

# PROVIDING A LAW DEGREE FOR THE 'REAL WORLD': PERSPECTIVE OF AN AUSTRALIAN LAW SCHOOL

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## INTRODUCTION

Recently the Law School of the Queensland University of Technology (QUT) underwent a curriculum review (2007-2008). The review was prompted by the many developments in tertiary education and the legal profession and the fact that the last review of curriculum had taken place in 2000-2001.

The scope of the review was quite wide and its objectives, in relation to curriculum, included:

- Review of what constituted core course content with a view to rationalising the number of the core units, without jeopardising QUT's strong reputation for producing graduates with a certain set of valued, practical skills and abilities;
- Review of the law graduate capabilities in terms of their ongoing relevance to industry and the professions;
- Reflection on graduate destinations, noting that not all law graduates work as legal practitioners; and
- Review of the adequacy of values and responsibilities of lawyers in the undergraduate degree.

In terms of pedagogy issues to be considered included:

- Consideration of whether there was adequate transition to the workplace; and
- Identification and implementation of appropriate and innovative methods of work-integrated learning.

As a result of the two year review, QUT's undergraduate law degree has a focus on first year student transition, integration of law graduate capabilities throughout the degree and work integrated learning. A 'whole-degree' approach was adopted to ensure that capabilities were appropriately embedded and scaffolded throughout the degree, that teaching and learning approaches met the needs of students as they transitioned from first year through to final year, and that students in final year were provided with a capstone experience to assist them with transition into the work place. The revised degree commenced implementation in 2009.

This paper focuses on the 'real world' approach to the degree achieved through the first year program, embedding and scaffolding law graduate capabilities through authentic and valid assessment and work integrated learning to assist graduates with transition into the workplace.

## 1. FIRST YEAR EXPERIENCE

As elsewhere, in Australia there has been much research carried out in relation to the first year experience of tertiary students. For example, between 1994 and 2004 there have been three national surveys to collate data on the 'changing character of first year students' attitudes, expectations, study patterns and overall experiences on campus'.<sup>1</sup> QUT has an established First Year Experience Program as one of the key aims of the university is to 'support all commencing students to adjust successfully to study at QUT by providing a strong transition experience -academically, socially and administratively - according to their varied needs'.<sup>2</sup>

As noted by Kift and Field:

At our institution (QUT), we have been committed for several years (for example, Kift, Goss, Mylonas, Kelly & Stedman, 2003; Kift & Nelson, 2005; Kift, 2005; Nelson, et al, 2006) to enacting a first year transition philosophy focused on the central principle of first year curriculum that must be embedded, integrated and coordinated with institutional practices across the academic, professional and administrative domains in order to effectively engage and support new learners.<sup>3</sup>

### 1.1 Designing a First Year Program for the Law School

As a result of the initial stages of the law curriculum review, which reviewed the core content of the course, it was decided that the first year program would consist of six core units (two legal foundation units; two torts units; and two contracts units) and two electives, whereas it had previously been eight core units. Feedback from focus groups of students and surveys had revealed that double degree students wanted to study a 'real law'

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<sup>1</sup> K Krause, R Hartley, R James and C McInnis, Final Report, *The First Year Experience In Australian Universities: Findings From A Decade Of National Studies* (Centre for the Study of Higher Education, University of Melbourne: January 2005), 1.

<sup>2</sup> QUT Manual of Policies and Procedures, C6.2 First Year Experience, [6.2.1]. See also [4.2.4] where it states: 'In first year, the curriculum is designed to support students' transition to university from their previous educational experience. This transition involves academic, administrative and social elements ...'.

<sup>3</sup> S Kift and R Field, 'Intentional first year curriculum design as a means of facilitating student engagement: Some exemplars' in 12<sup>th</sup> Pacific Rim First Year in Higher Education Conference. 'Preparing for Tomorrow Today: The First Year Experience as Foundation' (Townsville, Queensland: 2009) 3 available at <http://eprints.qut.edu.au/30044/1/c30044.pdf> (accessed 12 February 2010). The resources referred to are: S Kift, H Goss, A Mylonas, M Kelly and L Stedman, 'Issues Paper 1: Engaging Learning Experiences' in First Year Experience Program Conference (QUT: Brisbane: 2003). Available at [https://www.qut.edu.au/admin/stud\\_admin/fye/fye\\_paper1.doc](https://www.qut.edu.au/admin/stud_admin/fye/fye_paper1.doc) (accessed 12 February 2010); S Kift and K Nelson, 'Beyond Curriculum Reform: Embedding the Transition Experience' in A Brew and C Asmar (eds), *Proceedings Higher Education Research & Development 2005*, 235 available at <http://eprints.qut.edu.au/3944/1/3944.pdf> (accessed 23 February 2010); S Kift, 'Transforming the First Year Experience: A New Pedagogy to Enable Transition' in *Enhancing Student Success Conference* (University of Newcastle: 2005). Available at <http://www.ccc.newcastle.edu.au/studentsupport/2005conference/Sally%20Kift.pdf> (accessed 12 February 2010); K Nelson, S Kift, J Humphreys, and W Harper, 'A Blueprint For Enhanced Transition: Taking an Holistic Approach to Managing Student Transition into a Large University' in *9th First Year in Higher Education Conference* (Brisbane: 2006) available at [http://www.fyhe.qut.edu.au/past\\_papers/2006/program.html](http://www.fyhe.qut.edu.au/past_papers/2006/program.html) (accessed 12 February 2010).

unit from the commencement of their law studies, not just the ‘introduction to law’ type units as they did under the previous curriculum structure. In response to this feedback, the new structure requires all first year students to enrol in Legal Foundations A and Torts A in first semester.

The First Year Experience project at QUT identified six principles to guide the design of first year units.<sup>4</sup>

1. **Transition** – The curriculum and its delivery should be consistent and explicit in assisting students’ transition *from* their previous educational experience *to* the nature of learning in higher education and learning in their discipline as part of their lifelong learning.
2. **Diversity** - The first year curriculum should be attuned to student diversity and must be accessible by, and inclusive of, all students. First year curriculum design should recognise that students have special learning needs by reason of their social, cultural and academic transition.
3. **Design** - First year curriculum design and delivery should be student-focussed, explicit and relevant in providing the foundation and scaffolding necessary for first year learning success.
4. **Engagement** - Learning, teaching, and assessment approaches in the first year curriculum should enact an engaging and involving curriculum pedagogy and should enable active and collaborative learning.
5. **Assessment** - The first year curriculum should assist students to make a successful transition to assessment in higher education, while assessment should increase in complexity from the first to later years of curriculum design. Critically, students should receive regular, formative evaluations of their work early in their program of study to aid their learning and to provide feedback to both students and staff on student progress and achievement
6. **Evaluation and monitoring** - Good first year curriculum design is evidence-based and enhanced by regular evaluation that leads to curriculum development and renewal designed to improve student learning. The first year curriculum should also have strategies embedded to monitor all students’ engagement in their learning and to identify and intervene in a timely way with students at risk of not succeeding or fully achieving desired learning outcomes.

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<sup>4</sup> S Kift, ‘A transition pedagogy for first year curriculum design and renewal’ Keynote Address in *FYE Curriculum Design Symposium* (Brisbane: 2009). Available at [http://www.fyecd2009.qut.edu.au/resources/PRE\\_SallyKift\\_5Feb09.pdf](http://www.fyecd2009.qut.edu.au/resources/PRE_SallyKift_5Feb09.pdf) (accessed 12 February 2010).

The curriculum review of 2007-2008 provided an opportunity to redesign the Law School's first year program as guided by the First Year design principles. It was determined that the first year units should achieve, for example, the following:

- Engage double degree students in their dual learning communities.
- Provide the foundation for students to become successful learners in higher education (by facilitating the acquisition and development of the necessary legal literacy skills and knowledge).
- Promote a clear understanding to students of why they are doing these units and how they are purposefully connected and sequenced and relevant to career attainment.
- Promote the aims, objectives, learning outcomes, assessment approaches and methods and teaching and learning methods of the first year curriculum and how they connect to the degree and legal practice.
- Be student-focussed, explicit and relevant, providing the scaffolding necessary for tertiary study – focussing on the enablers of student learning rather than just on the content.

One of the main aims of designing the first year program was to ensure that the law units studied by first year students in each semester complemented each other and built on what each was introducing. This would demonstrate to students that law units are not silos, but that the knowledge and skills learnt in one unit are transferable to other law units. A First Year Design Committee was formed, the members being unit coordinators and teachers of the first year units with input from the Director of First Year Experience (QUT) and consultation with staff. The Committee identified a 'wish list' – a list of knowledge and skills that would be desirable for all first year law students to have as they start their legal studies that would assist them with all first year legal studies. On that list were such basic wishes as that the students would be able to:

- Know what a case was and what was legislation;
- Find a case when given its citation or find a case on a specified topic;
- Apply a legal problem solving methodology at its most basic level;
- Write in an accepted academic manner in plain English; and
- Be aware of the ethical obligations of the legal profession and how what they do as law students can impact on their future.

To instil some of this knowledge and skills at a basic introductory level, the Committee decided that students would benefit from a short 'introduction to law' course in the first weeks of the semester. As this could not be done outside of the course structure, a two week intensive was designed for the core unit Legal Foundations A in the first study semester.

### ***1.1.1 Two week intensive as an introduction to law***

The two week intensive is designed to assist students with not only transition into tertiary study, but also with the study of law. The aim is to give commencing students the 'big picture'. Rather than being content based, the intensive is more skills based, generally

addressing the expectations of the first year students and informing them of the expectations of the teaching teams at tertiary level.

It was thought that an intensive in addition to the usual number of contact hours would be overwhelming for students commencing a law degree. Therefore as students would be enrolled in the torts unit as well, for weeks 1 and 2 there are no torts lectures or tutorials. Instead the three contact hours are used as part of the intensive in Legal Foundations A. In each of the weeks of the intensive, students attend two lectures (two hours each); a tutorial (one hour) and a workshop (two hours).

### *Lectures*

The eight hours of lectures for the two weeks cover the following topics:

- Tertiary study.
  - Expectations of teaching staff; highlighting the variety of teaching methods that students will experience; explanation of development into independent learners;
- What is a law degree? What does it involve?
  - Integration of knowledge, skills and capabilities to become a professional.
- Where can a law degree lead you?
  - A consideration of the various career paths.
- What is a solicitor and what skills does a solicitor need?
  - Linking those required skills to the Law Graduate Capabilities with an explanation of how the graduate capabilities will be developed throughout their law degree by introducing, practising and developing skills.
- What is Legal Foundations A?
  - Why it is needed and how it fits within the law degree; what is the assessment and how does it link with the practice of law.
- Introduction to the concept of ethics.
  - Requirement for admission to legal practice is to be a fit and proper person and why that is relevant during their student years.
- Introduction to the Australian legal system.
  - Case law - What is a case, why do lawyers read them? Legislation - What is legislation? Making links to the real world (traffic regulation, drink driving, tax, government payments etc).
- Final lecture.
  - Where to from here? A recap over what done over the two weeks (including tutorials and workshops), linking those tasks/skills to study in other units, current and future and the 'real world'.

To engage the students and to allow them to experience from the start a variety of lecturing styles, the teaching team for the two week intensive draws upon staff from across the Law Faculty, not just the usual teaching team of the unit. At present the lecturers include the Dean of the Law Faculty, the Assistant Dean of Teaching & Learning and the Director of Undergraduate Program (Students).

## *Tutorials and Workshops*

In the first week tutorial students take a guided tour of the law library and are given a legal citation exercise to complete by week 4 of the semester. In the second week tutorial, real world scenarios raising ethical issues are worked through with students relying upon the lecture on ethics and their prescribed reading. In the first workshop students are introduced to the online learning environment of QUT (Blackboard) as well as provided with information as to the assistance available at the University for the developing of academic skills.<sup>5</sup> Plain English exercises are completed and the concept of academic dishonesty is discussed in light of how correct legal citation, paraphrasing and quoting can avoid allegations of plagiarism, linking back to the ethics discussions. The second week workshop is held in a computer lab and students are introduced to the legal databases that provide access to cases and Queensland legislation.

### **1.1.2 Evaluation of the two week intensive**

The intensive was run for the first time in semester 1 of 2009 with over 700 students and students were surveyed in the final week of the semester. One of the questions in the survey was whether the two week intensive had helped or hindered their transition into the study of law. The responses were overwhelmingly positive. For example:

- Really useful in preparing for what was required for law studies
- Helped. It helped with understanding some things in other subjects also ...
- A bit over whelming but very helpful.
- It made the transition possible into my law studies. I would have struggled without it.
- I found that it helped the transition because we got to learn all the basics before starting the semester.
- I thought it was really helpful! Really good learning how to use the database.
- Did help to an extent.- Was slightly overwhelming but I did find most of the information was necessary and helpful.- Library tour was helpful and helped with the library exercise.
- Helped! Great advice and really helped me with what to expect.
- Helped a lot- didn't confront us with too much subject-specific material.
- It definitely helped; I got on top of the legal referencing and location sources.
- Helped a lot. Better able to understand the basics to use throughout legal studies.
- It helped to give a background on law and how to set out questions. Helped developing basics.
- I found it helped my transition to law studies.
- The content of the intensive was a lot to take in, and the amount of reading put me off a little. In hindsight though, it prepared me for the workload of the remainder of the semester.

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<sup>5</sup> QUT offers workshops on note taking, academic writing, research, citation, time management etc.

- A good introduction to law, very informative lectures.
- I found it aided my law studies by providing an informative overview.

It was also asked whether the unit Legal Foundations A made it clear that the skills and content being learnt were important to the study of law and links with all other law units in the degree. Once again the majority of students responded positively, stating 'yes'. Some of the qualitative feedback received included:

- Yes, [it's] currently helping me with my other subjects
- Yes. Very clear and helpful.
- Yes! Very!
- Yes, & the content has been useful in other subjects.
- Yes, these skills I am using a lot in my study.
- Yes, it was established that it was important and will help understand future units.
- Very clear- all skills and knowledge learned in [Legal Foundations A] carries over to all areas of law.
- I applied all skills that I have learnt to my other subjects.

### **1.1.3 Second Semester**

In second semester the foundation unit (Legal Foundations B) focuses on legal writing and research. It builds on the basic skills introduced in Legal Foundations A and reinforced in the first semester torts unit. As the majority of students are enrolled in Legal Foundations B and the second semester torts unit (Torts B), the two have been designed to work together.<sup>6</sup> The research capabilities being taught in Legal Foundations B are reinforced by weekly tutorial research tasks in torts. These weekly tasks assist the students with the research methodology and assignment that is part of the torts unit's assessment.

## **1.2 Other First Year Initiatives**

The students that form the majority of the student cohort in first year law fall within the Gen Y classification. Members of Gen Y expect to be able to log on for information as they 'have learned to seek and expect information at the touch of a button' and therefore 'it is simplest to disseminate information in a similar fashion'.<sup>7</sup> It was recognised that lectures (even when streamed on Blackboard) and handouts may not provide students with the most effective means of communication of all the information that was being delivered as they started their studies.

Therefore a First Year Law Blackboard site was developed. Students are introduced to this site in the two week intensive as it provides a roadmap of their law degree as discussed in the lectures. In 2008 Kift identified some 'lessons learnt' when undertaking curriculum reviews and this included, 'present [students] with a clear (and constantly reiterated)

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<sup>6</sup> However, if students have not yet studied torts they are not disadvantaged as although the research tasks involve torts law they are areas not included in the core units.

<sup>7</sup> C Windham, 'The Student's Perspective' in D G Oblinger and J L Oblinger (eds), *Educating the Net Generation* (Educause, 2005) 5.13-5.14 available at: [www.educause.edu/educatingthenetgen](http://www.educause.edu/educatingthenetgen) (accessed 19 February 2010).



The First Year Experience Program recognises that many students leave a course in the early weeks of semester due to a lack of understanding as to their abilities. As stated by Nicol:

A number of problems have been identified in the literature on the first year experience of [higher education]. Specifically, failure and dropout have been related to a lack of clarity regarding expectations in the first year, low levels of teacher feedback and poor motivation. Failure has also been related to low self-belief (not believing one will be successful in study), lack of control over one's own learning and not feeling involved in (or integrating into) the academic and social life of the university community.<sup>10</sup>

Students are encouraged to join the law student association; to make a court visit (suggested trials and times were advertised to students) and to seek help with academic skills if early assessment indicated improvement was needed. Legal Foundations A provides early assessment for students to receive feedback on their understanding of some of the basic concepts introduced.

Further assistance is on offer through QUT's 'Student Success Program'.<sup>11</sup> The aim of this project is to 'trial, evaluate and ultimately establish holistic and systematic ways of helping students who appear to be at-risk of failing or withdrawing from a unit to persist and succeed.'<sup>12</sup> QUT has in place student mentors from each discipline who can contact the students identified as at risk to discuss any problems and to advise on solutions. As the core unit for commencing first year law students Legal Foundations A was part of this project in 2009. Failure to attend the weekly tutorials in Legal Foundations from week 3 or to hand in the early pieces of assessment alerted the teaching staff of students who may be facing difficulties. The identified students were then contacted by a student peer mentor to see if

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<sup>10</sup> D Nicol, 'Principles of Good Assessment and Feedback: Theory and practice' in the REAP International Online Conference on Assessment Design for Learner Responsibility, 2007. Available at [http://www.reap.ac.uk/public/Papers/Principles\\_of\\_good\\_assessment\\_and\\_feedback.pdf](http://www.reap.ac.uk/public/Papers/Principles_of_good_assessment_and_feedback.pdf) (accessed 23 February 2010). The author cites: V Tinto, 'Epilogue: Moving from theory to action' in A Seidman, *College Retention: Formula for student success* (Westport, American Council on Education and Praeger Publishers: 2005); M Yorke, *Leaving Early: Undergraduate non-completion in higher education* (Falmer, London: 1999); M Yorke, 'Formative Assessment and its Relevance to Retention' (2001) 20(2) *Higher Education Research & Development* 115; M Yorke and B Longden *Retention and Student Success in Higher Education* (Society for Research in Higher Education and Open University Press, England: 2004).

<sup>11</sup> For a discussion of the project see: K J Nelson, M E Duncan, J A Clarke, (2009) 'Student success: The identification and support of first year university students at risk of attrition' (2009) 6(1) *Studies in Learning, Evaluation, Innovation and Development* 1-15 (available at [http://sleid.cqu.edu.au/viewissue.php?id=19#Refereed\\_Articles](http://sleid.cqu.edu.au/viewissue.php?id=19#Refereed_Articles) (accessed 16 February 2010)); K J Nelson, M E Duncan and A Marrington, and J A Clarke, 'Student success: some further evidence one year on' (2009) 6(3) *Studies in Learning, Evaluation, Innovation and Development* (available at <http://eprints.qut.edu.au/28331/1/c28331.pdf> (accessed 16 February 2010)).

<sup>12</sup> M E Duncan and K J Nelson, 'The Student Success Project: Helping students at-risk of failing or leaving a unit - A work in progress' in 11<sup>th</sup> Pacific Rim First Year in Higher Education Conference, "An Apple for the Learner: Celebrating the First Year Experience", 30 June - 2 July 2008, Hobart, Tasmania, 1. Available at <http://eprints.qut.edu.au/28396/1/c28396.pdf> (accessed 16 February 2010).

any help was required. The data collated indicates that there was a significant difference in persistence – the completion of the unit.<sup>13</sup>

## 2. LAW GRADUATE CAPABILITIES

QUT badges itself as ‘a university for the real world’.<sup>14</sup> The *QUT Curriculum Design Policy* (2009) includes the principle ‘The curriculum embeds real world learning pedagogies’. As QUT makes express claims to its students to provide a ‘real world’ education, it is not an optional extra in any of the degrees offered.<sup>15</sup>

It is now well established that legal education is no longer only concerned with teaching students the theory and the letter of the law. It is now recognised that a law graduate should possess a variety of skills to ensure that they are able to practice within the profession. In 1999 the Australian Law Reform Commission opined that a law graduate was not adequately prepared for the workplace as legal education focussed on what a solicitor needed to know rather than what a solicitor needed to be able to do.<sup>16</sup>

It is now recognised that traditional curriculum planning of ‘doctrinal-heavy education does not equip graduates with many of the necessary generic skills needed to perform effectively in the modern workplace. Nor is it what employers and graduates in the legal sector most desire’.<sup>17</sup> Australian law schools took on the challenge of teaching legal skills to overcome the perceived skill deficit in law graduates. A decade ago, in response to the objectives of the QUT Teaching and Learning Plan<sup>18</sup> and the criticisms of law graduates, the QUT Law Faculty sought to embed skills into its undergraduate program.<sup>19</sup> Skills were integrated within the content of core/substantive units, balancing skills development with content

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<sup>13</sup> Student Success Project, *A detailed report on the Student Success Project as at November 2009*. A de-identified version of the report prepared for the QUT Teaching & Learning Committee is available at <https://wiki.qut.edu.au/display/FYEN/First+Year+Experience> (accessed 16 February 2010).

<sup>14</sup> See <http://www.qut.edu.au>.

<sup>15</sup> See S V McLean, ‘A Vision for QUT Curriculum: Launch of the Curriculum Design Policy’, June 2009 available at <http://www.otq.qut.edu.au/OTQ/publications/A%20Vision%20for%20QUT%20Curriculum%20Paper-12%20June%202009.pdf> (accessed 12 February 2010).

<sup>16</sup> Australian Law Reform Commission, Report No 89, *Managing Justice: A review of the federal civil justice system*, December 1999, [2.21]. See also UK Centre for Legal Education Report (1998), *General Transferable Skills in the Law Curriculum: A Survey Discipline in Law Network* available at <http://www.ukcle.ac.uk/resources/ldn/index.html> (accessed 12 February 2010); Evaluations and Investigations Programme, Higher Education Division, Department of Education, Training and Youth Affairs, *Employer Satisfaction with Graduate Skills: Research Report* (Canberra, February 2000) available at [http://www.dest.gov.au/archive/highered/eippubs/eip99-7/eip99\\_7pdf.pdf](http://www.dest.gov.au/archive/highered/eippubs/eip99-7/eip99_7pdf.pdf) (accessed 12 February 2010).

<sup>17</sup> S Kift, ‘Developing the Law Curriculum to Meet the Needs for the 21<sup>st</sup> Century Legal Practitioner’, 3.

<sup>18</sup> The concept of skills was recognised by the Queensland University of Technology Teaching and Learning Plan (2000) stating, ‘QUT’s graduates will be lifelong learners and highly employable in their chosen profession.’

<sup>19</sup> This was done under the leadership of the then Assistant Dean of Teaching & Learning Professor Sharon Christensen under a QUT Large Teaching & Learning Development Grant. For a detailed explanation of the work carried out under the grant see S Christensen and S Kift, ‘Graduate Attributes and Legal Skills: Integration or Disintegration?’ (2000) 11 *Legal Education Review* 207 and S Christensen and N Cuffe, *Graduate Capabilities in Law*, QUT Teaching and Learning Development Large Grant Project Report, January 2003 (ISBN 1 74107 005 8).

knowledge. As a result of that work, the Faculty has been recognised as a leader in embedding generic graduate skills into an undergraduate program.<sup>20</sup>

With the 2007-2008 curriculum review, the skills program in the Law School had to be revisited. The concept of 'skills' had been replaced with the concept of graduate capabilities in line with tertiary education throughout the world.<sup>21</sup> After research into graduate capabilities in other Australian law schools and other jurisdictions, for example New Zealand and the United Kingdom, the capabilities of a QUT graduate were defined in relation to a law graduate.<sup>22</sup> In light of the whole-degree approach adopted by the curriculum review, the capabilities had to be scaffolded throughout the law degree to ensure there were no gaps in the development of these capabilities.

## 2.1 Scaffolding of Capabilities

Kift has stated:

mapping starts with a whole program matrix onto which the discipline's desirable knowledge, skills and attitudes are carefully plotted for multiple learning opportunities and contexts, increasing in complexity over the course of the degree program.<sup>23</sup>

To ensure that the capabilities were embedded correctly, it was decided that there should be three levels. Level 1 'Foundation' would be embedded into first year units; Level 2 'Develop' would be embedded into second year units and the third level 'Graduate' would be in the third and fourth year units.<sup>24</sup>

At level 1 there is an emphasis on instruction and development of skills. Students are given several opportunities to practise and develop their knowledge and skills within different legal contexts. At level 1 students are expected to acquire a broad knowledge of the Australian legal framework and knowledge of the substantive law subjects studied (contracts and torts); to apply generic capabilities (information literacy, communication,

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<sup>20</sup> See R Johnstone and S Vignaendra, (2003), *Learning Outcomes and Curriculum Development in Law* available at [http://cald.anu.edu.au/docs/AUTC\\_2003\\_Johnstone-Vignaendra.pdf](http://cald.anu.edu.au/docs/AUTC_2003_Johnstone-Vignaendra.pdf) (accessed 11 February 2010). A Report Commissioned by the Australian Universities Teaching Committee. Canberra: Commonwealth of Australia (see specifically Chapter 5 (pp 117, 151-154); Chapter 8 (pp 218-219); Chapter 9 (pp 333-334); Chapter 15 (re assessment pp 383-388); Chapter 16 (p 455); Chapter 18 (p 455)); J McKenzie; Alexander, C Harper; S Anderson (2005) *Dissemination, Adoption & Adaptation of Project Innovations in Higher Education* available at <http://www.altc.edu.au/resource-dissemination-adoption-uts-2005> (accessed 11 February 2010); Professor D Weisbrot, 'What lawyers need to know, what lawyers need to be able to do: An Australian Experience', Association of Legal Writing Directors Conference: Erasing Lines – Integrating the Law School Curriculum (2001) available at <http://www.alrc.gov.au/speeches/DW/2001/20010727.pdf> (accessed 11 February 2010).

<sup>21</sup> The QUT Graduate Capabilities can be found at [http://www.mopp.qut.edu.au/C/C\\_04\\_03.jsp](http://www.mopp.qut.edu.au/C/C_04_03.jsp) (accessed 11 February 2010).

<sup>22</sup> The QUT Law Graduate Capabilities are attached as an appendix to this paper.

<sup>23</sup> S Kift, 'Integrating the Knowing, the Doing and the Practise: An Early Australian Case Study of Curriculum Renewal' in *International Conference on the Future of Legal Education* (Georgia State University College of Law, Atlanta: 2008) 5 available at <http://law.gsu.edu/FutureOfLegalEducationConference/Papers/Kift-SS.pdf> (accessed 24 February 2010).

<sup>24</sup> These three levels were finalised after meetings with every core unit's teaching team to align the learning outcomes and assessment of each unit with the corresponding level of graduate capabilities.

time management, independent study and teamwork) as well as core legal capabilities such as problem solving, case analysis and statutory interpretation. Reflection is encouraged at a basic level – students are asked to reflect upon feedback provided in respect of various tasks and assessment to identify areas that require improvement and consider how they may improve.

At level 2 the instruction focuses on developing the foundation established in level 1. Additional tuition advances the foundational knowledge and capabilities in an environment which is linked to a real world legal scenario.

In the third and fourth year units (level 3), instruction is limited to development of the capability to an advanced level within a real world context. This ideally includes the practise and assessment of capabilities in a combination of several core areas of substantive law in a practical context. Students should be able to demonstrate a self reflective approach as they will be required to draw upon previous experiences and feedback within their law studies.

## 2.2 Issues with Implementation

As with skills, certain capabilities were easily identified as already embedded, for example, legal problem solving is part of every unit’s tutorial program. Other capabilities, however, created issues as to how to embed them into units in a meaningful way so the capability would not look like an ‘add-on’. Specific capabilities were identified as requiring more attention to embed in a meaningful and structured way:

- Indigenous perspectives and content;<sup>25</sup>
- Legal research;
- Ethics; and
- International content and perspectives.

As part of this process Project Officers were appointed by the Head of School to carry out research into how these capabilities could be taught and assessed; to advise which units could be modified to include the relevant content and skills; and to advise and support the teaching teams in developing materials and assessment.

### 2.2.1 Example - Ethics

The teaching of ethics, professionalism and service has been flagged as a key trend in the 2009 report *Learning and Teaching in the Discipline of Law: Achieving and sustaining excellence in a changed and changing environment*.<sup>26</sup> This follows on from previous recommendations that ‘in addition to the study of core areas of substantive law, university

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<sup>25</sup> QUT Manual of Policy and Procedures, C4.2 Curriculum Design: ‘Curriculum design acknowledges the existence of multiple legitimate knowledge frameworks in the global population and strives to incorporate Indigenous perspectives, and develop intercultural understanding’: [4.2.4].

<sup>26</sup> Council of Australian Law Deans and Australian Learning and Teaching Council, Project Final Report (2009) *Learning and Teaching in the Discipline of Law: Achieving and sustaining excellence in a changed and changing environment*. Available at [http://www.cald.asn.au/legal\\_educ.html](http://www.cald.asn.au/legal_educ.html) (accessed 12 February 2010).

legal education in Australia should involve the development of high level professional skills and a deep appreciation of ethical standards and professional responsibility'.<sup>27</sup>

QUT policy requires that every course should aim to develop graduates who are able to demonstrate 'valuing and promoting truth, accuracy, honesty, accountability and the code of practice relevant to the discipline or professional area'.<sup>28</sup> This capability of ethics is obviously very relevant to law students and graduates. Justice Kirby of the Australian High Court stated in 1997 that there was a need to infuse 'all law teaching with a consideration of the ethical quandaries that can be presented to lawyers in the course of their professional lives.'<sup>29</sup>

Traditionally the teaching of ethics in the QUT Law School had been left to a final year subject where students were bombarded with rules and the various duties owed by the legal profession. This final year unit had an emphasis on the statutory provisions with some consideration of trust account requirements of legal practice. With the embedding of skills under the 2000-2001 curriculum review, some ethical orientation had been added to first year units, but there was no development of this capability throughout the degree except on an ad hoc basis.

In the latest curriculum review, ethics was embedded into core units of the undergraduate law degree at all three levels. In first year units the concept of ethics was introduced to students in the first week of their first semester. Students were made aware of what was meant by 'legal ethics', the various duties owed by a legal practitioner and the rules for admission to legal practice, including a discussion of what was 'personal misconduct' that could lead to problems upon seeking admission as a practitioner. Access is also provided to interactive modules available through the Legal Services Commission of Queensland which allows students to work through a legal ethics scenario and get feedback on their understanding instantly.<sup>30</sup> In another first year unit, torts, the examination of breach of duty of care in negligence was linked with the consequences under the Queensland legal profession legislation when the duty in breach was that of a solicitor to a client. Across all first year units, academic dishonesty, in particular plagiarism and the adverse consequences were emphasised and examined.<sup>31</sup>

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<sup>27</sup> Australian Law Reform Commission, Report No 89 (2000), *Managing Justice: A Review of the Federal Civil Justice System*, 142 available at <http://www.austlii.edu.au/au/other/alrc/publications/reports/89/> (accessed 16 February 2010) [2.21] See also E Pearce, E Campbell and D Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (Australian Government Publishing Service, Canberra: 1987) vol 1, 1.

<sup>28</sup> QUT Manual of Policy and Procedures, C4.3 Graduate Capabilities, [4.3.3]. In the Law Graduate Capabilities this falls within (6) 'Professional, Social and Ethical Responsibility'.

<sup>29</sup> Hon M Kirby, 'Legal Professional Ethics in Times of Change' (1997) 3 *The Judicial Review* 73, 84.

<sup>30</sup> Legal Services Commission, Queensland available at <http://www.lsc.qld.gov.au> (accessed 12 February 2010).

<sup>31</sup> Section 31 of the *Legal Profession Act 2007* (Qld) states that 'A person is suitable for admission to the legal profession under this Act only if the person is a fit and proper person to be admitted.' Applicants must disclose all matters that may bear adversely on their suitability: *Legal Profession Act 2007* (Qld), Form 7. This includes any record or investigation of academic dishonesty. See *Re Liveri* [2006] QCA 152 where three charges of plagiarism meant the law graduate was not considered fit for admission as a legal practitioner.

In the second level units, ethics is developed further so students can recognise an ethical dilemma and suggest a solution. This capability is embedded in the second year units of criminal law, equity, trusts and property law. In the third and fourth year units (level 3) students are able to demonstrate their understanding of ethical standards and professional responsibility and be able to recognise and define ethical dilemmas in a range of contexts and provide solutions to resolve the dilemmas. Units that teach, practise and assess this level include civil procedure, evidence, corporate law and professional responsibility.

Embedding the *content* of ethics was a relatively easy task. More difficult was assessing the students' attainment of the capability. In each unit where ethics has been included, assessment of understanding takes place in tutorials with set problems and if possible, in exam questions and assignments. More work is currently taking place to teach ethics and to provide students with feedback on their understanding with the use of technology.<sup>32</sup>

### 2.3 Linking the Assessment with the 'Real World'

A 2002 study on the assessment of learning observed:

Students value assessment tasks they perceive to be 'real': assessment tasks that present serious challenges, not only for the grades at stake, but also for the nature of the knowledge and skills required. Students respect assessment tasks they believe mirror the skills needed in the workplace.<sup>33</sup>

Further, the assessment principles of QUT include the requirement that 'assessment approaches are consistent with QUT's approach to real world learning and teaching and include a variety of assessment tasks.'<sup>34</sup> As noted above, effort has been made with the new curriculum to link in the students' minds the capabilities they are developing with not only their study but also with legal practice.

The descriptions of the assessment in all units were revised to ensure that the capabilities being assessed were identified and how the capability links with the practice of law was clearly communicated. Further, the curriculum review sort to ensure that the assessment in all units was as 'real world' as possible. Not all assessment can be 'real world', but each unit includes at least one piece of assessment that can be linked to legal practice.<sup>35</sup>

#### 2.3.1 Example of 'real world assessment'

In first year students enrol in Legal Foundations B, a unit that focuses on introducing legal writing and research capabilities. To try to make students understand that legal research and written communication is not a task they just do for assignments in Law School but

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<sup>32</sup> Professor Des Butler of the QUT Law School is currently developing a series of modules combining video podcasts and vignettes concerning professional ethics utilising images and machinima created with 'Second Life'. In 2009 Professor Butler was awarded an Australian Learning and Teaching Council Teaching Fellowship to develop the program (entitled 'Entry into Valhalla') for teaching professional ethics and the transfer of the knowledge of producing cost-effective multimedia to other academics. See <http://www.altc.edu.au/altc-teaching-fellow-des-butler> (accessed 12 February 2010).

<sup>33</sup> R James, C McInnis and M Devlin, *Assessing Learning in Australian Universities: Ideas, strategies and resources for quality in student assessment* (Centre for the Study of Higher Education, Melbourne: 2002), 10 available at [www.cshe.unimelb.edu.au/assessinglearning](http://www.cshe.unimelb.edu.au/assessinglearning) (accessed 12 February 2010).

<sup>34</sup> QUT Manual of Procedures and Policy, C5.1 Assessment, [5.1.1].

<sup>35</sup> A table of examples of 'real world' assessment is provided as an appendix.

essential capabilities for legal practitioners, a major piece of the assessment in the unit is a client file. This client file is an ongoing piece of assessment throughout the semester. The file starts with a memo from a partner of the law firm, providing background details of a client's case and instructing the solicitor/student to carry out specific research tasks in relation to the case. As the students are at level 1 of the graduate capabilities, the tasks guide them through the research process. For example, they are instructed to provide an initial analysis of the client's position by identifying the key facts, jurisdictions, issues and possible search terms. The other tasks direct them to sources of law they are to use and get them to explain their research strategy and correctly cite the source. For example, how did they find the information in *Halsbury's Laws of Australia*, how did they find the paragraph referred to by the partner in the *Australian Torts Commentary* published by CCH online? Students also have to summarise the law, for example they are directed how to find a piece of legislation and then they have to read the section referred to in the memo and paraphrase it. Once these research tasks have been carried out, the student is required to draft a letter (300 words) to the client outlining the issues, the law and identifying what further information is needed in order for proper legal advice to be given. This client file is marked (including individual feedback and a completed criteria referenced assessment form) and returned to students before the end of semester as the final piece of assessment relates to the file. The additional facts are provided to the students as well as further research tasks related to previous research and students draft a memo of advice, properly referenced, to the partner based upon the key issues identified in the instructions.

### 3. WORK INTEGRATED LEARNING

Work Integrated Learning has developed from pressure upon universities to provide work ready graduates. In a recent Australian report it is stated:

Increasingly, universities are required to show how theory and practice combine in undergraduate and postgraduate degrees to generate graduates who are work-ready. Therefore, contemporary Australian universities need to develop highly informed and skilled graduates whose capacities extend to their own active generation of occupationally related knowledge, and also 'prepare a highly productive, professional labour force ... including the preparation of graduates in relevant fields for professional practice'.<sup>36</sup>

QUT has invested considerable resources over the last few years in developing a work integrated learning curriculum across all disciplines. Providing law students with the opportunity for experiential learning has been identified as desirable to allow students to develop professionally and assist in the transition from law school to legal practice.<sup>37</sup>

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<sup>36</sup> C-j Patrick, D Peach, C Pocknee, F Webb, M Fletcher, G Pretto, *The WIL [Work Integrated Learning] report: A national scoping study* (QUT, Brisbane: 2008) 3 available at [www.altc.edu.au](http://www.altc.edu.au) (accessed 15 February 2010). Citing D Bradley, P Noonan, H Nugent, and B Scales, *Review of Australian Higher Education Discussion Paper* (Commonwealth of Australia: 2008) 2 available at [http://www.dest.gov.au/NR/rdonlyres/06C65431-8791-4816-ACB9-6F1FF9CA3042/22465/08\\_222\\_Review\\_AusHEd\\_Internals\\_100pp\\_FINAL\\_WEB.pdf](http://www.dest.gov.au/NR/rdonlyres/06C65431-8791-4816-ACB9-6F1FF9CA3042/22465/08_222_Review_AusHEd_Internals_100pp_FINAL_WEB.pdf) (accessed 16 February 2010).

<sup>37</sup> See R Stuckey, 'Best Practices for Legal Education: A Vision and A Road Map'. (United States Clinical Legal Education Association: 2007); W M Sullivan, A Colby, J W Wegner, L Bond & L S Schulman,

Placement of law students is not an easy thing to achieve, and at QUT Law School where there are over 400 final year students, such placement is not possible. With the many technologies now available, we are taking advantage of technology to provide our students with more opportunities. Currently the Law School offers the following Work Integrated Learning units:

- Internship
  - This unit provides students with work experience in a public sector legal office, the placements organised by the Law School.<sup>38</sup>
- Learning in Professional Practice
  - Students organise their own placement in a legal office, though assistance in arranging a placement is available.<sup>39</sup>
- Virtual Law Placement
  - This unit utilises online communication technologies to allow students to engage in a virtual workplace.<sup>40</sup>
- Legal Clinic
  - Students are placed with Legal Aid Queensland, Prisoners Legal Services of the Aboriginal and Torres Strait Islander Corporation for Legal Services one day a week during the semester.

An innovative unit is the Virtual Law Placement.<sup>41</sup> The designers of the unit have stated:

[Virtual Law Placement] can be said to be a simulation internship course which uses online technology to facilitate the work experience under the supervision of real world workplace supervisors who have specialist expertise in their particular area of practice. The use of simulations as a form of experiential learning and the use of technology in legal education particularly in the provision of simulations is well founded in the legal education literature.<sup>42</sup>

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‘Educating Lawyers: Preparation for the Profession of Law: The Carnegie Foundation for the Advancement of Teaching’ (Jossey-Bass: 2007); J McNamara, T L Cockburn and M Shirley, ‘Creating and enabling opportunities for increased student participation in experience based learning in professional practice’ in *Experience Based Learning Association Inaugural Conference*, 7-9 December 2009, University of Technology Sydney, Sydney available at <http://eprints.qut.edu.au/29491/1/c29491.pdf> (accessed 15 February 2010).

<sup>38</sup> For further information on internship as WIL see: J McNamara, ‘The challenge of assessing student capabilities in legal internships’ (2008) in *Proceedings WACE Asia Pacific Conference*, Sydney, Australia available at <http://eprints.qut.edu.au/15057/1/15057.pdf> (accessed 16 February 2010).

<sup>39</sup> For an explanation of this unit see: J McNamara, T L Cockburn and M Shirley, ‘Creating and enabling opportunities for increased student participation in experience based learning in professional practice’ in *Experience Based Learning Association Inaugural Conference*, 7-9 December 2009, University of Technology Sydney, Sydney, 4-7 available at <http://eprints.qut.edu.au/29491/1/c29491.pdf> (accessed 15 February 2010).

<sup>40</sup> The online technologies used include: Blackboard, Skype, discussion forums, student ePortfolio, online chat and SharePoint.

<sup>41</sup> For information on Virtual Law Placement, see [http://www.acen.edu.au/index.php?option=com\\_content&view=article&id=129:virtual-placement-project-vpp&catid=62:curriculum-vignettes&Itemid=90](http://www.acen.edu.au/index.php?option=com_content&view=article&id=129:virtual-placement-project-vpp&catid=62:curriculum-vignettes&Itemid=90) (accessed 26 February 2010).

<sup>42</sup> J McNamara, T L Cockburn and M Shirley, ‘Creating and enabling opportunities for increased student participation in experience based learning in professional practice’ in *Experience Based Learning Association Inaugural Conference*, 7-9 December 2009, University of Technology Sydney, Sydney, 7 available at <http://eprints.qut.edu.au/29491/1/c29491.pdf> (accessed 15 February 2010).

Virtual Law Placement provides students with an opportunity to work in one of the diverse range of working environments that are available to law graduates, including international work placements. Students must apply their legal knowledge and skills to complete a real world workplace project, using online communication technologies to enable students to be virtually, rather than physically, present at the workplace and to engage with the other participants in the workplace, including the workplace supervisor of the virtual placement.

The unit allows students to complete 'real world' tasks under the guidance of workplace supervisors from local, national and international community partners. In its second offering in 2009 three organisations were involved in the unit, two were law firms with partners in the role of the supervisor and a charitable international social justice organization which operates in South East Asia, particularly Thailand and Cambodia.

The unit also provides the opportunity to learn about the most effective methods for applying for a professional legal position, including how to prepare a resume, write a covering letter and address selection criteria, where relevant given the nature of the workplace. Part of the assessment is the student's job application for a position with one of the organisations.

The unit brings together the law graduate capabilities into one unit. The tasks and projects involve:

- knowledge of the relevant law of the project;
- ability to work independently and meet timelines;
- legal research;
- written and oral communication to diverse audiences;
- ethics;
- self-reflection using Student ePortfolio;
- applying knowledge of law to a real world project;
- leadership; and
- teamwork.

The unit ran for the first time in 2008 and a second time in 2009 and the feedback indicated that students 'appreciated the opportunity to work on real world projects with real world supervisors, plan for their future careers and especially appreciated receiving feedback from real world human resources people, real world employers and experts, as opposed to academics.'<sup>43</sup> Although the unit was capped at 20 students for the pilot, it is anticipated that eventually it will accommodate over 500 students.

## CONCLUSION

When undertaking a curriculum review of a law degree, it must be recognised that there is a need to:

deliver more sophisticated and efficiently blended learning environments and to scaffold the student experience of the degree purposefully from the first year to a

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<sup>43</sup> Ibid 8.

capstone experience and out to the next stage of legal education (in Australia, Legal Practice Courses) or the world of work.<sup>44</sup>

The whole-degree approach of the QUT Law School's 2007-2008 curriculum review has sought to achieve a degree that assists first year students with transition into tertiary study and then guides them through the three levels of the law graduate capabilities to enable them to make the transition into the 'real world' with confidence.

In the new curriculum particular attention is given to the linking of capabilities not only through the three levels but also between individual units – a task that commences in week 1 of first semester. Approximately 20 years have passed since concern was raised as to the over-teaching of the content of law and the disregard for the teaching of the necessary skills by universities. QUT provides a practical law degree as requested by the Queensland Legal Profession,<sup>45</sup> by embedding capabilities throughout the degree and vertically aligning those capabilities in such a way that students can build upon their knowledge and practise the necessary skills. Assessment is 'real world' wherever possible, demonstrating to students the link between the law and skills they are learning with their possible career choice. Even such simple assessment tasks, for example a as client legal interviewing as role play, turn students' attention to why communication skills are important and even how the law actually works when advising a client. And students appreciate 'real world' assessment as a learning tool. And now, Work Integrated Learning and technology enable students to experience work-like situations to 'bring together' their knowledge of law and their skills to perhaps surprise themselves that they could be a solicitor one day.

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<sup>44</sup> S Kift, 'Integrating the Knowing, the Doing and the Practise: An Early Australian Case Study of Curriculum Renewal' in *International Conference on the Future of Legal Education* (Georgia State University College of Law, Atlanta: 2008) 6 available at <http://law.gsu.edu/FutureOfLegalEducationConference/Papers/Kift-SS.pdf> (accessed 24 February 2010).

<sup>45</sup> The QUT Law Faculty was established in 1977 at the request of the law profession to provide a comprehensive and practical law course that would produce graduates with the skills to work in a challenging and changing environment, both nationally and internationally.

## QUT LAW SCHOOL GRADUATE CAPABILITIES

### **1 Discipline Knowledge**

- 1.1 Possess a comprehensive knowledge and understanding of Australian law, institutional frameworks and legal policy.
- 1.2 Understand the relationship between domestic and international law and its impact on Australian law and policy.
- 1.3 Understand the interaction of contextual (historical, political, socio-economic, gender, Indigenous and culture) and policy factors on the development of the law and the resolution of legal problems.

### **2 Problem Solving, Reasoning and Research**

- 2.1 Recognise and define legal problems.
- 2.2 Use current technologies and effective strategies to locate and manage legal information
- 2.3 Extract, evaluate and synthesise legal principles, policy considerations and contextual issues from primary and secondary sources
- 2.4 Analyse and critically evaluate legal issues, policy considerations and relevant contextual issues to construct arguments relevant to the legal problem
- 2.5 Apply relevant legal principles, contextual and policy considerations to provide practical advice for the resolution of real world legal problems.

### **3 Effective Communication**

- 3.1 Select and use the appropriate level, style and means of oral and written communication in a variety of contexts.
- 3.2 Present legal concepts, arguments and counter-arguments clearly and in plain English (orally and in writing).
- 3.3 Engage in non-adversarial dispute resolution to build legal relationships.

### **4 Life Long learning**

- 4.1 Use a wide range of legal skills (research, problem solving, communication, legal analysis, critical thinking) in new and changing environments.
- 4.2 Think critically and creatively about responses to legal problems.
- 4.3 Evaluate and reflect upon own performance to implement personal learning strategies.

### **5 Work Independently and Collaboratively**

- 5.1 Manage time effectively and prioritise activities to achieve goals.
- 5.2 Assume responsibility for learning and working independently.
- 5.3 Be a cooperative and productive team member or leader.

### **6 Professional, Social and Ethical Responsibility**

- 6.1 Understand, value and promote ethical standards and professional responsibility within the law and legal profession.
- 6.1 Recognise and provide possible solutions for resolving ethical dilemmas.
- 6.3 Appreciate the operation and the role of law in a wider social context, including Indigenous, racial, cultural and gender perspectives.

### **7 Characteristics of Self-Reliance and Leadership**

- 7.1 Recognise the need for change, generate ideas and adapt innovatively to changing environments.

## Examples of 'Real World' Assessment in the QUT Law School

LAW GRADUATE CAPABILITY LEVEL	ASSESSMENT		
<p><b>LEVEL 1</b></p>	<p><b>Negotiation exercises</b> In Contracts a computer program provides an on-line instructional video on basic negotiation theory and practice. It is then followed by two on-line modules containing a number of scenario-based questions which provide the student with the opportunity to practise the principles of negotiation and receive feedback on their answers. (See D Butler, 'Air Gondwana: Teaching Basic Negotiation Skills Using Multimedia' (2008) 1 <i>Journal of the Australasian Law Teachers Association</i> 213. Available at: <a href="http://www.austlii.edu.au/au/journals/JIALawTA/2008/20.pdf">http://www.austlii.edu.au/au/journals/JIALawTA/2008/20.pdf</a> (accesses 18 February 2010)).</p>	<p><b>Legal client interview and memo to partner in law firm</b> In Torts students engage in role play to act as solicitor and client in various real world scenarios, the solicitor being required to elicit the relevant information from the client and to advise on possible actions and remedies. A second piece of assessment requires them to read a client statement and write a memo to a Partner identifying the possible actions in trespass and what further information is required from the client.</p>	<p><b>Client file</b> In Legal Foundations B (a research and writing based unit), students complete directed research tasks as instructed by a 'Senior Partner', draft a client letter and a memo of advice after additional information is supplied.</p>
<p><b>LEVEL 2</b></p>	<p><b>Letter of advice</b> In Equity students work as a team to write and submit a letter of advice in relation a real world problem.</p>	<p><b>Advocacy</b> In Fundamentals of Criminal Law and Criminal Responsibility, students are allocated in pairs a particular real world scenario - one student for the prosecution and one for the defence. Each presents a 10-minute argument in an adversarial situation on the allocated problem and the tutor asks questions from the Bench as part of the assessment.</p>	<p><b>Negotiation plan and exercise</b> In Trusts, students prepare and submit a written negotiation plan based on a real world scenario and then subsequently conduct a negotiation in their tutorial doing role play.</p>
<p><b>LEVEL 3</b></p>	<p><b>Mock judicial hearing</b> In Administrative Law students prepare and deliver submissions relating to a number of issues raised by a real world problem set for the week. Two students act for the applicants in the matter, while two act for the respondents. Each team presents for no more than 20 minutes.</p>	<p><b>Drafting of court documents</b> In Civil Procedure students plan questions appropriate for the different stages in the trial process and object to questions on proper grounds, based upon information provided by another student who is acting as a witness and opponent counsel in a 40 minute closed book exercise.</p>	<p><b>Trial exercise</b> To enhance their understanding of the trial process, students plan questions appropriate for the different stages in the trial process and object to questions on proper grounds, based upon information provided by another student who is acting as a witness and opponent counsel.</p>



**Discipline Knowledge**

- Possess a comprehensive knowledge and understanding of Australian law, institutional frameworks and legal policy.
- Understand the relationship between domestic and international law and its impact on Australian law and policy.
- Understand the interaction of contextual (historical, political, socio-economic, gender, Indigenous and culture) and policy factors on the development of the law and the resolution of legal problems.

**Problem Solving, Reasoning and Research**

- Recognise and define legal problems. Use current technologies and effective strategies to locate and manage legal information
- Extract, evaluate and synthesise legal principles, policy considerations and contextual issues from primary and secondary sources
- Analyse and critically evaluate legal issues, policy considerations and relevant contextual issues to construct arguments relevant to the legal problem
- Apply relevant legal principles, contextual and policy considerations to provide practical advice for the resolution of real world legal problems.

**Effective Communication**

- Select and use the appropriate level, style and means of oral and written communication in a variety of contexts.
- Present legal concepts, arguments and counter-arguments clearly and in plain English (orally and in writing).
- Engage in non-adversarial dispute resolution to build legal relationships.

**Life Long Learning**

- Use a wide range of legal skills (research, problem solving, communication, legal analysis, critical thinking) in new and changing environments.
- Think critically and creatively about responses to legal problems.
- Evaluate and reflect upon own performance to implement personal learning strategies.

**Work Independently and Collaboratively**

- Manage time effectively and prioritise activities to achieve goals.
- Assume responsibility for learning and working independently.
- Be a cooperative and productive team member or leader.

**Professional, Social and Ethical Responsibility**

- Understand, value and promote ethical standards and professional responsibility within the law and legal profession.
- Recognise and provide possible solutions for resolving ethical dilemmas.
- Appreciate the operation and the role of law in a wider social context, including Indigenous, racial, cultural and gender perspectives.

**Characteristics of Self-Reliance and Leadership**

- Recognise the need for change, generate ideas and adapt innovatively to changing environments.

**What do we want to achieve?**

*“Graduate capabilities are best developed when they are embedded in the process and content of learning.”* (Hart, Bowden & Watters, (1999) ‘Graduate Capabilities: A framework for assessing course quality’ *Higher Education in Europe*, 24(2))

- Not only teach the various skills that combine to create the capabilities, but provide students with opportunities to practise, receive feedback, reflect and improve before assessment.
- Make a clear link between what is being taught, practised and assessed with the capabilities and the ‘real world’.

**What have we done so far?**

*“mapping starts with a whole program matrix onto which the discipline’s desirable knowledge, skills and attitudes are carefully plotted for multiple learning opportunities and contexts, increasing in complexity over the course of the degree program”* (Kift, (2008) ‘Integrating the Knowing, the Doing and the Practise: An early Australian case study of curriculum renewal’, *International Conference on the Future of Legal Education*)

- Curriculum review of the undergraduate law degree.
- Identified the law graduate capabilities based upon legal practice and related employment and previous embedding of skills in the degree.
- Drafted the objectives for a student completing their 1<sup>st</sup> level (1<sup>st</sup> year units) ; 2<sup>nd</sup> level (2<sup>nd</sup> year units) and 3<sup>rd</sup> level (3<sup>rd</sup> and 4<sup>th</sup> year units) of law studies.
- Embedded and mapped the capabilities in all core units in the degree, ensuring consistency across the levels and vertical alignment.
- Explanation of graduate capabilities in the law degree in all study guides and a matrix of the capabilities for the particular unit in its study guide with reference to the year level objective, the unit’s learning objectives and where the capabilities are taught, practised and assessed, emphasising the relevance of developing the capabilities for the study and practice of law and linking assessment and learning tasks to the ‘real world’.

**Challenges faced so far?**

- Gaining a common understanding amongst staff of what skills combine to create a capability, eg, what do we mean by ‘research’ in an undergraduate law degree?
- Ensuring that the capabilities ‘fit’ the unit in which they are being developed so students understand how the skills/capabilities are relevant to their learning, eg ensuring that Indigenous content and perspectives and ethics are not seen as an ‘add-on’ by students.

**Future challenges?**

1. Designing criteria referenced assessment that aligns with the capabilities and the three levels of objectives, including identifying in all assessment what combination of capabilities are being assessed.
2. Dealing with diversity of students’ knowledge and experience when starting a law degree in light of the level of the capabilities being taught.
3. Mapping and embedding capabilities in electives at the appropriate level so students are not disadvantaged by their choice of electives and at which point in their degree they undertake them.



# LWB422: Virtual Law Placement



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### Challenge

Offering virtual work placements to address the constraints of a limited employer pool for large student numbers, cost of delivery and need for flexibility required by external/rural and remote/part time students. Undergraduate law students apply legal knowledge and skills to complete a real world project in a team and engage with others in the workplace using the affordances of technology.

### Teaching approach

- QUT Careers & Employment and academic learning support on applying and preparing for the virtual placement.
- Liaison between unit coordinator, virtual workplace and workplace supervisor.
- Self-assessment and reflective practice.
- Engagement with online training resources and completion of the virtual workplace project.
- Assessment on tasks associated with employment.
- Use of the unit's QUT Blackboard site and communication tools.
- Workplace supervision, feedback and evaluation.
- Unit content, structure and IT platform designed with industry partners for mutually beneficial, worthwhile and authentic participation.

### Project partners are:

1. John Swinson, partner Mallesons Stephen Jaques [www.mallesons.com](http://www.mallesons.com)
2. Australian Lawyers Alliance [www.lawyersalliance.com.au](http://www.lawyersalliance.com.au)
3. Bridges Across Borders [www.babsea.org](http://www.babsea.org), [www.sea-clinictalk.org](http://www.sea-clinictalk.org)

### Learning objectives

The VLP, generally undertaken in the capstone year, facilitates transition from University to the world of work.

At the completion of this unit students should be able to:

1. Prepare a resume, respond to selection criteria and write a letter of application for employment as a law graduate.
2. Take responsibility for their professional learning and career management.
3. Complete a real world workplace project in a team using existing legal knowledge and developing workplace skills.
4. Work in a virtual environment and engage with, understand and embrace the communication skills, literacies and technologies required to interact in the workplace.
5. Learn from experiences by documenting and reflecting upon their learning experiences in the virtual placement.

### Learning outcomes

Student responses during enrolment indicate high interest and excitement. Other universities are following our lead.

Pilot with 30 students in Semester 2, 2008 but eventually available for up to 550.

### Anticipated outcomes include:

- Access to real world experience through virtual, rather than physical, workplace presence.
- Effectively apply for professional legal positions.
- Identify ways to ensure an authentic, sustainable project.
- Maintain, manage and build relationships with industry, including international partners.
- Maximise avenues of support for expanding the project through addressing broader QUT imperatives.

### Resources and tools used

Using QUT Blackboard, students access practical online resources on topics such as teamwork, ethics, ePortfolio, careers, project and time management, plus workplace supervisor resources on assessment and facilitating online discussion.

A visual organiser enhances navigation of learning resources in the Blackboard site.

Communication and collaboration tools reflect those of the workplace, such as Sharepoint for MSJ Lawyers.

### Advice for others

- Use a networked approach for collaborative design (for example, TALSS, Careers & Employment, Equity) and industry partners for authentic content and approaches.
- Access existing resources where possible.
- Be prepared ... long lead time; time consuming.

### Additional information:

- [http://www.carrickexchange.edu.au/download-files/Virtual\\_Placement\\_Project.pdf](http://www.carrickexchange.edu.au/download-files/Virtual_Placement_Project.pdf)
- <http://law.qut.edu.au/about/wil/>

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