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A Brazilian Experience on Technological Distance Learning for Law Students and Professionals

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This paper is to describe an experience on technological distance learning for law students and professionals which has been undertaken in Santa Catarina/Brazil aiming, firstly, to qualify professionals and students to use the internet as a source of information for their works and, secondly, to insert them into a positive discussion regarding the most appropriate technologies for the development of a more efficient Judiciary system and for the implementation of electronic courts in Brazil. The course indicates that there is a highly positive atmosphere for the use of Information and Communication Technology (ICTs) in the Brazilian professional and academic legal environment.

1. Introduction

The methodologies of distance learning have been increasingly finding more and more acceptance in the academic and professional fields of Law in Brazil as in the entire world. People are becoming more and more reliant on computers and technology to perform basic tasks of their daily life. In the same way, students and professionals of Law are becoming more aware of the fact that the many contents to be taught and learnt by them have no need of the physical presence of a teacher talking and gesticulating in front of them, in the same way that ideas, to be transmitted, do not need the physical presence of the author/thinker (Would Shakespeare's lines be better appreciated if he were telling them to us in person?). The reason for that is simple: ideas have a life of their own, they are independent of the mind or paper where they were created - from the very moment when they touch the first receiver/pupil.

In this trace of thought we can consider that the on-line teaching brings a number of advantages: to start with, in the distance learning system the idea is transmitted and received, one can daresay, on its purest form, the written word. With this educational technique the word alone is the item to be interpreted in the teaching/learning, the students don't have to interpret the expressions of the teacher. It can stimulate certain students to expose their own ideas and questions more openly; likewise, it can inspire the ones whose brilliance comes more from an easy and fluent expression than from the originality of ideas, to better elaborate the "content" aspect of their abilities, since in the on-line learning system they would have to show and develop their skills and ideas in a simple and clear environment (considering that they will no longer be able to conceal any lacking or limitations with pleasant gestures and graceful actions because no one is physically present in on-line environments).

Also, there is no timetable for classes or lessons, students are free to perform the tasks when they consider more appropriate or when they have a better inspiration for it. Not having the limit of scheduled lessons, students have all twenty-four hours of the day to choose the moment they want to dedicate to their study, which makes the system very practical – they can even spend the whole day in the Virtual Learning Environment.

2. The Juridical Web Research experience – content and methodology

Taking these aspects into account and with an enthusiastic disposition, the researchers of the Juridical Institute of Intelligence and Systems – www.ijuris.org and the University of the South of Santa Catarina – www.virtual.unisul.br - started an experience on distance learning, in October 2001. Through this new course, Law students and professionals (lawyers, judges and prosecutors) would qualify for an efficient use of the most recent technology in the juridical ambit. IJURIS supplied scientific content and experience in developing technological tools in the juridical field. UNISUL contributed with technical support on distance learning. Both institutions wished to innovate and bring about something new - the course “Juridical Web Research” was created, a revolutionary way of learning designed for students and professionals interested in give a vigorous impulse in their careers.

The strategy was to combine the use of ICT with the study of certain topics in Law (Civil and Criminal Procedures, Electoral and Civil Law especially). The exchange of ideas and opinions was stimulated. Debates about interrogatories via videoconference were proposed on subjects such as the use of such technological tool for the interrogatory of arrested defendants, which is in frank expansion in Brazil notwithstanding the controversy it raises in terms of both principles, the Due Process of Law and Wide Defence. Gathering statements and reports digitally available in the Virtual Learning Environment (VLE), as well as visits to the site of the judge who first accomplished such an experience of interrogating via videoconference, were other efficient methods to raise discussion concerning the proposed subjects. The quality of the interaction between students and between students and teachers was evident through the material produced by the students as response to the topics proposed or even mentioned by chance during the exercises.

Technical subjects, such as the safety of the identification of the sender and the safety of contents in procedural documents transmitted via web, were discussed with the help of specialists on the subject. The Brazilian experience on the sending of official certificates and documents through the Internet as well as on on-line income declarations allowed exercises on the production of evidences in the lawsuit. One of the matters to raise debates when the use of consolidated technologies was analysed, was regarding the safety of the current Judiciary System, which is strongly based on physical solemnities (paperwork mostly). The conclusion was that technological tools could guarantee a better control of the procedural acts and the identification of responsibility for the evil use, as they can accelerate the judicial activity with the elimination of dispensable institutions such as the judicial registry.

Because jurisprudence are essential for any petition presented to the Brazilian Courts, the use of logical connectors in Boolean searches on the Brazilian courts websites was well regarded by the students, as it makes the jurisprudence searches more efficient. The search system of all the Brazilian courts websites was evaluated through comparison, which allowed students to identify those that are more ergonomic and functional for users.

The screenshot displays the UVB website in Microsoft Internet Explorer. The browser's address bar shows 'uvb.br - universidade virtual brasileira - Microsoft Internet Explorer'. The navigation menu includes 'Mural', 'Perfil', 'Plugados', 'Correio', 'Secretaria', 'Monitoria', and 'Ajuda'. Below this, there are icons for 'Anotações', 'Galeria', 'Midiateca', 'Fórum', 'Relatório', and 'Tutoria'. A status bar at the top right indicates 'Curso: ****', 'Disciplina: ****', 'Professor: ****', 'Aluno: ****', and 'Unidades: 1 2 3 4 5 6'.

The main content area is titled 'UNIDADE 2 Pesquisa Jurídica na Internet' with a subtitle 'Introdução à Pesquisa Jurídica na Internet'. A sidebar on the left contains a menu with 'introdução', 'objetivos', 'atividades', and 'síntese'. The 'atividades' section is active, showing 'Atividade 1 - Obtendo um documento eletrônico com validade jurídica'. The text describes the activity: 'Na atividade que ora propomos, você obterá a Certidão Negativa de Débito de Tributos e de Contribuições Federais.' It instructs students to follow the instructions carefully, using their CPF or a parent's, and to use the 'Monitoria' tool for any doubts.

The 'Instruções' section provides two steps:

- 1 - Visite o site da Receita Federal - <http://www.receita.fazenda.gov.br> e clique no link "Certidão Negativa de Débitos";
- 2 - Na página que surgir, no item "Pessoa Física", obtenha orientações gerais sobre como expedir uma "Certidão Negativa de Débito de Tributos e de Contribuições Federais";

Two small screenshots of the Receita Federal website are included. The first shows the 'SECRETARIA DA RECEITA FEDERAL' menu with 'Certidão Negativa de Débitos' highlighted. The second shows the 'Certidão Negativa de Débitos' page with 'Pessoa Física' highlighted. Both are labeled 'clique na imagem'.

The illustration shows one of the twelve exercises available at the Virtual Learning Environment of the “Juridical Web Research” course. The tools for interaction with the teacher, tech support and other students are available on the top of the screen; the content of the course itself is shown below.

The goal of the course was to prepare students for a totally digitalized lawsuit, with a study for the integration of technologies of Law Companies with the ones used by the Brazilian Courts websites. Two thirds of the time spent for the elaboration of a sentence or a procedural piece is wasted on the search for doctrine and jurisprudence that can be applied to the case of study. We believe that the emphasis on the memorization of cases and theses for the study of Law, as it happens now in Brazil, will give place, with the coming of new ICT, to the real ability in handling juridical knowledge in wide aspect, as SCHWEINGHOFER indicates to the School of Rights in the European Union; hence the preparation of students to a completely electronic legal process.

Inspired in WIDDINSON, we privileged the use of technological tools that favoured four important aspects: (i) deepened approach; (ii) emphasis on the relativism of ideas rather than the dualism of opinions; (iii) balance between holistic approach and detailed study; and (iv) balance between convergent and divergent thought.

The content of the course was dimensioned in five modules adding up 20 hours of dedication. The Virtual Learning Environment (VLE) was available for each student for 30 days, allowing him or her to accomplish their activities at any day of the week and at any schedule, as most of the activities were based on asynchronous tools. Since April 2002 three hundred Law students and professionals were qualified while others already wait for the opening of new groups.

3. Evaluation and future work

The spontaneous answer to the questionnaire that evaluates the course allowed us to obtain valuable information, such as the satisfaction level with the VLE, content, technological support and teaching.

The course today is on its seventh edition. The first edition was made to assemble, in a test-group, Law professionals and students who were especially invited to evaluate the proposal. The two following groups were composed by students from the graduation course in Law and also by professional, masters and specialists from other areas. From the 106 registered students of the online program, 47 answered the questionnaire for the evaluation of the course – and their answers were studied and examined by Mr Inacio Reichert. His analysis resulted into a thesis for a Master Degree presented in May 2003 before the board of the Post-Graduate Program in Production Engineer at the Federal University of Santa Catarina – PPGEP-UFSC. The main expectations regarding the course were, among others, a) the good interaction with the course monitors (who offered technical support), with the tutors (who offered support over the content of the course) and a good interection among the students themselves; b) the possibility of group integration for the elaboration of politics, for the programming, and for the creation of projects that made possible the juridical distance learning; c) a wide flexibility regarding the time of study; d) an improvement of skills for the transmission of knowledge; e) fast actualisation; f) agility on the access to jurisprudence.

The questionnaire was structured with questions of closed answers, with 5 alternative answers that varied from insufficient, to regular, to satisfactory, good and Excelent. 92% stated that the programmatic content of the course offered a considerable amount of new information for the updating of professional practice.

Regarding the technology used for the distance learning, 93% of the questioned students declared that the Virtual Learning Environment was good or excellent for a process of distance learning.

As to the relation each one of the students had with the course tutor, 80% stated that the interaction was good/excellent and 85% answered that the teacher showed to have a solid knowledge and was very competent on the area embraced by the course. Concerning the service offered by monitors and equipments, 89% said that the monitor helped them very efficiently when they requested for help.

63% of the students declared that the course completely answered their initial expectations and 61% stated that the purposes of the course were attained.

Thus, the spontaneous answer to the mentioned questionnaire that evaluates all the structure of the course allowed us to obtain essential information regarding the level of satisfaction with the Virtual Learning Environment, with the content of the course, the technological support and with the teaching itself.

The whole experience allowed us to identify a growing demand for TICs qualifications for Law professionals and students.

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