

Teaching Fellowship Project Report

Project: The Criminal Brief Project: The Use of Narrative in Law Teaching

Recipient: Gillian Daly

Project outline

I was awarded a UEA Teaching Fellowship to investigate the potential to increase student engagement through the use of narrative in Law teaching. The principal component of the project is the production of course materials, in the form of a narrative or story, which is to be used to teach students about the criminal process as part of the first year module, English Legal Process, with students being asked to apply legal principals to the on-going story as it progresses through the legal system.

The application for the fellowship stated:

“First year students often discover that Law is not what they expected. Having grown up experiencing law as part of the fictional narrative of novels, films and television dramas, the reality of legal study can be disappointing. The Criminal Brief project will bridge the gap between students’ expectations and the reality of legal study by using storytelling techniques to build a full, narrative driven and interactive fictional world. This world, which will be constructed around a murder investigation and the ensuing criminal proceedings, will be used as a tool to teach students on the first year module, English Legal Process (Law-1K05).”

It was my stated intention to apply to the Leverhulme Trust under their Artists in Residence scheme to fund a practising writer to work on the project, and commencement of the project was delayed due to the deadlines for this application. Unfortunately, while our application reached the final stage of consideration, it was not successful; however, the Law School funded the writer to work to a more limited extent on the project and we were able to commence work in the Spring 2012/13 semester.

The Project

The aim of the project was student engagement, engaging, not only the students who will ultimately use the narrative when studying the English Legal System, but also a group of students whose role it was to contribute to the writing process. In the Spring 2012/13 semester, a series of workshops were organised with myself, the visiting writer and a group of 10 students. From those who applied to take part in the project, students were selected on the basis of previous creative experience, experience of the criminal justice system and their reasons for being interested in the

project. In the event, the group included some students with writing experience, either through the self publication of fictional prose, in blogs, through journals or via the medium of song writing.

During the three hour workshops, the students were involved in devising the plot for the story and undertook some creative writing exercises, including character profiling and writing from a character's point of view. Between sessions the writer took the ideas generated and produced sections of writing which were then critiqued in the following workshop. By the end of the semester, we had produced a rough and patchy draft of a narrative running through the criminal justice system from the first interaction with the police to appeal. This narrative is comprised of: (i) short sections of prose, similar to chapters of a novel, written from the shifting point of view of the suspect and of a pupil barrister working on the case and (ii) a series of 'real' documents, such as a custody record, interview transcripts, witness statements, counsel's notes and testimony. I will be editing the narrative through the summer so it is ready for use in the English Legal Process module in the Autumn 2013/14 semester.

Lessons learned from the project

The writing process was more difficult than I had anticipated for two reasons: first, it was difficult to balance the creative side of the project with the teaching needs the materials were required to meet and, secondly, working on a collaborative project was itself challenging. In relation to the former, some of my original intentions for the narrative had to be abandoned when it became apparent that they would not work well when the materials came to be used in teaching. For example, I had intended the crime to be murder, but this was changed to burglary as a middle severity offence was needed to make issues, such as whether the defendant would be granted bail and which court the case would be tried in, contentious enough to form the subject of seminar questions. As regards the challenges of working on a collaborative project, it was difficult to communicate the teaching needs to the writer and to take into account the views of 10 students. This resulted in progress being slower than anticipated and a number of changes needing to be made through editing to ensure that the narrative is coherent, accessible to all students and of manageable length and depth.

It is not possible to comment on whether the project has achieved the aim of engaging students on the English Legal Process module until the materials are used for the first time in Autumn 2013/14. I have, however, already observed other benefits of the project. In devising the project my priority was creating the materials for use in engaging future students, with the opportunity to involve current students in the writing process an additional side benefit of the project. As a result of my review of the academic literature on Applied Legal Storytelling, and my experience of

the workshops, I have formed the view that involving Law students in creative writing is in itself a beneficial enterprise. Besides engagement, the academic literature suggests that this has at least two other benefits. Firstly, it can humanise legal study, which generally focuses on legal principles rather than the human actors in the process. Secondly, it can improve students' lawyering skills by teaching them how to use narrative to persuade, a skill which is central to the role of a lawyer. It is suggested that the ability to persuade, for example in a legal brief or before a jury, involves a combination of logical reasoning and narrative skills, while only the former is taught on a Law degree. The workshop aspect of the project fits with initiatives employed by other academics to humanise the process and improve students skills and there is potential to develop this further, either as an extra curricular activity, or as part of skills training within the Law School.

Dissemination

I presented on the topic of Using Narrative in Law Teaching at the Learning and teaching Day on 23 May 2013. I was unsure to what extent the idea would be applicable to other disciplines, but was pleased to see teachers from Development, Psychology, Social Work and Education, and to learn that they considered there to be potential to employ narrative to some extent in the teaching of their own subjects. At the end of the Autumn 2013/14 semester, I will request feedback from the students on the English Legal Process module with a view to further dissemination by working details of the project and consideration of the academic literature into a paper.

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24 May 2013