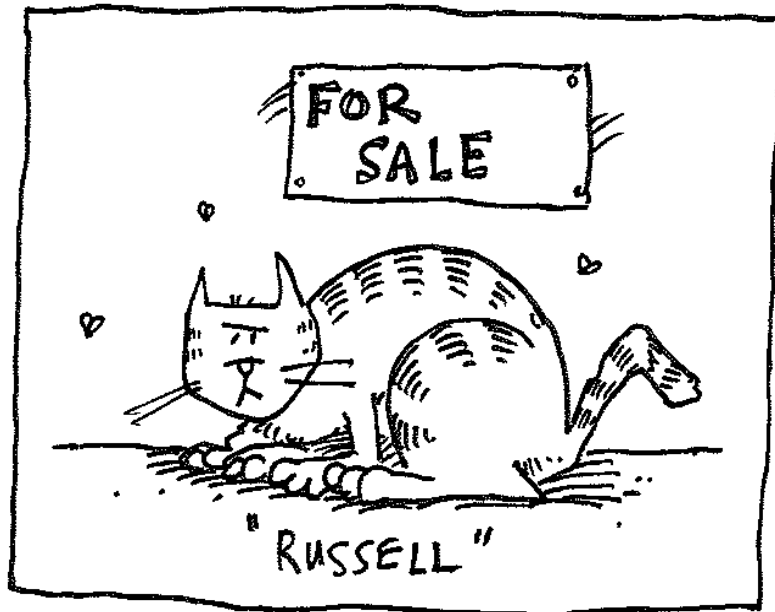


# **Tertiary Teaching Excellence Awards 2006**



**Nomination for:**

**Professor Rick Bigwood**

**Faculty of Law**

**The University of Auckland**

**March 2006**



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Figure One: Lecturing in Studies in Contract Honours course, March 2006.

## Introduction

### **“What did you like best about [Rick Bigwood’s] lecturing?” An open-ended response from a student survey (1997):**

- “I spent a few years teaching and coaching before coming back to uni. A lot of time was spent studying what good teaching was etc. Rick is one of the best teachers I have come across in any of this time and any place in the countries I have spent time.” [underlining in original]

All my students know that I have a cat by the name of Russell. They know this because I tell them so. What they don’t know is that I sometimes lie. Russell is actually my neighbour’s cat, but he lives at my house, and I feed him and love him to the extent that anyone would feed and could love an overweight, intemperate, malodorous, and generally unattractive cat.

All my students know also how an airplane flies, even though few of them aspire to becoming aeronautical engineers. Air travels faster over the upper surface of a wing, which is an aerofoil, than under the lower surface, thereby generating a pressure differential — low pressure above, high pressure below — which creates lift. Thrust provided by the engines overcomes drag and provides the forward momentum to get the air moving over the wing. Lift overcomes gravity, and soon you’ll be halfway to Hawaii! To land, or crash, one only has to reverse the process just described.

Students learn such things, and much more, in my Law of Contract course at The University of Auckland. They never expect to, but they do.

In law, a contract is just one state-sanctioned mechanism by which “my cat” becomes “your cat”. Russell is thus bought and sold in countless hypothetical examples presented and dissected in class throughout the year.

The connection between aerodynamics and legal education is less immediately obvious, at least until one learns that airline tickets are actually just contracts (or comprise part of a contract), and they will usually contain “exempting provisions”, such as clauses that say something like: “We won’t be held legally liable for anything. If we screw up, tough — it’s your problem, not ours!”

For the past 11 years in the Faculty of Law at The University of Auckland, I and a handful of my colleagues have taught law students about just those sorts of legal questions: What is a contract? Why are they important? What happens when things go wrong, as experience reveals they often do? Are exempting provisions with airline companies (or with anyone else) legally binding?

Learning the answers to these and many other legal questions ought, first and foremost, to be *fun*. If learning is fun, students are more likely to come to class. And if they come to class, they are more likely to engage actively with subject matter, their teacher, and their peers than if they routinely skip class. And if students actively engage with subject matter, their teacher, and their peers, the learning experience is likely to be better for everyone involved. All good teachers, and probably most students, know instinctively, and from experience, that “learning is not a spectator sport!”

My classes are very well attended. Students routinely tell me that they **want** to come to class. At first, I suspect, this is because they find my lectures amusing. There are many surprises, and guest appearances by Elvis Presley, William Shakespeare, Dylan Thomas, Guns N' Roses, The Troggs, Robert Reed (Mike Brady in *The Brady Bunch*), and Bette Davis, among others — not in person, of course (because they're either dead or otherwise too expensive to engage), but rather as protagonists in the multiple case studies and supplementary materials that I have selected as part of the course. Students are much more likely to be motivated to learn effectively if their interest is captured by material that they believe is relevant and useful, and if their learning is a pleasurable experience. Students like hearing about movie stars and rock bands, even dead ones that the younger among them may never have heard of.

But students don't just attend my classes for their amusement value. They also view my classes as a self-conscious attempt, on my part, to provide a **quality educational experience** for each and every one of them. Most of my students come to appreciate the **intrinsic value** of the **deep-learning experience** that I try to deliver in all my courses. One can be entertaining, even on occasion flippant, in one's teaching delivery while also:

- communicating high expectations/standards (coupled with assurances that those expectations/standards can be met);
- demanding involvement and participation on the part of all students;
- instilling a commitment in students to the ideals of a university, and a sense of individual responsibility for the attainment of their own learning outcomes;
- respecting diversity and different ways of learning; and
- maintaining students' clarity of purpose.

If one thing characterizes my approach to teaching, it is that it is driven first and foremost by the **impact that it is intended to have on my students' learning experiences and outcomes**. Moreover, I am lucky to be able to ground all my teaching in insights and judgment gained from sustained high-level research. That grounding makes it easy for me to demonstrate genuine enthusiasm for my subjects, as they happen to be my scholarly passions as well as my allocated teaching responsibilities.

## Teaching Experience

I have 17 years teaching experience at tertiary level. The last 11 of these have been as a full-time teacher-scholar in the Faculty of Law at The University of Auckland. Before that I lectured, instructed, and tutored on a casual basis, principally at the Australian National University in Canberra, Australia, where I completed my PhD in 1993.

In all that time I have never tired of teaching — my enthusiasm and commitment to excellence in the art has only intensified over the years. Although I have experienced my fair share of disappointments in the classroom and in grading assessments, I continue to greet each new teaching year with a sense of excitement and genuine desire for improvement over the one that went before.

### Summary of Teaching at The University of Auckland

Course	Years taught	Class size	
Law of Contract	1995–2006	110–260	Course Coordinator 1995–2000, 2002, 2004–06
Law of Personal Property	1995–2003	75–120	
Advanced Contract	1995	15	Masters/Honours course
Studies in Contract	1996–2006	15–22	Honours course
Practice Management	1996–1998	100	Schools of Architecture and Engineering
Project Management	1996	50	School of Architecture
Introduction to Contract Law (for Non-Lawyers)	2000–06	20–35	Executive Programme Short Courses, Business School

Since 1995, I have also conducted, on a voluntary basis, special tutorials in Contract Law and Personal Property Law for the Maori and Pacific Island students enrolled in the Law School.

While in Australia (1989–1994) I lectured, tutored, and/or instructed in the areas of commercial law, contract law, and cartooning and caricature.

### Supervision Activities (1996–2005)

I have successfully supervised 24 LLB(Hons) dissertations, over 150 10,000-word Honours seminar papers, and a handful of 10,000-word research papers in lieu of examination, all on a variety topics. The grades awarded after consultation with an independent assessor have ranged from B to A+, with A's predominating.

#### **An unsolicited email from a supervised research student (2003):**

- “Just wanted to thank you for being my research supervisor [sic]. I have learnt many things from the drafts that you have marked. Generous markers in the past have let me get away with bad legal writing (especially footnoting). By being an honest marker, you have shown me just how slack I have become in certain aspects of my legal writing. Now I think I have a much better idea of what is required. I have learnt much more than I expected to from a supervised research paper.”

# My Educational Philosophy and Pedagogical Principles

Why do I enjoy teaching so much? In large measure it is because, as a student, I so thoroughly enjoyed and valued its correlative: **learning**! Quite early on as an undergraduate student, I recall experimenting with different learning strategies and styles in my capacity as a **learner**. I found that some techniques worked better for promoting genuine learning than others, and some of my lecturers motivated and assisted my learning much better — more **deeply** — than did others.

When embarking upon a full-time academic career, my approach to teaching reflected not only the best practices that I had witnessed in my own favoured teachers, but also the accumulated wisdom of my own, **self-conscious** approach to learning as a **student**. When preparing classes as a new teacher-scholar in law, I constantly asked myself such questions as: “How would *I* have wanted to learn this material as a student?” “What would have galvanized and assisted **my own** learning best?”

However, not all students learn in the same way, and I realized that what worked best for me as an undergraduate learner might not necessarily work for all law students. To teach effectively I had to be able to assist different learner types, possessing different learning approaches or styles (to mention nothing of the diverse personal circumstances, cultural backgrounds, and individual abilities of students that must also be factored in the mix). Nonetheless, the approach I took set me on a good course from the start, because effective teaching must be **student-focused** rather than teacher-focused, and responsive to individual learning styles and needs.

## 1. My Primary Aim as a Law Teacher: To Effect High-Quality (“Deep”) Learning in Law Students

Whatever else legal education involves, my students understand that it is not merely “training to pass final examinations”. My role as an effective law teacher is, first and foremost, to inculcate in my students a **deep** rather than a surface and purely instrumentalist approach to their learning. “Deep learning” is a message that I seek to impress upon all students from the very first class. As I explain to them (in class and in my Course Outlines), under a “deep” approach the student seeks to **understand** ideas and their meanings, in a **contextual** way, and to satisfy his or her **curiosity** about the subject matter. Under a “surface” approach, in contrast, the learner aims simply to **memorize and reproduce** material without questioning it, or relating it to its context. I explain this to students so that they can locate and assess their own learning approaches and strategies at the very start of the course.

The greatest pleasure I experience as a teacher — truly — is when students tell me that I have been instrumental in motivating them to shift to a **much deeper, less instrumentalist**, approach to learning by the time the course was over.



### **Two unsolicited emails from students enrolled in my Law of Contract course (2005):**

- “Just wanted to say thank you for this year and all the help you offered me. I cannot tell you how much I appreciated it and the extent to which it assisted my learning. I have to admit this has been the most enjoyable year I have had at uni and I feel as though I have been able to change my approach to learning in a positive way, as to get away from simply surface learning.”
- “This is probably a bit cheesy but thought you might like to know that your efforts in getting people to understand contract rather than just learn it for the exam were appreciated in the end! This was the first paper I made myself put effort into, and I ended up really enjoying it. Unlike most years, I haven't promptly forgotten everything due to just cramming for the exam, and am more satisfied that I actually learnt something than that I passed the exam.”

## **2. My Pedagogical Principles**

One doesn't have to be a rocket scientist to appreciate that there is a strong correlation between good teaching and high-quality learning: good teaching facilitates good learning. The connection between the two is self-evident given that the *aim* of teaching is, quite simply, to make *learning* possible!

I keep abreast of orthodox education theory and approaches to inform my own course design and teaching strategies and delivery in the Auckland Law School. I believe very strongly that good teaching in higher education must be evidence-based and theoretically anchored, and I take the same scholarly approach to my teaching at tertiary level as I take to my research endeavours.

At a minimum this requires critical reflection though constant self-monitoring and appraisal on the part of the teacher. However, it is essential that this occur from the learners' perspective rather than the teacher's. Effective teachers seem to understand, whether instinctively or self-consciously, *how* their students learn, and how student learning is *affected* by teaching.

For that reason, teachers must closely monitor and evaluate their students' experience of learning with a view to making appropriate modifications to teaching in the light of the evidence collected.

Simple content-knowledge transmission from teacher to student is unavoidable in undergraduate legal education, as students need to know the stable law in a particular area, but good teaching in law is primarily about stimulating, enabling, and guiding students to *actively* develop their own conceptions and abilities within the discipline. This cannot be achieved overnight, or even in a single course. Legal education is an *incremental and sustained process*, and students improve their learning skills more quickly if they are made *aware*, from the outset, of that process and of their own role in it. Effective learning requires teachers to create learning situations and a classroom community within which each student becomes *critically self-conscious* about his or her own educational experience and potential. Only in that way can, I believe, we as teachers expect our students to be able to plan, monitor, and evaluate their own learning effectively through interaction with their teachers and peers, and through engagement with the course content.

To summarize the key (or “Top-10”) characteristics or “pedagogical practices” of effective teachers that I personally subscribe and aspire to in my own teaching at the Auckland Law School:

### **Effective teachers:**

1. Encourage and assist students to **improve their abilities to learn** (e.g. by discovering how students learn and then by working to educate students about other approaches to **learning**);
2. Are thoroughly “**at home**” with their subject, and **enthusiastic** about sharing a love of that subject with their students;
3. Encourage students to **engage deeply** with subject matter and the task at hand (appropriate to level), and avoid forcing students simply to rote learn or reproduce detail;
4. Make teaching and materials **genuinely interesting and understandable** so that learning is a **pleasurable, meaningful, and useful experience** for students;
5. Are **available** to students, and show **concern and respect** for them and their learning;
6. Offer **intellectual challenge** and communicate **high standards and clear goals** to students (while reassuring students that those standards and goals can be achieved);
7. Give **timely and high-quality feedback** on student work;
8. Demand **participation** and engage students **actively** in their learning, as well as giving them **control** over learning and **independence** (e.g. by assisting them to self- and peer-assess);
9. Identify, create, and exploit every opportunity to **reinforce student learning**, both in the classroom and during other teacher–student interactions (e.g. office consultations); and
10. Constantly monitor what students are experiencing in their learning situations and are able and willing to **learn from students**.

## **Design for Learning and Learning from Teaching**

My educational philosophy and pedagogical practices inform and describe my course design, management, and content, as well as my specific methods for facilitating student learning in law. In all my courses and student–teacher interactions I attempt to facilitate effective learning by:

- beginning with a clear articulation of my educational aims and objectives, a summary of the intended learning outcomes for the students, and some insights for students wanting to improve their learning style and strategies;
- making all my students aware of the respective roles and responsibilities of “teacher” and “student” inside and outside the classroom environment;
- sharing my familiarity with and enthusiasm for my subject matter;
- giving well-prepared, clear, and structured lectures;
- proceeding at an appropriate pace for contemplative learning;
- providing constructive and timely feedback on students’ achievements and progress;
- showing genuine concern for the welfare of, and maintaining a good attitude towards, my students;
- being available to my students through a publicized open-door policy and by telephone and email;
- attempting to achieve explicit congruity between the course aims and objectives, the intended student learning outcomes, the set readings, the learning/assessment activities and tasks that I require my students to undertake, and the graduate profiles of the University and generic attributes of the legal discipline/profession; and
- actively engaging my students through the use of appropriate humour, questioning, and relevant examples.

### **1. Learning and Teaching Methods; Course Content and Design**

#### **a. The Law of Contract (LAW 241)**

My basic approach: challenging learners to learn how to learn (better) — on studying smarter, not harder!

In each of my undergraduate courses, I take a “building-block” approach to the acquisition of student understanding. Building layer upon layer as I work through the subject matter, I am at pains to reinforce earlier “blocks” (or “links in the chain”) so that students can see how all the parts of the course fit together as a coherent and integrated whole. I remind my students not to lose sight of the wood for the trees, as many of them risk missing the bigger picture when attempting to learn the vast detail that is inevitably part of studying law. I set my lectures against the backdrop of the bigger picture throughout the entire year, by explicitly locating specific topics and discussions within the larger framework, often with the assistance of large flow-chart diagrams on the whiteboard.

In the Law of Contract, where most students are still quite new to university study, I take every opportunity to signal from the outset my hopes for and expectations of participants in the class, and to impress upon them the importance and benefits of their taking a *deeper*

**and self-reflective approach** to their own learning. I warn that this may involve breaking old study habits, and I reinforce that I am a resource to be used to support any positive changes that they wish to make in that direction. I emphasize that most law students don't under-achieve (or, worse, fail) because they omit to put in the time required: time and effort count for zilch when they are spent on the **wrong** learning methods and strategies. The key message that I try to get across is: **Study smarter, not harder!**

Before making any start on the substantive content of the course, I begin my Law of Contract course with several initial classes on "Teaching and Learning in Higher (Legal) Education". An important part of this process involves **urging students to reflect on their own commitment to learning**: to ask themselves: "Why am I here?" "What am I hoping/wanting/expecting to achieve by studying law at this phase in my life?" Students have quite varied motivations for studying law (and quite varied conceptions of what "learning" means in higher education), and some are even unsure about their educational interests or what "the law" might hold for them.

An explicit transmission of my **approach to assessment** is part of the early discussion in my Law of Contract course (as well in the Course Outline). I explain the link between my assessment methods and my teaching aims and objectives — the students' learning outcomes — and that even a summative assessment task (such as the final exam) can be used effectively as a **deep-learning opportunity** (e.g. by encouraging, directing, and reinforcing student learning).

I explain to students what I am looking for in assessment activities, and set my objectives within the cognitive domain by using Benjamin S. Bloom's (and his colleagues') famous taxonomy of the cognitive stages of learning. I use an overhead transparency (Figure 2) to frame my discussion of Bloom's taxonomy, and I keep returning to it with illustrations once students get more law under their belts.

*Figure 2*

**BLOOM'S TAXONOMY – the Cognitive Domain (or Cognitive Stages of Learning)**

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<b>1. KNOWLEDGE</b>	Know; repeat (description)
<b>2. COMPREHENSION</b>	Understand and interpret meaning; explain; extrapolate
<b>3. APPLICATION</b>	Solve; demonstrate correct usage; predict
<b>4. ANALYSIS</b>	Distinguish; compare; break down into parts
<b>5. SYNTHESIS</b>	Organize; integrate; bring together parts; conclude
<b>6. EVALUATION</b>	Judge value and adequacy; criticize/support

I explain that in any assessment item I expect students to demonstrate **comprehension** rather than mere knowledge. In law, student comprehension is shown through **application** of the legal principles, doctrines, rules, and supporting authorities examined in the course. This involves the acquisition not merely of knowledge and comprehension, but also **basic**

**skills** such as written communication, logic, reasoning, judgment, loyalty to precedent and principles, and problem-solving. I demonstrate to my students incrementally throughout the year how I will be able to judge their comprehension by the way in which they solve problems, demonstrate correct usage, predict outcomes, and the like, by using the rules, principles, and sources that comprise the course. All assessment items in the course are **problem-based** and designed to force **application**, and to show **comprehension through use**.

Better students are able to ascend higher up on Bloom's taxonomy — from analysis, through to synthesis and evaluation. They can **add value** to the basic application expected, and demonstrate deeper comprehension, warranting a grade in the range of B+ to A+ as appropriate. I pitch all my classes at the level of achieving elemental application comprehension and skills but, as the course progresses, I present opportunities for students to challenge themselves. Each assessment item also contains opportunities for students to show such higher learning as synthesis and evaluation appropriate to the focus of the assessment task.

Finally, throughout the year I reinforce my discussion of Bloom's taxonomy and its relationship to the learning objectives in the course.

**"What did you like best about [Rick Bigwood's] lecturing?" Some open-ended responses from student surveys:**

- "The emphasis on 'depth' of learning was excellent and applicable to all areas of study. The class encourages further thought on issues (rather than wrote [sic] learning) and so allows for a deeper understanding of principles."
- "I liked his honesty and sincerity in teaching. His philosophy on being straightforward with the students is admirable ... It is encouraging to have a professor/lecturer that lets you know where you stand, and how far you need to go."
- "Genuine enthusiasm for subject and for student's learning."
- "Sets objectives [and] work[s] towards them clearly."
- "Takes an active interest in students' understanding ... Actually attempts ... to teach not only the law, but how to study it and approach it."
- "Bloom's taxonomy at the start of course; so I knew where I needed to be to get more than a pass."
- "Focus on learning and understanding, not on memorizing."
- "Very geared towards helping students understand and grasp principles."
- "Rick is an excellent pedagogue. He is clear, seeks to advance learning and comprehension. He is industry-oriented and presents fair, critical analysis of decisions. TOP MARKS."

## **Teaching delivery**

With student numbers of approximately 110 in my stream of the Law of Contract each year, I have had little alternative but to approach the delivery of the course by using the "lecture" style of teaching. Be that as it may, I employ a variety of the earlier-listed ("Top-10") attributes of the effective teacher to good result, with very favourable student feedback and performance in my large classes.

I mix my style of lecturing depending on context and opportunity. In the course of a single lecture I move quite freely between different lecturing styles, ranging from Socratic dialogue techniques and student-focused facilitation, to simple content-knowledge transmission ("straight lecturing"). I am flexible in my teaching delivery, not only in order to avoid boredom and to cater to the different learning styles of students, but also to reflect the reality that much about learning remains unpredictable.

I teach from my own casebook of some 600 pages, which I have refined over a number of years to maintain currency and alignment with the teaching aims and intended learning outcomes of the course. My casebook in the Law of Contract (for example) comprises:

- a very detailed Course Outline;
- some substantive notes in summary form;
- questions and commentary designed to assist students to contextualize and understand the course content as we progress, and, on occasion, to extend that understanding beyond what is discussed in lectures and tutorials;
- a set of past examination questions for students to consult (and for me to demonstrate solutions and approaches to problem-solving in class), in addition to two model answers that I have prepared to past questions, one being in formal essay style.

Wearing my “facilitator” hat, I encourage students to discover the answers to problems and issues by themselves. It is not really feasible to run large classes as if they were a tutorial, as content-knowledge transmission is important, and the security of **structure** is vital in any “building-block” course. However, I encourage students to think for themselves, to make intelligent comments, and ask and answer questions of me or of other students in the course in class and outside it.

Demonstrating the **practical significance** of my subject is an important part of the course. Students tend to learn best when they see a set of knowledge and skills as a strategy to achieve a goal, especially one that will prove useful to them no matter where they end up in life. I do this in part by using relevant, often amusing, illustrative examples with which even the still relatively young undergraduate student can identify. I always try to draw on knowledge and experience already possessed by my students, for the purpose of then developing that knowledge and experience.

At frequent intervals throughout the course, I review the material canvassed in previous classes, linking it to the subject matter currently under discussion — synthesis on Bloom’s taxonomy. I regularly allow students to confirm their understanding of the principles discussed in class by inviting questions and class discussion. I teach all my courses using overhead transparencies which, while summary, are comprehensive of the material canvassed in class.

I provide students with a booklet of my overheads at the start of the course. The booklet assists them to manage their own preparation in advance of classes, and spares them from feeling the need to write furiously just to get down everything that is beamed onto a screen in front of them — a hopelessly passive learning experience. Students can instead concentrate on the more detailed and contextual discussion that occurs around the projected summary points in the classroom. The aim is to promote **active listening** on the part of students, which is more conducive to deep learning, and to provide students with a basic structure around which they can craft their own set of detailed notes.

**“What did you like best about [Rick Bigwood’s] lecturing?” Some open-ended responses from student surveys:**

- “I must thank u for the excellent coursebook, it was very easy to read — made me want to do the readings.”
- “Materials and handouts are excellent.”
- “Provision of exam questions and answers (very helpful).”
- “The overheads were superb.”
- “The overhead notes are excellent.”
- “Overhead materials to tie in with cases.”
- “Having the overheads to follow and to look ahead.”
- “Helpful notes — handbook.”
- “Handouts take focus off scribbling and on to learning and listening.”

As time and availability permits, I run, in my own time, small-group workshop sessions outside of normal class times in the Law of Contract. These sessions, each usually two hours in duration, have been highly successful, and are well attended. I block out a day and repeat the session three times in order to give students the greatest possible opportunity to attend at least one of the sessions. The emphasis of the workshops is on the acquisition of the **specific and generic skills** (e.g. study and examination strategies and techniques) needed for students to execute and demonstrate their mastery of the substantive content of the course.

**“What did you like best about [Rick Bigwood’s] lecturing?” Some open-ended responses from student surveys:**

- “Opportunities for students to ask questions.”
- “Taking time out to provide workshops.”
- “Available for questions.”
- “Exam workshops.”
- “The workshops (willingness to help students).”

## **b. Studies in Contract (Honours Seminar Course)**

### **The Teaching-Research Nexus**

The teaching–research nexus is an essential characteristic of a university. Students are much more likely to gain a **deeper** understanding of a subject if their course has been designed and is taught by teacher-scholars who are actively engaged in high-level research.

In my own teaching, the most explicit connections between research and the curriculum occur in my Honours Seminar course, Studies in Contract, where two of the main learning objectives are to assist students to:

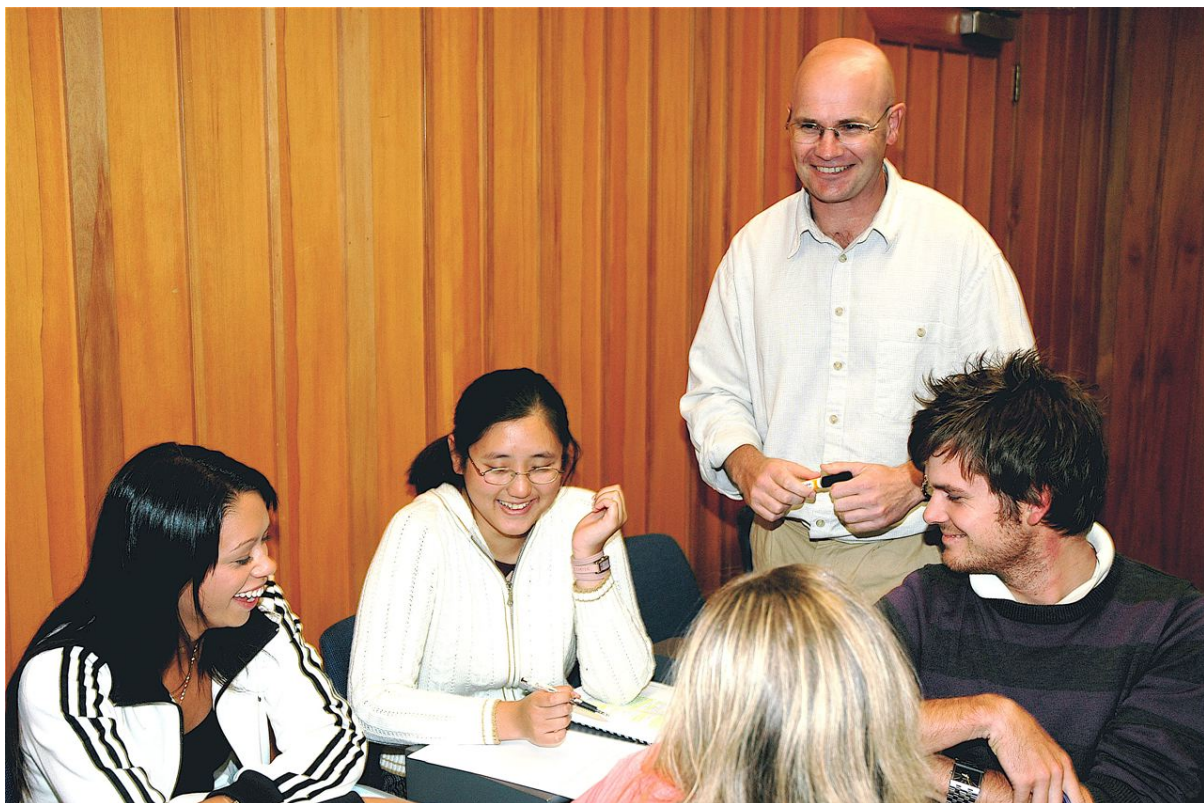
1. experience the benefits of research-based approaches to learning; and
2. develop their intellectual curiosity and independence.

Indeed, the entire point of the course is to prepare Honours students in law to become critical thinkers, exchangers of ideas, effective writers and oral communicators, and independent researchers.

My casebook for the course comprises 200 pages of select primary and secondary materials, some interdisciplinary, that have been influential in my own intellectual journey. The students may or may not arrive at equivalent conclusions as I have, but that is beside the point. I have selected provocative, “value-laden” material for discussion in the course with the intention of provoking curiosity and possible disputation among the students enrolled.

### **Teaching Modes**

The course is run in a seminar format, whereby I facilitate group discussion around a flexible curriculum that caters for indulgence of student interest. For the first semester, I employ my own materials as the basis for discussion of selected topics on a theme (essentially, the “moral” dimension of contract). Students are provided with a series of questions for each class in order to provoke thought while the selected materials are being read in advance of the class to which they relate. The first hour of each class is dedicated to small-group work, whereby students are placed in “buzz groups” of three-to-five members for dissection of the particular questions set for discussion. I wander casually around each group, “eavesdropping” and offering assistance and direction. The goal is to develop **co-operative learning** and the more **instrumental skills** of listening, presenting ideas, and persuading. A plenary session in the second hour, in which I “debrief” students, allows everyone to contribute towards development of the focus set for the particular class while developing progressively the themes and intended learning outcomes of the course.



*Figure 3: Small group work in Studies in Contract Honours course, March 2006.*



Small-group work is very rewarding and effective as a learning activity. Students see that their participation is valued, and small-group interaction enables students to share ideas, arguments, and personal judgments while being able to **focus** those ideas, arguments, and judgments, resulting in much “sharper” responses to my questions posed in the second hour.

With buzz groups, students who are shy and not natural contributors in larger group situations are given an opportunity to speak and be heard, and to gain in self-confidence and discovery. The course is also intended to be an opportunity for better students to think beyond the traditional “black-letter” approach to law that might otherwise have characterized their undergraduate law experience. In particular I use the course to press and question the values that inform the “classical liberal” conception of contract, and to introduce students to the benefits of **interdisciplinary approaches** to the study and understanding of law.

**“What did you like best about [Rick Bigwood’s] lecturing?” Some open-ended responses from student surveys:**

- “The topics chosen to open the course (1st semester) were excellent for encouraging discussion on contract generally and its place in society. Rick facilitated discussion in a way that allowed independent thought and consideration of the issues which assisted in deciding upon a topic for further study (ie in our own papers) which was excellent.”
- “Excellent organization ... Content of course has been really helpful for all subjects and understanding of law.”
- “Approachable. Willing to meet individual needs of students. Interesting content/subject matter — ie chosen well in relation to other subjects.”
- “Enthusiastic. Approachable. Funny. Good knowledge of subject matter. Not afraid to show own opinion. Picks interesting topics that are more challenging to understand (and controversial).”
- “Clarity of thought, clarity of speech — the elements most required at university and delivered in full by this lecturer/facilitator.”
- “Incredible knowledge of subject. Ability to present material at the right level and in an amusing way. Ability to respond very constructively to students’ questions. Overall, excellent attitude towards students.”

The assessment tasks in the course reflect the broad educational proficiencies and outcomes that I seek for those enrolled. The main goal is to assist students with their research and scholarly writing. Eighty per cent of the final grade for the course derives from a 10,000-word research paper on a topic of the student’s choosing (with my approval). Most students will have had little experience in executing large research projects, and each will possess quite varied written communication and information literacy skills. Yet these are **key skills** that law students **must** have or acquire, and I regard the course as an excellent forum for raising students’ awareness of the present and future importance of them. I include in my course casebook useful materials on the “fundamentals” of legal writing, punctuation, grammar, and style for the benefit of students who might otherwise struggle in those areas. I also invite everyone to submit a draft of their paper to me in advance of marking, on which I make as many substantive and editorial comments as necessary. Although extremely taxing on my time, this feedback exercise has significantly enhanced the quality of papers I have received for final grading. Indeed, in recent years, some of my students’ seminar papers have been published and/or won significant writing prizes in recognition of their quality.

### **An unsolicited email from a colleague in the Law Faculty (2005):**

- “Given that whatever effort we put into teaching tends to disappear into a black hole, I thought I’d let you know of two comments on your efforts I have received recently. The first came from [H... V...], whose LLB (Hons) dissertation I have been supervising. I mentioned to her that her writing is better than most students’ and asked her if she could explain why this is so. She attributed it in part to you — and explained that in the course of your contract seminar you provide materials aimed at improving students’ writing skills. So this would appear actually to be making a difference ...”

The other assessment components of the course relate to the learning goals of improving students’ oral delivery and developing teamwork skills. Ten per cent of the grade is allotted to class contribution, and a further 10 per cent to students’ presentation of their research paper to the class. The criteria for assessing presentations and class contributions are announced to students in the Course Outline that they receive at the start of the course.

## **2. Assessment Strategies and Practices; Feedback to Students**

Assessment is one of the most critical elements of subject design. Effective assessment criteria, strategies, and practices **enhance student learning**, in particular by encouraging, directing, and reinforcing (a deep approach to) learning. Properly selected (transparent, thorough, fair, appropriate to level, and clearly aligned to stated learning aims and objectives) assessment practices not only measure the extent to which students have achieved their teacher’s publicized learning outcomes, they also:

- signal the importance of particular subject content, concepts, and skills;
- influence approaches to study; and
- assist students to allocate their time appropriately.

Constructive and timely feedback on assessment tasks assists students to gain a sense of achievement and progress, and an appreciation of the performance and standards expected in a particular discipline and/or professional area. The selected modes of assessment in my courses make an **effective contribution** to the quality and standards of the intended learning outcomes for my students — they are a **means** to developing students’ understanding of the content of the particular course. Accordingly, I am able to define, as part of a reflective and defensible (i.e. student-centred) pedagogical strategy, assessment methods, procedures, and criteria for each of my courses. I can link these methods, procedures, and criteria to learning outcomes and the University’s graduate profiles, as well as to the discipline’s/profession’s generic attributes. All students are made aware of the assessment strategies, criteria, and procedures for my courses in the relevant Course Outline.

Mention should also be made that assessment tasks, when marked, give important feedback to the teacher, as well as to the student. Indeed, it is one of the few concrete opportunities that I get as a teacher to gauge whether my students understand the announced learning outcomes in my courses in the way that I intended them to be understood.

a. **My Approach to Assessment: Creating Congruity Between Assessment Tasks and the Intended Learning Proficiencies and Outcomes for the Course**

Assessment methods and set assessment tasks must **support a deep-learning experience** for students.

In 1998, I initiated a shift from closed-book examinations to open-book examinations in the Auckland Law School. Today, the majority of examinations in the Law School are open-book. Why do I believe that open-book examinations are superior to closed-book ones? First, they better reflect real life, where problem-solvers usually have resources at hand to structure and confirm solutions to problems. Second, they do not force rote learning that is not intended to be rewarded anyway, leaving students more time to get on with the “deep learning” that *is* intended to be rewarded.

However, open-book examinations are only successful in promoting deep student learning when used in conjunction with **complementary** teaching and assessment practices.

- The examination paper must be well designed to elicit responses at all possible levels of the cognitive domain (Bloom), and not merely pitched at some sort of “middle common denominator” target group. All students must be challenged to do their best work relative to ability.
- Students must be adequately **prepared for** an open-book examination. I repeatedly warn my students that they should prepare just as well (if not better) for an open-book test or examination as for a closed-book one. Their notes should at best act as a “prompt” only, and they should serve no substantive informational purpose once the examination has begun: the exam is not a research exercise! The necessary learning should have already occurred by the time the student’s notes are finalized, the exam simply being an opportunity for the student to demonstrate the extent to which that learning has actually been attained. If anything, I say to my students, the open-book format only increases my hopes for and expectations of them, as they have been presented with a **better opportunity for learning**. What they ultimately do with that opportunity is entirely up to them to decide.
- Students should be given adequate guidance as to what they will be examined on. Guidance as to exam content, in combination with the open-book format, incentivizes students to ask **deeper questions** about subject matter. When students know what is likely to be asked of them in an examination, they immediately have a **context** for asking questions — and **contextual** questions promote learning more deeply than abstract ones. I find that the best questions I get from my students each year occur after I have issued my “Examination Information Sheet” for the course. Much of the essential learning seems to take care of itself after that!

**“What did you like best about [Rick Bigwood’s] lecturing?” Some open-ended responses from student surveys:**

- “Guidance at test time allowed for more focused and effective study.”
- “Emphasis on ‘open’ learning — makes it easier to learn the important principles/law etc.”
- “His realistic and practical approach to law as a whole. This can be seen through open book exams — law should not be a memorization game.”
- “More effective study encouraged through preparation for mid term [test] — able to focus on what will be required instead of learning a tiny bit of everything and ending up knowing nothing!”
- “His view on providing outlines for up-coming tests and exams is excellent. It encourages students to attempt to understand material, not to just cram in loads of wrote [sic] learned cases and principles but understanding fully very few of them in the hope that a couple may come up.”
- “His attitude toward exam study!”

## **b. Feedback to Students: The Aim Is Improvement**

Assessment is an integral aspect of the learning and teaching process, and I regard every assessment task as a vehicle to provide students with vital feedback on their performance and to help them improve their learning.

For example, my Law of Contract course comprises a mixture of both formative and summative assessment. The two semester tests and the mid-year essay assignment are primarily diagnostic: they count towards the final grade on a plussage-only basis. The final examination is primarily summative, although students get a form of feedback from the final grade they receive. I explain to students the differences between formative and summative assessment, and the purposes of the various assessment items in the course. I do this both in my introductory “learning and teaching” classes at the start of the course each year, and in two “Test Information Sheets” that are delivered to all students early on in respective semesters. Casual tutors mark the tutorial essay assignment (although I moderate their marking), and they are instructed to give detailed written comments back to students on an individual basis.

### **Modeling through student learning**

I mark the final examination and semester tests in my Law of Contract course. When I first came to the course in 1995, there was only one test in the assessment package for the Law of Contract, which was not sat until the middle of the year. In my view, that was far too late for vital feedback in a formative introductory course comprising novice law students. Such students require **early and timely feedback**, and then further feedback in order to **measure and reinforce progress**. In time I was able to establish two 45-minute tests in the course, each sat quite early on in respective semesters.

Although I work orally through the tests in class at the time of returning the scripts, explaining what I was looking for in the assessment item, identifying common errors, and giving advice for future improvement, I do not disseminate a lecturer-prepared “answer” to the test. (Students will find generic sample answers to past questions in the course casebook if they wish to consult them.) Instead, anonymous copies of several of the best responses to the test, with my comments included, are given to the class.

Providing real answers from the test is much better than writing a model answer that would be unachievable for the vast majority of novice law students. This technique flatters the

students who have done well enough to be asked, and it signals to everyone what my **actual** expectations and grading standards are in such assessments. Students are heartened to see that very high grades are possible even for less-than-“perfect” answers. It is thus hoped that many will then be galvanized into trying to match the level of learning demonstrated by their peers. The aim is to **model learning through students’ own learning**, which is an effective way to **affirm** student learning.

**An unsolicited email from a student enrolled in the Law of Contract (2005):**

- “... I really appreciate your style of lecturing. It is rare to find a lecturer who actually cares as much about the success of his students as you do! I appreciate the time you take to explain your expectations of us, to explain where students have gone wrong in the past, to go over past questions and give us adequate feedback on our performance so far. It sure makes learning a lot easier.”

Consistent with my pedagogical principles and goals, my objective in giving feedback to students is always to **reward understanding** rather than simply to praise the reproduction of knowledge. My aim in setting assessment tasks is always to challenge students to do their **best work**.

## Evaluating Learning and Teaching

How do I know whether I have achieved the learning outcomes that I seek for my students? A combination of evaluation methods is typically required to give a complete picture of the extent to which one's learning outcomes are being achieved — for example:

- student surveys or questionnaires;
- peer or external stakeholder evaluation;
- video- and/or audio-taping;
- critical self-evaluation;
- informal interviews of students; and
- composing and updating one's teaching portfolio.

I have used most (if not all) of these techniques at various times to monitor and evaluate my teaching practices and performance. However, like most teachers, I mainly gauge the success of my teaching by the looks on my students' faces in the classroom, by the nature of their questions, commentary, and answers that I receive both inside and outside of the classroom, and by the direct feedback I receive when marking assessment items in the course (most of which are externally assessed or moderated).

During office encounters I often ask students explicitly how their learning is going, and I invite candid opinions on their experience of my teaching and the course. Occasionally I receive email feedback on this as well. I especially like to "interview" (informally) my better students in order to discover how they personally attempt to learn my subjects, as I learn much from this myself, and can pass on any insights or possible "recipes for success" to future students in the course. In short, I am constantly reflecting on what is going on inside and outside of my classroom, and I review and, if necessary, modify my teaching methods and strategies in the light of the evidence I find.

### Teaching Evaluations: Improving Teaching through Student Feedback

Regular evaluation of teaching is intrinsic to effective teaching because it assists us as educators to understand the *impact* of our teaching, positive or negative, on our students' learning.

For the first three years of my full-time academic career I was conscientious to initiate and employ student surveys of my teaching.<sup>1</sup> The results from these surveys allowed me to understand, reflect upon, and respond to the ways in which my students were experiencing the subject and my teaching of it.

In the first class in the Law of Contract each year, I summarize my student evaluations from the previous year, and announce any improvements in the current year. Such an announcement is important for at least two reasons: first, students feel that the views they express in student evaluations are taken seriously and effect a difference to (other) students' experience of learning in my classes; and, second, students are made aware of the underlying principles and benefits of student evaluation of teaching and courses — they must be assisted to understand *why* evaluation is undertaken, and to appreciate the

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<sup>1</sup> Student evaluations are managed through the University's Centre for Professional Development (CPD).

**benefits** that it provides for the learning experience. If that occurs, they are more likely to take evaluation questionnaires seriously.

I view evaluation as part and parcel of an overall **reflective strategy**, essential for self-improvement. In my first three years of teaching at The University of Auckland, I used my student evaluations to good effect, not only for the particular course to which they related, but also in relation to other courses that could benefit from improvements in generic teaching strategies, skills, and practices. For example, in a 1995 evaluation of the Law of Contract, my score for “Overall effectiveness of teaching” was well above both the Law School and University averages at **6.2** on a scale of 1–7. However, I was still able to improve my teaching based on the constructive feedback from this evaluation (which related to my needing to improve the pace of presentation, the volume of material covered, and my approach to controlling discipline in large classes).

Since 1997, I have received feedback on the three-yearly evaluation cycle initiated by the Dean of Law, which has continued to reveal very high student satisfaction with the quality of my teaching of my courses. On my last Dean-initiated evaluation in the Law of Contract, which was in 2003, my rating for “Overall effectiveness of teaching”, was **9.41** out of 10, which is very high for a large compulsory course in the Law School.

### **Summary of Overall Effectiveness of Teaching scores in student evaluations**

<b>Course</b>	<b>Year</b>	<b>Score</b>
Law of Contract	1995	<b>6.2 / 7</b>
	1996	<b>6.4 / 7</b>
	1997	<b>6.7 / 7</b>
	2000	<b>9.14 / 10</b>
	2003	<b>9.41 / 10</b>
Law of Personal Property	1995	<b>6.1 / 7</b>
	1997	<b>6.2 / 7</b>
	1998	<b>6.1 / 7</b>
Advanced Contract/Studies in Contract	1995	<b>5.8 / 7</b>
	1998	<b>6.4 / 7</b>
	2000	<b>8.96 / 10</b>
	2004	<b>9.06 / 10</b>

### **Student Achievement**

Like all teachers, I have been privileged through associations with some very gifted and personable students over the years. Although I am fundamentally inclined to regard my students’ successes as their own, I am always available to my students, especially the motivated ones, to assist with their development, both in my courses and beyond, in any way I can.

Each year I support a number of highly talented students to achieve places in prestigious postgraduate and student-exchange programmes at overseas universities, many with significant scholarship funding to boot. This support takes the usual form of mentoring, advice, and reference writing.

Some of my Honours students have had their research outputs published in reputable scholarly journals. Such outputs were completed either as part of the assessment scheme in my Honours Seminar course (Studies in Contract), or as a 15,000-word dissertation

requirement of the student's LLB(Hons) degree under my supervision. Examples of such published research with which I have been directly involved include:

- **Michael Yew Seong Chin**, "Disclosure" [1996] ALSA Academic Journal (viewable at: <http://www.alsa.asn.au/files/acj/1996/chin.html>) — adaptation of an Honours Seminar paper written for my Advanced Contracts course in 1995;
- **Sacha Judd**, "The Unruly Horse Put Out to Pasture: The Doctrine of Public Policy in the Modern Law of Contract" (1998) 8 Auckland UL Rev 686–711 — adaptation of an LLB(Hons) dissertation written under my supervision in 1997;
- **Nina C Z Khouri**, "Efficient Breach Theory in the Law of Contract: An Analysis" (2002) 9 Auckland UL Rev 737–763 — adaptation of an Honours Seminar paper written for Studies in Contract in 2001;
- **Jesse Wilson**, "Punishing Contract Breakers: *Whiten v Pilot Insurance* and the Sea Change in Canadian Law" (2003) 2 NZSLJ 1–18; (2004) 10 Auckland UL Rev 61–89 — adaptation of an Honours Seminar paper written for my Studies in Contract course in 2003; **the article was awarded the NZSLJ Editors' Prize for Excellence in 2003**;
- **Jesse Wilson**, "The Institutional and Doctrinal Roles of 'Conscience' in the Law of Contract" (2005) 11 Auckland UL Rev 1–26 — adaptation of an LLB(Hons) dissertation written under my supervision in 2004; **it was awarded the 2005 Minter Ellison Rudd Watts-UBL Law Review Prize**;
- **Eesvan Krishnan**, "A Conversation at an Impasse: Assessing the Value of Contract Economics" (2005) 11 Auckland UL Rev 116–146 — adaptation of an Honours Seminar paper written for my Studies in Contract course in 2004; **it was awarded the Legal Research Foundation's Student Unpublished Paper Award for 2004 (best student paper)**.

In 2004, Sabrina Muck, a student enrolled in my Studies in Contract course for that year, won the Auckland Women Lawyers' Association (AWLA) Writing Prize for 2004 for her essay on "surety wives". Sabrina's paper was prepared as part of the assessment in that course, and I gave Sabrina a lot of feedback on her draft that led to the paper being significantly improved.

## **Peer Recognition and Teaching Awards**

I have won two significant University awards for teaching: a University of Auckland Distinguished Teaching Award (1998), and a University of Auckland Teaching Excellence Award (for Sustained Excellence in Teaching) (2005). I have also been invited on many occasions by the University's Centre for Professional Development to advise, give talks, or otherwise participate in teaching-related, professional development endeavours.



## Professional Development and Leadership

### **Reviewer's comments on my 2004 Annual Performance Review (Professor Peter Watts, Faculty of Law, The University of Auckland):**

- "No one takes their teaching more seriously in this Faculty than Rick. He has high standards for himself and his students. He leads the Faculty's formal strategy in relation to teaching matters."

### **1. Involvement in Professional Development Relating to Learning and Teaching Issues and Activities**

I have taken many opportunities, both formal and informal, to develop my teaching strategies, capabilities, and methods over the years. These have included attendance at teaching seminars and showcases, Vice-Chancellor's symposia, and workshops run by the University or the Australasian Law Teachers Association (ALTA). In addition, I regularly share ideas and good practice on teaching and learning during informal discussions with my colleagues.

### **2. Demonstrated Service and Leadership in Teaching and Learning-Related Matters**

I have assumed a significant leadership role in the Law Faculty at Auckland in relation to teaching and learning matters. For example, I have been the Faculty's representative on the University's Teaching and Learning Quality Committee since 2000. I have acted as Academic Counsellor to Pacific Island students enrolled in the Law School (1999–2000), and in 2005 was responsible for writing the Faculty's formal Teaching and Learning Plan (2005–2007). I have presented Faculty seminars on effective teaching and learning practices, and am currently Chair of the Faculty's Teaching and Learning Quality Committee.

I recently drafted a Course Outline template for use by all teaching staff in the Faculty, a copy of which is attached at **Appendix 3**. The main intention of the template is to influence colleagues to think closely about course design, and in particular to demonstrate explicitly to students the alignment between the teaching aims, intended learning outcomes, delivery modes, and assessment tasks selected for their courses.

## Concluding Remarks

Are good teachers born or are they made? Probably, it is a little bit of both.

I have said a lot about my reflective approach to tertiary teaching and learning in this portfolio. What hasn't been disclosed, though, is that the first lecture I ever delivered at a university was nothing short of an **unmitigated disaster!**

It was in 1994, in the Faculty of Law at the Australian National University, Canberra. I had been employed on a casual basis by the Faculty to lecture one-quarter of the first-year Contract Law course. I had already been tutoring for a number of years in the course, and had been coping well in that capacity.

I prepared extremely hard for my lectures, and long in advance. I knew the subject well (by that time I had a PhD in it). I had even written down exactly what I was going to say ...

And **that** is exactly what I did. I read my notes to the class for 50 minutes solid, just as some teachers had done to me on occasion when I was an undergraduate law student in the mid-1980s. I can't recall making eye contact with the class once during those 50 minutes (but I was bloody scared — that much I do remember!)

A young student came down to the lectern after the class with a bemused look on her face. "What the hell was that?" she asked crossly. "You were just reading from someone else's notes. They weren't yours, were they?" She berated me for what seemed like an eternity. Needless to say, I had no face-saving rejoinder.

I was, to put it mildly, **mortified** by the experience. The most painful thing, of course, was that the student was absolutely right in expressing her discontent. What on earth was I thinking????

I lay awake that night — all night — not being able to shake the student's haunting words that were still echoing in my miserable, spinning head. But it gave me time to think: "I have another class to give in two days' time; what the heck am I going to do?"

In the morning, I made a summary of the key substantive points that I intended to convey at the next class. I handwrote them, in a very structured way, on overhead transparency sheets; I drew a few cartoons; I thought of some (context-appropriate) jokes that I could casually intersperse at various junctures; and I resolved to make sure that the audience could see into my eyes. The following day, in class, I spoke to my key points without notes, while looking cheerfully at the class, and my jokes seemed to go down fairly well too (even though the audience was mostly Australian).

The same student approached me at the end of the lecture with a smile on her face and said: "Monday's class was the worst I'd ever experienced. Today's was one of the best!"

I slept very well that night. It marked the start of my fascination with **learning about** "teaching and learning" in higher education. It marked the beginning of a personal journey of conscious self-improvement in such a vital area of the academic function.

This good teacher was therefore "made", but he ain't quite done yet. There's always room for further improvement. Education is a two-way process — one in which our students learn from us, and we from them.

## Publications and Research

### Book:

BIGWOOD, R., *Exploitative Contracts* (Oxford, Oxford University Press, 2003, ISBN 0-19-8260636, xxx + 554 pp)<sup>2</sup>

### Edited Books:

BIGWOOD, R., (ed.), *Legal Method in New Zealand: Essays and Commentaries* (Wellington, Butterworths, 2001, ISBN 0-408-71629-09, xxxiv + 348 pp)

BIGWOOD, R., (ed.), *The Statute: Making and Meaning* (Wellington, LexisNexis, 2004, ISBN 0-408-71718-1, xxxiv + 308 pp)

BIGWOOD, R., (ed.) *Public Interest Litigation: The New Zealand Experience in International Perspective* (Wellington, LexisNexis, 2006 (in press for publication April 2006) 280 pp)

### Other Edited Works:

*New Zealand Universities Law Review* (1998–99) Volume 18 (607 pp)

*New Zealand Law Review*: volumes [2002] (637 pp); [2003] (654 pp) (with Neil Campbell); and [2004] (810 pp) (with Neil Campbell (Parts I and II) and Scott Optican (Part IV)); [2005] (616 pp) (with Scott Optican)

### Articles and Critical Notes (Refereed Journals):

BIGWOOD, R., 'When Exegesis Becomes Excess: The Newborn Problematics of Contractual Duress Law in New Zealand' (2005) 21 *Journal of Contract Law* 208–225

BIGWOOD, R., 'Antipodean Reflections on the Canadian Unconscionability Doctrine' (2005) 84 *Canadian Bar Review* 171–216

BIGWOOD, R., 'Pre-contractual Misrepresentation and the Limits of the Principle in *With v. O'Flanagan*' (2005) 64 *Cambridge Law Journal* 94–125

BIGWOOD, R., 'Contracts by Unfair Advantage: From Exploitation to Transactional Neglect' (2005) 25 *Oxford Journal of Legal Studies* 65–96

BIGWOOD, R., '“The Elements of Duress in New Zealand Law Today”: A Case for Ockham's Razor?' (2004) 10 *New Zealand Business Law Quarterly* 326–335

BIGWOOD, R., 'Reflections on Partial-Truths, Supervening Falsification, and Pre-Contractual Misrepresentation' (2004) 10 *New Zealand Business Law Quarterly* 124–159

<sup>2</sup> Awarded the JF Northey Memorial Book Ward for 2003 (best book published by a New Zealand-based author in 2003 on matters of concern or relevant to New Zealand law).

## Appendix 2

BIGWOOD, R., 'Curbing Unconscionability: *Berbatis* in the High Court of Australia' (2004) 28 *Melbourne University Law Review* 203–231

BIGWOOD, R., 'Some Reflections on the Personalty–Realty Interface in New Zealand' (2002) 8 *New Zealand Business Law Quarterly* 290–302<sup>3</sup>

BIGWOOD, R., 'Undue Influence in the House of Lords: Principles and Proof' (2002) 65 *Modern Law Review* 435–450

BIGWOOD, R., 'Economic Duress by (Threatened) Breach of Contract' (2001) 117 *Law Quarterly Review* 376–381

BIGWOOD, R., 'Conscience and the Liberal Conception of Contract: Observing Basic Distinctions — Part I' (2000) 16 *Journal of Contract Law (Special Issue)* 1–36

BIGWOOD, R., 'Conscience and the Liberal Conception of Contract: Observing Basic Distinctions — Part II' (2000) 16 *Journal of Contract Law* 191–222

BIGWOOD, R., 'Conscience and the Liberal Conception of Contract: Observing Basic Distinctions' (2000) 6 *New Zealand Business Law Quarterly* 3–63 [this is a editorially modified version of the above two entries]

BIGWOOD, R., 'Are "Without Prejudice" Communications Admissible in a Claim for Rectification of a Settlement Agreement?' (1999) 5 *New Zealand Business Law Quarterly* 199–203

BIGWOOD, R., 'Coercion in Contract: The Theoretical Constructs of Duress' (1996) 46 *University of Toronto Law Journal* 201–271

BIGWOOD, R., 'Undue Influence: "Impaired Consent" or "Wicked Exploitation"?' (1996) 16 *Oxford Journal of Legal Studies* 503–515

BIGWOOD, R., 'The Civil Liabilities of Air Traffic Control Personnel in New Zealand' (1987) 5 *Auckland University Law Review* 429–439<sup>4</sup>

### Articles and Critical Notes (Non-Refereed Journals):

BIGWOOD, R., 'The full truth about half-truths?' [2006] *New Zealand Law Journal* (forthcoming April 2006, 3200 words)

BIGWOOD, R., 'Contractual duress and the Supreme Court' [2005] *New Zealand Law Journal* 140–141

BIGWOOD, R., 'Exploitation in contract formation' [2004] *New Zealand Law Journal* 278–280

### Sections in Books or Collections:

BIGWOOD, R., 'Public Interest Litigation: Introduction and Overview', in R Bigwood (ed) *Public Interest Litigation: The New Zealand Experience in International Perspective* (Wellington, LexisNexis, 2006 (forthcoming)) 12 pp

<sup>3</sup> Awarded the Sir Ian Barder Published Article Award for 2002 (best published article by a New Zealand-based author in 2002).

<sup>4</sup> Awarded Auckland University Law Review Legal Writing Prize (Best Article for 1987).

BIGWOOD, R., 'Symposium Introduction: Confessions of a "Good Faith" Agnostic' (2005) 11 *New Zealand Business Law Quarterly* 371–377

BIGWOOD, R., 'The Statute: Introduction and Overview', in R Bigwood (ed) *The Statute: Making and Meaning* (Wellington, LexisNexis, 2004, ISBN 0-408-71718-1, xxxiv + 308 pp), 16 pp

BIGWOOD, R., 'Legal Method in New Zealand: Introduction and Overview', in R Bigwood (ed) *Legal Method in New Zealand: Essays and Commentaries* (Wellington, Butterworths, 2001), 10 pp

BIGWOOD, R., SUTTON, R., 'Taking Stock: Legal Method in New Zealand Today (and for the Future?)', in R Bigwood (ed) *Legal Method in New Zealand: Essays and Commentaries* (Wellington, Butterworths, 2001), 34 pp

### **Miscellaneous Other Published Works:**

BIGWOOD, R., GAULT, I., KOVACEVICH, J., STEPHENSON, D., *Court of Appeal Sentencing Manual* (New Zealand Department of Justice, 1989)

### **Unpublished Theses:**

BIGWOOD, R., *Fair Dealing in Contract Formation* (PhD Thesis, Australian National University, 1993), xxxix + 741 pp

BIGWOOD, R., *Affirmation Under s 7(5) of the Contractual Remedies Act 1979: The Case for a Narrow Doctrine of Election* (LLB(Hons) Dissertation, The University of Auckland, 1988), ix + 65 pp

### **Invited Papers at Conferences:**

BIGWOOD, R., 'Exploitative Contracts' (Supreme Court, Court of Appeal/High Court Judges' and Masters' Conference 2004, 27 March 2004)

BIGWOOD, R., 'Conscience and the Liberal Conception of Contract: Observing Basic Distinctions' (The Tenth Annual *Journal of Contract Law* Conference, 'Ties That Bind? Security of Contract at the End of the 20th Century', 22 November 1999)

BIGWOOD, R., 'Commentary on Undue Influence, Financiers and Third Parties' (The Sixth Annual *Journal of Contract Law* Conference, 'The Changing Law of Contract', 14 August 1995)

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THE UNIVERSITY OF AUCKLAND  
FACULTY OF LAW

### COURSE OUTLINE FOR [INSERT COURSE TITLE AND NUMBER] Semester X, 2006

Lecture Location:  
Time:  
Lecturer/s:  
Phone:  
Email:  
Office Hours:

### Introduction

*[You may wish by way of introduction to explain to students what the purpose of your Course Outline is, and why reading it closely will benefit them (e.g. by assisting students to become more **self-conscious** about their own learning).]*

### Course Description

*[A brief description of what the course is about/covers. This will more or less be the same as the course prescription that will appear in the Faculty Handbook.]*

### Course Rationale

*[A short paragraph describing why the learning that the students will do in the course will be important to them, why the subject is included in the programme, and why the subject occurs at this particular point in the programme structure.]*

### The Teaching Aims and Intended Student Learning Outcomes of the Course

*[Teaching aims and learning objectives are really the foundations of the Course Outline. Your teaching and learning approaches, the course content, your methods of assessment, and the resources should all **derive from** your stated aims and objectives.]*

#### Teaching Aims

*[Teaching Aims are a broad but concise description of what **the teacher** expects the course/subject to achieve. Links between the aims of the subject and the overall aims of the programme may be indicated.]*

#### Student Learning Outcomes

*[The subject objectives should be written in terms of student learning outcomes that are linked to the University's graduate profiles.<sup>5</sup> They should be a **clear** statement of the range of skills, attitudes, and capabilities that students are expected to acquire through participation in the course — attributes that they are not expected to possess when they began — plus the knowledge and understanding that must be developed in order to apply those skills and abilities. Learning outcomes thus include specific skills, contextual and conceptual skills, vocational skills, and generic or transferable skills. It's not sufficient here merely to use all the cognitive verbs you can conceive (e.g. "that students know, understand, analyse, and critically evaluate ..."). Try to be as specific as possible.]*

### Lecture Schedule

*[You may want to include semester breaks, assignment due dates, etc]*

<b>Week</b>	<b>Lecture Topic</b>	<b>Required Reading</b>
Week 1 date		
Week 2		
Week 3		
Week 4		
Week 5		
Week 6		
Week 7		
Week 8		
Week 9		
Week 10		
Week 11		
Week 12		

*[Of course, not everyone will want to follow a rigid lecture schedule, which is fine. If no particular timetable is followed, however, students should be informed of the individual teacher's lecture plan so as to aid preparation for classes.]*

<sup>5</sup> [http://www.auckland.ac.nz/uo/about/teaching/objectivesplans/objectives\\_plans.cfm](http://www.auckland.ac.nz/uo/about/teaching/objectivesplans/objectives_plans.cfm)

### Delivery Modes

*[A statement of the methods of learning employed in the course, and why. Again, delivery modes should be linked directly to the teaching aims and learning objectives of the course. (E.g. if you employ the Socratic dialogue technique in lectures, you should be able to explain why this delivery mode is adopted in terms of the cognitive and practical skills that students are expected to acquire in order to successfully complete their learning in the course. Ditto if you use straight lecturing, small-group interactions, or whatever.)]*

### Assessment

*[A description of the assessment tasks, procedures, and criteria for the course. Include due dates and word limits if any. Again, it is important here to signal clearly how your approach to assessment in the course **aligns with** your announced teaching aims and intended learning outcomes (above). You should also be able to summarize the assessment criteria for individual assessment items for both coursework and examinations. Students who are now accustomed to standards-based assessment under NCEA will find it helpful if you could also provide appropriate descriptors relating to student attainment in the course corresponding to the levels of attainment on the University's nine-point grading scale (D- to A+).]*

### Other Course Information

*[Colleagues are free to stipulate here as they wish. Appropriate matters on which additional information might be supplied include:*

- *the Course Materials (casebook);*
- *prescribed or recommended texts and/or other readings;*
- *tutorials;*
- *quality assurance and control;*
- *the course and/or teaching evaluation plan for the course;*
- *academic integrity;*
- *time commitment/workload expectations;*
- *class representation;*
- *learning support; and*
- *general University requirements, regulations, and statutes.]*

\* \* \* \* \*