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Abstract

This chapter examines the benefits of using small groups as a teaching strategy in general, and in particular for environmental law education, both at undergraduate and at postgraduate levels. It sets out several justifications for small group student-centred learning. The general benefits of the small group teaching methodology include intellectual stimulation of the maximum number of students for optimal periods of time, encouragement of more disciplined modes of thinking and interaction, development of closer intellectual relations among students, and between students and professors; avoidance of (perceived or real) authoritarianism of the professor and of the more dominant students; a flattening of the usual hierarchy between professors and students and reduction of feelings of frustration and alienation, especially for less-confident students. A number of the methodologies are canvassed. It is argued that if a professor is planning to use small group methods as a regular teaching and learning methodology, the methods need to be thought about when designing the course, and not as an afterthought.

Keywords

small group teaching, rationale, benefits, environmental law, interactional methods, participation, assessment

Introduction

This chapter examines the benefits of using small groups as a teaching strategy in general, and in particular for environmental law education, both at undergraduate and at postgraduate levels.¹ For the purposes of this analysis, the term ‘small groups’ can refer to traditional-sized

¹ Some of the ideas put forward in this chapter were generated by the law teaching and learning discussions at La Trobe University in the 1970s and at Macquarie University’s School of Law in the 1980s (see Ben Boer and Michael Sassella, ‘Teaching Methods in Law’, paper to Australasian Law Professors Association Annual Conference, Macquarie University 1981, unpublished, on file). They were developed further through the Australasian Law Teaching Clinic that commenced in 1987 (see Ben Boer, ‘The Australasian Law Teaching Clinic: Its Past, Present and Future’ *Legal Education Review* (1989) Vol 1 No. 1, 145 <<http://classic.austlii.edu.au/au/journals/LegEdRev/1989/12.html>>. I am particularly indebted to the experience gained by involvement in the following programs: ‘Training the Trainers in the Teaching of Environmental Law’ in 1997 and 1998 conducted by the Asia-Pacific Centre for Environmental Law National University of Singapore (briefly described in Lye Ling Heng, ‘Capacity Building in Environmental Law’ in Dora Neo, Tang Hang Wu and Michael Hor (eds) *Lives in the Law; Essays in Honour of Peter Ellinger, Koh Kheng Lian and Tan Sook Yee*, (Faculty of Law, University of Singapore and Academy Publishing (Singapore Academy of Law, 2007) 84 at 87-91; IUCN Academy of Environmental Law (and subsequently also Asian Development Bank) ‘Training the Teachers (TTT) Project from 2009 to 2017 (see Robert Fowler, ‘The Role of the IUCN Academy of Environmental Law In Promoting the Teaching of Environmental Law’, IUCN Academy of Environmental Law eJournal. Issue 8” 2017, 32-43 <[1](https://www.iucnael.org/en/e-journal/previous-issues/86-journal/issue/640-</p></div><div data-bbox=)

tutorial groups as well as the use of small groups within a larger lecture class. The chapter sets out several justifications for small group student-centred learning. It does not make a strict distinction between undergraduate and postgraduate studies, as the techniques and methods involved are applicable to both levels. However, the more sophisticated methods might be more suitable to postgraduate studies, if only for the reason that at postgraduate level there is often more flexibility in terms of coverage of subject matter, as well as more time that can be devoted to discussion.

The chapter first canvasses some general points that are applicable to small group methodology that might be used in any law course. It then goes on to explore the rationale for using this methodology in an environmental law course and provides examples of various exercises and activities that may be employed through this approach. Some of these may be quite familiar to professors² who have been in the classroom for some years.

This chapter acknowledges that lecturing is generally the main methodological approach in both larger and smaller law classes in many law schools around the world. Further, it holds that traditional teaching methodologies tend to be reproduced from one generation of professors to the next,³ and this is reflected to a great extent in the law curricula as well.⁴ Readers might take some heed of the following critique of lecturing methodology: ‘lecturing is the process whereby words flow from the mouth of the professor to the page of the student without going through the brains of either of them’.⁵ By contrast, when effectively implemented, small group methods can serve to create stimulating, inspirational learning spaces for the development of legal analytical skills and intensive absorption of knowledge. The learning outcomes specified for any particular law course can thereby be considerably enhanced to a level well in advance of what can be achieved through primary reliance on the lecturing methodology. .

General observations on the small-group teaching methodology

The rationale for the small-group teaching methodology is to encourage students to articulate their ideas and to become used to speaking in public, thus increasing their level of confidence. Many students are reluctant to speak in larger seminar classes, and even more so in large lecture rooms. Small group techniques are one way to encourage them to do so. The basic philosophy is that intensive discussion of particular questions will assist the learning process and enhance the ability of law students to think critically. If students know that they are expected to speak regularly in class, they should also be motivated to read and critically analyse the prescribed

[issue-2017#>](#). The chapter draws in particular on examples of techniques developed in collaboration with Rob Fowler, Karen Bubna-Litic and other scholars from the IUCN Academy of Environmental Law who have been involved in the Academy’s Training the Teachers (TTT) programs in a number of Asian countries. It has also benefited from very helpful comments by Rob Fowler and Rowena-Cantley Smith.

² ‘Professor’ is used here in the North American sense to refer to professors, at any level, in universities.

³ ‘Despite its rapidly changing landscape, European legal academia proved extremely resilient in protecting its traditional legal curriculum and teaching methods against disruptive and pervasive phenomena such as digitalization’ Alberto Alemanno and Lamin Khadar (eds) *Reinventing Legal Education: How Clinical Education Is Reforming the Teaching and Practice of Law in Europe*, Cambridge University Press, 2018, 24. There is good reason to think that such sentiments are applicable in many jurisdictions outside Europe.

⁴ ‘Given the dramatic recent transformations to legal professions and justice systems globally, one might expect to witness parallel developments in legal education. Yet despite the urgent need to reform the legal curriculum in light of these unprecedented, seismic developments, the curricula of law schools continue, in many respects, to resemble curricula in the time of law students’ ancestors’, Alemanno and Khadar, *ibid.* 1.

⁵ Quote noted by the author from an Indian professorial participant in ‘Trainers in the Teaching of Environmental Law’ program at the National University of Singapore (n 1, above).

reading materials more intensively. Various scholars have observed that the depth of student learning is enhanced by the use of small groups in a variety of law courses and contexts,⁶ well as in other disciplines. For example, in nursing education: Jackson et al, state: ‘The benefits of group work include deep, active and collaborative learning and the use of peer processes to help with motivation and enthusiasm of less motivated students’.⁷

The learning outcomes for the teaching of most university law school subjects have a similar rationale. It is widely accepted that the skill of oral communication is a quality that law students must develop as an essential part of their legal education, to be used in subsequent legal work, whether in practice or otherwise and in whatever area of law that might be involved. It is contended that the way that law is taught and learned can influence the way in which law is practised, through the manner in which lawyers conduct their professional lives, individually and collectively. Obviously, most practising lawyers must engage in discussions and negotiations on a regular basis. If we wish to positively influence the way that the law is practised, we should begin by evaluating the way that it is taught. For this to occur, we need to look at how professors engage in the process of teaching. The narrowness or breadth of their curricula, and the flexibility or inflexibility of the teaching and learning methods used, may well carry through unconsciously into their students’ idea of what they perceive being a lawyer entails, how they think about the law and its role in society, and the way that law develops or should develop.

Cantley-Smith notes that communication skills ‘are undoubtedly one of the most important tools of a competent, professional lawyer.’⁸ She points out that well-developed oral communication skills are not only important in courts, but that these skills ‘transcend almost all aspects of legal professional practice’.⁹ She also finds that, ‘despite the obvious importance to professional legal practice, oral communication skills are seldom taught to undergraduate law students’.¹⁰ It is contended here that small-group teaching methodology, when used as a normal, every-day teaching/learning tool in law schools, is likely to have some bearing on the ways in which lawyers interact with their colleagues, clients, the courts and the general community.

The next contention is that each student is a repository, at some level, of knowledge about the subject matter, both in terms of the applicable legal frameworks and mechanisms and also the information required to understand why those frameworks and mechanisms have been developed. The undergraduate student will generally have less knowledge and experience than the postgraduate student, but the basic point remains the same. As John Biggs has argued: ‘[I]earners construct knowledge with their own activities, building on what they already know. Teaching is not a matter of transmitting but of engaging students in active learning, building their knowledge in terms of what they already understand’.¹¹ In other words, students are not

⁶ For example, Adiva Sifris and Elspeth McNeil, ‘Small Group Learning in Real Property Law’ 2002) 13(2) *Legal Education Review* 189, <http://138.25.65.17/au/journals/LegEdRev/2002/10.html>, accessed 8 March 2020; Nora Markard, ‘Clinical Legal Education in Germany’ in Alberto Alemanno and Lamin Khadar (eds), n.3 above, at 153.

⁷ Debra Jackson et al, ‘Small group learning: Graduate health students’ views of challenges and benefits’ *Contemporary Nurse* Vol 48 (1) August 2014, 118.

⁸ Rowena Cantley-Smith, ‘Put down your pen: The role of oral assessment in undergraduate law studies’ *James Cook University Law Review*, Vol. 13, 2006: 30-63, 30. <http://www.austlii.edu.au/au/journals/JCULawRw/2006/3.html#Heading17>, visited October 7, 2019.

⁹ Ibid.

¹⁰ Ibid.

¹¹ John Biggs, *Teaching for Quality Learning at University* (Open University Press, 2007) 21.

simply empty vessels 'to fill with knowledge and to compare with others and with benchmarks in order to rank and classify them'.¹² This 'transmission model' was described by renowned educationist Paulo Freire as the 'banking concept of education':¹³ 'Education becomes an act of depositing, in which the students are the depositories and the teacher is the depositor. Instead of communicating, the teacher issues communiqués and makes deposits which the students patiently receive, memorize, and repeat'. In counteracting this concept he wrote: 'In the banking concept of education, knowledge is a gift bestowed by those who consider themselves knowledgeable upon those whom they consider to know nothing. Projecting an absolute ignorance onto others, a characteristic of the ideology) of oppression, negates education and knowledge as processes of inquiry. The teacher presents himself to his students as their necessary opposite; by considering their ignorance absolute, he justifies his own existence. The students, alienated like the slave in the Hegelian dialectic, accept their ignorance as justifying the teachers' existence—but, unlike the slave, they never discover that they educate the teacher.'¹⁴

It is argued here that the store of knowledge that each student brings to the class can be particularly capitalised on to promote a richer learning experience, both for the individual student and for the rest of class. The use of small group methods can enhance that experience.

A further contention is that small group teaching methods promote a deeper level of learning on the one hand and a higher level of verbal articulation on the other. In other words, small group methods can turn the classroom 'on its head'. An emphasis on oral communication can cast the professor primarily as a *catalyst* for learning and, at various points of a class, can place the student in the 'traditional' role of the professor. In doing so, students come to understand that, by being placed in that role, the depth of their learning is improved. They realise that they must have a much greater understanding of a particular subject matter if they are expected to communicate their knowledge and their views clearly and articulately. As Freire has argued: 'Education must begin with the solution of the teacher-student contradiction, by reconciling the poles of the contradiction so that both are simultaneously teachers *and* students'.¹⁵

The use of the interactional forms of learning and teaching involved in small group methods can be, at least initially, more confronting for both professors and students. However, it can be argued that such experience also can be part of its value. It should mean that teachers must encourage the questioning of every proposition, the querying of every element of an argument, and remain cognizant of both the limitations and the opportunities presented by taking a position with respect to any particular legal concept or problem. While some students will find such teaching and learning situations challenging, these difficulties can be overcome if the professor is aware of them. By paying close attention to group dynamics and one-to-one interactions, she/he can make appropriate interventions in order to reduce tensions and actually make the experience positive, comfortable and indeed enjoyable.

The general benefits of the small group teaching methodology include intellectual stimulation of the maximum number of students for an optimal time, encouragement of more disciplined modes of thinking and interaction, development of closer intellectual relations among students, and between students and professors; avoidance of (perceived or real) authoritarianism of the

¹² Catherine Broom, 'Empowering students: Pedagogy that benefits educators and learners', *Citizenship, Social and Economics Education* 2015 Vol 14(2) 79, 80..

¹³ Paulo Freire, *Pedagogy of the Oppressed* (Continuum, New York, 1970, 1993) 72.

¹⁴ *Ibid*

¹⁵ *Ibid*.

professor and of the more dominant students; a flattening of the usual hierarchy between professors and students¹⁶ and reduction of feelings of frustration and alienation, especially for less-confident students.¹⁷

An essential point is that if a professor is planning to use small group methods as a regular teaching and learning methodology, the methods need to be thought about when designing the course, and not as an afterthought or optional extra. When coping with larger class numbers, particularly in lecture theatres, many professors may initially find the small group methodology difficult, if not impossible, to adapt and utilise. However, the small-group discussion activities that will be discussed below can be used both within larger and smaller classes and smaller classes.

A further important aspect of the course design is the use of assessment of class participation as a motivation for deeper learning. An emphasis on oral communication encourages students to take on more responsibility for their learning. When oral communication is assessed through attribution of levels of class participation, as part of the overall assessment scheme for a course, the motivation to communicate effectively within classes can be considerably enhanced. The manner in which this form of assessment can be applied to small-group discussions is discussed further below.

Finally, it should be noted that the small group teaching methodology has a number of similarities with the 'flipped classroom' approach that has been developed in some law schools in recent years.¹⁸

The rationale for use of the small group methodology in teaching environmental law

The reasons for the use of the small group methodology specifically in environmental law include that this field is value-laden and is, by its nature, interdisciplinary. The fields of political science, legal and social history, psychology, economics, philosophy and ethics and, most importantly, the fundamentals of the natural physical sciences, are all relevant. The study of environmental law also necessitates the making of value judgments that can involve complex sociological, political, economic and cultural issues and can require an understanding of various legal systems and the meaning of law itself in different cultures. As environmental issues are often politically controversial and socially confronting, environmental lawyers also require well-developed argumentative legal skills alongside expertise that can range across various other disciplinary areas, together with both a broader and a deeper understanding of the ways in which society functions. Small group methods, adequately designed and used on

¹⁶ As noted by Nora Markard in the context of small groups in clinical law teaching: 'Avoiding hierarchy in our teaching practice encourages in-depth discussions and interactive learning'; Markard (n 6) 154.

¹⁷ See Emily Finch and Stefan Fafinski, *Legal Skills* (Oxford University Press, seventh edition, 2019) at 197-198, where the authors advise less confident students on how to deal with participation in tutorials.

¹⁸ As described in 'The Flipped Classroom Explained', University of Adelaide, available at <<https://www.adelaide.edu.au/flipped-classroom/about/>>: 'An engaging series of learning segments, that are closely linked to learning and assessment outcomes, that provide feedback to the learner during each stage. Carefully designed pre-class activities assist students to learn key concepts in a self-paced manner, developing their confidence and motivation to engage in peer-led discussions during class that lead to synthesis and application of these key concepts. Post-class assessment activities are clearly connected to pre-class and face-to-face class learning experiences and address 'capabilities that count,' making the students' learning relevant, real and sustainable'.

a regular basis, can allow for intensive discussion of the polycentric issues that are often brought up in environmental matters, at international, national and local levels.

Environmental lawyers also need to be critically aware of the powerful forces that can manifest themselves when decisions are made concerning approvals for development activity. In most legal systems, such decisions must take into account the environmental effects of proposed development as a matter of law. In such decision-making processes, there can be significant power imbalances between development proponents and members of the community who might wish to object to a development, or have it modified to reduce its environmental effects. Maxwell makes the point, in arguing for the development of students' critical awareness, that students 'need to appreciate that the law is not simply a value-free or value-neutral mechanism for dispute resolution...but is also a political mechanism for the acquisition, exercise and defense of power.'¹⁹ This observation is particularly pertinent in the area of environmental law.

Beyond facilitating the practice of environmental law, the interactional approaches involved in small group teaching and learning can be effective in ensuring that students become starkly aware of the ecological challenges that the world faces, and that the existential crises that we are confronting in the current era are kept front and centre. With those ecological realities in the forefront of their minds, students might be more motivated to speak out, analyse and come up with solutions to the myriad problems that we face on every level across the globe. .

Preparation for small-group activities

It is suggested that for optimal effectiveness of the small group teaching methodology, whether used in tutorial size classes or in lecture rooms, an important requirement is that the professor develops a style that is simultaneously open, friendly, informative, critical, reflective, questioning and constructive. Some professors possess this teaching style as a natural set of qualities, while there are others for whom these qualities do not come naturally but who can still develop and/or adapt to this style. There will of course always be some professors who are quite resistant to changing their teaching style and methods.

For the small group methodology to be effective, 'buy-in' and collaboration is also needed from students. It is therefore necessary for professors to explain the learning methods in writing as well as in class. In some cultures, it can be challenging to convince students to engage in discussion and to express an opinion, or even just to speak in class. For students who come from educational backgrounds where rote learning is the norm, it can be especially difficult for them to develop their critical abilities, especially in a class context. In situations or cultures where professors may be seen as authorities whose views and opinions are the final word on any particular subject, extra care must be taken to ensure that the students fully understand the rationale for the techniques discussed here.

In order for small-group activities such as those outlined below to be successful, it is essential that both the professor and the students be well prepared. The extent and nature of the students' preparation depends in part on whether the professor intends to assess the oral skills demonstrated by the students in class. In any case, preparation by setting prior reading or the

¹⁹ Lucy Maxwell, 'How to develop students' critical awareness? Change the language of legal education', *Legal Education Review*, Vol 22 Issue 1, 2012 99, quoting Stephen Wizner, 'The Law School Clinic: Legal Education in the Interests of Justice', (2001-02) 70 *Fordham Law Review*, 1929, 1930.

carrying out of other tasks is required in many law schools, whether or not oral skills are assessed.

Using small groups to facilitate student discussion

One of the principal means by which the benefits of small group learning that have been outlined above can be achieved is to conduct a range of exercises in which students are afforded the opportunity to engage in discussion with each other, usually to be followed by some form of review of the discussion outcomes across the small groups within the class. Discussion activity can take a number of forms, including structured discussion and report-back; self-directed, structured discussion; free-form discussion; and brainstorming. Each of these will be explained further below.

a) Structured discussion and report-back

The most common form of discussion activity within a small group format is the conduct of a structured discussion followed by a report-back process to the full class. The term ‘structured’ is used in this context to reflect that the topic of the discussion has been designed by the professor, and possibly has been the subject of a prior lecture presentation or, alternatively, is supported by the provision of relevant reading materials. This activity can be utilised both for seminar-sized classes and in larger classes where lecturing is the normal teaching methodology. Guidelines for structured discussion activities in both contexts will be presented below.

A seminar is normally understood as being an alternative to a lecture or tutorial and can be regarded as a combination of the two. Seminars are often directed to specialist parts of an environmental law curriculum. They are more often conducted for postgraduate students rather than undergraduate students, and usually involve between fifteen and thirty students.

The following guidelines concern small group structured discussion and report-back in a seminar-sized class. The steps outlined should be regarded as flexible, and can be adapted to the size of the seminar class, the cultural background and capacity of the students and the subject matter to be discussed. The technique of a structured discussion can be used once or several times in a class, combined with other techniques such as brainstorming and free-form class discussion. Some educational specialists in small group teaching recommend that groups of four work well,²⁰ but in this author’s experience, groups of five to six are generally satisfactory in law classes. In any case, there is no reason not to vary the number of students in the groups from one question or issue to another, or from one class to another.

For seminars and smaller classes

- i. In the first class explain, how the class will be conducted, the teaching/learning methods to be used, and whether student participation is to be assessed.
- ii. If student participation is to be assessed, explain how that will be done, for example, assessment only by the professor or self-assessment by each student. Such assessment can be done by filling out a form (see Appendix).

²⁰ For an excellent discussion of innovative teaching in the science context, see generally, Carl Weiman, ‘Student work in educational settings’ in *Improving How Universities Teach Science: Lessons from the Science Education Initiative*, 2017 (Harvard University Press, 2017); and with respect to small groups, see: ‘Student Group Work in Educational Settings, *ibid.* 203 – 207.

- iii. If necessary, begin with a short introduction to the subject matter.
- iv. Divide the class into groups of five or six students.
 - v. Structured discussion involves each group being given the same question or issue for discussion, or giving them each a different question. If lectures are also used in the course, the question can be based on lecture material that has already been delivered and on articles, legislation or other material that has been set as required reading for the class.
 - vi. Instruct the groups to choose a reporter.
 - vii. The reporter should take notes of the discussion and any conclusions drawn by the group.
- viii. Instruct the groups to ensure that all participants have an opportunity to speak.
 - ix. Depending on the complexity of the question, specify between five and fifteen minutes for the small-group discussion.
 - x. At the end of the discussion period, the class should come back into plenary session, and the reporter from each group should be asked to give a short report to the plenary group. If there is sufficient time, this can be done in handwriting on a whiteboard or on PowerPoint.
 - xi. When the reporters have completed their oral reports, where appropriate, invite the other members of each group to add any further comments.
 - xii. Where appropriate, encourage a debate within the full seminar class about specific points of contention or disagreement.

For larger classes

The structured discussion activity can also be used where class sizes are large.²¹ Adaptation of this activity to large classes requires creativity and professorial confidence. Use of this approach, however, can be stimulating and help to avoid the loss of student attention. It also makes the professorial role and the student experience more rewarding because of the satisfaction gained from encouraging the class to be more engaged in the subject matter

Once again, the following steps should be regarded as flexible, and can be adapted to the size of the class, the cultural background and capacity of the students and the subject matter to be discussed. They can be used in classes conducted in lecture theatres or large seminar rooms.

- i. In the first class, explain how the class will be conducted, the teaching/learning methods to be used, and, if participation is assessable, how student performance will be assessed.
- ii. Give a short introduction to the subject matter and, preferably, decide beforehand, the question or issue to be made the subject of discussion in small groups.
- iii. At an appropriate time after the introduction, divide the whole class into groups. If each group is to report back, divide the class into groups of five or six students. If the class is large, do this by counting them off one to six, one to six etc. around the lecture room. If there is more than one group discussion session, it is more time-efficient to have students form into the same groups as before. If the lecture room is flat and the tables and chairs can be moved, ask the students to move the furniture around as necessary. If the chairs or writing spaces are fixed, divide the groups in such a way that, say, there are three students in one row and three in the row above or below, as the case may be.

²¹ James L. Cooper, Pamela Robinson, 'Getting Started: Informal Small-Group Strategies in Large Classes', *New Directions for Teaching and Learning*, no. 81, 2000, Jossey-Bass Publishers, 17-24, *passim*.

- iv. Give each group a question for discussion. The question can be based on lecture material that has already been delivered and or articles, legislation or other material that has been set as required reading for the class.
- v. Instruct the class that each group should choose a reporter.
- vi. The reporter should take notes of the discussion and any conclusions drawn by the group.
- vii. Instruct the groups to ensure that all participants have an opportunity to speak.
- viii. Depending on the complexity of the question, allocate between five and fifteen minutes for the small-group discussion.
- ix. At the end of the discussion period, the class should come back into plenary session, and the reporter from each group (or reporters from just a few groups) should be asked to give a short report to the plenary group.
- x. If there is only a limited time for a group session, ask only a few representative groups to report back,
- xi. When the reporters have finished their report, if appropriate in terms of time or the need to clarify views, invite the other members of each group to add any further comments.
- xii. Where appropriate, encourage debate about specific points of contention or disagreement.

(b) Self-directed, structured discussion and report back

Self-directed small-group discussion can take a similar form to the structured discussion activity outlined above. The class can be asked to generate its own topics, within the scope of the relevant segment of the course, form into small groups, generate their own questions and discuss them in a set period of time, report back to the plenary group and then, if time allows, engage in broader discussion

(c) Free-form discussion

Free-form discussion involves a deliberation in small groups concerning topics or issues raised by the professor and any of the students which are relevant to the subject matter of the course, prior to reporting back to the full class on their discussions. The free-form method allows students to impose their own discipline on their interactions, in order to come up with new insights and further questions. Often, such discussion can be based on daily newspaper articles, weekly journal articles, television programmes or environmental issues arising from the city or region which are relevant to the course. Students should be encouraged to read daily newspapers and weekly journals, or their internet equivalent, and bring relevant material to class for free form discussion as appropriate.

(d) Brainstorming

Brainstorming refers to the process by which small groups (or the class as a whole if it is not too large) generate a range of ideas on a particular topic, often in an intensive manner. This methodology differs from free-form discussion because it is conducted in a rapid way by the professor or a student volunteer. At the same time, the professor or a volunteer student briefly records the points begin made on a whiteboard (alternatively. large sheets of paper, or PowerPoint if technologically possible) so that all students can immediately see the results of the discussions. When the brainstorm is over, the professor can summarise, comment on and add to the points made, as appropriate.

Other small group activities

While discussion exercises are the most common form of small-group activity, there is a wide range of other learning exercises that can also be employed within a course, using the small group format. In the following section, a description is provided of the following activities: (a) drafting assignments; (b) case studies; (c) role-plays; and (d) comparative law exercises.

(a) Drafting assignments and report back

This activity can be a very useful introductory exercise at the beginning of an environmental law course, serving the dual purposes of providing an initial experience of the small-group methodology and enabling students to think for themselves about the scope of the course subject-matter. It can involve a range of drafting exercises connected to new environmental legislation, including, for example:

- the preparation of drafting instructions; the drafting of a set of statutory definitions; or
- the drafting of a set of statutory objectives.

As an example, a small-group drafting activity can involve drafting a definition of a key word or phrase for insertion into national legislation concerning environmental protection. It should be explained to students that the exercise demonstrates that the definition of a particular word or concept can determine the scope of the legislation. A narrow definition, for example, of 'environment' or 'natural resources', or 'pollution' limits the scope for the legislation, while a broader definition can allow for a wider application of the legislation.

(b) Case studies and student presentations

The professor and/or students can develop a range of case studies²² concerning specific environmental law issues that can be refined in small group discussions and presented by the small groups to the larger class. For example, cases concerning environmental impact assessment, biodiversity conservation or any type of pollution could be used. If there are judgments available from national courts that are relevant to the subject matter, the facts and law in those judgments can be used. In addition, cases studies from other jurisdictions also can be used to illustrate any points in the class. This can be especially rewarding when students come from a variety of cultural and/or geographical backgrounds.

Case studies can be particularly useful where students are asked to give presentations on specific topics within the course. With such an activity, professors should normally discuss the scope of the topic with the student and ask them to prepare a written outline for distribution to the seminar class. This can be done beforehand by email or social media channels as appropriate. Students can be coached by their professors on their speaking and presentation skills, and be assisted with regard to use of PowerPoint and other visual media.

²² The term "case study" here does not necessarily mean a judicial decision/case but also may include a wider environmental problem or issue that can be examined from a legal perspective.

(c) Role plays

In a role play exercise, each small group is asked to represent a different set of interests within a fact situation. If the role play takes the form of a mediation exercise, the groups can represent the different interests involved in the role-play topic, with two or three students appointed to perform the mediator role. If it is a negotiation exercise, each group can be asked to negotiate with the other groups to resolve the fact situation.

The successful conduct of a role-play exercise involves preparation. A set of agreed facts to be used as the basis of the exercise should be generated, which can be distributed in writing or explained in a preceding lecture. Alternatively, the facts can be embedded in separate materials made available to each individual or group taking a role in the exercise. This can include development of detailed preparatory materials by the professor. As a further or additional element, the basic legal and policy issues can be set out on a PowerPoint slide. A map, graphic, photo or drawing to help describe the fact situation can also be very useful.

(d) Comparative law exercises

The use of comparative approaches is an important aspect of understanding different ways in which various jurisdictions address environmental law issues. In many universities, especially at postgraduate level, students come from a variety of countries, with common law, civil law or sharia law systems, or sometimes a combination of these. However, comparative exercises of this kind can also be useful in classes where students come from the same or similar backgrounds, especially if the subject matter is regionally or transnationally focused.²³ By devising the appropriate types of questions and exercises, such comparative discussions between students can be invaluable.

Questions and discussion points can involve macro- and micro-comparisons. The macro-comparisons can include the environmental, natural resources, economic, cultural and social contexts, and the constitutional, political and institutional background. The micro-comparisons can include a detailed comparative analysis of the relevant legislation and regulatory frameworks. This can involve comparisons of legislative objectives, definitions, institutional arrangements, management plans, environment protection mechanisms, planning regimes, etc. In classes with mixed student backgrounds, the report-back sessions from the small group to the full class can often generate a high degree of interest, since the students are called upon to talk about their own countries and, through their comparisons, also to reflect on the quality and level of effectiveness of laws in their home jurisdictions.

Feed-back and assessment

(a) Constructive feed-back in small group work

During any kind of small group work, constructive feedback can be given by the professor and the students on particular points. Feedback promotes the logical development of ideas and the collective understanding of concepts in a way that encourages maximum participation and the building of student confidence concerning their involvement in class discussions. Feedback can also be given as part of the assessment process; see below.

²³ For example, the author has used these comparative discussion activities at Master's level in teaching Asian and Pacific Environmental Law to international and Chinese students at Wuhan University.

(b) Assessment of participation in small group activities

Assessment of class participation can be a useful way to promote closer engagement in a class and built into the assessment scheme for the course. All types of participation can be assessed. Students can be assessed on their overall level of discussion, or on oral presentations that they have delivered.

Assessment modes can include assessment: by the professor only; self-assessment, and assessment of students by students (peer assessment), or a combination of these). The mark is normally no less than 10% and no more than 30% of the total assessment for the course.

Some professors build compulsory assessment of oral skills into their overall assessment scheme. In doing so, the following preparation might be expected:

- (i) The professor should, prior to the first class, distribute appropriate reading materials, with indications of what is compulsory reading and what is suggested for extra reading.
- (ii) Written material should be distributed explaining the small group methods to be used. At postgraduate level at least, this might include background materials on small group teaching methodology.
In the first class, and whenever appropriate during the course, the professor should explain the methods that will be used, so as to encourage an understanding of the philosophy of those methods and their advantages.

A useful device for assessment is a printed form that identifies the various aspects to be assessed. An example of such a form is found in the Appendix.

Conclusions

This brief survey has canvassed a variety of small-group activities that can be used in the teaching of any law course, but in particular, the subject of environmental law. It should be clear from this chapter that small-group work entails the professor and the students being willing to work with a variety of activities, being prepared to change or discard those activities that are less successful and to embrace and refine the activities that do work. Keys to success with this methodology are for the professor to be open to constructive feedback from students, be self-critical of their own teaching methodology, do not be afraid to make mistakes, be willing to discuss and share their experiences with their peers and never give up on opportunities for improvement.

Perhaps the most significant indicators of whether the use of small group teaching techniques has succeeded are whether the students walk away from the class having enjoyed the experience. It is important that they have been stimulated to think more broadly and deeply about the fundamental role of environmental law in addressing the multifarious environmental issues that the world faces and that they remain enthused about the possible roles they can play in addressing them.

Appendix

Example of Self-Assessment Form for Class Participation

[Note: the form should be adapted by the professor to reflect actual techniques employed in the course.]

ENVIRONMENTAL LAW

Self-assessment of Class Participation

Your name:

Your student number:

As indicated above, 20% of your final mark is comprised of an assessment of your class participation. The criteria for assessing class participation are set out below. Please remember that the mark you give is only a suggestion. The professor will determine the final mark.

Please tick the appropriate box alongside each category:

Range of marks	0 -9.5	10 -12.5	13-14.5	15-17.5	18-20
Preparation for class					
Listening actively to class discussion					
Contributing to class discussion					
Contribution to small group discussions					
Asking questions					
Quality of class presentation					

Overall Numerical Self-Assessment Mark For Class Participation	
Any comments or factors you wish to be taken into consideration by the professor in determining the final mark:	

Comments and numerical assessment by professor:	