

THE USE OF MOOT COURT METHODOLOGY AS AN INSTRUMENT OF TEAM BASED LEARNING IN THE LAW COURSE

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Abstract

The context of this article is based on the use of Challenging Based Learning (CBL) in order to verify, not exhaustively, the possible transformation of teaching and learning practices in the course of Law, by inducing the understanding of theoretical concepts from real situations and present in the social context. The purpose of the text is to verify if the moot court can be evidenced as a format of the active methodology called team-based learning (TBL). This article can be classified as an experience report, in which the CBL methodology is used in the stricto sensu Postgraduate course, with the purpose of assisting students in the elaboration of research topics. Thus, the CBL proposal is coupled to the research process, presenting a research topic related to the student focus, whose stage of engagement and definition of the challenge are presupposed for the definition of search terms, aiming the accomplishment of bibliographic research in the Scopus and Web of Science. The methodology used was based on the selection of a specific period and selection of up to 4,000 documents in the Scopus database and extraction of the complete metadata in CSV, and, in a timely manner, the selection of up to 2000 documents Web of Science, by importing the metadata into TXT format. After such actions, we generated graphs of terms co-occurrence and bibliographic coupling in the VOSviewer and exported in GML to Gephi, running the following metrics: medium degree, network diameter, class modularity, PageRank and eigenvectors centrality. The graph was generated with the Force Atlas 2 or FruchtermanReingold algorithm. The results of the research and the elaboration of questions directed the bibliographic research, analysis and interpretation of the information, collected with the purpose of elaborating a report containing the research proposal that refers to the teaching and learning practice in Higher Education Law with the use of methodology active: moot court considered, in the present work, as part of the active methodology Team-based learning. The documents retrieved do not bring together the terms moot court and team-based learning, but the terms generated from the result analysis form a set of similar meanings, giving rise to the essential question of the research: if moot court can be considered a methodology of team-based learning. It can be concluded that the application of the CBL guides the research process and the elaboration of qualified bibliographic indicators, endorsing the qualitative construction process of reviewing the literature of the subject that is proposed and indicating the approximation of moot court to TBL.

Keywords: Moot court; Team Based Learning (TBL), Legal Education, Active Methodology; Teaching and learning, Challenge-Based Learning (CBL).

1 INTRODUCTION

The context of this article involves the practice of traditional teaching in Law courses as the emergence of the restlessness that directs this research. The didactic culture exposes a controversial scenario in which the student of Law is developed in an environment formatted by the access to information in the person of the teacher, in direct confrontation with the social reality, when there is an infinity of information, materials, contents and information sharing that enables the use and access of technologies for learning. In this aspect, it is evident the need for new practices, so that the student has autonomy in the knowledge process, solidity in the contents addressed and effective and soluble answers to the real problems of the society that surrounds the legal practice.

The stricto sensu postgraduate course, as a favorable environment to respond to concerns, induces the definition of specific subjects with objective and theoretical reference sufficient to prove the hypothesis constructed as a response to the restlessness, which reflects a problem of research guiding student academic actions. The orientation, definition and research parameters were performed through CBL, an active methodology that is divided into three phases: engaging, searching and acting.

To this extent, the focus of the present article is to demonstrate if it is possible to use the CBL in the construction of literature review on the transformation of teaching and learning practices in Law course. From the use of moot courts as a Team-based application learning, active methodology that consists of the formation of strategic and permanent teams, preparation involving reading, tests and a learning process that densifies content from activities that refer to a significant and specific problem within the society, with subsequent evaluation.

With regard to the theoretical framework, many studies show that traditional pedagogical approaches are insufficient to adequately develop skills and mentalities that contribute to sustainable development [1] because they cannot deal with complexity and uncertainty of individual development. To that extent, it is necessary to ensure a higher quality of education in order to substantially prepare the contingent of qualified teachers, as demonstrated by Fernandes, S., Costa-Lobo, C., Regueiro, A., (2018) [2] an integrative curricular unit in a project-centered methodology can boost cross-curricular competencies of students in higher education by improving the quality of knowledge acquisition processes [3].

In addition, the article: Active Learning in Higher Education: Developing Projects in Partnership with Industry [4] was an important contribution to the theoretical construction of the present work, since it demonstrated the importance of sustainable interactions between the university and the industry. Revealing a path of benefit between the work environments that will allocate the professional to be formed by the academy.

In the same sense of collaboration, the approaches that involve the active methodology in the preparation of students for the labor market, can be seen in the article "Transitions from higher education to labor market: Observatory of internships in business organizations", presented in the 11th annual International "Technology, Education and Development Conference", Magellan authoring, with M., Mitchell, P., Lopes, F., Freitas, I., Fernandes S., & Costa-Wolf, C. [5], demonstrates the importance of promoting a set of skills and abilities focused on employability with support in strategies and interventions that can be implemented during higher education, influencing in the university's adaptive transition to employment.

2 METHODOLOGY

This article can be classified as an experience report, in which the CBL methodology is used in the stricto sensu Postgraduate course, with the purpose of assisting students in the elaboration of research topics. Thus, the CBL proposal is coupled to the research process, presenting a research topic related to the student focus, whose stage of engagement and definition of the challenge are presupposed for the definition of search terms, for the accomplishment of bibliographic research in the Scopus and Web of Science.

The approach of this article is in the research process, which involved the concept of teaching and learning in a practical perspective of active methodologies using the installation of VOSviewer and Gephi Softwares in student's personal computers. After that, performing challenges in CBL, resulting in the production of reports, which included the evolution of publications in specific periods and analysis of charts containing the most published authors on the subject, countries of origin, types of documents and areas of knowledge, embracing the selection and analysis of the five most cited references and the five most recent references at the Scopus and Web of Science databases.

The methodology used was based on the selection of a specific time period and selection of up to 4,000 documents in the Scopus database and extraction of the complete metadata in CSV, and, in a timely manner, the selection of up to 2000 documents Web of Science, by importing the metadata into TXT format. After such actions, we generated graphs of terms co-occurrence and bibliographic coupling in the VOSviewer and exported in GML to Gephi, running the following metrics: medium degree, network diameter, class modularity, PageRank and eigenvectors centrality. The graph was generated with the Force Atlas 2 or FruchtermanReingold algorithm.

3 RESULTS

The results of the research and the elaboration of questions directed the bibliographic research, analysis and interpretation of the information collected, with the purpose of elaborating a report containing the research proposal that refers to the teaching and learning practice in Higher Education Law. This was possible due the use of active methodology: moot court considered, in the present work, as part of the active methodology Team-based learning.

The documents retrieved do not bring together the terms moot court and team-based learning, but the terms generated from the result analysis form a set of similar meanings, giving rise to the essential question of the research: if moot court can be considered a methodology of team-based learning.

For the definition and the rationale of the research topic, an example of the application of the CBL methodology is presented. Initially, the big idea is identified, which is the main theme to be researched, the Team-based learning. To guide the definition of the challenge and its scope, the following key issues were listed: what is team-based learning; what is active methodology; moot court can be characterized as team-based learning; which are the reports of the use of this methodology in the course of Law and which are the key expressions that delimit the subject. These questions aimed to identify which concepts were involved in the challenge proposal.

The gathering of information on the subject was carried out by bibliographic research in Scopus and Web of Science databases. The search in Scopus database was using the expression "team-based learning", and returned 847 references. The Scopus database has some features for bibliometric analysis such as the quantitative evolution of publications over a period of time, the authors with the highest frequency of published documents, distribution by institutional affiliation and authors' countries, as well as the areas of publications and the respective types of publications and documents.

To better visualize the objective that surrounds the proposal of this article, we chose to filter more objectively and removed from the research areas such as veterinary, physics and astronomy, chemistry, neuroscience among other areas, leaving only social sciences, decision sciences, environmental Science and business, management and accounting. By doing that, the number of documents was reduced to 357. In addition, it is also possible to filter by types, which is indicated in most searches with more than a thousand documents. In the case here proposed, it was preferred to remove only notes, editorial and errata, evaluating the other types of documents.

It is important to note that for an analysis that interprets the results of the bibliographic research, it is usually necessary to save the complete metadata for a gradual analysis. This happens because in the case of the Scopus database, references are limited to 2,000 and when this limit is exceeded, it is necessary select the references in a partial way so that all metadata is retrieved. After this partial selection, the export is done in CSV format. As in the proposed case, the number of final articles of documents analyzed with the term "team-based learning" was 357, only one metadata file was needed.

For the selection of the most cited authors in the Scopus database, the "Citebby (highest)" option is selected. Also, for the selection of the most recent publications, the option is "Date (newest)" and the bibliographic search result is analyzed using of the Vosviewer application [6], of free access, in which it is possible to analyze key expressions that will delimit the theme from the co-occurrence of terms, according to the following figures.



Figure 1: The feature called Network View in VosViewer after the theme boundary.

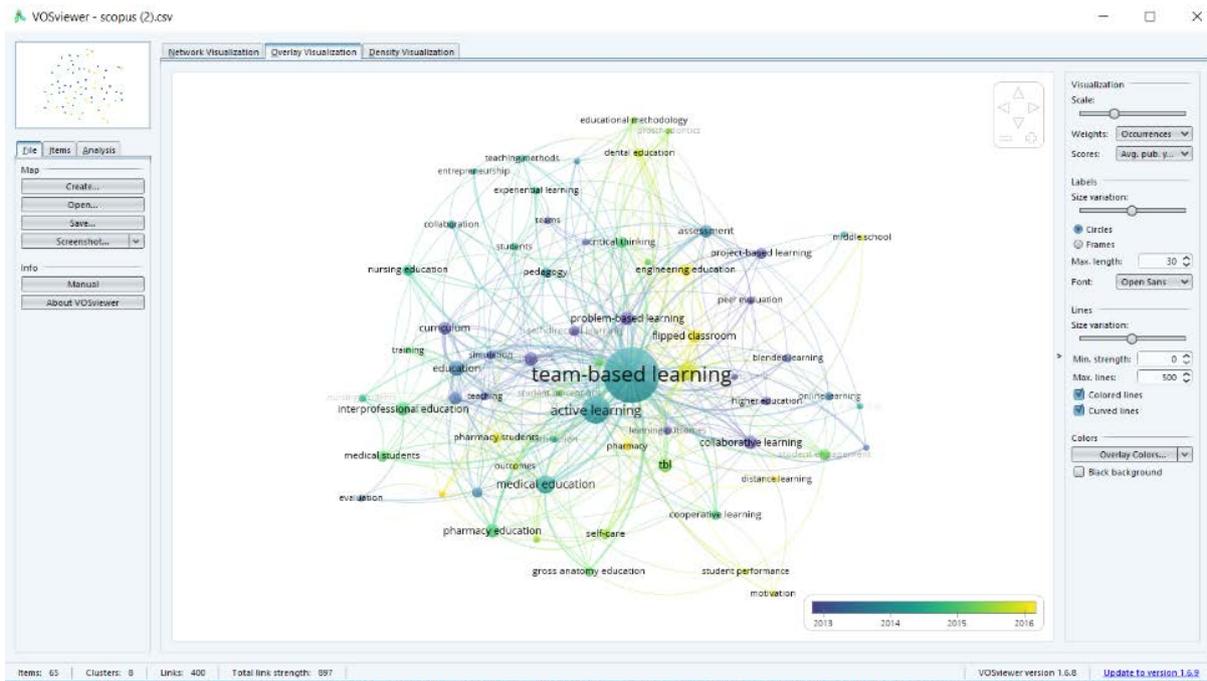


Figure 2: The feature called term overlap in VosViewer after delimiting the theme.

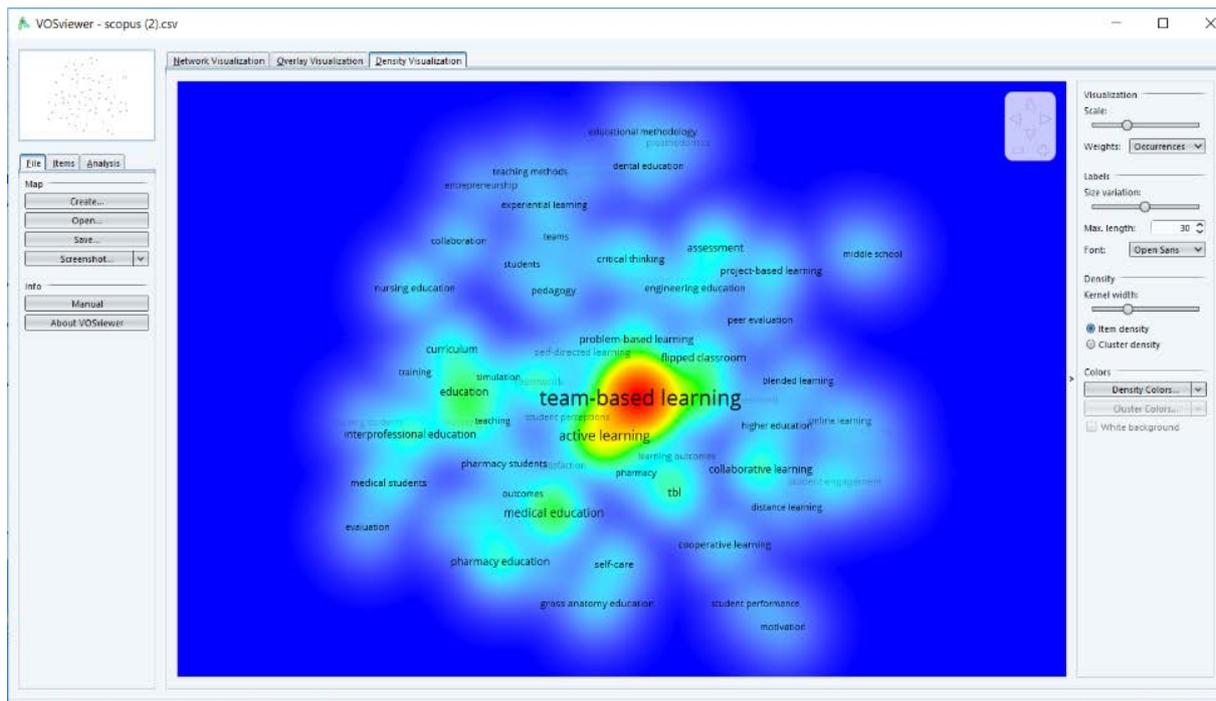


Figure 3: The feature called Density Visualization in VosViewer, in which the use of the theme is checked by heat maps.

In the figures above, the terms "active learning", "high education", "flipped class", "problem based learning", "training", "education", "colaborative learning student performance", and "motivation" are used in health areas such as medical education, pharmacy and nursing education.

In order to prepare the data, we chose to exclude the term team based-learning and emphasized: active learning, student perception, blended learning, group work, self-directed learning, teamwork, problem-based learning, cooperative learning, student engagement, e-learning, simulation, experiential learning, teaching methods.

After the Vosviewer analysis, the data was exported in GML format, so that it can be considered from Gephi [6] free software for network analysis and, from the information gathering to answer the essential questions, the challenge was identified: moot court can be considered as a use of the methodology called team-based learning.

The research was made by using key expressions that was related to the great idea and concepts inherent to it. The reasoned answers focused the research focus and reinforced the practical and dense nature of the CBL methodology, conforming the state of the art of research on the subject from the bibliographic coupling, coauthorization, cocitation and citation.

The visualization of the data made with Gephi allowed the manipulation of graphs in document networks, whose network was generated by VOSviewer in GML format and exported to Gephi. Gephi demonstrated in a worksheet the parameters of the document network and ordering the results by the centrality of eigenvector, we identified which are the most central articles in each class of modularity. After the methodological actions, a report was prepared based on the literature review, allowing for greater clarity about the theoretical alternatives.

4 CONCLUSIONS

The present article can be described as a result of a didactics of teaching and learning within the CBL. Which presented itself in a practical context of action and sharing. To that extent, the discipline that results in the present text contributes with the student capacity of analysis of the classroom as it is conducive to the use of current teaching and learning methodologies and enables autonomy in research, qualifying the scientific work through refined searches and construction of a solid theoretical framework, actual and endorsed by qualified databases. The possibility of acting as a researcher and at the same time the practical example of active methodology enables the elaboration and development of

pedagogical proposals that achieve effectiveness in the understanding of concepts and practical application of the theory.

The experience described in this paper is in accordance with Granger's article [7], when he mentions the need for faculty members to have concrete experience that would give them the personal conviction that it is worth it is worth using specific technology and an understanding of the contexts in which it is best used. It would be a commitment to lifelong learning, knowing that the "professional model" for students is one of the main roles of the teacher.

The present research responds to the attempt to demonstrate the construction of the literature review on the proposed theme based on the use of the CBL, and conforms the knowledge of the fundamentals of the active teaching and learning methodologies, the analysis of document networks, the possibility of theme identification related to the proposed research in an infinite theoretical circle, which is linked to subtopics and keywords that expand with the peer-searching of the database.

The articles that address the use of the team-based learning methodology are located, mostly in the health area, by having among the five most cited, is the report of team learning in the course of macroscopic medical anatomy and embryology [8]. Which addresses the objectives guiding the tasks of small groups, with an individual readiness assurance test, a group readiness assurance test and a group application problem, in addition to regular peer evaluation. In this report, the TBL session activity scores and course exams were analyzed and compared with the course performance of previous years and there was improvement in student day-to-day preparation and group problem solving skills and that although there was no significant improvement in mean individual score, there was a lower failure rate of stroke in a general examination, suggesting that TBL is a superior method for small group learning in the studied anatomy course and an important consideration is the suggestion that TBL can more academically benefit at-risk students by being forced to study more consistently, receive regular feedback on their preparation, and have the opportunity to develop higher reasoning skills.

The paper by Thompson [9] shows the context of the continued use of team-based learning, demonstrating the difficulties of using team-based learning, especially in faculty, administration, curriculum and to the students, also considering some characteristics of specific courses.

Among the most recent articles, Low, XM; Horrigan, D and Brewster, DJ [10] demonstrate that intensive team-building in intensive care is revealed as an exponential growth, in which through database search the use of team-based learning to support teaching physician by means of simulation facilitated clinical learning and positively altered the behavior of the teams, a result also suggested for the case report of a nursing course, which suggests positive contributions to students' learning in a Nursing leadership course [11].

In addition, another recent article on the use of TBL was presented at an International Conference on Technology, Education, and Development demonstrating that there is a marked increase in student involvement in their learning through team collaboration and that the inverted learning approach in a structured process has been increasing in European higher education institutions. And this article confirms the hypothesis that other texts bring about the benefits to students who have a lower performance. This group of researchers intends in 2019 to develop a research-based toolkit to support the adoption of active collaborative learning in scale [12].

And finally, among the more recent articles on TBL use, there is research on the use of an educational game and team-based learning demonstrating that using inactive methods of education can cause fatigue, lack of attention, frustration, lack of motivation and decrease the level of learning of the students, while in educational games occurs one of the interactive, active and fun methods that has its own educational purpose and which translates the special characteristics, highlighting the specific abilities by deepening the skills [13].

When talking about moot court or simulated court there are few articles compared to the other variables of the research, especially when joining the term to the legal context in both the scopus base and the web base of Science, so the five articles were not included in the text more cited or more recent, because although the research recovered more than thirty articles, few of them spoke specifically about the use of moot court as methodology in the teaching of Law.

In any case, Watt G [14] offers some reflections on a teaching module in legal graduation, attesting to mooting and forensic rhetoric as a practice that demonstrates the defense of law as an art that is between practice and habit. And the skills that the right student should have access to is the skills-based approach that Turner J considers as part of a training and considers student perceptions of employability and experiential learning in the course of Law to be used more forcefully in the course of Law [15]

Consolo, Analia N also discusses the positive influence generated in the field of legal and social sciences with the practice of moot, in which the development of creativity, teamwork, analysis strategies, critical spirit of the relations established with the students and teachers of other universities [16]. In addition, the fact that the referees, who participate as jurors are part of large law firms, the competition becomes a showcase and the article highlights that the "Moots", as a method of teaching International Commercial Arbitration, constitute an integrative and that experience is able to provide tools like any other practice in degree does. Thus, with a hypothetical case, the students selected, investigate, generate strategies, argue, elaborate memorials and verbalize in the oral debate.

To complement the research, we used the Web of Science database, which gave a greater results base than scopus. And among the more recent articles, Enqvist-Jensen, C explores knowledge and learning challenges in law, noting the group work of students with case assignments, and the analysis demonstrated that strategies previously learned from students to link texts and arguments of authority in the definition and solution of legal problems were challenged and revealed tensions in the scenario between the demands of navigating more open landscapes of knowledge and the expectations about the behavior of students in current educational practices [17].

Among the five most cited articles with the term moot * was the article written by Marsh, L; Ramsden, M [18] of interest to research, but that addresses the use of mooting in high school to provide these students an experiential learning in the recruitment effort to ensure that the student is better prepared to choose college right.

In addition, in the web of Science was chosen the article by Ng, LL, Friedman, SH.[19] who reports on an Australian experience working with a simulated court in the field of forensic psychiatry and demonstrates as results the real learning value and constructive feedback in which the technical language, level of response and breadth on the issues that could be presented training in an unfavorable environment and the acquisition of skills to keep calm under pressure and as a conclusion there is a need for a well written report, good preparation and management

Finally, the present work is inserted in the 2030 agenda of UNESCO, that because, in highlighting the practices of active methodology as an agent for the promotion of proper training and empowerment of individuals, it expands the opportunities of that individuals on the path of development, and of course, allow them to break traditional paradigms. To this extent, the study contributes to the report of teaching practices that cooperate to advance the 2030 Education Agenda, as part of the Sustainable Development Objective (ODS) No. 4, which aims at ensuring inclusive and equitable quality education and promoting learning opportunities life for all.

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