12-2017

Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement

Kylie Burns
Griffith University

Mary Keyes
Griffith University

Therese Wilson
Griffith University

Joanne Stagg-Taylor
Griffith University

Kate Van Doore
Griffith University

Follow this and additional works at: http://epublications.bond.edu.au/ler

 Part of the Legal Education Commons

ACTIVE LEARNING IN LAW BY FLIPPING THE CLASSROOM: AN ENQUIRY INTO EFFECTIVENESS AND ENGAGEMENT[*]

KYLIE BURNS, MARY KEYES, THERESE WILSON, JOANNE STAGG-TAYLOR AND KATE VAN DOORE [†]

I INTRODUCTION

Legal educators are increasingly encouraged, if not directed, to apply technological innovations in course design and delivery. The use of blended learning, in which courses are delivered in a combination of face-to-face settings and online,[1] has become almost ubiquitous.[2] Blended learning is often associated with active learning, in that a combination of face-to-face and online activities are particularly suitable to facilitate students' active engagement in learning.[3] Recently, there has been a great deal of interest in a particular type of blended learning which is known as 'flipped' learning.[4] Flipped learning involves students independently working through online activities prior to attending face-to-face classes, in which they engage in activities applying the material introduced to them online, with teacher guidance and supervision. Online activities replace traditional lectures, and face-to-face activities often take the form of workshops, rather than tutorials.

This article contributes to the literature on the use of blended learning, particularly flipped learning, in legal education, by describing and reflecting on our experiences using such techniques at one Australian law school.

[†] Griffith Law School, Griffith University. Corresponding author: k.burns@griffith.edu.au.

[1] Stephen Colbran and Anthony Gilding, 'E-Learning in Australian Law Schools' (2013) 23 *Legal Education Review* 201, 202; William R Slomanson, 'Blended Learning: A Flipped Classroom Experiment' (2014) 64 *Journal of Legal Education* 93, 94.
[2] The widespread adoption of learning management systems, documented by Colbran and Gilding, has made it difficult to avoid using blended learning, at least at a basic level: Colbran and Gilding, above n 1, 205.
[3] Colbran and Gilding, above n 1, 222; Alison S Burke and Brian Fedorek, 'Does "Flipping" Promote Engagement?:A Comparison of a Traditional, Online, and Flipped Class' (2017) 18 *Active Learning in Higher Education* 11, 12.
[4] See, eg, Lutz-Christian Wolff and Jenny Chan, *Flipped Classrooms for Legal Education* (Springer, 2016).

This article is structured as follows: Part II describes blended and flipped learning in the context of legal education. Part III describes how we applied different models of blended and flipped learning in three courses at Griffith Law School. It also describes the Active Learning in Law Network which we established to support each other and to encourage our colleagues to experiment with blended and flipped learning. Part IV is a reflection, drawing on data, on our experiences in using blended and flipped learning. Many of our students reported that blended and flipped learning encouraged active learning and improved their engagement with their learning. However, some students were uncomfortable with the replacement of face-to-face classes with online activities, particularly in first year. Part V is a conclusion, emphasising the implications of our experience for other legal educators interested in using combinations of online and face-to-face modes of delivery.

II ACTIVE, BLENDED AND FLIPPED LEARNING IN LEGAL EDUCATION

Active learning moves the focus in education from the teacher, as the subject-matter expert, to the student. Traditionally, legal education was almost entirely teacher-focused: the teacher's role was to transmit their own subject-matter expertise to students, in lectures in which students passively took notes of the teacher's presentation.[5] Since the 1990s, the traditional model has been increasingly criticised and challenged, and it is now widely acknowledged that students' 'active engagement enhances learning'.[6] An awareness of the importance of active learning has resulted in changes in the design and delivery of face-to-face classes and the development of blended learning techniques in order to encourage students' active engagement with learning.

Blended learning simply describes a combination of different modes of delivery, but with the increasing use of technology in higher education, it usually refers to a combination of face-to-face classes with technology-enabled activities.[7] The aim of blended learning is to enhance student learning through the utilisation of tools that encourage an active learning approach;[8] indeed, it has been suggested that 'blended courses demand active learning'.[9] In the legal education

---

[5]   Mary Keyes and Richard Johnstone, 'Changing Legal Education: Rhetoric, Reality, and Prospects for the Future' (2004) 26 *Sydney Law Review* 537, 539.

[6]   Gerard F Hess, 'Principle 3: Good Practice Encourages Active Learning' (1999) 49 *Journal of Legal Education* 401, 402.

[7]   D Randy Garrison and Norman D Vaughan, *Blended Learning in Higher Education: Framework, Principles, and Guidelines* (John Wiley & Sons, 2008) ch 1.

[8]   Katerina Bohle Carbonell, Amber Dailey-Hebert and Wim Gijselaers, 'Unleashing the Creative Potential of Faculty to Create Blended Learning' (2013) 18 *Internet and Higher Education* 29, 29.

[9]   Gerald F Hess, 'Blended Courses in Law School: The Best of Online and Face-to-Face Learning?' (2013) 45 *McGeorge Law Review* 51, 60.

context, blended learning can 'free up class time to discuss the economic, political, and social contexts in which the law operates',[10] and utilising technology can allow for more detailed exploration of material that face-to-face classes may not have the time to achieve.[11]

Flipped learning is a particular type of blended learning which has both conventional and unconventional elements.[12] It is conventional in that the teacher remains responsible for imparting subject-matter knowledge to students. However, it is unconventional in that knowledge is delivered to and accessed by students online, rather than in face-to-face lectures. In the traditional model of legal education,[13] the teacher imparts knowledge to students through the lecture. The teacher would prepare for lectures by identifying, collating, describing, synthesising, and analysing relevant materials, especially primary legal materials, to develop and refine their own, expert understanding of those materials. They would then present the results of that expert preparation to students who, it was assumed, would by hearing the presentation, 'learn' what the teacher was presenting.

In the flipped learning model, students are expected to work through activities and materials outside scheduled class times. Flipped learning differs from simply providing students with a two-hour long recording of a lecture. Generally, flipped courses are presented in the form of modules, addressing the separate topics which comprise the course. The modules are presented using learning management systems such as Blackboard and Moodle, in the form of a series of presentations, typically short videos[14] of the lecturer outlining topics and key concepts, interspersed with readings, links to legal and other materials developed and published by third parties, and other online activities, such as quizzes and synchronous or asynchronous discussions.[15] Students are expected to work through the modules independently, at their own pace, although they are constrained in that they are expected to complete the relevant module prior to attending the relevant face-to-face class. The expectation that students will complete readings outside face-to-face classes is orthodox in legal education,[16] although providing detailed, structured guidance to

---

[10]   Vai Io Lo, 'A Transnational Law Subject in the Australian Law Curriculum' (2014) 26(2) *Bond Law Review* (Article 4) 14.

[11]   Anne Hewitt, 'Can You Learn to Lawyer Online? A Blended Learning Environment Case Study' (2015) 49 *The Law Teacher* 92, 101.

[12]   Slomanson, above n 1, 95.

[13]   See Keyes and Johnstone, above n 5, 538-43.

[14]   The short videos might simply be the teacher speaking over PowerPoint slides, although many universities now have studios which teachers can use to video-record themselves speaking in front of a green screen, against which PowerPoint slides and other media can be projected.

[15]   Wolff and Chan, above n 4, 9. There are many helpful guides on how to go about designing and delivering flipped learning, including several which are specific to legal education. See, eg, Wolff and Chan, above n 4, ch 4; Hess, above n 9; Debora L Threedy and Aaron Dewald, 'Re-conceptualizing Doctrinal Teaching: Blending Online Videos with In-Class Problem-Solving' (2015) 64 *Journal of Legal Education* 605; Slomanson, above n 1.

[16]   Hess, above n 9, 56.

students about how to approach and complete the readings is essential to flipped learning.

The idea is that once a student has completed the module, they should have acquired a similar kind and level of knowledge that — it was assumed — they would have done had they attended a traditional face-to-face lecture on the topic. Armed with that knowledge, students then attend and participate in face-to-face classes in which they apply what they have learned. These classes may be similar to the kinds of workshops or tutorials which are used in the traditional teaching method, but with a stronger emphasis on student activity.

Flipped learning is also conventional in that students are expected to attend face-to-face classes, designed and facilitated by teachers. The expectation of engaging in person with the teacher and other students is crucial to flipped learning and distinguishes it from courses that are delivered fully online. In particular, the dominant justification for flipped learning is that students benefit from the opportunity of working with peers and with input and guidance from the teacher; and that they benefit more from that than from lectures.[17] Face-to-face classes typically take the form of workshops rather than lectures or tutorials. The workshops feature student activity, rather than presentations by teachers.

Flipped learning has a number of obvious benefits.[18] It is likely to lead to superior student learning outcomes than only online or only face-to-face delivery. It moves the focus from teacher to learner, and is clearly suited to active learning.[19] It may be used to encourage, enable or require students to engage in a higher level of cognitive activity than in a traditional lecture; instead of listening, writing, and comprehending, the student is directly involved in the synthesis and analysis of materials. It permits tailoring to accommodate different learning styles, in the sense that students can work through materials at their own pace,[20] and readily revise parts of the course that they find difficult or challenging. It may lead to greater satisfaction and enjoyment, both for students and teachers. It is a more efficient use of teachers' time.[21] It also relates clearly to other current concerns in higher education: it may promote greater flexibility, both for teachers and students; and it may promote accessibility to students who would otherwise find it difficult to attend class at fixed times, including students who work full-time, and students with caring responsibilities.

Meta-studies have repeatedly demonstrated that although there are no significant differences in learning outcomes between purely online and entirely face-to-face delivery, blended learning is more effective

---

[17]   Ibid.
[18]   Clyde Freeman Herreid and Nancy A Schiller, 'Case Studies and the Flipped Classroom' (2013) 42(5) *Journal of College Science Teaching* 62; Wolff and Chan, above n 4, 23-37.
[19]   Debra D Burke, 'Scale-Up! Classroom Design and Use Can Facilitate Learning' (2015) 49 *The Law Teacher* 189, 191, 192.
[20]   Burke and Fedorek, above n 3, 14.
[21]   Threedy and Dewald, above n 15, 613.

than either purely online or purely face-to-face delivery.[22] Active student engagement with materials has been shown to contribute to these positive learning outcomes.[23] Students are motivated by the opportunity to construct their own knowledge.[24] Active learning has been shown to be effective in engaging students in high level thinking around law and legal issues.[25] Students respond positively to the use of technology where there remains active interaction with lecturers and clear assessment criteria. This positive response is more likely to be linked to improved student satisfaction than to improved learning outcomes.[26] Students will be motivated to use technology when they understand the purpose behind its use and how it will assist them in achieving learning objectives.[27]

Much of the literature to date about the effectiveness of blended and flipped learning is drawn from other disciplines, but it is borne out in the emerging research specific to flipped learning in legal education.[28] For example, one legal academic who employed flipped learning reported that students came to class with a better understanding of the material, she had more time in class to work on practical skills and provide guidance and feedback, and class performance as a whole improved.[29]

While flipped learning has these very clear benefits, it also creates challenges for educators and students. First, it has implications for the workload of individual teachers. The design of flipped courses differs in many ways from the design of traditional courses, and requires teachers not only to reconceptualise their teaching, their courses, and their role as teacher, but also to acquire new skills. Relatedly, teachers may feel that they lack the capacity, confidence or expertise to design

---

[22]   Barbara Means et al, *Evaluation of Evidence-Based Practices in Online Learning: A Meta-Analysis and Review of Online Learning Studies* (Report, US Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Service, 2009) 35; Hess, above n 9, 64-9, citing Yong Zhao et al, 'What Makes the Difference? A Practical Analysis of Research on the Effectiveness of Distance Education' (2005) 107 *Teachers College Record* 1836 and Means et al.

[23]   Means et al, ibid, 36. See also Richard F Schmid et al, 'The Effects of Technology Use in Postsecondary Education: A Meta-analysis of Classroom Applications' (2014) 72 *Computers & Education* 271, 285.

[24]   Nick Zepke and Linda Leach, 'Improving Student Engagement: Ten Proposals for Action' (2010) 11 *Active Learning in Higher Education* 167.

[25]   Robyn A Boyle, 'Employing Active Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student' (2003) 81 *University of Detroit Mercy Law Review* 1.

[26]   Lynne Jump, 'Why University Lecturers Enhance Their Teaching Through the Use of Technology: A Systematic Review' (2011) 36 *Learning, Media and Technology* 55, 66.

[27]   Marina Nehme, 'E-Learning and Students' Motivation' (2010) 20 *Legal Education Review* 223, 238.

[28]   See Slomanson, above n 1.

[29]   Angela Upchurch, 'Optimizing the Law School Classroom Through the "Flipped" Classroom Model' (2013) 10 *The Law Teacher* 58.

courses to be delivered in flipped mode.[30] Second, institutional expectations and demands about the use of online learning can create stress for teachers, particularly if there is a perceived or actual lack of resources and support for developing courses in flipped mode. Third, some teachers may fear the impact of changing their courses, and student resistance to such changes, on student evaluations. And finally, a minority of teachers may resist any new form of pedagogy.[31]

There may also be issues in relation to student engagement with, and resistance to, blended and flipped learning. Students may be concerned that they are required to understand the materials on their own without adequate teacher support,[32] especially if they are unfamiliar with flipped courses. It is important in that case clearly to explain to students how flipped courses work, and expectations of students in such courses, as well as to maintain interaction between teacher and student and opportunities for discussion and consultation.[33]

It is important to recognise that there may be barriers to student engagement and student resistance, as well as real challenges for teachers who wish to use flipped learning in legal education. Both students and legal educators may be in a time of transition in terms of their expectations, perhaps derived from their own experiences, of learning as a transmissive teacher-focused activity, to a student-centred active learning and technology-enabled experience. It is not surprising that at a time of transition and change, there may be discomfort and resistance on the part of both teachers and students.

III THE DEVELOPMENT OF BLENDED AND FLIPPED LEARNING IN THREE LAW COURSES

Partly impelled by university imperatives to incorporate blended and flipped learning, and in the context of planning and designing the implementation of a new curriculum at our Law School, we successfully applied for internal university funding for a project entitled 'Enhancing active learning through flipped classes: Developing staff capacity and a collegial network in the Griffith Law School'. This part explains how we developed three courses using blended and flipped modes. These courses were selected because of their different features, which enabled us to consider the use of flipped learning in distinct learning contexts. The members of our project team all had prior experience in using blended learning: most of us had experience in designing and teaching online postgraduate courses,

---

[30]   Carol Shepherd, Madelon Alpert and Marilyn Koeller, 'Increasing the Efficacy of Educators Teaching Online' (2007) 2 *International Journal of Social Science* 173, 173-4.
[31]   Anne E Mullins 'The Flipped Classroom: Fad or Innovation?' (2015) 92 *Oregon Law Review Online* 27, 29.
[32]   Ibid.
[33]   Ibid.

and most of us had used blended learning to some extent in undergraduate courses.

An important aspect of our project was that we wanted formally to support each other as we engaged in this innovation in our teaching, as well as to model to our Law School colleagues our journey as we designed and implemented flipped learning in a range of different courses. We hoped that by doing so, we could learn from one another's experiences,[34] as well as allay our colleagues' concerns and uncertainties about what flipped learning is, and how to do it. To this end, we established an Active Learning in Law Network, which met regularly during the course of the year, and at which we presented to our colleagues aspects of our design, implementation, delivery and reflections.

The motivations for establishing the Network were our own perceptions about the challenges for legal educators in designing courses to optimise the use of blended learning. Our perceptions are borne out in the research which confirms that key impediments to the adoption of blended learning techniques are a lack of staff confidence, knowledge and skills pertaining to the technologies used to implement blended learning;[35] a lack of appropriate support to assist with the transition into blended modes of course delivery; and a lack of 'champions' to demonstrate these modes of delivery and lead their implementation in the curriculum.[36] The aim of the Network was to share with our colleagues the journey we were undertaking in incorporating a greater use of technology in our courses, together with workshops, rather than lectures and tutorials, in the face-to-face aspect of our teaching.

Our project included two core courses and one elective course. Two of these courses were existing and one was new. The courses included were selected to demonstrate to our colleagues a range of different contexts and ways in which courses could be flipped or incorporate blended learning. The first year core course, Foundations of Law, was included as it was a new course which had to be designed from scratch. We thought this course would lend itself to flipped learning, as it was intended to feature video interviews with legal practitioners as a key aspect of this course which introduces students for the first time to the Australian legal system, different roles within the legal profession, and the application of legal skills for professionals in those roles.

Our project also included Torts 2, an established third year core course. This course was chosen because it had already been significantly developed using blended learning tools, and we considered that this would make it a helpful example to our colleagues

---

[34]   Shepherd, Alpert and Koeller, above n 30, 176.
[35]   Lakshmi Chellapan and Jacques van der Meer, 'Challenges in Implementing the Flipped Classroom Model in Higher Education' in Jared Keengwe and Grace Onchwari (eds), *Handbook of Research on Active Learning and the Flipped Classroom Model in the Digital Age* (IGI Global, 2016) 352, 355-6.
[36]   Colbran and Gilding, above n 1, 209.

who were considering how to incrementally develop existing courses using blended learning, rather than by the more radical options of either totally flipping an existing course which had been designed for face-to-face delivery, or designing a completely new course to be delivered in flipped mode. Torts 2 was unique in our project in that it allowed students to choose how to engage with the course — depending on their preferences and constraints, they could choose to engage fully in person, fully on-line, or in a combination.

Finally, we included one elective course: an established course called International Arbitration which had previously been offered in face-to-face mode. We thought it would be valuable to compare flipping in an elective course with core courses. International Arbitration was especially suitable, and a good example of how to build a course towards flipping, because it had previously been taught in a combination of lectures and workshops. Flipping this course meant that we could retain the face-to-face workshops, while replacing the face-to-face lectures with online activities. As we describe in further detail below, different models of blended and flipped learning were implemented in each of these three courses. This allowed us to compare different models of flipped learning at different stages of student development and experience.

All courses at Griffith Law School utilise Blackboard as the learning management system. Course materials are made available to students via a course Blackboard site. As part of the University blended learning strategy, live lectures must be recorded via Lecture Capture and recordings are published to students on the course Blackboard site. As a result of that policy requirement, many students have come to rely on Lecture Captured recordings rather than attending face-to-face lectures, which was a factor that led to our interest in flipping our courses. Griffith Law School operates over two campuses at Nathan and the Gold Coast. All core courses are fully delivered to student cohorts located at each campus and share a common Blackboard site for both student cohorts. Each elective is taught on a single campus; the electives have traditionally been delivered by face-to-face lectures, with no workshops or tutorials, although many convenors of electives have experimented with replacing at least some lectures with more interactive seminars or workshops.

A   *A First Year Core Law Course: Foundations of Law*

Foundations of Law is a core first semester, first year course, which provides a general introduction to the Australian legal system, legal methods and university study. It was offered for the first time in 2015. The course was divided into four modules, on the Australian legal system, statutory interpretation, case law and how lawyers apply law. Each module included core legal and academic skills, including research and writing, as well as legal content. There was an assessment at the end of each module.

The convenors of this course designed the course for its first offering in a flipped learning format, in response to university encouragement to incorporate blended learning, as well as our awareness of the advantages of flipped learning, including flexibility in delivery. The course incorporated a significant number of videos of members of the legal profession, either in the form of mini-lectures or interviews. Each of the four modules started with a face-to-face lecture in which teaching staff gave an overview of the content and skills covered in that module, and discussed the related assessment. Following the lecture, each week, students were expected to complete online activities, including guided readings, online exercises and watching videos. The videos included mini-lectures by the convenors, and interviews with practitioners explaining how they use the material and skills covered in that module.[37] Most of the substantive content for the course was presented in the online activities. The workshops were designed on the assumption that students had completed that week's online activities. At the start of each workshop, students completed a short exercise to review the key concepts which had been covered in the online activities for that week. We would then move onto the substantive exercise for that week. The workshop exercises covered different skills each week. They included brainstorming study skills, designing research strategies and doing online research, analysing cases, drafting legislation, answering hypotheticals, debating, preparing and presenting advocacy exercises, and practice assessment items. In most workshops, students were required to work in groups, to give a low stakes introduction to group work and encourage peer interaction.[38] The group and problem-solving activities were based on research which has shown that group work activities can result in better retention of knowledge and development of professional skills.[39] Because it uses workshops extensively, flipped learning lends itself to group work. After each workshop, a short (fewer than 10 minutes) desktop captured video which summarised the key workshop concepts and outcomes was posted for students to use to review the workshop.

At the end of each week, students undertook a short quiz for one mark. The quiz was a formative exercise for students to review their understanding of the course materials. Students who attempted the quiz received one mark whether they correctly answered all questions or not.

---

[37]   We provided a complete transcript of each of the videos to cater to students who were deaf or hard of hearing and students who prefer to read text either instead of or as a supplement to watching videos.

[38]   Which has 'been associated with positive benefits such as greater group productivity, more positive peer relationships, better psychological health, higher self-esteem and better conflict-resolution skills': Helen Stallman, 'A Qualitative Evaluation of Perceptions of the Role of Competition in the Success and Distress of Law Students' (2012) 31 *Higher Education Research & Development* 891, 892.

[39]   Ibid 892.

1 *The Student Response*

Because this was the first offering of this course, we were particularly keen to gather data from students about the effectiveness of the flipped model. A bespoke online survey was available on the course Blackboard site for the last four weeks of the semester. The response rate to the survey by 123 students enrolled in the course was 24 per cent. [40] The survey included open-ended questions which elicited 63 comments. The quantitative responses were analysed using simple descriptive analysis and the qualitative comments were analysed for themes and frequency using NVIVO.

Sixty-two per cent of students agreed or strongly agreed that: 'This course engages me in learning'; however only 50 per cent agreed or strongly agreed that: 'The blend of face-to-face and online learning and teaching is effective for my learning in this course'; and only 53 per cent agreed or strongly agreed that: 'The use of online technologies helps me learn in this course.' 18 per cent of students disagreed or strongly disagreed with the latter two statements.

This indicates a large minority of students who did not find the flipped course design appealing or helpful to their learning. This was also borne out by responses to the open-ended questions. Of the 63 qualitative comments, there were 35 mentions of lectures, mostly expressing a preference for traditional, face-to-face lectures, for example: 'I think I would have preferred to have a lecture every week, because I like the traditional mode of learning ie face to face.' For example, one student said

> I would like to see more lectures as I feel the workshops were not enough. I didn't like the workshops or the online videos. I often thought the workshops were ineffective. I would prefer a lecture every week where the content and information taught was clear.

On the other hand, a minority of students positively commented on the course design. For example, one wrote:

> I love the introduction of videos and complete online access. It aids us to learn at our own pace and go through anything we missed [taking] our own time. This really is the best aspect of this course.

2 *The Impact of Inadequate Engagement with the Online Lecture Content*

The Foundations of Law course was designed on the basis of the expectation that students would engage with online materials in their own time. We expected that students should spend approximately 10

---

[40]   The survey results are reported in Karin Barac, 'The Conceived, the Perceived and the Lived: Issues with 21st Century Learning and Teaching' (Paper presented at the Australian Society for Computers in Learning and Tertiary Education Conference, Curtin University, Perth, 2 December 2015).

hours per week on this course. Many students reported that they spent less time on coursework than this. Only 1.7 per cent of students reported that they spent more than 10 hours per week on study for Foundations of Law and another 7.5 per cent reported that they spent 8–10 hours. The remaining students reported that they spent less than eight hours (29.2 per cent spent 5–8 hours, 40 per cent only 3-4 hours and, worryingly, 21.7 per cent spent only 1–2 hours). This may in part explain a preference for lectures, in that students may prefer not to allocate what they perceive as non-study time to covering content online.

Lack of motivation and preparedness impacted student experiences with a few students making comments like 'a very hard to get motivated subject, as most things are online.' Others resented lack of motivation in their peers, disliking the fact that some students did not prepare for workshops or that full marks may be awarded to a student who had not prepared for the weekly quiz, but rather answered randomly merely to complete it. Our experience suggests that many first year students either do not allocate enough time to self-directed study to undertake online work, may lack motivation or the skills to work independently, or expect learning to occur in a traditional lecture format. This is consistent with earlier research, which shows paradoxically that higher achieving law school entrants often have lower levels of personal autonomy and a higher interest in grades.[41] They may be seeking the comfort of high levels of teacher instruction to define success in law school, which would explain the requests for more lectures, particularly for those seeking that information and linking it to assessment.

B   *A First/Second Year Core Law Course in Transition: Torts 2*

Torts 2 has been a core course for many years and prior to 2015 had been incrementally developed over many years to incorporate the use of blended learning techniques.[42] This course covers negligence and accident compensation. Prior to the redesign of the law curriculum, most students completed Torts 2 in their third year.[43] As a result of a curriculum review, in 2015 Torts 2 became a first year course for students in straight law degrees and a second year course for students in double degrees. As 2015 was a transition year for the curriculum, for this year only, most students from years 1–3 were enrolled in the course, in addition to a small number of students from years four and five. This presented significant unusual challenges due

---

[41]   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.

[42]   Prior to the introduction of the new Griffith Law School curriculum in 2015 it was known as Negligence and Accident Compensation. The content of the courses is essentially identical.

[43]   Class enrolment was generally in the range of 250–280 students spread over two campuses.

to the size of the cohort,[44] the diverse experience and skill level of the student body,[45] as well as the usual challenges associated with cross campus teaching.

Torts 2 was not a new course, so it did not require substantial development for its offering in 2015. In previous iterations of the course significant on-line material had been provided in addition to standard face-to-face classes. This included standard Lecture Captured recordings of face-to-face lectures; links to on-line resources; desk captured recorded summaries of workshop answers; on-line quizzes; and the course Blackboard site had been redesigned in conjunction with educational designers to mirror fully on-line course design. Additional on-line materials were added to respond to the specific challenges in 2015. These measures have been maintained in subsequent course offerings as they were found to be conducive to student learning and access. We were particularly concerned with enhancing student access, student engagement and communication with a large number of students, as well as with providing consistency of teaching over campuses and catering to the wide diversity of student learning needs ranging from first year students requiring additional support to more independent later year students. Our aim was not to fully flip the course. We endeavoured to further enhance learning in the course and to allow students to access the course in full 'physical' 'live' form, in a blended form, or fully on-line.[46] This was in response to pre-course surveys[47] which revealed that, in 2015, only 58.9 per cent[48] of students indicated they intended to attend all classes on campus, with 37.5 per cent of students intending to access classes both physically and on-line[49] as it suited them, and 3.6 per cent of students never intending to attend class physically or at all (for

---

[44] In 2015 the student cohort was more than double the 'normal' student cohort with enrolment nearing 600 students across two campuses at the start of the semester, with 561 students (313 Nathan and 248 Gold Coast) enrolled at the end of semester.

[45] The course was required to cater for inexperienced first year students, as well as students nearing the final years of the course who had already a significant skill base in legal studies and skills.

[46] Although the course design technically allowed full on-line attendance and participation, given that we recognised that there was a group of students who were unable to attend due to illness, disability, carer or work responsibilities, we stressed the learning benefits of combining physical and on-line attendance.

[47] Ethics approval was granted by Griffith University for the pre-course survey in 2015 and for several years beforehand. The pre-course on-line survey gathered a range of information from students during Orientation week and week 1 including their expectations of their course and teachers, their expected attendance patterns, their social media usage, their note-taking methods, their estimation of their final grades, the number of hours of weekly study they expected to undertake, and their understanding and perceptions of varying content aspects of the course.

[48] It is highly likely this was an overoptimistic prediction of how students actually attended. Our observations of physical lecture and workshop attendance over the semester were that generally student attendance, particularly in lectures, was often very much below this figure. See also 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.

[49] On-line 'attendance' in the week following the physical lecture.

example, via Lecture Capture).[50] These results indicated that there was great diversity in relation to how students intended to 'attend' classes and interact with the course. We had also been concerned at lack of student preparation and engagement in workshops in previous years.[51]

In 2015 we maintained a standard two-hour, weekly lecture and one-hour, weekly workshop.[52] Workshops were carefully and explicitly linked to the two major assessment items (group presentation and exam) to encourage student motivation. We further enhanced the availability of on-line materials, including by digitising written and filmed material[53] and by providing an embedded twitter feed. A short video was made available in orientation week by the convenor[54] to welcome students and provide administrative information, enabling more time in initial lectures to be used for interactive activities and discussion which promoted active learning.

The convenor prepared introduction videos[55] for all weekly workshops, which summarised key concepts relevant to that week, including recapping key concepts from the previous week. Students were asked to watch the introduction video prior to attending their workshop. The aim was to prepare students in advance for the class, so they could actively engage in activities during the session itself. During the workshop, students worked on the question and activities with teacher facilitation and interaction. Various active learning strategies were used during the class to facilitate this, including group work, activities and problems, and peer assessment. One week following the live workshop, we uploaded a desktop-recorded summary recap to the course Blackboard site. In addition to its use as a revision tool for students who had attended, this was designed for the benefit of students who had not attended the workshop to check their answer prepared independently. Finally, in the study week of the course we prepared and uploaded a final video to Blackboard to assist students with exam preparation.

---

[50]   192 students (approximately one third of students then enrolled) completed the pre-course on-line survey.

[51]   Lack of preparation for classes and engagement in class reading has been identified as a very significant student engagement issue in legal education. See, eg, Liesel Spencer and Elen Seymour, 'Reading Law: Motivating Digital Natives to "Do the Reading"' (2013) 23 *Legal Education Review* 177.

[52]   Participation marks were not provided for workshops. However, workshops were carefully and explicitly linked to the two major assessment items (group presentation and exam). Students who did not engage in workshops were likely to experience significant difficulties with assessment. Students were made aware of the value of workshops to assessment preparation on many occasions to encourage intrinsic motivation to engage.

[53]   To assist in maintaining communication with such a large cohort of students we also used extensive notices on the course site, and we emailed students at the start of each week of the course with a summary of the varying expectations and events of that week, including matters relating to assessment.

[54]   Educational designers assisted with video production and editing in a green screen film production studio.

[55]   We aimed to have short videos not exceeding 10 minutes in length to maintain engagement with the videos.

1   *The Student Experience of Active Learning in Torts 2*

In order to evaluate the effectiveness of the course design and delivery in 2015, we obtained ethics approval to extract and analyse data from the end of semester Student Experience of Course and Student Experience of Teaching surveys.[56] The Student Experience of Course Survey was completed by 45.6 per cent of Gold Coast students and 50.8 per cent of Nathan students.[57] The Student Experience of Teaching Survey was completed by 42.3 per cent of Gold Coast students and 47.6 per cent of Nathan students.[58] The data generated from these surveys allowed qualitative thematic analysis[59] of student comments from 272 students on course evaluations and 254 comments from students on teaching evaluations. Overall student satisfaction (on a 5 point Likert scale) with the course was very high. At the Gold Coast 94.6 per cent of students either strongly agreed or agreed they were satisfied with the course.[60] At Nathan, 96.8 per cent of students either strongly agreed or agreed they were satisfied with the course.[61] Students were also very positive about the blend of face-to-face and on-line learning with 91 per cent of Gold Coast and 92.4 per cent of Nathan students either strongly agreeing or agreeing that this was effective for their learning.[62] Students were also very positive about the use of recorded introduction videos and recorded workshop recaps assisting their learning with 84.9 per cent Gold Coast and 89.1 per cent Nathan students either strongly agreeing or agreeing.[63] Given the significant changes in 2015 in the cohort, the course enrolment and some change in teaching staff, we were not able to directly compare student outcomes across years.[64]

Thematic analysis of responses to the open comments questions was conducted to determine broader patterns and key themes on student perception, particularly in relation to the use of blended and

---

[56]   Students' perceptions of the blended and active learning measures in the course were not explored via a dedicated survey instrument, or other method such as student focus groups or interview. This was not possible for a number of reasons including University restrictions on the surveying of students for research at the time of official University surveys such as teaching and learning course surveys; and difficulties in recruiting sufficient students to participate in focus groups.

[57]   This was 113 of 248 Gold Coast students and 159 of 248 Nathan students.

[58]   This was 105 of 248 Gold Coast students and 149 of 313 Nathan students.

[59]   For a recent example of a legal education study utilising thematic analysis to identify broader patterns in data see Cecilie Enqvist-Jensen, Monika Nerland and Ingvill Rasmussen, 'Maintaining Doubt to Keep Problems Open for Exploration: An Analysis of Law Students' Collaborative Work with Case Assignments' (2017) 13 *Learning, Culture and Social Interaction* 38.

[60]   On a 5 point Likert scale, the mean for this item was 4.6/5.

[61]   This was a mean of 4.5/5. The ratings for 2014 and 2015 cannot be directly compared as they may be impacted by factors such as the very large class size in 2015, and the difference in the cohort. The course ratings in 2015 were amongst the highest in the Griffith Law School.

[62]   This was a mean score of 4.6/5 Gold Coast and 4.5/5 Nathan.

[63]   This was a mean score 4.5/5 Nathan and 4.6/5 Gold Coast.

[64]   The average grade in 2014 was 73.37 per cent and in 2015 70.33 per cent. We consider it is likely the difference can be attributed to the enrolment in the course in 2015 of large numbers of year 1 and 2 students compared to previous years.

active learning in the course.[65] The open comment sections asked general questions focussed on identifying aspects of the course and teaching which students found valuable and aspects which required improvement.[66] Student qualitative responses were overwhelmingly positive with 132 positive comments made by students in relation to the blended and active learning measures and only 21 negative comments.[67]

We discuss below the broad themes that emerged from the open student qualitative comments. These included that students perceived the measures enhanced access and flexibility; enhanced their learning and understanding of concepts; demonstrated teacher respect for them as learners and enhanced engagement; and successfully integrated technology with face-to-face learning. For some students use of technology remained overwhelming and threatening to their preferred transmissive style of learning.

(a) Access/Flexibility Issues

Many students commented on how the approach taken in the course, including the use of technology and videos, allowed them to fully access the course, including workshops. Some students noted that they would have otherwise had significant difficulties engaging in the course when they could not physically attend class due to illness, disability, carer responsibility, or work responsibilities:

> Because majority of my learning on-line due to ongoing illness through the semester, I felt this was the only class I could stay on top of thanks to all of the on-line videos and workshop recaps. Everything was always clearly laid out and explained and always interesting.[68]

These comments suggest that increased use of technology and blended learning measures can be seen as an equity and access measure, responding to the learning needs of students that are often not well catered for in a traditionally delivered university course.

---

[65] As has been noted in the literature student perception may not accord with the actual impact of active learning measures on student learning outcomes, or on student engagement. Brenton McNally et al, 'Flipped Classroom Experiences: Student Preferences and Flip Strategy in a Higher Education Context' (2017) 73 *Higher Education* 281, 294 notes the need for further research on how to measure student outcomes and engagement as a result of flipped classrooms in particular.

[66] These questions are voluntary and students are not required to complete them. While it would have been preferable to add explicit questions to the student surveys which focused specifically on the blended learning and flipped aspects of the course, the Griffith University evaluation surveys do not allow additional qualitative questions to be added.

[67] Negative comments included comments that were essentially 'positive' in effect, where students called for even more active learning measures and use of technology.

[68] SEC Report Torts 2 Nathan 2015.

(b) Enhancement of Learning/Revision/Understanding of Concepts

It was clear from many student comments, that most students did not use the video, on-line material and recorded material as a substitute for physical attendance. Rather, students commented on enhancement of their learning, the encouragement of deep learning and the ability to revise and check understanding. Students also noted that the blended learning measures assisted them to deal with the large amount of substantive content allowing them to understand concepts they were experiencing difficulty with:

> The online introduction videos and recorded workshop recaps helped me immensely. They allowed me to go over my content and really let the content sink in.[69]

> The videos each week helped to consolidate and re-fresh learning of lecture material and what was covered in workshops as well.[70]

(c) Respect for Learners and Different Learning Styles/Student Engagement

Students perceived that the use of technology, and recorded videos and recaps indicated that they were respected as learners. They indicated teaching staff were cognisant that there were varying learning approaches that best suited students, and were highly concerned that students would succeed in the course. Students also commented on their increased engagement and increased intrinsic motivation:

> It is also clear that she wants all of her students to succeed… consistently goes above and beyond to facilitate this (evident in her workshop recap videos, assessment help videos)… commands the respect of all students that she teaches.[71]

> Showed a clear effort to accommodate the new generation of students who are immersed in technology.[72]

> …the amount of information that is displayed in the online section alone is incredible… whatever mode of learning that is more preferable is available, audio, visual and physical means assisted in workshop sessions.[73]

(d) Structured and Integrated Use of Technology

Students made it clear they recognised the importance of carefully integrating active learning methods and technology, into the course as a whole. Students also noted that they benefited from very explicit

---

[69]   Ibid.
[70]   Ibid.
[71]   Ibid
[72]   Ibid.
[73]   Ibid.

structure and organisation of resources including modularised weekly units:

> At the start of the semester we had all of the information for the entire semester available to us. Everything was set out clearly and useful. If there was anything to be unsure of, there was something available to assist us, including examples and instruction videos.[74]

(e) Overkill/Lack of Confidence with Technology/Disengagement

As discussed above, there were relatively few negative student comments. Although the vast majority of students commented on the value to them of multiple ways of accessing material and the range of different resources provided, some students found the breadth of resources overwhelming or 'overkill'. They would have preferred a very standard transmissive style of physical attendance course with minimal use of technology. These comments were somewhat surprising given students had an option to predominantly engage the course in a standard 'physical' mode. A number of students commented that without some extrinsic motivation, they would not engage with any additional material such as videos. They suggested extrinsic motivation measures such as further weekly on-line quizzes or some allocation of marks to encourage them to engage with the material. [75] These comments suggest that the widespread student engagement issues that have been documented in higher education cannot simply be solved by substituting (or even supplementing) physical classes and written material with video and technology. [76] Several students indicated that even watching a short video of around five minutes prior to attending a workshop was too much to ask as they were 'time poor'. These comments perhaps reflected the significant under-estimation students may make of what reasonable student workload is and the high number of hours many students work. Some student comments suggested that additional material such as video revisions were more useful to early year students, as later year students did not require that support. A small number of students suggested that such material was 'spoon-feeding' and encouraged a lack of student independence.

As discussed above, in this course face-to-face learning was not decreased or replaced and all weekly face-to-face contact was maintained. Despite this there were several student comments that raised fears that use of technology would replace face-to-face contact, and suggesting that some students have a significant preference for face-to-face teaching and communication. It was apparent from some

---

[74] SEC Report, Torts 2, Gold Coast.

[75] For a discussion of challenges in achieving student motivation in flipped classrooms and active learning see Lakmal Abeysekera and Phillip Dawson 'Motivation and Cognitive Load in the Flipped Classroom: Definition, Rationale and a Call for Research' (2015) 34 *Higher Education Research and Development* 1.

[76] Burke and Fedorek note that student lack of preparation is one of the documented 'biggest barriers' to flipped modes of learning: above n 3, 21.

of these comments that some students believed that use of technology took away from their learning in that they were required to do the work when they expected the lecturer would transmit the relevant information to them. There also remained some students who were not confident using technology (even where it was the standard University learning management system) or who lacked access to technology or the internet at home. These students felt at a disadvantage.

C   *A Final Year Elective Course: International Arbitration*

International Arbitration has been taught as a later year elective course since 2010. The course had been taught intensively over seven weeks, with four hours of class time allocated each week. Until 2015, the four hours per week were comprised of a two hour, face-to-face lecture and a two-hour face-to-face workshop, during which students were required to complete either formative or assessable group work exercises which required them to work collaboratively in applying the content from the lecture for the relevant week. The structure of the course, incorporating both lectures and workshops rather than all lectures or all seminars, made this an ideal elective course in which to experiment with flipped learning: the face-to-face lectures could readily be replaced with online lecture content, retaining the face-to-face workshops that had already been established as the forum for applying the lecture content.

From 2015, the two hour weekly lectures were replaced with online lecture content. The lecture content consisted of between four and five short, 10 minute recorded lectures (PowerPoints with the convenor's voice-over), interspersed with readings, questionnaires and other activities (for example, exploring the website of a particular arbitration institution and answering questions about its content). The lecture content was designed to expose the students to the same content that they had previously received through the two hour face-to-face lectures, but by discovering some of this content themselves through readings and activities. The workshops continued to be conducted as they had always been — requiring students to apply the lecture content in group work exercises. As the workshops were face-to-face and supervised by the teacher, they gave students an opportunity to ask questions about aspects of the online content that they were confused about, although there was no 'mini-lecture' at the beginning of workshops, so students needed to have prepared for the workshop by completing the online activities.

In order to evaluate students' experience of this first offering of International Arbitration in flipped mode, we gathered data in three ways. First, we conducted a mid-course poll to elicit qualitative feedback from students specifically about their experience of this flipped course. Twenty per cent of students responded to this poll.[77] Second, we conducted a focus group in order to more deeply explore

---

[77]   That is, 8 out of 37 students.

students' experience.[78] Third, with ethics approval, we gathered data from the normal course evaluation, which was completed by 43.2 per cent of students at the end of the course.[79] We were able to compare those data with the results of the course evaluation from the previous year, in which the course was very similar, except that it was not delivered in a flipped mode. There was no negative feedback from the mid-course poll or focus group, with the exception of a comment that as there was no textbook, a weekly study guide summarising the content covered in each lecture clip and reading or activity would have been helpful, particularly if a student wished to remind him or herself as to a particular concept and be able to find the relevant material easily. Negative feedback in the end of course survey mainly focused on the difficulties of group work, which did not pertain to the new flipped learning aspects of the course. There was one negative comment which did pertain to the online lectures and which is consistent with a finding in the literature that some students have a perception regarding flipped learning modes that they are required to understand the materials on their own without adequate teacher support.[80] The student comment essentially amounts to a perception that time should have been spent in the workshops perhaps revising if not re-teaching the online lecture content:

> I feel like in this course I had to teach myself some of the content…I do feel some more introductory classes to the content or a time slot before/after each assessable class would be very helpful.

Therefore, negative comments arising out of the mid-course poll or focus group, and end of course evaluations, essentially concerned students not feeling adequately supported either through lack of a textbook or comprehensive study guide, or being left to 'teach themselves' through the online content. It seems that there is likely to be a perception, at least amongst some students, that online lectures are not 'real lectures'.

Some examples of positive feedback, from either the mid-course poll, focus group or end of course survey, are as set out below. They are organised thematically as follows: the extent to which students actively and positively engaged with the course due to its structure; the extent to which students understood and supported the pedagogy underpinning the course delivery method; and the extent to which students were motivated by the opportunity to actively engage with the course content.

---

[78]   Only 4 out of the 37 enrolled students participated in the focus group which was conducted in the penultimate week of the course. Students' qualitative comments were recorded and transcribed and analysed thematically.

[79]   That is, 16 of the 37 enrolled students.

[80]   Heather D Hussey, Bethany K B Fleck and Aaron S Richmond, 'Promoting Active Learning through a Flipped Course Design' in Jared Keengwe, Grace Onchwari and James N Oigara (eds), *Promoting Active Learning Through the Flipped Classroom Model* (IGI Global, 2014) 23, 31.

1 *Course Structure and Engagement*

Students reported finding the structure of short online lectures broken up with readings and activities enjoyable and engaging.

> I find the structure of this course a lot more engaging than the usual format. I enjoy the way the lectures are broken up into parts as this gives me the opportunity to go through them at my own pace. I am also far more engaged in regard to readings and extra study as a result of the content being broken up.

> I believe the way the course content is structured — with the lectures separated by activities etc — makes this course one of the most engaging I have come across.

Comparing their own approach to learning in a fully face-to-face course with this course, one student stated:

> I hardly ever went to tutorials if they [were] not marked. I've been to every workshop and I've at least attempted or actually completed all the lectures. I think if you're looking at it from a statistical point of view, it's far more effective. Definitely.

Students understood the need to be prepared and to have worked through the online lectures, readings and activities each week in order to construct their own set of lecture notes, before the workshop.

> I find the style of lecturing extremely conducive to learning the way the lectures are recorded in 5-10 minute chunks and then you are directed to the readings really ensures I actively engage with the readings and answer the questions rather than simply power reading through it and getting the general idea of the reading. In turn, by having the questions to answer from the readings I am also writing notes about the readings, which will assist me when it comes to preparing for the take home exam at the end of the course. I appreciate being able to break the lecture into sections so I can stop and return to the lecture without severely impacting its fluidity.

> I think there's more preparation going on than what usually does happen…People are actually doing preparation. …It is very difficult putting your assessment in at the end of the three-hour session if you haven't done the readings. There's not enough time in the session for you to be able to do them. This became very clear very quickly…people said 'okay so I've got to do the following things before I get there [to the workshop]'. I think you get more accountability out of it as a result.

2 *Student Understanding of and Support for Pedagogy*

Students seemed to understand the key drivers behind adopting the flipped learning method in International Arbitration, being to address difficulties faced by some students in attending face-to-face classes which had led over the years to increasingly poor lecture attendance,[81] and to improve engagement with the course content.

---

[81]   Although attendance at the face-to-face workshops had always been very high because they involved either assessable workshop activities or formative workshop

> One of the things [the lecturer] is doing in international arbitration, she operates on the assumption that you have done the lectures. She operates on the assumption that you've done the readings, and it's very difficult, I think, to survive in the course if you haven't. There is some accountability there then, because you get lecturers that say 'no, you must be here, you must be at your lectures.' Well, [the lecturer] is essentially doing that, but what she's saying is 'You must have engaged with the lectures.' She's not necessarily tying that down to a time. She's not necessarily tying that down to a specific block, it's just: 'As long as you have done this, you'll be fine.' I think that works really well.

3 *Quantitative data*

Quantitative data obtained through the end of course evaluations in both 2014 and 2015 provided insights into the effectiveness of the 'flipping' of this course in 2015. Thirty-seven and a half per cent of students (18 of 47) responded to the survey in 2014 and 43.2 per cent of students (16 of 37) responded in 2015. In this course, unlike in Foundations of Law and Torts 2, we were able directly to compare the results of the end of course evaluations and assessment outcomes for International Arbitration in the 2014 face-to-face offering of the course with the flipped offering of the course, to measure the effect of flipping the course. The only change made to the 2015 offering of the course was the move from face-to-face lectures to online lecture content, readings and activities with which students were expected to engage prior to the weekly face-to-face workshops. The workshops were a feature of the course in both the 2014 and 2015 course offerings. In the course evaluations in 2015, 87.5 per cent of respondents strongly agreed or agreed that overall they were satisfied with the quality of the course; and 93.8 per cent strongly agreed or agreed that the course engaged them in learning. In 2014 when the course was taught in face-to-face mode, 94 per cent of students either strongly agreed or agreed that overall they were satisfied with the quality of the course; and 88.9 per cent either strongly agreed or agreed that the course engaged them in learning. Given that a major motivation for flipping the course was to improve student engagement, it is worth noting the 5.1 per cent improvement in student perception of engagement. While it is no doubt speculative to attribute this improvement in perception of engagement to flipping the course, the qualitative comments quoted above lend support to this possibility.

As demonstrated in Table 1, in relation to formal student outcomes, there was some difference in the overall distribution of grades between the 2014 offering of the course with face-to-face lectures, and the 2015 offering of the course with online lectures, readings and activities, as regards the High Distinction level students (with a grade of seven) and the Pass level students (with a grade of

---

activities which students understood would help them to complete the assessable exercises.

four). As is apparent from the table below, there were fewer sevens in 2015 but more fours and fewer fails. It is possible that weaker students may have benefitted more from the flipped classroom approach than high achieving students, but whether this is a consistent trend attributable to the mode of delivery would need to be tested over a few years. The results appear to contradict the literature which suggests that student engagement and satisfaction, rather than outcomes, are more likely to be affected by switching to an active or flipped learning mode.[82] Table 1 shows the distribution of final grades in this course, comparing the distribution of grades in 2014, when the course was offered with traditional face-to-face lectures with the distribution of grades in 2015. It also shows the difference between the distribution of grades from 2014 to 2015, namely fewer fail grades and more pass grades, but a marked dip in high distinctions.

Table 1: Comparison of distribution of grades in International Arbitration in 2014 and 2015[83]

Final Grade	2014 (47)	2015 (37)	Difference
7 (>84.5%)	26% (12)	11% (4)	-15%
6 (74.5-84.4)	24% (11)	22% (8)	-2%
5 (64.5-74.4)	30% (14)	30% (11)	0%
4 (49.5-64.4)	10% (5)	32% (12)	+22%
3 (45-49.4)	4% (2)	0% (0)	-4%
2 (25-44.9)	4% (2)	2.5% (1)	+0.5%
1 (0-24.9)	2% (1)	2.5% (1)	+0.5%

The experience in International Arbitration suggests that a flipped mode of delivery for a later year elective, incorporating online lecture content and face-to-face workshops, is likely to be well received and to enhance student engagement. Given that many students at Griffith Law School travel between campuses to take elective courses (which

---

[82]   Jump, above n 26.
[83]   Applying a chi-square calculator:

Results			
	7s and 6s (%)	5s and 4s (%)	3s, 2s and 1s (%)	*Row Totals*
2014 cohort-expected 2015 results	50 (41.50) [1.74]	40 (51.00) [2.37]	10 (7.50) [0.83]	100
2015 cohort-actual 2015 results	33 (41.50) [1.74]	62 (51.00) [2.37]	5 (7.50) [0.83]	100
Column Totals	83	102	15	**200 (Grand Total)**

The chi-square statistic is 9.8937. The *p*-value is .007106. The result is significant at $p < .05$.

are only offered at one campus), reducing contact hours in this way while still providing the opportunity for face-to-face contact with the lecturer, is likely to contribute to a more positive experience for many of our later year students.

IV LESSONS WE LEARNED

While the literature discussed above in Part II is largely supportive of using flipped learning in tertiary education, we would recommend that teachers consider the challenges facing novice law students early in their degree. Identifying students' differing perceptions of learning processes, including differing expectations and perceptions of face-to-face teaching versus independent learning and time commitments for study, is important in successfully implementing flipped learning throughout the law degree. Based on our experience, it seems that first year students desired greater face-to-face teaching and high levels of staff direction for learning, while still valuing a diversity of content delivery and particularly enjoying flexibility in review and revision online.

It is possible that many first years may need further assistance to develop study skills and self-reliance before a fully flipped course is offered to them. It is likely that the Foundations of Law course did not make enough allowance for the level of guidance needed by first year students, and their expectations about university study. An approach like that adopted in Torts 2, in which both lectures and online materials are offered for all content, may lead to higher student satisfaction among students who still need a lot of direction, while allowing flexibility and increased self-efficacy for students who prefer the online environment. Student confusion or desire for greater guidance may be reduced with greater online scaffolding of materials and processes, for example weekly flowcharts of work and more reminders of how particular resources relate to assessment, legal skills and legal practice. However, this may still not fully address students' desire for greater direct contact with staff and preferences for familiar face-to-face learning environments of the type they were accustomed to in secondary education experiences.

A range of lessons emerged from our experience in redesigning Torts 2. This course was not fully flipped but rather allowed students to access course material and undertake learning by multiple modes: face-to-face, blended and fully on-line. This might be called a 'hybrid' approach.[84] Students perceived this as highly effective, engaging and as showing respect for their learning needs. It appeared to provide a 'balanced approach'[85] which satisfied both learners seeking flexibility and teachers seeking enhanced engagement and active learning. It also catered for the majority of learners (many still in the early years) who still yearned for passive transmissive models of learning (such as

---

[84]   Burke and Fedorek, above n 3, 21.
[85]   Ibid.

traditional lectures)[86] while at the same time wanted the 'freedom to regulate their learning in their own way and time' outside the face-to-face classroom.[87] This tension between the desire for 'transmission' and the desire for 'freedom' is difficult to achieve in fully flipped mode. The use of this 'full service' model in Torts 2 also avoided the widespread student resistance to fully flipped mode and negative student perceptions which result in low student evaluation scores of flipped courses.[88] Even with the ability to access most learning face-to-face (unlike a fully flipped mode), for a small group of students the mere presence of some on-line learning and the use of videos triggered a fear of loss of learning. Finally, it is clear that the lack of student engagement in activities such as pre-reading or preparation for class cannot be cured merely by the use of technology or video content.

In relation to International Arbitration, the later year elective course, which had been taught before, there was some improvement in student outcomes as between the 2015 offering and previous face-to-face offerings, as there were more pass grade students and fewer fails in 2015. There was also an improvement in student perception of engagement with the courses, as is consistent with the literature, although data would need to be collected over a longer period of time to confirm this. This finding confirms that an important benefit of flipped learning methods is improved student satisfaction and engagement.

At least in later year courses, student discomfort may be addressed by making clear to students the pedagogy behind the method and the expectation that online content delivery will result in students developing a set of quality materials, at least equivalent to the notes that might developed following attendance at a face-to-face lecture. Students also need to understand the time commitment expected of them in order to develop those notes, and how it would equate to attending a lecture and subsequently working on their notes. It is also apparent that students would appreciate at least a summary of the online lecture content at the beginning of face-to-face workshops, to ensure that they have understood the content on which the workshop will be based.

Students responded better where courses were highly structured, where courses had been incrementally developed to include active and blended learning measures, where there was clear sign-posting of materials and their link to learning outcomes and assessment, where student choice about how and when to access course content was maximised, and where students could use on-line materials to revise and consolidate learning. The findings also indicate that flipping learning methods may be better suited to later year courses as opposed to first year courses, where students may expect and require more

---

86   Ibid.
87   Anja J Boeve et al, 'Implementing the Flipped Classroom: An Exploration of Study Behaviour and Student Performance' (2017) 74 *Higher Education* 1015.
88   McNally, above n 65, 294.

face-to-face guidance from a lecturer. This may be a reflection of their experiences in secondary education. Earlier year students may benefit from 'full-service' courses which utilise both extensive 'live' and technology-enabled support. Students in later years may have developed more independent learning styles, may have become proficient and confident in technology-enabled learning, and may be less dependent on live learning experiences. The use of flipped and blended models of learning with extensive technological support showed clear promise in relation to allowing better access to learning for students who traditionally encounter difficulty with attending and accessing traditional models of law school learning – that is, live lectures and tutorials. In addition, these models also showed promise in relation to building courses and learning experiences which could cater to large cohorts of diverse students with different levels of prior experience and different learning needs. Using pre-course surveys to obtain information about the student body, such as attendance intentions and student learning needs, also aided in course design more likely to meet student needs.

V Conclusion

This article has outlined the outcomes of an internally funded project in which academics incorporated blended and flipped learning methods into three very different courses in 2015. This article provides insights into the experiences of students in the three courses. Our findings can be drawn upon to inform future attempts at flipped learning innovation in legal education. In International Arbitration, while there were strong indications that students did find the flipped learning approach more engaging, a small number of students felt that they were being denied their entitlement to lectures when face-to-face lectures were not also being offered. This may be linked to student perceptions of 'live' content transmission as a superior form of learning particularly in early years of their university education. It may also be a reflection of the fact that flipped learning remains exceptional in tertiary and secondary education; as it becomes a more regular feature, students' expectations and experiences are likely to change.

As noted above, some students did not always seem to regard online content delivery as being equivalent to face-to-face content delivery, and in some cases expressed discomfort with the idea that the use of technology to incorporate flipped learning methods required them to do more work than they would otherwise have had to do. This was magnified by what appeared to be widespread student under-estimation of the time that needed to be devoted to their private study. Nonetheless, like the majority of our students, our own experiences of flipped learning were overwhelmingly positive. We generally enjoyed the challenges associated with conceptualising our teaching in a very different way. Flipping our courses inspired us and our colleagues who had participated in the Active Learning in Law Network further

to explore the possibilities of flipped learning in other courses, beyond the scope of this project. Working together provided us with much needed support and encouragement, and enabled us to establish internal expertise within our School, which has proved to be an important source of support and encouragement for our colleagues as well.