

# 'Really Engages Students': Flipped and Inquiry Learning in Law in the 21st Century

Eamonn Carpenter,\* Cornelia Koch\*\* & Matthew Stubbs\*\*\*

*This article examines the implementation of a fully flipped classroom pedagogy and inquiry learning experience in a large first-year undergraduate law course in Australia. After summarising the relevant literature, we describe the interventions we implemented and the context within which our course operates. We then examine the effectiveness of our interventions, analysing their impacts on student success and satisfaction, and reflecting on the experience from a staff perspective. Finally, we examine how these innovations fared when confronted with the educational disruptions of the COVID-19 pandemic. We suggest that our experience offers insights for the future of legal education generally, speaking to key questions of legal pedagogy: how to engage students, achieve maximum value from student/staff interactions, use assessment to support student learning and build students' capacity to undertake research in real-world contexts. While our innovations were largely resource-neutral at the institutional level, we also reflect on the reasons why we found the increased investment of our own time in implementing these changes to be worthwhile.*

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\* B Com, LLB (Candidate), The University of Adelaide, Participant in the Principles of Public Law course in 2019.

\*\* Senior Lecturer, Adelaide Law School, The University of Adelaide.

\*\*\* Associate Professor, Adelaide Law School, The University of Adelaide.

[See acknowledgements at the end of this article.]

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## **I. Introduction**

Law in Australia is predominantly an undergraduate discipline. The traditional (and still most common) pedagogical approach consists of didactic lectures (typically with student cohorts in the hundreds) supported by smaller-group tutorials. Assessment primarily comprises lengthy problem-based examinations. This was the method followed in the compulsory course Principles of Public Law (“PPL”) at Adelaide Law School, taught annually to 350-400 first-year undergraduate law students, until 2014.

This article describes our experiences implementing a flipped classroom pedagogy, incorporating a substantial inquiry learning experience and employing continuous assessment, in an attempt to transform the learning experience for our students. In the first substantive section of this article, we survey existing literature addressing the flipped classroom, continuous assessment and inquiry learning, particularly in legal education. Given that less

than 1% of studies on flipped learning address legal education, this article fills a considerable a gap in the literature.<sup>1</sup> The following section then describes the interventions we implemented and the context within which our course operates. We then examine the effectiveness of our interventions, analysing their impacts on student success and satisfaction, and reflecting on the experience from a staff perspective. Our final substantive section addresses how our flipped classroom and inquiry-learning pedagogy fared when confronted with the educational disruptions of the COVID-19 pandemic.

We suggest that our experience offers insights for the future of legal education generally, whether undergraduate or postgraduate, and irrespective of class sizes. Ultimately, the flipped classroom pedagogy that we implemented, backed by continuous assessment, and the research-focused inquiry learning experience that we incorporated, speak to overarching questions of legal pedagogy: how to engage students, achieve maximum value from student/staff interactions, use assessment to support student learning as it occurs (not merely to evaluate it after the fact), and build students' capacity to undertake research in real-world contexts. These, in our view, are critical issues for all legal educators to consider in the twenty-first century.

## **II. The Flipped Classroom and Inquiry Learning**

### **A. Flipped Classroom**

Flipped learning is “a pedagogical approach in which direct instruction moves from the group learning space to the individual learning space, and the resulting group space is transformed into a dynamic, interactive learning environment where the educator guides students as they apply concepts and engage creatively in the subject matter”.<sup>2</sup> Students are responsible for learning material before

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1 Bengi Birgili, Fatma Nevra Seggie & Ebru Oguz, “The Trends and Outcomes of Flipped Learning Research between 2012 and 2018: A Descriptive Content Analysis.” (2021) 8:1 *Journal of Computers in Education* 365.

2 Jonathan Bergmann & Aaron Sams, “Flipped Learning, Gateway to Student Engagement” (2015) 1:1 *International Society for Technology in Education* 6 at 19.

coming to class, instead of the instructor delivering information during the class in the traditional didactic manner. Through pre-class videos, assignments, readings or tasks, students come to class armed with the skills necessary to engage with the material in a more meaningful way. During class, students are then able to work on activities and problems with the support of the instructor and their peers. This level of engagement is generally not achieved in a traditional didactic lecture. The flipped classroom model is supported by research showing that students are better able to follow material in class when they have been exposed to it previously, and thus, better prepared to understand the significance of the received material.<sup>3</sup> Students ask questions more related to the core concepts and the application of material.<sup>4</sup> And they have an opportunity in collaborative sessions to verbalize their thinking to other students to establish mutual understanding and facilitate cooperative problem-solving.<sup>5</sup>

In the flipped classroom, the group lecture space becomes more focused on actively answering problem questions with real world depth and complexity, instead of the traditional lecture structure in which students more passively receive information from the lecturer (or are subjected to a flow of information in the hope — possibly in vain — that all or at least some of it will be received). We concur with April Trees and Michele Jackson that “[l]arge enrolment courses in higher education are the bane of active learning pedagogy ... even the most engaging lecture is limited in how much it can support and facilitate widespread student involvement and interaction”.<sup>6</sup> The flipped classroom intends to foster

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- 3 Daniel Schwartz & John Bransford, “A Time for Telling” (1998) 16:4 *Journal of Cognition and Instruction* 475.
  - 4 Michael Marcell, “Effectiveness of Regular Online Quizzing in Increasing Class Participation and Preparation” (2008) 2:1 *International Journal of School of Teaching & Learning* 10.
  - 5 Kelly Miller et al, “Use of a Social Annotation Platform for Pre-Class Reading Assignments in a Flipped Introductory Physics Class” (2018) 3:8 *Frontiers in Education* 43; and Catherine Crouch & Eric Mazur, “Peer Instruction: Ten Years of Experience and Results” (2001) 69:3 *American Journal of Physics* 970.
  - 6 April Trees & Michele Jackson, “The Learning Environment in Clicker Classrooms: Student Processes of Learning and Involvement in Large

active learning by engaging students through activities and discussions on a deeper level than what could be achieved were students first being introduced to the material. After all, as Frank Rhodes powerfully observed: “[e]ducation is not a spectator sport; it is a transforming encounter. It demands active engagement, not passive submission; personal participation, not listless attendance”.<sup>7</sup>

The idea underlying the flipped classroom is that students, through the process of preparing for lectures, engage in more meaningful learner-content interaction: students reflect on the information recently learned, talk to others about the material and prepare more meaningful questions. Through this process, students integrate the newly gained information with previous knowledge prior to engaging with problem scenarios in class. Students are able to prepare material and questions around what they perceive as more meaningful issues, which allows for a more complex and collaborative learning setting in the flipped classroom, where students and instructors can focus on higher level learning.<sup>8</sup> This process highlights learning priorities for students, reinforces self-reliance and encourages peer-to-peer communication and engagement.<sup>9</sup> By providing consistent support and feedback, the flipped classroom model pushes student development towards the zone of proximal development, as first presented by Vygotsky as: “the distance between the actual development level as determined by independent problem solving and the level

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University-level Courses using Student Response Systems” (2007) 32:1 Journal of Learning Media and Tech 21.

- 7 Frank HT Rhodes, *The Creation of the Future: The Role of the American University* (Ithaca, NY Cornell University Press 2005).
- 8 Schwartz & Branford, *supra* note 3; Marcell, *supra* note 4.
- 9 Ngoc Thuy Thi Thai, Bram De Wever & Martin Valcke, “The Impact of a Flipped Classroom Design on Learning Performance in Higher Education: Looking for the Best “Blend” of Lectures and Guiding Questions with Feedback” (2017) 107:1 Computers & Education at 113; and Hyun Cho et al, “Active Learning through Flipped Classroom in Mechanical Engineering: Improving Students’ Perception of Learning and Performance” (2021) 8:46 International Journal of Stem Education 23.

of potential development as determined through problem solving under... guidance or in collaboration with more capable peers".<sup>10</sup>

The flipped classroom model may also help manage the cognitive load of students. Students are free to watch pre-class video content at their own pace, pausing and rewinding as necessary. Substantial use of student self-pacing with recordings has been observed for quite some time.<sup>11</sup> Students struggling with the content have the freedom to allocate more time, as necessary, to re-watch material, while faster paced students are free to skip learned content for other priorities. It is not abnormal for law students to be exposed to a multitude of lengthy cases and readings, and by staggering out preparation through pre-lecture videos and quizzes, students can self-manage their preparation outside of lectures. Consistently with this view, it has been shown that flexible learning opportunities do increase student satisfaction.<sup>12</sup>

A common concern raised regarding the implementation of blended or flipped learning is how the new format would be received by students. An experiment conducted in 2011 by Deslauriers, Schelew and Wiemann compared the amount of learning achieved between traditional lectures and an active learning approach. The experiment found that student attendance and engagement were higher in the active learning approach, and students overwhelmingly preferred the entire course to be taught with the new active

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10 Lev Vygotsky, *Mind in Society: the Development of Higher Psychological Processes* (Cambridge, MA: Harvard University Press, 1978) at 86.

11 Ron Owston, Denys Lupshenyuk & Herb Wideman, "Lecture Capture in Large Undergraduate Classes: Student Perceptions and Academic Performance" (2011) 14:4 *Internet and Higher Education* 262.

12 Peter Strelan, Amanda Osborn & Edward Palmer, "Student Satisfaction with Courses and Instructors in a Flipped Classroom: A Meta-analysis" (2020) 36:3 *Journal of Computer Assisted Learning* 295; and Judy Drennan, Jessica Kennedy & Anne Pisarki, "Factors Affecting Student Attitudes toward Flexible Online Learning in Management Education" (2005) 98:6 *The Journal of Education Research* 331.

learning approach.<sup>13</sup> Another enquiry conducted at Griffith University in 2015 compared the results of face-to-face teaching in 2014 and flipped learning in 2015, finding improved student engagement and enjoyment.<sup>14</sup> However, they noticed an aberration in the distribution of grades which indicated that weaker students may have benefitted more from the flipped classroom than higher achieving students, and that the number of students achieving the highest grades declined substantially.<sup>15</sup> Conversely, in assessing the impact of their implementation of a pilot program of flipped learning at Monash University in 2015, Melissa Castan and Ross Hyams found that: “no matter what favourable comments the students made about their level of enjoyment or engagement with the videos, the objective testing showed no significant improvement in student performance”.<sup>16</sup> A more recent study, conducted by our colleagues at Adelaide University, surveyed student satisfaction with courses taught in the new flipped learning format. Strelan, Osborn and Palmer found a positive, weak to moderate, effect of the flipped classroom on student satisfaction over the traditional approach which corresponds with wider research.<sup>17</sup> Student satisfaction has been noted as an important predictor in course outcomes, such

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13 Louis Deslauriers, Ellen Schelew & Carl Wieman, “Improved Learning in a Large-Enrolment Physics Class” (2011) 332:12 American Association for the Advancement of Science 862.

14 Kylie Burns et al, “Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement” (2017) 27:1 Legal Education Review 163.

15 *Ibid.*

16 Melissa Castan & Ross Hyams, “Blended Learning in the Law Classroom: Design, Implementation and Evaluation of an Intervention in the First Year Curriculum Design” (2017) 27:1 Legal Education Review 143.

17 Strelan, Osborn & Palmer, *supra* note 12; Jenny Moffett & Aileen Mill, “Evaluation of the Flipped Classroom Approach in a Veterinary Professional Skills Course” (2014) 5:1 Advanced Medicine Education Practice 415; and Travis Roach, “Student Perceptions toward Flipped Learning: New Methods to Increase Interaction and Active Learning in Economics” (2014) 17:1 International Review of Economic Education 74.

as failures and dropouts, but also has wider institutional ramifications.<sup>18</sup> As will become clear below, our experience with student satisfaction and its impact on student engagement and results aligned with the majority of research in the field, which indicated a net positive impact from the implementation of flipped learning. We did not experience the ambivalent, or even negative, impacts on student grades reported in the two Australian studies noted above. Instead, our observation of improved results corresponds with the broader flipped classroom literature addressed above.

## **B. Continuous Assessment**

Effective assessment tasks generally guide students towards what they should be learning about while aiding the development of deep learning and mitigating the effects of student procrastination. As part of our implementation of the flipped classroom model, we also wanted to include assessments in a meaningful way that provided a tangible benefit to students. By including pre-lecture quizzes students are motivated to prepare, not simply because they are motivated to do well in summative assessment but, also, because students are able to accurately track the development of their competence. It is important, however, to avoid a system of assessment that led to students not engaging in deep learning and, instead, only attempting to meet course requirements with minimal effort.<sup>19</sup> The assessment is intended to identify gaps in the degree of expertise held by the student, so the student can rectify that gap prior to engaging in more complex problems. Student growth is continuous, and “should not be conceptualized as neatly packaged units of skills or knowledge”,<sup>20</sup> and thus

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18 Strelan, Osborn & Palmer, *supra* note 12 at 309; Lyle McKinney et al, “Giving Up on a Course: An Analysis of Course Dropping Behaviors Among Community College Students” (2018) 60:2 *Research in Higher Education* 184.

19 For a further discussion on surface and deep learning see: Tim McMahon, “Teaching for More Effective Learning: Seven Maxims for Practice” (2006) 12:1 *Radiography* 33.

20 Royce Sadler, “Formative Assessment and the Design of Instructional Systems” (1989) 18 *Instructional Science* 119 at 123.

students should expect to be broadly tested to identify where those gaps are. Wider research in this field has demonstrated that frequent testing and timely feedback increases student motivation and active engagement.<sup>21</sup> Furthermore, continuous assessments have also been noted to lead to more uniform attendance and examination scores.<sup>22</sup> Given that students vary their approaches to education based on their level of engagement, continuous assessment in the form of pre-lecture quizzes and timely feedback may more closely align assessment outcomes to the desired deep learning outcomes.<sup>23</sup>

Our pre-lecture quizzes scaffold the level of engagement required to proceed: students construct a body of knowledge that is subjected to a test that highlights gaps to rectify. Scaffolding the learning processes has the additional benefit of forcing students to engage in retrieval-based learning, that is, the acquisition of new knowledge, encoding of that knowledge into a toolbox of problem solving, actively retrieving, and implementing those skills. In 2009 Richland, Kornell and Kao examined the effects of unsuccessful retrieval attempts on learning and concluded that even unsuccessful attempts to answer questions are valuable learning events when followed by instruction on how to come to the correct answer.<sup>24</sup> Tests and quizzes are not simply opportunities for educators to assess

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- 21 George Kuh, "What We're Learning about Student Engagement from NSSE" (2003) 35:2 *Change: The Magazine of Higher Learning* 24; Pru Marriot & Alice Lau, "The Use of On-line Summative Assessment in an Undergraduate Financial Accounting Course" (2008) 26:2 *Journal of Accounting Education* 7; and Brad Potter & Carol Johnston, "The Effect of Interactive On-line Learning Systems on Student Exam Results in Accounting" (2006) 24:1 *Journal of Accounting Education* 16.
- 22 Jonathan Cole & Stephen Spence, "Using Continuous Assessment to Promote Student Engagement in a Large Class" (2012) 37:5 *European Journal of Engineering Education* 508.
- 23 Paul Ramsden, "Learning to Teach in Higher Education" (London: Routledge; 1992); Roger Narloch, Calvin Garbin & Kimberly Turnage, "Benefits of Prefecture Quizzes" (2006) 33:2 *Teaching of Psychology* 109.
- 24 Lindsey Richland, Nate Kornell & Kao Liche, "The Pretesting Effect: Do Unsuccessful Retrieval Attempts Enhance Learning?" (2009) 15:3 *Journal of Experimental Psychology: Applied* at 243.

the development of their students, rather, these pre-lecture quizzes are learning events for students, making them aware of what they do and do not know. A traditional lecture structure — disconnected from assessments which follow much later — does not present as many opportunities for retrieval nor as many opportunities for feedback to address gaps in student expertise.

### C. Inquiry Learning

Inquiry learning is a question-oriented research-based methodology that explicitly engages groups of students with the process of knowledge creation and co-creation which hopes to develop dispositions and capabilities relevant to complex real-world problems.<sup>25</sup> Key to inquiry learning is the discovery of new (at least to the learner) knowledge. As Levy et al explain: “[q]uestions provide the stimulus for student learning through an emergent process of exploration and discovery, with the teacher working in a facilitative role”.<sup>26</sup> Inquiry learning aims to extend beyond active learning, into active scholarship, research and knowledge building.<sup>27</sup>

There are several major studies that provide evidence that inquiry learning, with authentic pedagogy, assessments, and interactive instruction, improves students’ academic achievement and development outcomes. Newmann, Marks and Gamoran evaluated the effect of implementing authentic pedagogy involving higher-order thinking, deep-knowledge approaches with real implications in elementary, middle and high school. The study observed 504 lessons, and analyzed 234 assessment tasks while sampling student work and

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25 Phillipa Levy, Ola Aiyegabyo & Sabine Little, “Designing for Inquiry-based Learning with the Learning Activity Management System” (2009) 25:3 *Journal of Computer Assisted Learning* 238; and Angela Brew, *Research and Teaching: Beyond the Divide* (UK: Palgrave Macmillan, Basingstoke, 2006).

26 Levy, Aiyegabyo & Little, *ibid* at 239.

27 Phillipa Levy, “Technology-supported Design for Inquiry-based Learning” In: Mang Li and Yang Zhao (eds) *Exploring Learning and Teaching in Higher Education* (Berlin: Springer, 2014) at 289; and Carl Bereiter, “Education and the Mind in the Knowledge Age” (Mahwah: Lawrence Erlbaum Associates, 2002).

concluded that restructured learning environments with high levels of authentic pedagogy led to higher academic achievement, and that authentic pedagogy could be equitably distributed among students of diverse social backgrounds.<sup>28</sup> Similarly, Newmann, Bryk and Nagaoka examined over 2000 students across 23 schools and found that students who received more challenging and authentic intellectual work achieved higher than normal gains.<sup>29</sup> They defined authentic intellectual work as involving “original application of knowledge and skills, rather than just routine use of facts and procedures. It also entails disciplined inquiry into the details of a particular problem and results in a product or presentation that has meaning or value beyond success in school”.<sup>30</sup>

Other researchers have demonstrated that when teachers adopt student focused learning approaches, students are themselves encouraged to adopt approaches to their individual learning that lead to deeper conceptual understandings.<sup>31</sup> As such, inquiry learning has been identified as ‘high impact’ for its ability to positively contribute to student intellectual and personal development.<sup>32</sup> Moreover, other research has indicated that inquiry learning has

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28 Fred Newmann, Helen Marks & Adam Gamoran, “Authentic Pedagogy and Student Performance” (1996) 104:4 *American Journal of Education* 280.

29 Fred Newmann, Anthony Bryk & Jenny Nagaoka, “Authentic Intellectual Work and Standardized Tests: Conflict or Coexistence” (2001) Chicago, IL: Consortium on Chicago School Research.

30 *Ibid* at 14–5.

31 Michael Prosser & Keith Trigwell, *Understanding Learning and Teaching: The Experience Education* (Buckingham: SRHE/Open University Press, 1999); Petros Lameris et al, “Blended University Teaching Using Virtual Learning Environments: Conceptions and Approaches” (2012) 40:1 *Instructional Science* 141.

32 Phillipa Levy & Robert Petrusis, “How Do First-year University Students Experience Inquiry and Research, and What Are the Implications for Inquiry-based Learning?” (2012) 37:1 *Studies in Higher Education* 85; and Shouping Hu, George Kuh & Shaoqing Li, “The Effects of Engagement in Inquiry-oriented Activities on Student Learning and Personal Development” (2008) 33:1 *Innovative Higher Education* 71.

the capacity to make a significant overall contribution to a student's understanding of the legal working method.<sup>33</sup>

This survey of the literature suggests that there is considerable potential for flipped classroom pedagogy, continuous assessment and inquiry learning to benefit student learning in law schools. We now turn to describing our implementation of these pedagogies before we assess the effectiveness of our interventions.

### **III. Transforming our Principles of Public Law Course**

When we inherited the PPL course,<sup>34</sup> it featured a very traditional pedagogy. In each of the twelve weeks of semester, students attended a two-hour lecture (of up to 400 students although, of course, not all students attended given it was recorded) and a one-hour tutorial. Assessment consisted of an individual research essay, submitted after eight weeks of the course, and a problem-based three-hour handwritten exam a couple of weeks after the course concluded.

The challenges of keeping a large group of students engaged across a two-hour lecture were immediately obvious, and this was certainly not helped by the fact that public law can be a dry subject (and the constitutional law relating to the separation of judicial power in Australia, which is a major topic of PPL, perhaps particularly dry). When the assessment was submitted, it became clear that even students who remained engaged in the course, nonetheless, struggled with the content. The research essays, notwithstanding a reasonable quantity of research skills and essay writing support on offer, were disappointing overall. It seemed to us that students were 'thrown in the deep end' without being taught how to swim; while they had the potential for critical thinking and research,

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33 Roland Broemel & Olaf Muthorst, "Inquiry-Based Learning in Legal Studies" in Mieg H.A. (ed) *Inquiry-Based Learning – Undergraduate Research* (Springer, Cham, 2019) 305.

34 Matthew Stubbs first taught into the course in 2010 and was the coordinator from semester two of that year, and was then joined by Cornelia Koch from 2013. More recently, Cornelia has been coordinator of the course.

many students were not able to demonstrate it in this, their first ever research essay in law school. The exam marking — even allowing for the natural tendency of this task to be dispiriting for educators — was even more disappointing.

Our perceptions were backed by key measures of student success and satisfaction. Adelaide Law School is fortunate to attract very high-quality students, and the best students still performed outstandingly in PPL. However, student results overall were simply not as good as we aimed for. In 2011 and 2012, the average proportion of students receiving a High Distinction (the highest grade band) was only 6%, a Distinction 18% and a Fail 15%. Considering our students completed secondary education in the top 5% of their year cohort, we were not satisfied with these results. Similarly, student responses in the University of Adelaide’s formal, anonymous Student Experience of Learning and Teaching (“SELT”) surveys reported a lower level of satisfaction with the course than we wanted to see. In semester two of 2010, student agreement with the statement “overall, I am satisfied with the quality of this course” was 5.4 (on a Likert 1-7 scale), marginally above the university-wide mean of 5.3;<sup>35</sup> in 2011 and 2012, average satisfaction was 5.65, compared with a university-wide mean of 5.4.<sup>36</sup> While these figures indicate satisfaction above the mean for our university, from our perspective they did not indicate a sufficient return for the very significant efforts we were putting into refining the course content and increasing the interactive content of lectures. We have described and analysed those efforts in detail elsewhere:<sup>37</sup> they included

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35 SELT, 2010.

36 SELT, 2011; and SELT, 2012.

37 Chad Habel & Matthew Stubbs, “Mobile Phone Voting for Participation and Engagement in a Large Compulsory Law Course” (2014) 22:1 *Research in Learning Technology* 12; Matthew Stubbs, “Engaging Students in Large Lectures through Small-Group Discussions and Voting” (Invited presentation delivered at the Learning@Adelaide Masterclass, Adelaide, 28 May 2013 and Vice-Chancellor’s Learning & Teaching Showcase, Adelaide, 17 June 2013) [unpublished]; and Chad Habel & Matthew Stubbs, “Mobile Engagement: Phone Voting in Large Lectures” (Poster presented at the University of Adelaide

assigning pre-readings in advance of lecture classes and implementing small-group problem-solving activities in class, leading to mobile device voting and whole-class discussions.

In 2014, we ‘took the plunge’ and transformed our course. Over the years, we have naturally refined our approach in response to staff and student experiences.<sup>38</sup> External factors, including resourcing and COVID-19, have brought about other changes. Therefore, what we describe here is our typical, but not invariable, pedagogy.

The first set of changes related to the flipped classroom. First, we replaced all traditional, didactic lecture material in the course (which originally totalled 24 hours) with a series of shorter videos on discrete topics which totalled around 12 hours. Second, in the two hours per week now available to us to interact with students in what would formerly have been a lecture, we implemented interactive classes (still with our whole cohort in a large lecture theatre) involving three key components: reading the whole of critical High Court of Australia judgments to learn key content and develop the critical professional legal skill of case analysis, applying public law to solve complex legal problems in realistic hypothetical scenarios, and undertaking activities to develop students’ critical thinking skills. Anyone walking into our two-hour ‘lectures’ would not find a talking-head at the front, but students working in small groups, two lecturers co-teaching, and throwable microphones and audience response systems being used in an active, engaging learning experience. Third, our course became significantly front-loaded — we taught the substantive content in the first seven weeks (of the traditional 12-week semester). This was a natural result of having more hours per week due to adding the videos. Front loading the substantive content was not merely convenient but, in fact, essential to our inquiry learning experience, the third change described below.

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Festival of Learning and Teaching, Adelaide, 22 November 2011)  
[unpublished].

38 In 2013, Matthew Stubbs was on sabbatical and the course was coordinated by another member of staff.

The second set of changes related to assessment. To support learning from our videos, and ensure student engagement with them as a necessary precondition for success in our interactive flipped lectures, we instituted weekly online quizzes, collectively worth 20% of each student's final grade in the course. Further, we moved our exam from being a hand-written paper completed in a central examination venue in the university's standard exam period (commencing one week after the end of teaching), to being a typed paper completed by students in an invigilated setting during the mid-semester break (a two-week non-teaching period after the first eight of the 12 weeks of semester). This was a natural fit given our substantive course ran for seven, rather than 11, weeks (the final week being dedicated to revision). It also had implications beyond our course. By completing their examination during the teaching part of semester, students would now face one fewer examination at the end of their semester, relieving some of the stress typically associated with first-year exams.

The third set of changes involved the introduction of our inquiry learning experience. We believed that our students were capable of producing quality research, even in first-year, if they had sufficient guidance. Therefore, we turned the previous individual research essay into a supervised, collaborative inquiry learning experience. The introduction of flipped lectures described above had created space for a four-week capstone experience in our course, in which our students could focus fully on their first ever research project in law.

Our inquiry learning experience sees students work in teams of three to four to research and write a 2000-word law reform submission that explores a public law question at the heart of contemporary debates. For example, students have investigated whether Australia should adopt a Charter of Rights, or if an Indigenous Voice to Parliament should be enshrined in the Australian Constitution. To support our first-years, we provide individualized supervision to each student team. Teams spend three sessions over three weeks with an academic mentor who is an active public law researcher. This level of supervision is more akin to honours supervision than typical first-year teaching and is essential to the success of our inquiry learning experience. We also organize

tailored workshops with the Law Librarian for direct hands-on assistance with students' specific research projects and expose students to the broader communication skills support available through the university. The inquiry learning experience sessions are conducted in the Law Library computing suite, allowing immediate access to assistance from library staff and resources. Finally, to support our students' development of vital critical thinking, legal research and group work skills, we provide a suite of tailored online resources (videos and written guides).

A key feature of our implementation of an inquiry learning experience is that it was resource neutral — we did not employ greater resources than previously used in the course (or used in other comparable courses). Instead, we used the four weeks no longer required to teach the substantive content (weeks nine to 12 of the course). Staff supervision hours were drawn from the tutorials no longer required in those weeks.

We took a risk with such a comprehensive transformation of the course. Our approach was unique at Adelaide Law School and novel for the students. To our great relief, our interventions were highly successful from both a student and staff perspective, as the next part demonstrates.

#### **IV. The Effectiveness of our Interventions**

Experiencing our re-designed course together with our students in 2014 was encouraging. We felt that our flipped lectures, supported by continuous assessment in the weekly quizzes, led to higher student engagement in classes and therefore more enjoyment for everyone. The research projects that students produced in the inquiry learning experience were clearly of a higher standard than the previous individual research essays. This part explains how our interventions have improved student outcomes. First, we discuss the effectiveness of the three major changes to the course individually, focusing especially on student and peer feedback. Then, we present the improvement of student success and satisfaction in the course overall. Finally, we add a staff perspective on the experience of teaching the course in this new format.

## A. Flipped Classroom

Our flipped lectures led to deeper student engagement and active learning. Instead of passive listeners, students are now active participants in in-class activities, who engage in critical thinking and problem solving. Students have commented positively on their experience:

“I have found the level of engagement ... in lectures to be very beneficial to our learning. The promotion of in-class discussions and encouragement to form our own views on legal mechanisms equipped and enabled me to think critically on my perception of the function of public law in Australia”.<sup>39</sup>

“Flipped lecture ... gave a really good understanding of topic and had to have done some preparation meaning people were engaged and could talk to peers and deepen understanding”.<sup>40</sup>

“[Classes are] high energy and good fun”.<sup>41</sup>

“[T]he interactive element of the PPL course is invaluable ... enables students to make mistakes during the lectures and have their knowledge of public law clarified ... I hope to see more courses as interactive as PPL around the university”.<sup>42</sup>

Academic peers have also found our flipped lectures instrumental in engaging students. In a 2018 University Teaching Review Program (“TRP”) evaluation (a formal, summative peer assessment), Dr Robyn Davidson, a University of Adelaide Education Specialist, stated that “this was an excellent example of how a flipped classroom should be conducted. ... The amount of interaction indicates that students enjoy the format”. In a 2016 University TRP evaluation, Education Fellow Dr Cate Jerram wrote that “students were very actively and effectively engaged”.

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39 Unsolicited student email, 2019.

40 SELT, 2019.

41 SELT, 2019.

42 Unsolicited student email, 2020.

The essential foundation for our flipped lectures are our pre-lecture videos and quizzes. As explained above, the videos deliver the content traditionally covered in didactic lectures and provide students with a foundation of knowledge to undertake the in-class activities. The quizzes allow students to self-test their foundational knowledge before coming to lectures. Students have explained that the pre-lecture quizzes offer them incentives to learn, and provide feedback on their learning: “a barometer to keep me on task and engaged”; “an amazing way to keep me accountable for my learning”; “a great idea to help me absorb concepts better”; and “[t]he weekly quizzes were motivating and ensured students stayed up to date”.<sup>43</sup> Assessment and feedback have thus become an essential part of the learning process, not merely a measure of its outcomes:

“Although the pre-lectures videos often took a while to get through, they were extremely valuable in providing the content required to effectively participate in the lectures and in the seminars. The pre-lecture quizzes were also very useful for testing my knowledge and to clarify gaps in my knowledge”.<sup>44</sup>

“Found that the flipped learning method really helped ... Thought the pre-lecture quizzes were great idea and helped me absorb concepts better”.<sup>45</sup>

“The weekly lecture quizzes and pre lecture videos are utter perfection ... it enables me to come to lectures already understanding what is going on. Furthermore, the quizzes provide me with feedback so that I know at what level my understanding per topic is so that I can determine what I need to improve on”.<sup>46</sup>

## **B. Assessment Changes**

Our re-designed course introduced the pre-lecture quizzes and the early computer-based exam in the mid-semester break, after eight weeks of learning of course content in flipped lectures and tutorials. Beyond keeping students

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43 SELT 2019; SELT, 2018; SELT, 2020; and SELT, 2020.

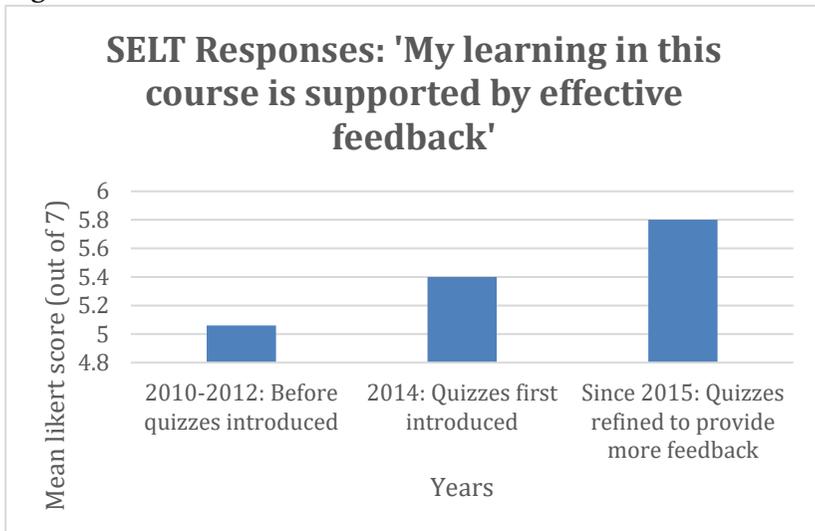
44 SELT, 2020.

45 SELT, 2020.

46 SELT, 2015.

accountable for their learning, the pre-lecture quizzes also provide students with immediate feedback on their learning. Students recognise and value this, which is demonstrated in a significant improvement in student responses to the SELT question regarding the effectiveness of feedback in the course (Figure 1). It is worth noting that the original implementation of quizzes did not have the full impact we had hoped for. We then refined the quizzes to provide students with a greater volume and detail of feedback for every question, which generated a further significant increase in student response.

**Figure 1**



As explained above, the course curriculum was re-designed so that all substantive content in PPL is delivered in weeks one through eight and examined in the mid-semester break that follows. This allows students to focus exclusively on their inquiry learning experience project in the final four weeks of the course. Students really liked the new structure and this comment from the 2017 SELT is typical: “The early exam is really good as it allows you to ... really focus on the Inquiry Learning Experience”.

## C. Inquiry Learning Experience

Our inquiry learning experience has led to several student benefits. First, the quality of students' research work increased significantly. Second, students enjoyed being involved in investigating public law issues of contemporary relevance in Australia in a professional setting. Third, students developed vital legal research and writing skills relevant for the entirety of their law degree and for legal practice. Fourth, individual supervision led to enhanced student support. Finally, the experience has given our first-years a sense of belonging to Adelaide Law School by fostering closer connections between students.

From the first iteration of the inquiry learning experience in 2014, the teaching team noticed that the quality of the research projects produced had increased markedly, compared with research essays submitted by students pre-2014. Beyond our own observations, this quality is demonstrated by our top students being accepted to present at Undergraduate Research Conferences and (as first-years) winning prizes ahead of Honours and final year students. Professor Mick Healey, a UK-based international expert in undergraduate student research and inquiry learning, judged some of these teams and observed:

“I heard two groups of first year students present. If I had not been told, I would have thought they were final year undergraduate or postgraduate students. The exceptional quality of their presentations were a testament to [the staff's] outstanding mentorship and facilitation skills. One of the groups deservedly won the award to participate in the Australian Conference on Undergraduate Research and the other won the prize for the best oral presentation from Level 1 students”.

Altering the assessment task from an 'ordinary' essay to a law reform submission made the task more job-relevant for our students. Offering inquiry topics at the heart of contemporary public debate in Australia enhanced student motivation and increased their sense of the real-life relevance of their learning in PPL to contemporary debates. One student commented: “Inquiry Learning Experience was probably my favourite part of the course. It was great to actually

apply what we had learnt to current problems that are occurring today”.<sup>47</sup> Another said that the best part of the PPL course was “the Inquiry Learning Experience; my topic was interesting to research and [I] loved to do it”.<sup>48</sup>

Beyond producing better research projects in our course, our inquiry learning experience has equipped students with the legal research and writing skills that they need throughout their law degree and in legal practice. This is demonstrated by the following feedback:

“The research skills that we learnt ... were invaluable ... I have literally used these skills on every single assignment since completing the Inquiry Learning Experience”.<sup>49</sup>

“Currently I am working part time at a Barristers Chambers, and recently have started to do legal research for some of the barristers here. I just wanted to email you and say that what you taught last year was really worthwhile and has helped me a lot”.<sup>50</sup>

Students also really value the individual supervision of research projects that is part of the inquiry learning experience. Over the course of three weeks, student teams meet with an experienced researcher three times to discuss the progress of their projects:

“[T]he ability to personally engage with the academic staff was invaluable. The increased correspondence with academic staff in comparison to other courses made an immensely positive impact in terms of learning and knowledge retention”.<sup>51</sup>

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47 SELT, 2019.

48 SELT, 2015.

49 Unsolicited email from a student in 2016, reflecting on their experience in PPL in 2015.

50 Unsolicited email from a 2014 student.

51 Anonymous student survey, 2016.

“[S]upport provided was amazing and [I] felt equipped from the prior lectures to do well”.<sup>52</sup>

Finally, we were delighted to receive strong feedback that fostering connections between students has been another key achievement of our inquiry learning experience. Because students work together intensively in teams of three to four, they are building connections with their peers in what can otherwise be an isolating discipline. This is demonstrated by a student comment that the best aspect of the PPL course is “the chance to discuss key concepts with others regarding the workings of public law”.<sup>53</sup> Other students explained that the inquiry learning experience not only enabled consideration of broader perspectives on the law learned in the first eight weeks of the course, but also supported the building of a sense of support and cohort for students:

“It allows you to make connections with other students and working with other people helps you to consolidate your understanding by seeing it from another perspective. This is something I’ve found the most difficult in my experience at law school. As a student in such large numbers you can often feel extremely distant from the help you need”.<sup>54</sup>

“[The inquiry learning experience] will be something I will never forget, especially because I had the opportunity to work with three amazing relax[ed] and smart girls ... they were patient and very supportive ... your course will influence myself in a positive way when working with other people. Thank you!!”<sup>55</sup>

#### **D. Student Success and Satisfaction Overall**

While we were thrilled to get positive feedback on the flipped classroom, assessment changes and inquiry learning experience, we were even more pleased

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52 SELT, 2019.

53 SELT, 2020.

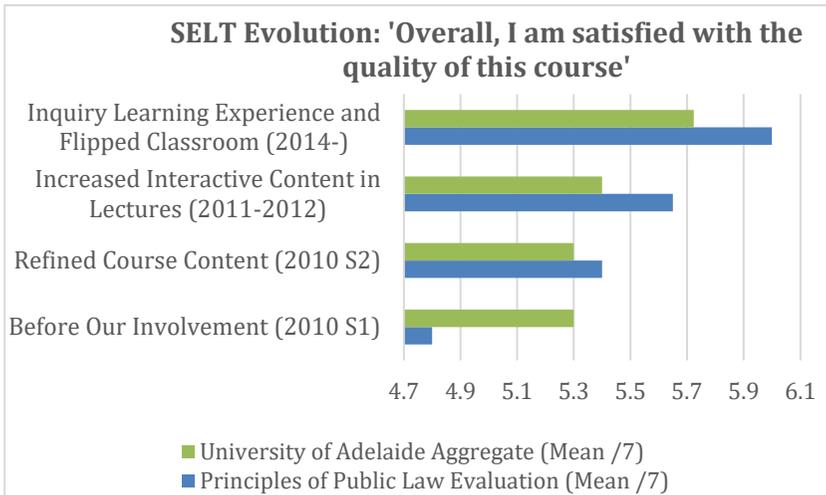
54 Anonymous student survey, 2016.

55 Unsolicited email from student, 2014.

that our course re-design has substantially increased student satisfaction and achievement in PPL.

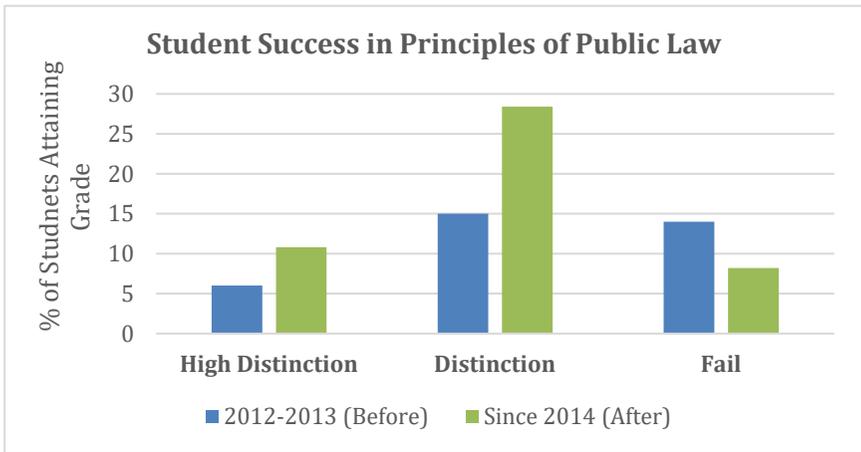
First, student satisfaction has increased significantly, and PPL is now consistently one of the highest ranked courses in SELT surveys, not only in Adelaide Law School, but across the University of Adelaide, as Figure 2 shows.

**Figure 2**



This level of student satisfaction is remarkable because large first-year courses traditionally receive much less positive responses from students than small, boutique electives and postgraduate courses. The level of student satisfaction with our course is further indicated by the Student-Led Teaching Award from the Adelaide University Union (the university's premier student-selected teaching award) we received in 2016.

Second, student results have improved significantly. Comparing results from before our course re-design (2012-2013) with those after (since 2014), the number of Fail results has nearly halved, while the number of HDs and Ds has almost doubled, as Figure 3 shows.

**Figure 3**

Students recognise that their learning in PPL is high quality:

“The depth of knowledge gained in public law is great for a [first-year] course”.<sup>56</sup>

“[R]eally engages students ... All courses in the law department should be taught like this. If you want to know what the future of learning looks like I highly recommend ... Principles of Public Law”.<sup>57</sup>

## **E. Staff Perspectives**

From a staff perspective, the critical question is probably whether we think transforming our course was worth the effort. Happily, our view is unequivocally that it was. The data we have analysed above gives us considerable confidence about the impacts on students. We reflect here on the impacts that these changes had on staff.

It is important to be clear that, with the benefit of hindsight, we underestimated the amount of work required to transform our entire course for the 2014 offering. While implementing our desired changes all at once was

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56 SELT, 2020.

57 SELT, 2014.

exhilarating, it was also exhausting. We would suggest to colleagues contemplating major course renovation that they consider whether it can be achieved in smaller batches over successive iterations of the course, so as to balance their workload. This would have the added bonus of enabling the pedagogy to be more readily tailored in response to student feedback along the way.

What, then, did we as staff get back from these efforts (other than the satisfaction of their impacts on student learning)? First, the interactive flipped lectures are vastly more fun to teach than traditional didactic lectures. It is even possible to have meaningful engagement with students in a lecture theatre with hundreds of students in attendance. Second, habits of active participation learned by students in the flipped lectures transfer across to increased student participation in tutorials and online discussion fora. Third, more engaged students who understand the law better are more fun to teach and marking their assessment can be quite an affirming experience. Fourth, being able to spend time with small groups of students supervising their inquiry learning experiences is a real pleasure. In short, the investment of time and effort to transform our course also transformed the teaching experience radically for the better.

## **V. Charting a Course Through Troubled Waters: The Impact of COVID-19**

In this section, we offer some reflections on the experience of using flipped classroom and inquiry learning pedagogies during the disruptions of the COVID-19 pandemic. Our aim is not to provide any comprehensive analysis of the impact of the pandemic on law teaching generally, but instead to detail some aspects of our own experience of COVID-19's impact on the particular pedagogies that we have described in this article.

Broadly, our experience shows that some parts of our pedagogy lend themselves to being transferred to online learning more easily than others. The flipped classroom supported by pre-lecture quizzes was easier to adapt to online learning (though modifications were required), while we ultimately felt that we could not continue to offer the inquiry learning experience in its traditional

format. Instead, we substituted smaller group projects which were more strongly structured and involved less supervision and research.

COVID-19 disrupted learning and teaching at the University of Adelaide in March 2020. Suddenly, within the space of one week, all classes had to be moved online and face to face interaction was no longer possible. At that point, the semester had already started, and there was little room to change course content or teaching plans. Therefore, what had been intended for in-person classes had to be delivered online, whether it was suitable for online delivery or not.

## **A. Flipped Classroom**

Our experience shows that the flipped classroom pedagogy with the supporting pre-lecture quizzes could be transferred online, though this transfer still had some problems. As in the years before COVID-19, students still watched the pre-lecture videos and completed the pre-lecture quizzes before the lecture. The lecture was now held live on Zoom. However, we encountered problems with the amount of material that could be covered in online classes, the effectiveness of peer-to-peer learning, and lower student engagement.

The first problem was that it was difficult to cover as much ground in a Zoom lecture as can be covered in an in-person lecture. This was due to technological errors and delay that occurred from time to time. It also took more time to read and respond to all student comments in the chat function. We addressed this by moving one of the three lecture activities out of the synchronous lectures and delivered it asynchronously instead. Simply put, instead of an interactive activity led by students in the live lecture, we recorded a video that identified the main points of the activity, modelling how students should approach it, and made this video available online. While this part of the activity was no longer interactive, gaining extra time in the live lecture allowed for the other two lecture activities to remain interactive. We found that engaging in only two of our usual activities in a live online lecture allowed sufficient time for student engagement.

However, another problem was peer to peer learning that usually occurs in small student groups in the lecture theatre. In our 'ordinary' flipped classes, the

lecturer encourages students to talk to their neighbours and develop (e.g.) three arguments for a particular proposition. Lecturers walk around the room and help individual groups with their discussions. If lecturers become aware of a common misunderstanding, they make an announcement to the whole class to clarify the point. After the small group discussion, students submit their answers on an interactive online learning platform. The submitted answers are displayed on the board and discussed with the whole class. Individual students volunteer or are asked their views on the question under discussion and on answers that others have given.

On Zoom, this approach proved problematical. Breakout rooms were used for small group peer to peer discussions. However, these did not seem to be as effective as small group discussions in the lecture theatre. We suspect this was because the teacher was unable to supervise small groups' work, answer questions instantly for the benefit of all students, or correct common misconceptions. In the absence of the teacher in breakout rooms, students are also more easily distracted. Moreover, groups were unable to submit their answers to the whole group because Zoom does not have a function for free text answers. Zoom surveys only allow for multiple choice questions. In a law course, this is not as useful as free text answers, especially when addressing critical thinking questions.

A third problem was student engagement online. While attendance at the live online lectures was comparable to attendance at in-person lectures in this course, only a handful of students participated in the online class discussions. Unlike in a classroom, it was harder for teachers to encourage quieter students to participate. Some students also had technical difficulties with their camera, microphone, or chat function, forcing them to be passive listeners, even if they wished to participate.

In summary, our experience was that, while pre-lecture videos and quizzes work well in the online environment, interactive live online classes had to be tailored to contain fewer activities. Peer-to-peer discussion in breakout rooms were not as effective as in the lecture theatre, active participation online was lower, and the tools available for surveys were more limited on Zoom. While

flipped lectures can be beneficial in the online environment, the lecture activities have to be designed specifically for this environment, paying special attention to strategies for student online engagement and to the survey tools available.

## **B. Inquiry Learning Experience**

The COVID-19 disruption caused significant mental health challenges for many people, including law students. In light of this, we significantly restructured the inquiry learning experience, reducing the scale of the project very substantially, providing much more scaffolded support to students, and requiring them to undertake much less research (and with less supervision), leading to an assessment which carries a very small weighting. We took these steps because we did not want to heighten student stress. Students are often apprehensive about the group work aspect of the inquiry learning experience. However, in ordinary years strategies are in place to assist students with group work. These include the ability of groups to have regular face to face meetings, including with their academic mentors, and early teacher interventions if a group encounters a problem. Ordinarily, most teams in PPL regard their group research project as a positive experience upon completion (see some of the student comments above). However, we were concerned that, in an online environment, we would not be able to provide groups with the support that they need. Therefore, we opted for a very substantially reduced version of the inquiry learning experience. We were disappointed not to be able to continue with the more ambitious inquiry learning experience in the online world during the pandemic, but ultimately the approaches that had made our inquiry learning experience possible in face-to-face mode did not translate easily to a fully online world. We felt that we could demand much less of students in the context of highly increased student stress resulting from the pandemic.

In our view, if teachers wanted to run such an experience in a fully online environment, special supports and safeguards would have to be put into place to foster student success and support their mental health and wellbeing. At a minimum, it would be crucial that all students have the technology and IT support available to participate easily in the experience; second, teachers would

not only have to be available for group consultations during set hours and by appointment, but proactively check in frequently on how all groups are travelling; third, evidence of ongoing participation by all group members in the project would have to be created, for example, by requiring groups to use online collaboration tools that teachers can access and that show which work was done by each team member and when. In our view, the resources required for a successful, large scale online inquiry learning experience are more than what our law school (and probably most law schools) can provide for an individual course.

Perhaps it would be possible to engage students in a successful online group inquiry learning experience in a later year elective course with comparatively few students (50 maximum). Later year students are more likely to have the experience and maturity to engage successfully in such an experience, especially in an elective in their area of interest. One academic would have the capacity to supervise and support a smaller group of up to 50 students. However, we do not believe that a fully-fledged online inquiry learning experience would be successful for our large, compulsory, first-year course within the existing resources available to us.

## **VI. Conclusion**

Our experience of implementing the flipped classroom, continuous assessment and inquiry learning in a large, compulsory first-year law course has been very positive overall. We have found considerable benefits to student learning from these pedagogies — as would be predicted from the majority of the literature — even though they remain somewhat unusual in law teaching today. In particular, we have seen strongly increased student satisfaction with our course, substantially improved student success (in contrast with some earlier Australian studies) and greatly increased staff satisfaction.

Through necessity, we have also trialed these approaches during the COVID-19 pandemic. The flipped classroom (supported by continuous assessment) was able to continue online with only minor changes required. Inquiry learning, however, we found more difficult to implement in this context,

and we were able to offer only a very much reduced (in size and intellectual scope) version of our inquiry learning experience in the pandemic.

What is the significance of our experience for the future of legal education? First, we think it demonstrates the importance of achieving active student engagement in all forms of teaching. Periodically, we see comments presaging the death of the lecture. These have to be treated with some skepticism, given the continued prevalence of lecture teaching, and the efficiency (and thus economic advantage) of large-group as opposed to small-group teaching. But, we are convinced that traditional didactic talking-head lectures with no active engagement fail to take advantage of the opportunities presented by the precious time available for teaching staff to interact with students, and for students to interact with each other. There are many ways of promoting active learning, even in large classes. We have found that the flipped classroom provides us with really valuable opportunities to increase student engagement (with course material, with their peers, and with teaching staff) and elevate the level at which our classes (and in particular our large lecture classes) operate.

Second, we see an evolution in approaches to assessment. It is no longer predominantly a tool deployed at the end of a course to evaluate whether or not a student has mastered the content. Instead, assessment is a tool that can be used throughout the course to actively support the student learning journey. Assessment can provide students with real-time feedback on their understanding and assist to build a baseline level of student familiarity with material across the cohort, which allows for classes to be conducted at a significantly higher level. The pre-lecture quizzes that support our flipped classroom pedagogy are an example of continuous assessment that serves a predominantly educative, and not merely evaluative, purpose.

Third, we think there is considerable value that can come from implementing inquiry learning in appropriate contexts. We hope that our experience demonstrates that no cohort is beyond engaging with research in a meaningful way — our first-year students responded extremely well to the substantial inquiry learning experience we implemented. Many academics choose their career pathway on the basis of a love of research, and we found the

opportunity to share the research experience with students to be enriching for both staff and students. We note one potential difference: students were particularly engaged when the end product had a real-world focus. Their interest in generating a research-informed law reform submission was greater than their interest in generating a more traditional research essay. This suggests to us that the most effective pathway to implementing inquiry learning is to find a form of output which students can see as having professional significance as well as intrinsic intellectual interest.

We are the first to acknowledge that our innovations have required much more effort to implement than would have been required to just continue offering fundamentally the same course every year. What is going to drive the necessary effort to reinvigorate legal education pedagogies? In our view, there are several drivers. First, students are increasingly sophisticated consumers of education and they have the capacity to influence educational approaches. Second, there will be institutional drivers — our initial flipped classroom implementation enjoyed some financial support from the university as part of a teaching initiative. Third, and for us perhaps most importantly, there is a substantial return on the investment of time and energy made by teaching staff — we found that we substantially increased the enjoyment we derived from our teaching. While not all staff will choose to make a dramatic whole-course implementation of a major pedagogical change, we have already seen many of our colleagues adopt and adapt elements of what we have done in courses across our university and beyond. Incremental change is more readily attainable and can still bring substantial benefits to student learning as well as the staff teaching experience.

Our greatest satisfaction is the impact we have had on student learning, demonstrated by significant and sustained increases in student achievement and satisfaction. The student experience is exemplified in an unsolicited email received in 2020 from a 2014 student who had just completed a Masters at Oxford: “the teaching you continue to pioneer in Adelaide ... continues to top any law school ... [I am] extremely grateful for the skills you taught me in Public Law”. Our flipped classroom, continuous assessment and inquiry learning

experience have assisted our students to learn more deeply about public law and to develop research and teamwork skills for their whole degree and professional lives. It is our great pleasure to continue this journey with future student cohorts in Principles of Public Law and beyond.

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Adelaide, 12 July 2017); Matthew Stubbs, “Flipping and Inquiring in Public Law” (Presentation delivered at the University of Adelaide Festival of Learning and Teaching, Adelaide, 21 July 2017); Cornelia Koch & Matthew Stubbs, “Using Innovation to Deliver Pedagogical Value in the Age of the Economically Efficient Corporate University – Adelaide’s Flipped and Inquiring Public Law Curriculum” (Conference Paper, delivered at the HERDS Annual Conference, 4 July 2018); and Matthew Stubbs, Cornelia Koch & Azaara Perakath, “Technology-Enabled Assessment and Feedback in a Large First-Year Law Class: Student and Staff Perspectives” (Presentation delivered at the University of Adelaide Festival of Learning and Teaching, Adelaide, 20 July 2018).

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