

Challenges of German first-year law students – empirical results and implications for legal education

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Abstract

This article addresses the (self-identified) challenges facing first-year law students in Germany. In particular, this article reports findings of research conducted as part of the third-party funded project *Selbstorganisation und Lernstrategien* [Self-Organisation and Learning Strategies] at the University of Hamburg. In an extracurricular peer-tutoring format, beginners in legal studies were introduced to different learning techniques in conjunction with legal methodology. Based on previous research, students were encouraged to become strategic deep learners by presenting them with a standardised course curriculum consisting of ten thematically defined sessions. All classes were evaluated via a written questionnaire, the results of which are presented here. These empirical findings allow us to determine the difficulties legal beginners are confronted with and to derive sensible didactic improvements for law students, especially those in the early semesters of their studies. In particular, we advance the view that more use should be made of student-led tutorials in legal education and plead for encouraging students to become strategic deep learners. This is especially important in regards to the growing influence of international law in legal curricula. In addition, this article argues that the content of the various law courses should be better interlinked institutionally.

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Keywords: German legal education, first-year students, peer-tutoring, learning strategies, strategic deep learner.

Introduction

Over the last decades, the reform of legal education in Germany has been a perennial issue. However, only a few changes have gained lasting acceptance and, more importantly, the reforms have rarely led to a change in study conditions. There is still much room for improvement when it comes to the way legal content is taught, as the didactic methods on the whole have not been raised to a modern level. This particular aspect of legal education in Germany has thus long been neglected, and it seems that only recently have serious steps been undertaken to deal with this topic at all. But, considering that the student body is becoming more diverse with respect to age, experience level, motivation and learning needs, the need to (at least partly) reform the didactics of legal teaching cannot seriously be denied anymore.

This article and the results reported stem from a project, introduced in Section 3 below, that aimed to improve legal education by designing extracurricular classes, targeting students in their early stage of studies. Our declared goal was to enable students to become proficient in the study of law from the beginning of their university career by teaching them productive learning techniques and skills in a condensed form, always using concrete examples with structures of substantive law. In the classes, students were shown ways of solving problems to form effective learning behaviour and strategies for their further studies and to be able to apply them permanently. Our distinctive approach was to contrive the classes from a learner's perspective. That is, our focus was on the individual student and their academic success, rooted in the observation that when entering law school, some students need more support than others for the transition from school to university. In order to validate whether our classes were successful and really met the students' needs, the participants evaluated the course concerned, and the results are presented here. This article aims to introduce our project and the adapted curriculum to a wider audience, because we believe that the findings presented in this paper are relevant to a wide range of instructors. Moreover, since the findings are entirely data-based, they provide a solid empirical foundation for considerations in legal education reform that goes beyond the audience of German first-year students.

In order to understand better the problems facing current German law students, Section 2 provides a brief overview of the legal education system in Germany before the project is set out in Sections 3 and 4. Section 5 explains how the data was collected and Section 6 presents the results. In Section 7, implications from our findings are considered before Section 8 concludes this paper.

German Legal Education¹ - Structure and Difficulties

As in many other European countries, German law students begin their legal studies without any prior undergraduate degree, ie most students start studying law right after completing the German equivalent of high school.² No formal entrance test or any other admission exam needs to be passed, although many universities, among them the University of Hamburg, have introduced a numerus clausus. However, many students meet this threshold, which is why the number of people beginning their studies of law is usually high. Out of these, the numbers over the last years show that about one quarter (between 24% and 28%) either completely drop out of university or change their major.³ The German system of legal education stands out from its European neighbours insofar as it continues to create the *Einheitsjurist*⁴, meaning that every law student must go through the same legal education no matter which type of legal

¹ For convenient yet more detailed overviews in English see, for instance Stefan Koriath, 'Legal Education in Germany Today' (2006) 24 *Wisconsin International Law Journal* 85 (with a focus on the historical development of German legal education) or Rainer Wernsmann, 'The Structure, Purposes and Methods of German Legal Education' in Christopher Gane and Robin Hui Huang (eds.) *Legal Education in the Global Context* (Ashgate 2016)

² The German school system is tripartite, awarding three types of school degrees. In order to study at university, regardless of the chosen subject, the German *Abitur* is required, the highest school degree. Depending on the type of school one attends and in which federal state, the *Abitur* is awarded after either 12 or 13 years of formal schooling.

³ Ulrich Heublein and Robert Schmelzer, 'Die Entwicklung der Studienabbruchquoten an den deutschen Hochschulen. Berechnungen auf Basis des Absolventenjahrgangs 2016' (2018), <<https://idw-online.de/en/attachmentdata66127.pdf>> accessed 31 March 2022. The numbers also show that the drop-out rate for Bachelor students is 28% on average. Hence, the number of students who do not finish their legal education is not higher than for other majors, although this seems to be the view often expressed in the (German) literature. What is striking, however, is that many students decide to drop out after 4+ years of legal studies, which is alarming. Furthermore, it is of course debatable whether a general dropout rate of more than 25% is a high one or not.

⁴ It is hard to find an adequate English expression for this particularly German phenomenon. I find 'non-specialised lawyer' most suitable. For more information and other translation suggestions, see Annette Keilmann, 'The *Einheitsjurist*: A German Phenomenon' (2006) 7 *German Law Journal* 293

profession they want to pursue. Another peculiarity of German legal education is that it consists of two separate, but consecutive parts: university training and, upon successful completion, a practical training of two years. Legal studies at university take about four and half years⁵ and the curriculum taught at law faculties is largely regulated by state law. The general curriculum is structured into two study sections. During the *Grundstudium* [foundation studies] in the first semesters, students acquire knowledge in the core subjects and need to pass the intermediate examination in order to proceed to the main study period, in which the knowledge previously learned is deepened and broadened. In addition, students begin their so called *Schwerpunktbereich*, or area of specialisation. The contents in the *Schwerpunktbereich* serve to complement and deepen the compulsory subjects related to them and to allow students to specialise in the chosen area. The results of this study period count for 30 per cent of the final exam grade, because, despite the Bologna process, which has led to the implementation of Bachelor and Master's degrees in most other areas of studies, the study of law still requires passing the final state examination. This means that the degree is awarded by passing several written and oral exams at the end of studies. Many students fear this exam because it requires them to have command over the entire curriculum at the point of the examination. The grades the students receive during their studies are mainly used for admission to the final exam. If students do not pass the intermediate examination, for example, they will not be admitted to the final examination.

Since Germany has a civil law system⁶, the focus of German legal education is on understanding abstract, theoretical concepts and how these are systematically formed and arranged. During the first years at university, students have to take classes in the mandatory core subjects of civil law, public law and criminal law. In addition, they have to successfully elect from and pass the so called *Grundlagenfächer* [foundation subjects], in which the historical, philosophical, social and economic principles of law are taught. But it has been argued that precisely this pronounced subdivision into the three core subjects and foundations subjects on the one hand and the systematics-oriented curriculum structure on the other hand impedes the acquisition of a comprehensive orientation knowledge for students.⁷ The (often-found) lack of

⁵ According to section 5a, subsection 1, Federal Judge Act [DRiG §5a]

⁶ For an overview of the German law system in English see Gerhard Robbers, *An Introduction to German Law* (Nomos 2019, seventh edition)

⁷ Judith Brockmann, "'Gute Lehre" in der Studieneingangsphase – Ausgangspunkt und Herausforderungen', HRK *Juristenausbildung heute. Zwischen Berlin und Bologna*,

cross-references between the contents and concepts of the different lectures makes it difficult for students to get an overview early on. Yet it is precisely this larger picture that would be important, because students enter a specialised knowledge domain whose mastery requires a transformation in understanding as well as the appropriation of specific tools, practices and methodology.⁸ Students are expected to learn to evaluate concrete legal situations and cases in light of abstract norms and they commonly struggle with this operationalisation of knowledge, that is, with the application of legal techniques and methodology.⁹ There are orientation events before and at the beginning of studies at the University of Hamburg, which are given by advanced students; however, these only provide informal knowledge with regard to procedures and customs at the institution. In order to rectify the perceived deficit of missing methodological skills, the Faculty of Law at the University of Hamburg has introduced introductory classes to legal methodology called *Einführung in das rechtswissenschaftliche Arbeiten (EidRA)*¹⁰ [roughly corresponding to introduction to legal working techniques (skills)], which are by now compulsory for first-year students.

The project presented here still had a somewhat different focus than the already existing offers of the faculty, which is why it should be understood as a supplement to and not as a replacement for any existing classes.

The project *Selbstorganisation und Lernstrategien*

The project *Selbstorganisation und Lernstrategien*¹¹ was part of the overarching project *Universitätskolleg* at the University of Hamburg, which

<https://www.hrk-nexus.de/fileadmin/redaktion/hrk-nexus/07-Downloads/07-02-Publikationen/270626_HRK_Juristenausbildung_web_01.pdf> accessed 31 March 2022, 38, 39

⁸ Karen Jensen, Monika Nerland and Cecilie Enqvist-Jensen, 'Enrolment of newcomers in expert cultures: an analysis of epistemic practices in a legal education introductory course' (2015) 70 *Higher Education* 867

⁹ Judith Brockmann, Jan-Hendrik Dietrich and Arne Pilniok, 'Von der Lehr- zur Lernorientierung – auf dem Weg zu einer rechtswissenschaftlichen Fachdidaktik' (2009) 8 *JURA* 579, 583

¹⁰ <<https://www.jura.uni-hamburg.de/studium/lehveranstaltungen/einfuehrungsveranstaltungen/eidra.html>> accessed 31 March 2022

¹¹ A project description (in German) can be found via <<https://www.jura.uni-hamburg.de/studium/lehveranstaltungen/einfuehrungsveranstaltungen/lernstrategien-selbstorganisation.html>> accessed 31 March 2022

was funded by the Quality Pact for Teaching, initiated and financed by the German Federal Ministry of Education and Research. The goal of the project, which ran from 2013 to 2020, was to offer students, particularly those in the early semesters of their studies, lasting approaches to optimise their learning processes and enable them to develop reflective learning strategies. To this end, the project located at the Faculty of Law provided a set of interlinked modules, each of which served the needs of students in their different stages of studies. The aim of the project was to facilitate the students' start of studies and, together with them, to lay a solid foundation on which they can successfully build and build. In order to respond optimally to the various needs, support was provided individually as well as in small groups. Due to the extracurricular nature of the classes, participation was not mandatory, but encouraged.

In particular, the project consisted of different courses, offered each semester. To begin with, one class format, the tutorial *Lernmanagement am juristischen Fall* [learning management on the legal case], aimed at first-year students; this is explained in detail in Section 4 below. Moreover, there were six prep courses on core subjects (those in which students have to take mandatory exams in the first three semesters, namely civil law, public law, and criminal law, see above). In these classes, the material relevant to exams from the first three semesters was combined with different learning strategies. Each class focused on typical exam situations, in which different learning techniques were productively applied within the group. In this way, the module combined case solution, a structural understanding of substantive law, and learning strategies in an interrelated way. In addition, in a separate exam training class, students were provided with compact knowledge to prepare them to succeed in their examinations by guiding them through all the steps of writing exams - from exam preparation to the procedures during the exam situation - and by conveying quality criteria for exam performance.

Three different individual offers complemented the project. First, we provided a module supporting private study groups, which assisted students in setting up private study groups and also offered selective input on structural or content-related problems by a learning group expert. Extensive materials for study group-based self-study at different levels of difficulty sensitised the students to learning processes and suggested suitable exercise cases. Second, we offered exam coaching, thereby providing students with individual exam advice from trained correctors who had already successfully passed the first state exam. Based on an analysis of the content, structure and style of several exams, the

exam coaching showed students their individual potential for improvement. The express aim was to enable the participants to write exams at a higher level on a permanent basis and to reflect on their own learning processes on the basis of the exams. Finally, mentoring for international students was provided, aiming to focus on strategies to promote the individual learning process and to overcome language barriers. All of these individual classes were offered by student or academic tutors,¹² who were carefully chosen and adequately trained.

Tutorial – *Lernmanagement am juristischen Fall*

The tutorial targeted students in their very first semester of their legal education. It was designed to show the participants ways to overcome the initial difficulties of studying law at an early stage to become ‘enrolled’, to borrow a term from Jensen, Nerland and Enqvist-Jensen, in their prospective expert culture by preparing them to take part in the knowledge practices characteristic of legal discourse.¹³ This was achieved by supporting them to develop and shape their personal learning processes and self-organisation skills, always in connection to legal content. Hence, our tutorial was an integrated skills class, in which legal methodology was taught in relation to learning techniques.¹⁴ Closely related to anticipated individual and current difficulties, and based on concrete questions and concerns, the tutorials combined application-oriented learning and working techniques for law studies as well as basic legal skills for successful studies. Each semester, between four and five tutorials were offered, which were attended by small groups of students, usually between 5 and 15 participants per course. The tutorials ran once a week, with each session lasting 90 minutes. All tutorials were led by advanced students in higher semesters, who were carefully selected beforehand and had to undergo a two-day training by the academic team, which consisted of one professor of law and three research associates, including the author of this paper.

¹² The difference between these two types of tutors is that student tutors are advanced law students whereas academic tutors have successfully passed the first state examination.

¹³ Karen Jensen, Monika Nerland and Cecilie Enqvist-Jensen (n 8) 868

¹⁴ It thus comes close to the ideal type that Heringa envisions. Aalt Willem Heringa, *Legal Education: Reflections and Recommendations* (Intersentia 2013), 56

The tutorials followed a standardised curriculum of ten thematically defined sessions based on the findings by Stadler/Broemel.¹⁵ In their work, the two authors investigated different approaches to learning and empirically identified the ideal learning type of the ‘strategic deep learner’. Students of this learning approach are demonstrably successful in law studies, as measured by their grades. The strategic deep learner is characterised by a low surface orientation and a high expression of the strategic and deep learning style. According to Stadler/Broemel, students with a surface approach to learning display short-term learning geared only to passing the current exam and consequently, this learning process is a passive one, as the main focus is on pure memorisation without understanding. New information is not recognised as building on previous knowledge. The strategic learning style, on the other hand, focuses on achieving the best possible grade, ie it is a primarily performance-oriented learning orientation in which students usually have a good knowledge of the exam requirements and have effective study organisation and time management. People described by Stadler/Broemel as deep learners pursue the primary goal of penetrating the material and being able to recognise and establish higher-level connections. Learning is directed towards this goal, which usually succeeds well due to a high level of intrinsic motivation. Not surprisingly, these learning approaches are rarely present in pure form and almost three quarters of all students are mixed learning types.

These short deliberations should have sufficed to demonstrate why the strategic deep learning style is so promising for academic success: the combination of strategic, well-organised learning and a learning approach oriented towards understanding, making connections and critically questioning the learning content is profitable for thriving in legal studies. It also seems to be a suitable strategy for coping with the enormous amount of material on the one hand and the abstract content on the other. With this in mind, the tutorial thus consisted of different building blocks offering various learning strategies to support students in becoming strategic deep learners. The building blocks were in detail: Visualisation techniques (mind and concept maps), index cards/flashcards, reading techniques and excerpting texts, memorisation techniques, time management, motivation and learning in study groups as general learning techniques as well as law-specific skills such as exam

¹⁵ Lena Stadler and Roland Broemel, ‘Schwierigkeiten, Lerntechniken und Lernstrategien im Jurastudium’, in Judith Brockmann and Arne Pilniok (eds.), *Studieneingangsphase in der Rechtswissenschaft* (Nomos 2014), 37 and the references therein

technique, writing pieces of legal expertise¹⁶ and writing legal research papers. The tutors were free to choose the order of the lessons but were asked to deal with each topic once. At the beginning of each course, students were handed out a script, compiled by the academic team, containing an overview of each of the thematic sessions as well as material for self-study. The tutors were given a more extensive script, including exercise suggestions for class and information about the psychology of learning.

The tutors presented the individual sessions in such a way that the relation to the strategic deep learner was explained to the students for each thematic unit.¹⁷ For instance, in terms of strategic learning, mind and concept maps are suitable strategies for structuring and preparing learning material, condensing and presenting it in a way that is easy to grasp for learning through visualisation. For in-depth learning, mind maps and concept maps are an ideal graphic basis for extrapolating the material. Using these types of visualisations, students are enabled to depict and establish interrelationships and links between content as well as work out regularities (patterns, structures and principles).¹⁸ When it comes to index cards, the tutors drew attention to the fact that they are an appropriate means for effective study organisation and through comprehension-oriented repetition knowledge can be recalled in the long term. Moreover, the creation of index cards encourages the students to compress the material and to filter out the essentials. From the point of view of deep learning, a flashcard system is therefore particularly suitable for creating one's own structure - the learning material or content of texts is transferred into one's own words, condensed and released from the abstract structures of the text. As far as reading techniques are concerned, students were made aware that it makes sense to choose the appropriate reading technique depending on the objective, ie the systematic use of reading techniques is also a way of organising work effectively. Regarding time management, effective learning planning and organisation in the form of good time management is a significant focus of

¹⁶ The German legal education system uses a very distinct, highly structured text type called *Gutachten* (legal expertise or legal opinion). In almost every exam, students have to adhere to the strict formal rules of writing this type of text, in which they must provide legal opinion on cases by applying statutes, legal doctrines and the like and reach a conclusion. Yet, how to write such a structured text is seldomly taught.

¹⁷ Some exercises from that class have been published in Daniela Schröder and Milan Kuhli 'Selbstorganisation und Lernstrategien – Vorschläge für das (digitale) Selbststudium' (2021) *Der Wirtschaftsführer für junge Juristen* 8

¹⁸ More detailed explanations can be found in Barbara Lange, *Jurastudium erfolgreich. Planung – Lernstrategie – Zeitmanagement* (8th edition, Vahlen 2015), 357-363.

strategic learning. This is highly relevant in law studies, especially considering the enormous amount of material that has to be mastered. Without a well-developed and elaborate time plan, it seems impossible to learn strategically.

Data collection and analysis

All tutorials were evaluated by the participants at the end of each semester via an online questionnaire. These evaluations allowed us to not only continuously monitor the progress of the project, but moreover, the feedback from the students let us target the needs of the participants. The questionnaires were developed in collaboration with the team of the *Wirksamkeitsanalyse* [efficacy analysis], another project of the *Unviuersitätskolleg*, and improved where necessary, which ensured a certain degree of validation. The team of the *Wirksamkeitsanalyse* continuously advised our project and supported us in our goal-setting, operationalisation, evaluation implementation and continuous reflection. In this way, the research methodological expertise and knowledge of the *Wirksamkeitsanalyse* team could be optimally combined with our expertise.

The data presented here were collected in all tutorials that took place between the winter semester 2017/18 and the summer semester 2020, ie a total of six semesters. The previously used questionnaire was fundamentally revised for the winter term 2017/18, which is why the evaluation results from the earlier semesters cannot be considered here. The tutors were instructed to have the students complete the questionnaires after about two-thirds of the course. To increase the response rate, the evaluation took place within the course time. The questionnaires were provided via ‘Limesurvey’ and, in addition to the link to the survey, the students also received a QR code with which they could also conveniently complete the survey via their smartphone. It goes without saying that all answers were given anonymously. A copy of the questionnaire in German is available upon request.

The questionnaire consisted of several, thematically delimited question blocks. The first part asked for personal information. In addition to gender and the question about the (linguistic) background of the students, this also included questions about how the students became aware of the tutorial (so that we would know where and how to advertise the classes), how often they participated in the (voluntary) sessions and what they were studying and in which year of study. In addition, the students were asked what other courses

offered by the faculty they had attended. Since students were told the course schedule at the beginning of the semester, which showed the topics of each session, it was interesting for us to see which lessons students had actually chosen to attend. It was also possible, although not necessarily desired, to be present at lessons only selectively, depending on one's personal preferences. The purpose of the second block of questions was to determine how the students evaluated the topic of learning strategies after attending the tutorial. Here, it was particularly important for us to find out which techniques were assessed by the participants as especially helpful for their own learning process and which of them they would also like to use in the future. The next step was to ask about general challenges encountered in the early phase of the study. To answer this question, the participants were given a list of potential difficulties that we had anticipated based on previous research. Multiple answers were possible. The next block of questions dealt with the gains from the tutorial. Of particular interest was to find out which of the previously mentioned difficulties could be overcome or at least mitigated by attending the tutorial. For this, the students were again presented with a list of possible answers, which was supplemented by a free-text field where the participants could note for which problems the tutorial did not offer any solutions. Finally, the participants were invited to provide an overall assessment. For this purpose, the participants were asked what their expectations were when they came to the tutorial, whether these were fulfilled and how beneficial they felt the tutorial was for them overall. In addition, the students had the opportunity to note in free-text fields what they found particularly good about the tutorial and which aspects they would improve.

Results

In what follows, all questionnaires were included in the analysis, regardless of whether they were completed or only partially completed by the students, which explains the sometimes different number of respondents. In order to better understand the data, the respective population size is always provided. The data are always the combined numbers of all semesters.

To begin with a general overview, our results show that averaged over all six semesters, about two thirds of participants (64%) are female. Considering that the number of female students at the faculty is about 60%, women are only marginally overrepresented in our classes. With respect to the background of our participants, the data show that almost three quarters (73%) of students

stem from a monolingual German household. Another 16% stated that they speak German and an additional language at home, whereas one in ten participants stated that they speak a language other than German at home. Among these, a wide range of languages can be found (Dari, Kurdish, English, Russian and Turkish are the relatively most frequently mentioned ones). Not surprisingly, the vast majority of participants (97%) are in their first semester of their legal education. Very occasionally, students in their second semester attended the tutorial.

When asked if studying in general comes naturally to them (to be marked on a seven-point Likert scale, consisting of the answer options strongly agree / agree / moderately agree / neither agree nor disagree / moderately disagree / disagree / strongly disagree), 44% of the participants (n = 131) replied that they at least somewhat agree with the statement that studying is generally easy for them. However, almost another 40% state that this only partly applies to them (neither agree nor disagree). 16% reject the statement as (rather) inaccurate. These numbers suggest that a slight majority of students seems to encounter generally some difficulties when it comes to studying. The positive aspect about this otherwise rather disquieting result is that the students are obviously aware of these difficulties and therefore attend the course. Thus, it can be assumed that the target group - namely those students who struggle early in their course of studies - has been reached.¹⁹

Furthermore, the outcomes reveal that almost 70% of the participants attended (almost) all sessions, to wit between 9 and 10. Another 25% attended at least 6-8 sessions, which means that 95% of all participants were present for more than two thirds of the course dates. These figures can be interpreted as a high acceptance of the classes and are quite remarkable for extracurricular courses. In the end, this means that once students have decided to take the course, they participate during the whole semester, which on the one hand indicates the effectiveness of the course and on the other hand also testifies to a high intrinsic motivation of the participants.

¹⁹ Furthermore, we are also optimistic that the paradox reported by Herrmann, which states that students relying on surface approaches to learning seemingly are the ones least likely to respond to tutorials in the way they were intended, has been avoided. See Kim Jesper Herrmann, 'Learning from tutorials: a qualitative study of approaches to learning and perceptions of tutorial interaction' (2014) 68 *Higher Education* 591

Since the course was advertised in advance in relatively general terms as one that focused on study techniques in conjunction with legal skills, we were interested to inquire about the specific expectations the participants had before attending the class. In order to collect this information, the students were given a list of possible expectations to tick off. Multiple answers were possible, as was the option to mark “other”. Figure 1 illustrates the range of given answers (n = 486).

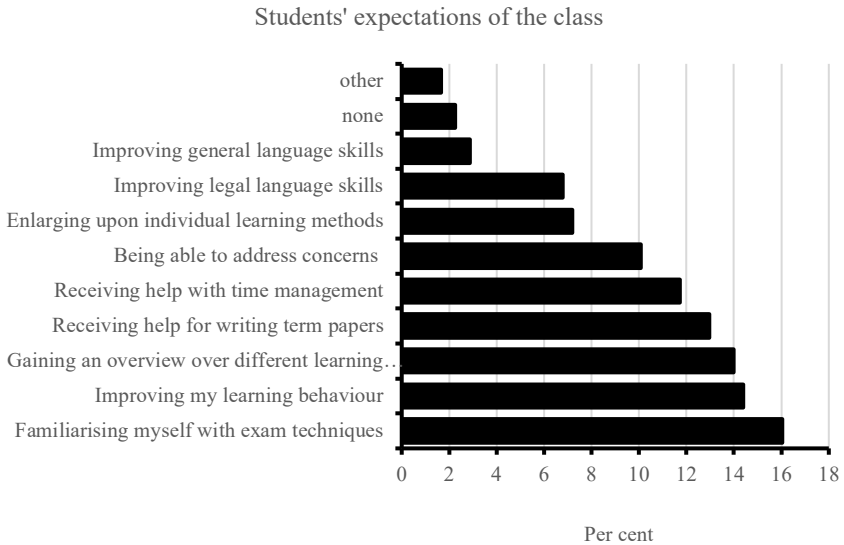


Figure 1: Students' expectations of the class

Figure 1 demonstrates that although no clear trend is detectable, most students attended the class to familiarise themselves with exam techniques, that is, with the specific requirements of German legal exams (see footnote 15). The second most mentioned expectation was that the participants wished to improve their learning behaviour, closely followed by the desire to gain an overview over different learning techniques. Receiving help with legal term papers and with general time management are also relatively frequently mentioned. Improving their general as well as legal language skills, on the other hand, did not seem to be of concern for students. On the whole, the numbers suggest that both general and legal-specific topics were of interest for the students.

In response to the subsequent question of whether these expectations were met, almost 80% stated that this was indeed the case. An additional 19% replied that

their expectations were partially fulfilled. For just 0.8% of the participants the class did not contribute to satisfying their expectations. Taken together, these figures are an indication that our course format has worked well.

Another question aimed to find out which circumstances pose a challenge for students at the beginning of their studies. In order to answer this item, the participants were again given a list of anticipated difficulties to tick off. Here, too, multiple answers were possible and in fact, most students named more than one challenge. Due to the large number of answer options, Figure 2 only visualises the eight most frequently chosen ones. All answers with a frequency of less than 5% (n= 1039) have been neglected here for reasons of space. The full output can be found in the Appendix.

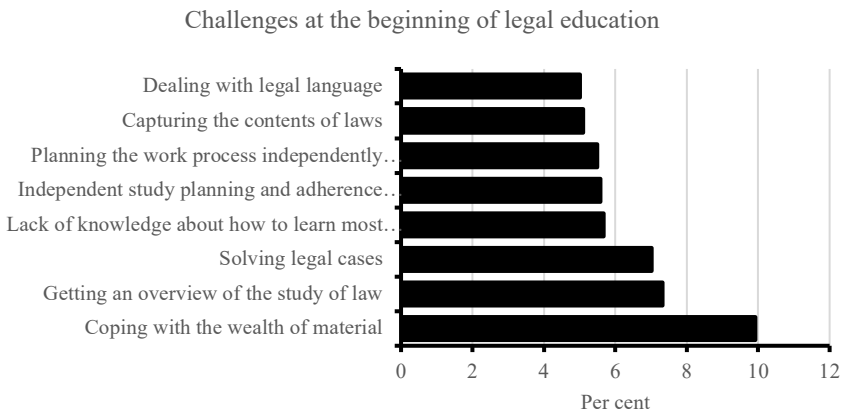


Figure 2: Reported challenges at the beginning of legal studies

While most students face a number of challenges at the same time, visible from the large population size, Figure 2 shows that specific legal problems seem to cause most difficulties.²⁰ Out of the eight most frequently occurring challenges, five relate directly to the study of law. Coping with the wealth of material is mentioned most frequently, which seems to indicate that the sheer amount of knowledge to be gained is perceived as more difficult than the actual legal contents.²¹ For us, this constitutes an important finding because it suggests that

²⁰ This is in line with what Bosse reported. Elke Bosse, 'Gelingendes Studieren in der Studieneingangsphase am Beispiel der Rechtswissenschaft' (2018) 3 ZDRW 208

²¹ In a similar vein, Larcombe and colleagues found that realistic expectations about the amount of independent study involved in studying law were associated with academic

students should be primarily supported in developing suitable strategies for dealing with the amount of legal material. Difficulties in understanding legal contents thus appears to be a secondary problem, quite possibly resulting from the quantity of contents to learn (but note that understanding the contents of laws is the seventh most frequently checked challenge). Unlike the expected result that solving legal cases causes problems for students at the beginning of their legal studies, the finding that many students report having troubles getting an overview of the study of law came as a bit of a surprise to us, since the University of Hamburg has installed orientation events prior to the beginning of studies to alleviate this problem (see above). Our data show that most participants took part in those events during the orientation week. Therefore, we find it somewhat difficult to explain why a considerable number of students nonetheless struggle with orientating themselves in their studies of law.

These particular legal challenges are followed by general problems concerning learning and learning behaviour, namely a lack of knowledge of how to learn skilfully and how to plan one's personal work schedule independently, effectively and self-sufficiently while meeting the given deadlines. These challenges were precisely the ones we had in mind when designing the class. Hence the data can be seen as evidence that our approach was purposeful. For the sake of completeness, it should be mentioned that just 2.5% of the participants picked the option "citing correctly" as a challenge, which very likely results from the fact that all students attended the *Eidra* class (see Section 2 above), in which correct referencing is explicitly dealt with.

Space and time restrictions do not allow us here to present every result in detail. Nevertheless, in what follows the most compelling findings with respect to the success of the class are put forward. Figure 3 exhibits the responses (n = 122) to the question whether the tutorial has contributed to the management of the wealth of material, to be marked on a seven-point Likert scale. Given that this was the most frequently-mentioned challenge students face at the beginning of their studies, evaluating whether the class succeeded in addressing this issue is of utmost importance.

performance. Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Performance in Law School: What matters in the beginning?' (2008) 18 *Legal Education Review*, 119

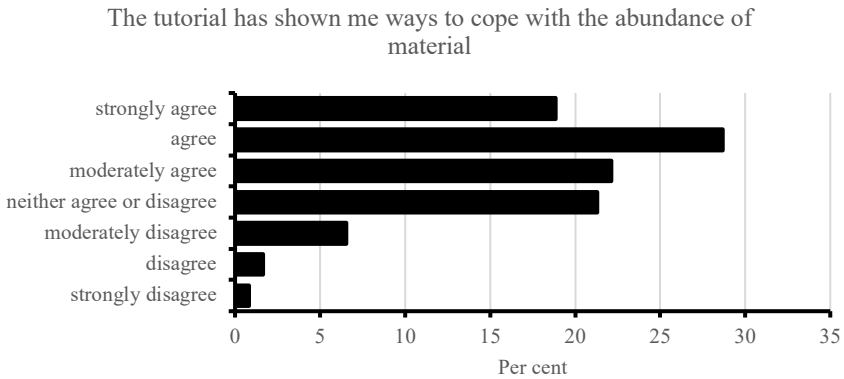


Figure 3: Impact of the tutorial with respect to handling the abundance of material

The data show that for 69% of the students (strongly agree / agree / moderately agree) it was possible to show them ways of coping with the abundance of material. For about one in five (21%), this was only partially successful (neither agree nor disagree) for reasons yet to be determined. For the remaining 10% (moderately disagree / disagree / strongly disagree), the tutorial was not (so much) helpful in providing ways of dealing with the wealth of material. Overall, however, for the overwhelming majority of participants this impediment was adequately removed.

In a similar fashion, the evaluation results indicate that the tutorial was successful in providing the participants with an overview of what the study of law entails as almost 90% indicated that they gained an overview over legal studies, the lack of which constituted the second most frequently-expressed challenge. Thus, the tutorial's accomplishments in this respect are worth pointing out as well. Likewise, as regards the third most frequently mentioned challenge, the solving of legal cases, the participants' responses indicate that also this difficulty has been satisfactorily addressed in the tutorial, as Figure 4 demonstrates.

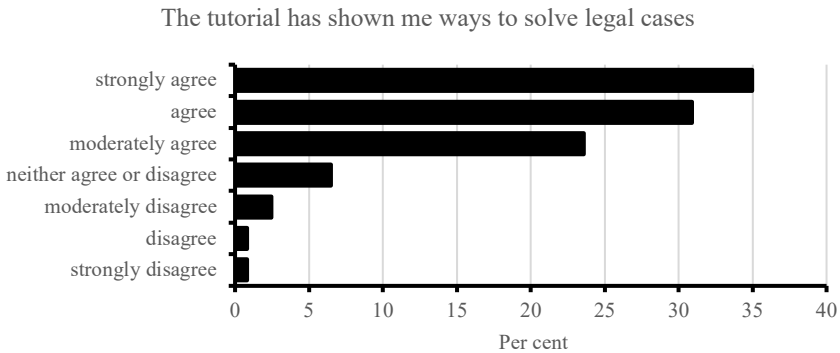


Figure 4: Impact of the tutorial with respect to the difficulty of solving legal cases

From Figure 4 it can be deduced that again almost 90% ($n = 123$) report that the tutorial has shown the students ways to solve legal cases. Thus, the class was also effective in counteracting this expressed issue.

Concerning the general difficulties pertaining to learning which the students mentioned, our data reveal that the tutorial also took remedial action in this regard. For instance, when asked whether the class showed them how they can learn effectively, 75% ($n = 124$) responded that they “strongly agree”, “agree” or “moderately agree”. Another 16% neither disagree nor agree whereas slightly less than 9% express that they “moderately disagree”, “disagree” or “strongly disagree”. Because three quarters of students convey that they know how to learn sensibly after attending the tutorial we interpret these numbers as a success of the class.

Similarly, the results of whether the tutorial helped students to plan their studies independently and effectively while adhering to deadlines can be read as evidence of the impact of our course, as Figure 5 exemplifies. Here, too, the vast majority of students, almost 85% ($n = 123$), were able to (moderately) agree with the statement that they could now plan their studies independently and meet the various deadlines after attending the tutorial. For more than one in ten (11%), this was partly possible. Hence, this difficulty was also addressed by the tutorial. Similar results are obtained for the expressed challenge of having to plan one’s work independently and self-sufficiently.

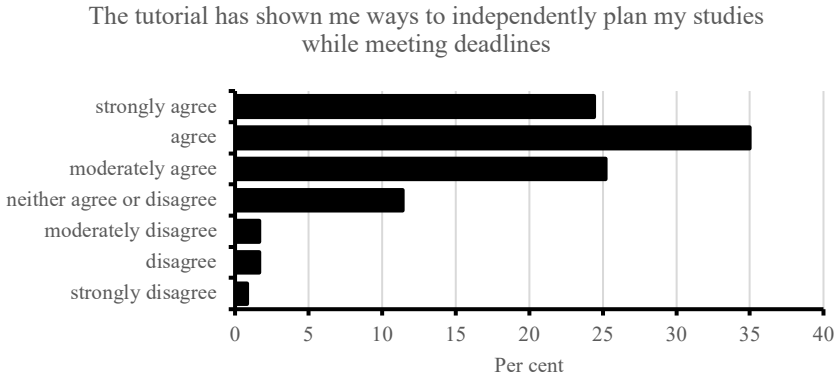


Figure 5: Impact of the tutorial with respect to independent planning and deadlines

Finally, we turn to the outcomes that evaluate the benefits of the individual units for the students. The participants were asked which of the ten learning methods presented during the course of the tutorial they would like to use in their studies in the future. From these results, it can then be indirectly deduced how important and how helpful students judge the different learning techniques. Figure 6 visualises the findings (n = 599, multiple answers possible).

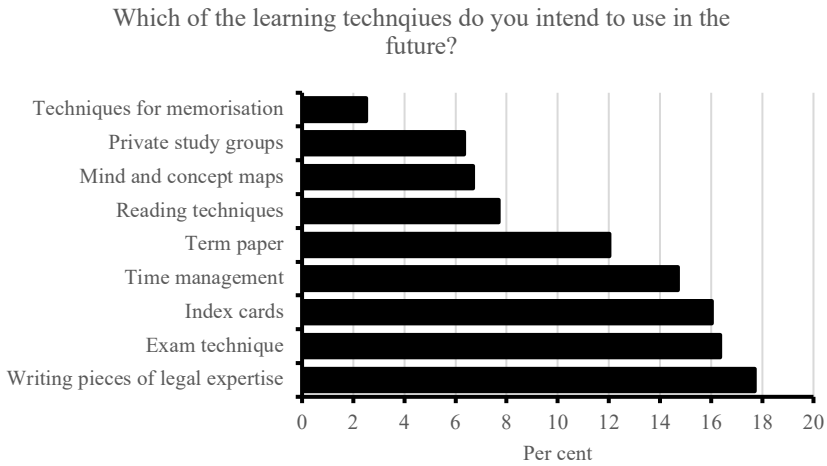


Figure 6: Plans to use learning techniques in the future

The fact that law-specific skills such as writing pieces of legal expertise and applying exam technique were frequently mentioned should not come as a surprise since these are basic tools for legal work and thus necessary prerequisites for succeeding in the study of law. Term papers, on the other hand, usually do not play a role in the first semester²² and therefore, it may well be the case that students do not yet see the importance of this demanding skill.

Of the other, more general learning methods, index cards were mentioned most often, followed by time management. Taking into account that students reported to have difficulties with effective work organisation and mentioned that they attended the tutorial, among other things, to receive help with time management (see Figure 1), this finding is satisfying. It seems fair to conclude that the sessions on time management had an impact and thus proved helpful for the participants. In the same way, we acknowledge that students were evidently able to benefit from the session on index cards and share our assumption that these are a reasonable way to deal with the amount of material to be learned.

However, it is equally true that other techniques deemed relevant by us did not appeal to the participants so much. Most notably, the significance of private study groups was obviously not (yet?) recognised.²³ In the same vein, visualisation techniques, and even more so methods for memorisation, were

²² Students have to write three term papers in total within the first five semesters in order to pass the intermediate examination, in addition to seven written exams, see <<https://www.jura.uni-hamburg.de/studium/studienablauf.html>> accessed 31 March 2022. Very likely, students in the first semester cannot yet appreciate the challenges of term papers at all, so the importance of this technique usually arises later during or after writing.

²³ Combined with the experiences gained in our individual classes of tutoring private study groups, it is our impression (and no more than that!) that the whole topic of learning in a group seems to be inexplicably difficult for students. Our study group tutorial was initially designed to provide existing groups with suitable material and offer them support in effective organisation of the study group, ie discussing with them the different roles the different members take, how to deal with a lack of preparation, and so forth. Very quickly, we had to adapt our concept to function as a 'matching agency' for individual students wishing to join either an existing group or find peers via us to form a group. We are a bit at a loss to explain these observations satisfactorily, but we assume that this has to do with the often-reported anonymous atmosphere in the study of law and the at times intense sense of competition between students. Moreover, it could be that study groups only become really relevant to students when no more accompanying courses are offered by the university and at the same time the grades become relevant for the first time. Typically, this occurs during the *Schwerpunktbereich* (see Section 2) and during the exam preparation, so rather late in the course of studies.

indirectly rated by the students as least helpful. We can only speculate here as to why that is. To begin with, mind and concept maps is something students are usually familiar with, as these are regularly utilised at school. Yet, it is not unlikely that students are sceptical about these types of visualisations because the methodology may previously either not have been sufficiently explained to them or these maps have been applied in inappropriate contexts.²⁴ Provided that this is correct, the tutorial did not manage to overcome the rejection associated with mind and concept maps. As regards memorisation techniques, the non-success may primarily lie in our planning since the schedule for this lesson was simply overloaded: students were introduced to no less than six different methods,²⁵ which, in retrospect, very likely overwhelmed both the tutors and the students. Notwithstanding that the students were able to read about these techniques in their script at home, integrating six different techniques into a 90-minute session was ill-conceived and did not teach the students but us a lesson.

Implications

In summary, the general results from our class evaluations paint a positive picture in that, by and large, our course design was rewarding and the students were able to benefit from it. We take the outcomes to propose the generalisation that our learner-centred approach, which was based on previous empirical research, was successful. Therefore, even though our results are by no means representative and must thus be met with the necessary caution, they all the same contribute to an increasing body of evidence-based research into legal education. We hope to have shown that devising a course according to the students' actual needs is beneficial and proactively guiding students through their first year is probably more promising than having to react to a (real or perceived) deficit in students' success or a (presumed) threat to the profession.²⁶

In any event, we believe that our findings are encouraging and should be taken as an incentive to be more venturesome and experiment with new class formats

²⁴ This is at least what Lange suggests, Lange (n 18) 358.

²⁵ These included methods of mental imagery, rhymes and mnemotechnic verse, stories and sayings derived from initials.

²⁶ Compare also to Julian Webb, 'Gallop off madly in one direction. Legal education reform, the (im?)possibility of evidence-based policy making and a plea for better design thinking', in Ben Golder and others (eds.), *Imperatives for Legal Education Research. Then, Now and Tomorrow* (Routledge 2019), 196, 200

in legal education. We are aware of ubiquitous budgetary and time constraints, but we contend that well-planned efforts will pay off, in every sense of the word. Especially, but not only from a financial point of view, student-led tutorials are an obvious choice. In terms of monetary considerations, student tutors are usually less expensive than graduated academic staff such as research associates, let alone professors. Peer-tutoring hence capitalises on existing human resources (ie students) at low or no cost and without extensive involvement of additional staff.²⁷ Once a standardised course syllabus has been designed (which, admittedly, is a time-consuming process and deserves proper planning), the further administrative workload is comparably manageable and cost-effective. Equally importantly, based on the generally agreed upon underpinning that the students themselves are in the best position to identify their own institutional needs,²⁸ peer tutorials have the great advantage that they speak to two stakeholders at once: the students who participate and the ones acting as tutors. For instance, tutees have been reported to gain a higher degree of confidence by participating in academic discourse, they learn to collaborate and come to tolerate uncertainty.²⁹ Moreover, there is ample evidence demonstrating that students involved in teaching duties profit from being peer tutors in several respects. For instance, it could be shown that they learn to be better learners by being more conscious of and actively engaged in the learning and teaching process³⁰ and that they improve both their cognitive and metacognitive strategies and their social skills.³¹ Furthermore, by stepping outside their usual identity as learners and becoming teachers, students act as partners in supporting other students in their learning.³² This way the feelings

²⁷ José L. Arco-Tirado, Francisco D. Fernández-Martín and Juan-Miguel Fernández-Balboa, 'The impact of a peer-tutoring program on quality standards in higher education' (2011) 62 *Higher Education* 773, 783

²⁸ Karen Carter and Jane McNeill, 'Coping with the darkness of transition: Students as the leading lights of guidance at induction to higher education' (1998) 26 *British Journal of Guidance and Counselling* 399, 403

²⁹ Dominic Fitzsimmons, Simon Kozlina and Prune Vines, 'Optimising the First Year Experience in Law: The Law Peer Tutor Program at the University of New South Wales' (2006) 16 *Legal Education Review* 110, 113

³⁰ Alison Cook-Sather, 'Students as Learners and Teachers: Taking Responsibility, Transforming Education, and Redefining Accountability' (2010) 40 *Curriculum Inquiry* 555, 568

³¹ José L. Arco-Tirado, Francisco D. Fernández-Martín and Juan-Miguel Fernández-Balboa (n 27) 783

³² Mick Healy, Abbi Flint and Kathy Harrington, *Engagement through partnership: students as partners in learning and teaching in higher education* (The Higher Education Academy 2014), 40,

of competition and rivalry, which undoubtedly exist between (German) law students, may be attenuated as well. Not the least important, acquiring skills necessary for teaching (managing people, presenting in front of a group and mastery of the appropriate software, verbal communication and so forth) also enhances later employability of the tutors. Based on our experiences, we also strongly recommend meaningful evaluation of the classes in order to monitor the impact of the classes and ensure a high-quality standard. In short, we want to strike a blow for implementing more peer tutoring schemes into legal education.

Whereas the specific situation in legal education recorded here may be unique to German law schools, we are convinced that our findings also have ramifications for other European countries and their legal education. It is to be expected that aspects of international law, most notably European Law, will be even more tightly integrated into curricula in the next years all over Europe.³³ Hence, it will not be sufficient anymore for a prospective lawyer to know national law, but interdisciplinary and international aspects of law require increasing attention in legal education. Future lawyers thus will have to understand how international decisions shape and influence domestic law.³⁴ It is to be feared that this circumstance potentially leads to an overloaded curriculum, which consequently overburdens the students with a higher amount of material they have to master. Since it does not seem desirable to trade facets of international law for any other of the numerous contents currently taught in the curriculum, the only reasonable option appears to be to amend the curricula. Recall that having to deal with the amount of material is the most frequently mentioned challenge of our legal beginners. If this finding also applies to other first-year students, law faculties should keep this aspect in mind and not jeopardise students' academic success with an overcrowded curriculum. Related to this point is that a stronger international focus requires students not only to have expertise in different legal cultures, but also to have sound competences in the field of languages. Otherwise, they will not be able to

<https://www.heacademy.ac.uk/sites/default/files/resources/engagement_through_partnership.pdf> accessed 31 March 2022

³³ For the situation in Germany see Michael Stürner, 'The Internationalisation of Legal Education in Germany' in Martin Schmidt-Kessel (ed.), *German National Reports on the 19th International Congress of Comparative Law* (Mohr Siebeck 2014), 135

³⁴ Claas Friedrich Germelmann, 'Challenges and Approaches to Modern Legal Education in a European Perspective' in Claas Friedrich Germelmann (ed.), *Innovative Teaching in European Legal Education* (Nomos 2021), 17

follow and understand supranational legal decisions.³⁵ However, the growing importance of multilingualism threatens to become a further strain on the students. Therefore, our findings that German law students already struggle the most with the amount of material they have to cope with can be taken as a warning. A possible solution out of this dilemma is proposed by Germelmann who states that while students should be kept up to date regarding major developments in the case law of the courts, teaching specialised knowledge seems less promising. Instead, the general principles governing international decisions should be focused on.³⁶ In other words, the underlying legal structures can (and should) be clarified on the basis of landmark decisions. From the point of view of our adopted strategic deep learning approach, this suggestion can only be supported.

Finally, we argue that our results also have some repercussions for teaching in legal education. Very generally, it is advisable for instructors to guide students on their way to become strategic deep learners, which can be achieved by an array of means. Simple in theory but surprisingly complicated in practice, a better collaboration between faculty members, particularly the lecturers of the different courses, is a procedure standing to reason. If colleague A is aware of what colleague B teaches in their class, it is almost effortless to make connections between the contents, by which students are permitted to establish links. At the same time, this course of action is evidence of an institutional anchoring of cross-disciplinary thinking and leads to a higher degree of credibility and, arguably, more authority. Moreover, it is advantageous for students if the lecturer incorporates different learning techniques into their class, which, in an ideal case, would be briefly explained and exemplified. Reading techniques would be a prime example as these can be integrated into any course at any time. Other possibilities include not presenting the students with ready-made visualisations in the courses but encouraging them to create graphic representations of the content on their own. In addition, even in large lectures it should be possible to motivate students to form study groups because despite our discouraging findings in this respect we maintain that these are a viable resource for effective learning. If necessary, the faculty may consider installing offers of assistance, as we did. All of these recommendations are easy

³⁵ *ibid*

³⁶ *ibid* 22

to implement and only take up a few minutes of precious teaching time. However, the effect for the learners may be immense.

Conclusion

In sum, the experiences gained in the project evince that new and innovative approaches to legal education are both possible and reasonable. In particular, our data suggest that peer tutoring represents a potential that has not yet been fully exploited in legal education.³⁷ The level of student contentment expressed in the class evaluations should motivate us to concentrate more on students' needs not least because, as Heringa shows, the expectations the students have and how satisfied they are with their studies (besides academic fit) constitute variables influencing the success rate in law school.³⁸ In addition, we impel to make more use of well-founded class evaluations, as these are, if designed and applied appropriately, an efficient tool to guarantee a certain quality standard while simultaneously allowing the institution to adapt the course to students' needs.

Finally, as a reviewer remarked, it should be said that even our course programme could not, of course, solve the often-noted and frequently criticised problem that examinations are given more importance in German law studies than the teaching of legal thinking and working methods. However, we are confident that by empowering students to become strategic deep learners a first step in the right direction has been taken. Encouraging students to focus on understanding, making connections and critically questioning the content are ultimately skills they need to become a good legal practitioner.

³⁷ The approach adopted by the Erasmus School of Law at the University of Rotterdam to establish a problem-based learning approach in the Bachelor programmes still seems to be rather an exception than the rule. Details of the programme including the effects it has can be found in Marit Wijnen and others, 'Is problem-based learning associated with students' motivation? A quantitative and qualitative study' (2018) 21 *Learning Environmental Research* 173

³⁸ Heringa (n 14) 46

Appendix

Reported challenges at the beginning of legal studies

Challenge	Absolute Numbers	Per cent
Coping with the wealth of material	103	9,91
Getting an overview of law school	76	7,31
Solving legal cases	73	7,03
Lack of knowledge about how to learn most skilfully	59	5,68
Independent study planning and adherence to deadlines	58	5,58
Planning the work process independently and effectively	57	5,49
Capturing the contents of laws	53	5,10
Dealing with legal language	52	5,00
Balancing university obligations and private interests in terms of time	50	4,81
Selecting adequate research literature	47	4,52
Learning how to write pieces of legal expertise	47	4,52
Developing suitable learning strategies	44	4,23
Meeting fellow students	43	4,14
No overview of appropriate learning strategies	39	3,75
Meeting the requirements of classes	38	3,66
Understanding legal issues	36	3,46
Establishing connections between the individual areas of law	36	3,46
Meeting requirements for oral/written expression	34	3,27
Orientation at the faculty	34	3,27
Anonymous atmosphere	33	3,18
Citing correctly	27	2,60
TOTAL	1039	100