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Siyaphumelela Conference 2024

Improving the teaching of evidence law through scenario-based learning: An intervention using cyber fraud cases

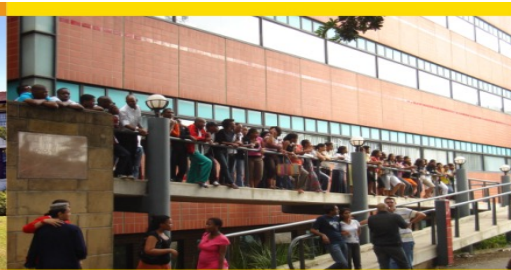
Authors: Mr AH Bellengère; Dr D Donnelly and Mr MC Mulaudzi



EDGEWOOD CAMPUS



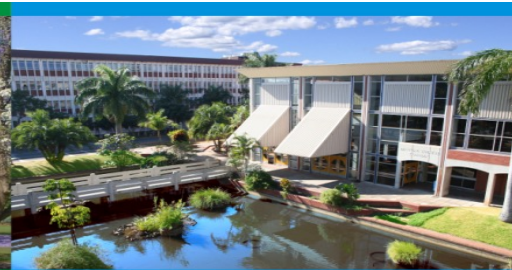
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NELSON R MANDELA SCHOOL OF MEDICINE



PIETERMARITZBURG CAMPUS



WESTVILLE CAMPUS

UKZN INSPIRING GREATNESS

Introduction

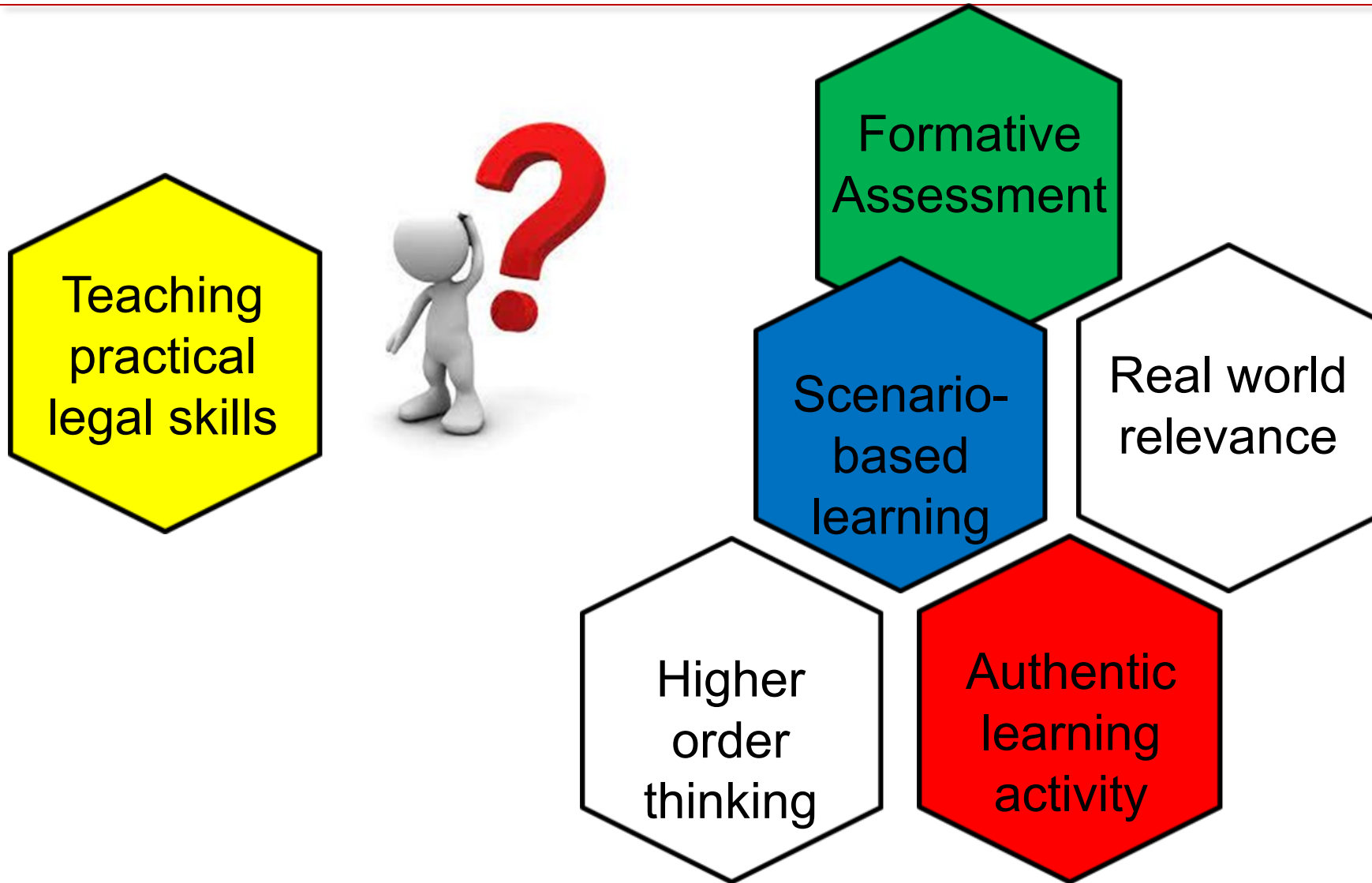


Evidence in a professional legal context

- Facts can only be accepted as proven in court through evidence
- Numerous technical rules of evidence
- New challenge of proving “cyber”/ “electronic” evidence
- Why and how should you teach this skill?



Literature review

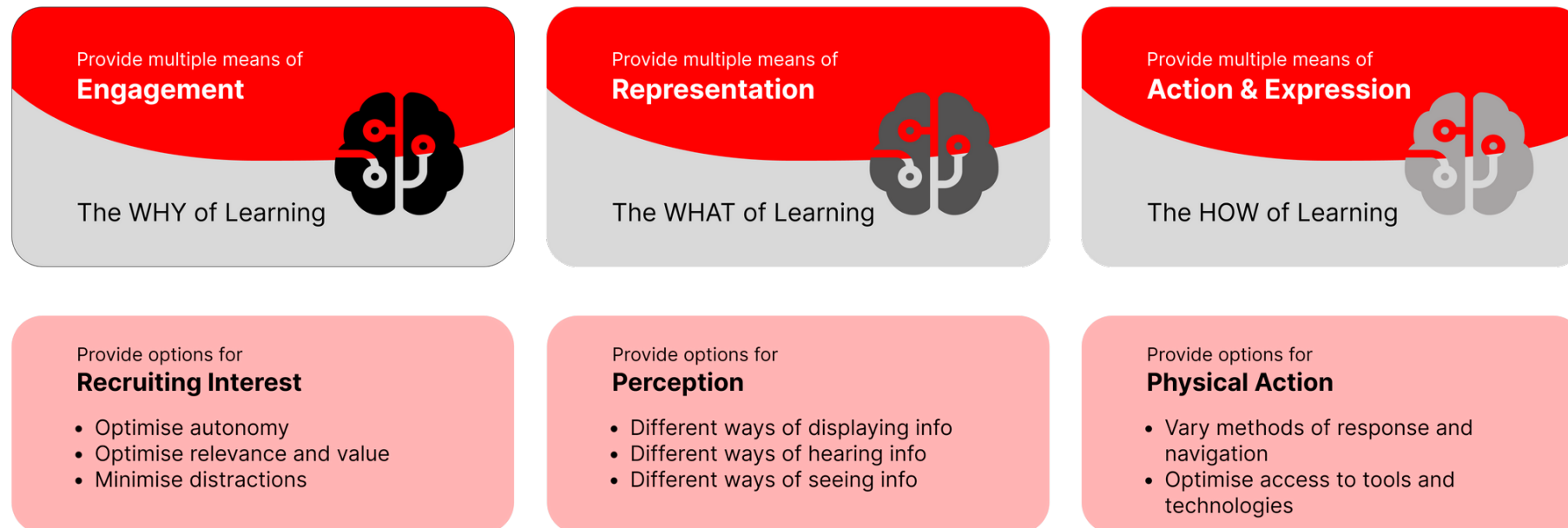


“Scenario-based learning (SBL) is the use of scenarios as a vehicle for the teaching and learning process, providing students with the opportunity to learn from and apply their learning to realistic experiences.”

(Smith, Warne & Vanhoestenbergh, 2018)

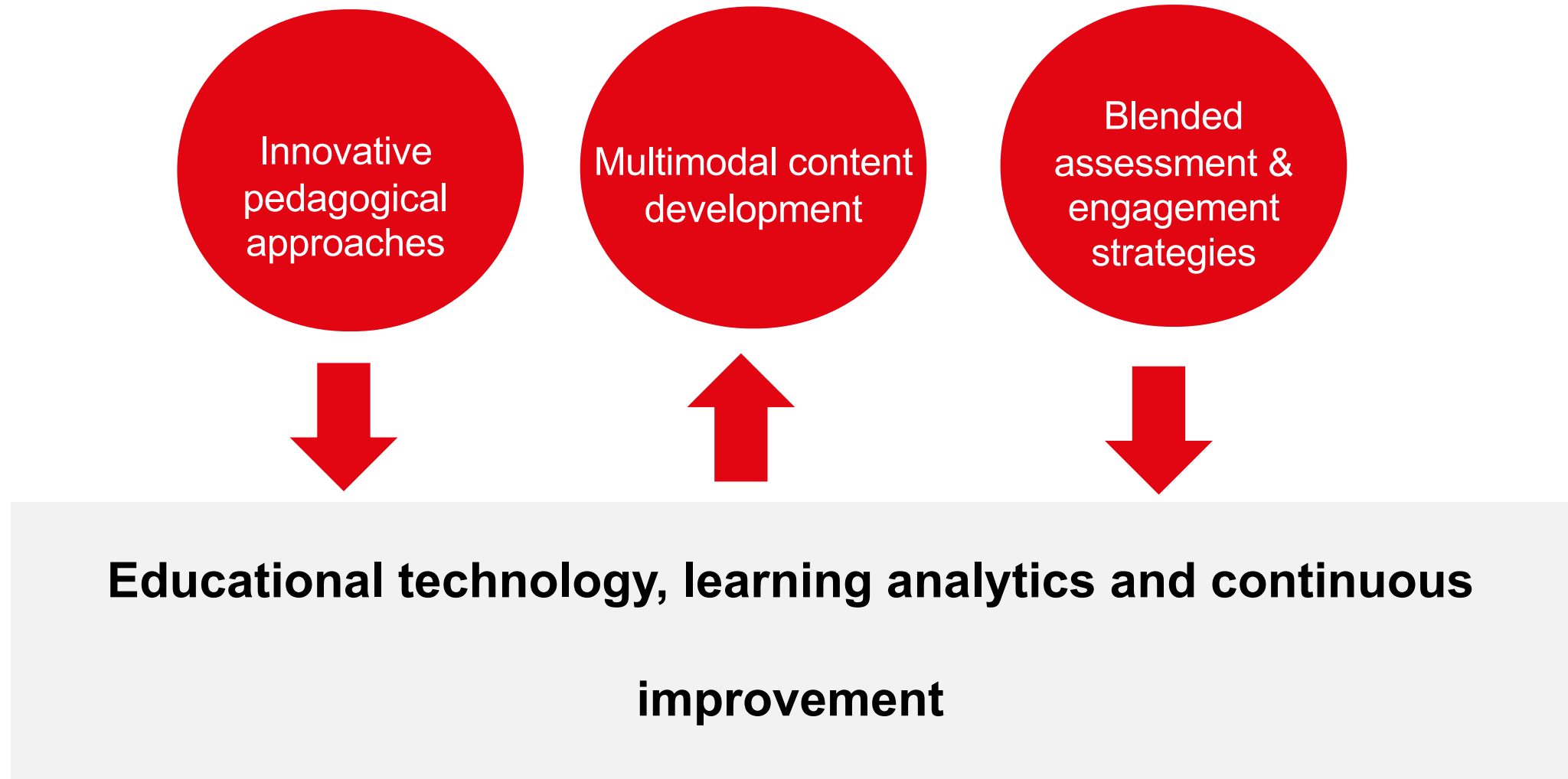
Universal Design for Learning

Create learning environments that are adaptable and responsive to our students' varied learning needs.



(Palmer and Caputo, 2003)

Digital Curriculum Transformation



Case Study Description

LEARNING OUTCOMES

- Thorough understanding of the rules of evidence
- Able to apply knowledge to practical situations



MODALITY

- Moodle LESSON tool
- Formative
 - Timing!
 - Scaffolding!



Case Study Description Cont.

LEARNING SUPPORT

- Learning materials: notes & textbook & podcast
- Real-world context: a case file containing actual court documents & court rules
- Motivation
- Mentoring

MODALITY

- Moodle file (completion tracking) & Ebscohost
- Moodle file (completion tracking) & Online library
- Download activity report & discuss and remind in class
- Peer-peer discussion & lecturer consultation

Case Study Description Cont.

SELF-REVIEW

- Quiz to review concept knowledge
- 4 practical task to review application of knowledge – drafting a court document necessary for proof in court e.g. draft discovery affidavit
- Rubric used to guide students to key components

MODALITY

- Moodle quiz
- Moodle assignment

PRO

- Rich participation data
- Large class numbers manageable

DRAWBACK

- Limited opportunities for rich individual feedback

Action Mapping



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We began creating the Action Map based on the key actions identified by the lecturer as being crucial to achieving the desired learning outcomes (Business goal).




Action Mapping



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Put the actions around your goal.

 action needed
to reach goal



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Action Mapping



Next step?


1. 🎯 Identify the **business goal**.
2. ⚠️ Identify what people need to **do** to reach that goal + why they aren't doing it.
3. 🖐️ Design **activities** that help people practice each behavior.
4. ...?

Identify what people
need to **know**?

Action Mapping



Put your activities on the map.

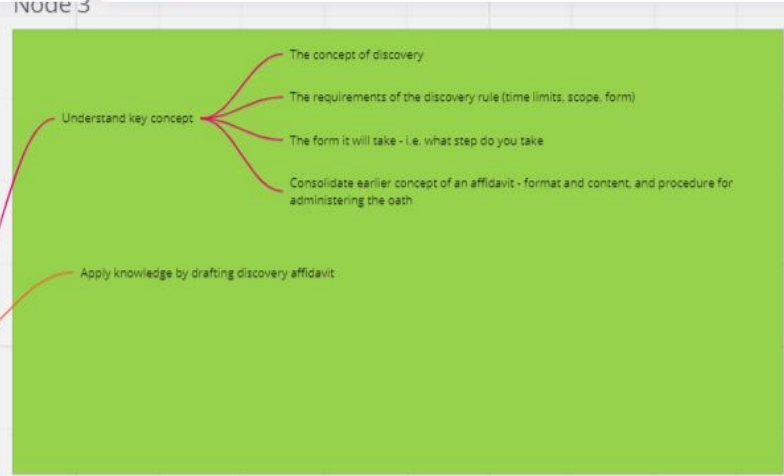
 activity that practices
real-world behavior



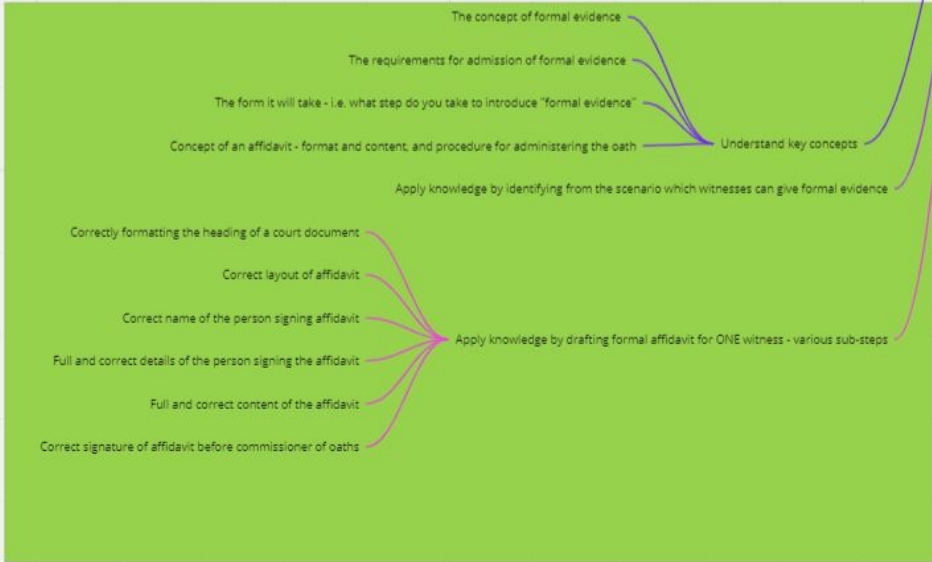


Students have developed the ability to apply the rules of evidence to practical situations involving multiple types of "real world" evidence in a scenario based on cyber-fraud.

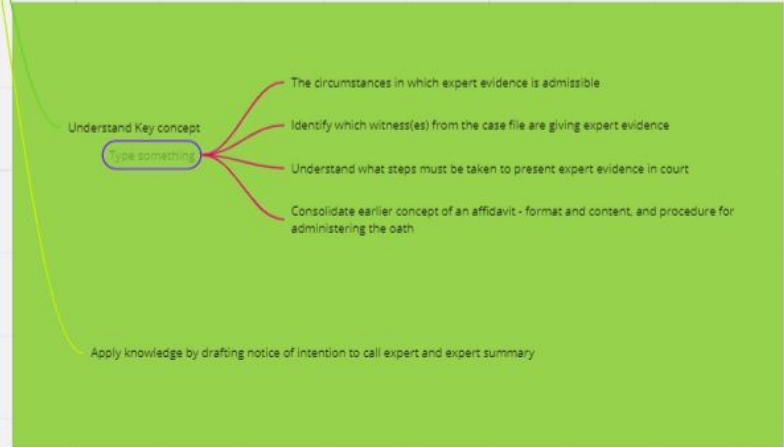
ADD CONSEQUENCE FOR EACH DECISION-> students must be able to see how their choice will affect whether the evidence is admitted/not admitted at trial and how that affects whether they win or lose the case



Node 2



Node 4



Storyboard

The next step was to create a storyboard based on the Action Map.

1. Purpose of Storyboard

- Guide Development: Time-consuming to alter content in development stage.
- Get approval before moving to dev.

2. Elements

- On-screen text (OST)
- Voiceover (VO) text, file or both.
- Images: description or actual images
- Programming notes
- Animation notes (may be combined with programming notes)

2 Storyboard Approach

- Traditional e-learning module (title screen, objectives, content, activities, continuous assessment, final assessment)
- Story-driven, scenario-based based learning experience (less traditional; based on Action Mapping; lightweight and less detailed; series of MCQ weaved into a story.
- Educational or explainer videos. (Usually no programming notes unless video is interactive. PN needed for video with animation)

Visual: Image of computer and cyber-criminal

Programming/Interactions

Click next to continue

Reviewer Comments

Text: You have been instructed by a client, Mandla Dlamini (Mandla), who has been the victim of cyber crime. Mandla decided to purchase an investment property. This involved transferring a large deposit of R2.5 million to his financial manager (Jane Goodall) at Castle Investments Pty (Ltd). Mandla made the payment into an FNB account number as instructed in an email he received from Jane. What neither of them knew is that hackers had somehow intercepted the email and inserted fake banking details. Mandla is devastated that his money has been stolen, and believes it is Castle's fault as their systems were hacked.

You are a candidate legal practitioner at BIG SHOTS INC., a law firm that specializes in civil litigation, and Mandla has called on you to help him sue Castle Investments for damages. However, you are not working alone, your principal, Nomcebo, will be available to you as a second set of eyes throughout the case.

Feedback:

Branching Scenarios

With the storyboard complete the ID then moved on to development within Moodle, making use of branching scenarios via the Lesson Tool.



Intro Scene

Activity Branches: Overview

Evidence Scenario-Based Activity

This is a simulation to test your application of Evidence Principles.

Preview

Edit

Reports

Grade essays

Intro: Scene1

You have been instructed by a client, Mandla Dlamini (Mandla), who has been the victim of cyber crime. Mandla decided to purchase an investment property. This involved transferring a large deposit of R2.5 million to his financial manager (Jane Goodall) at Castle Investments Pty (Ltd). Mandla made the payment into an FNB account number as instructed in an email he received from Jane. What neither of them knew is that hackers had somehow intercepted the email and inserted fake banking details. Mandla is devastated that his money has been stolen, and believes it is Castle's fault as their systems were hacked.

You are a candidate legal practitioner at BIG SHOTS INC., a law firm that specializes in civil litigation, and Mandla has called on you to help him sue Castle Investments for damages. However, you are not working alone, your principal, Krisha, will be supervising you throughout the case. Please listen to this [audio](#) from East Coast Radio to get some context on the issue of Cybercrime.



Scene 2



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Evidence Scenario-Based Activity [?](#)

This is a simulation to test your application of Evidence Principles.

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Reports

Grade essays

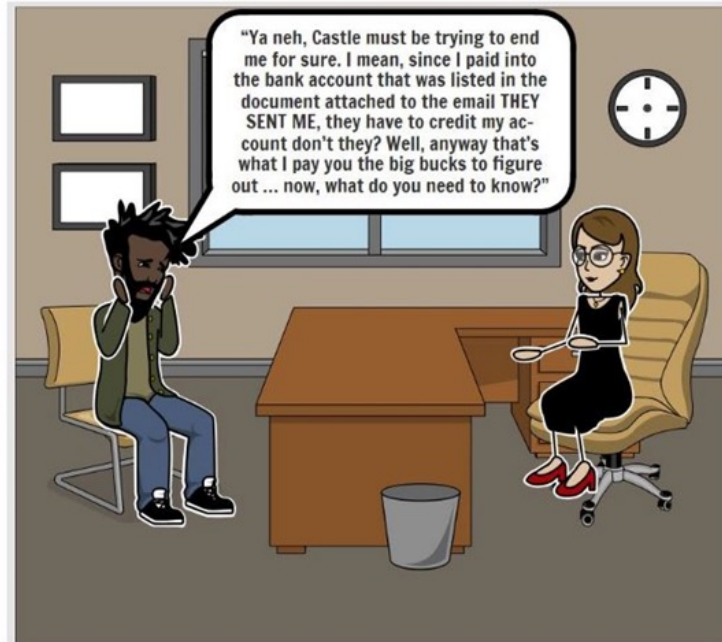
Scene 2

Mandla is in your office looking stressed. He tells you his story: The property transaction involved transferring a substantial amount of money into an investment account at Castle Investments. His financial manager said she would provide him with the relevant banking details by email. The email arrived with a document attached. The document was password protected and Mandla was sent the password by SMS. Inside the document were the bank details for the transfer.



Question 1

Question 1



Mandla reaches out to you for advice on where to begin. What do you think you should do next?

- Ask Mandla if he has a copy of the email.
- Ask Mandla to continue his story in his own words.
- Express sympathy and tell Mandla you will send him some information on cybersecurity issues.

Submit

Feedback: Incorrect response to Question 1



Mandla reaches out to you for advice on where to begin. What do you think you should do next?

Your answer :

Ask
Mandla to continue his story in his own words.

Response:
Sorry, not quite the place to start. Please try again.

Continue

Consequences page



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Q1 Consequences

Mandla sits in your office for hours telling you a very complicated story. Afterward, you spend hours trying to make sense of it all. You feel at a loss, as though there is something you are missing. There seems to be a step/s that you skipped in the interview process. You will have to call Mandla and arrange a follow-up consultation.

This makes you look like you do not know what you are doing. As this is a time-sensitive matter, and each consultation costs the client money, Mandla is considering finding someone else to move things forward. You know this would put you in a difficult position in the law firm where client relations are very important.



Please click on "return" to attempt the question again and help Mandla get the legal advice he needs.

Return

Consequences page



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Question 4 Feedback

You know that the email Mandla received will be a relevant piece of evidence at the trial. However, the requirements to prove this evidence at trial will depend on what type of evidence it is. What are the **four** main types of evidence?



- Documentary evidence
- Electronic evidence
- Convincing evidence
- Circumstantial evidence
- Oral evidence.
- Direct evidence

Approach

Please note that the narrative was developed with the target audience and context in mind.

Using isiZulu names and phrases in some instances to make it more relatable.

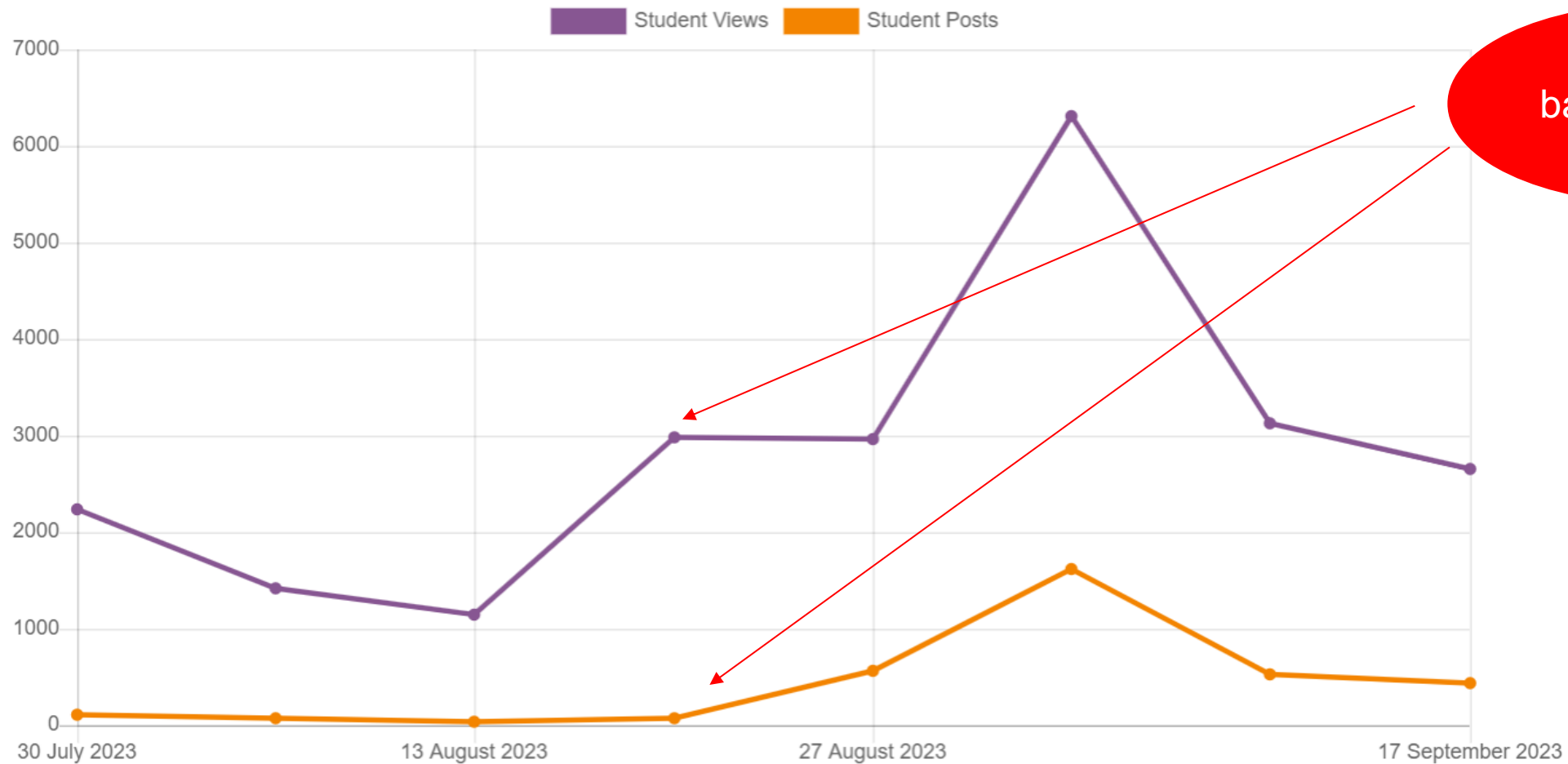
The previous slide is a demonstration of what happens when the learner gets the answer incorrect. The scenario branches into a “consequence” page, demonstrating what could possibly happen should they make the wrong decisions in the real world.

On the other hand, when they get the answers correct the narrative continues to flow normally.



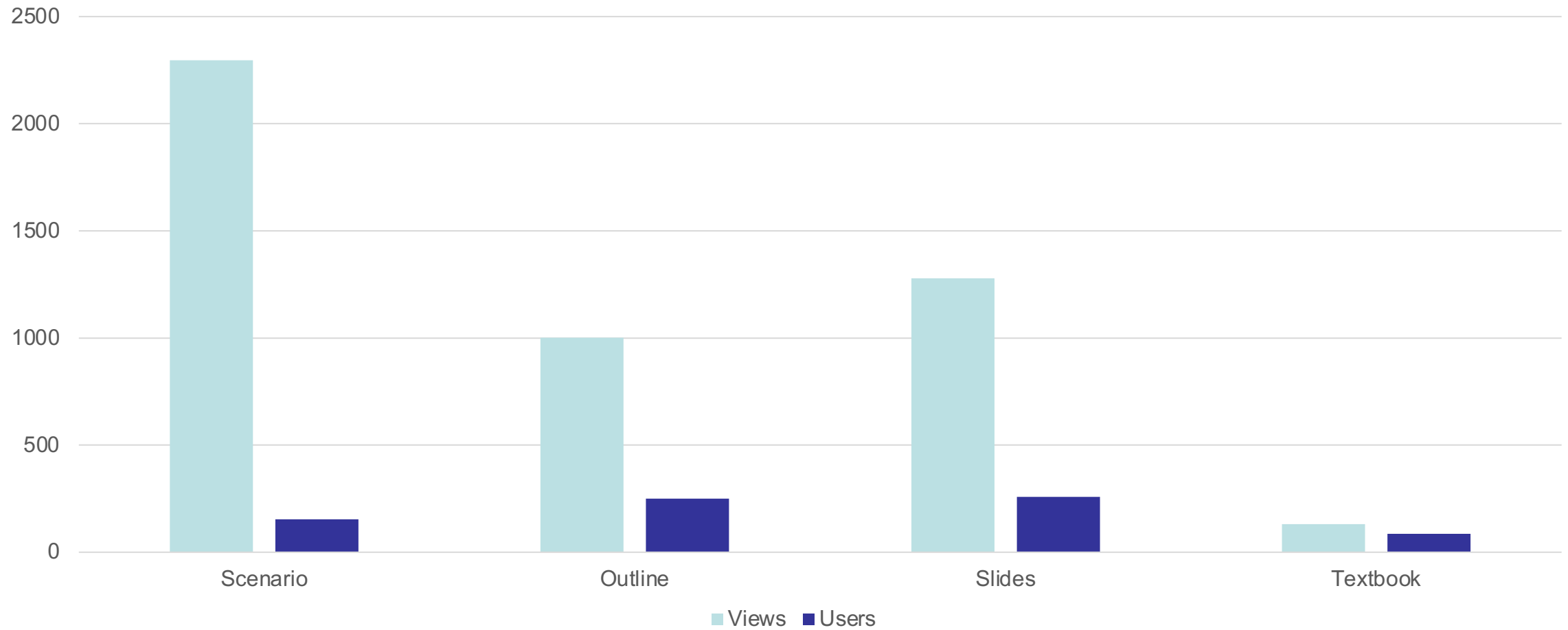
Engagement statistics

2023|LAWS3EV|H|2 - All activity (views and posts) Student






Scenario-based activity released

Relative engagement








Student evaluation of the activity

  View all responses. All participants. View Default order  Responses: 26

STUDENT SURVEY

1

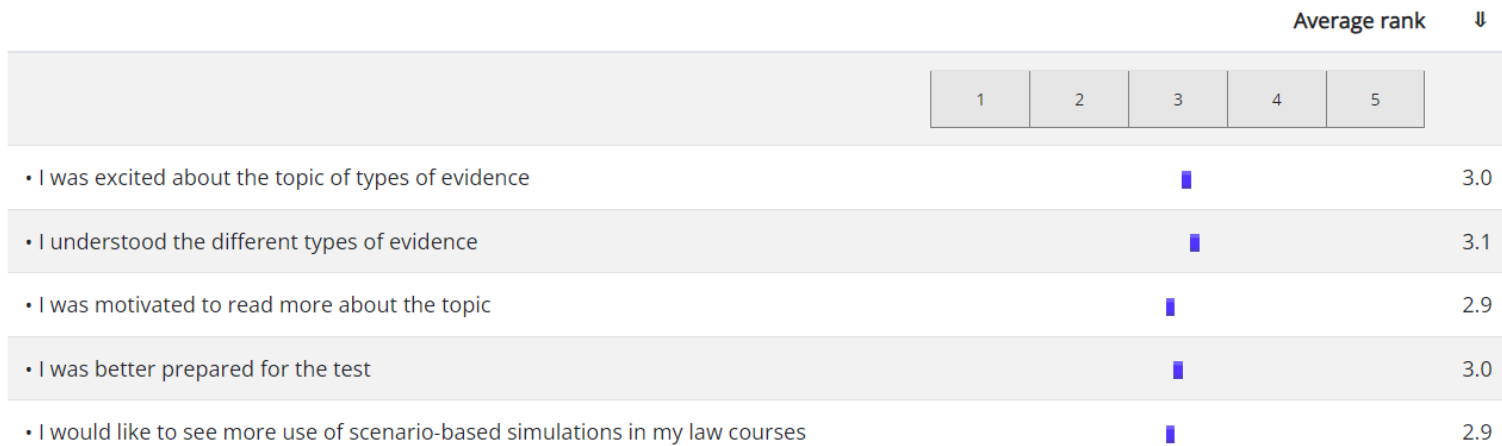
How many times did you attempt the **Evidence Scenario-Based Activity** on the Evidence course page in Learn?

Response	Average	Total
Never	 6%	2
1 or 2 times	 49%	17
3 to 5 times	 14%	5
More than 5 times	 6%	2
Total responses to question	 100%	35/26

Student evaluation of the activity

2

Rate these statements on a 1 (strongly agree) to 5 (strongly disagree) scale.
After completing the scenario:















Responses	1	2	3	4	5	Total
• I was excited about the topic of types of evidence	9 (38%)	0	3 (13%)	5 (21%)	7 (29%)	24
• I understood the different types of evidence	8 (33%)	1 (4%)	3 (13%)	4 (17%)	8 (33%)	24
• I was motivated to read more about the topic	6 (25%)	4 (17%)	4 (17%)	7 (29%)	3 (13%)	24
• I was better prepared for the test	5 (21%)	4 (17%)	6 (25%)	5 (21%)	4 (17%)	24
• I would like to see more use of scenario-based simulations in my law courses	9 (38%)	3 (13%)	3 (13%)	0	9 (38%)	24

Student evaluation of the activity

3

Did you attempt any of the following related activities? Select all that apply

Response	Average	Total
• Listen to the ONLINE IMPERSONATION SCAMS podcast	 7%	2
• Read Oxford Evidence chapter	 4%	1
• Read S v Brown	 7%	2
• Read S v Meyer	 4%	1
• Complete QUIZ 1	 26%	7
• Complete TASK 1 – identify types of evidence	 22%	6
• Mark your TASK 1 using the model answer & rubric	 7%	2
• Complete TASK 2 – identify types of evidence	 4%	1
• Complete QUIZ 3	 7%	2
• Complete QUIZ 4	 4%	1
• Mark your TASK 4 using the model answer & rubric	 4%	1
Total responses to question	 100%	27/26

Recommendations & Conclusions

- Complex real-world scenario was more closely aligned to learning outcomes & required graduate attributes than a “test”.
- Average of 15 views per learner suggests active learning
- Positive student evaluation.

Recommendations & Conclusions

- Enhance visual design (potential for AI image generation)
- Add motion to visual to encourage engagement.
- Make questions more challenging.
- Make the “rabbit hole” deeper?
- Possibility to scale?
 - Build additional scenarios for other modules in the programme.
 - Consider application in other disciplines.
 - Build-in participation incentives.

Key References:

- Moore, C. "Action mapping: a visual approach to training design." *Acesso em 20* (2008).
- Palmer, J., & Caputo, A. (2003). The universal instructional design implementation guide. Retrieved from <http://www.uoguelph.ca/tss/uid/UID%20implimentation%20guide%20v13.pdf>
- Seren Smith, M., Sarah Warnes, and Anne Vanhoestenbergh. "Scenario-based learning." UCL IOE Press, 2018. 144-156.
- Swales, Lee, and Adrian Bellengère. "A blended learning approach to teaching Electronic Evidence." *Teaching Evidence Law*. Routledge, 2020. 135-148.

Thank You for your time & attention

For further engagement, please feel free to contact me directly:

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