

Two paths diverged in a wood....

The incorporation of active learning techniques in legal education and the role of the lecturer.

ABSTRACT

The role of the lecturer in the current higher education environment is a transitory thing with many lecturers adopting a more learner focused approach in the classroom as modern learners demand more from their lecturers than being read or dictated an endless ream of notes. (Blumberg 2004).

In addition Barlow (2012) believes that it is no longer sufficient for lecturers to merely convey information with a traditional chalk and talk approach.

However, one of the questions or possibly more so dilemmas which arise for lecturers and particularly law lectures involves the incorporation of activities in what is traditionally the domain of lectures and further whether their lecture could ultimately become more of a workshop or tutorial than a traditional law lecture.

By using active learning techniques reliance on the lecturer as the conveyer of all knowledge is reduced and the classroom environment is transformed from a passive to an active learning environment with questions being answered and discussed at a practical level. Activities such as role plays, jigsaws, crosswords, group research are incorporated and learners play an active part in directing their own learning. But albeit that there are a wide variety of ways in which lecturers can incorporate a more active learning approach, would this approach be suited to legal education?

The purpose of this paper is threefold and chronicles the author's research in the area of active learning. Firstly the author reviewed the benefits of incorporating active learning techniques with reference to the Learner Attention Clock and Learning Pyramid. Secondly, the author considered the incorporation of breaks and the use of activities in lectures. Finally the author considered the formal lecture versus tutorial dilemma and the role of the law lecturer in the introduction of active learning.

Keywords

Active learning techniques; Law lecturer; Tutorials; Workshops; Activities; Restrictions; Formal lecture; Classroom, Passive Learning, Active Learning.

INTRODUCTION AND MOTIVATION

The author's personal interest in this area is as a lecturer who teaches part-time legal education learners and her realisation that traditional style lecturing may not be the approach to adopt when engaging with legal education learners, faced with a lecture on a detailed and information dense subject matter. It became apparent from the lecturers 'bird's eye' view from the top of the class that learners found it difficult to remain alert and engaged. Even more worryingly upon asking questions of the learners the lecturer found that the correct answers to questions relating to material covered shortly beforehand were not forthcoming from some learners. In addition the use of a traditional lecture was not providing learners with the practical application which was necessary for them to become proficient in the profession they had chosen to enter.

Therefore the dilemma facing the author was whether to continue with the more traditional lecturing style which is more commonly used in the legal education or adopt a more active learning approach.

Having commenced the study of law almost two decades ago and the teaching of law three years ago the author wished to further investigate the proposition put forward by Oxford Brookes University that 'Everyone was taught law by lectures, and everyone teaches law by lecturing'. Albeit that law is traditionally and in the most part taught by way of lecture the author wished to discover whether the exception can at times prove more beneficial than the norm.

Dr. Claire Chambers (2009) sought to explore the experiences, successes and failures, of second year law students when their method of teaching changed from being taught by traditional lectures and seminars to having block teaching as a method of disseminating information. Dr. Chambers aim was to propose another method of teaching law that could be embraced.

In this paper the author chronicles the research undertaken in seeking to discover and subsequent incorporate other methods of teaching law into her lectures. In deciding whether to incorporate activities the author looked at the advantages, disadvantages and problems which may arise under three headings. Firstly, 'The Future is Active Learning', which considers the benefits of incorporating active learning techniques with reference to the Learner Attention Clock and Learning Pyramid. Secondly, the 'Mechanisms for Improving Attention', where the author considers the incorporation of breaks and the use of activities in lectures. And finally 'The Lecturers Perspective and Quandary' in which the author explores the formal lecture versus tutorial dilemma and the role of the law lecturer in the introduction of active learning.

When considering the incorporation of activities research was carried out on both the Learner Attention Clock and the Learning Pyramid. The Learner Attention Clock considers the learners attention span while

the Learning Pyramid shows the correlation between a variety of activities and the learners' retention of information. Weimer (2011) believes that the use of active learning as a tool to assist learners is growing in popularity, with the purpose of introducing active learning being twofold, to enhance the learner's experience and to cultivate better learner retention levels by keeping learners focused and engaged.

In further considering the Learning Pyramid the author researched the benefit of incorporating breaks and using active learning. Each activity introduced must not only ensure that they promote learner engagement and increase learner retention but due to the nature of the course on which the learners were enrolled the activities should also relate to a practical application of knowledge.

Having reviewed learner attention, learner retention, the use of breaks and the variety of activities available the author then considered the role of the lecturer in introducing activities, the 'pros and cons' of activity based learning and the concerns which lecturers including the author have with regard the lecture becoming a tutorial or workshop.

THE FUTURE IS ACTIVE LEARNING

The Learner Attention Clock

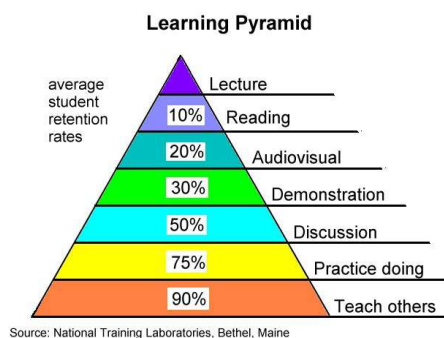
The learner attention clock, a phrase coined by Burns (1985), identifies a lapse of attention fifteen to twenty minutes into a lecture, though this can vary widely from learner to learner. However, the length and quality of the learner's attention also depends on a variety of other factors. These factors include but are not exclusive to the time of day when the learners attend class, the motivation of learners, the emotional well being of learners, and the level of enjoyment which learners have in the topic being taught.

In order to counteract the effects of the Learner Attention Clock it is necessary for lecturers to use a variety of learning aids to increase learner attention during class, this can include activities ranging from demonstrations or visual aids to requiring learner participation. The reasoning behind the use of activities being that by increasing learner attention this will in turn benefit learner retention and result in higher retention levels amongst learners. This theory is supported by Johnstone and Percival (1976) who found that lecturers who adopted a varied approach and interspersed their lectures with some form of deliberate break usually commanded a better attention span from the class. This approach was further supported by Biggs (1996) who described interactive windows in lectures as a means of engaging the learner in the sense that they are seeking to develop knowledge, applying that knowledge to different contexts and relating the information presented to their own experiences so in effect they are "deep learning". Bennett (2010) makes

reference to his success in “lecturing in chunks interspersed with other learning activities”, thereby counteracting the effect of the attention clock on learners’ attention spans.

These findings therefore provide evidence of the necessity for lecturers to recognise the existence of the Learner Attention Clock and also to ensure that steps are taken to counter same. Some key suggestions which arise from the Bunce et al., study is the importance of “breaking-up” lectures with periods of active learning, not only because of increased learner attention during these activities, but also because of the indirect boost to learner attention that can occur immediately after such activities. These findings should encourage lecturers to reflect on their expectations regarding learner attention and plan their class in anticipation of brief lapses in the learners’ attention. Varying your style and maintaining an engaged teaching style over the course of the class can assist therefore not only in maintaining learner attention, engagement and subsequently learning but also in learner retention. One of the tools used to consider the styles which lectures might use is the Learning Pyramid.

The Learning Pyramid



Over the years one of the key principles in learner retention and how to improve the retention level of learners has been what is called the “Learning Pyramid”, also known as the “cone of learning,” the “cone of experience” and a variety of other names.

The Learning Pyramid researched and created by the National Training Laboratories in Bethel, Maine is deemed by many to be one of the most important learning principles yet and is supported by extensive research. The research concluded that people learn best when they are actively involved in the learning process. The “lower down the cone” you go, the more you learn and retain.

The first four steps on the pyramid (lecture, reading, audio visual and demonstration) are passive learning methods. In contrast, the lower three (discussion group, practice by doing and teach others) which are participatory (active) learning methods. Arguably, the difference in retention between passive and participatory methods is due to the extent of reflection and deep cognitive processing.

Sousa (2001), Danielson (2002) and Drewes and Milligan (2003) all provided commentary on the Learning Pyramid and referenced studies based on the Learning Pyramid which showed that learners retained knowledge best through 'practice by doing' and 'teaching others'.

The pyramid gives the lecturer food for thought when planning a module or lesson. It provides evidence that lecturers should use a variety of activities to encourage learning, to reinforce reading and lectures with workshops, activities and opportunities to engage, particularly activities which will assist the learners in understanding the application of the learning in the real world. Therefore, in planning modules the role of the lecturer must be considered and the most efficient way in which the tools outlined on the Learning Pyramid might be used.

MECHANISMS FOR IMPROVING ATTENTION

Breaks within the Lecture

The role of the lecturer in the classroom is not only to convey information to learners but to convey this information in such a way that learners get more than a lecture which comprises of information being read or dictated and endless reams of notes being transcribed by the learners. There is a growing realisation as referred to by Thach and Murphy (1995), that traditional teaching competencies might not produce desired results in 21st Century learning environments and that focusing on delivering content and information in the form of a lecture is not as effective as when communication is mediated through a more learner focused approach. Indeed Thach and Murphy believe lecturers involved in teaching that incorporates face to face, distance, or online methods may need help and support in identifying their new roles. Aside from this, it is also expected from 21st Century lecturers that collaboration with all sectors of the educational community in planning, managing, implementing, and evaluating programs is the future as per Shaikh and Khoja (2011) and Selvi (2010).

Sloman and Mitchell (2002) refer to the decline in learner attention during the course of a lecture and how it makes sense to give learners a break. When the lecture resumes, learner attention is likely to be restored to its original or near original level. This however, does not mean that the lecture time is filled with talking. There is a mistaken belief that the more a lecturer succeeds in saying, the more learners will be receiving. In general, learners capture only twenty to forty percent of a lecture's main ideas in their notes and after three weeks, most learners remember less than ten percent of what was said in the lecture

If lecturers do opt to give learners one or more short breaks during the course of a lecture, there are several things that they can ask learners to do with this time. Some are related to the lecture; some are not. Lecturers

can obviously incorporate traditional breaks, which allow learners to go for a cup of coffee or cigarette break and during the course of a four hour lecture these are necessary if for no other reason to allow learners use the bathroom. The simplest form of formal break is to give learners a few minutes just to stop and have a bit of quiet time or to chat to their neighbour. If the room lends itself, learners could move around. However, the Centre for Instructional Technology promote an alternative to the 'pure' break, which is to provide some form of entertainment, and this change of focus can be very effective in helping to restore concentration, for instance showing a particular clip from the news. By way of example when teaching employment law, during one break a clip of Christy Moore playing for redundant workers who were staging a sit in was played. This led on to a discussion on the legal basis for the sit in. Alternatively you could arrange for a colleague to come into the class to discuss a specific element on which they have a unique commentary. Or lecturers could assign learners in rota to bring something relevant to read out, for example research or a recent case abstract.

Mariatte Denman (2011) of Stanford University suggests that lecturers give students short breaks throughout lectures to review their notes and ask questions or alternatively that they include a formal activity or assignment after every fifteen to twenty minutes of presentation.

In addition to the traditional break lecturers can also incorporate less formal breaks, Bonwell (1996). For example you can ask the learners to use the break to reflect on what they have learned so far in the lecture. This break can take the form of a 'pause for reflection' which allows learners to review their notes and revise what they have covered in the lecture so far. One way in which they could 'revise' is to re-work the material into a 'Mind-Map' diagram. Alternatively learners could compare and discuss notes with their neighbour. Learners will benefit from both giving as well as receiving feedback.

Breaks can also take the form of activities, used not only to prevent learners succumbing to the effects of the Learner Attention Clock but also to increase learner retention and provide an opportunity to apply learning at a practical level.

The Introduction of Activities

Peterson (2001) citing Wright, Bitner and Zeitham believed that "lecturing viewed the mind as a empty slate rather than a muscle that needed exercising through constant challenge" and it is evident from research literature that a learner centred approach in the form of active learning techniques engages learners and is considered a more effective form of teaching than the more traditional lecturing style. Indeed one of the objectives of the Bologna Process (Bologna Declaration 1999) is to ensure that all teaching methods (tutorials and lectures) are learner centred.

In support of this belief a comparison can be made between tutorials which are traditionally learner focused and lectures which are traditionally lecturer centred. The traditional lecturing paradigm is not learner centred. However by incorporating activities into lectures, it is possible to adopt a more learner focused (and almost tutorial like approach) to lectures. So while standard lecture format does have its place in the scheme of learning, research strongly indicates that it can “*make learners too passive and listless, and perhaps the greatest disservice of all, it can render them voiceless and unable to think critically for themselves*” (McCarthy, 2002).

However, learners typically need a combination of passive and active learning in order to master concepts. If everything is interactive learners run the risk of being over stimulated or losing track of the main objectives of the lecture. However, if teaching is entirely passive learners may find their interest and focus declining. Therefore, lecturers must strike a balance between passive learning techniques such as lecturing and independent reading with more interactive activities which, incorporate learner collaboration or technology. The two approaches work best when used in conjunction with each other.

Active learning incorporates activities that are most likely to promote learner retention according to the learning pyramid. “*Active performance reduces the most significant impediments to learning in Higher Education: passivity, invisibility, anonymity, and lack of accountability*” (Schulman, 2005).

When incorporating active learning techniques, reliance on the lecturer as the conveyer of all knowledge is reduced and the traditional ‘chalk and talk’ style of lecturing is transformed from a passive to an active learning environment. Examples of active learning activities in a lecture setting range from quick surveys, short exercises, quizzes, pair and group discussion, role playing, brainstorming or watching ‘YouTube’ clips. Active learning can take advantage of the advancements in visual pedagogy with various forms of media offering unique teaching possibilities. Huxham (2005) describes such techniques in a lecture setting as ‘interactive windows’ where the lecture is interspersed with activities.

However, it must be pointed out and acknowledged that the introduction of active learning involves more demands on the lecturer’s preparation time for designing and testing new techniques. As such, this form of teaching by its very nature necessitates more creativity and initiative from lecturers. The next question is what types of activities are available to lecturers wishing to incorporate active learning into their lecture.

THE LECTURER'S PERSPECTIVE AND QUANDARY

One of the questions or more so dilemmas which arose for the author in her decision to incorporate activities was whether her lectures would become more of a workshop or tutorial than a traditional lecture.

By incorporating activities lecturers are restricting the formal lecture and setting learners work to do, either working individually, in pairs or in groups. Such a teaching format is more traditionally within the remit of tutorials with questions being answered and discussed at a practical level. In fact the formal lecture might be used as either a follow-up to the questions or to introduce the key ideas that will be investigated further through the questions. No matter what format, layout or approach is taken it is important that lecturers integrate activities very carefully into the lecture to ensure that learners are getting the best from both parts (lecture and activities) and not missing out.

Having researched the incorporation of activities and the lecture versus tutorial dilemma the author uncovered a number of other barriers in the use of activities. Barriers include;

- The additional preparation time that is required on the part of the lecturer in preparing materials (e.g. PowerPoint slides, crosswords, gapped questionnaires). Not to mention the time required to rewrite existing lecture notes in order to incorporate the additional activities; they also
- The risk that learners may react adversely to being challenged by these new learning aids. The new methods may not initially be successful in terms of learning outcomes as learners adjust to this new form of learning and interaction with classmates and the lecturer.
- An adverse reaction from colleagues who prefer a more traditional approach to covering material and do not appreciate the pressure now placed on them to meet these new standards in teaching.

Given the barriers which may face the lecturer, it is often easier to introduce change on an iterative basis. Lecturers might consider trying some small activity in a lecture that takes no more than a few minutes, or even try introducing a reflective break for a couple of minutes when learners work in pairs or groups. Once this activity is completed lecturers can consider how successful it has been, particularly in light of the course learning objectives and whether the lecture with the addition of activities addresses them adequately or whether the traditional lecture would have been more successful. It is also worth considering whether the activity incorporated is the best use of the materials and the right activity for the right topic and at the right time during the lecture.

This is not to say that lecturers should not introduce radical change, but a gradual approach is probably safer, less costly and more practical, in addition to being less of a change to learners. The greatest fear in introducing activities is that this new approach will affect the learners and that this change in teaching

methods will impact negatively on their learning. In order to prevent this it is always a good idea to try limiting changes initially to things that do not take up too much class time. Once both the lecturer and learner have adapted to this new approach and the lecturer has learned how to manage the incorporation of activities, it is worth considering and discussing with the learners the impact of activities on the class and whether they think they are successful, which activities are preferred and are there any suggestions for future activities from the class.

CONCLUSIONS AND FUTURE WORK

The author's interest in this paper developed through her experiences as a lecturer and the effects of introducing active learning in the classroom. A number of factors were considered by the author prior to the incorporation of activities including learner attention and retention, in addition to the use of breaks and activities. The author was also interested in whether the introduction of active learning in the classroom would result in the traditional lecture becoming a tutorial or workshop.

Having carried out research on not only the activities themselves but also the benefits of incorporating activities and subsequently applying that research in the classroom the author concludes that the addition of activities to the traditional lecture in the case of the authors lectures is of benefit to the learner in assisting and improving the learner's attention span and improving retention. However, the author is conscious that not all legal education learning can take place through active learning, particularly in the traditionally lecture based area of law and so a combination of lecture and active learning appears to be most successful.

Prior to carrying out further research the author proposes undertaking an exploration of the pedagogical approaches adopted by other law lecturers in order to provide an interesting perspective on the role of the law lecture and more particularly the role envisioned by the law lecturer and the dilemmas which this creates, particularly with regard the teacher focused versus student-centred learning debate.

In the future the author proposes teaching learners in what is a traditionally lecture based area through the increased use the activities as outlined in this paper. The author's interest is in determining whether learners can learn as well, if not better through activities as they can through the chalk and talk approach of traditional lectures. The future paradigm which the author proposed raising is whether it is possible through the use of activities which direct learners into learner focused research and study to achieve the same results as through traditional lectures.

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