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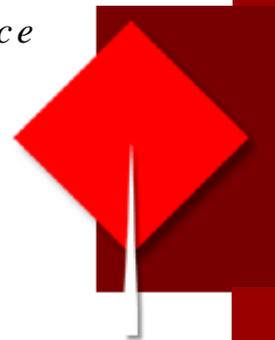
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Cover Page Footnote

i This teaching method is variously referred to as 'teacher-centered'; 'doctrinal'; 'rote teaching'; 'banking method'; 'didactic' teaching) (This article will refer to it as traditional; lecture based learning (hereinafter, as 'LBL'). ii This approach has also been given different names including 'student-centered'; 'collaborative learning'; 'dialogical' approach. For purpose of this article, it will be called problem-based learning (hereinafter, as 'PBL' tutorials).



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Abstract

This article presents a reflection and comparison of two of my teaching pedagogical approaches for the Business Organisations Law curriculum to undergraduate non-law students at Charles Sturt University. The purpose is to compare and evaluate efficacy of a traditional, lecture-based learning (LBL)ⁱ with a combination of LBL and problem-based learning (PBL)ⁱⁱ in improving performance and outcomes for students enrolled in the accounting and business degrees. Research methods to compare outcomes and performances were evaluated using modified versions of several LBL and PBL related survey questionnaires and a Study Process Questionnaire (SPV) developed by John Biggs for use with Australian tertiary students, and validated for use with students in several Asian countries. Data regarding students' perceptions of LBL and a combination of LBL and PBL were further collected using a 13-point interview questionnaire. Responses from a Likert scale were calculated in percentages and considered in terms of a mean response and data from the qualitative responses coded in NVIVO and analysed thematically. Also, 'tests scores' (assignments and final exam results - mostly problem questions) from a traditional LBL class were compared with the scores from a mixture of both LBL and PBL. Though groups' means of both LBL and PBL were closer, the results combined with other indicia revealed that students studying the course through a combination of both lectures and PBL tutorials in a teaching session performed significantly better. The paper recommends a cumulative dual approach as effective course delivering methods.

Introduction

This article seeks to explore, by reflecting, comparing and evaluating the extent to which a combination of both lecture-based learning (LBL) and Problem-Based-Learning (PBL) tutorials could be used as effective teaching strategies in improving performance and outcomes for non-law students enrolled in Business Organisations Law (Law220), at Charles Sturt University (CSU). The course was taught in the first half of the teaching session using the traditional classroom lecture followed by a tutorial. At the end of this session, students were tasked on the first mid-term exams and, the teaching was also evaluated. Though the evaluation was acceptable, they were not the level one had come to expect in this subject. Furthermore, though the overall percentage pass for test 1 was good (80%), students' approach in answering law questions or acquiring the relevant knowledge for the course was rudimentary and inadequate. It was clear that the traditional lecture method initially adopted was flagging. I then decided to incorporate a problem-based learning tutorial in the second half of the teaching session. With this and other concerns in mind, I decided to teach Law220 within a given teaching period using a combination of both the traditional lecture and the PBL tutorials and compare as many parameters as possible to determine whether the lecture method or a mixture of both were equal in achieving performances and outcomes (Sandra et al, 2005; Judy et al, 2003; Kathy & Werner, 2000; Ya-Chen et al, 1999; Newman, 1995; Lieux, 1996; Wolfram & Stefan, 1999).

The results suggest that when both teaching and learning approaches are cumulatively used students learn and perform better than when they study and learn solely by either LBL or PBL (Miller, 2003; Kathy & Werner, 2000; Vermon & Blake, 1993; Kaodonis, 2004; Thomson & Babington, 2004).ⁱⁱⁱ Legal education generally embraces many essential core skills and values which include critical and analytical skills, problem solving skills, writing and communication skills, knowledge and task organisation, management and social responsibility skills (Johnstone et al, 2003; Brand, 1999; R. Woellner, 1998; Christudason, 2004). Though accounting and business students enrolled in Law220 are 'pseudo lawyers', they are obliged to acquire some of these generic skills and abilities for life-long learning and meet the challenges of the ever growing and increasingly complex professional career (Bedford et al, 1986; Deppe et al, 1991; Bedford Report, 1986). In order to produce accounting and business graduates that possess the core skills and values demanded of them in their professional life, law academics need to understand their students' needs and perceptions of our courses and the way they learn and, the relevance of the courses to their future working. Once, we are aware of these issues, we can then take a more proactive and holistic teaching approach that embraces both lecture based learning and PBL to enhance their generic skills (Elliot & Wolfe, 1981; Elliot Klayman et al, 1984; Weinstein, 1999; Siedel, 2000).

Accounting and business students studying business organisations law at 'CSU' found learning law as difficult and challenging.^{iv} The problems for this perception from a survey conducted attributed it to a number of factors: 20% of students interviewed found learning law challenging because of language and cultural barriers (mostly Asian international students); 90% are unfamiliar with legal language. At least, 65% attributed the teaching method as one of the factors making non-law students to find it hard and difficult studying law. Many (90%) are overwhelmed by the amount of reading required in law.

Because of these perceptions, students tend to disengage from genuine involvement and come to believe that learning is the same as note taking and for the lecturer to provide a list of things for them to take away (Alice Christudason, 2004; Michael Little et al, 1995). Empirical evidence in medical education suggests that when students learn to acquire knowledge through a combination of LBL and problem-based learning method, they do not only outperform those studying solely by either one of the methods, they 'learn-to-do' by moving from passivity to active participants and, acquire generic skills essential for life long learning (Woodward, 1996; Albanese & Mitchell, 1993; Berkson, 1993; Daves knowlton, 2003; Erin, 2006). Although traditional, lecture-based learning and problem-based learning share commonalities, they both have different roles to play in enhancing student performance and outcomes. Using both quantitative and qualitative research methods the study suggests that a cumulative use of both LBL and PBL in a teaching session are more effective in improving students performance and outcomes in the study of Law220 (Compare Coles, 1985; Newble & Clake, 1986; Kathy et al, 2000; Ya-Chen Tina et al, 1996; Kolb, 1981; Wolfram & Stefan, 1999; Malton & Saljo, 1976; Biggs, 1979; Vida Allen, 2006; Lillian, 2002).

Literature Review

The literature on the teaching of law reveals different approaches including, the traditional lecture, the Socratic method, the contextualisation approach and the problem-based learning method (Gower, 1950; Friedman, 1985; Vida Allen, 2006; Duch, Groh & Allen, 2001; Bruffee, 1986; Maher, 1968; Winning et al, 1997; Boud & Feletti, 1997; Hart & Norwood, 1994). Although there is an extensive amount of literature available on both Lecture-based learning & Problem-based Learning in legal education in Australia (Vijaya, 2002; Oliver & Omair, 1999; Mac Farlane & Manwaring, 1998; Henriss-Andersen, 2002; Johnstone, 1992; Hatira, 2000; Baron, 2002; John Biggs, 1996; Hammond, 1999; Martin, 2003; Nathanson, 1996; Blunder, 1990; Boud, 1985; Gordon, 1989; Johnstone et al, 2003), most turned to be more focused on the impact PBL has on law students learning. Other studies turn to favour either PBL over LBL (and vice versa) as an effective teaching tool for enhancing learning (Vijaya, 2002; Hatira, 2000; Martin, 2003). Presumably, very little literature or study have used empirical research as evidence to suggest how a combination of both LBL and PBL are equally effective in enhancing non-law students' learning performances and outcomes.

1. The Traditional Lecture Based Learning Method (LBL)

A substantial body of literature advocates the use of the traditional lecture method as a learning approach positively contributing to student learning process (Soetendorp et al, 2000; Carter & Urkerlesbay, 1989; Gower, 1950; Landman, 1953; Redlich, 1914; Myron, 1992; Blight, 1998; Cannon, 1992; Fetherston, 2001; Lauurillard, Boyce, 2004; 2002; Rob, 2006; Friedman, 1870; Vida Allen, 2006). The pedagogy has been dominated by the study of the principles and rules of law which have provided the focus for the study. It tends to be highly structured and relatively teacher-centred and focus has been on 'inputs', the topics to be presented, the sequencing of presentations (Stollenwerk, 1995; Le Brun & Johnstone, 1994; Lillie & Daughtrey Jr, 1995). Through this approach, a lecture is presented to students as they listen and scribble down notes and read textbooks that distilled the rules

from the cases. Boyce (2004) labels this approach as a 'banking' method where students passively sit and receive deposits of facts from the lecturer, and then withdrew these same facts at examination time. Traditionally, a lawyer-academic delivers pre-packaged knowledge to students - usually starting out by mentioning the topic, followed by explanation of the legal principle, and proceeds by important cases which either set the 'precedent' for the principle and/or expand the facts of the cases which are described and the decisions made by the judges explained. In most Universities the dominant mode of teaching consists of a teacher-centred learning as a routine method to transmit knowledge to students (Laurillard, 2002:81). Fetherston (2001) opines that 'the unspoken assumption behind this approach is that delivery of the material is through a process of osmosis.

Many advantages could derive from this approach. Firstly, the information can be imparted quickly to a large group of students. Furthermore, the lecture provides guidance to students and the conceptual framework for further reading (Gower, 1950). Gower (1950) posited; "the point of lectures is not to display the teacher's learning but to encourage the student to learn". It guides the learner in gathering the required content information for a mastery of the course (Bligh,1992). Some research suggests that there is overwhelming evidence that the teacher-centred teaching methods are more effective in improving student achievement (California Based Pacific Institute, 2006). This is based on the grounds that by transmitting content information students acquire knowledge. Lance Izumi (2006) states: "The hard evidence clearly shows that traditional teacher-centred, knowledge-based instructional methods improve student achievement more than the progressive child-centred methods favoured by California's schools of Education." Hativa (2000) suggests that one way to improve the traditional method of large class teaching is the need to create 'vicarious experience' (i.e. drawing on examples which relate to students' personal experience). However, despite its nicety, the method has often been criticised as fairly inadequate, leaving students very passive in the sense that they absorbed information only as active listeners and 'copycats' but do not interact with either the lecturer or other students (Fetherston, 2001). Others criticise the approach as 'old and traditional and too authoritative' (Gerhardt, 1956; Phillips & Baudain, 2002); requiring 'lack of student motivation', 'little intellectual effort' and reducing student involvement 'to the taking of notes' (Andrew Pirie, 1987). Gower (1950) puts it this way: "A lecturer dashes in at five minutes past the hour, gabbles dictation until five minutes to the hour, barks forbiddingly "any questions" and then dashes out again (:140). Generally, academics relying on the traditional lecture-based way of teaching spend too much time on content mastery and too little time and effort to helping students to develop skills that will enrich their lives and make them successful" (Albrecht, Steve et al, 2000). In his autobiography (exaggerated though), Bertrand Russell (1967) said: "As an undergraduate I was persuaded that the dons were a wholly unnecessary part of the university. I derived no benefits from lectures, and I made a vow to myself that when in due course if I became a lecturer I would not suppose that lecturing did any good. I have kept this vow."

Generally, the traditional lecture system is a sound method of imparting knowledge as it has the potential of introducing students very briefly into general ideas to a branch of law, and in disseminating legal information. It is when one deals with general ideas, especially with the principles and doctrines of a field of law and with their systematisation that one comes to the essential contribution of the

traditional lecture to knowledge. The concern with the traditional, lecture-based teaching is that students are primarily 'engaged in rote' learning, which entails the acquisition of facts that have little staying power (Duch, Groh et al, 2001). Such an approach represents what Paulo Freire calls a 'banking model of education'; where information flows in one direction, from the teacher to student and students' become recipients of what their teachers have determined they need to learn (Vivian Zamel, 2000). Collaborative theorists also argue that traditional classroom methods have failed to teach students what they most require - a critical stance toward authority and the ability to cooperate to solve problems (Bruffee, 1986; Bligh, 1972; 1998; Le Brun & Johnstone, 1994). LBL is believed to significantly improve students' acquisition of content knowledge and the rules of law (HsingChi Wang et al, 1999) however, when the content-based lecture method is too long and there are so many vocabularies that students don't recognise or relate to, they start to drift away and turn their attention to day dreaming (Maher, 1968).

2. The Problem-Based Learning Method ("PBL")

Since its inception in medical education, to help medical students learn the basic biomedical science knowledge and skills in the context of dealing with authentic medical cases, PBL has grown dramatically in multiple disciplines,^v in Australia and internationally (Vijaya, 2002; Oliver & Omair, 1999; Macfarlane & Manwaring, 1998; Baron, 2002; Hammond, 1999; Walsh, Seymour et al, 1998; Townsend et al, 1997; Seymour et al, 1998; Boud, 1985; Gordon, 1989; Simmons, 2006; Bryson, 1974; Gallagher, Stephen et al, 1995; Mayo & Donnelly, 1993; Dewey, 1938). In practical terms, problem-based learning "is a pedagogical strategy for posing significant, contextualised, real world scenarios, and providing resources, guidance and instruction to learners as they develop content knowledge and problem-solving skills" (Vijaya, 2002; Oliver et al, 1999; Henriss-Andersen, 2002; Boud, 1985; Mayo, Donnelly et al, 1993; Rhem, 1998; Dahlgren et al, 1998). Unlike traditional information driven teaching, PBL starts with a problem and requires students to utilise the problem to stimulate the acquisition of information and the application of it to solve problems. It empowers students to conduct research, integrate theory and practice, and apply knowledge and skills to develop viable solution to a defined problem (Johnstone, 1992; Hammond, 1999; Barrows & Tamblyn, 1980; Rhem, 1998; Gallagher et al, 1995; Boud, 1985). Often the problems are framed in a scenario or case study format and the problem drives the learning. As Boud & Felletti, (1997) puts it; "The starting point for learning with PBL is a problem, query or puzzle that the learner wishes to solve".

Cottrell (2000) added: "A PBL starts with an unfolding problem...in that the problem itself does not contain sufficient information for the student to solve it. Initially, the problem has a vague and broad requirement. As students wrestle with the problem they first must determine what information they must obtain to fulfil the requirement. The problem 'unfolds' as students are given additional information that allows them to engage the problem at an increasingly concrete level. As the students work together on the several stages of the problem, they simultaneously learn both course related concepts and problem solving skills".

The 'AICPA', (2001) Core Competency Framework for Entry into the Accounting Profession has listed PBL as one of the recommended 'strategies and classroom techniques' for the development of

requisite competencies for accounting professionals. "AICPA" (2001) are urging Academics to embrace the 'paradigm shift from content-driven to a skills-based curriculum' by adopting PBL among other pedagogical approaches. Generally, PBL is aimed at promoting deep understanding of subject matter content while simultaneously developing higher order thinking and disciplinary knowledge bases and skills. It further places students in the active role of problem solvers and confronts students with a real-world situation (Marfarlane et al, 1998). The rationale for PBL is to encourage students to take responsibility for their own learning by providing a problem that needs solving. In essence, PBL focuses on 'how to learn', rather than 'what to learn'.

There is evidence in research which suggests that problem-based learning is the accepted form of learning in client and consumer driven disciplines such as law, accounting, marketing, business, engineering and medicine, because it mirrors the real problems that practitioners and professionals face (Boud & Felletti, 1998; Vida Allen, 2006). Research concludes that students learn best and develop generic skills when they take responsibility for their own learning and perceive assessment as real and relevant (Neane, 1982; Walton & Mathews, 1989; Schwartz, 1998; Norman & Schmidt, 1992). Research also indicates that employers worldwide want graduates who have generic skills - including well developed communication, teamwork and problem solving skills (Hall, 1989; Roisin Donnelly et al, 2005).

The PBL approach is supported by cognitive psychology, which states that competence is fostered not primarily by teaching to deliver knowledge, but through teaching to engender specific kinds of cognitive activity (Glaser, 1991). Some critiques argue that problem solving is a worthy pursuit, but they suggest that PBL is more suited for the general education curriculum. In other words, they contend that general education courses should promote problem solving abilities among students but that courses should focus on content (Hung & Jonassen, 2003). The beauty of PBL over traditional lecture learning is that PBL enables students to learn a required set of competencies or objectives and to develop the skills necessary for self-directed, life-long learning (Young, 1998; Engel, 1998). PBL makes pedagogical sense in fostering the application and integration of knowledge, building on previous understanding, promoting student interaction and team work, thereby enhancing students' interpersonal skills relevant to future professional activities (Allyn Walsh, 2005). Many of the skills learned through PBL are those desired by today's employer, including the ability to work well with others, make thoughtful decisions, take initiative, and solve complex problems (Jullian, 2004; Soetendorg & Linda, 2000).

Research Method

The total number of undergraduate internal students enrolled in Business organisations law (Law 220), in the School of Commerce, in the spring of 2006, July to November at Charles Sturt University was 65. The author was the sole lecturer and tutorial facilitator for the teaching session. Out of this number, 45 were 'sampled', giving a 75% participation rate of the class. 80% of the students undertaking this course were national students and 20% were international students. Of the demographic population, 25 were females (55.5%) ranging from age 19-25 (mean age 23.5) and 20

were male (45.5%) with age differences 19-30 (mean age 24.5). The instrument used to sample these students was a modified version of several LBL and PBL related survey questionnaires and a Study Process Questionnaire (SPV) developed by John Biggs for use with Australian tertiary students, and validated for use with students in several Asian countries (O'Hanlon, et al, 1995; Kalaim et al, 1996; Biggs, 1987). This was followed by an interview conducted face-to-face. The interview questionnaires consisted of 13 items reflecting teaching motivations and outcomes for both LBL and PBL and were emailed to students three days prior to the interview. A face-to-face interview that followed after the questionnaire lasted from between 10 minutes to 20 minutes. The interviews were not taped but notes were scribbled down in short-hand form. The questionnaire identified student learning outcomes in terms of the descriptors: LBL, PBL tutorials and achieving approaches to learning. Research methods to compare performance and outcomes included two mid term assignments, one end of term exams and participation records at the PBL and LBL tutorials. Data regarding students' perceptions of the traditional LBL and a combination of LBL and PBL were further collected using the 13 point interview questionnaires. Responses from a Likert scale were calculated in percentages and considered in terms of a mean response and data from the qualitative responses coded in NVIVO and analysed thematically. To determine and compare traditional, LBL and a combination of both LBL and PBL which produces positive performance and outcomes and life-long learning, teaching of Law220 was conducted in two stages. Stage 1, first half of the teaching session (July-Sept) was devoted to the traditional, class lectures followed by small group 'semi-lectures' in tutorials. During this first stage, students studying and learning through the traditional, LBL sat in their comfort zones and with buddies in both lectures and tutorials. Stage 2-second part of the teaching session (Sept-November) was based on a combination of the LBL (in auditoriums) and PBL small group tutorials and workshops.

During this second stage students were exposed to a mixture of both approaches, they sat with their buddies and in their comfort zones during class lectures. However, during tutorials and workshops, they were randomly assigned to two groups and further divided into ten sub-groups of five-six students per group where they sat in a horse-shoe or circular positions. At the end of each teaching session, students were assessed and evaluated on a mid-semester exam (assignment one and two - mostly problem-based questions). Students were evaluated on final examination (open book examination with a choice of four problem questions to answer). Both the LBL and PBL format applied the principles, goals, and methods used by other authors (Strabd, Morley et al, 1987; Winslade; 1994; Barrow & Tamblyn, 1980). Within the teaching of the course and the achievement of the learning performances and outcomes of the module, the following strategies were adopted (Alastair, 2002). Two-hour lectures per week using the LBL and two hours tutorial using the PBL were used throughout the session. At the end of each teaching session (lecture and PBL tutorial), students were asked to evaluate their learning in a feed back situation. This approach was used because feedback from students was a useful source of information for the structure and revision of the proceeding session. Additionally, students were asked to complete an anonymous questionnaire at the end of each teaching session. These questionnaires were structured to investigate the students' experiences of the LBL and PBL.

A Cumulative Dual Model for Teaching Law

Although there is a lack of theoretical and empirical investigation as to whether there is an 'ideal' teaching method, the cumulative dual approach as a teaching strategy for teaching law to non-lawyers is a reflective case study analysis as an attempt to enhance student learning.

1. Reflective Practice on the Use of the Traditional method

In the spring of 2006 at CSU, I taught Law220 to 65 internal undergraduate accounting and business degree students. It was a 1 x 2-hour per week lecture (Wednesdays and Thursdays at 11-12 noon). Most of these students were pursuing professional careers spanning the areas of accounting, business management and business and information systems. Bearing in mind the needs of the students and their different abilities I decided to wholly adopt the LBL in the first phase of my teaching hoping it will enhance their learning potentials. Prior to the first lecture, I had communicated to the students through the online forum the course outline. During the lectures, with students sitting in their 'comfort' zones and with buddies, I distributed the lecture material for the day which reflects the lecture. The lecture commenced in the usual way (including introduction of the topic and its objective followed by a brief hypothetical illustration of a real life scenario). The lecture proceeds by providing the 'law in contexts' explaining the legal principles, case and statute law which set the precedent or expand the principle. Throughout the lectures, they listened, some would smile, some would yawn all of them would scribble furiously. Even though students were informed of the topic prior to the lecture only about 10% made any effort to read or prepare for the class in advance. As the lecture proceeds, I pause in between to involve the students either by a comment of general interest or to inquire if they were following the discussion or having any questions of relevance. I tried general questions for the whole class and even, specific questions to individuals. There was in fact little or no interaction. I immediately realised that when you ask a general question students do not respond either because they are too shy to speak in front of large group of students or because of the perception that their job in the class is to listen and take down notes. This demonstrates some degree of passivity and lack of interaction. Tutorials which meet once a week to discuss the topics in the lectures are timetabled after the lecture. The tutorial class was divided into three groups of 23 students per group. Students are not randomly grouped and setting positions are at their discretion. Prior to the tutorials, students' are given a task (problem question or essay question imparting on the law and that has some connection to their future careers). While group work is encouraged students hardly work in groups and prefer to independently seek out their own information. Though the tutorials are to provide an opportunity for the students to apply the content knowledge obtained in lectures, they come to the tutorials, with only 30% doing the task with almost 100% expecting the tutor to give the answers for them to scribble down. Generally, when the 30% who have prepared in advance are called to present their work, there is lack of 'sophistication' in their approach. The other 70% who did nothing, either because they lack the skills in answering a legal question or they don't have the motivation, forces the tutor to now present a semi-lecture in the hope of reawakening (recalling) their memories. Though tutorials are not to be a repeat of the lectures, it often degenerates into the tutor going over the recent lectures (Maher, 1969).

Despite this approach, interaction between students and the tutor inter se is minimal because all they are interested in is for the tutor to provide sample answers so that they can take down notes. Students are again reluctant to pose any questions not even when they are asked to read what they have prepared. Halfway through the course using the LBL, students were assessed on a mid-term exam (assignment 1-15%), consisting of a problem scenario and requiring them to apply the law. Of the 65 students who wrote the tests, there was a 75% passed rate and a 25% fail. Though the overall performance was good, I realised however that the students were becoming good scribes but not effectively learning much. The basic skills for the success rate may be attributed to note-taking, memorisation and regurgitation of isolated facts but lacking in critical thinking and problem solving skills. It was clear from the traditional LBL and tutorials that the students were acquiring a 'superficial' knowledge about law and its operation but not actively engaged in active learning. They often regurgitate the information they have read without proper understanding (Marton & Saljo, 1976). Encouraging students to remain in a passive role in the classroom may promote rote learning and give immature students a naïve view of knowledge and how it is acquired. I found the traditional method interesting for several reasons: it enhances short term learning process and performance. It is important in supporting the students' learning process since the topics of the lectures are purposely positioned to aid the students in gathering the information for their module and confirm their progress rather than pre-empt their findings (Corbin, 2002).

The Traditional method can be improved and fine-tuned in line with the Bo-Linn's (2006) approach: the lecture should begin by using an introduction that will catch the listener's interest (break the ice with informal talk outside of class, enter the class five minutes early, and while the students file in, ask them any current events, light-hearted topics in an informal manner. Informal 'small talk' may help break the ice before a discussion, and a relaxed and comfortable student will invariably feel more inclined to add his/her opinions to the class conversation); provide a brief overview of the lecture's content with a handout; tell students how you expect them to use the lecture material. Define or explain unfamiliar terminology; allow for some flexibility in the amount of content to be presented in order to respond to student questions and comments; determine the key points to be developed during the class lecture (when every nuance, detail, or instance of a topic is discussed, or when too many ideas are presented and not well developed, students often lose sight of the main idea); organise material in some logical order; prepare examples to clarify and emphasise key ideas and encourage students to interrupt lectures by posing questions. Throughout the lecture check on student understanding by asking students to: answer specific questions; avoid barking at the end of the lecture 'any questions' but, rather, ask, "Did you have any questions concerning the topic or any part of the topic for today?". Check on student understanding by watching the class from non-verbal cues of inattention, confusion or misunderstanding; provide closure for the lecture (suggestions include briefly summarize lecture material and preview what lies ahead). Despite the importance attached to the traditional method, I needed to do something better to motivate and innovate my teaching that would fully prepare the students for the real challenges in their career paths. This will involve turning some of my traditional, lecture format classes into interactive learning environment incorporating problem-based learning tutorials.

2. Reflective Practice on the use of the PBL Tutorials in Law220

To reinforce and transform my traditional lecture format classroom into an interactive learning environment, I incorporated problem-based learning into my tutorials during the last half of the teaching session. It is this PBL tutorial component that has been emphasised in my cumulative dual model. This approach appeals to me because it allows me to draw on a variety of students' vicarious experiences and understandings, both in their own disciplines and in their personal life. In order to foster active rather than passive learning, my PBL tutorials diverges from a traditional lecture format to emphasising small facilitation groups in which all learning is problem-based (Sandra Rich et al, 2005). Prior to the first PBL tutorials, all students (n=65) enrolled in law220 were randomly divided into two groups A and B (of 33 students per group) for a double 1 hour tutorials on Monday. A 'buzz group' technique was used as a strategy for dividing a large group randomly into smaller sub-groups comprising 5-6 participants (Matiru, 1995). Students are grouped with varying abilities, race and gender. An example of how to go about doing this is to review students' previous academic records and then assign a number to each student in the class then get all the 'number ones' to sit together, all the 'number twos' and so on. While the groups needed to be long enough to allow group dynamics to develop they may need to be changed occasionally if personality clashes or other dysfunctional behaviour emerges. During the first tutorials the students move the desks in the classroom (if it is possible) in a circle or horseshoe position since this improves communication by allowing them to see each other's faces and hear each other's responses without straining. They then have to sit in accordance to their respective sub groups. Next step is a roll-call for attendance. Students then select a chair for each session and a 'scribe' to record the discussion. A problem-scenario involving several issues cutting across cases and statutes is presented to the group and they are given a reasonable amount of time (30mins) in which they intensively deliberate the problem issue, and develop a skeleton argument.

The problem is the focus of the class discussion. Though students are encouraged to read the relevant texts before coming for the tutorials, during the working session, they do their research by consulting various textbooks and their lecture notes. Coming to the tutorials with a pre-existing knowledge obtained from the lectures, they tackle the problem question(s), by applying the 'IRAC' or 'FILS'.^{vi} The PBL technique used in the tutorials is a modified version of the Maastricht 'Seven Jump' process (Schmidt, 1984; Bloom, 1969).^{vii} At the end of the exercise, the facilitator randomly chooses students from each sub-group to report on the group's findings (this occurs in a rotating sequence). It is often a good idea to choose students who have not contributed much to the group discussion to report back this way, the class 'belongs' to all the students, not just the ones who do a lot of the talking or research. The workshop concludes with a comment and a plenary feedback from the facilitator and sample answers to the question (s) are posted on the on-line forum the next day.

During the working process, the role of the teacher in this learning environment is that of a mentor or facilitator (Neville, 1999; Clifford, 1999; Knowles, 1975). In essence, to improve student learning and performance I used instructional 'scaffolds' (Wood & Ross, 1976; Saye & Brugh, 2002; Simons et al, 2004) as a means of supporting students. I do this by using both 'soft and hard' scaffolds in

controlling those elements of the task that are initially beyond the students' capabilities. Par excellence, by soft scaffolds, I move and wander between the different sub-groups conferencing with them, gauging their progress and providing timely guidance. I used 'hard' scaffolds on particular students on the group especially those having language and communication difficulties (Saye & Brugh, 2002). To be effective, facilitators of PBL must possess both facilitatory teaching skills and content expertise, with content expertise a pre-condition to effectively perform (Schmidt et al, 1993; Barrows, 1988). Facilitators must set clear expectations for student participation in discussion sessions (i.e., let students know the first day of the PBL workshop that a relative portion of their final grade for the course will be based on how effectively they participate in tutorial sessions). At the conclusion of the teaching session, students who have now studied Law220 through a combination of both the LBL and PBL were evaluated through a second mid-term assignment (problem question in the same format as the first assignment). Though the results were not significantly different (i.e., a 90% passed and 10% fail), it however suggests that when these students studied law220 by both teaching modes, their performance and comprehension level was higher than when they studied solely through the traditional, LBL. Under this approach, the focus is on 'output': what knowledge have students actually acquired, and what abilities have they actually developed (Burgens, 1999). This approach which is consistent to previous studies is 'competency-based' (i.e., learning objectives and learning outcomes are tied to the most important skills and knowledge) (John Biggs, 1996; Laurillard, 1993).

The PBL provides the opportunity to integrate diverse elements, such as lecture information, case studies, group work, problem-solving (vocational learning by doing), Socratic method (teacher interaction with groups). The central concept to PBL is that students will learn content as effectively as through lecture by attempting to solve realistic problems. Generally, as they work in groups, there is a maximum of interpersonal communication and interaction which enhances their ability to clearly define a problem and develop clearly stated solutions. Significantly, collaborative problem-based learning techniques in and of themselves are not sufficient to ensure that students will master the subject matter being taught. As one Sonsteng (1995) remarked: "[M]erely doing something is not enough. Reflecting on 'the doing' and testing out the reflection must follow for learning to be effective. Facilitators and learners alike must ensure that theory is applied to practical experience in a realistic learning environment which allows learners to experiment, take that experience back into the workplace, reflect on it, apply it, and then reflect again, thereby producing highly effective learning techniques tailored to individual needs." The efficacy of PBL on its own is difficult to evaluate. With so many confounding variables, it is hard to determine the extent to which PBL contributes to any change in outcomes without being complemented by LBL (Mayo Donnelly et al, 1993).

3. Assessment and Evaluation

One of the salient factors influencing students' choices of learning approaches and strategies has been identified as methods of assessment (Biggs, 1973; 1989; Marton & Saljo, 1976; Thomas & Barn, 1984; Trigwell & Prosser, 1991). My assessment approach for testing and evaluating business organisations law at CSU in the spring of 2006 was to use problem questions. The subject was

assessed in four phrases. The first assessment was a compulsory 15% problem question based on my traditional lecture based learning and 'semi-lecture tutorials'. The second assessment which also carries a weighting of 15% was based on my dual model teaching philosophy (a combination of LBL and PBL tutorials). The third assessment was a 2 x 5% tutorial for both LBL and PBL tutorials. Students were assessed in tutorials using the "appa" formula (attendance, preparation, participation and attitude) (Harold, 1996). The final examination was made up of five problem questions (with a choice of answering four questions). Each question in the exams carried a weighting of 25%. The maximum mark allocated for the exams was 60%.

The first assignment problem question was on the law of partnership. The maximum length of response was not to exceed 1500 words. Students were given a problem that relates to business and that might have an impact on their future careers. The question required students to study the problem scenario, identify the legal issues involved and then critically evaluate and analyse the law with the aim of arriving at a solution. The second assignment with a word limit of 1500 also impacted on their profession and involved questions revolving around directors' duties and company liquidation. The exam which was 'open book' required students to develop and build generic and problem solving skills and apply the necessary legal principles and rules of law (Malcolm & Zukas, 2001). Arguably, empirical research suggests that when students learn by thinking they develop problem solving skills to address problem questions (Tyler, 1995; Woodcock, 1989). The requirement of evaluating students through the application of problem-solving abilities seems to be an invaluable element in the process of professional socialisation (Sonsteng, 1995). A typical problem question will mimic the typical scenario which the student is likely to encounter. The statistics showed that while the overall performance was good, students who had learned and studied Law 220 through a 'marriage' of both LBL and PBL outperformed students who studied only through either lecture-based learning or PBL approach.^{viii} (The average marks were: LBL=8.89 out of 15(n=65), std.dev.=2.45, number of fails=12; both LBL and PBL:=9.96 out of 15 (n=65, std.dev.=2.02, number of fails=5) and exams:=39.84 out of 60(n=65, std.dev.=1.89, number of fails=4). The results indicated that students who took the second assignment had a solid grasps of the content information and were capable to apply their interpersonal skills in solving problem questions. Students who studied through the dual model performed well and their grades reflected this-60% of the students got distinctions. Though the students who took the first assignment did fairly well, their answers were 'unsophisticated' and 'inadequate' they excelled in acquiring content information but lacked the skills in handling problem questions (some coaching was needed as guidance).

The results of the final exam showed equal learning and demonstrated positive results and high performance as the student cohorts have now studied through both lectures and problem-based learning tutorials. Overall, in the exams the class standard deviation and number of fails were both reduced. The evidence is clear. Students studying through the dual model were able to apply their problem-solving skills in answering problem questions better than students who acquired content information through lectures. The dual model students perceived they developed thinking and problem solving skills (93%) as compared with LBL students (70%). Students studying in the dual model perceived they developed effective communication skills (90%) and sense of personal

responsibility (90%) results not perceived by LBL students. The outcome is most gratifying because thinking, problem solving and communication skills are essential in the graduates. 3.7 on a scale of 1-5 perceived they would prefer the dual approach of teaching. At the end of each of the teaching sessions, a 'one-minute Harvard' fact sheet was also presented to students to evaluate the teaching methods. Questions include: 'What are two things you like about this teaching method?'; "what are changes if any, would you want to make on how this course is taught?". On successful completion of the course and after all results from both assignments and exams were available, a questionnaire consisting of 12 items was hand delivered and emailed to students for them to give comment on their preference and perceptions for either the traditional LBL or a combination of both LBL and PBL tutorials. They were also required to express their perceptions on the skills they have acquired. A Likert scale was used to categorise responses. To evaluate different aspects of the teaching methods, the evaluation instrument was divided into three components as found in table

Results and Discussion Measuring Achievement of Outcomes and Performance

Tables 1 and 2 and the discussion that follows in this section summarises the results of students' responses to the 13-item questionnaire, the interview and the results of mid-term and final exams. Though the results of comparing LBL and a combination of both LBL and PBL suggests there is no significant differences in performance and outcomes, enquiry-based instruction using a mixture of LBL and PBL produces significant improvements in student performance in exams (Pringle, 1998). In general, the majority of the students (approx 90%) found the cumulative dual teaching approach to be an interesting, useful, and helpful way to learn both the principles and rules of law. Compared to a purely lectured approach, approx 28% of the students showed some reservations about the dual approach. Only 15% indicated that they would have preferred a purely LBL or PBL approach. The results reveal that most accounting and business students would not be comfortable with a business law or company law curriculum taught exclusively under a LBL or PBL approach. In terms of the small group PBL tutorials, more than 85% felt they were able to contribute to the small group discussion and 80% felt they were able to learn from other group members in contradistinction to contributing in classroom lectures. It demonstrates that the recommended dual approach to teaching law to non-law students is well accepted. The students rated, among other things, how helpful the dual model was with respect to comprehensibility and success in learning (92%). Teaching method using both lectures and PBL was rated 'more helpful' than teaching using either only the LBL or PBL (90%). Overall, students rated the dual approach very positively. 95% stated that they could follow the lectures well with help of the PBL in tutorials and workshops.

Table 1: Comparison of Dual Approach and Students' perception) (n=45)

	SD	D	N	A	SA	Mean	SE
Students Perception on LBL							
Learning only by LBL helped me acquire content but left me passive and inactive	2	2	4	17	20	3.96	(0.23)
I probably learned more with this approach than if it was purely PBL lecture	15	15	2	8	5	3.96	(0.23)
I probably learned more with this approach than If the course was taught solely by LBL or PBL	18	10	3	1	4	4.20	(0.20)
Reading the lecture notes and textbooks increased my understanding of the course material	13	10	4	08	10	3.92	(0.20)
PBL (Group tutorial)							
I was able to learn from the other group members during the PBL sessions	2	4	2	14	23	3.76	(0.23)
The mid-semester and final exam problem questions enable me develop research skills, critical thinking and problem solving skills as a result of the PBL group tutorial	0	2	3	19	21	4.00	(0.14)
The facilitators' approach was excellent because we develop skills to easily comprehend the course and capable of using our content knowledge to handle real-life problems	0	0	2	20	23	3.98	(0.14)
Overall, the PBL group method is an effective way to interact, communicate and effectively learn the course	0	2	2	19	22	4.16	(0.16)
Overall Evaluation							
I would rate the overall quality of the dual teaching approach(e)	0	0	1	20	24	4.45	(0.15)
The extent to which this double approach has increased my knowledge and competence of law220 was(c)	0	0	2	23	20	4.36	(0.16)
In both the LBL and PBL, I could use the content information and problem solving skills to perform better in exams	0	1	3	18	23	4.28	(0.17)
I found the dual approach to be interesting & useful method to learn the theory and principles of law	0	2	1	22	20	4.12	(0.7)
A combination of LBL and PBL enabled me acquired the skills and ability to perform in my career and in exams	0	1	1	20	23	3.88	(0.15)

- SD (strongly disagree), D (disagree), N(neither disagree nor agree); A (agree); SA(strongly agree)
- Five categories used are: P (poor); F(fair); G(good); VG(very good); E(excellent)
- Five categories used in this question are: 1(not at all); 2(slight); 3(modest); 4 (significant); 5(very significant)

1. Overall Evaluation (Achievement of Outcomes with the dual model)

When asked to rate the dual teaching model the mean of 3.8 was a statistical improvement over a mean of 2.5 for the LBL. One measure of satisfaction is the small group work and communication skills acquired. After completion of the questionnaire and interview, 10% felt they were not satisfied with the dual model but 90% agree they were more satisfied and learned more. Furthermore, students rate their preparation under the dual model higher than preparation for lectures. These results lead me to believe that the goal of improved student satisfaction with law 220 has been achieved. With an average rating of approx 3.5 on the scale of 1-5, accounting and business students indicated feeling quite able to approach learning independently. Almost 95% submitted that through the dual approach, they have developed various skills and could now easily understand and apply legal knowledge to problem scenarios and could easily identify short-comings in their learning process. Combining two classes, one of a typical traditional lecture in the first session of spring 2006 and another in the second half of the session where students were exposed to both methods showed that students in the mixed approach performed better than traditional lectured students on mid-term assignments and final exams (Table 2). The majority of the students (90%) reported finding the dual approach challenging but very rewarding in student performance and outcomes. In general, there was a consensus that LBL helped to acquire content knowledge (76%) that PBL helped to focus learning and increased motivation (90%). Majority of students preferred to study and learn by a composite approach (97%).

Table 2. Means and Standard Deviations (SD) on midterm assignments & final exams

	Group	n	Mean	SD
Mid-term	LBL	65	87.4	5.23
	LBL & PBL	65	92.7	4.75
Final exam	LBL & PBL	65	95.4	4.45

Although the groups' mean were close together, the 'test analysis of scores' revealed that students who were taught by a combination of both LBL and PBL performed significantly better than students who were taught by the traditional method. As the mean and standard deviation in Table 2 demonstrates, there was percentage increase in the pass rate from a combination of the dual model. The percentages of those who passed law 220 in assignment 1 under the LBL was 87.4 and this rose to 92.7 in the second tests under the combined LBL & PBL tutorials. This improvement is certainly due to a number of factors including active student involvement in the learning process especially, as a result of improved skills acquired from the techniques used in the PBL tutorials but also, as a result of greater depth of content knowledge from lectures and notes (Pringle, 1998).^{ix} Increased student contact is beneficial to the cognitive growth of the student. Over a six months teaching period, the dual model students rated the approach at a mean of 4.5 on a Likert-type scale of 1 (strongly disagree) to 5 (strongly agree). The dual model is analogous to a similar study in an undergraduate biochemistry course which investigates the effectiveness of either LBL & PBL in promoting knowledge acquisition and retention (Rich & Shuler, 2005).

2. Impact and Outcome through LBL

When students were asked to rate the adequacy of their understanding of Law 220 through lectures or, through a combination of lectures and workshops on a scale from 1 to 5 where 1 denotes that lectures do not improve my understanding of the topic, 4-5 denotes general comprehension of the subject material through a combination of the lecture and PBL. The mean of the students' responses of 3.7 was a statistical improvement of the dual approach. Generally, 50% reported that they were happy with the lecture method and semi-lecture method. 10% say the lecturing does not enhance competence. 75% were of the opinion that they could effectively use the content information acquired through LBL to answer problem questions using the PBL. They concur that they perform well in exams and developed skills which could be applied in the workplace as a result of studying through a combination of both teaching methods. The majority of the students (90%) agree that they understood the content and derived enough information only through lectures however, 95% are of the opinion that through the dual model their learning performance and outcomes were better enhanced. The face-to-face lecturing in Law220 was clear from the responses which overwhelmingly indicated that the cohort found the weekly lectures to be helpful in understanding the subject.

3. Students learning Experience on the PBL Small Group Tutorials

A survey of students' assessment through problem questions in exams and assignments reveal that 90% of students who studied and learn through a combination of both PBL and LBL performed better in answering and addressing problem questions than those who studied only through LBL or PBL. A micro module of student illustrates that the PBL was novel, and their enthusiasm for it may have been based on the very fact that it was different. Division of the student cohort into smaller groups of 5-6 and engaging them with a problem scenario that impinges on their study and careers was exhilarating. Students were capable of engaging in thinking of the ways in which the law is relevant to them, rather than being fully conversant with all aspects of company law. It is clear that they will remain non-legal specialists, but they will be aware of how this aspect of the law may impinge upon their professional life (Soetendorp, 2000). More specifically, students stated they could now easily understand business organisations law and were capable of applying it in problem questions than they had previously using the lecture based learning (mean: 4.5 on the five-point-Lickert-scale) and considered the dual approach very important (4.5). Students considered PBL to be an effective learning strategy (4.0), enjoyed the PBL tutorial (4.2) and would prefer to study by both LBL and PBL (3.9). However, there were also items in the interview which were rated with lower mean scores: the statement 'I have improved my communication skills during the PBL tutorial' was only rated with a mean of 2.8 on the five-point-Lickert scale. The average of 2.8 out of 3.0 reflects accounting and business students' positive feelings about their preparation for working in groups (95% of the student cohorts show a positive feeling about their preparation for working in groups. 20% think many members of the group are still passive. Just 5% think it is better to work individually than in groups). Attendance was significantly higher in the PBL tutorials than in the lecture class. PBL students attended an average of 24.8 and lecture students 18.5 of the 26 sessions. Although the small groups approach is better attributable to the PBL however, the traditional lecture system enables the students to understand the basic principles and rules of law through content information by applying it to a problem question.

While students in a poorly functioning group may have more difficulty in meeting their learning needs, they will also be learning skills of the utmost importance in their work as professionals who achieve much of their work through groups.

Conclusion

This article has compared and analysed students' performance and outcomes in Law220 following a traditional, taught LBL and a combination of both LBL and PBL tutorials in a teaching session. It is clear from the methodology and teaching assessment strategy adopted that students learning has improved dramatically since the strategies were introduced. Unlike previous studies, which preferred one teaching method or the other, it is clear from this dual approach that neither problem-based learning nor lecture-based learning alone can accommodate the objectives of legal education and effectively enhance learning. Whereas PBL may encourage independent thinking and acquisition of problem solving skills, the application of content knowledge through lectured based learning will allow students to facilitate a deep approach to learning by linking a complex chain of problem scenarios through theoretical knowledge. The results from the article suggest that PBL and LBL each complement and reinforce the other to obtain positive outcomes and improved results. Accordingly, the evidence is that more than 90% of non-law internal students studying Business Organisations Law at CSU would be more comfortable with a 'marriage' of LBL and PBL tutorials as an efficient and effective teaching strategy. The results further demonstrate that though there wasn't significant difference between a traditional LBL to PBL, it however demonstrates that students who cumulatively studied through both LBL and PBL performed better in applying legal knowledge in exams and are capable to apply similar skills in their professional careers than those who studied only in one of the two approaches. The evidence from the study suggests that a mixture of PBL and LBL as an educational strategy of teaching law to non-law students is an innovation that improves students' factual knowledge, problem solving skills and life-long learning. Importantly, though the indicators in the study seem to be in favour of PBL, predictably, however, PBL does not offer a universal panacea for teaching and learning in law. Furthermore, PBL cannot be studied in isolation without the informational and content knowledge acquired through the traditional LBL. Arguably, PBL is an 'innovative' method for teaching Law220 to non-law accounting and business students as it equips them with generic skills and lifelong learning. This article has argued that teaching Business Organisations Law to undergraduate accounting and business students through a combination of both the traditional lecture-based learning and problem-based learning tutorials improves performance and outcomes in students better than a teaching method that focuses only on lectures or problem-based learning. The utilisation of the cumulative dual approach is a response to a set of perceived problems^x encountered by non law students studying this subject. Though this dual approach may have its weaknesses, it is arguably one of the most effective ways of teaching law to accounting and business degree students. The study contributes to previous study by demonstrating that a well designed traditional lecture based learning and PBL methods have the potential to support the development of academic knowledge and skills, and combine these in a way that enhances the student learning experience.

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Notes

ⁱ This teaching method is variously referred to as 'teacher-centered'; 'doctrinal'; 'rote teaching', 'banking method'; 'didactic' teaching) (This article will refer to it as traditional; lecture based learning (hereinafter, as 'LBL').

ⁱⁱ This approach has also been given different names including 'student-centered'; 'collaborative learning'; 'dialogical' approach. For purpose of this article, it will be called problem-based learning (hereinafter, as 'PBL' tutorials).

ⁱⁱⁱ Using group means for mid-term, final examinations and end of course numerical averages, there was no significant differences between groups for any of the items measured, suggesting that PBL & traditional lecture format are equally effective course delivery methods.

^{iv} This evidence is based on face-to-face interview conducted with students. In a similar study by Vida Allen, students perception was the same labelling the study of law as 'boring', 'difficult' and a 'necessary evil' (Vida Allen, 2005).

^v In the 1960s, McMaster Medical School in Canada introduced a learning environment that was a combination of small group, cooperative self-directed, independent self-assessed PBL. Since then, it has gain grounds in a number of disciplines in Australia.

^{vi} IRAC stands for: 'I' =Issues (how to identify the problem, what is the question about and identify the area of law that requires discussion); 'R'= Rules (what is the rule of law which may be found in legislation or case law); 'A'=Analysis (how the legal principles, case and statute law may be applied to the problem to arrive at a solution); 'C'=Conclusion (a tentative conclusion of the solutions or results of the findings). FILS is the same as IRAC and it stands for: 'F'=Facts (identify the key facts and relate them to the problem); 'I'=Issues (identify the legal issues which arise in the problem); 'L'=Laws (explain the general principles and rules of the law in an analytical manner); 'S'=Support (After explaining each legal issue, it is important to support with legal authority or precedents).

^{vii} A modified version will include: step 1-Each student reads individually the problem; step2- Identify the legal issue (s) & define the problem(s) to be discussed (students may have different views, but all should be considered and scribe records the agreed issues; step 3: Brainstorming' session-discussion of the legal issues and applicable rule of law (students draw on each other); Step 4: Analyze the issues or principles into a solution; step 5: group share results as the solution to the problem.

^{viii} Based on the results in assignments 1 and 2 and the indicators in table 2, many reasons are attributed to this increase in performance. Firstly, The PBL approach whereby students actively engage in the learning process (including intensive research, interaction and team work communicating skills, techniques in identifying legal issues and providing solution etc) contribute to increasing their analytical and problem solving skills. Secondly, the LBL approach is imperative because without the content knowledge simplified in lectures and notes, students would find it difficult

of approaching the subject. Accordingly, students are now confident, determined and motivated to approach Law220 with a view to better performance and outcome.

^{ix} In addition to the reasons given in note 8 above and in the text, see also responses to student perception in Table 1 especially, the overall evaluation.