

## I INTRODUCTION

Why did you choose to study law? This timeless question is most often met with responses that refer to human rights, social justice and changing the world.<sup>1</sup> Despite the absence of human rights and social justice subjects in the Priestley 11 requirements,<sup>2</sup> law schools in Australia offer a range of electives that respond to these motivations. In more recent years, law schools have introduced law and technology into the curriculum.<sup>3</sup> Yet, all facets of contemporary law schools' curricula were dramatically interrupted by the unprecedented and rapid onset of the COVID-19 pandemic, presenting numerous challenges.

The global 2020-2022 COVID-19 pandemic ('the COVID-19 pandemic') compelled profound change to the design and delivery of education, particularly for university on-campus courses.<sup>4</sup> The post-pandemic higher education sector is a noticeably different environment to that of 2019, with seemingly stable shifts, such as the continuation of remote learning, the refinement of hybrid teaching and greater flexibility for students and staff in terms of an on-campus presence. A decrease in the student footprint on university campuses prompts questions as to how we engage students in ways that are not reliant on an in-person space. This can be particularly challenging for situated learning activities that have been traditionally conducted in-person. However, the COVID-19 pandemic presented opportunities for testing online and hybrid approaches to students' wellbeing and engagement, resulting in a more accessible and inclusive environment.

Using a case study analysis, this article examines the pandemic-driven response employed by the Law Faculty at the University of Technology Sydney (UTS) to transition a largely in-person co-curricular situated learning program to a predominantly online situated learning program. This program, the Law Tech Challenge for Social Justice ('the Challenge'), is part of the Faculty's

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<sup>1</sup> The Law Graduate Tracking Study, published by the NSW Law Society in 2017, found that 45% of participants noted their main reason for studying law was their 'interest in social justice'. Urbis and the Law Society of New South Wales, *Law Graduate Tracking Study Benchmark Survey* (Final Report, November 2017) 6. In their study of University of New South Wales law students, Tani and Vines found that students consider future employers value contributions to the welfare of the community marginally more than other disciplines. Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession?' (2009) 19(1-2) *Legal Education Review* 3, 24. In their study of first and final year undergraduate law students at Melbourne University, Larcombe, Nicholson and Malkin found that 54% of law students choose 'social justice' as a reason for studying law. Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Law Students' Motivations, Expectations and Levels of Psychological Distress: Evidence of Connections' (2012) 22(1-2) *Legal Education Review* 71, 107. In their study of commencing undergraduate law students at Monash University, Castan et al found that respondents noted that a legal career would enable them to 'provide a survey to society' and to 'fight against injustice'. Melissa Castan et al, 'Early Optimism?: First-Year Law Students' Expectations and Aspirations' (2010) 20(1-2) *Legal Education Review* 1, 6.

<sup>2</sup> The Priestley 11 requirements are the academic areas of knowledge set out in the *Legal Profession Uniform Admission Rules 2015* (NSW) sch 1. Justice is referred to in one of the Priestley 11 areas, that of 'Evidence' as 'accusatorial justice'.

<sup>3</sup> See Marcus Smith, 'Technology Law in Legal Education: Recognising the Importance of the Field' (2022) 32 *Legal Education Review* 19-26. For example, the Law Faculty at the University of Technology introduced a Legal Futures and Technology Major into the Bachelor of Laws in 2018. The Faculty also offers several law and technology electives in the Bachelor of Laws and Juris Doctor.

<sup>4</sup> Ibid. Peter Burdon and Paul Bacic, 'COVID-19 and the Adelaide Law School, Australia' (2020) 10(2) *Journal of Security, Intelligence and Resilience Education* 1-5; Meredith Blake et al, 'Student and Staff Experiences of Online Learning: Lessons from COVID-19 in an Australian Law School' (2022) 32 *Legal Education Review* 129-159.

Brennan Justice and Leadership Program ('Brennan Program'). Established in 2011, the Brennan Program is a co-curricular joint initiative between the UTS Law Students' Society ('LSS') and the UTS Law Faculty ('Faculty'), emulating the commitment of the late Sir Gerard Brennan, a former Chief Justice of Australia, to social justice and access to the law. Between 2020 and 2022, the Brennan Program, through a major transition to online delivery, became the main method by which the LSS and Faculty continued to engage students in social justice initiatives. The Challenge, available to undergraduate and postgraduate law students, was a key part of this transition, demonstrating that student engagement and learning can be successfully achieved in an online environment.

As with many on-campus co-curricular initiatives planned for 2020, Brennan Program activities, including the Challenge, were cancelled. In 2021, the Faculty invested in the Challenge's reinstatement, addressing changing social distancing and stay-at-home requirements. As a result, the Challenge was restructured in 2021, with further refinements in 2022 as health requirements continued to impact the nature of in-person activities. The 2023 Challenge settled on hybrid learning design and delivery.

In this case study, we draw primarily on three sources of evidence: direct observations (as academics overseeing the challenge), participant observations (from students, clients and industry partners), and documentation (particularly on social media)<sup>5</sup> to identify the features of the transition that supported the Challenge's continued success, which is also measured in tangible outcomes. The case study confirms that pedagogy about effective engagement online is also applicable to hybrid delivery and should be considered in learning design, given that online innovation can strengthen engagement. In summary, we find that the changes that resulted from the transition strengthened the Challenge's emphasis on social justice outcomes and student wellbeing and serve as an exemplar for co-curricular programs in terms of facilitating student engagement in a hybrid environment. In addition, the adjustments to the program in response to the COVID-19 pandemic enabled students to build their capacity to move into careers in which technology-focused acumen is increasingly essential.

In Part II of the article, we examine the background to our case study and highlight key features of the Challenge, particularly its emphasis on student participants both furthering social justice and developing practical legal skills in working with not-for profit clients ('clients') and technology. Our case study centres on an authentic learning experience within a co-curricular space in the context of student wellbeing, resilience and engagement.

In Part III, we present our case study of transitioning delivery of the Challenge to a primarily online environment during the COVID-19 pandemic. We examine the way that delivery achieved critical outcomes of empowering students of a situated learning program to support social justice objectives and maintain wellbeing and resilience.

Drawing on theories of effective engagement, in Part IV, we analyse features of design and delivery that permitted continued success during the transition of the Challenge from a predominantly in-person situated learning experience to a primarily online environment.

In Part V, we use student and client outcomes and our observations to identify lessons that support the pedagogy of hybrid learning as an authentic and relevant pillar of legal education that should underpin a further evolution to a legal education pedagogy centred on a balanced hybrid delivery. In this Part, we extend these lessons to more fully understand how the

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<sup>5</sup> Robert Yin, *Applications of Case Study Research* (3<sup>rd</sup> ed, Sage, 2014) 10.

convergence of social justice, technology skills and online interaction can be utilised to enhance student experience and engagement through hybrid delivery. We suggest that while the Covid-19 pandemic was the unplanned catalyst for the seismic shift in the mode of program delivery, the positive student outcomes confirm that it is optimal for legal educators to continue to consider how online engagement pedagogy may be adapted into a hybrid delivery mode. As such, this analysis strengthens the limited existing literature on mechanisms for creating and ensuring effective engagement in hybrid delivery,<sup>6</sup> particularly for situated learning activities, including co-curricular legal education.

## II CASE STUDY BACKGROUND: THE LAW TECH CHALLENGE

This section identifies relevant background to understanding the way that student outcomes of realising social justice objectives, wellbeing and engagement were achieved during the transition of the Challenge program to hybrid experiential learning during the COVID-19 pandemic. The positioning of the Challenge within the Brennan Program has strongly influenced these objectives, as has the co-curricular nature of the program. Features of the Challenge prior to the COVID-19 pandemic also provide valuable context for understanding how these outcomes influenced the successful transition.

### A Brennan Program

Brennan Program objectives are closely aligned with the outcomes for students prioritised in the initial design of the Challenge: immersion in the social justice sector, wellbeing and fulfillment, and engaged and authentic learning. These outcomes were identified as core aims of the Challenge and are judiciously situated with the Brennan Program objectives. Established in response to the contemporaneous literature on law students' poor mental health,<sup>7</sup> the Brennan Program's objectives include empowering students to develop a 'sense of wellbeing, fulfilment and satisfaction'<sup>8</sup> and were informed by a critical need to address this concern, while simultaneously harnessing students' passion to make a difference.<sup>9</sup> A key part of this is building

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<sup>6</sup> This limited literature is detailed in Part V and includes works such as Marni Goldstein Caputo and Kathleen Luz, 'A Book Club with No Books: Using Podcasts Movies and Documentaries to Increase Transfer of Learning, Incorporate Social Justice Themes, Create Communities and Bolster Traditional and Character-Based Legal Skills during a Pandemic' (2022) 20(3) *Seattle Journal for Social Justice* 635.

<sup>7</sup> Literature on law student distress and poor mental health initially emerged in the United States and, Australia followed, shortly after. US research includes: Lawrence S. Krieger, 'Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence' (2002) 52 J. LEGAL EDUC. 112-129; Todd David Peterson and Elizabeth Waters Peterson, 'Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology' (2009) 9(2) *Yale Journal of Health Policy, Law, and Ethics* 357-434. Australian research includes: Norman Kelk et al, *Courting the Blues: Attitudes towards depression in Australian law students and lawyers*, Brain & Mind Research Institute University of Sydney (2009) 42; Rachael Field and Sally Kift, 'Addressing the high levels of psychological distress in law students through intentional assessment and feedback design in the first-year curriculum' (2010) 1(1) *The International Journal of the First Year in Higher Education* 65-76; James Duffy, Rachael Field and Melinda Shirley, 'Engaging Law Students to Promote Psychological Health' (2011) 36(4) *Alternative Law Journal* 250-254.

<sup>8</sup> UTS LSS and UTS Law, 'Brennan Justice and Leadership Program Handbook 2024' (Web Page) [1] <Brennan Handbook 2024.pdf (uts.edu.au)>.

<sup>9</sup> The Brennan Program objectives are to develop each student's capacity for personal and professional leadership, offer an outlet for students to find a sense of wellbeing, fulfilment and satisfaction in their studies and later professional work and to strengthen social justice awareness: *ibid*.

a sense of belonging within a community where lawyers serve others, simultaneously strengthening individual understanding of service, resilience and a sense of contribution. Brennan Program participants work towards a Brennan Award through completion of voluntary roles with a service and leadership element, thus accruing Leadership through Service (LTS) hours. The Challenge is the vehicle for selected Brennan students to earn LTS hours as a demonstration of their commitment to social justice and the development of an ethos of pro bono work as future lawyers. Former CEO of the Australian Pro Bono Centre, John Corker, describes the Brennan Program as an ‘inspiring example’<sup>10</sup> of the possibilities for law schools to integrate a pro bono spirit, highlighting the valuable connection between students’ formation of their professional identity through community service and their future directions, interests and careers.<sup>11</sup> The Challenge highlights the Program’s effectiveness in helping students deepen their justice consciousness and equipping them for careers, including in an environment that is rapidly relying on employees with technology-focused acumen. Real-world experience and authentic tasks enable students to enhance their employability and their transition from the study of law to the practice of law.<sup>12</sup>

In 2016, the Challenge was established as a Brennan Program offering, enabling students to work towards the objectives of both co-curricular initiatives.<sup>13</sup> The Faculty determined that the Challenge would sit within the Brennan Program because of its focus on student engagement and wellbeing, coupled with its commitment to social justice. The Challenge offered students the additional benefit of developing skills in the use of technology in order to contribute to tangible outcomes for clients.

As discussed in Part III, during the periods of the COVID-19 pandemic restrictions on movement and gathering, the foundational emphasis of the Brennan Program on student wellbeing and empowerment to realise social justice objectives came into its fore with the Challenge.

## B            *The Challenge*

During the period 2017 to 2024, there have been seven annual Challenges involving 140 students and 27 clients and apps, resulting in substantial skills and personal growth for students and real-world benefits for clients. Of the 140 students engaged in the Challenge since its inception, only one has not completed the program. Throughout this period, the success of

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<sup>10</sup> John Corker, ‘The Importance of Inculcating the ‘Pro Bono Ethos’ in Law Students, and the Opportunities to Do It Better’ (2020) 30(1) *Legal Education Review* 1, 15.

<sup>11</sup> Ibid 16.

<sup>12</sup> Sadie Whittam, ‘Keep it Real: The Case for Introducing Authentic Tasks in a UK Undergraduate Law Degree’ (2023) 33(1) *Legal Education Review* 127, 138.

<sup>13</sup> The Challenge was established in 2016 with the first program commencing in 2017.

the apps and the benefits to students and clients has been disseminated by clients<sup>14</sup>, the Faculty<sup>15</sup> and more broadly to industry.<sup>16</sup>

The Challenge enables students to engage with technology, learning to use a no-code legal technology platform to build apps for clients that streamline aspects of their operations and enable them to better focus on their core social justice objectives.<sup>17</sup> Each year of the Challenge, four student teams of five members each build and implement apps with their allocated clients over an eight to nine month period, guided by external stakeholders within the legal industry and the world of tech. These stakeholders include lawyers and legal technology professionals from the international law firm Allens in the role of mentors and experts, software experts in legal technology design from Neota Logic, lawyers who have previously completed the Challenge ('Challenge alumni') and academics and student program professionals from the UTS Faculty of Law ('Challenge educators'). A Challenge director appointed from the Faculty's academic staff leads the program.

Consistent with legal technology startup structures, students are assigned discrete roles in their team. These roles, which enable them to work independently but also support each other, consist of project manager, client liaison coordinator, user experience expert, quality assurer and app developer. In the iterative design process, a key feature of legal technology design, teams receive ongoing feedback from stakeholders and clients on their app designs. These are further refined during workshops, using critical design principles of user experience and quality assurance.<sup>18</sup> Through this innovative design, students engage with their learning and gain diverse 'new' legal skills in legal technology, project and client management, and digital

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<sup>14</sup> Allens, *Photo finish for Allens Neota UTS Law Tech Challenge* (Web Page, 1 August 2018) <<https://www.allens.com.au/insights-news/news/2018/08/photo-finish-for-allens-neota-uts-law-tech-challenge/>>; International Social Service Australia, *New technology for ISS Australia's Legal Service!* (Web Page) <<https://www.iss.org.au/post/new-technology-for-iss-australias-legal-service>>.

<sup>15</sup> The benefits of the 2016 Challenge are referred to in the article: 'Allens Neota UTS Law Tech Challenge for Social Justice' (Web Page) <<https://www.uts.edu.au/current-students/current-students-information-faculty-law/brennan-justice-and-leadership-program-5>>. The value of apps and the benefits of the 2022 Challenge are referred to in the article: Kerrie Douglas, *Harnessing Technology for the Public Good* (Web Page, 18 August 2022) <<https://www.uts.edu.au/about/faculty-law/news/harnessing-technology-public-good>>; Genevieve Wilkinson, *Partnering with law students in a blended world for social justice* (Web Page, 2 March 2023) <<https://lx.uts.edu.au/blog/2023/03/02/partnering-with-law-students-blended-world/>>. The value of apps and the benefits of the 2023 Challenge are referred to in the article: Sacha Molitorisz, *MLConnect wins 2023 Law Tech Challenge* (Web Page, 31 August 2023) <<https://www.uts.edu.au/about/faculty-law/news/mlconnect-wins-2023-law-tech-challenge#:~:text=An%20app%20that%20streamlines%20the,living%20in%20Sydney's%20inner%20west>>.

<sup>16</sup> Tom Lodewyke, 'Students workshop tech solutions to social issues', *Lawyers Weekly* (online, 8 August 2017) <<http://lawyersweekly.com.au/careers/21640-students-workshop-tech-solutions-to-social-issues>>.

<sup>17</sup> Examples of apps for clients are streamlined intake processes for consumers, simplified legal information for consumers and automated compliance requirements for volunteers.

<sup>18</sup> See Rachel Hews, Judith McNamara, and Zoe Nay, 'Law and design thinking: Preparing graduates for the future of legal work' (2022) 47(2) *Alternative Law Journal* 118-123.

marketing.<sup>19</sup> These skills enable students to design and deliver tangible outcomes for clients. Students are able to draw on these outcomes when applying for graduate positions.<sup>20</sup>

Given the shared objectives of the Brennan Program and the Challenge, the Faculty determined that the Challenge should be offered as a co-curricular opportunity, rather than as an academic subject, unlike other law schools that partner with Neota Logic and embed similar programs into the formal curriculum.<sup>21</sup> With the UTS model, students are selected through a competitive application process and allocated to a team and client. Their time commitment to the Challenge is recognised through the earning of LTS hours, providing them with an additional incentive to participate throughout the course of the program. Students who are undertaking programs of study with set elective choices, such as the UTS Legal Futures and Technology major,<sup>22</sup> are able to participate in the program as they are not drawing on their electives space.<sup>23</sup> In addition, the absence of marks and grades enhances the real-world nature of the situated learning experience, as it focuses students on social justice outcomes, skills acquisition and project delivery rather than competing against each other for academic grades. Oversight from the Challenge director focuses on guiding skills development in project management and delivery, design thinking and client management as well supporting students in their personal and professional growth. The Challenge is structured around achieving milestones common to legal startups that deliver functional legal technology apps, thereby equipping students with work-ready attributes. This model maximises students' opportunities to learn new skills, develop their understanding of social justice and achieve fulfilment through experiences of working with clients, peers and stakeholders for a shared purpose.

In addition to meaningfully contributing to a justice-based outcome for clients, students are working towards completion of their required LTS hours for Brennan Program completion. They also receive an incentive to participate actively throughout the program with the award of prizes at a grand final event. Teams present their app to the audience, consisting of invited guests, family, friends, students and staff, and three judges, recognised for their expertise in industry and legal education, at the grand final. The awards recognise the best app, as determined by the judges, and the best social media campaign. At the 2021 and 2022 grand finals, teams presented their social media campaign whilst the judges deliberated, and the audience voted for the best campaign. These two awards enabled students to demonstrate the practical skills of collaboration, communication and problem-solving.

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<sup>19</sup> See discussions of these skills and their achievement in 'Episode 63 "Students, software and social justice with Genevieve Wilkinson and Dana Rutner"' *Reimagining Justice* (Andrea Perry Petersen, 30 August 2021) <https://www.andreaperrypetersen.com.au/episode-63-students-software-social-justice/>.

<sup>20</sup> See Allens, 'Student Innovation Provides a Helping Hand for Renters' (Web Page, undated) <https://www.allens.com.au/about/impact/student-innovation-provides-a-helping-hand-for-renters/>

<sup>21</sup> For example: Georgetown Law, The University of Melbourne. At the Melbourne Law School, students develop Neota apps in an elective subject. 'MLS students improve access to justice through digital innovation' (Web Page) <<https://law.unimelb.edu.au/news/archive/mls-students-improve-access-to-justice-through-digital-innovation>>

<sup>22</sup> The Legal Futures and Technology Major is an option within the Bachelor of Laws. The Major consists of 5 subjects that focus on law and technology 'Become an innovative, inspirational leader in law' (Web page) <<https://www.uts.edu.au/study/law/undergraduate-law/course-experience/legal-futures-and-technology-major>>

<sup>23</sup> A significant component of an Australian law degree consists of compulsory (Priestley 11) subjects, resulting in students having a limited number of law electives. The Challenge offers students an opportunity to learn about social justice and technology if they cannot fit academic electives covering these areas into their program.

The grand final showcases one of the Challenge's key aims: to provide students with an authentic experience outside the classroom, preparing them for a legal world that relies increasingly on technology. Legal practice requires lawyers with advanced and broad practical skills to work in diverse environments with a 'focus on team-based collaborative work facilitated by integrated technology platforms'.<sup>24</sup> The Challenge enables students to develop advanced and broad practical skills<sup>25</sup> in a setting where authenticity is achieved by collaboratively solving the legally-related problems of actively-engaged clients. For example, in training days and workshops, students are skilled in teamwork and project management; working with clients; social media communication; app building technology and design thinking, before being divided into teams and assigned clients. Students identify the ability to have direct contact with social justice clients as one of the most valuable features of the program: 'my favourite part about the challenge has been collaborating not only with my team but also with our client, especially because it's been about social justice. I think when you get a lot of minds in a room you can really make change' (Student participant, 2018 Challenge)).<sup>26</sup> Given that graduates have uneven opportunities to meet and manage relationships with clients in practice, the Challenge provides genuine opportunities for students to experience ongoing engagement with clients, as the legal tech design process is iterative.<sup>27</sup>

Once students meet the clients and understand their clients' objectives, teams develop an initial app concept, which they present to their peers in other teams with software experts providing feedback for the benefit of each team and the cohort. Students continue to learn from each other by presenting further iterations of their apps and receiving feedback through the design process. Development of the app also involves ongoing consultation with clients and mentoring from legal industry partners and experts in legal technology.

Increasingly, legal technology experts are situated within larger law firms or employed by smaller firms.<sup>28</sup> Participating in the Challenge brings real world issues for practice to the attention of students. For example, as the apps often involve collection of personal information from users, students must apply understanding of their clients' legal privacy obligations and ensure that the apps are compliant with these obligations. The iterative design process is non-linear and involves a dynamic process of creative thinking, testing and refining. This includes user testing of apps which encourages consideration of the perspective of users of the app, in addition to the needs outlined by clients during the app development process and their own perspectives as future legal professionals, supported by lawyer mentors.

In addition to development of the apps, each team creates social media campaigns that publicly communicate their progress in building the app. Students are also encouraged to use these campaigns to publicise the important work of their clients and document their individual

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<sup>24</sup> Smith (n 3) 20. See, for example, Francina Cantatore, Kate Galloway and Louise Parsons, 'Integrating Technology to Increase Graduate Employability Skills: A Blockchain Case Study in Property Law Teaching' (2021) 31 *Legal Education Review* 1.

<sup>25</sup> Skills include project and client management, digital marketing, design thinking, self-management, internal and external collaboration and app development.

<sup>26</sup> UTS 'The Allens Neota UTS Law Tech Challenge for Social Justice', <https://www.uts.edu.au/for-students/current-students/managing-your-course/current-students-information-law/brennan-justice-and-leadership-program/initiatives/allens-neota-uts-law-tech-challenge-social-justice>. See also, for example, students' accounts in *Allens Neota UTS Law Tech Challenge for Social Justice* (n 15) and Wilkinson (n 15).

<sup>27</sup> See Hews et al (n 18) 120.

<sup>28</sup> Thomson Reuters Institute, *2023 Australia: State of the Legal Market Report* (2023) 27.

skill acquisition and development in these campaigns, focusing on communication on LinkedIn, Instagram, Twitter and Facebook. This process provides students with opportunities for reflection about their personal growth, skills development and the significant contribution of their clients to social justice.<sup>29</sup>

Working with clients, mentor lawyers and a software company provides an experiential framework for the development of advanced skills of technology-focused acumen, project management, empathy and resilience.<sup>30</sup> This learning experience offers students a range of skills that seamlessly translate to employability attributes. As legal tech companies often tender for work, the competitive aspect of awarding a Grand Final winner has authenticity. Successful completion of the Challenge is also communicated as an achievement to be proud of, regardless of the grand final outcome. Each year, the software and legal experts observe the students' development of these advanced skills.<sup>31</sup> Challenge participants benefit from an immersion program that guides students to creatively problem solve, work collaboratively, contribute to tangible outcomes and reflect on personal and professional attributes. Students also learn, through personal experience, the critical need for lawyers to undertake pro bono work. Students' reflections and immersive experiences align with Sossin's observation that: '[S]eeing first-hand the impact of the lived experience with law, and the contexts in which law falls short, requires students to confront their ideas about justice.'<sup>32</sup>

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<sup>29</sup> moral.code.uts (Instagram, 6 August 2021) <https://www.instagram.com/p/CSOGFqOFhAP/>

<sup>30</sup> See 'Episode 63 "Students, software and social justice with Genevieve Wilkinson and Dana Rutner"' *Reimagining Justice* (Andrea Perry Petersen, 30 August 2021)

<https://www.andreaperrypetersen.com.au/episode-63-students-software-social-justice/>; UTS 'The Allens Neota UTS Law Tech Challenge for Social Justice', (Web Page) <https://www.uts.edu.au/for-students/current-students/managing-your-course/current-students-information-law/brennan-justice-and-leadership-program/initiatives/allens-neota-uts-law-tech-challenge-social-justice>.

<sup>31</sup> See, for example, Allens, *2018 Law Tech Challenge explores legal tech for social justice* (Web Page, 14 May 2018) <<https://www.allens.com.au/insights-news/news/2018/05/2018-law-tech-challenge-explores-legal-tech-for-social/>>; Hasan Choudhary, *UTS Law students build solutions to support the public good* (Web Page, 19 August 2022) <<https://neota.com/2022-allens-neota-uts-law-tech-challenge-for-social-justice/>>

<sup>32</sup> Lorne Sossin, 'Experience the Future of Education' (2014) 51(4) *Alberta Law Review* 849, 860.



### III CASE STUDY: TRANSITION TO HYBRID LEARNING DURING PANDEMIC DISRUPTION

This section discusses the Faculty's response to the impact of the COVID-19 pandemic on student wellbeing and the role of the Challenge in supporting social justice and providing an online environment for students to reconnect, maintain a sense of belonging and wellbeing and prioritise resilience.

#### *A. Cancellation and reinvigoration of the Challenge*

Throughout 2020 and 2021, as with almost all aspects of daily living, most educational interactions moved rapidly from a face-to-face world to an online one. This included teaching across all stages of student learning with higher education maintaining sustained periods of online delivery. For example, in 2020, despite plans to return to campus for the second half of the year, universities continued the delivery of online learning to ensure the health and safety of students and staff, adhering to government requirements and recommendations. Although the 2020 Challenge had commenced, local stay-at-home orders in response to the COVID-19 pandemic in March 2020 created uncertainty about whether in-person events could continue and, in consultation with key stakeholders, the 2020 Challenge was cancelled.

The Faculty, aware of the critical importance of student wellbeing during the COVID-19 pandemic, was committed to responding to the isolation and disengagement resulting from the 2020 lockdowns. Restrictions applied by governments during that first year of the pandemic determined the framework in which safe operation was possible.<sup>33</sup> Implementation of these restrictions provided the Faculty, as with other institutions, time to analyse and reflect on ways to engage students. These included facilitating 'new' authentic online learning experiences accommodating pandemic conditions such as incorporating increased collaboration by zoom, increasing online communications (see further below) and adaptability in the face of ongoing uncertainty and change.<sup>34</sup>

In 2021, despite ongoing uncertainty about the COVID-19 pandemic, the Faculty determined that the Challenge should resume. The 2021 Challenge included 2020 Challenge students and clients who were able to participate, alongside additional clients and new students. The Faculty's commitment to offer the Challenge demonstrates the value placed on the program in terms of its comparable importance to formal learning embedded in the law curriculum. This value is further evidenced at the Faculty's annual Awards night that celebrates the students who successfully complete the program alongside students recognised for their academic merit.

Notwithstanding the societal challenges of the COVID-19 pandemic, the redesign of the program to accommodate related contingencies impacted on the students in a positive way through increased student engagement and additional opportunities to hone new skills. Redesign of the Challenge through flipping from a primarily in-person delivery to a primarily online delivery was the first and most significant change implemented in 2021. Prior to the pandemic, collaboration within teams occurred mainly on-campus, supplemented with online

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<sup>33</sup> Lenny Roth, 'NSW public health restrictions to deal with the COVID-19 pandemic: a chronology' (Parliamentary Research Service NSW, 2020) <https://www.parliament.nsw.gov.au/researchpapers/Documents/NSW%20public%20health%20restrictions%20to%20deal%20with%20the%20COVID-19%20pandemic.pdf>.

<sup>34</sup> See, for example, Kathleen Raponi et al, 'Academics Embrace Disruption: Lessons Learned Teaching First Year Law during a Pandemic' (2021) 31 *Legal Education Review* 27.

communication using tools such as Facebook Groups. In 2021 and 2022, collaboration occurred predominantly in the digital space. Pre-pandemic meetings with clients had also usually been conducted in person, although some teams had worked online with interstate clients, providing a valuable precedent for the online transition. Digital platforms, contemporaneously being used in education and the legal industry during the pandemic, enabled the continuous flow of communications. Students continued to work in teams with Allens lawyers, engage with clients in a lawyer/client framework and work with Neota Logic to fulfill their clients' objectives. Consultation with clients remained core to the program's objectives with teams continuing to replicate the lawyer/client framework by working with the client to provide a solution to a legally related problem. The immersive experience of meeting clients' needs, through communication and collaboration, resulting in the delivery of the requested service, was effectively achieved as evidenced by the delivery of apps to all clients. Retaining this authentic experience was an important objective in facilitating the situated learning experience and students' sense of fulfillment during the pandemic.

Helpfully, the instructional stage of the program was already structured to support online learning. The training with Neota Logic has always been online with experts conducting workshops from the United States and students completing online asynchronous app-building learning modules. Existing online instructional programs were originally supplemented with in-person workshops about relevant legal skills, legal technology design and client management from a range of instructors (academic, legal industry and legal technologists). In 2021, almost all instruction occurred online. Legal technology training was augmented with personalised online mentoring for individuals and teams, once students had developed an app concept with their clients, supplemented with instruction from academic staff, mentors and guest presenters. An additional online workshop was added, which allowed students to receive feedback from a legal technology expert who was not their mentor.<sup>35</sup> In this workshop, each team presented their app concept, received feedback and was encouraged to ask questions, reflect on their progress and share any uncertainties.

The 2021 Challenge delivery also translated face-to-face events and client meetings into more regular online activities. These changes were made prior to widespread vaccine availability and aligned with government social distancing requirements, creating greater certainty that the Challenge could continue, but also enabling inclusion of vulnerable students. Three large face-to-face events were originally retained – an industry-hosted event to meet legal mentors and clients, the grand final and its rehearsal. Ultimately, the grand final and rehearsal could not be face-to-face in August 2021 as local stay-at-home orders operated. These events were successfully held online through innovation initiatives. Team presentations about their apps were pre-recorded so that illness or technology failure was less likely to disrupt the grand final and judges were able to confer about suitable questions for the online format prior to the live streamed grand final. As described earlier, teams gave short presentations reflecting on their social media campaigns and its impact. The audience then voted online for the best campaign. This facilitated sustained audience engagement through the online grand final, reflected in higher-than-normal overall attendance figures (previously the in-person event had been streamed, however, no online audience vote occurred). Team members were supported through the online presence of family and friends.<sup>36</sup>

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<sup>35</sup> This was part of a series of online events called 'Appy Hours' that featured guest mentors.

<sup>36</sup> Zoom participation recorded 254 attendees. Record on file with authors.

In 2022, the design and delivery of the Challenge was refined further. Feedback from 2021 Challenge students and stakeholders recognised the value of having the industry-hosted event in-person. Accordingly, the industry event, grand final and rehearsal were planned to be face-to-face. Ultimately, the 2022 industry and grand final events were held in person, whilst the rehearsal was held online to accommodate participants impacted by Covid-19 isolation rules in place at the time.

Adapting aspects of the program to respond to changing circumstances occurred frequently in 2021 and 2022 to accommodate public health requirements related to the COVID-19 pandemic. For example, the date of the in-person industry-hosted event changed so that social distancing requirements mandated by public health orders could be observed. Inclusion of more regular, planned online events in the program meant that it was easier for all participants, individually and collectively, to adapt to changes in mode of delivery. Recognising the important role of social media as a tool for engagement and communication, frequently used in legal and not-for-profit industries during the pandemic, greater emphasis was also placed on social media campaigns. Additional training was provided to enhance the effectiveness of this form of communication at a time when opportunities for face-to-face communication were limited. Students' learning and engagement in relation to digital and online presentation skills markedly improved in 2021 and 2022. This uplift was observed by the Challenge educators and evident at the grand final when teams presented their social media campaign.<sup>37</sup>

The social media campaigns employed by each team in 2021 and 2022 document how the Challenge was conducted. Social media posts were used to document the team's progress in building the app, but they also provided a snapshot of Challenge participants and their roles, team mentors, and the work of their clients. Posts focused on the building of the app and its technical features and the way that the app could be deployed to support their clients in the real world.<sup>38</sup> Participants documented synchronous online meetings that provided milestones for students to work through the iterative design process used in the app: social media posts showed that the Challenge also involved personal interactions that were particularly valued during periods of lockdown and social distancing.<sup>39</sup> Team members were able to learn from each other, as well as experts, during presentations at key milestones of their app development in additional online group events that were introduced during the pandemic. Participants reflected on the way that their apps functioned to assist non-for-profit partners realise social justice objectives.<sup>40</sup>

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<sup>37</sup> University of Technology Sydney, '2021 Allens Neota UTS Law Tech Challenge for Social Justice Grand Final (Zoom webinar recording)' (Youtube, 17 August 2021) <<https://www.youtube.com/watch?v=QBDDxiAOp90>>;

Brennan Justice and Leadership Program, '2022 UTS Allens Neota Law Tech Challenge' (Facebook, 17 August 2024) <[https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=443330594476159](https://www.facebook.com/watch/live/?ref=watch_permalink&v=443330594476159)>.

<sup>38</sup> Ciana – Allens Neota Legal Tech Challenge (Facebook, 23 July 2021)

<https://www.facebook.com/ciana.application/videos/581397156180679/?mibextid=rS40aB7S9Ucbxw6v>  
Ciana – Allens Neota Legal Tech Challenge (Facebook, 13 August 2021)

<https://www.facebook.com/ciana.application/videos/2119679901506339/?app=fbl>

See also 'Episode 63 "Students, software and social justice with Genevieve Wilkinson and Dana Rutner"' *Reimagining Justice* (Andrea Perry Petersen, 30 August 2021)

<https://www.andreaperrypetersen.com.au/episode-63-students-software-social-justice/>

<sup>39</sup> Appollo (Facebook, 20 July 2021)

<https://www.facebook.com/108556604700804/posts/pfbid02f8heucbaYciqmGu1Tdt7cPQR32P4x6HVa w7sp4G5JdYKpigiwFLLRGmXGuEEjrcXl/?app=fbl>

<sup>40</sup> University of Technology Sydney (n 37).

By many measures, the Challenges that were conducted primarily online in 2021 and 2022 were a success. The level of engagement by students was maintained. Teams completed their training and collaborated effectively to achieve real outcomes for clients, developing four planned apps in each of the two years. Overall, the social media campaigns during the pandemic were more extensive, sophisticated and reflective than previous years.<sup>41</sup> Students acquired new digital skills and strengthened skills in new forms of collaboration and communication, enhancing their capacity and confidence for online formal learning and work environments. Feedback from clients remained as positive and appreciative as in pre-pandemic years.<sup>42</sup> The two following sub-sections consider critical elements of this case study: the continued commitment to achieving social justice and promoting student belonging, resilience and wellbeing.

## B *Achieving social justice in the real world in an online environment*

In the online environment of 2021 and 2022, Challenge participants continued to be immersed in the application of legal skills and knowledge that supported social justice.<sup>43</sup> The online interaction still empowered participants in the Challenge to use legal information to develop apps that assist the operations of their clients.<sup>44</sup> For example, the winning app in 2021 prompts fundraisers to provide relevant information so that the fundraising team could assess compliance with raffles laws in different states and territories. As the team's client recognised: 'Our community fundraising team aren't lawyers, so we were looking for a way to help potential fundraisers navigate local laws and understand how to comply with all of the legislative requirements.'<sup>45</sup> In 2022, the winning app helped a not-for-profit organisation providing mentoring for indigenous students to ensure volunteer mentors complied with Working with Children permit regimes. Similarly, these regimes varied significantly between states and territories.<sup>46</sup>

The value of the apps for clients is evidenced in their comments about the apps around the time of the grand final. For example, in the 2021 grand final, the team Moral Code shared an Instagram testimonial from a client of the team's not-for-profit client, ASPECT, an autism support service provider. The team, through its social media campaign, highlighted the value of the app in enabling its client to focus on the actual fundraising rather than on the intricacies to

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<sup>41</sup> The value of reflective practice is discussed in Anna Huggins, Sally Kift and Rachael Field, "'Implementing the Self'" (2011) 21 *Legal Education Review* 183 and Sally Kift and Kana Nakano, 'Reimagining the Professional Regulation of Australian Legal Education' (Report for Council of Australian Law Deans, 2023).

<sup>42</sup> Examples of this feedback can be seen in the student video presentations at the 2021 and 2022 Grand Finals, available at '2021 Allens Neota Logic UTS Tech Challenges: meet the winners' (20 August 2021) <<https://www.uts.edu.au/about/faculty-law/news/2021-allens-neota-logic-uts-tech-challenge-meet-winners>> and 'Harnessing technology for the public good' (Web page, 18 August 2022) <<https://www.uts.edu.au/about/faculty-law/news/harnessing-technology-public-good>>.

<sup>43</sup> For an example of ongoing social justice outcomes from previous years see Allens, 'Student Innovation Provides a Helping Hand for Renters' (Web Page, undated) <<https://www.allens.com.au/about/impact/student-innovation-provides-a-helping-hand-for-renters/>>.

<sup>44</sup> Choudhary (n 31).

<sup>45</sup> Josan Abels, Community Fundraising Manager, Aspect, quoted in '2021 Allens Neota Logic UTS Tech Challenges: meet the winners' (20 August 2021) <<https://www.uts.edu.au/about/faculty-law/news/2021-allens-neota-logic-uts-tech-challenge-meet-winners>>. This app continues to be available to fundraisers for the organisation.

<sup>46</sup> Douglas (n 15).

facilitate the fundraising itself.<sup>47</sup> In the 2022 grand final, the team OneHeart, representing Capital Punishment Justice Project, an organisation that provides assistance to people facing threat of execution, shared their objective: 'Through our app we hope to educate users about capital punishment more generally and inspire users to donate.'<sup>48</sup>

Clients not only identified the value of the apps, but the valuable skills acquired by students in the challenge. 'What the Law Tech Challenge demonstrated in terms of new learning and skills development was [the students'] adaptability to embrace an entirely new and entirely 'real-life' legal subject matter.'<sup>49</sup> Teams' social media campaigns further evidence the way that students developed a deeper understanding of the social justice activities undertaken by their clients through regular engagement with them. Posts of interviews with clients about the activities of their not-for-profit organisations drew attention to diverse social justice objectives, such as campaigning against the death penalty<sup>50</sup> and helping parents of children abducted and taken to different countries.<sup>51</sup> In some cases, students reposted content developed by their client and reflected on the value of these activities.<sup>52</sup> Teams also featured individuals who were assisted by their client's work and explained how the app that they were developing would have real-life impact in supporting this work.<sup>53</sup>

Students' enthusiasm for, and their commitment to, working collaboratively for and with their clients for social justice was evidenced in their social media posts. The quality and professionalism of their posts was also evident to the Challenge educators. More sophisticated social media campaigns provided a vehicle for expressing the importance of pursuing social justice: an objective that united teams, despite the competitive element of awarding grand final winners.

The Challenge provided students with a shared purpose achieved in 2021 and 2022, unlike 2020 and unlike other opportunities that were cancelled due to the COVID-19 pandemic. Students were buoyed by their peers, mentors, trainers and clients. An awareness that some of the clients' mission and objectives became more urgent as a result of the COVID-19 pandemic inspired students to commit to completion of their apps. This was observed by the Challenge educators in the students' strong sense of success in achieving client's objectives and in their

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<sup>47</sup> University of Technology Sydney, '2021 Allens Neota UTS Law Tech Challenge for Social Justice Grand Final (Zoom webinar recording)' (Youtube, 17 August 2021)

<<https://www.youtube.com/watch?v=QBDDxiAOp90>>.

<sup>48</sup> University of Technology Sydney, '2022 Allens Neota UTS Law Tech Challenge – Capital Punishment Justice Project' (Youtube, 17 August 2021) <<https://www.youtube.com/watch?v=Rc5mAPVUz6I>>.

<sup>49</sup> UTS 'Law and Tech at UTS' (Web Page) <<https://www.uts.edu.au/about/faculty-law/what-we-do/law-and-tech-uts>>. See also Justin Moses, (Linked In, 17 August 2021)

[https://www.linkedin.com/posts/justin-moses-7a087a84\\_lawtechchallenge-utslaw-activity-6965602970465947648-MFPu?utm\\_source=share&utm\\_medium=member\\_desktop](https://www.linkedin.com/posts/justin-moses-7a087a84_lawtechchallenge-utslaw-activity-6965602970465947648-MFPu?utm_source=share&utm_medium=member_desktop)].

<sup>50</sup> OneHeartUTS (Instagram, 11 August 2022) <https://www.instagram.com/p/ChHlcnthnD6/>

<sup>51</sup> Ciana – Allens Neota Legal Tech Challenge (Facebook, 13 August 2021)

<https://www.facebook.com/ciana.application/videos/2119679901506339/?app=fbl>

<sup>52</sup> See, for example, Ciana – Allens Neota Legal Tech Challenge (Facebook, 3 August 2021)

<<https://www.facebook.com/100755909304395/posts/pfbid028ybJUT83wRFQm26Sg17beJaqD2mCtH7q8MHaTSZyVTdo8YcZaapBwLPwdqJUJePl/?app=fbl>>; InsightbyThrive (Instagram, 15 May 2022)

<https://www.instagram.com/p/CdkhJzPrUS/>

<sup>53</sup> moral.code.uts (Instagram, 6 August 2021) <<https://www.instagram.com/p/CSOGFqOFhAP/>>.

team's engagement and feelings of fulfillment in the grand final presentations in 2021 and 2022.<sup>54</sup>

The case study of the Challenge affirms the importance of online non-curricular activities in legal education. Indeed the return of the Challenge during the Covid-19 pandemic signalled to students the continued importance placed by the Faculty on a culture of learning, a view to career readiness, a commitment to social justice and maintaining a sense of belonging within the student and staff community. This value of a culture of learning aligns with an adaptive institutional mindset that supports student resilience and wellbeing.<sup>55</sup> Sinsheimer and Fotuhi describe an adaptive mindset as a 'belief' that people are capable of responding positively to challenges by 'adopting new approaches and attitudes'.<sup>56</sup> Unlike programs that are framed by academic performance and, as a result, are aligned with a fixed mindset,<sup>57</sup> the Challenge provided opportunities for students to engage with social justice in an authentic and tangible way, applying new ways of *doing* through service and reflection. The Faculty's commitment to the Brennan Program and the Challenge in the Covid-19 pandemic, evidenced the value given to meaningful and sustained student engagement in the area of social justice. This commitment is an example of the importance of the institutional mindset, identified by Sinsheimer and Fotuhi, in shaping adaptive learning mindsets.<sup>58</sup>

### *C Belonging, Resilience and Wellbeing*

The Faculty's prioritisation of the return of the Challenge in 2021 aligned with its focus on student engagement and wellbeing. At the University of Pittsburgh School of Law, Sinsheimer and Fotuhi found that many law students 'displayed tremendous resilience with just a bit of help' during the COVID-19 pandemic.<sup>59</sup> The Faculty also noted similar examples of student perseverance and online engagement.<sup>60</sup> For both students and staff, the transition of situated learning activities from an in-person program to an online environment was an act of resilience in itself.<sup>61</sup> It also reinstated a co-curricular opportunity for student-to-student engagement, an

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<sup>54</sup> Examples of the 2021 team presentations are: '2021 Allens Neota Logic UTS Tech Challenges: meet the winners' (20 August 2021) <<https://www.uts.edu.au/about/faculty-law/news/2021-allens-neota-logic-uts-tech-challenge-meet-winners>> and '2021 Allens Neota UTS Law Tech Challenge for Social Justice' (YouTube, 20 August 2021) 0.00 – 1:46;19 <<https://www.youtube.com/watch?v=QBDDxiAOp90>>. Examples of the 2022 team presentations are: University of Technology Sydney, '2022 Allens Neota UTS Law Tech Challenge – SPELD NSW' (YouTube, 15 August 2022) 0.00-7.57 <[https://www.youtube.com/watch?v=F9Jf5QmG\\_qc](https://www.youtube.com/watch?v=F9Jf5QmG_qc)>; University of Technology Sydney, '2022 Allens Neota UTS Law tech Challenge Grand Final Opportunities Australia' (YouTube, 15 August 2022) 0:00-7.58 <<https://www.youtube.com/watch?v=jutFjlU5-Q>>.

<sup>55</sup> Ann Sinsheimer and Omid Fotuhi, 'Listening to Our Students: Fostering Resilience and Engagement to Promote Culture Change in Legal Education' (2022) 26(1) *Legal Writing: The Journal of the Legal Writing Institute* 81, 86.

<sup>56</sup> *Ibid.*

<sup>57</sup> Competition for academic recognition and reward can have adverse effects on 'academic performance, self-knowledge, and a sense of belonging': *ibid* 92.

<sup>58</sup> *Ibid* 90.

<sup>59</sup> Sinsheimer and Fotuhi (n 55) 85.

<sup>60</sup> For example, the general cohort of students achieved similar academic results as pre-pandemic semesters. Online attendances for several co-curricular activities, such as Brennan Program events, were higher than pre-COVID on-campus events.

<sup>61</sup> See L A Henry, 'Community legal clinics and clinical education in the COVID era: Resilience, innovation, and gaps' (2021) 72 *University of New Brunswick Law Journal* 114. For some staff, the move to online delivery caused by the pandemic was their first time teaching remotely. Alex C. Evans, 'A Learning

important counter to feelings of isolation and loneliness reported by students during the pandemic.<sup>62</sup>

Given the research emerging in 2020 about mental health concerns resulting from the series of lockdowns,<sup>63</sup> it was critical to support students beyond advancing their law studies.<sup>64</sup> This commitment necessitated a change in the design and delivery of the Challenge and a reshaping of the program's objectives to strengthen student engagement and wellbeing, whilst maintaining the core benefit of real-world immersion through a social justice lens. In their study of conditions influencing undergraduate students at the University of California San Diego during the first year of the COVID-19 pandemic (Fall 2019 to Fall 2020), Hollister et al considered the influence of social interactions with peers, teachers and administrators on student engagement.<sup>65</sup> Surveys of students indicated that a significant majority felt less socially connected to their peers during online education in the pandemic and this often impacted their learning experience.<sup>66</sup> During the pandemic, Stephens and Curwood observed that declining student-teacher rapport in the online environment 'hindered the ability of teacher educators to support student wellbeing and mental health, which were primary concerns due to the severe financial and emotional implications of the pandemic for many Australian students'.<sup>67</sup> The Faculty's renewed focus in 2021 on student engagement responded to the problems identified with students' experiences of isolation during the pandemic. This focus aligned with the ongoing emphasis on student connection in the Challenge and the Brennan Program.

The closely bonded online community that developed for participants<sup>68</sup> was also important for students who were impacted by the closure of university campuses and reduction of on-

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and Teaching Method for the Online Environment That Delivers: Coupling a Soft Socratic Method with a Humanistic, Nurturing Approach' (2022) *Legal Education Review* 33, 33.

<sup>62</sup> Sinheimer and Fotuhi also recognises the value of instructor engagement with law students during the pandemic to give more space for emotion. This included allowing students to express their own emotions and instructors placing their own humanity on show. Sinheimer and Fotuhi (n 55) 110.

<sup>63</sup> For example, Australian Government National Mental Health Commission, *Monitoring mental health and suicide prevention reform*, National Report (2020) <https://www.mentalhealthcommission.gov.au/publications/national-report-2020>; headspace National Youth Mental Health Foundation, *Coping with COVID: the mental health impact on young people accessing headspace services*, (Report, August 2020) <https://headspace.org.au/assets/Uploads/COVID-Client-Impact-Report-FINAL-11-8-20.pdf>.

<sup>64</sup> Student engagement and wellbeing is a focus of UTS and the Law Faculty. UTS has an established range of initiatives to support students in their study, including during periods of ill-health and personal challenges. Supports include the Brennan Justice and Leadership Program, first year mentoring program, the pastoral role of a Faculty Director of Students and a partnership with the UTS LSS to promote student opportunities. This focus was increased during the pandemic with frequent student communications, including a video message from the Faculty's Director of Academic Programs.

<sup>65</sup> Brooke Hollister et al, 'Engagement in online learning: student attitudes and behavior during COVID-19' (2022) 7 *Frontiers in Education* 5.

<sup>66</sup> Ibid 9-10.

<sup>67</sup> Eden C. Stephens and Jen Scott Curwood, 'Teacher Education in Times of Disruption: Lessons Learned from Teaching and Learning in Australian Universities during the Covid-19 Pandemic' in Roy Chan, Krishna Bista and Ryan Allen (eds) *Online Teaching and Learning in Higher Education during COVID-19: International Perspectives and Experiences* (Routledge, 2021).

<sup>68</sup> Student social media posts recognised this online community. See, for example, Moral Code, (Facebook, 10 August 2021) <https://www.facebook.com/MoralCodeUTS/posts/pfbid02dsdLmJM6UvE89hf1EbJzTt2Ti4uRwKtTQZ9KVrbsq2ZsLejZ9Sg5fKeqCbiQkRFQl?rdid=qNytgX6xZ9TMd5Gq#>

campus activities during 2021 and 2022. For example, in their study of English teacher training in three New South Wales universities during the COVID-19 pandemic, Stephens and Curwood found that the impact of the lack of extracurricular activities and networking as a result of the pandemic meant that the campus setting was no longer central to university life.<sup>69</sup> This could impact ‘students’ welfare, access, and equity’.<sup>70</sup> Online learners have identified a sense of belonging as important in preventing feelings of isolation and described this as ‘a “feeling” of being part of a community, of belonging to a group of learners with a common goal, and of engaging with learning materials and other learners and tutors.’<sup>71</sup> Peacock et al’s research into online learners found that a sense of belonging ‘provided them with an extra level of resilience, especially in times of stress or anxiety’.<sup>72</sup>

The return of the Challenge enabled students to immerse themselves in the practice of new skills, beyond formal classes. While features of positive student engagement in online and in-person educational activities can align, they may be delivered quite differently.<sup>73</sup> Several features of the Challenge meant that it was well positioned to translate effectively into an online environment where students learnt through *doing*: consulting with mentors, academics and clients to problem-solve. The transformation to online ‘[drew] on existing models to reduce challenges to effective, flexible design.’<sup>74</sup> Given the complexities and challenges of the online world, the transformation from a hybrid to an online delivery called for advanced skills, particularly communication and collaboration. Technological infrastructure conducive to online learning already existed, and this was supported by educator experience in teaching over Zoom. As the main platform for teaching rapidly became Zoom, all teachers and students were forced to acquire new skills. These new digital technology skills replicated the real-pandemic-world of business and communication, thus shaping students’ proficiency in managing themselves in a professional context. In the 2021 and 2022 Challenges, based on our observations as academic educators, each team successfully engaged with clients through zoom and other online communications, resulting in the completion of all apps.<sup>75</sup>

Where possible, online activities that replaced face-to-face events were synchronous. Synchronous meetings ‘[foster] connection with others’<sup>76</sup> and students were strongly encouraged to have their cameras on and to ask questions. Instructors also reminded students about the importance of respectful interactions. One aspect of a culture of learning that facilitates a sense of belonging is sharing of experiences.<sup>77</sup> This had occurred in previous programs and continued in the online environment. Legal industry partners shared their experiences working with not-for-profit clients in online events. Challenge alumni shared their

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<sup>69</sup> Ibid 226.

<sup>70</sup> Ibid.

<sup>71</sup> Susi Peacock et al, ‘An Exploration into the Importance of a Sense of Belonging for Online Learners’ (2020) 21(2) *International Review of Research in Open and Distributed Learning* 18, 24.

<sup>72</sup> Ibid 28.

<sup>73</sup> See M J Moore, ‘Three types of interaction’ in K. Harry, M. John, & D. Keegan (Eds.), *Distance Education: New Perspectives* (1993, Routledge) 19-22.

<sup>74</sup> Florence Williams, ‘Flexible Learning Design: A Turning Point for Resilient Adult Education.’ *Journal of Adult Education in Tanzania* (2021) 23(1) 165, 188.

<sup>75</sup> This successful engagement was documented in teams’ social media campaigns. See, for example, Appollo (Facebook, 20 July 2021) <https://www.facebook.com/108556604700804/posts/pfbid02f8heucbaYciqmGu1Tdt7cPQR32P4x6HVa w7sp4G5JdYKpigiwFLLRGmXGuEEjrcXl/?app=fbl>

<sup>76</sup> Florence Williams (n 74)29.

<sup>77</sup> Ibid 26.



experiences and answered student questions as part of the online Appy Hours. Access to these online events was limited to facilitate candour between participants.<sup>78</sup>

While the challenges with technologies such as zoom have been acknowledged,<sup>79</sup> the co-curricular aspect of the program meant students were not pressured by marks and able to focus on assisting their clients. Due to the greater reliance on communications technology, students were introduced to etiquette, such as camera-on, muting and raising hands to speak. Challenges, such as connection issues and background noise, were managed effectively by students. For teams, effective collaboration using online platforms was essential to the progression of their app. Achieving agreement as to a new process of communication and collaboration that relied on individual remoteness and isolation, often from homes, necessitated consensus and commitment. Once achieved, students were able to collectively advance their shared purpose and to build their capacity for change and their resilience. For example, teams complied with deadlines, engaged with clients and mentors, created effective social media campaigns and delivered apps to the same standard and quality as pre-pandemic apps.<sup>80</sup> Underpinning this was ongoing engagement facilitated by the Challenge director and supported by Challenge educators. Whilst the impact of the COVID-19 pandemic was significant for the Challenge, resulting in the cancellation in 2020 and the reimagining of 2021 and 2022, the program continued to achieve its objectives and those of the clients and resulted in increased opportunities for innovative engagement, enhanced tech skills and capacity for resilience to move beyond the isolation of home for the benefits of clients, and for their clients.

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<sup>78</sup> Ibid 20.

<sup>79</sup> See Kathleen Raponi et al (n 34) 33.

<sup>80</sup> This was evidenced in the comments about the apps from judges of the Challenge grand final: University of Technology Sydney (n 37), Brennan Justice and Leadership Program (n 37).

## IV INNOVATION THROUGH THE LENS OF ENGAGEMENT

This section identifies elements of effective engagement that were already present in the Challenge and how the transition online reinforced these engagement features of diverse interaction opportunities, strategic communication, comparative learning and common goals. Drawing on literature about effective online engagement, we analyse why the transition from a largely face-to-face situated learning program to an innovative, largely online model successfully engaged students during the COVID-19 pandemic. Our contribution to the existing literature is to demonstrate that engagement in the Challenge is achieved through designing opportunities for belonging and building resilience, authenticity in work and technology skills development and shared purpose in advancing justice objectives. This unique combination of technology and social justice provides a snapshot of how engagement can be enhanced through online innovation.

Arguably innovation has always been part of the Challenge. Although the original program primarily focused on in-person events, there were key online features, such as remote training, that, at the time of the Challenge's establishment, were innovational for situated learning. Several aspects of the design and delivery of the program aligned with principles of effective online engagement. Moore identifies learner-to-learner interaction, learner-to-instructor interaction, and learner-to-content interaction as important to effective online instruction.<sup>81</sup> These features are supported by building a community for learners with a sense of belonging.

Online learners have identified a sense of belonging as important in preventing feelings of isolation and described this sense of belonging to include 'a "feeling" of being part of a community, of belonging to a group of learners with a common goal, and of engaging with learning materials and other learners and tutors.'<sup>82</sup>

The nature of the Challenge as a situated learning experience aligned with learner-to-content engagement that has been identified in existing literature as an important type of interaction for effective online courses.<sup>83</sup> Active learning is a core feature of engagement in online learning environments and can have broad scope.<sup>84</sup> Collaborative and cooperative activities are key components of effective online instruction.<sup>85</sup> However, this case study extends these concepts beyond the existing literature as the app development process that teams undertake in the Challenge requires cooperation within teams but also collaboration with the different stakeholders, particularly the clients, as their collaboration is essential to an iterative design process. Students must work with their clients to understand the problem that requires an app.<sup>86</sup> They then work with legal technology mentors to understand how the platform can address the problem and develop the app in further client consultations. Once an app is

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<sup>81</sup> See Moore (n 73) 19-24. More recently, Sweany has recognised that elements of the Community of Inquiry framework, social presence, teaching presence and cognitive presence, are core to promoting community in online environments: Noelle Wall Sweany, 'From Theory to Practice: Evidence-Based Strategies for Designing and Developing Engaging Online Courses' (2020) 70(1) *Syracuse Law Review* 167, 172.

<sup>82</sup> Peacock et al (n 71) 24.

<sup>83</sup> Florence Martin and Doris U. Bolliger, 'Engagement matters: Student perceptions on the importance of engagement strategies in the online learning environment' (2018) 22(1) *Online learning* 205, 209.

<sup>84</sup> Marcia D. Dixon, 'Creating effective student engagement in online courses: What do students find engaging?' (2010) 10(2) *Journal of the Scholarship of Teaching and Learning* 1, 2.

<sup>85</sup> Ibid.

<sup>86</sup> Problem-solving is a form of active learning that students find engaging compared with more passive activities. Ibid 5.

designed, students are encouraged to focus on the user experience and test the app with users so that they can incorporate feedback into later versions of the app. Challenge milestones and online activities are structured to support this process and provide ongoing feedback. This enables the instructors to establish a social presence that helps students feel connected to them and recognise their active involvement, regardless of whether activities occur face-to-face or online.<sup>87</sup> When the Challenge migrated online, greater emphasis was placed on multiple means of interaction to strengthen connections and communicate meaningfully:<sup>88</sup> online activities were supported by regular group announcements and targeted emails to give feedback to teams as the Challenge progressed. The Challenge extends Dixon's observation of the necessity for diverse interactions as 'it's all about connections'.<sup>89</sup>

Interestingly, the additional online events, in 2021 and 2022, also deepened the contact between learners and instructors.<sup>90</sup> Shi and Helmi recognise that the facilitation of personal contact between students and the course facilitator is important to enabling belonging in an online environment.<sup>91</sup> This is also important to engagement.<sup>92</sup> In some ways, the online environment made it easier to facilitate student-instructor interactions. In 2022, the Challenge director included one-on-one online mentoring sessions with students. This provided opportunities for feedback, as well as discussions about legal career opportunities, particularly those related to the Challenge.

The Covid-19 pandemic provided an opportunity for innovation because it required online translation of situated learning activities that were usually held in person. These innovations often reinforce existing literature about online learning. For example, Corbin and Bugden advocate for the elements of 'place' and 'presence' as key to effective online learning.<sup>93</sup> Their method of online engagement through creating a 'place', underpinned by a culture of a thoughtful teaching space<sup>94</sup> and a 'presence' with the teacher facilitating the learning community<sup>95</sup> was applied in pre-pandemic remote teaching. These elements, within the informal legal education framework, emerged as essential for student engagement adopted in the Brennan Program during the pandemic. For the Challenge, this meant thoughtful design of the program with academics, lawyers and software experts having a stronger mentor role and the development of clear communication protocols between teams and clients.

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<sup>87</sup> Ibid 2-3.

<sup>88</sup> Ibid 8.

<sup>89</sup> Ibid.

<sup>90</sup> 'Learner-to-instructor interaction leads to higher student engagement in online courses'. Ibid 8. Jorge Gaytan and Beryl McEwen, 'Effective online instructional and assessment strategies' (2007) 21(3), *American Journal of Distance Education* 117, 130. See 'Episode 63 "Students, software and social justice with Genevieve Wilkinson and Dana Rutner"' *Reimagining Justice* (Andrea Perry Petersen, 30 August 2021) <https://www.andreaperrypetersen.com.au/episode-63-students-software-social-justice/> (Dana Rutner).

<sup>91</sup> Elizabeth Shi and Jessica Helmi, 'Innovative Teaching and Assessment Methods to Enhance Student Belonging in Online Teaching' 2020-21 (13/14) *Journal of the Australasian Law Academics Association* 104, 106.

<sup>92</sup> Martin and Bolliger (n 83) 208.

<sup>93</sup> Lillian Corbin and Lisa Bugden, 'Online Teaching: The Importance of Pedagogy, Place and Presence in Legal Education' (2018) 28(1) *Legal Education Review* 1, 2.

<sup>94</sup> Ibid 16.

<sup>95</sup> Ibid 18-19.

A key component of developing this sense of belonging is getting to know peers.<sup>96</sup> Martin and Bolliger recognise the importance of learner-to-learner interaction in '[preventing] online students from experiencing potential boredom and isolation'.<sup>97</sup> This interaction is also critical to creating community and student connection and underpins activities that enhance engagement.<sup>98</sup> Prior to 2021, opportunities for this were available at multiple in-person events leading to the rehearsal and grand final. Social distancing requirements limited these opportunities, but in 2021 and 2022 students were instructed to create videos that they posted online for all other students to see where they introduced themselves and identified the roles that they would like to undertake in their team.<sup>99</sup> This provided an opportunity to get to know all of the students undertaking the Challenge. The questions that students were asked to answer in these sessions encouraged candour: they responded openly to prompts to identify roles that they thought would challenge them, demonstrating reflection about their personal strengths and weaknesses. Online introductions also set an effective foundation for learning about other group members when teams were assigned. Group work can also strengthen a sense of belonging<sup>100</sup> and the design of the Challenge requires ongoing collaboration with a specific project manager role facilitating organisation of group activities. Relevantly, collaboration and specialist roles mimic the work environment.<sup>101</sup>

A feature of the Challenge retained in the transition online was the opportunity to work directly with clients, supported by lawyers and academics providing guidance and mentorship to students about client management, relevant legal and professional skills and principles of legal technology design. The design process involved understanding 'what the client wanted...what the client needed.'<sup>102</sup> This is made possible by structuring the Challenge so that apps provide legal information, not legal advice. Challenge participants receive additional support from academics and members of the legal industry to navigate this distinction.

Importantly, the primary social justice purpose of the Challenge was supported by, and not transformed through, online delivery. Here the authenticity of building an app that is then deployed by not-for-profit clients is critical to the Challenge. Speiser, Chen-Wu and Lee identify authenticity as key to fostering an inclusive online community:

Authentic learning equates learning-by-doing, real world problem-solving, where learners move beyond just knowing concepts to being able to apply them to solving a

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<sup>96</sup> Peacock et al (n 71) 29.

<sup>97</sup> Martin and Bolliger (n 83) 208.

<sup>98</sup> Ibid.

<sup>99</sup> See discussion in Banna et al, about using discussion boards to enhance student-to-student interaction: Jinan Banna et al, 'Interaction matters: strategies to promote engaged learning in an introductory nutrition course' (2015) 11(2) *Journal of Online Learning and Teaching* 249-261.

<sup>100</sup> Peacock et al (n 71) 25.

<sup>101</sup> Christian Veith, Michael Bandlow, Michael Harnisch, Hariolf Wenzler, Markus Hartung and Dirk Hartung. *How Legal Technology Will Change the Business of Law* (Boston Consulting Group and Bucerius Law School, 2016).

<sup>102</sup> 'Episode 63 "Students, software and social justice with Genevieve Wilkinson and Dana Rutner"' *Reimagining Justice* (Andrea Perry Petersen, 30 August 2021) <https://www.andreaperrypetersen.com.au/episode-63-students-software-social-justice/> (Dana Rutner). The success of the transition of the Challenge was recognised by UTS through the award of a Teaching and Learning Citation in 2022 for *empowering law students to master technology for transformational partnerships*. The nomination covered the period pre and during Covid-19 pandemic.

real-life situation (or an ill-structured problem), and by considering multiple perspectives when doing so (Boholano, 2017; Lombardi, 2007).<sup>103</sup>

The authenticity reflects not only the way that the structure of the teams mimics a legal technology startup but the opportunities that students have to interact with their clients and build their apps in consultation with legal technology experts. In 2021 and 2022 these opportunities were online, consistent with the contemporaneous approach taken within the legal and technology industries.

Framing communications about changes to format throughout the 2021 and 2022 Challenges was critical for ongoing engagement and strengthened the real-world experience.<sup>104</sup> The Challenge director encouraged students to reflect and recognise that, just as they need to display resilience and adapt to changing circumstances, they were capable of doing so and their clients and instructors were also facing challenges that required similar responses. Critical reflection is an essential part of the experiential learning process.<sup>105</sup> Opportunities for reflection increased during the transition, as a result of the introduction of additional group presentations online where students had the opportunity to reflect on their progress throughout the program. Students were also provided with opportunities for reflection in the grand final presentations and their social media campaigns. Many students reflected on the value of the social justice work of their clients in both their presentations and social media posts.<sup>106</sup> This was particularly insightful, given the contemporary challenges faced by not-for-profits in terms of their limited resources to access technology, for example, to manage volunteers and the increased needs of their clients, for example, seeking advice in relation to COVID-19.

The additional online presentations also offered a valuable environment for comparative learning as students watched each other present their progress.<sup>107</sup> Throughout the program, some formative feedback was provided in the presence of other teams to enable teams to apply it to their own work. Individualised feedback was also given privately to the teams. This balanced the competitive element of the program, where one team's app is named the best app against objectives of teaching skills in comparative practice. The approach reflects comparative and authentic learning processes in the legal industry for junior practitioners who benefit from instruction from diverse 'teachers', not limited to colleagues and employers. In addition to mentoring from legal technology and legal industry experts, participants were encouraged to learn from each other as well as from mentors and Challenge alumni.

The Challenge affirmed the findings in existing literature that common overall goals are also important in fostering a sense of belonging.<sup>108</sup> As all students in the Challenge are also in the Brennan Program, this dual participation results in an alignment and reinforcement of social justice objectives. The apps that students develop are designed to automate tasks to assist

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<sup>103</sup> Robert Speiser, Huay Chen-Wu and Jin Sook Lee, 'Developing an "Inclusive Learning Tree": Reflections on Promoting a Sense of Community in Remote Instruction' (2022) 19(2) *Journal of Educators Online* 6.

<sup>104</sup> Sinsheimer and Fotuhi recognise the importance of framing to building resilience by using language to validate students' experience. (n 55) 90.

<sup>105</sup> Sossin (n 32) 859.

<sup>106</sup> See, for example, moral.code.uts (Facebook, 6 August 2021)

<https://www.facebook.com/MoralCodeUTS/posts/pfbid0251pfm4p1eMjbF9gM7u47cJwwAoEMWXpMBBALj9F9nRghimynz7vye7f3QTyTAHU2l>

<sup>107</sup> See David Nicol, 'The power of internal feedback: Exploiting natural comparison processes' (2021) 46(5) *Assessment & Evaluation in Higher Education* 756.

<sup>108</sup> Peacock et al (n 71) 27.

not-for-profit partners achieve their social justice objectives. Students and clients recognised the value of this process and communicated it throughout the Challenge on social media. Additionally, the social media campaigns provided opportunities for further social engagement that contributed to feelings of connection.<sup>109</sup>

During the transition to online teaching during the Covid-19 pandemic, it was possible to successfully adapt many existing features of the face-to-face Challenge that aligned with effective online engagement and retain authenticity in the situated learning environment. Effective strategies included prioritising online getting-to-know-you activities, facilitating multiple mechanisms for learner to instructor engagement, retaining synchronous activities that strengthened the Challenge community and recognising the importance of the sense of purpose underpinning that community. The ongoing success of the Challenge demonstrates that theories of engagement developed for formal face-to-face learning environments are transferable to co-curricular online situations. There are lessons from the experience that informed the transition to hybrid learning in the 2023 Challenge and are relevant for similar programs that bring together a diverse range of stakeholders for a shared purpose. For the 2023 Challenge, hybrid learning was marked by an approach based on creative and flexible options and the shared experience of lessons from COVID-19. Features of the 2023 Challenge consisted of online interaction as the primary method of engagement supported by key on-campus events, resulting in a different but authentic experience compared with the pre Covid-19 pandemic higher education environment.

## **V FOSTERING ENGAGEMENT AND RESILIENCE IN A HYBRID LEARNING ENVIRONMENT**

This case study demonstrates that the changes implemented in the design and delivery of the Challenge serve as an exemplar for online co-curricular programs in terms of student engagement and wellbeing. We acknowledge that the sample size of students is small compared with some other forms of online delivery, such as teaching students in online courses in successive semesters. Similarly, the Challenge is not tied to formal learning so evidence such as comprehensive student feedback surveys is not available. Our contribution to the literature on remote and hybrid learning design for experiential learning is grounded in our experience and observations of the Challenge pre, during and post the Covid-19 pandemic. This contribution is unique given the co-curricular nature of the Challenge, resulting in recognition of the value of non-academic engagement. As discussed below, this case study adds to existing literature by examining how the unique intersection of social justice and technology skills can enhance the experience of law student extracurricular learning through online and hybrid engagement.

In 2023, the delivery again changed as the primary mode of learning at UTS returned to on-campus and it was possible to hold key Challenge events in-person: the launch, mid-program networking event with mentors, clients and students, the grand final and its rehearsal, and a celebration event for the winners of the Challenge grand final. Nonetheless, online interaction was retained as the main mode for other forms of communication and collaboration, including team and client meetings. As many situated learning experiences transition to hybrid settings

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<sup>109</sup> Martin and Bolliger recognise the importance of learner-to-learner interaction in '[preventing] online students from experiencing potential boredom and isolation' (n 83) 208.

and the benefits of hybrid learning in legal education are increasingly recognised,<sup>110</sup> this section identifies lessons for hybrid situational learning, and assesses the value of the reimagined Challenge as a co-curricular program within the context of an increased online environment. Returning to blended learning presents its own challenges.<sup>111</sup> As remote working practices continue in the legal, legal tech and not-for profit industry, continued emphasis on online communication and engagement is consistent with an authentic situated learning environment.<sup>112</sup> Authenticity and fostering a continued sense of purpose and community underpin the following strategies and pedagogy that supports students undertaking the Challenge. Successful online practices from the 2021 and 2022 that supported authenticity, purpose and community informed the design of subsequent Challenges in 2023 and 2024 and have been translated into the following lessons that can apply to hybrid learning environments.

### **Lesson One: Link different delivery modes to strategic objectives of program**

The COVID-19 pandemic taught us the need to be agile and resourceful. Our experience with needing to pivot in the design and delivery of the Challenge taught us the importance of strategic use of different modes. Where possible, thoughtful use of different modes of online delivery is a key part of any learning management strategy. Sweany explains that ‘by embracing the core principles of effective instruction, and translating them to the technology of the moment, we can deliver for all of our students-and be ready for whatever new development is right around the corner.’<sup>113</sup> Our study extends Sweany’s point as one of the core principles of effective instruction drawn from the case study is being adaptive to the learning environment. In response to the stay-at-home orders, technology and its usefulness to realisation of social justice objectives became the delivery mode in practice. For example, the greater use of a learning management platform had been a new feature that was tested in the transition online, which has been retained. This supports learner-to-content engagement, as it enables delivery of relevant pre-recorded material, including footage from past Challenge grand finals, that enhances the materials available to students.

Academics’ observations of student engagement in the case studied confirms the findings of existing literature that online delivery expands the number of opportunities for interaction between students and instructors, as they are logistically easier for a range of different instructors to attend.<sup>114</sup> Some training events that had previously been face-to-face remained online and a number of online events that were introduced during the COVID-19 pandemic were retained. Blending in-person and online delivery also made it easier for students to attend a larger number of events throughout the Challenge. The online Challenge alumni workshop was

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<sup>110</sup> See, for example, David I. C. Thomson, ‘How Online Learning Can Help Address Three Persistent Problems in Legal Education’ (2020) 70(1) *Syracuse Law Review* 181.

<sup>111</sup> See Morten Winther Bülow, ‘Designing synchronous hybrid learning spaces: challenges and opportunities’ in Einat Gil, Yishay Mor, Yannis Dimitriadis and Christian Köppe (eds), *Hybrid Learning Spaces. Understanding Teaching Learning Practice* (Springer, 2022), 150.

<sup>112</sup> Dvorak and Agostino recognise that the likelihood of hybrid employment environments needs to be recognized in situated learning design: Kevin Dvorak and Mario D’Agostino ‘Afterword: Reflecting on Post-COVID Experiential Education and Learning’ in Lovett, K. (Ed.). (2022). *Diverse pedagogical approaches to experiential learning. Volume II, Multidisciplinary case studies, reflections, and strategies* (Palgrave Macmillan, 2022)198.

<sup>113</sup> Sweany (n 81) 178.

<sup>114</sup> See discussion of increased opportunities for learning in hybrid environment in Morten Winther Bülow (n 111) 156.

retained. The additional workshop that permitted students to receive feedback from a remotely located expert from the program's legal technology partner was retained. These activities strengthen opportunities for comparative learning<sup>115</sup> and enhance student-to-student and instructor-to-student interaction.<sup>116</sup>

In 2023, events that primarily had a social focus and supported the development of a sense of community, such as the launch event, returned to face-to-face mode. Certain events had been difficult to replicate online and had been rescheduled multiple times in 2021 and 2022 so that they could occur in-person. For example, a celebration event for the 2021 grand final winners, which enabled them to network with legal industry partners, was postponed so it could be held in-person.

We recommend a strategy that allows for the application of different modes of design and delivery to realise objectives. This is achieved through employment of online engagement pedagogy in educational design, stakeholder consultation and problem-solving, innovative and creative use of tools and a clear communication plan.

## **Lesson Two: Communicate clear expectations about roles and responsibilities in a hybrid environment**

Clear expectations about the different requirements for participation are a central feature of learner-instructor engagement when multiple modes are used in situated learning experiences.<sup>117</sup> This case study demonstrates the importance of this practice online and subsequent delivery of the Challenge extends the principle to hybrid delivery. We recommend that expectations for attendance at events should be made clear by communicating the timetable as early as possible. In the post-Covid Challenge format, a smaller number of in-person events are staged to occur at the beginning, middle and end of the Challenge and students are reminded of expectations about conduct and attire where appropriate. Similarly, clear expectations are communicated for online events, particularly those that involve external partners. Expectations include keeping cameras on where possible for online events, planning to be available in this way and the online etiquette of apologising if, for example, low bandwidth prevents on camera participation. Students are also instructed about acceptable conduct with clients and mentors – online etiquette is an emerging skill for students and within the industry and, we believe, should be embedded in legal education.<sup>118</sup>

Clear expectations also include the need for students to be guided through the challenges that a lengthy program with new experiences can bring. Through our own reflections, we have identified the importance of ensuring all team members connect with each other in the early stage of the program and of training and guidance on effective communication in group work and this approach was retained in the post-Covid 19 pandemic Challenge program.

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<sup>115</sup> See Nicol (n 107)

<sup>116</sup> See Moore (n 73)

<sup>117</sup> S. Eshmurodova, 'Organizing and Managing Learning Outside the Classroom' in A. Navarro (ed) *Proceedings of the Conference of SamSIFL* (JA Inkwell Publishing, 2024) 161.

<sup>118</sup> Dvorak and Agostino note value of clear communication in online experiential learning environments, noting the nuances of online communication modes (n 112) 199.



### **Lesson Three: Value creativity in a hybrid-centred learning management plan**

Again, the experience of the Challenge allows us to extend the point made in the existing literature as to the importance of careful management.<sup>119</sup> Establishing a learning management plan at the orientation stage of the Challenge that communicates clear expectations provides a rigorous structure for successful implementation.

The learning from the Challenge is that our recommended preferred learning management plan centres on a hybrid approach.<sup>120</sup> A core element of the plan is to have introductory events in both in-person and online modes so that, as expectations of the student increases with the situated learning experience, they are not also expected to adapt to an unfamiliar environment. An early in-person event can also help students to form connections with other students that support engagement throughout the situated learning experience. The usual approach to this is an in-person launch.

However, creativity can also provide opportunities for engagement, even when in-person events are not available for these type of networking events. The online launch for the 2022 Challenge had a quiz theme: formal speakers were ‘quizzed’ about themselves or their thoughts on technology and, after the formal event concluded, students participated in a synchronous, online trivia quiz with prizes that helped to break the ice. Hybrid in-person events that allow online participation from one or two speakers can also increase students’ learner-to-instructor exposure where there are appropriate facilities and support in venues. This can also be useful to expand the relevant community beyond state or national borders. Importantly, creativity as a core component of our learning management plan meant that we were able to equip students for a future workplace that is likely to continue to be hybrid.<sup>121</sup>

### **Lesson Four: Hybrid learning strategies should align with an authentic approach**

Authenticity, a critical feature of any situated learning experience, remains critical to the Challenge. The design of the program: pre, during and post pandemic, provided students with direct exposure to clients, an international law firm and an innovative software developer. Hybrid interactions bring authenticity to the student learning experiences.<sup>122</sup> Participants are encouraged to use new ways to communicate with clients and to effect the necessary results for their clients’ end-users. Increasingly, industry interactions occur online, so guiding students on online ice-breaker activities can assist them to meet each other, their mentors and instructors. However, positive feedback about the success of in-person networking events that were able to be held during the COVID-19 pandemic and have occurred subsequently has confirmed the ongoing value of unstructured in-person networking, where building relationships is part of the authentic learning experience. Meeting clients and instructors in-person for

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<sup>119</sup> Barton et al advocate for the importance of learning management plans in situated learning: Karen Barton, Patricia McKellar and Paul Maharg, ‘Situating learning and the management of learning: A case study’ (2000) 34(2) *The Law Teacher* 141.

<sup>120</sup> Dvorak and Agostino propose that learning design should consider the extent to which remote experiential learning is preferable (n 112) 200.

<sup>121</sup> See Leela Cejnar, Elizabeth Valiente Reidl and Jennifer Fletcher, ‘Designing higher education experiential learning for the post-pandemic hybrid workforce’ (2023) 57(1) *The Law Teacher* 92, 94.

<sup>122</sup> Cejnar, Reidl and Fletcher also identify embedding hybrid learning as advantageous to expanding experiential learning opportunities for students: *ibid* 94.

networking events can help establish valuable working relationships, even if most interactions are online.

Flexibility and resilience are critical skills for every participant. Whilst there was greater emphasis on the need for these qualities during the COVID-19 pandemic, so that it was possible to complete the Challenge during a time of social upheaval, students now have a common experience from the pandemic of flexibility and resilience. We recommend that explicitly recognising this common experience can also strengthen the sense of belonging that has successfully underpinned effective engagement in previous Challenges, consistent with the engagement pedagogy examined in Part IV of this article.

An authentic approach also enables students to learn and practise work-ready skills.<sup>123</sup> The Challenge's immersive design exposes students to clients, mentors, experts and senior members of the legal industry. There are no marks or grades attached to the work they undertake for clients: the incentive is to create a viable solution for their client which permits them to more effectively facilitate social justice objectives. Their work aligns with workplace activities: project management, consultation, collaboration and communication, problem-solving and deepening resilience. This approach builds on pedagogy underpinning situated learning that recognises the importance of authenticity<sup>124</sup> and extends our understanding of the impact of designing experiential learning in both the in-person and digital world.

## VI CONCLUSION

The unprecedented shift from in-person to remote learning in the education sector, as a result of the necessary response to COVID-19, taught educators and students new skills, especially in the use of technology. At the same time, many in the community, including university students, experienced loneliness, isolation and loss. It was clear to the Law Faculty at UTS that it was essential to maintain student engagement in the co-curricular space and the Challenge provided significant value to students. Nonetheless, ensuring the program continued to support the social justice objectives of clients in an online environment remained critical. Challenge educators successfully managed this through a carefully designed reimagining of a primarily on-campus voluntary social justice program to firstly, an online format and following, a hybrid model.

The unique nature of the Challenge, being co-curricular and centring social justice and technology, allows us to draw 'lessons learnt' to extend the application of existing literature as to the effectiveness of online delivery in legal education. We have found that the existing pedagogy of online distance education resonates with delivering situated learning online – the importance of community, engagement and a sense of purpose remain fundamental for student success, but can be enhanced by online delivery that incorporates key in-person. We have extended and deepened aspects of the existing literature through noting the critical role of management planning and timing in staged delivery to blend the benefits of both modes of delivery in a structured learning design.

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<sup>123</sup> See, for example, Cantatore et al (n 21).

<sup>124</sup> See design principles for hybrid situated learning developed in Petra HM Cremers, Arjen EJ Wals, Renate Wesselink, and Martin Mulder, 'Design principles for hybrid learning configurations at the interface between school and workplace' (2016) 19 *Learning Environments Research* 309.

As an extension to the formal curriculum, the Challenge has encouraged students to expand and deepen their legal knowledge and skills and provided them with further opportunities that are beneficial for their study and careers. In terms of study, some students have enrolled in the Legal Futures and Technology major. Other have chosen a tech and/or social justice area for their honours thesis. Several have been employed at Allens, one student as the first of two graduates appointed to the role of Legal Transformation Graduate and others have continued to undertake pro bono service. Workshops from legal practitioners on the practice of law and tech and on interviewing skills and training from Neota Logic in app development support career preparation for a workplace that has permanently changed from an absolute in-person presence to a hybrid environment with online communication and engagement continuing to have a key role.

This article has mapped the online transition, during the COVID-19 pandemic, of the design and delivery of the Law Faculty's Law Tech Challenge for Social Justice. To successfully achieve this, Challenge educators innovated, retained several key pre-pandemic features, and introduced creative approaches that ensured students were immersed in an authentic experience that resulted in new employability skills and tangible outcomes for clients. The evidence-based methods used to transition from primarily on-campus to online to hybrid delivery have demonstrated that academic and professional learning outcomes can be achieved across a range of environments, and we have drawn a series of lessons from these experience for hybrid situated learning environments. Adopting a hybrid approach is increasingly aligned with real life experience and this authenticity has broader significance given that the learning is co-dependent on external stakeholders within the legal industry, the world of tech and the social justice community. The online and hybrid programs have successfully achieved the outcomes that were met in the Challenge prior to the pandemic. The Challenge continues to demonstrate how innovation, beyond the classroom and outside of marks and grades, influences and enhances the student experience, through collaboration with partners and communities to achieve social justice outcomes.