

Social Media and Higher Education: Does Digitally Enabled Learning have a Place in Law Schools?

Gina Curro

Victoria University
gina.curro@vu.edu.au

Nussen Ainswroth

Victoria University

Abstract: Recently embraced by the legal profession to make justice more accessible, social media (SM) is fast becoming the primary tool of communication for the courts. In Australia today the Supreme Court of Victoria uses SM to share judgments, media releases, publications, speeches and other information. On the County Court of Victoria home page, one can read the Court's Twitter feed. These innovations have led to the expectations for Australian law schools to adopt twenty-first century technology and enhance student engagement in the classroom. Studies investigating the use of SM as an educational tool in general exist, however, research specifically addressing its application to law curricula is scant. In this article we propose that SM is a useful pedagogical tool, with the potential for creating valuable learning opportunities, such as awareness of responsible usage of SM platforms, thereby ensuring successful communication outcomes for Australian law graduates. Other affordances and drawbacks of SM as a pedagogical tool for legal education are discussed. The complex and contested nature of SM in education leads the authors conclude that implementing digitally enabled learning in the Australian Law classroom is possible, but not without certain pedagogical caveats, in particular, the creation of university policy framework on SM usage.

Keywords: social media, legal education, communication, student learning and teaching outcomes

Background/Introduction

The motivation for this article came from our awareness of the pervasive role and influence of social media (SM) on the legal profession. SM are now part of the higher education landscape, affecting individual and group learning behaviours in Australian universities. The possibility of students using SM to engage with other learners to enhance their academic outcomes is now of critical interest to scholars and practitioners. In response to enhancing the capabilities of law graduates, now there is the expectation for law schools to embrace SM and introduce it into the curriculum. The aim of our paper is to propose SM as a pedagogical tool to support the curriculum. The integration of SM into legal curricula, will create teaching and learning opportunities for developing awareness of responsible usage among students and staff. By developing professional responsibility, correct etiquette and ethical behaviour for communicating on SM platforms, we may increase user confidence and learning engagement, while at the same time build on the understanding of SM and the legal implications of its use. The integration of SM platforms in the teaching and learning legal curriculum can also provide better access to justice, because students

will be mastering twenty-first century/contemporary tools for enhancing communication and developing collaboration.

SM in today's corporate world is very popular. According to *Business Review Weekly* (19 July 2013), *LinkedIn* is the most widely used social media platform among the top 200 companies listed on the Australian Securities Exchange (ASX), with *YouTube* emerging as the fastest growing with 71% posting and sharing videos on their SM platforms. *LinkedIn* is used by 58% of the ASX 200 who claim they use it primarily for recruitment purposes. Furthermore, SM is becoming a very popular tool when consumers are searching for legal services. A recent survey by the Research Intelligence Group found that 56% of consumers who looked for an attorney in the past year used social media in their search.

Social Media and the Legal Industry

The Legal industry, considered a late adopter, is becoming increasingly fond of SM. The top 100 law firms are actively using the major SM platforms in order to take advantage of the specific features, applications and targeted demographics. This represents a shift towards a more strategic application of SM, to leverage specific benefits each platform provides. For example, a study by BRR Media (2012) of social media shows that *LinkedIn* is by far the most popular social media used by law firms, with 87% of the 100 firms in the survey using it in some way. The main application is general recruitment. *Twitter* is the second most popular social media platform and is used by 54% of firms. The primary purpose is to update external stakeholders about the firm's general activities. *Facebook (FB)* is used by 37% of the firms surveyed with a primary purpose to attract prospective graduates. And last but not least, the primary application of *YouTube* is publishing legal updates for 29% of the firms surveyed.

As can be seen in Table 1 below, 58% of the 87% of top 100 Australian law firms update information on their *LinkedIn* page every week. In comparison, a much higher percentage (78%) of the firms are active on *Twitter*, tweeting and retweeting on a weekly basis, making *Twitter* the most actively used platform. The percentage of firms with a *FB* presence is 37% with just over half of them engaging on the platform on a weekly basis. Lastly, a large majority of the 29% of firms which have an active *YouTube* channel (70%), only update every now and then.

Table 1: Social Media Activity of 100 Top Australian Law Firms (BRR Media, 2012)

Social Media Platform	Percentage using platforms	Primary use	Frequency of updates on a weekly basis
<i>LinkedIn</i>	87%	General recruitment	58%
<i>Twitter</i>	54%	Firm updates	78%
<i>Facebook</i>	37%	Graduate recruitment	55%
<i>YouTube</i>	29%	Legal updates	0%* *(70% will update every now and then)

The growing trend in increased SM activity by Australian law firms raises questions about the role legal educators are playing in preparing graduates for this changing professional, technological environment. Recently we have seen innovations such as the Victorian courts sharing judgments, media releases, new publications, speeches and information, for example, registry closures and other administrative announcements. As mentioned earlier, the importance of understanding and awareness regarding the hidden traps and risks SM poses to practice areas, has direct implications for law school curriculum. The application of SM in the legal profession appears to be advancing our communication practices, prompting educators to consider SM as an educational tool to enhance legal education programs. Many Australian universities have a *FB* presence, yet they do not have policies addressing student online social networking behaviour. Policy guidelines or protocols which outline appropriate conduct of student and staff online in Australian universities, are yet to be created. The boundary statements or policies created at some United States universities may pave the way for other universities to follow. As mentioned earlier, the importance of an official SM policy framework, as well as appropriate training and professional development is demonstrated in the case of *Linfox Australia Pty Ltd v. Stutsel* (2012).

The adoption of social media by law firms and by the courts, highlights the pervasive nature of SM, as well as the legal issues arising from its use. The digital age of communication with its rules regarding use of social media is making sophisticated demands on lawyers engaging in social networking in their day to day practice. Horton (2014) warns lawyers to keep an eye on their practice areas, because many of them are incorrectly assuming that SM fits into so-called traditional internet law such as privacy, defamation and intellectual property. “Recent years have seen areas such as family law, criminal law and employment law becoming notorious for their interaction with social media” (Horton, 2014, p. 34). There are implications for the sale of goodwill (business law, especially for small businesses, which arise in relation to ownership of accounts on sites such as *FB*, *Twitter*, and *LinkedIn*. The anonymous nature of SM means that reviews about products and services (consumer law) may be deceptive and mislead the public. Lawyers need to be mindful of the pervasive nature of SM in people’s lives and the law.

This means lawyers and law educators must be aware of the hidden legal traps and not become complacent, in the interest of understanding the risks SM poses to practice areas. For example, when it comes to employees’ use of social media in employment law cases, judges and tribunals have maintained the out of hours principle from the case of *Rose v. Telstra Corporation Ltd* (1998). That case sets out the allowances for employee behaviour during out of work hours, which determine whether dismissal is valid or not. In *Fitzgerald v. Smith T/A Escape Hair Design* (2010) the tribunal made it clear that posting comments about an employer on a social media is not a private matter, but a public comment, because it can be seen by an uncontrollable number of people. The importance of having an official SM policy and adequate training and education was demonstrated in *Linfox Australia Pty Ltd v. Stutsel* (2012). The *Australian Competition and Consumer Commission v. Allergy Pathway Pty Ltd (No2)* (2011) case found that the company accepted responsibility for third party comments on their SM platforms when they knew about the comments and decided not to remove them.

Using *FB* as a case study, Miller (2014) analysed the *Privacy Act 1988 (Cth)* in relation to its application to SM companies; she examined the usefulness of protections offered by the Act. In her assessment of the privacy protections of *FB* she concludes that “current legislation regulating privacy in Australia is inadequate with respect to social media companies” (Miller, 2014, p. 41). Apart from affecting our social communication practices, SM is making an impact on statutory interpretation and global legal practices. In 2014 a special edition dedicated to SM

and the Law was published by the *Law Institute Journal* and focussed on courts, bullying, marketing, family law, criminal law and privacy. The Law Institute of Victoria has also launched a SM task force and SM online hub. “In every function of the criminal process, from pre-interview to appeal, lawyers need to be aware of the effects and evidentiary value of social media” (Doogue, 2014, p. 55).

University Policy and Social Media

Victoria University’s (VU) recently introduced policy on blended learning practices supports our argument to introduce digitally enabled learning opportunities to law school curricula. One of the objectives of VU’s blended learning strategy is developing greater connections with industry. As outlined in this paper, technology and SM are quickly becoming institutionalised in the legal industry. Through the strategy VU hopes that students improve and extend digital literacies and create a learning environment that reflects contemporary uses and application of technology. In the Law school context, the integration of SM in the teaching, curriculum and culture is integral to achieving this (<https://www.vu.edu.au/learning-teaching/blended-learning-strategy>).

In light of the impact of policy imperatives in higher education today, we refer readers to the following:

- i) the University’s blended learning policy and
- ii) the specialised capabilities expected of twenty-first century graduates

VU Blend Strategy and Operational Plan: Vision Statement

The impetus for the VU Blend Strategy arose from the need to respond to community demands and expectations about teaching and learning. We know that students lead busy lives, some working full or part time, in addition to university study. Therefore, VU Blend provides the means for engaging learning opportunities that offer some degree of flexibility for students. This way our learning services capitalise on all of possibilities and opportunities that are now available in higher education (HE) today. VU offers quality, contemporary courses with a unique VU Blend, and connecting deeply with industry. The expectation is that, in their courses staff provide contemporary and creative approaches to pedagogy, technology enhanced learning and teaching, and high levels of student engagement and success. The aims of the strategy are as follows: to enhance student access, experience, engagement and outcomes through an effective blend of face-to-face and digitally enabled learning opportunities; and to apply and maximise blended learning opportunities in making our offer to students flexible across pace, place and mode.

VU Graduate Capabilities for Twenty-First Century Workplaces

In relation to the increased presence of social media, VU’s aspirations for graduates are realised in two sets of thinking in our graduate capabilities. Specific references to skills for twenty-first century workplaces appear in the VU Agenda and Blueprint for Curriculum Reform: Capabilities for the future (2012). Commonly referred to as skills for Twenty-First Century workplaces are the first set of skills and the second set is known as global citizenship capabilities. In the treatment of capability statements (p. 10), we read about VU’s commitment to support and develop “adaptable

and capable twenty-first century citizens, who can communicate effectively, work collaboratively, think critically and solve complex problems” (Information sheet, number 8, March 2013).

The Scholarship of SM

This section outlines the SM scholarship that has been undertaken in higher education settings. It includes a brief discussion on the context and historical background of social media in HE; the nature of research into SM (attitudinal surveys); the confusing, complex and contradictory aspects; the affordances and drawbacks of SM; student engagement and interaction; considerations for curriculum design and delivery and the applications of *FB* and *Twitter* in legal classrooms.

The use of social media applications in HE comes from a strong conceptual basis of pedagogical and technology adoption theories. Pedagogical theories argue that social media applications can enrich student learning experience and improve educational outcomes (Redecker, Ala-Mutka & Punie, 2010; Taylor, King & Nelson, 2012). Technology adoption theories explain the cause and effect of different factors of social media such as *Twitter* and blogging as valuable contemporary curriculum content and learning experience (Ajjan & Hartshorne, 2008; Giannakos & Vlamos, 2012; Park, Nam & Cha, 2012; Cao, Ajjan & Hong, 2013). One proponent of culturally responsive teaching awareness in educational technology, has argued that SM has a role to play in informal learning to meet the challenges of connecting a diverse student cohort. There is a gap between the formalized interaction occurring in traditional educational settings and informal modes of learning, socialization, and communication practiced by youth, such as *FB* (Chuang, 2016, Implications and conclusions, para. 2).

The bulk of scholarship, according to Veletsianos, Kimmons & French (2013), involves attitudinal surveys of students and teaching staff members and “(a) is exploratory, (b) focusses on a single context such as one institution or course, and (c) lacks the level of richness and depth that can be found in other areas of technology-enhanced research” (p. 272). As such, we have much to learn about matching teachers’ experience with institutional expectations to use SM, and the subsequent impact on student learning. In addition, despite the wide range of learning objectives for SM in curricula initiatives, many studies argue that the scholarship on the effectiveness of SM in HE remains sparse (Rowan-Kenyon, MartínezAlemán, Gin, Blakeley, Gismondi, Lewis, McCready, Zepp, & Knight, 2016). Piotrowski (2016) claims that “scholarly research on the social media-education nexus is in a nascent stage” (p. 299) and urges US academic scholars, to integrate technology into curricula in order to enrich collaborative learning experiences. Regarding *FB* in academic contexts, a critical lack of research has also been cited by Aydin (2016).

Many studies claim that the literature on the scholarship of SM in general is confusing, complex and contradictory. Depending on the particular variable under investigation, the outcomes for SM may be positive or negative, “although a clear pattern of findings point to a neutral-to-negative impact on academics specifically” (Rowan-Kenyon, MartínezAlemán, Gin, Blakeley, Gismondi, Lewis, McCready, Zepp, & Knight, 2016, p. 68). Please note that the personal use of SM (not as part of the curriculum), and how it may enhance or interfere with academic motivation and affect student success is beyond the scope of our paper. The aim of our paper is to investigate the potential positive impact integrating SM into curricula may have on the learning and teaching outcomes in legal education.

In a review of the role of social media in the HE classroom, Tess (2013) provides a comprehensive account of affordances and drawbacks. According to Piotrowski (2015) only two studies found negative views (students and staff members) on the application of SM platforms; the

drawbacks were the lack of staff experience in using Web 2.0 technology, privacy issues, and data overload. The lack of guidance or training on how to adopt SM technologies can influence staff decisions to introduce it in their classes, as shown in the study by Cao, Ajjan & Hong (2013). Staff members using SM in their teaching were surveyed showing SM was perceived as useful, and that external pressure and compatibility of task-technology had positive effects on SM use. In fact, the higher the perceived risk of using SM, the less likely faculty embraced the technology; also SM had a positive effect on student learning outcomes and student satisfaction (Cao, Ajjan & Hong, 2013, p. 581).

In relation to SM scholarship, increased student engagement is one outcome cited repeatedly in the attitudinal research about academic uses of social media. SM behaviour of 128 undergraduate chemistry students at Iowa State university revealed that when *FB* (as opposed to a learning management system) was used for course communication students participated in more frequent and complex discussion. At the end of the semester students in the *FB* group posted discussion comments almost four times (67 compared with 17) more than the group using the learning management system. Because students posted ten messages dedicated to one topic on two separate occasions with other topics generating four to six posts on *FB*, the researchers claim this not only demonstrates the amount of time students spent on *FB*, but also how much more engaged they were in discussions (Schroeder & Greenbowe, 2009).

Supporting this research is a study of informal learning whereby student-initiated, rather than teacher-initiated SM offered assurances of effective learning and engagement (Selwyn, Crook, Carr, Carmichael, Noss & Laurillard, 2008, in Chuang, 2016). When students were not participating in large lectures because they were distracted by SM, Elavsky, Mislán, & Elavsky (2011) introduced *Twitter* into the course. Instead of competing with SM, the teachers embraced it to change the culture of lectures, using *Twitter* (class hashtag) as a communication tool both inside and outside of class. Student evaluation revealed the integration to be positive, and that *Twitter* improved connection, engagement and participation in the course. In relation to the application of *Twitter* in Australian Law School settings, an obvious implication is the positive influence it may have on student engagement.

However, one must recognise that discussion about technology and HE involves important qualitative differences between online tools and other forms of instructional technologies, all of which impact curriculum design and delivery. Also, SM platforms differ markedly in their flexibility or variation in their ability to be used in the classroom. With so many students already interested and engaged with *FB*, its application as a teaching tool or resource appears strong. Young college graduates use both *FB* and *Twitter* (Palmer 2010), as the growing demographic for those who use these social networking tools includes individuals who are 25 years and older (Aydin, 2016, 1994). “[I]ntegrating these applications into learning and teaching practices has the potential to trigger significant educational innovations as they enable new forms of interactive and collaborative learning” (Shroeder, Minocha & Schneider, 2010, p. 169).

Based on an ethnographic study investigating digital scholarship, or the digital scholarly practices of Canadian academics engaging in SM, Veletsianos (2013) recommends that the scholarly identity of a staff member is kept separate and distinct from their personal or nonprofessional identity. While it is good that academics have taken advantage of the social and playful nature of social media, sharing needs to be treated as a scholarly and educational practice, in preference to divulging aspects of one’s private life. We support this recommendation by arguing that the practice of responsible sharing should be both modelled and taught in first year

legal education programs, “in the same way that student-centred pedagogies, digital citizenship and new media literacies are taught” (Veletsianos, 2013, p. 648).

If future learning technologies are “to capture the diversity and complexity of specific educational settings” (p. 648), legal classrooms will become very sophisticated with tailored SM platforms for individual classes. Two platforms – *FB* and *Twitter*–together with the *meme* (an image with a text phrase that is distributed via SM), are discussed below in relation to the implications of integrating them as educational tools in law classrooms. Further learning opportunities and drawbacks for staff and students adopting SM are outlined.

The Australian Law Classroom

Unfortunately, specific studies addressing the application of SM to law curricula, and Australian law classrooms, in particular, are still in their infancy. Nonetheless, our review of studies on SM integration into higher education illustrates the potential benefits of learning for both educators and students and therefore has good potential for educational applications. For many legal educators one authentic rationale for introducing SM into legal educational settings is “... the importance of keeping things lively in legal writing classes because of the nature of the material” (Anthon, Hemingway & Smith, 2014, p. 1). However, the social nature of learning implicit in digital interventions, brings with it certain pedagogical caveats. In the literature a number of negative and even harmful repercussions of participating in SM have been documented: inappropriate behaviour, abuse, cyberbullying and invasions of privacy.

Inappropriate communication exchanges among students on private and more public university *FB* sites are troubling considerations warranting serious attention. In addition, and related to these concerns is a lack of confidence on the part of teaching staff. One solution to overcoming these drawbacks is through professional development and training initiatives on the responsible usage of SM awareness in law programs. Encouraging staff commitment to the teaching of socially responsible online etiquette in conversational exchanges will also build capacity and confidence in SM posts and other communications. Furthermore, the creation of university policy framework would provide guidelines for staff and students in their responsible usage of SM platforms, thereby ensuring success and promoting confidence in both teaching staff and students.

Indeed not only staff member interaction with technology, but academic workload, institutional environment, interactions with students, staff attitudes and beliefs about teaching, and opportunities for professional development have a direct impact on the university adoption of SM. One of the concerns regarding the integration of SM is its potential to blur the lines of personal and professional lives of the educators and students, in other words, privacy. Another issue is a lack technical knowledge and skill, relevant to both teachers and students. Furthermore, law educators, like other academics in HE, may feel intimidated by SM platforms. Then there is a risk also that teachers, in their roles as educators, may find themselves spending long hours assisting students with IT support. It is important to recognise that just because students and staff use SM in their personal lives, this does not automatically mean that they will understand how to use it for educational purposes.

In a face to face juvenile justice course a formal evaluation of *WIKI*'s as a learning tool has shown favourable results. “[the project] demonstrated a real-life (online) understanding of the juvenile justice system in a face-to-face meeting, a more comprehensive examination of the juvenile justice system compared to a more traditional book and lecturer pedagogy, and a perceived

value in the collaborative, constructivist approach” (Bowman, 2013, p. 3). While this is an example of applying educational technology in a specific Law learning and teaching environment, further investigations for law programs are needed.

The sheer popularity of *FB* makes it an obvious SM platform to use in legal education. Many students will have a *FB* account and be comfortable using it. Teachers can model appropriate use, for example, create the *Twitter* hashtag and a *FB* group discussion page for the class. The appeal and personal exposure nature of *FB*, however, also calls for some caution before deciding to facilitate student participation through it. A student’s *FB* profile and activity can potentially be viewed by other students and for a number of reasons may be of concern. According to Anthon, Hemingway & Smith (2014) using a *FB* group as a form of communication between teachers and students offers many advantages. Students are already using *FB* to access information related to their legal education from the law school, student groups and other commercial and community groups. *FB* groups allow users to communicate in many forms as photos, text, web links and videos. It will also keep all the information on the one group page making it easier for students to find the information they need.

As referred to earlier, students themselves are being inspired to play an important role in the development of SM in the academy, as encouraged by one Australian law educator. The value of the *meme* as a teaching tool was identified when a student using memes in a journal assessment task illustrated very clearly the process of her learning (Galloway, 2014, para. 1). In a law subject that required students to submit an artefact as evidence of their learning and to show how they resolved an issue they faced from that week’s material, students submitted a range of artefacts, such as photos of their writing on paper or whiteboards and even poems. One creative and innovative student submitted a *meme* as an artefact. A *meme* is to an image with a text phrase that is distributed via SM. Students instigating SM initiatives themselves rather than their teachers, guarantees social networking sites in education will be more effective (Chuang, 2016).

After reading her student’s innovative use of *memes* in a reflective assessment task Galloway (2015) decided to adopt them as a teaching and learning tool. “... the memes... encapsulated the uncertainty students experience in encountering these concepts for the first time. The ambiguity or opacity of legal concepts can be invisible to those familiar with the law. But in these memes I was reminded of the challenge of navigating these concepts for the first time. They assisted ... in explaining to me the process of ... learning, and they helped me to identify where my students may have been grappling with these key concepts” (Galloway, 2015, para. 2).

Some scholars argue that the increasing numbers of Law schools in Australia alone calls for the adoption of SM technologies to be introduced as educational innovations in Law curricula. In the interests of enhancing student engagement, Law Schools in Australia may wish to consider integrating SM into the curriculum, especially at the first year level. In Australia *FB*, *Twitter* and *LinkedIn* are arguably the more pervasive SM platforms. Doogue (2014) advocates the educational benefits in using *Twitter*, *FB*, *Instagram*, *Four Square* or other location-based platforms, *RSVP* and other meeting sites. Therefore, in order for SM to become an important educational tool in our programs, we must provide resources to support the integration of digitally enabled learning into Law courses. As more Australian law academics engage with SM, personally and professionally, they will develop creative solutions for incorporating it into their teaching.

Recommendations

In summary, despite the complex and contested nature on the scholarship of SM discussed earlier, we conclude that implementing digitally enabled learning in the Australian law classroom has merit for both students and teaching staff. Based on our review of the literature on SM application in HE, and there are grounds for integrating SM into the law curriculum, but not without certain pedagogical caveats. The most obvious recommendation is the creation of university policy framework on SM usage. In light of the potential learning opportunities discussed above, we offer the following practical recommendations for researchers and educators interested in integrating SM into their Law courses:

1. Firstly, the creation of a University policy framework or protocols for responsible usage of SM communication, which will provide the guidelines on legal, ethical and appropriate communication essential for managing the expected risks
2. A section of the University policy on SM devoted to practical approaches for confining SM to scholarly and educational practices, that is, *responsible sharing*, in preference to divulging aspects of one's private life
3. In relation to University policy, *responsible sharing* must be both modelled and taught in first year legal education programs. This means modelling and explicit teaching of professional responsibility of SM platforms as a logical and important curriculum intervention
4. Integral to the success of any integration will be targeted professional development and training for staff members in how to use SM and develop confidence and skills as an educational tool
5. The integration of SM platforms in the teaching and learning Law curriculum, will provide better access to justice, because Law educators will be equipping students with contemporary tools for enhancing communication
6. The adoption of SM platforms underpinned by University policy will contribute to fostering a positive culture of engagement with SM, with the result that staff and students benefit from its implementation while being protected from any potential risks

Conclusion

Like many staff members, in our own classes we have found ourselves competing with FB and other social networking sites, leading us to consider the idea that SM could play a direct role in teaching and learning. Therefore, we sought to deepen our understanding of the scholarship of SM and its implications for higher education practice. It is clear that the pedagogical application of SM in Australian Law schools needs further exploration and research. The academic impact of using SM in the classroom raises important pedagogical issues, which teachers need to be cognizant of when preparing to teach students about these platforms. In Australian legal education today, the outcome is to produce graduates with specialised capabilities for navigating their way through twenty-first century workplaces, which means twenty-first century graduates need to be competent users of the technology.

SM has the potential to enhance the educational experience of students, thereby assisting them to be better engaged with content information. Legal educators have drawn attention to the relationship between growing levels of stress reported by law students and the continued outdated

use of traditional legal education methods. Traditional legal education methods have led to the creation of a culture where information is typically consumed passively (Johnston and Keys, 2004). Legal textbooks predominantly used in universities, for example, are not interactive and engaging educational tools. In her paper on twenty-first century legal education Kift (2005) criticises current methods of information consumption in legal teaching and learning as ineffective. By integrating *FB* into legal education, opportunities for discussion about responsible SM usage and privacy settings can be created, thereby capitalising on the SM learning opportunity.

Today SM is increasingly being used by employers to find out information about candidates applying for jobs; therefore, it is essential that graduates understand the implications of their SM communication postings. As long as SM is being used for personal purposes outside the classroom, students will be less likely to be thinking about the implications of their posts. Integrating SM into the law curricula not only warrants careful attention to blended learning design principles, but means allocating resources to policy development, guidelines and frameworks for students and staff. Boundary statements, such as those developed by Michigan, Minnesota (Twin Cities), California, Florida Levin College of Law and Georgia Universities, outlining the terms and conditions of their social media policies may be useful starting points. These external influences, in addition to internal University policies on blended learning highlight the need for professional development to support staff wishing to incorporate blended learning or instructional practice in their teaching and learning. Like many researchers we believe that teachers can change beliefs and practices through open dialogue and collaboration.

In summary, it would appear that the potential for SM to improve student engagement is attractive to Law schools, with decreasing attendance in both lectures and tutorials. The collaborative act of introducing digitally enabled learning into Law education curricula would formalise it, and provide students with authentic, academic SM opportunities. The idea of integrating SM in classrooms, as opposed to competing with it, may not only improve engagement, but may lead to increased attendance rates in first year classes. Given the low attendance at both lectures and tutorials in Australian Law schools and the sheer popularity of SM, why would staff not wish to try SM initiatives with first year students? That way the awareness of responsible SM practices can be developed through using the technology first-hand in a safe, supportive learning and teaching context.

In fact, SM has become so prevalent and ingrained in our everyday existence that the acronym FOMO (the Fear of Missing Out) has been coined. Interestingly, not because of FOMO, but specifically due to the valuable educational outcomes which digitally enabled learning offers the academy, we conclude that there is a place for SM in Australian Law schools. The integration of digitally enabled learning into courses would provide staff and students with direct experience in using the educational technology, thereby building SM competence and confidence. However, before any integration can occur, academic staff will need to develop competency in using SM for their own scholarly and educational practice. The professional development outcome will be changed beliefs and practices in relation to using SM as an educational tool. Once the academic online identity of staff is strengthened, their knowledge, skills and abilities with applications will be enhanced, as part of a broader teaching and learning curriculum. Moreover, they will be cultivating twenty-first century graduates who can master SM applications while using respectful and responsible shared communication practices. And in the process of integrating SM into the curriculum, the expectations for staff to provide contemporary and creative approaches to pedagogy, technology enhanced learning and teaching, and high levels of student engagement and success will be met.

Acknowledgement

The authors would like to declare that they have no conflict of interest.

References

- Abe, P. & Jordan, N. (2013). Integrating social media into the classroom curriculum. *About Campus, 18*(1), 16-20. doi: 10.1002/abc.21107.
- Antheunis, M., Schouten, A. & Kraemer, E. (2016). The role of social networking sites in early adolescents' social lives. *Journal of Early Adolescence, 36*(3) 348–371. doi: org/10.1177.0272431614564060.
- Anthon, D., Hemingway, A., and Smith, A. (2014). A technological trifecta: Using videos, playlists and facebook in law school classes to reach today's students. *Rutgers Computer and Technology Law Journal, 40*(1), 1-16.
- Australian Competition and Consumer Commission v. Allergy Pathway Pty Ltd* 2011 192 FCR 34.
- Aydin, S. (2012). A review of research on Facebook as an educational environment. *Educational Technology Research and Development*. doi: org/10.1007/s11423-012-9260-7.
- Baldwin, G. (2014). Social media and the law special issue. *Law Institute Journal, 88*(3), 26.
- Blackham, A. & Williams, G. (2014). Social media and the courts. *Law Institute Journal, 88*(3), 31-33.
- Bouchillon, B. & Gotlieb, M. (2016). Making them count: Facebook sociability for optimizing the accumulation of social capital, *Social Science Computer Review, 35*(3), 1-20. doi: org/10.1177/0272431614564060.
- Brown, G. (2016). Blended instructional practice: A review of the empirical literature on instructors' adoption and use of online tools in face-to-face teaching. *Internet and Higher Education, 31*, 1-10. doi: org/10.1016/j.heduc.2016.05-001.
- BRR Media. (2012). Australian legal sector social media snapshot 2012. Retrieved from <http://law.brrmedia.com/content/legal-social-media-snapshot>.
- Cao, Y., Ajjan, H. & Hong, P. (2013). Using social media applications for educational outcomes in college teaching: A structural equation analysis. *British Journal of Educational Technology, 44*(4), 581-593. doi: org/10.1111/bjet.12066.

Chuang, H. (2016). Leveraging CRT awareness in creating web-based projects through use of online collaborative learning for pre-service teachers. *Educational Technology Research and Development*, 64(4), 857-876. doi: org/10.1007/s11423-016-9438-5.

Dabbagh, N. & Kitsantas, A. (2012). Personal Learning Environments, social media, and self-regulated learning: A natural formula for connecting formal and informal learning. *Internet and Higher Education*, 15(1), 3-8. doi: org/10.1016/j.iheduc.2011.06.002.

DeAndrea, D., Ellison, N., LaRose, R., Steinfield, C. & Fiore, A. (2012). Serious social media: On the use of social media for improving students' adjustment to college. *Internet and Higher Education*, 15(1), 15-23. doi: org/10.1016/j.ihedu.2011.05.009.

Doogue, B. (2014). From tweet to defeat. *Law Institute Journal*, 88(3), 55-56.

Elavsky, C., Mislan, C. & Elavsky, S. (2011). When talking less is more: Exploring outcomes of Twitter usage in the large-lecture hall. *Learning, Media and Technology*, 36, 215–233. doi: org/10.1080/17439884.2010549828.

Ellison, N. B., Steinfield, C., & Lampe, C. (2007). The benefits of Facebook “friends”: Social capital and college students' use of online social network sites. *Journal of Computer Mediated Communication*, 12(4), 1143-1168. doi: org/10.1111/j.1083-6101.2007.00367.x

Ellison, N. B., Steinfield, C. & Lampe, C. (2011). Connection strategies: Social capital implications of Facebook-enabled communication practices. *New Media & Society*, 13, 873-892. doi: org/10.1177/1461444810385389.

Fitzgerald v. Smith T/A Escape Hair Design 2010 204 IR 292 (Austl.).

Frison, E. & Eggermont, S. (2016). Exploring the relationships between different types of Facebook use, perceived online social support, and adolescents' depressed mood. *Social Science Computer Review*, 34(2), 153-171. doi: org/10.1177/0894439314567449.

Galloway, K. (2015). Meme-licious Law Teaching. Retrieved from <http://socialmediainlegaleducation.com/2015/05/19/meme-licious-law-teaching/>.

Geber, S., Scherer, H. & Hefner, D. (2016). Social capital in media societies: The impact of media use and media structures on social capital. *International Communication Gazette*, 78(6), 493-513. doi: org/10.1177/1748048516640211.

George, P. (2014). *Social Media and the Law*. Australia, VIC: LexisNexis Butterworths.

Hemingway, A. (2013). Keeping it real: Using facebook posts to teach professional responsibility and professionalism. *New Mexico Law Review*, 43, 1-27.

Horton, F. (2014). Beware anti-social media. *Law Institute Journal*, 88(3), 34-37.

Jerry, R. & Lidsky, L. (2012). Public Forum 2: Public higher education institutions and social media. *Florida Coast Law Review*, 55, 1-32.

Junco, R., Heiberger, G. & Loken, E. (2011). The effect of twitter on college student engagement and grades. *Journal of Computer Assisted Learning*, 27(2), 119–132. doi: org/10.1111/j.1365-2729.2010.00387.x.

Kind, T., Genrich, G., Sodhi, A., & Chretien, K. C. (2010). Social media policies at US medical schools. *Medical Education Online*, 15. doi: org/10.3402/meo.v15i0.5324.

Kirschner, P. & Karpinski, A. (2010). *Computers in Human Behaviour*, 26(6), 1237–1245. doi: org/10.1016/j.chb.2010.03.024.

Larcombe, W., Malkin, I. & Nicholson, P. (2012). Law students' motivations, expectations and levels of psychological distress: Evidence of connections. *Legal Education Review*, 22(1/2), 71-98.

Lee, C. & Ma, L. (2012). News sharing in social media: The effect of gratifications and prior experience. *Computers in Human Behaviour*, 28, 331-339. doi: org/10.1016/j.chb.2011.10.002.

Linfox Australia Pty Ltd v. Stutsel 2012 217 IR 52 (Austl.)

McCarthy, J. (2010). Blending learning environments: Using social networking sites to enhance the first year experience. *Australasian Journal of Educational Technology*. 26(6), 729-740.

Miller, K. (2014). Face it, nothing's private. *Law Institute Journal*, 88(3), 38-41.

Paul, J., Baker, H., & Cochran, J. (2012). Effect of online social networking on student academic performance. *Computers in Human Behavior*, 28(6), 2117-2127. doi: org/10.1016/j.chb.2012.06.016.

Pirotrowski, C. (2015). Social Media: major topics in dissertation research. *Education*, 135(3), 299-302.

Pirotrowski, C. (2015). Emerging research on social media use in education: a study of dissertations. *Research in Higher Education*, 27, 1-12.

Privacy Act 1998 (Cth) (Austl.).

Rose v. Telstra Corporation 1998 AIRC 1592 (Austl.)

Rowan-Kenyon, H. T., MartínezAlemán, A. M., Gin, K., Blakeley, B., Gismondi, A., Lewis, J., McCready, A., Zepp, D. & Knight, S. (2016). *Social Media in Higher Education*. ASHE Higher Education Report, 42(5), 7–128. doi: 10.1002/aehe.20103.

Selwyn, N., Crook, C., Carr, D., Carmichael, P., Noss, R., & Laurillard, D. (2008). *Education 2.0? Designing the web for teaching and learning*. Retrieved from <http://eprints.ioe.ac.uk/6217/1/Selwyn2008education.pdf>.

Scott, K. (2013). Does a university teacher need to change e-learning beliefs and practices when using a social networking site? A longitudinal case study. *British Journal of Educational Technology*, 44(4), 571-580. doi: org/10.1111/bjet.12072.

Schroeder, J. & Greenbowe, T. (2009). The chemistry of Facebook: Using social networking to create an online community for the organic chemistry laboratory. *Innovate: Journal of Online Education*, 5(4). Retrieved from <http://nsuworks.nova.edu/innovate/vol5/iss4/3>.

Skead, N. & Rogers, S. (2014). Stress, anxiety and depression in law students: How student behaviours affect student wellbeing. *Monash University Law Review*, 40, (2), 564-587.

Steinfeld, C., Ellison, N. & Lampe, C. (2008). Social capital, self-esteem, and use of online social network sites: A longitudinal analysis. *Journal of Applied Developmental Psychology*, 29, 434-445. doi: org/10.1016/j.appdev.2008.07.002.

Tess, P. (2013). The role of social media in higher education classes (real and virtual) – A literature review. *Computers in Human Behaviour*, 29, 60-68. doi: org/10.1016/j.chb.2012.12.032.

Vanderhoven, E., Schellens, T., Vanderlinde, R. & Valcke, M. (2015). Developing educational materials about risks on social network sites: a design based research approach. *Educational Technology Research and Development*, 64, 459-480. doi: org/10.1007/s1142.

Veletsianos, G. (2013). Open practices and identity: Evidence from researchers and educators' social media participation. *British Journal of Educational Technology*, 44(4), 639-651. doi: org/10.1111/bjet.12052.

Veletsianos, G., Kimmons, R. & French, K. (2013). Instructor experiences with a social networking site in a higher education setting: expectations, frustrations, appropriation, and compartmentalization. *Educational Technology Research and Development*, 61, 256-278. doi: org/10.1007/s11423-012-9284-z.

Victoria University, The VU agenda and blueprint for curriculum reform: Capabilities for the future (2012). Retrieved from <http://www.vu.edu.au/sites/default/files/wfg/pdfs/VUAgenda-CurriculumBlueprint-Nov2012.pdf>.

Victoria University. (n.d.) Blended Learning Strategy and Operational Plan. Retrieved from <https://www.vu.edu.au/learning-teaching/blended-learning-strategy>.

Wang, Z., Tchernev, J. & Solloway, G. (2012). A dynamic longitudinal examination of social media use, needs, and gratifications among college students. *Computers in Human Behaviour*, 28, 1829-1839. doi: org/10.1016/j.chb.2012.05.001.

Weiqin, E., Campbell, M., Kimpton, M., Wozencroft, K., & Orel, A. (2016). Social Capital on Facebook: The Impact of Personality and Online Communication Behaviors. *Journal of Educational Computing Research*, 54(6), 1–22. doi: [org/10.1177/0735633116631886](https://doi.org/10.1177/0735633116631886).