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Providing a law degree for the “real world”: perspective of an Australian law school

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The Queensland University of Technology badges itself as “a university for the real world”. For the last decade the Law Faculty has aimed to provide its students with a ‘real world’ degree, that is, a practical law degree. This has seen skills such as research, advocacy and negotiation incorporated into the undergraduate degree under a university Teaching & Learning grant, a project that gained international recognition and praise. In 2007–2008 the Law Faculty undertook another curriculum review of its undergraduate law degree. As a result of the two year review, QUT’s undergraduate law degree has fewer core units, a focus on first year student transition, scaffolding of law graduate capabilities throughout the degree, work integrated learning and transition to the workplace. The revised degree commenced implementation in 2009. This paper focuses on the “real world” approach to the degree achieved through the first year programme, embedding and scaffolding law graduate capabilities through authentic and valid assessment and work integrated learning.

Introduction

Recently the Law School of the Queensland University of Technology (QUT) underwent a curriculum review (2007–08). 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 2000–01.

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;

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- 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 workplace. 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."¹ 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."²

¹K. 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.

²QUT 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"

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.³

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” 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 the first semester.

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

³S. Kift and R. Field, “Intentional First Year Curriculum Design as a Means of Facilitating Student Engagement: Some Exemplars”, paper presented at the 12th 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”, paper presented at the First Year Experience Program Conference (QUT, Brisbane, 2003), available at 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”, paper presented at the Enhancing Student Success Conference (University of Newcastle, 2005), available at <http://www.ccc.newcastle.edu.au/studentssupport/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”, paper presented at the 9th First Year in Higher Education Conference (Brisbane, 2006), available at http://www.fyhe.qut.edu.au/past_papers/2006/program.html (accessed 12 February 2010).

⁴S. 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 (accessed 12 February 2010).

- (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-focused, 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.

The curriculum review of 2007–08 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-focused, explicit and relevant, providing the scaffolding necessary for tertiary study – focusing 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 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 not only with 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 capabilities⁵ 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

⁵The QUT law graduate capabilities are attached as Appendix 1 to this paper.

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) and are provided with information as to the assistance available at the university for the developing of academic skills.⁶ 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.

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.

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.

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:

⁶QUT offers workshops on note taking, academic writing, research, citation, time management, etc.

Yes, [it's] currently helping me with my other subjects

Yes, & the content has been useful in other subjects.

Yes, these skills I am using a lot in my study.

I applied all skills that I have learnt to my other subjects.

Although the feedback from students clearly demonstrated that the intensive had assisted with transition to the study of law, some issues were identified. One issue raised by students and staff was the administration of the intensive. Students indicated that there was confusion as to what they were to attend during the two weeks and how they were to register for the various classes. The method of communication with students before the start of the semester had to be improved upon to give better guidance.

As to the content of the intensive, the two-week intensive has now been offered four times and minor changes have been made each time in light of student feedback. The teaching team raised the issue that students had found the lecture introducing ethics overwhelming and had struggled with the legal ethics scenarios discussed in the linked tutorial. The response of the students after the ethics lecture and during the related tutorial revealed that students found the topic interesting; however, they struggled with some of the legal concepts such as the duty owed by a legal practitioner and the rules imposed by legislation. In response to this the ethics lecture was reduced to one hour and relocated to the second week of the intensive. The focus of the lecture was changed to examine ethics in light of academic dishonesty and how the conduct of a law student may affect admission to legal practice. The additional material that considered the legislation and rules was placed later in the semester when students were more familiar with legislation and related concepts.

An introduction to common legal terminology was requested by some students and also identified as a necessary addition by the teaching team. Therefore the two-hour lecture in the first week, which had originally been the ethics lecture, currently is part one of a two-part introduction to the Australian legal system. The part one lecture includes an explanation of some legal terminology and provides an overview of the Australian legal system. This introduces students to the sources of law and the method of legal citation, which links to the exercises completed in the tutorials and workshops.

There is significant diversity among the law student cohort in terms of experience and expectations. A couple of comments in the student feedback indicated that the two-week intensive had not been seen as an aid to transition. For example, one student wrote, "[The intensive] hindered transition as adults we can read and review this info independently". The evaluation had not requested any personal information of the students, such as age group or prior

tertiary experience. It would appear that students who have previous experience did not find the intensive as helpful as other students. In an attempt to engage these students, more emphasis in the lectures is placed upon the need to acquire specific legal skills and the link with employment in legal practice. Action has also been taken to include in the next evaluation of the intensive, questions so as to identify previous experience in tertiary education as diversity is a continuing issue.

1.1.3. *Second semester*

In the 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. 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.

One issue that arose in Legal Foundations B was the belief of students who had not completed Torts A that they were at a disadvantage as the tutorial exercises and the client file which formed the major piece of the unit's assessment was torts related. Despite the fact it was stressed to students during the semester that knowledge of torts was not required (the client file was on a torts topic not part of the torts curriculum) as they were learning the process of research, the belief persisted and was evident in the evaluations of the unit at the end of the semester. It appears that this perception cannot be changed and therefore it is now being considered what topics may be utilised in the assessment and which are suitable for first year capability level so students believe that it is an even playing field.

1.2. *Other first year initiatives*

The students that form the majority of the student cohort in first year law fall within the Generation Y (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".⁷ 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.

⁷C. 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 (accessed 19 February 2010).

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) roadmap of their degree progression."⁸ The homepage of this site is in the form of a game board with four sides – each side representing each year of the law degree.

This site brings together all of the information as to the assistance available for the development of academic skills, law graduate capabilities, the core units of the degree (the content and the capabilities), co-curricular activities, suggestions as to summer offerings and work experience, and electives in future studies (with guidance as to which electives suit which career aspirations).

The development of this site was in recognition that Gen Y students are visual learners.⁹ Therefore use is made of Google maps in an attempt to link the study of law with the legal practice community in Brisbane. The Google map has photographs of the main law buildings in Brisbane and brief explanations. This is to encourage students walking down George Street, Brisbane (where the majority of law sites are found) to the QUT campus (at the end of George Street) to identify where the law is actually practised to make it more real to them. Also videos are streamed on the site of past graduates talking about their own law degree at QUT, how what they learnt at QUT has helped them and where they are now. This demonstrates to students the variety in the possible career paths for a law graduate as well as linking the capabilities taught to the "real world".

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

⁸S. Kift, "Integrating the Knowing, the Doing and the Practise: An Early Australian Case Study of Curriculum Renewal", paper presented at the 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).

⁹A. Weiler, "Information-seeking Behavior in Gen Y Students: Motivation, Critical Thinking and Learning Theory" (2005) 31(1) *Journal of Academic Librarianship*, available at http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6W50-4DPH19N-2&_user=62921&_coverDate=01%2F01%2F2005&_rdoc=1&_fmt=high&_orig=search&_sort=d&_docanchor=&view=c&_searchStrId=1212776149&_rerunOrigin=google&_acct=C000005418&_version=1&_urlVersion=0&_userid=62921&md5=614657c954b4a0fac6755fe68a811004 (accessed 19 February 2010).

and not feeling involved in (or integrating into) the academic and social life of the university community.¹⁰

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.

The site has proved popular with the first year law students and therefore a similar site has been developed for the Law Faculty's School of Justice.

Further assistance is on offer through QUT's "Student Success Program".¹¹ 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".¹² 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 to students who may be facing difficulties. The identified students were then contacted by a student peer mentor to see if any help was required. The data collated indicates that there was a significant difference in persistence – the completion of the unit.¹³

¹⁰D. Nicol, "Principles of Good Assessment and Feedback: Theory and Practice", paper presented at 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 (accessed 23 February 2010). The author cites: V. Tinto, "Epilogue: Moving from Theory to Action" in A. Seidman, *College Retention: Formula for Student Success* (American Council on Education and Praeger Publishers, Westport, 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).

¹¹For a discussion of the project see K.J. Nelson, M.E. Duncan and J.A. Clarke, "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 (accessed 16 February 2010); K.J. Nelson, M.E. Duncan, 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).

¹²M.E. Duncan and K.J. Nelson, "The Student Success Project: Helping Students At-risk of Failing or Leaving a Unit – A Work in Progress", paper presented at the 11th Pacific Rim First Year in Higher Education Conference, "An Apple for the Learner: Celebrating the First Year Experience" (Hobart, Tasmania, 30 June – 2 July 2008) 1, available at <http://eprints.qut.edu.au/28396/1/c28396.pdf> (accessed 16 February 2010).

¹³Student 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).

2. Law graduate capabilities

QUT badges itself as “a university for the real world”¹⁴ 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.¹⁵

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 recognised that a law graduate should possess a variety of skills to ensure that they are able to practise 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 focused on what a solicitor needed to know rather than what a solicitor needed to be able to do.¹⁶

It is acknowledged 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.”¹⁷ 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 Plan¹⁸ and the criticisms of law graduates, the QUT Law Faculty sought to embed skills into its undergraduate program.¹⁹ Skills were integrated within the content of core/substantive units, balancing skills development with content knowledge. As a result of that work, the Faculty

¹⁴See <http://www.qut.edu.au>.

¹⁵See 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).

¹⁶Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System*, Report No. 89 (2000) [2.21]. See also UK Centre for Legal Education Report, *General Transferable Skills in the Law Curriculum: A Survey Discipline in Law Network* (1998), 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 (accessed 12 February 2010).

¹⁷S. Kift, “A Tale of Two Sectors: Dynamic Curriculum Change for a Dynamically Changing Profession,” paper presented at the 13th Commonwealth Law Conference, “Developing the Law Curriculum to Meet the Needs of the 21st Century Legal Practitioner” (Melbourne, Australia, 13–17 April 2003) 3, available at <http://eprints.qut.edu.au/7468/1/7468.pdf> (accessed 4 January 2011).

¹⁸The 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”.

¹⁹This 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).

has been recognised as a leader in embedding generic graduate skills into an undergraduate program.²⁰

With the 2007–08 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.²¹ 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. 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.²²

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.²³

²⁰See R. Johnstone and S. Vignaendra, *Learning Outcomes and Curriculum Development in Law, A Report Commissioned by the Australian Universities Teaching Committee* (Commonwealth of Australia, Canberra, 2003), available at http://cald.anu.edu.au/docs/AUTC_2003_Johnstone-Vignaendra.pdf (accessed 11 February 2010) (see specifically Chapter 5 (pp. 117, 151–4); Chapter 8 (pp. 218–19); Chapter 9 (pp. 333–4); Chapter 15 (re assessment pp. 383–8); Chapter 16 (p. 455); Chapter 18 (p. 455)); J. McKenzie, S. Alexander, C. Harper and S. Anderson (2005) *Dissemination, Adoption and Adaptation of Project Innovations in Higher Education*, available at <http://www.alrc.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”, paper presented at the 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).

²¹The QUT Graduate Capabilities can be found at http://www.mopp.qut.edu.au/C/C_04_03.jsp (accessed 11 February 2010).

²²S. Kift, “Integrating the Knowing, the Doing and the Practise: An Early Australian Case Study of Curriculum Renewal”, paper presented at the 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).

²³These 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.

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, 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 practice 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;²⁴
- 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.

²⁴QUT 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].

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*.²⁵ This follows on from previous recommendations that “in addition to the study of core areas of substantive law, university legal education in Australia should involve the development of high level professional skills and a deep appreciation of ethical standards and professional responsibility.”²⁶

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.”²⁷ 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.”²⁸

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 2000–01 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

²⁵ Council of Australian Law Deans and Australian Learning and Teaching Council, *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment*, Project Final Report (2009), available at http://www.cald.asn.au/legal_educ.html (accessed 12 February 2010).

²⁶ Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System*, Report No. 89 (2000) 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.

²⁷ 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”.

²⁸ Hon M. Kirby, “Legal Professional Ethics in Times of Change” (1997) 3 *The Judicial Review* 73, 84.

and get feedback on their understanding instantly.²⁹ 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.³⁰

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 embed ethics and to provide students with feedback on their understanding with the use of technology.³¹

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.³²

²⁹Legal Services Commission, Queensland, available at <http://www.lsc.qld.gov.au> (accessed 12 February 2010).

³⁰Section 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.

³¹Professor 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).

³²R. 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,

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.”³³ As noted above, effort has been made with the new curriculum to link in the students’ minds the capabilities they are developing not only with 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. The curriculum review sought 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.³⁴

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 are not tasks they just do for assignments in Law School but are 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.

Melbourne, 2002) 10, available at www.cshe.unimelb.edu.au/assessinglearning (accessed 12 February 2010).

³³QUT Manual of Procedures and Policy, C5.1 Assessment, [5.1.1].

³⁴A table of examples of “real world” assessment is provided as Appendix 2.

This client file is marked (including individual feedback and a completed criteria referenced assessment form) and returned to students before the end of the semester as the final piece of assessment relates to the file. 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 practise 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.”³⁵

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.³⁶ 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:

³⁵C.-J. Patrick, D. Peach, C. Pocknee, F. Webb, M. Fletcher and G. Pretto, *The WIL [Work Integrated Learning] Report: A National Scoping Study* (QUT, Brisbane, 2008) 3, available at 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 (accessed 16 February 2010).

³⁶See 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 and L.S. Schulman, *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”, paper presented at the Experience Based Learning Association Inaugural Conference (University of Technology Sydney, Sydney, 7–9 December 2009), available at <http://eprints.qut.edu.au/29491/1/c29491.pdf> (accessed 15 February 2010).

- *Internship.*
This unit provides students with work experience in a public sector legal office, the placements organised by the Law School.³⁷
- *Learning in Professional Practice.*
Students organise their own placement in a legal office, though assistance in arranging a placement is available.³⁸
- *Virtual Law Placement.*
This unit utilises online communication technologies to allow students to engage in a virtual workplace.³⁹
- *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.⁴⁰ 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.⁴¹

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

³⁷For further information on internship as WIL see J. McNamara, "The Challenge of Assessing Student Capabilities in Legal Internships," paper presented at the WACE Asia Pacific Conference (Sydney, Australia, 2008), available at <http://eprints.qut.edu.au/15057/1/15057.pdf> (accessed 16 February 2010).

³⁸For 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," paper presented at the Experience Based Learning Association Inaugural Conference (University of Technology Sydney, Sydney, 7–9 December 2009) 4–7, available at <http://eprints.qut.edu.au/29491/1/c29491.pdf> (accessed 15 February 2010).

³⁹The online technologies used include: Blackboard, Skype, discussion forums, student ePortfolio, online chat and SharePoint.

⁴⁰For 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 (accessed 26 February 2010).

⁴¹J. McNamara, T.L. Cockburn and M. Shirley, "Creating and Enabling Opportunities for Increased Student Participation in Experience Based Learning in Professional Practice," paper presented at the Experience Based Learning Association Inaugural Conference (University of Technology Sydney, Sydney, 7–9 December 2009) 7, available at <http://eprints.qut.edu.au/29491/1/c29491.pdf> (accessed 15 February 2010).

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 resumé, 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.”⁴² Although the unit was capped at 20 students for the pilot, it is anticipated that eventually it will accommodate over 500 students.

4. 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

⁴²Ibid. 8.

a capstone experience and out to the next stage of legal education (in Australia, Legal Practice Courses) or the world of work.⁴³

The whole-degree approach of the QUT Law School's 2007–08 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 the 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,⁴⁴ 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 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.

⁴³S. Kift, "Integrating the Knowing, the Doing and the Practise: An Early Australian Case Study of Curriculum Renewal," paper presented at the 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).

⁴⁴The 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.

Appendix 1. 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 Lifelong 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.
- 6.2 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.

Appendix 2. Examples of “real world” assessment in the QUT Law School.

Law graduate capability level	Assessment
Level 1	<p>Negotiation exercises In Contracts a computer program provides an online instructional video on basic negotiation theory and practice. It is then followed by two online 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, <i>Law Teachers Association</i> 213, available at http://www.austlii.edu.au/au/journals/JIALawTA/2008/20.pdf (accessed 18 February 2010).)</p> <p>Letter of advice In Equity students work as a team to write and submit a letter of advice in relation a real world problem.</p>
	<p>Legal client interview and memo to partner in law firm 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>Client file 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>
Level 2	<p>Advocacy 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>Negotiation plan and exercise 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>

(Continued)

Appendix 2. (Continued).

Law graduate capability level	Assessment		
Level 3	<p><i>Mock judicial hearing</i></p> <p>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><i>Drafting of court documents</i></p> <p>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><i>Trial exercise</i></p> <p>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>