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THE EFFECT OF LECTURE RECORDINGS ON LECTURE ATTENDANCE: LAW ACADEMICS' MISCONCEPTIONS AND LAW STUDENTS' REALITY

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ABSTRACT

An issue experienced globally in the higher education sector is the reported decline in student attendance at lectures over the course of a study period. In 2017, a small-scale pilot project was conducted at the Curtin Law School ('CLS') to explore what, if any effect, the availability of lecture recordings has on student attendance at lectures in the discipline of Law.

The project involved asking CLS law academics and students, to complete a questionnaire about their opinions on the use of face-to-face lectures and lecture recordings, respectively. By researching the perspectives of law academics and law students, misalignments were identified between law academics' perceptions of why lecture attendance by students is declining, and students' actual learning needs and preferences. This paper outlines and critically analyses the data collected from the project and highlights the key misalignments identified — particularly a *misconception* by law academics that the availability of lecture recordings is the leading cause of declining rates of student attendance at lectures.

This paper then offers learning and teaching strategies that law academics could use to encourage students to attend their lectures, and enhance students' university learning and teaching experience.

I INTRODUCTION

Lectures remain the most common method of transmitting information to students in tertiary education around the world.¹ The lecturing tradition can be traced back to medieval times.² Historically, lectures have been the standard teaching method and the primary learning venue in university settings. At lectures, law academics tend to 'dictate' and present information on a subject matter in which they are regarded to be an expert, and students are expected to listen and take notes. Although there is debate as to whether lectures are the most advantageous method of

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1 See generally, Donald Bligh, *What's the Use of Lectures?* (D A & B Bligh, 1972) 3; Helen Edwards, Brenda Smith and Graham Webb (eds), *Lecturing: Case studies, experience and practice* (Routledge Falmer, 2012) 1; Bruce Charlton, Sam Marsh and Nick Gurski, 'Are lectures the best way to teach students?', *The Guardian* (online), 31 March 2015 <<https://www.theguardian.com/higher-education-network/2015/mar/31/are-lectures-the-best-way-to-teach-students>>.

2 See, eg, George Brown and Madeleine Atkins, *Effective Teaching in Higher Education* (Routledge, 1988) 7; Paul Ramsden, *Learning to Teach in Higher Education* (Routledge, 2nd ed, 2003) 147.

teaching,³ lecturing remains the leading teaching format in higher education.⁴ The distillation of the advantages and disadvantages of university lectures is beyond the scope of this paper. The primary focus of this paper is on the impact that lecture recordings has on lecture attendance and how law academics can motivate students to attend lectures, not the effectiveness of lectures generally. However, aspects of the debate over the use of lectures are considered when explaining the factors that influence the decision why students do or do not attend lectures.

Despite lectures being the main teaching method in higher education, student non-attendance at lectures appears to be a universal challenge for lecturers that transcends all: disciplines, universities, and countries. This decline is evidenced by the body of international literature on this subject,⁵ which shows that there generally tends to be a steady decline in lecture attendance over the course of a study period.⁶ The decline in student attendance at lectures suggests that students today do not seem to perceive value in lectures as a learning method.⁷

With technological advancements, university lectures are now recorded and made available for students to access afterwards at their convenience, through online learning portals. Lecture recordings are becoming increasingly popular and more widespread, to the point where online access to lecture recordings are required by university management and in turn expected by university students, regardless of their mode of study.⁸ There are mixed feelings amongst academic lecturers regarding the provision of online lecture recordings as some consider that

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- 3 See, eg, Thomas Davies, Vonda Cotton and Leon Korte, 'Student Usage And Perceptions Of The Value Of Recorded Lectures In A Traditional Face-To-Face (F2F) Class' (2016) 13(3) *Journal of College Teaching & Learning* 85; Bassou El Mansour and Davison Mupinga, 'Students' positive and negative experiences in hybrid and online classes' (2007) 41(1) *College Student Journal* 242; Jeffrey Young, 'Hybrid' teaching seeks to end the divide between traditional and online instructions' (2002) 48(28) *Chronicle of Higher Education* 33; Belinda Tynan and Stephen Colbran, 'Podcasting, student learning and expectations' (Paper presented at the 23rd Annual Conference of the Australasian Society for Computers in Learning and Tertiary Education Conference: Who's learning? Whose technology? Sydney, 3–6 December 2006) 825 <http://www.ascilite.org/conferences/sydney06/proceeding/pdf_papers/p132.pdf>.
 - 4 Helen Larkin, 'But they won't come to lectures ...' The impact of audio recorded lectures on student experience and attendance' (2010) 26(2) *Australasian Journal of Educational Technology* 238, 239.
 - 5 See, eg, Therese Leufer and Joanne Cleary-Holdforth, 'Reflection on the Experience of Mandating Lecture Attendance in One School of Nursing in The Republic of Ireland' (2010) 2(1) *All Ireland Journal of Teaching and Learning in Higher Education* 16.1, 16.2. This article provides an outline of the international literature concerning student non-attendance at lectures.
 - 6 *Ibid.*
 - 7 Peter Massingham and Tony Herrington, 'Does Attendance Matter? An Examination of Student Attitudes, Participation, Performance and Attendance' (2006) 3(2) *Journal of University Teaching and Learning Practice* 82, 84.
 - 8 Kathy Buxton et al, 'Recorded lectures: Looking to the future' (Paper presented at the 23rd Annual Conference of the Australasian Society for Computers in Learning and Tertiary Education Conference: Who's learning? Whose technology? Sydney, 3–6 December 2006) 101 <http://www.ascilite.org/conferences/sydney06/proceeding/pdf_papers/p118.pdf>.

lecture recordings are a disincentive for students to attend lectures in person,⁹ because students perceive no *value* in physically attending the lecture when they can access the information online at a later time. There is no conclusive evidence that the availability of lecture recordings is causing the decline in lecture attendance.¹⁰ In fact, there is a body of academic research which suggests that the availability of lecture recordings does *not* lead to a *significant* drop in lecture attendance,¹¹ but does have a *slight* adverse effect. It is mainly other factors, such as: illness, employment and logistics which are causing the decline in lecture attendance.¹²

To determine the ‘significance’ that lecture recordings might have on student learning and engagement within the discipline of Law, a small-scale pilot project was conducted at Curtin Law School (‘CLS’) between January and June 2017 (‘project’). The project sought to explore the perceived impact of the availability of lecture recordings on student attendance and learning. This paper analyses quantitative and qualitative responses collated from the questionnaire.

The study’s results arguably support the view that the availability of lecture recordings is a contributory factor as to why students do not attend lectures, but consistent with prior academic literature, it is *not* a leading factor – despite law academics’ perception that it is. This paper highlights a number of misalignments between academic perceptions and student learning practices and preferences regarding the availability of recorded lectures. In light of the misalignments identified from the project’s results, this paper then offers potential learning and teaching strategies that law academics can use to encourage student attendance at their lectures and, in turn, enhance students’ university learning and teaching experiences.

Whilst there have been extensive studies exploring this issue,¹³ including a large scale Australian Learning and Teaching Council funded project in 2008,¹⁴ there have only been a

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- 9 See, eg, Vanessa Gysbers et al, ‘Why do Students Still Bother Coming to Lectures, When Everything is Available Online?’ (2011) 19(2) *International Journal of Innovation in Science and Mathematics Education* 20, 21; Brian von Konsky, Jim Ivins and Susan Gribble, ‘Lecture attendance and web base lecture technologies: A comparison of student perceptions and usage patterns’ (2009) 25(4) *Australian Journal of Educational Technology* 581, 582; Andrew Williams, Elisa Birch and Phil Hancock, ‘The impact of online lecture recordings on student performance’ (2012) 28(2) *Australian Journal of Educational Technology* 199, 200; John Tarrant, ‘Recorded Lectures: An Opportunity for Improved Teaching and Learning’ (2013) 3(1) *ERGO: The Journal of the Education Research Group of Adelaide* 37; Larkin, above n 4, 243.
- 10 Tarrant, above n 9.
- 11 See, eg, Arun Karnad, *Student use of recorded lectures: a report reviewing recent research into the use of lecture capture technology in higher education, and its impact on teaching methods and attendance* (25 June 2013) London School of Economics and Political Science <<http://eprints.lse.ac.uk/50929/>>; Jon-Paul Marchand, Marion Pearson and Simon Albon, ‘Student and faculty member perspectives on lecture capture in pharmacy education’ (2014) 78(4) *American Journal of Pharmaceutical Education* 74; von Konsky, Ivins and Gribble, above n 9; Gysbers et al, above n 9; Tarrant, above n 9.
- 12 See, eg, Pierre Gorissen, Jan van Bruggen and Wim Jochems, ‘Students and Recorded Lectures: Survey on Current Use and Demands for Higher Education’ (2012) 20 *Research in Learning Technology* 297.
- 13 See eg, Lillian Corbin, Kylie Burns and April Chrzanowski, ‘If you teach it, will they come? Law students, class attendance and student engagement’ (2010) 20 *Legal Education Review* 13. This article provides a detailed summary of the most commonly cited journal articles discussing student non-attendance at lectures.
- 14 Maree Gosper et al, *The Impact of Web-Based Lecture Technologies on Current and Future Practices in Learning and Teaching* (April 2008) Office of Learning and Teaching <<http://www.olt.gov.au/resource-impact-webbased-lecture-technologies-macquarie-2008>>.

handful of projects investigating it within the discipline of Law.¹⁵ Furthermore, the majority of those studies focused on students' perspectives, asking how, why and when students attend face-to-face lectures and use lecture recordings. In addition to highlighting how law students use lecture recordings, the CLS project also sought to understand law academics' perceptions of students' motives and use of face-to-face lectures and lecture recordings. By exploring declining rates of lecture attendance from the perspectives of law academics and their students, misalignments between perceptions were identified. This will hopefully help to ensure that law academics can better understand their students' learning needs, preferences and motives and thus facilitate their learning by traditional lectures or other teaching formats.

II THE PROJECT

A Background

The CLS project aimed to explore the perceived impact of recorded lectures on law school lecture attendance rates, from the perspectives of law academics and their students. In particular, the project was concerned with whether the availability of lecture recordings is the *leading* factor that influences law students not to attend lectures. Furthermore, the investigation sought to better understand students' motivations for attending face-to-face lectures and/or listening to lecture recordings online. By having a better understanding of student learning approaches and preferences, law academics can adjust their teaching approaches to better facilitate and maximise student learning.

This was approved by Curtin University's Human Research Ethics Office (approval number: HRE2017-0104). Participants' consent was obtained when they ticked a box at the top of the questionnaire which confirmed their voluntary consent to take part.

B Participants: Law Academics And Students

CLS law academics and law students, enrolled in the following units (listed below), were asked to complete an anonymous questionnaire (the details of which are explained in the next section):

- Legal Foundations (LAWS1005) — first year core unit;
- Property Law Principles (LAWS2000) — second year core unit;
- Competition Law and Policy (LAWS3004) — penultimate/final year elective unit; and
- Occupational Health and Safety Law (LAWS3015) — penultimate/final year elective unit.

The weekly tuition pattern for all four units was the same, each having a traditional lecture and interactive tutorial. Lectures were recorded and tutorials were not. Three of the four Unit Coordinators for the above units recorded their lectures and made them available through the university's online learning management system immediately after the lecture. Although the Property Law Principles Unit Coordinator recorded their lectures, the lecture recordings were released in two intervals – during the tuition free break at the middle and at the end of the study period. Note that lecture and tutorial attendance was not a mandatory requirement of students in any of the four units surveyed by this CLS project.

The questionnaire was administered in the above units to ensure that the opinions and perceptions of law students at different stages of their studies were obtained and represented in

15 See, eg, Sharon Mascher and Natalie Skead, 'On the record: The Trials and Tribulations of Lecture Recording in Law' (2011) 35 *University of Western Australia Law Review* 407; Jane Bahnson and Lucie Olejnikova, 'Are Recorded Lectures Better than Live Lectures for Teaching Students Legal Research?' (2017) 109(2) *Law Library Journal* 187; Corbin, Burns and Chrzanowski, above n 13.

the results. The four units had minimal student enrolment overlap.¹⁶ However, to try to reduce the risk of questionnaires being completed by the same students repeatedly, students were asked to not complete the questionnaire if they had already done so in another unit.

Only permanent CLS law academics were asked to participate in the project. CLS sessional law academics were not included in the project as majority of sessional law academics are not involved in the delivery of lectures.

A total of 27 law academics and 181 law students voluntarily participated in the CLS project by completing the questionnaire. Table 1 below depicts the number of permanent CLS law academics, the number of academic participants, and the response rate.

Table 1: Response rate of CLS academic staff participants

| PARTICIPANTS | NUMBER OF PERMANENT STAFF | NUMBER OF STAFF RESPONSES | RESPONSE RATE |
|--------------------|---------------------------|---------------------------|---------------|
| CLS academic staff | 33 | 27 | 81.8% |

Table 2 below then shows the number of students enrolled in each unit, the number of students who completed the survey in each unit, and the response rate.

Table 2: Response rate of CLS student participants

| UNIT | NUMBER OF STUDENTS ENROLLED | NUMBER OF STUDENT RESPONSES | RESPONSE RATE |
|---|-----------------------------|-----------------------------|---------------|
| Legal Foundations (LAWS1005) | 125 | 98 | 78.4% |
| Property Principles (LAWS2000) | 95 | 63 | 66.3% |
| Competition Law and Policy (LAWS3004) | 17 | 7 | 41.2% |
| Occupational Health and Safety Law (LAWS3015) | 18 | 13 | 72.2% |
| Total | 255 | 181 | 70.9% |

C Methodology: Questionnaire

Two questionnaires were created and administered to the law academic and student participants. One questionnaire aimed to better understand students' reasons for attending or not attending face-to-face lectures in person, and/or using lecture recordings. A slightly different questionnaire was given to academic participants to identify their perceptions of their students' motives for attending face-to-face lectures and/or using lecture recordings. Both questionnaires contained three sections of questions as follows:

1. General information;
2. Lecture attendance; and
3. Lecture recordings.

¹⁶ Seven students were enrolled in both Competition Law and Policy (LAWS3004) and Occupational Health and Safety Law (LAWS3015) during the study period in which the questionnaire was administered. There were no overlaps in the other units.

The questionnaires contained open and close-ended questions, the latter required participants to select one response from a list of options.

Both questionnaires were administered to participants as a one-off hard copy. The rationale for administering the questionnaire in hardcopy was so participants completed the questionnaire immediately. This approach was the easiest for participants as they were not required to use electronic devices to access the internet. Consequently, a greater response rate was arguably achieved.

Questionnaires were administered to students enrolled in the four units, at the start of a tutorial towards the end of the study period. A tutorial was chosen instead of a lecture, to gain access to the broadest sample of students including those who did not attend lectures (assuming that some students who did not attend lectures, did attend tutorials). Questionnaires were administered to CLS law academics at the start of a School Meeting, at around the same time of the teaching period. The questionnaires asked law academics and students for their personal observations and experiences of face-to-face lectures and recorded lecturers.

D Results

The project’s results show participants’ perceptions based on their personal observations and experiences of face-to-face lectures in contrast to recorded lectures. The purpose of the project was to highlight how academic staff perceive students’ motives for attending and not attending lectures, and how lecture recordings are used; in contrast to the students’ perceptions of their motivations and learning approaches.

1 LAW ACADEMICS’ PERCEPTIONS OF THE IMPACT OF THE AVAILABILITY OF LECTURE RECORDINGS

CLS law academics who completed the questionnaire were asked, on average, how many students attend their lecture at the start and end of a study period. The results indicate that there is a significant decline in lecture attendance from the beginning to the end of a study period with 85.19 per cent of CLS law academics reporting that on average ‘all’ or a ‘majority’ of students attend their lectures at the start of the study period. However, in contrast, only 14.81 per cent of CLS law academics reported that ‘all’ or ‘majority’ of students attend their lectures by the end of the study period. This data is reflected in Table 3.

Table 3: CLS academic staff response to student attendance at lectures at the start and end of a study period

| | START OF THE STUDY PERIOD | | END OF THE STUDY PERIOD | |
|----------------|---------------------------|------------|-------------------------|------------|
| | RESPONSES | PERCENTAGE | RESPONSES | PERCENTAGE |
| All | 2 | 7.41% | 1 | 3.70% |
| Majority | 21 | 77.78% | 3 | 11.11% |
| Half | 2 | 7.41% | 8 | 29.63% |
| Less than half | 2 | 7.41% | 15 | 55.56% |

The questionnaire administered to CLS law academics contained a question specifically for those who taught before recorded lectures were introduced, asking them what effect they perceived lecture recordings have had on student attendance at their lectures — as these law academics would be in the best position to comment on the *perceived* impact that lecture recording has had on student attendance. Of the 27 law academics who completed the questionnaire,

15 taught before lecture recordings were introduced at universities generally. Table 4 below shows the distribution of the law academics' responses when they were asked, what impact they perceived the availability of lecture recordings had had on student lecture attendance.

Table 4: Responses of CLS academic staff who taught before lecture recordings were introduced, on the perceived effect of recorded lectures on student lecture attendance

| | RESPONSES | PERCENTAGE |
|-----------------|-----------|------------|
| Increase | 0 | 0 |
| No effect | 0 | 0 |
| Decrease | 14 | 93.33% |
| Unable to judge | 1 | 6.66% |

Almost all the CLS law academics who taught before lecture recordings were introduced, perceive that the availability of online lecture recordings has caused a decline in student attendance at face-to-face lectures. These survey results arguably confirm that the significant gradual decline in student attendance at lectures is a live issue within the discipline of Law, and that some law academics perceive this decline to be attributable to the availability of online recorded lectures.

2 FACTORS THAT INFLUENCE STUDENTS' DECISION NOT TO ATTEND LECTURES

The questionnaires asked both academics and students what they consider to be the top three contributing factors that influence students not to attend lectures. The questionnaire offered a set list of factors, and participants were asked to select the top three contributing factors of their choice. The list of factors were formulated based on the reasons students often cite informally for not attending lectures. Table 5 outlines the responses to this question.

Table 5: Top three perceived contributing factors that influence students not to attend law lectures

| FACTORS THAT INFLUENCE STUDENT NOT TO ATTEND LECTURES | ACADEMIC RESPONSES | | STUDENT RESPONSES | |
|--|--------------------|------------|-------------------|------------|
| | RESPONSES | PERCENTAGE | RESPONSES | PERCENTAGE |
| Assessment deadlines | 16 | 19.75% | 91 | 16.76% |
| Availability of lecture recordings and preference to utilise them | 22 | 27.16% | 57 | 10.5% |
| Conflicting academic timetable | 1 | 1.23% | 8 | 1.47% |
| Difficulty concentrating in lectures | 0 | 0% | 32 | 5.89% |
| Family commitments | 0 | 0% | 18 | 3.31% |
| Illness | 1 | 1.23% | 42 | 7.73% |
| Little engagement/involvement in lectures | 1 | 1.23% | 23 | 4.24% |
| Lecturer's approachability and teaching style | 0 | 0% | 23 | 4.24% |
| No apparent benefit | 4 | 4.94% | 13 | 2.39% |
| Size of the lecture | 0 | 0% | 2 | 0.37% |
| Time of the lecture | 6 | 7.41% | 56 | 10.31% |
| Transport issues, e.g. long distance to travel to university or parking | 8 | 9.88% | 62 | 11.42% |
| Work commitments or clerkships | 21 | 25.93% | 64 | 11.79% |
| Other | 1 | 1.23% | 11 | 2.03% |
| Did not answer or incomplete answer (includes those who only indicated one or two factors) | 0 | 0% | 41 | 7.55% |

Most CLS law academics think that the top three contributing factors that influence students not to attend lectures, are:

1. Availability of lecture recordings and preference to utilise them (27.16 per cent);
2. Work commitments or clerkships (25.93 per cent); and
3. Assessment deadlines (19.75 per cent).

In contrast, most students perceived the top three contributing factors that influence them not to attend lectures, to be:

1. Assessment deadlines (16.76 per cent);
2. Work commitments or clerkships (11.79 per cent); and
3. Transport issues, such as long distance to travel to university or parking (11.42 per cent).

The 'availability of lecture recordings and preference to utilise them' factor, was the fourth most popular contributing factor that students identified as influencing their decision not to attend law lectures (10.5 per cent). Note that there was only a slight statistical variance between the second, third and fourth most popular factors identified by the students, namely 1.29 per cent. This result arguably demonstrates that although the 'availability of lecture recordings and preference to utilise them' is not the leading factor that influences students' decision not to attend lectures, it is still a contributory factor. This outcome is relatively consistent with the results from other similar projects which have investigated the impact of lecture recordings on lecture attendance.¹⁷

¹⁷ Gorissen, Bruggen and Jochems, above n 12.

The statistical significance of the most popular factor indicated by law students, that is ‘assessment deadlines’ (16.76 per cent – 4.97 per cent difference from the second most popular factor), suggests that students generally prioritise assessment deadlines over lecture attendance. This result is not surprising if lecture attendance is not compulsory or graded, as assessment performance forms a direct part of students’ final grade in each unit.

What is interesting about these results, is that in direct contrast to academics’ perceptions – the availability of recorded lectures was *not* a top three contributory factor in the students’ decision not to attend face-to-face lectures. This is the first notable misalignment between academics’ perceptions and students’ learning preferences and motivations.

3 FACTORS THAT INFLUENCE STUDENTS ‘TO’ ATTEND LECTURES

Whilst it is important to understand the factors that influence students not to attend lectures, it is equally important to understand the factors that promote attendance. By understanding the factors that motivate students to attend lectures, law academics can formulate informed learning and teaching strategies to encourage students’ lecture attendance. Similar to the previous question, participants were asked to indicate the top three contributing factors from a list of factors that influence students to attend lectures. The list of factors were formulated based on the reasons students often cite informally for attending lectures. The results of which are listed below in Table 6.

Table 6: Top three contributing factors that influence students to attend lectures

| FACTORS THAT INFLUENCE STUDENT TO ATTEND LECTURES | ACADEMIC RESPONSES | | STUDENT RESPONSES | |
|--|--------------------|------------|-------------------|------------|
| | RESPONSES | PERCENTAGE | RESPONSES | PERCENTAGE |
| Acquiring knowledge | 9 | 11.11% | 87 | 48.07% |
| Already on campus | 15 | 18.52% | 54 | 29.83% |
| Attendance is assessed or mandatory | 6 | 7.41% | 21 | 11.6% |
| Assessment/examination guidance | 9 | 11.11% | 49 | 27.07% |
| Conducive learning environment | 1 | 1.23% | 43 | 23.76% |
| Contact with lecturer and peers | 13 | 16.05% | 34 | 18.78% |
| Engaging lecturer | 7 | 8.64% | 55 | 30.39% |
| General enjoyment | 1 | 1.23% | 6 | 3.31% |
| Opportunity to seek clarification | 4 | 4.94% | 24 | 13.26% |
| Quicker to listen to the lecture in real time | 7 | 8.64% | 41 | 22.65% |
| Risk of the lecture not recording | 7 | 8.64% | 63 | 34.81% |
| University experience | 1 | 1.23% | 8 | 4.42% |
| Visual aids | 0 | 0% | 6 | 3.31% |
| Other | 1 | 1.23% | 7 | 3.87% |
| Did not answer or incomplete answer (includes those who only indicated one or two factors) | 0 | 0% | 46 | 25.41% |

The data shows that most academic staff perceive the top three contributing factors influencing students to attend lectures, are:

1. Students already being on campus (18.52 per cent);
2. Contact with lecturer and peers (16.05 per cent); and
3. Acquiring knowledge (11.11 per cent) and assessment/examination guidance (11.11 per cent).

In contrast, students identified the following as the top three contributing factors that influence them to attend lectures:

1. Acquiring knowledge (48.07 per cent);
2. Risk of the lecture not recording (34.81 per cent); and
3. Engaging lecturer (30.39 per cent).

Both law academics and students identified ‘acquiring knowledge’ as one of the top three contributing factors that influence students to attend lectures, which is consistent with the intended purpose of lectures.¹⁸ In this sense, there is some alignment between the academic staff and students’ perceptions. However, the other contributing factors identified by academic staff and students were not consistent.

The two leading factors that the students identified as influencing them to attend lectures appear to be related. As indicated in the student data, the leading factor influencing students to attend lectures is to ‘acquire knowledge’. If the primary avenue for students to acquire knowledge is through a lecture, it is not surprising that the ‘risk of the lecture not recording’ is an incentive for students to attend as the concern that they may miss out on vital information is sufficiently motivating.

It must also be noted that the ‘risk of the lecture not recording’ is a significant factor for students to attend lectures (second most popular factor identified), which is consistent to the finding that the ‘availability of the lecture recordings’ is a contributory factor that influences non-attendance at lectures (fourth most popular factor identified).

4 FACTORS THAT INFLUENCE STUDENTS TO UTILISE LECTURE RECORDINGS

Whilst the availability of lecture recordings only has a contributory impact on lecture attendance—rather than being the leading impact—there is no doubt that students do utilise lecture recordings. In the student questionnaire, students were asked whether they utilise lecture recordings if they are made available. Of the students who participated in the project, 50.83 per cent indicated that they ‘always’ use lecture recordings made available to them, 27.07 per cent indicated ‘generally’ and 16.02 per cent indicated ‘sometimes’. This data indicates that a substantial proportion of students (93.92 per cent) do utilise lecture recordings, regardless of whether they attend the lecture in person.

Although a majority of students do utilise lecture recordings if they are made available, when students were asked if they learn better from attending lectures, or watching/listening to the lecture recordings, their responses were mixed. The data suggests only a slight preference to learn through lecture recordings over attending lectures, with 40.88 per cent stating they learn better through the use of lecture recordings. By comparison, 35.36 per cent stated a preference to learn by attending lectures, and 20.99 per cent found no difference between learning through lecture attendance and listening to or watching the lecture recording.

18 Bligh, above n 1, 7.

Table 7: CLS student response to whether they learn better from attending lecture or listening/watching lecture recordings

| | RESPONSES | PERCENTAGE |
|---|-----------|------------|
| Lecture attendance | 64 | 35.36% |
| Lecture recordings | 74 | 40.88% |
| No difference | 38 | 20.99% |
| Did not answer or did not answer properly | 5 | 2.76% |

Given that most students use lecture recordings, it is important to understand why they do. Both academics and students were asked to indicate the top three contributing factors that they consider, influence students to use lecture recordings. The questionnaire specified a list of factors and participants were asked to select what they perceive to be the top three contributing factors. The list of factors were formulated based on the reasons students often cite informally for utilising lecture recordings. Table 8 below outlines participants’ responses.

Table 8: Top three contributing factors that influence students to use lecture recordings

| FACTORS THAT INFLUENCE STUDENT TO UTILISE LECTURE RECORDINGS | ACADEMIC STAFF RESPONSES | | STUDENT RESPONSES | |
|--|--------------------------|------------|-------------------|------------|
| | RESPONSES | PERCENTAGE | RESPONSES | PERCENTAGE |
| Ability to control the speed of the lecture | 8 | 9.88% | 76 | 14% |
| Assessment/examination revision | 16 | 19.75% | 68 | 12.52% |
| Did not attend the lectures | 27 | 33.33% | 76 | 14% |
| Easier to process information than in a lecture | 1 | 1.23% | 30 | 5.52% |
| Option to stop/start/rewind the lecture | 12 | 14.81% | 89 | 16.39% |
| Reviewing notes | 1 | 1.23% | 30 | 5.52% |
| Revisiting difficult concepts | 6 | 7.41% | 97 | 17.86% |
| Tutorial preparation | 1 | 1.23% | 5 | 0.92% |
| Watch or listen to the lecture again | 5 | 6.17% | 25 | 4.6% |
| Other | 4 | 4.94% | 4 | 0.74% |
| Did not answer or incomplete answer (includes those who only indicated one or two factors) | 0 | 0% | 43 | 7.92% |

Most academics thought the top three contributing factors influencing students to use lecture recordings, were:

1. Students not attending the lectures (33.33 per cent);
2. Assessment/examination revision (19.75 per cent); and
3. Option to stop/start/rewind the lecture (14.81 per cent).

In contrast, students identified the below top three contributing factors as influencing their decision to use lecture recordings:

1. Revisiting difficult concepts (17.86 per cent);
2. Option to stop/start/rewind the lecture (16.39 per cent); and
3. Ability to control the speed of the lecture (14 per cent) and did not attend the lectures (14 per cent).

Given responses examined earlier in the paper, it is unsurprising that academics predominantly perceive that students use lecture recordings mostly because they do not attend face-to-face lectures in person. This perception is arguably an assumption that is consistent with law academics' view that the decline in lecture attendance over a study period is attributable to the availability of lecture recordings. However, the students' responses indicate that most law academics' perceptions and assumptions about their students, are incorrect, as the most common reason for students using lecture recordings is to 'revisit difficult concepts'. This is the second notable misalignment between academics' perceptions and assumptions about their students' choices and motivations – and the same students' *actual* learning motivations and choices in practice.

The CLS project data also tends to suggest that many students are not necessarily using lecture recordings to replace lecture attendance, but rather as a revision tool, to revisit what was delivered in face-to-face lectures. If this interpretation of the CLS project data is correct, it is consistent with the research results reported in the research literature regarding students' use of lecture recordings in other disciplines.¹⁹

5 ACADEMICS' PERCEPTIONS OF THE BENEFITS OF ATTENDING FACE-TO-FACE LECTURES

The results of the academic staff questionnaire suggest that law academics are generally of the opinion that lectures are a valuable learning resource, and that attendance at lectures is beneficial to students. The qualitative comments from the study indicate that law academics believe that by being physically present at lectures, students are exposed to a more conducive learning environment and are likely to be more engaged with the course content, the lecturer, and their peers. Furthermore, the law academics perceived that regular attendance at lectures positively influences students' academic performance and general well-being. The following are representative examples of comments provided in the questionnaire by academic staff:

'Students will be more engaged in person and will stay on top of materials. In my experience, students who listen online have the tendency to fall behind the unit timetable.'

'Students who are engaged and present in class perform better academically. In-class discussion with the lecturer and peers help students consider the implications of the law and its application to diverse scenarios. Also, if students attend class they are better able to keep up with the volume of learning. Mental health is a big issue and attending class/interacting with peers and lecturers makes students feel less isolated.'

'Communication in real life is more engaging and effective for the student. For the lecturer, the job of communicating concepts in a way that students understand is easier when the lecturer can see and hear the students during the lecture, therefore students get a better lecture.'

19 See, eg, Julie McElory and Yvette Blount, 'You, me and iLecture' (Paper presented at the 23rd Annual Conference of the Australasian Society for Computers in Learning and Tertiary Education Conference: Who's learning? Whose technology?, Sydney, 3–6 December 2006) 554 <http://www.ascilite.org/conferences/sydney06/proceeding/pdf_papers/p87.pdf>; Sheila Scutter et al, 'How do students use podcasts to support learning?' (2010) 26(6) *Australasian Journal of Education Technology* 717, 185; Andrea Chester et al, 'Podcasting in Education: Student Attitudes, Behaviour and Self-Efficacy' (2011) 14(2) *Educational Technology & Society* 236, 242; Janine Tarr et al 'Challenges for this place or any place: student preferences for lecture 'places' in a blended learning environment' (Paper presented at the 38th HERDSA Annual International Conference, Melbourne, 6–9 July 2015) 447 <<http://herdsa.org.au/publications/conference-proceedings/research-and-development-higher-education-learning-life-and-38>>; von Konsky, Ivins and Gribble, above n 9, 587. The study conducted by von Konsky, Ivina and Gribble found that passing students were more likely to utilise lecture recordings to supplement face-to-face lectures than failing students.

There appears to be a perception amongst the CLS academic staff that students who attend lectures are likely to be more engaged and abreast of the unit materials, and as a result perform better academically. Whilst there is a body of academic literature that supports this position,²⁰ there is an equivalent body of academic literature suggesting that student attendance at lectures has little or no correlation to student performance and grades.²¹ Whilst all these studies vary in nature and scope, the results of each study demonstrate that there is no conclusive evidence to suggest that there is a positive link between lecture attendance and academic performance.²² Therefore, law academics who hold this perception must objectively assess if this perception is a true and accurate account of reality in light of the mixed literature – especially, when making decisions with respect to mandatory lecture attendance and whether to record and release lecture recordings.

6 SUMMARY OF RESULTS

The results of the project indicate two noticeable misalignments between law academics and students' perceptions, namely:

1. A misalignment between the perceptions of what factors influence students not to attend lectures; and
2. A misalignment between the perceptions of what factors influence students to utilise lecture recordings.

If student non-attendance at face-to-face lectures is considered to be a problem for law academics and students, law academics need to understand their students' learning preferences and motives, so they can respond to the problem with effective strategies.

III SUGGESTED STRATEGIES FOR LECTURE ATTENDANCE

Massingham and Herrington asserted:

The reality is that the majority of students will attend lectures only if they perceive 'value' in them. Value perceptions are based largely on the teaching process and the lecturer's competence. This thinking is not new.²³

Although this statement was made over ten years ago, Massingham and Herrington's sentiments arguably maintain relevance. It could be further argued that university students regularly engage in cost-benefit analysis — they weigh up attending a lecture against other competing commitments.²⁴ If students do not perceive there to be 'value' in attending lectures, they will (quite rightly) not go.

Law academics who seek to maintain or increase student attendance at lectures perhaps need to be clear about why they want students to attend, and then employ learning and teaching

20 See, eg, Elchanan Cohn and Eric Johnson, 'Class Attendance and Performance in Principles of Economics' (2006) 14(2) *Education Economics* 211, 222; Williams, Birch and Hancock, above n 9, 210.

21 See, eg, Sally Hunter and J Tetley, 'Lectures. Why Don't Students Attend? Why Do Students Attend?' (Paper presented at the HERDSA Conference: Cornerstones – What do we value in higher education?, Melbourne, 12–15 July 1999); Joan Rogers, 'Encouraging Tutorial Attendance at University Did Not Improve Performance' (2002) 41(3) *Australian Economic Papers* 255, 16.

22 See, eg, Karen St. Clair, 'A Case Against Compulsory Class Attendance Policies in Higher Education' (1999) 23 *Innovative Higher Education* 171, 175; von Kinsky, Ivins and Gribble, above n 9, 591; Leufer and Cleary-Holdforth, above n 5, 18.7–18.8; Tarrant, above n 9, 39.

23 Massingham and Herrington, above 7, 84.

24 Corbin, Burns and Chrzanowski, above n 7, 13.

strategies that add genuine value to their lectures. Common strategies that might add value to lectures can be grouped into these two broad categories:

1. Strategies to ‘force’ student attendance; and
2. Strategies to ‘encourage’ student attendance.

A Strategies That ‘Force’ Students to Attend Lectures

A quick solution to increase student attendance at lectures is to simply impose a mandatory attendance policy that requires students to attend a prescribed number of lectures to pass the unit. In these circumstances, students would perceive that the value in attending lectures is to ensure they pass the unit. Adopting a mandatory attendance policy will likely ensure consistent student attendance at lectures throughout the course of the study period.

A similar strategy to a mandatory attendance policy is to give grades for lecture attendance. This approach incentivises students to attend lectures, as their attendance — and in some cases, active participation — is rewarded by marks that count towards their final unit grade. Under this strategy, students will likely see value in attending lectures as they, in many cases, will earn some marks for merely showing up. This approach assumes that students will attend lectures to increase their grades.

Although imposing a mandatory attendance policy or giving grades for lecture attendance is a quick solution, it has serious consequences and valid criticisms. For example, both approaches would cause significant administrative burdens to students and law academics — recording and monitoring student attendance and absences at lectures would be incredibly onerous, especially for large units.²⁵ Furthermore, giving grades for attendance may have the unintended effect of inflating grades,²⁶ with neither approach necessarily enhancing students’ learning and knowledge.

Another approach to ‘force’ student attendance at lectures is for law academics to not record their lectures and/or not release lecture recordings to students, so the fall back option of a lecture recording is removed for students who do not attend the lecture. In these circumstances, the perceived value in attending the lecture would be to acquire information about the lecturer’s views on the unit, as there will be few alternative means of acquiring the information — other than, perhaps, recourse to available readings, tutorials and communication with peers.

The student data obtained from the CLS project suggests that a policy of not releasing lecture recordings may be an effective strategy in compelling student attendance at lectures; but it is unclear whether this would necessarily be effective in enhancing students’ learning, if the lectures do not have inherent value. As previously discussed, the top contributing factor that motivates students to attend lectures is to ‘acquire knowledge’ (48.07 per cent) and the second is the ‘risk of the lecture not recording’ (34.81 per cent) (See Table 6). Therefore, by not releasing the lecture recordings, academic staff effectively force students to attend the lectures as there is no other means of obtaining details of the lecturer’s views on the content that was covered.

However, the approach of not making lecture recordings available fails to consider the body of academic literature that highlights the benefits and opportunities that arise from the provision of lecture recordings.²⁷ It is widely accepted that all students learn differently; whilst a lecture is a conducive learning environment for some, for others it is not. A benefit of lecture recordings is flexibility, as students can access lecture recordings and learn at a time, pace and place, that is

25 Leufer and Cleary-Holdforth, above n 5, 18.8–18.9.

26 Ibid 18.9.

27 See, eg, Oliver McGarr, ‘A review of podcasting in higher education: Its influence on the traditional lecture’ (2009) 25(3) *Australasian Journal of Education Technology* 309, 311–313; see generally, Gosper et al, above n 14; von Konsky, Ivins and Gribble, above n 9, 581.

suitable for them.²⁸ It must also be noted that, given the students' responses to the CLS project questionnaires, strategies that 'force' students to attend lectures do not consider the rise of 'non-traditional students'²⁹ in Australian tertiary education (who are mature age, working and/or are parents) who need flexible learning arrangements. An increasing number of students today are juggling work commitments, family responsibilities, and are living further distances from the university campus in which they are enrolled.³⁰ In addition to studying, the 21st century university student now manages competing commitments, and this is also true of law students. Due to the escalating competitiveness of the Australian legal job market,³¹ which has been analogised to Suzanne Collins' 'The Hunger Games',³² law students are trying to do more to bolster their curriculum vitae to secure a graduate lawyer position to enter the legal profession. Therefore, Australian law students today juggle: study, work, extra curricula activities and clerkships, amongst any other personal endeavours and responsibilities. This difficult balancing act was particularly evident from student responses to the questionnaires in which a number of students indicated a need for the flexibility of lecture recordings, so they can study while simultaneously meeting other multiple commitments — many of which are done to purportedly enhance their future legal career prospects. Student responses included for example:

'I think tertiary education must accommodate for the busy schedule of its students – especially in a course like law because often students must find time to work, volunteer somewhere, attend classes, prepare for classes & complete assessments.'

'In this generation where students also undertake employment and have other activities going on in life, [lecture recordings] reduces the stress of learning.'

'Some people in final years have clerkship work commitments, a lot of people live very far away and some lecturers lecture too fast and you need to watch on a lower speed/pause it.'

Nursing academics, Leufer and Cleary-Holdforth, explored the impacts of enforcing a mandatory attendance policy within their department, and suggested that due consideration needs to be given to the motives and rationale for enacting such a policy prior to its

28 See eg, Larkin, above n 4; Tarr et al, above n 19, 447.

29 National Center for Education Statistics, *Nontraditional Undergraduates: Definitions and Data*, U.S. Department of Education <<https://nces.ed.gov/pubs/web/97578e.asp>>. The term 'non-traditional student' is an American term used to describe 'adult students who often have family and work responsibilities as well as other life circumstances that can interfere with successful completion of educational objectives' at higher education level.

30 Australian Bureau of Statistics, *Hitting the books: Characteristics of higher education students* (25 July 2013) <<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features20July+2013>>. For example, the Australian Bureau of Statistics found that many students enrolled in higher education worked either part time or full time, either due to financial circumstances or for the purposes of gaining work experience.

31 Leanne Mezrani, *It is the worst time in living history to be a law graduate* (27 August 2013) Lawyers Weekly <<https://www.lawyersweekly.com.au/news/14603-it-is-the-worst-time-in-living-history-to-be-a-law>>; Linda Giorgio, 'Worst time in living history to be a WA law graduate' *The Australian* (online) 24 April 2015 <<http://www.theaustralian.com.au/business/legal-affairs/worst-time-in-living-history-to-be-a-wa-law-graduate/news-story/ad23ff47347d6903cc447371cfe1da82>>; Andrew Trounson, 'Grim jobs outlook for new graduates' *The Australian* (online) 24 July 2015 <<http://www.theaustralian.com.au/higher-education/grim-jobs-outlook-for-new-graduates/news-story/3d6a774ebb995dc9ba3f178c721d50d5>>.

32 Misa Han, 'Law students get ready for Hunger Games-style clerkship season' *The Australian Financial Review* (online) 4 August 2016 <<http://www.afr.com/news/law-students-get-ready-for-hunger-gamesstyle-clerkship-season-20160728-gqg6yb>>.

incorporation.³³ Given that there is conflicting literature concerning the ‘perceived’ link between student attendance at lectures and academic performance, Leufer and Clearly-Holdforth caution academics to objectively question their rationale for forcing student attendance at their lectures, prior to taking such measures.³⁴

Although strategies to force lecture attendance may be effective in achieving the desired outcome of a high rate of attendance numbers, they do not necessarily encourage students to learn, engage and gain ‘knowledge’. Furthermore, law academics must also consider the unintended effects that these strategies may have on student attrition. Forcing student attendance may even cause students to resent academics (and resent learning), as indicated by the following student response to a question that asked how they felt when lecture recordings are not made available immediately after the lecture, or at all:

‘Negative – I feel like this is a lecturer taking away my opportunity to choose the way I learn just so they can feel good about themselves having a full lecture room.’

The proverb, ‘you can lead a horse to water, but you can’t make him drink’ is apt — any law academic can compel students to attend their lectures, but only well-equipped and strategic law academics can arguably facilitate students’ learning opportunities, in the form of engaging lectures that support students’ own responsibility and efforts, to learn effectively.

B *Strategies To ‘Encourage’ Student Attendance At Lectures*

The alternative strategy offered in this paper, is to ‘encourage’ student attendance at lectures, by adopting student-centred learning and teaching approaches that actively seek to engage students, whilst leaving the choice of whether or not to attend in person, with students. The facilitation of an engaging learning environment would arguably incentivise attendance, if students perceive there to be some value by attending that might not necessarily be gained through later listening to lecture recordings. The academic literature tends to support an approach that student attendance at lectures should be encouraged through engagement.³⁵

The student data obtained from the CLS project found that the third top contributing factor that motivates students to attend lectures is an ‘engaging lecturer’ (30.39 per cent) (See Table 6). The students’ responses did not explain what constitutes an ‘engaging lecturer’ as this part of the questionnaire was a closed question that did not permit or invite students to elaborate on their answer. A speculative analysis is that students might have been referring to the teaching resources used by the academic to engage students in lectures, or to an academic’s lecture presentation style and demeanour. Despite the lack of data, the author agrees with other academics’ opinions that to engage students, an academic must consider creating engaging learning environments.³⁶

The primary purpose of a lecture is to convey knowledge and information to students.³⁷ Therefore, due focus needs to be placed on both the lecture content and the lecturer’s delivery style. Whilst it is critical that all the relevant content is transmitted to students, consideration should also be given to the way in which it is delivered.

Although it is presumed that all law academics have a basic technical ability to deliver lectures in their respective areas of expertise, good lecturing regardless of discipline, is not

33 Leufer and Cleary-Holdforth, above n 5, 16.2.

34 Ibid.

35 See generally, Steven Gump, ‘Guess Who’s (Not) Coming to Class: Student Attitudes as Indicators of Attendance’ (2006) 32 *Educational Studies* 39, 45; Corbin, Burns and Chrzanowski, above n 13, 42; Tarrant, above n 9, 38. Gump states that it is important for students to be encouraged to develop positive attitudes towards lecture attendance as early in their studies as possible.

36 Ibid.

37 Bligh, above n 1, 7.

always an easy skill to master.³⁸ As indicated by Ramsden, Higher Education Learning and Teaching consultant, ‘few lecturers do it well, many just do it passably, and quite a lot do it badly indeed’.³⁹ Ramsden’s comments are echoed by Teuta Hoxha, an English Literature university student at King’s College London, in her online blog post for *The Guardian*, she claimed that bad lecturing was the reason for her not attending lectures:

I found my lectures disappointing when I started university ... I had expected too much from lectures, and too little was delivered. ... I expected enthusiastic speakers whose hunger for Chaucer could be seen in their uncontrollably moving hands. Instead, lecturers read off their notes, blazing through piles of information in the most monotone and disengaging voice.⁴⁰

There are no set universal characteristics that guarantee an engaging lecturer, as lecturing is very much an individual process that varies according to the regulatory duties of the discipline and the degree, as well as the preferences and personalities of the academic, and their students.⁴¹ Common traits that are often cited as examples of teaching excellence in lectures are: student engagement and interaction, structure, and a passionate and enthusiastic lecturer.⁴²

Education law academics, Su and Wood, suggest that there is ‘an elusive aspect to great teaching, which is felt and experienced as much as seen’.⁴³ By engaging with students and creating a sense of teacher immediacy,⁴⁴ students are more likely to attend lectures. The term ‘immediacy’, in a behavioural communication context, refers to ‘the extent to which communication behaviors enhance closeness to and nonverbal interaction with another’.⁴⁵ Extending this to a teaching context, ‘teacher immediacy’ refers to the communication behaviours used by the teacher to reduce the perceived distance between the teacher and students. By reducing the perceived distance and barriers between law academics and students, law academics are able to positively influence and shape students enthusiasm and commitment to learning.⁴⁶ Teacher immediacy can be achieved by the following non-exhaustive list of techniques: using students’ names, eye contact, positive facial expressions, vocal variety, inclusive language, approachable body language, and posture.⁴⁷ By creating a sense of immediacy and connectedness in the lecture

38 See, eg, Eamon Murphy, ‘Has the mass lecture still got a place in university teaching?’ (Paper presented at 7th Annual Teaching and Learning Forum, Perth, 4–5 February 1998) <<https://clt.curtin.edu.au/events/conferences/tlf/tlf1998/murphy-a.html>>.

39 Ramsden, above n 2, 155.

40 Teuta Hoxha, ‘Is missing lectures harming my studies?’ *The Guardian* (online) 11 December 2015 <<https://www.theguardian.com/education/2015/dec/11/is-missing-lectures-harming-my-studies>>.

41 Murphy, above n 38.

42 Andrea Revell and Emma Wainwright, ‘What Makes Lectures ‘Unmissable’? Insights into Teaching Excellence and Active Learning’ (2009) 33(2) *Journal of Geography in Higher Education* 209, 214–18.

43 Feng Su and Margaret Wood, ‘What makes a good university lecturer? Students’ perceptions of teaching excellence’ (2012) 4(2) *Journal of Applied Research in Higher Education* 142, 151.

44 See especially Albert Mehrabian, *Silent messages* (Wadsworth, 1971). The concept of ‘teacher immediacy’ has been credited to Professor Albert Mehrabian based on his research and publications on the importance of verbal and nonverbal messages in establishing psychological closeness, i.e. ‘immediacy’, and reducing distance between communicators.

45 Albert Mehrabian, ‘Methods & Designs: Some referents and measures of nonverbal behavior’ (1969) 1(6) *Behavior Research Methods & Instrumentation* 203, 203.

46 Lanette Pogue and Kimo Ahyun, ‘The Effect of Teacher Nonverbal Immediacy and Credibility on Student Motivation and Affective Learning’ (2006) 55(3) *Communication Education* 331, 334; Sarah Nixon, Philip Vickerman and Carol Maynard, ‘Teacher immediacy: reflections on a peer review of teaching scheme’ (2010) 34(4) *Journal of Further and Higher Education* 491, 492.

47 Nixon, Vickerman and Maynard, above n 46, 492–94. Nixon, Vickerman and Maynard provide a comprehensive overview of the academic literature discussing immediacy behaviours in teaching.

theatre, students may be more likely to actively engage in the lecture and contribute, if a lecturer permits student questions and participation.

The other student data collected from the project indicated that the top two contributing factors influencing students to use lecture recording is to ‘revisit difficult concepts’ and the ‘option to stop/start/rewind the lecture’ (See Table 8). Although law academics cannot necessarily replicate these factors in lectures, law academics that establish effective ‘teacher immediacy’ may help students to be more comfortable to ask an academic to stop, clarify, or revisit unclear legal concepts during a lecture. Establishing ‘immediacy’ in law lectures arguably adds value to attend lectures, as students might perceive a lecture as an opportunity to interact and build a relationship with the academic and their peers directly in person — which might not be achieved as easily by listening to an electronic lecture recording later.

A common criticism of lectures is that it is a passive learning environment where students are not actively engaged or involved.⁴⁸ There is much academic literature on learning and teaching strategies to make lectures more interactive, so students are active participants in their learning process.⁴⁹ The most recent teaching initiatives and research focus heavily on technological developments. Examples include the use of response devices and mobile polling applications,⁵⁰ teaching in highly technological collaborative learning spaces,⁵¹ and the incorporation of social media in teaching approaches.⁵² The incorporation of these teaching initiatives purportedly serves two purposes. Firstly, it actively involves students in the lecture, and secondly, it helps to retain the students’ focus and concentration, as some research shows that students tend to lose concentration after a relatively short period of time.⁵³

By incorporating learning and teaching exercises and tools in lectures to constantly engage students, an academic arguably adds value for the students who attend the lecture in person, which may be missed by students who only access the lecture recording online. Whilst teaching resources and tools can facilitate student engagement in lectures, the academic — and their ability to convey complex information — remains pivotal to the success of engagement. As noted earlier, what constitutes an engaging lecturer is subjective for each student. The same arguably applies to technological tools and techniques which may not engage all students.

48 See, eg, M Keyes and R Johnstone, ‘Changing legal education: Rhetoric, reality and prospects for the future’ (2004) 26(4) *Sydney Law Review* 537, 546; Des Butler, ‘Second Life machinima enhancing the learning of law: Lessons from successful endeavours’ (2012) 28(3) *Australasian Journal of Educational Technology* 383, 383.

49 See, eg, Revell and Wainwright, above n 42.

50 See, eg, Robin Kay and Ann LeSage, ‘Examining the Benefits and Challenge of Using Audience Response Systems: A review of the Literature’ (2009) 53(3) *Computers & Education* 819; Shawn Keough, ‘Clickers in the Classroom: A Review and a Replication’ (2012) 36(6) *Journal of Management Education* 821; Lorena Blasco-Arcas et al, ‘Using clickers in class: The role of interactivity, active collaborative learning and engagement in learning performance’ (2013) 62 *Computers & Education* 102.

51 See, eg, Beverley Oliver and Peter Nikolettatos, ‘Building engaging physical and virtual learning spaces: a case study of a collaborative approach’ (Paper presented at the 26th Annual Ascilite International Conference: Same places, difference spaces, Auckland, 6–9 December 2009) 720 <<http://www.ascilite.org/conferences/auckland09/procs/oliver.pdf>>.

52 See, eg, Alex Boxsell, ‘Law schools told to leap into social media learning’ *The Australian Financial Review* (online) 31 May 2013 <<http://www.afr.com/technology/law-schools-told-to-leap-into-social-media-learning-20130530-jhq1j>>.

53 See, eg, Karen Wilson, and James Korn, ‘Attention During Lectures: Beyond Ten Minutes’ (2007) 34(2) *Teaching of Psychology* 85. This article states that studies indicate that students’ attention in lectures declines within the first 10 to 15 minutes of the start of the lecture.

Legal education in Australia has undergone considerable change due to globalisation and technological advancements.⁵⁴ In these circumstances, learning and teaching approaches and student preferences may undoubtedly evolve with technology. Therefore, on-going research is needed on what constitutes ‘good lecturing’ in the present technological age, in order to ensure that law academics keep students’ learning preferences at the forefront of curriculum development and delivery, in conjunction with regulatory requirements for degree content.⁵⁵

Although there are no agreed characteristics of good lecturing, what is widely accepted is that planning and delivering a good lecture involves great time and effort as it is technically a one-off performance delivered yearly or per study period.⁵⁶ Unfortunately, many law academics, like their students, are dealing with increasing competing pressures: large teaching loads, high research and publication targets, and heavy administrative responsibilities. For many law academics, investing hours on planning and reflecting on lecture content and delivery is not feasible or incentivised, especially at institutions that have strict academic workload models with prescriptive teaching allocations.

IV CONCLUSION

The results from the CLS 2017 pilot project, highlight fundamental misalignments between the perceptions of law academics and the perceptions of their students, about how and why lecture recordings are used. Most noticeably, and consistently with the body of literature across other disciplines, the pilot study identifies that the availability of lecture recordings is *not* the leading factor influencing students’ decision to not attend lectures.⁵⁷

Ultimately, it is contended that, although the availability of lecture recordings is a contributory factor for students not attending lectures, the associated benefits of making lecture recordings available outweigh the perceived negative consequences. Furthermore, as the 21st century Australian law student juggles multiple competing commitments due to the overly competitive legal job market,⁵⁸ law students need a degree of flexibility with respect to their studies to accommodate their other commitments.

Furthermore, law students must perceive that there is ‘value’ in attending law lectures, otherwise they will not go. If an academic sets lectures as a tuition activity for the units they teach, it is arguably also their responsibility to use learning and teaching strategies that add value to their lectures.

54 Stephen Colbran and Anthony Gilding, ‘E-Learning in Australian Law Schools’ (2013) 23(1) *Legal Education Review* 201, 213.

55 In order to gain admission into legal practice in Australia, applicants must demonstrate working knowledge of the 11 substantive areas of law, colloquially referred to as the ‘Priestley 11’. The Priestley 11 was incorporated into the Model Admission Rules and has been generally adopted by all Australian States and Territory Admitting Authorities: Law Admissions Consultative Committee, *Model Admission Rules 2015* (December 2016) <https://www.lawcouncil.asn.au/files/web-pdf/LACC%20docs/212390818_8_LACC_Model_Admission_Rules_2015.pdf>; *Legal Profession Act 2006* (ACT) s 21; *Court Procedures Rules 2006* (ACT), r 3605; *Legal Profession Uniform Admission Rules 2015* (NSW) s 17; *Legal Profession Uniform Law Application Act 2014* (NSW) s 4; *Legal Profession Admission Rule* (NT) reg 4; *Legal Profession Act 2006* (NT) s 29; *Legal Profession Act 2007* (Qld) s 30; *Supreme Court (Admission) Rules 2004* (Qld) r 6; *Legal Practitioners Act 1981* (SA) s 15; *Rules of the Legal Practitioners Education and Admission Council 2004* (SA) r 2; *Legal Profession Act 2007* (Tas); *Legal Profession Uniform Law Application Act 2014* (Vic) s 4; *Legal Profession Act 2008* (WA) s 21; *Legal Profession (Admission) Rules 2009* (WA) ss 5-6.

56 Charlton, Marsh and Gurski, above n 1.

57 See, eg, Gorissen, van Bruggen and Jochems, above n 12.

58 See, eg, Mezrani above n 31; Giorgio, above n 31; Trounson, above 31.

While using strategies that ‘force’ law students to attend lectures may compel attendance and appear to improve attendance rates, it would put significant pressure on academics and lectures that would not necessarily improve actual student engagement, learning and outcomes. This paper thus contends that law academics should instead adopt strategies that ‘encourage’ student attendance. By incorporating learning and teaching techniques that directly engage students who attend lectures in person, an academic arguably adds value for those students which is not as accessible for those who do not attend and only listen to lecture recordings online. By encouraging student attendance through direct engagement and freewill choice, law academics are more likely to facilitate engaging learning environments and opportunities for deep learning.