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The Use of Courseware in Skills Training

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Abstract: The funding of the Law Courseware Consortium and the development of the authoring environment provided an opportunity to use the environment in the development of a workbook for use in skills training. This paper shows how the workbook was developed using a range of media, audio, graphics and video. The comparison with the development of workbooks in substantive legal areas is made and issue concerning future development and use are raised.

1. Introduction

Lawyers' skills are a central part of legal practice, and training in these skills, in England, underpins the Legal Practice and Bar Council courses. Such training is now trickling down into undergraduate courses. At Liverpool John Moores University there is a first year LL.B module designed around the same legal skills as those identified for and taught on the Legal Practice Course and taught mainly by the same staff team.

The successful Law Consortium bid under the Teaching and Learning Technology Programme aims to develop courseware in the core substantive law areas. There was no provision of courseware for skills training. To partially fill this gap the Liverpool John Moores University funded a project to develop courseware in interviewing and advocacy skills. The courseware was, with the agreement of the Law Courseware Consortium, to use the authoring environment developed by the consortium. It would comprise of three pieces of courseware, interviewing in law, interviewing in social work and court craft. The environment would provide flexibility for the development of a multi-media workbook that would consist of a mix of text, graphic, audio and video elements. This would provide a much more coherent environment than the present mix of video tape, audio tape and texts used by students and provide a more workable technological solution than inter-active video with its multiple components. The Interviewing in Law workbook was completed in November 1994, and has been evaluated during the winter term 1995.

2. Design

The five legal skills are research, drafting, interviewing, negotiating and advocacy. (DRAIN) The last three of these, and in particular interviewing and advocacy, are assessed by means of video-recording of role play simulations. A fairly standard format has emerged at Liverpool John Moores University for the assessment of interviewing: students are given thirty minutes to interview a 'client'. (usually another student on the same course) who has been given a 'fact-pattern' to learn in advance. In this time, the student must run through all the stages of an interview as commonly identified by the professional bodies. It is this pattern that we have tried to replicate in the multimedia package.

The prescribed goal for the project: was that *the student should gain an appreciation of the skills needed for successful legal interviewing* . The traditional means of delivery was books and video. Interactive video (25 frames-full screen) might have been a valid option but the parameters of the Warwick software did not allow for this. An alternative, non-traditional way had to be found. This caused us to think more about real interaction and the teaching effectiveness of one set of interactions to another. We concluded that interviewing skills could be effectively conveyed without the use of video at all. Interactions can be powerful learning tools but this power can also be mishandled and thwart the learning outcome. Brain-storming with flip charts took place between the knowledge expert and the communications expert. Creative input was split evenly and interactions were agreed. The usual identified stages, meet, seat and greet, listening and encouraging the client, questioning to establish fact and detail and 'advising' are all dealt with.(1) After a short video introduction on how to use the package and its structure the meet, seat and greet stage is explained through the use of a series of interactive pictures that build up an appropriate office environment for a legal interview. Students work through the 'navigable office', interaction allowing the student to explore various office lay outs within the context of a good legal interview.

Section 2 concerns fact gathering. 'Fact-gathering' lies between 'counselling 'and 'selling' on the line from listening to questioning. An interview is all about communication; it is a two way process. The interviewer takes information from

the client and gives information back.

"One third of what is said is not heard; one third is heard but not understood; one third is understood - but may not be accepted."(2)

How then could these key skills be developed within the multimedia package? Many would say that skills cannot be taught; that they can only be learned by watching, listening, copying practitioners who themselves learned only by experience. In some senses this is true, there is no substitute for experience, but the basic elements of effective interviewing can be identified and taught. Students having been taught these basic elements will learn faster and be able to analyse and criticise their own performance. Practice will then make perfect. This package may be used to supplement the traditional teaching of these basic elements. It is not a substitute for face to face practice of the skills, whether using simulated exercises in a classroom setting, or with real clients.

The Listening section is divided into three separate parts:

- Active Listening,
- Passive Listening and
- Prejudicial Listening
- For Active and Passive Listening the exercises, through the use of multiple choice questions and audio files, lead the student through a series of interviews requiring the use of each of the different forms of listening. No text is provided on screen. The student is encouraged to listen to the range of questions and responses and consider the appropriate question to the client. Passive Listening is very simple really, it is merely knowing when to stay quiet and allow the client to continue the account of the circumstances in his/her own way. Students are provided with audio tracks that encourage them to participate in a very subtle way, encouraging and responding to the client. Too active an involvement, that is interrupting, will lead the student to stifle the client's responses and as such reduce the fact gathering. Active listening is dealt with in a similar way, except the student is encouraged to be much more interventionist with the extremely talkative client!
- For Prejudicial Listening a series of sound files are played to the student. Each sound file recounts a similar alibi but with dramatically different tone, emphasis and accent. Through a series of questions, students are encouraged to consider whether their perceptions of the alibis were or were not affected by the individual providing the alibi.
- The interview is the foundation on which the successful outcome of any transaction or case rests. If the interviewer has failed to gather sufficient information before writing letters or commencing an action, the client will suffer in terms of cost or convenience. Questioning is therefore as important as listening. Questions can be sub-divided into many different types, but the primary division for our purpose is between OPEN and CLOSED questions. Open questions, such as 'How can I help you?' are useful at the beginning of an interview as they encourage clients to speak freely of their concerns. Closed questions, on the other hand, may be defined as those which restrict the information sought. The answer will be brief, sometimes just a word or two or a yes/no answer. Closed questions are usually appropriate in the later stages of an interview, when it is necessary to clarify points of the client's story or to seek specific items of information.
- If closed questions are used too early in an interview, a tone may be set and the rhythm for the interview that is hard to break out of. If the client becomes conditioned to giving yes/no or other brief answers ('Name?...'Address?'), then he or she may feel that this is what is expected and will confine the information which they give to what they think is acceptably brief. The interviewer is then in danger of missing vital points.
- Students are provided with several options to try open and closed questions with the resultant replies from the client. Audio files are used linked through to appropriate responses leading the student down a path that they choose. Eventually the interview is concluded and the student is required to assess how much information had been gathered.
- The package then concludes with a video wrap up from the author.
- **3. Production Issues**
- The Law Courseware Consortium authoring environment has continued to evolve over the lifetime of this project. Initially, it seemed obvious that the skills project was using facilities not being utilised by the authors of the core law workbooks. The reasons are obvious, the multi-media project was, of necessity, developing and using large audio and video files, not so necessary in the core areas. The production issues relate to both audio and video production. The project objective meant that the user had to be afforded the opportunity of participating in the progress of the interview as the legal interviewer. This affected the idea of learning by doing. It follows logically that sound bytes of legal interviews had to be created so the user could use them as building blocks in the pursuit of understanding.
- In creating the interactive sound files it is important to plan for interactivity. Only in retrospect, from the stand-point of interactive multimedia, might one discover that it had been badly scripted, or badly recorded, or not converted to the desired format, etc. This might result in a disruption in the general flow of the interaction and thereby hamper the optimal educational outcome.
- Until the advent of powerful computers and multimedia, the only possible form of interaction with a sound file was by pushing the buttons on a tape recorder. And, even then, this interaction was linear in that you could only stop, pause and play, and move forwards and backwards. Interactive audio files provide the user with the opportunity to experiment and

thus, learn by doing. To facilitate the potential of interactive audio files, one has to be aware of the end use and that it *should* behave differently from traditional linear forms. If one is aware of this, scripting poses a different challenge, scripting should allow multiple options and the development of several rational outcomes.

- Testing the length of the script is essential. The script will end up as a non-linear interactive series of audio files. What may seem like a reasonably tight script may become quite long and tedious in multimedia land. Again, looking at our desired educational outcome helps to tighten the script so that it will become *multimedia efficient* . In the *Interviewing Project* we settled on an average of nine interactive audio parts per issue. In retrospect, we believe that the audio parts could be tightened even further.

- For recording, the use of PC microphone and recording audio files onto a high quality audio cassette via a good recording machine both gave unacceptable standards of recording. The option used was to record from a sound booth onto video-tape. Video-tape is advantageous for two reasons: one, the quality of its sound recording is as good as, if not better than, ordinary tape; and, two, in the absence of specialist software packages, packages like 'Premiere' (which is designed to make movies) seems well equipped to handle audio files.

- We would suggest that in recording it is important to be aware of the following factors:

- **Preparation** - have your scripts fully typed out in large letters and your actors fully briefed on what is to be achieved.

- **Direction** - direct your actors in a way which allows them to relax and use their own natural tone of voice.

- **Volume** - make sure that they are speaking clearly and relatively loudly.

- **Takes** - take as many 'takes' as possible. This provides you with a choice when it comes to choosing your optimal recording at the digitising stage.

- The video produced was that of the simplest kind (a talking head in a box). The duration of the 'talking head' is that of 2 mins 6 sec's and 26 sec's at the beginning and end of the package respectively.

- The video would introduce the user as to what to glean from the package. We would also use a video wrap up. Scripts should be short. A long script in multimedia is not practical as it will take up far too much memory space (a video file (.avi) about six minutes will need about 100 Mbytes of space). Recording should be undertaken with good lighting as any lighting defects will become enhanced when the video is digitised into PC format (256 colours). Use quality video tape. Use either normal "video" tape or "S" tape. "S" tape is preferable if you intend to digitise because it will have 450 line resolution whereas ordinary tape has only 250 line resolution.

- **4. Evaluation and Implementation**

- The workbook has been subject to a number of internal and external evaluations.

- Student evaluation was undertaken during the Winter Semester 1995. Student groups on the Legal Skills course consisted of 20 students. One group was chosen to participate in the evaluation of the legal interviewing courseware. The group were invited to work through the workbooks in pairs prior to the relevant lectures, videos and seminars. Each student was asked to complete a questionnaire specifically developed by Liverpool John Moores University Learning Methods Unit. Students were also interviewed in their pairs by a member of the Learning Methods Unit. The questionnaire and interview were designed to assess the workbook environment, to judge the effectiveness of the workbook content and to elucidate the views of the students on how the workbook could best be used alongside the 'traditional' teaching methods.

- **5. Concluding Comments**

- Our concluding comments centre around two areas, production and delivery. The production of the workbooks used up considerable resources even with the use of the LCC authoring environment. The cost was approximately 5 times the cost of the workbook being prepared under the core law subjects. However this figure compares quite favourably with the costs for other technology based methods for skills training - inter-active video. But as with these technologies, access is needed to human and physical resources for filming, audio and developmental software. The availability of a ready-made authoring environment considerably reduced the overall production time and cost. However the environment mix of text, graphics video and audio is pushing the editor to its limits. The workbook's separate pages, ideal for 'black lprovide the necessary continuity of feel for multi-media, the user is required to undertake a consideraetter law', does not ble amount of button pushing, a comment made by externals and students. An alternative environment that allows closer mixing of media would overcome this problem but would require even greater resources to produce.

- As to the methodology(3) of production as with earlier Computer Based Learning projects this project of necessity involved a number of 'experts', unlike the LCC core materials it is not appropriate to expect the author to be able to decide on, or even appreciate, the forms of interaction possible. The relative newness of the multi-media environment has meant considerable team effort between subject and communication expert to design and implement the various form of interaction.

- As to the programs delivery, the law interviewing program is approximately 125MB and requires a relatively high specification PC with standard multi-media functions - sound, video etc. Lack of availability of such machines to students will adversely effect student use. Evaluation with Liverpool JMU required the use of staff machines and at present only 2 PC's in the library are capable of delivering the program. It is therefore unlikely that large numbers of students will be given access to the programs until 1996.