

# Disintermediator or another intermediary? E-simulation platform for professional legal education at University of Hong Kong

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## ABSTRACT

Education has been undergoing significant changes in the past decade. Some universities have been taking advantage of information technology in order to enhance the interactivity and the degree of realism in their experiential learning environment. More recent legal education and training reviews and current scholarship, including the latest discourse on disintermediation of legal education, readily assume the tech-enablement of students' learning experience via the use of technology. This article argues, through a reflective and empirical study of the adoption and adaptation of an e-learning platform by the Department of Professional Legal Education of the University of Hong Kong (HKU) in its Postgraduate Certificate in Laws programme ("HKUPCLL"), that the use of technology can possibly turn out to be another unwelcomed intermediary in the disintermediation process if it is not adaptive to the students' needs and expectations which may be shaped by their evolving e-behaviour, different background and cultural particularities. It further proposes to modify the disintermediation discourse by embracing this possibility of inhibition, so that it can become a suitable model to assess the effectiveness of use of technology in legal education.

**Keywords:** E-simulation; Professional legal education; disintermediator or intermediary; Hong Kong experience

## 1. USE OF TECHNOLOGY IN LEGAL EDUCATION: DISINTERMEDIATION AND ENABLEMENT

Until recently, legal education reviews conducted in common law jurisdictions have tended to focus more on *what* needs to be included in a legal education and training programme than on *how* to motivate students to engage in their learning in order to achieve the intended learning outcomes, let alone advocating for the use of technology. [2] The current discussion, however, is no longer so much on whether the use of technology in legal education would enhance students' learning experience, but on to what extent it can do so and how the bureaucratic and financial obstacles can be torn down to maximise the tech-enablement in learning for the benefit of students.[3] Strengthening such an enablement thesis, the latest discourse on disintermediation argues that such use of technology facilitating open access learning is the right direction in eliminating all unwanted and costly intermediaries such as physical libraries, law schools or even law teachers in the acquisition of information and knowledge by learners, which has already happened in other industries including travel, finance, music and book-retailing. [4] Nevertheless, it is also this disintermediation discourse, we argue, that highlights the problem of the tech-enablement thesis. While we agree that law schools and law teachers are somehow intermediaries of the legal education process, the use of technology in legal education can become another unwelcomed intermediary if it is not adaptive to the students' needs and expectations which may be shaped by their e-behaviour, different background and cultural particularities. The paradox could be that while a law school intends to bridge the gap between conventional legal studies and real life practical experience by introducing an e-learning platform, it may be ironically interposing another unnecessary intermediary to students' learning. This can arise when students' expectation that they can reach the real-world practice experience in a similarly direct and hassle-free way as they pick a song in Spotify has just not been met. [5]

This article, drawing on the experience of the HKUPCLL in adopting and adapting the SIMulated Professional Learning Environment (SIMPLE), [6] modifies the disintermediation discourse to embrace the possibility of impediment on students' learning experience through engaging them in the use of technology, and argues that, with such modification, disintermediation is a suitable model to assess the effectiveness of the use of technology in legal education. It also aims to illustrate the importance of conceptualizing the use of technology in legal education not only within a pedagogical framework, but also as a disintermediation strategy. [7] This article will start by giving an overview of why and how the HKUPCLL piloted SIMPLE before turning to the students' evaluation on the pilot project which pointed to the fact that another unwelcomed intermediary was unintentionally created during the disintermediation process. It then shares the experience of how adaptation to the e-life of students has helped reducing the impact of the additional intermediary. Finally, it discusses its findings that the effect of disintermediation could be affected by factors such as gender and prior learning experience of students.

## 2. ADOPTING A DISINTERMEDIATOR: SIMPLE FROM UK

Once the delivery of professional legal education is considered as a service provided by law schools and their teachers to law students, why would the learners still need such institutional set-up as an intermediary when legal and practical knowledge could be acquired in a speedier and cheaper way via much enhanced information technology available nowadays? Law teachers would no doubt disagree because they invariably add much more value to and during the education process, different from a trader in commodities per se. The same argument, however, has been raised by the traditional travel agencies and those brick-and-mortar bookstores and music shops without much success in their battle against disintermediation brought about by online booking platforms with powerful search engines, e-bookstores and e-books, as well as downloadable or even streamable music soundtracks. Furthermore, as the intensity of such a challenge escalates whilst practical knowledge from baking a pie to making a bomb can now be imparted by more direct and less costly data-delivery channels such as YouTube, free online courses, social media and chat groups, to name just a few, law schools and their teachers can no longer be complacent with their monopoly franchise granted by the law and the conventional ways of law teaching. Hence increasing emphasis on practical skills and realism has become an irreversible trend in contemporary legal education. [8]

Riding on this irresistible tide, the HKU Faculty of Law has tapped on innovative teaching tools and solutions to enhance students' realistic learning experience, some with the use of technology. Specifically, SIMPLE was chosen to be adopted in its PCLL programme. SIMPLE is an e-simulation platform to facilitate active learning of students through conducting legal transactions and performing professional lawyering tasks. It allows law students to deal with simulated legal transactions in a virtual learning environment similar to the office of a law firm. Through those legal transactions, students learn from both applying the legal principles and procedural rules and working and communicating with other students who transact the same case as a fellow team member or as the counter-party timely and diligently as if they worked in a real law office. The major involvement of a law teacher in SIMPLE is his or her original design of the simulated transactions. In addition to creating the initial depository of materials and references which students can refer to and subsequently add on with anything relevant arising from their own research, the law teacher may also assume a supervisory and facilitating role during the conduct of the transaction. In these ways, SIMPLE may be seen as a disintermediator, substituting teachers who impart transactional legal knowledge and practical legal skills in the traditional way over formal contact time in classrooms with students.

Part of the due diligence done before transplanting SIMPLE to HKUPCLL involved a small-scale pilot survey to evaluate and verify UK students' satisfaction over their use of the e-platform. [9] The survey instrument had two sections with six identical statements each. Respondents were asked in the first section to make their own self-assessment whereas the second section required them to assess the learning group they were in as a whole. For each of those statements, respondents were invited to choose from a five-point Likert scale: (1)

Strongly disagree; (2) Disagree; (3) Neutral; (4) Agree; and (5) Strongly agree. Tables 1.1 and 1.2 show the results. [10]

Table 1.1

Self-assessment on personal experience of using SIMPLE (UK)

Individual experience	N	M	SD
1. Increased interaction with teachers	26	3.808	0.8953
2. Increased interaction and collaboration with peers in learning	26	4.615	0.6373
3. Facilitated timely feedback from teachers	26	4.038	0.9992
4. Increased interest in the subject	26	4.269	0.6668
5. Made it more enjoyable to learn	26	4.385	0.5711
6. Helped learn better	26	4.615	0.5711

Note. N=Sample size. M=Mean. SD=Standard Deviation.

Table 1.2

Peer assessment on group experience of using SIMPLE (UK)

Group experience	N	M	SD
1. Increased interaction with teachers	26	3.731	0.9190
2. Increased interaction and collaboration with peers in learning	26	4.500	0.5831
3. Facilitated timely feedback from teachers	26	3.962	0.7736
4. Increased interest in the subject	26	4.115	0.7114
5. Made it more enjoyable to learn	26	4.385	0.8038
6. Helped learn better	26	4.615	0.5711

Note. N=Sample size. M=Mean. SD=Standard Deviation.

The survey results showed that UK students welcomed SIMPLE, as part of the disintermediation process in lieu of or in addition to the conventional form of tuition and learning in legal practice, getting them closer to collaboration experience in legal practice (item 2) and helping them learn better (item 6) both individually and collectively.

### **3. HONG KONG EXPERIENCE: CREATION OF INTERMEDIARY IN DISINTERMEDIATION PROCESS**

Due to the promising and encouraging UK survey results as shown above, the SIMPLE e-learning platform was piloted in four HKUPCLL electives in the spring semester of 2012/2013 and more than 200 full-time students that year had experience with it. [11] Students in the Wills Trusts and Estate Planning elective ('WTEP'), for instance, worked in teams and underwent a SIMPLE transaction during the first week of the course. They were tasked with finding information about the assets and liabilities of a deceased person by making appropriate inquiries and searches. Then they were required to prepare, among other things, a short advice at the end on to whom what assets under the estate would be distributed. Equally, only a segment of the other three electives participated in the pilot project involved the use of the e-learning platform. Only students in the WTEP course were assessed, at rather low stakes (5%), on their participation and performance in the SIMPLE transaction.

The researchers, as well as the leading course teacher in each of those four electives piloting SIMPLE, expected that students would, in addition to learning the application of legal and procedural rules taught in a traditional lecture and tutorial setting, also learn from the process and perceive that they had acquired such transactional learning experience as collaboration, constructive negotiation, as well as timely and responsible communication with others, and in general feel that the platform would enhance their learning experience in the subject. To evaluate the adoption of SIMPLE, the UK survey instrument was modified and expanded for use in Hong Kong. In addition to the six statements common to the UK survey, [12] 10 more questions were added to the first section, a full list of which is appended as Appendix A, while the second section remained intact. The survey was done over all the four HKUPCLL electives participated in the first stage of the project. A strikingly different set of responses was noted from HK students, as compared with their UK counterparts, as shown in Table 2.1 and 2.2. For comparison, only the data of the WTEP course are presented below. [13]

Table 2.1

Self-assessment on personal experience of using SIMPLE (HKUPCLL)

Individual experience	N	M	SD	M(UK)
1. Increased interaction with teachers	43	2.907	1.0649	3.808
2. Increased interaction and collaboration with peers in learning	43	3.070	1.0997	4.615
3. Facilitated timely feedback from teachers	43	3.023	0.9633	4.038
4. Increased interest in the subject	43	2.744	1.0022	4.269
5. Made it more enjoyable to learn	43	2.674	1.1280	4.385
6. Helped learn better	43	2.674	1.0850	4.615

Note. N=Sample size. M=Mean. SD=Standard Deviation. M(UK)=Mean in the UK survey.

Table 2.2

Peer assessment on group experience of using SIMPLE (HKUPCLL)

Group experience	N	M	SD	M(UK)
1. Increased interaction with teachers	43	3.047	0.9989	3.731
2. Increased interaction and collaboration with peers in learning	43	3.070	1.0778	4.500
3. Facilitated timely feedback from teachers	43	3.047	0.9500	3.962
4. Increased interest in the subject	43	2.837	0.9494	4.115
5. Made it more enjoyable to learn	43	2.860	1.0137	4.385
6. Helped learn better	43	2.907	0.9714	4.615

Note. N=Sample size. M=Mean. SD=Standard Deviation. M(UK)=Mean in the UK survey.

Comparing with the UK survey results, we noted that the highest scored items in the UK survey, i.e. increased collaboration with peers and helped learn better, were scored significantly lower by the HKU PCLL students, both individually and collectively as a group. In fact, the personal experience of a HKUPCLL student on whether SIMPLE helped him/her learn better was given the lowest score among all items. These results posted serious doubt as to whether SIMPLE was a functional agent in the disintermediation process to enable students' reach to transactional legal experience in learning. Further enquiry as to such significantly less satisfactory learning experience showed by HKUPCLL students was carried out with reference to the open-ended questions in the survey instrument and through subsequent focus group discussion. [14] Among the open-ended questions, a full list of which is appended as Appendix B, students were asked, *inter alia*, whether they found the simulation e-platform helped them prepare themselves to be a legal practitioner and whether they perceived SIMPLE useful in enhancing their learning in the course and, if so, why. In the context of the disintermediation discourse, they may be considered questions about the effectiveness of SIMPLE as a disintermediator.

Most of the negative comments received related to the technical side of the e-platform, in particular, its user-friendliness (or unfriendliness) in terms of access, interface, intra-group instant communication, document drafting and editing. For example, students found SIMPLE not user-friendly for discussion among peers because they could not just send in questions or responses like sending email, but had to first type onto a WORD document and

upload it to the e-platform. Likewise, recipients had to download those messages before reading them. Some students commented that they were sometimes confused about who had sent out a message and whether they had already replied to it. Similar problems arose for collaborative writing and drafting, which students found the platform troublesome to use. Many versions of their collaborative drafting work were generated, which students found unnecessary as they could have used 'track changes' on one single WORD document. They also complained about the fact the platform did not match with how they collaborated with their classmates on group work through popular communicative platforms such as Gmail (that offers a simple panel that one can track continuous conversation on one subject easily) and WhatsApp (that can facilitate spontaneous discussion over smart phones). They also compared with the convenience of using one username with Google in accessing different communicative services and complained about the necessity of remembering additional login-name and password for the use of SIMPLE. Such responses might possibly be due to the shock wave of rapid social media development from Facebook and Twitter to iPhone/iPad and WhatsApp took place soon after SIMPLE was first constructed and launched in 2006. Such wave raised internet users' expectation on the spontaneity and mobility of communication via mobile internet that the design and interface of SIMPLE was not able to catch up with.

The subsequent focus group discussion drilled on, *inter alia*, these aspects and attempted to solicit suggestions for improvement from the participants. Apart from the technical aspects of the e-platform, it transpired that part of the reason for the failure of this direct transplantation had been that only a segment of a HKUPCLL elective contained the SIMPLE element, during which students had a much shorter time span than their UK counterparts to familiarize themselves with a new e-learning platform and at the same time carry out those designated tasks. [15] Students would much prefer to have been given more time to acclimatize themselves to and practise via it. This demand for more time to get familiarize with a communicative e-platform that was so different from how students communicate actually pointed to the fact that while SIMPLE was intended to be used as a disintermediator in facilitating transactional learning, it unintentionally interposed extra learning curves and efforts on students who considered those as low value-added, if not undesirable, intermediaries in their way to attain such learning experience.

#### **4. DISINTERMEDIATION CONTINUED: TRANSFORMING SIMPLE INTO SMILE**

The disappointing students' evaluation and feedback indicated the failure in the attempt for advancing students' learning experience by such disintermediation strategy. The additional intermediaries (i.e. the steep learning curve and time needed in adapting effectively to an difficult-to-accustomed to e-platform in imparting transactional legal experience) also turned away three of the four course teachers who were by then reluctant to use any SIMPLE transaction in their electives, leaving only WTEP behind in the scene. Meanwhile, on the other hand, HKU had just migrated its e-learning system to MOODLE (Modular Object-Oriented Dynamic Learning Environment) and was encouraging utilisation and better use of it as part of the institutional e-learning initiative. [16] Thoughts had therefore been given as to whether and, if so, how SIMPLE and MOODLE could be made

complementary to each other in order to achieve its original objective of disintermediating students' reach to transactional legal experience in a quick-to-learn manner.

Despite student's expression about the difficulty to use SIMPLE, survey and focus group interviews with the HKUPCLL students also suggested that they appreciated the value and experience of transactional learning via SIMPLE which could not be obtained from a traditional lecture or tutorial setting. Since the criticism from students related most to the technicalities of the platform, it was decided to continue this attempt of disintermediation through e-simulation platform by distilling from SIMPLE its genesis in encouraging transactional learning and integrating the same with the HKU campus-wide MOODLE platform. This integrated learning environment is named SMILE in which the first two letters 'S' and 'M' acknowledge the use of SIMPLE and MOODLE upon which it is constructed. It is also hoped that the e-learning platform can help students learn with smiles and make their learning more enjoyable.

The HKU MOODLE site accommodates students' habits in using simpler interface, one login account and one email account in communication, a habit that was largely driven by the trend of simplicity and one-stop solution set by Google, Facebook, Twitter, YouTube and Blogs. The major challenge was that it was not designed to mock up to be a virtual transactional workplace. Investment was made to create a satellite site to which students could access with the same login account via a hyperlink on the subject page at the HKU main site. Figure 1 is a screen capture of the login page of the SMILE site which deliberately has a brighter and cheerful colour tone from the HKU main site with the smiling face logo at the top left hand corner of the page.

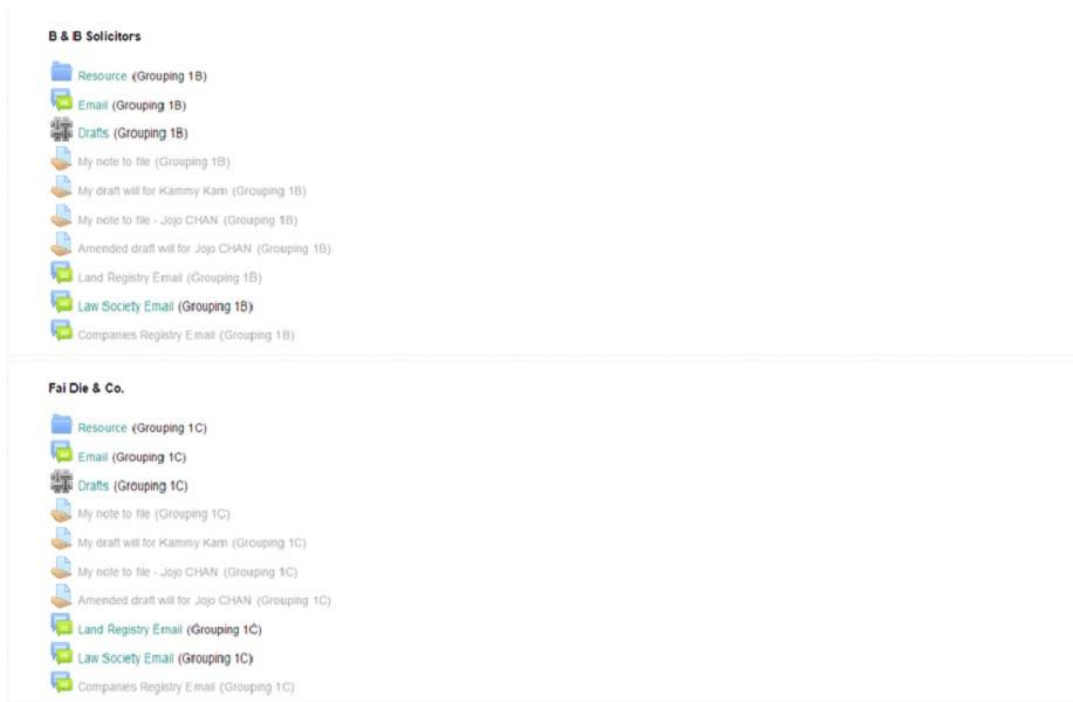
Figure 1



Login page of the SMILE platform

Students continue to work in teams on the integrated platform. There were 12 teams last academic year 2014/15. Each team could come up with a name of their own, subject to the approval of the course co-ordinator with reference to the relevant rules on naming a law firm. [17] This aims to allow a degree of 'common ownership' among the members of the same team in the virtual workspace and their work done together. Figure 2 is a screen capture of the sections of two of those teams last year as could be seen by the teacher. Each team, however, were granted access to their own section only and could not see what was going on in any other team.

Figure 2



Sections of two teams (or firms)

To further enhance the degree of realism in the virtual workplace, the 'Discussion Forum' in a general MOODLE site for posting announcements and discussion topics has been retitled 'Email' in SMILE. The original 'Wiki' page which allows collaborative work has changed to call 'Drafts' where students carry out their group drafting work.

SIMPLE supports the creation of a virtual town where students engage in authentic simulations of professional transactions; [18] SMILE does it with a real city map. Figure 3 is a Google map of part of Hong Kong with three special icons, from left to right, representing: the Law Society of Hong Kong (for conducting a will search), the Lands Registry (for conducting a land/real property search) and the Companies Registry (for conducting a company search). By clicking the relevant icon on the map, students will be directed to a mock-up application form for the search.

Figure 3



The Hong Kong city map

To enhance students' awareness of the relevance and importance of effective time management, they are encouraged to utilise the 'Calendar' on SMILE (Figure 4). Students can mark down essential deadlines and record the duration of time spent on a particular day on a particular task (resembling to filling out a time sheet at the workplace).

Figure 4

Detailed month view: WTEP 2015

New event

◀ September 2015      October 2015      November 2015 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 Interview	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17

The Calendar

Finally, the order of the tasks to be accomplished by students has also been altered. Students still receive a briefing on, inter alia, SMILE at the first class but start off with client interviewing [19] and wills drafting, with instructions given to them and submissions of their works (including assessments of this part) via SMILE. These take up the first four weeks. Students now have more time than before to get used to and get along with the satellite site before delving into it to perform those other tasks in the SMILE transaction commencing on the sixth week. The transaction completes on eighth week.

## 5. EVALUATING SMILE

Another round of students' evaluation using the same Hong Kong survey instrument was conducted at the end of the semester. The tables below (Tables 3.1 and 3.2) show extracts of the qualitative results compared with previous Hong Kong survey on SIMPLE.

Table 3.1

Self-assessment on personal experience of using SMILE (HKUPCLL)

Individual experience	N	M	SD	M(SIMPLE)
1. Increased interaction with teachers	48	4.00	0.825	2.907
2. Increased interaction and collaboration with peers in learning	48	3.73	0.984	3.070
3. Facilitated timely feedback from teachers	48	3.88	0.841	3.023
4. Increased interest in the subject	48	3.21	0.898	2.744
5. Made it more enjoyable to learn	48	3.31	0.926	2.674
6. Helped learn better	48	3.35	0.887	2.674

Note. N=Sample size. M=Mean. SD=Standard Deviation. M(SIMPLE)=Mean in the HKUPCLL SIMPLE survey.

Table 3.2

Peer assessment on group experience of using SMILE (HKUPCLL)

Group experience	N	M	SD	M(SIMPLE)
1. Increased interaction with teachers	48	4.04	0.922	3.047
2. Increased interaction and collaboration with peers in learning	48	3.94	0.932	3.070
3. Facilitated timely feedback from teachers	48	3.92	0.710	3.047
4. Increased interest in the subject	48	3.27	0.939	2.837
5. Made it more enjoyable to learn	48	3.52	0.945	2.860
6. Helped learn better	48	3.52	0.899	2.907

Note. N=Sample size. M=Mean. SD=Standard Deviation. M(SIMPLE)=Mean of the HKUPCLL SIMPLE survey.

After attempts to remove some of the undesirable blocks in light of students' feedback and their e-behaviour, the evaluation results were much improved. On the other hand, the higher degree of appreciation shown by the HKUPCLL students to the interaction they had had with their teacher tends to suggest that the role of a law teacher as a facilitator and designer of the e-interface and program content, as well as a mentor in walking and working through the transaction with them, can hardly be dispensed with even in the disintermediation process.

Irrespective of their evaluation of the integrated e-learning platform, 75% of the students responded to at least one of the open-ended questions in the survey instrument. A clear majority of them expressed their views and shared their thoughts on the pros and cons of using SMILE to their learning. Some even suggested ways to enhance and improve it. As to in what ways the e-platform helped and enhancing learning in the WTEP course, a student opined that SMILE helped students apply the knowledge learned to a simulated transaction, beyond literal description and written answers to a traditional examination question and hence he/she could get a sense of the procedures involved. Another student wrote that SMILE showed how a case might proceed step by step, like what happened in real life, and he/she therefore had the experience of it. It was also considered helpful in making learning more interesting and enjoyable.

However, students in general remained skeptical to extending the use of the platform to other courses. Some commented that it would depend on the nature of a course and/or a task to be accomplished. Quite rightly, for instance, the platform can hardly be adapted to fit well with advocacy training. [20] More were concerned about the necessity to constantly access to multiple platforms including the campus-wide MOODLE main site and the SMILE satellite site even though the two sites share the same logon name and passwords. Apparently they would much prefer to have a 'one-stop shop' for e-learning. Even more of them found some of its functions, in particular, the 'Email' system (which is indeed a discussion forum) and the collaborative 'Draft' section (the Wiki) far from satisfactory. The 'emails' on SMILE are all in one folder since the current system does not support categorization of messages. Some of them expressed their preference to communicate through their personal e-mail accounts, WhatsApps or even face-to-face when they are on campus and then upload the outcome of their discussion back to the platform. Regarding group drafting, while they appreciated SMILE as a virtual workspace for collaboration, they would rather use other web-based or cloud-based applications such as Google Docs and Google Drive. [21] Such support of using shared applications as shown by the students indicates that while we are trying to fix up any mismatch with their previous expectations, we are facing concurrently the challenges of their evolving e-behaviour. The use of technology may not enhance students' learning if it fails to respond to their fast-changing habits and preferences of communication and information sharing in real life.

## **6. DISINTERMEDIATION IS POSSIBLY GENDERED AND CONDITIONAL ON PRIOR LEARNING EXPERIENCE**

In our previous research on experiential legal education tools, it was found that students' perceived learning benefits differed with their personal background such as gender and language. [22] We intended, therefore, to test if such hypothesis could also be validated in students' learning experience on and hence, the effectiveness of e-learning as a disintermediation strategy. A part of the Hong Kong survey instrument asks for students' background information so that we can understand whether and if so, how, students with different background may react differently to the survey questions, and hence SMILE as a disintermediator. Specifically, we seek information as to their age, gender, the university where their first law degree was earned, their first spoken language and their time spent on computers (including notebooks, tablets and non-voice functions of smartphones) and their accounts in any social media (including WhatsApp, Facebook, Twitter, Weibo, WeChat and alike). Independent-sample t-tests were therefore run against the evaluation results. Given the relatively small sample size available for the moment, no significant correlation was found in any of those attributes except (a) gender and (b) from where the first law degree was obtained, in relation to students' evaluation on whether SMILE had helped them learn better as a group. The tables below show (a) that the male respondents scored significantly higher than the female respondents and (b) that overseas law graduates scored significantly higher than Hong Kong law graduates. Although intriguing, these observations are by no means conclusive given again the small sample size. More study needs to be carried out to understand whether and, if so, how gender and overseas studying experience may impact on one's perception over his or her e-learning experience which will in turn inform better use of technology as a disintermediation strategy in legal education.

Table 4.1

Peer Assessment	Gender	N	M	SD	SEM
Learn better	Male	11	3.91	.539	.163
	Female	34	3.38	.985	.169

Note. N=Sample size. M=Mean. SD=Standard Deviation. SEM=Standard Error Mean.

Table 4.2

Peer Assessment	First law degree from	N	M	SD	SEM
Learn better	Hong Kong	32	3.38	1.040	.184
	Overseas	9	3.89	.333	.111

Note. N=Sample size. M=Mean. SD=Standard Deviation. SEM=Standard Error Mean.

## **CONCLUDING REMARKS: DISINTERMEDIATION AS A MODEL TO ASSESS THE EFFECTIVE USE OF TECHNOLOGY IN LEGAL EDUCATION**

As the first law school in Hong Kong and one of the earliest law schools among the former British colonies in the Far East, the HKU Faculty of Law had not done much technology-aided teaching and learning until fairly recently as part and parcel of the university's e-learning initiative when HKU completed its replacement of WebCT with MOODLE for the academic year 2012/13. Building upon the successful experience in the UK, the HKUPCLL transplanted the SIMPLE platform, co-incidentally, in the spring semester of the same year. The intention was to advance students' learning experience by engaging them in simulated transactions carried out through an e-learning platform in the virtual space which itself also simulates a realistic working environment. In the course of doing so, the role of a law teacher changed in such a way that his or her traditional function in imparting knowledge and experience was made subject to disintermediation. This article shows, by way of the HKUPCLL experience, however, that disintermediation does not invariably lead to expected advancement in learning experience. The evaluation of the HKUPCLL students on their experience with SIMPLE illustrates that the use of technology in legal education can transpire to be an unintentional and undesirable intermediary, hindering rather than advancing students' learning experience. On the other hand, the reflective evolution from SIMPLE to SMILE confirms, through the results of students' evaluation on SMILE, that

effective and sustainable transplantation of an e-learning platform as a disintermediator for legal education requires not only substantial adaptation to the practical needs of legal education in a specific jurisdiction, but also a very close fit with the prevailing e-behaviour and expectation of students. Since the HKUPCLL experiments have not always seen tech-enablement in students' perceived learning experience, the disintermediation discourse in legal education, we argue, needs to be modified to embrace the possibility of any unforeseeable drawback brought about by the disintermediator. The existence of such possibilities also makes the disintermediation discourse, as modified, a suitable model to assess the effectiveness of the use of technology in legal education. This means that the use of technology is said to be effective if the disintermediation process can be shown to have brought about enablement or advancement in students' experience and vice versa.

This article also extends previous scholarship, on both SIMPLE specifically and e-learning in law generally, by attempting to analyse and report the different cultural experience in using e-simulation platform in legal education. In particular, the rounds of evaluation done so far show that Hong Kong and overseas law students differed in their self-perceived learning benefits from SIMPLE and SMILE. First, UK law students evaluate SIMPLE higher than HKUPCLL students evaluating both SIMPLE and SMILE. Second, among the HKUPCLL students, overseas returnees tend to evaluate SMILE higher than locally-bred ones. Given the small sample size we have had, the hypothesis remains to be tested but it would not be too surprising to find out eventually that students' background, particularly their educational and cultural background may have a bearing.

The role of law teachers has also migrated in this disintermediation process. Similar to law librarians as previous study indicated, [23], law teachers have moved from the role of teaching transactional knowledge and legal experience per se to that of facilitating students to reach such experience themselves through continuous improvement of the disintermediator and the design of the simulated transactions. Students would also look upon their teachers more for mentoring than for instructions. Furthermore, an e-simulation platform such as SMILE also records data of each student and each group in using the platform. Teachers, with the aid of information technology technicians, can understand for how much time students spend in solving each section of the given legal tasks, how well (or poorly) they manoeuvre the communication tools, how frequently (or infrequently) they communicate with their peers and how satisfactory their performance is in dealing with those tasks. Such data, together with both quantitative and qualitative data obtained from students' evaluation, will provide a constructive guide for devising a more effective disintermediation strategy in professional legal training via the use of technology.

## APPENDIX A

1. Increased interaction with teachers
2. Increased interaction and collaboration with peers in learning
3. Facilitated timely feedback from teachers
4. Increased interest in the subject
5. Made it more enjoyable to learn
6. Helped learn better
7. Motivated to ask questions proactively
8. Helped learn through actions
9. Applied knowledge into practice
10. Reminded of the complexity of professional task
11. Trained time management in realistic context
12. Trained think about the best way to finish the task critically
13. Trained skills of collaboration
14. Helped enhance communication skills
15. Gave clearer understanding of how a law firm operate
16. Increased awareness of professional ethics and responsibilities

## APPENDIX B

1. What do you think your lecturer was hoping to achieve by asking you to learn this course through the simulation platform? Do you think he/she made this clear to you at the beginning of the course?
2. What difficulty did you have in learning this course through the simulation platform? Did you manage to resolve it and if so, how?
3. In what ways did the simulation platform help you to learn in this course? How helpful were they? If they were not helpful, why was that so?
4. Did you find the simulation platform helped you to prepare yourself to be a legal practitioner? If so, in what ways? If not helpful, why was that so?
5. What things do you think your lecturer can do to make the simulation platform more effective for future students of this course?
6. Would you support the use of the simulation platform in this course to be extended to all courses in the programme? Why or why not?
7. In general, do you think the simulation platform is useful in enhancing your learning in this course? Why or why not?
8. Do you have any other comments?

## ENDNOTES

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[1] Faculty of Law, University of Hong Kong.

[2] See e.g., Chow, W. W. S. and Tiba, F. K. (2013), "Too Many 'What's, Too Few 'How's", *European Journal of Law and Technology*, Vol. 4, No. 1

<<http://ejlt.org//article/view/183/281>>, accessed 1 February 2016, which surveys a number of legal education reviews in various common law jurisdictions including England and Wales, Australia and Hong Kong prior to the Legal Education and Training Review in England and Wales (LETR) 2013, and more recently Maharg, P. (2015), 'Shared Space: Regulation, Technology and Legal Education in a Global Context', *European Journal of Law and Technology*, Vol. 6, No. 1, 1-31, which provides an overview of the treatment of innovation and technology in legal education reviews mainly in England and Wales from the Ormrod Report 1971 to and inclusive of the LETR.

[3] This can be seen, in particular, from the Editorial and the collection of articles in the special issue of *The Law Teacher* (2016), Vol. 50, No. 1 on Learning/Technology.

[4] Maharg, P. (2016), 'Disintermediation', *The Law Teacher*, Vol. 50, No. 1, 114-131. The concept of disintermediation is described to, at its simplest, refer to a disruption in the process by which an intermediary as agent in a commercial relationship, often part of a supply chain, involved in the supply of goods or services for a price, is subsumed, eliminated or taken over by the operation of digital technologies which are more cost-effective.

[5] Spotify is one of the examples referred to in Maharg (n3) to illustrate how the process of buying and selling of musical recordings has been so different in the digital domain, e.g., by streaming services, that the conventional music shops are being forced out of the market.

[6] SIMPLE is a transactional e-learning platform first trialled in 2008 by a consortium of five UK law schools namely Glasgow Graduate School of Law, the University of Glamorgan, University of Warwick, University of Stirling and the University of the West of England. For an overview of the background to the creation of SIMPLE and transactional learning in law, see Maharg, P. and Owen, M. (2007), 'Simulations, Learning and the Metaverse: Changing Cultures in Legal Education', *Journal of Information, Law, Technology* <[www2.warwick.ac.uk/fac/soc/law/elj/jilt/2007\\_1/maharg\\_owen](http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2007_1/maharg_owen)>, accessed 1 February 2016.

[7] The empirical work was supported by the University of Hong Kong Teaching Development Grants 2012 and 2013.

[8] See e.g., the US Carnegie report 2007 and the UK LETR 2013.

[9] Apart from its project report, Hughes, M., Gould, H., McKellar, P., Maharg, P., and Nicol, E., (2008), 'SIMulated Professional Learning Environment (SIMPLE). Programme Final Report', Glasgow: University of Strathclyde <<http://simplecommunity.org/wp-content/uploads/2010/11/SIMPLE-FINAL-report.pdf>>, and e.g., Counsell, K. 'Virtual Learning for the Real World: Using Simulation with Non-law Students' in Strevens, C. and Grimes, R. (Eds.), *Legal Education: Simulation in Theory and Practice* (Farnham, Ashgate), at pp 151 - 169, not much has been written to evaluating the use of SIMPLE in a law course or a curriculum. Indeed, statistical analysis of the quality of learning is lacking: see Maharg, P., and Nicol, E., 'Simulation and Technology in Legal Education: A Systematic Review' in Strevens, C. and Grimes, R. (Eds.), *Legal Education: Simulation in Theory and Practice* (Farnham, Ashgate), at p 23.

[10] Compare Chow and Tiba (n1), Appendix II.

[11] See further Chow, W. W. S. (2014), 'Adding Realism to Professional Legal Education at the University of Hong Kong' in Phillips, E., Strevens, C. and Grimes, R. (Eds.), *Legal Education: Simulation in Theory and Practice* (Farnham, Ashgate), at pp 236 - 238. The four electives were: Wills Trusts and Estate Planning, Personal Injuries, Matrimonial Practice and Procedure and Commercial Dispute Resolution.

[12] Ibid.

[13] Among all four electives participated in this initial stage of the project and subject to the same evaluation, WTEP had the highest scores.

[14] See Chow and Tiba (n1), Appendix III.

[15] UK courses normally use the SIMPLE platform throughout a one-semester course.

[16] MOODLE is an open source learning management system that educators use to create "effective online learning sites": <http://moodle.org>.

[17] Rule 2A, Solicitors' Practice Rules (Cap 159H), Laws of Hong Kong.

[18] From the project site of SIMPLE, formerly <<http://www.ukcle.ac.uk/research/projects/tle.html>> and now <[enrole.uow.edu.au/repository/OLRP\\_SIMPLE.doc](http://enrole.uow.edu.au/repository/OLRP_SIMPLE.doc)>, accessed 1 February 2016.

[19] This is being done with 'standardized clients', another teaching and learning initiative adopted by the HKUPCLL. For detail, see further e.g. Chow W. W. S. and Ng M. H. K. (2015) 'Legal education without the law - lay clients as teachers and assessors in communication skills', *International Journal of the Legal Profession*, Vol 22, No. 1, 103-125 <<http://dx.doi.org/10.1080/09695958.2015.1075888>>.

[20] Nevertheless, it is possible to have standardised clients to play key roles, e.g. as the client or witnesses, in SMILE transactions. See further Standardized Client Initiative <<http://zeugma.typepad.com/sci/>>, accessed 1 February 2016 for an example.

[21] While it is understandable because, after all, this forms only a part of their learning process and experience before embarking on their professional life as lawyers, students may not appreciate fully the risks associated with using private email accounts for professional communications and cloud-based applications which may compromise the security of confidential, if not privileged, information.

[22] Chow and Ng (n17). In sum, the research results show that female students tend to evaluate the experience more favourably than male students and students who speak Mandarin as their first language, primarily educated in Mainland China and started to learn English language later than their Cantonese speaking Hong Kong classmates, tend to find the learning experience most rewarding.

[23] Maharg (n3), at p 127. The role of law librarians is argued to have changed to legal educators and information scientists.