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## Adapting Law Lectures to Maximise Student Engagement: Is it Time to 'Transform'?

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# Adapting Law Lectures to Maximise Student Engagement: Is it Time to 'Transform'?

## **Cover Page Footnote**

Liam Elphick, Lecturer, University of Western Australia. The author would like to thank Wayne McGowan, Sally Sandover, Natalie Skead and Kate Offer for their thoughts and comments on an earlier draft, The University of Western Australia Centre for Education Futures for providing the funding to conduct this research, and Afira Zulkifli and Oliver Rawle for their support and encouragement. Responsibility for the text lies with this author and all errors are his alone.

# ADAPTING LAW LECTURES TO MAXIMISE STUDENT ENGAGEMENT: IS IT TIME TO 'TRANSFORM'?

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LIAM ELPHICK\*

## I INTRODUCTION

Technological advances have undoubtedly brought significant benefits to students in higher education. Classes can be recorded for students who are unable to attend, communication between students and staff can be facilitated more easily online, and web-based tools and resources improve learning and university efficiency. However, this has not come without a cost.<sup>1</sup> Class attendance has long been considered a significant issue in higher education,<sup>2</sup> and has dramatically declined in the past decade.<sup>3</sup> This is especially prominent in lectures, which have traditionally focused on information transfer from an instructor to their students without requiring students to think critically or respond. This is in contrast to tutorials and other workshop-style classes that are heavily problem solving-based. As Huff notes, this traditional style of lecturing often leads only to undeveloped information transfer from the lecturer to the student 'without passing through the brains of either'.<sup>4</sup> In such circumstances, lecture recordings capture most important information that students require, with significant resulting impact on attendance rates. In a study of a psychology class, Grabe, Christopherson, and Douglas found that 61 per cent of voluntary absences from class can be

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<sup>1</sup> See C Ryan Kinlaw, Linda L Dunlap and Jeffrey A D'Angelo, 'Relations Between Faculty Use of Online Academic Resources and Student Class Attendance' (2012) 59 *Computers & Education* 167; cf Stephen M Walls et al, 'Podcasting in Education: Are Students as Ready and Eager As We Think They Are?' (2010) 54 *Computers & Education* 371.

<sup>2</sup> See, eg, Malcolm L Van Blerkom, 'Class Attendance in Undergraduate Courses' (1992) 126 *Journal of Psychology* 487.

<sup>3</sup> S van Schalkwyk, H Menkveld and J Ruiters, 'What's the Story with Class Attendance? First Year Students: Statistics and Perspectives' (2010) 24 *South African Journal of Higher Education* 630.

<sup>4</sup> Darrell Huff, *How to Lie with Statistics* (Norton, 1954).

attributed to the availability of online lecture notes.<sup>5</sup> A University of Western Australia (UWA) study conducted by Mascher and Skead found that 80 per cent of students attend classes because they do not want to miss something not picked up on a recording or because a class is not recorded.<sup>6</sup>

Dwindling student attendance is a major teaching and learning concern of higher education institutions worldwide.<sup>7</sup> For many years, studies have shown that low attendance rates result in a significantly less effective teaching and learning environment.<sup>8</sup> Higher student attendance directly corresponds with more positive student evaluation of teachers,<sup>9</sup> and with higher grades and deeper learning.<sup>10</sup> Collett, Gyles, and Hrasky found that a class taught fully online had significantly lower performance on multiple-choice tests when compared to a class taught through a combination of online and in-class instruction.<sup>11</sup> Furthermore, if lectures fail to engage students or even draw them to the university campus, then this will have significantly adverse implications for traditional campus-based universities in an increasingly globalised, online, and competitive higher education market.<sup>12</sup>

Law schools face their own particular challenges, too. Law students are expected to develop the skills to critically interpret, apply, analyse, and comment on legal issues and principles.<sup>13</sup> However the traditional, 'one-way' information transfer style of lecturing is far more adept to rote learning than to developing skills in critical analysis. How, then, can universities respond to this problem?

One solution is shifting to 'transformative' teaching, whereby students' learning and experience is 'transformed' and dynamic relationships between teachers, students, and a shared body of knowledge are created in order to promote student learning and

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<sup>5</sup> Mark Grabe, Kimberly Christopherson and Jason Douglas, 'Providing Introductory Psychology Students Access to Online Lecture Notes: The Relationship of Note Use to Performance and Class Attendance' (2005) 33 *Journal of Educational Technology Systems* 295.

<sup>6</sup> Sharon Mascher and Natalie Skead, 'On the Record: The Trials and Tribulations of Lecture Recording in Law' (2011) 35 *University of Western Australia Law Review* 407, 416.

<sup>7</sup> Nitsa Davidovitch and Dan Soen, 'Class Attendance and Students' Evaluation of Their College Instructors' (2006) 40 *College Student Journal* 691; van Schalkwyk, Menkveld and Ruiters, above n 3.

<sup>8</sup> Margaret H Launius, 'College Student Attendance: Attitudes and Academic Performance' (1997) 31 *College Student Journal* 86; David Romer, 'Do Students Go to Class? Should They?' (1993) 7(3) *Journal of Economic Perspectives* 167; van Schalkwyk, Menkveld and Ruiters, above n 3; Pavel Yakovlev and Linda Kinney, 'Additional Evidence on the Effect of Class Attendance on Academic Performance' (2008) 36 *Atlantic Economic Journal* 493.

<sup>9</sup> Davidovitch and Soen, above n 7.

<sup>10</sup> Yakovlev and Kinney, above n 8.

<sup>11</sup> Peter Collett, Nikole Gyles and Sue Hrasky, 'Optional Formative Assessment and Class Attendance: Their Impact on Student Performance' (2007) 4 *Global Perspectives on Accounting Education* 41.

<sup>12</sup> Jose Antonio Bowen, *Teaching Naked: How Moving Technology Out of Your College Classroom Will Improve Student Learning* (Jossey-Bass, 2012) 1–12.

<sup>13</sup> Mascher and Skead, above n 6, 430.

personal growth.<sup>14</sup> Transformative teaching and learning has its roots in the late-twentieth century,<sup>15</sup> but has achieved significant traction in higher education literature in the past 10 years.<sup>16</sup> Transformative teaching methods are designed to substantially increase student engagement and interest through transforming, or altering, students' outlook or learning styles. As lectures, the most fundamental educational tool in legal education, ordinarily contain few transformative aspects, this style of class is ripe for such transformation.

This article outlines an empirical study of students, staff, and executives at the UWA Law School to determine preferences for transformative teaching techniques and how they would best improve engagement and enjoyment in a lecture environment. Through a mix of student-centred learning, problem-based learning and active learning, an adaption of lectures to include more transformative techniques will be proposed — a formative resuscitation that would not go as far as King's suggestion in the 1970s of a 'radical departure from the normal type of classroom teaching'.<sup>17</sup> This exploratory process will assist law schools, and indeed other university faculties, in improving attendance, engagement, and learning outcomes in lectures, with the aim of contemporising and helping transform student experiences at university. An emphasis on transformative teaching will also provide support for the continued use of 'small seminar-style' classes that are already utilised in many Australian law schools.<sup>18</sup> Following an examination of relevant transformative teaching literature in Part II and a brief methodological outline in Part III, results of the study are analysed in Part IV and a set of key recommendations for law lectures proposed in Part V.

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<sup>14</sup> George M Slavich and Philip G Zimbardo, 'Transformational Teaching: Theoretical Underpinnings, Basic Principles, and Core Methods' (2012) 24 *Educational Psychology Review* 569. Note that 'transformative' teaching and 'transformational' teaching are stylistic variations of the same style of teaching. In this article, 'transformative' is the preferred term.

<sup>15</sup> Jack Mezirow and Victoria Marsick, 'Education for Perspective Transformation: Women's Re-Entry Programs in Community Colleges' (Research Report, Center for Adult Education, Columbia University, 1978) <<http://www.pocketknowledge.tc.columbia.edu/home.php/viewfile/download/177564>>.

<sup>16</sup> See, eg, Daniel J Glisczinski, 'Transformative Higher Education: A Meaningful Degree of Understanding' (2007) 5 *Journal of Transformative Education* 317; Phil Bamber and Les Hankin, 'Transformative Learning Through Service-Learning: No Passport Required' (2011) 53 *Education & Training* 190; Sean Darling-Hammond and Kristen Holmquist, 'Creating Wise Classrooms to Empower Diverse Law Students: Lessons in Pedagogy from Transformative Law Professors' (2015) 24 *National Black Law Journal* 1; Susanna Menis, 'Non-Traditional Students and Critical Pedagogy: Transformative Practice and the Teaching of Criminal Law' (2017) 22 *Teaching in Higher Education* 193.

<sup>17</sup> Donald B King, 'Simulated Game Playing in Law School: An Experiment' (1974) 26 *Journal of Legal Education* 580, 587.

<sup>18</sup> See generally Alex Steel, Julian Laurens and Anna Huggins, 'Class Participation as a Learning and Assessment Strategy in Law: Facilitating Students' Engagement, Skills Development and Deep Learning' (2013) 36 *University of New South Wales Law Journal* 30.

## II STUDENT ENGAGEMENT AND TRANSFORMATIVE TEACHING

### A Context

While it is clear that attendance rates at higher education lectures are dropping and that this leads to various problems in learning outcomes, what is less clear is how to respond to this problem. Some have proposed a ‘stick’ approach whereby students are simply forced to attend as part of a unit’s requirements.<sup>19</sup> Allocating participation marks to lectures could also fall within this category, with Mascher and Skead finding that attendance at non-recorded law tutorials which ordinarily had participation marks was significantly higher than attendance at recorded lectures.<sup>20</sup> There are, however, three key problems with implementing a widespread policy of obligatory attendance at lectures. First, it may be impossible for some students to attend, particularly those students who have difficult financial or personal circumstances. This raises significant equity issues. Secondly, it places the blame of low attendance solely on the shoulders of students and does not lead instructors to deeply inquire into their own teaching practices and how they may impact upon student attendance and engagement. Finally, students may react in a hostile manner to such a policy when they have clearly expressed opposition to this idea. As an example, while removing recordings is a solution often raised by instructors, lecture recordings have been found to be important to 93 per cent of law students.<sup>21</sup>

Instead, then, the ‘carrot’ approach could provide the best path forward: how can students be *enticed* to attend lectures? One answer is transformative teaching.

#### 1 *Linking Student Attendance with Student Enjoyment and Engagement*

Various studies establish that higher class attendance in tertiary education has positive effects on learning and student engagement with class and, more broadly, with university.<sup>22</sup> A study conducted by Howieson found that there were strong links between class participation in the Alternative Dispute Resolution unit at UWA and engagement with the UWA Law School.<sup>23</sup> By contrast, concern is

<sup>19</sup> See, eg, Marvin Druger, ‘Being There: A Perspective on Class Attendance’ (2003) 32 *Journal of College Science Teaching* 350.

<sup>20</sup> Mascher and Skead, above n 6, 416.

<sup>21</sup> Ibid 419.

<sup>22</sup> Jennjou Chen and Tsui-Fang Lin, ‘Class Attendance and Exam Performance: A Randomized Experiment’ (2008) 39 *Journal of Economic Education* 213; Collett, Gyles and Hrasky, above n 11; Stephen J Dollinger, Anna M Matyja and Jamie L Huber, ‘Which Factors Best Account for Academic Success: Those Which College Students Can Control Or Those They Cannot?’ (2008) 42 *Journal of Research in Personality* 872; Kinlaw, Dunlap and D’Angelo, above n 1; Launius, above n 8; Romer, above n 8; Yakovlev and Kinney, above n 8.

<sup>23</sup> Jill Howieson, ‘ADR Education: Creating Engagement and Increasing Mental Well-Being Through an Interactive and Constructive Approach’ (2011) 22 *Australasian Dispute Resolution Journal* 58.

often expressed at the negative impact online resources have had, and may continue to have, on class attendance, engagement, and enjoyment,<sup>24</sup> and that students are spending less time engaging with their university campus now than in previous times.<sup>25</sup> This could in part be attributed to the view that traditional lectures are ineffective at promoting thought, changing attitudes, or developing behavioural skills,<sup>26</sup> with students engaging less with lectures than other types of classes as a result.

Student attendance and student engagement are, therefore, inextricably linked. Increasing or enticing student enjoyment and engagement should increase student attendance,<sup>27</sup> and bring with it the various positive learning outcomes outlined above. Increased enjoyment and engagement has also been found to increase student wellbeing in law schools.<sup>28</sup> As the key aim of transformative teaching is to increase student engagement in class, this provides an obvious area to explore in attempts to improve the student experience in lectures.

## 2 *Transformative Teaching and Learning*

Slavich and Zimbardo succinctly summarise the key elements of transformative teaching:

[I]nstructors are intellectual coaches who create teams of students who collaborate with each other and with their teacher to master bodies of information. Teachers assume the traditional role of facilitating students' acquisition of key course concepts but do so while enhancing students' personal development and attitudes toward learning. They accomplish these goals by establishing a shared vision for a course, providing modelling and mastery experiences, challenging and encouraging students, personalizing attention and feedback, creating experiential lessons that transcend the boundaries of the classroom, and promoting ample opportunities for prelection and reflection.<sup>29</sup>

The benefits of transformative teaching are widely acknowledged.<sup>30</sup> Such processes result in student perspectives that are informed, reformed, tempered, and redirected by experience and

<sup>24</sup> Murray Jensen, 'Lecture is Dead: Take 3' (2007) 69 *American Biology Teacher* 138; Kinlaw, Dunlap and D'Angelo, above n 1; Mascher and Skead, above n 6.

<sup>25</sup> Craig McInnis, Richard James and Robyn Hartley, 'Trends in the First Year Experience in Australian Universities' (Report, Centre for the Study of Higher Education, University of Melbourne, July 2000) 42 <<https://melbourne-cshe.unimelb.edu.au/research/past-research-projects/experience/trends-in-the-first-year-experience>>; Collett, Gyles and Hrasky, above n 11.

<sup>26</sup> See generally Donald A Bligh, *What's the Use of Lectures?* (Jossey-Bass, 2000).

<sup>27</sup> See generally Lillian Corbin, Kylie Burns and April Chrzanowski, 'If You Teach It, Will They Come? Law Students, Class Attendance and Student Engagement' (2010) 20 *Legal Education Review* 13.

<sup>28</sup> Natalie Skead and Shane L Rogers, 'Stress, Anxiety and Depression in Law Students: How Student Behaviours Affect Student Wellbeing' (2014) 40 *Monash University Law Review* 564.

<sup>29</sup> Slavich and Zimbardo, above n 14, 569.

<sup>30</sup> See generally Bowen, above n 12; Glisczinski, above n 16.

expanding awareness.<sup>31</sup> Using techniques that significantly engage and captivate students, transformative learning therefore arms students with the ability to think and act dynamically, rather than just linearly.<sup>32</sup> Transformative teaching can use proactive thinking, the incorporation of multiple perspectives, and the encouragement of dialogue and construction of knowledge to develop ‘conscientization’, understanding, insight, and transformation in students.<sup>33</sup> In this regard, transformative learning experiences prepare students for present realities and future unknowns.<sup>34</sup>

Slavich and Zimbardo separate transformative teaching methods into five categories, each of which has already been the subject of scholarly discourse:<sup>35</sup>

- a) Active learning;
- b) Student-centred learning;
- c) Collaborative learning;
- d) Experiential learning; and
- e) Problem-based learning.

A combination of these five methods could, therefore, result in the ‘transformation’ that can improve student attendance and engagement in law lectures.

### 3 Applying Transformative Teaching to Lectures

While transformative teaching literature has tended to focus on creating new types of classes, or courses,<sup>36</sup> rarely has it purported to adapt traditional teaching methods, such as ‘one-way’ information transfer lectures, to transformative techniques. Instead, suggestions to transform classes are usually limited to an evaluation of, and preference towards, one particular technique. These include practical simulations of legal scenarios,<sup>37</sup> online games,<sup>38</sup> online problem-based learning,<sup>39</sup> removing technology from lectures to ensure more engaging discussions,<sup>40</sup> collaborative learning techniques as preparation to allow for analytical case studies in class,<sup>41</sup> utilising

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<sup>31</sup> Glisczinski, above n 16, 320.

<sup>32</sup> Ibid 319.

<sup>33</sup> Laurent A Parks Daloz, ‘Slouching Toward Bethlehem’ (1990) 38(1) *Journal of Continuing Higher Education* 2.

<sup>34</sup> Glisczinski, above n 16, 322; A H Maslow, *The Farther Reaches of Human Nature* (Viking Press, 1971).

<sup>35</sup> See Slavich and Zimbardo, above n 14.

<sup>36</sup> Bamber and Hankin, above n 16.

<sup>37</sup> See, eg, Huff, above n 4; King, above n 17; John Fliter, ‘Incorporating a Sophisticated Supreme Court Simulation into an Undergraduate Constitutional Law Class’ (2009) 5 *Journal of Political Science Education* 12.

<sup>38</sup> See, eg, Bowen, above n 12.

<sup>39</sup> Ian McCall, ‘Online Enhanced Problem-Based Learning: Assessing a Blended Learning Framework’ (2010) 44 *The Law Teacher* 42.

<sup>40</sup> See, eg, Bowen, above n 12; Andrea L Foster, ‘Law Professors Rule Laptops Out of Order in Class’ (2008) 54(40) *The Chronicle of Higher Education* A1.

<sup>41</sup> Elizabeth A Reilly, ‘Deposing the “Tyranny of Extroverts”: Collaborative Learning in the Traditional Classroom Format’ (2000) 50 *Journal of Legal Education* 593.



Facebook as an interactive learning resource,<sup>42</sup> and a shift towards smaller seminar-style classes.<sup>43</sup> By contrast, case studies examining the relative effectiveness of the various different aspects of transformative teaching, particularly for any specific type of class, are difficult to locate.

This article therefore focuses on addressing this gap by exploring the relative effectiveness of various proposed adaptations of the traditional lecture within the context of the five categories of transformative teaching and learning identified by Slavich and Zimbardo. To do so, the respective preferences of students, staff, and executives will be examined. The following definitions of the five categories of transformative teaching, taken from Slavich and Zimbardo, will be used:

- a) Active learning: Students must read, write, discuss, and engage in problem solving to maximise their potential for intellectual growth and ability to analyse, synthesise, and evaluate information.
- b) Student-centred learning: Instructors should shape course curricula and content based on students' needs, abilities, interests, and learning styles.
- c) Collaborative learning: Students learn best when they tackle problems and questions with peers.
- d) Experiential learning: Instructors promote learning by having students directly engage in, and reflect on, personal and practical experiences outside the classroom.
- e) Problem-based learning: Instructors facilitate learning by having students tackle complex, multifaceted problems in small groups while providing scaffolding, modelling experiences, and opportunities for self-directed learning.

Of course it should be noted that there is some overlap between these categories: for example, collaboration can be an element of problem-based learning and active learning, and problem-based learning inherently includes active learning. However, examples are used to distinguish between these categories where necessary, and overlap is perhaps an unavoidable element of comparing contemporary higher education techniques, as they will inherently each seek to include aspects of cooperation, collaboration, and active participation by students.

### III METHODOLOGY

Having outlined the motivations for applying a transformative teaching approach to issues surrounding lecture attendance and

<sup>42</sup> Christopher Irwin et al, 'Students' Perceptions of Using Facebook as an Interactive Learning Resource at University' (2012) 28 *Australasian Journal of Educational Technology* 1221.

<sup>43</sup> Perry A Zirkel and Sheila D Vance, 'Educational Law Course Offerings in Law Schools' (2004) 33 *Journal of Law and Education* 327, 330.

engagement in law schools, it is important to set out the methodology for the study undertaken at the UWA Law School.

### *A Methods Used*

This research was constructed upon a two-phase mixed method design,<sup>44</sup> with an exploratory focus.<sup>45</sup> Under this methodology, qualitative data were collected in the first phase (through interviews), and quantitative data in the second phase to build on the understanding developed by the qualitative data.<sup>46</sup> Two main methods were used to collect this data.

#### *1 Interviews*

First, several prominent stakeholders were interviewed to collect qualitative data: four UWA Law School academic staff, one executive representative of the UWA Law School, one executive representative of the UWA Student Guild, and one executive representative of the UWA Blackstone Society (the law students' society). All interviews were conducted in early July 2015 and lasted between 45 and 60 minutes. All interviews were recorded, with permission from the relevant participants, and transcribed in full. By interviewing a cross-section of academics and relevant executive members, the willingness and capacity of the Law School to implement transformative teaching in lectures is more readily ascertainable.

The findings from the interviews, in Part IV, determine staff perceptions of, and executive readiness and capacity to, 'transform' Law School lectures. The qualitative data collected from the interviews also helped shape the questions that were asked in the phase-two survey, and to explain the quantitative data collected in the survey. The results are separated into 'staff' (the four academic staff members) and 'executives' (the three executive members). This separation is a logical result of the latter three interviewees having a clearly distinct role to academic staff members: they do not deliver the content themselves and instead exercise broader influence over how the Law School may implement its teaching strategies and in expressing and advocating for the views of students. Therefore, it is important that their views are distinguished from those of instructors.

#### *2 Survey*

Secondly, a survey was used to collect the views of UWA Law students — also allowing qualitative comments in order to provide a greater understanding of any data generated. An email invitation to participate in the study was sent to all UWA Law students in late July 2015. This included all students enrolled in the Bachelor of Laws and Juris Doctor degrees (the professional accreditation Law degrees at

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<sup>44</sup> Keith F Punch, *Introduction to Social Research: Quantitative & Qualitative Approaches* (Sage, 3<sup>rd</sup> ed, 2014) 310.

<sup>45</sup> Keith F Punch, *Introduction to Research Methods in Education* (Sage, 2009) 297.

<sup>46</sup> This method is advocated by Punch: see *ibid*.

UWA), as well as those students in undergraduate courses who were enrolled in Law and Society or Business Law units run by the Law School.<sup>47</sup>

The survey consisted of 17 questions and had an expected completion time of five minutes. The survey was used to establish students' perceptions of incorporating transformative teaching into law lectures. Most questions allowed a choice of rating scale (from 'strongly agree' to 'strongly disagree'), while some were simple 'yes' or 'no', or specific choice, questions. In these questions, students were asked about their views on particular examples of teaching methods that match the five categories of transformative teaching without labelling them within those categories. Question 17 allowed students to make any open-ended comments they wished on the survey or topic. Descriptive statistics were used to analyse the data.

This holistic approach ensured the views of students, staff, and executives were given appropriate consideration and weight.

### *B Methodological Limitations*

There are, though, three methodological difficulties with the approach taken above which should be noted from the outset. First, students who do not engage with lectures are more likely to not engage with a survey on lectures. Thus, it is likely that the survey places an overemphasis on those who are more engaged with lectures, and likely over-rates law student engagement with lectures.

Secondly, the views of four academic staff members may not reflect the general views of other staff members. Time constraints and availability restricted the ability to interview more members of staff, and reducing academic views on their own teaching and instruction to only quantitative data was deemed to be inappropriate. Furthermore, academics often publish their views on such legal education issues, rendering a greater breadth to existing knowledge of academic views than that of students. Value can be gained from the personal insights of several academics with a range of teaching experience even if some others may not think similarly.

Thirdly, students were not given the same explanations of the five categories of transformative teaching as interviewees were. While interviews allowed the time to explain the five categories in great detail with academic staff and executive members, incorporating these detailed explanations in the survey was considered too dense. If each category was explained in depth with learning and teaching

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<sup>47</sup> In contrast to other studies which have only concentrated on one course or unit: see, eg, John L Rodgers and Joan R Rodgers, 'An Investigation into the Academic Effectiveness of Class Attendance in an Intermediate Microeconomic Theory Class' (2003) 30(1) *Education Research and Perspectives* 27; Tsui-Fang Lin and Jennjou Chen, 'Cumulative Class Attendance and Exam Performance' (2006) 13 *Applied Economics Letters* 937; Peter Massingham and Tony Herrington, 'Does Attendance Matter? An Examination of Student Attitudes, Participation, Performance and Attendance' (2006) 3 *Journal of University Teaching and Learning Practice* 82.

terminology, students may have responded with less clarity and, indeed, the response rate may well have been far lower. As such, a decision was taken to instead provide students with 10 specific examples of transformative teaching, each simple to understand, without labelling them within any of the five categories. Two examples were provided for each category. While student ratings of the examples have strong empirical value, it may be that the extrapolated ratings students gave to the five categories through the adding up of the 10 example ratings is less evidentially sound. One example may simply be something students specifically dislike, even if they enjoy the general idea of the category to which that example attaches. As such, weight is placed more strongly on the 10 examples in the student data and less on the five categories. However, broad comparisons between student, staff, and executive ratings for the five categories still provide valuable insights into where a common path forward can be forged.

### *C Context*

To provide context for the transferability of the findings, the approximate mix of lectures, tutorials and small seminar-style classes offered at the UWA Law School has been outlined in Table 1, as sourced from official university unit outlines and timetable information. All identifiable units use as their dominant form of teaching either (a) a mix of lectures and tutorials, or (b) small seminar-style classes or workshops. Small seminar-style classes in the UWA Law School have ordinarily been run as workshops of 40 to 50 students with strong elements of active learning and student participation, akin more to a large-scale tutorial than to a traditional lecture. Tutorials in the UWA Law School are usually between 12 to 20 students, while lectures have a wide range, with some lectures comprising 40 students and others up to 600 students. The data identified below represent the proportion of total units that fall within each of these broad categories.

Several points are worth noting in regard to this data. First, relevant degrees and majors should be clarified: the Business Law major is in the undergraduate Bachelor of Commerce, the Law and Society major is in the undergraduate Bachelor of Arts, and the Juris Doctor and Bachelor of Laws are the professional legal accreditation degrees at UWA.<sup>48</sup> Secondly, the Juris Doctor and Bachelor of Laws units have been split into compulsory core units (of which there are 17 at UWA, largely correlating with the 'Priestley 11'), and optional elective units. Thirdly, these figures are approximate and, of course, are susceptible to variation from year to year. Finally, it is difficult to capture this data precisely: some units may incorporate workshop-

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<sup>48</sup> The Bachelor of Laws (LLB) is no longer offered at UWA, since the transition to a postgraduate Juris Doctor degree several years ago, however there are still a handful of students who commenced their LLB prior to this transition and who have not yet completed their studies.

style elements in their lectures, while some units listed as workshops may be taught in a traditional lecture sense. Effort was placed on identifying the dominant form of teaching in the unit, even if a unit did not neatly fall into one category or the other.

**Table 1**

**The approximate proportion of Law units at UWA, separated into categories, that comprise either lectures and tutorials or small seminar-style classes or workshops as their dominant form of teaching**

<b>Dominant form of teaching in the unit</b>	<i>Business Law Major (Bachelor of Commerce)</i>	<i>Law &amp; Society Major (Bachelor of Arts)</i>	<i>Juris Doctor and Bachelor of Laws: Core Units</i>	<i>Juris Doctor and Bachelor of Laws: Elective Units</i>
<b>Lectures and tutorials</b>	70%  <i>These units have either 2 or 3 hours of lectures and a 1-hour tutorial per week</i>	75%  <i>These units have 2 hours of lectures and a 1-hour tutorial per week</i>	71%  <i>These units have either 2 or 3 hours of lectures and either 1-hour or 2-hour tutorials per week</i>	35%  <i>These units have either 2 or 3 hours of lectures and either 1-hour or 2-hour tutorials per week</i>
<b>Small seminar-style classes or workshops</b>	30%	25%	29%	65%

#### IV FINDINGS AND ANALYSIS

This Part outlines the results from the UWA Law School study, with a particular focus on whether specific transformative techniques are effective at engaging students in lectures. The results from the student survey are analysed first, before turning to the staff and executive interview findings.

##### *A Student Preferences*

##### *1 Responses, Engagement and Interest*

Two hundred and sixty-six student responses were provided through the online survey. This is a significant response rate in

comparison to previous surveys undertaken at the UWA Law School. Responses came from a wide range of students: with 14.8 per cent Juris Doctor students, 28.8 per cent Bachelor of Laws students, 32.2 per cent Business Law students and 24.2 per cent Law and Society students. Students were provided with an optional open-ended question at the end of the survey, in order to collect qualitative data from students, which asked ‘Do you have any additional comments to add regarding Law lectures?’ Pertinently, 67 responses were recorded for this question, with over a quarter of participating students deciding to take extra time to offer further comments on law lectures. This signifies the strong interest invoked by students.

Students were asked, on a rating scale of 1 to 5 with phrases reflecting these ratings (1 being the least, 5 being the most), about their enjoyment and engagement with law lectures at UWA. The following responses relate to answers that were given as a rating of 4 or 5:

- Less than half the students surveyed (46.8 per cent) ‘thoroughly’ or ‘mostly’ enjoyed law lectures;
- A similar percentage (56.2 per cent) felt ‘always’ or ‘usually’ engaged in law lectures;
- This is in stark contrast with the 85.6 per cent of students who felt it was ‘extremely’ or ‘very’ important that they feel engaged and interested in a given lecture.

The fact that only 3.0 per cent of respondents viewed engagement and interest in a lecture as ‘not very important’ or ‘not important at all’ (ratings 1 or 2) displays the significance of engaging students in law lectures. Similarly, that almost half of the cohort (43.8 per cent) only felt ‘somewhat’, ‘rarely’ or ‘never’ engaged in law lectures provides impetus for change. As noted above, this data likely over-rates the engagement levels of students.

## 2 *Traditional Lectures and Recordings*

Such changes, though, may not need to be dramatic. Only 13.6 per cent of students believe that traditional ‘one-way’ information transfer lectures no longer have a place in law schools, and the qualitative data collected through this survey reinforce the view that fundamental and widespread changes to lectures are not necessary to achieve the desired effect. Comments provided on this issue included, ‘I think the large lecture format is essential to convey principles’ and ‘[Lectures] are a great way of getting across information’. This supports the findings of Corbin, Burns and Chrzanowski.<sup>49</sup>

Furthermore, reinforcing views expressed above, forcing attendance by not recording lectures lacks student support. 90.6 per cent of students surveyed opposed the non-recording of lectures in order to induce attendance. The importance of flexibility was also clear: when students were asked, if they had to choose one, whether

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<sup>49</sup> Corbin, Burns and Chrzanowski, above n 27.

they would prefer 'flexible lectures, recordings and times' or 'engaging and interactive lectures', 48.8 per cent elected for the former, while 51.2 per cent gave support for the latter. Further research could identify whether different forms of recording, such as only making recordings available for a short period of time or only for students with equity-based justifications, could be a viable compromise.

Students were also asked about the importance of lecturers to their learning. When asked to choose which of 'engaging lecturer', 'interactive lecture' or 'interesting content' they wanted the most from law lectures, almost two-thirds of students (63.0 per cent) chose 'engaging lecturer'. Furthermore, 95.1 per cent of students believe it is 'extremely', 'very' or 'somewhat' important to have a dynamic relationship with their instructor in lectures, such that they can be provided with personalised feedback and have the opportunity to discuss and ask questions. It is therefore apparent that regardless of the course, the content, or the interaction level of the lecture, it is the instructor's own delivery style and techniques that will be most effective in engaging law students. This is an important finding that has rarely been raised in previous quantitative studies.

### 3 *Transformative Techniques*

Most importantly for this study, students were given 10 different examples of transformative teaching methods and asked to what extent they would enjoy and engage with these techniques in lectures. These 10 examples comprised two key and commonly used techniques from each of the five categories of transformative teaching, discussed above. In turn, and reflecting pre-existing literature on their theoretical underpinnings, these techniques were:

- a) For active learning:<sup>50</sup>
  - i. Analysing and reacting to videos
  - ii. Smaller seminar-style classes.
- b) For student-centred learning:<sup>51</sup>
  - i. Students using clickers to decide when to move onto the next topic
  - ii. A way to provide ongoing feedback on lectures anonymously during semester, which lecturers could respond to (eg through Blackboard).

<sup>50</sup> Scott Freeman et al, 'Prescribed Active Learning Increases Performance in Introductory Biology' (2007) 6 *CBE Life Sciences Education* 132; David W Johnson, Roger T Johnson, Karl A Smith, *Active Learning: Cooperation in the College Classroom* (Interaction, 3<sup>rd</sup> ed, 2006); see also Beth P Skott and Masjo Ward (eds), *Active Learning Exercises for Research Methods in Social Sciences* (Sage, 2012).

<sup>51</sup> Donna Brandes and Paul Ginnis, *A Guide to Student-Centered Learning* (Oxford, 1986); Gloria Brown Wright, 'Student-Centered Learning in Higher Education' (2011) 23 *International Journal of Teaching and Learning in Higher Education* 92; Arne Tärnviik, 'Revival of the Case Method: A Way to Retain Student-Centered Learning in a Post-PBL Era' (2007) 29 *Medical Teacher* 32.

- c) For collaborative learning:<sup>52</sup>
  - i. Group or pair discussions with other students
  - ii. Class discussion and debating of topics, including students and lecturers.
- d) For experiential learning:<sup>53</sup>
  - i. Playing online games or simulations related to the unit
  - ii. Using Twitter to read and comment on relevant articles and videos.
- e) For problem-based learning:<sup>54</sup>
  - i. Use of problem questions to explain a topic
  - ii. Using a clicker or poll to answer a problem question.

These were listed randomly and without the five categorised labels so that the chances of bias were minimised. Students were given options ranging from ‘strongly disagree’ to ‘strongly agree’, with ratings ranging from 1 to 5 respectively. Therefore, the maximum average rating any technique could get was 5, the minimum was 1, and the ‘neither agree nor disagree’ rating was 3. The data gathered is listed in Table 2, and the average ratings for the five categories are then listed in Table 3.

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<sup>52</sup> George D Kuh et al, *Student Success in College: Creating Conditions That Matter* (Jossey-Bass, 2010); Dean A McManus, *Leaving the Lectern: Cooperative Learning and the Critical First Days of Students Working in Groups* (Jossey-Bass, 2005); Jonathan Osborne, ‘Arguing to Learn in Science: The Role of Collaborative, Critical Discourse’ (2010) 328 *Science* 463; Noreen M Webb, ‘The Teacher’s Role in Promoting Collaborative Dialogue in the Classroom’ (2009) 79 *British Journal of Educational Psychology* 1.

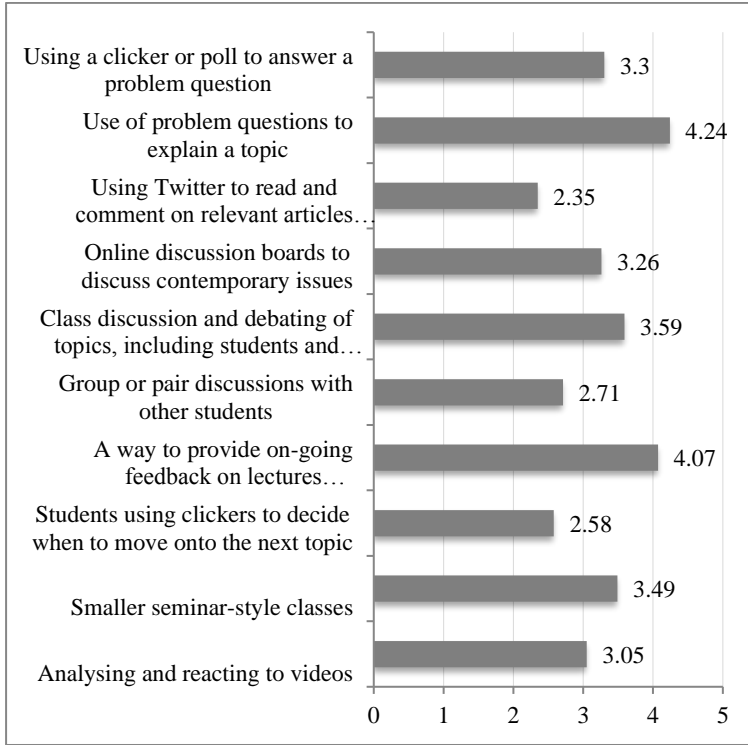
<sup>53</sup> Colin Beard and John P Wilson, *Experiential Learning: A Best Practice Handbook for Educators and Trainers* (Kogan Page, 2<sup>nd</sup> ed, 2006); Jeffrey A Cantor, *Experiential Learning in Higher Education: Linking Classroom and Community* (Jossey-Bass, 1995); Alice Y Kolb and David A Kolb, ‘Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education’ (2005) 4 *Academy of Management Learning and Education* 193; Jennifer A Moon, *A Handbook of Reflective and Experiential Learning: Theory and Practice* (Routledge, 2004).

<sup>54</sup> José A Amador, Libby Miles and C B Peters, *The Practice of Problem-Based Learning: A Guide to Implementing PBL in the College Classroom* (Jossey-Bass, 2006); David Boud and Grahame I Felett (eds), *The Challenge of Problem-Based Learning* (Kogan Page, 2<sup>nd</sup> ed, 1997); Cindy E Hmelo-Silver, ‘Problem-Based Learning: What and How Do Students Learn?’ (2004) 16 *Educational Psychology Review* 235; Geoffrey R Norman and Henk G Schmidt, ‘Effectiveness of Problem-Based Learning Curricula: Theory, Practice and Paper Darts’ (2000) 34 *Medical Education* 721; see also Barbara J Duch, Susan E Groh and Deborah E Allen (eds), *The Power of Problem-Based Learning* (Stylus, 2001).



**Table 2**

**Student ratings (from 1 to 5) for enjoyment and engagement with particular transformative teaching techniques in lectures**

**Table 3**

**Average student ratings and rankings for enjoyment and engagement with categories of transformative teaching, extrapolated from the 10 examples students were given**

Category of transformative teaching	<i>Active learning</i>	<i>Student-centred learning</i>	<i>Collaborative learning</i>	<i>Experiential learning</i>	<i>Problem-based learning</i>
<b>Average Rating</b>	3.27	3.33	3.15	2.81	3.77
<b>Ranking</b>	3 <sup>rd</sup>	2 <sup>nd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	1 <sup>st</sup>

Several key findings arise from this. First, students seem to strongly favour problem-based learning above the other four categories. Students were asked in a separate question which of these 10 techniques would be, or has been, most effective at getting them to attend and engage with law lectures, with the ability to only choose

one. The highest rated technique was ‘use of problem questions’, which 38.0 per cent of students chose. Secondly, students enjoy collaborative learning when lecturers are involved in the discussion, but they appear to have strong opposition to purely peer-based collaboration. This is also expressed by the fact that 14.8 per cent chose ‘class discussion and debating of topics, including students and lecturers’ as their most effective technique, while just 2.9 per cent chose ‘group or pair discussions with other students’. Interestingly, students seem to experience the latter (83.5 per cent) far more than the former (66.9 per cent), as expressed in a question that asked students to tick any or all of the 10 teaching methods they had personally experienced in a law lecture.

Thirdly, small seminar-style classes achieved widespread support from students: with 35.0 per cent of students choosing it as their most effective technique. A question was asked that if one hour per week was already dedicated to a lecture and one hour per week was already dedicated to a tutorial, what type of class would students choose for the third hour. Students were asked to choose from a lecture, tutorial, small seminar-style class, or other (which the student had to then specify). A total of 55.2 per cent chose the small seminar-style class, while of the nine students that elected to specify ‘other’, six gave responses resembling a small seminar-style class or workshop. Fourthly, an on-going and anonymous feedback tool is necessary in any transformative reshaping of lectures. Receiving a high rating of 4.07 in how students would enjoy and engage with it, this technique was also only experienced by 12.0 per cent of students. This is in stark contrast to the other techniques that received higher ratings, which had each been experienced far more frequently.

## *B Academic Staff and Executive Preferences*

The interviews of four academic members of staff of the UWA Law School and three UWA executives resulted in seven broad themes of discussion and focus.

### *1 Engagement and Interest*

All four Law academic staff members and two of the three executives expressed disappointment at levels of student attendance and engagement in Law School lectures. Each believed that attendance and engagement were undoubtedly declining, though disagreed as to the reasons for this: whether student-centred, lecturer-centred, or based on broader institutional concerns. One academic noted that there are some students who are always going to be engaged, and some students who are never going to be engaged, but it is the 70–80 per cent of students in the middle that should be targeted with any alterations to traditional lecturing models. An executive also echoed this ‘middle group’ focus. The executives and academics did to some extent disagree on the ideal source of any future changes. In the words of one academic, though lecturers are very willing to alter

their teaching techniques, 'this sort of change has to be initiated by the students themselves'. By contrast, an executive believed that a two-way dialogue was necessary for students to 'buy-in' to lectures and feel a sense of belonging that would inevitably create greater levels of engagement.

On recent trends, however, there was wide agreement. One executive noted that the emphasis students have placed on attending lectures in person has dramatically declined in the past few years, and that non-attendance is such the norm that students look actively for other reasons to attend — such as greater interaction or engagement from the lecturer. They reiterated the view of one of the academics that students must be given a reason to turn up and to engage, such that they are given a different experience from watching the lecture online. They also noted that traditional 'information transfer' lecturing lends towards students staying at home, watching the lecture online at their own pace and failing to engage on any greater level.

The four academic staff members all agreed that not recording lectures is not a solution to lack of engagement and attendance in the Law School, with one raising equity-related concerns: 'this may solve one problem but create another problem — namely, how to provide flexible classes to cater for students with other work and university commitments.' However, two of the academics were concerned at the impact of lecture recordings on engagement and attendance. Two executives strongly opposed not recording lectures, as an issue of equity, while the third executive lent some support to the idea. One executive astutely noted that, 'There is no way to make students hate something quicker than by making it compulsory.'

## 2 *Traditional Lectures*

The academics were unanimous, along with the students, in arguing that there is still a place for traditional lectures. One noted that while law units were still largely assessed on the back of heavily-weighted end of semester exams, traditional lectures must remain in some capacity for reasons of fairness: to impart a minimum and uniformly-taught level of knowledge on *all* students. This is arguably the most significant concern with small seminar-style classes — it is likely that not all students would be taught in a similar way by the same set of teachers across a unit. As another academic noted, however, this has not precluded law schools using the small seminar-style class structure before. If the minimum standards set by the profession in regard to what must be taught in a professionally-accredited law curriculum are adequately achieved in such a setting, this issue can be minimised.

In the words of one academic, 'there is still value in a law lecture: a good lecture helps students understand what it is they need to think about, what to look for, and where they need to go.' One of the executives agreed, positing that 'the lecture is not dead'.

### 3 *Concerns Over Time Constraints*

All four academics strongly supported the implementation of transformative teaching as defined by Slavich and Zimbardo above. One academic noted that:

We are here to help train critical thinkers and responsible citizens, so that they are engaged in society and in their community, and to help increase their personal confidence about their ability to respond to the world, have a voice and have a stake in what's going on.

However, three of the four academics expressed concern at the time it takes to implement transformative teaching techniques. As one academic noted:

It takes a lot of extra effort and time to implement these sort of techniques, and universities in Australia are designed to incentivise and reward academics to research and publish — there aren't such structural incentives to put that sort of effort into teaching, in terms of professional advancement or recognition.

This was a significant focus of the academic staff interviews, and indeed a well-known concern in academic circles: that research output largely dictates success in academia, and therefore teaching is a secondary priority. Another interviewee noted that academics are expected to be an expert on the substance of what they teach, and it can often be difficult to maintain this while also becoming an expert on student learning.

Despite not being teachers, two executives noted that universities prioritising research over teaching was a significant barrier to introducing more transformative teaching methods, considering the time constraints.

### 4 *Other Barriers*

Other barriers were also noted. One academic believed that deep-ingrained societal views restricted students from attending and engaging with lecturers more. They stated that it is too easy and too common for students in Australia to treat a full-time degree as a minor commitment prioritised beneath work commitments, in contrast with experiences of university life in other countries, and therefore not put as much effort into turning up and engaging with the course material. The lack of a significant percentage of students living on colleges on campus, unlike the North American experience, was also argued to entrench this problem and minimise students' identification and engagement with the campus and university life.

### 5 *Transformative Techniques*

All seven interviewees strongly supported the implementation of transformative teaching techniques, as defined by Slavich and Zimbardo, in law lectures. In particular, one executive noted that this struck the right balance, as 'it is still a lecture with content delivery, but rather than a one-way information transfer process, it is a two-way

process that you engage with and react to, fostering an environment when you can actually become friends with your classmates.'

Owing to their experience as teachers, only the academic staff members were asked to provide quantitative data on transformative techniques. All four academics were asked to rate the effectiveness, for student enjoyment and engagement, of the five categories of transformative teaching, on a scale of 1 to 5 — in order to match the rating scale applied in the student survey. The definitions of the five transformative teaching categories noted earlier were given to each academic, along with the two specific teaching techniques falling under each of these categories, which were later tested in the survey. The results of this are contained in Table 4, below.

**Table 4**

**Average academic ratings and rankings for effectiveness of these categories for student enjoyment and engagement**

<b>Category of transformative teaching</b>	<i>Active learning</i>	<i>Student-centred learning</i>	<i>Collaborative learning</i>	<i>Experiential learning</i>	<i>Problem-based learning</i>
<b>Average Rating for Effectiveness</b>	4.50	3.50	4.00	2.50	4.50
<b>Ranking for Effectiveness</b>	1st	4th	3rd	5th	1st

Each academic gave strong support to the widespread implementation of active learning and problem-based learning in law lectures, whilst not dismissing the need for some passive learning and pure information-transfer so that a minimum level of knowledge is imparted on students. A theme that ran through every interview was the need to break up lectures, especially those lasting longer than one hour, in order to keep the attention of students and give them a break from passive learning. However, it was also noted by one academic that students should not expect to always be entertained.

## 6 *The Influence of Students*

Two of the academics and one executive member also noted that active learning and problem-based learning are heavily dependent on students preparing for class and doing the required reading beforehand, in a nod to a type of flipped classroom model.<sup>55</sup> However,

<sup>55</sup> See generally Carl Reidsema et al (eds), *The Flipped Classroom: Practice and Practices in Higher Education* (Springer, 2017); Chiu-Lin Lai and Gwo-Jen Hwang, 'A Self-Regulated Flipped Classroom Approach to Improving Students' Learning Performance in a Mathematics Course' (2016) 100 *Computers & Education* 126; Susan D Landrum, 'Drawing Inspiration from the Flipped

these two academics noted that whenever they have attempted to implement this in the past, they have found the student response disappointing. Three of the academics indicated that, while students cannot be blamed for any lack of improvement when it comes to lecturing styles, student passivity and resistance is a significant roadblock for innovative teaching. It was, though, acknowledged that the preparation and willingness of the postgraduate Juris Doctor students in the previous three years had given them more optimism for the future in this regard.

When asked what they thought students most wanted from law lectures, one executive member replied that, 'Above all else they want the skill-set out of it: they want to problem-solve, and they want to be able to analyse and reinterpret information.'

### 7 *Frequency of Implementation*

A running theme throughout all academic staff interviews was that instructors do not implement transformative teaching to the extent that they support its effectiveness — largely for the reasons identified above. Academics were asked to give a rating from 1 to 5 as to how frequently they implemented each of the five categories of transformative teaching in their lectures (with 5 being the most often), and in all five instances this rating was lower than the rating the respective lecturer provided for effectiveness. On average, the rating for how often the lecturer used each category was 1 or 2 points below their rating for effectiveness — though it was clear that problem-based learning is utilised widely. These results are contained in Table 5.

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Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student' (2015) 53 *Duquesne Law Review* 245; Lutz-Christian Wolff and Jenny Chan, *Flipped Classrooms for Legal Education* (Springer, 2016).

**Table 5**

**Average academic ratings and rankings for frequency of implementing categories of transformative teaching, compared to the effectiveness they rated these categories for student enjoyment and engagement**

<b>Category of transformative teaching</b>	<i>Active learning</i>	<i>Student-centred learning</i>	<i>Collaborative learning</i>	<i>Experiential learning</i>	<i>Problem-based learning</i>
<b>Average Rating for Effectiveness</b>	4.50	3.50	4.00	2.50	4.50
<b>Average Rating for Frequency of Implementation</b>	3.50	2.00	3.50	1.50	3.00
<b>Difference Between Effectiveness and Frequency</b>	-1.00	-1.50	-0.50	-1.00	-1.50
<b>Ranking for Frequency of Implementation</b>	1st	4th	1st	5th	3rd

## V RECOMMENDATIONS

These in-depth findings lead to six key recommendations for law schools moving forward, in implementing transformative teaching in lectures to increase student attendance, enjoyment, and engagement. Reliance is placed on the overall comparative results for the effectiveness of transformative teaching categories in improving student enjoyment and engagement, contained in Table 6.

**Table 6**

**Comparison of average ratings given by students, academic staff, and executives on the effectiveness of transformative teaching techniques in increasing student enjoyment and engagement**

<b>Category of transformative teaching</b>	<i>Active learning</i>	<i>Student-centred learning</i>	<i>Collaborative learning</i>	<i>Experiential learning</i>	<i>Problem-based learning</i>
<b>Students</b>	3.27 (3 <sup>rd</sup> )	3.33 (2 <sup>nd</sup> )	3.15 (4 <sup>th</sup> )	2.81 (5 <sup>th</sup> )	3.77 (1 <sup>st</sup> )
<b>Academic Staff</b>	4.50 (1 <sup>st</sup> )	3.50 (4 <sup>th</sup> )	4.00 (3 <sup>rd</sup> )	2.50 (5 <sup>th</sup> )	4.50 (1 <sup>st</sup> )
<b>Executives</b>	4.33 (1 <sup>st</sup> )	3.67 (3 <sup>rd</sup> )	3.00 (4 <sup>th</sup> )	2.67 (5 <sup>th</sup> )	4.33 (1 <sup>st</sup> )
<b>Overall (equal weighting for three groups)</b>	4.03 (2 <sup>nd</sup> )	3.50 (3 <sup>rd</sup> )	3.38 (4 <sup>th</sup> )	2.67 (5 <sup>th</sup> )	4.20 (1 <sup>st</sup> )

#### *A Prioritise Scaffolded Problem-Based Learning*

As one academic noted, in reference to importance rather than frequency, ‘The most significant learning experience of law students over the years has been small group, problem-based verbal interactions between students and lecturers.’ Problem-based learning was ranked as the most effective transformative teaching category by students, academic staff, and executives, and achieved an overall rating of 4.20 out of 5. However, in implementing problem-based learning, instructors must take care to scaffold exercises and carefully supervise students. One executive echoed the sentiments of students that collaborative learning is effective only in the right circumstances: if students are acting on what they listen to in lectures in a practical sense in conjunction with instructors.

While supervision can be difficult in larger classes, detailed scaffolding before any problem-solving exercise commences can minimise this issue. This could include the breaking down of an exercise into a set of discrete steps, which can be separately allocated to different portions of the room, rather than providing broader questions such as ‘advise the party’ or ‘discuss the relevant legal issues’. As a basic example in a formation of contract context, one part of the room could be asked to consider whether there is consideration present on the facts provided, another part could discuss agreement, and a third part could discuss intention. Instructors could outline this type of step-by-step process at the outset, or could lead a whole-group discussion to allow students to elucidate the break-down of issues themselves, before breaking up into smaller groups. Providing specific secondary sources, areas of law or particular



legislative sections or case law extracts to students to answer a problem-solving exercise may also prove an effective form of scaffolding. Walking around the room and discussing the questions with several groups in these larger classes can also inform the instructor as to whether students are engaging in the activity effectively, and whether further scaffolding may be needed in future.

### *B Increase the Use of Small Seminar-Style Classes*

All four academic interviewees provided support for smaller seminar-style classes in preference to lectures with bigger cohorts. This preference was also reflected in the student survey results. One executive noted that a small seminar-style class would allow academics to be far more personable and interactive in their approach, and allow students to feel a greater sense of belonging in the respective unit and perhaps even in their faculty, cohort, or degree. However, small seminar-style classes should not replace all lectures. Economic, practical, and professional constraints, and simply the suitability of certain units, means that some traditional 'information transfer' lectures should remain, and not all law units should be taught through a small seminar-style method. Indeed, the students' response to having to choose between flexibility and engagement (48.8 per cent compared to 51.2 per cent respectively) indicates that existing flexible mechanisms and recordings should not be cast aside.

### *C Recognise Academic Time Spent on Student Learning Initiatives*

The four academics all noted that they would be far more willing to put more time into student learning and transforming lectures to make them more enjoyable and engaging if this time was recognised in professional workload models. There are obvious concerns as to how this can be measured. One suggestion could be to implement transformative teaching grant systems where staff can use the money to buy out some of their other teaching or marking in return for evidence-based implementation of new transformative teaching methods. Further research would be required to determine how to best implement this recommendation, and indeed to investigate whether this type of system is already in place at any law schools.

### *D Review and Adapt Assessment Methods*

While end of semester exams continue to be given high weightings for assessment, it is unlikely that law schools will significantly alter lectures as this will reduce the information conferred 'one-way' to students. To implement transformative teaching techniques on a widespread level in such circumstances may even be inequitable and unfair on students, particularly if there are different instructors in a single unit and variables in class allocations. A reduction in the weighting of end of semester exams and increased weighting of

assessment methods that better test the outcomes of transformative teaching would be ideal. This could include using (and weighting highly) experiential learning assessments such as moots, which require engagement with various difficult arguments on a particular legal issue, or any other assessment that challenges students about their way of thinking.

### *E Involve Students in Learning Processes and Decision-Making*

As noted by one executive member in the interviews, students want to feel like they have a say in what they are learning; they want to establish a ‘shared vision for a course’, as identified in the earlier definition of transformative learning. However, they noted that students had expressed disappointment at the fact that existing end-of-semester evaluations on units and/or instructors would not tangibly change their own experience in the specific unit:

Students can only provide formalised feedback to lecturers at the very end of semester, when they’ve completed the unit, so by this time they have no incentive at all to provide any constructive feedback, except for some altruistic need to help those coming after them.

A university-wide mid-semester survey would likely not be practical, due to time constraints in analysing the data. Instead, students could be better involved in instructional decision-making by providing a tool where students can directly and anonymously provide qualitative feedback to lecturers during semester (rated 4.07 and ranked 2<sup>nd</sup> in the student survey), which lecturers can then read and respond to. This could be implemented through a widget or mechanism through online learning management systems, or through an external online provider such as SuggestionOx.<sup>56</sup> This would allow the implementation of student-centred learning on a wide, yet pragmatic, scale. Allowing for such feedback during semester would also foster a far more consultative and responsive environment between students and instructors.

### *F Focus on Step-By-Step Changes, not Radical Overhaul*

Almost all participants in this study agreed that the law school lecturing system does not need to be dramatically overhauled, but most equally agree that it does require some changes. As noted by one executive:

We’ve seen many cases where lecturers don’t necessarily diverge completely from the traditional lecture style, but simply introduce methods or modes of engagement and interaction with students so that students actually feel like they are a part of something. You don’t need to go from one to a hundred overnight.

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<sup>56</sup> SuggestionOx is an anonymous online suggestion box, available at SuggestionOx <<https://www.suggestionox.com>>. The free version of SuggestionOx allows up to nine ‘suggestions’ to be submitted. Suggestions are emailed to the user each time they are submitted.

As such, making so many changes that the classroom is effectively 'flipped'<sup>57</sup> is not necessarily required to improve engagement and attendance at lectures. Rather, the process of transformative teaching can help to reshape and reformulate the techniques used to deliver lectures and the way instructors implement these techniques. Information transfer should still remain the fundamental premise of any lecture, but it can no longer be the sole purpose for lectures when such information is so readily accessible to students at the click of a button.

## VI CONCLUSION

As noted by one executive member interviewed, 'No single approach to teaching at a university is necessarily going to be the best for everyone.' Students, academics, and executive members each have their own unique perspective on legal education and how to ensure engagement with and enjoyment of lectures. However, the results reported in this paper suggest that common ground can be found. Scaffolded problem-based learning, recognition by all parties of the work required to 'transform' teaching styles, and involving students in decision-making that relates to their learning are initiatives that were supported broadly and widely by participants in this study. Slowly aiming for these overarching goals through adapting assessment methods to better reflect student engagement outcomes, increasing the use of small seminar-style classes, and implementing an on-going anonymous feedback tool for students during semester will ensure that concerns over staff morale and workloads will not be dismissed in striving for increased student engagement.

This generation of university students is unlike any other in their connectivity, technological grasp, and thirst for constant engagement. Teaching methods, those tried-and-tested in lectures for many years, must change to reflect this. In 1974, King argued that 'failure to use educational innovations in legal education is to ignore potentials of learning'.<sup>58</sup> Over forty years later, legal education requires transformation to maximise the true potential of its students' learning, enjoyment, and engagement. As once famously stated by The West Wing creator Aaron Sorkin, 'Our responsibility is to captivate you for however long we've asked for your attention.' While students should not expect to always be entertained by the law, the role of engagement and captivation has never been more important for law schools in the twenty-first century.

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<sup>57</sup> See generally Reidsema, above n 55; Lai and Hwang, above n 55; Landrum, above n 55; Wolff and Chan, above n 55.

<sup>58</sup> King, above n 17, 580.