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Melissa Castan
Monash University

Ross Hyams
Monash University

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BLENDED LEARNING IN THE LAW CLASSROOM: DESIGN, IMPLEMENTATION AND EVALUATION OF AN INTERVENTION IN THE FIRST YEAR CURRICULUM DESIGN

MELISSA CASTAN* AND ROSS HYAMS**

When a university-mandated ‘Better Teaching Better Learning’ agenda targeted at unit enhancement coincided with a whole of curriculum review, law lecturers teaching first year law units at Monash University piloted a ‘semi-flipped’ series of short videos, supported by online and in-class activities, in order to incorporate blended learning design in key foundation units. This paper examines the key issues in the design, and implementation and evaluation of the ‘semi-flipped’ experience, highlighting lessons learnt, in terms of technical support, pedagogical issues and assessment considerations. In particular, the utility in seeking to evaluate students’ learning outcomes, engagement with reading materials and in-class activities is critically considered.

I INTRODUCTION

Teaching and learning for first year university students has always attracted a high degree of pedagogic interest and attention, for these students represent the intersection of a number of pedagogical issues: transition, motivation, engagement, and expectations are just a few.¹ Certainly this attention to the first year units is evident in Australian law schools, where the quest to find the ‘magic bullet’ that satisfies the numerous competing imperatives and needs of the students, the curriculum, the central administration and the governing authorities often coalesce around the first unit taught to undergraduates — variously called Foundations of Law, Introduction to Law, Legal Systems, or Introduction to Legal Reasoning.

In Australian law schools it is generally assumed that law units will be taught in a hands on, student centred ‘active’ manner.² Whilst

* Faculty of Law, Monash University.

** Faculty of Law, Monash University.

¹ Sally Kift, Karen Nelson and John Clarke, ‘Transition Pedagogy: A Third Generation Approach to FYE – A Case Study of Policy and Practice for the Higher Education Sector’ (2010) 1(1) *International Journal of the First Year in Higher Education* 1, 2.

² See the discussion in Kylie Burns et al, ‘Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement’ (2017) 27 *Legal*

lectures are a common feature of Australian legal education practice, these are rarely ‘chalk and talk’ with a ‘sage on the stage’ as, at least in our experience, law teachers have always endeavoured to give students the tools and experience of problem solving, class discussion and hands-on worked examples to support their learning of the real world of law and legal practice. However, burgeoning curriculum and extra-curricular pressures on the first-year units has led to ‘overstuffed’ units that are seeking to cover far more material than is reasonable, despite these being necessary and important for student advancement in their law studies.

Recently the ‘blended learning’ or ‘flipped’ class approach has been promoted as a means of addressing the overburdened curriculum and the overburdened student, by reducing the load of new materials covered within class time. This has been described as:

a reversal of traditional teaching where students gain first exposure to new material outside of class, usually via reading or lecture videos, and then class time is used to do the harder work of assimilating that knowledge through strategies such as problem-solving, discussion or debates.³

This blended approach is advocated as a means to help learners explore new concepts by encouraging student engagement and interaction with each other and their teachers, developing a stronger relationship between the pre-class, in-class and post-class learning opportunities.⁴ The pre-class phase should emphasise the discovery of new knowledge and concepts, and preparation for the class time. The in-class phase emphasises the exploratory opportunities of teacher-facilitated active learning. The post-class phase provides the platform for consolidation and application. It is suggested that ‘such a blended approach has been shown to help improve learning outcomes, increase student satisfaction and widen accessibility, and has the potential to provide extensive efficiencies.’⁵

Further, such an approach also results in students accomplishing the lower level cognitive work of assimilating knowledge and gaining comprehension independently and then developing higher level thinking skills such as application and analysis supported by their peers and teachers in the classroom environment.⁶

These assertions of pedagogical value and outcomes invite critical evaluations and questions such as to what extent does the adoption of a blend of online and face-to-face teaching enhance learning outcomes? Is student satisfaction enhanced? How would we best evaluate these levels of ‘enhancement’, and ‘satisfaction’?

Education Review (forthcoming); 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.

³ Cynthia J Brame, *Flipping the Classroom* (2013) Vanderbilt University Center for Teaching <<http://cft.vanderbilt.edu/guides-sub-pages/flipping-the-classroom>>.

⁴ Monash University, *Better Teaching Better Learning Program* (2016) 16.

⁵ *Ibid* 6.

⁶ Brame, above n 3.

This article examines key issues in the design, implementation and evaluation of the ‘semi-flipped’ or blended learning experience in teaching first year law students, highlighting lessons learnt, in terms of technical support, pedagogical issues and assessment considerations. It seeks to address the assertions concerning the benefits of the blended approach, including the problems in accurately evaluating the impact of such approaches. First, we set out the background context of first year law teaching, and then explain goals of a blended learning project trialled at our law school. We adopt an auto-ethnographic approach,⁷ in that we turn to the exploration of our experiences in the methodology and implementation of the project. Then we turn to the responses of the students, and describe the lessons learnt from the pilot project. Finally, we draw some conclusions as to the efficacy and impact of the project, suggesting that where blended learning approaches are presented in conjunction with scaffolded approaches to legal knowledge, reflective learning practices and a supportive class environment, it is likely to show enhanced learning outcomes. However, we are not yet convinced that ‘flipping for flipping’s sake’ delivers better outcomes for law students.

II BACKGROUND

Generally, the introductory law unit is required to cover a wide range of legal basics. This is to ensure that all new students, no matter what their previous studies have entailed, are equipped to find and understand cases and statutes, recognise the key features of the Australian legal system and become familiar with the key terminology and principles of that system. Basic academic skills of legal writing and research must also be covered in order to prepare them for success in other law units. All of this must take place in some haste, as the students may also be studying more ‘content-driven’ or doctrinal units, such as Criminal law, Torts, or Contracts, where their lecturers will assume the students are familiar with the landscape and language of law. In addition, first year units often become the opportunity where non-core, but nevertheless essential, skills are taught and exposure to broader issues takes place. In first year we also begin development of a range of desirable graduate attributes such as skills of critical analysis, evaluation, cultural and global awareness. Further, matters such as personal resilience and wellness strategies, employability considerations and ‘life as a university student’ all

⁷ We use the term ‘auto-ethnography’ in the sense of ‘a qualitative research method that utilizes data about self and its context to gain an understanding of the connectivity between self and others within the same context.’ Faith Wambura Ngunjiri, Kathy-Ann C Hernandez and Heewon Chang, ‘Living Autoethnography: Connecting Life and Research’ (2010) 6(1) *Journal of Research Practice* (Article E1). It is in that context that we have adopted ‘an approach to research and writing that seeks to describe and systematically analyze ... personal experience ... in order to understand cultural experience’: Carolyn Ellis, Tony E Adams and Arthur P Bochner, ‘Autoethnography: An Overview’ (2011) 12(1) *Forum: Qualitative Social Research* (Article 10).

come to the fore in the first-year program.⁸ While the introductory unit is usually not one of the ‘Priestley 11’, it is usually a compulsory unit. The Priestley units do not themselves explicitly require the teaching of broader social, contextual or critical approaches towards teaching law, however the Threshold Learning Outcomes (‘TLOs’) do anticipate that legal education should move beyond ‘the rules’ and examine relevant legal contexts, so these also often feature in the first year units.⁹

The authors are established law lecturers who (with others) teach Foundations of Law to over 600 first year students each year, at a large Australian law school. In this first semester, twelve week unit of study the teaching and learning objectives are to:

1. explain how the institutions of the Australian legal system shape the content and administration of the law
2. reflect on the role and responsibilities of lawyers in the administration of justice
3. demonstrate a developing awareness of the role of law in facilitating the formation, operation and regulation of private legal entities, and the commercial significance of law's role in this respect
4. locate efficiently the current law on a legal issue using library resources and critically evaluate the relevance, quality, authority and currency of the materials that they find
5. find the statutes and related extrinsic materials relevant to answering a legal question
6. extract and formulate legal propositions from judicial decisions, and assess their scope, legal validity and weight
7. interpret, analyse, synthesise and apply the law when located, to solve a legal problem
8. make a legal argument, or provide an opinion, and do so clearly, accurately and concisely
9. design and implement an efficient research strategy to answer a legal research question, using the most appropriate online and paper-based research tools

⁸ Some of these are discussed in Kift, Nelson and Clarke, above n 1. On graduate attributes see for example University of Technology, Sydney, *Faculty of Law* <<http://www.law.uts.edu.au/graduate-attributes/attributes.html>>, or University of New South Wales, *Law – 4701, Handbook 2018* <<http://www.handbook.unsw.edu.au/undergraduate/programs/2018/4701.html>>.

⁹ The ‘Priestley 11’ is more formally known as the Law Admissions Consultative Committee’s ‘Prescribed Academic Areas of Knowledge’. See Law Council of Australia, *Documents About Present Admission Policies* (2017) <<https://www.lawcouncil.asn.au/resources/law-admissions-consultative-committee/documents-about-present-admission-policies>>. On the ‘TLOs’, see more generally Sally Kift, Mark Israel and Rachael Field, *Bachelor of Laws Learning and Teaching Academic Standards Statement* (2010) Legal Education Associate Deans Network <<http://www.lawteachnetwork.org/tlo.html>>.

10. identify the hallmarks of good legal writing, and use them to edit and improve their own writing.¹⁰

In 2014–16 these objectives were to be aligned with a university wide initiative to roll out ‘unit enhancement’ across all disciplines, known as the ‘Better Teaching, Better Learning’ (BTBL) Agenda. It is intended that this be a multi-level approach across the whole of the university, to embed graduate attributes in part by addressing unit enhancement with blended learning initiatives. The BTBL documentation explains:

At its heart, the Better Teaching, Better Learning Agenda is a series of integrated initiatives that aim to effect widespread structural change in learning and teaching across the University.¹¹

The BTBL Agenda invites (or perhaps expects) each faculty in the university to embark upon a structured program of redevelopment and improvement of every unit. While that would vary across each discipline, the underlying presumption is that educators will:

determine the optimal mix of excellent face-to-face ‘active’ learning experiences with effective technology-enabled delivery methods that balance direct instruction with relevant interactivity and student involvement, and provide opportunities for discovery in both the real world and the world of ideas.¹²

The BTBL Agenda acknowledges that the term ‘flipped learning’ is contested and often misunderstood, but it seeks to create the opportunity for students to discover the ‘learning journey’ is much more than just face-to-face contact in classes.

The term ‘flipped’ classroom was popularised by secondary school science teachers who reasoned that class time could be better spent guiding comprehension and supporting feedback activities in contrast to providing direct instruction. Their students could thus learn the basic materials on their own.¹³ Liberating class time for activities that promote deeper exploration, engagement and application of content can be a more productive use of the teacher’s knowledge and skills. This is probably even more the case in tertiary legal education, where students might be assumed to have high level literacy and cognitive capacities. At our University this flipped model is branded as ‘blended’ learning, as it integrates the pre-class, in-class and post-class activities with the aim of increasing student engagement, utilising digital technologies that are now readily available and enhancing opportunities for active learning in class.¹⁴

¹⁰ Monash University, *Law1111 – Foundations of Law* (2017) <<http://www.monash.edu.au/pubs/handbooks/units/LAW1111.html>>.

¹¹ Monash University, *Better Teaching Better Learning Program*, above n 4, 5.

¹² *Ibid* 6.

¹³ Jonathan Bergmann and Aaron Sams, *Flip Your Classroom: Reach Every Student in Every Class Every Day* (International Society for Technology in Education, 2012) 23

¹⁴ Monash University, *Better Teaching Better Learning Program*, above n 4, 16.

In the context of legal education, we found that there is a high level of familiarity with many of the elements of flipped lecture model amongst our peer law teachers. Law students have always been expected to prepare for lectures and tutorials by reading and practising problem solving prior to class, so as to be ready to actively engage with cases, statutes and problem solving activities.¹⁵ However, increasingly law lecturers anecdotally report that students are attending class underprepared and expecting the lecturer to provide summaries, ‘good notes’ or key materials, without demanding much in the way of active participation from the students in return, thus avoiding the opportunities for complex and challenging activities in the classroom.¹⁶ The difference between the new ‘flipped’ approach and the established ‘read before class’ approach is that the key learnings are delivered in a more engaging and interactive manner, usually making use of videos, podcasts, animations and the like. These are not intended to replace the deep level reading and analysis, but supplement it, so that students see a path through the often voluminous materials, and gain confidence in their mastery of a topic. Thus the aim of the flipped model is to foster greater engagement in law studies, reduce cognitive overload during class time, redistribute content teaching across a number of formats, and support deeper engagement with the foundations of the law degree.¹⁷

The literature on the impact of flipped classes in legal education may arguably be described as largely opaque. A leading meta-analysis (surveying research literature on online learning 1996-2006) found that online learning per se is not necessarily superior to face-to-face learning, as it does not necessarily result in superior learning outcomes for students.¹⁸ Rather it is the blend of both, and a level of reflective learning practice and instructor engagement that tends to show impact.¹⁹ Interestingly they point out that much of the research on the impact or efficacy of online learning is conducted by teachers of their own programs, so an inherent problem of bias may be at play. Lundrum explored the advantages and disadvantages of the flipped classroom approach to law teaching and learning, particularly for first

¹⁵ See the discussion in Liesel Spencer and Elen Seymour, ‘Reading Law: Motivating Digital Natives to “Do the Reading”’ (2013) 23 *Legal Education Review* 177; Patricia Grande Montana, ‘Bridging the Reading Gap in the Law School Classroom’ (2017) 45 *Capital University Law Review* 433.

¹⁶ Elizabeth M Bloom, ‘Creating Desirable Difficulties: Strategies for Reshaping Teaching and Learning in the Law School Classroom’ (2017) 95 *University of Detroit Mercy Law Review* (forthcoming).

¹⁷ See, eg, Anne Hewitt, ‘Can You Learn to Lawyer Online? A Blended Learning Environment Case Study’ (2015) 49 *The Law Teacher* 92, 101; Susan D Landrum, ‘Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student’ (2015) 53 *Duquesne Law Review* 245; Anne E Mullins ‘The Flipped Classroom: Fad or Innovation?’ (2014) 92 *Oregon Law Review Online* 27, 29.

¹⁸ 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, 2010) 52-3.

¹⁹ *Ibid.*

year students who are academically ‘unprepared’.²⁰ She concludes that the flipped model was useful for her ‘skills modules’ for novice students despite some hurdles, such as the heavy planning and preparation load, the need for faculty support and collaboration, and the need for carefully designed formative assessment tasks. Unfortunately, she does not offer any evaluation of the outcomes or efficacy of the program.

Despite our quest for a ‘magic bullet’ in teaching first year law students, there really is no ‘perfect pedagogy’. Wolff and Chan, in their wide-ranging text on flipping law classes, remind us that:

what it takes to make a course successful lies in individual teachers’ ability to adopt different teaching methods catered to the particular setting of a class and teachers’ willingness to improve teaching methods on the basis of their own flexibility.²¹

Wolff and Chan present one of the rare examples of particular attention to the evaluation of the learning outcomes of a flipped classroom intervention. After careful consideration of the variables, limitations and inherent problems of defining ‘success’, they were reluctant to draw strong conclusions from their program. They suggested that the following evaluation tools can be applied to measure the learning experience of law students: data on numbers of students watching the videos, observational studies of student behaviour, questionnaires comparing experience of learning in flipped classes with learning in traditional classes, and course and teaching evaluations of the flipped units compared with traditional units. However, regarding the last tool, they considered ‘[d]ue to all these difficulties we had to conclude that the comparison of examination results of different ... cohorts could not generate reliable results. We have consequently opted not to engage this comparative evaluation method.’²²

In conclusion they found that:

Flipped Classrooms are not the one and only solution for all pedagogical issues arising in the context of legal education. In fact, variety (of teaching modes) in itself seems to be key to success in law teaching. The use of Flipped Classrooms can be a very powerful tool in this regard.²³

We address some similar concerns in part 8 below.

III GOALS

The aim of the semi-flipped classroom series was to teach the foundations of the Australian legal system as part of the first unit of study in the undergraduate law degree at our university. The objectives were to develop a set of common understandings of the

²⁰ Landrum, above n 17.

²¹ Lutz-Christian Wolff and Jenny Chan, *Flipped Classrooms for Legal Education* (Springer, 2016) 61.

²² Ibid 98.

²³ Ibid 109.

fundamentals of the legal system, in order to provide grounding for student learning in concomitant first year units. That is, key knowledge is needed to be learnt in order that students can rapidly assimilate case law and doctrines across their law studies.

The unit of Foundations of Law itself explores the foundations and structures of the institutions and processes of the Australian Legal System. It investigates the sources of authoritative law — statutes, delegated legislation and judicial precedents and reasoning. The unit provides foundational knowledge and skills in the interpretation of judicial precedents and legislation and their application in legal problem solving. The difficulty that the authors faced was that whilst considering the BTBL Agenda, the faculty was concurrently faced with a ‘whole of curriculum’ review, which necessitated an overhaul of the foundation unit as well as the first year program. This resulted in expanded demands for content coverage within the constraints of a traditional 36-hour face-to-face teaching semester. The teaching team were prevailed upon to accommodate a wide range of legal basics considered necessary by teachers of all other first year units, in order that students be equipped for immersion in the more content driven units.

Additionally, the material we expect all students to assimilate can be somewhat rudimentary, covering matters such as basic Anglo-Australian legal historical facts; the steps in the passage of legislation through parliament; the sources and processes of law and the structural features of legal institutions. These topics provide students with the groundwork and structures that underpin their learning of more complex legal principles and doctrines. That is, they are essential, but not necessarily complex, matters. Alongside those features is the additional problem that students come into first year with very varied base knowledge of these matters. Some study ‘legal studies’ in years 11 and 12 at school, and are familiar with numerous core concepts. Others have had no exposure at all, having studied maths and sciences at school, and very little legal or political knowledge. Further, a cohort of international students come with little or no understanding of the Australian legal context, and possibly little insight to the historical and cultural underpinnings of Australian law and legal processes. With such a varied cohort of some 550–600 incoming students, the challenge is to provide the basics without boring the knowledgeable students, or alienating the students who are being introduced to Australian law for the very first time.

In light of these challenges, the authors’ aims were twofold: first, to provide the information and necessary materials in an engaging and appropriate manner and second, to free up the class time to allow greater emphasis on application and interactive worked activities, rather than traditional lecture modes. It was also hoped that by adopting a ‘flipped’ approach to these core basics, the teaching staff would have greater engagement with the students in class time, and displace the content delivery to non-class times. The greater engagement with the teaching staff was hoped to enhance student

motivation and sense of belonging — an important aspect of successful transition from secondary to tertiary education for first year students.²⁴

IV METHODOLOGY

A series of ten ‘direct to camera’ short (4–12 minute) video lectures were created, providing information in relation to fundamental topics covered in the first year curriculum. These videos were made with the help of a research assistant who was employed for his technical prowess. The ‘production values’ of the videos were very basic, consisting of one of the authors speaking from notes, with some graphics, diagrams and pictures inserted in ‘post production’ by the research assistant. Purposefully, the presenter dressed identically for each episode, with the same background and the same style of presentation in order to reduce extrinsic distractions. The aim was to feel modern, personal and engaging but with no attempt to be amusing or ‘cute’. The presentations were quite serious in style, but there was an attempt to avoid seeming musty, ‘old school’ or authoritarian.

Each video started exactly the same way — an introductory title slide and the presenter announcing the key topics for the episode. These were reinforced with a slide. At the end of each episode the presenter recapped the topic briefly and a closing slide was shown. These features were chosen also to reduce distractions, as well as to provide structure and reinforce key messages for each topic.

Once the videos were edited and approved by the teaching team, they were uploaded to a private YouTube channel and the link was embedded in the Moodle collaborative learning environment. This was done well in advance of the commencement of the teaching semester and all videos were available to the students at the commencement of the semester.

In order to support student learning and retention of the information, a series of short multiple-choice quizzes of five questions each were designed to follow each video. These were ungraded. Students were then invited to view the videos before class, test their understanding via attempting the quizzes and come into class ready to discuss the issues and actively participate in interactive activities designed to apply and extend the knowledge provided in the materials covered in the videos. The length of the videos ranged between 4 and 12 minutes, with the average length being 9–10 minutes. The duration of the videos was decided upon after a review of the relevant literature, which suggested that 8–10 minutes was optimal for student retention of information.²⁵ The episodes were largely linked to the materials taught in the first four weeks of the unit with the students instructed to view the episodes and take notes on an ongoing basis

²⁴ Kift, Nelson and Clarke, above n 1. See also Hewitt, above n 17, 101; Landrum, above n 17; Burns et al above n 2.

²⁵ See, eg, Burns et al above n 2; William R Slomanson, ‘Blended Learning: A Flipped Classroom Experiment’ (2014) 64 *Journal of Legal Education* 93, 96.

throughout the first four weeks, as it was at this point that students needed to be introduced to the wide range of basics within a short time frame.

V IMPLEMENTATION

The first iteration of the revised unit with the accompanying video episodes and quizzes was held in first semester, 2015, to a student cohort of 520 new law students. Students were invited to view the episodes and make notes, in order to be prepared to participate in class. Once in class, the materials covered by the episode were not expressly revisited by the lecturer. Instead students were asked to identify any questions or problems they had, and then directed into group, individual or whole of class activities relating to the content.

For example, students were given a topic that had been expressly covered in the episode (eg ‘the common law’ or ‘equity’) and were asked to source their own notes on the topic. They were then required to find another person who had a different topic and then teach their partner the unknown topic. This activity reinforced student learning of the topic, encouraged social interaction within the new class, and presented a non-judgmental opportunity to test their own retention and understanding.

Another example of the interactive classes was a ‘timeline activity’. In this exercise, students were divided into groups of four to five, provided with flash cards of significant legal dates and events and asked to match the dates with their events. Once again, this was a hands-on opportunity for student engagement and consolidation of basic knowledge as well as experiencing team work, albeit in a very light-hearted way.

Finally, a mid-semester multiple choice test was held that specifically addressed the topics covered in the videos, the supporting text book and the in-class activities. This test was worth 20 per cent of the overall mark in the unit. It comprised 60 questions to be attempted in 50 minutes, with a mixture of basic knowledge and application questions. Students did this test online, in class, through the Moodle unit page. Every student’s test was different, as the bank of multiple choice questions comprised over 150 test questions (which had been designed by the first year teachers over previous years), randomised within categories using the Moodle ‘Quiz’ application. For example, a category such as ‘court hierarchy’ had eight different questions on matters of the court hierarchy, some purely descriptive such as ‘*Which of the following statements is most accurate?*’, and some application questions, providing a short hypothetical scenario and asking for the most correct answer.²⁶

²⁶ For example: Jessica and Sam were speculating one afternoon in the law library about what Australia might be like if there were no laws. Jessica thought it would be great – she could do whatever she wanted and not be punished! Sam was not so sure. He believed there are some universal moral duties preventing people behaving

These four chronological steps — the videos, the quizzes, the class activities and the test were designed to provide a coherent methodology to meet the unit objectives, in order to ensure that the students' fundamental knowledge of core legal concepts was developed to prepare them for the next stages of their LLB studies.

VI STUDENT & LECTURER RESPONSES

An informal evaluation of the pilot project was conducted in week five of the semester. A total of 384 students (77 per cent of the cohort) completed a paper survey seeking their opinion of the videos, quizzes and interactive activities.²⁷ They were asked five specific questions:

1. What was the best thing about the pre-classroom material (ie the videos and quizzes) provided for the 'Australian Legal System' topic for this unit?
2. What suggestions for improvements could you make about these pre-classroom materials?
3. What are the best things about the way this topic was tackled in the classroom?
4. What improvements could you suggest about the way this topic was taught in the classroom?
5. Any other comments?

Six key areas of investigation were identified from the students' responses and will be discussed in detail below:

- a) The perceived benefits of obtaining information by way of pre-class video.
- b) The length and pace of the videos.
- c) The connection (or lack thereof) to the interactive classroom activities and to the text book readings.
- d) The quizzes — the number, the level of difficulty and whether the quizzes should be graded.
- f) Preferred teaching approaches in class.
- g) Students' individual learning styles.

A Perceived Benefits of Videos

Students reported that they found the videos very useful for essential skills such as note taking and understanding basic

in certain ways. Like the duty not to kill. Jessica struggled to see any necessary connection between the law and external standards.

Select the correct statement:

- a. Jessica believes in Natural Justice. Sam believes in Legal Positivism.
- b. Jessica believes in Feminist Jurisprudence. Sam believes in Legal Positivism.
- c. Jessica believes in Legal Positivism. Sam believes in Natural Justice.
- d. Jessica is taking a Critical Legal Theory approach. Sam believes in Natural Justice.

²⁷ This was conducted in accordance with Monash University Human Research Ethics Committee Standards.

information. They believed that the videos taught them fundamental skills such as basic legal language and that this supported their reading of the text book. This, in turn, helped them to comprehend important and foundational legal principles. They valued the ability to pause, rewind and replay the videos in order to learn the material at their own pace and to take appropriate notes. Many students who had not studied legal studies at school opined that it was especially important for them to be able to grasp fundamental core information in a manner that did not make them feel that they were lagging behind others in the classroom, because they could work through the materials at their own pace. Typical responses along these lines were as follows:

I think the videos are a *great idea* and really encourage study and learning.

Fast way to be brought up to speed about a wide range of fundamental topics.

Good introduction into uni: getting used to self-learning and managing my own time. Videos were less confronting than reading large sections of books and cases.

Teacher responses were also sought about the implementation of the flipped classroom model. Unfortunately, the response was very low (3 of 10 teachers responded in 2015 and we were unable to survey them in 2016). The teachers that did respond provided feedback as to the use of videos and this feedback supports the positive students' views. The unit teachers commented that the students appear to digest fundamental legal concepts faster compared to previous years. For example:

Having taught both the 'old' and 'new' versions of this unit, it does feel like the students are better informed and more engaged with the materials by week four of the semester. Whether this is borne out by their assessment results remains to be seen.

B *Length and Pace of Videos*

One of the most commented upon aspects of the survey was the issue of length and pace of the video episodes, with many students believing that the length of the videos should have been altered (usually shortened) and that the presenter should have spoken more slowly. Only 8.6 per cent of students stated that the current length, pace and number of videos was preferable. By comparison, 39 per cent believed they should be shorter with an additional 22 per cent asking for more videos covering further aspects of the teaching curriculum. Typical responses along these lines were:

More videos please, but shorter because sometimes there's too much to comprehend if the video is too long.

Some of them could be shortened as it gets difficult to concentrate during videos longer than 10 minutes (videos are less engaging than face-to-face lectures so they should be kept shorter).

The general consensus appeared to be that most students preferred video duration of 10 minutes or less. The fact that the students had to watch a total of 10 videos within the first few weeks of semester was also commented upon, with many students suggesting that they should be spaced out over a longer period during semester. As one student noted:

It would also have been nice if the videos were presented individually on a weekly basis rather than the massive chunks.

C The Connection to Classroom Activities and the Text Book

Students were divided as to their understanding or appreciation of the connection between the readings, the pre-class video watching and the activities that took place in class. For example, only 12.5 per cent of students answering the survey noted a strong connection between these activities:

I liked how what we learned in the videos was weaved into what we learned in the classroom. Everything linked together. At the same time if you missed a video, the topics covered in class were not so dependent on them that you were completely lost.

The pre-classroom materials assist with understanding the content covered in the lectures and readings. The materials have also helped to simplify the content covered.

A further 11.7 per cent noted no or little connection, with most of these commenting that there needed to be more connection in order for the students to get the best out of the videos and the classroom activities:

The videos are somewhat disjointed whereby the material covered in the videos is often not even mentioned in classrooms. The videos content often doesn't tie in with anything discussed in class. There needs to be a link between video and class exercises.

Some students commented that simply having the opportunity to ask if there were any questions in class arising from the videos did not provide enough link between the videos and the classroom activities. There was also some confusion about some of the topics covered in the videos (which were not covered in class) and whether these were relevant matters for the students to study or were examinable:

Tell us what we actually need to know from videos.

Again, some of these views are supported by teacher responses which indicated that they also felt that the connection between the class teaching and the videos need to be made more obvious and to be synchronised more closely with the timing of the relevant teaching.

D *Quizzes as Formative Assessment*

No students who answered the survey had anything substantially negative to say about the quizzes, with almost all of them commenting that they reinforced what was learned the videos. Many noted that the quizzes assisted them to work out what was important information and what could be treated as not as important or relevant.

One student comment sums this up well:

I would like more quiz questions to follow each video so I can consolidate the information presented.

A number of students asked for more in-depth or longer quizzes in order to test their understanding better. Some students suggested that the quizzes should be proportionate to the length of the video, with longer videos requiring more quiz questions and shorter videos accompanied by shorter quizzes.

Because the question of grading quizzes was not directly asked in this survey, only a select number of students commented on the issue. The majority of students who did comment seemed content that the quizzes were a learning tool only and did not suggest that they be graded. However, some students did seem to think it would make it more meaningful to their studies if the quizzes were graded in the future:

Maybe making the pre-classroom quizzes with marks for a semester grade. It would make the videos mean more to our learning.

E *Preferred Teaching Approaches*

Students were quite divided as to which teaching approach they preferred with the majority of students (35 per cent) indicating they had no clear preference of teaching style. Approximately one third of students surveyed preferred an interactive style of teaching in which students were required to work in groups in activities. A much smaller number (17 per cent) indicated that they preferred to receive knowledge by way of lectures.

It appears, however, that there was a misconception about teaching styles in general and that many students felt that they were not actually 'learning' whilst involved in interactive activities. Commonly, students seem to indicate a perception that discussions and interactive class activities such as group work was 'applying' information rather than actually learning and therefore less important. Some students seemed to believe that interactive classwork was unstructured time and therefore did not contribute to their learning in any meaningful way: 'There needs to be more lecture style so that all content is covered thoroughly.' This suggests a misunderstanding about the importance of applied problem solving and analytical discussions in the context of tertiary law studies. Accordingly, we now intend to address misunderstandings of this nature by providing a more explicit explanation of the expectations of tertiary teaching and learning to the first year students.

The smallest group (15 per cent) opted for a combination of interactive activities combined with lectures with comments such as:

I liked the ratio of 'lecture style' to 'discussion activities' which was implemented and I like the lecture/interactive style, it breaks up the lecture well and keeps students interactive.

Perhaps surprisingly teacher feedback was in support of developing more interactive teaching. We say 'surprisingly' because this form of teaching is much more demanding on the teacher than simply standing and delivering lectures. However, teachers indicated that interactive work with the students was more satisfying and gave them a feeling of better connection with students and their learning needs. Teachers commented that they would prefer more problem based activities and less lecturing generally.

F *Students' Perceptions of Individual Learning Styles*

Almost eight per cent of students referred to visual material in the videos being important, as they identified themselves as visual learners. Half of those commented that further visuals would have complemented the material being presented in the videos, with students stating:

[Provide] more diagrams showing relationships between concepts in the video to visually illustrate the content.

[Provide] some more visual-oriented learning for people who learn better from diagrams or whatnot (flowcharts could also be good).

A further suggestion from students was that they should be supplied with worksheets to complete while watching the videos in a 'fill in the gap' style in order to ensure that they were concentrating on the relevant or important information presented in the videos. Other students suggested that a written script of the video presentations also be provided. We found both these suggestions quite disconcerting, as they seem to indicate a desire to avoid learning the cognition skills essential to notetaking and to simply be 'spoon-fed' with materials. As law lecturers we want the students to actively engage with the key elements of the Australian legal system, to question it, and to develop their own responses to it, rather than rely on scripts or potted summaries of wide-ranging issues.

Finally, most students stated that they liked the videos because they complemented the readings from the textbook. However, some students indicated that the videos were a good resource as they could be treated *as a substitute* for the textbook (which was obviously not the intention of the pilot project). A small minority of students preferred the readings in the textbook to watching videos as a learning methodology.

VII DISCUSSION

We noted at the outset that there are a series of assertions as to the pedagogical value and outcomes and these invite some critical evaluation, particularly the issue as to what extent does the adoption of a blend of online and face-to-face teaching enhance learning outcomes, and whether student satisfaction is enhanced. We questioned how we could best evaluate these levels of ‘enhancement’, and ‘satisfaction’. The research and evaluation of such matters will require identification of ‘a measurable definition of the quality of interaction’, and the elimination of a number of variables and biases.²⁸ This was no easy task for us.

We acknowledge that there certainly are limitations in accurately measuring ‘engagement’ and ‘satisfaction’ in the informal survey that we used. Firstly, it measured the entire cohort without using a control group who did not have access to the videos and quizzes. It was not considered feasible (or indeed ethical) to withhold the learning materials from a control group, in order that we be able to compare and contrast the student responses. Obviously, there are survey methods that address the problem of a control group that would miss out on the apparent benefits of a particular innovation or intervention (ie the videos and quizzes); for example, the intervention can be provided to the control group after the survey is taken, ensuring both the control and experimental group have access to the materials. However, this was not possible here, as all students needed access to the foundational materials in order to be ready for start of classes in concomitant units such as Criminal Law, Torts and Contracts.

Secondly, it was not possible to conduct a double blind randomised trial, to minimise selection bias and provide different comparison groups to allow us to determine any effects of the intervention when compared with the ‘untreated’ (control) group, while other variables are kept constant.

These limitations mean that the research we undertook was only of some assistance in assessing the impact of the pilot program. However, there was one form of ‘control’ that we are able to draw upon, that compares a cohort that had no videos and quizzes, with one that did: a mid-semester closed book quiz was held in this unit, in the fifth week of teaching. In 2014 the students had no access to videos and revision quizzes, and the average result was 14/20. In 2015 the students did have the new materials and blended approach and the majority of this took place in the first five weeks of teaching. The average result was again 14/20. In both years the sample tested was close to 550 students, and the question bank for the test was substantially identical. This presents us with a blunt and somewhat sobering message: no matter what favourable comments the students made about their level of enjoyment or engagement with the videos,

²⁸ Wolff and Chan, above n 21, 96.

the objective testing showed no significant improvement in student performance.²⁹

Based on the responses, it is our view that there are a number of changes that we can apply in order to improve our ‘semi-flipped’ materials in this unit, and these may be useful suggestions for other legal educators embarking upon the blended process.

The videos themselves were the most positively perceived aspect of the entire project. Accordingly, the first, and most obvious, improvement would be to create more videos which deal specifically with other topics of the unit and spread them out across the teaching semester. Of course, the difficulty with this is the need to ‘frontload’ much of the information at the very beginning of the semester before the students can move on to other more complex legal concepts.

In accordance with the feedback that we received, videos for use in this type of pre-class context should be no longer than 10 minutes each and would carry a mixture of direct face to camera presentation with an increase in the number of visuals such as diagrams, charts and pictures.

Supporting these videos, more formative assessment via the quizzes can be developed. These should contain a mixture of questions in which the students can demonstrate both knowledge and application. Feedback indicates that students find the quizzes very useful to test their comprehension of the materials, especially with questions that provide scenarios and ask them to apply the materials learnt in the videos.

A further option, based on student feedback, is to address the assessment requirements in order to make the quizzes assessable. If the quizzes are, say, 10 questions each and include a series of more complex application problems, it would be simple to grade each quiz at .5 per cent – being a total of 5 per cent for all quizzes. Despite the fact that this is a very small percentage of the overall assessment regime of the unit, we believe that, based on the feedback, this small percentage would be enough to motivate students to attempt all the quizzes.

Lecturers undertaking the blended approach should conscientiously provide explanation of how the classroom activities link to the both the videos and the textbook materials, and the nature of student learning in tertiary legal studies. These links need to be made much more obvious by lecturers when introducing class activities. The videos themselves could be altered to explicitly refer to the future class activities based on students’ viewing of the videos. Because each stream has two classes per week, it might be worthwhile dividing the classes into ‘doctrine’ and ‘application’ with the ‘doctrine’ classes reinforcing the material learnt in the videos in a

²⁹ This is consistent with the conclusions of a meta-analysis conducted by Barbara Means et al, above n 18, who found that online learning per se is not necessarily superior to face-to-face learning, as it does not necessarily result in superior learning outcomes for students. Rather it is the blend of both, and a level of reflective learning practice, and instructor engagement that tends to show impact.

more specific and focused way, by way of question-and-answer methodology and then the ‘application’ classes being more like a tutorial, with problem-solving, group work and other more interactive activities. Many students responding to the survey appeared to believe that we had deliberately divided the two classes per week along these lines, despite the fact that this was not intentional. It would be worthwhile to understand why students constructed this assessment of the class structure, and even build upon any positive aspects of this perception.

VIII CONCLUSION

This article has set out the rationale, implementation and responses to a pilot project in the introductory law unit in a major Australian law school. It has identified the key areas of student feedback to this project, highlighting areas of positive and negative reactions, and made some observations as to the impact of the project. Although this was not an entirely ‘flipped’ unit, it certainly attempted to utilise the most well-known elements of online and face-to-face law teaching, in a blended approach. It began as a pilot project, but is being continued within the law school, and incrementally expanded and enhanced over the following iterations of the unit. We believe there are important lessons to be learnt from our foray into ‘semi-flipped’ teaching of the first year unit.

First, it is important to build in the opportunity to more fully evaluate the changes that we make to teaching methodologies in order to listen to our students’ opinions of how they prefer to learn — while keeping in mind that there is no one teaching style which will satisfy all students.

Second, is also important to create teaching methodologies that have some permanency and can be repeated (albeit with minor necessary changes) from semester to semester and year to year. The original creation of the videos, quizzes and interactive classroom activities were a substantial time investment, but it has paid off in terms of being useable for the future and provides consistency for all students in the foundations unit, across all the teaching streams.

Third, we have learnt that there is no ‘magic bullet’ which will perfect the teaching of first year law students for all time — it is a question of active experimentation and incremental change.

Finally, we remain conscious of the specific need of first year students to have warm and engaging lecturers, who will support the transition from school to university, and guide them in their acculturation into the law school, and the practice of law itself. So, we conclude that a fully ‘flipped’ or even fully online unit for this cohort is not the preferred presentation for our students. Nevertheless, it is apparent that students responded in a largely positive way to the combination of online and in-class teaching of this unit. In that sense, we believe that the advantages of the semi-flipped class lies in the potential enhancement of student motivation, engagement and

satisfaction, key indicators of student learning and success in their future studies.

However, we consider that there are limitations in accurately measuring ‘engagement’ and ‘satisfaction’ without adopting a full-scale longitudinal study, and incorporating control groups and other validity measures. For this reason, we remain unable to conclusively prove that, and remain somewhat sceptical of, the assertions that blended learning alone is advantageous to law student learning outcomes. It is our view that trying to measure engagement is a challenging task and to do so properly requires a well-constructed Likert-scale survey that is designed to measure motivation and other intrinsic variables.³⁰ Aside from the issues raised above, there may well be other collateral benefits to students that support the development of innovations in curriculum delivery. Indeed, Hewitt and Stubbs have considered whether there may be benefits to student well-being arising out of these sorts of exercises.³¹ Field and Duffy have also explored how first year curriculum design can promote law student psychological wellbeing.³² Whilst this was not an explicit goal in our unit re-design, we of course, remain conscious of the need to engage, motivate and support our students in order to enhance their learning experience and personal development in these formative years. Where blended learning approaches offer the opportunity for students to scaffold their knowledge and to develop reflective learning practices, and can put these to use in a supportive class environment, it is likely to show enhanced learning outcomes.

³⁰ See, eg, Melissa Castan et al, ‘Early Optimism? First-Year Law Students’ Work Expectations and Aspirations’ (2010) 20 *Legal Education Review* 1.

³¹ Anne Hewitt and Matthew Stubbs, ‘Supporting Law Students’ Skills Development Online – A Strategy to Improve Skills and Reduce Student Stress?’ (2017) 25 *Research in Learning Technology* (forthcoming).

³² Rachel Field and James Duffy, ‘Better to Light a Single Candle than to Curse the Darkness: Promoting Law Student Well-Being through a First Year Law Subject’ (2012) 12(1) *Queensland University of Technology Law and Justice Journal* 133.