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## MULTI-MODAL DELIVERY APPROACHES IN TEACHING POSTGRADUATE LEGAL RESEARCH COURSES

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*This paper commences with a consideration of the rationales for teaching legal research to postgraduate students. It discusses the importance of legal research to the dynamic and ever-changing discipline of law and the added significance of this area to postgraduate study.*

*The paper then discusses the learning needs of postgraduate students and the changing educational environment that they face, and how new directions in education and developments in student numbers and background, funding and technology affect this environment. It examines the contextual needs of postgraduate students and how these affect their expectations of postgraduate study. The paper concludes with an analysis of the results of a survey of students undertaking the subject Advanced Legal Research as to various modes of delivery and considers some recommendations arising from the responses.*

### INTRODUCTION

It is generally agreed that the ability to undertake legal research is an essential legal skill. The law is a dynamic and ever changing discipline with the result that knowing how to find the relevant law is often more important to a practitioner than knowing the legal rules which might quickly become outdated. Apart from the everyday practice of law, legal research skills are also necessary in undertaking postgraduate studies. Dealing with the complex and difficult areas taught at a postgraduate level requires the ability to research not just in Australia but internationally and may also involve interdisciplinary research. The Law School at the Queensland University of Technology recognises this, and the subject Advanced Legal Research is a recommended unit in the Masters of Laws program.

Having accepted the essential role of legal research skills in legal practice the issue becomes how best to develop these skills taking into account our students' learning needs and informed by the relevant educational theory. This paper discusses the changing educational environment that tertiary students now face with its new focus on adult learners taking responsibility for their own learning and efforts to inculcate lifelong learning skills. It discusses how new directions

and developments in student numbers and background, funding and technology are affecting this environment. It examines the contextual needs of postgraduate students, particularly their work and family commitments, and how this affects their expectations of postgraduate study. This theme is developed within a discussion of the concept of flexible delivery/learning, the relevance of the mode of delivery and what this means for the teaching of postgraduate legal research skills.

In order to fully develop the theme, students undertaking the subject Advanced Legal Research were surveyed to ascertain their response to the three modes of delivery used for the subject: Part-time, Summer Intensive and External. The survey is also detailed in the paper which concludes with an analysis of the results of the survey and a discussion of various recommendations arising from the responses.

### The importance of legal research skills in a postgraduate legal course

In the late 1970s Baird surveyed recent American law graduates about the relevance of their legal training to the practice of law. The respondents advised that the two vital things that law school gave them for the actual practice of law were the knowledge of where to look for the answers and an ability to define the problem in order to be able to seek the answer. Legal research skills were therefore considered essential skills by these graduates (Baird 1978:275).

This proposition has even greater relevance in the late 1990s. As a result of many economic and social developments the actual content of the law has increased dramatically over the last twenty to thirty years and will continue to do so. The shelf life of legal content taught at law school is therefore very brief and it would be undesirable for graduates to rely on it. Some commentators argue very strongly against too much legal content coverage in favour of an emphasis on skills such as legal research skills for many reasons, including: the knowledge taught can only be a tiny portion of the whole; the law is likely to be quickly outmoded and is therefore dangerous to rely on solely; and it is of little use when new problems arise (Wesley-Smith 1984:62). A further argument supporting an emphasis on legal research skills is based on the increase in the variety of areas of law and the increase in the actual content of more traditional branches of the law. This has resulted in a significant increase in the number of optional or elective legal subjects offered in the undergraduate program. Graduates cannot possibly study all these areas; however once they graduate they may be faced with problems involving areas of law with which they are not familiar. In order to cope with this challenge they must rely on well developed research skills.

The above discussion indicates the importance of teaching legal skills in an undergraduate legal program but does not answer the question why it is important to deal with this skill again at the postgraduate level? There are several answers to this. Dealing with the complex and difficult areas taught at a postgraduate level requires the ability to research not just in Australia but internationally and may also involve broader interdisciplinary research methods and overall project

planning. Research skills of the highest order are therefore essential. Linked with the rapid changes and increases in the content and variety of legal areas is the need to research these areas in the most efficient and effective way. Legal research is an ever-changing environment which is presently facing the challenge of rapid developments in electronic researching approaches. Five years ago the emphasis was on legal databases available on CD Rom. This has now been replaced with the Internet and the ability to obtain data Australia-wide and worldwide. Postgraduate students therefore need to be aware of the most up-to-date researching techniques.

Finally, many students enter postgraduate studies with a wide variety of experiences of legal research skills. At the postgraduate level there are students who have studied many years earlier when the current technology and approaches to legal research were unheard of and who have little or no familiarity with computers, together with students who have studied internationally and who therefore may have limited experience with Australian legal research approaches. Teaching legal research skills to these students is essential if they are to perform well in their postgraduate studies.

#### THE CONCEPT OF FLEXIBLE DELIVERY

The concept of "flexible delivery/learning" has been the subject of many recent articles and reports<sup>2</sup>. It has been used in relation to a variety of learning environments ranging from technical and further education to postgraduate studies. It encompasses a range of strategies and technologies designed to meet the varied needs of students, taking into account their location and time of study and allowing diversity and support for learning goals, course content, learning styles and assessment (QUT Teaching and Learning Report 1996). Flexible learning and flexible delivery are often used interchangeably. Nunan (1994:2) states that flexible learning "stands for a way of delivering education that is thought to produce quality outcomes, is efficient and effective, and returns to the learner greater responsibilities and self-direction for the processes and outcomes of learning". This philosophy emphasises flexibility in both delivery of education and in meeting the learners needs.

Flexible learning and delivery are often confused with distance education and off-campus delivery. Whilst these concepts have many common philosophies and techniques, flexible learning does not necessarily mean external study. Flexible learning may use a variety of teaching strategies including print-based media and technology, however it also recognises the importance of on-campus learning and teaching. As Moran (1996:3) states the "concepts and practices are those of distance education, but flexible learning encompasses and integrates all educational experiences, on or off campus".

#### Why choose flexible delivery?

A number of developments both nationally and internationally have given rise to the present emphasis on flexible delivery/learning and made it an essential consideration in higher education. These developments include:

- The increase in higher education numbers in Australia, which have trebled in the last 25 years heralding a move from a semi-elite system to a semi-mass system of education.
- The consequent effect of this increase in the student body of an increase in the diversity of student backgrounds, prior learning experiences, motivations and styles of learning.
- The fact that students come to tertiary study with a wide variety of levels of preparation. This can range from students who have not completed secondary education in the traditional school environment, to school leavers, to those with one or more tertiary qualifications. This impacts on postgraduate studies in that some postgraduate students, who have studied many years earlier, have limited or no familiarity with current technology and approaches to legal research and some students, who have studied outside of Australia, have difficulty with Australian teaching approaches, legal principles, language or cultural differences.
- A decrease in the level of Government funding together with increasing class sizes has highlighted the need for educational institutions to ensure quality of education is maintained in an ever-decreasing resource environment. Flexible learning is an approach that is designed to enhance the quality of learning but which is sufficiently adaptable to fulfill the needs of an increasing student population.
- In the last few years there has been a rapid expansion of the availability of technologies both in the workplace and at home. Computers are no longer an additional part of university life but an essential aspect with many academics using the Internet for research and teaching purposes, e-mail for communication with other academics, professional organisations and students, and computer-based education modules to teach subjects in a variety of ways. There are considerable pressures on universities to integrate information technologies into teaching, research and administration and these pressures come from staff, students, government, potential employers and other stakeholders in the educational arena.
- Student expectations of high quality materials and delivery modes have increased dramatically. Improvements in the quality of print-based media mean that students will not be satisfied with materials that are poorly presented and packaged. These expectations have also been fueled by the introduction of financial contributions from students who compare the quality of university materials to those available from commercial

organisations and expect the same level of sophistication. Students are also aware of up-to-date technologies and expect that these developments be integrated into the courses they undertake.

- There is an increasing need for universities to widen the pool out of which their students are drawn. This is a result of competition for funding which has encouraged universities to focus on enhancing their prestige through attracting the brightest and best students. The introduction of full fee paying as a means for universities to increase funding has also meant that overseas students are coming to Australian universities. These students may wish to undertake part of their studies in their home country.
- Recognition of changing economic, work and lifestyle circumstances. Whilst many students come to university straight from secondary school and are able to study full-time this is not the case with a large and ever increasing number. The 1996 QUT student profile discloses over one-third of students are officially enrolled part-time, nearly one in four were born overseas and over half are over 21 years of age (QUT 1996). Of students enrolled in masters and professional doctorates with the QUT Law School in 1997, 12% were born overseas (excluding the United Kingdom) and 90% were enrolled part-time. There has also been a significant increase in enrolments in postgraduate legal courses across Australia. A 1995 report found that there had been a 144.2% increase in student numbers in course work Master of Laws from 708 students in 1988 to 1729 students in 1994 (James & Beattie 1996:11).
- Flexible delivery relies on a variety of learning resources which will enhance the students' educational experience and may overcome tertiary education problems such as large class sizes and inadequate on-campus facilities. A 1994 Report by the National Board of Employment, Education and Training (Candy et al. 1994:9) argued for a wider use of resource-based learning on the basis that this approach is similar to the ways in which people will continue to learn after completion of their university studies since it develops in them the attitudes of active and independent learners.

#### THE EDUCATIONAL RATIONALE FOR FLEXIBLE DELIVERY OF LEGAL RESEARCH SKILLS

As the above discussion indicates flexible delivery/learning is a broad concept open to different interpretations and approaches. The approach adopted at QUT in teaching legal research skills at a postgraduate level<sup>3</sup> is multi-modal, encompassing the use of a combination of face-to-face teaching, print-based media, electronic communications and audio technology, the choice by students of times for attendance on campus and the provision of materials in different forms to suit individual student needs. The course aims to develop legal research skills

to an advanced level, to develop the ability to plan and implement complex legal research projects, including interdisciplinary research relevant to legal research, and to enable students to gain experience and expertise in the use of electronic researching tools. These skills are developed in a critical and reflective environment which involves students practising their research abilities, analysing their practice and practising them again. This approach has been developed in the context of the literature on teaching lawyering skills (see Maughan and Webb 1995).

There are a number of reasons why flexible delivery has been chosen to teach postgraduate legal research skills. Together with the broader institutional reasons for flexible delivery referred to above, there are also educational reasons for this choice. One of these is an increased focus on lifelong learning. With developments in both content and ways of accessing that content, the shelf life of information traditionally taught at universities is very short. This has resulted in an emphasis on the need for the learner to be responsible and self-directed in their learning approach so that they are equipped to cope with the constantly developing fields of study in which they are involved. Students need to be able to approach course content in a way that gives them the principles and skills necessary to deal with issues that may arise long after completion of their traditional course of study. Teaching legal research skills is an integral part of this focus on lifelong learning as the changing nature of legal content poses the challenge of constantly researching to keep up-to-date. The use of a multi-modal approach where the students rely on a variety of methods and materials, and not just the academic 'expert', allows students to develop responsibility for their own learning and assists them in developing their own approach to researching. These skills will be with them long after they have completed their course of study.

Lifelong learning is also enhanced by students taking ownership and control of the learning process. Mature-age postgraduate students will find the whole educative process more relevant when they can choose a topic closely related to their own experiences or working environment. This means that they have choice in the emphasis in time and effort they give to research areas.

Flexible delivery is also a response to the many changes that have occurred in the workplace, taking it from the industrial age to the 'information age' (George & Luke 1996:204). The new work environment is characterised by integration rather than the demarcation of tasks, multi-skilling and re-skilling as opposed to a narrower definition of employment tasks, and professional coalitions and integrations rather than the division of labour (George & Luke 1996:205). As a result education is now conceived as an on-going activity rather than a once-off preparation that results in a degree equipping the graduate for their chosen career. This notion of lifelong learning is linked with the capacity to deal independently with new information in a range of contexts so that students can identify, locate, access, evaluate the relevance of, retrieve and use information in a range of forms using a variety of media (Candy et al 1994). Students' exposure to and interaction with a wide variety of information resources will broaden the education process

and enhance their information literacy and so assist in the development of independent lifelong learning. This information literacy is also important in assisting students to understand the education process that they are experiencing.

Encouraging students to take responsibility for their own learning does not need to exclude academic control over the learning process. Students come to the learning environment with their previous learning experiences which usually involved a lecturer-centred approach. They therefore need support and guidance to develop as independent learners and the process of development from academic dependence to a student-centred approach to learning needs to be gradual. It has to be acknowledged that some students may need considerable initial support before they are confident with a self-directed approach. A report of the evaluation of the use of distance learning materials recognised this when it found that "not everyone responds to this learning approach, it may be that some degree of preparation is needed to cope successfully with this learning method" (Lawrence 1988). Although there may be initial student resistance most students can be helped to understand the advantages of flexible learning and learn to value a more student-centred approach which in any case is more appropriate at postgraduate level.

The aim in teaching legal research skills at QUT is to steer the middle course between teacher control and student autonomy. This can be achieved by the inherent flexibility of the delivery program. Students gain the advantages of flexibility and control over their learning by using learning materials which encourage active learner involvement and which can be studied away from an educational establishment. Students also benefit from lecturer guidance during student/lecturer interactions. The use of materials to cover a large amount of core 'information-giving' can also free lecturers from that role and enable them to focus on facilitating the learning process and providing more individual or small group guidance and support. The creation of opportunities for students to develop their own self-help groups can also provide a valuable source of peer support that helps to reduce the isolation often felt by participants in distance education.

A further advantage of the flexible delivery approach lies in the use of electronic communications. While accessing the course students are introduced to current technological developments. One of the challenges of the legal research environment is the rapid development of electronic researching approaches. Five years ago the emphasis was on legal databases available on CD-Rom. This has now been replaced with the Internet and the ability to obtain data in Australia and worldwide. Students can be gradually introduced to new media through their use as teaching tools. For example, the use of electronic communications such as e-mail and discussion lists improve students' ability and confidence in using these tools independently and will enhance their confidence in approaching other forms of electronic communications for research purposes. A 1993 Department of Employment, Education and Training Report stated that "the evidence here and overseas, indicates that computer mediated communications can enhance the educational experience of students, and improve their general level of computer

literacy" (DEET 1993: 2). So, as well as developing information literacy, flexible delivery of legal research materials can inculcate general electronic literacy in the student group.

A further reason for flexible delivery is the increasing recognition of the need to accommodate students' different learning styles. People use teaching materials in different ways. Some find information delivered in a visual format such as print, diagrams or graphics more meaningful to their learning experience whilst others respond better to aural information. Learners also process information and relate this information to their life experiences in a variety of ways. The more traditional teaching format of didactic lectures followed by seminars may therefore not be the best approach and alternatives such as problem-based learning, shorter summer semesters or 'intensives' with time for reflection, and a variety of information packages including audio and video tapes may be more beneficial.

There is also an argument that skills need to be taught over time and cannot be learned in 'hot house' settings such as, for example, an intensive (Gold 1993:4; Jackling 1986:4). Jackling argues that this is particularly so for non-academic skills at undergraduate level. Perhaps this argument is not so persuasive where research skills are being taught at a postgraduate level where, even though some of the students may not have been formally taught legal research they will have used this skill in their professional working lives.

There are therefore a number of important qualities of flexible learning that we consider essential to the flexible teaching and learning of legal research skills. These are:

- Varied and adaptable teacher/learner interactions. In order to optimise students' educational opportunities, the place, time and method of delivery must be adaptable and flexible. This opens up new possibilities as to where, when and how we teach and to a move away from the traditional two semester academic year with its emphasis on weekly lectures and seminars. In teaching Advanced Legal Research, approaches such as a summer school, a short intensive, evening classes and some off-campus delivery of teaching material are utilised.
- An emphasis on quality interactions between teacher and learner and amongst learners. Flexible learning enables students to learn how to continue learning long after their period of formal study has concluded. It recognises that these learners need the skills and aptitudes of lifelong learning. This is particularly so in the area of legal research skills with its ever-changing and developing environment. Linked to this is the importance of the interactions amongst learners who will develop confidence through peer support and the ability for self-directed learning.

- **Appropriate use of teaching/learning resources.**  
A combination of resources, such as print, computer and audio-visual media can take into account all aspects of the learning environment including the unit content, student backgrounds and experiences, their location and the resources available to them and to the teaching team.
- **Advances in technology.**  
The latest developments in technology such as the Internet (including e-mail and electronic discussion groups) can not only enhance the quality of the teaching but also improve access opportunities for distance students and for students whose work and/or family commitments prevent attendance on campus. Familiarisation with electronic communication tools is also an essential aim of legal research courses as these tools play such an integral part of current legal research. Using a multi-modal delivery approach that includes the use of electronic developments as part of the teaching tools is a way of gradually introducing students to the use of these media for their own research purposes.
- **Recognition of variety in student learning styles and backgrounds.**  
Flexible learning is an approach that "allows for the adoption of a range of learning styles, learning interests and needs and variations in learning opportunities" (TAFE Flexible Delivery Working Party 1992). As mentioned previously examples of a variety of teaching approaches include print media, face-to-face student/teacher interactions, computer-assisted communications, choice of assessment both in type and content and choice of time and place of study.

It is recognised that not all postgraduate courses will benefit from the same flexible delivery approach. Many postgraduate law courses are aimed at theoretical and analytical areas of the law. Students are required to read substantial amounts of material in order to be in a position to evaluate and synthesise the arguments surrounding a particular proposition. Students may need considerable time to read and prepare for particular topics. Not only must students spend time in reading these materials but they also need time to reflect on the new ideas that are being presented to them. Delivery of such courses in an intensive mode or without time to reflect and review materials may therefore not be suitable and alternative delivery modes, which include regular discussion sessions with space between for private study, may be more appropriate.

Another issue to consider is the lack of visual feedback when using electronic communication tools. This may be of particular significance in the study of postgraduate subjects involving areas that challenge prevailing ethical and cultural beliefs. Students and lecturers are not able to gauge the reactions their views may have on others because of the absence of visual cues from the 'virtual' instructor (McWilliam's "teaching tech(n)body" (1997)) or the other students. The nuances and body language of face-to-face conversation can be lost. McWilliam

(1997) argues that there may still be a need for the teacher's physical presence in the learning process.

Educational rationales are paramount in choosing appropriate delivery modes and certainly more important than merely choosing whatever delivery mode is currently considered more 'fashionable'.

#### LEGAL RESEARCH SKILLS AS A POSTGRADUATE UNIT AT QUT

##### An outline of three delivery modes

Advanced Legal Research was first offered as a one-semester postgraduate unit at QUT in 1993, and ran in a part-time format four years. In 1997 two new modes were trialed: the Summer Intensive and the External program. The Part-time program comprised a two-hour evening session of conventional face-to-face student/lecturer interactions over 14 weeks, a total of 28 contact hours. The Summer Intensive spanned a two-week period in early February (before the semester began) with a total of 31 programmed hours. The External program involved a combination of a three volume Study Guide, a two day Intensive (14 hours), the Summer Intensive audio tapes, one voluntary seminar (1 hour), a Discussion List, coordinator initiated telephone communication, and a compulsory individual interview (30-50 minutes).

A comparison of the curriculum of the three modes shows little disparity, with minor alterations and innovations being phased in over the first few years of the course, and these changes then being incorporated into the final model. The items of assessment were the same with variations to cater for the length of time available to produce the first piece of assessment during the Summer Intensive and the lesser opportunity for class participation apart from the Discussion List for the External program. Study Guide and Materials booklets were specifically prepared for the Summer Intensive and these were then reconstituted for the External students.

The electronic Discussion List was only available for External students. This became important to students studying in this delivery mode as they were freed from the necessity to be in the one place at the one time and therefore had flexibility in time and location of their student/lecturer and student/student interactions. Messages could be received at work or at home, students could take time to reflect and read in relation to the question or topic under discussion and then give a considered response to the group. Once familiar with the e-mail system, External students used this mode of communication freely for personal feedback and advice from the coordinator, as well as participating in the Discussion List. A not so surprising, but positive offshoot of these efforts, was the frequency of one-on-one student/teacher interaction, resulting in a more intimate relationship developing between the coordinator and students in the External group in contrast to the average Part-time group.

Another aspect of flexible delivery for each of the modes was choice by students of their legal research project. As part of this process students keep personal journals as a vehicle to chart the initiatives they have taken and to document their self-directed learning journey. At times the research questions and projects have been closely related to workplace issues or ongoing funded projects, but more usually these have related to a variety of academic objectives.

On the whole, the Summer Intensive mode appeared to provide the best and richest learning environment for the students, and the most satisfying teaching experience for the coordinator. Although the intensive mode is a newer alternative, it remains within the traditional model of face-to-face interaction in class, the difference being that the majority of teaching is condensed to a few days or weeks, rather than cumulated over several shorter two-hour weekly sessions during a fourteen week semester. The students appeared to be focused on making the best of their time in the two weeks available, and were approaching study as their main occupation rather than as a part-time extra. They had unlimited use of the computer facilities as the undergraduates had not resumed study, and were able to form a sound peer network during the sessions. On the other hand, infrastructure resources were at a premium because the course was conducted during a university vacation and most electronic research database and software changes tend to have target completion dates coinciding with the beginning of the semester.

#### Critically evaluating the outcomes of delivery change

Evaluation is an important part of the change process enabling validation of the quality of delivery and the achievement of learner outcomes (Flexible Delivery Working Party 1993:126). There are various standard methods of educational evaluation of courses including assessing how well students achieve in relation to the objectives of the unit, consulting educational experts in relation to specific aspects of the course such as the course materials, assessing students' attitudes, and cost benefit analyses. (Holmberg 1981:106-108). Sometimes these are grouped into formative or improvement-based evaluation, summative evaluation by an objective group at the provider level, and validation evaluation which usually occurs within a re-accreditation process (Flexible Delivery Working Party 1993:126). Our study was not broad enough to cover all these evaluation categories, however the survey was one way of evaluating a specific aspect, that is, the different delivery styles, so it would be placed in the first category of formative evaluation in regard to specific delivery mode options.

New and developing postgraduate courses provide a challenge for evaluation theory. As one study comments: "It is extremely difficult to identify and attribute improved learning outcomes to many teaching delivery initiatives, because of confounding factors". (Verduin & Clark in James & Beattie 1996:65). Thus evaluation in the burgeoning postgraduate study area is difficult because of the 'change' phenomena itself - new units, curricula in flux and changing electronic technologies (Verduin & Clark 1996:65). The evaluation carried out on the Advanced Legal Research course comprised two parts: the university-wide

Student Evaluation of Unit (SEU) survey and, secondly, a more detailed student survey directed at particular modes of delivery. The SEU results are of little aid except for some extra comments in regard to the Summer Intensive mode. The SEU results are tabulated below.

Overall rating of unit:		
1993	5.3 on 7 scale	Part-time
1995	4.9 on 7 scale	Part-time
1996	4.9 on 7 scale	Part-time
1997	6.4 on 7 scale	Summer Intensive

The unit evaluation by this group reinforces the perception that the Summer Intensive was well favoured by the participants, being rated significantly higher than three previous part-time sessions surveyed. Additional comments by the students include the following:

"Summer school entirely appropriate for this subject ... enables focus ... collegial environment."

"Wonderful course! Of particular value was the following:

- Outside of university semester
- Free access to computers
- Excellent quality of lecturers / presenters
- Guides including readings etc. which saved time and allowed time spent with electronic etc. - Intensive mode is most suitable for this type of subject."

Unfortunately, there were insufficient responses to the evaluation sent to the External group to enable inference or conclusion. This seems to be a general difficulty experienced by those evaluating such a group:

In classroom-based courses, the learners are available for face-to-face interviews or they can be supervised to assist in the completion and return of questionnaires. In flexible course evaluation, data must be gathered by mail or telephone, or where possible, in tutorials. This process has the potential to be more time consuming and fragmented than in the past. (Flexible Delivery Working Party 1993:128).

Overall, the tenor of these university-based evaluations was reflected in the results of the separate survey, although the survey itself was specifically directed to delivery mode rather than a holistic evaluation of the unit.

#### The survey

A total of 108 surveys were sent to those who had enrolled in the postgraduate subject Advanced Legal Research during the years 1993 to 1997. There were 55 responses (approximately 50% response), including 35 from the Part-time group, 4 from the Summer Intensive and 16 from the External group. The main results

are summarised below. The questions and tables of results are attached as appendix A.

- The majority of the respondents were academics, government employees and employed solicitors in the 30-40 year age group who were in full-time employment and who lived and worked in Brisbane.
- 51% of respondents had received no formal training in legal research before they studied the subject.
- The respondents were asked to give three main advantages of the way the program was offered when they studied. The most popular responses were:
 

Compatible with work commitments	43%
Easy access to research facilities	38%
Study Guide and Reading Material	34%
Regular meetings with lecturers and other students	29%
- The disadvantages identified were:
 

Difficulties accessing electronic research facilities	31%
Little opportunity to undertake reading and preparation for class	29%
Two-hour class too limited	27%
Difficulty leaving work to attend class	22%
Little time to interact with other students	22%
- The most important advantage identified by the Summer Intensive students was the "opportunity to focus on learning without being distracted by work commitments". 75% of Summer Intensives identified this as an advantage. This was then followed by "compatible with work commitments", "easy access to research facilities including electronic resources" and "compatible with other study commitments". All these advantages were identified by half the Summer Intensive students.
- The most important advantages for the Part-time students were, fairly equally, "easy access to research facilities including electronic resources", "compatible with work commitments" and "regular meetings with lecturers and other students". These advantages were identified by 40-45% of the Part-time students.
- The External students identified "compatible with work commitments" as the most significant advantage of studying legal research this way with "study guide and reading material booklets" and "compatible with family commitments" as the next most important advantages.

The advantages identified across each delivery mode are reasonably consistent but there were some differences. "Opportunity to focus on learning without being distracted by work commitments" is clearly a perceived advantage of undertaking

the course in the Intensive mode which was not identified by the other student groups. Comments and observations of this group indicate that being away from work for a significant period of two weeks allowed students to concentrate on the course they were studying instead of still being concerned about the work tasks they had left behind for the day. "Compatible with work commitments" is obviously a significant factor and one that was strongly highlighted by each group. This indicates that work factors are an important consideration in undertaking postgraduate study and in the mode of delivery chosen. To the External students compatibility with family commitments was also important and as this was not as significant an advantage to the other student groups it indicates that the added flexibility of location of study to External groups can suit both work and family commitments. The External students also strongly considered that the Study Guide and Reading Materials were an important advantage to them as compared to the other groups. As External students with a more limited opportunity for student lecturer interactions the printed material took on added significance.

These findings are supported by the results of a 1997 survey by the QUT Law Faculty of postgraduate women students which indicated that work and family commitments were a major factor in their ability to participate in postgraduate legal studies. The majority of respondents to this survey considered that participation by women in postgraduate law courses would be improved by offering courses in the Intensive and External modes. Weekend classes and better access to the Law Library and materials were also seen as improving participation.

When the disadvantages highlighted in the survey are more closely examined there are interesting differences in the responses depending on the delivery modes experienced. For the Summer Intensives the most significant disadvantages were "little opportunity to undertake reading and preparation for class" with all students identifying this as a disadvantage and "little time to reflect on materials" (identified by 75% as a disadvantage). The Part-time group found the limitations of the two hour class the most significant disadvantage closely followed by "difficulty accessing electronic research materials" and "difficulty leaving work to attend evening classes". Obviously the fact that they are combining work and study is an important limitation to their satisfaction with the mode of delivery. The External students did not find the audiotapes useful and identified as a significant disadvantage their lack of time to interact with other students. Many of the problems with audiotaping have been overcome through use of high quality taping equipment set up in the classroom. Although the other groups did not identify the ability to network with other students as one of the most significant advantages, the response of the External group indicates that when this opportunity is not present it is sorely missed. This is particularly the case when students are studying a skills-based subject where students learn from the hands-on environment and from their interactions with each other. It seems from this response that the Discussion List was not considered an adequate alternative to



interaction with other students and was possibly seen more beneficially as a student/coordinator interaction.

When asked whether they would have preferred another mode of delivery none of the respondents who had experienced the Summer Intensive opted for a different mode. However, nearly one quarter of the Part-time respondents wanted to change, as did a substantial 50% of the External group. Of the Part-timers who wanted to change 5 said they would prefer a Summer Intensive and 4 another mode. Of the Externals, half said they would prefer to undertake the Summer Intensive and the others preferred Part-time study;

Most students (61.1%) did not believe that the mode of delivery affected their results in Advanced Legal Research itself, although a percentage (24.1%) believed their results were improved by the particular mode. This is supported by the literature which indicates that there are no significant learning outcome differences between the various delivery modes (Bates 1997a). In another study Sargent and Morris concluded that "The results of the test paper show clearly that the introduction of flexible learning techniques seem neither to have damaged the learning opportunities of the students taking the course, nor to have significantly enhanced them." (Sargent and Morris 1995:100).

A difficulty experienced across all modes of delivery in teaching Advanced Legal Research was the varying levels of experience and ability in students undertaking legal research skills. As the survey discovered, slightly more than half of the students had not had any formal training in legal research skills. In the comments to the survey one student suggested separate classes:

"The first day of the external school relating to electronic research should be divided into two stages viz. advanced for those who have previously been trained on electronic searching at undergraduate level and beginners level for those who have no previous experience. A lot of time was wasted on simple techniques and time ran short for the Internet - a very useful tool and unknown."

The effect of this high number of students without any formal research skills training is that, until this category of practitioner has worked through the postgraduate system, it will be difficult to push postgraduate research skills training 'too far too fast'. This basic skills shortfall is one of concern that needs urgent attention, perhaps through continuing legal education and workplace training rather than simply in the postgraduate study arena.

The results of this survey in relation to the Summer Intensive correspond with the views of academics involved in a forum to discuss intensive teaching at QUT<sup>4</sup>. The presenters of the forum identified as advantages of intensive teaching (amongst others): ease of access for students in full-time employment; heightened level of interaction between students; and effectiveness in the context of skills-based teaching.

The disadvantages highlighted included lack of reflection time for students and lack of ongoing student contact with the lecturer (Reid 1997).

The survey also highlighted a perception that the delivery modes could be ranked, with the Summer Intensive mode most popular, followed by Part-time and then External, with compatibility with work and family commitments being major factors in the decision. Alongside these was recognition of the importance of learning factors including regular contact with the lecturer and networking with other students. Major disadvantages in delivery included difficulties experienced in accessing electronic materials and lack of time both within class (specifically two-hour classes) and outside class (in terms of preparation). The survey thus confirmed other academics' observations of the advantages and disadvantages of the Intensive delivery mode.

## CONCLUSIONS

An analysis of the literature on multi-modal or flexible delivery approaches to teaching and the results of the survey have assisted us in determining the important advantages of multi-modal delivery in teaching legal research skills and where there are potential drawbacks. In conclusion we have determined that:

- Using a multi-modal delivery approach in teaching legal research skills can assist students in developing their own strategies for dealing with changes in the legal research process.

Keeping up-to-date with relevant legal areas in the ever changing and expanding legal environment requires efficient and effective research techniques. Legal practitioners, whether or not in traditional areas of legal practice, are however also faced with significant and rapid developments in legal research technology, techniques and approaches. The teaching of legal research skills therefore needs to emphasise the expanding nature of this area and encourage students to take more responsibility and be more self-directed in their approach to developing these skills. The aim is that by encouraging students to use a variety of learning 'materials' available in a multi-modal delivery approach and discouraging them from relying so heavily on the academic 'expert' they will develop more responsibility for their own learning. This will enable students to develop their own strategies for researching which will be with them long after they have completed the course of study.

- A multi-modal delivery approach assists in the development of independent lifelong learning.

The modern workplace requires professionals to remain current both in their original profession and also in the variety of other areas required by their work environment. This working environment is characterised by multi-skilling and development of new skills and requires professionals to view their education as an

ongoing activity. They must be able to deal independently with new information in a range of contexts so that they can effectively deal with information in a number of forms and a variety of media. Students' exposure to and interaction with a wide variety of information resources will enhance their information literacy and assist in the development of independent lifelong learning.

- A multi-modal delivery approach can enhance student learning of electronic research skills.

Using a multi-modal delivery approach that includes the use of electronic research developments as part of the teaching tools is a way of gradually introducing students to the use of these media for their own research purposes. For example, the use of electronic communications such as e-mail and discussion lists improve students' ability and confidence in using these tools independently and will enhance their confidence in approaching other forms of electronic communications for research purposes.

- A multi-modal approach caters for variety in student backgrounds and learner styles.

People use teaching materials in different ways. Some find information delivered in a visual format such as print, diagrams or graphics more meaningful to their learning experience whilst others respond better to aural information. The use of a variety of teaching approaches such as print media, face-to-face interactions and electronic communications lends itself to satisfying differences in student learner styles and learning preferences.

- A multi-modal approach allows students to more easily combine work and/or family commitments and study.

The majority of postgraduate students have either work and/or family commitments that must be considered when they undertake postgraduate study. Flexible modes of delivery recognise these important commitments and allow students to work within the constraints of time and location of study that these commitments impose. The results of the survey indicate that compatibility with work commitments was seen as a significant factor in determining which delivery mode students in Advanced Legal Research chose. For those studying externally compatibility with family commitments was also a major consideration in choosing this form of delivery mode.

- Different multi-modal delivery approaches may be suitable for different forms of postgraduate study.

Many postgraduate law courses involve critical analysis of very complicated legal theories. Students are required to read substantial amounts of material in order to be in a position to evaluate and synthesise the arguments surrounding a particular proposition. Students may need considerable time to read and prepare for

particular topics. Not only must students spend time in reading these materials but they also need time to think and reflect on the new ideas that are being presented to them. Delivery of such courses in the intensive mode or where students are not given adequate time to reflect and review this material may therefore not be suitable. One of the significant disadvantages identified by students who studied in the intensive mode in their survey responses was that they had little opportunity to undertake reading and preparation for class and little time to reflect on materials.

Where a postgraduate course requires a high level of critical analysis and canvassing of argument and opinion the most preferable teaching approach may be the face-to-face student/lecturer interactions that take place in traditional seminar discussions. Of course printed media will be important in providing students with a knowledge base but the level of synthesis and evaluation of arguments to be achieved usually requires the guidance and support of an 'expert' in the field to facilitate student learning. Once again less traditional methods may not always be the most suitable although group discussions, which are useful, can be a significant aspect of a multi-modal delivery approach.

- Introducing different delivery modes involves a re-education process.

Even though postgraduate mature-age students are often independent and motivated learners, their past learning experience affects their attitude to changes in delivery mode. It seems that students, even postgraduate mature-age students, may need a gentle introduction to flexible delivery and especially to a change of direction towards self-reliance in learning. It may be that subjects like Advanced Legal Research should be targeted as introductory units where students are given a degree of support and extensive resource materials so that, if they decide to take other course work subjects in a flexible mode, they will be more responsive to the requirements.

- Skills development is enhanced through working with others and requires face-to-face interaction.

Some students will naturally accept flexible delivery modes more than others but the comments of the External students indicate that students who did not experience regular face-to-face lecturer contact would like more contact time with the lecturer and other students, particularly so that they can develop their electronic research skills in a hands-on environment. The External students did not view the Discussion List as an adequate alternative to face-to-face interactions. It seems important that if flexible delivery modes relying heavily on learning resources are used there must be some initial support and guidance from the lecturer, with the overall aim to lessen teacher control of the learning process and encourage lifelong learning patterns.

- A multi-modal approach in teaching legal research skills needs to be tailored to different initial levels of skills experience and ability.

One difficulty experienced across all modes of delivery in teaching Advanced Legal Research was the varying levels of experience and ability in students undertaking legal research skills. This has been noted previously (Hutchinson 1997). The survey ascertained that just over half the students had never had any formal legal research training.

A possible solution is a catch-up module for those students who have not used computers. This would enable postgraduate students unfamiliar with basic legal research skills, such as updating legislation, to achieve a minimum level of competency through a settled program of work which they could undertake at their own pace. Additional support and guidance could be provided as necessary.

- A multi-modal delivery approach does not necessarily result in significant learning outcome differences.

The literature indicates that there are no significant learning outcome differences between the different delivery modes. Our survey confirmed this as the vast majority of students felt that the delivery mode did not affect the results they achieved.

- Responses to the Summer Intensive were the most consistently favourable.

Although the survey sample is small it does seem that a large number of students would be interested in undertaking legal research training as a Summer Intensive. Not only does this suit their educational needs of a hands-on learning environment with significant lecturer/student and student/student interactions but it also has the advantages of compatibility with work and family commitments and allowing students to focus on learning without work distractions. Further investigation will be necessary to reveal if this also might be the preferred choice of the university communities and the employers. Perhaps a hybrid form with teaching intensives and four-hour Saturday or evening blocks during the traditional semesters might be another option. This would be one way of overcoming the problem of limited time for preparation and reflection which was identified by the students.

- Employers' requirements are a growing consideration.

As most postgraduate students are in some form of employment, the employers are an important consideration in determining the delivery mode offered. Their needs will include the requirement to develop research skills in their employees and the impact of this training on their other work commitments.

Future employers are likely to become more vocal in their expectations and requirements for delivery of postgraduate teaching. There is a perception of change in the workplace culture towards encouragement of postgraduate studies by employed lawyers. If this encouragement is followed up by financial

assistance and study leave, it is likely that firms providing this assistance will expect delivery approaches that suit their workplace needs. Variety in delivery modes for example, intensives offered during the quieter January period, evening and/or Saturday classes and external study will allow employers flexibility and enable them to encourage their staff to combine work and postgraduate study.

- No single delivery mode answers everyone's needs and students should be offered a variety of delivery modes.

Finally, we can only agree with Gilbert that students have different needs and perhaps there is no absolutely right way to present a particular subject which will suit all the participants:

We are likely to discover that, for some kinds of learning and communication, face-to-face discussion is absolutely essential. For others, it may be more effective for most people to learn on their own, from books or interactive CD-ROMS, for example. But I expect we'll find that what is usually best is some mixture of conventional materials, new applications, independent work, telecommunications, and various pedagogical approaches - matched against the different individual abilities and needs of students and faculty (Gilbert 1996 in Scott 1996:155).

Those students involved in the Summer Intensive were unanimous in their approval of that mode, but this type of offering is not possible for all students, nor are the mechanics for staff involved in teaching three semesters entirely appropriate. Furthermore, the disadvantages identified of inadequate preparation and reflection time must be addressed, as an important aspect of teaching skills is allowing students time to analyse and reflect on their performance of these skills (Maugham and Webb 1995:xxix).

In conclusion it seems that, although reasonable to assume that postgraduate students are highly independent, they may not always be confident with delivery methods requiring technical skills or which are very different from their previous educational experiences. An approach of support and guidance, gradually encouraging independence in learning but still offering alternative methods of accessing assistance is the preferred model.

## NOTES

1. Terry Hutchinson teaches in the Legal Research, Criminal Law and Procedure and Theories of Law courses in the Faculty of Law. She was Law Librarian from 1987-1993 during which time she established Legal Research courses in the Faculty of Law at both undergraduate and postgraduate levels. She has published several papers in the legal research area including "Legal Research in Law Firms".

Fiona Martin joined QUT in 1990 and has been involved in teaching in Revenue Law and Succession Law and a postgraduate subject Legal

Education. Prior to this she spent approximately eight years as a solicitor in private practice and the Government. She has published articles on revenue law, passing off, feminist legal theory and legal education and has recently published *Taxation Law Manual* with Australian Tax Practice.

2. Many listed under Referenes section below.
3. The subject offered at postgraduate level is Advanced Legal Research.
4. QUT Division of Academic Affairs Flexible Delivery: Block Teaching Forum 1, October 1997.

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APPENDIX FOLLOWS

**APPENDIX A**  
**THE SURVEY**

**TABLE 1**

When did you study Advanced Legal Research?

Period	Total n-55	
	%	#
1993 Part-time	3.6%	2
1994 Part-time	16.3%	9
1995 Part-time	20.1%	11
1996 Part-time	23.6%	13
1997 Summer Intensive	7.3%	4
1997 External	29.1%	16

**TABLE 2**Into which of the following categories do you fall?  
(Please circle one only)

Category	Total n-55	
	%	#
Academic	30.9%	17
Government Employee	16.3%	9
Employed solicitor	12.7%	7
Full-time postgraduate	10.9%	6
Partner/principal	9.0%	5
Other	7.3%	4
Associate	5.4%	3
Barrister	5.4%	3
Not in paid employment	1.8%	1

**TABLE 3**

Sex

Sex	Total n-55	
	%	#
Female	52.7%	29
Male	47.3%	26

**TABLE 4**

What was your age when you were enrolled in Advanced Legal Research?

Age	Total n-55	
	%	#
30-40	43.6%	24
20-30	34.5%	19
over 40	21.8%	12

**TABLE 5**

Where was your workplace located when you were enrolled in Advanced Legal Research?

Workplace	Total n-55	
	%	#
Brisbane City	65.7%	36
Brisbane Suburbs	12.7%	7
Other	12.7%	7
South Coast	7.3%	4
No response	1.8%	1

**TABLE 6**

If you were not employed when you were enrolled in Advanced Legal Research, where was your residence?

Residence	Total n-55	
	%	#
No response	76.3%	42
Brisbane City	16.3%	9
Brisbane suburbs	3.6%	2
South Coast	3.6%	2



TABLE 9

What were the disadvantages of the way the program was offered when you studied it? Answer this question from your own experience at the time. (Please circle three only)

	Total n=55		Part-time n=35		Summer Intensive n=4		External n=16	
	%	#	%	#	%	#	%	#
Difficulty accessing electronic research materials	31%	17	37%	13	-	-	25%	4
Little opportunity to undertake reading and preparation for class	29%	16	28%	10	100%	4	12%	2
Two hour class time too limiting	27%	15	40%	14	-	-	6%	1
Difficulty leaving work to attend evening classes	22%	12	34%	12	-	-	-	-
Little time to interact with other students	22%	12	14%	5	25%	1	37%	6
Little time to reflect on materials	19%	11	20%	7	75%	3	6%	1
Tapes not useful	20%	10	3%	1	-	-	56%	9
Difficulty accessing library facilities	9%	5	12%	4	-	-	6%	1
Not compatible with family commitments	9%	5	6%	2	25%	1	12%	2
Study Guide and reading materials not available as organised booklet	7%	4	9%	3	-	-	6%	1
Compulsory attendance for external group too short	5%	3	-	-	-	-	18%	3
Coordinator initiated communication insufficient	5%	3	6%	2	-	-	6%	1
Not compatible with work commitments	5%	3	6%	2	-	-	6%	1
Other	5%	3	6%	2	-	-	6%	1
Compulsory attendance for external group too long	4%	2	-	-	-	-	12%	2
Discussion List not useful	4%	2	-	-	-	-	12%	2
Summer Intensive classes too limited	2%	1	-	-	25%	1	-	-
Non-compulsory seminar not useful	-	-	-	-	-	-	-	-
Not compatible with other study commitments	-	-	-	-	-	-	-	-
Not compatible with social commitments	-	-	-	-	-	-	-	-
Summer Intensive class too long	-	-	-	-	-	-	-	-

TABLE 10

See page 163

TABLE 11

What do you perceive as the advantages of this different mode of studying the subject? (Please circle three only)

	Total n=7	Part-time	Summer Intensive	Other
	% (#)	% (#)	% (#)	% (#)
Opportunity to benefit from networking in the group	35% (6)	6% (1)	18% (3)	12% (2)
Compatible with work commitments	35% (6)	6% (1)	23% (4)	6% (1)
Regular meetings with lecturers and other students	35% (6)	18% (3)	18% (3)	-
Compatible with family commitments	29% (5)	6% (1)	23% (4)	-
Easy access to research facilities including electronic resources	29% (5)	-	18% (3)	12% (2)
Opportunity to focus on the subject without other work commitments	29% (5)	6% (1)	18% (3)	6% (1)
Flexibility in study time	18% (3)	-	6% (1)	12% (2)
Time to reflect on the material being presented	18% (3)	6% (1)	6% (1)	6% (1)
Compatible with social commitments	12% (2)	6% (1)	6% (1)	-
Opportunity to prepare between classes	12% (2)	6% (1)	6% (1)	-
Ability to work at your own pace	6% (1)	-	6% (1)	-
Compatible with other study commitments	6% (1)	-	6% (1)	-
Coordinator initiated communication	6% (1)	6% (1)	-	-
Flexibility in determining when you would access research materials	6% (1)	-	-	6% (1)
Opportunity to form study groups	6% (1)	-	-	6% (1)
Opportunity to prepare before the compulsory attendance session	6% (1)	-	-	6% (1)
Other	6% (1)	6% (1)	-	-
Discussion List	-	-	-	-
Non-compulsory seminar	-	-	-	-
Study Guide and reading material booklets	-	-	-	-
Tapes from Summer Intensive available	-	-	-	-



TABLE 12

In what ways did completion of Advanced Legal Research affect the results you achieved in other postgraduate study?  
(Please circle three only)

Effect on results	Total n-55	
	%	#
Enhanced electronic research skills	80.0%	44
Improved ability to plan and develop research	67.2%	37
Improved understanding of broader approaches used in legal research, for example, theoretical, policy and social science	43.6%	25
Results improved	18.1%	10
Increased awareness of importance of legal research	16.3%	9
Enhanced critical thinking skills	10.9%	6
Other	10.9%	6

TABLE 13

In what ways did completion of Advanced Legal Research in the particular delivery mode you undertook affect the results you achieved in the subject?  
(Please circle three only)

Effect on results	Total n-55	
	%	#
No change	61.8%	34
Results improved	23.6%	13
No response	9.0%	5
Results lower	5.4%	3