

Storytelling: audio-drama and creative innovation in online legal education

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Introduction

This short article describes the successful creation of an audio-drama currently being used in a 60-credit level 1 module W112 Civil Justice and Tort Law. It explains the pedagogy underpinning its design as well as the objectives and practical challenges faced during its conception.

Background

The audio- drama consists of six scenes played by six professional actors set in the fictional community of Mayfield. After studying the contents of the units, students are directed to listen to scenes of the drama as it unfolds. Then, by the use of carefully directed questions student learning is consolidated through a series of related activities.

Originally termed a case study, the author co-wrote and project managed this work. Its success depended upon a shared enthusiasm with a V&A producer in

LDS¹ together with commitment and belief in the project by all six academic authors of the substantive content of the units that the audio drama supports. V&A have a wealth of knowledge and experience in the creation of audio and visual material to support the OU's teaching and were vital to the success of the project. The SEM also endorsed the project positively, seeing the clear potential for student engagement.

As the units were being written alongside the production, detailed knowledge of the legal principles to be included was important. Significant time was spent in regular consultation with authors as unit content shifted, impacting on the script.

There was a drive to include more substantive law at level 1 during the production of the Law School's 2021 LLB.² Equally, the brief was to ensure that the new offering was engaging, creative and innovative, with positive impact felt in student success and retention figures. Marrying these two factors successfully was the challenge.

¹ Sian Prudden Video and Audio (V&A producer) and Fiona Cotterill from external production company Alfi Media Ltd

² Partly, this was as a result of module team feedback that if level 1 was very general with little substantive legal content upon which to base activities and assessments, this made the progression to the substantive law legal subjects at level 2 far more challenging for students.

Storytelling, pedagogy and audio drama as a tool for learning

Black letter law is a term often used, for example, to describe established principles that have arisen from legal cases. This can pose difficulties for students new to law, and can impact upon confidence building, which is key at level 1. The language of law, where words have different legal concept, than in everyday use, such as “causation” or “remoteness” can make distance learning ever distant and create barriers between students and the learning materials.

One way to overcome these barriers is to engender confidence, by demystifying the concepts they are learning about, making them less abstract by allowing students to relate the legal concepts to life through the art of storytelling. A story well told, can bring characters and situations alive.³In doing so there is potential to create connections to the idea of justice where ideas of right and wrong in the everyday are then transposed to the legal principles, and knowledge is actively secured.

Of course, there is nothing new about the power of storytelling to forge connections, consolidate and convey new insights. Using stories in the provision of legal education is also nothing new. Championed by academics as

³ Tom Terez, *The Business of Storytelling*, WORKFORCE, May 2002, at 22, 22–23.

a useful tool, it has been used with great effect particularly in the teaching of criminal law (Mayer, Davies 2018⁴).

Civil law traditionally has less dramatic content and traditional case studies could have been used perhaps by using film to illustrate the three areas of tort law taught on W112, namely, negligence, defamation and nuisance. For example, a car accident could have been filmed to illustrate negligence and the students could then be then tasked with answering questions to reinforce their learning.

However, using illustrations in this one-dimensional delivery would not provide the same level of active engagement. Instead, an audio- drama and would be immersive if characters were engaging and relatable. Here, the attraction of the audio format was its potential to allow students to make their own subjective connections, internalising images of characters, rather than being merely presented to us in the media of film.

⁴ Philip N. Meyer and Catlin A. Davis (2018) 'Law Students Go to the Movies II: Using Clips from Classic Hollywood Movies to Teach Criminal Law and Legal Storytelling to First-Year Law Students', *Journal of legal education*, 68(1), pp. 37–44.

Students are often time poor, and an increasing number of students have a declared disability and make reference to mental health difficulties⁵ a factor which ultimately framed the decision to make the audio drama⁶. The best learning environment depends upon a relaxed state of mind where the learner assumes a state of “relaxed curiosity”. A story describes something that students are not experiencing in the present and therefore engage the imagination to supply the details for us. Stories as an educational tool have been recognised as a form of active learning where everyone can take something from a story (Gargiulo 2006) and take responsibility for their learning by connecting it to what is familiar. In this way stories help us in making connections between what is new knowledge and what is already known, thus reinforcing understanding.

Having learnt about complex legal concepts when studying the units, comprehension and confidence are attained at a much deeper level than merely listening to or watching a film of for example a car accident and then identifying the law involved. Students studying law for the first time may react negatively to what they perceive as new, uncertain, and abstract legal

⁵ Just over 36,400 students declaring a disability studied with the OU in 2020/21. In 2017/18, 38% of students who declared a disability made specific reference to mental health difficulties. [Background, design and purpose \(open.ac.uk\)](#)

⁶ Additionally, there were practical obstacles to filming during the pandemic lockdowns during 2021

principles. They may further become focused upon legalistic rules and theories rather than integrating these theories into practice.

Storytelling integrated into the study of law therefore adds a creative aspect. It re-humanises whereas learning about the legal principles has minimised the reality of individuals involved in the legal cases. So the objective is not so much to achieve a dramatic storytelling event but to provide well-formed characters and every-day situations in the narrative. A snapshot of the detail of the audio drama is set out below.

Mayfield tales – a snapshot

The purpose of the audio drama is clearly explained to students and introduced at the end of the first substantive law unit. The drama takes place in the community of Mayfield where land has been left for the benefit of the community. Before listening to the first scene, cameo descriptions for each of the characters are provided.



The recording took place during a full day and included an outside scene where there is a fundraising event.

The opening scene takes place in a community hall where the community trust who have been left land, decide to press ahead with a skate park following a resident's survey. Disgruntlement and tensions are set up deftly for the eventual development of scenes concerning defamation and nuisance.

Different viewpoints and shifting sympathies with the central characters emerge. For example, one resident is unhappy with another's arrogance in his professed professional knowledge of the planning system. These tensions feed into the development of the defamation part of the play, and despite our earlier annoyance with this character, we feel for this character briefly later as witness his rejection following a job interview, as he struggles to get back into paid employment.

The challenge of writing the script successfully was to ensure that the legal principles contained in the units, that the drama was supporting were included in a natural and believable way. It was a careful balancing exercise to provide well rounded characterisations with just enough superfluous detail to enhance the learning experience.

Future use

Finally, LDS are using this as an example of creativity in production design at levels 2 & 3. Additionally, the audio drama has received positive attention externally⁷ Arguably this form of delivery in consolidating knowledge in online learning has many potential applications across a broad range of subjects.

“The story packed lots of legal issues in a natural and realistic fashion rather than being forced and unlikely” and “I really did enjoy listening to the drama. I’m an audio book enthusiast and found your short drama as engaging as I have done some of my Audible purchases. I can imagine what a task this was and you have been successful in linking the story to the units and to real life. It’s a relatable tale with relatable characters, I think it will engage students and enable them to see how legal issues arise in our everyday lives” (Feb 2022)

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⁷ Ms Avis Whyte, Senior Research Fellow & Senior Lecturer, University of Westminster

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