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# LEGAL SPEAK: OBSERVATIONS ON THE USE OF AUDIO IN TEACHING LAW

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## ABSTRACT

The following paper recounts the experiences of using podcasting in the School of Law the University of East London and presents the findings of a small scale investigative study into the use of a variety of audio uses to supplement face to face teaching. In doing so it challenges some current assertions of podcasting and suggests that legal education may develop its own pedagogic uses of podcasting apposite to its existing subject pedagogy

## KEYWORDS

Podcasting, audio, pedagogy, podagogy

## 1. INTRODUCTION

Whilst podcasting as an emergent technology has received significant attention as to its effectiveness through studies by Draper and Maguire (2007), Harris and Park (2008) and Copley (2007) and others little has been investigated into its specific use within the teaching of Law. The project looks specifically at the use of audio in the teaching of Law and draws comparison and parallels with research in other subject areas.

The School of Law at the University of East London whilst no stranger to e-learning and innovation is founded largely upon traditional teaching methodologies. The project rationale was how to enhance those methodologies utilising what Harris and Park (2008) term “teacher-driven podcasting”. Copley (2007) and Berk et al (2007) recognise the relative simplicity in generating audio content and the desire of a technology capable of being readily adopted rather than posing a deterring technical challenge was a factor in selection. Instrumental to the selection of podcasting as an apposite technology was the rich oral tradition upon which the teaching of law is founded, Bainbridge (2008), Mertz (2007).

## 2. BODY OF PAPER

### 2.1 Theoretical perspectives

Harris and Park (2008) identify education’s interest in harnessing the potential podcasting technology in order to raise the quality of the student learning experience and empowering student success. The potential effectiveness of podcasting is based upon several central tenets. Rosell-Aguilar (2007:473) refers to the capability of audio to provide “authentic input” this authenticity is intensified through a voice recognisable to the listener lending immediacy and intimacy to the material. Podcasting permits listeners to access the material at times and locations of their choosing thus allowing learning to be an embedded aspect of their lives, Naismith et al (2004) unrestricted by the physical learning environment, Draper and Maguire (2007)

and Copley (2007) note that students listen to podcasts in a variety of settings and times suggesting that podcasting contributes to the notion of any time learning.

Rosell-Aguilar (2007) identifies the instinctive nature of listening and its consequent importance with ease of constructing understanding, a use of podcasts particularly lecture recordings that Draper and Maguire (2007) and Evans (2007) identify. It is with this in mind that Rosell-Aguilar (2007: 483) proposes the notion of a specific “podogogy” for the pedagogic deployment of podcasting. Whether such a ‘podogogy’ may be generic or by necessity is subject specific is a critical question. The link between the historical subject teaching traditions of Law and podcasting is founded upon the strong oral traditions it holds. The oral teaching history of Law based upon verbal exposition, which Mertz (2007) terms its Socratic tradition suggests that podcasting may be congruent with those traditions and therefore form the basis of an appropriate pedagogical stance in teaching Law. Integral to this stance is a desire to identify the nature and length of podcasts that students will engage with, Berk et al (2007) assert that podcasts should be kept short, the Higher Education Academy Impala project (online) suggests that podcasts should ideally be 10 minute duration however it identifies there is specific value in longer recordings such as lectures.

## **2.2 Study and methodology**

The study was preceded by a small evaluative investigation that identified a favourable student response to podcasting. This prompted a further more expansive study that has so far encompassed a range of audio recording opportunities comprising lecture recordings, pre-lecture scene setting, guest speakers, module descriptions and student welcomes. Sixteen members of academic staff were involved in the production of podcasting material with eight lecturers recording some or all of their lectures. A total of 38 lectures were recorded, 12 module descriptions, a series of pre lecture narratives and 4 guest speakers. In order that technical demands were not a restraint, associated training, editing and file uploading support was provided via the services of a learning technology advisor. Varying podcasts were made available to either all Law students or by specific module encompassing both undergraduate and postgraduate learners.

Following the deployment of the podcasts student and staff perceptions on the effectiveness and impact of podcasting was gathered by means of module feedback questionnaires, electronic questionnaires, VLE usage statistics and focus groups providing qualitative and quantitative data. Apposite ethical considerations and approvals were respected during recording and data collection.

## **2.3 Study findings**

The study produced a range of quantitative data that helps identify trends in terms of access rates, access times. The questionnaire solicited views on usefulness, whether all or some of the lecture podcasts were listened to and whether they were listened to in their entirety. Questions were also posed regarding on what piece of equipment they were listened to and any barriers to listening that were present. Focus group questioning garnered greater understanding of learner responses. Staff perceptions were gathered informally through discussion with individually.

Staff and students felt that we as an institution should be providing materials in a format congruent with student needs and expectations. It was deemed that podcasts, especially as MP3s have currency and relevance with students and thus are likely to contribute to the quality of the student learning experience. Similarly it was felt that auditory learners could revisit topics and revise in a format consistent with their learning style. Some staff felt that the production of podcasts complimented and augmented their other resources to form a comprehensive subject resource bank in a variety of formats.

When recording lectures two staff expressed that they were conscious of the recorder’s presence, and this manifested itself in them being more measured in their delivery knowing their words could be revisited. This added precision may have adversely affected the ‘naturalness’ of delivery undermining the engaging nature of podcasts and Rosell Aquilar’s (2007) notion of authenticity. Conversely other staff felt that they readily got used to it ‘didn’t know it was there’ especially as prior to the study students had placed their own

recorders at the lectern and it was deemed by most that it was beneficial to have control over the editing, publishing and quality control of recordings and equity of access.

There were instances of unease in front of a microphone, one individual when asked to record a short module description initially found it an unnatural experience however when the recording was conducted as an interview felt much more comfortable. The individual also felt that this technique of two voices made the recording more engaging for listeners as the interviewer was asking questions likely to be posed by the listener. Despite initial fears no-one reported any noticeable affect on attendance when lectures were recorded and made available in their entirety.

Where lecture podcasts were made available the response was not as conclusive as anticipated, whilst for instance 43% of total file access on the Current Issues and Research in International Law (CIRIL) VLE module was accounted for by podcasts.. However as students listening via an mp3 recorder would access the recording only once whereas those listening via a computer may access the same recording several times the VLE statistics provide a potentially misleading and unreliable measurement. It was deemed that the questionnaire provided more reliable data.

There was a marked drop off in access through the duration of the module, although unsurprisingly the initial introduction to the module and the description of the assessment received the greatest number of accesses. Whilst 88% had accessed at least one podcast, which compares favourably with Copley's (2007) take up rate of 80% only 23.5% had listened to the whole series of lectures. Of those not listening to all podcasts most cited lack of time as their prime reason although they indicated that they found podcasts beneficial, additionally they stated that they made that time for 'special' lectures. The students' comments regarding time tend to erode the Draper and Maguire (2007) and Copley (2007) view of any time learning that can readily fit in with students' lives. The majority tended to listen to podcasts in their entirety rather than selected sections and 50% listened to them on an mp3 player which represents an increase upon Copley's (2007) rate of 13%. The emphasis on time lends credence to the HEA Impala (online) position regarding podcasts of 10-15 minutes although they cite attention span as a factor rather than available time.

In modules featuring podcasts consisting only of revision lectures, examination preparation and assessment guidance the take up rate by students was consistently above 80% across a variety of modules consisting of undergraduate and postgraduate learners.

Where audio module descriptions were made available they were accessed more times than their equivalent text based alternative, what students liked about these recordings was the opportunity to hear the lecturer that was likely to teach them on that particular module. The nature and implications of this selection by voice possibly at the expense of subject expertise warrants further examination. Pre-lecture scene setting podcasts experienced a take up rate of between 20 and 30% which suggests that most students' attention on a topic is triggered after the lecture rather than before it.

Focus group feedback provided valuable insight into student perceptions and uses of podcasting. One Police Studies student stated that having a podcast 'helps when you have missed important information' which concurs with Draper and Maguire's (2007) view of a podcast as a backup source to check and formulate understanding particularly where information is coming at them at a rate at which they struggle to effectively process. Several respondents stated they were 'great for revision' emphasising the importance of recording key lectures, discussions and information. One CIRIL student exemplified Berk et al's (2007) view of any time learning by saying 'I sometimes wake up anytime in the middle of the night (while my kids are in bed) and listen to the lecture. It reinforces the notes that I jotted down during class lectures and I usually refer to the bit, I missed out and re-listen to it as many times as needed.' Whilst an extreme example of any time learning, it does emphasise the reinforcement of learning characteristics afforded by podcasts.

It is apparent that those utilising podcasts frequently are ringing in their endorsement of them as a learning tool. A CIRIL student claimed 'I question myself, how on earth did I pass my BA with Hons (their previous course) without the podcast? Well done to the initiator of this wonderful idea'. One student for whom it was their first exposure to podcasted revision lectures described them as 'simply brilliant'.

### 3. CONCLUSION

From the student feedback it is evident from the findings that students do perceive benefits from podcasts and that staff are keen to effect and maximise those benefits. Accordingly we need to address how we may best develop our podcasting practice to form an appropriate 'podogogy'. We need to consider whether it is more advantageous to focus efforts on recording revision lectures in their entirety with their high usage rates rather than recording all lectures that has a 23.5% take up. Does this 23.5% constitute a significant minority and what disservice would we be doing them in not making such podcasts available? Given that time is cited as a major reason for not listening to all lectures would a shorter descriptive podcast as suggested by the HEA Impala project (online), albeit for different reasons, of the salient points attract a larger audience?

With regards to developing a subject specific or generic 'podogogy' we are currently deploying podcasting in other subject areas such as Psychology, Health and Bio-science and we shall be investigating student perceptions in those areas for comparison with those in the school of Law. Similarly we have not explored the concept of student generated content particularly for assessment, the potential of audio feedback and group or seminar discussions. It is these areas along with our unanswered questions that have formed the basis of further investigation incorporating 1000+ learners in order that we may formulate an effective and fitting podcasting pedagogy.

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