



Corporate villains: taking the bore out of law

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Abstract

Purpose – The purpose of this paper is to describe the implementation of a storytelling teaching method in a company law course for accounting students and to evaluate its influence on engagement and effective learning.

Design/methodology/approach – The learning activity, known as “corporate villains”, is based on theories of storytelling and engagement. Selected qualitative and quantitative data from university course and teaching evaluation surveys were used to assess the achievement of objectives and identify learning outcomes.

Findings – The corporate villains learning activity engaged students at the beginning of the lecture and influenced student learning by demonstrating the relevance, or “real life” application, of company law to accounting students. Corporate villains also stimulated curiosity in learning more about the law which is characteristic of students pursuing a deep approach to learning.

Originality/value – The study extends the research on storytelling in accounting and legal education and supports empirical evidence as to the positive impact of storytelling on student engagement in learning. In particular, the study reveals the potential for corporate villains to address various academic and student concerns about company law by humanising the law and enabling students to connect the legal concepts to the story and to the curriculum.

Keywords Storytelling, Company law, Engagement, Deep learning, Accounting education, Villainy, Education, Learning, Students, Law

Paper type Case study

Introduction

Corporate law teachers face an enormous challenge – how does one take an artificial creature known as the company and make it engaging for accounting students exposed to an array of distractions in and out of the lecture theatre? Accounting students have expressed concern about the potential for company law to be “dull”, “dry” and “not very interesting”[1]. In this respect I can relate to Miley’s (2009, p. 357) initial frustration with her introductory accounting cohort:

I have eighty plus students in accounting this semester. All of them want to be elsewhere.

I asked them what they thought of when I mentioned the word ‘accounting’: dull, boring, too many numbers. Not a single positive comment. One student told me he was only doing accounting because it allowed him to plan his study schedule to have a day off. Most said they were doing it because it was compulsory [...]

Like Miley my response was to introduce stories to lectures. “Corporate villains” is an innovative teaching activity which adopts a storytelling teaching method. It is designed to support learning objectives by engaging students in productive learning

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and demonstrating the relevance of company law to accounting students. The stories of infamous corporate identities are told, with the legal elements of their exploits woven into the story. This study first identifies the learning issue addressed by the corporate villains activity before exploring its theoretical bases, namely storytelling and student engagement. A summary of the teaching and learning objectives relevant to corporate villains and a description of the teaching activity follow. Quantitative and qualitative data is then provided which supports the influence of corporate villains on student learning and engagement. The study concludes with my response to academic feedback and the potential future applications of corporate villains.

Teaching issue

A corporate law education for business students is generally different from their law school colleagues. Law students are more familiar with legal concepts and predisposed to engage with the law having completed a number of introductory law courses. The curriculum requires the law student to read, analyse and discuss decided cases as part of their legal training. With business students, the teacher places greater emphasis on introducing legal concepts and demonstrating their relevance and application to business (Steslow and Gardner, 2011, p. 257). The initial negative perceptions towards company law can perhaps be attributed to students' lack of familiarity with legal concepts as well as the curriculum lacking a human element (Tzannes and King, 1997). The company is the creation of a complex regulatory regime that numbers in the thousands of pages and its consolidated text represents a visual nightmare for accounting students. For the vast majority of these students, their only previous foray into the law was an introductory business law course which involved tales of: sex (labour law); drug and alcohol fuelled behaviour, botched medical procedures and acts of random stupidity (tort law); and deceptive advertising and sales practices (consumer protection law). Though contract law may be dry, students are at least attuned to the legal issues raised because they encounter contracts in their daily lives. Such a cursory inspection of the introductory law curriculum highlights the fundamental challenge of teaching company law – many students without a business background cannot relate to its subject matter, in part because they are unable to visualise and identify with the issues regulated by company law (Dyer, 1995, pp. 284-5).

Company law teachers have proposed and/or implemented practical elements in the curriculum such as problem-based learning (Dyer, 1995), meeting procedures (Tzannes and King, 1997) and case studies involving “real life” company documentation (Hicks, 1992) for the purpose of contextualising the law for their students. Part of my response to the challenge of teaching company law was the introduction of storytelling using corporate villains. Engagement and storytelling represent the theoretical bases for the corporate villains concept and are discussed in the next section.

Corporate villains: literature review

Engagement

Effective teaching entails the creation of a learning environment which motivates students to engage in deep, as opposed to surface, approaches to learning (Ramsden, 1992; Biggs and Tang, 2007). Students who adopt a deep approach to learning strive to understand ideas and seek meanings, possess an intrinsic interest in the learning task, enjoy completing it and adopt a variety of strategies to satisfy their curiosity

(Prosser and Trigwell, 1999, p. 3). So what are the characteristics of an effective learning environment? In his study of teaching strategies for effective learning, Ramsden suggests that a good lecture requires teachers to (amongst other things): engage the student's interest; stimulate their thinking and their desire to find out more about the subject; and use memorable illustrations (Ramsden, 1992, p. 156). Biggs and Tang answer the same question by reference to the psychological constraints on human learning. The authors posit that the typical student attention span without a pause or change in activity is ten to 15 minutes, after which time the students' learning levels drop dramatically. Conversely a short rest or change in activity every 15 minutes almost restores performance to their original level (Biggs and Tang, 2007, p. 109).

Although Biggs and Tang acknowledge that the time periods can vary, they appear to assume that a student's learning level is at its peak at the beginning of the lecture. This assumption does not reflect my experience in teaching introductory law courses to business students. The time of day and the students' academic or other work commitments prior to the lecture can change the timing of a student's optimum learning level. Some students take time to reach their optimum performance if the lecture commences at 8 a.m. in the morning, or they have attended a number of lectures and/or tutorials earlier in the day, or completed a long day at work or have had to hurry to the lecture for whatever reason. The ten minutes break between the first and second hour of the lecture may be one of few opportunities during the day for the student to relax and/or refuel. As such the students' optimum learning level may not be achieved until a subsequent rest or change in activity later in the lecture. This has implications for the design of effective learning environments.

Storytelling

Storytelling, also known as narrative, involves telling a sequence of events that occur in another time and/or place (Lickorish, 2009, p. 21). It appeals to a variety of learning types by tapping into the student's imagination (Kosa, 2008). The student connects with the story by generating images, sounds and emotions which encourages long-term memory retention of the story's message(s) (Lickorish, 2009; Abrahamson, 1998). Business educators have employed storytelling in teaching ethics (Bridgman, 2010), accounting information systems (Savage *et al.*, 2008) and introductory accounting (Gobeil and Phillips, 2001; Miley, 2009). For example, Savage *et al.* (2008) devised a case study based on the movie *Rogue Trader* which required accounting students to analyse the internal control mechanisms of a financial institution. Results from the self-reported survey instrument revealed that viewing and analysing the story improved students' knowledge of various aspects associated with internal controls. Miley (2009) used a series of military stories to defence force students completing a non-accounting degree to demonstrate accounting concepts. Miley noticed a change in student attitudes towards accounting when the story was told. Students reported increased motivation to study the introductory accounting course. Miley also found that students were better prepared for class when they took responsibility for developing the story. Finally, Gobeil and Phillips (2001) study of introductory financial accounting students found that low-knowledge students (as measured by course grade) were better able to apply the facts of an accounting case when it was presented in a narrative as opposed to an expository style whereas the style of presentation had no significant effect on high-knowledge students.

The legal education literature reveals the benefits of storytelling specific to law courses. As in business education, storytelling is a pedagogical tool used in legal education to promote student engagement and deepen student understanding of the subject matter (Blissenden, 2007). Legal storytelling can take a variety of forms including: background information of parties in decided cases; stories about personal experiences in the legal world; and discussion of law-related movies, music and literature (Lewinbuk, 2008, pp. 8-9). In particular, legal academics have advocated storytelling as an alternative to the traditional case method of legal education, whereby the lecturer outlines the relevant facts, law and decision in a decided case to a generally passive audience. Storytelling breathes life into the parties to a case (Moore, 2006). No longer just the “plaintiff”, “defendant”, “appellant” or “respondent”, the historical, present and future context revealed in the story “re-humanizes” the parties in a way that facilitates active learning (Menkel-Meadow, 2000; Steslown and Gardner, 2011). Students retain the legal concepts that are weaved into the stories because they can relate the concepts to the story (Steslown and Gardner, 2011, p. 271). Steslown and Gardner suggest that storytelling may be more appropriate when teaching law to business students. Business students are not trained to think like lawyers, but rather are introduced to legal concepts and cases relevant to their business career (Steslown and Gardner, p. 250). Lewinbuk (2008, p. 9) argues that storytelling can also assist students in which English is their second language (“ESL students”) because “storytelling is something everyone can relate to. The law, in contrast, is not”. This is a particularly important point for educators as ESL students represent a significant proportion of the accounting cohort.

Corporate villains: teaching and learning objectives

I devised the corporate villains activity to achieve two teaching objectives. The first was to engage students in learning by humanising company law and demonstrating its relevance, or “real life” application, to accounting students. Students are motivated to learn something if they perceive it to have value (Biggs and Tang, 2007, p. 32). The second objective was to create a more effective learning environment by capturing the attention of students at the beginning of the lecture. By this I am not suggesting that a corporate villain’s story would be ineffective at all other times. In fact the story could be that important change in activity during a lecture that stimulates student engagement in learning. Nevertheless, in my circumstances storytelling was a pedagogy targeted at returning students to their optimal learning level at the beginning of the lecture. My task as a lecturer thereafter was to maintain that level using the means alluded to by Biggs and Tang. The corporate villains activity was designed to support, not address, the prescribed learning objectives in company law. In particular, company law students are expected to demonstrate: knowledge of case law and legislation (technical skill); and written communication, analytical, evaluative and problem solving skills (professional skills). The corporate villain’s story introduces students to a company law topic(s) which is explored in greater detail during the lecture. The subsequent discussion of case law and legislation relevant to the story expands and reinforces the students’ basic legal knowledge gained from the story. Students can relate their expanded legal knowledge back to the story. Students then apply their legal knowledge and professional skills to complete case studies, hypothetical exercises and role play activities in lectures, tutorials and assessment items. For example, a hypothetical exercise is a set of facts which

requires the student to identify the relevant legal issues (professional and technical skills), describe the law relevant to the issues (technical skill), apply the relevant law to the facts and provide a conclusion for the client (professional skills). In summary, the corporate villains activity was intended to support the prescribed learning objectives by facilitating the retention of legal knowledge (direct support) and motivating students to develop their legal knowledge and professional skills (indirect support).

Corporate villains: teaching activity

Corporate Villains was implemented in company law, a compulsory course in both undergraduate and postgraduate accounting degrees at an Australian university. A photograph or “mugshot” of the corporate villain is posted on the front cover of each week’s reading guide. This is done for two reasons. First, the students are afforded the opportunity to investigate the identity of the corporate villain before the lecture, piquing their curiosity. Second, the photograph enables students to put a face to a case, providing a visual means of humanising company law for students (Menkel-Meadow, 2000). Rene Rivkin is not just a defendant in an insider trading case, but was indirectly involved with the company Offset Alpine Printing Ltd, the subject of a mysterious fire which destroyed its sole asset, a manufacturing plant, in 1993. Alan Bond is not just a convicted fraudster, but also funded Australia’s successful crew in the America’s Cup and paid far too much for acquiring the television station Channel 9 from Kerry Packer prior to the stock market crash in 1987.

I select subjects based on three criteria: their infamy; compatibility with the subject matter of the lecture and their criminal and/or civil breach of the Corporations Act 2001 (Cth). In terms of compatibility, corporate villains are matched where possible to the cases in which they appear and are discussed in that week’s lecture. New corporate villains are added each semester but only one corporate villain story is told in the lecture. The list of past and present corporate villains includes Eric Krecichwost, Ray Williams, Rodney Adler, Alan Bond, Peter Foster and Rene Rivkin. I explain the teaching and learning objectives of corporate villains during the first lecture.

The corporate villains segment runs for approximately five to ten minutes at the beginning of each lecture. I ask the students to reveal the corporate villain and what they know about the person. Students who have undertaken background research initiate and participate in the story telling process. Initial student contributions are acknowledged and their comments incorporated into the story. Since the corporate villains activity was introduced in 2008, four students have been directly or indirectly associated with a corporate villain and told their story. The story typically follows a chronological path involving the villain’s personal and corporate background (before the event), description of the misconduct (during the event) and its legal consequences (after the event) and finishing with a postscript. In many cases the story telling process is supported by visual aids such as television clips (Rodney Adler) and diagrams to explain key legal concepts (Eric Krecichwost).

For example, the story of Eric Krecichwost entails: his former job as a vacuum cleaner salesman; his position as founder and CEO of Fincorp, a property development and finance company; the financing of property developments through the issue of debenture notes; Krecichwost’s criminal conduct involving three cheques paid to Krecichwost and related entities for services that were never provided; his resignation as a director of Fincorp 15 months prior to its administration; his involvement with Fincorp

as a shareholder and senior manager in that 15 month period; the liquidation of Fincorp; the conviction, sentencing and release of Krecichwost involving offences against Section 184(2)(a) of the Corporations Act 2001 (Cth); and his automatic disqualification from managing corporations (ASIC, 2011). The parts of the story concerning Krecichwost's criminal conduct, resignation as a director and disqualification introduces legal concepts for further discussion during that week's lecture on dividends and directors. The "court action" segment of the story introduces students to the directors' duty not to improperly use their position (Section 182) and the potential criminal penalties for breaching that duty (Section 184). These topics are addressed in more detail later in the semester, as is liquidation and voluntary administration.

Corporate villains: results

A standard university Student Evaluation of Course (SEC) and Student Evaluation of Teaching (SET) questionnaire was administered at the end of each teaching semester in company law between the years 2008 and 2011. The SEC and SET contain a list of questions assessed on a Likert scale. For the purpose of this note, I identified SET and SEC questions relevant to the two teaching objectives of the corporate villains activity – engagement and the creation of an effective learning environment. The SET and SEC then includes open ended questions about aspects of the course and teaching that are done well and aspects in need of improvement. Whilst these questions do not specifically address the topic of corporate villains, tabulating and classifying the responses concerning corporate villains can support the quantitative data and enable me to draw preliminary conclusions about storytelling in company law. For example, Scott (2005) examined a substantial database of open ended comments made by graduates from 14 Australian universities during the period 2001-2004 about the best aspects of their university course and those aspects most needing improvement. A key finding in Scott's report was that practice-orientated (which included "real world" case studies) and interactive, face-to-face learning methods attracted the largest number of "best aspect" comments. From these findings, Scott suggested that it is these methods students identify as most engaging them in productive learning (Scott, 2005, p. xi).

The results provide preliminary evidence that telling the story of a corporate villain engaged students at the beginning of the lecture and enhanced their learning. With respect to quantitative data:

- 96 percent of company law students surveyed in 2008 and 2009 responded with good, very good or excellent to the SET question: "how effective was this lecturer in using teaching methods that helped you to learn" (309 respondents);
- 99 percent of company law students surveyed in 2010 and 2011 responded with agree or strongly agree to the SET question: "the staff member presented material in an interesting way" (155 respondents); and
- 50 percent of company law students surveyed in one 2008 cohort who provided a comment in response to the open ended SEC question: "aspects which were done well and should be continued" mentioned corporate villains (19 respondents).

The smaller number of respondents after 2009 can be explained by the author no longer lecturing the postgraduate cohort and a lower survey response rate (expressed as a percentage of the overall cohort). This was due to a change in university policy from physical distribution of surveys in class to an electronic distribution of surveys

via e-mail. Although a small cohort, the responses to the open ended evaluation question above offers some support for Scott's (2005) conclusion that active learning methods such as storytelling engage students in effective learning.

One problem with the quantitative data is that it does not distinguish the levels of engagement nor effective learning attributable to the various teaching methods I employ during the course. These teaching methods in company law include storytelling, role play exercises, flowcharting and case studies. Nevertheless, student responses to the open ended SET and SEC questions support the two teaching objectives of the corporative villains activity and indicate that storytelling was a teaching method that contributed to the quantitative results. In terms of engagement, students repeatedly used the word "interesting" to describe corporate villains. They commented that "the discussion of corporate criminals was interesting and motivating" and "I really like the corporate villain technique keeps me interested in the course". Further, corporate villains assisted me in transforming student perceptions of company law from boring to interesting:

The lecturer was effective in communicating the subject matter and made a seemingly boring subject surprisingly interesting and relevant (inclusion of the weekly corporate villains was like my weekly fix of corporate gossip; with mugshots to boot).

The course was really engaging and interesting. The lecturer has done a great job in making it as exciting as possible. One of the most interesting features of the course was the "corporate villain" concept.

Corporate villains influenced student learning of legal concepts by demonstrating its relevance, or "real life" application, to accounting students. The story contextualised and humanised company law for students. Students could relate the legal concepts to the story (i.e. the "real world") and to the curriculum. This supports the retention of legal knowledge (Steslown and Gardner, 2011), a learning objective of the course, and addresses Dyer's (1995) concern about the inability of students to relate to the subject matter of company law. In particular, students commented that:

The corporate villains were extremely interesting and put the learning material into perspective.

The reading guides were great (and) should be continued, especially each corporate villain that Craig had on each one when matched the relevant topics throughout the semester.

I loved the corporate villain concept. It was an interesting and engaging way to meld classroom learning into real world application and demonstration of the law. It was also interesting in the way that most people have heard of these guys, and knew they were involved in white collar crime however never really know the ins and outs. This in depth knowledge makes for some great water cooler conversation.

I really enjoyed the corporate villain theme each week, I found that gave the course an interesting but also real life aspect to the course.

Corporate villains also stimulated curiosity in learning more about the law which is characteristic of students pursuing a deep approach to learning (Prosser and Trigwell, 1999) and an engaging lecture (Ramsden, 1992). Students conducted further research about the corporate villains and discussed the corporate villains with colleagues outside the lecture time:

Corporate villain: this was a brilliant way of creating interest in the weeks topic and caused quite a lot of discussion after the lecture had finished sometimes for days.

[...] he makes the topics so interesting that you are willing to do some research [...] on the internet to find out more. I definitely enjoyed his descriptions of corporate villains and did some search on the internet about some of them.

The results demonstrate the capacity of storytelling to create a context for active learning whereby the student takes ownership of their learning (Abrahamson, 1998, p. 450).

Corporate villains: tertiary response and future application

The response from legal educators to corporate villains has been generally positive. The current postgraduate course convenor of company law at the author's university has successfully adopted corporate villains. Her words support the qualitative and quantitative evidence above – corporate villains is a form of storytelling that influenced, motivated and inspired her students to learn[2]:

The inclusion of the corporate villain made what can be a dry and dull subject most interesting to students. Each lecture the students were asked to name the particular villain and give a brief history of his exploits (no female corporate villains were included – not an oversight on Craig's part but a lack of choice). Students who correctly identified the particular villain were rewarded in turn. My students looked forward to identifying the villain each week. Class discussion regarding both the legal and ethical repercussions of the villains behaviour were often heated and diverse, with students offering to include other corporate villains.

The postgraduate students, many of whom had business experience, went beyond the storytelling process I employ for the undergraduate students by discussing the ethical issues attached to the villain's behaviour and by enabling students to identify other corporate villains. These activities could be incorporated in future iterations of the course. Another worthwhile suggestion posed by one company law student and implemented in Miley's (2009) introductory accounting class is to give students the responsibility to tell the story, creating a more collaborative learning environment.

Educators have expressed four main concerns with the corporate villains concept. The first is that corporate villains may be entertaining but does not necessarily stimulate productive learning. Ramsden (1992, p. 74) acknowledges this concern in his study of teaching in higher education:

[...] a good performance is not necessarily good teaching. In fact, an entertaining lecturer may leave students with a sense of having been entertained, but with little advancement of their learning.

The corporate villain story is designed to entertain through narrative. But what makes storytelling using corporate villains an effective teaching method is that legal concepts relevant to the study of company law are immersed in that narrative and then reinforced during the lecture. Without that immersion, the story is merely a colourful presentation devoid of learning outcomes. The quantitative and qualitative results provide preliminary evidence that the stories not only motivated students to learn legal concepts, but facilitated the retention of legal concepts as students could relate the legal concepts in the story back to the curriculum.

The second concern lies in the overrepresentation of company directors as corporate villains. A typical 13 week company law course only covers the topic of directors'

duties for two to three weeks. In other words, how do the corporate villains apply to each week of company law? The answer is that the company directors' story generally involves a corporate activity attributable to the breach of their directors' duties – a separate topic in company law. For example, Rodney Adler breached a number of directors' duties involving the provision of financial assistance from a HHH group company to an entity that he controlled. The provision of such financial assistance is prohibited under the Corporations Act for the purpose of maintaining share capital. Rodney Adler is then the corporate villain for the topic of share capital transactions. In fact storytelling can be a particularly powerful teaching method in company law because it provides a holistic view of company law. Students see the curriculum not as a set of discrete legal topics and can make connections between topics covered in the course. For instance, the story of Eric Krecichwost is told early in the semester during the topic "dividends and directors", but I refer back to the story later in the semester when directors' duties and liquidation are addressed.

A third concern is that the title "corporate villains" may create the perception that I overemphasize the punitive function of company law in teaching and learning activities. This is not the case. The curriculum I deliver is not unusual for a company law course and includes: the formation of a company; company participants (e.g. ASIC, directors, creditors, members and company secretary); the internal management rules and share capital transactions of a company; directors' duties and meetings; members' meetings and remedies; and the insolvency regime. The corporate villain's story is only a minor component of the lecture, is not related to all the legal topics covered in that week's lecture and the legal focus of the story is not necessarily on the villain's misconduct. For example, the poor corporate governance practices associated with HHH's acquisition of the FAI insurance group forms the majority of Ray Williams' story I present to the students, not his criminal conviction. The topics covered later in that week's lecture are corporate governance, the directors' duty of good faith and conflicts of interest. Nevertheless, stories that do focus on the corporate villain's misconduct are also instructive. As James Joyce, famous Irish author once said "mistakes are the portals of discovery". Students gain legal knowledge by learning from the mistakes made by corporate villains.

The final concern is that by focusing on villains, the author is ignoring Australia's corporate heroes. Why not tell stories about ASIC, Australia's enforcement knight, slaying the dragons of the corporate world, or champions of corporate governance or corporate citizenship? I can proffer two reasons. First, company law curriculum and assessment is geared towards the traditional or Socratic method of teaching in which villains are easier to identify. As company law teachers we are more likely to discuss case law involving the transgressions by companies and individuals of the Corporations Act 2001 (Cth) than case studies of good corporate citizenship or governance. The second reason is that popular culture has a greater affinity with villains than heroes. The rogue, baddie, fugitive and heavy is an edgier and more exciting character than a hero. I suggest that students (who form part of that popular culture) are more likely to be engaged by the story attached to a corporate villain than a hero. It is engagement that can stimulate effective learning. By no means am I advocating the removal of heroes of corporate governance and citizenship from the company law curriculum. Rather I posit that storytelling may not be the best teaching method of presenting this material to students to facilitate effective learning.

Conclusion

Storytelling is a teaching method designed to promote student engagement and improve student learning. The inclusion of an antagonist, the corporate villain, and his/her story in a company law course engaged accounting students in learning by humanising the law and demonstrating its relevance. The litigant became a person and that person had an interesting personal, corporate and legal history that students could relate back to the company law curriculum. The issues raised and learning outcomes referred to in this study suggest that storytelling is worthy of consideration by academics to supplement, not replace, other methods of teaching law to accounting students. In company law, the corporate villain story can take the bore out of an area of law in which its protagonist, the company, has no more than a legal personality.

Notes

1. All quotes are derived from SET and SEC responses for Company Law in the years 2008-2011 unless otherwise stated.
2. Excerpt of e-mail used with permission of author.

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