

Perspective

**Thinking Outside of The Box!
It Is High Time - Riddance of Archaic Methodology**

The Honourable M. Nawaz Wahla
Judge, Superior Court of the State of Connecticut (Rtd.)
Email: nawaz@wahla.com

“Do not take what I say as if I were merely playing, for you see the subject of our discussion – and on what subject should even a man of slight intelligence be more serious? – namely, what kind of life one should live” Socrates

* The overarching objective of this opinion piece is endlessly learning and adjusting to the challenges of the modern academic world. These observations and reflections are based on first-hand experience teaching three courses: civil procedure, the law of evidence, and legal drafting. Throughout the semester, there was extensive interaction with the students—thrice a week for approximately 3 hours each class. This opinion underscores the importance of thinking outside the box and strictly adhering to the rules, regulations, and university policies in its letter and spirit across the board, whether it pertains to student attendance, assignments, projects, or grading. Also, the opinion touches on the demerits of archaic teaching and offers a few recommendations for fixing it.

The semester has flown away in the blink of an eye. It seems like yesterday flying from New York to Islamabad. My enthusiasm peaked and was entirely driven by *the desire to give back to my birth country* by teaching law as taught in the United States of America – specifically, to those who would never have a chance to go abroad for studies. The underlying desire had been and will always be—*to share my approximately forty (40) years of experience, knowledge, and daily breathing in the life of law in the world's litigious society – the United States of America*. In April 2023, Dr Asif Khan, Head of the Law Department at NUST, came to Washington, DC. We both were judging the JESSUP Competition. We discussed the idea of my teaching Civil Procedures, Evidence, and Legal Drafting for the fall semester of 2023. Despite fierce opposition from family and close friends, I agreed to the proposal. I started preparing the coursework/syllabus and everything needed for the semester.

Article history: Received: January 10, 2024, Revised: February 19, 2024, Accepted: February 25, 2024, Published: June 25, 2024

Copyright License: This is an open-access article under the CC BY license (<http://creativecommons.org/licenses/by/4.0/>).

DOI: 10.51732/njssh.v10i1.183



1. ISSUANCE OF ADVANCED SYLLABUS/TEXTBOOK

I issued the syllabus in advance for all three subjects, at least thirty days (30) before the start of the semester, as we do in the United States. The objective of the advanced issuance of the syllabus is for students to buy textbooks, procure required articles/periodicals, etc., and prepare for the upcoming semester. Despite all my efforts, more than half of the class never bought the textbook until the semester's end. Asking students to bring the required textbook to the class to refer to it while discussing a topic is perceived as placing an unsurmountable burden on them. Moreover, it is not fashionable. What is more attractive and cooler (in a Gen-Zee language) than having only a cell phone? Having nothing else, no pencil, no paper to take notes, is increasingly becoming attractive and fashionable.

The aversion to reading and loathing for books differs from American and Western law students. It equally defies logic. A law student who must deal with nothing else but "lawbooks" has such intensity to not carry and read books. It is frightening and mind-boggling.

2. TEACHING CASE METHOD

When I accepted the offer to teach these courses, it was discussed and agreed that preparing the case method would be significantly beneficial, like in the United States. A typical case method in the US is assigning a textbook to a particular subject, such as civil procedures, evidence, etc. Every week, the students have been allowed to read a certain number of cases spelled out in the syllabus, as noted above.

There is *No Case Book* on any subject in Pakistan. Except for a few law schools in Pakistan, the teaching case method is non-existent. To overcome this issue, I hired a teacher-assistant (TA) to help research the Pakistani cases on relevant topics. Throughout the semester, I distributed those Pakistani cases via email and uploaded them to the LMS (online system).

I brought books from the USA by paying an extra \$500.00 as access baggage. Those books are not available in the Pakistani market. I hoped the Pakistani students would be thrilled and eager to read these books. I circulated a few of those books in the class. I observed the reaction of the class the majority did not even look at these books. – and what to talk about reading them. No matter how strong-willed you are, it could not be more discouraging and draining for those passionate about books and cherish reading and sharing knowledge.

3. THE SOCRATIC METHODOLOGY

The Socratic Method involves a shared dialogue between the teacher and students. The teacher leads by posing thought-provoking questions. Students actively engage by asking questions. The discussion goes back and forth. This teaching method promotes critical thinking in classroom discussions.

Peter Conor, writing for Colorado State University: The Institute for Learning and Teaching¹, noted: Socratic inquiry is not “teaching” per se. *It does not include PowerPoint-driven lectures, detailed lesson plans, or rote memorization. The teacher is neither “the sage on the stage” nor “the guide on the slide.” The students are not passive recipients of knowledge.*

Conor’s article highlights the method of dialogue between the teacher and the students instigated by the teacher's continual probing questions to explore the underlying beliefs that shape the students' views and opinions. From Plato onward, the method has been based on dialectical questioning. An extreme version of this method has been portrayed in the movie “The Paper Chase.” To get to the heart of the ethical dilemmas and principles of moral character, Dr Kingsfield terrorizes and humiliates his law students by painfully grilling them on the details and implications of legal cases.

From a practical standpoint, the optimal utilization of the Socratic teaching method in a law school is assigning cases, law review articles, and leading newspapers’ analytical writings on a particular topic. The given material must be studied before the class, in the student’s own time, i.e., private study time. The class time is exclusively devoted to discussing the assigned material, cases, policies, and reasoning of the judge's decisions. Students actively answer teachers' queries/probing questions and bring their questions for clarification.

The overarching objective of this method of teaching is to foster critical thinking. That is what I had in mind and intended to undertake for the fall semester. But the ground reality was quite different than what I had expected. The teaching is mostly either PowerPoint-driven or reading from a book line by line, and discussion, as outlined above, is non-existent or minimal. There is no model of intellectually challenging the student that would instil curiosity

¹ Colorado State University: The Institute for Learning and Teaching, Teaching Tips, The Socratic Method: Fostering Critical Thinking, by Peter Conor.

and foster critical thinking. Instead, it is a rudimentary and largely archaic way of imparting education. That led me to my following observation.

4. ARCHAIC METHODOLOGY

First, the *archaic* methods must be stopped. The same syllabus year after year should not be acceptable. The school should make a policy that all teachers must provide updated syllabi with the latest textbooks, articles, and case law for their respective subjects.

The syllabus must be provided to the students at least thirty days before the start of the semester. The syllabus must contain the assignment and the readings for each class. The teacher must discuss/engage in question-answer sessions to ensure students perform those tasks and complete the assigned readings. Performing students should be encouraged and rewarded; non-performing students must be penalized. The reward and punishment go hand in hand. This is that simple!

Required Textbooks and recommended textbooks and the distribution of periodicals/articles throughout the semester must be encouraged. Discussion of the latest case law and articles could generate interest and enthusiasm. Provided the students are held accountable for the assigned material. Teachers must be flexible to change the syllabus as needed.

5. READING ASSIGNMENTS /CASE LAW

The sad cultural reality is that students Do Not engage in reading before coming to class. The most likely reason for students not reading before the class is that teachers are not making it a prerequisite. Law teachers must encourage/engage in this teaching method.

A teacher usually comes to class with a PowerPoint/slideshow – and reads from it or the book. There might be some exceptions to this prevalent practice. Such a method is not only archaic but also utterly contrary to Western teaching. These old-fashioned teaching methods have a devastating impact that inhibits “Critical Thinking.”

6. CLASS TIME – AS A DISCUSSION PLATFORM

Having taught at American Law School as a sitting judge, I can vouch that a typical US law student comes to class having read their assignments/case law and articles, etc. The teachers use the class time as a discussion platform.

The teachers are not running through the PowerPoint/slideshow or reading line by line from a book. Law school teaching is premised upon preparing future leaders who would control the country's reins. It is not and must not be a prep class i.e., reading line by line from a book.

Modern law teaching demands that the teachers ask pointed questions such as: what was the underlying legal principle of a case?, why did the trial judge rule?, how did he do it?, what did the appellate court rule in the way it did, and why? Experimenting with this exercise during the fall 2023 semester was utterly draining and painful, to say the least.

Most students will not read assigned case law--recruiting a "teaching assistant" to research relevant Pakistani case law on a particular topic and providing US case law in the form of PDF. emailing well in advance and uploading the same on the LMS did not make any difference, whatsoever! The overwhelming majority of the class resisted reading—a sad fact but dishearteningly true.

No matter how motivated a teacher is, such a student's behaviour will cause a devastating blow, drain, and demoralize any human being. It has come to light that the same class has previously practiced such unbecoming behaviour with few female teachers who left the school for several reasons. Due to lack of accountability, the class has been encouraged and displayed continued recklessness. The key is accountability. Those who do not do their fair share--do not read or participate in discussions/exercises/quizzes—get the grade they deserve. It can be argued that if the students are not inclined to read, how could a teacher motivate them to engage in private reading?

It is a tall order to instil and teach motivation. First, culture plays a significant role. If the students are not attuned and encouraged to read from childhood, moulding them would not be easy. As listed below, some traditional advice was not conducive and did not yield desired results.

- Get the most out of the course.
- Consider the goals that relate to the course text and assignment.
- Make it relevant.
- Make it personal.
- Make it interesting.
- Make it required.
- Make it public.

Gosh! How wrong it turned out to be. It has been heartbroken beyond words. Or should it be phrased that the fight for change demands sacrifice? Generally, change is hard, and people, specifically students, not only resist new learning methodologies and hard work but turn to be vindictive and resentful. They resort to maligning, degrading, humiliating, and boycotting the messenger of the change – the new teacher, who happened to be me in case. That is what transpired in my classes; I experienced it first-hand in the fall semester of 2023.

7. WRITER’S BRIEF BACKGROUND/DESIRE FOR CONTRIBUTION

Before describing a few other challenges and observations of the fall semester of 2023, I will briefly describe my background for context only. On July 2, 2021, I retired from the Superior Court of Connecticut Judgeship. I practiced law and studied law – as an *unconventional* student. At the age of approximately 34/35 years old, as a young Major in the Pakistan Army, I was fatally wounded in the line of duty, preventing a smuggling operation on the Iranian border while serving in the Mekran Scouts, FC Baluchistan. I lost three (3) of my soldiers. I suffered two gunshot wounds; one stopped half a centimetre short of my heart, and the other shattered my arm. The injury to my arm was so grave that the surgeon on duty at PNS Shifa Hospital in Karachi wanted to amputate my arm. But he was unable to get consent from my wife to sign. My survival was nothing else but a second chance at life.

By a stroke of luck and a miracle from that hospital, I ended up with my wife and three small children, ages 8, 6, and 1, at the University of Texas at Austin School of Law. My wife and I started schooling on the same day – nursing and law. America was foreign, new, and challenging on countless fronts – from childcare to funding education, learning new methods, and *unlearning the old ones*. The new learning processes, which lasted approximately a decade, consequently changed our ‘hard drive’ and outlook on life.

The primary attributes of day-to-day life, i.e., decency, hard work, contribution to family and society at large, leading by example, striving to do more, endlessly seeking ways for personal and professional enhancement and refinement, and giving back, could become one's DNA.

The preceding attributes motivated my teaching at NUST Law School. I will now move on to the next challenge: Class Attendance.

8. CLASS ATTENDANCE

There is no such thing as ‘attendance’ in America. Teaching at Quinnipiac University Law School – it was unthinkable for a student to be late or absent. The teacher will be informed accordingly in case of emergency or unforeseen circumstances. An overwhelming majority of the students would be dying to learn. If a student missed a class, they would try to make up for it at all costs!

Here is the exciting and heroic tale of what happened in the fall semester of 2023: The class is scheduled from 9:00 A.M. to 12:00 Noon. I will ensure standing in the classroom at 9:00 A.M. There will be 5 to 7, or a maximum of ten students present out of 46 on most days. I was advised (unofficially, of course) to take attendance around 9:10 - 9:15 A.M., So I did just that in the beginning.

After one hour, students will start asking for a 15-minute break. I noticed that some would return after the break and keep disappearing from the backdoor. Upon sharing this concern with colleagues, I was advised to take attendance twice, once at the start and once at the end. I tried that one – those ‘savvy students’ focused on attendance only – would come just a few minutes before the attendance.

Another suggestion was to take a surprise quiz. That was tiring, too. This attendance shenanigan is an exhausting, utterly draining, and hugely distracting exercise for a poor teacher.

The general observation is that students were habitually late. Most come to class without paper, pen/pencil, book, or any writing material. The cell phone is not only a fashion but a constant source of distraction for a teacher in the classroom. The reason for using a cell phone is that coursework and assignments can be accessed via a cell phone.

Another reflection is that one-third of the students were absent from every class throughout the semester. If attendance is taken at the beginning of the class, some will disappear after the attendance. Some will start trickling in towards the end if attendance is accepted at the end of the class. They are very strategic about it!

The solution to this issue is that teachers religiously enforce punctuality first for themselves. If the teacher is late, doing it dilly dolly – what would you expect from the students? Teachers must – ‘Lead by Example’ as the cliché goes! Teachers’ accountability comes in the first place.

It is easier for a teacher to hold a violator's feet to fire most fairly and transparently, who himself is a strict observer of the rules, regulations/policies. Those who missed the required 75% mark must NOT be allowed to participate in the exams. *That is precisely what I did.* Nineteen (19) out of forty-six (46) who missed the 75% mark were not allowed to sit for the exams. This was not an easy decision, but it had to be made. This is that simple. Action has consequences!

How Do We Incentivize Law Students in Pakistan for Private Learning and Reading?

Having diagnosed some of our issues, I move on to the last phase: how to fix this mess. I am not using the word "mess" lightly. It is a challenge of unimaginable magnitude and finding feasible incentives for law students in Pakistan to learn/read and excel can be a great way to promote academic excellence and a culture of continuous learning. Here are some ideas to incentivize law students:

Scholarships and Awards

- Establish scholarship programs for top-performing students.
- Introduce awards for excellence in specific legal subjects or research papers.
- Recognize outstanding achievements through certificates or plaques.

Internship Opportunities

- Collaborate with law firms, legal aid organizations, and government agencies to provide exclusive internship opportunities for high-achieving students.
- Ensure that these internships offer practical experience and exposure to different areas of law.

Conferences and Workshops

- Sponsor students to attend legal conferences, workshops, and seminars.
- Encourage participation in moot court competitions and provide financial support for travel and accommodation.

Library Access and Resources

- Ensure students have access to a well-equipped law library with the latest legal publications.
- Provide resources such as online legal databases and e-books to facilitate research and reading.

Guest Lectures and Networking Events

- Arrange guest lectures by renowned legal professionals, judges, and scholars to inspire and educate students.
- Organize networking events that connect students with professionals in the legal field.

Book Clubs and Reading Groups

- Establish law-focused book clubs or reading groups to foster a culture of reading and discussion.
- Provide incentives for active participation, such as book vouchers or small prizes.

Research Grants

- Introduce research grants for students working on innovative legal projects or conducting impactful research.
- Foster a research-oriented environment by encouraging collaborative projects.

Publication Opportunities

- Create a platform for students to publish their research papers or articles.
- Offer incentives for getting published, such as recognition, certificates, or even small cash prizes.

Technology and Innovation Competitions

- Organize competitions related to legal technology and innovation.
- Reward students who produce creative solutions to legal challenges.

Mentorship Programs

- Pair students with experienced mentors in the legal field.
- Provide opportunities for networking and guidance through mentorship programs.

Community Service and Pro Bono Work

- Acknowledge and reward students engaged in community service and pro bono legal work.
- Highlight the importance of social responsibility and ethical legal practice.
- We can tailor these incentives to the specific needs and preferences of law students in Pakistan. Combining these strategies can create a holistic approach to incentivizing learning and reading among law students.

How do we develop strategies to promote positive shifts for law students?

Addressing an aversion to private reading among Pakistani law students involves understanding the underlying factors and implementing strategies to promote a positive shift in their reading habits. Some suggestions listed below might be beneficial:

Identify Barriers

Conduct surveys or interviews to identify students' specific challenges in private reading. This could include issues like lack of time, difficulty understanding legal texts, or a preference for interactive learning.

Promote a Reading Culture

Organize reading clubs or study groups where students can discuss legal texts together. This fosters a sense of community and makes reading more engaging and collaborative.

Provide Accessible Materials

Ensure students can access various reading materials in different formats, such as summaries, podcasts, or interactive online resources. This can cater to diverse learning preferences.

Integrate Technology

Leverage technology to make reading more interactive and engaging. Use online platforms, legal apps, or e-books to present legal content in a more accessible and multimedia-friendly manner.

Faculty Engagement

Encourage faculty members to discuss the importance of private reading and share strategies for compelling reading during lectures. Faculty involvement can motivate students to take their reading more seriously.

Assign Relevant and Interesting Readings

Select readings relevant to the curriculum, engaging, and applicable to real-world scenarios. This can spark students' interest and encourage them to engage in private reading.

Time Management Workshops

Offer workshops or seminars on effective time management. Many students may need more time to avoid private reading. Teaching them how to allocate time efficiently for reading can be beneficial.

Reward Systems

Introduce a reward system for students who consistently engage in private reading. This could include recognition, certificates, or even small incentives to motivate them to establish a regular reading habit.

Library Resources and Support

Enhance the resources available in the library and offer support services such as study guides, reading comprehension workshops, or librarian-led sessions on legal research.

*A potential critique of these recommendations could be twofold:

- Too Western – one might argue these ideas are overly Western-focused and unfeasible.
- Funding – where will you get the money for the libraries, research centres, workshops, and books in the country starving for cash?

**I acknowledge that some of these recommendations are Western-originated conceptions, but many are doable in the context of Pakistan, provided we are determined to do it. *Where there is a will – there is a way!* We must innovative and continuously think outside of the box.

9. CONCLUSION

At the risk of repeating ourselves, we must be innovative and continuously think outside the box. We must strive to attract young, motivated, foreign-educated professionals of Pakistani origin to teach short courses, seminars, clinics, etc. Such an endeavour can catalyse change, exchange of ideas, mingling, and practical learning for our students.

Continuously monitor the ever-changing curriculum and syllabus. The archaic, outdated system needs to be revised. Legal education must be cutting-edge, along with highly sophisticated, highly trained, and dedicated law faculty. We must teach and equip our students with the latest skills, like those needed in advanced democracies, which is critical.

The biggest takeaway is “leading by example!” If I, as a teacher, attempt to adhere to rules strictly in their letter and spirit, most likely, it will shape and mould most, if not all, students intuitively.

It is a tall order! However, it is critical and pivotal for maintaining the standards and prestige of the school.

Punishment without fear and favouritism is a tool a teacher must apply as needed. Upon receipt of a disciplinary violation, the university authority should investigate the allegations from a student or a teacher most transparently and call it as it is. The university administration should not budge in favour or

against the teacher or student. This practice will foster confidence in the rules and instil discipline in the NUST community.

The unspoken message is that actions have consequences! The application of the rules in the fairest and transparent manners we must strive for! I will close with Jalauddin Rumi's message: If everything around you seems dark, look again. You may be the light."