Improving the effectiveness of large class teaching in law degrees

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'A lecture has been well described as the process whereby the notes of the teacher become the notes of the student without passing through the mind of either.' — Mortimer J. Adler, *How to Read a Book*

Executive summary

In mid 2010, a group of University of Canterbury School of Law lecturers resolved to investigate current methods of teaching large compulsory law classes. The group undertook an extensive study of the expectations and experiences of large class teaching and learning at the Law School from the perspectives of both students and teachers. This paper reports on the outcomes of that research project.

Background

The New Zealand Council of Legal Education, a statutory body with independent status, regulates the teaching of law in New Zealand universities. The Council does not address how the compulsory courses are to be taught, but the lecture and tutorial method predominates in New Zealand law schools. Although some recent legal education literature advocates a move away from large class teaching, this preferred approach has significant resourcing implications. This project, therefore, focuses on appropriate effective methods for teaching the skills of analysis, synthesis, critique and evaluation to large classes in existing teaching rooms, supported by limited hours of small group face to face teaching.

Methodology

The project was broken down into six parts: a literature review, a survey of advancing law students at the University of Canterbury, a survey of staff teaching at the law school, a series of focus groups involving a selection of advancing law students already surveyed, group analysis of the data collected, and development of good practice guidelines.

The Survey

The research group sought the views of current students and law teachers on lectures in the compulsory law courses in the School of Law at the University of Canterbury. Law is an excellent subject to teach – intrinsically interesting and stimulating. Students and staff at the University of Canterbury School of Law had much to say about how the risks created by large class teaching can be minimized or reduced.

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The results indicate that the majority of students claim to miss lectures only for what might be described as valid reasons, suggesting that students see attendance at lectures as important. Didactic lectures occur frequently, but students do not perceive the same barriers to learning in large class teaching relating to loss of interest and alienation that have been identified in some other studies. However, when asked what they would like, both students and staff agreed that a more interactive style would be good, but recognised the difficulties in achieving change.

Survey results indicated that passive learning and note-taking predominate currently. Furthermore, it appears the teacher is doing the work for the students in terms of locating, synthesising, critiquing and evaluating relevant legal rules. Students do not need to engage with the material unless and until the final examination date is looming.

When students were asked what happened in the tutorials that they attended it became plain that there is greater student interaction than occurs in lectures. A clear majority of teachers thought that attendance at tutorials should be compulsory. A significant number of students wanted more tutorials.

The survey results revealed that the lecture and tutorial method of teaching large law classes at Canterbury is a largely passive, top-down experience in which lecturers talk and students listen and take notes. Engagement with the material is delayed until exam study becomes imperative. Locating, synthesising, critiquing and evaluating the law are impaired in this model, but tolerated by the participants. Both staff and students are open to change, however.

Other large class teaching models

Although the lecture and tutorial model is the most common teaching method utilised in the School of Law at the University of Canterbury and probably elsewhere in New Zealand, and in many Commonwealth jurisdictions, there is a body of literature both describing and evaluating other teaching models that the group investigated. The Case Method and Socratic Dialogue involves a teacher calling on a student to probe the student's understanding of one aspect of the day's topic. Responses are followed by a few clarification questions, or with a series of hypothetical situations requiring the student to apply the concept just learned to other different scenarios.

Canterbury law students' reactions to the Case Method and Socratic Dialogue were explored in focus groups. Most responded favourably to this more active method of learning and there was a strong indication that students would prepare for lectures if a questioning approach was used, although some were worried about the workload. Some participants did think it would be possible to apply this method to large classes. Nevertheless, students also thought a number of issues would need to be resolved.

Alternatively, the Problem Method of teaching law may be used, which has three features. The first is the presentation of a complex and multi-issue problem to students before class. Secondly, students use a range of cases, statutes or other relevant materials to solve the problem prior to coming to class. Lastly, the solution to the problem is discussed in class. This approach allows students to be self-evaluating and self-aware, and to criticise actively legal work, rather than passively accept change. It is resource intensive, in both design and delivery. As with the Case Method and Socratic Dialogue, there is debate as to whether the

Problem Method can be used effectively in large classes, because small groups allow for better discussion of ideas among students.

Summary

Three themes emerged from the various limbs of the project:

- It is generally accepted that passive learning is the result when lectures follow a didactic model. Although commentators agree that there is a place for the didactic lecture in legal education, there is a considerable body of literature suggesting that students have more opportunities to develop skills when active and participatory learning techniques are used in large classes;
- While most law students are not dissatisfied with the didactic lecture method, they feel that the current methodology could be improved. Many staff are also interested in pursuing that goal;
- It is possible to develop an adaptive "good practice" template to assist tertiary institutions teaching law to identify and apply the most appropriate model in the light of resources, goals, student profile, pedagogical robustness, and general 'fit' for that institution. The guidelines making up the template can be used by individual law teachers where an institutional approach is not pursued.

Implementation

The themes set out above were used by the group to implement changes at three levels:

Individual

The teaching staff involved in this study have made changes to their teaching of large classes.[1] Staff report greater enjoyment of their teaching as a result of the change, as well as consistently positive student feedback.

School of Law

The findings of this report will be presented at a staff seminar. The report will also be tabled at a School of Law Teaching and Learning Committee meeting. Seminars on the active learning techniques for the teaching of the skills of analysis, synthesis, critiquing and evaluation are planned.

National and international

The project group has developed an adaptive good practice template for use in law schools.[2] To disseminate the template, copies of this report will be sent to the Deans of the other New Zealand law schools and the New Zealand Council of Legal Education, together with an offer by the project team to conduct a seminar of the project findings. The project team also intends to make a paper presentation of project findings at the Australasian Law Teachers Association Annual Conference to be held in July 2012 at the University of Sydney. This will be a follow-up to a mid-project presentation made at the 2011 ALTA conference in Brisbane. We also plan to submit the project findings for publication in a New Zealand law journal.

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[1] See "Implementation" at p 41 below.
[2] See "Adaptive Good Practice Template" at p 42 below.

Introduction

In mid 2010, a group of University of Canterbury School of Law teachers resolved to investigate current methods of teaching large compulsory law classes. As teachers, group members had debated over the years whether the current predominant model of teaching large law classes, the lecture and tutorial model, is best suited to achieve key learning outcomes for students. While lectures are a common and accepted method of conveying large amounts of information, they appear to give little opportunity to students to learn and practise the skills of analysis, synthesis, critique and evaluation that are so important for law students and, ultimately, lawyers.[3] In 2011 the group undertook a study of appropriate methods for teaching these skills to large classes. This paper reports on the outcomes of that study.

Although some recent legal education literature advocates a move away from large class teaching,[4] the preferred good practice approach advocated by this literature has significant resourcing implications. To introduce total reliance on small group teaching in the School of Law at the University of Canterbury would require a significant increase in staffing as well as physical and financial resources that could not be achieved without faculty and management approval and government support. This project, therefore, evaluates existing methods for teaching the skills of analysis, synthesis, critique and evaluation to large classes, and then seeks to identify more effective methods that can be used in existing teaching rooms, supported by limited hours of small group face to face teaching. The teaching methods selected for study are the lecture and tutorial method, the case method accompanied by a Socratic dialogue, and the problem method. The first method is predominantly used in New Zealand, the United Kingdom and Australia; the second and third methods are used in legal education in the United States. Other methods for teaching skills, such as clinical education, externships and courses centred on computer based learning fall outside the scope of the project.

In the context of legal education, it has been noted that teaching is effective if it results in "significant learning", when students "can apply what they have learnt to solve a previously unseen problem."[5] In order to do so, students must master the skills of analysis, synthesis, critique and evaluation. Studies emphasise the importance of active learning in this process.[6] Active learning occurs when:[7]

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[3] For a more detailed discussion of the nature of these skills to legal education see the discussion below on legal education in New Zealand.

[4] William M Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond and Lee S Shulman, *Educating Lawyers: Preparation for the Profession of Law* (Carnegie Foundation for the Advancement of Teaching, New York, 2007). See also the summary of the key recommendations made in these texts by Antoinette Sedillo Lopez "Leading Change in Legal Education -- Educating Lawyers and Best Practices: Good News For Diversity" (2008) 31 Seattle UL Rev 775. The teaching and learning issues associated with large class teaching are well documented: see AUTC *Notes on the 1st National Workshop, University of Newcastle 2001* <http://www.tedi.uq.edu.au/largeclasses/pdfs/forumrpts_NotesJuly2001.pdf>

[5] Michael Hunter Schwartz, Sophie Sparrow and Gerald Hess *Teaching Law by Design* (Carolina Academic Press, Durham, 2009) at 3-4.

[6] See Schwartz, above, at 4-12. See also Michael Hunter Schwartz "Teaching by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching" (2001) 38 San Diego L Rev 347; Catherine Mulryan-Kyne "Teaching Large Classes at College and University Level:

- Students are involved in more than listening.
- Less emphasis is placed on transmitting information and more on developing students' skills.
- Students are involved in higher-order thinking (analysis, synthesis, evaluation).
- Students are engaged in activities (e.g., reading, discussing, writing).
- [Teachers] place greater emphasis ... on students' exploration of their own attitudes and values.

Although active learning facilitates significant learning, it is not the only recognised attribute of effective teaching practice that does so. Other recognised attributes of effective teachers include subject matter expertise, "clarity, organization, stimulation of interest and student engagement, and a positive classroom climate."[8] A more detailed consideration of the attributes of effective teaching also falls outside the scope of this study, Whichever method of teaching (lecture and tutorial, case method and Socratic dialogue, problem method) is employed, generic aspects of good teaching, such as subject matter expertise, are assumed. The focus of the study is on the extent to which the lecture and tutorial method of teaching the skills of analysis, synthesis, critique and evaluation promotes significant learning of those skills.

Legal Education in New Zealand

Legal education is regulated in New Zealand by the New Zealand Council of Legal Education, a statutory body with independent status. Currently the University of Canterbury, along with the University of Otago, Victoria University of Wellington, Waikato University, the University of Auckland and Auckland University of Technology offer Bachelor of Laws degrees that are approved by the Council. The approved Bachelor of Laws degree offered at Canterbury includes the following compulsory courses: The Legal System; Criminal Law; The Law of Contracts; The Law of Torts; Public Law; Land Law; and Equity.[9] Students must also complete a specified number of optional courses. Where a student wishes to be admitted as a barrister and solicitor of the High Court of New Zealand, the Council also requires the completion of an additional course: Legal Ethics.

Challenges and Opportunities" (2010) Teaching in Higher Education 175 at 180; Elisa Carbone "Teaching Large Classes: Tools and Strategies" (Sage Publications, Thousand Oaks, 1998); Peter J Frederick "Engaging Students Actively in Large Lecture Settings" in Christine A Stanley & M Erin Porter (eds) *Engaging Large Classes* (Josey-Bass, San Francisco, 2008) at 58-63; Gerald F Hess "Good Practice Encourages Active Learning" (1999) 49 J Legal Educ 401; and Tim Parkinson, Helen Hughes, Dianne Gardner, Gordon Suddaby, Marg Gilling, Bill MacIntyre *Engaging Learners Effectively in Science, Technology and Engineering* (Ako Aotearoa, Wellington, 2011) 7.

[7] Hess, above at 401, citing Charles Boswell and James A Eison "Active Learning: Creating Excitement in the Classroom" (Washington, 1991) at 2. See also Schwartz, above n 5, at ch 1.

[8] Nira Hawira "Teaching Large Law Classes Well: An Outsider's View" (2000) 50 J Legal Educ 95 at 98. See, also, Schwartz, above n 6, at 13-21; Hess, above n 6; and the literature in Ruth Kane, Susan Sandretto and Chris Heath "An Investigation into Excellent Tertiary Teaching: Emphasising Reflective practice" (2004) 47 Higher Ed 283.

[9] The CLE has two forms of syllabus. The alternative, not used at Canterbury, allows the teaching of Property Law rather than Equity and Land Law.

The offering and delivery of the compulsory courses are quite tightly regulated by the Council of Legal Education. The content of each course is prescribed,[10] as are moderation requirements[11] and modes of assessment. The latter must be by way of a final examination[12] counting for at least 60% of the final grade. As a result of the prescribed moderation and assessment system, the assessment tasks required of students in examinations in the compulsory courses are generally consistent. Assessment normally takes the form of problem questions, although essay questions and textual analysis may also feature.[13] Students must demonstrate not only substantive knowledge of the prescribed legal rules studied in each course, but also that they are able to apply those rules in a practical way. To achieve the latter, students must demonstrate the skills of analysis (identifying and interpreting material facts to resolve legal issues that arise). They must also be able to formulate the legal rule that is applicable to the identified issue. This task involves locating and interpreting relevant primary and secondary sources of law and then developing a synthesis of those rules. A sub-task within this part of the process is a critique and evaluation of competing or inconsistent sources. Students must then correctly apply the formulated rule in order to solve the problem. Once they have a solution, students should also be able to critique and evaluate that solution in order to determine whether relevant policy objectives are achieved or whether reform is required. The prescriptions for the compulsory courses do not specify that other, more practical, legal skills are to be covered in these courses. Presently such skills are specifically covered in a Professional Legal Studies Course and the successful completion of this course is a further specified requirement for admission.[14]

The Council of Legal Education does not address how the compulsory courses are to be taught. However, the lecture and tutorial method predominates at the University of Canterbury for two main reasons. The first is the requirement that a certain amount of material is covered to allow students to succeed in the examinations for the courses; the second is that the lecture and tutorial method is the most time and cost effective manner of teaching large groups of students. At the University of Canterbury, the first year Legal System course attracts 400-500+ students a year (taught in two separate lectures of approximately 200-250 students). The remainder of the compulsory courses, taught in the second and third years of study, consistently exceed 200 students.[15] The other New Zealand

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[10] New Zealand Council of Legal Education Professional Examinations in Law Regulations 2008, regs 2(1), 3(2)(a), First Schedule.

[11] See New Zealand Council of Legal Education Moderation Procedures Guidelines for NZCLE Moderators and University Examiners 2008.

[12] Take home final examinations are not permitted: see New Zealand Council of Legal Education Moderation Procedures Guidelines for NZCLE Moderators and University Examiners 2008, cl 7.5.

[13] See, for example, New Zealand Council of Legal Education Moderation Procedures Guidelines for NZCLE Moderators and University Examiners 2008, cl 7.2, where in dealing with the content of the examination in the Legal Ethics course, the Council has resolved that it "would expect that at least one problem question focusing on the practical application of legal professional ethics would be the most appropriate way to test" these particular prescribed content.

[14] A Professional Legal Studies course is an approximately 18 week course focusing on skills training that students attend after completing a Law degree. See New Zealand Council of Legal Education Professional Examinations in Law Regulations 2008, reg 3(1)(c).

[15] While the first year course is open entry, further study in law at Canterbury is subject to limited entry.

law schools have similar, if not higher, numbers, excepting Auckland University of Technology (AUT), where the teaching of law is newly established and first year law is taught entirely on a small group basis, with rigorous restriction on numbers enrolled.

Under the lecture and tutorial method, students spend up to three hours each week per course in "lectures", face to face classes held in large teaching rooms, which are usually led by a university teacher. Students also spend up to eight hours per course over the teaching year in "tutorials", small group face to face classes led by a teacher who may be a member of staff or a practising lawyer.[16] The University of Canterbury is not unique in adopting this teaching model: members of the research team have observed this model in use in other law schools in New Zealand, Australia, the United Kingdom and South Africa.

Methodology

The project design was mixed method sequential research involving both quantitative and qualitative strategies. The quantitative survey-based part of the study dominated overall but provided a base from which focus groups could emerge for the qualitative aspect. The surveys were used to examine the experience of large class teaching in law at Canterbury. Our findings on this data were inferential. The focus groups provided a deeper understanding of these results by seeking students' views on alternative methods of teaching. The overall study was broken down into six parts: a literature review, a survey of advancing law students at the University of Canterbury, a survey of staff teaching at the law school, a series of focus groups involving a selection of advancing law students already surveyed, group analysis of the data collected, and development of good practice guidelines. These parts will now be detailed briefly.

Literature review

Initially, the group carried out a review of the literature on teaching methods of the skills of legal analysis, synthesis, critique and evaluation. The review focused on peer reviewed articles in legal education journals, legal education texts, reports from bodies responsible for legal education and reports from providers of legal education. As well as New Zealand materials, literature from Australia, the United Kingdom, and the United States of America was incorporated in the review. The review focused on the lecture and tutorial model of teaching, and, in order to provide a basis for a comparative assessment, it considered other methods identified as used in teaching large groups. These other methods included the Case Method and Socratic Dialogue and the Problem Method. The Case Method and Socratic Dialogue is interactive, involving the teacher asking students questions about a particular case, and then how the principles in that case might apply to hypothetical scenarios. The Problem Method involves giving students a problem to consider prior to attending the class and expecting them to prepare a legal answer, which will then be discussed in class. The literature suggested that each of these methods had advantages and disadvantages. It also became clear that in reality, there was no clear distinction between the various teaching methods, and that teachers often borrowed ideas from other methods in order to eliminate the disadvantages of the method they considered they were

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[16] The teaching of Legal Method in first year is heavily dependent on tutorials, with all but the first requiring written exercises that are marked with substantial feedback for students. This course has 10, rather than 8, tutorials, and student learning is entirely dependent on the tutorials.

using. Common themes identified were the need to provide a combination of the teaching of required skills, plus the need to engage students in active learning through questions or hypothetical scenarios. More detailed information derived from the literature review is embedded in the sections of the report focusing on the Lecture and Tutorial Method, the Case Method and Socratic Dialogue and the Problem Method.

Survey of students

In the second phase, an anonymous and confidential structured online survey of current Canterbury law students in their second and subsequent years of studying law was carried out. The survey was designed to obtain information about what students thought about the way large classes are taught in the Law School. Questions in the survey focused on the actual lecture experience in both compulsory and optional courses and also asked students about their expectations of such lectures. Other questions sought information on time invested in pre- and post-lecture preparation. Similar questions were posed in relation to tutorials. The survey also asked basic background information on the students, including their aspirations, why they decided to study law, and why they chose the Canterbury Law School, as it was thought this might provide contextual insight into their answers. At the time of the survey, the University of Canterbury and the Christchurch region were recovering from major earthquake disruption which impacted on teaching of courses. The lack of availability of teaching spaces led to teachers exploring alternative teaching methods (mostly online) and the survey opportunistically asked several questions about the students' opinion of the effectiveness and desirability of these different teaching methods.

The survey took approximately 15 minutes and students completing it were eligible to be entered in a prize draw to win one of three $100 book vouchers. To enter the prize draw, students were asked to supply an email address. Email addresses were used only for entry in the prize draw and to invite students to take part in a focus group. Staff researchers did not have access to email addresses and were not able to identify any student responses.

The total number of students who responded to the survey was 266, which means the sample represented nearly 40% of the population of advancing students, a meaningful proportion in terms of external validity. Nearly 60% (153) of these were female.[17] Of the students who identified their year of study, approximately one third (80) were in their third year of study. Those in their second and fourth years numbered 26% (64) and 27% (67) respectively. Only 11% (27) were in their fifth year of study.[18] The majority of respondents were aged between 20-24 (74% or 179)), while 11% (26) were 18-19 years. Nineteen percent were adult students.[19] A large majority (88% or 215)) were New Zealand citizens, while 11% (27) were New Zealand permanent residents. Approximately 1% (3) were international students. Most respondents (77% or 185) identified as New Zealander/kiwi/pakeha. European (15% or 36) and Asian students (Chinese 2% or 5, Korean 1% or 2 and other Asian 3% or 8) outnumbered Maori at 2% (4). One student identified as Pasifika. Very small numbers identified as disabled (9 students), with one third

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[17] It should be noted that not all respondents answered this question. For most of the respondent background questions, the response number was around 242.
[18] A law degree at Canterbury is four years of full time study. The vast majority of students, however, choose to complete double degrees, which generally takes five years minimum full time.
[19] Defined by the University as being 20 years of age or older when they first enrolled.

of these receiving assistance from the university and two-thirds not. Nine percent of students (23) responding had already completed one or more degrees before studying law. A third of these had completed a BA while nearly as many had done a BSc.[20]

Survey of staff

The third phase of the project involved a survey of the law teachers at the University of Canterbury in order to determine their views of current teaching methods in both the core law courses and in optional courses. This survey was also voluntary, anonymous and administered online. Content mirrored that contained in the student survey as much as possible. Teachers were asked both what they thought of particular teaching methods, and what they thought their students thought of those methods. Currently there are nineteen permanent teaching staff at the Law School. Thirteen responses were received, with three of these being from members of the research group itself. The team was satisfied those three responses would not confound the results.

Focus groups of students

In the fourth phase of the study, focus groups, that were selected purposively from within the student survey group, voluntarily took part in semi-structured interviews. The focus group involvement took up to one hour. Four focus groups were undertaken over two days in the UC Law School in October 2011 and were led by independent consultant and mentor to the group, Dr Liz Gordon. A total of 22 students participated. The sessions were recorded and then partially transcribed. For the first fifteen minutes of the focus group, a slideshow demonstrated examples of different teaching styles in law and law-related courses. All of the examples were retrieved from YouTube and downloaded using a free download program found on the internet. Four slides showed variation on the Case Method. Most of these were interspersed with questions and explanations by the lecturer. Three slides showed various online learning options, but no relevant good examples of online learning were found – all three examples were either a lecturer talking to a screen or a basic PowerPoint with voiceover. The final slide showed a basic didactic model. A discussion was then initiated within the focus group, covering topics including preferred characteristics of large class teaching, thoughts about current methods, areas where change would be welcomed, preparation for lectures, readings, study guides and cases, best teaching styles, and small group teaching and tutorials.

In the fifth phase, the themes emerging from the literature review, student and staff surveys, and results from focus groups were analysed to determine what, if any, correlation there is between them.

Finally, the foregoing analysis was used to create a flexible template made up of good practice guidelines relevant to the New Zealand context. These are set out in the final section of the paper.[21]

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[20] Although not all of these categories were comparable to those used in University data about enrolees in 2009, there does appear to be some internal validity in relation to disability, citizenship and ethnicity also.

[21] See p 43 below.

Models of Teaching

The lecture and tutorial model of teaching

As noted above, the traditional method of legal education in New Zealand, Australia and the United Kingdom involves lectures and tutorials. The lecture method of teaching generally involves large groups of students listening to a teacher communicating content.[22] Tutorials, on the other hand, traditionally involve small group teaching.

The literature review revealed that this teaching method has its origins in the English "tutorial method", where one tutor teaches one or two students on a weekly basis, usually on the basis of prepared written work done prior to the tutorial by the students. This was the original method for teaching law in the old universities (it is termed a "supervision" at Cambridge).[23] The tutor follows the outline of the course set by the course leader. While this is a method rich with pedagogic advantages if they can be afforded (for example, students are encouraged to develop their own views through critique of their own and their fellow tutees' work) pedagogical negative points include the possibility that tutors are not necessarily experts in the particular field and the tendency for essays written for tutorials to become the notes for that course.[24] The tutorial was supplemented by a set number of lectures on specific topics in the particular subject by experts. There was no comprehensive course of lectures.

With the expansion of legal education through the red-brick and new universities this balance of tutorials and lectures has been reversed, with the lecture taking the role of leading delivery of the course,[25] and the "tutorial" - now with groups of 10-20 or more, led by tutors who may be ex-professionals, graduate or teaching assistants - supplementing the lecture. This description reflects current practice in many courses at the University of Canterbury.

The literature from the United Kingdom also asserts that the teaching of law has not been immune to the pressure for the lecture to evolve from the mere reading out and taking down of notes to the inclusion of more active forms of learning such as class discussion and problem-solving.[26] This is particularly so where the theoretical basis of the material in the courses has expanded from a narrow black-letter positivism, which suits lectures,[27] to other more expansive and more critical approaches drawn from other disciplines. The importance

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[22] RO McGechan "A New Zealander's Comments on American Legal Education" (1999) 30 VUW Law Rev 389 at 396; Richard Scragg "What can the public expect from the newly qualified lawyer?" (1990) 8 J Prof Legal Educ 21.

[23] See David Palfreyman (ed), *The Oxford Tutorial Method: Thanks, You taught me How to Think,* OxCHEPS Occasional Paper no 1, (2002) at 3 available at <oxcheps.new.ox.ac.uk>.

[24] Peter Mirfield, "Teaching Law, Learning Law, Growing up Intellectually" in Palfreyman, above, at 28.

[25] See Geoffrey Templeman, "The Modern Universities" (1947) 2 Higher Education Quarterly 41.

[26] Kate Exley and Reg Denneck, *Giving a Lecture: From Presenting to Teaching* (Abingdon: Routledge, 2009) at 2.

[27] Nick Johnson, "Introduction to Law: the Workbook Method" in Gibbs and Jenkins *Teaching Large Classes in Higher Education* (London: Kogan Page, 1992) at 78.

of teaching and examining to stated objectives is now well understood. However, steadily increasing numbers of students dictate a continuing reliance on the lecture method.

In the United Kingdom the academic-vocational divide between Law School and Professional Education[28] has meant that few of the experiential teaching methods used in the latter – such as the use of mock trial - have percolated down to the former.

In Australia, this pressure to include more active forms of learning is also present. The Council of Australian Law Deans in 2008 called for "a shift from content knowledge and transmission roles to a responsibility for ensuring the achievement of broad and transparent outcomes consistent with graduate attributes", in order to achieve deeper learning.[29] However, as Coper notes, "knowledge-based requirements for professional accreditation" tend to favour the lecture method.[30]

The literature shows that the lecture method encourages passive learning.[31] It requires students to listen and take notes for the majority of the lecture.

In the New Zealand context the lecture method has attracted criticism. Chart, for example, notes that the traditional format, teaching by "cases" tends to create only one image of the world.[32] It supposes that law is information to be transmitted from the lecturer to the student. Students then become accustomed to this model of hierarchical instruction that is focused on the content of rules and impersonal analysis rather than on dynamic processes.[33]

Goldring comments that "if law students develop a deep approach to learning it was in spite of, rather than because of, their education" using the lecture method.[34]

There are differing opinions as to the value of tutorials in the New Zealand context. MacKinnon notes that tutorials aimed at testing the knowledge of students are not an appropriate vehicle for questioning law's meaning and values.[35] Russell, on the other hand, maintains that tutorials are a useful method for teaching skills.[36]

This is not to say that the lecture method has no place in legal education. As Stuckey puts it, "[u]nfortunately, lectures are an indispensible and unavoidable part of any academic

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[28] Roger Burridge, "Learning Law and Legal Expertise by Experience" in Roger Burridge, Karen Hinett, Abdul Paliwala and Tracey Varnava (eds) *Effective Learning and Teaching in Law* (Kogan Page) at 25.

[29] This comment is cited in Nick James, Claire Hughes and Clare Cappa "Developing and Assessing Critical Thinking in Law" (2010) 15 Teaching in Higher Education 285 at 287.

[30] Michael Coper "Law Reform and Legal Education, Uniting Separate Worlds" (2008) 39 *University of Toledo Law Review* 234, 238.

[31] Roy Stuckey *Best Practices for Legal Education: A Vision and A Road Map* (2007) at 172; Jacqueline MacKinnon "Problem-Based Learning and New Zealand Legal Education" (2006) 3 Web JCLI 179.

[32] Jane Chart "Lawyers' Work and Legal Education: Getting a Better Fit" (2000) 19 NZULR 177, at 178.

[33] Above.

[34] John Goldring "Coping With The Virtual Campus" in John Goldring, Charles Sampford and Ralph Simmonds (eds) *New Foundations in Legal Education* (1998) 87.

[35] MacKinnon, above n 31, at 17.

[36] Mary-Rose Russell "Mainstreaming Legal Research Skills into a New Zealand Law School Curriculum" (LLM Thesis, University of Auckland, 2006) at 69.

enterprise. Lectures are where we explain things to students."[37] Rather, the commentators generally agree that teachers should lecture where it is appropriate do so. Mulryan-Kyne summarises the literature setting out appropriate contexts for the lecture method:[38]

    (1)   Where the objective is to present information.

    (2)   When the information is not available in a readily available source.

    (3)   Where the material must be organised in a particular way.

    (4)   When it is necessary to arouse interest in the subject.

    (5)   When it is necessary to introduce a topic before the students read about it on their own or to provide instructions about a task.

    (6)   When the information is original or must be integrated from different sources.

    (7)   When the information needs to be summarised or synthesised (following discussion or inquiry).

    (8)   When the curriculum materials need updating or elaborating.

    (9)   When the teacher want [sic] to present alternative points of view or clarify issues in preparation for discussion.

    (10)   When the teacher want [sic] to provide supplementary explanations of material that students may have difficulty learning on their own.

It has also been noted that some students prefer the lecture method over alternatives. Papo, surveying 246 2nd to 4th year students found that the students liked lectures, and did not perceive this to pose significant problems for their learning.[39] Feigenbaum and Friend commented that while first year students prefer interaction and small classes, more experienced students have a strong preference for large class lectures.[40]

Despite recommending limiting lectures wherever possible in legal education, Stuckey offers a series of detailed best practice principles under the following headings:[41]

    a.   Use lecture for appropriate purposes.

    b.   Limit the length of lectures.

    c.   Do not read the text.

    d.   Organise the lecture.

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[37] Stuckey, above n 31, at 171; McGechan, above n 22, at 396.

[38] Mulryan-Kyne, above n 6, at 179, citing T Good and J Brophy *Looking in Classrooms* (9th ed, MacMillan, New York, 2003); N Gage and D Berliner *Educational Psychology* (5th ed, Houghton Mifflin, Boston, 1992).

[39] W Papo "Large Group Teaching: is it a Problem For Students?" (1999) 33 College Student Journal, 354. See also AUTC, above n 4.

[40] E Feigenbaum and R Friend, "A comparison of freshman and upper division students' preferences for small and large psychology classes," (1992) Teaching of Psychology 12. See also AUTC, above n 4.

[41] Stuckey, above n 31, at 172-174.

e. Employ effective delivery techniques.

f. Use other techniques in conduction with lectures.

g. Have reasonable expectations.

There is a considerable body of active learning techniques that teachers can use in law classes alongside the lecture method to encourage the skills of legal analysis, synthesis, critique and evaluation. Hess, for example, describes the benefits of discussion:[42]

> *Discussion has a number of benefits for students and teachers. Discussion allows students to "discover" ideas, which leads to deeper learning. Good discussions prompt students to use higher-level thinking skills: to apply rules in new contexts, analyse issues, synthesise doctrines, and evaluate ideas. Through effective discussions that expose them to diverse points of view, students develop values and change attitudes. Discussions can provide teachers with valuable insights about their students' learning and their creative approaches to problems.*

Stuckey makes a specific recommendation that discussion as a technique should be used more frequently by law teachers, citing Daggett's description of the positive attributes of this teaching method:[43]

- It provides an active learning role for students.

- It encourages students to listen and to learn from each other.

- It involves high level thinking, perhaps like Socratic teaching and unlike lectures.

- It exposes students to viewpoints other than their own.

- It helps students develop oral advocacy and other skills.

- It makes learning less teacher centred and more student centred.

- It provides feedback to the teacher about the level of student learning.

- It gives students a change to bring their opinions and feelings to the study of law.

- It teaches the teacher.

In the New Zealand setting the lecture method, when used in compulsory courses, is often supported by small group tutorial teaching. Although the above techniques could easily be utilised in tutorials, with some modification discussion can also be a useful tool in large classes. Carbone,[44] for example, suggests a "think-pair-share" technique where "[s]tudents spend a minute or two *thinking* about an answer or solution. Students then *pair* up to discuss (*share)* their answers. The instructor then may ask for several students to *share* their answers with the whole group."

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[42] Hess, above n 6, at 407.

[43] Stuckey, above n 31, at 167-168, citing Lynn Daggett "Using Discussion as Teaching Method in Law School Classes" in *The Science and Art of Law Teaching: Conference Materials* (1995).

[44] Carbone, above n 6, at 48-63.

A number of the commentators advocate the use of simulations in lectures where students play a role in context that a practising lawyer might face.[45] Maranville argues that when information learnt is placed in context it enhances a student's ability to retrieve it at a later time.[46] Hess categorises simulations as "powerful methods to help students develop ... thinking skills (such as application of legal doctrine to new circumstances, problem solving, legal analysis)."[47] Simulations also allow the development of practical lawyering skills and professional values.[48]

Hess offers the following examples of simulations, some of which could be modified for use in a large class setting:[49]

- Problems that are more complex than traditional classroom hypotheticals. A problem can address the analysis, synthesis, and application of legal doctrine. For example, a problem could contain complex facts and ask the student to prepare a short written argument for one of the parties.

- Single-experience exercises that add an element of performance. Students could draft a letter of complaint, give an oral argument, or write a demand letter.

- Extended exercises involving different types of performances. For instance, students could interview a client, negotiate an agreement, and draft a contract based on the settlement.

Stuckey sets out a range of other active learning techniques, many of which may be modified for use in teaching synthetic and analytic skills in large classes:[50]

- *Brain-storming.* An intensive discussion situation in which spontaneous suggestions as solutions to a problem are received uncritically.

- *Buzz groups.* Groups of 2-6 students who discuss issues or problems for a short period, or periods, during a class.

- *Demonstrations.* The teacher performs some operation exemplifying a phenomenon or skill while the students watch.

- *Free group discussion.* A learning situation in which the topic and direction are controlled by the student group; the teacher observes.

- *Group tutorial.* The topic and general direction is given by the tutor, but the organisation (or lack of it), content and direction of the discussion depends on the student group of up to 14 students.

- *Individual tutorial or "tutorial".* A period of teaching devoted to a single student.

- *Problem centred groups.* Groups of 4-12 students discussing a specific task.

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[45] See James Eager "The Right Tool for the Job: The Effective Use of Pedagogical Methods in Legal Education" (1996) 32 Gonz L Rev 389 at 407; Hess, above n 6,, at 410.

[46] Deborah Maranville "Infusing Passion and Context Into the Traditional Law Curriculum Through Experiential Learning" (2001) 51 J Legal Educ 51 at 57.

[47] Hess, above n 6, at 410.

[48] Above.

[49] Above, at 411.

[50] Stuckey, above n 31, at 97-98, citing Donald A Bligh *What's the Use of Lectures?* (2000) at 252-257.

- *Programmed learning.* Usually a text or computer problem containing questions each of which must be answered correctly before proceeding.

- *Syndicate method.* Teaching where the class is divided into groups of about 6 members who work on the same or related problems with intermittent teacher contact and who write a joint report for the critical appraisal of the whole class.

- *Synectics.* A development of brain-storming in which special techniques, such as choosing group members from diverse backgrounds, are used to produce a creative solution to a problem.

- *T-group method.* A method of teaching self-awareness and interpersonal relations based on therapeutic group techniques in which individual group members discuss their relationships with each other.

Many of the active learning techniques described above have the additional benefit that they allow for another attribute of effective teaching, collaborative learning.[51] In the New Zealand context, Wilson has noted that female and Maori students respond better to cooperative kinds of teaching.[52]

One final method that supports the teaching of high level skills in large classes is use of technology.[53] At the University of Canterbury, for example, a module which could be accessed though the University's Learning Management System was developed to improve the teaching of statutory interpretation in the large first year law class.[54] A story was devised about the creation, intention and interpretation of a statute, and students were introduced to five different characters who come into conflict with that statute. Students were then asked to advise each of the characters within the story. They received feedback and guidance in relation to their responses. The module quizzes could be used as often as students wished and students had many opportunities to practise statutory interpretation which was designed to increase their confidence and ability in the exam. The method was popular with students. More than 60% of all students over the three year period of the module considered it worthwhile to their development of learning how to interpret a statute and over 80% thought that it improved the relevant tutorials and lectures on statutory interpretation immensely.[55]

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[51] Schwartz, above n 5, at 13-21; Hess, above n 5, at 367.
These principles are derived from the Seven Principles for Good Practice in Undergraduate Education released in the United States in 1987: see Arthur W Chickering and Zelda F Gamson (eds) *Applying the Seven Principles for Good Practice in Undergraduate Education* (San Francisco, 1991). For more on the benefits of collaborative learning in legal education, see Eugene Clark "Looking Forward: Challenges Facing Legal Education In The 21st Century" (2010) 3 Phoenix L Rev 461 at 465; Gregory Munro *Outcomes Assessment for Law Schools* (Institute for Law Teaching, Spokane, 2000) at 71-72, citing Thomas Shaffer "Collaboration in Studying Law" (1973) 25 J Legal Educ 239 at 240.

[52] Margaret Wilson "The Making of a New Legal Education in New Zealand: Waikato Law School" (1993) 1 Waikato LR 1 at 11.

[53] See Paul L Caron and Rafael Gely "Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning" (2004) 54 J Legal Educ 551 at 554.

[54] Billy O'Steen, Alison Holmes, Richard Scragg and Alan Hoskin "Making it Personal: Relevance and Formative Feedback Enhance Learning in Large Classes" <www.akoaotearoa.ac.nz/gppg-ebook> at 1.

[55] Above, at 2.

By using a story and visual aids about issues relevant to students, there was enhanced potential for student interest and engagement.[56]

Case Method and Socratic Dialogue

With limited exceptions,[57] the extensive literature on the case method of teaching law with Socratic dialogue asserts that it is the predominant method of legal instruction in the United States.[58] It was devised by Christopher Columbus Langdell, the Dean of Harvard Law School during the 1870s, to replace the traditional lecture method. Langdell adopted a scientific approach to the study of law,[59] exemplified by his well known observation that a law student's laboratory is the law library. As Moskovitz puts it,[60] "[a]s a research scientist might dissect a mouse to learn how its organs work, Langdell would dissect a case to find out how the law works. Classroom discussion through his "case method" would involve the student in this scientific process."

Caron and Gely offer the following description of the way in which the method is used today:[61]

> *As practiced in most law schools today, the Socratic method can be described as follows. A teacher calls on a student (sometimes with advance notice, more commonly without) and begins to probe the student's understanding of one aspect of the day's assignment (typically an appellate court's opinion). The question often begins with a discussion of the facts and moves on to identifying the legal rules applied by the court. The student's responses are followed by a few clarification questions, or ideally (when the student immediately gives the right answer) with a series of hypothetical situations requiring the student to apply the concept just learned to other factually distinguishable scenarios. Some teachers engage the same student for a relatively long period of time before moving on to someone else; others switch to other students quickly and frequently.*

One notable feature of this description is the recognition of differences in practice:[62]

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[56] Above, at 3.

[57] See, for example, Orin Kerr "The Decline of the Socratic Method at Harvard" (1999) 78 Nebraska Law Review 113.

[58] See, for example, Elizabeth Mertz *The Language of Law School* (Oxford University Press, New York, 2007) at 26; Sullivan, above n 4; Stuckey, above n 31, at 5; Edward Rubin "What's wrong with Langdell's Method and What to Do About it" (2007) Vand L Rev 609 at 601; Caron and Gely, above n 53, at 554; David D Garner "The Continuing Vitality of the Case Method in the Twenty-First Century" (2000) 2 BYU Educ & LJ 307; Cynthia G Hawkins-Leon "The Socratic method-problem method dichotomy" (1998) 1 BYU Educ & LJ 1; Eager, above n 45, at 390; Myron Moskovitz "Beyond the Case Method: It's Time to Teach with Problems" (1992) 42 J Legal Educ 241 at 241; Susan M Williams "Putting Case-Based Instruction in Context: Examples from Legal and Medical Education" (1992) 2 Journal of the Learning Sciences 367 at 377.

[59] A view that has since been discredited: see Garner, ibid, at 317, citing Robert Stevens *Law School: Legal Education in America from the 1850s to the 1980s* (1983) at 156.

[60] Moskovitz, above n 58 at 243.

[61] Caron and Gely, above n 53, at 554.

[62] Mertz, above n 58, at 142.

Although there is some agreement on a general definition of the genre - it involves extended questioning of individual students regarding cases assigned for class - from there the details become increasingly difficult to define. For some, it is necessary that the questioning occupy almost all of class time, that it be antagonistic, that no answers or explanations be proffered by the professor, and that the students be called upon at random without warning. For others, some subset of these characteristics is all that is necessary. Others rely on a generalized combination of discourse structure and discourse content in defining Socratic teaching.

The case method and Socratic dialogue has been used in New Zealand at the University of Canterbury and Victoria University of Wellington. Descriptions of the manner in which the method was or is used at those institutions do not differ greatly from the descriptions of current American practices.[63]

It should be noted that the form of Socratic dialogue used in conjunction with the case method may vary significantly. More often than not, assessments of the efficacy of the case method do not address this point. The most that can be said is that differing forms of this teaching method may have some or all of the consequences summarised below.

It is, however, generally accepted that the case method and Socratic dialogue involve students in active learning.[64]

Socratic dialogue involves active thinking for the teacher and for the student responding. In theory, the other students have engaged in active learning before class as they briefed cases or analyzed problem, and they remain actively engaged in class when they respond silently to the teacher's inquiries and evaluate the responses of other students.

The method is an accepted one for teaching large classes.[65] It is used to teach first year law classes of between 50 and 200 students in the United States.[66] Whether its effectiveness in fostering active learning decreases according to class size is unknown. In practical terms, the larger the class, the greater percentage of time an individual student will spend listening to the dialogue between other students and the teacher.[67] Cicero asserts that:[68]

It is virtually impossible to conduct a Socratic dialogue with 200 students. The Socratic method requires a considerable exchange among participants, and too large a group prohibits such exchange. For a teacher skilled in Socratic dialogue, the maximum number of students is somewhere around thirty.

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[63] See R O McGechan "The Case Method of Teaching Law" (1953) 1 VUWLR 9 reissued in (1999) 30 VUWLR 405, at 410; Jeremy Finn, *Educating for the Profession: Law at Canterbury 1973-1973* (2010) at 17; Allison Dunham "An American Looks at Legal Education in New Zealand" [1954] NZLJ 56.

[64] Hess, above n 6 at 406. See also Eager, above n 45, at 398; Russell, above n 36, at 33; McGechan, above.

[65] Schwartz, above n 6, at 351.

[66] Williams, above n 58, at 382.

[67] Eager, above n 45, at 400.

[68] June Cicero "Piercing the Socratic Veil: Adding an Active Learning Alternative in Legal Education" (1989) 15 Wm Mitchell L Rev 1011 at 1016. See also Russell, above n 36, at 33; McGechan, above n 22, at 395.

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Eager offers a riposte:[69]

> *On the other hand, it may be argued that even in a large class where individual participation is minimal, the uncertainty of not knowing who the teacher will call on motivates students to prepare and actively follow the ongoing discussion, and therefore still benefits even those students who do not participate.*

In New Zealand it has been reported that splitting of large classes can increase the time that each student is able to engage directly with the course teacher.[70]

It is generally accepted in the literature that the case method and Socratic dialogue is an effective way of teaching students legal analysis.[71] It is also accepted that the method assists students in developing skills to synthesise legal rules and evaluate judicial reasoning.[72] Aronson offers a detailed explanation of the competencies the method develops:[73]

> *The case method provides students with simulated practice in how appellate courts formally reason, and predicting what courts will do is a core skill central to a lawyer's claim to professional expertise… [F]eatures of the case method are also applicable when confronting problems in other contexts. These features include the grounding of analysis in facts, the comprehensive spotting of relevant issues and concerns, the search for governing rules, principles or standards by which to make decisions, the weighing of competing policy decisions in light of their consequences, the value placed on consistency and deference to past decisions, the utility of reasoning by analogy, the importance of reasoned justification, and the need to reach a conclusion and make a decision even if not perfect. Tailored and applied flexibly, the case method as a method of deliberation can provide a logical, overall methodology for approaching and thinking about all sorts of situations.*

The method also helps teach students to read cases, to "think on their feet", to develop oral fluency,[74] and to teach themselves.[75] Because of the emphasis the method places on skills, rather than substantive knowledge, students are equipped to cope and manage the constant changes and developments in the law when they become practising lawyers.[76]

Despite these positive points, numerous criticisms have been offered of the teaching method:

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[69] Eager, above n 45, at 400.

[70] McGechan, above n 22 at 392.

[71] See, for example, Jess Krannich, James Holbrook and Julie McAdams "Beyond "Thinking Like a Lawyer" and the Traditional Legal Paradigm: Toward a Comprehensive View of Legal Education" (2009) Denver University Law Review 381 at 387; Eager, above n45, at 398; Sullivan, above n 4, at 5.

[72] Mark Aronson "Thinking Like a Fox: Four Overlapping Domains of Good Lawyering" (2002) 9 Clinical L Rev 1 at 2-3.

[73] Above, at 6.

[74] Mertz, above n 58, at 27.

[75] Schwartz, above n 6, at 351.

[76] Garner, above n 58, at 326.

- Students are not taught statutory interpretation.[77]

- It is "an inefficient and, often haphazard, way to convey ... doctrinal knowledge".[78]

- It fosters a competitive classroom atmosphere.[79]

More concerning is the well documented finding that large class Socratic teaching may discourage participation by female and minority students.[80] Students schooled in Asian countries struggle with this, as Asian high schools do not generally place importance on class participation.[81] Additionally, although longitudinal studies in the United States show it is common for law students to suffer a decline in their emotional and psychological wellbeing,[82] this decrease is exacerbated by misuse of the case method and Socratic dialogue.[83] In New Zealand it has been reported that many students find the teaching method "intimidating".[84]

Stuckey, whilst advocating small group clinical teaching, nevertheless accepts that the case method and Socratic dialogue is an effective method of teaching analytic and synthetic skills, and offers best practice principles.[85] The principles address many of the documented detrimental effects that the use of the method may have on women, minorities and psychological wellbeing by recommending that the method not be used to humiliate students intentionally and that a teacher should move on if a student becomes flustered or is unprepared. Stuckey also recommends that teachers do not rely exclusively on this method of teaching, but should complement it with other methods of instruction, such as in-class discussions, role plays, and on-line discussions.

Similarly, Cicero advocates employing active learning techniques, such as simulations, small group problems and role playing in the classroom alongside the case method and Socratic dialogue.[86] Such options also offer scope for collaborative learning.[87]

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[77] Edwin Patterson "The Case Method in American Legal Education: Its Origins and Objectives" (1951) 4 J Legal Educ 1 at 23.

[78] John Elsom "The Regulation of Legal Education: The Potential for Implementing the MacCrate Report's Recommendations for Curriculum Reform" (1994) 1 Clinical L Rev 363 at 384-385, cited in Stuckey, above n 31, at 100.

[79] Stuckey, above n 31, at 22.

[80] Deborah L Rhode *In the Interests of Justice* (2000) 197, cited in Stuckey, above n 31, at 82 (citations omitted); Mertz, above n 58, at 26-27; Cicero, above n 68, at 1014; Taunya Lovell Banks "Gender Bias in the Classroom" (1998) J Legal Educ 137.

[81] Steven Freeland, Grace Li and Angus Young "Crossing the Language and Cultural Divide - The Challenges of Educating Asian Law Students in a Globalising World" [2004] 14 Legal Education Review 219.

[82] Krannich, above n 71 at 395, citing Kennon M Sheldon and Lawrence S Krieger "Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test and Extension of Self-Determination Theory" (2007) 33 Pers Soc Psychol Bull 883.

[83] Stuckey, above n 31, at 23.

[84] J Thomas, "A Modest Programme for the Improvement of Law Teaching: (1999) 30 VUWLR 435, at 454.

[85] Stuckey, above n 31, at 156-167.

[86] Cicero, above n 68.

[87] Munro, above n 51, at 71-72, citing Thomas Shaffer "Collaboration in Studying Law" (1973) 25 J Legal Educ 239 at 240. See also Eugene Clark "Looking Forward: Challenges Facing Legal Education In The 21st Century" (2010) 3 Phoenix L Rev 461 at 465.

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Hess offers the following practical suggestions to enhance student active learning when using the case-method and Socratic dialogue:[88]

- *Teach students how to be active learners.* Many students come to law school after undergraduate experiences in which the norm was passive learning during class and recall of content on exams. They need to learn how to be active readers, organizers, and synthesizers. When reading material for class, active learners not only extract the key information, they monitor their own understanding, note their questions, and attempt to apply the reading to the larger context of the course or real life. Active learners organize the course through outlines or flowcharts. And active learners synthesise concepts and use them to solve problems or to work on sample exams.

- *Help students prepare for class.* Students will get more from Socratic dialogue if you alert them to the key questions, hypotheticals, or problems that you will explore in upcoming classes.

- *Involve all students in the dialogue in class.* After posing a question, hypothetical or problem, ask the entire class to write a brief response in one minute, or turn to the next person and discuss the question for two minutes. For example, after presenting a hypothetical, you can ask each student to identify the issues it raises and write the issues on a piece of paper. Then have the students trade papers with one another and ask them to raise a hand if they are reading what they believe is a cogent statement of the issues. In less than three minutes, each student will have engaged in three types of active learning: thinking about issues, clarifying and articulating the issues in writing, and evaluating another student's statement of the issues.

Problem Method

The problem method is a teaching method used in the United States and elsewhere to teach legal analysis, synthesis, critiquing and evaluating skills in first year and advanced classes.[89] American literature suggests that the problem method has three features.[90] The first is the presentation of a complex and multi-issue problem to students before class. Secondly, students use a range of cases, statutes or other relevant materials to solve the problem prior to coming to class. Lastly, the solution to the problem is discussed in class. In-class discussion may be structured in a variety of ways. Students may be allocated individually or in groups an aspect of the problem to present in advance or the teacher might call upon students at random and without warning.[91] The teacher might also employ a Socratic discussion of the problem.[92] The problem method is not unique to law teaching, Moskovitz notes that the method is also used in medical schools and in graduate business schools.[93]

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[88] Hess, above n 6, at 406-407.

[89] Moskovitz, above n 58, at 261.

[90] Gregory L Ogden "The Problem Method in Legal Education" (1984) 34 J Legal Educ 654 at 654; Moskovitz, above n 58 at 250; Hawkins-Leon, above n 58, at 9.

[91] Ogden, above, at 656.

[92] Moskovitz, above n 58, at 250.

[93] Above, at 247.

It is generally agreed that the problem method, like the case-method, enables students to learn skills of legal analysis and synthesis.[94] It also encourages the development of a wider range of skills including contextualisation, the integration of personal and/or professional knowledge, collaboration, enquiry skills, reflection and transition, and self directed learning and assessment.[95] The method provides students with an experience very similar to the real world of legal work: problems are not structured and cover legal and non-legal issues; problems are solved using both current and new knowledge; the knowledge of others is integrated, and the student is encouraged by their own values.[96] This approach allows students to be self-evaluating and self-aware, and to criticise actively legal work, rather than accept change passively.

One disadvantage exposed in the literature is that effective use of the method requires greater student and teacher preparation time.[97] It is resource intensive, in both design and delivery.[98] It has also been suggested that the in-depth nature of the method limits the number of topics that can be covered.[99] A response to this latter concern is that a "student benefits more if she learns to solve a range of tort problems, and as a result does not learn some topics in torts, rather than if ... she learns information about torts that is obsolete five to 10 years later, but fails to learn problem solving skills."[100]

It is debatable whether the problem method can be used effectively in large classes. Moskovitz argues that it can, although he questions the use of the Socratic dialogue to manage in-class discussion. Ogden, on the other hand, suggests that use of the method in classes of 40 students or more means that a student's learning experience will be largely vicarious.[101] A response to this is that vicarious learning may be a feature of many large-class teaching techniques.

In the New Zealand context, Chart advocates a similar approach: classes which use transactions as the focus of students' learning alongside lectures. In such an approach, students' learning would occur through traditional lectures and tutorials, by reading for these discussions and by undertaking various transactions where they familiarise themselves with legal principles occurring in dealing with clients' problems and disputes.[102]

Transactional approaches can be useful in that they teach both the substance of the law, but also improve students' practical skills.[103] Mossop reports that transactional approaches are rated very highly by students and employers alike.[104] However, as is the case with the

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[94] MacKinnon, above n 31. See also Ogden, above n 90, at 659; Moskovitz, above n 58, at 247.

[95] MacKinnon, above n 31.

[96] MacKinnon, above n 31, at 5.

[97] Ogden, above n 90, at 664.

[98] MacKinnon, above n 31, at 6

[99] See the summary of this concern in Hawkins-Leon, above n 58, at 10.

[100] Ogden, above n 90, at 667.

[101] Ogden, above, at 664. See also Hawkins-Leon, above n 58, at 9.

[102] Chart, above n 32, at 11.

[103] Joanna Mossop "International Law, Practitioners and Women in New Zealand Legal Education" in Claudia Geiringer and Dean R Knight (ed) *Seeing the Whole World: Essays in Honour of Sir Kenneth Keith* (Victoria University Press, Wellington, 2008) 236 at 240.

[104] Above, at 240-241.

problem method, this approach is labour-intensive and logistically demanding for the teacher. It works best with small groups of between 25-30 students, because this allows for discussion of ideas among students. This also makes it easier to break the class into smaller units such as "firms" for practical exercises and 5-6 person groups for "mini discussion" sessions to which everyone can contribute.[105] Nevertheless Chart maintains that large classes are not an insuperable obstacle to transactional teaching, reporting that negotiation and discussion sessions can be run in classes of up to 200 students and have been used successfully in the United States at the University of Missouri, and in the law schools at Stanford and Georgetown.[106]

A further variation of problem based and/or transactional based learning is the law and context approach: teaching law so that students understand it in its societal context.[107] It "grounds all knowledge of social life in human history, culture and relations of power."[108] Essentially, it is education through exposure where students are required to identify the context of the situation and solve the problems that arise.[109] In New Zealand, this approach has been adopted at the University of Waikato where, in larger classes, team teaching is encouraged to enable staff to concentrate on specific areas of the course, which allows staff to organise their time more effectively to allow for research and teaching time as well as enabling the students to relate to different teachers.[110]

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[105] Chart, above n 32, at 12

[106] Above, at 13.

[107] Paul Havemann "Law in Context – Taking Context Seriously" (1995) 3 Waikato LR 137 at 146. See also Nan Seuffert, Stephanie Milroy and Kura Boyd "Developing and Teaching An Introduction to Law in Context: Surrogacy and Baby M" (1993) 1 Waikato LR 27 at 43.

[108] Havemann, above, at 158-159.

[109] MacKinnon, above n 31, at 12.

[110] Wilson, above n 52, at 11.

Survey and focus group findings.

Having surveyed the literature, the group sought the views of current students and law teachers on lectures in the advancing compulsory law courses in the School of Law at the University of Canterbury. Focus groups of students were also held. Students and law teachers were questioned about a number of issues: attendance at lectures and tutorials; preparation by students for lectures and tutorials; what actually happens during lectures and tutorials, and further work undertaken by students outside of lectures. As is detailed above, the literature revealed that the lecture method of teaching, at least as traditionally employed, results in passive learning, a style of learning unsuited to the mastery of the skills of analysis, synthesis, critique and evaluation. The questions asked of students and law teachers were designed to ascertain the extent to which, if at all, the student experience in large class lectures results in active or passive learning.

However, as a contextual question, students were asked why they studied law and there were 236 responses to this question. Of these, nearly 41% (96) responded that they studied law out of interest. The next highest group of nearly 23% (54) mentioned that the degree was broad and prestigious, while nearly 22% (51) described the study of law as stimulating, challenging, rewarding and enjoyable. Nearly 9% (21) specifically stated they wanted to be a lawyer, while the same number thought a law degree was a good higher degree. Seven percent (17) studied the subject because they loved argument, English and other relevant Arts subjects, and 6% (15) wanted to help society or thought the degree was relevant to society. Nearly 6% (14) studied law because it complemented their other degree. The other degrees mentioned were Commerce, Science and Arts. Four percent (10) noted they were interested in higher salary levels and financial security, with the same number noting that the degree was recommended to them. Other responses were not statistically significant but more than one student said they did the degree because it was relevant to their current job, did it on a whim and enjoyed it, did it for a career change, or that law ran in the family. Overall then, it is clear that nearly two thirds of students study law out of interest, and find it stimulating and rewarding. Nearly a quarter saw a law degree as a higher broad-based degree with some prestige. This is obviously seen as desirable in terms of future employment.

Law, then, is perceived by students as intrinsically interesting and stimulating. The challenge for law teachers is to develop and build on those characteristics when teaching students to master the skills of analysis, synthesis, critique and evaluation.

The responses to the survey and focus group questions are analysed below.

Lectures

Attendance

The first question asked in both the student and teacher surveys was how often students attend lectures. Of the 254 student responses, 67% (170) indicated that they went to lectures all of the time and 32% (81) that they attended most of the time. Cross tabulation showed no marked difference in response between students who had taken optional level

300 papers and those who had not. Teachers held a rather more jaundiced view, with 93% (13) selecting the option that students attended only most of the time.

Staff and students were also asked the main reason why students might miss lectures, and were given a range of options to choose from. Two hundred and forty six students answered this question. The most common reason (31%, 76) was that they had too much other academic work to do, followed by family or health reasons (28%, 69). Students were also given the option to specify other reasons and 20% (49) did so. The most common explanation given (20.4%) was timetable clashes, with another frequent comment being that lectures were too early and/or the student had slept in (18.4%). Staff had quite a different response to this question. Seventy seven percent of staff (10) thought that students believed they could pass the course without attending lectures, whereas only 4% of students agreed this was so. Forty six percent of staff (6) appreciated that students might miss lectures because of too much academic work, but only 15% of staff (2) considered that students might miss lectures for family or health reasons. These results indicate that the majority of students claim to miss lectures only for what might be described as valid reasons, suggesting that students see attendance at lectures as important. Whether this translates into high levels of actual attendance could not be determined as part of this survey.

Compulsory courses (current)

The teacher and student surveys asked respondents to rate the lectures in compulsory courses (See Figure 1 below). Students were given a five point range of responses and asked to select the one that best described lectures in the compulsory courses (great as they are; not perfect but good; ok; could be better; and terrible). Two hundred and fifty four students responded to this question and 91% (240) rated lectures in the core courses as "ok" or better. The most common response (63%) was "not perfect but good", with 8% rating lectures great as they are, and 20% rating them "ok". Cross tabulation in this instance showed that advanced students, who had enrolled in optional 300 level law papers, were more likely to rate the compulsory courses at 200 level lower, such as "ok" or "could be better".
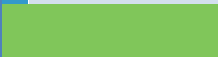
Response	Chart	Percentage	Count
Great as they are		8%	20
Not perfect but good		63%	160
OK		20%	50
Could be better		9%	23
Terrible		0%	1
	Total Responses		254

Figure 1. How would you best describe lectures in LAWS 101 and LAWS 200s? (student survey)

A supplementary question then sought information about what occurs during lectures (see Figure 2 below). Students were given 11 options from which to select (students were able to select more than one option).

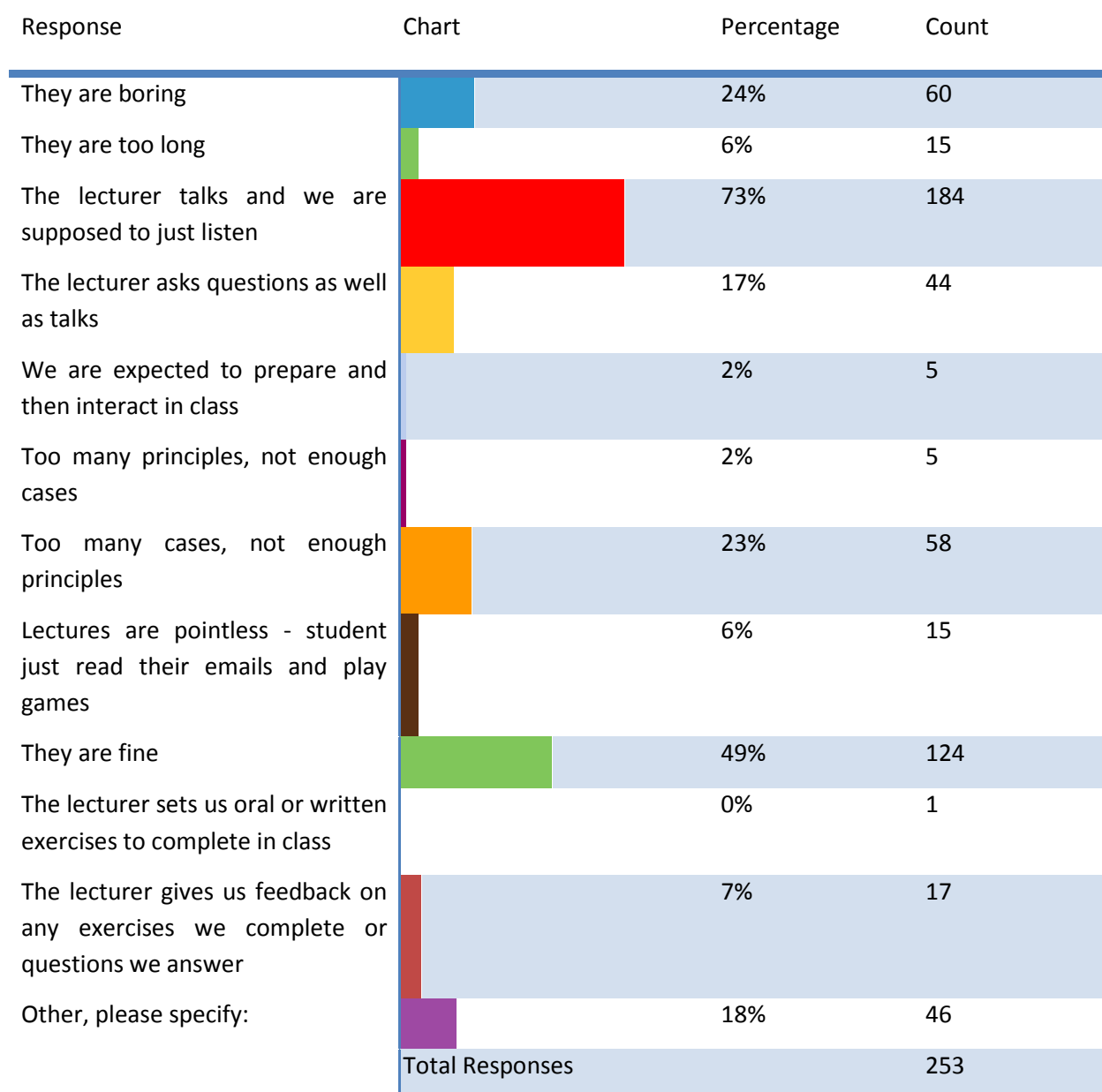| Response	Chart	Percentage	Count
They are boring		24%	60
They are too long		6%	15
The lecturer talks and we are supposed to just listen		73%	184
The lecturer asks questions as well as talks		17%	44
We are expected to prepare and then interact in class		2%	5
Too many principles, not enough cases		2%	5
Too many cases, not enough principles		23%	58
Lectures are pointless - student just read their emails and play games		6%	15
They are fine		49%	124
The lecturer sets us oral or written exercises to complete in class		0%	1
The lecturer gives us feedback on any exercises we complete or questions we answer		7%	17
Other, please specify:		18%	46
Total Responses			253

Figure 2. What are the lectures in compulsory courses like, in general? (student survey)

Two hundred and fifty three students responded to this question. The responses indicate that didactic lectures, where the teacher talks and students listen, occur frequently as 73% of students (184) selected this option. This is in line with responses given by students during focus groups when they were asked about their current experiences in large class teaching. The next most common response from students (49%, 124) was that lectures "are fine", indicating that many students are not unhappy about the didactic model, a response in line

with other studies on this point.[111] This response and the generally positive response to the lecture rating question suggest that many students do not perceive the same barriers to learning in large class teaching relating to loss of interest and alienation that have been identified in some other studies.[112] A further possibility is that students have observed the presence of other recognised attributes of good teaching, such as clarity, enthusiasm and proper organisation. It may be that the presence of these other attributes offsets, at least to some degree, the negative aspects of the didactic lecture. However, even if it is the case that more generic aspects of effective teaching are present, the responses to this question indicate that students are given little opportunity to engage with and/or practise the skills of analysis, synthesis, critique and evaluation during lectures.[113]

Some students selected more negative options. Twenty four percent of students were of the view that lectures "are boring" and 23% thought that there are "too many cases, not enough principles". Students were also given the opportunity to comment on this question and 18% (46) chose to do so. The most common comments focused on variability in quality in teaching (16.6%, 8), that material was covered too quickly (6 responses: 14.3%) and the complaint that there was insufficient emphasis on skills (11.9%, 5).

Law teachers were asked what students consider lectures in compulsory courses to be like in general, and were given the same range of responses as students. Teachers were not given the option to add their own comments. As was the case with students, the most common response from teachers was that the lecturer just talks and students listen (77%, 10). Forty six percent of teachers (6) selected the option that students thought lectures are fine. However, more teachers than students thought students would see lectures in the compulsory courses as boring (31%, 4), or as having too many cases and not enough principles (38%, 5).

A comparison of the student and teacher responses to this question raises some interesting points. The general correlation between student and teacher responses suggests a clear awareness on the part of law teachers of how students perceive lectures, an awareness likely resulting from their own observations, and formal and informal student feedback. The awareness of a general level of acceptance of the predominant method of teaching amongst students is likely to be a reason for continued reliance on the didactic lecture by teachers. We would not expect to see such extensive and continued reliance on the didactic model in

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[111] Research into student perceptions of the use of the lecture method shows that some students prefer the lecture method over alternative teaching methods. Papo, surveying 246 2nd to 4th year students found that the students liked lectures, and did not perceive this to pose significant problems to their learning: W Papo "Large Group Teaching: is it a Problem For Students?" (1999) 33 College Student Journal, 354. See also AUTC, above n 4. Feigenbaum and Friend commented that while first year students prefer interaction and small classes, more experienced students have a strong preference for large class lectures: E Feigenbaum and R Friend, "A comparison of freshman and upper division students' preferences for small and large psychology classes," (1992) Teaching of Psychology 12.

[112] See, for example, AUTC *Notes on the 1st National Workshop, University of Newcastle 2001* <http://www.tedi.uq.edu.au/largeclasses/pdfs/forumrpts_NotesJuly2001.pdf>

[113] Although somewhat depressing, this result is consistent with student engagement in active forms of learning across the New Zealand university sector: see A Radloff (ed) *Student Engagement in New Zealand* (Ako Aotearoa, Wellington, 2011) at 4.

the face of student opposition. However the responses from teachers also suggests that many teachers are aware of the drawbacks of this method of teaching.

Compulsory courses (ideal)

Students were also asked what lectures in compulsory courses should be like and were given a range of options to choose from. Two hundred and forty six students responded to this question. Although answers to the previous questions indicated general satisfaction with lectures, responses to this question did indicate a desire for greater interaction and/or activity in the classroom. The most popular response (45%, 111) was that the lecturer should give feedback on completed exercises or answered questions. This was followed by agreement that students should be expected to prepare and then interact in class (43%, 105); that lectures should be more interesting (38%, 93); that the lecturer should ask questions as well as talk (38%, 93); and that the lecturer should set oral or written questions to complete in class (25%, 61). Students were also given the opportunity to add their own comments and 42 students (17%) elected to do so. The most common grouping of comments related to requests for greater focus on activities other than students listening to explanatory material. Five students (11.9%) suggested greater student interaction was needed; three students (7%) suggested use of the Socratic method of teaching; two students suggested a greater emphasis on practical aspects (nearly 5%); and a further two students requested a greater emphasis on applying the law to the facts (nearly 5%). The next most common category of comments was that lecturers should slow down (14%, 6), with the suggestion that lectures be recorded attracting 4 responses (9%).

The overall student responses to this question suggest, at what might be a very intuitive level, students appreciate that a greater emphasis on active learning techniques will be of benefit to their learning.

When law teachers were asked what they thought students wanted from compulsory courses, as was the case with the responses from students, the most common response (54%, 7) was that students wanted feedback on completed exercises or answered questions. The second most popular student selection was that they should be expected to prepare and interact, but no staff selected this option. Fifty four percent of teachers (7) thought that students wanted lectures to be more interesting, and 46% thought students wanted lecturers to pose questions as well as talk. However, 46% of teachers (6) also thought that students wanted the teacher to talk and students to listen, whereas only 22% of students selected this option. Whilst 38% of students wanted teachers to set oral or written questions to complete in class, only 15% (2) of teachers selected this option.

Again the variation in student and teacher responses to this question is interesting. It suggests a lack of appreciation on the part of teachers of the appetite amongst many students for some variation to the predominant teaching method employed in the School of Law and for a greater emphasis on active learning activities.[114]

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[114] A difference in perceptions of teachers and students is not unusual: see Tim Parkinson, Helen Hughes, Dianne Gardner, Gordon Suddaby, Marg Gilling & Bill MacIntyre *Engaging Learners Effectively in Science, Technology and Engineering* (Ako Aotearoa, Wellington, 2011) 12.

Changes to the teaching method

Law teachers were specifically asked for the drivers of how they organise lectures in compulsory courses. Teachers were given a range of six choices from which to select. Ninety two percent of teachers (11) agreed that a more interactive style would be good, but was difficult to achieve. Fifty eight percent (7) agreed that the lecture model was an efficient way of dealing with large classes, 50% (6) agreed that the lecture model worked best for the material they had to get across in the core courses, whilst 33% (4) would like to move to a more questioning model, if possible. As is noted above, a further possible driver emerging from the student and teacher survey responses is that considerable numbers of students are not unhappy about use of a didactic model and that staff appreciate that this is so. This provides staff with some justification to continue using this teaching method. A reason why students are not unhappy emerges from the student focus groups, where the advantages and disadvantages of the didactic model were explored. Although students recognised that this model was an efficient way of delivering large amounts of information, students also appreciated the structure and content of lectures as useful for exam preparation and revision. They saw the main role of lectures as feeding them knowledge of cases or other sources of law and the relationships between them, and providing an overview of the law in specific topics. This might also be behind the expressed desire of many students for the teacher to give feedback on completed exercises or answered questions, particularly if those exercises are similar to those commonly used in final examinations. However, the student survey responses also show that many are open to the use of other active learning techniques, techniques that the literature asserts will assist with the mastery of the skills of analysis, synthesis, critique and evaluation. Again the teacher responses to this question suggest a lack of awareness of the fact that many students would support a variation to the predominant teaching method employed in the School of Law.

Students in focus groups did raise a concern about a change of teaching method requiring a greater degree of student participation in large classes:

> *"In a small class I prefer that kind of teaching because everyone has an opportunity to contribute. It is easier to make sure that everyone is getting a turn. But in large class sizes…there are always a few people who have something to say, and because they have something to say they always say it, and a next group that sometimes have something to say and say it. Then the next group may have something to say but never say it, because there's always someone else ready to fill the gap."*

> *"I wouldn't mind speaking up in a smaller class, but in one of those big classes…. No."*

> *"I would be nervous about using a microphone."*

Law teachers were also asked which of six options they would choose, should they make a change in their lecturing style in the compulsory courses? A surprising number of teachers (42%, 5) indicated they would like to abolish large class lectures and put the emphasis on small group learning; 25% (3) would give a brief overview of the topic, assuming students had read the material, and then provide some "what if" scenarios to test understanding of the

principles; and 25% (3) would shift from the whole corpus of relevant law to focus on a small number of cutting edge cases that clarify principles. Only one law teacher indicated there was nothing she or he wanted to change.

The teacher responses to this question suggest that many teachers are not resistant to a change in the teaching method, which may relate to a general awareness of drawbacks associated with the didactic lecture. The lack of teacher awareness of the student desire for change is noted above. It is possible, also, that teachers are unaware that many of their colleagues also have a desire to alter their teaching methods to place greater emphasis on more active learning techniques.

Lectures in optional courses

To provide some basis for comparison, students were asked the same range of questions about optional courses (49% or 124 students responding to the survey had taken at least one optional course). Class sizes in the optional courses range from 160 students to 15 students. One hundred and eleven students answered the question "how would you best describe lectures in the optional LAWS 300 courses". Ninety seven percent (107) rated these lectures as "ok" or better. A higher percentage (31%, 34) rated lectures in optional courses "great as they are": 58% (64) rated them "not perfect but good" and 8% (9) rated them as "ok". When students were asked what lectures in optional courses were like in general, students indicated that there was more variety of teaching methods, which may be one reason for the higher overall ranking of optional courses. The most common response (59%, 70) was that the lecturer asked questions as well as talked. However, the next most common response (47%, 56) was that lecturer talked and students were supposed to listen. Twenty six percent of students (31) agreed that they were expected to prepare and then interact in class and 22% (26) agreed that the lecturer gave them feedback on completed exercises or answered questions. Twenty percent of students chose to give their own response and the most common of these was that optional course lectures were more interesting than those in the compulsory courses (20.8%, 5). When law teachers were asked what students considered lectures in optional courses to be like, the most common response (75%, 9) was that the lecturer asked questions as well as talked. The second most popular teacher response (50%, 6) was that students would see an expectation to prepare and then interact in class. Whereas only 17% of teachers (2) thought students would agree that the lecturer talked and students were supposed to listen, 47% of students had selected this response. Interestingly, no teachers selected the option that the lecturer provided oral or written exercises to complete in class, whereas 22% of students selected this option.

The results show a general agreement amongst both students and teachers that a greater range of teaching methods are employed in optional courses. There may be several reasons why this is so. The first may be a reflection of the fact that many optional courses have smaller enrolments. In contrast to the articulated fear of speaking up in a large class setting, students may feel more prepared to participate and interact in classes with smaller enrolments. Teachers may be aware of this and modify their teaching accordingly. Students also report that the optional courses are more interesting, which is unsurprising in itself given that students have chosen to enrol in these courses. However, it may be that at least part of the reported greater interest in these courses is due to the greater proportion of time spent on teaching methods other than the didactic lecture. Most of the optional courses are taught

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by one lecturer, whereas in the large classes, team teaching predominates and it may be more difficult to get agreement about changing teaching methodology.

What students do in lectures

The student survey asked students what they did in lectures (see Figure 3. below). Students were given seven options and then asked to select from a five point range of responses for each option (never, rarely, sometimes, often, and always). The responses to this question indicate again that students listen and take notes, but rarely interact with other students and/or the teacher. The first option was taking notes by hand or laptop. Two hundred and fifty students responded and 94% (233) agreed that they always did this. The next option was listening to the lecture (247 responses). Seventy six percent of students (186) agreed that they always did this, whilst 21% (51) agreed that they did this often. Students were next asked if they recorded the lecture and 64% (146) responded that they never did this, 10% (23) indicated they rarely did this and 13% (30) agreed that they sometimes did this. When it came to reading and/or annotating the handout there was a spread of responses (238 students responded), with 31% of students (72) agreeing they always did this, 33% (77) stating that they often did this, and 22% (51) agreeing that they sometimes did this. Seven percent of students (17%) did this only rarely and 9% (21) never did so. Students were also asked if they asked questions and 229 responded. Fifty four percent of students (124) never did this, 33% (76) did this rarely, 11% (26) did this sometimes. Two hundred and thirty four students responded to the question about whether they surfed the internet with 39% (92) stating they never did this, 29% (67) stating they did this rarely, 46 (20%) sometimes, with 25 (11%) agreeing that they did this often.

	Never	Rarely	Sometimes	Often	Always	Total
Take notes by hand or on a laptop	2 (1%)	1 (0%)	4 (2%)	10 (4%)	233 (94%)	250
Listen to the lecture	1 (0%)	2 (1%)	7 (3%)	51 (21%)	186 (76%)	247
Record the lecture	146 (64%)	23 (10%)	30 (13%)	12 (5%)	19 (8%)	230
Read and/or annotate the handout	21 (9%)	17 (7%)	51 (22%)	77 (33%)	72 (31%)	238
Ask questions	124 (54%)	76 (33%)	26 (11%)	2 (1%)	1 (0%)	229
Surf the internet	92 (39%)	67 (29%)	46 (20%)	25 (11%)	4 (2%)	234
Think about other things	19 (8%)	51 (22%)	120 (51%)	49 (21%)	7 (3%)	246

Figure 3. What do you do during lectures? (student survey)

Work in the focus groups support the results of the survey. Students noted they tended to be passive and focused on taking notes while the lecturer was speaking. They were disengaged from the learning process:

"…I'll try and convert what the lecturer is saying. I'm not writing it down verbatim, but putting it in my own words. But when I went through what I'd written, I had no idea I had even written half this stuff."

"We [the student plus friends] all type our notes. We all go there and we all type."

"Some Facebook, online shopping, typing gibberish and then pick up last part of the lecture."

What students do before and after lectures

The student survey asked students how much time they spent working on lecture topics before each lecture, on average, and gave a five point range of responses from which to select (ranging from "none" to "more than three hours per lecture"). Two hundred and thirty students responded. The most common answer (50%, 118) given by students was that they did no work before attending a lecture. Thirty nine percent of students (91) spent less than one hour per lecture and 9% (20) spent one hour per lecture on preparatory work. Cross tabulation showed almost no difference in response between students enrolled in 300 level optional courses and those who had not yet reached this level. So, although most students indicated that they attend lectures most or all of the time, most do little or no preparation for lectures in the compulsory and the optional courses. A significant majority of law teachers (83% 10) thought that students spent no time preparing for each lecture. However, if a didactic model is used in lectures, as the survey and focus group results demonstrate, it is not surprising that students do not prepare. If all they are generally expected to do is listen and take notes, there is, in effect, nothing for them to prepare for. It emerged from the focus groups that students are well aware of this point. None of the students participating in the focus groups undertook any preparation for lectures. When asked to explain why this was so, they mainly stated that there was no requirement to do so, while some noted that in certain courses no information about the topic being covered was available prior to the lecture, so that preparation was impossible. It was generally thought by the students that lecturers did not require or encourage prior preparation for lectures.

Students were then asked how much time, on average, they spent working on lecture topics after each lecture. Students were given a five point range of responses from which to select (ranging from "less than an hour" to "more than three hours" per lecture). Two hundred and forty eight students responded. The responses showed that students do not spend a great deal of time engaging with material covered in lectures immediately after the event. The most common choice (34%, 84) was one hour per lecture, with less than one hour per lecture being the second most popular choice (27%, 68), and two hours per lecture (23%, 55) coming in third. Cross tabulation showed that students who had taken 300 level optional courses were more likely to spend less time working after the lecture. Law teachers' responses to the question "how much time do you think students spend working on lecture topics after lecture, on average?" were consistent with student responses. A majority of teachers (50%, 6) selected the option of one hour per lecture. Again, given what actually occurs in lectures, this is hardly surprising. As noted above, the teacher is, in effect, doing the work for the students in terms of locating, synthesising, critiquing and evaluating relevant

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legal rules. There is in effect no real need for students to engage with this material unless and until the final examination date is looming.

These responses are in line with reports in the literature that didactic lectures result in passive learning. A further result of passive learning emerged in the focus groups: didactic lectures tend not to be memorable. Most participants were able to recount an experience of completely forgetting material shortly after hearing it, despite being active note-takers in class:

> *"The brain isn't engaged, Torts at 2, by 3.30 nothing -- I don't remember any of the lecture."*

In general, students agreed that there was too much material presented in any given lecture to be memorable to students. One student commented that students could be presented with 25 new cases in torts, 15 in contract and a dozen in criminal law, all in one day.

A related issue discussed by most of the focus groups was the dissonance between the constant message received by students that they should "read cases", yet the lack of feedback from such a process. Only one or two students read any cases at all. They all heard messages about the need to read, but were often unable to put this into practice. Students recounted stories of deciding to read an interesting case, and then opening it up and finding it was 600 pages long, far too long for them to manage. On the other hand, when they did read cases, there was nowhere for them to discuss what they had found.

Case Method and Socratic Dialogue: Focus Group Results

Although few University of Canterbury law students were likely to have experienced this model of teaching, their reactions to it were explored in focus groups. Students were shown a slideshow which incorporated video clips of four variations on the case method and Socratic dialogue. The first video clip shown was a short introduction to this teaching method at the University of Georgia. It emphasised that the method was a questioning method, and moved the focus from the "black ink" of the law to "an exploration by professor and students of what the law is and should be". Points included in the summary were:

- asking what might happen if the case had come out differently, if the facts of the case changed;
- exploring how to think like a lawyer; and
- gaining a richer understanding of what the law is and what it can be.
-

Some students clearly appreciated that this model of teaching promotes active learning.

> *"It was a much more active, questioning role"*

> *"Allows you to make your own judgements about things. Like when the lecturer is lecturing there's not a whole of lot questioning going on – you kind of accept it as gospel. But if you have to contribute you are thinking through your own view and it's arguable – everything is arguable. Law is arguable too, so it is good to get your own gauge."*

The students in each group were asked whether they would prepare for lectures if a questioning approach were adopted. There was a strong response from students stating they would prepare for lectures if a questioning approach was used.

> *"Like it? I find it a bit intimidating because I tend to be a bit slack on pre-lecture reading, but I think it would improve if I had to prepare…"*

> *"Yes, and that's part of it. At the moment we don't have to prepare because they are not going to ask us anything. No requirement to prepare."*

Students were also quite interested in the idea of working through key cases in class:

> *"Would be good to read a case in class. BUT we do so many cases."*

> *"I noticed a lot of them were looking through their books…"*

However some students were worried about the workload that might be entailed in preparing for several Socratic lectures each day.

A key part of the focus groups was to get the students to imagine what it would be like if the various methods were applied to the compulsory large classes. In terms of the case method and Socratic Dialogue, some participants did see it would be possible to apply the method in the classroom:

> *"I can see Socratic working and I would be quite into it, because if I am thinking about a question and someone asks a question – it is quite rare- there are probably 100 other people thinking the same thing. How does it actually work, does it apply to the situation."*

Nevertheless, students thought a number of issues would need to be resolved. It was interesting that while nearly all focus group members were enthusiastic about the approach, they did not necessarily think that other students would be similarly positive:

> *"Effect of Socratic will be hard on the class. Would be far more enjoyable for me personally."*

The reasons for the enthusiasm in the large class setting were many. The first was a dislike of sitting for 50 minutes and hearing a person speak, without any opportunity to engage or interact with the material. The second reason was that the method builds knowledge in ways that can easily be applied by the participants. The model of engagement was considered important. Finally, the role of questioning would change dramatically under this model:

> *"In the didactic large class, people see people asking questions as a diversion from the real task of getting knowledge, but in Socratic this is turned on its head, and requires people to talk, and others listen and respect and agree or disagree."*

All of the students were sure that material learned in this way would be far more memorable and useful than the didactic lecture.

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Despite the general enthusiasm, students raised a number of concerns about the applicability of the case method and Socratic dialogue to large class teaching in the compulsory courses, concerns, as noted above, that are reflected in the literature on this teaching method. The concerns spanned two main features: the amount of material to be processed, and the size of the classes.

In relation to class size, students thought a Socratic dialogue would be almost impossible to implement in the "packed and stacked" lecture theatres of the compulsory courses. The major concern raised was that it would be difficult to ensure that everyone got a turn to speak, and also that the same voices might be heard all the time. As well, the students were not at all sure that they wanted to interact with microphones, but there was no other way to ensure that everyone heard the question and answer processes that would become the heart of the lecture.

All groups attempted to find solutions to this problem. The most ambitious was a proposal that all lectures be placed online (in whatever format) to be viewed before smaller workshop-type sessions, which would then engage in a Socratic way with the material. Students might attend one such session a week, with the class being divided into thirds for this purpose and the lecturer running three Socratic sessions, which may deal with specific aspects (e.g. key cases) of the current topic. In this model, tutorials may or may not be required.

Others thought that the classes could be carved up into four topics, and four groups, which would each proceed through the topics in a different order. This would mean that each lecturer would have to teach their section four times in the year, but the load could be eased by the use of online options. The smaller classes would allow for the adoption of Socratic approaches.

A variety of other options were suggested, including reducing down to one lecture per week instead of three, backing up material online and running two half size workshops in the other sessions, dealing with key aspects in a questioning way (involving preparation).

In the discussions, it became clear that many things would need to change in order for a more questioning approach to be participative. Students were divided on whether such change was worth it. Some were happy for the large classes to remain as they were, in return for a much more questioning approach in the 300 level courses. Others were excited by the idea of change in the large classes.

Lectures and tutorials after the 2011 earthquakes

As a result of a decrease in the availability of teaching space at the University of Canterbury after the February 2011 earthquake, different approaches to teaching became necessary. While the 200 level compulsory courses, and some of the 300 level optional courses, were still taught face-to-face, a number of the 300 level optional courses were taught using a combination of online and face-to-face teaching. Most commonly, teachers recorded lectures and made them available online, with recorded material being supplemented by face-to-face workshop sessions. Special permission was obtained from the Council of Legal Education to do this. It thus provided an unexpected opportunity to seek student views on this alternative method of delivery in order to determine if flexible learning options might be an effective alternative to large class teaching.

Students were asked to rate the quality of lectures attended in 2011 (as a result of the earthquakes) compared with lectures in other years. Sixty two percent of respondents (155) indicated that lectures were about the same, with 18% (45) rating lectures as either better or much better, and 20% (50) rating them as either worse or much worse. Teachers asked the same question all thought that students would consider the quality of lectures post-earthquake to be about the same (100%, 12). The survey and focus group results are in line with other responses given by staff and students about what occurs during large face to face lectures. If, as both teachers and students report, most large class lectures are passive experiences, it ought to make little difference whether a student listens to a teacher speak in a lecture theatre or online.

Student experiences with online lectures during this period were further explored in the focus groups. In contrast to the survey results, most students who had experienced this teaching model indicated that they tolerated rather than liked the online lectures they were offered in the first semester of 2011. They preferred the face to face approach. However when groups explored the potential of online work in terms of high quality linkages (e.g. hyperlinks to core cases, questions to answer and well organised readings) they did believe the approach had a role in facilitating learning. In short, students were not opposed to online learning as an adjunct method, but most did not want a wholesale move to online learning, a finding consistent with a New Zealand study on engaging learners in science, technology and engineering.[115] Interestingly, and in line with the survey results indicating a desire for more active learning activities in lectures, students in the focus groups viewed online work as a potential tool leading to greater engagement by them with relevant course materials.

Tutorials at the University of Canterbury

All of the compulsory courses for advancing students have timetabled tutorials, with students being allocated to a group of 15 students and the group meeting with a tutor eight times over the course of the academic year. Attendance at tutorials, as is the case with lectures, is optional.[116] In contrast to lectures which are generally taught by full time academic staff, many tutorials are taken by part-time contract staff, many of whom are practising lawyers. There is no formal tutorial programme for the optional courses, but many courses do offer workshops to supplement lectures. The workshops are generally taken by academic staff. In both workshops and tutorials students a legal problem is made available to students before class and students are expected to come to class with answer to the problem. This task requires students to engage with and demonstrate the skills of analysis, synthesis, critique and evaluation.

Attendance

As was the case with lectures, most students responding to the student survey indicated that they always attend tutorials in courses that offer them. Out of 249 responses, 61% (151) of students selected this response, while 32% (79) indicated that they usually attend tutorials.

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[115] Tim Parkinson, Helen Hughes, Dianne Gardner, Gordon Suddaby, Marg Gilling,,Bill MacIntyre *Engaging Learners Effectively in Science, Technology and Engineering* (Ako Aotearoa, Wellington, 2011) 7.

[116] Tutorials in the core courses are described as compulsory in course materials, but there is no mechanism to enforce this. Although students could be prevented from sitting final exams if they do not attend, this penalty is not generally imposed as there is no requirement for keeping "Terms". Attendance at tutorials can be relevant, however, to an aegrotat application.

When students were asked for the reasons they did not attend tutorials, the responses were very similar to those given for non-attendance at lectures. Two hundred and thirty seven responses were given, with too much academic work (32%, 75) and family or health reasons (26%, 61) being the most commonly selected responses. Students were also able to specify other reasons and 18% (42) chose to do so: the most common reason given by students, again as was the case with lectures, was timetable clashes. The next most common comment was that students would not attend if they had not had time to prepare.

Teachers' responses were evenly split at 46% (6) between the options of "usually attend" and "sometimes" attend. There were also differences between staff perceptions of the main reasons why students did not attend tutorials. Sixty nine percent of teachers (9) believed students thought they could pass the course without attending tutorials, but only 5% of students selected this option. Sixty nine percent of teachers also attributed non-attendance to the fact that tutorials are not compulsory. Other options attracting high responses from teachers were too much academic work (54%, 7) and too much external work (46%, 6).

Purpose of Tutorials

An overwhelming percentage of students (82%, 204 out of a total of 250) agreed that tutorials helped in passing problem based examinations in the core courses. Similarly 85% of teachers (11) were of the view that students believed that tutorials helped them pass problem-based examinations.[117] Students in focus groups confirmed the use of tutorials as preparation for examinations, but indicated that tutorials were also valued for two other reasons: the opportunity to ask questions about areas they do not understand, and to revise difficult issues; and the opportunity to discuss legal problems and issues, and practice methods. Again these results suggest an intuitive understanding on the part of students that active learning techniques assist their learning of mastery of the skills they need to succeed in their studies.

Preparation for Tutorials

Students were then asked if they prepared for tutorials. A clear contrast to responses to the same question with respect to lectures emerged. Two hundred and fifty students responded to this question, with 51% (127) agreeing that they usually prepared, 27% (68) agreeing that they always prepared, and 17% (42) agreeing that they sometimes prepared. Students were given the option to explain in their own words why they generally did or did not prepare for tutorials. Two hundred and thirty four students responded. Of those who indicated that they did prepare, most did so for education benefits. A significant percentage, 31% (72) gave bettering their understanding of the law as their reason for doing so. Nearly 13% (30) respondents felt preparation was necessary in order to participate properly in the tutorial. Nearly nine percent (22) did so because they wanted feedback on how they were doing. Interestingly, only six percent (15) saw the tutorial as a vehicle for the skill of learning how to apply to the law to factual situations. A number of students gave reasons relating to the social situation of the tutorial. Nearly four percent (9) prepared in order to avoid being

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[117] This appears somewhat inconsistent with the result that 69% of teachers believed students thought they could pass the course without attending tutorials. However, students might still hope to pass without attending even though acknowledging attendance would provide assistance ie: they choose not to rely on the tutorial, but rather on natural ability and their own work.

embarrassed. Only two percent prepared because of the tutor's expectation. Less than two percent prepared simply because they were conscientious. What this suggests is that positive incentives outweigh the negatives as a reason for preparation. Just short of 13% of students expressly conceded that they prepared for some but not all tutorials. Significantly fewer students did not prepare at all. The main reasons given for lack of preparation related to a lack of time. Twenty percent (47) gave academic commitments, including assignments and preparation for exams as their reason. Just over eight percent (19) indicated that it was poor time management on their part. Just short of seven percent (16) gave non-university commitments as a reason. The bulk of other reasons related to perceptions about the utility of tutorials.

Surprisingly, in the focus groups, many believed that students often do not prepare for tutorials, which could make active conversation difficult. They recalled embarrassing silences where no-one is prepared to express a view. This difference between what students say they are doing and what they think others are doing may be explained in two ways. Either students overstated their preparation in the survey, or the embarrassing silences referred to in the focus groups arose from lack of confidence from participants who had nonetheless prepared. The latter view did receive support in other parts of the survey.

Content of Tutorials

When students were asked what happened in the tutorials that they attended (and 245 responded), it became plain that there is greater student interaction than occurs in lectures, as indeed might be expected. Although 50% (122) of respondents agreed that the tutor delivered a mini-lecture, 82% (202) also agreed that the tutorial facilitated a discussion amongst the group. However 78% of respondents (94) agreed that only some students participated and 38% (94) agreed that the tutor gave students feedback on their performance. In the focus groups, students discussed the tendency of tutorials to become mini-lectures, where the tutor does all of the talking. The students did not like this, but recognise it is often driven by the characteristics of students, who may be reluctant to participate, as noted above.

Changes to Tutorials

Given the significance of tutorials in teaching the practical skills of analysis, synthesis, critique and evaluation, students were asked if attendance at tutorials should be compulsory. Responses (245 students) were split, with 47% (116) agreeing and 53% (129) disagreeing. Students were also asked to give brief reasons for their responses. One hundred and seven students gave reasons supporting their answer that attendance be compulsory. The most common response (25%, 27) was that tutorials were valuable preparation for answering exam questions, with 21% noting that tutorials were useful or helpful. Ten percent of students (11) thought that tutorials assisted in learning how to apply material covered in lectures, with a further ten percent stating that tutorials were a more helpful learning method. Nine percent of respondents (10) stated that this would provide students with an incentive to attend and a further 9 percent noted that tutorials provide a means of interacting with other students. One hundred and twenty students gave reasons why attendance at tutorials should not be compulsory, with 50% (60) stating that attendance should be a matter of personal choice. Eighteen percent of students (22) felt that forcing reluctant students to attend would have a detrimental effect on the tutorial group and a 17.5% (20) expressed the view that not all students need tutorials to learn.

Again in contrast to the student responses, a clear majority of teachers (85%, 11) took the view that attendance at tutorials should be compulsory. A further majority accepted that if attendance was compulsory, it should count as a mark towards the final grade (62%, 8).

Students were asked if there should be additional tutorials in the compulsory courses and of 243 responses, 54% (132) replied in the negative. Forty six percent (111) answered 'yes', with 98 of these giving a variety of reasons. The reasons given reflected a desire to keep up with understanding of lecture material and to prepare for exams. Of these positive responses, 13% (13) wanted additional tutorials for exam preparation, and the same number thought that extra tutorials could only help. The greatest number (17 or 17%) wanted weekly tutorials. Twelve percent (12) saw more tutorials as providing valuable feedback, while 10% (10) simply saw tutorials as more important than lectures. Eight percent (8) wanted extra so all topics could be covered, while 7% (7) thought that currently tutorials were too sporadic. Five percent (5) thought that extra tutorials should be optional. Three percent (3) found the optional Maori tutorials more helpful than ordinary tutorials. Other responses were statistically insignificant. Teachers were almost evenly split on the question of whether there should be additional tutorials in the core courses (54% (7) agreed and 46% (6) disagreed).

Tutorials after the 2011 Earthquakes

In 2011, as a result of limited teaching space being available in the aftermath of the Canterbury earthquakes, tutorials in the compulsory courses were converted to "workshop" formats for one round of tutorials. This involved the teachers in the course running tutorials as best they could for as many students as possible. In Contract Law, for example, the class was split into two, and a tutorial problem was presented and analysed twice by the teacher. The class size was therefore 100 in each case and the style was more akin to a mini lecture than a tutorial. Teachers attempted to compensate for this by encouraging limited group activity within the workshop. In Contract Law, for example, participants were asked to split into groups of six where they were sitting in the class to discuss an element of the problem. After time for discussion, the teacher then solicited responses from the groups. Although the workshops were taught to large groups, two elements identified by students as desirable for tutorials were incorporated – the classes were taught by the teacher who had also taught the topic, and specific small group activities were encouraged. In the survey, students were asked to select from a five point scale to best describe post-quake tutorials or tutorial replacements (the given selections were: much better, better, about the same, worse, or much worse). Two hundred and thirty three students responded. The most common response, 36% (85), was that the replacements were worse, with 25% (58) of students indicating that they were much worse. Twenty seven percent of students (64) thought the post-quake replacements were much the same. These results suggest a general dissatisfaction with the replacement of their usual opportunity to engage with legal problems in a small groups with additional large class teaching sessions. There was also a difference in staff perceptions of how students perceived the quality of the 2011 workshops. Although 42% of staff (5) agreed they were worse, no staff thought they were much worse. Thirty three percent of staff (4) rated them about the same and 25% of staff (3) rated them better (in contrast to only 9% of students). Teachers, it seems, do not fully appreciate the significance to students of the opportunity to engage with legal problems in small group sessions where active learning techniques are commonly employed.

There was no call in the focus groups to replace tutorials with workshop-type sessions.

Post-quake stress may have impacted on how students saw this method of teaching tutorials. However, another perspective of the experience might be possible, in that the post-quake workshops could be seen not as tutorials at all but as a practical attempt to soften the didactic effect of teaching large classes. It is interesting to contemplate how students would have rated them as lectures, rather than tutorials.

Summary

The aim of this project was to consider effective methods of teaching the skills of analysis, synthesis, critique and evaluation in large classes to law students.

The study began by reviewing the literature on three teaching methods commonly employed in law schools in New Zealand and elsewhere: the lecture and tutorial method, the case method and Socratic dialogue and the problem method. The literature on large group teaching shows that while small group teaching might be the most effective method of teaching in terms of benefit to the student, large group teaching is the most effective in terms of available resources. It also demonstrates that large group teaching is not ineffective per se, but that the level of effectiveness depends on the strategies employed by teachers.

The lecture method, at its most basic level, allows for the imparting of doctrinal material, which is necessary to a student's understanding of the law, and is required for professional accreditation. The issue with this method is that it can be seen to promote passive learning, and not active or deep learning. Additionally, it fails to emphasise the importance of practical skills. Academics suggest, however, that active learning and practical skills components can be introduced, and the use of technology and breaks in the lecture can keep the students' attention.

The case method and Socratic dialogue involves active learning in both preparation and in the class itself. Students have the benefit of thinking more deeply about material. The issues with this method are that teachers using it on a consistent basis are not always able to cover the same amount of material as in the lecture method, and it does not allow for important skills like statutory interpretation to be taught. The Socratic dialogue is also viewed by many students as intimidating, and female and minority students do not always respond well to it.

The problem method has some of the same advantages and disadvantages as the case method and Socratic dialogue. While it develops practical skills and promotes active learning, it limits the amount of material able to be covered in a course. In addition, it is very resource intensive in terms of preparation for each topic.

In considering each method, commentators have identified the potential faults and suggested ways of addressing these to increase the effectiveness of teaching using that method. These suggestions generally incorporate strategies from one or both of the other two methods. This suggests overall that there is no clear "good practice" method of teaching large groups of students the skills of analysis, synthesis, critique and evaluation, but that 'good practice' results from considering aspects of all three methods, and incorporating into teaching the best aspects of each.

Survey and focus groups confirmed that the predominant teaching method used in large class teaching sessions at the School of Law at the University of Canterbury is the didactic lecture. The results of the surveys suggested that while students were not overly dissatisfied with the lecture method (with 90% of respondents rating it as acceptable or better, and 63% of these considering it not perfect but good), they did feel that the current format could be improved on. Student feedback from the survey suggests that students regard two matters as important: first, gaining the knowledge they need to succeed in exams, and second,

learning through some interaction. This second point was clear through students describing lectures as "boring" (24%) and stating that lecture periods should contain feedback in class (45%), interaction (43%) and lecturers asking questions (38%).

While students accept that teachers do use forms of interaction with students, particularly in the 300 level optional courses, they would like to see increased interaction. As noted above, it appears that students have an intuitive appreciation of the importance of active learning techniques. This is also borne out by the importance students attach to the small group teaching that occurs in tutorials and where student engagement and participation is much higher than in lectures. It is also notable that many teachers are aware of the drawbacks of the didactic lecture with 31% stating that students think lectures are boring, that 54% think students want more interesting lectures, 54% also think that students want feedback and 46% thinking students want lecturers asking questions. Many teachers were also prepared, if given a choice, to shift to quite different teaching methods, such as an emphasis on small group teaching (42%) and providing "what if" scenarios to test understanding on the assumption that students had completed set readings (25%).

The surveys suggested reasons why, if both students and teachers would like more interaction, many classes have little interaction. Ninety-two percent of teachers thought a more interactive style would be difficult to achieve. There may be a link between this and the fact that 83% of staff think students do no preparation before lectures. This appears reasonably accurate, with 50% of students admitting to doing no preparation for lectures, and 39% admitting to less than one hour. However the overwhelming reason for the lack of preparation appears to be that it is not required by teachers because of the didactic format of classes. The students in the focus groups did not perceive any present requirement to prepare for classes. Yet the survey results indicate that many students (43%) are of the view that they should be expected to prepare and interact in the large compulsory classes, although students in the focus groups were not in favour of any required interaction taking the form of of speaking in front of the whole class. A clear majority of students indicated a desire to complete exercises, in or out of class time, and then receive feedback on their performance (68%). Subject to the concern about speaking before the whole class, students in the focus groups commented that the case method and Socratic dialogue seemed interactive and interesting, although it required preparation beforehand. Until now, the general student view in favour of greater active learning activities during lectures appears not to have been communicated to teachers.

Teachers, apparently unaware of the desire of many students for some variation in teaching method, persist with the didactic model, despite many being aware of its drawbacks. This is hardly surprising. There is no general opposition to the method from students; rather, as the survey results demonstrate, the reverse is true. Teachers, perhaps being unaware that many colleagues would also like to adopt variations to their teaching methods, may not wish to be the one to "rock the boat" and begin to implement change. Given the present lack of preparation of students for classes, teachers, if they see this as a necessary precursor for change, may perceive changing student behaviour may be too difficult for them to effect alone.[118] A further reason, as noted earlier, is that, despite its drawbacks, the didactic lecture

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[118] Such a feeling is borne out by the literature: see Tim Parkinson, Helen Hughes, Dianne Gardner, Gordon Suddaby, Marg Gilling, Bill MacIntyre *Engaging Learners Effectively in Science, Technology and Engineering*

model is an efficient method of conveying large amounts of information to students, a factor to be taken into account when teaching to the broad prescriptions set by the Council of Legal Education for the compulsory courses.

Given that lectures take up 90% (72 hours) of face to face teaching time in the large compulsory law courses, if the teaching of the skills of analysis, synthesis, critiquing and evaluation is to be improved, a greater emphasis must be placed on activities where students have the opportunity to engage with and practise these skills during large class teaching sessions. The literature is clear that the traditional didactic lecture results in passive, rather than active, learning. The student responses in the survey and focus groups confirm students learn passively, rather than actively, in many instances in large classes conducted in the School of Law. Teachers are also aware of this fact.

The literature also reveals that an emphasis on active learning need not embrace a whole new method of teaching, such as a change to the case method and Socratic dialogue. Indeed, given the documented shortcomings of this method, we would counsel against this. Rather, the literature suggests that teachers should have a greater awareness of when it is appropriate to use a didactic lecture. Teachers should supplement use of this model by a range of other active learning techniques in large classes. Techniques adopted should take into account the concern expressed by students in the focus groups about having to speak before the whole class. Student views on their learning generally should be sought and trusted: in this study there was a clear correlation between the views expressed by students and the findings emerging from legal education literature. It is clear that students and teaching staff can together come up with innovative ways of improving teaching.

In the final section below, we set out how the insights we gained from this project are being implemented or will be implemented in the future.

Implementation

Implementation of the results of this study is taking place at three levels.

Individual

The first is on an individual level. The teaching staff involved in this study have made changes to their teaching of large classes. Changes adopted include the following :

- An awareness of the amount of time that students spend in class listening and practising skills.

- Increasing the amount of time that students spend in class on skills.

- Including a range of active learning activities in all classes, such as:
  - o small group discussions.
  - o role plays.
  - o individual problem solving exercises.

(Ako Aotearoa, Wellington, 2011) 13, "The teaching effectiveness of individual lecturers and teachers is constrained by the institutional environment in which they work. For example, it is of limited value if an individual teacher attempts to promote integrative or critical thinking where the structure of units of study enshrines discipline based or replicative learning."

- Using technology to provide students with more opportunities to engage with the skills in a directed way outside of class time.

- One member of the group is also carrying out a separate project investigating student satisfaction levels in a course which combined the exclusive use of online lectures with face to face tutorials.

School of Law

The second level of implementation is at the School of Law level. The findings of this report will be presented at a staff seminar. The report will also be tabled at a School of Law Teaching and Learning Committee meeting. The Teaching and Learning Committee supports staff seminars on improving teaching practice and the project team plans to run seminars on the active learning techniques advocated by the literature for the teaching of the skills of analysis, synthesis, critiquing and evaluation. Given the expressed desire of many teaching staff for change, it is hoped that the sharing of the findings of this project will encourage other staff to also to place a greater emphasis on active learning techniques when teaching large classes.

National and international

The third level of implementation is at a national and international level. The project group has developed an adaptive good practice template for use in law schools which is set out below. To disseminate the template, copies of this report will be sent to the Deans of the other New Zealand law schools and the New Zealand Council of Legal Education, together with an offer by the project team to conduct a seminar of the project findings. The project team also intends to make a paper presentation of project findings at the Australasian Law Teachers Association Annual Conference to be held in July at the University of Sydney. The group also plans to submit the project findings for publication in a New Zealand law journal.

An adaptive good practice template for law schools

Given the group's experience, if other law schools also have a desire to improve student outcomes in large classes at an institutional or school level, it recommends that implementation of the following guidelines be led by a large class teaching committee or group within a law school.

Guidelines

- Carry out a review of the current method of teaching large classes in compulsory law courses which incorporates seeking the views and experience of both students and teachers;
- Seek a departmental response to such a review;
- Encourage and provide incentives for innovation in large class teaching;
- Encourage increased use of interactive teaching methodology in large classes, (examples of which might include small group and class discussions, written exercises, peer teaching and marking, questioning techniques (Socratic dialogue), role plays, problem exercises);
- Challenge teachers to consider altering the use of the didactic lecture and tutorial model, and to seek alternatives or an alternative emphasis;
- Provide support for, or identify resources for, teachers wishing to trial innovative teaching practices;
- Share alternative teaching methods within the law school by running regular seminars and discussion groups;
- Share alternative teaching methodology with other law schools by inviting and offering speakers;
- Promote conference attendance relevant to alternative methods of large class teaching;
- Interact with student representatives to continue to encourage student feedback;
- Challenge students to prepare for class and participate in discussions, enabling them to see the benefits of more interactive teaching; and
- Promote a non-intimidating environment, so students can feel comfortable giving opinions, and ensure that student participation is not dominated by a small number of students.

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