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THE POTENTIAL OF MOOT COURTS TO TRAIN COLLABORATIVE PROBLEM-
SOLVING SKILLS IN ONLINE LEGAL STUDIES

MA Thesis

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Abstract

This research investigates if it is mandatory to train students' collaborative problem-solving skills in online legal studies, and if a moot court could be a suitable learning exercise for that. To achieve this aim, various, including interdisciplinary, methods have been applied – an observation, a survey, legal interpretation methods. The main findings are: 1) the current legal framework does not explicitly require training students' collaborative problem solving-skills, however, it is possible to argue that such obligation is implicit; 2) a moot court could be a suitable learning exercise to train students' collaborative problem-solving skills in online legal studies, provided that certain requirements, for example, technological and pedagogical, are fulfilled.

Key words: collaborative problem-solving, moot courts, online legal studies.

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1. Introduction

Collaborative problem-solving most likely is not something that would be mentioned among the first skills which need to be acquired when one thinks of legal studies and the lawyer's profession. One of the most distinguished legal scholars professor Ronald Dworkin has described three particular skills which are trained at law schools:

Lawyers are trained to analyze statutes and judicial opinions to extract legal doctrine from these official sources. They are trained to analyze complex factual situations in order to summarize the essential facts accurately. And they are trained to think in tactical terms, to design statutes and legal institutions that will bring about particular social changes decided upon in advance (Dworkin, 1978, p. 2).

When I think back of my own legal studies, I can confirm Dworkin's description of the key skills which are typically taught at laws schools. Furthermore, I can remember only a few times when there was any kind of a collaborative activity in the study process. In fact, I do not remember any from my bachelor studies, and these few episodes which I do remember took place during my master studies. As a result, if I were asked to describe studying law, I would say that this is a highly individual and independent process. Law students are definitely trained in problem-solving, as lawyers have to solve problems all the time. However, law students mostly are trained to do it individually, and not in collaboration with others.

Keeping in mind the previously mentioned, one might wonder why it is necessary to research training collaborative problem-solving skills in legal studies if these kinds of skills seemingly are not the priority in law schools. In my opinion, there are two arguments in favour of doing this. First, the legal framework which governs the higher education and sets standards for professions actually might implicitly or explicitly require that collaborative problem-solving skills are trained.¹ Second, the job market is changing, and consequently the lawyer's profession is changing as well. It means that lawyers need to adapt to these changes and acquire skills which are required by the contemporary market. Collaborative problem-solving as a 21st century skill is one of such skills (Griffin & Care, 2015).

The next step in outlining the background of the topic of this thesis is to explain the link between training collaborative problem-solving skills and online legal studies. The COVID-19 pandemic undoubtedly has brought many changes and challenges to all levels of education, including academic studies in universities (Adedoyin & Soykan, 2020). The sudden necessity to switch to online studies and the following months (if not years) of an

¹ It is important to note that there is no global, uniform legal framework which would govern legal studies. Each jurisdiction has its own educational system and laws which regulate it. It is therefore not possible to make claims which would be universally valid.

online study process forced everyone to face many challenges and solve many issues. In my opinion, one of the main challenges might have been how to continue ensuring that students can achieve the intended learning outcomes, especially those outcomes which are focused on gaining practical skills. Online legal studies were not an exception.

My personal experience and observations of the study process in a law school in the last two academic years allow identifying two significant issues. First, there were attempts to transplant the usual in-class approach to the study process to the online environment, but it was not successful. Second, students got significantly less chances to train practical skills. These observations made me think about how to ensure that despite the online format of the study process students still would have a chance to achieve the intended learning outcomes set not only for each separate course but the for the whole study program. Furthermore, the longer it was necessary to keep the online study process, the more urgent this issue became. In the first weeks of the pandemic when everyone was still hopeful that this would end soon, it did not seem that few weeks of online studies would leave significant implications on the study results. Consequently, the main focus was on ensuring that the study process can continue at all, not on contemplating its characteristics and specifics. However, as it soon became clear that the online study process would have to be continued for an unforeseeable time, all sorts of issues had to be identified and solved. One of those issues was how to ensure that the learning outcomes, including those which are orientated towards gaining practical skills, could still be achieved (see also Ratniece (2022)).

The previously mentioned leads to the final element of the topic of this thesis, namely, moot courts and their role in training collaborative problem-solving skills in online legal studies. It could be argued that one of the most typical learning exercises which are used in legal studies and which train problem-solving skills is solving a fictional legal case (*casus*). It can be done individually (and then it usually takes place in writing) or it can be done in a team (and then it can take place in a form of a moot court and becomes an exercise focused on collaborative problem-solving skills). If both of these options can successfully be used in a traditional in-class study process, it is not so easy when the studies take place online due to the characteristics of an online study environment and challenges related to maintaining the level of interaction in online courses (Smith & Winking-Diaz, 2004). As the learning outcomes are always the same regardless of the study format, it is necessary to consider if solving fictional cases could still be used even if the study process takes place online. Consequently, it is necessary to examine if moot courts could be used as a learning exercise in an online study environment in order to train collaborative problem-solving skills.

2. The Theoretical Background of the Thesis

This chapter will describe the key elements of the theoretical background of the thesis. At first, the concept of collaborative problem-solving will be described. It will be followed by an outline of a moot court as a learning exercise and how it is organized and conducted. At the end of this chapter, the research problem, aim, objectives and research questions are listed.

2.1. Collaborative problem-solving - a 21st century skill

Several commentators have described collaboration and problem-solving as 21st century skills (Siddiq et al., 2017; van Laar et al., 2017). At the same time, other commentators have combined these skills and have referred to “collaborative problem-solving” as one of the 21st century skills (Graesser et al., 2018). For the purposes of this thesis, I will use these concepts together, i.e., in order to describe the concept of “collaborative problem-solving” I will *inter alia* look into the separate concepts of “collaboration” and “problem-solving”, assuming that if the individual elements of “collaboration” and “problem-solving” are combined, then it leads to the concept of “collaborative problem-solving”.

Collaborative problem-solving is one of the main elements of this thesis, and it forms the theoretical background of the thesis. It is therefore necessary to determine what this concept means and what kind of learning exercises qualify as exercises which might potentially train students’ collaborative problem-solving skills. I will do this by reviewing the relevant literature. I will start with focusing on the meaning of the concept of “collaborative problem-solving”, and then I will proceed with determining the criteria which need to be fulfilled in order to qualify a certain learning exercise as a collaborative problem-solving exercise. The outline of the theoretical background will end with a brief description of a moot court as a learning exercise.

2.1.1. The meaning of the concept of “collaborative problem-solving”

Pursuant to Graesser et al. (2018), there are two main theoretical frameworks for collaborative problem-solving: 1) the PISA 2015 Collaborative Problem-Solving Framework; and 2) the “Assessment and Teaching of 21st Century Skills”. These two theoretical frameworks form the basis of the understanding what collaborative problem-solving means.

Within the PISA 2015 Collaborative Problem-Solving Framework the concept of “collaborative problem-solving” means

the capacity of an individual to effectively engage in a process whereby two or more agents attempt to solve a problem by sharing the understanding and effort required to come to a solution and pooling their knowledge, skills and efforts to reach that solution.” (OECD, 2017, p. 134).

This definition allows to identify several elements which could be considered as mandatory characteristics of collaborative problem-solving. These elements are: 1) two or more agents; 2) a problem which needs to be solved; 3) the agents need to share the understanding and effort; 4) the agents need to combine their knowledge, skills and efforts. Furthermore, these elements might be used for determining if a certain learning exercise qualifies as a collaborative problem-solving exercise. For example, if there is only one “agent” (e.g., a student), the exercise might be a problem-solving exercise, but there will not be the element of collaboration. Also, even if there are two or more “agents”, but there is not a problem to solve, then this would be just a collaborative activity, and not a collaborative problem-solving exercise.

In order to understand the concept of collaborative problem-solving under the PISA 2015 Collaborative Problem-Solving Framework, one might look at the tasks which were used in order to assess collaborative problem-solving skills. Under this framework, computer-based assessment tasks were used (OECD, 2017). Stadler et al. (2020) attempted to assess the validity of the collaborative problem-solving tasks under the PISA framework and confirmed their validity. This, however, does not mean that there could not be other tasks (not computer based tasks) which could be used for the purpose of training and/or assessing collaborative problem-solving skills.

Within the framework of the “Assessment and Teaching of 21st Century Skills”, collaborative problem-solving has been defined as “approaching a problem responsively by working together and exchanging ideas” (Hesse et al., 2015, p.38) and “joined activity where dyads or small groups execute a number of steps in order to transform a current state into a desired goal state” (Hesse et al., 2015, p.39). If this framework is compared to OECD’s framework, one can conclude that the definition of the collaborative problem-solving is not so concrete, and it allows various interpretations. For example, “working together and exchanging ideas” is not necessarily a process of problem-solving. This could be a discussion between two students, and, in my opinion, this does not qualify as collaborative problem-solving. The other description - “joined activity where dyads or small groups execute a

number of steps in order to transform a current state into a desired goal state” (Hesse et al., 2015, p.39) – is more precise, and it sets more clear boundaries for the concept.

2.1.2. Criteria for a learning exercise to qualify as a collaborative problem-solving exercise

The first questions which must be answered is whether training collaborative problem-solving skills require learning exercises which are specifically designed for this purpose. Within the framework of the “Assessment and Teaching of 21st Century Skills”, Care et al. (2015) offer distinction between content-free and content-dependent tasks.

Content-free tasks do not demand any prerequisite knowledge such as might be taught in traditional school-based subjects but rely on the application of reasoning. Content-dependent tasks draw on skills and knowledge derived from curriculum-based work (Care et al., 2015, pp. 85-86).

Taking into consideration that during a study process at a university it would be more probable that a content-based learning exercises are offered, this allows concluding that this *per se* is not an obstacle for a learning exercise to be qualified as a collaborative problem-solving exercise. This means that lecturers could create learning exercises which fulfil both functions – allow the students to obtain the relevant academic content and to train collaborative problem-solving skills.

Laal (2013), referring to Woods and Chen (2010), Johnson et al. (1990, 1994), has listed five criteria which need to be fulfilled for a learning exercise to be qualified as a collaborative learning exercise. These criteria are:

- 1) Clearly perceived positive interdependence;
- 2) Considerable promotive interaction;
- 3) Individual accountability and personal responsibility to achieve the group’s goals;
- 4) Frequent use of the relevant social skills;
- 5) Frequent and regular group processing (Laal, 2013, p. 1434).

It is important to note that these criteria are cumulative, i.e., all of them have to be present to qualify a certain learning exercise as collaborative learning exercise.

Graesser et al. (2018) offer four elements which characterize collaborative problem-solving: 1) there is a group which has to solve a novel problem; 2) the team members can see and evaluate the quality of the solution; 3) the roles are differentiated among the team members; 4) there is interdependency among the team members. (Graeser et al., 2018, p. 61) If these elements are compared to the ones offered by Laal (2013), one can see that interdependency is a common element.

Under the PISA 2015 Collaborative Problem-Solving Framework (OECD, 2017), collaborative problem-solving tasks are tasks which “provide time-constrained collaborative

activities requiring ground rules for taking actions, and they establish and maintain both shared understandings and team organisation”. (OECD, 2017, p. 24) As examples, the PISA 2015 Collaborative Problem-Solving Framework indicate 1) consensus building; 2) jigsaw; 3) negotiations (OECD, 2017, pp. 23-24).

Comparing and analysing all the previously mentioned criteria allows determining the key criteria which have to be fulfilled for a learning exercise to be qualified as collaborative problem-solving exercise. These criteria are: 1) two or more agents; 2) existence of a problem which needs to be solved; 3) the problem cannot be solved individually; there needs to be collaboration; 4) there are rules and a time limit. In order to determine if there is collaboration, Laal’s (2013) five criteria can be used.

2.2.A moot court as a learning exercise in legal studies

Commentators have been writing about moot courts as learning exercises in law schools for a long time. One can find publications from the beginning of the 20th century, and even older ones (Van Veen, 1924; Craig, 1913; Reeves, 1892). It can therefore be stated that a moot court is a well-known exercise in legal studies. However, it is important to note that nowadays moot courts might be more known because of different moot court competitions among law schools all around the world (e.g., “*Philip C. Jessup International Law Moot Court Competition*” and “*The Willem C. Vis International Commercial Arbitration Moot*”), not because of them being used as a learning exercise in a study process. Nevertheless, it is possible to assume that they are still frequently used as learning exercises in a study process (regarding a general overview of the use of moot courts in online legal studies see Ratniece (2022)).

A moot court essentially is a simulation of a court proceeding. Students (who usually work in teams) are given a fictional case (*casus*) which contains certain legal problems. Teams then need to research the case and prepare to present the legal issues on behalf of the assigned position (e.g. a claimant or a respondent). Students have to act as legal counsels and participate in a fictional court proceeding. Collaborative problem-solving skills are crucial in this activity (especially in international moot court competitions), because usually it is impossible to successfully do this task on one’s own (For a detailed description of the rules of an international moot court see e.g. the rules of the 29th “*Philip C. Jessup International Law Moot Court Competition*” (Annual *Willem C. Vis International Commercial Arbitration Moot*, 2021/2022).).

Pursuant to the previously outlined distinction between content-free and content-dependent tasks, a moot court is a content-dependent task. A moot court requires students to apply their knowledge, skills and competencies which they have acquired in their studies. It is of course true that during a moot court students learn as well. They might even acquire new knowledge and skills. However, to a large extent students use what they have already acquired. Due to this, it would not really be possible to organize a moot court for the first-year students on the first day of their studies or even during their first semester. Martineau (1981) has expressed a similar opinion on the first-year law students in the United States.

Regarding the typology of problems, it is possible to observe that the process of a moot court contains several types of problems. First of all, students need to solve a legal case. Pursuant to Jonassen (2000), this is the case study type of problems. Secondly, students need to make decisions on how to present this case. They face decision-making and strategic performance types of problems (regarding the typology of problems see Jonassen (2000)).

Subchapter 5.2 of this thesis will elaborate on why a moot court can be qualified as a collaborative problem-solving exercise.

2.3. The problem, aim, objectives and the research questions

The central problem of this thesis is the difficulty to train collaborative problem-solving skills in online legal studies. There is a lack of in-depth research in this area, and thus this thesis aims to initiate an academic discussion about this topic and contribute to filling the existing gap. This is a very topical problem, and it will be relevant even after the current pandemic will end. For example, pursuant to art. 4.4. of the Cabinet of Ministers regulations No. 111 “The Procedure for Organizing and Implementing Distance Learning”, higher education institutions in Latvia will be allowed to organize the study process distantly (online) up to 50% of the total number of contact hours (Cabinet of Ministers, 2022). It means that it will be necessary to continue developing learning exercises which are suitable for online legal studies.

The aim of this thesis is to investigate if a moot court could be a suitable² learning exercise in order to train students’ collaborative problem-solving skills in online legal studies. In compliance with the aim, the following research questions have been set:

² The criteria for “suitability” have been described in the third part of the thesis “Methods”.

1. What is the legal interpretation of the Latvian Qualifications Framework levels 6 (bachelor level) and 7 (master level) descriptors and other relevant legal norms, and does it allow concluding that it is mandatory to train students' collaborative problem-solving skills during online legal studies?
2. Could a moot court be a suitable learning exercise for training students collaborative problem-solving skills during online legal studies?

In order to achieve the aim and answer the research questions the following objectives have been defined:

- 1) to describe the concept of collaborative problem-solving and provide its theoretical background;
- 2) to outline the key characteristics of a moot court as a learning exercise which is used during legal studies;
- 3) to interpret the relevant legal norms in order to determine if it is mandatory to train collaborative problem solving skills during legal studies in general and online legal studies in particular;
- 5) to survey lecturers who have experience with teaching law online and inquire about their opinions towards training students' collaborative problem-solving skills during online legal studies in general, and using a moot court as learning exercise for this purpose in particular;
- 6) to observe at least one online moot court in order to describe potential practical and technical challenges related to using a moot court as a learning exercise in online legal studies.

This is qualitative research. In order to achieve the aim of the thesis and provide answers to the set research questions the following research methods are applied: 1) an observation of moot courts during a study course; 2) a survey of university lecturers. This thesis provides an interdisciplinary perspective as well. In order to determine if it is actually mandatory to train collaborative problem-solving skills in legal studies, the relevant legal framework is analysed by interpreting the relevant legal norms. The third chapter of this thesis elaborates on the methodology.

3.Methods

3.1.Research Design

Due to the nature of the research questions and the aim of the thesis, this research has been designed as qualitative research. The research design follows the approach of a case study and its key design elements (Tomaszewski et al., 2020). Rashid et al. (2019) have indicated that

[c]ase study research consists of a detailed investigation, often with empirical material collected over a period of time from a well-defined case to provide an analysis of the context and processes involved in the phenomenon (Rashid et al., 2019, p. 5).

Within the framework of this research, the “case” which is being investigated is the use of moot courts in online legal studies. The empirical material used for the investigation will be data obtained via an observation of online moot courts (see subchapter 4.2 of this thesis) and a survey of university lecturers (see subchapter 4.3 of this thesis).

In addition to the case study approach, this research has an interdisciplinary perspective as well (as the first research question is a legal question and thus requires legal research and application of legal interpretation methods,). In order to answer the first research question, the relevant legal framework will be interpreted (as described in subchapter 3.1. of this thesis). Due to the formal requirements regarding the length of the thesis, the doctrinal legal research method will not be applied.

In order to design an approach for answering the second research question, at first it is necessary to define criteria for a “suitable learning exercise”. The second research question explicitly asks to research suitability of moot courts for training students’ collaborative problem-solving skills during online legal studies. For the purposes of this thesis, I define “a suitable learning exercise” as one which has the following characteristics:

1. It complies with technical requirements. This means that it has to be possible to conveniently conduct the learning exercise via the platform in which the online study process take place (e.g., on Zoom).
2. It supports the intended learning outcomes of the particular study course. This means that the learning exercise facilitates reaching intended learning outcomes of the particular study course (despite the fact that the exercise is conducted online).
3. Lecturers see this as a meaningful and valuable learning exercise. This *inter alia* means that they would be willing to conduct it.

The characteristics of suitability are based on the meaning of the word “suitable” (for the meaning of this word see e.g. Sinclair et al., 1990, p.1464)), its interpretation and application in the particular context of the topic of this thesis.

Commentators have offered several approaches regarding evaluation of suitability of learning exercises (not necessarily in the same context as it is in this thesis). For example, Phumeechanya & Wannapiroon (2014) invited a group of experts to evaluate suitability of learning activities. Dahlan et al. (2010) designed qualitative research and surveyed educational experts and students. However, none of these approaches could be applied in this particular research as they would not address all three of the previously mentioned suitability criteria. It can therefore be concluded that it is necessary to apply a combination of research methods, as no single method could give a complete and in-depth answer to the second research question of this thesis.

Consequently, the research methods chosen for researching the suitability of moot courts as a learning exercise for training students’ collaborative problem-solving skills during online legal studies are: 1) an observation of moot courts during a study course; 2) a survey of university lecturers. An observation as a research method will address the first and the second suitability criteria. The survey will address the second and the third suitability criteria. Each of the two methods will allow obtaining data from different respondents, thus providing more in-depth results and allowing to include more perspectives in the analysis.

Regarding the design of this research, it has to be stated that this thesis does not in any way attempt to research measuring, evaluating or describing students’ collaborative problem-solving skills. The focus is on moot courts and whether they would be a suitable learning exercise for training students’ collaborative problem-solving skills in online legal studies.

3.2. Interdisciplinary perspective – legal interpretation methods

Even though many commentators have described the importance of collaborations skills in general and collaborative problem skills in particular in the contemporary job market (Griffin & Care, 2015; Sjølie, Strømme & Boks-Vlemmix, 2021), their findings are not legally binding. It means that even if academics or professionals highlight the positive aspects of incorporating collaborative problem-solving skills in the educational process and explicitly or implicitly encourage educational institutions to do that, universities are not obliged to follow these recommendations or suggestions. It is therefore necessary to research the existing legal framework in order to determine if it is mandatory to integrate collaborative problem-solving

skills in university studies. In order to do that, it is necessary to analyse the relevant legal framework. This *inter alia* requires interpretation of the relevant legal norms, and this means that legal interpretation methods need to be applied. As mentioned in the introduction of this thesis, this research focuses on Latvia, therefore the relevant legal framework of Latvia is analysed. Consequently, it is necessary to use these legal interpretation methods which are used when interpreting the national laws of Latvia.

Article 17(1) of the Administrative Procedure Law of Latvia (Saeima, 2001) lists four interpretation methods which are commonly known and applied (in Latvia and also in the civil law legal system to which Latvia belongs), and which are often described as “the Savigny’s classical canon of interpretation” (Brugger, 1996; Brugger, 1994). These methods are: 1) grammatical; 2) systemic; 3) teleological; and 4) historical. Pursuant to article 17(1), the grammatical method means “ascertaining the meaning of the legal provision linguistically”; the systemic method – “ascertaining the meaning of the legal provision in relation to other legal provisions”; the teleological method – “ascertaining the meaning of the legal provision on the basis of a useful and equitable purpose which is to be attained pursuant to the relevant legal provisions”; and the historical methods – “ascertaining the meaning of the legal provision, considering the circumstances on the basis of which it has been created” (Saeima, 2001; see also Neimanis, 2004, pp. 146– 156). As it has been indicated by Neimanis (2004, pp. 157-158), all methods have to be considered when interpreting a legal norm.

As legal research to some extent differs from research done in other social sciences, this subchapter does not include elaboration on data collection, sampling and data analysis, as these elements usually are not described in legal research.

3.3. An observation of moot courts during a study course

An observation is one of the methods of gathering data, and it is used “to discover theory” (Gray et al., 2013, p. 180). Within the framework of this thesis, I conducted three observations of an online moot court which took place within a bachelor level study course “International Sales Law” at the Riga Graduate School of Law. Each observation was followed up by a questionnaire to the students who participated in the observations in order to obtain the students’ perspective.

The primary objectives of the observations were to research the technological aspect of online moot courts (i.e., if an online moot court can successfully be conducted via Zoom, if there are any issues related to technologies etc.), and if an online moot court helps to reach the

learning outcomes of the course (and it is thus a justified learning exercise). A supplementary objective of the observations was to identify any elements that would suggest collaboration between the students in a team. The main objective of the follow-up survey which was sent to the observed students was to gain the students' perspective on technological issues as well as collaboration.

As the observed moot courts took place in a study course, it has to be mentioned that the moot court was one of the assignments in which the students had to demonstrate their legal knowledge and skills, not their collaborative problem-solving skills. The students were not directly informed that this assignment might train their collaborative problem-solving skills. The students were not provided with any theoretical information on collaborative problem-solving either.

3.3.1. Sample

In total, there were 28 students in the course within which the observations took place. For the purposes of the moot court exercise, the students by themselves divided into teams (two students in each team), each team was allocated a position (either a claimant or a respondent), and then the teams were paired against each other. As a result, there were seven sessions of a moot court. Taking into account practical issues and circumstances (for example, 1) there was a very short break between moot courts scheduled on the same day; 2) as moot courts took place within scheduled classes, it was necessary to strictly follow the time limits and there was no possibility to extend the time; 3) after the classes in which the moot courts took place I had to switch to other work duties), I was able to observe three moot courts.

The pairs which were observed were chosen by applying the non-probability sampling approach and the purposive sampling method. Guarte & Barrios (2006) define purposive sampling as “randomly selecting units without replacement from the particular section of the population believed to yield samples that will give the best estimate of the population parameter of interest” (Guarte & Barrios, 2004, p. 278). Gray et al. (2013) describe purposive sampling as “judgmental sampling in which the researcher purposely selects certain groups or individuals for their relevance to the issue being studied” (Gray et al., 2013, p. 105). The samples for the observations were chosen based on my estimation of which students would be willing to consent to participate in this research. This did not leave any implications on the research, as before the moot courts took place I could not in any way know how the teams will perform, what they will say, what issues might arise etc.

3.3.2.Data collection and analysis

The online moot courts took place on Zoom, and each moot court lasted for 45 minutes. Archibald et al. (2019) support using Zoom as a tool for collecting qualitative data. Furthermore, as the purpose of the observations was to obtain data from online moots, the fact the observations took place online does not have any negative implications. The data was collected by using a template which was prepared in advance (see Table No.1). The template as an instrument of data collection did not have to be tested or validated in order to check if it would work. As I had observed many moot courts before and as I as the lecturer of the course prepared the moot court assignment for the students, I knew how the moot court would look and what could be expected. Also, it must be noted that the fact that I was the lecturer in this course (and thus I had to not only observe but also evaluate the students) did not leave any implications on the data collection.

Table No. 1 “A template for data collection during observations”

Criteria	Evaluation (Yes / No)	Comments (if any)
Data related to technical and organizational issues		
Were there any issues for any of the students with the Internet connection during the whole time of the moot court?		
Did the team which represented the claimant connect on time?		
Did the team which represented the respondent connect on time?		
Was the quality of the video of the first counsel who represented the claimant good?		
Was the quality of the video of the second counsel who represented the claimant good?		
Was the quality of the video of the first counsel who represented the respondent good?		
Was the quality of the video of the second counsel who represented the respondent good?		
Was the quality of the audio of the first counsel who represented the claimant good?		
Was the quality of the audio of the second counsel who represented the claimant good?		
Was the quality of the audio of the first counsel who represented the respondent good?		
Was the quality of the audio of the second counsel who represented the respondent good?		
Did the first counsel who represented the claimant manage the microphone well?		

Did the second counsel who represented the claimant manage the microphone well?		
Did the first counsel who represented the respondent manage the microphone well?		
Did the second counsel who represented the respondent manage the microphone well?		
Data related to online behaviour issues		
Did all other three students keep their microphones off the whole time while the fourth student was speaking?		
Were there any messages during the moot court in the public Zoom chat?		
Did any of the four students use “Zoom emotions” during the pleading?		
Were the teams polite and respectful towards each other?		
Data related to possible evidence of collaboration during the moot court		
The Claimant		
Did the first counsel who represented the claimant introduce the co-counsel at the beginning of the presentation?		
Was the behaviour of C1/C2 professional while the other team member was speaking?		
Did the students anyhow support each other during the moot court?		
Any additional observations?		
The Respondent		
Did the first counsel who represented the respondent introduce the co-counsel at the beginning of the presentation?		
Was the behaviour of R1/R2 professional while the other team member was speaking?		
Did the students anyhow support each other during the moot court?		
Any additional observations?		
Data related to possible evidence of collaboration during the process of solving the problem and preparing for the moot court		
The Claimant		
Could C1 answer the question about the arguments C2 made?		
Could C2 answer the question about the arguments C1 made?		
Were the arguments harmonious?		
Was it evident that the team had discussed the structure of the presentation before?		
Had the students divided the time and did they stick to that division?		
Any additional observations?		
The Respondent		
Could R1 answer the question about the arguments R2 made?		
Could R2 answer the question about the arguments R1 made?		
Were the arguments harmonious?		
Was it evident that the team had discussed the structure of the presentation before?		
Had the students divided the time and did they stick to that division?		
Any additional observations?		

The abbreviations “C1, C2, R1, R2”, used in the template mean “Counsel for the Claimant 1, Counsel for the Claimant 2, Counsel for the Respondent 1, Counsel for the Respondent 2.” Such template had to be used because of practical reasons as well. As it was not possible to record any of the observations (Riga Graduate School of Law has a strict policy which

prohibits recording classes), it was necessary to ensure that the data could be noted accurately and effectively. The data obtain via observations were categorized pursuant to the categories indicated in the template which was used for the observations.

After each moot court, the participants were sent an online questionnaire (made by using *Google Forms*). The purpose of this supplementary survey was to obtain the students' perspective. The questionnaire contained the following questions:

1. "How would you evaluate your overall collaboration with your co-counsel?"
2. "How many times before today's moot court did you discuss the task (including how to present the case in the moot-court) with your co-counsel?"
3. "Which means of communication did you use to collaborate with your co-counsel?";
4. "Were there any challenges in the collaboration process? If yes, please briefly describe them."
5. "Did you in any way communicate with your co-counsel during the moot court (e.g. by sending messages)?"
6. "Did you feel that you and your co-counsel were each responsible for the success of the team?"
7. "Did you feel that the team could succeed only if both you and your co-counsel succeeded?"
8. "According to your opinion, did this task help you to train your ability to solve problems in collaboration with others?"
9. "Did you in any way try to support and / or motivate your co-counsel during the preparation for the moot court and / or during the moot court itself?"
10. "According to your opinion, could you have solved the case and presented it in the moot court equally well if you had worked on your own (i.e. done the task individually instead of collaborating)?"
11. "During the moot court, did you feel that you are working as a team together with your co-counsel even though the moot court took place online and you were not at the same location?";
12. "Were there any technical challenges during the moot court (e.g. problems with the Internet connection)? If yes, please briefly describe them."
13. "Based on your overall experience, would you recommend using moot courts as a learning exercise in online legal studies?"
14. "In case you have any additional comments regarding your experience with today's moot court, please indicate them here.

All questions were mandatory.

3.4.A Survey of university lecturers

A survey is one of the data collection methods in qualitative research. The aim of the survey conducted within this research was to obtain opinions of university teaching staff members about moot courts and their use in the study process (in the context of collaborative problem-solving), as well as to inquire about their attitudes towards moot courts. Murad et al. (2021) used a survey as a tool for data collection in qualitative research for similar purposes – to inquire about teachers' attitudes towards a certain issue, and the survey conducted within this research follows a similar approach.

3.4.1. Sample

The respondents were chosen by applying the non-probability sampling approach and the purposive sampling method. As described earlier, this means “randomly selecting units without replacement from the particular section of the population believed to yield samples that will give the best estimate of the population parameter of interest” (Guarte & Barrios, 2004, p. 278).

The questionnaire was sent to 30 academic staff members of the Riga Graduate School of Law. The respondents were selected based on the following criteria: 1) has taught online; 2) teaches a law course; 3) teaches in the bachelor programmes (those academic staff members who teach only in master programmes were not selected due to the specific nature of master programmes at Riga Graduate School of Law). The selection was based on the situation in the academic year 2021/2022 (meaning that those lecturers who e.g., taught online in the previous academic year 2020/2021, but no longer work for the Riga Graduate School of Law were not included in the list of respondents). Also, occasional guest lecturers were not included either.

It was not possible to involve other universities which have law programmes due to several reasons: 1) it would have been impossible to control and verify who fills in the survey addressed to lecturers (i.e. whether respondents would match the previously mentioned selection criteria); 2) if the size of the sample had been increased, it is highly likely that the response rate would not increase equally.

3.4.2. Data collection and analysis

The data was collected by using an online questionnaire (created in *Google Forms*), and it was anonymous. The questionnaire was distributed via e-mail on the 14th of March 2022. Afterwards, several respondents in personal communication were individually asked if they have already filled in the questionnaire, and (if they had not filled in) if they could do that.

The survey consisted of seven questions:

1. Have you ever taught any of your courses fully or partially online?
2. According to your opinion, how could a lecturer train students' collaborative problem-solving skills during online legal studies?
3. According to your opinion, what are / might be the advantages of including elements of collaborative problem-solving (e.g., using learning exercises which contain elements of collaborative problem-solving) in online classes?
4. According to your opinion, what are / might be the disadvantages of including elements of collaborative problem-solving (e.g., using learning exercises which contain elements of collaborative problem-solving) in online classes?
5. Have you ever conducted a moot court or used elements of a moot court in any of your online classes?
6. Could you please share your main reason(s) why you have or have not (depending on your previous answer) conducted a moot court or used elements of a moot court in any of your online classes?
7. According to your opinion, could a moot court be a suitable learning exercise for training students' collaborative problem-solving skills in online legal studies? The questions aim to obtain lecturers' opinions and views on certain issues. The survey is original (according to my knowledge, no such survey has been conducted before).

All questions were mandatory.

The data obtained via the survey was organized into categories. An inductive analysis was applied. The categories were developed based on the obtained responses.

4.Results

4.1.Training collaborative problem-solving skills as a mandatory element of legal studies

Article 3(6) of the Law on Higher Education Institutions (Saeima, 1995) indicates that the Cabinet of Ministers is responsible for the description of knowledge, skills and competencies for each level of education. The Cabinet of Ministers Regulations No. 322 “Regulations on the Classification of Education in Latvia” (Cabinet of Ministers, 2017) provide descriptions of knowledge, skills and competencies for each level of education, and this legal act is one of the bases for determining learning outcomes for study programs.

Pursuant to the previously mentioned Regulations, skills which have to be acquired at a bachelor level have been described as follows:

[A student is] [a]ble, by using the mastered theoretical foundations and skills, perform professional, artistic, innovative or research activity, to define and describe analytically information, problems and solutions in one’s own branch of science or profession, to explain them and to provide arguments when discussing these with both specialists and non-specialists. [A student] [i]s able to structure independently one’s own learning, to guide one’s own and subordinates’ further learning and improvement of professional qualification, to demonstrate scientific approach to problem solving, to assume responsibility and take initiative when performing individual work, when working in a team or managing the work of other people, to take decisions and find creative solutions under changing or unclear circumstances (Cabinet of Ministers, 2017).

The grammatical interpretation shows that the description of the skills which have to be acquired at the bachelor level does not explicitly state collaborative problem-solving skills. However, the description does mention problem-solving and an ability to work in a team, and it is possible to interpret this description in a way that the phrase “when working in a team” relates to a student’s ability to “demonstrate scientific approach to problem solving”, i.e., it could be read as follows: “[A student] [i]s able to (...) demonstrate scientific approach to problem solving (...) when working in a team (...)”

Indications to problem-solving can be found in the description of competencies as well. However, collaborative problem-solving again is not mentioned.

[A student is] [a]ble to obtain, select and analyse information independently and to use it, to take decisions and solve problems in the concrete branch of science or profession, demonstrate understanding of professional ethics, assess the impact of one’s professional activities on environment and society and participate in the development of the concrete professional field (Cabinet of Ministers, 2017).

It can thus be concluded that at the bachelor level collaborative problem-solving is not explicitly mentioned. It could be stated that it is only indirectly implied only in the description of the skills which a student needs to obtain.

References to problem-solving skills can be found in the descriptions of the skills which have to be acquired when graduating from a master program:

[A student is] [a]ble to use independently theory, methods and problem solving skills to perform research or artistic activities, or highly qualified professional functions. [A student is] [a]ble to provide arguments when explaining or discussing complex or systemic aspects of the concrete branch of science or professional field both to specialists and non-specialists. [A student is] [a]ble to guide independently the improvement of one's own competences and specialisation, to assume responsibility for the results of staff and group work and analyse them, to perform business activities, innovations in the concrete branch of science or profession, to perform work, research or further learning under complex or unpredictable circumstances, if necessary change them, using new approaches (Cabinet of Ministers, 2017).

Similar to the description of the skills for the bachelor level, there is a rather explicit reference to problem-solving. However, collaborative problem-solving is not mentioned. On the contrary, the description of the skills which need to be acquired at the master level seems to emphasize a student's ability to apply these skills independently. One might argue that the reason for this is the fact that the skills which are obtained in the bachelor level of studies remain when a student proceeds with master studies, and it is therefore not necessary to repeat them in the description of the master level. However, in order to verify this proposal it would be necessary to do additional research.

In order to further interpret the Cabinet of Ministers Regulations No. 322 "Regulations on the Classification of Education in Latvia" (Cabinet of Ministers, 2017) and apply the teleological and historical interpretation methods, it is necessary to *inter alia* examine the drafting history and the purpose of these Regulations. Pursuant to the Annotation (Ministry of Education and Science, 2017) of these Regulations, it was necessary to adopt the classification of education in Latvia *inter alia* in order to ensure compliance with international standards, which in this case are ISCED 2011 and the European Qualifications Framework (EQF). The EQF provides the following description for skills in bachelor level studies: "Advanced skills, demonstrating mastery and innovation, require to solve complex and unpredictable problems in a specialised field of work and study" (The European Union, 2008). The description of the section "Responsibility and autonomy" refers to managing "professional development of individuals and groups" (The European Union, 2008). It is similar with the descriptions of the master level. The skills have been described as "[s]pecialised problem-solving skills required in research and/or innovation (...)". Regarding the section "Responsibility and autonomy", it refers to taking "responsibility for contributing to professional knowledge and practice and/or for reviewing the strategic performance of teams" (The European Union, 2008). So, again, one can see an explicit reference to problem-solving, and no explicit mention of collaborative problem-solving.

ISCED 2011 provides general descriptions of each level of education (UNESCO, 2012). However, these descriptions do not really provide any detailed learning outcomes. ISCED-F 2013 provides classification of the fields of education (UNESCO, 2015), but, again, it does not contain any specific information relevant for this research.

Regarding the drafting history of the Cabinet of Ministers Regulations No. 322 “Regulations on the Classification of Education in Latvia”, it has to be mentioned that the descriptions of the learning outcomes for the study levels were not new (i.e. they had existed before). The previous regulations – the Cabinet of Ministers Regulations No. 990 “Regulations on the Classification of Education in Latvia” (adopted in 2008) contained the same descriptions (Cabinet of Ministers, 2008). It means that the current descriptions of learning outcomes in each study level are already more than 10 years old.

It has to be noted that these descriptions (both national and the EU) are for the higher education (bachelor and master level studies) in general, i.e., they are not for the legal studies in particular. This leads to a necessity to examine other primary sources which would directly or indirectly determine the learning outcomes of legal studies. One of such sources is the official standard for the lawyer’s profession.

The current standard of a lawyer’s profession was approved on the 8th of April 2020 (VISC, 2020). An analysis of the description of the standard clearly shows that problem-solving is one of the key skills in a lawyer’s profession. For example, it is indicated that a lawyer has to be able to give legal aid (VISC, 2020). This inevitably involves an ability to solve problems. Collaborative problem-solving has not been explicitly mentioned. However, there are references to collaboration. For example, a lawyer needs to be able to collaborate with a client, and a lawyer needs to be able to collaborate in general (VISC, 2020). As collaboration as a skill is mentioned in the standard of a lawyer’s profession, one can conclude that it could be extended to collaborative problem-solving. It can be stated that it is common in law offices that a team of lawyers work on one case. So, they inevitably have to solve the case by collaborating.

In order to acquire a lawyer’s qualification in Latvia, one needs to obtain a professional master’s degree in law which *inter alia* requires passing the qualification exam (Cabinet of Ministers, 2019). The exam consists of both theoretical questions and case analysis in each of the main areas of law (Cabinet of Ministers, 2019). The case analysis reflects the need to have problem-solving skills. This once again proves that solving a legal case (*casus*) is one of the most important learning exercises during legal studies.

The analysis of the relevant legal framework in Latvia and interpretation of the relevant legal norms show that it is not explicitly stated that collaborative problem-solving should be incorporated in legal studies. However, it is possible to conclude that there is an implied need to train students' collaborative problem-solving skills in legal studies. Furthermore, as there is no specific regulation for online legal studies, it can be stated that the previous findings and conclusions apply to both in-class and online legal studies.

4.2.Results of the observations of moot courts during a study course

Complete data collection forms of the observations are added in the Appendix of this thesis. This subchapter will present an overview of the results.

Table No. 2 “An overview of the results of the observations”

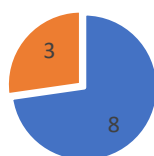
	Technical issues	Online behaviour	Possible collaboration before the moot court - claimant	Possible collaboration before the moot court - respondent	Possible collaboration during the moot court - claimant	Possible collaboration during the moot court - respondent
Observation 1	No serious problems.	No problems.	Criteria (see the Appendix) - yes. No particular additional evidence.	Criteria (see the Appendix) - yes. No particular additional evidence.	Criteria (see the Appendix) - yes. No particular additional evidence.	Criteria (see the Appendix) - yes. In addition – students supported each other with answering the questions.
Observation 2	No serious problems.	No problems.	Criteria (see the Appendix) - yes. Both students had worked on both questions (instead of diving them). It seemed that they had prepared a script.	Criteria (see the Appendix) - yes. No particular additional evidence.	Criteria (see the Appendix) - yes. Effective collaborative "on the spot" solution for a problem which appeared during the pleading. It appeared that the students had forgotten to discuss who would take the rebuttal (and they had not prepared it). They solved it in a way that one student started the rebuttal, and the other continued (thus showing	Criteria (see the Appendix) - yes. No particular additional evidence.

					good teamwork).	
Observation 3	No serious problems.	No problems.	Criteria (see the Appendix) - yes. No particular additional evidence.	Criteria (see the Appendix) - yes. No particular additional evidence.	Criteria (see the Appendix) - yes. One student helped the other with a response.	Criteria (see the Appendix) - yes. Use of language which suggests that students might have felt as one team. For example: <ol style="list-style-type: none"> 1. R1 said: "We [instead of I] would like to emphasize.. ." twice. 2. R2 said: "As my colleague mentioned ...". 3. R2 said: "My colleague (...) went over it...". 4. R2 said: "We think...".

The observations were supplemented with a survey of those students who were observed. In total, 12 students were sent the survey. However, one student chose not to provide answers. Even though the surveys were sent separately to each pair (the questions remained the same, however, the link was different), in the analysis of most of the answers the answers are taken all together. In those questions where it is important to know which pair provided a certain answer, the answers are analysed separately.

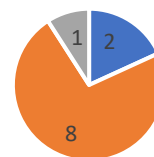
Q1 How would you evaluate your overall collaboration with your co-counsel?

Q2 How many times before today's moot court did you discuss the task (including how to present the case in the moot court) with your co-counsel?



■ Excellent ■ Very good

Figure No. 1 "Results of Q1"



■ Twice ■ 3-5 times ■ More than 5 times

Figure No. 2 "Results of Q2"

Q3 Which means of communication did you use to collaborate with your co-counsel? (E.g. phone, e-mail, WhatsApp, in-person meetings etc.)

The respondents indicated the following means of communication: 1) WhatsApp; 2) phone; 3) Google meetings; 4) Zoom; 5) Discord; 6) in-person meetings; 7) Google document; 8) Telegram.

Q4 Were there any challenges in the collaboration process? If yes, please briefly describe them.



Figure No. 3 "Results of Q4"

Q5 Did you in any way communicate with your co-counsel during the moot court (e.g. by sending messages)?

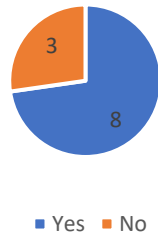


Figure No. 4 "Results of Q5"

Q6 Did you feel that you and your co-counsel were each responsible for the success of the team?



Figure No. 5 "Results of Q6"

It is interesting to note that in one of the pairs one respondent had answered “yes” to this questions, but the other one – “no”.

Q7 Did you feel that the team could succeed only if both you and your co-counsel succeeded?



Figure No. 6 "Results of Q7"

Q8 According to your opinion, did this task help you to train your ability to solve problems in collaboration with others?



Figure No. 7 "Results of Q8"

Q9 Did you in any way try to support and / or motivate your co-counsel during the preparation for the moot court and / or during the moot court itself?



Figure No. 8 "Results of Q9"

Q10 According to your opinion, could you have solved the case and presented it in the moot court equally well if you had worked on your own (i.e. done the task individually instead of collaborating)?

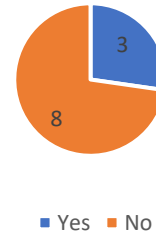


Figure No. 9 "Results of Q10"

Q11 During the moot court, did you feel that you are working as a team together with your co-counsel even though the moot court took place online and you were not at the same location?



Figure No. 10 "Results of Q11"

Q12 Were there any technical challenges during the moot court (e.g. problems with the Internet connection)? If yes, please briefly describe them.

Two respondents had indicated that there were technical challenges: 1) camera on the laptop stopped working; had to use another device; 2) issues with the internet connection.

Q13 Based on your overall experience, would you recommend using moot courts as a learning exercise in online legal studies?



Figure No. 11 "Results of Q13"

Q14 In case you have any additional comments regarding your experience with today's moot court, please indicate them here.

One respondent indicated that: "It was really interesting assignment, I am really happy that it was online, since home office reduces stress during the performance and I feel more free confidently." Another respondent indicated that: "Everything was good." One more respondent indicated that: "For me personally this moot court shows if I'm able to successfully [do] such kind of tasks and do I like them. Also I was interested in the arguments of others, especially of those who have the same position as we ha[ve]."

4.3.Results of the survey of lecturers

The response rate of the survey was 46,6% (N=30). All respondents had answered all questions, and all respondents had confirmed that they had online teaching experience

(pursuant to the Q1 of the questionnaire). As mentioned earlier in this thesis, the responses were analysed by applying the inductive approach. The aim of this subchapter is to present the results of the survey.

Q2 According to your opinion how could a lecturer train students’ collaborative problem-solving skills during online legal studies?

Table No. 3 “Results for the Q2”

Identified categories and examples
<p>Category 1: “The proposed activity is collaborative activity (but not a collaborative problem-solving activity).”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • Using group tasks, group homework. • Give more practical exercises, split into groups to do the exercises. • Students cooperate to comment on legal decisions. • Students discuss [something] in Zoom breakout rooms and then present to the whole group. • Group tasks in breakout rooms. • Group discussions in panels. • Group tasks which can be done during lectures (e.g., in separate Zoom rooms). • To have a good problem which allows discussion and cooperation among students. • Split students into teams and ask to defend different sides of an argument. • Break up the class into smaller groups, give them different but related assignments, and then ask to report the findings.
<p>Category 2: “The proposed activity cannot be qualified as a collaborative problem-solving activity.”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • Involvement of students – a short quiz, a breakout room. • Focusing on ongoing issues (e.g., pending cases, recent case law).
<p>Category 3: “The proposed activity can be qualified as a collaborative problem-solving activity.”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • Use breakout rooms and apply cooperative teaching strategies (jigsaw, think-pair-share, numbered heads. Create assignments which require group work outside classes. • Create teams to work on a specific problem.

Q3 “According to your opinion, what are / might be the advantages of including elements of collaborative problem-solving (e.g., using learning exercises which contain elements of collaborative problem-solving) in online classes?”

Table No. 4 “Results of the Q3”

Identified categories and examples
<p>Category 1: “Improve collaboration skills.”</p>

Examples of respondents' opinions:

- Boosts the ability to work in groups. Online studies often give the student a feeling of being detached from the group, and collaborative problem-solving helps overcome this feeling.
- Learn from each other to discover other perspectives.
- Skills to co-operate.
- Collaboration is one of the key skills that needs to be trained.

Category 2: "Facilitate exchange of ideas."

Examples of respondents' opinions:

- Students can exchange ideas in a more open, relaxed environment.
- Students feel more comfortable to express their ideas. They get to know better fellow students and thus the classroom becomes more helpful, rewarding and comfortable environment for the students.

Category 3: "Improve attention and engagement."

Examples of respondents' opinions:

- Better participation, greater attention to the learning subject.
- Keep the level of attention / engagement high.
- Keeps students engaged with the subject and presence in class.

Category 4: "Prepare for professional career."

Examples of respondents' opinions:

- Prepare students for working in law firms or other entities.
- Learning to collaborate is essential for later success in the workplace. It also adds an interactive element to the course that can be stimulating and contribute to greater appreciation of the material taught.

Category 5: "Develop (collaborative) problem-solving skills."

Examples of respondents' opinions:

- Advantages are the same for both in-person and online classes: develop a methodological approach to problem-solving, which is what, as a rule, lawyers do: solve problems.
- To develop important skills for professional life.

Category 6: "The answer is not relevant to the question."

Examples of respondents' opinions:

- It lets students to discover their own pre-task thoughts of the topic.
- It depends on the level of attention a lecturer gives students. There are different possibilities. Word clouds for instance are more interesting for the instructor to understand the students' degree of understanding; more systems involve a greater time to answer. Short papers allow them to develop their thoughts in a better way.
- Efficiently used online tools allow for technological solutions (e.g., breakout rooms) in which the students themselves or with an involvement of a lecturer can prepare their position without being disturbed by other students / disturbing other students.
- It was easier to monitor students online. I can always peek into their rooms and provide assistance, if necessary, without disturbing other groups. It helps the students not only to work together better but also use technology to their advantage. It was easier and it

takes less time to divide students in random groups. This way they are always challenged to work with somebody they do not know.

Q4 “According to your opinion, what are / might be the disadvantages of including elements of collaborative problem-solving (e.g., using learning exercises which contain elements of collaborative problem-solving) in online classes?”

Table No. 5 “Results of the Q4”

Identified categories and examples
<p>Category 1: “Unsuccessful collaboration.”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • Working, studying and teaching online is more challenging as there is less interaction (in the fullest sense of the word). So, the collaborative problem-solving online has a potential to ending up as an individual problem-solving, where only one / several members of the group actually interact and work, whereas the others are just “present”. • Less active students may be overshadowed by the activity of others or decide to free-ride. • Many students refuse to participate, and they expect all the work to be done by some members of their group.
<p>Category 2: “Reduction of time for teaching.”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • The time it takes from the frontal class. • Including these exercises will lower the time dedicated to other activities (teaching); the problem should be well-designed.
<p>Category 3: “Lower quality of the study process.”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • Maybe, but not surely, low quality or productivity. • The main disadvantage of online classes is the lack of spontaneity, including spontaneous discussions / reflections. Students tend to be less enthusiastic about engaging in discussions in online setting. • As it is true with all meetings online it takes more time to have discussions. Non-verbal communication is also very limited. • If the tasks are too long or too complicated and without teacher’s support and continuous encouragement, then students might give up or lose interest and self-confidence. Otherwise, I do not see disadvantages, as in online format even more you need attention keeping exercises to stay on track with learning process. • Online teaching within this context might have the risks of partiality. In a real room, professor and students are sharing the same scenario and the director (professor) has a full view of actors (students).
<p>Category 4: “No disadvantages indicated.”</p> <p>Examples of respondents’ opinions:</p> <ul style="list-style-type: none"> • None. • Hard to say.

- No answer.
- I frankly do not see any, as long as the collaborative assignments are properly explained and performed.

Q5 “Have you ever conducted a moot court or used elements of a moot court in any of your online classes?”

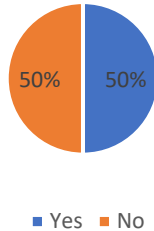


Figure No. 12 "Results of the Q6"

Q6 “Could you please share your main reason(s) why you have or have not (depending on your previous answer) conducted a moot court or used elements of a moot court in any of your online classes?”

Table No. 6 “Results of the Q6 by those respondents who answered “Yes” to Q5”

Identified categories and examples
<p>Category 1: “A moot court as a learning exercise.”</p> <p>An example from the respondents’ opinions:</p> <ul style="list-style-type: none"> • I used it to mime a case discussed before the CJEU. It works only with classes with a limited number of students.
<p>Category 2: “Positive contribution to the study process.”</p> <p>Examples from the respondents’ opinions:</p> <ul style="list-style-type: none"> • I have used elements of a moot court in my online classes in order to make learning more attractive and in order to encourage students to cover larger areas of information as well as to come up with more innovative ideas. • This gives students an opportunity to apply their knowledge in a closely simulated environment and train a broad skill set. Perfect for those students participating. • To show students that the best solutions can be found through discussions.
<p>Category 3: “Fits well in the course.”</p> <p>Examples from the respondents’ opinions:</p> <ul style="list-style-type: none"> • I did it because the specific moot court case was very close to the course's subject. • The course that I taught online was about litigation, therefore it appeared only natural to test the students' skills and to determine areas that require additional work by means of a moot court.
<p>Category 4: “Personal attitude towards a moot court.”</p> <p>An example from the respondents’ opinions:</p>

- | |
|--|
| <ul style="list-style-type: none"> • I am a strong supporter of moot courts but have always associated them with in person/real life experiences ideally in a court room setting. |
|--|

Table No. 7 “Results of the Q6 by those respondents who answered “No” to Q5”

Identified categories and examples
<p>Category 1: “Lack of time.”</p> <p>Examples from the respondents’ opinions:</p> <ul style="list-style-type: none"> • Non availability of time. • Time constraints. • It is time consuming and usually curriculum at universities is very restricted.
<p>Category 2: “Personal attitude towards a moot court.”</p> <p>Examples from the respondents’ opinions:</p> <ul style="list-style-type: none"> • Never had the chance to take part in a moot court training and/or competition. therefore, I have no materials to use in this respect. • I find it more challenging than offline moot courts, so I am conducting online discussion as a substitute. It is harder for the groups to communicate internally (they have to use chats, offline they can just talk), and online the feeling of ‘instant’ reaction is lost.
<p>Category 3: “Does not fit in the study course.”</p> <p>Examples from the respondents’ opinions:</p> <ul style="list-style-type: none"> • Not quite moot court but moot mediation / simulation. Important to have teacher’s presence even though everyone who has observer’s role, including teacher, turns off cameras for moot play to reduce interference. • Not applicable to the modules that I teach as a method of learning.

Q7 “According to your opinion, could a moot court be a suitable learning exercise for training students’ collaborative problem-solving skills in online legal studies?”

Table No. 8 “Results for the Q7”

Identified categories and examples
<p>Category 1: ““Yes”, but with some reservations.”</p> <p>Examples from the respondents’ opinions:</p> <ul style="list-style-type: none"> • Perhaps yes, but this depends on the group. If the students are interested and motivated, they will invest time and effort in a moot court conducted online, if not – such task would not necessarily make the group more active. • It could work but it requires skills to build on what is offered by the students. • Yes, it can be, but the conditions must be ideal, otherwise it could be counter-productive (time-consuming, some lazy students and so on). • Yes, if everything is arranged in advance, roles are well established and there is proper methodology, duly explained to students. • Yes, but not for all legal modules. • Yes, but it would work better as in-person training.

- I presume so, but it will never compete with in-person / real-life experience of a moot court and the excitement that comes with it unless new didactic tools (that could address that shortcoming) are introduced.

Category 2: “A definite “yes”.”

Examples from the respondents’ opinions:

- Yes.
- Definitely.
- For sure, but I am not sure if it should be a separate course or included in general courses.
- Definitely. A moot court can also be held online.
- Yes, certainly.
- Absolutely. Well-designed moot courts appear to be appealing to students and engaging even the most introverted from among them. However, the online setting makes it difficult to fully engage in teamwork, e.g., helping teammates by passing notes / whispering the correct answers or using other collaborative techniques that are allowed according to the rules of the particular moot court.

5. Discussion

The purpose of this chapter is to discuss the results of the research. The discussion is organized as follows – at first, I will discuss issues related to the first research question; then I will proceed with discussing issues related to the second research question. This chapter will end with the conclusions, suggestions for further research, and a brief description of limitations.

5.1. Whether it is mandatory to train students' collaborative problem-solving skills in online legal studies

As indicated earlier in the thesis, commentators have emphasized the importance of collaborations skills in general and collaborative problem skills in particular in the contemporary job market (Griffin & Care, 2015; Sjølie, Strømme & Boks-Vlemmix, 2021). Also, Turner et al. (2016) have stated that: “The law curriculum needs to combine the learning of substantive law with the experience of practice to enhance employability, professionalism and communication skills” (Turner, et al., 2016, p. 3). Devonshire & Brailsford (2012) have suggested that obtaining skills and competencies are an inherent part of legal studies. Gravett (2018) has expressed a belief that “university law schools have an educational responsibility to offer their students instruction in the basic skills of legal representation” (Gravett, 2018, p. 2). Based on the previously mentioned, one might believe that the necessity to develop collaborative problem-solving skills (and other skills which a lawyer needs) would be clearly established in the relevant laws in order to ensure that they are incorporated in curricula. It was therefore necessary to research the relevant legal framework in Latvia in order to verify this.

The research showed that collaborative problem-solving as a skill which should be gained during university level studies in general and legal studies in particular is not explicitly incorporated into the relevant legal acts. Even though by interpreting the relevant legal norms it is possible to conclude that this skill should be trained during university level studies (including online legal studies), this conclusion is rather implicit, and it must be admitted that different interpretations of the law could be provided.

The lack of clear references to collaborative problem-solving in the relevant legal acts does not facilitate training these skills during university level studies. As this research shows,

lecturers are hesitant to include collaborative problem-solving exercises in their classes, as there is not enough time (see chapter 4.3 of this thesis, Table No. 7). If, however, it were explicitly indicated that this is among the skills which have to be developed during university level studies, universities would be obliged to incorporate training these skills in the curricula and the lecturers would be obliged to incorporate in their courses learning exercises which are aimed at training collaborative problem-solving skills. Furthermore, taking into account that there are explicit references to problem-solving (and thus an obligation to train these skills), adding the collaborative element should not be that difficult.

Another issue is that the relevant regulation might have become outdated. Cabinet of Ministers Regulation No. 322 “Regulations on the Classification of Education in Latvia” (Cabinet of Ministers, 2017) was adopted in 2017, and so far, it has been amended twice. However, none of the amendments have concerned the description of the bachelor and master levels (levels No. 6 and 7). It means that the descriptions which were adopted in 2017 are still in force. Furthermore, it should be taken into account that the descriptions which were adopted in 2017 were actually based on the previous version of the regulation which was adopted in 2008. As the research on collaborative problem-solving skills is relatively recent, for example, OECD’s assessment was done in 2015 (OECD, 2017), and Graesser (2018) indicates that it was the first international assessment), it might be necessary to revise the current legal framework and include collaborative problem-solving more explicitly.

Art. 4 of the Law on Higher Education Institutions establishes the principle of autonomy of higher education institutions (Saeima, 1995). Pursuant to this principle, universities could include in curricula collaborative problem-solving skills even if these skills are not explicitly mentioned in the descriptions of study levels. Based on this, further research could be developed – one could research descriptions of study programmes and/or study courses with an aim to determine if and how often collaborative problem-solving skills are mentioned.

As the lawyer’s profession has a certain standard and all students who would like to obtain the lawyer’s qualification need to pass the qualification exam, higher education institutions need to ensure that by the end of the study process a student has acquired the necessary knowledge, skills and competencies which are needed for passing the exam and obtaining a lawyer’s qualification. As collaborative problem-solving skills are not explicitly required by the relevant legal framework and they are not tested in the qualification exam, it can be concluded that these skills are not among the key skills which are trained in legal studies (both in-person and online).

Regarding the format of the studies, it has to be noted that, in Latvia, there is not a separate framework for the learning outcomes in higher education if the study process takes place online. It means that learning outcomes (including the ones which describe practical skills) need to be achieved irrespective of the study format. Consequently, this means that even in online classes lecturers need to incorporate learning exercises which are aimed at training practical skills of the students. If one adopts the interpretation that collaborative problem-solving is among these skills, then it is mandatory to ensure that they are trained in online legal studies.

5.2. Whether a moot court could be a suitable learning exercise for training students' collaborative problem-solving skills in online legal studies

In order to discuss whether a moot court could be a suitable learning exercise for training students' collaborative problem-solving skills, at first it is necessary to briefly discuss and establish that a moot court actually is a collaborative problem-solving exercise. Earlier in this thesis (see subchapter 2.2. of this thesis), it has been outlined what a moot court is and what types of problems students face in a moot court. In order to argue that a moot is a collaborative problem-solving exercise, the data obtained in this research will be interpreted and applied.

Subchapter 2.1.2. of this thesis provides criteria for a learning exercise to be qualified as collaborative problem-solving exercise. These criteria are: 1) two or more agents; 2) existence of a problem which needs to be solved; 3) the problem cannot be solved individually; there needs to be collaboration; 4) there are rules and a time limit. In order to determine if there is collaboration, Laal's (2013) five criteria can be used.

As stated earlier in the thesis, Laal (2013), referring to Woods and Chen (2010), Johnson et al. (1990, 1994), has listed five criteria which need to be fulfilled for a learning exercise to be qualified as a collaborative learning exercise:

- 1) Clearly perceived positive interdependence;
- 2) Considerable promotive interaction;
- 3) Individual accountability and personal responsibility to achieve the group's goals;
- 4) Frequent use of the relevant social skills;
- 5) Frequent and regular group processing (Laal, 2013, p. 1434).

It can be stated that a moot court complies with all of these criteria: 1) team members are interdependent (if even one team member does not perform, it affects the performance of the whole team); 2) there is constant promotive interaction; 3) each team member can be held individually accountable; 4) when solving the case and preparing for the moot court team

members have to interact with each other and apply the relevant social skills; 5) frequent group processing is crucial to prepare for the moot court.

The students who were observed and the lecturers who participated in the survey confirm the collaboration aspect of moot courts. For example, the lecturers unanimously agreed that overall a moot court would be a suitable learning exercise to train collaborative problem-solving skills (thus indirectly consenting that it is a collaborative problem-solving exercise) (see subchapter 4.3 of this thesis, table No. 8). Also, the observed students have positively responded to questions connected to Laal's (2013) five criteria of collaboration (see subchapter 4.2. of this thesis. Figures No. 2, 5, 6, 7). It can thus be concluded that a moot court is a collaborative problem-solving exercise.

Earlier in this thesis (see subchapter 3.1. of this thesis), three characteristics for a learning exercise to be qualified as suitable were identified. They were:

1. It complies with the technical requirements. This means that it has to be possible to conveniently conduct the learning exercise via the platform in which the online study process take place (e.g., on Zoom).
2. It supports the intended learning outcomes of the particular study course. This means that the learning exercise facilitates reaching intended learning outcomes of the particular study course (despite the fact that the exercise is conducted online).
3. Lecturers see this as a meaningful and valuable learning exercise. This *inter alia* means that they would be willing to conduct it.

The results of this thesis will be discussed in connection with these characteristics in order to determine if a moot court as a learning exercise conducted during online studies matches these characteristics and thus could be qualified as a suitable learning exercise.

The first characteristic is related to the technical requirements. Adedoyin & Soykan (2020) have indicated that technologies can create challenges in an online study process, and one can only agree with this. However, the results from the observations clearly show that there were no significant technical issues related to conducting online moot courts (minor disruptions in internet connections are not counted). Also, majority of the observed students in the survey confirm that that there were no technical challenges (see subchapter 4.2. of this thesis). Two respondents had mentioned that: 1) camera on the laptop stopped working; 2) there were issues with the internet connection (see subchapter 4.2 of this thesis). However, these were not significant problems, and they did not impact the process of the respective moot courts. It can thus be concluded that the first characteristic is fulfilled.

The second characteristic is related to the intended learning outcomes. Each learning exercise which is conducted during a study course needs to be meaningful and it needs to support the learning outcomes of the course (The University of Queensland, 2022). Within the framework of this thesis, it was not in any way possible to determine if a moot court would always support the intended learning outcomes of all law courses, as this would depend on the stipulated outcomes for each particular course (e.g. one of the respondents in this research indicated that a moot court is not applicable to the respondent's course (see subchapter 4.3. of this thesis, Table No. 7)). It was, however, possible to evaluate if a moot court complies with this characteristic in the particular course in which the observations were made – “International Sales Law”. Pursuant to the outline of this course, one of the objectives of the course was that: “Students are able to act as professional legal representatives and present legal arguments in a clear and coherent manner (both in writing and orally).” (RGSL, 2021/2022). A moot court as a learning exercise supports this particular learning outcome in this particular course. Also, other learning outcomes of this course were supported, thus demonstrating that the second characteristic of the suitability criteria is fulfilled.

The third characteristic is related to the perception of the learning exercise by the lecturers. Spitzmiller (2006) has observed that moot courts improve teamwork and problem-solving. Hernandez (1998) emphasizes the positive gains to one's personality that a moot court can give. The findings from this research confirm these statements. Several respondents had indicated that a moot court provides a positive contribution to the study process (see subchapter 4.3 of this thesis, Table No. 6). This would suggest that there is a positive perception.

At the same time, the respondents highlighted several negative aspects as well. For example, lack of time and lack of personal experience with moot courts (see subchapter 4.3 of this thesis, Table No. 7). Regarding the time constraints, a suggestion by Tóthová & Rusek (2021) could be applied: “Teachers should build their lessons around problem tasks which on one hand contain subject-matter of a corresponding topic, and, on the other hand, develop students' problem-solving skills.” (Tóthová & Rusek, 2021, p. 1024). Although this suggestion is given within the context of schools, it could be applicable to universities as well. This could actually be the most effective and realistic way how collaborative problem-solving could be integrated in university level studies in general, and online legal studies in particular. As it is highly likely that there is no spare time in the study courses in order to include some of the typical collaborative problem-solving tasks, adjusting the current learning exercises and turning them into collaborative problem-solving exercises might be the most realistic option.

When directly asked if a moot court be a suitable learning exercise for training students' collaborative problem-solving skills in online legal studies, all responses were positive (see subchapter 4.3 of this thesis, Table No. 8). This suggests that a moot court complies with the third characteristic of the suitability criteria – lecturers see a moot court as a meaningful exercise and would be willing to conduct it. However, certain conditions should be met, which, based on all the obtained data, could be characterized as technological and pedagogical (see e.g. subchapter 4.3 of this thesis, Table No. 8).

Bergeron (2021) has described how Zoom has impacted the oral arguments in court hearings and has predicted that to some extent Zoom would remain to be used in court hearings even after the end of the current pandemic (Bergeron, 2021, pp. 218-219). This means that law students – future lawyers – have to be trained in an online environment as well, so that they would be ready to represent clients in online hearings. A moot court is arguably one of the most suitable exercises for this.

5.3. Conclusions

This thesis attempted to research if it is mandatory to train collaborative problem-solving skills in online legal studies and if a moot court could be a suitable learning exercise for this. The results of the research and the discussion allow to conclude the following:

1. The current legal framework does not explicitly state that it would be mandatory to train students' collaborative problem-solving skills in (online) legal studies. However, it is possible to argue that such obligation is implicit.
2. A moot court is a suitable learning exercise in order to train students' collaborative problem-solving skills in online legal studies provided that the technological and pedagogical requirements are met. The technical and pedagogical requirements include but are not limited to e.g. the ability to conduct a moot court via Zoom or any other platform typically used for online study process and the moot court's compliance with the learning outcomes of the study course in which it is conducted.

This research could be developed further by designing an approach on how to measure to what extent a moot court trains collaborative problem-solving skills and how to conduct it during online legal studies in order to maximize the results of training these skills.

This research has indirectly identified another issue which should be researched further, and that is the link between high school and university levels of education. Currently the project “Skola 2030” (“School 2030”) is being implemented in Latvia. The aim of this project

inter alia is to ensure that pupils would obtain knowledge, skills and competencies which are relevant to the contemporary needs (VISC, 2022). Collaboration and problem-solving are explicitly mentioned among those skills (but not collaborative problem-solving) (VISC, 2022). The issue is that whilst this project aims to significantly revise the content of primary and secondary education, there is no follow-up regarding university level education. Furthermore, as this research shows, the descriptions of the learning outcomes of university level studies might have become outdated. As a result, what might happen is that pupils graduate from a high school in which the curriculum has been adjusted to the needs of the contemporary market, and then they enrol in a university in which the curriculum is still very much focused on obtaining academic knowledge (with hardly any attention paid to the so-called 21st century skills needed for the contemporary market). So, if at school pupils have been working on their collaboration and problem-solving skills, then it cannot just suddenly stop as soon as they enter universities. Consequently, it should be researched how to ensure that training these skills continues at the university level, and the first step might be to propose amendments in the current Cabinet of Ministers Regulations No. 322 on the Classification of Education in Latvia.

5.4.Limitations

The research has several limitations. First, it has a limited geographical scope. As legal education is not globally uniform, different jurisdictions have different requirements for a law degree. Subsequently, learning outcomes of e.g., an academic bachelor program in law might differ. As within the framework of this research it was not possible to research all or at least several jurisdictions, only one – Latvia – was taken as a sample. The choice of the jurisdiction is justified by practical considerations (access to sources and ability to gather data), and it does not leave any negative implications on the thesis.

Another limitation was the time constraints. Initially it was planned to obtain even more data. However, at the end it was not possible due to limited time.

Finally, this thesis has a limited scope. As mentioned earlier, this research did not attempt in any way to evaluate, measure or assess the collaborative problem-solving skills as such. The focus was only on a moot court as a potentially suitable learning exercise.

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Author's Declaration

I hereby declare that I have written this thesis independently and that all contributions of other authors and supporters have been referenced. The thesis has been written in accordance with the requirements for graduation theses of the Institute of Education of the University of Tartu and is in compliance with good academic practice.

A handwritten signature in black ink, appearing to read 'Laura Ratniece', written in a cursive style.

Laura Ratniece

03. 06. 2022.

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Appendix “Data obtained during observations of moot courts”

Observation I

Data collection form³

Date: 29. 03. 2022.

Time: 09:00 – 09:45 (EEST)

Format: online (Zoom)

[1] The background of the respondent(s)

Number: 4 (four bachelor level students).

Age group: Not disclosed and not relevant for this research.

Consent: yes.

[2] Context

Country: Latvia

School, university (please specify, what level was observed): University, bachelor level

Subject area: International Sales Law.

Number of observations: 1

Length of the observation(s) (if you had several observation sessions, then sum of these session times in minutes): One observation, 45 minutes.

[3] Anything else that could be important in interpreting the results:

The observed activity (a moot court) was one of the course assignments.

[4] Collected data

4.1. Data related to technical and organizational issues

Criteria	Evaluation (Yes / No)	Comments (if any)
Were there any issues for any of the students with the Internet connection during the whole time of the moot court?	No	Counsel C2 had a very short interruption in the connection, but it could not be considered significant and it did not leave any implications on the pleading.
Did the team which represented the claimant connect on time?	Yes	
Did the team which represented the respondent connect on time?	Yes	
Was the quality of the video of the first counsel who represented the claimant good?	Yes	
Was the quality of the video of the second counsel who represented the claimant good?	Yes	

³ The example of a data collection form was taken from the assignment in the course SVHI.01.031 “Introduction to New Learning Paradigm”. The example was modified and adjusted to the needs of this research.

Moot Courts and Collaborative Problem-Solving Skills 2

Was the quality of the video of the first counsel who represented the respondent good?	Yes	
Was the quality of the video of the second counsel who represented the respondent good?	Yes	Counsel R2 switched off camera for a short moment.
Was the quality of the audio of the first counsel who represented the claimant good?	Yes	
Was the quality of the audio of the second counsel who represented the claimant good?	Yes	
Was the quality of the audio of the first counsel who represented the respondent good?	Yes	
Was the quality of the audio of the second counsel who represented the respondent good?	Yes	
Did the first counsel who represented the claimant manage the microphone well?	Yes	
Did the second counsel who represented the claimant manage the microphone well?	Yes	
Did the first counsel who represented the respondent manage the microphone well?	Yes	
Did the second counsel who represented the respondent manage the microphone well?	Yes	

4.2. Data related to online behaviour issues

Did all other three students keep their microphones off the whole time while the fourth student was speaking?	Yes	
Were there any messages during the moot court in the public Zoom chat?	No	
Did any of the four students use “Zoom emotions” during the pleading?	No	
Were the teams polite and respectful towards each other?	Yes	Counsel R2 had a rather lengthy and persuasive surrebuttal. However, it was still polite and respectful towards the other team.

4.3. Data related to possible evidence of collaboration during the moot court

4.3.1. The Claimant

Did the first counsel who represented the claimant introduce the co-counsel at the beginning of the presentation?	Yes	
Was the behaviour of C1/C2 professional while the other team member was speaking.	Yes	
Did the students anyhow support each other during the moot court?	No evidence was observed.	
Any additional observations?	No	

4.3.2. The Respondent

Did the first counsel who represented the respondent introduce the co-counsel at the beginning of the presentation?	Yes	
Was the behaviour of R1/R2 professional while the other team member was speaking.	Yes	
Did the students anyhow support each other during the moot court?	Yes	When counsel R1 was asked a question by the arbitrator, counsel R1 struggled a bit with the answer. At that moment, counsel R2 stepped in and wanted to help counsel R1 to answer the question.
Any additional observations?	No	

4.4. Data related to possible evidence of collaboration during the process of solving the problem and preparing for the moot court

4.4.1. The Claimant

Could C1 answer the question about the arguments C2 made?	Yes	
Could C2 answer the question about the arguments C1 made?	Yes	
Were the arguments harmonious?	Yes	
Was it evident that the team had discussed the structure of the presentation before?	Yes	
Had the students divided the time and did they stick to that division?	Yes	
Any additional observations?	No	

4.4.2. The Respondent

Could R1 answer the question about the arguments R2 made?	Yes	Overall, yes. Apart from one question in which R1 struggled a bit.
Could R2 answer the question about the arguments R1 made?	Yes	
Were the arguments harmonious?	Yes	
Was it evident that the team had discussed the structure of the presentation before?	Yes	
Had the students divided the time and did they stick to that division?	Yes	
Any additional observations?	No	

Observation II

Data collection form

Date: 30. 03. 2022.

Time: 09:00 – 09:45 (EEST)

Format: online (Zoom)

[1] The background of the respondent(s)

Number: 4 (four bachelor level students).

Age group: Not disclosed and not relevant for this research.

Consent: yes.

[2] Context

Country: Latvia

School, university (please specify, what level was observed): University, bachelor level

Subject area: International Sales Law.

Number of observations: 1

Length of the observation(s) (if you had several observation sessions, then sum of these session times in minutes): One observation, 45 minutes.

[3] Anything else that could be important in interpreting the results:

The observed activity (a moot court) was one of the course assignments.

[4] Collected data**4.1. Data related to technical and organizational issues**

Criteria	Evaluation (Yes / No)	Comments (if any)
Were there any issues for any of the students with the Internet connection during the whole time of the moot court?	No	
Did the team which represented the claimant connect on time?	Yes	
Did the team which represented the respondent connect on time?	Yes	
Was the quality of the video of the first counsel who represented the claimant good?	Yes	Counsel C1 switched off her camera for some time while the counsels for respondent were speaking. The reason is unknown.
Was the quality of the video of the second counsel who represented the claimant good?	Yes	
Was the quality of the video of the first counsel who represented the respondent good?	Yes	Counsel R1 switched off her camera for some time while the counsels for claimant were speaking. The reason is unknown.
Was the quality of the video of the second counsel who represented the respondent good?	Yes	
Was the quality of the audio of the first counsel who represented the claimant good?	Yes	
Was the quality of the audio of the second counsel who represented the claimant good?	Yes	
Was the quality of the audio of the first counsel who represented the respondent good?	Yes	
Was the quality of the audio of the second counsel who represented the respondent good?	Yes	
Did the first counsel who represented the claimant manage the microphone well?	Yes	
Did the second counsel who represented the claimant manage the microphone well?	Yes	
Did the first counsel who represented the respondent manage the microphone well?	Yes	

Did the second counsel who represented the respondent manage the microphone well?	Yes	
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4.2. Data related to online behaviour issues

Did all other three students keep their microphones off the whole time while the fourth student was speaking?	Yes	
Were there any messages during the moot court in the public Zoom chat?	No	
Did any of the four students use “Zoom emotions” during the pleading?	No	
Were the teams polite and respectful towards each other?	Yes	

4.3. Data related to possible evidence of collaboration during the moot court

4.3.1. The Claimant

Did the first counsel who represented the claimant introduce the co-counsel at the beginning of the presentation?	Yes	
Was the behaviour of C1/C2 professional while the other team member was speaking.	Yes	
Did the students anyhow support each other during the moot court?	Yes	It appeared that counsels C1 and C2 had not discussed before who would take the rebuttal. However, it was very effectively solved on the spot. C1 started the rebuttal, and C2 in a very coherent manner continued C1’s thoughts and finished the rebuttal.
Any additional observations?	No	

4.3.2. The Respondent

Did the first counsel who represented the respondent introduce the co-counsel at the beginning of the presentation?	Yes	
Was the behaviour of R1/R2 professional while the other team member was speaking.	Yes	
Did the students anyhow support each other during the moot court?	No evidence was observed.	
Any additional observations?	No	

4.4. Data related to possible evidence of collaboration during the process of solving the problem and preparing for the moot court

4.4.1. The Claimant

Could C1 answer the question about the arguments C2 made?	Yes	
Could C2 answer the question about the arguments C1 made?	Yes	
Were the arguments harmonious?	Yes	
Was it evident that the team had discussed the structure of the presentation before the pleading?	Yes	It was obvious that the counsels C1 and C2 had thoroughly discussed the structure of the presentation before the pleading. Both counsels discussed both questions, and it seemed that they had prepared a script.
Had the students divided the time and did they stick to that division?	Yes	
Any additional observations?	No	

4.4.2. The Respondent

Could R1 answer the question about the arguments R2 made?	Yes	
Could R2 answer the question about the arguments R1 made?	Yes	
Were the arguments harmonious?	Yes	
Was it evident that the team had discussed the structure of the presentation before?	Yes	
Had the students divided the time and did they stick to that division?	Yes	
Any additional observations?	Yes (Although this was observed after the pleading had finished, and all counsels were invited to reflect on their performance.)	Counsel for the claimant mentioned that she was really pleased how well she worked together with her co-counsel.

Observation III

Data collection form

Date: 31. 03. 2022.

Time: 10:00 – 10:45 (EEST)

Format: online (Zoom)

[1] The background of the respondent(s)

Number: 4 (four bachelor level students).

Age group: Not disclosed and not relevant for this research.

Consent: yes.

[2] Context

Country: Latvia

School, university (please specify, what level was observed): University, bachelor level

Subject area: International Sales Law.

Number of observations: 1

Length of the observation(s) (if you had several observation sessions, then sum of these session times in minutes): One observation, 45 minutes.

[3] Anything else that could be important in interpreting the results:

The observed activity (a moot court) was one of the course assignments.

[4] Collected data**4.1. Data related to technical and organizational issues**

Criteria	Evaluation (Yes / No)	Comments (if any)
Were there any issues for any of the students with the Internet connection during the whole time of the moot court?	No	
Did the team which represented the claimant connect on time?	Yes	
Did the team which represented the respondent connect on time?	Yes	
Was the quality of the video of the first counsel who represented the claimant good?	Yes	
Was the quality of the video of the second counsel who represented the claimant good?	Yes	
Was the quality of the video of the first counsel who represented the respondent good?	Yes	
Was the quality of the video of the second counsel who represented the respondent good?	Yes	
Was the quality of the audio of the first counsel who represented the claimant good?	Yes	
Was the quality of the audio of the second counsel who represented the claimant good?	No	Counsel C2 had some issues with the quality of audio. At some points, it was hardly possible to hear him. It seemed that the issue was with the counsel's laptop / computer.
Was the quality of the audio of the first counsel who represented the respondent good?	Yes	
Was the quality of the audio of the second counsel who represented the respondent good?	Yes	
Did the first counsel who represented the claimant manage the microphone well?	Yes	
Did the second counsel who represented the claimant manage the microphone well?	Yes	
Did the first counsel who represented the respondent manage the microphone well?	Yes	

Did the second counsel who represented the respondent manage the microphone well?	Yes	
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4.2. Data related to online behaviour issues

Did all other three students keep their microphones off the whole time while the fourth student was speaking?	Yes	
Were there any messages during the moot court in the public Zoom chat?	No	
Did any of the four students use “Zoom emotions” during the pleading?	No	
Were the teams polite and respectful towards each other?	Yes	

4.3. Data related to possible evidence of collaboration during the moot court

4.3.1. The Claimant

Did the first counsel who represented the claimant introduce the co-counsel at the beginning of the presentation?	Yes	
Was the behaviour of C1/C2 professional while the other team member was speaking.	Yes	
Did the students anyhow support each other during the moot court?	Yes	Claimants wanted to respond to the surrebuttal of the respondents. C2 started to answer, but did not finish. C1 immediately stepped in and helped to answer.
Any additional observations?	No	

4.3.2. The Respondent

Did the first counsel who represented the respondent introduce the co-counsel at the beginning of the presentation?	Yes	
Was the behaviour of R1/R2 professional while the other team member was speaking.	Yes	
Did the students anyhow support each other during the moot court?	Yes	The use of language signalled that students felt like one team and collaborated, despite being online. For example:

		<ol style="list-style-type: none"> 1. R1 said: “We [instead of I] would like to emphasize...” twice. 2. R2 said: “As my colleague mentioned...”. 3. R2 said: “My colleague (...) went over it...”. 4. R2 said: “We think...”.
Any additional observations?	No	

4.4. Data related to possible evidence of collaboration during the process of solving the problem and preparing for the moot court

4.4.1. The Claimant

Could C1 answer the question about the arguments C2 made?	Yes	
Could C2 answer the question about the arguments C1 made?	Yes	
Were the arguments harmonious?	Yes	
Was it evident that the team had discussed the structure of the presentation before the pleading?	Yes	
Had the students divided the time and did they stick to that division?	Yes	
Any additional observations?	No	

4.4.2. The Respondent

Could R1 answer the question about the arguments R2 made?	Yes	
Could R2 answer the question about the arguments R1 made?	Yes	
Were the arguments harmonious?	Yes	
Was it evident that the team had discussed the structure of the presentation before?	Yes	
Had the students divided the time and did they stick to that division?	Yes	
Any additional observations?	No	

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Laura Ratniece

03/06/2022