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Incorporating a Creative Component in First-Year Law

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Incorporating a Creative Component in First-Year Law

Abstract

For some students, law school leads to a perception of legal education as favouring technical proficiency and structural similarity over innovation and creativity, leading to disengagement in learning. To address this, we offered a creative option in two first-year law courses, worth 20% of the grade. Students who chose this option created a diversity of artistic works, including short stories, visual arts, literary criticism, culinary art, music and lyric composition, film, a blog, a video game, and a board game. Some of these works were of startling originality; all engaged in law in unconventional ways.

We assessed the work using a rubric with descriptors relating both to artistic merit and legal knowledge or law studies. Later, we surveyed all 30 students who had submitted a creative project. The survey instrument used both open-ended questions and a set of statements that students rated on a 1-5 Likert scale.

When asked to rank whether the project positively contributed to their law school experience, the response was overwhelmingly in agreement. The students said that completing a creative project developed their understanding of property or tort law, the two subjects in which the option was offered; that it helped them to develop practical legal skills; and that, for some, it contributed to a sense of belonging and community, thereby assisting with overcoming some of the alienation associated with law school. Based on our experience, we enthusiastically encourage other law schools to try offering a creative option to their students, particularly in first year.

Pour certains étudiants, les facultés de droit conduisent à une perception des études légales qui favorise la compétence technique et la similarité structurelle plutôt que l'innovation et la créativité, ce qui a pour résultat un désengagement envers l'apprentissage. Pour répondre à ce problème, nous avons proposé une option de créativité dans deux cours de droit de première année qui comptait pour 20 % de la note finale. Les étudiants qui ont choisi cette option ont créé une diversité de travaux artistiques dans plusieurs domaines : récit, arts visuels, critique littéraire, art culinaire, musique, composition lyrique, film, blogue, jeu vidéo et jeu de société. Certains de ces travaux étaient saisissants d'originalité; tous présentaient des rapports avec le droit de manières inhabituelles.

Nous avons évalué les travaux en fonction d'un module d'évaluation comportant un système de descripteurs qui se rapportaient à la fois au mérite artistique et à la connaissance légale ou aux études de droit. Plus tard, nous avons fait un sondage auprès des 30 étudiants qui avaient remis un projet de créativité. L'instrument du sondage comportait des questions ouvertes ainsi qu'un ensemble de déclarations auxquelles les étudiants devaient répondre sur une échelle Likert de 1 à 5.

Nous avons demandé aux étudiants si le projet avait contribué de façon positive à leur expérience à la faculté de droit; les réponses ont été massivement en faveur d'un tel projet. Les étudiants ont déclaré que le fait d'avoir complété un projet de créativité avait développé leur compréhension de la législation sur la propriété ou sur le droit de la responsabilité civile, les deux sujets pour lesquels l'option avait été offerte; que le projet les avait aidés à développer des compétences légales pratiques; et que, pour certains, il avait contribué à l'acquisition d'un sens d'appartenance et de communauté en les aidant à surmonter certaines des aliénations associées aux études de droit. Sur la base de notre expérience, nous encourageons avec enthousiasme d'autres facultés de droit à offrir une option de créativité à leurs étudiants, en particulier au cours de la première année d'études.

Keywords

legal education, law, creativity

Cover Page Footnote

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Law is the wisdom of the old,
The impotent grandfathers feebly scold;
The grandchildren put out a treble tongue,
Law is the senses of the young.

W.H. Auden (1939)

Law, like any profession, has its own modes of reasoning and expression. Necessary as it is to learn them, for some students, the learning quickly leads to a perception of law and legal education as favouring “technical proficiency and structural similarity over innovation and exploration” (Magone & Frieland, 2002, pp. 571-572). As some have found, the legal work that law students first produce—case briefs, legal memos, opinion letters or appellate factums—“tend to allow (even to encourage) writing processes that are repetitive and uncared for” (Watt, 2009, p. 258). Some upper-year instructors have sought to overcome this tendency through creative modules or exercises that aim to avoid an outcome in which law students curse their teachers for “learning me your language” (Watt, 2009, p. 258, paraphrasing Shakespeare). We thought: why not try this in first year, where law teaching has traditionally been heavily doctrinal? And why limit it to writing, when students come with various expressive talents from the visual and performing arts? Could we harness the “senses of the young” in acquiring the “wisdom of the old”? But if we did that, how would we assess such work in a setting that still largely relies on written exams? And what difference would it make to students and to their engagement with law studies?

Educational Context and Nature of the Pilot Project

The first-year curriculum at the University of Saskatchewan College of Law is a program of studies that includes six doctrinal courses spread over two semesters, an innovative one-week dispute resolution module, and an extended legal research and writing module that culminates with an appellate moot—a mock appeal in which students argue the interpretation and application of a general legal doctrine to a specific fact scenario. The pattern, with some variations in courses and modules, is the same at other Canadian law schools. In Canada, the basic law degree generally takes three years to complete, and students must finish the entire first-year program before entering second year. At the College of Law, and similarly in other Canadian law schools, the core doctrinal courses are subject to strict grading requirements. Students write a mid-term exam at the end of the first semester and a final exam at the end of the second. The final exam is generally worth 100 percent of a student’s final grade, although the mid-term exam can reduce the weight of the final to 80 percent if doing so would raise a student’s final grade. Grades are required to be distributed along a “curve.” The entering class at our College is 126 students, although students are divided into two sections with an average class size of just over 60 students.

After doing some preliminary research on the potential benefits of offering a creative project option and presenting it to Faculty Council, we offered it as pilot project with Council endorsement. We told our students at the beginning of the academic year that they had the option of completing the creative component for 20 percent of the grade in Tort Law or Property Law, two of the six doctrinal courses. Tort law is part of the law of obligations, which is concerned with private or civil wrongs as distinct from public wrongs that are addressed through criminal, constitutional and administrative law. Such wrongs may be to a person’s body, dignity, property,

or economic wellbeing. Property law is concerned with the development of real and personal property rights in Canada, and how Canadian law has been influenced by English legal doctrine and the prior occupation of Canada by Aboriginal peoples.

We told our students that we would construe “creative work” broadly. It could include poetry, short stories, film, visual or performing arts, and other modes of expression—as long as the work engaged with tort law or property law in a creative way. The purpose, we said, was “to encourage you to reflect on law in a deeper and more personal way, and to let you bring a creative or imaginative spirit to legal study.”¹ In the second year of the pilot, we showed students examples of completed projects from the first year.

We required students to submit proposals for our approval before they began work on their projects. The proposals were due by the end of the first semester after students had developed some understanding of tort and property law, and were meant to serve four objectives. First, they provided an opportunity to help students design a project with appropriate *scope*. The crux of the project is the interplay between law and creativity. While students had little difficulty articulating the creative aspects of their pieces, some needed help in defining how the creative piece would meaningfully engage with the law. Second, the proposals also allowed us to help students define a project with an appropriate *scale*. We were concerned that some students would devote a disproportionate amount of time to the project. Not wanting it to detract from other academic priorities, we asked some students to narrow the focus of their projects to keep them manageable, given other law school demands. Also, since students were permitted to complete group projects, we reviewed the proposals with a consideration towards equity between solo and group efforts. Finally, we asked students to explain what skills or experiences they could rely on to complete the artistic component of the projects. While all students, including those who perceived themselves as having few creative skills, were encouraged to consider doing a project, we told the students that their proposals would only be approved if they could demonstrate a reasonable probability of completion. For example, we would not likely accept a proposal to compose and record an original song from a student without a musical background; instead, we might encourage such a student to adapt lyrics to an existing song.

The project was due after the February break but before the pressure for final exam preparation intensified. We also required each student to submit an artist’s statement. We asked the students to use the statements to explain the reasons behind their creative choices and to explain how their artistic work engaged with tort law or property law. In our conversations with students about completing the creative project, we explained that not all artistic endeavours succeed in conveying their intended meaning. Nonetheless, pieces that may not be successful from an artistic perspective may still demonstrate a thoughtful reflection of substantive law. A well-drafted artist’s statement, therefore, could help to ensure that we would get an accurate picture of a student’s understanding of the substantive law. We hoped that students who were worried about their artistic skills would find this reassuring. Assessment of the projects was challenging, as we expected. In the second year of the project, we developed an assessment rubric that helped considerably; we reproduce and discuss it later in this article.

¹ Memo to students dated 19 October 2011. Kleefeld started the pilot project in 2010-2011 with Tort Law; Farnese joined in 2011-2012 with Property Law. Thus we are reporting on two years’ worth of data for the pilot in Tort Law and one year’s worth of data for the pilot in Property Law.

The final aspect of the pilot, contemplated from the outset, was an evaluation of its merits and demerits and a profiling of some of the students' work. This in keeping with the Scholarship of Teaching and Learning's (SoTL) core commitments of making results open to critique by members of one's scholarly community so that they can use and build on the learning gained thereby (Hutchings & Shulman, 1999).² We conducted this evaluation using a process and a survey instrument approved by the University of Saskatchewan Behavioural Research Ethics Board and reproduced in the Appendix to this article.

Range of Projects Submitted

Our students created diverse artistic works, including short stories, visual arts (drawing, painting, sculpture), literary criticism, culinary art, music and lyric composition, film, a weekly blog about law school experiences, a video game, and a board game. Some of these works were startlingly original; all engaged in law in unconventional ways. A sampling of the projects is described below to demonstrate their breadth.³ The projects also illustrate the accessibility of the creative component for the students.

The Apparition Dancing with Me is a complex story that explores the essential property law concept of boundaries, including boundaries between two parcels of real property, real and personal property, water and land, and the boundaries of intangible property such as thoughts and ideas. In his story, Devin Beaton incorporates a dual narrative using footnotes while interweaving references to cases discussed in Property Law. In addition, the story effectively demonstrates an appreciation of the likely emotions associated with the disputes in the cases we study. Few opportunities are taken to discuss this aspect of legal practice with students, and law schools could do a better job of preparing students for dealing with their clients' emotions. Devin highlighted this deficiency in his creative project, even using the principal characters to express common experiences of first-year law students. One character conveys feelings of confusion and disorientation while another reminds the reader of how tedious preparing for law classes can become, especially where the case method dominates the classroom.

Reflection of Aboriginal Title is an example of a project completed by a student who identified in her proposal that she had very little experience with artistic expression. In high school, she had completed a string art project and so decided to create another string art piece for her project. While artistically simple, the choice to use an art form in which tension is an essential component seems a natural fit for the substantive legal issue she explored. The overlapping, brightly coloured strings create an outline of Canada. The student explained that

[T]he outline of Canada is defined but the inside is not yet filled in. One is not able to fully understand the complexities of Canada . . . until the claim of aboriginal title is given more clarification from the Supreme Court of Canada.

² We first presented the pilot results in April 2012 at the 47th Annual Conference of the Association of Law Teachers (Oxford) and the Second Annual Scholarship of Teaching and Learning Symposium (Saskatoon). This presentation did not include the subsequent survey instrument and results discussed later in this article.

³ Where names, images, or lyrics have been provided, they have been done so with student permission.

Propopoly adapts the popular board game *Monopoly* to reflect common law and statutory principles of property law. In designing the game, the three students who worked on the project (see Figure 1) had the challenging task of demonstrating a nuanced understanding of Property Law while ensuring the game's playability. The result is not a descriptive reciting of established precedents. Rather, the game incorporates topics such as fixtures, chattels, easements, and aboriginal title into the rules of play. For example, the common railway properties in *Monopoly* become "Native Land" in *Propopoly*, with permission to purchase predicated on the buyer holding a "status card." One can sell an easement to an owner of an adjacent property that allows free passage and avoidance of rent. Also, *Monopoly*'s motels and hotels become *Propopoly*'s chattels (moveable property) and fixtures (property attached to the land). Chattels can be sold if the owner needs money, but fixtures become inseparable from the real property. *Propopoly* further merges creativity and the law in the development of "jurispruCHANCE." Like CHANCE cards, each jurispruCHANCE card contains a short story based on an area of property law. The player is rewarded or penalized based on the application of the legal rule to the facts in the story.



Figure 1. *Propopoly*, A board game by Todd Lucyk, Mike Proudfoot, and Anita Thompson.

Don't Kick Me Out is an original pop song that focuses on leaseholds. The song tells the story of a tenant who feels he has been wrongly evicted from his apartment. The student composer, Steven Miller, relied on his significant musical training to use both the lyrics and music to convey his understanding of the relevant legal principles. A well-drafted artist's statement demonstrated a comprehensive and insightful grasp of the subject matter. To be successful as a pop song, an uncomplicated, singular focus in the lyric is almost always required. Thus, if one were to look only to the lyrics to evaluate this student's understanding of Property Law, the picture would be incomplete. The artist's statement explained how the student engaged with the law in his melodic choices. For example, a switch in key in the song's interlude was meant to represent the differences between the traditional Courts of Common Pleas and the Courts of Equity.

The Handbook of Tort Law is a visual exploration of the case law on intentional torts, as distinct from unintentionally caused harm, referred to as the tort of negligence. Sarah-jane Nussbaum had been drawing hands for many years and conceived of the idea of a series of hands

involved in the commission of, or defence to, intentional torts. Among the cases she depicted was *Scott v Shepherd*, a 17th century English case in which a troublemaker had thrown a lit squib, or firecracker, into a crowded market. The squib landed on the stall of a merchant, who reacted by throwing it from the stall, only to have it land on another stall. The second merchant reacted the same way; only this time, the squib landed on a boy's face, exploded, and caused him serious injury. The question for the court was whether the first troublemaker could be held liable: as the law of "trespass to the person" stood at the time, directness was a required element of the tort, but the injury had been caused indirectly.

Figure 2 illustrates these facts, but, as importantly, includes a pithy quote that isolates the legal reasoning of one of the judges in the case who decided against the original miscreant:

I look on all that was done subsequent to the original throwing as a combination of the first force and first act which will continue until the squib is spent by bursting. I think that any innocent person removing the danger from himself to another is justifiable; the blame lights on the first thrower. The new direction and new force flow out of the first force, and are not a new trespass.

The case thus stands for the proposition that intent can be "transferred," a point graphically brought home by the sequence of drawings in Figure 2.

The Nature of Torts is an expression of art, poetry, metal work, nature, and tort law from an environmental perspective. Constructed by Alisha Figley out of scrap steel from her grandfather's metal shop, scrap solder wire from her mother's stained-glass studio, and willows from her family's summer home, the piece juxtaposes disparate elements. The juxtaposition attains a unity by also incorporating an original poem about environmental issues that have had an adverse impact on the Earth, whose "... quiet beauty is like no other / Of the skies and seas and sand, the mother." The poem's closing stanzas are a call for legal, individual and social action:

If we can join to combat the crime,
This earth will stand the test of time.
The remedy is specific performance,
Damages are no fit for Nature's ordinance.

An injunction is sought to stop the loss,
Of trees and skies and utter chaos.
The nature of torts is simple and clear,
Do not commit and have no fear!

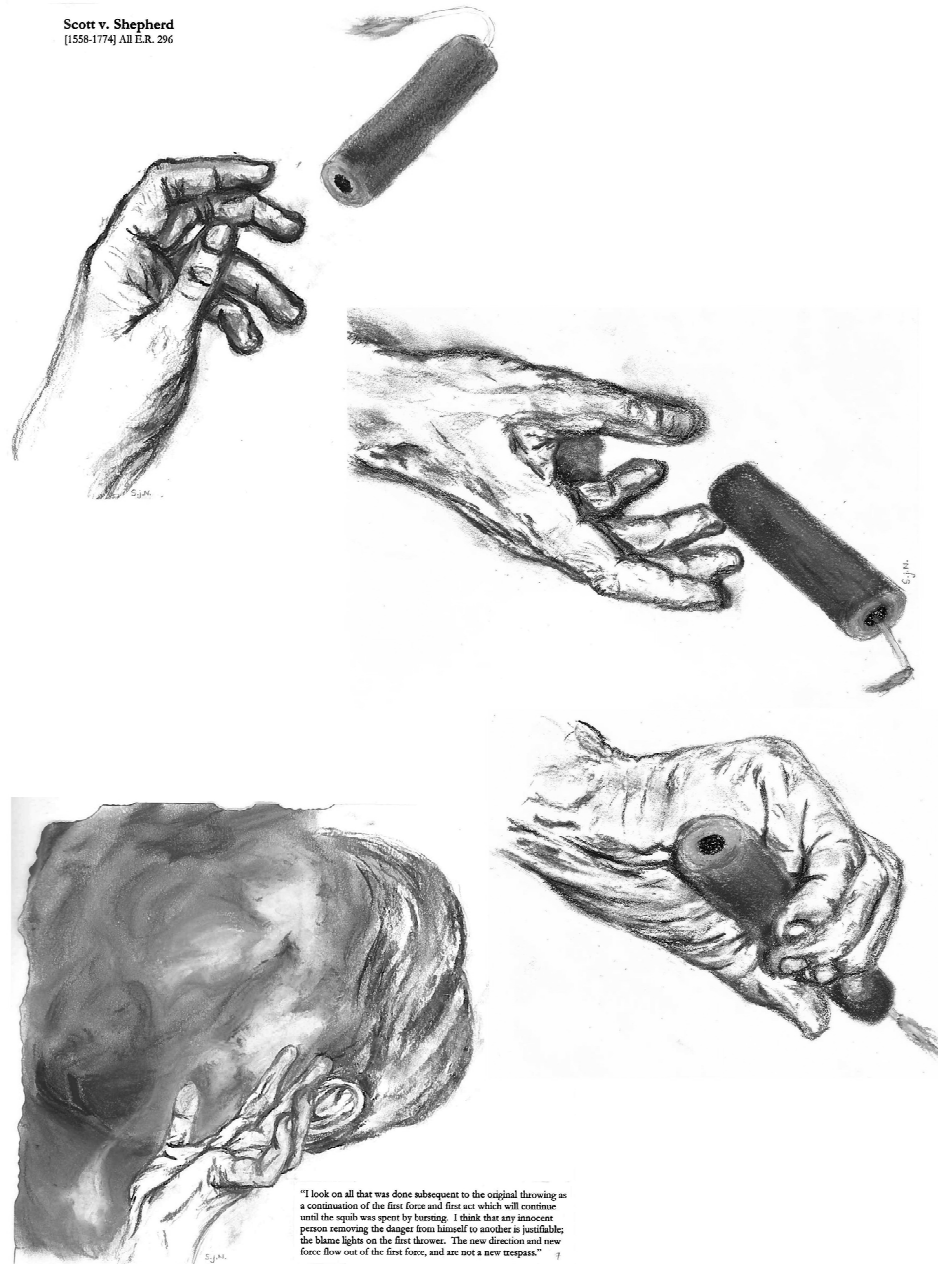


Figure 2. Composite from *The Handbook of Tort Law* by Sarah-jane Nussbaum.

Sample Artist's Statements

In this section, we provide excerpts from the artists' statements to convey a sense of the ways in which students created their projects and coupled their creative efforts with legal understanding.

Todd Lucyk, Mike Proudfoot, and Anita Thompson (Propopoly)

[W]e decided to incorporate principles of Property Law into a game that is, essentially, all about the transfer and exchange of property. . . . Trying to make

consistent rules that do not erode the foundation of the game, while correctly applying principles of Canadian property law, was much more of a challenge than we anticipated. . . . We chose to base the game on locations and themes within Saskatoon. . . . Most of us had barely even been here before getting into school. Since moving here, Saskatoon has exceeded all of our expectations. Doing the local research required to base a game on a city that is unfamiliar to us was a way to discover a new place and further interact with the city that grows on us more and more every day. Overall, we found the entire experience very rewarding. It was an avenue to review our notes and apply the rules in hypothetical, analogous situations. We think this helped to deepen our understanding of the law.

Sarah-jane Nussbaum (The Handbook of Tort Law)

For my study of *Scott v Shepherd*, which represents the introductory concept of intent, or more specifically transferred intent, I used charcoal, conté and chalk pastel. I drew the hands in charcoal and conté and then highlighted the squib and the explosion with the use of chalk pastel. This captured the feature that one squib was tossed by the original thrower to others and ultimately exploded in another's face. The squib and the explosion become vibrant and central to the illustrations. The burned edges of the paper help to emphasize the explosion. . . . By engaging with each of these cases through artwork, I spent time reading, understanding and reflecting on the case law and then synthesizing it into illustrations that capture important facts and rulings and that connect these with humanity. The presence of humanity in all of the cases was reflected through the recurring images of hands. The positions of the hands are forceful, playful, protective, strong, tentative and deliberate, expressing the involvement of human actors that are central to each case of law.

*Andrew Squared (One Tort Day)*⁴

When Andrew and I first met, we were really excited about the possibility of learning and reflecting on tort law in a way that was completely original and through an unconventional medium. We chose to do a rap song to try to show that they can be more than just sexist, unintelligent, and materialistic. At the same time we wanted to use some of the strengths of this medium, such as the narrative component, humour, and imagery created by similes to get our point across.
—Andrew Restall

I found that composing the music for Andrew's writing required that I approach the material from a thematic and more personal perspective than I had been accustomed to. Rather than simply consider the intellectual ramifications of both

⁴ This collaborative project, a professionally recorded rap song, can be heard or downloaded as an MP3 file from the "student projects" page on the website of the University of Saskatchewan's Gwenna Moss Centre for Teaching Effectiveness: http://www.usask.ca/gmcte/stories/student_projects.

the fact scenario and the legal analysis he had formulated, I was required to consider the thematic and emotional dynamics that would best represent the ideas from a musical perspective. This was perhaps something more akin to “feeling the law in your bones,” as our professor put it one day in class.

— Andrew Dickson

Assessing the Students’ Work

In the second pilot year, our attention shifted to refining the assessment method, which, in the project’s first year, had been rather impressionistic. The students’ preference for a clearer understanding of how the project would be assessed was highlighted in the informal feedback from those who had completed the project during the initial year as well as from those who had contemplated submitting, but had ultimately decided not to complete the project. Dissatisfaction with information about assessment was also expressed in the survey. General statements about creativity and legal analysis being weighted equally were not seen as providing sufficient guidance. Students wanted more precisely formulated expectations. Thus, in the second year, we drafted a rubric and shared it with the students prior to the project deadline. In a perfect world, we would have had this rubric ready at the outset of the year, but it took time for us to develop a common vision for it.

Our decision to share the rubric with the students was motivated by best practices in teaching and learning. In particular, the importance of aligning desired learning outcomes with learning activities and standards for assessment is well recognized (see, for example, Biggs & Tang, 2011; Shuell, 1986). Likewise, being transparent with students about expectations and standards for success is often highlighted as a best practice because this information reassures students that they will be treated fairly by professors.

We also drafted the rubric with an eye to building the case for incorporating a creative component in the first-year curriculum on a permanent basis. Such a change would require approval of Faculty Council. While some student representatives sit on Faculty Council, the majority of members are faculty who, like us, were schooled in methods for learning the law in environments that placed more emphasis on case-based reasoning than on innovation and creativity. A rubric showing that student success would be measured by engagement in the law and legal reasoning, albeit through creative means, *as well as* an accurate and critical understanding of substantive law, would be difficult to dismiss as without merit in legal education.

The complete rubric is shown in Table 1. The final content of the rubric drew on our practices as experienced law professors, particularly in relation to our standards for being able to demonstrate substantive legal knowledge. We were also inspired, though, by a number of existing rubrics for assessing art, creativity, critical thinking and other learning outcomes (Clarke College, 2007; Deviant Art, n.d.; Stevens & Levi, 2005; Washington State University, 2006). In addition, our own grade descriptors (University of Saskatchewan, 1986), which state the expectations of student ability at each grade level, influenced the final rubric. We chose the descriptors *beginning*, *developing*, *competent*, and *exemplary* because they each offer some level of positive reinforcement, and we chose four equally weighted dimensions—two relating to artistic merit and two to legal knowledge or law studies—as comprising a manageable assessment exercise.

Table 1
Rubric for Assessing a Creative Component in First-Year Law

	Beginning	Developing	Competent	Exemplary
Composition, design, or craftsmanship	Shows little effort or understanding of the chosen medium. Displays little or no attention to detail, neatness or a professional presentation.	Shows effort, but unsuccessfully demonstrates understanding of chosen medium. Displays inconsistent attention to detail, neatness or a professional presentation.	Shows a somewhat successful and generally purposeful composition or design that engages its intended audience. Displays adequate attention to detail, neatness and a professional presentation, with a need for some revision.	Shows a compelling, confident and innovative composition that incorporates dynamism, sensitivity or subtlety, as appropriate. Displays impeccable attention to detail, neatness and a professional presentation, perhaps indicating enthusiastic revision or reworking.
Creativity, originality	Lacking in individuality; may be largely copied from another source. Shows little or no evidence of creative curiosity. Lacks a clear intention in use of chosen medium.	Is largely referential to another's work. Shows a simple, predictable and/or stereotypical approach to ideas and form. Needs an innovative touch.	Demonstrates evidence of personality and creativity. If referential to another's work, shows variation from it. Explores and experiments with the unique characteristics and potential of chosen medium or media.	Is highly expressive and shows a clear personal signature. Displays an imaginative, personal and unique interpretation. Experiments and takes risks with chosen medium.
Substantive legal knowledge	Contains significant errors or omissions in interpretation or description of the law.	Description or interpretation of the law is somewhat incomplete or confused.	Accurately and completely describes or interprets the law.	Accurately and completely describes or interprets the law. Demonstrates understanding of inconsistencies, ambiguities or nuances in law.
Engagement with law or legal studies	Does not choose a meaningful subject or issue. Displays little or no depth in analysis of subjects or issues.	Attempts to explore meaningful subject or issue, but is only partly successful. References, conclusions, or critiques of the subject or issue are obvious and simplistic. Deals with a single perspective and fails to discuss others' perspectives.	Chooses meaningful subject or issue, potentially from multiple perspectives, but engages challenging ideas tentatively. Acknowledges broader context in which the subject or issue is situated or its ethical dimensions.	Chooses meaningful subject or issue, potentially from multiple perspectives, but persuasively articulates own view. Examines broader context in which the subject or issue is situated and/or ethical dimensions of the subject.

Survey and Results

We surveyed all 30 students who had submitted a creative project and who were still registered in law school at the time of the survey.⁵ Of these, 23 responded. The survey, reproduced in the Appendix to this article, consisted of two parts. The first part had four open-

⁵ One of the students was no longer in law school, and two had transferred to another law school.

ended questions to which we invited students to respond in any manner they chose. The second part contained a set of nine statements that students were asked to rate on a 5-point Likert scale, 1 being “strongly disagree” and 5 being “strongly agree.” We presented the open-ended questions first so as to try not to influence students’ responses to the statements in the second part.

The survey was designed to elicit comments on why students chose to complete the project and what benefits, if any, they thought they had received from having a creative option during their first year of law school. As mentioned, our Faculty Council approved the creative component as a pilot project. Therefore, the questions were also designed with an eye toward building a case that longstanding assessment practices should be modified. In anticipation of making such a case, we hoped to also gather feedback on how the experience of completing the creative component could be improved. While we were open to the possibility that students would respond that the exercise had no value and should not be repeated, we did not expect that response. Informally, students had repeatedly told us that the creative project had been worthwhile and was often a highlight of first year.

The questions mirror the project’s expected learning outcomes. The creative project was designed to build student excitement and interest in tort and property law and offer an opportunity to more deeply engage with the content. We also knew that for some students who were struggling, incorporating creativity may have broken down barriers to engaging with the legal material. It would thus offer an avenue into learning that they seemed to be missing. In addition, we hoped that the creative project would give students a chance to reflect on the law and legal systems more generally. Delivering courses around substantive topics, as opposed to legal problems, for example, gives students a false sense that legal problems fall into neat areas of law. With this project, students have more flexibility and are rewarded when they explore different perspectives and nuances in the law. Finally, we felt that the project would be a welcome change of pace from the more traditional approach to first-year legal studies. It was certainly a welcome change for us as instructors, who are required to assess first-year students based solely on two examinations.

Students expressed a number of different motivations for completing the creative project. Nine indicated that they were attracted to the option because it gave them the opportunity to use existing artistic skills.⁶ Eight were attracted by the novelty of the idea and a similar number said they were motivated by the chance to avoid the high weight attached to the final exam. Three students said that they thought the project would help to understand the relevant areas of law and two saw the project as a way to address issues not sufficiently discussed in class, including indigenous ways of knowing and legal traditions.

When asked to rank whether completing the project positively contributed to their law school experience, the response was overwhelmingly in agreement, with a mean score of 4.8 out of 5. Likewise, an analysis of student responses to the qualitative component of the questionnaire indicates that the project contributed positively to the students’ first-year experience in three principal ways. First, the students said that completing a creative project developed their understanding of either property or tort law as well as Canadian law generally. Second, they said that it helped them to develop practical legal skills that are transferable to subsequent courses

⁶ Although 23 students completed the survey, many students expressed multiple motivations. Thus, as the responses were coded into themes, some responses received multiple codes.

and eventually to legal practice. Third, and rather unexpectedly, some students said that completing the project contributed to a sense of belonging and community within the College, thereby helping with overcoming some of the alienation that students often feel in law school.

In their responses to the open-ended question, a majority of students indicated that the project met or positively exceeded their expectations. This is consistent with the mean score of 3.2 generated by responses to the similar ranked statement. Two students who said that the project did not meet their expectations explained that the amount of time it took was longer than they had expected. The fact that project may have taken more time than students expected was also reflected in the mean score of 3.4 to the statement, “The weight given to the creative component (20% of my grade in Tort Law or Property Law) corresponded with the amount of time that I put into the project.” One of these two students also indicated that he or she had not expected the legal analysis component to be graded as rigorously as it was. That some students felt they had not received enough information about how the project would be evaluated was also reflected in responses to the ranked statements. The statement, “The ‘Rubric for Assessing a Creative Component in First-Year Law’ met my expectations of how I would be graded” received a mean score of 3.9. When asked to describe how this project compared to their expectations, students gave a number of responses. Students had a lot of fun with the project despite finding the work challenging and despite learning more than they expected. They found the work memorable and rewarding as the project offered the opportunity to gain personal insight or to connect with peers and instructors.

When asked how the project contributed to their engagement and understanding of the law, 15 of the 23 students responded that it contributed to understanding the relevant area of law. More specifically, some students reported that through the project, they gained more appreciation for the nuances in the law and were exposed to different perspectives. Similarly, some students indicated that the project presented an opportunity to critically examine the substantive material. At a minimum, it provided an opportunity to review the material discussed in class. Finally, a couple of students explicitly stated that the project assisted in developing practical legal skills, such as issue identification and legal analysis.

The student comments are consistent with the answers provided for the ranked survey statements. The mean score for the statement “I gained a stronger understanding of the law, in general, as a result of completing the creative component” was 4.1. Likewise, the mean score was 4.4 for the statements “The creative component enhanced my knowledge and understanding of a particular area of law” and “The creative component challenged me to apply my legal knowledge.” Finally, the mean score was 4.0 for the statement “By working on the creative component, I strengthened my approach to the study of law,” indicating that students recognized that completing the creative project developed legal skills that were transferable to other courses and potentially to legal practice. As such, these responses help to allay concerns that the students do not experience a worthwhile academic (as opposed to artistic) experience.

Finally, students were asked to discuss how completing the creative component contributed more generally to their law school experience. The answers provided to this question closely correspond to earlier answers and more directly speak to the third motivation for undertaking the project—that completing it contributed to a sense of belonging and community within the law school for some students, thereby countering feelings of alienation. A number of students reported developing a sense of belonging and community around the creative project as completing it became a point of common experience with a subset of the larger class. Students welcomed the opportunity to do a project that accommodated their preferred learning styles or

built upon existing skill sets and expertise. Likewise, three students valued the opportunity for personal expression that they felt was missing in the rest of their first-year experience. This sentiment is reflected in the mean score of 4.6 to the statement, “Working on the creative component provided me with the opportunity to engage with the law in a more personal way.” The project was also a welcome change of pace and a stress reliever for some students.

We recognize that the survey instrument measures students’ subjective evaluation of their experiences with the creative project; it does not attempt to objectively evaluate whether students who did the creative project learned their law any better than those who did not. It would be hard to do such an evaluation and draw statistically robust conclusions, both because of the small number of students involved and the fact that at least some of the students who chose to do the project were also high academic achievers. Also, reducing the exercise to one of determining whether a creative project leads to higher grade point averages would miss some of the essential things that motivated us to do the pilot, such as a desire to engage students more deeply with the law and to show them that they could draw on artistic and other talents that they had brought with them to law school. That said, we would be interested in knowing, from an objective viewpoint, what effects a first-year creative project might have on academic success at law school, a topic that we might take up if the project is implemented on a long-term basis.

Conclusions

A creative project option in first-year law is a non-traditional mode of learning for law schools, which still depend to a great degree on final exams for assessment. As measured by a survey of students who took part in a pilot project in two different courses, such an option can result in greater and more personal engagement with the law, as well as deeper legal knowledge and understanding. An assessment rubric, in which equally weighted artistic and legal dimensions were described, was developed and shared with the students. It helped to set expectations and to give some objective basis for assessing student work. Some students produced work of startling originality, but even those whose work was less original or creative reported benefitting from the option. One of the benefits, not originally expected, was a greater sense of community in the law school, as students talked about their projects or collaborated on them together. Based on our experience with the pilot project, we enthusiastically encourage other law schools to try offering a creative option to their students, and particularly to consider doing so in first-year law.

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Appendix Survey Instrument and Mean Scores⁷

Please indicate the extent to which you agree or disagree with the following statements.

Survey Question	Mean Score
5(a) Working on the creative component provided me with the opportunity to engage with the law in a more personal way.	4.6
5(b) I gained a stronger understanding of the law, in general, as a result of completing the creative component.	4.1
5(c) The creative component enhanced my knowledge and understanding of a particular area of law.	4.4
5(d) The creative component challenged me to apply my legal knowledge.	4.4
5(e) By working on the creative component, I strengthened my approach to the study of law.	4.0
5(f) Completing the creative component was more challenging than I had expected.	3.2
5(g) The "Rubric for Assessing a Creative Component in First-Year Law" met my expectations of how I would be graded.	3.9
5(h) The weight given to the creative component (20% of my grade in Tort Law or Property Law) corresponded with the amount of time that I put into the project.	3.4
5(i) The creative component contributed to my law school experience in a positive way.	4.8

⁷ Students were asked to rate each item on a Likert scale from 1 = *strongly disagree* to 5 = *strongly agree*. The numbers in this column are the mean (average) scores over the 23 students who responded.