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# Utilising game-based learning in first year undergraduate contract law

## Kate Fernandez

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# Utilising game-based learning in first year undergraduate contract law

Kate Fernandez

School of Business and Law, University of Brighton, Brighton, UK

## ABSTRACT

Much has been said in the academic literature of the advantages of game-based learning (GBL) in higher education, with some limited work addressing GBL in the context of law schools. This paper addresses specifically the "gamification" of the first year undergraduate module of contract law and argues, following an empirical study of first year undergraduate law students, that employing as a pedagogical method traditional childhood games such as crosswords, Taboo or Pictionary can increase student engagement and in turn enhance student learning of contract law. For law schools, the relatively few resources required to incorporate traditional games make GBL an adaptable pedagogical method for institutions which are increasingly resource conscious. This paper will first address the pedagogical rationale of employing this method in the first year undergraduate module of contract law. Following an analysis of empirical data, the paper will provide specific examples of using GBL in a contract law module to: (1) provide an introduction to the topic; (2) act as a pause between tasks; and (3) consolidate student understanding. Finally, suggestions will be made for how perceived limitations to GBL can be overcome and how it can be adapted to the wider context of teaching other undergraduate law modules.

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## 1. Introduction

The use of games in higher education, often referred to as the "gamification" of the curriculum,<sup>1</sup> has been in part a response to a new generation of

**CONTACT** Kate Fernandez [K.Fernandez@brighton.ac.uk](mailto:K.Fernandez@brighton.ac.uk) School of Business and Law, Elm House, University of Brighton, Lewes Road, Brighton BN2 4GJ, UK

<sup>1</sup>See generally, Karl Kapp, *The Gamification of Learning and Instruction Fieldbook: Ideas into Practice* (Wiley 2014); Daniel M Ferguson, "The Gamification of Legal Education: Why Games Transcend the Langdellian Model and How They Can Revolutionize Law School" (2016) 19 Chapman Law Review 629.

undergraduate law students. The “millennial”<sup>2</sup> and “Gen Z”<sup>3</sup> generations are the first to have grown up with technology<sup>4</sup> and typically see higher education as a collaborative process<sup>5</sup> rather than “top-down” instruction.<sup>6</sup> Consequently, traditional pedagogical practices, such as the Socratic method, previously employed by law schools to teach students the legal threshold concepts,<sup>7</sup> are less effective for this modern generation of students.<sup>8</sup> This has led to an increase in experiential<sup>9</sup> learning methods such as problem-based teaching and legal clinics as well as the embedding of games in the curriculum, which appeal to students’ desire for a collaborative approach to learning,<sup>10</sup> while still aligning with the Subject Benchmark Statement for Law<sup>11</sup> and professional regulatory requirements.<sup>12</sup>

Given the benefit of utilising games in higher education, this article will first evaluate data from empirical research to garner student perceptions of games to teach first year law modules. The article then draws upon these student perceptions to examine three methods by which games can be employed in the teaching of undergraduate contract law: first, as an introduction to the topic; secondly as a pause between tasks; and finally, to consolidate student understanding. The paper concludes by suggesting ways in which perceived limitations to games can be overcome, such that these techniques can be applied to other undergraduate law modules. The purpose of the article is to

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<sup>2</sup>Born between 1979 and 1994 – Karen Wey Smola and Charlotte D Sutton, “Generational Differences: Revisiting Generational Work Values for the New Millennium” (2002) 23 *Journal of Organizational Behavior* 363.

<sup>3</sup>Born between 1995 and 2012 – Center for Generational Kinetics, “Generational Breakdown: Info about All of the Generations” <<https://genhq.com/the-generations-hub/generational-faqs/>> accessed 2 July 2024.

<sup>4</sup>By “technology” this article refers to the ability to have ready access to computers and the internet either through school or in the home.

<sup>5</sup>Diana Oblinger, “The Next Generation of Educational Entertainment” (2004) 8 *Journal of Interactive Media in Education*, Article 10, 2.

<sup>6</sup>The increase in tuition fees in the United Kingdom from around £3000 to over £9000 in 2012 has also resulted in the “marketisation” of students and a consumerist ideology; students are paying a premium for their education and therefore expect a greater level of satisfaction and a desire to “get what they pay for”. See generally Elizabeth Nixon, Richard Scullion and Robert Hearn, “Her Majesty the Student: Marketised Higher Education and the Narcissistic (Dis)Satisfactions of the Student-Consumer” (2018) 43 *Studies in Higher Education* 927.

<sup>7</sup>Jan Meyer and Ray Land, *Overcoming Barriers to Student Understanding: Threshold Concepts and Troublesome Knowledge* (Routledge 2006).

<sup>8</sup>Sabine Jacques, “Experimenting with Gamification in Legal Higher Education: A Thousand Intellectual Property Rights” (2018) 27 *Nottingham Law Journal* 3, 3.

<sup>9</sup>David Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice-Hall 1984).

<sup>10</sup>Darina Dicheva and others, “Gamification in Education: A Systematic Mapping Study” (2015) 18(3) *Journal of Educational Technology & Society* 75, 75; Oblinger (n 5) 2.

<sup>11</sup>QAA, “QAA Subject Benchmark Statement: Law” (QAA, 8 March 2023) <[www.qaa.ac.uk/docs/qaa/sbs/sbs-law-23.pdf?sfvrsn=c271a881\\_6](http://www.qaa.ac.uk/docs/qaa/sbs/sbs-law-23.pdf?sfvrsn=c271a881_6)> accessed 5 August 2024.

<sup>12</sup>Solicitors Regulation Authority, “SRA SQE1 Assessment Specification” (Solicitors Regulation Authority, April 2024) <<https://sqa.sra.org.uk/exam-arrangements/assessment-information/sqe1-assessment-specification>> accessed 27 November 2024; Solicitors Regulation Authority, “SRA SQE2 Assessment Specification” (Solicitors Regulation Authority, April 2024) <<https://sqa.sra.org.uk/exam-arrangements/assessment-information/sqe2-assessment-specification>> accessed 27 November 2024.

advocate the use of traditional games as a pedagogical approach which can be readily copied to other law modules, and which does not involve the allocation of significant resource.<sup>13</sup> To be clear, it is suggested not that the games should wholly replace more traditional methods of legal pedagogy, such as problem questions, but rather that they can complement traditional practice, either by creating a pause between lengthier tasks or when used as an introduction or consolidation exercise to such tasks. The intention is to suggest how games could be incorporated into higher education, with the subsequent aim being to motivate academics seeking to diversify their teaching strategies not only in contract law but in other undergraduate law modules.

### **1.1. *Rationale for game-based learning (GBL)***

Literature around GBL typically explores the development of games specifically designed for use in a particular module<sup>14</sup> or the use of technology in bringing gaming into the classroom.<sup>15</sup> The benefit of these methods is that the games can be designed to closely align to the curriculum and learning outcomes of the particular module, and the tutor retains complete control of the development process rather than being tied to existing gaming rules. This aligns with a core component of effective GBL – upon which the literature agrees<sup>16</sup> – which is that GBL should not be “shoehorned” into modules in an attempt to superficially diversify the curriculum. Instead, GBL should align with learning outcomes and the most effective GBL should also have clear relevance to students’ learning and future career aspirations.<sup>17</sup> For instance, the Solicitors Qualifying Examination (SQE) requires students to “apply … fundamental legal principles and rules appropriately”<sup>18</sup> and so a tutor can easily explain the benefit to students of a game created to enhance legal reasoning and judgement with reference to this SQE requirement. The connection to learning outcomes and future career aspirations should be made clear to students at the outset of the module and again before such exercises are employed in the classroom.<sup>19</sup> A new, bespoke game can clearly fit these criteria, being designed specifically for that purpose and with these conditions in mind.

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<sup>13</sup>“Traditional games” in the context of this article refers to games where the rules are already in existence, and the game is readily available for popular recreational play, such as Pictionary or Taboo.

<sup>14</sup>Kurt Squire and Henry Jenkins, “Harnessing the Power of Games in Education” (2003) 3 *Insight* 5. See also David Yuratich, “Ratio! A Game of Judgment: Using Game-Based Learning to Teach Legal Reasoning” (2021) 55 *The Law Teacher* 213.

<sup>15</sup>Diana Donahoe, “An Autobiography of a Digital Idea: From Waging War against Laptops to Engaging Students with Laptops” (2010) 59 *Journal of Legal Education* 485.

<sup>16</sup>Squire and Jenkins (n 14); Yuratich (n 14). See also Francesco Crocco, Kathleen Offenholley and Carlos Hernandez, “A Proof-of-Concept Study of Game-Based Learning in Higher Education” (2016) 47 *Simulation & Gaming* 403.

<sup>17</sup>Yuratich (n 14) 219.

<sup>18</sup>Solicitors Regulation Authority, “SRA SQE1 Assessment Specification” (*Solicitors Regulation Authority*, April 2024).

<sup>19</sup>Yuratich (n 14).

However, this article posits that traditional games can also be utilised in a way that aligns with these effective GBL requirements. The immediate advantage to these games is that students may already have some familiarity with them and there is far less initial time and financial outlay required by the tutor and institution.<sup>20</sup> It should be made clear that utilising such games is not “academic laziness” but rather an acknowledgement of the practicalities within which modern academics are operating, in which they are required to create engaging modules but in an environment of increasing resource scarcity. Traditional games allow tutors to incorporate engaging GBL tasks easily and at low cost.

The three GBL tasks discussed in this article are embedded in the first year (11-week) module of contract law at the University of Brighton. In the academic year 2024/25, 196 students were enrolled on the module. Traditional games were chosen for the contract law module as they require less initial time outlay, can be readily manipulated according to the legal topic in which they will be used, and some students may already have some familiarity with the rules. There were four learning outcomes against which the games were mapped: the first required students to demonstrate a “broad and evaluative” understanding of principles of contract law (Outcome 1). The second required students to solve legal problems and construct arguments (Outcome 2) and the third outcome focused on conducting legal research (Outcome 3). Finally, students were required to communicate about contract law (Outcome 4). These learning outcomes were set by the institution prior to this research, and so to ensure that the games discussed in this article fit with the overall aims of the module, they were all developed with one or more of these outcomes in mind. The link to these outcomes was communicated to students clearly in the session.

In addition to the educational benefit of GBL in meeting learning outcomes, such games can also have a pastoral benefit to students. This is particularly apparent when employed in first year undergraduate modules, where GBL can help students to bridge the gap between school/college and university. Games such as KAHOOT!<sup>21</sup> are now also commonly used at secondary education level<sup>22</sup> and so utilising similar tools could aid students in feeling a sense of comfort and familiarity. Such a feeling of belonging and social integration has long been linked to student happiness<sup>23</sup> and therefore retention<sup>24</sup> and so the use of games with which students may have some familiarity from childhood

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<sup>20</sup>Dicheva and others (n 10) 75.

<sup>21</sup>KAHOOT! is an online platform on which a tutor creates a quiz, and students must select the correct answer within a specified timeframe. Students can work individually or in teams, and can log on to the quiz using a smartphone to select the correct answer in “real time”.

<sup>22</sup>Serena Jones and others, “A ‘KAHOOT!’ Approach: The Effectiveness of Game-Based Learning for an Advanced Placement Biology Class” (2019) 50 Simulation and Gaming 832.

<sup>23</sup>Darren Iwamoto and others, “Analyzing the Efficacy of the Testing Effect Using Kahoot™ on Student Performance” (2017) 18 Turkish Online Journal of Distance Education 80, 89.

<sup>24</sup>Vincent Tinto, “Dropout from Higher Education: A Theoretical Synthesis of Recent Research” (1975) 45 Review of Educational Research 89.

can aid in this sense of contentment<sup>25</sup> and thus engagement. For tutors, games can be helpful to indirectly test students' understanding of a topic without creating a sense of "assessment" and the oft-accompanying anxiety.<sup>26</sup> For instance, using a version of Taboo<sup>27</sup> to ask students to describe a case without using certain key words will identify gaps in knowledge; if a student cannot readily suggest alternative phrases, this could suggest some misunderstanding.<sup>28</sup> The tutor can then use this information to provide further guidance on that case or topic. Using games at the end of a session therefore allows students to consolidate their understanding without the pressure of being assessed, thereby also contributing to a feeling of comfort in the classroom.<sup>29</sup>

For those students who may have little to no childhood experience of the games, either due to greater time spent online – and it is recognised that the current generation of "Gen Z" students spend much more time online than previous cohorts<sup>30</sup> – or simply having not been exposed to them, such a cohort may still benefit from GBL due to the fast pace and break in monotony such practices can bring to the classroom.<sup>31</sup> Contract law, in particular, is notoriously "case-heavy" requiring students to understand the common law system and get to grips with precedent and legal reasoning. Games can be used at strategic points in a session to create a pause between lengthier activities such as problem questions or theoretical debates and can therefore alleviate the perceived "dryness" of the subject. This, too, is helpful for maintaining the engagement of "Gen Z", who, linked to frequent use of social media sites such as TikTok, have developed a much shorter attention span than earlier cohorts.<sup>32</sup>

Finally, GBL also aids inclusivity in the classroom. Neurodiverse students<sup>33</sup> may "struggle with traditional teaching and assessment methods"<sup>34</sup> in higher

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<sup>25</sup>Crocco, Offenholley and Hernandez (n 16) 407. See also Thomas Connolly and others, "A Systematic Literature Review of Empirical Evidence on Computer Games and Serious Games" (2012) 59 Computers & Education 661.

<sup>26</sup>Katrien Struyven, Filip Dochy and Steven Janssens, "Students' Perceptions about Evaluation and Assessment in Higher Education: A Review" (2005) 30 Assessment & Evaluation in Higher Education 325, 330.

<sup>27</sup>A game in which players are asked to describe a particular word or phrase without using certain words typically associated with it. For instance, explain the word "beach" without using "sand", "waves" or "water". The team with the most words guessed in a timeframe wins.

<sup>28</sup>It is acknowledged that there may be other reasons for the students' inability to describe connected words, such as social anxiety or inability to communicate; games can provide a helpful guide for tutors to identify students who may require further support.

<sup>29</sup>Struyven, Dochy and Janssens (n 26) 330.

<sup>30</sup>Oblinger (n 5).

<sup>31</sup>Donahoe (n 15). See also Nicola Whitton, "Game Engagement Theory and Adult Learning" (2011) 42 Simulation and Gaming 596, 602.

<sup>32</sup>John Huss, "Gen Z Students Are Filling Our Online Classrooms: Do Our Teaching Methods Need a Reboot?" (2023) 18 Insight 101, 105.

<sup>33</sup>"Neurodiversity" is a term used to describe persons whose brain function naturally differs in how they "receive, process and respond" to information, and includes conditions such as autism, dyslexia, dyspraxia and ADHD, as per Anna Cook, "Conceptualisations of Neurodiversity and Barriers to Inclusive Pedagogy in Schools: A Perspective Article" (2024) 24 Journal of Research in Special Educational Needs 627, 628.

<sup>34</sup>Lynn Clouder and others, "Neurodiversity in Higher Education" (2020) 80 Higher Education 757, 771.

education. For instance, students with Autistic Spectrum Disorder (ASD) may find it difficult to concentrate and focus on tasks<sup>35</sup> and so shorter, discrete tasks could benefit such students; a 10-minute crossword or short game of Taboo between tasks may break the perceived monotony and provide respite from traditional teaching methods which typically pose greater difficulty due to their lengthier nature. Equally, students with Attention Deficit Hyperactivity Disorder (ADHD) are found to benefit most from group activities,<sup>36</sup> and so a game of Pictionary, working in a team towards a common end goal, could aid these students in feeling supported by the teaching styles used in the classroom. Activities that align with neurodiverse learning needs should be “mainstream”,<sup>37</sup> enabling students to learn in a way that focuses on how they learn best rather than “emphasizing deficits”,<sup>38</sup> thereby fostering a sense of inclusion. Consequently, GBL, when used alongside more traditional teaching methods, can create a change in pace in sessions, thus appealing to students’ need for variety as well as feelings of belonging in higher education, but while also – when designed correctly, aligned with learning outcomes – providing educational benefit to a range of student learning needs.

## 1.2. *Research methodology*

To determine the efficacy of traditional games to teach undergraduate law, empirical research was undertaken to obtain student perceptions. A questionnaire was distributed to all 196 first year undergraduate law students following the use of a traditional game in a revision seminar at the end of term. All first year undergraduate law students were invited to participate in the questionnaire either in the seminar or in their own time, using Microsoft Forms. Students were informed that their contribution was voluntary, and their answers were anonymised.<sup>39</sup>

Data for this research was obtained from the current (academic year 2024/25) first year undergraduate cohort in the Law of Torts module. As Contract Law is a semester 2 module, it was not possible to obtain empirical data from Contract Law students before the publication of this article. However, this does not affect the validity of the results. The purpose of this article is to demonstrate how traditional games can be used to enhance both the academic and professional skills development of undergraduate students. The article is not suggesting that such games

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<sup>35</sup>ibid 769.

<sup>36</sup>ibid 772.

<sup>37</sup>ibid.

<sup>38</sup>ibid.

<sup>39</sup>Ethical approval for this study was obtained from the University of Brighton Cross-School Research Ethics Committee C, reference number: 2024-14451-Fernandez.

be used exclusively to teach contract law, and indeed in [section 4](#) suggests how such games can be embedded into other modules. As such, feedback from students in the Law of Torts module can validly be used to determine student perceptions of this method. The same cohort surveyed for the purpose of this research will proceed to study contract law in semester 2.

In the questionnaire, students were asked a range of questions around four core areas related to the game: (1) general experience, (2) effectiveness, (3) engagement, and (4) wellbeing. A final section requested qualitative comments from students on what went well with the game, how it could be improved, and any additional final comments on the use of the game in future.

The findings of the survey will be discussed below, to determine whether student perceptions align with the pedagogical rationale for the introduction of games into the undergraduate contract law curriculum.

## 2. Student perceptions

Twenty-two first year undergraduate students enrolled on the Law of Torts module for the academic year 2024/25 completed the questionnaire following the use of a crossword in a revision seminar. The crossword was used in the final seminar at the end of term as a means of confirming student understanding of the topic of negligence. As explained above, time resource was a constraint to obtaining this data, but nonetheless, the return was consistently positive towards the use of GBL and so determining whether this positivity is consistent across cohorts could be the subject of a further longitudinal study. Students spent 10–15 minutes completing the crossword, followed by five minutes of class discussion of the answers, led by the tutor. Generally, student perception of the task was positive, with 95% of students having a “positive” or “very positive” overall experience with the teaching method and 91% determining that it enhanced their learning. Significantly, although it was a small sample, the data was consistent, in that no student recorded a negative overall experience, suggesting that there is some benefit to including such a task in the curriculum, alongside more traditional methods of teaching. Two key themes emerged when analysing the data collection: (1) engagement; and (2) inclusivity.

### 2.1. Engagement

The literature has been clear that introducing an alternative method of teaching such as gaming can aid student engagement, particularly for Gen Z who require greater diversity of tasks in order to retain their attention.<sup>40</sup> Using tools which may have some familiarity to students, such as crosswords,

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<sup>40</sup>Huss (n 32).

can also create a feeling of ease<sup>41</sup> and games, in particular, can bring a sense of “fun” into the classroom and create a break to the perceived monotony of what can sometimes be “dry” tasks.<sup>42</sup>

The study data showed that 87% of students felt engaged with the crossword, with the remaining 13% returning a neutral response. Specifically, students appreciated that the task was more entertaining than traditional seminar tasks, noting that the game was “less traditional than learning from slides, but more fun” and “it made recalling information more fun and therefore easier”. This suggests that students are more likely to engage – and, it is suggested, it is not too great a leap to suggest they would consequently then be more likely to achieve – in tasks that they enjoy. Interestingly, participants proposed that the task would be helpful in supporting problem questions, noting that “[the task] made it clear what the definitions of terms were rather than solving a problem question where I’m throwing terms I’m not a clear with” and “this is better *as well as* [emphasis added], rather than replacing, problem questions”. This suggests that GBL has a place alongside traditional problem questions; once students have identified the key terms of the topic from the crossword task, they can then apply those terms to a fictional problem scenario. As such, GBL in the form of a crossword could act as a helpful complement to existing methods of legal pedagogy.

## 2.2. Inclusivity

The second theme emerging from the data was the promotion of inclusivity. Inclusivity is cited in the literature as a core reason for the introduction of GBL in the curriculum.<sup>43</sup> Group tasks can assist in combatting student isolation, particularly for those who may find traditional legal tasks more difficult;<sup>44</sup> a game such as a crossword can allow students to feel a sense of success in completing it. This is particularly the case for neurodiverse students, who may find lengthier, more time intensive tasks such as problem questions and essays difficult, and who typically benefit more from group tasks.<sup>45</sup>

In the study, significantly, 100% of students felt that the teaching method created a positive and inclusive learning environment. Students commented on the “less formal atmosphere” and the sense of “fun” that came from “working with peers”. Students also acknowledged that a benefit of the crossword was that all students participated; in the seminar, students commonly approached the task in small groups, conferring on answers. This was reflected in the feedback; participants appreciated that “everyone felt as if

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<sup>41</sup>Crocco, Offenholley and Hernandez (n 16).

<sup>42</sup>Donahoe (n 15).

<sup>43</sup>Iwamoto and others (n 23); Jacques (n 8).

<sup>44</sup>Jacques (n 8).

<sup>45</sup>Clouder and others (n 34).

they could participate", "it was an accessible way of checking information retention that engaged everyone in the seminar" and "it gave an opportunity to work together, as individuals have strengths in different areas ... it gave everyone an opportunity to engage and answer". From the author's own experience in the classroom, traditional legal tasks can sometimes isolate students who do not understand the topic, so it was encouraging to observe students collectively engaging in the game. Such teamwork was a consistent theme in the responses, with participants noting that this helped them to complete the task: "we worked as a team where we were stuck on an answer; together and through deduction, we could solve it". Teamwork also added to the sense of fun: "we were able to laugh and collaborate together on our answers".

The above data supports the contention that a game can assist students in feeling that they have contributed and accomplished a task in a seminar. It can take some students longer to understand both the structure and content of problem questions and essays and so games could therefore assist in retaining those students' engagement, by giving them confidence in their abilities, during a period where they may otherwise feel disengaged. At the same time, the data suggests a wellbeing benefit to the use of GBL; the sense of "fun" could help students to feel more at ease and therefore increase their enjoyment of the module. For the institution, such sentiments are linked to positive retention rates.<sup>46</sup>

### **2.3. *Improvements***

The final section of the questionnaire asked participants for their suggestions on how the game could be improved for future teaching. One comment noted that the game should be used "more frequently throughout the year, and ... refine knowledge to more specific areas of law". Another suggested that the crossword be "more topic specific". Such data reflects that the game in the study was used as a revision exercise at the end of term and addressed the subject of negligence in its entirety; it is suggested by the author, as shall be explained further in [section 3.1](#) below, that a crossword has greater utility as an introductory exercise at the beginning of a seminar. As an introduction, the crossword will provide students with the key terms for the relevant seminar topic; with this knowledge, students can then proceed to a more traditional task such as a problem question or essay, in which such key terms are evaluated and applied rather than merely recalled, thus scaffolding learning.

A second suggested improvement was that the nature of a crossword is that the answers to the clues are discrete. As noted by one participant, this

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<sup>46</sup>Tinto (n 24).

can be problematic “if you don’t know the answer”. Another stated that such answers “required research” and so the crossword would “better serve as a starter activity to jog memory … or at the end of a session to consolidate learning”. This reflects the skills benefit of a crossword being knowledge recall and group collaboration, rather than legal application. As such, these suggestions support the notion introduced in this article that crosswords – or indeed other games which develop similar skills, such as Taboo – are best used as a complement to traditional undergraduate law tasks rather than as a replacement for them. In this way, students can benefit from a more comprehensive skills development.

Drawing on what has been discussed with regard to inclusivity, a final suggested improvement from the study was for there to be “more group-orientated tasks to emphasise collaboration”. For the purpose of the study, participants were only asked to complete a crossword, rather than partake in other games such as Taboo or Pictionary.<sup>47</sup> A typical seminar task will be a problem question in which some students may confer with each other, but unless explicitly directed by the tutor, students will usually work alone in answering the question. Consequently, the crossword, and, it is contended, the other games cited in this article, such as Taboo and Pictionary, could have some utility in increasing the number of collaboration tasks used in seminars, which students enjoy. These “fun” games, it has been seen from the data and in the pedagogical literature, can act as a break between the lengthier, more traditional legal tasks, while retaining a skills benefit for students.

### **3. Using game-based learning in contract law**

The above study identified generally positive student attitudes to the use of one method of GBL, a crossword, to teach Law of Torts. The following section discusses how a crossword and two other traditional games based upon the same GBL rationale – Taboo and Pictionary – can draw upon this positive data to apply these methods to teach the complementary undergraduate module of Contract Law. This can be done in three distinct ways: (1) to introduce the topic; (2) to act as a pause between topics; and (3) to consolidate understanding.

#### ***3.1. To introduce the topic***

GBL is utilised as the first task in the second seminar of the undergraduate contract law module, reflecting the suggestions made in the study data that such activities may be better used as “a starter activity to jog memory”. Week

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<sup>47</sup>This was due to time constraints regarding preparing this article and obtaining ethical approval for the study.

1 of the module is primarily introductory; in the lecture, students are introduced to core concepts such as freedom of contract, inequality of bargaining power and the elements of formation. In the corresponding seminar in Week 2, the first task utilises GBL in the form of a crossword. The crossword was created using a free online “crossword creator” tool, which is publicly available.<sup>48</sup> Drawing further on the study data suggestion that crosswords be “more topic specific”, in the context of the contract law module, students are given 8–10 questions which address core concepts of contract law, for instance, “the usual remedy for breach of contract” (damages) and “one of the three elements of a valid contract” (consideration). The tutor imposes a time limit of around 10 minutes and students work through each of the questions methodically. Students may work in small groups to discuss answers, and, once the 10-minute time limit is complete, the tutor concludes with an entire class consolidation of the answers. The crossword is used in contract law as an introductory exercise to encourage students to think about key concepts before the seminar moves on to more traditional legal tasks such as problem-based scenarios.

Crosswords have previously been consistently advocated in other disciplines such as science and medicine.<sup>49</sup> However, their utility can extend to law. The skills acquired completing a crossword complement those required of law students, such as reasoning (Outcome 2 of the learning objectives) as well as understanding legal concepts (Outcome 1 of the learning objectives). The crossword format also allows the tutor to easily identify gaps in knowledge; for example, where numerous students are unable to answer a particular question, this would suggest that more time should be spent on this topic. As such, this method of GBL can be useful to direct future learning. From a student perspective, crosswords tap into the success of popular interactive word games such as Wordle,<sup>50</sup> while the feeling of immediate accomplishment when a question is correctly answered satisfies “Gen Z’s” desire for immediate gratification but also increases their confidence: “when one reaches the correct

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<sup>48</sup>See, for example, Education.com, “Crossword Puzzle” <[www.education.com/worksheet-generator/reading/crossword-puzzle/?gad\\_source=1&gclid=EAIalQobChMI-JLcm-isiwMVjY1QBh00YAnjEAAYASAAEgK1BfD\\_BwE](http://www.education.com/worksheet-generator/reading/crossword-puzzle/?gad_source=1&gclid=EAIalQobChMI-JLcm-isiwMVjY1QBh00YAnjEAAYASAAEgK1BfD_BwE)> accessed 12 February 2025.

<sup>49</sup>Anurag Saxena and others, “Crossword Puzzles: Active Learning in Undergraduate Pathology and Medical Education” (2009) 133 Archives of Pathology and Laboratory Medicine 1457; Peyman Zamani, Somayeh Haghghi and Majid Ravanbakhsh, “The Use of Crossword Puzzles as an Educational Tool” (2021) 9 Journal of Advances in Medical Education and Professionalism 102; Abubaker Qutieshat and others, “Interactive Crossword Puzzles as an Adjunct Tool in Teaching Undergraduate Dental Students” (2022) International Journal of Dentistry 1 <<https://doi.org/10.1155/2022/8385608>> accessed 30 June 2025.

<sup>50</sup>A game in which players must guess a single five-letter word within a limited number of attempts and of which Gen Z are the second largest consumers (18% of users) – Marisa Dellatto, “Millennials Are Driving Force Behind Wordle’s Success, Poll Suggests” (Forbes, 20 January 2022) <[www.forbes.com/sites/marisadellatto/2022/01/20/millennials-are-driving-force-behind-wordles-success-poll-suggests/](http://www.forbes.com/sites/marisadellatto/2022/01/20/millennials-are-driving-force-behind-wordles-success-poll-suggests/)> accessed 12 February 2025.

answer, the feeling of confidence in their knowledge increases which subsequently enhances their self-sufficiency and satisfaction".<sup>51</sup> This reflects the study data, in which students appreciated that the crossword "gave everyone an opportunity to engage and answer", thus allowing more students to obtain that sense of confidence. Significantly, where crosswords are used consistently alongside lectures, they have been found to increase student knowledge to a greater extent compared to a "traditional" method of lecturing and periodic quizzes.<sup>52</sup> Crosswords can therefore be a worthwhile accompaniment to traditional contract law pedagogy.

A key consideration with the use of crosswords in teaching contract law, however, is that such a task is not one typically required of a law student. As such, students may not readily perceive the utility of a crossword to their learning. The tutor should therefore explain the task plainly at the beginning of the session and specify the benefit to students (consolidating lecture understanding and enhancing reasoning skills). Additionally, care needs to be taken when drafting the crossword questions so that drafting ambiguity does not affect student understanding. For instance, as explained above, while numerous students' inability to answer a crossword question may be cause for the tutor to dedicate a greater amount of time to that topic, student misconception could also be a result of the question itself being drafted badly. Consequently, care should be taken when drafting the crossword to ensure that all questions are concise and clear, such that when students are unable to answer a question, there can be no doubt that this is due to a gap in knowledge rather than a drafting infelicity. This will necessitate the tutor taking additional time when drafting the task; however, this time outlay is significantly less than were the tutor to create a brand-new game specific to the module, and, once the crossword is created, save for any changes in the law, this same crossword can be replicated across numerous years. As such, longevity is also a key advantage of crossword GBL.

### **3.2. A pause between tasks**

The second game employed in contract law is that of Taboo. The traditional rules of Taboo require players to work in teams to try to guess a key word or phrase from verbal cues, without using certain commonly associated words. In the context of the first year contract law module, the game is used during Week 8 seminars on the topic of exclusion clauses, the Unfair Contract Terms Act (UCTA) and the Consumer Rights Act.

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<sup>51</sup> Zamani, Haghghi and Ravanbakhsh (n 49) 103.

<sup>52</sup> *Ibid* 106–07.

During the game, students work in groups of five with each team member given a slip of paper with a key case, phrase or piece of legislation associated with exclusion clauses, for example, *Chapelton v Barry UDC*<sup>53</sup> *Olley v Marlborough Court*<sup>54</sup> or "parole evidence rule". All groups are given two minutes and must try to explain the case or phrase to their teammates without using certain key words. For instance, the student with *Chapelton* cannot use the case name in any variation or the word "beach" or "deckchair". The winning team is that which guesses all five items first, or guesses the most within the time limit. After the two minutes are complete, each group has 5–10 minutes to compile a definition or to cite the *ratio* for each of the five phrases or cases. During this period, the tutor moves between the groups to check understanding. There then follows a final all-student consolidation, where the definitions and *ratios* are reviewed with the whole group. Taboo takes around 15–20 minutes to complete. Depending on the level and numbers of students in a seminar or workshop, the time limit for both guessing and providing definitions can be adapted accordingly.

The game requires students to work collaboratively, demonstrate dexterity of vocabulary and communicate clearly and concisely (Outcome 4 of the learning objectives). Each of these skills is aligned with the Benchmark Statement for Law<sup>55</sup> as well as the SRA SQE requirements.<sup>56</sup> The game therefore contributes to skills that will prepare students for legal practice. From a pedagogical perspective, the focus in Taboo is on collaboration not competition<sup>57</sup> and this was reflected in the study data in section 2.3 of this paper, too, in which students enjoyed the crossword game as they were able to work collaboratively, "as a team where we were stuck on an answer; together and through deduction, we could solve it". Taboo employs this same GBL logic with small groups of five aiding students who may be reluctant to participate in larger group activities or in a Socratic-style method of teaching. Small groups also minimise any potential embarrassment a student may feel where they are unable to explain a case or phrase because they cannot recall the facts or do not understand the concept.

Taboo is used in first year contract law as a break between tasks; it can result in some animated students, particularly as the two-minute time limit draws nearer, which can invigorate the group and create a change in pace, something which is particularly beneficial for "Gen Z" students' apparent shorter attention span.<sup>58</sup> Mika acknowledges that the legal profession

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<sup>53</sup>[1940] 1 All ER 356.

<sup>54</sup>[1949] 1 All ER 127.

<sup>55</sup>QAA (n 11) 10 – law graduates should have the "ability to work collaboratively". Communicating "effectively and appropriately verbally" and presenting information in a "comprehensible" way are also threshold skills under the Benchmark Statement: QAA (n 11) 14.

<sup>56</sup>Solicitors Regulation Authority, "SRA SQE2 Assessment Specification" (Solicitors Regulation Authority, April 2024).

<sup>57</sup>Bera and Robinson (n 65).

<sup>58</sup>Huss (n 32).

frequently involves long periods working on mundane tasks and so accommodating students by introducing tasks that cater to their short attention span is not reflective of practice.<sup>59</sup> It is of course true that the profession often does require periods of intense concentration; however, contract law is a first year module and academic endurance is developed throughout a law degree. First year introduces students to the profession but ought to be predominantly concerned with capturing students' engagement with law and in ensuring their understanding of threshold concepts. Tutors have only a short time to do this, but such interest and understanding are directly linked to student happiness and consequently positive retention rates;<sup>60</sup> games such as Taboo can therefore assist engagement, being a short, dynamic activity. This being said, the legal profession itself is moving away<sup>61</sup> from a culture of excessive working hours,<sup>62</sup> with greater emphasis now placed on wellbeing<sup>63</sup> and encouraging staff to use their time more efficiently, including by taking breaks.<sup>64</sup> The advantage of pausing between tasks is therefore being advocated in legal practice too. Consequently, employing a game such as Taboo at an opportune moment in the seminar, perhaps between more academic tasks, can create the pause needed to maximise student work efficiency without losing the momentum of the class and while also retaining educational benefit.

### **3.3. To consolidate student understanding**

The final method by which GBL is incorporated into contract law is using Pictionary. The traditional game of Pictionary involves players selecting a card on which is written a word or phrase; the player then draws associated images while their teammates try to guess the phrase. Studies have shown<sup>65</sup> that students retain information better through visual images than when that information is conferred only verbally, particularly when such visual

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<sup>59</sup>Karin Mika, "Games in the Law School Classroom: Enhancing the Learning Experience" (2009) 18 Perspectives 1, 1.

<sup>60</sup>Tinto (n 24).

<sup>61</sup>Emma Boyd, "Burnout Concerns Prompts Shift in Law Firm Wellbeing Policies" *Financial Times* (London, 17 May 2024) <[www.ft.com/content/5e2171e5-d4b1-484b-b75f-04c2b4c2e3fd](http://www.ft.com/content/5e2171e5-d4b1-484b-b75f-04c2b4c2e3fd)> accessed 12 February 2025.

<sup>62</sup>Solicitors Regulation Authority, "Workplace Culture Thematic Review" <[www.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/](http://www.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/)> accessed 5 August 2024.

<sup>63</sup>Linklaters LLP, "Linklaters Introduces Mental Health and Wellbeing App" (*Linklaters*, 8 July 2021) <[www.linklaters.com/en/about-us/news-and-deals/news/2021/july/linklaters-introduces-mental-health-and-wellbeing-app](http://www.linklaters.com/en/about-us/news-and-deals/news/2021/july/linklaters-introduces-mental-health-and-wellbeing-app)> accessed 12 February 2025; Ella Marshall, "Good Wellbeing Starts with Good Leadership" (*Legal 500*) <[www.legal500.com/fivehundred-magazine/leadership/good-wellbeing-starts-with-good-leadership/](http://www.legal500.com/fivehundred-magazine/leadership/good-wellbeing-starts-with-good-leadership/)> accessed 12 February 2025.

<sup>64</sup>The Law Society, "Supporting Wellbeing in the Workplace: Guidance for Best Practice" (*The Law Society*, 9 October 2019) <[www.lawsociety.org.uk/topics/hr-and-people-management/supporting-wellbeing-in-the-workplace-guidance-for-best-practice](http://www.lawsociety.org.uk/topics/hr-and-people-management/supporting-wellbeing-in-the-workplace-guidance-for-best-practice)> accessed 12 February 2025.

<sup>65</sup>Stephan J Bera and Daniel H Robinson, "Exploring the Boundary Conditions of the Delay Hypothesis with Adjunct Displays" (2004) 96 *Journal of Educational Psychology* 381, 381.

information is given in timed conditions,<sup>66</sup> making games such as Pictionary a helpful complement to traditional lectures to consolidate student understanding. It has also been shown that visual film sources can have a positive impact on the development of the skills students require for practice, such as critical listening and observation.<sup>67</sup> Pictionary draws on these successes in a more discrete manner, while also overcoming a key drawback of film, which is its time-consuming and costly nature. Traditional visual games are simpler to create and replicate, utilising minimal resource and requiring less time outlay while still being helpful for law schools pursuing a practice-based approach to prepare students for the profession, as students can still develop key skills such as critical observation.<sup>68</sup> In the context of contract law, like Taboo, the skills-based benefit to students of Pictionary is the development of clarity of communication, teamwork and working to deadlines. The game also draws upon the study data recommendations for improvement in section 2.3 of this paper in which students welcomed the use of "more group-orientated tasks to emphasise collaboration"; Pictionary involves students working in small groups of around five; each team member is given a case relevant to the seminar topic and must draw images relating to the facts of the case for their teammates to guess. All groups are given the same five cases. For instance, during seminars for mistake and misrepresentation in Week 10, a student may be required to draw the facts of *Ingram v Little*;<sup>69</sup> they may therefore choose to draw a car and perhaps two female figures. A two-minute time limit is set with the winning team being that which identifies all cases in the shortest time or guesses the most within the two-minute timeframe. Pictionary works well if students have access to a whiteboard upon which to draw, as this has the further advantage of requiring students to move around the room;<sup>70</sup> however, flipchart paper can also be used. Following the two-minute game period, similarly to Taboo, students are then required to spend 5–10 minutes in their small groups recounting the facts and *ratio* of their specific case while the tutor moves around the room to check understanding. The game ends with an entire group consolidation revising the facts and rules of the five cases used in the game. Pictionary typically takes around 20 minutes to complete.

Pictionary requires students to collaborate and communicate creatively. By drawing the facts of a case, students must consider and recall those facts, thereby aiding their own understanding, but they must also then try to distil

<sup>66</sup>Daniel Robinson and Gregory Schraw, "Computational Efficiency through Visual Argument: Do Graphic Organizers Communicate Relations in Text Too Effectively?" (1994) 19 Contemporary Educational Psychology 399 cited in Bera and Robinson (n 65) at 381.

<sup>67</sup>Natalie Skead and Kate Offer, "Learning Law through a Lens: Using Visual Media to Support Student Learning and Skills Development in Law" (2016) 41 Alternative Law Journal 186, 190.

<sup>68</sup>Francina Cantatore and Ian Stevens, "Making Connections: Incorporating Visual Learning in Law Subjects through Mind Mapping and Flowcharts" (2016) 22 Canterbury Law Review 153, 153.

<sup>69</sup>[1961] 1 QB 31.

<sup>70</sup>Kayce Mobley and Sarah Fisher, "Ditching the Desks: Kinesthetic Learning in College Classrooms" (2014) 105 The Social Studies 301.

that understanding into an image that will translate clearly to their teammates. This therefore necessitates students identifying and communicating the important elements of the case in a clear, concise manner (Outcome 4 of the learning objectives), in much the same way as a solicitor is required to distil and communicate legal advice to their client. For those students attempting to guess the image, they too must recall the relevant case law in order to identify the correct case, thereby aiding their understanding of the topic (Outcome 1 of the learning objectives) and are simultaneously increasing their problem-solving skills (Outcome 2 of the learning objectives). However, the link to learning outcomes is a consideration when seeking to embed a game such as Pictionary into the curriculum. As has been identified in the academic literature on GBL, for games to be effectively incorporated into the curriculum, students need to understand *why* they are doing something, and the benefit that they are to obtain from it.<sup>71</sup> This is particularly important when embedding games such as Pictionary where students are utilising skills (such as drawing) which are not typically associated with law. It is therefore paramount that the rationale for the game – to increase students understanding of the case law (Outcome 1) – is explained to students at the outset. Furthermore, the skills benefit and relevance to future legal practice – the ability to distil and communicate information clearly to a client (Outcome 4) – should also be explained to groups.

#### 4. Considerations for using game-based learning

The above methods demonstrate how GBL has been incorporated into a level 4 contract law module and the earlier student participation study found that there is some benefit to including games within the undergraduate law curriculum. However, how such games are introduced is dependent on several factors including “resource availability, institutional support and pedagogic outlook”.<sup>72</sup> When tutors are considering using GBL in other modules and the limitations that they may face in doing so, the first consideration is time and cost. Usually, traditional games can be implemented at a relatively low initial cost and time outlay, thereby benefiting the student, the academic and the institution. As explained earlier in the article, the resources required for Pictionary and Taboo are pen and whiteboard/paper. This makes such games easily mimicable in a range of modules as they do not draw upon tangible (both financial and material) resource in the same way as new games specifically designed for one module or games involving the use of technology. A crossword, too, can be created using free online “crossword creator” tools. That being said, while the financial outlay may be minimal for GBL

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<sup>71</sup> Crocco, Offenholley and Hernandez (n 16) 419; Whittom (n 31) 604.

<sup>72</sup> Jonathan Collinson, “Integrating Music into the Study of Law to Engage Students” (2023) 57 The Law Teacher 155, 156.

involving traditional games, all GBL methods and changes to curriculum delivery necessitate some initial time expenditure from the tutor in order to ensure that the game is drafted correctly, is suitable for purpose and that the instructions are clear to students. The latter is particularly important given its correlation to students engaging with the task and therefore gaining the educational benefit from it.<sup>73</sup> While GBL using traditional games does not involve as extensive a time commitment as more complex games or games involving technology, there is an inevitable time outlay that should be considered before employing the game in the curriculum.

Part of this time outlay will involve ensuring that games are embedded sufficiently within the curriculum so that they do not appear to be “add-ons” or methods to “kill time” but serve an educational purpose. Importantly, games should be “organic”<sup>74</sup> to the curriculum, not superficial additions, and should therefore be created with the module learning objectives in mind. A key limitation to traditional games is that such activities are not typically synonymous with law school and so a tutor may be met with some trepidation from students as to the value of completing such tasks, particularly given the high cost of higher education fees. Introducing such games early in the module and making it clear to students how the game links to learning objectives and the skills required for future legal practice can increase students’ familiarity with the game and their understanding of its utility, particularly in games such as Pictionary where the skills benefit may not be immediately obvious. Consistent use across the semester<sup>75</sup> can also help to combat perceptions of superficiality, with the empirical data showing that students would also value this consistency, when games are used as a complement to more traditional legal tasks such as problem questions.

Finally, using “traditional” games as the method by which GBL is incorporated in the curriculum has the key advantage that the format and rules of gameplay are already formulated. Consequently, such games can be embedded easily, and the rules are likely familiar or, if not, easily explainable, to students. For games such as Taboo and Pictionary, the tutor merely needs to select the cases or key phrases relevant to the chosen topic and distribute those accordingly. For crosswords, the tutor can utilise online platforms to create the crossword grid, meaning they simply need to consider which questions and key phrases they wish to include. As “traditional” GBL is not developed specifically for one subject, they are more easily replicable than other games which are designed around a particular area of law. Their

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<sup>73</sup>Ella Kahu and Karen Nelson, “Student Engagement in the Educational Interface: Understanding the Mechanisms of Student Success” (2017) 37 Higher Education Research & Development 58, 59.

<sup>74</sup>Squire and Jenkins (n 14) 30.

<sup>75</sup>Consistency does not necessitate games being used every week, but from the author’s own experience, traditional games are better accepted by students when they have been used regularly from the beginning of the semester, rather than starting a few weeks in to the term.

traditional nature also makes them more enduring than other GBL methods which may utilise technology which can rapidly become outdated. Although readily replicable, one element which will need some consideration when using GBL in other modules, and indeed with other year groups, is that the timings may need to be adapted accordingly. The author found that some students required the full two minutes to complete games such as Taboo, whereas other groups completed the task in around 90 seconds. How much time is allotted for students to guess the clues will therefore require some deviation, how much of which will likely be determined by the tutor's understanding of the intellectual ability of that group. A group finishing within the time allotted is not fatal to the skills-benefit of the game; these groups can be given an extension task, which has typically been to discuss the importance to the legal topic of the key words or phrases they have guessed, for example, asking students to discuss the *ratio* of a case.

## 5. Conclusion

GBL using traditional games is embedded in undergraduate contract law to introduce students to topics, to act as a pause between tasks and to aid in consolidating understanding. The aim is to encourage students to engage with the module in an enjoyable but meaningful way, while maintaining a beneficial pedagogical and professional rationale. This article has demonstrated how traditional games are replicable and can be embedded into other undergraduate law modules in a relatively cost- and time-efficient manner. This has been supported by student data which was positive towards the introduction of a game such as a crossword as a complement to traditional methods of teaching law. It is acknowledged that the data returned only a small sample and so looking ahead, there is room for a larger study, focusing on student perceptions of a range of games used consistently across an undergraduate module or course. Nevertheless, with a new generation of students entering higher education who appreciate more dynamic learning, and institutions increasingly resource-conscious, it is hoped that this article can inspire academics to consider simple methods of incorporating GBL into the curriculum to positively benefit students seeking to enter legal practice.

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