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Its overall focus is to promote excellence in legal academic teaching and research with particular emphasis on supporting early career academics, throughout Australasia, in the areas of:

- (a) Legal research and scholarship;
- (b) Curriculum refinements and pedagogical improvements in view of national and international developments, including law reform;
- (c) Government policies and practices that relate to legal education and research;
- (d) Professional development opportunities for legal academics;
- (e) Professional legal education and practices programs.

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***THE CONTRACTS VIGNETTES: COST-EFFECTIVE PODCASTING
PRODUCING QUALITY LEARNING OUTCOMES IN FIRST YEAR
CONTRACT LAW***

DES BUTLER*

I INTRODUCTION

Traditional legal education has been described in the following terms:

Traditionally law is taught through a series of lectures, with little or no student involvement, and a tutorial programme. Sometimes tutorials are referred to as seminars but the terminology used is often insignificant: both terms refer to probably the only form of student participation that takes place throughout these students' academic legal education. The tutorial consists of analysing the answers, prepared in advanced (sic), to artificial Janet and John Doe problems or esoteric essay questions.¹

Critics of this approach have remarked that:

[T]here is a great deal of evidence about what constitutes good teaching in higher education. Almost every aspect of that evidence is at odds with the traditional model of legal education.²

Apart from pedagogical considerations, traditional legal education now also faces the challenge of engaging 'millennial students', whose lives 'are charactered by ubiquitous

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¹ Julian Web 'Why Theory Matters'. in Julian Web and Caroline Maughan (Eds.), *Teaching Lawyers' Skills* (1996).

² Mary Keyes. and Richard Johnstone, 'Changing Legal Education: Rhetoric, Reality, and Prospects for the Future' (2004) 26 *Sydney Law Review* 537.

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information, merged technologies, blurred social-study-work boundaries, multitasking and hyperlinked online interactions'.³

Technology offers the potential for legal educators to create engaging learning experiences for their students, which are better attuned to the conflicting demands on modern students than most traditional approaches. However, frequently a common obstacle to the development and implementation of technological initiatives is the associated financial costs.⁴ This paper examines the introduction into two first-year law subjects of podcasts which were created at minimal cost but with positive learning outcomes.

II CONTRACTS AT THE QUEENSLAND UNIVERSITY OF TECHNOLOGY

In 1999-2000 the teaching team of the twin first year undergraduate law units *Contracts A* and *Contracts B* were conscious of declining support among students for the traditional teaching and learning approach consisting of weekly two-hour lectures and one-hour tutorials. This methodology was therefore replaced in 2001 with a program consisting of the existing detailed workbooks, sporadic lectures, prescribed readings from case reports and a textbook which was comprehensive but reader friendly, and two hour weekly small group tutorials. The subjects were no longer reliant upon lectures as fora for passive note-taking as the primary means of delivery of material. This approach was intended to

³ Karen Nelson, Sally Kift, and Wendy Harper 'First portal in a storm: a virtual space for transition students' in *ASCILITE 2005: Balance, Fidelity, Mobility: Maintaining the Momentum?*, QUT, Brisbane, 2005 <<http://eprints.qut.edu.au/archive/00003943/>> at 23 January 2008.

⁴ The author was a leader of a project called *The Crimson Parrot* in 1993-1994 which, cost over \$130,000 to complete and a project called *LawSim* in 1996-1997 which cost \$190,000. In both cases a large part of this cost was attributed to programming expenditure. See also Shirley Alexander, Jo McKenzie with Helen Geissinger, 'An Evaluation of Information Technology Projects for University Learning (Executive Summary)'

< <http://www.dest.gov.au/archive/cutsd/publications/exsummary.html> > at 23 January 2008.

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emphasise student centred learning and encouraging of independent learning. A change from teacher centred learning requires a change in teaching practice. According to Weimer this encompasses five changes:

- shifting the balance of classroom power from teacher to student;
- designing content as a means to building knowledge rather than a 'knowledge end' in itself;
- positioning the teacher as facilitator and contributor, rather than director and source of knowledge;
- shifting responsibility for learning from teacher to learner; and
- promoting learning through effective assessment.⁵

Although there was no expression of dissatisfaction by students in succeeding years either by way of formal survey or anecdotally, in 2005 a large number of students express concern in relation to the absence of lectures from the program. In the absence of a formal study into the phenomenon, it is only possible to speculate at its cause. It may have been due to the 2005 cohort facing new pressures which made them less inclined towards a student-centred course of study. There may have been changes in the teaching approaches in other first-year units which made those units easier to study and *Contracts A* and *Contracts B* harder to study by comparison. It may have been due to the advent of, or greater use of, dedicated student on-line discussion boards which allowed for a community to give voice to long harboured misgivings, or a combination of all or some of these or other reasons. Whatever the reason, new pressures were placed on the teaching teams by management to revert to a traditional lecture format. While such a move might have been considered 'safe', it would have amounted to a retreat to an approach to teaching and learning that might be regarded as pedagogically unsound.⁶ A

⁵ Maryellen Weimer, *Learner-Centred Teaching: Five Key Changes to Practice* (2002).

⁶ Paul Ramsden, *Learning to Teach in Higher Education* (1992). Among the shortcomings of lectures that Ramsden identified were that while they might help lecturers 'cover the field' this is not achieved by student learning, students are passive and dependent, and they promote a surface learning approach by

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more constructive approach would have been to venture beyond the upfront demand for lectures and to enquire exactly why the students concerned felt the need to make the demand. In other words, to ask what they felt was missing from the program and to then consider the most appropriate means to address that need.

As it happens, the author in discussions with distance external students in mid-2005 had identified a weakness in the student-centred approach in the form of a lack of specific focus and direction that students would normally obtain from a traditional lecture. Accordingly, by the time the disquiet among the 2005 cohort came to light later that year, the author had already applied for and been granted sabbatical leave, part of which would be used in the development of a series of podcasts to be known as the *Contract Vignettes*, which would be designed to provide the focus and direction that students may have felt was missing in the existing course.

Laurillard⁷ proposed a model for successful learning of law that comprises five phases, namely that students should:

- (1) become familiar with the key ideas and information in each area of law and know how these ideas and information are organised or structured;
- (2) accurately relate the language of the law to its underlying meaning;
- (3) act on simulated but realistic situations on the basis of what they know about the law, theories of law and the practice of law;
- (4) use feedback to modify their understanding and adjust their actions; and
- (5) reflect on actions and feedback in relation to the structured ideas in a given area of law.

students rather than deep learning outcomes needing activity, responsibility and interaction. He argued that while they might be said to be economical and efficient, they are no more so than reading.

⁷ Diana Laurillard, *Rethinking University Thinking* (1993).

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The *Contracts Vignettes* are designed to help to fulfil the first stage of this paradigm in the context of the overall learning and teaching strategy. The *Contracts Vignettes*, as a partial replacement for content delivery via large group lectures, also reflect the first four of the changes envisaged by Weimer. They serve as introductions to the areas to be covered in the prescribed readings. They explain difficult concepts and also help direct students' study by posing questions that they are expected to answer in the course of their reading. They also lay a foundation for discussions in the small group classes.

III WHAT IS 'PODCASTING'?

Strictly speaking a 'podcast' is an MP3 audio file which is distributed over the internet to subscribers of an 'RSS' feed. The origin of the name is attributed by some to Apple Computers' 'iPod' portable music player,⁸ by others to the initials POD standing for 'portable on demand'.⁹ However, the term 'podcast' has also come to be used more broadly. For example, it might now be used to refer to any digital media file, including video files, and need not now only relate to audio files. Occasionally, however, such podcasts are designated 'video podcasts' or 'vodcasts'.¹⁰ Further, although portability may be sacrificed, it is no longer valid to think of podcasts requiring the use of a portable playing device like an iPod. Instead, some podcasts now may be accessed on any computer with an internet connection.¹¹

Some methods of podcast creation have been time and labour intensive. As one commentator remarked:

⁸ Ben Hammersley, 'Audible revolution' *The Guardian*. 12 February 2004

<<http://technology.guardian.co.uk/online/story/0,3605,1145689,00.html>> at 21 January 2008.

⁹ Doug Mills, 'Getting started with podcasts' University of Illinois

<http://www.cites.uiuc.edu/edtech/teaching_showcase/articles/mills/podcasting/index.html> at 2 September 2007.

¹⁰ Roger Atkinson, 'Podcasting: do you really need to know?' *HERDSA News*, December 2006, p 20.

¹¹ Doug Mills, 'Getting started with podcasts' University of Illinois

<http://www.cites.uiuc.edu/edtech/teaching_showcase/articles/mills/podcasting/index.html> at 2 September 2007.

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Although podcasting is simple for the user, the producer or 'podcaster' faces the complexity of creating not only the individual podcast episode files, but in formatting both the RSS file necessary for a podcast to work correctly, and the corresponding correct files structure on the server delivering the podcast.¹²

This may be complicated by the particular computer system being operated by the host, such as university (see Figure 1 for a sample workflow process to create a podcast). As technology develops it may be that the complexity of the process and cost associated with creation of podcasts will be reduced.

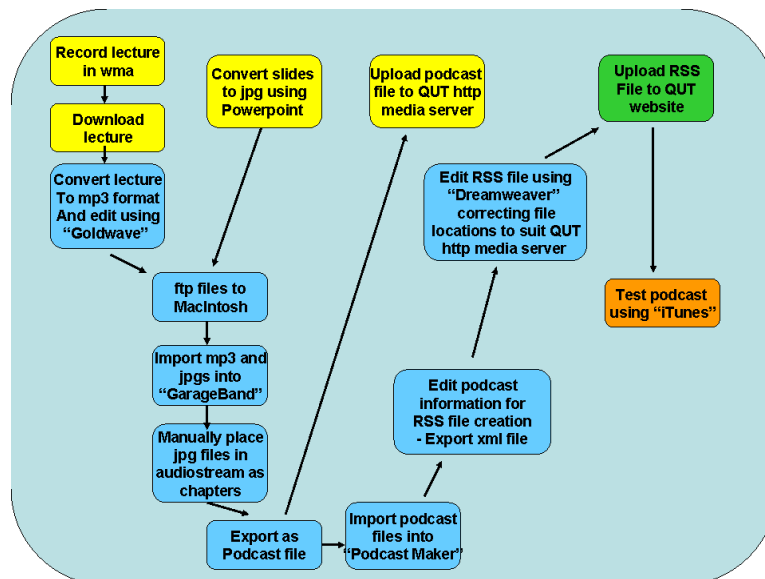


Figure 1: Sample of workflow stages for creating podcasts delivered via RSS feed (Moss, 2006)

Nevertheless, the use of audio and video podcasts in education is expanding. For example, at Duke University iPods were issued to first year undergraduate students in 2004 to receive course materials and the recording of lectures, class discussions and field

¹² Nathan Moss, 'Casting a wide net: Technical challenges of podcasting within a 'standard operating environment' Proceedings of the Online Learning and Teaching Conference, Brisbane 2006 <<http://eprints.qut.edu.au/archive/00007757/>> at 2 September 2007.

interviews,¹³ while at the University of Bradford a senior lecturer in microbiology claimed to be the first UK academic to replace lectures with podcasts, suggesting that doing so would free time for more small group teaching. He also claimed that the approach would better suit the needs of distance learners, part-time students and those balancing study with family and work.¹⁴ Podcasts therefore are seen as not only beneficial as a means of distance education but also as a form of 'e-learning' designed to improve learning performance.¹⁵ Overseas research has indicated that higher education students value the use of e-learning, that is web-based instruction, for the convenience and flexibility that it offers.¹⁶

IV THE CONTRACTS VIGNETTES: A METHOD OF COST EFFECTIVE PODCASTING

At the time that the author embarked upon the *Contracts Vignettes*, podcasting at the Queensland University of Technology was in its infancy. Those podcasts which were being produced typically required expensive software. A specific challenge that the author had posed himself from the outset of the project was for the project to be completed in the simplest and most cost effective manner possible.

The final result was that the *Contract Vignettes* comprise a series of 15 podcasts, each lasting between 10 and 15 minutes duration. Costs were minimised by use of software commonly available on all desktop computers including:

¹³ Yvonne Belanger, 'Duke University iPod first year experience final evaluation report' (2005). <http://cit.duke.edu/pdf/ipod_initiative_04_05.pdf> at 21 January 2008.

¹⁴ Chloe Stothart, 'Do the iPod shuffle, but don't miss the lecture' *Times Higher Education* 26 May 2006 <<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=203333>> at 21 January 2008.

¹⁵ Fiona Concannon, Antoinette Flynn and Mark Campbell, 'What campus-based students think about the quality of benefits of e-learning' (2005) 36 *British Journal of Educational Technology* 501.

¹⁶ A Young, and C Norgard, 'Assessing the Quality of Online Courses from the Students' Perspective' (2006) 9 *The Internet and Higher Education* 107, 113; Fiona Concannon, Antoinette Flynn and Mark Campbell, 'What campus-based students think about the quality of benefits of e-learning' (2005) 36 *British Journal of Educational Technology* 501, 512.

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- *Windows MovieMaker*. Version 2.1 of this video editing software was made available with the release of Windows XP Service Pack 2. The program contains a simple interface (see Figure 2) and features such as effects, transitions, titles/credits, audio track, and timeline narration.
- *Microsoft Office Powerpoint*. This program allows for slides and graphics to be saved as .gif images.
- *Microsoft Sound Recorder*. This is a free sound recorder installed on all Windows PCs.

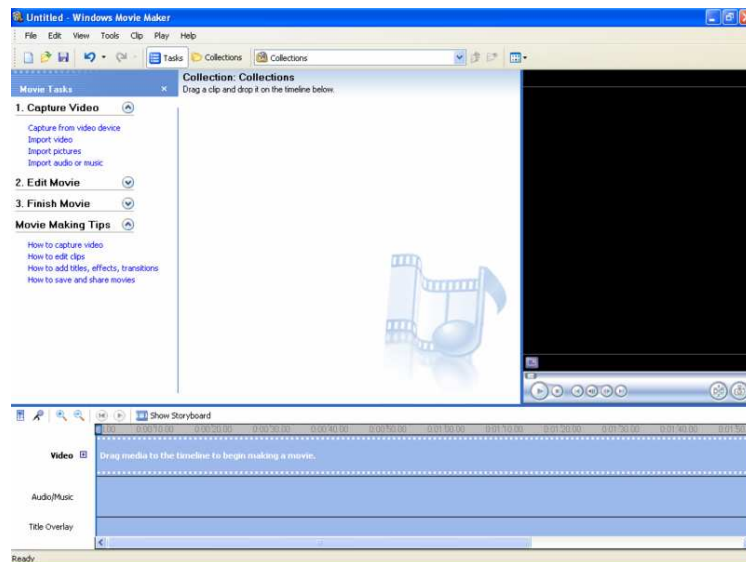


Figure 2: *The Movie Maker interface*

In addition, the author borrowed a camcorder, which plugged into a PC by USB port and which utilised the *Movie Maker* program for recording of video, and a microphone for recording narration. The final cost of the entire project was just \$25, which was spent licensing the theme music.

The podcasts therefore each comprised video of the author speaking to camera (see Figure 3), and Powerpoint slides (see Figure 4) and diagrams created in Powerpoint (see Figure 5) saved as images and 'animated' by being shown sequentially, accompanied by

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explanatory narration. This approach was able to provide an introductory overview of each area of contract law, an explanation of difficult concepts, and directions to help students focus their studies in concise, easy to absorb, view-at-any-own-convenience packages in a way that could not be achieved in a traditional lecture setting. The process adopted is somewhat less technologically complicated than that necessary for other forms of podcasting (see Figure 6).



Figure 3: the author speaking to camera

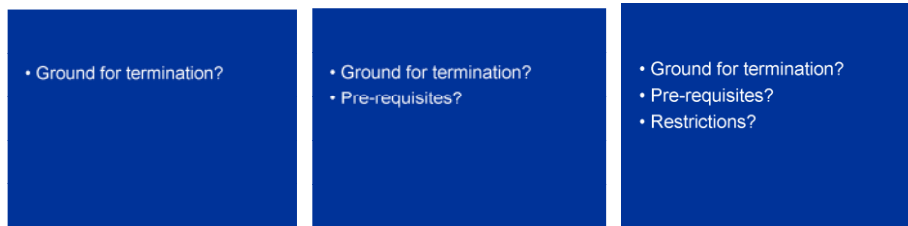


Figure 4: Sample of slides saved as 'gif' images

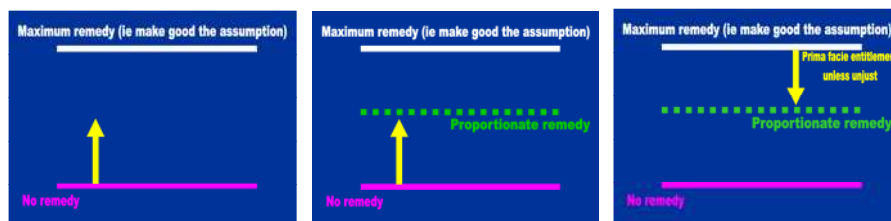


Figure 5: Sample of 'animated' diagrams

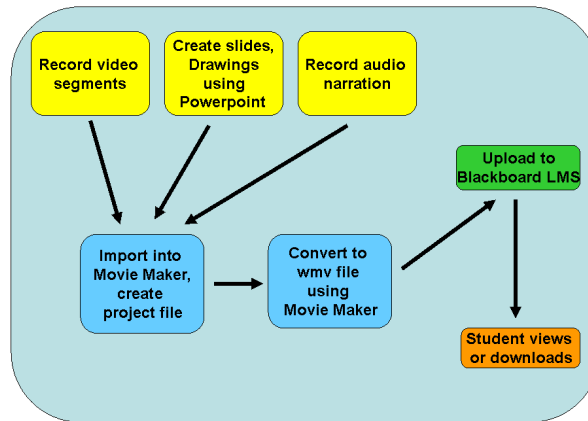


Figure 6: Workflow stages in creating podcasts using the *Contracts Vignettes* methodology

This methodology allows not only for ease of creation but also ease of access. RSS feeds, subscription accounts and email notifications that are typical features of dedicated podcasting software are unnecessary when the podcasts are made available to the students in a year group by being made available via a Learning Management System such as Blackboard, as now can be the case in many if not all universities. This approach allows for ease of updating or amendment. For example, a student contacted the author in relation to one podcast and suggested that if possible a particular topic should be explained in greater detail because it was a topic that was notorious among students as being difficult to understand properly. This was done in the space of an afternoon, with the amended podcast available to be uploaded immediately thereafter. Although dangerous to suggest a direct causal connection, it may be noted that in the following end of semester examination there was a marked overall improvement in the answers involving the topic than in previous years.

However, the limitations of the methodology must be acknowledged. The podcasts can presently only be downloaded in their wmv format. Currently they cannot be downloaded to an Apple iPod. This is principally due to QUT's preference for Microsoft Windows as its main operating system. This is not necessarily a bad outcome in the case

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of the *Contracts Vignettes* since there are several podcasts that include diagrams that feature writing which may be difficult to read on a smaller iPod screen. In any event, if in future it is perceived that there is a demand for portable versions of the podcasts, steps may be taken to convert the files' wmv format into an mp4 format capable of being viewed on an iPod.

V STUDENT RESPONSE

The *Contract Vignettes* were completed by the end of semester 1, 2006. This offered a unique opportunity towards the end of semester 2 to gauge the responses of students who in the one year had studied contract law using a student-centred program without the podcasts, and a similar program with the podcasts together with being exposed to the traditional approach of weekly two hour lectures and one hour tutorials in other units. Students were surveyed by way of a two sided paper instrument rendered in the small group classes towards the end of semester 2.

Students were asked to respond to the question:

I felt I had greater focus and direction to my study by watching 'The Contracts Vignettes' podcasts than I did last semester when 'The Contracts Vignettes' podcasts were not available.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
41	94	47	10	0	192
21%	50%	24%	5%	0%	

Seventy-one percent (71%) of students agreed or strongly agreed that they had greater focus and direction as a result of the podcasts, with 5% disagreeing. This represented an overwhelming confirmation of a key premise underlying the *Contracts Vignettes* project. This was reinforced by the qualitative feedback, which included:

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They made it easier to then approach the textbook materials with a basic understanding of what to achieve from the more detailed readings. The flexibility of them is great.

They provided an insight into the material content of that week. I had a basic understanding of the area before I commenced the readings.

Allows you to understand the general principles - forces you to focus your attention rather than getting sidetracked.

The podcasts allowed students to properly appreciate the 'big picture' and the relevant connection between different parts of the course:

They allow you to conceptualise the different areas of law into forming a whole and not just small separate areas not related to each other. They give effective relation of different areas to each other.

Gave a helpful introduction. Briefly outlined the topic - help in understanding the big picture and where it all fits in.

The Queensland University of Technology university learning and teaching policy includes the propositions that '*teaching approaches are [to be] student-centred and ... characterised by flexibility in delivery and innovation*' and that students are to acquire graduate capabilities including '*to be able to work independently.*' To test the extent to which the strategy now being pursued, including the podcasts, serves this policy, students were posed two questions as follows:

The learning and teaching strategy in *Contracts A and B* [ie *Contracts Vignettes* podcasts, workbook summaries of principles and questions, readings, checkpoint questions and longer (2 hr/1 hr) tutorials] **has assisted me in becoming an independent learner and accepting responsibility for my own learning.**

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
57	94	36	5	0	192
30%	48%	19%	3%	0%	

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Seventy-eight percent (78%) endorsed the proposition that the podcasts and the rest of the strategy assisted them in becoming independent learners and accepted responsibility for their own learning.

Students were also asked to respond to the following:

The learning and teaching strategy in *Contracts A and B* [ie *Contracts Vignettes* podcasts, workbook summaries of principles and questions, readings, checkpoint questions and longer (2 hr/1 hr) tutorials] **allowed me flexibility in my study.**

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
62	90	33	6	1	192
32%	47%	17%	3%	1%	

Similarly seventy-nine percent (79%) recognised that the strategy permitted a flexible approach to their study.

Specific comments in relation to flexibility included:

Like a lecture on difficult topics but can be accessed at home. Can go through it at your own pace.

Flexible and able to watch at any time. Take them at your own pace. Replay for exams and good revision mechanism.

I could listen to them when I had a spare bit of time than could result in the sitting in a lecture for two hours learning hardly nothing.

In relation to the design of the podcasts themselves, a number of aspects are worth highlighting as pointers for future endeavours. First, the following formal question was asked:

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The animated diagrams in the *Contracts Vignettes* podcasts aided my understanding of the areas of contract law concerned.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
48	97	46	0	1	192
25%	50%	24%	0%	1%	

Seventy-five percent (75%) of respondents found value in the animated diagrams, with a solitary student answering in the negative. Students said of the animations:

I like that they have animated diagrams. These helping to organise my thoughts. They just help to focus a bit more on important points.

Diagrammatical presentation of theories and hearing someone talking through the ideas rather than reading them.

The diagrams are so handy, using diagrams is an excellent way to convey information.

Other design issues, whilst not the subject of specific questions, were emphasised by students in the qualitative feedback obtained. These include matters such as the length of the podcasts, access issues and the overall packaging. In relation to the preferred length of podcasts, which are on average 10-15 minutes long, typical responses were:

They are short and to the point. Please don't make them any longer.

I appreciated the structured learning and they are very concise - Great when you're on the go.

Short, contracted/reduced nature.

Flexibility in access has been noted above as an issue of special importance to 'millennial students', who more than previous cohorts are juggling study and other commitments. In relation to this respondents remarked:

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They are there to go through in your own time when convenient. Can always go back to re-watch.

The ease of access at any time is a definite benefit as this allows me to fit my studying around work.

Students also remarked about matters such as the use of humour and music:

The diagrams are helpful, the music was good. It was a really interesting/innovative mode of communication.

Although 'cheesy', I believe that the intro music made them fun to watch - was even a topic of conversation with other law friends.

Allowing an audio only version and a transcript that sticks to the vignette is excellent as many times I didn't have time to listen to the whole thing.

Two questions were designed to gauge the overall effect of the podcasts, and the attitude of students to a student-centred approach assisted by podcasts when compared with a traditional approach. In relation to the first question, the responses were as follows:

The Contracts Vignettes podcasts aided my understanding of contract law.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
34	102	49	7	0	192
18%	52%	26%	4%	0%	

Seventy percent (70%) of respondents felt that the podcasts had aided their understanding, with only 4% disagreeing with the proposition. As students stated:

They are making it easier to learn, as compared to Contracts A when they were not available.

I like the simple way in which the concepts were explained. It really helped me to understand the topics.

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In relation to the comparison between the independent learning approach, now supported by podcasts, and the traditional paradigm of legal education, the response was particularly pleasing from a reformist perspective:

I prefer the learning and teaching strategy of *Contracts Vignettes* podcasts, workbook summaries of principles and questions, readings, checkpoint questions and longer (2 hr/1 hr) tutorials to a strategy of fixed weekly (2 hour) lectures and shorter (1 hr/wk) tutorials.

Strongly agree	Agree	Neutral	Disagree	Strongly disagree	Total
83	58	31	10	10	192
44%	30%	16%	5%	5%	

The seventy-four percent (74%) approval result, with only 10% in disagreement, was a sharp reversal of the large number of students expressing concern at the absence of a lecture program. Indeed, of the qualitative responses received, only four students insisted that lectures were a necessary component of learning. As one student remarked:

No substitute for formally delivered instructed lectures which can be placed online for reference and review. These are 'nice' part of limited value.

A much more common response was along these lines:

More helpful than boring lectures.

The difference in responses likely reflects different learning styles and preferences.

An unexpected but pleasing response came from a number of distance external students. The QUT Law School is the only provider of an external and part time study mode for its units in Queensland, and one of a small number in Australia. These comments included:

Excellent focus on relevant parts to study. Good consolidation of learning. Feels like you had interaction with staff (especially if you are external or part-time).

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Made me feel like I actually had contact with a human being, not just a voice - something that is generally lacking with other subjects.

For the past four years the QUT Law School has audio streamed all lectures in undergraduate subjects. This entails digitally recording the two hour lecture as it is delivered to internal students and uploading the file onto the learning management site for students to listen to. These comments reveal an advantage of the podcasts over the audio streaming of lectures in that students are presented with the face of a full time lecturer rather than merely working from a disembodied voice or written notes.

VI TEACHING TEAM RESPONSE

The *Contracts Vignettes* have also been well received by the teaching team of the two subjects. The podcasts have in some cases relieved the need to go over the meaning of basic concepts that might otherwise have taken up valuable class time. In other cases they have helped to advance class discussions by providing a consistent foundation for understanding. One member of the team was sufficiently impressed by the podcasts that he nominated them for a Faculty teaching citation, which was subsequently awarded.

VII CONCLUSION

Different law schools have different cohorts of students to serve. However, it is likely that a large percentage of Australian law school students are or will soon be so-called 'millennial students.' These are students who are typically comfortable with technology, having been born into an age of exponential change, and who are usually forced to juggle study with other commitments such as work commitments. There are, in addition, other groups of students such as mature age students, who may also need to undertake study alongside of work and family obligations. What is clear is that the traditional model of legal education comprising, for example, weekly two-hour lectures supported by a tutorial program, whilst acceptable in the long era of little change prior to the digital age

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may no longer be suitable in today's law schools. The effectiveness of lectures as a primary means of content delivery has in any event been challenged on pedagogical grounds. That said, a programme without lectures may need to find an alternative means of achieving the positive outcomes that lectures are capable of producing. These include providing focus and direction to students' studies and effectively conveying the 'big picture' so that students are able to appreciate how different parts of the course relate to each other.

Technology such as podcasting offer a range of advantages and opportunities that traditional methods do not, particularly when combined with a strategy encouraging student centred, independent learning. These include the creation of quality learning experiences involving the explanation of topics using animations, the flexibility of when and where and at what pace students use the resource, and the ability for students to review the material at will, assisted by the easily-digested length of the materials. They can effectively and efficiently provide the required focus and direction and 'big picture' understandings. Video podcasts also convey the message that students, particularly part time or distance students, are interacting with a lecturer who is a person rather than a disembodied voice on the recording of a lecture.

Technology need not come at a great cost, however. An objective of the *Contracts Vignettes* project was to produce a series of podcasts at a minimal cost. Using software freely available on any academic's Windows PC, this objective was achieved, with all of the benefits identified above and with the overwhelming approval from students.