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I INTRODUCTION

Recent and detailed information on New Zealand law student experiences is sparse. This article aims to provide stakeholders (law students and teachers, law schools and the Council of Legal Education) with some baseline data.[1] The reported experiences are of a self-selected sample of New Zealand law students in their second year of study and who were enrolled in second year law programmes at the Universities of Auckland, Canterbury and Waikato in 2015. These universities represent half of all New Zealand law schools. Reported findings are derived from the third wave of data collection in an ongoing longitudinal study of the participating students. Students' reported experiences are considered in the light of factors identified by research on student engagement and law student wellbeing as supporting student success.

First year law programmes at New Zealand universities operate as a gatekeeper for entry into law school proper and the opportunity to complete a law degree. Students enrolled in first year law programmes

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[1]   One recent study focuses on the teaching and learning experiences of students enrolled in large classes at the University of Canterbury: Lynne Taylor et al, 'Improving the Effectiveness of Large Class Teaching in Law Degrees' [2013] *New Zealand Law Review* 101. A relatively recent national study focusing on student engagement at New Zealand universities does not separately report findings in relation to law students: Ali Radloff and Hamish Coates, 'Introduction' in Ali Radloff (ed), *Student Engagement in New Zealand Universities* (Ako Aotearoa National Centre for Tertiary Teaching Excellence, 2011) v.

study one common course, *The Legal System*,[2] and any other first year law courses that are required by the university at which they are enrolled.[3] The remainder of their courses are drawn from other degree programmes, most commonly arts and commerce. Those who pass their first year courses and any additional limitation of entry barrier are eligible to enrol in second year programmes.[4] The second year programme of study is largely consistent across all New Zealand law schools. Students study a selection of the courses that are compulsory for admission to the legal profession:[5] *Law of Contract*, *Law of Torts*, *Criminal Law*, *Public Law* and *Property Law* (or both *Land Law* and *Equity/Law of Succession*). The broad content and assessment for these courses is prescribed by the Council of Legal Education. The compulsory nature of these courses means that they attract large enrolments.[6] The courses are taught at the participating universities through a combination of large and small face-to-face classes (lectures and tutorials), with hours timetabled for large face-to-face classes (lectures) far exceeding those for small classes (tutorials). This combination of external regulation and similarity in teaching and assessment methods results in a substantial cohort across the participating law schools exposed to a comparable second year experience.[7]

The data collection methodology employed in the ongoing longitudinal study is described in the next section. The characteristics of the student cohort and their learning environment are then set out, followed by an overview of the literature on student engagement and student wellbeing and the framework this provides for comment on students' reported experiences. Findings are then presented. It is a limitation of the multi-institutional nature of this study that we are unable to link reported student experiences with objective indicators of student success, such as grades obtained, pass rates and retention rates. We do, however, report students' perceptions of their likely future academic success. We end with a summary of overall trends and a short discussion of how stakeholders might act on the findings.

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[2]   Completion of this course is compulsory for the purposes of admission to the legal profession in New Zealand: *Professional Examinations in Law Regulations 2008* (NZ) reg 3(1). At the Universities of Auckland and Waikato, the required content for this course is split over two compulsory courses (*Law and Society* and *Legal Method* at Auckland, and *Legal Method* and *Legal Systems & Societies* at Waikato).

[3]   For example, at the University of Canterbury, students must complete one additional skills based course, *Legal Foundations, Research and Writing*. Students enrolled at the University of Waikato must also complete *Constitutional Law* in their first year of study.

[4]   Both the Universities of Auckland and Canterbury limit the numbers of passing first year students able to enrol in second year programmes.

[5]   *Professional Examinations in Law Regulations 2008* (NZ) reg 3(1).

[6]   For example, at the Universities of Auckland and Canterbury, student enrolments in the each of the compulsory courses consistently exceed 200 in number.

[7]   Students' responses were analysed globally and by law school, but few differences of note were identified when the two sets of data were compared.

II METHODOLOGY

The longitudinal study that generated the data for this article is taking place in accordance with protocols approved by the University of Canterbury Educational Research Human Ethics Committee. The study began with a literature review with a particular focus on empirical studies of law student experiences in New Zealand, Australia, the United Kingdom and the United States. The review also encompassed studies focusing on law student wellbeing and engagement. From this data, a web-based survey was developed. This survey was administered to first year law students enrolled at the Universities of Auckland, Canterbury and Waikato early in 2014 towards the beginning of the New Zealand academic year. The survey included questions about students' backgrounds and their expectations about their first year of study. A second web-based survey was administered in September 2014 to see what had changed for the students in terms of their expectations and what their actual law school experience had been.[8]

The surveys were promoted beforehand to students in each participating law school. Students were then contacted by email and invited to take part in a 15 minute web-based survey. Students responding to the first survey were assigned a digital identifier that was only used to contact them for following surveys. As an incentive to participate, students completing the surveys were eligible to be entered in a prize draw to win a $150 book voucher. To enter, students were asked to supply an email address and these were used only for entry in the prize draw.

In the second phase of the project, a further web-based survey, informed by responses to the 2014 surveys received, was administered three quarters of the way through the academic year in September 2015.[9] The third survey was promoted to students who were assigned a digital identifier at the time of the first survey in an email reporting key findings from the first and second surveys. As the email invitation to complete the survey was tied to students' university email addresses, it only reached students who were continuing their university studies at the university in which they were enrolled in 2014. The findings reported in this article are derived from the 2015 survey.

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[8]   Lynne Taylor et al, *The Making of Lawyers: Expectations and Experiences of First Year New Zealand Law Students* (Ako Aotearoa National Centre for Excellence in Tertiary Teaching, 2015).

[9]   For a complete summary of the results of this survey, see Lynne Taylor et al, *The Making of Lawyers: Expectations and Experiences of Second Year New Zealand Law Students* (Ako Aotearoa National Centre for Excellence in Tertiary Teaching, 2016).

III THE SURVEY COHORT

A total of 349 students completed the survey from which the findings in this article are derived. As noted above, surveys were only sent to those students who completed the first survey in the longitudinal study (713 students (41 per cent of the population of 1740)). Two hundred and thirty-two out of the 349 students (66 per cent) were enrolled in second year law courses and it is the responses of these students that are reported in this article: 93 at Auckland, 94 at Canterbury, and 45 at Waikato. The responses of students who were not enrolled in second year law programmes are not reported.[10]

Consistent with actual enrolments at the participating law schools, a majority of the participating cohort were female (61 per cent). Again consistent with actual enrolments, a majority identified as New Zealand European/Pākehā (56 per cent).[11] Seven per cent identified as Māori (the indigenous peoples of New Zealand), six per cent as Pasifika (the peoples of Pacific Island nations), six per cent as Chinese, three per cent as Indian and three per cent as Korean. The remaining students identified as being of 'other' ethnicities. Just one of the 232 continuing students identified as an international student.

A majority of students (93 per cent) were studying full time.[12] A majority (70 per cent) were aged 18-20 at the time of the first 2014 survey. Most students were studying law concurrently with another degree (71 per cent), most frequently a Bachelor of Arts degree.

IV STUDENTS' LEARNING ENVIRONMENT

The broad content and assessment of the compulsory courses in which students enrol in second year law programmes are prescribed by the Council of Legal Education.[13] The course prescriptions focus on doctrinal knowledge.[14] For example, the course content for *Law of Contract* is specified as '[t]he general principles of the law of contract and agency'. The Council of Legal Education requires that each of the compulsory courses has an individual, written final examination counting for at least 60 per cent of the final grade for the course. A Council appointed external moderator for each compulsory course reviews the final examination papers set by all New Zealand law schools to ensure they are of an appropriate standard and adequately

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[10] Students who were not enrolled in second year law programmes were not questioned in detail about their learning experiences. Approximately half of the non-continuing students had not gained entry to second year law programmes, with the remainder choosing not to continue studying law: see ibid.

[11] The term 'Pākehā' refers to New Zealanders of European descent.

[12] At the time of the first survey at the beginning of the academic year in 2014, 95 per cent of Auckland students and 94 per cent of Canterbury students were studying full-time. Eighty four per cent of Waikato students were studying full-time.

[13] *Professional Examinations in Law Regulations 2008* (NZ) reg 3, sch 1.

[14] Ibid reg 3(2)(a), sch 1.

cover the course prescription.[15] The moderator also 'ensures that the standard of examination is comparable between law schools'.[16] The marking of final examination papers is reviewed by a law teacher from another university.[17]

Individual law schools and law teachers may choose the manner in which the remaining 40 per cent of students' final grade in each of the compulsory courses is assessed, but the course information systems at each of the participating universities show consistency in how this is done. With the exception of one course at the University of Waikato, remaining course assessment includes an individual, compulsory written assignment and an individual, compulsory written test. The compulsory test mostly attracts a higher weighting than the written assignment at the universities of Auckland and Canterbury. Auckland law school is unique in that tutorial attendance and/or participation also accounts for between five and eight per cent of the total course assessment.

Despite the emphasis in the compulsory course prescriptions on doctrinal knowledge, assessment tasks frequently assess skills, such as analysis, synthesis, critique and evaluation. For example, students are frequently assessed on their ability to identify the legal issues arising from an unseen legal problem and to apply relevant legal rules to those issues in order to generate an appropriate solution.

V LITERATURE REVIEW

Two complementary areas of education research provide a basis for comment on the study cohort's reported experiences.

The first area of research is the extensive general literature on student engagement,[18] as a positive relationship between student engagement and student success is generally accepted.[19] The most significant empirical study of student engagement in New Zealand universities, the Australasian Survey of Student Engagement (AUSSE), defines student engagement as 'students' involvement with activities and conditions that are likely to generate high-quality learning'.[20] This 'mainstream' view of student engagement focuses on interactions between students and the universities at which they are enrolled and on what universities can and should do to improve

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[15]   Ibid reg 6(3). The authors were unable locate similar requirements in comparable jurisdictions such as Australia and the United Kingdom.

[16]   Ibid reg 6(3).

[17]   Ibid reg 3(2)(a).

[18]   A 2012 synthesis of the literature found 2350 articles published in the period 2000-12: Katherine Wimpenny and Maggi Savin-Baden, 'Alienation, Agency and Authenticity: A Synthesis of the Literature on Student Engagement' (2013) 18 *Teaching in Higher Education* 311, 314.

[19]   See Ella R Kahu, 'Framing Student Engagement in Higher Education' (2013) 38 *Studies in Higher Learning* 758, 758; Radloff and Coates, above n 1, vi.

[20]   Radloff and Coates, above n 1, vi. For a similar and widely cited definition, see George D Kuh et al, 'Unmasking the Effects of Student Engagement on First-Year College Grades and Persistence' (2008) 79 *Journal of Higher Education* 540, 542.

student engagement.[21] A further research strand within the mainstream view holds that student success is a product of students' sense of belonging at the institution at which they are enrolled and focuses on what institutions may do to facilitate this.[22]

Despite the AUSSE emphasis on institutional factors affecting student engagement, its designers also accept that engagement is also influenced by students' lives 'beyond the classroom'.[23] Tinto and others moot that these personal factors encompass students' attributes and experiences prior to commencing study, together with their experiences outside of university during the time that they are studying.[24]

Kahu's helpful summary draws the various research strands on student engagement together. Student engagement, she says, is 'a psycho-social process, influenced by institutional and personal factors, and embedded within a wider social context',[25] the last point recognising that both personal and institutional factors are a product of a variety of socio-cultural factors such as government policies and economic conditions. Borrowing from research undertaken on student engagement from a psychological perspective,[26] Kahu highlights three dimensions of the engagement process. The first dimension is *behaviour*, which includes 'positive conduct and rule following including attendance; involvement in learning, including time on task and asking questions; and wider participation in extracurricular activities'.[27] The second dimension is *cognition*, a 'student's psychological investment in and effort directed towards learning, understanding, or mastering … knowledge, skills',[28] which

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[21]   Nick Zepke, 'Student Engagement Research: Thinking Beyond the Mainstream' (2015) 34 *Higher Education Research Development* 1311, 1312; Gerald F Burch et al, 'Student Engagement: Developing a Conceptual Framework and Survey Instrument' (2015) 90 *Journal of Education for Business* 224, 224. AUSSE's focus on the institutional role is illustrated by the measures of student engagement it employs: academic challenge, active learning, student and staff interactions, enriching educational experiences, supportive learning environment and work integrated learning: Radloff and Coates, above n 1, vii.

[22]   Rachel Masika and Jennie Jones, 'Building Student Belonging and Engagement: Insights into Higher Education Students' Experiences of Participating and Learning Together' (2016) 21 *Teaching in Higher Education* 138; Liz Thomas, *Building Student Engagement and Belonging in Higher Education at a Time of Change: Final Report from the What Works Project* (Paul Hamlyn Foundation, 2012) 6; Nick Zepke et al, *Improving Tertiary Student Outcomes in the First Year of Study* (Teaching & Learning Research Initiative, 2005) 15.

[23]   Radloff and Coates, above n 1, vii.

[24]   Vincent Tinto, *Leaving College: Rethinking the Causes and Cures of Student Attrition* (University of Chicago Press, 2nd ed, 1993); Kahu, above n 19, 766.

[25]   Kahu, above n 19, 768.

[26]   See, eg, Jennifer A Fredricks et al, 'School Engagement' in Kristin Anderson Moore and Laura H Lippman (eds), *What do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development* (Springer, 2005) 305, cited in Kahu, above n 19, 768.

[27]   Kahu, above n 19, 766.

[28]   Fred M Newmann, Gary G Wehlage and Susie D Lamborn, 'The Significance and Sources of Student Engagement' in Fred M Newmann (ed), *Student Engagement and Achievement in American Secondary Schools* (Teachers College Press, 1992) 11, 12, cited in Kahu, above n 19, 766.

encompasses 'students' self-regulation and effective use of deep learning strategies'.[29] The third dimension is *affect*, a student's interest and enthusiasm in learning tasks and feelings of belonging.[30]

The second area of relevant research focuses on law student psychological wellbeing. This body of information supplies an underlying explanation for reported engagement rates (whether negative or positive). For example, Sheldon and Krieger report that a decline in psychological wellbeing correlates with a reduction in students' intrinsic motivation to engage with their studies.[31] In other words, students suffering a decline in their psychological wellbeing are less likely to be motivated to engage with their area of study because they perceive it to be interesting and enjoyable. Such students, we suggest, are also less likely to be assessed as positively engaged with their studies on, for example, Kahu's 'affect' dimension of student engagement.

A number of studies report that law students enter law school with rates of psychological wellbeing that are equal to or higher than those in the general community.[32] However, the findings of an even greater number of studies across jurisdictions report that many law students, after only a short time at law school, suffer elevated levels of psychological distress.[33] Two recent Australian studies suggest that demographic factors and external factors (students' experiences outside university during the time that they are studying) are, with

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29 Kahu, above n 19, 766.
30 Ibid.
31 Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory' (2007) 33 *Personality and Social Psychology Bulletin* 883, 884. See also Wendy Larcombe and Katherine Fethers, 'Schooling the Blues? An Investigation of Factors Associated with Psychological Distress among Law Students' (2013) 36 *University of New South Wales Law Journal* 390, 423.
32 See Molly Townes O'Brien, Stephen Tang and Kath Hall, 'Changing our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 149; Kennon M Sheldon and Lawrence S Krieger, 'Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being' (2004) 22 *Behavioral Sciences and the Law* 261, 271; G Andrew H Benjamin et al, 'The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers' (1986) 11 *American Bar Foundation Research Journal* 225, 228.
33 See Larcombe and Fethers, above n 32, 405; Wendy Larcombe et al, 'Does an Improved Experience of Law School Protect Students against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students' (2013) 35 *Sydney Law Review* 407; O'Brien, Tang and Hall, above n 33; Catherine M Leahy et al, 'Distress Levels and Self-Reported Treatment Rates for Medicine, Law, Psychology and Mechanical Engineering Tertiary Students: Cross-Sectional Study' (2010) 44 *Australian and New Zealand Journal of Psychiatry* 608; Norm Kelk et al, 'Courting the Blues: Attitudes Towards Depression in Australian Law Students' (Brain & Mind Research Institute, 2009). We concede that this phenomenon is not limited to law students, as university students as a collective group report levels of distress higher than those reported in the general community: see Stefan Cvetovski, Nicola J Reavley and Anthony F Jorm, 'The Prevalence and Correlates of Psychological Distress in Australian Tertiary Students Compared to their Community Peers' (2012) 46 *Australian and New Zealand Journal of Psychiatry* 457.

limited exceptions, not independently associated with elevated distress levels.[34] The exceptions are working long hours or having significant caregiving responsibilities, factors that limit the time students are able to devote to their studies. [35] Larcombe and Fethers report that a number of personal attributes are independently associated with moderate distress levels (low intrinsic motivation for studying law, worry about job prospects, high financial stress). On the other hand, they report that high personal standards (such as perfectionism and being worried about being compared with others) are independently associated with very high distress levels. They also report that a number of law school related factors are independently associated with moderate distress levels (low course satisfaction and low peer engagement), with a further factor (a perception of low support from teachers or faculty) being independently associated with very high distress levels. These results, they suggest, provide a strong indication that 'law student distress is mediated by students' experiences, perceptions and cognitive constructs (as they interact with the law school environment)'.[36]

Larcombe and Fethers, in common with a number of other researchers in the field of law student wellbeing, support the use of self-determination theory (SDT), a theory of human motivation, as an analytical tool to explain the impact of students' law school experiences on their reported wellbeing levels.[37] Sheldon and Krieger explain the key elements of SDT as follows:[38]

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[34]   Larcombe and Fethers, above n 32, 419. This reported weaker association between students' experiences outside of law school and mental wellbeing is supported by Nerissa Soh et al, 'Law Student Mental Health Literacy and Distress: Finances, Accommodation and Travel Time' (2015) 25 *Legal Education Review* 29, 62. For the position in relation to university students generally, see Wendy Larcombe et al, 'Prevalence and Socio-Demographic Correlates of Psychological Distress among Students at an Australian University' (2016) 41 *Studies in Higher Education* 1074, 1088.

[35]   Ibid.

[36]   Larcombe and Fethers, above n 32, 393. See also O'Brien, Tang and Hall, above n 33. A positive association between students' teaching and learning environment and distress levels is also reported in a study focusing on an Australian Professional Legal Education course: Stephen Tang and Anneka Ferguson, 'The Possibility of Wellbeing: Preliminary Results from Surveys of Australian Professional Legal Education Students' (2014) 14(1) *Queensland University of Technology Law Review* 27, 46.

[37]   See, eg, Larcombe and Fethers, above n 32; Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession?' (2009) 19 *Legal Education Review* 3; Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32; Sheldon and Krieger, 'Does Legal Education have Undermining Effects on Law Students?', above n 33. SDT is also used to underpin a suite of resources on enhancing student wellbeing available at Enhancing Student Wellbeing, *2.3 Next Steps: Incorporating Wellbeing Essentials* <http://unistudentwellbeing.edu.au/curriculum-design/next-steps/>. For general information on SDT, see Andrew J Elliot and Carol S Dweck (eds), *Handbook of Competence and Motivation* (Guilford Press, 1ˢᵗ ed, 2007); Maarten Vansteenkiste, Willy Lens and Edward L Deci, 'Intrinsic Versus Extrinsic Goal Contents in Self-Determination Theory: Another Look at the Quality of Academic Motivation' (2006) 41 *Educational Psychologist* 19; Edward L Deci and Richard M Ryan, 'The

[A]ll humans require regular experiences of autonomy, competence and relatedness to thrive and maximise their positive motivation. In other words, people need to feel they are good at what they do or at least can become good at it (competence); that they are doing what they choose and want to be doing, that is, what they enjoy or at least believe in (autonomy); and that they are relating meaningfully to others in the process, that is, connecting with the selves of other people (relatedness).

Positive motivation on SDT measures is associated with wellbeing and, in turn, higher student performance and achievement.[39] SDT posits that law students' motivation may be supported or undermined by the social context of law school. On SDT measures, law students across jurisdictions have been assessed as having low levels of positive or intrinsic motivation, attributed most frequently to low autonomy,[40] and, in some instances, low relatedness.[41]

SDT research not only supplies a rationale for the high reported levels of law student distress, it offers solutions that law teachers and law schools can adopt to improve student wellbeing and, ultimately, student success. For example, Larcombe and Fethers suggest that the students in their study who perceived teacher/faculty support to be low felt 'controlled, misunderstood and/or unsupported by their teachers and the faculty generally'.[42] Again, using SDT terms, teachers can offer greater support of student autonomy by:[43]

(a) choice provision, in which the … [teacher] provides … [students] with as much choice as possible within the constraints of the task and situation; (b) meaningful rationale provision, in which the … [teacher] explains the situation in cases where no choice can be provided; and (c) perspective taking, in which the … [teacher] shows that he or she is aware of, and cares about, the point of view of the … [student].

We do sound one final note of caution about SDT. As Larcombe and Fethers note, as a general rule, the effectiveness of SDT-informed measures that have been adopted in Australian law schools with a view to reducing student distress levels have yet to be empirically assessed.[44]

"What" and "Why" of Goal Pursuits: Human Needs and the Self-Determination of Behavior' (2000) 11 *Psychological Inquiry* 227.

[38] Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32, 885.

[39] Ibid 884, 893.

[40] Larcombe and Fethers, above n 32, 423-4; Tani and Vines, above n 38, 26-7; Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32, 893-4; Sheldon and Krieger, 'Does Legal Education have Negative Effects on Law Students?', above n 33, 281.

[41] Tani and Vines, above n 38, 29.

[42] Larcombe and Fethers, above n 32, 420.

[43] Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32, 884; Larcombe and Fethers, above n 32, 420.

[44] Larcombe and Fethers, above n 32, 397.

VI FINDINGS

In this section we present students' reports of what they do and feel in relation to their learning. Students' responses about their experiences during scheduled classes, both large (lectures) and small (tutorials), and periods of self-study are collated, as are their reported relationships with their teachers and peers. Non-law school or external factors that had an impact on students' studies are summarised. The section concludes with students' self-assessment of their likely future academic success. Throughout, students' responses are considered in the light of key themes emerging from the literature on student engagement and law student wellbeing.

A *Lectures*

A significant positive relationship between lecture attendance and academic achievement is consistently reported in the literature relating to student engagement,[45] although the extent to which there is a causal link between the two is subject to some debate given the potential for unaccounted links between lecture attendance and personal factors such as a student's academic ability, motivation and/or effort.[46]

Lecture attendance is not compulsory at any of the participating law schools. For each course in which the cohort was enrolled, they were timetabled to spend two or three hours in lectures each week across the four term academic year (three hours each week at the Universities of Auckland and Canterbury and two hours each week at the University of Waikato).

Students reported what we consider to be high attendance rates,[47] particularly given the timing of the 2015 survey three quarters of the way through the academic year and at a time when assignments are often due.[48] As shown in Table 1, a majority of students (69 per cent) indicated that they had attended between 81 – 100 per cent of lectures, a result that was consistent across all law schools. We were unable to

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[45]   See 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; Loretta Newman-Ford et al, 'A Large-Scale Investigation into the Relationship between Attendance and Attainment: A Study Using an Innovative, Electronic Attendance Monitoring System' (2008) 33 *Studies in Higher Education* 699.

[46]   See, eg, Wiji Arulampalam, Robin A Naylor and Jeremy Smith, 'Am I Missing Something? The Effects of Absence from Class on Student Performance' (2012) 31 *Economics of Education Review* 363, 364.

[47]   This is in contrast to the findings of a study of the objectively measured attendance rates of students enrolled in law programmes at Griffith University: see Corbin, Burns and Chrzanowski, above n 46.

[48]   This is particularly so given the 'U' effect reported in other studies, ie, initial high attendance at the beginning of the course, followed by a reduction over the remainder of the semester and then a peak during revision lectures or lectures where assessment requirements are communicated: see Gabrielle E Kelly, 'Lecture Attendance Rates at University and Related Factors' (2012) 36 *Journal of Further and Higher Education* 17, 30.

assess the extent to which students' reported attendance rates reflected actual attendance rates, but note other findings that students commonly self-report higher rates of attendance than those captured by objective collection methods.[49]

The reason students most frequently gave for missing lectures was illness or accident. Other reasons (in number order) were a mix of law school related factors (study pressures, timing of lectures and not liking lectures) and external factors (such as employment pressures, family commitments, other commitments and other personal reasons). It is likely, although we have not tested for this, that some of the external factors (for example, those related to family commitments) are linked to demographic characteristics, such as age and ethnicity.

Table 1
Frequency of lecture attendance

Attendance	Percentage	Count
0-20	4.8%	11
21-40	3.9%	9
41-60	3.1%	7
61-80	19.3%	44
81-100	68.9%	157
	Total responses	**228**

Taken alone, students' responses are indicative of positive engagement in terms of Kahu's 'behaviour' dimension of student engagement, but offer little insight into students' motivation for attending lectures, nor what they spend their time doing during lectures. Responses to a further question shed some light on the latter. Students were asked, 'What are the things that you regularly do in a typical second year law lecture?'.[50] Students were able to select from a range of given options and could also add their own response. Students were able to select more than one option and most did so. Responses were consistent across all law schools.

As Table 2 shows, the activity most commonly reported by a significant margin was listening to what the lecturer had to say (86 per cent).[51] Most students also reported taking notes, either using an electronic device (65 per cent) and/or by hand (50 per cent).

A large proportion of students reported that they regularly used electronic devices for purposes other than note taking. Many selected options indicating they were distracted regularly by their electronic devices during lectures. For example, students reported making contact with others outside the lecture (via text, email or similar) more

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[49]   Ibid.

[50]   We did not define 'regularly' for students for the purpose of this question.

[51]   This result is consistent with the findings of an earlier study carried out at the University of Canterbury in 2011: Taylor et al, 'Improving the Effectiveness of Large Class Teaching in Law Degrees', above n 1, 119-20.

frequently than they reported accessing the internet to locate legal resources relevant to the lecture. Students also reported accessing the internet for reasons unconnected with the lecture almost as frequently as accessing it for class-related reasons. These practices, we are somewhat relieved to report, are not unique to the students in this study. The widespread and frequent use of electronic devices for non-class purposes is consistent with the findings of other studies, including one focusing on law students.[52] Such practices are, however, inconsistent with high levels of time spent on task and perhaps also high levels of interest and enthusiasm in the learning activities on offer (Kahu's behaviour and affect dimensions of engagement).

Reported regular participation in learning activities that did not involve use of electronic devices was much lower. Twenty eight per cent of students reported regular participation in lecturer-directed group activities, 20 per cent reported answering questions asked by their lecturer regularly, 17 per cent reported regular participation in lecturer-directed individual activities and 11 per cent reported asking questions of their lecturer regularly. A limitation when it comes to interpreting these results is that we could not assess how frequently students had the opportunity to participate in these activities, and/or the extent to which students elected to participate in the activities that were on offer. For example, if many students elected not to participate in the activities that were on offer, it would be indicative of far lower time spent on task and perhaps also interest and enthusiasm in these types of learning activities.

Students' responses suggest they frequently experience a traditional 'lecture' (where a lecturer communicates content to students). This is not unexpected as across disciplines this is reported as being the case.[53] It may be that some students were exposed to other teaching methods, such as a 'flipped classroom', but overall responses to this and other questions offer little evidence in support of this as a widespread practice. The course information systems instead suggest that students are taught in large, 'theatre' type, classrooms, as just one lecture stream for each of the second year compulsory courses is offered at the Universities of Canterbury and Waikato, with two streams being offered at the largest law school in the study, the University of Auckland. We note that extramural or distance study at second year is not an option listed in the course information systems at any of the participating universities.

Overall, students' responses are not indicative of positive engagement in terms of Kahu's cognition and affect dimensions. Passive learning activities (listening and note taking) are more

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[52] See, eg, Jeff Sovern, 'Law Student Laptop Use During Class for Non-Class Purposes: Temptation v. Incentives' (2013) 51 *University of Louisville Law Review* 483, 507; James M Kraushaar and David C Novak, 'Examining the Affects of Student Multitasking with Laptops During the Lecture' (2010) 21 *Journal of Information Systems Education* 241, 249.

[53] Catherine Mulryan-Kyne, 'Teaching Large Classes at College and University Level: Challenges and Opportunities' (2010) 15 *Teaching in Higher Education* 175, 180.

frequently reported than deep or active learning strategies associated with the development of higher level thinking skills (such as discussions or writing). [54] Overall responses are also, we suggest, unlikely to be associated with high levels of student autonomy (students doing what they choose and enjoy) on SDT measures.

Table 2
Regularly reported student activities during lectures

Response	Percentage*	Count
Listen to what the lecturer has to say	85.7%	198
Take notes on a laptop or other electronic device	64.9%	150
Take notes by hand	49.8%	115
Make contact with others outside of class (via text, email or similar)	46.3%	107
Access the internet to locate legal resources relevant to the lecture	40.7%	94
Access the internet for reasons unconnected with what is happening in class	40.2%	93
Participate in lecturer-directed group activities	27.9%	65
Make contact with others inside class (via text, email or similar)	23.8%	55
Answer questions asked by your lecturer	19.9%	46
Record the lecture	18.2%	42
Participate in lecturer-directed individual activities	16.9%	39
Ask questions of your lecturer	11.3%	26
Other, please specify...	3.5%	8
	Total responses	**231**

*Percentage of total respondents selecting this option.

Students were also asked to complete an open-ended task: 'In a few words, describe your ideal second year law lecture.' Students' responses to this question offer further evidence that they frequently experience a traditional lecture as a teaching method. Many responses were largely focused on what we categorise as students' perception of the ideal version of this teaching method. However, we note that students who have not experienced other teaching methods are unlikely to be able to describe them.

Many students responded by describing their ideal lecturer as one who presented material in a manner that was clear and easy to follow.

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[54]   See Michael Hunter Schwartz, Sophie Sparrow and Gerald Hess, *Teaching Law by Design* (Carolina Academic Press, 2009) ch 1.

Many students also expressed a wish for a lecturer who was engaging, interesting, enthusiastic and concise.

A number of students made reference to the pace of the lecture, with a majority specifying a preference for a slow and measured pace that allowed for the taking of notes. One student noted:

> I like [it] when the lecturer repeats things a few times in case we missed what they were saying. I like them to talk slowly so that I can copy the notes from the [P]ower[P]oint slide before they move on.

Very few students expressed a wish for lecturers to set readings for students to complete before attending lectures, a common occurrence in the 'flipped classroom' model of teaching. On the other hand, many wanted printed material supporting the lecture (in the form of notes, handouts or PowerPoint slides) to be provided and to be available prior to class. We were unable to determine from students' responses whether this request reflects existing teaching practice at the participating universities.

Many students expressed a preference for lectures to be recorded, although a preference for a particular type of recording (for example, audio, video recording or video streaming) was not apparent. One noted:

> Recordings of lectures available asap after lecture for those few times when I can't make it to class or want to revise as I haven't quite taken it all in for when they speak to[o] fast.

A number of responses were directed at discussion, engagement and interaction during lectures. Of these, most expressed a preference for class or group discussions, with smaller numbers indicating a desire for lecturers to answer student questions or for teachers to ask questions of students. Examples include:

> Lecturer introduces concepts, invites group discussions, facilitates class discussion and relate[s] to course content.

> Some class interaction is good but sometimes I don't feel confident about answering a question, also I sit towards the back and am worried about not being heard well enough.

> A mixture of clear explanation by the lecturer where we can write detailed notes, as well as times where we don't write notes and the lecturer gives scenarios and asks what we think.

> There should be opportunity for class participation, questions and short engaging activities and not simply a straight 'lecture' / information broadcast.

> A lecture where the lecturer is not just 'lecturing' you but also interacts with you, asking questions, and engages your thinking. I don't like a one-sided lecture, it makes me sleepy.

Not all students who made reference to interactive activities did so in supportive terms. Three students indicated they either did not want the lecturer to ask questions of students or that they preferred only a limited number of such activities. None expressed a reason for this

preference, but we suggest it is more likely to be associated with low levels of engagement and positive motivation than the reverse.

Many students indicated a preference for information to be presented to them by their teachers in an interesting and engaging manner for at least a part of the lecture, a learning activity requiring little effort on their part. We suggest this is indicative of low levels of engagement across all three of Kahu's dimensions and also low levels of autonomy on SDT measures. Although many were not averse to also participating in more interactive activities, many also saw this as a way of 'breaking-up', rather than replacing, a traditional lecture.

B *Tutorials*

The questions asked of students in relation to lectures were repeated in the case of tutorials. For each compulsory course in which they are enrolled, students at the participating law schools are timetabled to spend a total of between eight and ten hours in tutorials across the whole of the four term academic year. As noted above, it is only at the University of Auckland that tutorial attendance and/or participation attract a small assessment weighting (between five and eight per cent). Tutorial attendance and/or participation are not mentioned in connection with course assessment in the course information systems at the Universities of Canterbury and Waikato.

As was the case with lectures, positive engagement on Kahu's behaviour dimension was apparent in the form of high reported tutorial attendance rates. Table 3 shows that 72 per cent of students reported that they attended between 81 and 100 per cent of tutorials. When it came to reasons given for missing tutorials, the most frequently given reason was a university related reason, confusion over timing or scheduling. We did not collect information on scheduled tutorial times across institutions and so could not investigate the effect of timing on tutorial attendance. In any event, students' responses did not indicate that the timing of tutorials as such was an issue, rather that the communication of timings was poor. Other reasons for non-attendance (in order of frequency) were illness, personal or family reasons, study pressures, employment pressures, making a choice not to attend and other commitments.

Table 3
Frequency of tutorial attendance

Attendance	Percentage	Count
0-20	6.2%	14
21-40	7.1%	16
41-60	4.0%	9
61-80	11.1%	25
81-100	71.7%	162
	Total responses	**226**

Students' responses to the question asking what things they regularly did during a typical tutorial revealed a different experience to that reported in lectures.[55] When responding to this question, most students selected between five and seven activities from a range of given options. Results were consistent across all of the law schools.

As Table 4 shows, 77 per cent of students reported participating in tutor-directed group activities regularly, 75 per cent reported answering questions asked by the tutor regularly and 62 per cent reported asking questions of the tutor regularly. As was the case with lectures, the most frequently selected option involved passive learning, listening to what the tutor has to say. Notetaking was also frequently reported. As just 10 per cent of students reported leading a tutorial discussion regularly, it seems to us that tutorials are largely tutor-led. Options relating to spending time on matters unrelated to the tutorial were selected less frequently than in the equivalent question for lectures. For example, only 10 per cent of students reported accessing the internet for reasons unrelated to the tutorial regularly, compared to 40 per cent reporting this as a regular activity during lectures. The lack of student anonymity in smaller classrooms may be one explanation for this. Policies adopted by individual tutors or law schools may also have an impact. For example, many tutors at the University of Canterbury have a policy that electronic devices are not permitted in tutorials.

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[55] We did not define 'regularly' for the purposes of this question.

Table 4
Regularly reported activities during typical second year law tutorials

Response	Percentage*	Count
Listen to what the tutor has to say	93.5%	215
Participate in tutor-directed group activities	76.5%	176
Answer questions asked by your tutor	74.8%	172
Take notes by hand	70.4%	162
Ask questions of your tutor	62.2%	143
Participate in tutor-directed individual activities	48.3%	111
Take notes on a laptop or other electronic device	40.4%	93
Access the internet to locate legal resources relevant to the tutorial	28.3%	65
Look up the answers to the tutorial question using an electronic device	19.1%	44
Make contact with others outside of class (via text, email or similar)	16.5%	38
Access the internet for reasons unconnected with what is happening in the tutorial	10.4%	24
Lead the tutorial discussion	10.0%	23
Make contact with others inside class (via text, email or similar)	8.7%	20
Record the tutorial	5.2%	12
Other, please specify...	2.6%	6
Total responses		**230**

*Percentage of total respondents selecting this option.

Students were then asked to complete an open-ended task: 'In a few words, describe your ideal second year law tutorial'. We suspect that students' perceptions of the 'ideal tutorial' were likely to be informed by their actual experiences during tutorials, as is also likely to be the case in their descriptions of the 'ideal lecture'.

A frequently mentioned characteristic of an ideal tutorial was student participation:

> A good group discussion but not one where you are forced to answer questions, it's important that everyone tries to participate but not everyone is confident enough to speak up. It's also good when the tutors give advice on how to structure the answers to exam questions as this is quite a tricky thing to master as different lecturers required different things.

> One where the tutor sets out the objectives or structure for the class, and there is plenty of directed group discussion with clear feedback afterwards.

> Stress on group activity and debating questions in small groups then coming together as a class to share what we discussed. Tutor comments on all these strands and weaves them together to enhance our understanding of the topic.

> Engaging, working through the problem questions together and working on a model answer.

Other students commented on student participation in more negative terms:

> Without too much time-wasting in group activities/participation.

> … Perhaps less time discussing in groups with more time spent going over the answers so that we, as students, feel comfortable answering that question in an exam as opposed to wasted time talking among peers (which is often not relevant to the tutorial).

In many of the examples of responses set out above, there is an emphasis on getting to the 'answer' to the set tutorial task/problem, preferably a problem or task similar to what students could expect in examination or test questions. The emphasis on getting the answer occurred as frequently as comments relating to student participation, with many students viewing it as the tutor's task to provide, or at least confirm, the 'right' answer:

> A discussion of relevant material and the tutorial homework or question. A walk through the process to reach the required conclusion. Most of my tutorials are excellent like this.

> Goes slowly and clearly through the problem questions. Writes on the whiteboard. Gives you time to copy it down. Give you extra notes.

> I like it when we have practice questions that prepare us for exams. Also model answers and lots of feedback is always good.

> I really like …'s tutorials and how there is time to discuss in small groups the approaches we would take and then come together and get the right answer from her. The focus on how to answer in an exam style is really helpful.

Responses of this nature are indicative, we suggest, of likely low interest and enthusiasm for learning tasks on Kahu's affect dimension of student engagement. They are also indicative of low levels of autonomy on SDT measures. In other words, students who make such comments are, we suggest, more likely to be motivated by extrinsic motivations (such as a desire to pass and/or achieve high grades), rather than because they are interested in a particular area of law.[56] Other responses of this nature are apparent in the responses of students who expressed a preference for material covered in tutorials to be closely tied to material covered in lectures:

> Summarising and applying the lecture material, provides tools to apply to multiple scenarios.

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[56]   Tani and Vines, above n 38, 26.

> Giving us a practical application to material covered in lectures, detailing how to answer an exam question, interactional.

> Tutorials that explain the lecture material in depth, without overloading on homework.

Comments of this type are also indicative of a view that certainty in the study and practice of law is achievable, a view that is frequently at odds with the reality of legal practice,[57] and one we suspect that is likely to be informed by what students have heard from, or observed in, their teachers.

The few responses focusing on preparation were evenly split on the amount of required preparation for an ideal tutorial. Some of the students who were prepared to engage in preparatory work appeared to wish to do so because of an exam focus, as opposed to interest in and enthusiasm for the subject matter of the tutorial:

> I would prefer not to have to do work beforehand because often the tutors will not refer to it.

> I like to be given work to do leading up to the tutorial, such as readings and mock answers to do.

> A small amount of work to be done prior to the tutorial.

> Problem questions set well in advance before the tutorial allowing time to analyse and write up answers would be preferable.

> Preparation required, but not in the form of handed in assignment, a bit of reading.

A number of responses focused on the 'ideal' tutor. The most frequently mentioned attribute of the ideal tutor was the ability to create a supportive and encouraging atmosphere. A desire for the tutor to be approachable, knowledgeable and clear was also noted by a number of students. Attributes that rated highly in the case of lecturers, such as enthusiasm and the ability to be engaging, were mentioned with less frequency in relation to tutors. We suspect that the difference in preferred teacher attributes may be due to the difference in students' experiences in lectures and tutorials. Approachability, in particular, we suggest is likely to be perceived by students as a desirable attribute if they are frequently engaged, as they report, in asking and answering questions of tutors. A tutor exhibiting this particular characteristic is, we suggest, likely to have a more positive impact on the extent to which students are prepared to interact with the tutor and their peers (and feel comfortable when doing so), even if it is the case that students are exam driven and focused.

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[57] See Stephen Tang and Tony Foley, 'The Practice of Law and the Intolerance of Uncertainty' (2014) 37 *University of New South Wales Law Journal* 1198.

C   *Self-Study*

A number of recent studies have identified a significant positive relationship and causal link between time spent on study outside of class and academic performance.[58] In New Zealand universities there is an expectation that for each hour students spend in class, they will spend three hours on self-study. As students enrolled in second year compulsory classes at the participating universities are timetabled to spend two or three hours per week in lectures with up to eight additional hours of tutorials across the academic year, they should, on this measure, be spending upwards of six hours each week on self-study for each course in which they are enrolled. A majority of students did not achieve this. As Table 5 shows, students most frequently reported spending three to five hours per week on each of their law courses (39 per cent), with around 25 per cent of all students typically devoting between zero and two hours to each of their courses per week. These results were consistent across all universities. The time that students devote to their studies is likely to be affected by the actual time they have available (which will vary according to students' personal circumstances) and the time that they perceive is necessary to achieve their desired goals. Information on this point was not collected.

Table 5
Weekly hours outside of lectures and tutorials devoted to individual second year law courses

Hours	Percentage	Count
0 – 2	24.6%	56
3 – 5	39.0%	89
6 – 8	23.2%	53
9 – 10	7.0%	16
More than 10	6.1%	14
	Total responses	**228**

We did ask students what tasks they regularly undertook when focusing on their law studies outside of lectures and tutorials. Students could select from a range of responses and most selected more than

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[58]   See, eg, Ralph Stinebrickner and Todd R Stinebrickner, 'Time-Use and College Outcomes' (2004) 121 *Journal of Econometrics* 243; Ralph Stinebrickner and Todd R Stinebrickner, 'The Causal Effect of Studying on Academic Performance' (2008) 8(1) *BE Journal of Economic Analysis & Policy* Article 14, 8; Vincenzo Andrietti and Carlos Velasco, 'Lecture Attendance, Study Time, and Academic Performance: A Panel Data Study' (2015) 46 *Journal of Economic Education* 239. See also Sharron King et al, *Exploring the Experience of Being First in Family at University* (National Centre for Student Equity in Higher Education, 2015) 30 for comparative data on the study time expectations of first in family students across a number of Australian universities.

one option. Students could also add their own 'other' response. Results were generally consistent across the law schools.

As Table 6 shows, the most frequently selected response (78 per cent) was reading cases. The significance of this result is not clear. It would be a positive result if students were analysing case law to determine its meaning and significance, but it is not possible from these results to gauge the frequency with which activity of this nature is occurring.

The activity of reading cases was closely followed in popularity by writing up and supplementing lecture notes (71 per cent). The nine per cent of students who gave 'other' responses mostly focussed on completing assignments or studying for exams.

Table 6
Regularly reported law focused activities outside of lectures and tutorials

Activity	Percentage*	Count
Read cases	77.5%	176
Write up and supplement lecture notes	71.4%	162
Read legislation	46.7%	106
Read articles and texts	44.9%	102
Study with others	39.6%	90
Read student guides	33.5%	76
Other	8.8%	20
Total responses		**227**

*Percentage of total respondents selecting this option.

Students were then asked for what purposes they carried out the activities identified above. Again, students were given a range of options to select from and were able to select more than one option or add their own 'other' response. Results were consistent across law schools. Eighty eight per cent of students reported completing a range of tasks outside of lectures and tutorials to gain a better understanding of material covered in those classes. Seventy nine per cent of students reported engaging in these tasks to complete assessment tasks. A minority (27 per cent) carried out these activities for general interest.

We suggest that the data in this section is not particularly positive when viewed in the light of key themes emerging from the literature on student engagement and wellbeing. A majority did not meet university expectations in terms of time spent on study (Kahu's behaviour dimension of engagement). Those spending 0-2 hours on study are less likely to have left themselves sufficient time to engage regularly in deeper learning strategies (Kahu's cognitive dimension). The low numbers engaging in study activities for general interest and the high numbers indicating an exam focus suggest likely low levels

of interest and enthusiasm in learning activities (Kahu's affect dimension), and low levels of autonomy on a SDT measure.[59]

D *Relationships with Teachers*

Experiencing constructive and supportive interactions with teachers inside and outside the classroom is a factor referred to frequently in the literature on student engagement.[60] The extent to which a student has a sense of belonging is an aspect of Kahu's 'affect' dimension of engagement.[61] Relating meaningfully to others is also a requirement to maximise positive motivation and hence wellbeing and likely success on SDT measures.[62]

Students' responses to the question asking what activities they regularly participate in during a typical lecture (see Table 2 above) show that most students listen to what the lecturer has to say (86 per cent), with only 20 per cent reporting that they answer questions asked of them regularly and even fewer (11 per cent) indicating that they ask questions regularly.[63]

Students were also asked a separate question about the contact they had had with their lecturers. Students were able to select from a range of given options and most selected one or two of these. Results are shown in Table 7.

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[59] See Tani and Vines, above n 38, 26.
[60] Wimpenny and Savin-Baden, above n 18, 317; Nick Zepke and Linda Leach, 'Improving Student Engagement: Ten Proposals for Action' (2013) 11 *Active Learning in Higher Education* 167, 170; Law School Survey of Student Engagement, *Lessons from Law Students on Legal Education* (Indiana University Centre for Postsecondary Research, 2012) 10; Susan B Apel, 'Principle 1: Good Practice Encourages Student-Faculty Contact' (1999) 49 *Journal of Legal Education* 371, 373-5. For an example of one technique for achieving this, see Molly Townes O'Brien, Tania Leiman and James Duffy, 'The Power of Naming: The Multifaceted Value of Learning Students' Names' (2014) 14(1) *Queensland University of Technology Law Review* 114.
[61] Kahu, above n 19, 766.
[62] Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32, 885.
[63] See Table 2 above.

Table 7
Students' reported contact with lecturers

Method	Percentage*	Count
Email	53.0%	123
No contact except attending lectures	34.5%	80
Lectures	34.5%	80
Recorded lectures	16.8%	39
Office hours	15.1%	35
Online learning platform	12.9%	30
Social occasions	8.6%	20
Other	3.0%	7
Phone	1.3%	3
Total responses		**232**

*Percentage of total respondents selecting this option.

As Table 7 shows, the most frequently reported contact with lecturers was via email (53 per cent), although it was not possible to determine the extent to which these were individual or whole-class communications. Reported instances of face-to-face contact between students and lecturers outside of class (attending office hours or at social occasions) were infrequent. A sizeable minority (35 per cent) reported that they had had no contact with their lecturers except through attending lectures. A greater proportion of students reported regularly answering questions asked by their tutor (75 per cent) and asking questions (62 per cent), a likely consequence of the smaller class setting. However, reported interactions with tutors outside of the formal class setting were less frequent than reported interactions with lecturers. Large class sizes at second year mean that even if some course lecturers are also tutors, they are likely to be supplemented by others employed on a sessional basis (a common practice, for example, at the University of Canterbury). Lecturers who are also tutors will be available to students at other times through office hours (although we note that very few students attend their lecturers' office hours), but this may not necessarily be the case with sessional tutors. At the University of Canterbury, for example, sessional tutors do not generally have scheduled times to meet with students outside of class.

Overall, students' responses suggest that many have little meaningful contact with their lecturers inside or out of class. Meaningful contact with a teacher appears most likely to occur when students attend tutorials. If the high self-reported rates of student attendance at tutorials are accurate, a majority of students at least have the potential to develop a connection with a university teacher, although we were unable to assess the extent to which this actually occurs.

E *Relationships with Peers*

Experiencing constructive and supportive interactions with other students both inside and outside the classroom is a further factor associated with positive engagement and positive motivation (and wellbeing). [64] However, aside from the minority (28 per cent) who reported regular participation in group-related activities in lectures, students reported little contact with their peers during large classes, suggesting that a solitary, rather than co-operative, learning experience is the norm. A far greater proportion of students (77 per cent) reported interacting with other students during tutorials, but this interaction appeared to us to be tutor-directed rather than student-led, given that few students reported leading a tutorial.

Course assessments across the board at the participating universities, as noted above, are individual in nature, meaning that students are afforded no regular and formal opportunity to work with others outside of class.

On a more positive note, despite the lack of formal opportunities to work with and build relationships with other students in lectures and when completing assessment tasks, a sizeable minority (40 per cent) reported that they studied regularly with other students out of class by choice. [65] We did not gather data on the extent to which students connect with each other through other means. For example, law student societies operate at each of the participating universities and some students will be members of these and engage in the activities they offer. Others may choose to participate and work with others in law related extra-curricular activities on offer, such as volunteering at a community law centre. Overall, however, students' responses to the questions that they were asked are not indicative of a strong law school focus on building student relationships in large classroom settings or for assessment-related purposes outside the classroom.

F *Other Factors Affecting Students' Studies*

The above findings largely focus on students' experiences at law school. Students were also asked the following question: 'What, if any, [of a list of factors] have adversely affected your law studies in 2015?' The options from which students could select were drawn from the most commonly occurring responses to this question when it was asked in open-ended form in an earlier survey. [66] For this reason, the options given include one law school related factor, 'studying at university'. We concede that this general factor may have been

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[64]   Wimpenny and Savin-Baden, above n 18, 317; Zepke and Leach, above n 61, 171; Law School Survey of Student Engagement, above n 61, 12-13; Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32, 885.

[65]   See Table 6 above.

[66]   See Taylor et al, *The Making of Lawyers: Expectations and Experiences of First Year New Zealand Law Students*, above n 8.

interpreted by students in different ways. Results are shown in Table 8 below and were consistent across all universities, although it is likely that different demographic groups within the general cohort (such as students with caregiving responsibilities) may have been disproportionately affected by some factors, for example, family issues.

Table 8
Factors impacting on students' studies

Response	Percentage*	Count
Health issues	46.9	97
Personal issues	44.9	93
Family issues	43.5	90
Studying at university	37.2	77
Financial issues	28.0	58
Relationship issues	26.1	54
Accommodation	9.7	20
Other	9.7	20
Total responses		**207**

*Percentage of total respondents selecting this option.

Health (47 per cent) was most the most frequently selected factor, followed by personal issues (45 per cent) and family issues (44 per cent). Studying at university was the next most frequently reported factor. We cannot determine from these results the extent to which there is any connection between students' experiences at law school and the health, personal and family issues that affected their studies. We are also unable to determine the impact of these factors on students' studies. However, we note again that the findings of two recent wellbeing focused studies suggest that working long hours and/or having significant caregiving responsibilities are independently associated with elevated distress levels.[67]

G *Students' Self-Assessment of their Teaching and Learning Experience*

As noted earlier, the multi-institutional nature of the study means that we are unable to link reported student engagement with objective indicators of student success, such as grades obtained, pass rates and retention rates. In this section, we report students' perceptions of their success.

We asked students which of a given range of skills/knowledge they had gained during their second year law studies. The given

[67]   Larcombe and Fethers, above n 32, 419.

options were drawn from the most frequently occurring responses when this question was asked in open-ended form in an earlier survey.[68] Students could also add their own response. Most students selected between four and six options. Reflecting the emphasis on doctrinal content in the second year course prescriptions issued by the Council of Legal Education, students most frequently reported gaining a working knowledge of legal principles and concepts (see Table 9 below). Respectable numbers also reported gaining skills. Sixty nine per cent reported gaining critical/analytical skills and 62 per cent reported gaining knowledge over skills. Somewhat surprisingly, given the emphasis on written assessment tasks, just 48 per cent reported gaining writing skills. It is also surprising that 36 per cent of students reported gaining oral communication skills when this is given no emphasis in course prescriptions or in the individual, written assessment tasks that students complete.

Table 9
Skills and knowledge gained

Response	Percentage*	Count
A working knowledge of legal principles and concepts	85.8%	193
An understanding of the structure and operation of the New Zealand legal system	80.4%	181
Critical/analytical thinking skills	68.9%	155
A theoretical understanding of the law and the legal system	66.2%	149
Legal method skills (case analysis and statutory interpretation)	62.2%	140
Writing skills	48.0%	108
Time management skills	48.0%	108
Oral communication skills	35.6%	80
Other, please specify...	2.2%	5
Total responses		**225**

*Percentage of total respondents selecting this option.

We asked students to what extent, on average, the results they had received in their second year law courses reflected their expectations. By the time of the survey at the end of the third university term, students would have received most of the results from the 40 per cent of non-Council of Legal Education specified course assessment that they completed over the course of the academic year. As Table 10 shows, two thirds had received results that were about what they had expected or higher.

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[68] Taylor et al, *The Making of Lawyers: Expectations and Experiences of First Year New Zealand Law Students*, above n 8.

Table 10
To what extent, on average, did assessment results reflect students'
expectations?

Response	Percentage	Count
They were much lower than expected	6.7%	15
They were lower than expected	26.7%	60
They were about what I expected	48.9%	110
They were higher than expected	17.3%	39
They were much higher than expected	0.4%	1
	Total responses	**225**

As Table 11 shows, a similar majority reported that they were confident or very confident of passing their courses, with a further 17 per cent selecting the 'neutral' option.

Table 11
Confidence in passing law courses

Response	Percentage	Count
Not confident at all	7.1%	16
A bit confident	13.3%	30
Neutral	16.9%	38
Confident	41.8%	94
Very confident	20.9%	47
	Total responses	**225**

The skills, knowledge and results that students reported gaining appeared to stand most in good stead in terms of their expectations of academic success. However, as responses to earlier questions show, this expected success is not necessarily a result of positive engagement (assessed using Kahu's three dimensions of student engagement), nor necessarily high levels of positive motivation. Those students who earlier indicated a strong exam-passing focus (an external motivator according to SDT) are likely to perceive they are successful on this measure. However, SDT holds that this does not necessarily equate with high levels of intrinsic motivation and wellbeing.

VII SUMMARY OF FINDINGS

We begin by again highlighting the fact that the findings relate to a self-selected cohort of students who had earned the right to enrol in second year law programmes. The cohort is generally representative

of the wider student body in demographic terms, although the non-response bias, if any, is unknown.

In terms of Kahu's dimensions of student engagement, students generally reported positive *behaviour* in relation to lecture and tutorial attendance. In relation to *cognition* (effort directed towards learning and use of deep learning strategies), a majority of students reported that their learning experience during large classes (lectures) was largely passive, but this is a not unexpected consequence of the teaching method (a traditional lecture) they appeared to most frequently experience. Although students reported greater use of deeper learning strategies in tutorials (discussions, asking and answering questions), these strategies appeared to us to be largely teacher-led. Very few students indicated they had led a tutorial. Also of relevance to an assessment of this dimension is that many students indicated a preference for lecturers and tutors to provide them with the necessary information and/or skills to achieve academic success, including the 'right' answer to problems that they might expect to encounter in assessment tasks. However, we suggest that this too likely reflects students' actual reported classroom experiences. On a more positive note, many also reported a desire to participate in active learning activities in both lectures and tutorials, although not as a total replacement for teacher-directed learning. In terms of *affect,* students' descriptions of the 'ideal' lecture and tutorial suggest that many are motivated by a desire to pass assessments (an external motivator) rather than an intrinsic interest and enthusiasm for learning.

A majority of students reported spending less time on periods of self-study than the participating universities might expect, an indicator of low engagement on a number of Kahu's measures (time spent on task, involvement in deep learning strategies and enthusiasm in learning tasks). However, we were unable to gauge the number of students who were prevented from devoting as much time to their studies as they would wish because of work, caregiving responsibilities or other reasons. A majority were positive about their likely future academic success, but this, it seems to us, has occurred in spite of, rather than because of, consistent positive engagement on Kahu's measures.

Although students were not asked whether they felt a sense of belonging to a learning community, their responses relating to their relationships with teachers and peers do not suggest a strong law school focus on building such a community in large classes (lectures) or through setting work to be completed co-operatively out of class. However, a sizeable minority reported working with their peers on a regular basis outside of scheduled classes. Students appear to have at least a greater opportunity to form positive relationships with their teachers and peers in tutorials, although we could not measure the extent to which this actually occurs.

Students did report that a range of non-institutional factors (such as health and personal factors) also had an impact on their studies,

although we are unable to directly assess the effect of this on the way in which they engaged with their studies.

Overall, an assessment of 'room for improvement' seems to us to be appropriate when students' second year learning and teaching experiences are considered in the light of the general literature on student engagement. As noted above, the findings reported with respect to law student wellbeing in other jurisdictions may provide a possible explanation for likely levels of student engagement, although we emphasise that, for this cohort of students, this is speculation at this point in time. Students' engagement with their studies appears to be consistent in a number of respects with low autonomy as defined by SDT, that is, students doing what they choose, want to and enjoy doing, or believe in.[69] Examples of reported conduct in this category include time spent on task outside of class, involvement in deep learning strategies during large classes and (for a substantial minority) out of class, and enthusiasm in learning activities (the apparent exam focus of many students). Additionally, some students' responses did not suggest that they enjoyed meaningful relationships with their lecturers or their peers for formal teaching purposes. If these indications of low autonomy and, to a lesser degree, low relatedness are correct, it also suggests that students' likely levels of psychological wellbeing may mirror those in other jurisdictions. We intend to test this in future projects.

The literature on student engagement and wellbeing provides a useful reminder that if there is room for improvement in students' experiences, this means more accurately that there is room for improvement by law schools. On a mainstream view, student engagement focuses on students' interactions with the university at which they are enrolled. The literature on student wellbeing confirms that certain negative law school experiences are independently associated with elevated levels of student distress. This in turn reflects a key aspect of SDT, that social context (law school) can negatively affect motivation levels and, in turn, wellbeing.

VIII WHERE TO FROM HERE?

As well as providing baseline data on New Zealand law students' experiences in second year law programmes, the reported findings should provide some food for thought for interested stakeholders (students, teachers, law schools and the Council of Legal Education). A key issue is whether students' experiences as reported in this study reflects what stakeholders' view as desired outcomes for New Zealand legal education. Our assessment, as noted above, is that there is room for improvement by law schools.

We suggest that there is, at the very least, room within current Council of Legal Education regulatory requirements for law schools to

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[69]   Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students', above n 32, 885.

move to alter and improve the nature of their influence on students' experience. This could be achieved in a variety of ways. For example, there is nothing to prevent compulsory courses having a range of outcomes wider than those specified in the Council-issued course prescriptions. Even if it is accepted that large class teaching is a necessary consequence of the current funding model for New Zealand universities, there is still room for teachers to adopt a range of different teaching methodologies or modes. For example, much of the literature reports an increase in the quality of student engagement from the additional and regular inclusion of active learning activities during a traditional lecture.[70] There is also scope for the redesign of the 40 per cent of course assessment that is not Council-specified to include tasks that assess any more widely drafted course outcomes, such as developing students' oral communication skills or ability to work with others. The literature suggests that such changes are likely to result in improvements in student engagement and wellbeing. Even if this is not reason enough for change, from a law school perspective, increasing levels of positive student engagement at the beginning of students' law studies is likely to affect how they engage with their studies in subsequent years and may ultimately result in reputational benefits associated with producing high quality graduates.

So how might individual law schools act on these findings? A starting point would be for Deans and Chairs of Law School Learning and Teaching Committees to lead a discussion of our findings with both staff and students. The findings, at a minimum, provide multi-institution data to inform a discussion of the issues of student engagement and wellbeing. Once a wider appreciation of the need for room for improvement is understood, other suggested actions include allocation of sufficient resources for teacher support, education and development and, where appropriate, the development of school wide expectations and policies with respect to student engagement and wellbeing. To the extent that the expertise necessary to achieve this is not available within all law schools, it may be that assistance is available from colleagues in other university programmes. We also recommend that the effectiveness of adopted initiatives be assessed on a regular basis.

A further potential possibility is for the regulator, the Council of Legal Education, to drive change. Law schools could, for example, take a leading role in initiating discussion on student engagement and wellbeing at a national level. This could, in turn, lead to the development of a wider range of prescribed learning outcomes, akin to the Bachelor of Laws Threshold Learning Outcomes endorsed by the Council of Australian Law Deans, [71] and/or amended course

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[70]   See, eg, Jim Eison, *Using Active Learning Instructional Strategies to Create Excitement and Enhance Learning* (March 2010) <https://www.cte.cornell.edu/documents/presentations/Eisen-Handout.pdf>.

[71]   See Sally Kift, Mark Israel and Rachael Field, *Bachelor of Laws Learning and Teaching Academic Standards Statement* (Australian Learning and Teaching Council, 2010)

prescriptions and prescribed assessment regimes for compulsory courses. It would be particularly useful, we suggest, if Council requirements promoted the adoption of law school practices likely to have a positive influence on student engagement and wellbeing.

<http://www.cald.asn.au/media/uploads/KiftetalLTASStandardsStatement2010%20TLOs%20LLB.pdf>.