure it meets its aims.

It is an article about visualisation in relation to teaching and learning and although not explicitly about legal design as a discipline, many of the key elements are present here: a desire to communicate better (in a more accessible and engaging way), to collaborate with others from different disciplines, to experiment with different ways of doing things, to problem solve and focus on user-centredness. Importantly it is also about open access; ensuring that not only the resources are open to everyone, but the methods of creation also.

Some seventeen years ago I created a website called *Lawbore*² (Fig 1). Based on my teaching experience, its aim was to help law students be more engaged in their learning, and to increase their understanding of the wide range of free legal resources available to them. Its role was as a gateway site; offering a directory of sources, all categorised according to their relevance to modules studied, and each described for the user. Only trustworthy, quality resources were included, giving students pointers on where to look when

1

¹ Legal design is described by LeDA (The Legal Design Alliance https://www.legaldesignalliance.org/) as 'an interdisciplinary approach to apply human-centred design to prevent or solve legal problems'. They go on to say that 'it prioritizes the point of view of 'users' of the law – not only lawyers and judges, but also citizens, consumers, business, etc.'

² Lawbore <u>https://lawbore.net</u>

researching for their essays or simply finding out more about a new area of law. Instinctively I knew that the visual was key to student buy-in; if it didn't look appealing, students wouldn't use it. We commissioned a series of quirky icons for the directory and as the site developed, so did its visual focus. A sister-site, *Learnmore*³ (*Fig 2*), exploited this further by creating a collection of study skills resources which employed talking slideshows, video 'how-to' clips and illustrated articles and guidance. All resources were accessed via a student head, where parts of the brain visualised the different categories: moots, writing, research etc. The resource is very popular with students and has developed significantly over the years, now including City Hub⁴ (community site for our students), Future Lawyer⁵ (*Fig 3*) (blog for law careers content) and Mooting HQ⁶.



Figure 1. Lawbore website



Figure 2. Learnmore website

³ Learnmore https://learnmore.lawbore.net Read more about its development: Allbon, E. (2013) Too Cool for (Law) School? Using technology to engage students in legal skills, European Journal of Law and Technology, Vol. 4 No. 1, available at: http://eilt.org/article/view/182/279

⁴ City Hub http://city.lawbore.net/

⁵ Lawbore Future Lawyer https://blog.lawbore.net/

⁶ Mooting HQ <u>https://mooting.lawbore.net/</u>



Figure 3. Future Lawyer website

In my teaching too I had always been an enthusiastic user of visual aids; thinking carefully about how I could assist student understanding of what I was saying, by the use of diagrams, sketches and imagery. However, at best this all amounted to an intuition/a vague feeling of what was most effective; there was no solid theory behind my strategy. I began researching what other activity there was within the legal education community.

2. The student learning experience – setting the scene

In UK universities we are facing a challenging period; for most undergraduate degrees, tuition fees are £9,250 per year and students scrutinise closely what they are getting for that investment. A 'consumer identity' is increasingly recognised by students (Bunce, 2017), with increased frustrations around teaching quality, reduced contact hours and support services offered. How do students determine what are the key categories under which quality in their institutions can be constituted though? Douglas et al (2014) detail research which pinpoints these as: access, attentiveness, availability and communication, but go on to identify additional determinants: motivation, reward, social inclusion, usefulness, value for money and fellow student behaviour. Students in the UK are surveyed about individual modules and about their overall experience at their institution each year.

As a result of this increased focus on student satisfaction, academic staff are facing intense pressure; being assessed relentlessly (and scored) on their teaching and on their research, and coping with an ever-growing administrative and pastoral role. Malcolm Anderson, a Cardiff University business school lecturer who committed suicide in 2018, cited his unmanageable workload in the note he left behind. A newspaper article published after the inquest summed up the atmosphere at the university from the staff perspective:

A brutal workload, a Big Brother environment where every move is

measured, constant pressure to bring in more students who are viewed as "cashcows" and an adversarial, competitive and unsupportive atmosphere⁷.

This results in a significant impact on teaching and learning. At a basic level it means that expectations are high and students want more of everything: more time spent with their lecturers, more tailored resources and more support.

There are pockets of innovation in terms of how law is taught but it is still markedly traditional when compared with other subject areas; Colbran & Gilding noting that 'instruction is often lecturer and print-centred'⁸. This is not surprising when Spiesel ruminates on how despite the increasing deployment of the visual in some aspects of the *practice* of the law (particularly in relation to evidence and argument in court), textual representation is still very much the norm in all other facets⁹. Communication by pictures is perceived as less taxing on the brain, (wrongly) seeming not to 'need any further decoding'. She goes on to explain why we elevate text:

...the orderly unfolding of language, experienced in concert with the movement of our eyes as they move across a text, seems to match the unfolding of thought, especially reasoned thinking, to which we give special privileged status. Law privileges reasoned thinking.

Many students however, struggle with the traditional style of lecture and heavy emphasis on textual learning materials and expect more in terms of tailored multimodal resources. Donahoe describes this in a way most academics would recognise¹⁰:

Taking notes and watching PowerPoint slides are passive activities that do not engage these students. Text alone often bores digital students. Multimedia, such as computer graphics, video and animation, will help engage digital students by bringing material to life and helping them understand the context and relevance of the material to the "real world". However, students need even more. They need their learning to be three-dimensional – not flat, linear or purely textual. They need interactivity where their minds (and screens) are turned on and working in overdrive. They need to become part of the material through collaboration, interactivity and simulation.

⁸ Colbran, S. & Gilding, S. *Exploring legal ethics using student-generated storyboards*, The Law Teacher, Vol. 48, No.3, pp. 296-320

⁹ Spiesel, C. (2006) *Reflections on reading: words and pictures and law*, International Journal of Law in Context, Vol. 2, No. 3, pp. 305-320

Donahoe, D.R. (2010) An Autobiography of a digital idea: from waging war against laptops to engaging students with laptops, Journal of Legal Education, Vol. 59, No, 4, pp. 485-514

Deacon, T. (2018) Overworked and undervalued: the crippling stress university lecturers face, available at: https://www.walesonline.co.uk/news/wales-news/overworked-undervalued-crippling-stress-university-15422303 (accessed 29 July 2019)

3. Do visuals really help learners?

Firstly, it is worth considering the types of visuals which might be used in a higher education context. The list might include graphs, sketches, diagrams, infographics, video, cartoon/comic/graphic novel, mind maps, flowcharts, timelines, maps, games and photographs amongst others. Anecdotally many students profess to being 'visual learners' (possibly as a reaction to the shock of the weekly reading lists) and this certainly comes to the fore when it comes to the compilation of revision notes.

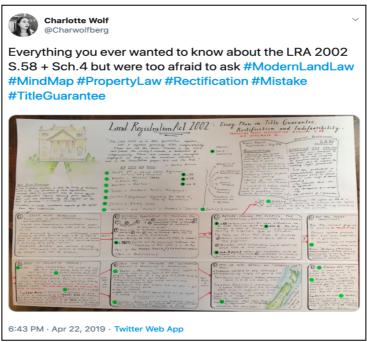


Figure 4. Example of land law revision mind map

Entwistle and Entwistle detail the learning experiences of students when preparing revision materials for exams, and their perceived understanding of how they can recall key information from them subsequently¹¹. Here's a quote from one of the research participants:

I can see that (part of my revision notes) virtually as a picture, and I can review it and bring in more facts about each part ... Looking at a particular part of the diagram sort of triggers off other thoughts.

Koch puts forward three 'cognitive benefits' of mind mapping for students:

- 1. It engages students in "whole brain thinking";
- 2. It assists in students' creation of their own schema for complex legal concepts;
- 3. By following the evolution of the process, it will assist students "internalise and remember the process". 12

Entwistle, N & Entwistle, D. (2003) Preparing for examinations: the interplay of memorising and understanding, and the development of knowledge objects, Higher Education Research & Development, Vol. 22, No. 1, pp. 19-41

¹² Koch, K.L. (2010) What did I just do? Using student-created concept maps or flowcharts to add a reflective visual component to legal research assignments, Perspectives: Teaching Legal Research and Writing, Vol. 18 Winter/Spring pp. 119-

The ready acceptance of the existence of set 'learning styles' has been eroded in recent years, with an article in the British Journal of Psychology (Knoll et al, 2017) showing that although all of the participants in their research identified themselves as a certain type of learner (e.g. verbal, visual) and asserted that people learnt best when given materials tailored for their personal preference, this had no correlation with how much they actually remembered when tested. Essentially, liking to learn from pictures doesn't necessarily mean the information is going in and staying in, any more than if you'd read/heard it. Francis King's comprehensive article on visual approaches in pedagogy usefully suggests shifting our focus from looking to satisfy visual learners, to developing into more visual teachers¹³. She includes a list of advantages from Petty (2009) for those teachers incorporating visuals into their teaching¹⁴:

- 1. *To gain attention*: As students find it difficult to ignore new visual stimuli.
- 2. To add variety: Students and lecturers benefit from this!
- 3. As an aid to conceptualisation: It helps to break down the concept or idea.
- 4. *To assist memory*: Visual information is easier to retain than verbal (this can be evidenced in Brown and Atkins, 1988¹⁵).
- 5. *It shows care*: Students see and respect that the lecturer has prepared.

4. Visuals in legal education

As a judge (and one-time winner) of the Routledge/Association of Law Teachers Teaching Law with Technology Prize, I'm going to use a few examples of projects in this competition to highlight some of the varied and interesting work that has been developed in UK law schools, all of which stem from a recognition of the importance of the visual for learning.

2015 winner: Law mapping¹⁶ **and the Preston Law Trail** (Michael Doherty, Lancashire Law School).

Doherty created a trail based around four sites of legal significance in close proximity to the university. Students in welcome week were sent out in groups to locate them, research to find the answers to a series of questions and take group selfies at each of the four sites. This then fed into the sources of law part of their 'Lawyer's Skills' module, where they were required to write a short blogpost.

^{125,} available at: http://info.legalsolutions.thomsonreuters.com/pdf/perspec/2010-winter-spring/2010-WinterSpring-5.pdf

King, F. (2016) *Visual approaches to property law pedagogy* International Journal of Law in the Built Environment, Vol. 8 No. 1, pp. 80-94

¹⁴ Petty, G. (2009) *Teaching Today: A Practical Guide*, Nelson Thornes, London

¹⁵ Brown, G. & Atkins, M. (1988) Effective teaching in Higher Education, Routledge, London

¹⁶ Doherty's Open Law Map can be found here: https://openlawmap.co.uk/ Others have adapted the exercise – see write up of it at The City Law School https://blog.lawbore.net/2015/10/exploring-the-law-with-our-new-llb1-students/ and example trail https://lawbore.net/2015/10/exploring-the-law-with-our-new-llb1-students/ and example trail https://blog.lawbore.net/tag/exploring-the-law/

2016 winner: Teaching land law with a virtual town (Thomas Dunk, University of Hertfordshire).

Dunk teamed up with a colleague from the Learning and Teaching Innovation Centre to create a 3D virtual town in order to demonstrate land law concepts. This is fully integrated in the module; across lectures, workshops and tutorials and it also features in the module assessment task. Dunk reported encouraging feedback, in particular from those students who struggle to deal with the many abstract concepts in this subject.

2017 winner: Bringing the battlefield into the classroom¹⁷ (Dug Cubie and Luke Moffett, Queens University Belfast).

Cubie and Moffett's winning entry centred around simulation; giving their students an experience of the challenges inherent in applying international humanitarian law on the battlefield. They did this by modifying a computer game in commercial use and using it in practical sessions following the weekly lecture. Students took part in scenarios that reflected real-world conflicts, having to make decisions on best course of action by applying international humanitarian law.

In terms of public legal education, the RightsInfo resource demands a mention¹⁸. The aim of this UK website is to 'build knowledge and support for human rights in the UK'. Their secret weapon in this mission? An amazing use of visuals to communicate the law on human rights to citizens; via infographics, timelines, explainers, stories and videos.

5. tl;dr

A series of inter-connected experiences set me on the path to creating tl;dr. Firstly I was tasked with developing a new (mostly) online course (the LLB in Legal Practice) for legal apprentices¹⁹. Keen to address the learning preferences and studying habits of young people (Allbon, 2016; Bone, 2009), and meet the challenges of engagement and cohort cohesion associated with this medium (Barron, 2014), I tasked a scriptwriter²⁰ with developing a series of resources which focused on mini-stories involving inter-connecting characters within the same town. We, alongside City's educational technology colleagues, created a transmedia storyworld around several of the first-year subjects; with characters popping up across modules, to help combat the silo-effect that those studying academic law often fall prey to.

Transmedia has emerged from the myriad forms of digital online media in the last decade as an innovative educational approach. It "spans across many forms of media - a cross-platform that allows story elements to emerge"

7

¹⁷ Q & A and Project Overview with Cubie and Moffett, available at: https://www.routledge.com/law/posts/qa-2017-routledge-alt-prize-winners-dr-dug-cubie-and-dr-luke-moffett

⁸ RightsInfo https://rightsinfo.org/

At The City Law School we run an LLB in Legal Practice (an online degree with face-to-face teaching once a month), attended by students who are apprentices at law firms, the Crown Prosecution Service and in in-house legal teams in large corporations.

Ness Lyons http://nesslyons.com/

(Warren et al, 2013²¹). This medium brings to life the concepts students learn about on the LLB in Legal Practice by dramatising events which befall a collection of characters in the fictional town of Lagton. Using a variety of media, genres, registers and forms, students are encouraged to draw links between not only the differing perspectives of the characters but between their learning on different modules of the programme.

I began to come across different examples of individuals using design to communicate the law and my research led to a sabbatical in order to learn more about legal design. I started to envisage an extension to Lawbore. Not a resource to cater solely to student needs, but one that helped under-pressure, time-poor academics to see where they might be able to introduce visual elements into their teaching.

What was important was that the site:

- Showcased a range of examples of visualisation (in terms of methods/tools used, difficulty level);
- Included detail on the aim of the resource, the materials or tools used and the creative process;
- Included technical know-how when it was integral to the creation of a resource;
- Gave a platform to the creators of each individual resource.

It was also vital that this was a source that was freely available to the whole community and crucially, that others (outside of my institution) could contribute material to the collection. I invited select individuals whose work I admired to donate a resource to the site. More on these in the later section 'What is available on tl:dr?'

Figure 5. Screenshots from the tl;dr website

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²¹ Warren, S. J., J. S. Wakefield, L. A. Mills (2013) Increasing Student Engagement and Retention using Multimedia Technologies: Video annotation, multimedia applications, videoconferencing and transmedia storytelling, Cutting-edge Technologies in Higher Education, 2013 (6F), pp. 76-94.



Figure 6: The tl;dr website

As many of you will know tl;dr is internet shorthand for 'too long, didn't read' – this seemed a really appropriate name for the site given the challenges we as academics have when teaching our students and setting the reading tasks.

5.1. Collaborations

Any creative work can seem quite daunting at first and collaboration is a big feature of the site; many of our inclusions are the result of several people working together. Illustrators, educational technologists, academic colleagues, lawyers in practice, information designers and students have all played a role in these resources and those due to be added to the site in the coming months.

5.2. What is available on tl;dr?

For launch there is a range of resources available, the most complex of which is Coltsfoot Vale, an interactive map to help students learning the basics of land law. This doesn't immerse students to the sophisticated degree seen in legal simulations (Barton et al, 2010; Rowe et al, 2012) (such as the creation of virtual town Ardcalloch²² for students at the University of Strathclyde by Paul Maharg, where students take on legal tasks within law firms in the town, learning about the law, the profession and its transactions), but Coltsfoot Vale does allow students to learn through inter-connecting stories (see educational storytelling Steslow and Gardner, 2011), and incorporates both visual and aural learning elements. All textual aspects are simultaneously narrated where appropriate.

²² Barton, K & McKellar, P. (2007) *Transactional Learning: Ardcalloch Sheriff Court is open for Business*, Journal of Information Law & Technology, No. 1, available at: https://warwick.ac.uk/fac/soc/law/elj/jilt/2007_1/barton_mckellar/

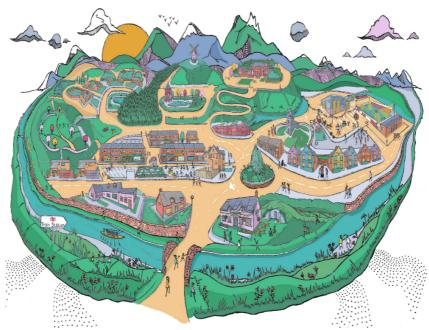


Figure 7. Coltsfoot Vale

By selecting one of the properties in the village, a screen overlay introduces the student to the individuals who live there. Four icons on the right of the screen represent the content: the orange for inhabitants, the yellowy-green for the background facts, the blue for scaffolded questions (and temporarily blurred-out answers), and finally the purple summary – here is where a talking slideshow brings it altogether and sums up the relevant area of law.

To reveal the answers, the student just clicks to bring them into sharpness again. Having them blurred initially encourages them to have a think first.



Figure 8. The inhabitant information for one of the Coltsfoot Vale properties

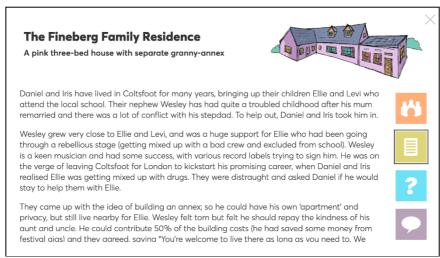


Figure 9. Background facts about the inhabitants of the property

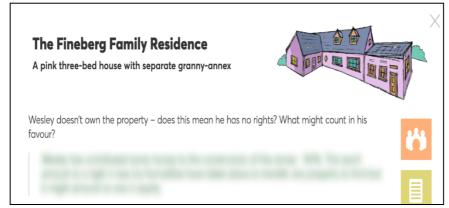


Figure 10. Questions to get students thinking about the legal issues arising (answer blurred out)

One of the key advantages of employing the visual is that it allows students to become more absorbed by the story; land law is one of the tougher subjects to teach, partly because it is legislation-heavy but also because most of the students will not own property (or be likely to for many years in London!). Many of the concepts are quite alien to them. Following characters in a story allows them to feel more empathy for the situations they find them in; useful when one of the most traumatic events in someone's life is losing their home.

It has been wonderful to get some of the students involved in creation of resources, often based on their own revision practices; and I expect more examples like these on the site in the future. Examples from students include an animated video case explainer (created using the Flipaclip app), a comic case explainer, visual case flashcards, an illustrated glossary, a painting and a revision tool for learning non-fatal offences (via a chatterbox/fortune teller).

Colbran has written on the benefits that arise from students generating their own learning materials, in relation to digital flashcards (2017) and storyboards (2014), categorising them as 'authentic tasks' (as per Herrington et al, 2010). Key to this are the aspects of collaborative construction of knowledge and real-world relevance, amongst others. Interesting to note, however, the warning that the creative/design aspect can distract from the real purpose of any such activity (particularly if set in an assessment context as he did).

On tl;dr you can also find a short historical graphic novel to explicate why equity is important in the development of land law. We are working on an extension to this to demonstrate that this is still very much key to modern land law. There is an illustrated explainer factsheet on the law around coownership which seeks to show all the key aspects (principles, relevant case law and legislation) in just two sides of A4.

tl;dr also features some excellent material from others whose work in communicating the law is inspirational (see Figure 11). This includes an animated video on mandatory minimums and a booklet to help the families of students who have been suspended or excluded from school from Hallie Jay Pope, founder of the impressive Graphic Advocacy Project²³. Hallie's use of these very distinct mediums is very effective; clean lines, simplicity, clever use of icons and white space as well as a limited colour palette all add up to a striking visual impact and accessible engaging guides.



Figure 11. Contributions from those external to City

Sticky Tricky Law²⁴ is the brainchild of EU law lecturer Joelle Grogan; who has been visualising EU concepts for students on post-it notes throughout the whole Brexit episode and posting on social media channels.

The work of artist Isobel Williams is wide-ranging; we showcase her exhibition from a period spent at the UK Supreme Court and it is fascinating to gain insights into what she chooses to focus on in her portrayal of the law in action. She is also author of The Supreme Court: A Guide for Bears²⁵ – a picture book shedding light on the operation of the court.

We also feature some of the work of *RightsInfo*, who are mentioned earlier in this article; Cameron's Story is a short but powerful video about a case which reached the UK Supreme Court and made a difference to hundreds of families. Their ability to communicate the complexities of the law in relation to human rights, via personal stories is incredibly powerful.

²³ Graphic Advocacy Project http://www.graphicadvocacy.org/

²⁴ StickyTrickyLaw https://twitter.com/stickytrickylaw

²⁵ Williams, I. (2017) *The Supreme Court: A Guide for Bears*, Biddles Books, Norfolk.

5.3. What tools can help?

A key part of the rationale behind tl;dr is to showcase and inspire teachers of law and their students into thinking about alternative ways to communicate the law they are teaching or learning. There is not space to discuss at length the tools which may be helpful but I introduce two below which are relatively easy to master and can have a big impact.

It was always crucial that the site offered descriptions of motivation for the creation of a particular resource, as well as some guidance on how it was created, the development process and any challenges associated with this. Some items would be too complex for individuals to create alone, but may be viable with some support from university IT and educational technology support staff. The biggest hurdles for most individuals when considering creating resources focusing on alternative modalities, appear to be time and artistic ability.

Products that stood out in terms of ease of use for the academic creators and likelihood of engagement with students included the whiteboard animation tool Videoscribe²⁶ (by Sparkol) and an infographic-maker like Visme²⁷.

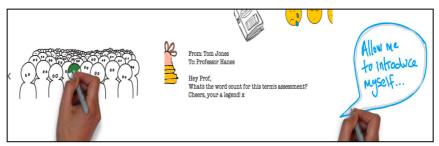


Figure 12. Videoscribe example on tl;dr (Getting what you want from emails)

Videoscribe is ideal for short explainers, allowing the creator to 'tell a story' whilst images are drawn or placed on-screen. There is a large collection of free images to use, as well as further premium collections available to purchase. There is also the option of drawing your own in an external package (for example the Concepts app on iPad). One of the best examples of using this medium is the RSA Animate series (the Royal Society for the encouragement of Arts, Manufactures and Commerce)²⁸. They describe their conception as 'an innovative, accessible and unique way of illustrating and sharing the world-changing ideas from the RSA's free public events programme²⁹. Seeing the image come alive on screen as you listen to narration, keeps the user focused on the message. The creator of the Animate series, Andrew Park, offers some useful insights into their development in an article published on the RSA website³⁰. He describes them as 'an animated example of my thought process writ large', but also draws on some useful reflections regarding relevance and the difficulties of ideas going through a 'personal filter'.

²⁶ Videoscribe https://www.videoscribe.co/

²⁷ Visme https://www.visme.co/education/

RSA Animate https://www.thersa.org/discover/videos/rsa-animate

²⁹ Ibid.

³⁰ Andrew Park, Blog: Talk to the hand, 19 October 2015 https://www.thersa.org/discover/publications-and-articles/rsa-blogs/2015/10/talk-to-the hand

Visme helps you to create infographics. It's a useful tool for mind maps or explainers or indeed as a more interesting way to visualise data and graphical information. For those new to this type of software, there is an extensive collection of templates to help you get started, covering presentations, infographics and documents.

5.4. What is still to come...?

tl;dr will grow in terms of the number and variety of resources added to the collection. I am looking forward to experimenting with new tools, working across different mediums and with new collaborators. Up to now the focus has been more on resources for academic law programmes but I have plans in place to work more closely with those who teach on practitioner programmes also. The site will also mature to include more examples of legal design for the community; showcasing work done with advice centres or community groups on access to justice projects. I am also looking forward to hearing from those who would like to contribute some of their own work to the site.

6. Conclusion

As we have seen, visuals have an enormous role to play in support of our teaching. It is hoped that this new resource, tl;dr will provide colleagues in law schools worldwide with a space to learn, share and be enthused. We cannot escape, as Spiesel says, 'the invasion of the visual'.

In this changed media environment, the law as an epistemology dominated by the idea of words as carriers of the most important legal meaning must find a way to integrate and accommodate what is happening – the invasion of the visual. It must integrate the need for some new understanding about the cognitive effects of this change. People expect to be able to act on information, to put it together for themselves. They expect to see the evidence presented in a way that they can understand³¹.

Spiesel is of course referring to legal practice and the presentation of evidence in court, but this sentiment applies across the piece. We should be using every tool at our disposal to help our students understand the law they study, and equally, that in the context of open access to law, recognising that many of these approaches will also be helpful in relation to *public* legal education.

Teachers of law should be joining forces with information designers, illustrators, legal practitioners and technologists, forming multi-disciplinary teams, in order to improve access to justice for their communities.



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