

Curriculum renewal in legal education

Final Report 2013

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Acronyms and abbreviations:

AAL	Australian Academy of Law
AAUT	Australian Award for University Teaching
ADR	Alternative Dispute Resolution
ALSA	Australian Law Students' Association
ALTC	Australian Learning and Teaching Council Ltd
AQF	Australian Qualifications Framework
ATN	Australian Technology Network
CAAUT	Carrick Award for Australian University Teaching
CALD	Council of Australian Law Deans
<i>CEQuery</i>	Course Experience Questionnaire
Go8	Group of Eight
GU	Griffith University
ICT	Information and communications technology
IRUA	Innovative Research Universities Australia
LACC	Law Admissions Consultative Committee
LMS	Learning management system
OLT	Australian Government Office for Learning and Teaching
PBL	Problem-based learning
PLT	Practical legal training
QUT	Queensland University of Technology
TEQSA	Tertiary Education Quality and Standards Agency
TLO	Teaching and learning outcomes
UHREC	University Human Research Ethics Committee
UWS	University of Western Sydney
VSLE	Virtual situated learning environments
WEI	Work experience in industry
WIL	Work-integrated learning

Glossary

Experiential learning refers to "the process whereby people engage in direct encounter, then purposefully reflect upon, validate, transform, give personal meaning to and seek to integrate their different ways of knowing. Experiential learning therefore enables the discovery of possibilities that may not be evident from direct experience alone" (Weil and McGill 1989, 248).

Internship is defined as "any carefully monitored work or service experience in which a student has intentional learning goals and reflects actively on what is being learned throughout the experience" (Abeysekera 2006, 10).

'Magnet' capstone experiences refers "to capstone experiences that are discipline-specific and that, like a magnet attracting precious metal, pull together the richness of content from the discipline in a summative manner" (Rowles, Koch, Hundley and Hamilton 2004, 13).

'Mandate' capstone experiences refer "to capstone experiences that are organized around meeting the needs of an external constituency, typically when licensure, certification, or other circumstances require that competences be mastered and demonstrated in a summative manner" (Rowles et al 2004, 14).

'Mountaintop' capstone experiences refer to capstone experiences that are interdisciplinary or multi-disciplinary in nature (Rowles et al 2004, 13).

Practical legal training in Australia refers to "training in the knowledge, skills, and professional attitudes necessary for the performance of legal work. The PLT requirement is additional to the academic requirement for admission" to practise as an Australian lawyer (Butt 2004, 335). The *PLT Competency Standards for Entry-level lawyers* are available on the LACC website at http://www.lawcouncil.asn.au/lacc/documents/admission_policies.cfm.

Problem-based learning refers to a "method of learning in which the learners first encounter a problem, followed by a systematic, student centred enquiry process" (Webb, Mennin and Schwartz 2001, i). This form of learning requires "students [to] assemble and organize the facts of the case and decide how to handle it, through a process of free inquiry, reasoning, and decision-making. Students generally direct their own learning, guided by teachers, the selection and design of the problems, and the program objectives. The problems, not a set syllabus, provide the stimulus and the framework for learning. Knowledge is acquired through self-directed study and small group discussions, rather than through lectures. Problem solving skills are developed, as are communication skills" (Kurtz, Wylie and Gold 1990, 799).

Project-based learning refers to a learning practice where tasks are designed to reflect actual practice. It differs from problem-based learning as the emphasis is placed on the development of an end product, rather than the problem solving process. It is common in this approach for actual companies or employers to put forward project ideas, and for representatives from the client organisations to assess the project outcomes in partnership with the university (Bove and Davies 2009). Team-based approaches are typical, and there is often complex interaction with actual workplaces. These are sometimes referred to as 'living cases' in undergraduate law (Kerka 2001, 4).

Scenario-based learning refers to any educational approach that involves the use of, or dependence upon, scenarios to bring about desired learning intentions or goals. Scenarios may constitute a given set of circumstances, a description of human behaviour, an outline of events, a story of human endeavour, an incident within a professional setting or human dilemma. Scenario-based learning is sometimes referred to as 'critical incidents', 'scripted role play', 'triggers' or even 'simulations' (Errington 2011, 84-85). Scenario-based learning can be distinguished from problem-based learning in that the learner is given a goal to accomplish; in problem-based learning the learner needs to resolve the given problem (Naidu 2010).

Service learning is a way of teaching law that is engaging, rooted in the community, and grounded by the importance of exposing students to real-world settings and experience. Students taking a service-learning subject at law school are required to participate in a community project, most commonly with a community legal service or non-profit organisation. The intention of the project is to provide reciprocal benefits to both the students and the community organisation and its clients. For students, classroom learning about civil, social and legal rights is made real through practical real-world experience. For community organisations, the students provide a valuable volunteer resource. Reflection is a common component of learning, teaching and assessment in service-learning (Kenworthy 2009).

Socratic method refers to "a technique of philosophical discussion — and of law-school instruction — by which the questioner (a law professor) questions one or more followers (the law students), building on each answer with another question, especially with an analogy incorporating the answer. This method takes its name from the Greek philosopher Socrates, who lived in Athens from about 469-399. His method is a traditional one in North American law schools, primarily because it forces law students to think through issues rationally and deductively — a skill required in the practice of law. Most law professors who employ this method call on students randomly, an approach designed to teach students to think quickly, without stage fright. The Socratic Method is also termed 'question-and-answer method'" (Black Law Dictionary, 9th ed, 2009).

Street law is a grass-roots approach to teaching legal knowledge and skills with a focus on practical problems and complex legal issues. Teaching methods often connect with the street law community sector movement. This movement is concerned with providing legal information, advice, referral and advocacy to homeless people. The teaching methods of street law are interactive and integrate an awareness of human rights, democracy, consumer rights, and civil rights (StreetLaw Inc. 2009).

Transactional learning encompasses a whole-of-process learning. It uses an active learning approach where learning occurs by undertaking legal transactions instead of learning about legal transactions. Students learn to do legal transactions and develop an appreciation of the relational and ethical dimensions of a transaction. They are then required to reflect on all aspects of the transaction. This learning process uses collaborative learning strategies. It is important for developing an understanding about ethical and professional standards of the legal profession (Maharg 2007).

Work-integrated learning refers to "a structured strategy integrating classroom studies with learning through productive work experiences in a field related to a student's academic or

career goals" (National Commission for Cooperative Education 2005, 17). Alternatively, it is an "umbrella term for a range of approaches and strategies that integrate theory with the practice of work within a purposefully designed curriculum" (Patrick et al 2008, iv).

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Executive summary

This project investigated ways in which the learning experience for students in Australian law schools could be enhanced by renewing final year legal curriculum through the design of effective capstone experiences to close the loop on tertiary legal studies and better prepare students for a smooth transition into the world of work and professional practice. Key project outcomes are a set of final year curriculum design principles and a transferable model for an effective final year program – a final year *Toolkit* comprising a range of templates, models and specific capstone examples for adoption or adaptation by legal educators. The project found that the efficacy of capstone experiences is affected by the curriculum context within which they are offered. For this reason, a number of ‘favourable conditions’, which promote the effectiveness of capstone experiences, have also been identified. The project’s final year principles and *Toolkit* promote program coherence and integration, should increase student satisfaction and levels of engagement with their experience of legal education and make a valuable contribution to assurance of learning in the new *Tertiary Education Quality and Standards Agency* (TEQSA) environment. From the point of view of the student experience, the final year principles and models address the current fragmented approach to final year legal curricula design and delivery. The knowledge and research base acquired under the auspices of this project is of both discipline and national importance as the project’s outcomes are transferable and have the potential to significantly influence the quality and coherence of the program experience of final year students in other tertiary disciplines, both within Australia and beyond. Project outcomes and deliverables are available on both the project’s website <http://wiki.qut.edu.au/display/capstone/Home> and on the *Law Capstone Experience Forum* website <http://www.lawcapstoneexperience.com/>.

In the course of developing its deliverables, the project found that the design of capstone experiences varies significantly within and across disciplines; different frameworks may be used (for example, a disciplinary or inter-disciplinary focus, or to satisfy professional accreditation requirements), rationales and objectives may differ, and a variety of models utilised (for example, an integrated final year program, a single subject, a suite of subjects, or modules within several subjects). Broadly however, capstone experiences should provide final year students with an opportunity both to look back over their academic learning, in an effort to make sense of what they have accomplished, and to look forward to their professional and personal futures that build on that foundational learning.

In the context of an increasing regulatory and quality focus on assuring academic standards and student achievement of program learning outcomes, the project recommends that capstone experiences should be intentionally designed to promote reflection on, and the integration and synthesis of, whole-of-program learning by requiring student demonstration of consolidated, integrative and transferable learning. In this way, capstone experiences may contribute to assurance of learning and provide students with a sense of closure to the academic experience and completion as a graduate of the discipline.

It is recognised that students face significant, and often quite diverse, transitional issues in the final stages of their university learning as they prepare for the next career phase and for uncertainty, complexity and endemic change in their future professional and personal lives as engaged global citizens. The project also recommends therefore that a further key

objective of capstone experiences is to be future focussed; to enable students to make connections between their academic learning and future professional contexts by mediating a positive transition from student identity to beginning professional identity or further study (for example, through career development learning and attention to the formation of profession identity).

Given the significance of the transitional issues facing final year students, which it has been argued are just as challenging as those facing first year students entering the tertiary environment (Jervis and Hartley 2005, 314), the project has applied a transition pedagogy to the final year of legal education similar to that identified as appropriate for first year (Kift and Nelson, 2005; Kift, 2009). Accordingly the principles applicable to the final year mirror those applicable to the first year. The design of effective capstone experiences should address the following six interconnected principles as further explicated in this report:

- Transition
- Integration and closure
- Diversity
- Engagement
- Assessment
- Evaluation

While these principles have been developed in the context of legal education, as has been mentioned, they are equally applicable across disciplines. However in the legal context specifically, given the nature of the degree as a professional qualification, there is a particular emphasis on the preparation of students “to practice law effectively and responsibly in the contexts they are likely to encounter as new lawyers” (Stuckey and et al 2007, 28).

The project was reviewed by an independent evaluator in June 2012. A copy of the final evaluation report is attached at Appendix D.

Chapter 1: Introduction

1.1 Overview

Traditionally the final year curriculum in most, if not all, Australian law schools has been delivered in a disjointed way, failing to engage final year students in a genuine capstone experience that supports the development of their professional identity and their transition out of university or into work/practice. Research has shown this oversight creates substantial levels of anxiety and uncertainty amongst graduates, who often complete their studies without a sense of integration and closure, and without an opportunity to reflect on their learning (Kift et al 2010). In order to engage with the true practice of law students need to be provided with a transitioning experience taking them from the position of student to that of lawyer (Cunningham 2012). Through this experience they “move from the role of observer to actor” (Cunningham 2012). Research indicates the possible benefits of a capstone experience include preparing law students for the practice of law by assisting them to synthesise and extend their knowledge and skills, develop a professional identity that incorporates moral, ethical and social values, and become skilled problem solvers and lifelong learners who can meet the rigours of the dynamic, competitive, and challenging world of twenty-first century legal practice (Kift et al 2010).

In 2009 this project was funded in order to facilitate curriculum renewal for legal education through the articulation of a set of curriculum design principles for the final year of law and the design of a transferable model for an effective final year law program. The three cornerstone capstone curriculum objectives identified in the early stages by this project are: integration and closure of the tertiary experience; reflection on that experience; and transitioning from university student to legal professional (Kift et al 2010). From these three objectives, and building on Kift’s first year transition pedagogy (Kift 2009), six principles were developed by the project team to articulate how the final year of a law program could provide an effective capstone experience. The six principles are: transition; integration and closure; diversity; engagement; assessment; and evaluation. The project has designed a number of possible models for the design of capstone experiences that enact these three objectives and six principles. These models provide a *Toolkit* to inform, guide and support law schools in renewing their final year curriculum. The curriculum design principles and models are also transferable to other disciplines and institutions, providing practical strategies for enacting capstone experiences.

The principles and *Toolkit* are a significant addition to capstone research and practice both in legal education and more generally because, while considerable attention has been devoted to the experience of first year students with major improvements made to address their unique transitional needs (see Kift 2004, 2008 and 2009), in the Australian context, there has been limited attention paid to the needs of final year students. With the focus of research and development firmly fixed on the needs of first year students *transitioning in* to university, the needs of final year students *transitioning out* have not been subjected to the same degree of investigation and theorising across disciplines. The existing research exploring the *transition out* of university has found that this experience for students is just as confronting as the *transition in* to university (Anonymous 2006, 2). Students in their final

year face significant transitional issues which are just as challenging as those facing first year students entering the tertiary environment (Jervis and Hartley 2005). In this regard, it is not incidental that the six curriculum principles developed for effective capstone experience design have been extrapolated from those articulated under a transition pedagogy for optimal first year curriculum design (Kift and Nelson 2005; Kift 2009); in many ways, the experiences of first year and final year students have much in common.

As the Australian higher education sector moves into a new regulatory and quality environment, with a focus on academic standards and the demonstration of student acquisition of program learning outcomes, the focus on capstone experiences has sharpened. Capstone experiences would seem to be obvious collection points for assurance of learning data; specifically, carefully designed capstone assessment tasks should be able to provide evidence demonstrating student achievement of many of the articulated program learning outcomes. However, when curriculum designers look for assistance across the disciplines for synthesised learning as to what constitutes effective capstone practice, there is little help to be found. At one extreme, capstone experiences would appear to be comparatively underdeveloped in some disciplinary contexts (for example, as is the case in Australian legal education). At the other end of the spectrum, while certain disciplines have long traditions of capstone deployment (engineering, for example), this practice is not easily transferable to other disciplinary contexts and has tended to replicate itself over time in relatively uncritical ways. This project, particularly through its identification of capstone curriculum design principles, aims to bridge the gap between curriculum theorising and practice. The project synthesises final year curriculum innovations from other disciplines nationally and internationally, promoting a more principled approach to capstone design in legal education, and providing approaches that are widely transferable.

1.2 Importance of a capstone experience for law students

A number of key motivations have been suggested as reasons why universities should focus resources on developing effective capstone experiences for final year students (Gardner and Van der Veer 1998). The first is that the needs and expectations of final year students are not currently being met; therefore universities are falling short of their objective of preparing students for the real-world of professional work. As final year students are also students *in transition*, it is recognised they have a unique set of needs that require specific attention to assist this transitional phase. Therefore it is desirable that universities implement capstone experiences designed to meet student needs as they *transition out*, particularly assisting students to “cope with impending change, become aware of how all aspects of their lives have contributed to their development as learners, and find connections between their academic experience and future plans” (Gardner and Van der Veer 1998, 6). Universities also need to capitalise on the fact that the final year is the last opportunity they have to ensure students graduate with appropriate knowledge, skills, and attributes, all of which reflect the quality of the institution. Finally, universities should also take advantage of the fact that final year students will soon become their alumni, and therefore will be in a position to support and promote their institution as alumni (Gardner and Van der Veer 1998, 4-7). It is therefore vital that universities design intentional capstone experiences to ensure they are positive and supportive learning experiences for final year students. This will benefit not only students, in their acquisition of employability skills and the assurance of learning standards, but also the university at large, given

increased levels of employer engagement and alumni goodwill, again reflecting well on the institution and its graduates.

In addition to these more obvious benefits, the existing literature identifies many other benefits that result from the provision of an integrated final year capstone experience for tertiary students. Benefits include assisting students to synthesise their knowledge and to prepare them for their careers; the promotion of holistic thinking and increased confidence and self-efficacy (Bailey, Oliver and Townsend 2007, 68); and students' enriched understanding of their academic discipline. In addition to these benefits, a number of core skills can be developed and enhanced through capstone experiences such as problem-solving, decision-making, critical thinking, an ability to make ethical judgement, and social and human relationship skills (Kerka 2001). These skills reflect authentic discipline contexts. Capstone experiences therefore serve as introductions for students to their professional working world (Reid and Miller 1997; Jervis and Hartley 2005; Henscheid 2000). Thus, the importance of an effective capstone experience in the final year to the student's overall program experience should not be underestimated.

A push in the USA to improve the final year of tertiary education led the Association of American Colleges and the Boyer Commission (1998) to recommend capstone subjects be included in all undergraduate programs offered in USA tertiary institutions. In the legal context, the recent USA *Best Practices* (Stuckey et al 2007) and *Carnegie* (Sullivan et al 2007) reports also support the implementation of an integrated approach to the final year. In the Australian context, the 2010 AUSSE report found that only two per cent of tertiary students identified as having had a capstone experience during their university program (ACER 2010, 77). More importantly, only 2.7 per cent of later year students in Australia identified as having had a culminating experience (ACER 2010, 77). These low figures indicate the Australian experiences currently on offer for final year students are somewhat lacking when compared to the rate of 36.8 per cent in the USA (ACER 2010, 77).

A preliminary audit of curricula across disciplines in Australian universities in 2008 found that only 19 of the 45 higher education institutions in Australia offered some form of capstone subject or program in any of their program offerings, and only one Australian law school had an explicitly named capstone unit (Kift, Field and Wells 2008; Kift et al 2010). The available literature suggests universities, and law schools in particular, are not engaging final year students in genuine capstone experiences which support both integrative learning and the development of professional identity in readiness for their *transition out* of university (Kift et al 2010). Students in their final year face significant transition issues which are just as challenging as those facing first year students entering the tertiary environment (Jervis and Hartley 2005; Kift et al 2010) and accordingly the final year curriculum requires a similar intentional focus as that now accorded the first year experience.

It is reasonable to assert then, that Australian law schools have generally failed to intentionally bookend their efforts in first year program innovation with an effective final year experience (Kift et al 2012; Wells, Kift and Field 2008). This may well be an understandable consequence of the considerable prescription imposed on legal education to address the eleven "prescribed academic areas of knowledge" (LACC 2009) currently required of graduates for the purposes of admission to practice (colloquially known as the 'Priestley 11'), but, for whatever reason, the final year curriculum in law is designed and

delivered in an ad hoc fashion, without any solid theoretical foundation. This project has therefore responded to an urgent need for coherent curriculum renewal of the final year of legal education in Australia. In doing so, the project aimed to enhance law students' learning experiences by renewing the final year curriculum using two strategies. The first was to articulate a set of curriculum design principles for capstone experiences. These principles are identified as crucial features of successful capstone experiences in order to facilitate students' successful transition from the operational mode of tertiary student to the assumption of entering professional identity. The second strategy was to design a transferable model – a final year *Toolkit* – for effective capstone experiences which could be used in legal education, but also by any discipline or institution both in Australia and overseas.

The research undertaken for this project generated a collection of national and international literature on the final year experiences of tertiary students; literature which included a range of case studies. It was most apparent from the literature review that research investigating the experiences of students undertaking the final year of legal education was limited, both in Australia and elsewhere. This preliminary finding confirmed the project's relevance and innovation and the desirability of articulating a theoretical framework for final year curriculum design.

In addition to the transformative and integrative potential of capstone experiences for the learner, capstone experiences are also important to whole-of-program curriculum design for three reasons. First, they address the transition needs of final year students as referred to above (Jervis and Hartley 2005). Secondly, they bring Australian institutions into line with their USA counterparts by offering culminating experiences for final year students. And finally, the sectoral focus on discipline standards and the requirement to demonstrate student acquisition of program learning outcomes suggests that capstone experiences may contribute to the assurance of learning and demonstration of student achievements as against core program learning outcomes (see DEEWR Discussion Paper 2011, especially at 14, 20). Thus, capstone experiences are valuable tools for assisting institutions to meet discipline learning outcomes. This project provides greater clarity for the articulation of progression through the law degree as a whole and better alignment of the law degree with practical legal training programs, thus enhancing the capabilities of students as graduates in the professional community.

1.3 Scope of the project

The project was limited to the exploration of final year experiences for law students in Australian tertiary institutions. It was conducted over a 33 month period and used a number of mechanisms to explore these experiences in legal education. The overarching themes informing the study arose from the project's preliminary literature review. In this way, the work of the project feeds back into, and advances, the broader literature in this field. Themes from the literature were explored via discussions, meetings, and forums with the project collaborators and reference group, and focus groups and surveys of final year students and recent graduates in order to tease out nuances in the concepts as between various disciplines, institutions, and countries. From these investigations, the initial framework for optimal capstone experiences was constructed, with the concepts being defined and then refined over time. Building on these ideas, interviews conducted with final

year law students and recent graduates explored the themes initially developed. Through this process, the core concepts necessary for successful capstone experiences were developed and further investigated in the legal education context resulting in the development of a *Toolkit* to assist institutions, law schools and discipline academics in their planning and implementation of capstone experiences. After much consideration, the *Toolkit* was designed to be generic in order to increase its transferability across law schools in Australia, and also across disciplines, and institutions.

1.4 Capstone versus final year: towards a shared vocabulary

There is considerable divergence in the use of the terms final year experience and capstone experience nationally and internationally. This project has adopted the term capstone experience as the preferred description for this curriculum initiative in order to convey that it acts as a mechanism designed to complete a student's university *experience* assisting their *transition out* of tertiary study; it is the student's *experience* of the culmination of their learning and their transition that is the focus. In this report therefore, *capstone experience* generally refers to the overall student experience of both looking back over their academic learning, in an effort to make sense of what they have accomplished, and looking forward to their professional and personal futures that build on that foundational learning. Within a program's capstone experience however, there may be a number of *capstone experiences* offered to students, such as subjects, or modules within subjects, and co-curricular activities, which together comprise the overall capstone experience.

The project's literature review revealed that the design of capstone experiences varies significantly across both disciplines and programs. Different frameworks may be used with different foci such as disciplinary specific experiences (generally referred to as 'magnets') or designs intended with an inter-disciplinary focus ('mountaintops') (Rowles et al 2004). Some capstone experiences are designed to satisfy professional accreditation requirements ('mandates') (Rowles et al 2004). Hence, rationales and objectives may also differ between experiences and programs. A variety of models may be utilised to deliver the capstone experience, for example: an integrated final year program, a single subject, a suite of subjects, modules within several subjects, or cumulative capstones constituted by a series of cornerstone experiences or subjects throughout the degree or by way of multi-level capstones offered in each year of the program of study.

It is broadly agreed however that the capstone experience should deliver on the dual objectives of looking back over academic learning and looking forwards to the world of work or future study. According to Durel (1993, 223), capstone experiences are typically defined as:

a crowning [unit/subject] or experience coming at the end of a sequence of [units/subjects] with the specific objective of integrating a body of relatively fragmented knowledge into a unified whole. As a rite of passage, this [unit/subject] provides an experience through which undergraduate students both look back over their undergraduate curriculum in an effort to make sense of that experience, and look forward to a life by building on that experience.

The capstone experiences suggested in this project's outcomes and deliverables incorporate Durel's (1993) conceptualisation.

1.5 Summary

This project positively supports student learning outcomes and contributes to the personal and professional development of law students. It achieves this by providing effective and intentional approaches to closing the loop on tertiary legal studies, thus better preparing students for a smooth transition into professional practice. Key project outcomes are a set of final year curriculum design principles and a transferable model for an effective final year program or *Toolkit*, and are critical contributions to strategic curriculum renewal in Australian legal education. The final year principles and program promote curriculum coherence and integration, enriching understanding, enhancing essential skills, and facilitating students in their *transition out* of tertiary study. The anticipated impact of this project will be increased student satisfaction and levels of engagement with their experience of legal education, as well as positive support for the acquisition of desirable learning outcomes. The learning outcomes evidenced by capstone experiences will also make valuable contributions to the collection of assurance of learning data in the new Tertiary Education Quality and Standards Agency (TEQSA) environment. Particularly, the final year principles and *Toolkit* models address the current fragmented approach to final year legal curricula design and delivery. The knowledge- and research-base acquired under the auspices of this project is of both discipline and national importance as the project's outcomes are transferable and have the potential to significantly influence the quality and coherence of the program experience of final year students in other tertiary disciplines, both within Australia and beyond.

The summary booklet *Capstone Experiences Principles and Commentary* is available for download from: <http://www.olt.gov.au/resource-curriculum-renewal-legal-education>.

Chapter 2: Research methodology

2.1 Research objectives

The primary goal of this project was to contribute to the renewal of the final year curriculum of legal education by articulating a set of curriculum design principles and a transferable model for an effective final year program. The key project objectives as set out in the original application were to:

- Renew the final year curriculum of legal education by articulating a set of **curriculum design principles** as well as designing a **model for an effective final year program**;
- Ensure the model final year program was transferrable and adaptable to other disciplines; and
- Pursue institutional priorities around enhancing the final year student experience and build upon and extend previous work including relevant existing Australian Learning and Teaching Council (ALTC) [and Office for Learning and Teaching (OLT)] funded (or past Carrick funded) projects.

The project's objectives aligned positively with the objectives identified as relevant for the (then) ALTC's Priority Projects Program. As expressed in the project's application, the project "promote[s] and support[s] strategic change in higher education institutions for the enhancement of learning and teaching, including curriculum development and assessment" in accordance with (then) ALTC Objective (a). This objective has been achieved through the development of the final year principles and program which will embed enhanced learning, teaching and assessment practices in legal education in Australia and overseas. The project outcomes are transferable and adaptable to other tertiary disciplines, thus broadening the scope and reach of the project's support of strategic curriculum renewal.

The project's outcomes "develop and model contemporary curricula that meet student and employer needs and provide the basis for on-going personal and professional development for students" and addresses the aims of (then) ALTC Priority Projects Funding Priority 2. The final year principles and program integrate discipline and employability imperatives, such as preparing graduates who are work-ready and resilient (Strachan 1990, 524), with the learning and teaching innovation of a new approach to the design, structure, and delivery of the final year of legal education. The renewed curriculum approach developed through this project addresses the currently fragmented and disjointed nature of the final law year and builds sector-wide capacity for change in this regard. A key element of this approach is the effective use of information communication technology to create authentic learning experiences for students (Herrington and Oliver 2000, 24), and to promote inclusivity among students through equality of access and opportunity, regardless of study mode and competing time commitments.

The project also meets the (then) ALTC Priority Projects Funding Priority 1 by "improving academic standards and student learning outcomes" for legal education. Learning and teaching quality in the final year of legal education will be improved through the curriculum renewal approaches promoted by this project.

Approval for the conduct of the project's research was provided by QUT's University Human Research Ethics Committee (UHREC) and consequently endorsed through both Griffith University and The University of Western Australia's processes. There were no special conditions placed on this approval by the UHREC. No ethical concerns arose during the course of this project.

2.2 Research methodology

The project used a threefold approach towards the development and design of the capstone principles and the model final year program (referred to as the *Toolkit*). First, the project adopted an action learning approach involving a cycle of consultation, feedback, and reflection with the project's reference group (see 2.3 below), collaborating institutions and other legal educators. The action learning cycle commenced with an initial reference group Forum in February 2010 and concluded with the Law Capstone Experience Forum in February 2012. Secondly, the action learning cycles were informed and extended by an iterative review of the relevant literature. The literature review generated the development of a comprehensive benchmark analysis and tabulation of current approaches to final year curriculum design, both in Australia and internationally. Thirdly, in addition to the action learning cycles, the project gathered qualitative data from final year students and recent graduates to gain feedback on the development of the capstone principles. Through the action learning cycles, this feedback further informed both the design of the capstone principles and the *Toolkit*.

At the outset of the project, the following key framing questions were proposed to inform the project's methodology, and to promote the achievement of the project's articulated objectives:

1. Stakeholder considerations:

- What are the key learning, teaching and experiential needs of students in the final year of law?
- How can curriculum renewal in the final year of law better prepare students for legal professional practice?
- What are the professional development needs of academic staff in terms of having the skills to design and deliver an effective final year experience in law?
- What staff development resources are required to address these needs?

2. Pedagogical considerations:

- How can the issues of student engagement, diversity, transition out and assessment be best addressed through renewal of the final year curriculum of law?
- How can the design principles be translated into efficacious practice in a model final year program?
- How can the principles and model be articulated so as to be transferable and adaptable to other disciplines?

3. Technological considerations

- How can technology be used to better support curriculum design and delivery in the final year of law?

4. Design considerations

- What can we learn from the final year curriculum innovations from other disciplines and other countries?

2.3 Reference group

An expert and representative reference group was assembled for the Project, comprising specialists who (together with two members of the QUT project team, and members of the collaborating institutions) made up five of the six then most recent CAAUT/AAUT national teaching award winners in law. The reference group also represented a range of institutional types (Go8: UWA, ATN: QUT, and IRUA: Griffith) as well as diversity of law program types (an undergraduate program, a graduate entry program, and a combined undergraduate with legal practice program). Importantly, the group included representation from the Australian Law Students' Association (ALSA), the peak national representative body for Australian students of law, and also a representative from the Australian Academy of Law (AAL), a body that brings together the three branches of the legal profession (the judiciary, the profession and academe). Two leading international legal educators were also recruited to the reference group: Professor Clark Cunningham, W. Lee Burge Chair in Law and Ethics, College of Law, Georgia State University, USA; and Professor Julian Webb, (then) Director of UK Centre for Legal Education (UKCLE), now Professor of Legal Education at the University of Warwick. The university law schools that agreed to collaborate in the project are all either currently, or have recently been, engaged in significant law curriculum renewal and are considered to be leaders in contemporary legal curriculum design. The expertise of this group made a significant contribution to the iterative process of the project and its strategic outcomes. Short biographies detailing the expertise of project collaborators and reference group members appear in Appendix E.

2.4 Sector-wide engagement through action learning cycles and data collection

As described in 2.2, above, data was collected throughout the project to inform both the initial design and on-going development of the project's outcomes, namely the capstone principles and the project *Toolkit*. In addition to the literature review, the key sources of data included sector-wide engagement and student and recent graduate consultation and feedback.

Sector engagement through action learning cycles

The project sought sector-wide input to the project's key deliverables through action learning cycles at various stages throughout the project. The first action learning cycle commenced with the Initial reference group Forum on 16-17 February 2010. At this forum, all available national reference group members and collaborators met with the project evaluator for an initial face-to-face meeting at QUT. The members present at this meeting

were: Professor Sally Kift (QUT), Professor Des Butler (QUT), Ms Rachael Field (QUT), Ms Judith McNamara (QUT), Ms Catherine Brown (QUT), Ms Natalie Gamble (QUT), Winthrop Professor Mark Israel (The University of Western Australia (UWA)), Associate Professor Mary Heath (Flinders University), Professor Gary Davis (Flinders University), Professor Richard Johnstone (Griffith University), Professor Mary Keyes (Griffith University), Ms Amy Falwasser (Australian Law Students Association) and Ms Clair Hughes (External Evaluator, The University of Queensland).

At the conclusion of the initial reference group forum, the input and feedback from the forum was summarised into a draft set of principles and comments that formed the next action learning cycle. The project utilised an online discussion forum on the project's SharePoint site for this purpose. This allowed for further discussion, feedback and reflection by the initial forum attendees, as well as providing a mechanism for consultation with those reference group members who could not attend the February meeting.

Throughout the duration of the project, broader sector-wide engagement was also facilitated through the dissemination of project outcomes on the project's website, regular newsletters and through various papers, conferences and newsletters (see Chapter 6). Feedback and reflection on this consultation, as well as on-going review of the literature, resulted in several iterations of the draft principles and an initial formulation of the project *Toolkit*. The draft principles and comments were again placed on the project's SharePoint site for comment by the reference group in April 2011.

A large-scale project dissemination and final round of sector feedback were achieved via the successful Law Capstone Experience Forum organised by the project team in February 2012 (see 6.3). Immediately following that Forum, the action learning cycles concluded with a one day workshop attended by members of the project team, and available members of the reference group. Final feedback on the capstone principles and *Toolkit* was collected at this workshop. A summary of the feedback from the sector-wide engagement is below, at 3.1.

Student and recent graduate focus groups and online survey

The development and design of the capstone principles and project *Toolkit* were also informed by feedback received from students and recent graduates. Qualitative data was collected from law students including graduate, undergraduate and Practical Legal Training students from QUT, Griffith University and UWA through an initial series of focus groups in 2010 and then subsequently through the use of an online survey tool in 2011. The overall aim of the student and graduate focus groups was to collect specific feedback on the initial and amended drafts of the capstone principles, with focus group questions framed around those principles. The student feedback was also collected with a view to informing the design of the *Toolkit*. The focus group questions are attached as Appendix F.

The online survey tool was used later in the survey to generate further feedback on the draft principles. More open ended questions were given in the online survey to ensure that student feedback was as comprehensive as possible. The survey questions are attached as Appendix G. A summary of the data collected from students is below, at 3.2.

Chapter 3: Research results

This chapter provides a summary of the data collected from the sector-wide engagement and student feedback, as described in 2.4.

3.1 Sector-wide engagement

The objective of the initial reference group forum was to provide an overview of the project as well as set the agenda for the life of the project. Over a two day period, the reference group was asked to provide their thoughts on the following questions:

- What is your vision for the project?
- What will ensure a successful capstone experience in law?
- What will ensure that a capstone experience, once implemented, is sustainable?
- What are the implications for the project of the different law school contexts?
- What should be the final year learning outcomes for law students? How can we use this to inform the principles and model development?
- What factors need to be considered in designing assessment for a capstone experience?
- What examples do you have of successful capstone experiences that could inform the project?

Some of the key points that emerged from this discussion include (but are not limited to):

- The design of a model or *Toolkit* for capstone experiences should be transferable between law schools that have diverse contexts and missions;
- In designing a capstone experience, there should be favourable conditions that are clearly articulated and would be expected to exist in order to successfully implement a capstone experience and achieve a whole of curriculum approach;
- The design of a capstone experience should be adaptive to different discipline structures, for example: double degree programs, external and internal modes of study, programs that combine PLT and undergraduate LLB, etc; and
- Learning approaches and assessment particularly suited to the capstone experience should be adopted.

In addition, the reference group identified a number of issues and challenges, including (but not limited to):

- The need for capstone experiences to accommodate ‘messy endings’;
- The sustainability of various capstone models; and
- Whether professional identity was a principle in its own right, or a component of other capstone principles.

At the conclusion of this initial discussion, and after a preliminary consideration of the relevant literature, a number of principles were identified as important for a successful capstone program. These principles were: integration and closure; transition; diversity; engagement; assessment; and evaluation. The principles were designed to close the loop

from first year to final year and so were framed around the first year principles articulated under a transition pedagogy (Kift and Nelson 2005; Kift 2009). The project team sought feedback from the reference group (via the SharePoint online discussion forums), the legal education community (via project dissemination at various legal education forums) and the sector more broadly (via project disseminations) on the preliminary conceptualisation and subsequent drafts of these principles and the key ideas sought to be captured by them.

The following numbered paragraphs (1-6) are representative of the reference group's feedback on the various iterations of the draft principles over the course of the project.

1. Transition

It was agreed from quite early on that the transition principle needed to address “concerns about students' multiple future career destinations as well as their achievement of professional identity”, and that the consolidation of students' lifelong learning skills, resilience, self-confidence and self-efficacy is considered “critical to student achievement (+future professional achievement).”

A key issue for transition then was the overlap in terminology between Transition and Diversity.

I find [the diversity] principle somewhat internally incoherent and apparently inconsistent with the transition out principle. The [former] underlying commentary seems to indicate that 'diversity' requires not only designing capstone experiences that address diverse destinations for students after they graduate but also entirely different diversity issues presented by the current student population, apparently ranging from teaching older students to addressing effects of discrimination, and then also promoting discussion of diversity in the legal profession. All worthy pedagogical goals, perhaps, but rather jumbled together.

In terms of transitioning to diverse career destinations, the need to accommodate messy endings was thought to be problematic, but nonetheless should be included.

What per cent of current law students can be expected to practice law? If, as I expect, this is the majority of students, then should the goal of assisting them in the transition to practice (including helping to learn about the reality of practice and the wide range of practice opportunities) be diluted by a diversity principle that points out that some students won't enter practice? Can't capstone experiences that are founded on a model of law practice be valuable experiences for all law students – eg, those who become accountants, government officials, etc will nonetheless benefit by understanding in a deeper way what motivates and constrains the lawyers with whom they interact and who significantly shape public discourse and governance?

There is a risk that attempts to accommodate the messy endings will result in failure to do a good job in accommodating the non-messy endings. But we should not lose sight of the reality that, unlike in the US, many law graduates do not end up, or stay long in, professional practice. And so long as Australian law schools seek to attract students to their programs by promoting the generic benefits of law study and the notion that practice of law need not be even an interim, much less final, destination, then a capstone experience has to cater for the messiness.

2. Integration and Closure

The notion from the literature that no new material should be introduced in a capstone experience was considered to be too limiting.

I do not accept that this is desirable (or possible). I am not sure that was the intention, as the supporting document talks about extending existing knowledge as part of the process.

[A] definition of capstone experience as excluding the acquisition of new knowledge is almost the opposite of what is now being attempted in US law schools. Washington and Lee, which has devoted the entire final year to capstone experiences, is emphatic that such teaching does not take place at the expense of learning additional substantive law. Rather they insist that advanced level legal knowledge can be taught even more effectively using a capstone approach. ... The final year should consolidate what has already been learned, but then expand knowledge in many ways: through integration with learning how to apply knowledge with skill and judgment and ideally also by extending legal education to include cross-national and interdisciplinary perspectives and applications (Cunningham and Alexander 2010, 22-26).

It was felt that an earlier draft which explicitly included that a capstone experience should provide “enhanced opportunities for reflection on the student's personal and professional development” may also be too limited.

I am less certain that you would want to restrict the opportunities for personal and professional reflection to 'how that prepares them for their future professional life'. Some of the results of personal reflection may point to wider issues than that: work/life balance, maintaining mental health, communication skills.

The point was made in feedback that capstone experiences do not necessarily need to be limited to final year programs.

Given the extreme flexibility offered to students in progressing through their program, I suggest it makes little sense to talk about 'final year'; for some students that may consist of a single subject - which may be the 'capstone'. If that is true, then it's much easier to digest the notion that the capstone should be only about closure and integration without the introduction of new material. In any event, discussion of the capstone experience should be informed by the inherent flexibility in study progression that many Australian law students enjoy.

3. Diversity

In addition to the diversity of difference in program structures (for example, double degrees and graduate entry) and the diversity evident in different career destinations (which was subsequently dealt with in the Transition principle as discussed above), it was suggested that the Diversity principle needed to be broader than being inclusive of diversity in students.

The [accessible by, and inclusive of, all students] dot point is much less rich than the associated document, which goes beyond access and inclusion and into the necessity to provide affirmative support and opportunities for discussion of diversity within 'the profession', and not only in education.

4. Engagement

Reference group feedback consistently confirmed that Engagement in a capstone experience needed to recognise the culminating nature of the experience.

I suggest the inclusion in your Draft Capstone Principles of explicit language strongly encouraging teachers to develop capstone experiences that (1) involve realistic or real life activities of the legal system, (2) place students in active roles requiring authentic responsibility for the results of their work, and (3) develop moral reasoning and professional judgment. Although well-designed clinical and externship programs are paradigms of such experiences, there are many examples around the world of other means of achieving these ends that involve less resources. I suppose the principle of Engagement is the most appropriate place among the six existing principles for stating something like this.

5. Assessment

While it was agreed that there was a need to ensure capstone assessment should be authentic, it was also suggested, in line with the diversity of career destinations, that this should not necessarily be limited to the narrower development of legal professionals.

There is some movement of language between professional and legal professional. Of course, the law degree is closely related to the development of the legal professional. However, if we recognise and value the diversity of graduate destinations, the capstone experience also has to, in part, address the needs of a range of [professional] destinations.

6. Evaluation

Emphasising the need to adopt whole-of-program approaches to assure the alignment of capstone experiences particularly and the robustness of curriculum design generally, the reference group was strongly of the view that curriculum evaluation and monitoring should occur across the whole curriculum.

I think the intention that curriculum development will take place across the entirety of the curriculum (and not just the capstone experience) could be more strongly emphasised.

3.2 Issues for students and recent graduates

The data from the student and recent graduate focus groups and online survey were analysed using nVivo software. The following analysis captures student and recent graduate feedback on the draft principles and their views on capstone experiences more broadly. Where available, comments are indicated as being from final or penultimate year undergraduate students (FY) or graduate students (G).

General themes

The majority of students and graduates supported incorporation of the capstone principles in an integrated way throughout their degree, and particularly in the final year. However, one of the major themes emerging from the student and graduate feedback was the need, from the students' perspective, for the capstone experience to **improve the link between learning and practice**.

there was ... a noticeable change in attitudes of students in the final year where competition

amongst students increased as people were looking to secure positions for their first year of practice. I think that the transition is the most important aspect. From experience, the most common comment I hear from fellow graduates is words to the effect that "they didn't tell us that when we were at uni" [G].

The impending career destination, whatever form it may take, is clearly prevalent in students' thoughts as they are completing their legal education, and gaining a **sense of readiness for the workforce** is of high importance. Significantly, a number of students and graduates indicated that they had difficulties developing professional confidence, and that they did not feel sufficiently prepared for their future careers.

Yeah I think you go into your job with a certain sense of like sort of yeah, I'm a lawyer. But then you sort of get through your first couple of weeks and realise that you don't really know anything and like you do have to learn it all. Like sure you might know like because most of it is just practise, like most of it is practical stuff like doing (discovery) lists, doing research you know filing stuff at the court and that sort of stuff. And that's still the stuff you do in your first sort of six months and that really isn't covered. So I guess ... after that first couple of weeks I felt kind of a little bit like well what the hell did I spend five years learning for? But then I suppose a bit later on when you start to get more high level stuff and you start to have to look at like concepts you start to feel a little bit more confident [G].

Some of the themes that emerged related more generally to capstone experiences, rather than a specific capstone principle. For example, students and graduates want more **opportunity to reflect on their learning** throughout the degree, and this view was expressed when commenting on the Transition, Engagement and Assessment principles. While some students and graduates felt that reflection was not useful, and in fact were opposed to the use of it, mostly students and graduates wanted formal reflection opportunities included earlier in their degree.

But there's no time to actually properly reflect on things and I think it's really important especially with something like law where you're learning all of this information and you don't have time to process it and take it back again and I think that's part of what we're saying. We forget everything before we have time to reflect on it so we kind of need that [FY].

Some students and graduates discussed ways of improving the embedding of reflection in the curriculum. For example, students argued a one-on-one debrief or reflective conversation would be more useful than reflection-based assessments. Students and graduates also expressed the need for an academic mentor who could meet with students during the semester and facilitate the reflection process.

Students and graduates also felt that **professional ethics** needed to have a greater focus in their later years of study, although, according to one student, leaving this discussion until late in the final year is too late and another suggested that introducing professional ethics at the beginning of a degree without returning to it again until the final year was also problematic.

In terms of curriculum design, students and graduates expressed concern and confusion over the **role of electives in their final year**. Some students and graduates viewed elective subjects as less important than core subjects, because they tend to be interest-based. However, others believed that there needs to be more balance between core and elective

subjects. In particular, students and graduates wanted electives to be more closely linked to career development options.

I think it also depends on what you want to do in the future. I think by your final year you'll know where you want to be and you'll probably find out where you'll end up sometime during that year. Yeah, so for people who don't really want to practice ... like for example if you don't want to research and there's a research stream you wouldn't choose that [G].

The principles

Students and graduates commented mostly on three principles; those of Integration and Closure, Transition and Assessment. Some of the general themes from the analysis of this feedback are as follows:

1. Integration and Closure

Students and graduates valued strategies that attempted to integrate, synthesise and extend their learning.

Again it's about how to think legally, how to have a set of skills that you could go in practice [with]. I didn't have that. I knew about contract law, I knew all the principles, the legal principles, all the concepts I knew it but when it came to solving a problem and the client coming to you and asking for all this stuff, I knew [well I] trust[ed] I knew everything. But then it's about how to put together a good advice for a client. It doesn't matter, the commercial side of the partner will go into like he will help me because I'm not commercial enough. Yeah I just started, but with the theory, you know the theory but you don't know how to put it together. So that's ... I learnt it like by practise, yeah [G].

Very different for the first, when I started because it was the GFC first so we were extremely busy, I started my rotation in solvency and it was all trusts, equity, managed investment schemes, all this stuff. I seriously I don't even know how to first start, you have to go to the contract first and then you go to legislation and then secondary materials. I didn't know that [G].

Furthermore, students and graduates expressed appreciation when their learning was realistic and prepared them for unfamiliar contexts.

I definitely recommend taking the Clinic subjects (eg, Creative Commons Clinic, Intellectual Property and Technology Law Clinic) as they showed me how the law was applied in a practical manner. It also provided me with an experience that informed my career direction [FY].

Some students and graduates felt a sense of completion, but many were concerned that they were not well-prepared for employment, and (for graduates) that their learning had not matched practice in many instances. Some students and graduates felt that they had not learned basics, while others acknowledged the difficulty in trying to teach and learn everything that may be required for every situation. Part-time students in particular felt that final year stress, the pressure of work and lack of contact with others affected their confidence and sense of completion.

Because I was a part-time student I didn't have the support network perhaps the full-timers

had so that made my final year a bit more uncertain. Once I made the choice to do full-time PLTs that made it a bit easier because I felt that the support network was there [G].

A number of students and graduates also commented that they had suddenly realised they would not be part of the university experience any longer; that is, that the relationship with those friends, networks and teachers that had become part of their lives while studying would not be the same after graduating.

Probably the anticipation I felt throughout the whole year, I could see the light at the end of the tunnel. The anticipation was a mix of excitement and apprehension at leaving the comfortableness of uni and entering the real world [FY].

2. Transition

In general, students and graduates wanted their capstone experience to more clearly reflect the fact that, in their final year, students are transitioning out of university and into the workforce. While some students and graduates recognised a need for them to assume a more active role in managing their career, the majority felt that universities should still be doing more in terms of assisting students in transitioning from learning to the workforce.

I think that the final year at university should provide students with an idea of what to expect in their transition from university life leading up to their professional careers [G].

Practical experience like internships and stuff like that. From what you hear from people who have finished university and gone straight out into the real world it's a big jump apparently. You hear a lot of stories and things like that so you think ooh, it's going to be a big jump [FY].

Students and graduates also wanted electives more closely linked to career development. Some respondents felt they had an insufficient understanding of the role of electives in the early part of their studies, suggesting that a more coherent whole-of-curriculum approach is needed. Students and graduates also suggested that law faculties needed to work more closely with student services to ensure that the choices students were making were better informed. In this context, students in particular were concerned that insufficient information and understanding of their options might lead to poor elective choices during the earlier years of their studies.

Yeah, I think there needs to be more emphasis on the importance of the practical units in final year and their relevance to equip us rather than just "you have to do them to get through it" sort of thing [FY].

From my personal perspective, I'm in fourth year so I finish next year. I think, and you guys probably agree with this, I know how to moot really well so I've done about four moots but the other things, I wouldn't have a clue and I don't think we're going to be mooting for the rest of our lives [FY].

Students also suggested a need for a better understanding of practical legal training (PLT) programs, such as discussion of PLT's role in the legal education continuum and what is involved in this training, while students and graduates also raised the issue of assistance with clearer and more defined pathways for those who do not necessarily wish to enter commercial law practice.

Some students and graduates felt that there should be compulsory placements, while others felt that the current system for gaining work experience and clerkships did not work for everyone. Students and graduates also wanted more support in attaining employment, for example through being directed towards placements or graduate programs.

the percentage of intakes in law firms and places are very limited. So this is a reality: as you know we've got lots of law students coming out of schools, lots of them they don't know where to go. I've got a friend who is like that right now [G].

3. Diversity

Students and graduates generally agreed that diversity of student backgrounds needs to be explicitly addressed in the capstone principles.

I think in terms of diverse range of backgrounds I mean certainly it needs to be but the way the course is structured and the way that admissions is structured you don't really get a diverse range of backgrounds you get ... a private sort of club ... And I'm not from a private school and wow that was a difference. You notice that one very quickly (G).

In addition, students and graduates expressed the view that the curriculum needed to be more flexible, particularly given that demands on time are more pressing by final year.

Yeah but even I know with the subjects that I'm doing online ... like I put my lecture notes, even just listen to it while I'm cleaning my room, getting ready and whatever and I'm like wow, I really understand that. And I have more time, I can multitask more (FY).

4. Engagement

From the student and recent graduate perspective, there was little distinction between the Engagement and Assessment principles. In other words, the general theme was that in order to be engaged, the majority of students and graduates wanted to see better connections between learning and practice playing out in relevant and authentic assessment tasks.

I do because to be honest, I mean we talk about all this practical side of thing which is really important but if we go through our assessments, the majority of them are essays or exams and for ... well no, majority are hypotheticals and exams, you don't need legal research skills that much so you have all the information in your textbook pretty much [FY].

I think there should be more uni-work integration. For example, later year subjects should incorporate assessment (both formative and subjective) that allows students to use the knowledge and skills they have developed and apply them to real world scenarios. For example, an assessment piece that requires students to draft a letter to a client. And not simply put it on the student, but provide them with some advice as to how to do this. I know this is done in the earlier years of our curriculum, but I think it would be much more valuable to use this sort of assessment in the final semesters of university. Another example would be in intellectual property (an elective nonetheless, but still taken by later-year students): as part of tutorial participation, five per cent could be allocated to students completing a pseudo-application for a trademark using the relevant form from IP Australia or something similar. Similar approaches could be adopted for other subjects, including: professional responsibility (pseudo affidavit for admission based on fact scenario), employment law

(application for unfair dismissal using online forms), family law (draft consent orders based on fact scenario), ADR (drawing up settlement offers in accordance with Calderbank [case law] or UCPR [Universal Civil Procedure Rules] although this has been done in Civil Procedure) [G].

There's no application. I thought doing contract law in first year I would understand how to potentially draft a case and contract. But you don't do that till maybe drafting which is a fourth year subject so at the moment I'm working for a ticketing company looking at contracts and there are just different things that we've never talked about in contracts. And I understand that like the contract law it progresses but there was no general application, if I go work for a firm and they go here's a contract, read it. I go oh okay I've done contract law but I don't really know what I'm reading. You learn it and you learn how to apply it when the university requires you so that they can assess you in their manner but in that application, that application is totally different to what happens in the real world [FY].

5. Assessment

Students and graduates wanted more 'practical experience' and 'practical assessment' built into the final year program. They stated there needed to be a greater focus on professional practices such as client care strategy, dealing with workplace stress, integration of prior learning in a practical context, court attendances, and contact with law firms.

I think there should be a practical compulsory subject which draws on knowledge from across the whole degree. I think it should have small, frequent assessment pieces mimicking real life practice. I think this would increase students' confidence and practical skills for the workplace [FY].

All students and graduates were concerned more generally about assessment and most of these concerns were focussed on assessment lacking 'real-life' relevance, as well what is perceived to be a lack of constructive feedback on assessment, particularly for examinations.

I think assessment is a really important one. I think you need to strike a balance between a grade which students, law students typically strive for and are very much motivated by, and enough feedback, particularly constructive [FY].

Some students and graduates feel there is a lack of clarity about what is required of them in assessment tasks, and a number of students believe that some assessment is unrealistic and/or expectations are inconsistent. Respondents also suggest that the mix of tutorial, written and examination assessment is unbalanced and that optional assessment types with different deadlines could help spread the workload. Students and graduates are also concerned about the heavy weighting on final examinations and that this disadvantages students who do not do well in examination conditions.

But also there's a lot of student feedback that I receive suggesting there is an extremely strong correlation between assessment style or assessment structure and anxiety and depression in a law school. Because how do you work at an exam that's worth eighty per cent where you don't know how you're going ... in which you don't necessarily know how you're going to perform, hugely increases student's stress levels [FY].

Some students support oral examinations in final year as a way of encouraging speaking

ability and promoting reflection.

6. Evaluation

Finally, many students felt that improved interface between the university, academic staff, the law profession and professional practice was vital. Many felt that there was a lack of up-to-date practice information, and that there was a lack of professional input (or good professional input) in important areas.

Chapter 4: Factors critical to project outcomes

4.1 Building on and advancing existing knowledge

The project has built upon and extended previous work including relevant ALTC/OLT funded (or past Carrick funded) projects such as: the Law Discipline Based Initiative project *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment* ('Law DBI') (DS6-597); the work of the ALTC Discipline Scholars: Law (Kift, Israel and Field 2011); and Boud's *Assessment Futures* Fellowship (for example, Boud and Associates 2010).

It was anticipated the project would utilise the knowledge and resources of the ePortfolio Project (available at <http://www.eportfolioppractice.qut.edu.au/>), which recommended that "academic policy in higher education institutions recognises the value of ePortfolio practice as a component of different pedagogies that enhance the quality of learning and teaching across the institution".

Significantly, the project built on Kift's *Transition Pedagogy* developed under the auspices of a 2006-2008 ALTC Senior Fellowship (Kift 2009) by ensuring that the capstone experience principles mirror the *First Year Principles* to enable overall curriculum coherence.

4.1 Factors critical to the success of the project

The significant factors that have been critical to the success of the project include:

- The initial face-to-face reference group forum which established a sound basis for on-going collaboration between the project team and the reference group and the continued engagement of the geographically dispersed reference group;
- The establishment of clear communication mechanisms, in particular a SharePoint site available online which included discussion forums and document management systems;
- The collaboration with the Australian Law Students' Association (ALSA) which provided a level of active involvement and collaboration from law students and recent graduates;
- The on-going involvement of the external evaluator, Dr Clair Hughes, who made a significant contribution to the project from the initial reference group forum through to the final Capstone Experience Forum in 2012. (Dr Hughes' final evaluation report appears at Appendix D);
- The involvement of the project leader and another team member in the articulation of law's *Threshold Learning Outcomes* by the ALTC Discipline Scholars: Law (Kift, Israel and Field 2011), which settled issues around a consensus approach to law program learning outcomes to which any capstone experience might have regard;
- Collaboration with three current and related ALTC/OLT projects led respectively by QUT, Griffith University and Monash University as follows:
 - The QUT project on the use of reflective practice in tertiary education, led by Dr Mary Ryan and Dr Michael Ryan of the Faculty of Education, QUT (see QUT, *Developing Reflective Approaches to Writing* (DRAW) <https://wiki.qut.edu.au/display/draw/Home>);
 - The Griffith 2010-2012 ALTC Priority Project, *Capstone Courses in Undergraduate*

Business Degrees: Better Course Design, Better Learning Activities, Better Assessment, led by Associate Professor Janice Bailey and Dr Liz van Acker, whose project team includes Professors Keithia Wilson, Lorelle Frazer and Dr Ray Hibbins, together with partners from four other universities (QUT, Macquarie, Newcastle and Wollongong). This (capstone) project's leader is a member of the reference group for this GU project; and

- The Monash University-led clinical legal education project, *Strengthening Australian legal education by integrating clinical experiences: identifying and supporting effective practices* (see Monash University website, <http://www.law.monash.edu.au/about-us/legal/alte-project/>). This (capstone) project's leader is a member of the reference group for this Monash project and another (capstone) collaborator, Professor Giddings (GU), is a project member.
- Continual project dissemination and engagement within the legal sector in particular but also within the higher education sector more broadly.

4.2 Project challenges

There were a number of challenges faced by the project team which were identified in the progress reports and the most significant are briefly outlined here.

Revision of the timeline: The project team had to revise the original timeline submitted with the project application as it was constructed on the basis that the project would commence in January 2010. The funding requirement that the project commence in September 2009 (being the date the funding was received) required a reorganisation of the timeline. There were a number of project milestones, such as the initial reference group forum and the holding of focus groups which were set by the academic calendar and could not be brought forward to accommodate the new timeline. Although the project team attempted to work around these challenges by undertaking as much project activity as possible in the revised September-December 2009 start-up period, there was inevitably some delay and slippage as a consequence of revising the initial timeline.

Turnover of project personnel: The timeline had to be revised further throughout the course of the project to accommodate turnover and conflicting priorities of project personnel. The project manager role was split following the departure of the original project manager in December 2010. The rewriting of this position and appointment of new personnel took considerable time and delayed the project to some extent. Adding to this challenge, the project leader was required to take long service leave over the first half of 2011 which necessitated a further revision of the project timeline.

All of the challenges and delays required revisions to the project timeline, and this ultimately necessitated an extension being sought from (and granted by) the ALTC. This extension was formally granted on the 23 March 2011 for a revised reporting date of 30 June 2012.

Transferability of research-base to the Australian legal education context: The literature regarding capstone and final year experiences is vast, somewhat contested and not easily synthesised across disciplines or jurisdictional contexts. For example, there is debate and lack of clarity in the literature around best capstone assessment practices, such as whether capstones should be graded or non-graded, and whether new material should be introduced

into the capstone experience. Many of the project collaborators disagreed with the general consensus that assessment should not be graded, with less agreement regarding the introduction of new material. The project team also had to exercise caution in seeking to transfer some of the international learning and terminology to the Australian legal education context. For example, many researchers used the terms integration and closure interchangeably, whereas for others, these terms represented different concepts. The legal education-specific approaches were also found to be not unproblematic and had to be tested for relevance to the Australian context. For example, while capstone experiences in law (and in other disciplines) are not uncommon in the USA, the different educational system and learning outcome imperatives suggested nuanced implementations were more appropriate for the Australian context. The reverse was also found to be true; for example, what might be advisable and scalable for Australian legal education might not be valuable or applicable for USA law schools.

Therefore, with the assistance and guidance of the international reference group members, the project team sought to ensure that the project outcomes would be as transferable as possible in the international context. For this reason, in the project's early stages, the team had to work hard to address some fundamental definitional matters that were foundational to the development of the project's capstone experience principles and took longer than originally planned to resolve these issues to the team's and reference group's satisfaction. The positive outcome from these challenges was that they highlighted the need for such detailed investigation and contextualised action in the capstone space, reinforcing the timeliness and likely impact of project outcomes.

Encapsulating the student voice and accommodating student turnover in ALTC/OLT projects: It was critical to the project that the peak law student body, ALSA, supported the project in significant ways, for example, with representation on the reference group, presenting at the Capstone Experience Forum in 2012, and by providing access to its student members, members of its affiliated institutional Law Student Societies and its recent graduate networks. At each of the three participating universities, ALSA supported the recruitment of focus group participants, an outcome for which the project was very grateful. Challenges however arose with the on-going nature of the ALSA engagement over the course of the project given that the student members only held positions for one calendar year term, resulting in three changes of ALSA representatives over the project's life. This challenge was managed by providing the incoming representatives with a brief on the project.

Need for flexibility and adaptability: It was vital to the success of the project that continuous and critical reflection was brought to bear on all project activities. The team also needed to demonstrate an on-going capacity for flexibility in response to issues as they arose, however challenging those matters may have been at the time. During the course of this project, the team had to re-think the methodology in relation to the development of the final year principles with exemplar final year models, as a result of the feedback received and further research conducted on the several principles and their conceptualisation. Ultimately, the input from students and recent graduates became determinative in the development of the finalised principles. Similarly, the conceptualisation of a final year model had to undergo considerable revision as a result of collaborator and reference group feedback. The development of the *Toolkit* came about as a result of this need to respond with flexibility and be responsive to stakeholder feedback.

Web presence: The project team, collaborators and project reference group all experienced difficulties using the ALTC Exchange in the project's first year. The ALTC Exchange was eventually terminated during the course of the project causing the project team to further consider its online mechanism for project dissemination. Following the demise of the ALTC Exchange, an interim project website was located on the QUT Faculty of Law's Research Centre page. When QUT released its new institutional website, the project team had to focus for a third time on the development of a further information dissemination site. The challenge of finding a stable and continuous internet portal led to the need for the appointment of a specialist project assistant to develop a tailored web presence for the project. It was ultimately envisaged that the new website would provide for an interactive delivery of the Final Year *Toolkit*, at which point it became necessary to engage the services of QUT's web services team. The project website is now available at <https://wiki.qut.edu.au/display/capstone/Home>.

Maintaining project dissemination to ensure recognition and uptake: Ensuring awareness of the project amongst legal educators and building the potential for adoption of project outcomes in Australian law schools has proven challenging. The national project team and reference group members were recruited from five Australian law schools intentionally across diverse institutions with varied affiliations, such as Go8, ATN, IRUA and non-aligned. International educators were also engaged in the reference group. The project collaborators worked hard to promote and disseminate the outcomes of the project across their own institutions, networks and associations. The ALTC Discipline Scholar work of developing standards for the Bachelor of Laws provided a suitable context and driver for capstone considerations, while the project's dissemination strategy and publications used broad-based approaches with the goal of developing further crucial networks for the project. Dedicated attention to building and maintaining such sophisticated broad-based strategies presented an on-going challenge for project members, especially when, for example, all UK Subject Centres ceased operation during the project's life.

Workload of project personnel: Building on from the challenges of staff turnover was the issue of workload. All team members and the project research assistant struggled with their workloads as they juggled their project responsibilities with their other professional roles. Despite these workload issues, the team worked exceptionally well together with individuals proactively taking responsibility for various project tasks to ensure the project continued to progress and meet its milestones. In this sense, a functioning and collegial team is a great project resource in its own right and the benefit this provides should not be underestimated. It was of considerable assistance to the project team that the ALTC granted an extension of time for the project, allowing the timeline to be revised to accommodate the work commitments of various project members. This accommodation was particularly advantageous in the context of the ALTC Discipline Scholar work under the Learning and Teaching Academic Standards (LTAS) project referred to above, with which two members of the project team were engaged. Both the law LTAS project and this project benefited from their concomitance.

Managing communication and contributions by collaborating partners: Managing collaboration and communication with geographically diverse and busy collaborators and reference group members proved to be an on-going, if not unique, challenge for the project team. At times, alternative communication strategies to encourage greater and more

consistent participation from all reference group members and partner institutions were employed (such as direct email and one-to-one engagement).

4.3 Lessons learnt from the project

The progress reports and final project meetings identified several lessons learnt over the course of the project. These lessons are briefly outlined here.

Systematic and carefully planned project management: The project team undertook a systematic and planned approach to the management of project activities and processes. The project manager planned the work tasks in accordance with the project timeline as it was revised and notified team members in advance of the date when outcomes and deliverables were due. Continual and critical reflection on the progress of the project was a key feature of this project management strategy, especially in light of the requirement to revise the project's critical path (in accordance with funding requirements), as well as remaining responsive to the changing needs and opportunities occurring during the course of the project. The capacity for flexibility enabled the project team to address issues as they arose, to monitor progress effectively, and to adapt the project plan as required in order to better secure the desired outcomes.

High level executive and institutional sponsorship at collaborating institutions: The project was endorsed and supported by key and senior staff at each of the collaborating institutions. The QUT Office of Teaching Quality posted links to the project's newsletters on its website, and the Associate Deans, Learning and Teaching (or equivalent) at all Australian law schools provided an efficient network for disseminating project newsletters to legal educators. The Law Deans at each of the three collaborating institutions sponsored the call for focus group participation, which was crucial for student recruitment purposes. QUT's Awards and Grants Office has well-developed processes for supporting ALTC project teams and was useful in the start-up stage of the project. The support outlined here was critical to the success of the project and demonstrated the need for developing and maintaining wider associations to projects.

The necessity of a dissemination strategy and early dissemination of project information: The project team had a number of dissemination strategies in mind at the outset of the project, including the development of newsletters, a public website, and scholarly publications. As the project progressed, various opportunities presented themselves for the enhancement of project dissemination and the uptake of project outcomes. For example, the submission of papers and conference presentations provided further avenues for dissemination of the project. The early dissemination of project information was vital to developing the curriculum principles as feedback from the academic and legal community was central to how these principles evolved.

Contemporary relevance: The project has been fortunate to find its focus to be of recent and considerable relevance to the sector, especially since the release in 2011 of the DEEWR Discussion Paper: *Developing a Framework for Teaching and Learning Standards in Australian Higher Education and the Role of TEQSA* (available at <http://www.hestandards.gov.au/sites/default/files/TeachingLearningDiscussionPaper.pdf>). Recognition of the potential for capstone experiences to provide a mechanism for assurance

of learning in the context of the new regulatory and quality framework for higher education has been advantageous to the project and, in particular, has focussed broad attention on the project's development of *Final Year Curriculum Design Principles*.

Remaining flexible: As the project developed, the need for constant review of progress became important. This constant review demonstrated that flexibility was crucial for working around potential impediments and personnel changes affecting the project. For example, the ALTC's approval of the extension of the project timeline was critical to the success of the project. This extension enabled the project team to review, consolidate and renew the project approaches, which ultimately led to an enhancement of the quality of the project's outcomes and deliverables. The appointment of a further specialised project manager was necessary to support the development of the project website following the demise of the previous internet portals. As the content and format of the project's final year *Toolkit* developed, it was considered desirable to employ specific expertise to enable the presentation of the *Toolkit* on the website to be interactive. By employing expertise beyond that of the project team members, the finished product (in the form of the interactive website) is superior to that proposed at the start of the project. With the departure of a team member from a collaborating institution, it was necessary to reconsider the logistics of convening the second series of focus groups. As a result, and following a variation to the ethics approval, an online survey instrument was designed, widening the pool of potential respondents and resulting in significantly more feedback than would have been obtained from conducting focus groups only. In this respect, participants maintained a degree of control over their level of contribution via the choice of focus group interview or completion of the online survey. A change in the availability of the Final Year Forum keynote speaker necessitated a rethinking of the approach to the Forum, including its content and delivery options. Following this rethink, the Forum was offered as both a face-to-face experience and online (via Blackboard Collaborate) which included an additional Panel and workshop session facilitated by educational experts. As a result, it was considered the Forum presented in 2012 was better than proposed at the commencement of the project. These positive outcomes to the challenges faced by the project team demonstrate the need for flexibility and adaptability in order to generate successful outcomes.

Chapter 5: Capstone experience principles and commentary

5.1 Capstone experiences curriculum principles

The design of capstone experiences may vary significantly; different frameworks may be used (for example, a disciplinary or inter-disciplinary focus or to satisfy professional accreditation requirements), rationales and objectives may differ, and a variety of models utilised (for example, an integrated final year program, a single subject, a suite of subjects, or modules within several subjects). Broadly however, capstone experiences should provide final year students with an opportunity both to look back over their academic learning, in an effort to make sense of what they have accomplished, and also to look forward to their professional and personal futures that build on that foundational learning.

In the context of an increasing regulatory and quality focus on assuring academic standards and student achievement of program learning outcomes, capstone experiences should be intentionally designed to promote reflection on, and the integration and synthesis of, whole-of-program learning by requiring student demonstration of consolidated, integrative and transferable learning. In this way, capstone experiences may contribute to assurance of learning and provide students with a sense of closure to the academic experience and completion as a graduate of the discipline.

It should be recognised that students face significant, and often quite diverse, transitional issues in the final stages of their university learning as they prepare for the next career phase and for uncertainty, complexity and endemic change in their future professional and personal lives as engaged global citizens. A further key objective of capstone experiences therefore is to be future focussed; to enable students to make connections between their academic learning and future professional contexts by mediating a positive transition from student identity to beginning professional identity or further study (for example, through career development learning and attention to the formation of professional identity).

Given the significance of the transitional issues facing final year students, which it has been argued are just as challenging as those facing first year students entering the tertiary environment (Jervis and Hartley 2005, 314), a transition pedagogy similar to that identified as appropriate to first year (Kift 2009) should be applied in the final year of legal education. Accordingly the principles applicable to the final year mirror those applicable to the first year. The design of effective capstone experiences should address the following six interconnected principles as further explicated below:

- Transition
- Integration and Closure
- Diversity
- Engagement
- Assessment
- Evaluation

While these principles have been developed in the context of legal education, they are

equally applicable across disciplines. However in the legal context specifically, given the nature of the degree as a professional qualification, there is a particular emphasis on the preparation of students “to practice law effectively and responsibly in the contexts they are likely to encounter as new lawyers” (Stuckey et al 2007, 28).

5.2 Favourable conditions

The efficacy of capstone experiences will be affected by the curriculum context within which they are offered. Favourable conditions, which promote the effectiveness of capstone experiences, include:

- Taking a whole-of-program approach to curriculum design;
- Identifying program learning outcomes that take into account the discipline threshold learning outcomes, the institution’s graduate attributes, professional accreditation requirements and the institution’s and/or the law school’s mission(s);
- Embedding and incrementally developing the program learning outcomes throughout the program to assure student preparedness to engage in the higher order cognitive and affective processes required;
- Assuring the acquisition of the program learning outcomes at checkpoints throughout the program (for example, by use of a student ePortfolio);
- Fostering a quality learning environment and good teaching and learning support within the law school and/or institution;
- Ensuring that the capstone experiences are mediated through intentionally designed curricula and co-curricula;
- Ensuring that the capstone experiences delivered are appropriately supported and resourced and that the associated logistics and risks (for example, occupational health and safety, ethics clearances, intellectual property, etc) are identified and managed proactively;
- Ensuring staff are developed, valued and rewarded for their capstone-focussed perspective and partnerships; and
- Providing institutional support to ensure that the conditions that promote successful student transition out of the university and into the world of work, professional practice and future learning are appropriately resourced and are sustainable over time.

5.3 Principles

This project has resulted in the identification of core curriculum principles necessary to design and deliver successful capstone experiences for final year students. Each of these principles has been expanded upon in a set of *Notes on the Principles*, which highlight the relevant research and include some quotes from the project data collected. The Notes on each of the principles are set out in the following sections (5.4-5.9) and are available on the project website.

The project recommends law capstone experiences be designed in accordance with the following, interconnected design principles:

1. Transition

An effective capstone experience supports transition by:

- Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;
- Assisting students in beginning to develop a sense of professional identity; and
- Supporting students to manage their career planning and development.

2. Integration and closure

An effective capstone experience provides integration and closure by:

- Supporting students to integrate, synthesise and extend their learning in the program; and
- Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.

3. Diversity

An effective capstone experience responds to diversity by:

- Enhancing students' capacity to engage with diversity in professional contexts; and
- Being inclusive of all students.

4. Engagement

An effective capstone experience promotes student engagement by:

- Requiring students to assume active roles, to apply their learning in realistic, authentic and unfamiliar contexts and to take responsibility for their own work; and
- Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.

5. Assessment

An effective capstone experience recognises the culminating nature of the experience by:

- Aligning assessment practice to the capstone principles; and
- Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.

6. Evaluation

An effective capstone experience:

- Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;
- Contributes to the whole-of-program evaluation; and
- Contributes to the demonstration of student attainment of the discipline learning outcomes.

Further detail on what is intended by each of these principles, with reference to the project's evidence- and research-base, is now presented in sections 5.4 – 5.9.

5.4 Transition

Student and recent graduate comments

Students want more opportunity to reflect on their learning throughout the degree:

But there's no time to actually properly reflect on things and I think it's really important especially with something like law where you're learning all of this information and you don't have time to process it and take it back again and I think that's part of what we're saying. We forget everything before we have time to reflect on it so we kind of need that.

Students want more opportunity to plan their careers throughout *the degree*:

Or even the fact that that's a pathway everyone goes, a lot of you will go down, it's not necessarily the best pathway from the beginning. Like even though if you haven't been successful before and you go to the stage of applying, this isn't the only option to apply this way, there's this whole broad range of things you can apply for.

Transition generally

The challenges in moving from university out into the world of work or further study have been considered to be as great as those facing students transitioning from school to university (Jervis and Hartley 2005; Wells, Kift and Field 2008). Gardner and Van der Veer (1998, 5-6) argue that universities should provide final year students with specific support to assist them to cope with the changes that occur as they end their life as university students and begin their post-university life. While there are challenges both in transitioning to the workplace and to further study, it could be argued that the transition issues faced by students joining the professional workforce are particularly significant (Jervis and Hartley 2005) and, accordingly, there is a pressing need to implement capstone experiences that enhance the career readiness of students and ease their transition into the world beyond university. Without such a capstone experience in the final year of their legal education, graduates risk entering practice without adequate understanding of their ethical and professional obligations and without a strong base for future professional learning and development.

The final year is critical for students as they deal with the stresses and frustrations associated with differences between academic life and workplace cultures. In this context, the role of the university in the final year is to assist students to “cope with impending change, become aware of how all aspects of their lives have contributed to their development as learners, and find connections between their academic experience and future plans” (Gardner and Van der Veer 1998, 6).

Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change

The ability to manage uncertainty, complexity and change in new applications and environments is essential for students' success in their future professional lives. Graduates are likely to experience many changing roles throughout their careers and students who have developed the skills to make the transition from university to work will be able to apply those skills more adeptly in future transitions (Holton 1998, 98). Adaptability and flexibility are important outcomes for graduates as successful practitioners are able to adjust their approach to meet the changing needs of their profession (Heinemann 1997). Accordingly, students should be provided with an opportunity during their capstone experience to develop and organise cognitive capacities that will enable them to recall past experiences, interpret given situations, and apply their learning to new contexts (Heinemann 1997). Desirably, capstone experiences consolidate learning and equip students with the remaining building blocks – cognitive, skilled and affective – to span the divide between student and reflective professional.

The acquisition of lifelong learning skills has been shown to smooth the transition from university to post-university life (Fairchild and Taylor 2000), and to enhance motivation, initiative and creativity in the workplace. In the legal context, the *Best Practices Report* suggests that lifelong learning is essential for legal practitioners so that they “can realistically evaluate their own level of performance and develop a plan for improving” (Stuckey et al 2007, 67). Reflective practice has been recognised as an essential aspect of being a lifelong learner (Brockbank and McGill 1998; Stuckey et al 2007), and personal self-reflection is essential to the successful *transition out* of university (Hovorka 2010). Reflection fosters both personal and professional development (Olsen, Weber and Trimble 2002), and contributes to the acquisition and refinement of higher order cognitive skills, including critical thinking (Forde 2006). Students need to be provided with opportunities to consider and reflect on what they have learnt, and to contemplate the ways in which their knowledge could be used in a professional context (Dunlap 2005).

As part of the transition to post-university life, capstone experiences should also assist students to develop resilience. Much has been written on how to cultivate resilience in students and in the workplace, particularly in the areas of nursing and medicine. Resilience has been defined as “the ability of the individual to adjust to adversity, maintain equilibrium, retain some sense of control over their environment, and continue to move on in a positive manner” (Jackson, Firtko and Edenborough 2007, 3). One key aspect of resilience is the ability to deal with change (Jackson, Firtko and Edenborough 2007; McAllister and McKinnon 2009, 272). Regardless of the exact boundaries of the definition of resilience, the law degree should prepare students for the pressures inherent in legal practice, including time demands and constraints, feelings of isolation and bewilderment, and general stress (Maute 2007). For many law graduates, resilience may become an issue once they enter professional practice, as they struggle to maintain a healthy work-life balance (Maute 2007).

Rather than promoting resilience, it has been argued that legal education does much to undermine students' self-efficacy (that is, the belief in their own capability). In the context of USA law schools, the *Best Practices Report* suggests that the competitiveness of law

schools sends “negative messages to students about their competence and self-worth” (Stuckey et al 2007). Hall, O’Brien and Tang (2010, 48) raise similar concerns in relation to Australian law schools and suggest resilience can be fostered by:

- Offering caring relationships, high expectation messages and opportunities for participation and contribution;
- Encouraging students to maintain outside interests, leisure activities and friendships;
- Sending a message that making mistakes and feeling anxious is not a sign of inability or incompetence; and
- Providing opportunities to form positive relationships with law teachers.

In this way, capstone experiences may also contribute to the development of graduate capabilities beyond what may be directly measureable in assessment tasks; indeed, they may promote holistic thinking, self-confidence and self-efficacy (Bailey, Oliver and Townsend 2007). Evidence suggests that equipping students with confidence enables them to better deal with change in the workplace (Bailey, Oliver and Townsend 2007). Dunlap (2005) demonstrates that teaching through problem-based learning scenarios in capstone subjects would improve students’ self-efficacy, in turn better preparing them for the workplace.

Assisting students in beginning to develop a sense of professional identity

Over the course of the law school experience, students should develop an awareness of what it means to be a graduate of their discipline and be facilitated in the formation of an emerging sense of professional identity, the latter continuing to grow in their post-university life (Durel 1993; Hovorka 2010). Well-designed capstone experiences aid this transition by contributing markedly to the development of a strengthening sense of professional identity and purpose (Jervis and Hartley 2005; Bailey, Oliver and Townsend 2007; Holdsworth, Watty and Davies 2009). In the legal education context specifically, the Carnegie Report suggested that professional identity is “in essence, the individual’s answer to questions such as, Who am I as a member of this profession? What am I like, and what do I want to be like in my professional role? and What place do ethical-social values have in my core sense of professional identity?” (Sullivan et al 2007, 135). According to Branch (2000):

The development of a professional identity should result in students abandoning their novice view or anticipatory socialisation expectations of the profession for a new professional identity (Brown and Duguid 1991). Hence, the student throughout their education should experience a shift that will bring their novice view closer to the professional reality. As a result, it is proposed that students adjust their previous expectations of their future work role so that they are accurately matched to the reality.

Again in the context of legal education in particular, the Carnegie Report also identifies professional identity as a third apprenticeship and states “legal education needs to attend very seriously to its apprenticeship of professional identity” (Sullivan et al 2007, 128). The Carnegie Report includes in this apprenticeship both the rules of professional responsibility and the moral development of legal professionals, referring explicitly to matters of character and responsibility for clients (Sullivan et al 2007, 129-132):

The third apprenticeship, which we call the apprenticeship of identity and purpose,

introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible. Its lessons are ideally taught through dramatic pedagogies of simulation and participation. But because it opens the student to the critical public dimension of the professional life, it also shares aspects of liberal education in attempting to provide a wide, ethically sensitive perspective on the technical knowledge and skill that the practice of law requires. The essential goal, however is to teach the skills and inclinations, along with the ethical standards, social roles, and responsibilities that mark the professional (Sullivan et al 2007, 28).

The *Best Practices Report* (Stuckey et al 2007, 79-84) also suggests that teaching professionalism, including values, as part of helping students to become effective responsible lawyers should be an explicit goal of law schools.

In the Australian context, Hall, O'Brien and Tang (2010) argue that law school is an important contribution to the development of professional identity, whether this contribution is acknowledged or intended. Accordingly, care should be taken that the professional identity encouraged by law schools is adequate to prepare students for their future professional lives as empathetic and resilient practitioners.

While the literature clearly recognises the important role of capstone experiences in the development of professional identity, and the role of an accurate perception of professional identity in aiding the transition out of university (Branch 2000), it is less clear as to how this may be achieved. This may be understandable in generalist disciplines, where there are no clearly identified professional career destinations. In that case, the focus of a capstone experience is more likely to be on the integration and synthesis of the different strands of the degree program, together with broad career development learning. However, in programs where there is a clear vocational outcome (such as law), consideration should be given to the extent to which university programs contribute to the development of professional identity from the first year to the final year, including via capstone experiences. The Law DBI includes the development of professional identity in its discussion of ethics and professional conduct (Davis et al 2009, 94). The Law DBI report notes that the bulk of Australian law schools teach ethics and professional conduct in one subject, often as a capstone experience, with one third of law schools locating their primary teaching of ethics and professional conduct in the final year (Davis et al 2009, 99). There is also a small group of law schools who introduce ethics and professional conduct in the first year and teach it again in a later year subject. The Law DBI report concludes that the approach "most conducive to the effective learning by law students of professional responsibility is for ethical matters to pervade, or be embedded throughout, the law curriculum" (Davis et al 2009, 99-100). The report provides some examples of how professional responsibility, including professional identity, can be embedded in the law curriculum and how it can be taught and assessed. The report points to the street law model as an effective means of developing professional identity (Davis et al 2009, 113).

Reflective practice also has an essential role in assisting students to develop a sense of professional identity. Reflection fosters both personal and professional development (Olsen, Weber and Trimble 2002), and contributes to the acquisition and refinement of higher order cognitive skills, including critical thinking (Forde 2006). Reflective practice includes personal reflection, with the potential for personal transformation, which has the purpose of promoting self-awareness and instilling a sense of citizenship (Hovorka 2010). Generally,

self-reflection is essential for law students in order for them to develop as ethical, socially responsible practitioners (McNamara, Field and Brown 2009).

Supporting students to manage their career planning and development

In its forward-looking aspect, a capstone experience should facilitate career planning and development processes, and also provide opportunities for students to consider how their own knowledge and skills might interact with professionals with different skill sets (Gardner and Van der Veer 1998). For example, law schools should be able to supply students with information on graduate destinations, thereby enabling them to consider the career paths of those who have gone before them (Myers and Richmond 1998). Smith et al assert that:

Career development learning enhances: student engagement; the student experience; student transitions; and contributes to workplace productivity. It is valuable to provide a wide spectrum of workplace experiences to facilitate student participation in work related learning, hence curriculum reform and design across the sector (including learning tools and resources) should enhance this wider access to career development learning and work related learning (2009, 10).

Various examples of career planning practices are provided by Cuseo (1998, 27-30). For instance, the Kean College of New Jersey's senior elective program *Career Management* includes assessment that involves personal reflection on the results of individual aptitude and interest tests, self-description of employment qualifications and a detailed plan for achieving career objectives (Cuseo 1998, 27). Career planning may also be facilitated in the context of practical work experience (see also the Work-integrated learning (WIL) section 7.1 below). In addition to career planning, specific employment preparation skills such as resume writing, interviewing skills and business etiquette can be beneficial (Cuseo 1998, 28).

In considering career development, law schools have a responsibility, not only to prepare students for legal practice, but also to provide a broad education to both those who propose to work as lawyers upon graduation and those who seek employment in other sectors, including accounting, management, and the public sector (Kamarul 1994). In the USA, capstone experiences are designed with diverse work environments in mind, preparing students by considering potential issues they may encounter (Maute 2007). The Law DBI report indicates that around 20 per cent of recent law graduates work in government positions and around 14 per cent are working in business or similar occupations, another 31 per cent in clerical roles, with 39 per cent moving into legal positions (Davis et al 2009, 49-50). While these figures suggest law schools should be mindful of diverse graduate destinations, law schools may also wish to tailor individual capstone experiences to reflect the law school mission and context; for example, by including legal theory, law reform and/or understanding law in its social, political and economic context.

5.5 Integration and closure

Student and recent graduate comments

Students consider it important that they are given the opportunity in their final year to bring together the knowledge and skills gained throughout their degree:

And then having a legal research subject ... gives you the skills to be able to go well contract is completely different, how do I find out what's going on right now and pull it all together again.

Students feel that final year tends to be disjointed:

you go through and you stuck to this really rigid schedule of what subjects you are taking on and then your last year is mainly elective subjects. So it's so much choice being thrown at you all of a sudden.

Students want more opportunity to reflect on their professional development throughout the degree:

I like the idea of doing the [reflection on what you've actually learned and what that means for you as a professional going forward] halfway through thing as well because then you have time to build it up in terms of how it's going to affect your career.

Integration and Closure generally

Integration and Closure are not clearly defined in the literature, many commentators using the two terms interchangeably (for example, see Heineman 1997; Gardner 1999). In our view, closure is a wider term which refers to a culminating experience that assists students to attain a sense of what it means to be a graduate of the particular discipline. Integration, on the other hand, is one means by which that sense of closure may be achieved. Closure also extends to the application of knowledge, in combination with skill and judgement, to resolve authentic discipline problems (Cunningham and Alexander 2010). It is also desirable for the inclusion of cross-national and inter-disciplinary perspectives and applications (Cunningham and Alexander 2010). This aspect of closure is particularly apposite to legal education, where the specific discipline knowledge may change so significantly as to be valueless within the lifespan of the graduate's career (Australian Law Reform Commission 2000, 2.84). It is essential that students apply discipline knowledge and skills in unknown contexts in order to develop the "intellectual breadth, agility and curiosity" required by lawyers (Australian Law Reform Commission 2000, 2.89).

In order to achieve integration and closure, it is important to conceptualise capstones as culminating experiences in an intentionally sequenced curriculum whole. In this regard, Bruner's (1977) concept of a 'spiral curriculum' provides a particularly useful conceptual basis. Bruner states that "[l]earning should not only take us somewhere, it should allow us later to go further more easily" (1977, 17). He advocates enquiry based learning, and argues that the fundamental principles must be learnt first, and revisited later throughout the curriculum and built upon (Bruner 1977). The spiral curriculum supports students in achieving a holistic sense of their studies by "enhancing the knowledge and skills they have acquired in previous classes" (Sargent, Pennington and Sitton 2003, 2). It also illustrates how

the structure of a capstone experience must be unique within a degree, in that the focus in this aspect is on synthesis and integration as opposed to new conceptual learning. In order to use the concept of a spiral curriculum effectively, a constructivist approach is required which ensures that previous learning is integrated into a whole, thereby creating a sense of completeness for students (Bailey, Oliver and Townsend 2007). In this way, the spiral curriculum facilitates particular achievement of the capstone experience objective of Integration and Closure.

Supporting students to integrate, synthesise and extend their learning in the program

It has been argued that, in order to achieve integration and closure, capstone experiences should concentrate on the integration of existing knowledge and skills rather than the acquisition of new content (Bailey, Oliver and Townsend 2007). It is our view that such exhortations should not be interpreted too proscriptively; often authentic application and extension of prior learning will require students to consider new contexts, knowledge, experiences or situations of contemporary relevance in order to demonstrate desirable integrative connections and outcomes. Integration refers to the “objective of *integrating* a body of relatively fragmented knowledge into a unified whole” (Durel 1993, 223). It allows students “to pull together all the ideas presented in different [subjects] and construct some sort of integrated, meaningful whole” (Heinemann 1997). Heinemann (1997) identifies several benefits of integration. First, it enables students to make sense of the confusion caused by differences between subjects and academics (for example, in the use of terminology). Secondly, it is the means by which students understand what it is to be a graduate in a particular discipline. Thirdly, only integrated knowledge is meaningful and useful and can be applied successfully in unfamiliar situations. Finally, integration can achieve intellectual consolidation and allows for competence testing, an issue of increasing importance in the contemporary assurance of learning environment.

Capstone experiences should also enable students to experience the complexity of their discipline and provide an opportunity to synthesise their program learning in real-world applications (Hovorka 2010). A capstone program, subject or module should be a culminating experience in which students are asked to integrate, extend, critique and apply the knowledge and skills they have acquired over the course of their academic study (Hoffman 2003; Myers and Richmond 1998; Wagenaar 1993). It may be the only experience within the degree that traverses the breadth of the curriculum, adding depth and meaning to concepts and ideas previously introduced, and encouraging students to use this synthesised knowledge to consider their professional future.

Reflection assists students to integrate existing knowledge (Dunlap 2005) with the potential to transform understandings through new and different perspectives generated. Accordingly, Baker (1997) argues that capstone experiences must allow students to critically reflect on their prior learning; in the context of program completion, a reflective component serves to highlight a student’s sense of accomplishment. Conceptualised in this way, the role of reflective practice in effective capstone design is desirably broad and pervasive, facilitating both retrospective and forward-looking learning and, through personal reflection, enabling the potential for personal transformation, the promotion of self-awareness and the acquisition of a sense of citizenship (Hovorka 2010).

Capstone experiences should do more than allow students to integrate and synthesise their learning. They should also enable students to enhance their professional skills and competencies, including moral reasoning, ethical decision making and professional judgement, so they can be applied in complex environments post-graduation.

Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen

Capstones should be culminating experiences that assist students to use their university education in their graduate roles as ethical citizens and leaders in the global community (Gardner 1999; Heinemann 1997); to prepare students for roles they may assume beyond their core profession. This is consistent with the literature relating, for example, to geography capstones (Hovorka 2010) and sociology capstones (Durel 1993), which reference academic experiences that are “valuable for citizenship in the human community” (Hovorka 2010, 253).

For a law graduate, this concept of citizenship goes beyond an understanding of professional values and extends to a commitment to justice. The *Best Practices Report* argues that “the development of virtues consistent with this social good [achieving justice] must be a central goal of legal education” (Stuckey et al 2007, 84). Sir Anthony Mason, former Chief Justice of Australia, (1994) observed:

A law school has a responsibility to ensure that it generates as graduates lawyers who understand the problems of society and appreciate the complex relationship between law and society. It is particularly important, when there is so much competition for professional employment, that law graduates command a range of talents as well as a broad education.

Again, reflective practice is a key means of assisting students to achieve integration and closure in this sense, by facilitating understanding of the role as a law graduate in contributing to complex societal issues (Kift, Field and Wells 2008). The Carnegie Report posits that professional education is “preparation for accomplished and responsible practice in the service of others. It is preparation for ‘good work’” (Sullivan et al 2007, 23). Students need to be provided with opportunities to consider and reflect on what they have learned, and to discuss the ways in which their knowledge may be used in professional contexts (Dunlap 2005); “they must come to understand thoroughly so they can act competently, and they must act competently in order to serve responsibly” (Sullivan et al 2007, 23). Reflection and interpretation encourage integrative learning in its broadest sense (Fernandez 2006) – temporally across the programme of study, personally and professionally, and as between university identity and global citizenry.

5.6 Diversity

Student and recent graduate comments

Diversity of backgrounds needs to be addressed:

I think in terms of diverse range of backgrounds I mean certainly it needs to be but the way the course is structured and the way that admissions is structured is you don't really get a diverse range of backgrounds you get ... a private sort of club ... And I'm not from a private school and wow that was a difference you notice that one very quickly.

The program needs to be flexible, particularly given that demands on time are more pressing by final year. There is a need to recognise diverse learning styles:

Yeah but even I know with the subjects that I'm doing online ... like I put my lecture notes, even just listen to it while I'm cleaning my room, getting ready and whatever and I'm like wow, I really understand that. And I have more time, I can multitask more.

Diversity generally

In the context of capstone experiences, diversity is concerned with enabling students to be inclusive of others in professional contexts, as well as ensuring that capstone experiences are designed to be inclusive of all students. While the word diversity may be interpreted to mean differences in program structures (for example, different capstone entry points due to subject sequencing, double degrees or graduate entry) or diversity in career destinations, in our view these matters, though relevant to the second dot point under this principle, are more closely aligned with the notion of transition. Under this design principle, diversity is concerned more with ensuring that students have the ability to engage with and respect diversity in professional contexts when dealing with the public, clients and colleagues (for example, cultural competence when dealing with persons from a range of social, economic and ethnic backgrounds (Stuckey et al 2007; Arkoudis et al 2010); diversity of opinion and perspective) and that the capstone experience is designed to be inclusive and enabling of all students.

Enhancing students' capacity to engage with diversity in professional contexts

A capstone experience should prepare law students to deal with the inevitable human diversity that they will face in their future professional lives. "A mark of a liberal learning is awareness of, and sensitivity toward, differences and similarities where race, gender, religion, disability, sexual orientation, ethnicity, culture, social class, and education are concerned" (Dunn and McCarthy 2010, 164).

Stuckey et al (2007, 66-67) argue that cultural competence is "a skill that can be taught", and to this end recommend student acquisition of the five habits of cross-cultural practice developed by Bryant and Peters (Bryant 2001 cited in Stuckey et al 2007, 66-67). These are:

- *Habit One: Degrees of Separation and Connection* – where students list and explore the significance of similarities and differences between themselves and clients;
- *Habit Two: The Three Rings* – where students identify and analyse the possible effects of the similarities and differences on interactions between the client, the lawyer and legal decision-maker;
- *Habit Three: Parallel Universes* – where students consider alternative explanations for clients' behaviour that may be based in cultural differences;
- *Habit Four: Pitfalls, Red Flags and Remedies* – where students identify potential cross-cultural issues that may impact the client relationship in terms of communication, understanding and rapport; and

- Habit Five: *The Camel's Back* – where students explore themselves as cultural citizens.

Frank and open discussions on diversity in legal practice and the profession should improve the quality of legal professionals, and should also contribute to improved conditions for under-represented practitioners (Maute 2007). Burgess (2010, 15) considers the impact that different 'conversation styles' have on the way people communicate, and suggests that when students are required to conform to a legal communication style, they are less able to communicate well with diverse clients. As a result, differences in communication styles may result in unintentional discrimination that extends beyond the classroom. Therefore, law schools have a responsibility to minimise the alienation that conversation styles may create between students and clients who have different needs due to their cultural, linguistic or educational backgrounds by introducing regular teaching on communicating with diverse clients as part of a professional readiness program (Burgess 2010, 16).

Being inclusive of all students

In addition to enhancing students' capacity to engage sensitively and effectively with diversity, law schools can contribute to the cultural competence of students by acting as role models and promoting diversity in the law school community, for example, by employing and recruiting non-traditional staff and students (Stuckey et al 2007). Special support should be provided for students who are more likely to encounter discrimination in the workforce (Gardner 1999), including students with disabilities, and students of various ethnic backgrounds (Arkoudis et al 2010).

Catering to the needs of an increasingly diversified student population comes with a unique series of challenges, including the development of inclusive curricula that respond effectively and flexibly to the variety of student learning styles, preferences, objectives and expectations (Kamarul 1994; Arkoudis et al 2010) and that provide multiple other perspectives and examples so that inclusive practice and awareness is mainstreamed (Rose and Meyer 2002). For example, mature-age students often demonstrate higher levels of cognitive development in coursework, largely due to their personal and/or professional responsibilities outside university (Hettich 2000). An active, student-centred approach to learning should be adopted in a capstone experience, as this enables all learners to enhance their own development.

5.7 Engagement

Reference group member comment

I suggest ... explicit language strongly encouraging teachers to develop capstone experiences that (1) involve realistic or real life activities of the legal system, (2) place students in active roles requiring authentic responsibility for the results of their work, and (3) develop moral reasoning and professional judgment. Although well-designed clinical and externship courses are paradigms of such experiences, there are many examples around the world of other means of achieving these ends that involve less resources.

Engagement generally

Research shows that, ultimately, engagement is the most important influence on student learning (Cleary and Skaines 2005; Trowler 2010; Sibthorp et al 2011; Taylor and Parsons 2011; Robinson and Hullinger 2008). Engagement has a stronger impact on the university experience than do other factors such as student demographics, or choice of institution (Kuh 2002; AAC&U 2008). Students who find support for their learning, receive frequent feedback about their learning and are actively involved in learning, especially with others, are more likely to be engaged with their learning. Engaged learners are more likely to be able to reflect on their university experience and achieve transition and integration and closure. Unfortunately, it is the case that many law students experience learning as isolated learners whose learning is disconnected from that of others.

Engagement is inextricably linked to making effective learning possible for students (Ramsden 1992, 5). The far-reaching significance of engaging students is reflected in the Australasian Survey of Student Engagement (AUSSE) report's comment that: "The concept of student engagement provides a practical lens for assessing and responding to the significant dynamics, constraints and opportunities facing higher education institutions" (ACER 2010, viii). Further, from a pedagogical perspective, it has long been acknowledged as critical that, as tertiary teachers, we should seek to ensure that our approaches to learning and teaching engage student interest and energy: "Student engagement, defined as students' involvement with activities and conditions likely to generate high quality learning, is increasingly understood to be important for higher education quality" (ACER 2009, 3).

Ramsden's six principles of effective teaching include, in Principle 5, a commitment to "independence, control and engagement" (Ramsden 2003, 97). Ramsden comments that "high-quality teaching implies recognising that students must be engaged with the content of learning tasks in a way that is likely to enable them to reach understanding" (2003, 97). Such engagement is facilitated by allowing students a sense of independence and control over their learning (Ramsden 2003), which over time, and through scaffolded or spiral approaches, allows the learner to become increasingly self-sufficient (Bruner 1977). The 2008 AUSSE Report states that "engagement in higher order forms of learning that involve analysing, synthesising, evaluating and applying tends to be positively associated with most aspects of engagement. Greater engagement is related to more advanced forms of reasoning such as analysis, synthesis, evaluation and application" (ACER 2008, ix).

The achievement of high quality and deep student learning requires student-centred, outcome-focussed approaches that encourage high level cognitive connection with subject content and concepts. According to Biggs, "effective teaching means setting up the teaching/learning context so that students are encouraged to react with the level of cognitive engagement that our objectives require" (2003, 56).

Biggs (2003, 56) argues that to achieve student engagement, intentional curriculum design should focus on motivation, climate and learning activity. Motivating approaches to pedagogy draw on socio-constructivist theories to harness community and interactivity in achieving engagement (Dunkin 1983, 75; Cannon 1988, 3). A positive climate for engaged learning is one that supports student autonomy. Students who are offered choice and involvement in their learning, in alignment with their abilities and interests feel included

(Rose and Meyer 2002) and engaged. Autonomy can be promoted, for example, by affording flexibility in terms of time, mode, place or format of study; or by involving students in assessment design as regards problem identification or generation of assessment criteria. A 2006 study of law students in the USA found that students who perceived that the law school supported their autonomy did not experience as significant a decline in satisfaction levels in their final year, were more academically successful, and more motivated in their first post-graduation job (Sheldon and Kreiger 2006, referred to in Stuckey et al 2007, 113). Learning activity is discussed further in the next section.

Scott has identified that, in order to provide learning and teaching approaches and environments that work to engage students, universities must:

- Assure the provision of quality assessment;
- Understand and manage the expectations of students;
- Act on the available research on university student engagement (for example, that engagement depends on the “total university experience”; that engaged learning is a “profoundly social experience”; that learning designs need to be flexible, integrated and responsive; and that “accessible, responsive, high quality academic and general staff are the key ingredient” in the provision of learning support systems that engage students);
- Ensure utilisation of a wide range of ICT-enabled learning approaches that are intentionally designed and more than merely “bolted on” to existing programs;
- Be alive to the need to adopt multiple learning designs as “a one-size-fits-all approach will be increasingly unproductive”;
- Take responsibility for creating productive learning environments and for the efficient use of resources; and
- Monitor the quality of learning design approaches and environments (2008, 6-10).

Requiring students to assume active roles, to apply their learning in realistic, authentic and unfamiliar contexts and to take responsibility for their own work

Student and recent graduate responses to our focus groups called for a greater emphasis in the final year on realistic learning experiences that connect them meaningfully with the world of work. These experiences can be achieved through assessment that is designed for active learning and through tasks that are realistic and authentic (see also the Assessment principle and commentary). For example, in the Queensland context, a student suggested that a legal problem covering a range of legal issues arising for victims of the 2011 floods (contracts, insurance, personal injury, dispute resolution) would engage students through the authenticity of the task and real-world connection. Such an approach is affirmed by the *Best Practices for Legal Education Report* reference to the importance of final year teaching being focussed on “integrated contexts” in which students can work “individually and in groups to solve legal problems” (Stuckey et al 2007, 280).

Active roles: Biggs identifies “learner activity and interacting with others” as two critical characteristics of rich (and therefore engaging) learning and teaching environments (2003, 79). Active learning is at the core of student engagement with their learning across the years of the law degree, and is particularly critical to effective capstone experiences. Learner

activity can be teacher-directed, peer-directed, and self-directed (Biggs 2003, 81). Laurillard's (2002) conversational framework supports learner activity – through layers of discursive interaction – to promote engagement.

Scott (2008, 63) refers to the national 2006 *CEQuery* study in which 280,000 *Course Experience Questionnaire* comments were analysed. In that study, students indicated that they were 'impressed' by active and interactive learning rather than passive learning. Scott states, for example, that students particularly like "working in small group projects around real world cases along with practice-oriented, real world, learning by doing and opportunities for them to discuss, consolidate, critique and make sense of these experiences" (2008, 63).

Realistic, authentic and unfamiliar contexts: Recent research conducted in connection with the *Law School Survey of Student Engagement* in the USA has found that a third or more of third-year students (final year) feel ill-prepared to address client needs, work in teams, deal with professional stresses, deal with ethical dilemmas or serve the public good (LSSSE Report 2010). These sentiments were affirmed by the students and recent graduates involved in our focus groups. A capstone experience should be designed to achieve student engagement by focussing on the specific concerns, needs and interests of final year students. This can be done by providing authentic learning experiences that: prepare students to address client needs, provide students with strategies for working effectively in teams, support them in coping with professional stresses, and provide them with the skills to deal with ethical dilemmas, and to serve the public good.

Practically, this can be achieved through capstone experiences that include one or more of the following (adapted from Holdsworth, Watty and Davies 2009):

- Work-integrated learning (WIL) (for example, practicum, internships, fieldwork, clinical or work placement);
- Work experience in industry (WEI);
- Hypotheticals, role plays, role modelling;
- Problem-based learning;
- Project-based learning;
- Case studies and extended problem analysis frameworks;
- Narrative analysis;
- Real-world situation analysis (the 'living case method');
- Simulations or Virtual Situated Learning Environments (VSLE);
- Competitions;
- Study tours and immersion experiences;
- Service learning;
- Volunteering;
- Industry speakers, interviews, mentors;
- Peer mentoring;

- Career development learning, planning and preparation;
- Formal leadership programs; and
- Role-plays.

Communities of final year learners can be promoted by embedding active and interactive learning opportunities and other opportunities for peer-to-peer collaboration and teacher–student interaction in the capstone experience. Examples of such initiatives include the following:

- An holistic approach that fosters student engagement by bringing together the academic, administrative and other support programs available under the organising device of the curriculum. Stuckey et al (2007 162) propose that law schools create ‘learning centres’ to facilitate these functions;
- An engaging capstone experience that exploits the potential for social engagement (for example, through opportunities for collaborative work; ensuring students remain connected to their program and discipline through co-curricular activities; the provision of mentoring opportunities; facilitation of staff–student interactions, etc);
- Experiences that take into account the generational characteristics of final year cohorts, and deploy appropriately blended learning environments that harness the technological affordances available (for example, simulations or Virtual Situated Learning Environments); and
- The provision of physical (and virtual) spaces for capstone students to congregate, including learner-friendly facilities and campus environments.

Taking responsibility for their own work: An engaging capstone experience requires students to accept responsibility for their own work as independent learners. Students who are required to be independent learners are engaged because they are expected to be autonomous and motivated in making informed choices about their own effective learning. It is appropriate to draw students into engaging with their capstone experience by requiring them to take control of and actively manage their learning, to self-organise, to time manage and keep to deadlines.

Requiring students to be engaged with their learning by taking responsibility for their own work requires a supportive learning environment. The *Best Practices Report* (Stuckey et al 2007) identifies fostering a supportive teaching and learning environment as a key principle in teaching delivery for legal education generally, and it is particularly relevant to achieving successful capstone experiences. A supportive environment for capstone experiences can be fostered, for example, through teachers’ supportive attitudes, frequent student-teacher contact and mentoring relationships (Stuckey et al 2007, 119-120). Students, for example, who feel isolated, unsupported, or have no sense of belonging to or fit in their institution, find it difficult to engage optimally with their learning, even if the curriculum content itself is designed to be engaging; in particular, they will disengage from taking responsibility for their own work.

Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity

Reflective practice is “a metacognitive skill in which greater awareness of, and control over, the student’s learning process is generated” (Kift 1997, 68). Moon defines reflection as:

A form of mental processing – like a form of thinking – that we use to fulfil a purpose or to achieve some anticipated outcome. It is applied to relatively complicated or unstructured ideas for which there is not an obvious solution and is largely based on the further processing of knowledge and understanding and possibly emotions that we already possess (1999, 99).

Teaching law students how to engage with reflection is a tool for achieving student engagement because reflection is said to “act as both an antidote to the dissociative elements of the law school experience and as a step toward incorporation of the intellectual and the emotional; it is a step toward integration of the whole person into the learning process itself” (Anzalone 2010, 86). Reflective practice engages students by providing “opportunities for students to examine and test beliefs and principles against what is being learned doctrinally” (Anzalone 2010, 86). Reflective practice can be used to encourage students to take a constructive approach to processing feedback and an emotionally intelligent and holistic grasp of the ‘big picture’ of their learning and its relationship to their professional future. As has been referred to above, reflective learning practices can therefore be harnessed to support students in making connections between their learning and the professional legal context, and to assist with the development of a professional legal identity. (See the *Notes on the Transition principle* (above at 5.4) for a further discussion of the development of professional legal identity).

A wide range of teaching activities and approaches can be used to teach reflective practice skills. For example, self and peer assessment, problem-based learning, reflective essays and journals, and personal development portfolios. It is important, however, that in using these methods, a structured and intentional design approach is adopted, and that reflective practice activities are not used in an ad hoc or disconnected way. In order to achieve this, McNamara, Field and Brown (2009, 3) have argued for a structured, four stage approach to teaching reflective practice: first, teaching students reflective practice skills; secondly, creating structures and protocols to help the reflective process; thirdly, using criterion referenced assessment to support transparency of expectation around reflective assessment activities; and fourthly, providing quality, constructive feedback on reflections.

Student engagement should be a focus throughout the law degree – starting in the first year but continuing and evolving with the students’ learning needs and interests. Capstone experiences should be a culmination of an integrated and whole-of-program commitment to engaging pedagogy. They must be supported by the structure and framework of an intentional and achievable philosophy focussed on achieving a positive and relevant capstone *experience*. Although students may engage in higher levels of self-directed learning in the latter years of their degree, the pedagogical philosophy and learning design infrastructure that sits behind their learning experiences should remain focussed on achieving engagement and connection.

5.8 Assessment

Student and recent graduate comments

Students want to see more variety and real-world type assessment in their final year:

I would like to see more practical assessments. I've done like three essays this semester and it's stupid, it's pointless. You're not going to do an essay when you work.

The type of questions that they ask to assess that valuable content, they weren't good enough. They weren't real life enough.

we talk about all this practical side of thing which is really important but if we go through our assessments, the majority of them are essays or exams and for ... well no, majority are 'hypotheticals' and exams, you don't need legal research skills that much so you have all the information in your textbook pretty much.

Rather than, here is the problem, look up the law and deal with it and you write up your answer and say this person sues this person and this person would probably win, I'd like to see a more real world sort of thing where you're like okay I'd like this outcome for this client. I want them both to get along or something like that. Or I want to avoid litigation but still come out on top. That sort of thing.

Assessment generally

As for all good assessment practice, assessment of capstone experiences should be constructively aligned with and contribute to both the individual subject and whole-of-program learning outcomes. Broadly, as these capstone design principles highlight, capstone assessment tasks should emphasise authentic, integrative and/or performance based assessment in which students are required to apply consolidated learning to large-scale, unstructured, real-world disciplinary or cross-disciplinary problems. “Strong evidence of achievement of the totality of [program] outcomes can be provided by larger-scale tasks that require students to demonstrate coherent integrated learning, not isolated or atomistic performance” (Boud and Associates 2010).

Of particular relevance in the capstone context is that “students themselves need to develop the capacity to make judgements about both their own work and that of others in order to become effective continuing learners and practitioners” (Boud and Associates 2010). Thus, program assessment generally, and capstone assessment in particular, should focus on “providing a foundation for a lifetime of learning and work in which there is little formal assessment or formal instruction” (Boud and Falchikov 2007, 3). It is for this reason that self and peer assessment are particularly common assessment practices for capstone experiences (Gomezdelcampo 2006), as the culmination of program assessment design in which “students progressively take responsibility for assessment and feedback processes” and gain “understanding of processes they can use to judge their own performance ... in dialogue about them with peers and teachers” (Boud and Associates 2010). Similarly, many capstone experiences also contain a self-reflective component (either program-wide or

subject specific), to facilitate students' review and consolidation of their learning across the years of study so that they might collect and present evidence of that learning for various purposes. In recognition of maturing student agency, students are frequently involved in capstone assessment design; for example, having input into problem identification, the settling or weighting of assessment criteria and determining how the capstone product will be delivered or presented.

Earl identifies three types of assessment: "summative assessment, or assessment of student learning; formative assessment, or assessment for learning; and assessment as learning" (2004, 22-26 referred to in Sum and Light 2010, 524). Capstone experiences that incorporate all three types of assessment maximise the benefits of assessment, not only for the program and the institution, but also for students (Sum and Light 2010, 528; Boud and Associates 2010).

Summative assessment of capstone experiences is increasingly being used for multiple purposes: to measure and certify student learning; to collect evidence of students' overall achievement for assurance of learning purposes; for benchmarking to assure the maintenance of academic standards; and to assess program and institutional success (Berheide 2007). Capstone experiences enable students to demonstrate they have attained the expected knowledge, skills and capabilities articulated for the program of study (Hovorka 2010), usually by way of application of program learning to produce a tangible outcome or product. In legal education specifically, the most recent articulation of threshold learning outcomes for undergraduate law degree programs has been the Australian Learning and Teaching Council's *Learning and Teaching Academic Standards Project: Bachelor of Laws Learning and Teaching Academic Standards Statement* (Kift, Israel and Field 2011). As the *Standards Statement* makes clear, in addition to assessing the acquisition of technical competence, capstone experiences also provide a means of evaluating the development of a program's 'soft skills', or generic and discipline-specific capabilities (Malinowski and Noble 2009). ePortfolios (or similar) may provide a means of capturing a range of learning outcomes beyond conceptual knowledge, including generic skills and professional competencies (Kift 2008). The role of assessment in capstone experiences for assurance of learning purposes is considered in more detail below (see Evaluation principle at 5.9 below).

Formative assessment provides feedback to students and teachers on student learning and is vital for enabling learners to make appropriate use of constructive critique, to reflect on their own capabilities and to identify gaps in their attainment of learning outcomes (Sum and Light 2010). Boud and Associates (2010) emphasise that, as a general proposition, "informative and supportive" feedback should be used to "actively improve" the quality of student learning as regards both "everyday learning activities as well as special tasks and tests". Replicating workplace practice, it is especially important in the capstone context that students be given opportunities to develop their own skills in providing quality feedback; the ability to "evaluate quality, completeness and/or accuracy of work with respect to appropriate standards, and have the confidence to express their judgements with conviction" (Boud and Associates 2010). Complementing self, peer and teacher feedback, opportunities for formative feedback on capstone tasks may also be extended to industry and professional involvement.

There are numerous assessment models and approaches that may be adopted to align with the culminating nature of the capstone experience and which allow final year students “to apply their knowledge, and demonstrate their skills and competence in the field they are about to enter” (Shea n.d.), for example:

Beyond departmental graduation requirements, a potentially impactful closure activity might be a university-wide required subject for graduating [students] parallel to entry-level University 101 classes (often taken as an orientation to the university when students are first-year students). Class discussion and assignments might revolve around the transition experience and self-assessment, as well as analysis, evaluation of, and reflection on their undergraduate experience (Shea n.d.).

Other examples of assessment types that may be appropriate in capstone experiences, in addition to traditional assessment tasks (such as assignments, posters, oral presentations, reflective journals, tutorials/online forums, or comprehensive examinations), include (adapted from Macquarie University 2008, with two additions):

- A case study based on an unstructured, real-world situation;
- A research grant proposal based on an authentic industry need;
- A feasibility study report on a proposed initiative;
- A research report, thesis or dissertation on a capstone project (for example, an applied design project which could be team or individually prepared in a discipline or multi- or inter-disciplinary context);
- An authentic discipline product (for example, a creative performance, production, design, exhibition, artwork, law reform submission);
- A plan for a program of activities, or series of communiqués and presentations, for an authentic professional or industry setting of the capstone project work;
- A culminating event or product (for example, a conference, classroom symposium, student-run journal, website for broad audience);
- An environmental scan of future employment or discipline opportunities;
- An integrative and reflective (e)Portfolio, either stand alone for a subject or prepared as regards attainment of the program learning outcomes (Blicblau and Richards 2010); and
- Reflection on the undergraduate and/or transition experience (Shea n.d.).

In designing assessment in the capstone experience, general issues such as validity, reliability and fairness and the use of criterion referenced assessment should also be considered, in addition to specific capstone experience requirements (Littlefair and Gossman 2008). Issues of particular relevance to the assessment of capstone experiences include:

- Whether the experience is for credit or not;
- Whether the assessment is graded or pass/fail;
- Whether the assessment is of the product, the process or both;
- In group tasks, whether to assess the individual, the group or both;
- In inter- or multi-disciplinary tasks, by whom, and the logistics of how, assessment takes place;

- In work-integrated learning tasks, the quality assurance of any industry/professional assessor (for example, expectations, training, support, moderation);
- The determination of what program learning outcomes will be demonstrated and how (and what) evidence of student achievement is collected for valid and reliable assurance of learning;
- Setting and communicating clear expectations to students (for example, about outcome(s), time investment, level of support or supervision);
- Will students be involved in the assessment design (for example, in problem identification, settling and weighting of assessment criteria, determining how the capstone product will be delivered or presented); and
- That the assessment emphasis is on the capstone objectives of integration, synthesis, extension rather than on any new content, discipline knowledge or skills that are introduced.

Aligning assessment practice with the capstone principles

Assessment practice may be harnessed in the capstone experience to allow students to achieve transition, integration, and closure. Assessment for learning can provide a powerful means of integration and reflection for students (Gardner 1999). Authentic assessment such as, in the legal education context, a memorandum or letter of advice or brief to counsel may promote student engagement and transition. Group work or peer assessment may similarly contribute to student engagement in the final year (Gomezdelcampo 2006).

Effective assessment in a capstone experience anticipates and replicates professional realities and provides students with opportunities to demonstrate ‘integrative learning’. The Association of American Colleges and Universities (AAC&U) has defined ‘integrative learning’ in its *Integrative Learning VALUE Rubric* as “[a]n understanding and a disposition that a student builds across the curriculum and co-curriculum, from making simple connections among ideas and experiences to synthesizing and transferring learning to new, complex situations within and beyond the campus” (2010). As the AAC&U notes:

Because integrative and applied learning is about making connections, this learning may not be as evident in traditional academic artifacts such as research papers and academic projects unless the student, for example, is prompted to draw implications for practice. These connections often surface, however, in reflective work, self assessment, or creative endeavors of all kinds. Integrative assignments foster learning between courses or by connecting courses to experientially-based work. Work samples or collections of work that include such artifacts give evidence of integrative and applied learning ... Through integrative learning, students pull together their entire experience inside and outside of the formal classroom; thus, artificial barriers between formal study and informal or tacit learning become permeable. Integrative learning, whatever the context or source, builds upon connecting both theory and practice toward a deepened understanding (2010).

Problem and project-based learning, case study methods, reflection, ePortfolios and undergraduate research and inquiry are commonly used assessment practices in the capstone context. In aligning assessment practice with the *Capstone Experiences Curriculum Principles*, particular curriculum design issues arise for consideration including:

- What are the subject and program learning outcomes to which the capstone experience will contribute?

- What are the capstone learning outcomes (for example, from these Principles) to which the capstone experience will contribute?
- Has the whole-of-program design prepared students for their engagement in the higher order cognitive and affective processes required by the capstone experience?
- What capstone learning and teaching approaches should be adopted for the constructive alignment of student learning? While a number of assessment possibilities are set out above, authentic learning and teaching approaches might include those set out above under the Engagement principle; and
- How should the teaching, learning and assessment be structured? For example:
 - Is the experience compulsory or elective?
 - Will the experience have lectures, tutorials, seminars or some other facilitation?
 - What type of capstone experience will be adopted? (for example: disciplinary, inter-disciplinary or multi-disciplinary; to satisfy professional requirements; to address institutional goals);
 - If appropriate, who will develop the capstone projects? (for example, student or teacher, internally or externally developed project briefs);
 - What will be the length of the capstone experience? (for example, module(s), semester, whole year);
 - When will the capstone experience be offered (for example, last semester or penultimate semester)?
 - What, if any, new material or skills will be introduced to provide the context for the capstone experience?
 - What use will be made of supporting technologies? (for example, for information transfer, to support group work or reflection);
 - How sustainable and realistic is the workload for both students and staff?
 - What level of student support will be provided and how are the experience's resources and other logistics, including risk management, being proactively managed? (for example, occupational health and safety, ethics clearance, intellectual property);
 - If group work is involved, are there agreed procedures for mediating (inevitable) issues that may arise? (for example, team charge cards for travel or purchasing parts and materials); and
 - That evaluation strategies have been designed-in during the planning phase.

Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance

Assessment in capstone experiences should provide students with opportunities to demonstrate their abilities as independent and self-managing learners. Student self-evaluation in the final year is able to promote reflection on what has been learnt throughout the degree and on the transition to post-university life (Smith 1998, 92; Schilling and Schilling 1998, 261). Self-evaluation is “an essential part of making that crucial transition to becoming an autonomous lifelong learner” (Smith 1998, 93). Reflection on student learning from first year to final year may be aided by requiring students to keep a portfolio of work over the course of their degree (Schilling and Schilling 1998, 255).

Transition may particularly be supported by assessment that requires students to reflect on their learning throughout the degree, their career development and their formation of a professional identity. There are many opportunities to incorporate reflective assessment in capstone experiences; for example, the use of reflective reports or portfolios throughout their degree can aid the process of reflection and assist to capture a range of learning outcomes, including both generic and discipline-specific skills and professional competencies (Kift 2008).

The Carnegie Report highlighted the importance of formative assessment in professional learning in the following terms:

[T]he essential goal of professional schools must be to form practitioners who are aware of what it takes to become competent in their chosen domain and equip them with the reflective capacity and motivation to pursue genuine expertise. They must become “metacognitive” about their own learning, to use the psychologists’ term. This is why effective means of formative assessment are so critical for training professionals (Sullivan et al 2007, 173).

As students make the transition to beginning professional, it becomes even more critical that they should receive regular, formative evaluations of their work across the capstone experience. Macquarie University (2008) suggests providing regular formative feedback by including several smaller pieces of assessment throughout a semester capstone experience. Directed and timely feedback in the capstone experience should enhance student learning outcomes by facilitating on-going learning improvement through reflection. An early item of assessment, which may be formative rather than summative, allows students to receive early feedback on their learning and may develop the ability to identify and refine issues and to engage in the fact discovery process (Bailey, Oliver and Townsend 2007). Evidence suggests that providing detailed formative feedback and proportionately fewer marks for early assessment items in a capstone experience, culminating in a major assessment task with greater summative implications, enhances student performance (Bailey, Oliver and Townsend 2007). Students should be encouraged to use formative feedback to improve the way they approach subsequent assessment tasks, resulting in improved learning. Portfolios in particular are one means of enabling regular feedback on student work. According to Blicblau and Richards (2010), “portfolio development is a method of continuously evaluating and commenting on a student’s work, culminating in a major report”. As Boud and Associates (2010) suggest, an aim should be that “students develop and demonstrate the ability to judge the quality of their own work and the work of others against agreed standards”. Peer feedback and feedback from industry are additional means of encouraging students to reflect on their own capabilities and performance: “Peer evaluation introduces assessment as learning, encouraging students to actively engage in the assessment process” (Sum and Light 2010, 525). In other disciplines (for example, architecture), the studio environment has proven to be an exceptionally useful pedagogical strategy in this regard; particularly so because it is:

- A less threatening environment in which students feel able to informally discuss their projects;
- Encourages capstone teams to discuss common areas of concern with other teams; and
- Provides opportunities for capstone teams to become aware of other projects (Quinlan and Johnson 2003).

5.9 Evaluation

Reference group member comment:

The intention that curriculum development will take place across the entirety of the curriculum (and not just the capstone experience) could be more strongly emphasised.

Evaluation generally

As the *Favourable Conditions* (see section 5.2) emphasise, capstone experiences will only be effective if they are aligned and coherent with whole-of-program design, in the sense that program learning outcomes are incrementally developed to assure student preparedness to engage with the higher order cognitive and affective processes that the capstone experiences require. Student experience of, engagement with and performance in capstone experiences will provide valuable feedback to teachers and academic managers regarding the efficacy of program design and the capstones' alignment within it. Regular evaluation of capstone design should also be designed-in to ensure the continued relevance of the capstone experiences to the post-university world into which students will graduate.

As Boud and Associates (2010) have observed:

The quality of awards in higher education will be increasingly scrutinised nationally and internationally. Assessment practice needs to provide convincing evidence of students' accomplishments that can be judged against external reference points. Disciplinary and professional communities (both within and beyond the academy) are the focus for ongoing collaboration and dialogue to determine, review and moderate academic achievement standards. Such collaboration and dialogue requires clarity of expectations and persuasive evidence of learning outcomes.

In relation to legal education in Australia, the Council of Australian Law Deans (CALD) standards (adopted in 2009, amended in 2013) provide that law schools have the responsibility to review the curriculum to ensure the objectives of the law program are achieved (CALD 2013). The position in the USA is clearer with the ABA accreditation standards requiring law schools "to evaluate the effectiveness of their programs of instruction, including how well they prepare students for the practice of law" (Stuckey et al 2007, 265). The *Best Practices Report* suggests several principles for the evaluation of law programs generally:

- Evaluate effectiveness regularly;
- Use various methods to gather information;
- Use student performance and outcome assessment results;
- Meet recognised standards for conducting assessments;
- Solicit and incorporate opinions from outside the academy; and
- Demonstrate how data is used to improve effectiveness (Stuckey et al 2007).

Evidence from the USA suggests that capstone experiences are being used increasingly as the primary source of information about the quality of learning in the program of study

(Black and Hundley 2004), the effectiveness of the program (Wagenaar 1993) and the extent to which institutional goals are being met (Henscheid 2000). In the context of a new regulatory and quality framework in Australia, which includes the establishment of the *Tertiary Education Quality and Standards Agency* (TEQSA), the recent focus on discipline standards and the imperative to collect assurance of learning data evidencing student acquisition of program learning outcomes, have served to highlight the possibilities of capstone experiences as “meaningful points of assessment” (DEEWR 2011, 14). As was also noted in 2011:

It might be appropriate for external review to focus on capstone assessment tasks. For the purpose of measuring attainment standards, capstone assessment could be any task completed toward the end of a course, and requiring students to demonstrate achievement against the core learning outcomes for the course (DEEWR 2011, 20).

Having identified the potential of capstone experiences to contribute data for the purposes of assurance of learning, it should also be emphasised that it is unlikely that a single capstone subject will be able to bear the burden of assuring the entirety of a particular program’s learning outcomes as they have been articulated, for example, by a discipline’s Threshold Learning Outcomes (Kift, Israel and Field 2011) or by the relevant program level descriptor of the *Australian Qualifications Framework* (AQF 2011).

The Association to Advance Collegiate Schools of Business (AACSB) suggests that the following key stages are involved in assuring learning:

- Definition of student learning goals and objectives;
- Alignment of curricula with the adopted goals;
- Identification of instruments and measures to assess learning;
- Collection, analysing, and dissemination of assessment information; and
- Using assessment information for continuous improvement including documentation that the assessment process is being carried out in a systematic, ongoing basis (2007, 3).

The above steps can be stated as:

- What will our students learn in our program? What are our expectations?
- How will they learn it?
- How will we know they have learned it or not?
- What will we do if they have not learned it?

Should be regularly evaluated to ensure its relevance, coherence and alignment with the program

Schilling and Schilling suggest several principles for the evaluation of the capstone experience which include:

- Evaluation should be undertaken in manageable chunks;
- Evaluation should be cumulative and ongoing;
- Understanding will develop incrementally;

- Evaluation necessarily leads to an imperfect measure of program success;
- Evaluation should relate to the day to day concerns of [teachers];
- Evaluation should make optimal use of existing data;
- Evaluation will lead to as many questions as it answers;
- Evaluation involves judgement and the interpretation of data;
- Good evaluation captures multiple perspectives; and
- Evaluation should be localised and contextualised (1998, 258-259).

Kerrigan (2007, 14) proposes a multi-faceted model of evaluation of a capstone experience that involves a mid-semester evaluation combining peer feedback on teaching in the capstone experience and a student focus group; an end of semester quantitative evaluation “that measures how well their [subject] addressed the University Studies goals, the congruence between community service and [subject] content, and the quality of the instruction”; and an end of semester qualitative evaluation in which students are asked “What stands out as your most important learning in this capstone?” and “What would you change about this course?” According to Kerrigan:

By using multiple strategies—the continuous generation of course assessment data through mid-term qualitative assessments and end-of-term course evaluations, the reporting out of this data in an ongoing basis in a variety of faculty development settings, and the developing and sharing of best practices in both group and one-on-one settings—the program intentionally and systematically addresses the concerns expressed by students and furthers the quality of teaching and learning in capstones (2007, 16).

Capstone experiences should be evaluated particularly in terms of whether the desired student learning outcomes have been achieved. One method of evaluation is surveys of recent graduates who have completed the capstone experience (van Beveren, Mariyam and Stewart 2011), together with employer perceptions (Boud and Associates 2010): “The impact of programs on student learning, and the role of assessment in them, can only be fully evaluated following graduation ... Systematic study of the impact of such experiences on graduates (at, say, one and five years from graduation) and employers’ perceptions of such preparation and standards are needed to ensure that courses are effective in the longer term” (Boud and Associates 2010). Graduates are able to reflect on the university experience in light of their post-university experiences (Schilling and Schilling 1998, 253). Relevant evaluation questions might include the adequacy of support provided for the transition out of university and suggestions for improving such support, involvement in civic activities post-graduation, and the relevant importance of aspects of the degree to graduates’ personal and professional lives (Schilling and Schilling 1998, 253).

Contributes to the whole-of-program evaluation

Capstone experiences also provide feedback on the curriculum (Wagenaar 1993) and the strengths and weaknesses of the program (University of Washington 2006). Student results “help to determine how well a program is meeting its instructional goals and help to identify where alterations to the curriculum or instructional practice might need to be made” (Murray, Perez and Guimaraes 2010, 197). According to Schilling and Schilling:

By virtue of their transitional status – being still of the institution but almost beyond – [final year students] have perspectives on their experiences within an institution and on the institution itself that offer the potential for bringing new dimensionality to our understanding – providing a more complex picture than can be gained from students at other points during their college or postcollege years (1998, 248).

Methods of evaluating the whole-of-program, which may be used in the capstone experience, include:

- Student program mapping exercises (Sum and Light 2010);
- Exit surveys (Sum and Light 2010; Schilling and Schilling 1998);
- Individual interviews or focus groups with graduating students (Schilling and Schilling 1998, 255);
- Student portfolios (Fernandez 2006);
- Analysis of final year students’ diaries (Schilling and Schilling 1998, 257);
- Data analysis of capstone experience assessment results (Murray, Perez and Guimaraes 2010);
- Outside evaluations (Fernandez 2006); and
- Ethnographic studies (Schilling and Schilling 1998, 257).

Capstone experience assessment products have been increasingly used in the USA as a central component of program evaluation strategies:

The capstone provides a work sample that can be the basis for commentary on the adequacy of an individual student’s preparation or that across several students, may allow inferences about the quality of a program that leads to generation of such products by a group of students (Murray, Perez and Guimaraes 2010, 252).

Importantly, evaluation of programs based on assessment of student learning in capstone experiences should be considered alongside entry-level and mid-year assessments in order to provide a more complete picture of the program (Schilling and Schilling 1998, 260).

Contributes to the demonstration of student attainment of the discipline learning outcomes

Capstone experiences are a powerful tool in providing assurance of learning by enabling a shift from evaluation of learning outcomes in a single subject to evaluation of the integration of learning across the entire curriculum (Fernandez 2006): well-designed capstone experiences are a powerful means of measuring program learning outcomes (Sum and Light 2010, 523; Berheide 2007). According to Sum and Light:

Through capstone assessment departments can report student learning outcomes based on informed adjustments to pedagogy and programs, such as the addition of specific skills exercise and methods or theory course, and compensate for any deficiencies they detect (2010, 523).

Capstone experience portfolio assessments in particular have been suggested to be an effective means of evaluating the attainment of program learning outcomes (Schilling and Schilling 1998, 254).

Chapter 6: Dissemination of project outcomes

6.1 Engaged dissemination

Extensive dissemination of project information and outcomes has been undertaken across the higher education sector nationally, and to a lesser degree, internationally with forthcoming presentations a continuation of this dissemination process. In addition to the dissemination outcomes presented below, the project team instigated three action learning cycles and conducted two forums, one at the commencement of the project, and the other at its completion.

Project dissemination outcomes as reported as follows:

Book chapter:

- Armstrong S and J McNamara. 2011. 'Developing a Transition Pedagogy: Intentional Curriculum Design in First and Final Year Law Programs'. In S Kift, J Cowley, M Sanson, and P Watson (eds), *Excellence and Innovation in Legal Education* (LexisNexis: Sydney), p 207-238.

Refereed conference papers:

- McNamara J, C Brown, C Treloar, S Kift, D Butler and R Field. 2011. 'Capstones: Transitions and professional identity' (Paper presented at *World Association of Cooperative Education (WACE) 17th World Conference on Cooperative and Work-Integrated Education*, Drexel University, Philadelphia, 14-17 June 2011).
- McNamara J, S Kift, R Field, D Butler, C Brown and N Gamble. 2010. 'Work integrated learning as a component of the capstone experience in undergraduate law'. In M Campbell (ed), *Work Integrated Learning – Responding to Challenges: Proceedings of the 2010 ACEN National Conference*, 323-357. (Paper presented at *Australian Collaborative Education Network (ACEN)* Perth, September 29 – October 1, 2010).

Invited presentations:

- Kift S, D Butler, R Field, J McNamara, C Brown and C Treloar. 2012. Assessment and Capstones. In *2nd National Forum of the Australian Learning and Teaching Fellows: Standards, assessment and capstone approaches*, 23-24 April, Sydney.
- Kift S. 2011. 'Capstone experiences, transition and assessment' (Keynote presentation at *JCU Capstone Workshop and Forum*, James Cook University, Cairns, 21 November).
- Kift S. 2011. 'Ensuring programs incorporate best practice capstone design principles' (Presentation at *Work Integrated Learning Project (WIL) Workshop, Faculty of Law, Business and The Creative Arts*, SCU Cairns, 22 November)
- Kift S. 2011. 'Workshop: Independent Project Group' (Presentation at *Work Integrated Learning Project (WIL) Workshop, Faculty of Law, Business and The Creative Arts*, SCU Cairns, 22 November)
- Kift S. 2011. 'Capstones, Creativity and Curriculum Principles' (Keynote presentation at *4th National Forum on Studio Teaching*, The University of New South Wales, 26 September).
- Kift S. 2011. 'Conceptualising capstones: Workshopping the Possibilities' (Keynote

workshop at *4th National Forum on Studio Teaching*, The University of New South Wales, 26 September).

Non-referred article:

- Kift S, C Brown, D Butler, R Field, J McNamara and C Treloar. 2011. 'Conceptualising Capstone Experiences in Legal Education'. *ALTA Newsletter*, Edition Two, October, p 19-20.

Non-refereed conference papers:

- Kift S, D Butler, R Field, J McNamara and C Brown. 2011. 'Designing a capstone experience for Australian legal education' (Paper presented at *ALTA 2011 – My Lawyer Rules: Assuring legal and education standards*, Stamford Plaza, Brisbane, 3–6 July).
- Kift S, E van Acker, J Bailey, L Andrews and D Gray. 2011. 'Capstone Courses: what is their place in a 'transition pedagogy' for final year students?' (Paper presented at *HERDSA 2011 Symposium*, Gold Coast, 4–7 July 2011).
- Kift S, D Butler, R Field, J McNamara, C Brown and N Gamble. 2010. 'Conceptualising a capstone experience for law students' (Paper presented at *Australasian Law Teachers' Association (ALTA) Conference 2010 – Power, Regulation and Responsibility: Lawyers in Times of Transition*, Auckland University, New Zealand, 4–7 July). (Published in conference proceedings).
- Butler D, S Kift, R Field, J McNamara, C Brown and C Treloar. 2012. 'Capstone Experiences in Legal Education: The Outcomes of a National Project' (Paper presented at *ALTA 2012 – Legal Education for a Global Community*, University of Sydney Law School, Sydney, 1-4 July).

Posters:

- McNamara J, C Brown, S Kift, D Butler and R Field. 2011. 'The Capstone Experience in Law' (Presented at *ALTA 2011 – My Lawyer Rules: Assuring legal and education standards*, Stamford Plaza, Brisbane, 3–6 July).
- McNamara J, C Brown, S Kift, D Butler and R Field. 2010. 'Assessing the Capstone Experience' (Presented at *ALTC Assessment Forum*, Sydney, 17 November).

Internal QUT:

- *The Law Capstone Experience Final Year Forum*, Brisbane, 13 February 2011 <http://www.lawcapstoneexperience.com/>.
- *QUT Grants and Awards Showcase 2012*, Brisbane.
- Butler D, R Field, J McNamara and C Brown. 2010. 'Articulating final year curriculum design principles and a final year program' (Presented at **QUT Faculty of Law Workshop**, Brisbane, 14 July).
- Kift S. 2010. 'The Learning and Teaching Academic Standards Project, TEQSA and Capstones' (Presented at *QUT Course Coordinators' Forum*, Brisbane, 2 June).
- Kift S, D Butler, R Field, J McNamara and C Brown. 2010. 'Conceptualising a capstone experience for law students' (Presented at *QUT Course Coordinators' Capstone Forum*, Brisbane, 2 June).
- *QUT LTU Grants Showcase*, October 2012.

Links to the project have been published in the following national fora:

- James Cook University's Curriculum Refresh:
<http://www.jcu.edu.au/curriculumrefresh/index.htm>.
- Professor Beverly Oliver's National Teaching Fellowship:
<http://boliver.ning.com/page/capstone-portfolio-assessments>.

Links to the project have been published in the following international fora:

- UK Centre for Legal Education (UKCLE), *Directions*: Issue 21, Autumn 2010 (UKCLE Newsletter): www.ukcle.ac.uk.
- The Teaching Legal Ethics website: www.teachinglegalethics.org/.

Links were established with a number of international fora over the course of the project. For example, the UK Centre for Legal Education (UKCLE) was funded until recently to work with the legal education community with the aim of improving student learning experiences. UKCLE featured a well-developed website accessible to legal educators around the world. As part of UKCLE's resources, it published a newsletter *Directions*. Information about this capstone project was published in UKCLE's 2010 autumn newsletter (see *Directions*, Issue 21, Autumn 2010). The website can still be accessed at <http://www.ukcle.ac.uk/>. A further international link was established via the International Forum on Teaching Legal Ethics and Professionalism and is accessible at www.teachinglegalethics.org/. This website provides an online-community and resource library for ethics teachers, scholars, and practitioners worldwide. The site was established to promote the teaching of ethics and professionalism within the legal sector and provides extensive resources. It promotes itself as "an online gathering place, resource repository and clearinghouse for an international community of ethics teachers, scholars and practitioners". The capstone project is promoted internationally on this website via its curricular design portal (<http://www.teachinglegalethics.org/category/teaching-methods/curricular-design>).

6.2 Website

A major project outcome has been the development of the Capstone website. Most importantly, the project website is the repository for the project *Toolkit* (extracts from which appear in Appendices A-C to this report). Materials and resources necessary for developing or implementing capstone experiences may be accessed from the site (<https://wiki.qut.edu.au/display/capstone/Home>).

Figure 1: Screenshot of Capstone website

QUT Queensland University of Technology
Brisbane Australia

a university for the real world
QUT Wiki


Dashboard > Curriculum Renewal in Legal Education > Home

Browse Log In Search

Home

Tasks Add Tools

1 Added by Jaime Romaguera, last edited by Katherine Oberhardt on Feb 12, 2012 ([view change](#))



Curriculum Renewal in Legal Education

Final Year Curriculum Principles

Toolkit and Other Resources

Research and Publications

Capstone Forum

Project Team

Glossary

Curriculum Renewal in Legal Education

The Curriculum Renewal in Legal Education is an ALTC funded project which seeks to renew the final year curriculum of legal education by articulating a set of curriculum design principles and designing a transferable model for an effective final year program.

This project aims to enhance the learning experience for students in all Australian law schools by renewing the final year curriculum of law. This will be achieved through the articulation of a set of curriculum design principles for the final year, and the design of a transferable model for an effective final year program (hereafter final year principles and program). In short, the project will change the way students leave University and transition into professional practice.

[Project Proposal](#) (PDF file, 152.7 KB)

What are capstone experiences?

The design of capstone experiences may vary significantly; different frameworks may be used (for example, a disciplinary or inter-disciplinary focus or to satisfy professional accreditation requirements), rationales and objectives may differ, and a variety of models utilised (for example, an integrated final year program, a single subject, a suite of subjects, or modules within several subjects).

Broadly however, capstone experiences should provide final year students with an opportunity both to look back over their academic learning, in an effort to make sense of what they have accomplished, and to look forward to their professional and personal futures that build on that foundational learning.

Capstones are typically defined as

a crowning (unit/subject) or experience coming at the end of a sequence of (units/subjects) with the specific objective of integrating a body of relatively fragmented knowledge into a unified whole. As a rite of passage, this (unit/subject) provides an experience through which undergraduate students both look back over their undergraduate curriculum in an effort to make sense of that experience, and look forward to a life by building on that experience.

Durel, R. J. (1993). The capstone course: A rite of passage. *Teaching Sociology*, 21(3), 223-225, at 223

Why capstone experiences?

In addition to the transformative and integrative potential of capstone experiences for the learner, capstone experiences are important to whole-of-program curriculum design for the following reasons also -

- Students in their final year face significant transition issues which are just as challenging as those facing commencing first year students (Jervis & Hartley, 2005)
- Only 2.7% later year students in Australasia identify as having had a 'capstone experience' in their university course compared to 36.8% in US (AUSSE, 2010, 25)
- The sectoral focus on discipline standards and the requirement to demonstrate student acquisition of program learning outcomes suggest that capstones may contribute to assurance of learning and demonstration of student achievement against core program learning outcomes (see [DWEER Discussion Paper](#), 2011 esp at 14, 20)

Submit a Capstone Case Study

The Project Team is collecting examples of Capstone Experiences in Law.

Please [download and complete the questionnaire](#) collecting Case Studies of Capstone Experiences in Law. Completed case studies should be sent to [Professor Sally Kih](#), project leader.

6.3 2012 Capstone forum

Early in 2012, to initiate the completion process, the *Law Capstone Experience Forum* was held at QUT in Brisbane. The Forum was held on the 13th February and was offered both face-to-face and online (via Collaborate) with 56 people attending in person and online. The keynote speaker was Professor Clark Cunningham, W. Lee Burge Professor of Law and Ethics, Georgia State University College of Law, Atlanta, Georgia. Professor Cunningham's attendance at the Forum provided further opportunity for the international promotion of this capstone project as there is growing interest within the USA in developing and providing capstone experiences to final year law students. Forum materials and resources are available at the Forum website (see <http://www.lawcapstoneexperience.com/>).

Chapter 7: Key issues

7.1 The role of work-integrated learning

In February 2010 the project team undertook consultation with the project reference group in order to identify the core ideas and concepts essential to the development of the principles for an effective capstone experience. At the outset, a strong argument was advanced for the inclusion of work-integrated learning (WIL) as a core component of any final year capstone experience in law. However, it was also posited that, despite the parallels between the objectives of WIL and capstones, WIL alone will rarely assure all of the desirable elements of a capstone experience. As the project progressed, it became the project team's view that the objectives of capstones go beyond the objectives of WIL and that the better position is that WIL, particularly in relation to preparation for the transition to professional practice (Orrell 2004), might be one component of a capstone experience; how large a component will depend upon the precise nature of the WIL concerned. Rather than relying on a single WIL subject as providing the entire capstone experience, the final year as a whole should be designed in a coherent way in order to achieve the overall capstone objectives (McNamara et al 2010). The particular form of experience adopted by different law schools will obviously also depend on their individual mission and context. It is therefore considered, for example, that WIL may have a greater role in the overall capstone experience in law schools that emphasise real-world connections in their mission statements (McNamara et al 2010).

WIL is consistent with the objectives of capstones in focussing on the transition to and preparation for professional practice and providing opportunities for reflection (McNamara et al 2010). WIL is particularly important to legal education as research indicates that there is strong demand from students for experiential learning and for classes emphasising authentic legal practice (Eckmann 2004; McNamara et al 2010). However, it needs to be noted, the ability of WIL to meet all of the objectives of capstones, particularly Integration and Closure, may be limited and should not be mistaken as representing a holistic capstone experience of itself (McNamara et al 2010).

Workplace placement or internship is a common form of WIL experience and is frequently referred to in the capstone literature. Gibala and Stuhldreher (2001) suggest internship be practiced by a 12 week placement culminating in a major project demonstrating entry level skills. With an emphasis on reflection and the objective of preparing students for professional practice, WIL in the form of an internship may provide an ideal vehicle for facilitating students' *transition out* of the university environment (McNamara et al 2010).

If we are serious about ensuring that all students engage in a capstone experience, it is worth observing that there are other forms of WIL that could provide all students with the opportunity to "integrate theory with the practice of work within a purposefully designed curriculum" (Patrick et al 2008), in circumstances where internship and placement opportunities may be limited or not able to be resourced appropriately (McNamara et al 2010). Some other forms of WIL learning opportunities that could be offered include: problem-based learning and computer simulations (Fairchild and Taylor 2000), as well as case analysis and role plays (Kerka 2001). Service learning (which often takes the form of street law in the legal context) is a related pedagogy which may also provide an effective

capstone experience for students. Examples of both WIL and service learning capstone experiences have been included in the project's *Toolkit*.

7.2 Impact of diverse graduate destinations

The design of capstone experiences should acknowledge that students are moving to a diverse range of graduate destinations including legal and non-legal occupations in both the private and public sector (Davis et al 2009, 49), and further study. The *Graduate Careers Australia survey 2011* (2012) found that 64 per cent of recent law graduates were not practising law between 2010 and 2011. Even graduates who are initially employed as legal practitioners often move on to other occupations within a relatively short timeframe. According to Kift, Israel and Field:

A law degree assists law graduates to enter diverse professional and vocational fields, not only practicing as barristers and solicitors, but also working as government officials, corporate counsel, advisers to international organisations, in the business world, in the community legal sector, as academics, in publishing and in many other fields. The TLOs for the Bachelor of Laws seek to recognise the relationship between the degree's academic and professional accreditation requirements, and the reality that many law graduates work in diverse roles beyond professional legal practice (2010, 8).

While the focus of many capstone experiences may be on the transition to legal practice, such experiences should be designed with diverse work environments in mind and also equip students to cope with changes in the workplace and their own career (Maute 2007). There are a number of ways in which to assist students to cope with future changing workplace environments. Evidence suggests that equipping students with confidence enables them to better deal with change in the workplace (Bailey, Oliver and Townsend 2007). Dunlap (2005) demonstrated that teaching through problem-based learning scenarios in capstone programs would improve students' self-efficacy, in turn better preparing them for the workplace. The acquisition of lifelong learning skills has also been shown to smooth the transition from university to professional practice (Fairchild and Taylor 2000), and to enhance motivation, initiative and creativity in the workplace. Subsequently, graduates who have completed a capstone experience require less on-the-job training (Fairchild and Taylor 2000).

Further, capstone experiences can take account of diverse graduate destinations by developing a range of generic employability skills (as a subset of graduate attributes) such as interpersonal and communication skills, critical thinking, decision making, ethical and philosophical appreciation and leadership, and these have been identified as crucial outcomes of the capstone experience (Aitkin and Neer 1992, as cited in Heinemann 1997, 6). In the modern world, adaptability and flexibility also warrant inclusion, as the nature of contemporary business practice sees vast changes occurring in considerably short periods of time (Heinemann, 1997). Successful practitioners are able to adjust their approach to meet the changing needs of their employer.

7.4 Double degrees and program structures

When designing capstone experiences, it must be acknowledged that, desirably, the experience should be tailored to apply to the program learning outcomes applicable to all

program structures and contexts. The most obvious examples requiring attention in this regard are joint, combined or double degree programs which traverse two disciplines (for example, law in combination with business, creative arts, science, journalism, etc). The capstone experience offered to these students should be flexible enough to accommodate these messy endings and, desirably, should be truly integrative of both disciplines and consider the world of professional work that awaits graduates with these broader qualifications. This issue is mentioned in this report for the sake of completeness; it is one that has not been considered to any large extent by the literature reviewed and was beyond the scope of this project to investigate.

Initiatives around the first year experience have been resoundingly successful because of the priority status attributed to this critical transition point, and the consequent support and attention directed to it (Gardner 1999). In many institutions in Australia, the transition needs of joint/combined/double degree students are starting to be recognised and addressed. The final year experience has the potential to be equally as transformative if its value and worth are similarly realised and acted upon, however, as has been discussed in this report, such integrative graduate outcomes require holistic and intentional approaches. Buy-in from the broader academic community, and from senior administrative staff, is particularly critical in this multi/cross/trans-disciplinary capstone context. Ideally, an academic team, representative of both disciplines, would work collaboratively to explore ways in which a culminating experience might be offered to these cohorts of students; one that was truly integrative across both disciplines' learning and also looked forward to the professional and personal futures of these more broadly qualified graduates. This is a common approach taken in multi-disciplinary capstone subjects, particularly in engineering (Bannerot, Kastor and Ruchhoeft 2010; Abu-Mulaweh, Oloomi and Volland 2004).

7.5 Technology

Technology offers significant opportunities both for facilitating and supporting capstone experiences.

At a minimum, basic technology such as email and learning management systems may be supplemented by web-based collaborative tools, whether proprietary, open source or free software (such as *Google Docs* or *Skype*). The use of this technology ranges from dissemination of information to facilitation of group work and presentation of outcomes to broader audiences, for example, by enabling synchronous or asynchronous conversations between learners, instructors and/or other participants or assessors, irrespective of physical location.

Capstone experiences may also incorporate real-world technologies such as those currently the industry standard. This use of technology ensures that students become familiar with the latest practices operating in the world of work rather than using out-dated programs and methodologies (Heinemann 1997).

More advanced use of technology may include the deployment of simulations. Effective capstone experiences seek to capture the authentic context of practice. It is now widely recognised that technology can provide an alternative to real-life settings such as clinical exercises, without sacrificing the critical authentic context (Herrington and Oliver 2000). An authentic context can therefore be achieved through either an actual work setting on the

one hand or a highly realistic, virtual surrogate of the actual work environment on the other, delivered by way of an anchoring context such as a multimedia program or technology-based simulation (McLellan 1994). Simulations provide students with authentic experience in an environment that can be controlled and monitored (Black and Wirtz 1997; Maharg and Owen 2007). In simulated settings, students can experiment with legal repertoires without putting real clients at risk, and can refine their behavioural repertoire with feedback from academics and/or practising clinicians (Black and Wirtz 1997).

One example of the use of technology in a capstone experience is the Virtual Law Placement project at the QUT School of Law (outlined in Appendix B). The virtual office in this capstone experience consists of a number of different departments, each engaging with different areas of law. The student is assigned to a particular area where, as trainee or junior solicitor, they are given a number of case files to manage. Ideally these case files would be based on real, de-identified cases (although theoretical case studies could also be used). Students are then given a series of tasks, either through a real-life supervisor (a tutor for example), or by way of a series of instructions released at predetermined stages through the virtual learning environment. Students are also provided with access to documentation and correspondence that would be typical for that type of matter. Students proceed with the case file until they reach its conclusion. This conclusion might be based on the real outcome of the case (where actual de-identified files have been used) or a theoretical one based on the steps the students has elected to take. The virtual office is an example of transactional learning where real-life experiences are provided within a virtual learning environment. It also utilises situated cognition theory where the problem to be resolved by the student is taught within the relevant professional environment. The aim of the experience is to introduce the student not only to the problem to be resolved but also to the relevant professional (rather than law school) culture.

A more elaborate simulation is the SIMPLE project (SIMulated Professional Learning Environment (<http://www.ukcle.ac.uk/research/projects/tle.html>), a simulated environment that operates across a number of higher education institutions in the UK, including the University of Strathclyde, and Glasgow Graduate School of Law. Students are immersed in a virtual town, where they assume responsibility for real-world problems encountered by individuals and businesses operating within the town. Students set up virtual offices, and communicate through the program with clients, and with their tutors for assessment purposes. It has enabled large numbers of students to experience the 'real-world', and to understand how their learning may be applied in a professional context.

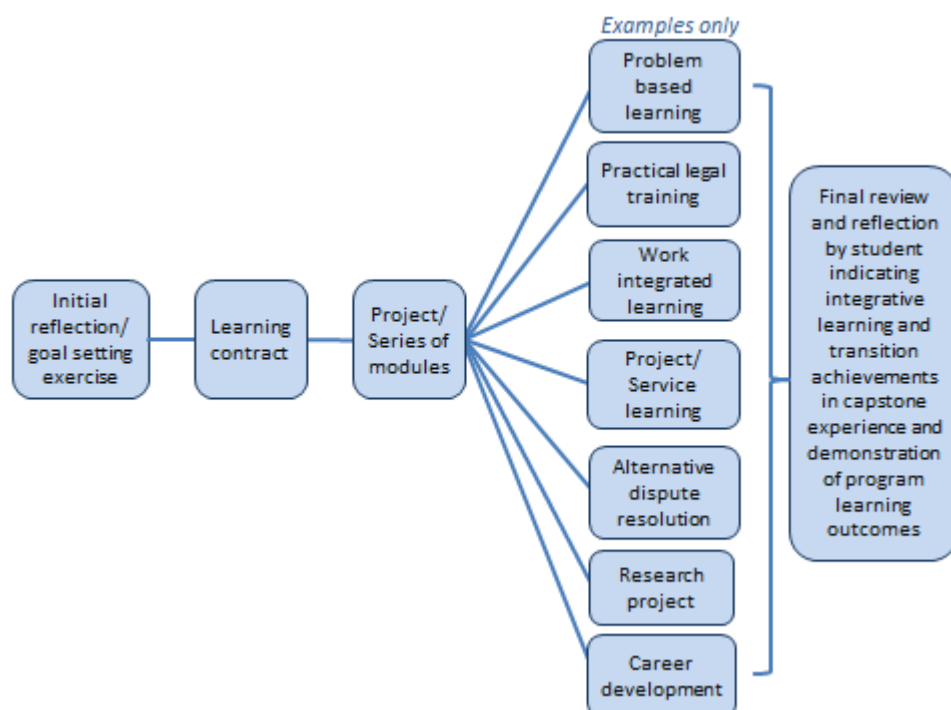
The extent to which technology is used in a capstone experience will depend on a range of considerations. A principal issue will be the resourcing available. Financial resourcing may dictate, for example, the type of software that may be utilised, although in many cases free or low cost alternatives to more costly software may be available. Staff resourcing will also be an important consideration, as is the external support that is available (such as involvement by practitioners). Other relevant questions will be what technical proficiencies will be expected from students and/or academics, and whether there is a need for students, teachers and/or supervisors to acquire new knowledge or skills to enable their engagement. In some instances, equity issues will also need to be addressed, whether in the form of ensuring students have access to the necessary equipment, the provision of adequate technical support and/or accommodating the needs of students with disabilities or other special requirements.

Chapter 8: Suggested models for capstone experience

8.1 A possible implementation model

While there is no single model for a definitive capstone experience in legal education that should be applied universally, as has been discussed in this report, it is suggested that the capstone experience should enable students to reflect on their whole-of-program learning, attainment of program learning outcomes and preparedness for transition out of the degree, at various stages before, during and after the capstone experience. Ideally students would be presented with an array of possible capstone experiences and encouraged to choose one(s) of greatest relevance to their learning needs and intended graduate destination. The model in Figure 2 below suggests how this might be enacted in the final year curriculum. This model is flexible enough to accommodate a capstone experience within a single subject or across a number of subjects or modules within subjects. The notion of a learning contract (Tompkins and McGraw 1988) has been introduced in this model to highlight the desirability of enabling student agency in final year learning, with the result that evidence of a further learning outcome may be adduced – the demonstration of the lifelong learning capacity to take responsibility for planning and implementing future professional and personal learning.

Figure 2: Model for a Final Year Capstone Experience



8.2 Types of capstone experiences: Transition focussed and Integration and Closure focussed

In the course of analysing the various examples of practice to extrapolate transferable models for inclusion in the *Toolkit*, it became evident that many of them were focussed primarily on either looking backwards (over the degree) or looking forwards (towards future

practice and the world of work). While the project has now identified six key, interconnected principles that underpin desirable and effective capstone experiences, in law school (and other disciplinary) practice to date the two primary curriculum foci evident are Transition (looking forward) and Integration and Closure (looking back). Each of the specific examples of capstone experience described in 8.5 below has therefore been categorised as to whether it is primarily Transition focussed or whether it is Integration and Closure focussed. In some instances, such a designation is arbitrary, which is as it should be given that a best practice capstone experience should address both principles. The point of this categorisation for the purpose of the *Toolkit* is to highlight the potential necessity to combine different examples of capstone experiences in order to deliver a comprehensive experience that will address all of the capstone principles. It is for this reason that the specific examples of practice identified at 8.5 have been designated as either concerned predominantly with the students' movement from study to work (Transition), or predominately with the opportunity to create new understandings of existing knowledge and apply that integrative knowledge to new situations (Integration and Closure).

In transition focussed capstone experiences, the main focus is on the capstone principle of Transition. The programs are generally directed towards one or more of the following:

- Drawing on students' self-management and other legal skills to deal successfully with uncertainty, complexity and change;
- Assisting students in beginning to develop a sense of professional identity; and
- Supporting students to manage their career planning and development.

These transition focussed capstone experiences require students to possess quite an extensive body of legal knowledge, however the primary aim is to develop the student's appreciation of the workplace culture and to develop practical and employment-oriented skills.

With the second type of capstone experiences, the primary focus is on the capstone principle of Integration and Closure. The subjects and experiences are more directed at one or both of the following:

- Supporting students to integrate, synthesise and extend their learning in the program; and
- Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.

Examples of integration and closure focussed experiences in the *Toolkit* are directed predominantly toward creating synergies and drawing connections across the students' existing areas of knowledge and skills, rather than enabling students to make connections between their academic learning and future professional contexts or attending to professional identity formation. These capstones are often described as magnet capstones as they are focussed on providing a culminating experience in a particular area within a discipline or subject.

8.3 A final year *Toolkit*

A major project outcome has been the development of a final year *Toolkit* to assist educators to design and implement capstone experiences in final year programs. There are

three elements to the *Toolkit*, each of which is intended for a different level of input by users.

A generic subject template, with prompts and suggestions to aid completion, is available on the project website for users to develop their own capstone experiences. The subject template is reproduced in Appendix C.

The second element of the *Toolkit* offers five specific models, underpinned by ideas drawn mostly from existing practice, of how subjects might be designed using the *Toolkit*'s subject template. Each of these subject models using the template is discussed briefly below (at 8.4), is available on the project website, and appears in Appendix A to this report. For each of the subject examples, the learning outcomes and teaching, learning and assessment strategies have been constructively aligned and commentary is included regarding the exemplar's further alignment with this project's *Capstone Experiences Principles*. The literature and further examples of various aspects of the subject templates may be found in the *Capstone Principles Commentary* and the more fulsome *Toolkit* available on the project website. It is hoped that, taken together, the *Toolkit*'s subject template (Appendix C) and the specific subject models provided (Appendix A) will assist educators to design their own capstone experiences.

The third feature of the *Toolkit* is a collection of examples of existing practice from both Australia and overseas that can be adapted and adopted to suit individual law schools' missions and goals with the need for complete redesign (at 8.5). As set out above (at 8.2), these specific examples have been categorised as primarily Transition focussed or primarily Integration and Closure focussed. An example taken from this collection appears at Appendix B – The Virtual Practice/Law Office – the rest are to be found on the project's website, with the complete *Toolkit*, <http://wiki.qut.edu.au/display/capstone/Home>.

8.4 *Toolkit*: Model subject templates

8.4.1 Problem-based learning capstone subject

The problem-based learning capstone subject proposed in Appendix A requires students to provide legal advice in a manner that replicates professional practice as closely as possible. The problem could be presented to students by way of documents, recorded client interviews, or other multi-media mechanisms and could require students to engage in both identification of the legal issue(s) as well as fact identification and analysis. Ideally, the facts and documents would unfold throughout the subject over the course of the semester cumulatively as each item of assessment was completed. It is recommended the problem be drafted in a way that draws on a range of areas of law with a focus on a relatively complex area that is likely to be unfamiliar to students. The problem would also need to raise ethical issues and require the undertaking of significant research by the student. The assessment must also be authentic, requiring students to provide legal advice and draft legal documentation. The assessment could include items such as: a simulated or standardised client interview; an initial advice letter, file memorandum, or file note; negotiation or dispute resolution; drafting documents such as contracts, mortgages, or court documents; final advice in the form of a letter, file memorandum, or brief to counsel; and a learning journal where students reflect on their learning throughout the duration of the subject.

The recommended subject focuses on the capstone principle of Integration and Closure and a companion subject focussing on Transition should also be considered to complete the capstone experience.

8.4.2 Work-integrated learning (WIL) capstone subject

The suggested WIL capstone subject proposed in Appendix A involves students undertaking a placement in a legal office under the supervision of a practising lawyer and reflecting on that experience independently and with peers. An issue to be considered is whether students should be required to organise their own placements or whether these would be organised by the academic institution. A limitation might be that there may not be sufficient placements for all students undertaking the program and, in that case, alternatives would need to be developed such as virtual offices or role-plays. The suggested assessment includes a placement plan, participation in group reflections, and a final portfolio. The combination of these assessments instigates an on-going engagement and reflection by the student on their role as a professional in their field of study.

The subject focuses on the capstone principle of Transition and a companion subject focussing on Integration and Closure should also be considered to complete the capstone experience.

8.4.3 Project-based learning capstone subject

The project-based capstone subject proposed in Appendix A requires students to identify an issue of contemporary legal significance, such as a social justice, public policy or commercial law issue. Students are required to plan and undertake a creative project to address the chosen issue. Students would be expected to engage with a community or industry partner to some extent, though the nature of that involvement may be limited according to the available law school resources and student numbers. Ideally a service-learning pedagogy would be applied to the design of the subject. A possible variation might be for students to undertake projects in teams and possibly even cross-disciplinary teams. Students could present their projects at a final year conference, which may also include sessions relevant to the transition out of university. The assessment suggested includes the project plan, reflections on both the project and on the conference, and the project outcome itself. Given the amount of assessment and student work involved and the time line for planning and completing such a real-world project, it is suggested that this subject might be the equivalent of two subjects and may be undertaken across the entire final year. If a single semester capstone subject is preferred, this subject outline would require modification.

8.4.4 Alternative dispute resolution (ADR) capstone subject

The alternative dispute resolution capstone subject proposed in Appendix A requires students to analyse a number of legal disputes drawing together their substantive knowledge from a range of core areas of study across their degree. Students are asked to analyse the legal disputes, provide legal advice about the substantive law matters they raise, diagnose an appropriate dispute resolution process for the resolution of the issues in the client's best interests, and implement the chosen process (most likely negotiation or mediation). The intention of this design is to provide students with an engaging and

authentic learning experience in a manner that replicates the real-world of legal professional practice as closely as possible.

The legal problems should be presented to students as individual parts of a client's complex dispute narrative through, for example, file notes, letters and other documents, and recorded client interviews. Ideally, the facts and documents develop and unfold throughout the semester as the client's matter progresses following each item of assessment. The legal disputes should be conceptualised so that they draw on a range of areas of law that students have previously studied as core subjects. The problems should be relatively complex, include a number of legal issues in dispute, and raise ethical considerations. The assessment is authentic, requiring students to learn and then implement a dispute resolution process through a role-play. The proposed subject has the potential to address Integration and Closure and Transition.

8.4.5 Practical legal training (PLT) capstone subject

The suggested model proposed in Appendix A for how the capstone principles could be enacted in a practical legal training capstone subject could require students to manage a range of activities that would normally occur in legal practice – from registering their own practice/business name to interviewing clients, drawing up wills, setting up companies, negotiating a sale of business and drafting appropriate agreements, and managing property settlements. The subject is a semester long subject weighted at half of a full time enrolment load for that semester. It encompasses the professional areas of property practice, corporate and commercial practice and wills and estates practice. The teaching and learning approaches provide an opportunity for students to learn and to be treated as emergent professionals. The subject aims to provide as real-world an experience as possible within the constraints imposed by resources and the university context.

In addition to the teaching and learning in relation to the technical competencies required for the subject and the university's graduate qualities, in this exemplar students are also provided with mentors – volunteer legal practitioners who mentor them in relation to the culture of the legal profession and professionalism in general. The aim of the mentoring scheme is to increase students' professionalism in parallel with the core aims of the curriculum.

8.5 *Toolkit*: Specific examples of capstone experiences

In addition to the sample subjects that appear in Appendix A and are described in 8.4 above, the project team has identified a number of specific examples of capstone experiences from Australia and overseas, which can be adapted to form part of a capstone experience and could usefully be incorporated within any law degree. While most are operating within the law discipline, a few have no current legal incarnation but have been adapted from capstone experiences existing in other disciplines. As discussed above, these specific examples have been classified in the website *Toolkit* as either predominantly Transition focussed (looking forward) or predominately Integration and Closure focussed (looking back).

The selected capstone experiences are not intended to represent or be used as complete

program/subject outlines. Rather they are meant as mini-portraits of the types of experiences that might be implemented, whether as part of, or as a standalone subject, within the particular institutional requirements and objectives of individual law degrees. Indeed the different options could be combined to form a whole final year program.

In all, 16 experiences have been collected, all of which have been made available on the project's website at <http://wiki.qut.edu.au/display/capstone/Home>. The 16 *Toolkit* examples of capstone experiences are:

- Capstone experience 1: The Virtual Practice/Law Office
- Capstone experience 2: Transactional Legal Practice (Flinders University)
- Capstone experience 3: The Clinical Year in Law (Washington and Lee School of Law)
- Capstone experience 4: Law Internship (referred to as externships in US)
- Capstone experience 5: Virtual Law Internship (Queensland University of Technology, School of Law)
- Capstone experience 6: General Practice Skills Course (Phoenix School of Law)
- Capstone experience 7: Fundamentals of Law Practice (Georgia State University College of Law)
- Capstone experience 8: Legal Clinics (University of Dayton School of Law; University of Pennsylvania Law School)
- Capstone experience 9: Conferences
- Capstone experience 10: Student prepared Journal Article/Issue (New York Law School)
- Capstone experience 11: Dispute Resolution/Advocacy Law
- Capstone experience 12: Law of Remedies
- Capstone experience 13: Inter-disciplinary Capstone Seminar
- Capstone experience 14: Advanced Research Problem
- Capstone experience 15: Lawyer as Problem Solver (University of Dayton, School of Law)
- Capstone experience 16: Ethics (University of Oklahoma, School of Law)

The first example has been reproduced in Appendix B to demonstrate how a capstone experience integrating a virtual law office practice might be implemented.

Chapter 9: Conclusion and recommendations

Currently, the final year law curriculum is delivered in a disjointed way. Students undertake core subjects and a selection of elective subjects which are not integrated; therefore their knowledge and skill bases are fragmented. As a result, many final year law students leave university without a coherent whole-of-program conception, and without an understanding of the ‘big-picture’ (Kerka 2001). For this reason, law schools are being challenged by lawyers, law students and graduates “to assume greater responsibility for preparing students to practice law upon graduation, rather than simply preparing students to learn to practice law after graduation” (Trail and Underwood 1996, 202). This project has sought to provide the theoretical and practical foundation to enable transformation of law students’ experience of their final semesters of legal education by providing the research- and evidence-base to design an effective and satisfying capstone experience; one that provides students with integration and closure on their tertiary experience, allows them to reflect on that experience, and prepares them as academically-competent, resilient, and work-ready graduates.

Leveraging the broad disciplinary support provided by the national and international members of the project’s expert reference group, the project outcomes have the potential to change fundamentally the approach to the final year of legal education in Australian universities. In the context of an increasing regulatory and quality focus on assuring academic standards and student achievement of program learning outcomes, there is a growing appreciation that capstone experiences should be intentionally designed to promote reflection on, and the integration and synthesis of, whole-of-program learning by requiring student demonstration of consolidated, integrative and transferable learning. In this way, in addition to providing students with a sense of integration and closure to the academic experience and completion as a graduate of the discipline, capstone experiences may also make a valuable contribution to the data collection requirements of assurance of learning.

The final year principles and the *Toolkit* developed by this project and presented in this report, if deployed with intentionality across the curriculum, will enable students to be better prepared for their careers as effective and reflective legal practitioners. Modern law graduates need to be skilled problem-solvers, team players, and lifelong learners who can meet the rigours of the dynamic, competitive and challenging world of twenty-first century legal practice (Kift 2003a, 2005 and 2008; Dunlap 2005; Kloppenberg 2007). This project’s attention to curriculum renewal of the final year of law is timely, in addressing both the current educational and professional practice needs of our students, as well as the demands of those who will employ them. The contribution that capstone experiences might make to assurance of learning has also been discussed.

This project provides value to the tertiary sector and the development of national approaches to learning and teaching in higher education as a whole by reason of the transferability of the project’s key deliverables, particularly in the context where synthesis of capstone practice across disciplines has to date been under-theorised and relatively unexplored. The final year experience is an under-developed aspect of the curriculum across the tertiary sector at large, and is an issue of emerging importance for Australian higher education generally (ACER 2008). A research-informed model and practical guidance are

urgently needed and have significant potential value and impact at the broader sectoral level. The final year principles and *Toolkit* have been designed with transferability and adaptability in mind. In addition, the engaged and information provision dissemination of the project has ensured other disciplines have been provided with access to the project's key outcomes. The project therefore promotes and supports strategic change in the delivery of final year programs across the Australian higher education sector and contributes to the development of national approaches to learning and teaching in higher education.

The project's evaluator, Dr Clair Hughes, has prepared a Final Evaluation report regarding the project's processes, outcomes and deliverables. That report may be found at Appendix D.

The following recommendations are made in order to maximise the impact of the outcomes of this project on curriculum renewal in legal education and the development of effective capstone experiences for law:

Recommendation 1

The capstone principles and the models and examples in the final year *Toolkit* be implemented and evaluated and the results of such evaluation be shared across the legal education community.

Recommendation 2

Law schools introduce a purposefully designed final year experience into their curriculum and collect assurance of learning data from those experiences for benchmarking across the sector.

Recommendation 3

The legal education sector continue to share research and practice in relation to capstone experience design and implementation, and that a second *Capstone Experience Conference* be convened to provide a forum for legal educators (and others) to facilitate this sharing of practice.

Recommendation 4

The impact of purposefully designed capstone experiences on graduates' mental wellbeing should be a subject of further research and monitoring.

Recommendation 5

The design of capstone experiences for the specific context of double, joint or combined degree students should be the subject of further research and investigation.

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Appendix A

Capstone subject models

Outline for capstone problem-based learning (PBL) subject

This is a suggested model for how the capstone principles could be enacted in a problem-based learning subject. The subject requires students to provide legal advice in a manner that replicates professional practice as closely as possible. The problem could be presented to students by way of documents, recorded client interviews and the like and would require students to engage, not just in legal issue identification, but fact identification and analysis. Ideally, the facts and documents would unfold throughout the semester following each item of assessment. The problem should be drafted so that it draws on a range of areas of law and focuses on a relatively complex area of law that is likely to be unfamiliar to students, raises ethical issues and requires significant research to be undertaken. The assessment is authentic, requiring students to provide legal advice and draft legal documentation.

This subject focuses on the capstone principle of Integration and Closure and a companion subject focussing on Transition should also be considered to complete the capstone experience.

The learning outcomes, assessment and teaching and learning strategies suggested in this outline are constructively aligned and where variations are introduced, for example to assessment, flow on changes to learning outcomes and teaching and learning approaches should be addressed. The ideas for this model subject are drawn mostly from existing practices. The literature and further examples of various aspects of the outline may be found in the *Capstone Principles Commentary* and the *Toolkit*.

Type of capstone (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	Disciplinary with the subject providing evidence of integrative discipline learning together with assurance of learning for several program learning outcomes.
Model/ duration of capstone (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	One subject taken in the final year along with a companion subject focussing on Transition.
Compulsory or elective	Compulsory
Placement in degree (eg, final semester; penultimate semester; cornerstones throughout)	Final year, either single semester or whole year.
Assumed level of student preparedness to engage in capstone experience	<p>It is assumed that, prior to engagement with this subject, students will already be able to:</p> <ul style="list-style-type: none"> • provide a reasoned opinion as to the relevance, meaning and application of complex case law and legislation in the context of familiar subject areas and less complex case law and legislation in the context of unfamiliar subject areas; • use a range of legal problem solving techniques in relation to complex matters in the context of familiar subject areas and less complex matters in the context of unfamiliar subject areas; • the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues;

	<ul style="list-style-type: none"> engage in critical reflection on the law and on policy and social and other contextual issues underlying and impacting on the law and its development; engage in critical self-reflection, including the capacity to make judgements about the quality of their own work and the work of others (as required) and to establish and implement personal learning strategies; communicate in ways that are effective, appropriate and persuasive for both legal and non-legal audiences from diverse backgrounds; work in effectively in teams (as required); recognise and reflect upon ethical issues likely to arise in professional contexts. <p><u>Skills that may be required, depending on the nature of the capstone experience</u></p> <ul style="list-style-type: none"> Conduct client interviews Dispute resolution skills Knowledge of civil procedure Legal drafting
Program learning outcomes to which capstone will contribute	<p>TLO 1: Knowledge <input checked="" type="checkbox"/></p> <p>TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/></p> <p>TLO 3: Thinking skills <input checked="" type="checkbox"/></p> <p>TLO 4: Research skills <input checked="" type="checkbox"/></p> <p>TLO 5: Communication and collaboration <input checked="" type="checkbox"/></p> <p>TLO 6: Self-management <input checked="" type="checkbox"/></p>
Who will generate subject matter/focus of experience	Academics with input from legal practitioners and students as considered appropriate.
New material or skills to be introduced	<p>In the context of unfamiliar, multi-faceted and unstructured authentic legal problems/issues, students will demonstrate enhanced skills to:</p> <ul style="list-style-type: none"> provide a reasoned opinion as to relevance, meaning and application of complex case law and legislation; utilise a range of legal research, analytical and communication capabilities; recognise, reflect on and respond to ethical issues.
Student support and other resources/infrastructure required/desirable	<ul style="list-style-type: none"> Some support for students regarding problem identification, refinement and scoping. Support for engagement with members of the legal profession (as required). If teamwork is required, the provision of teamwork tools delivered via the learning management system (LMS).
Foreseeable risks to be managed	Scalability – teamwork might be considered.

	<p>Delivery for external students.</p> <p>The subject is designed with minimal face-to-face teaching time. Rather it is envisaged that substantial academic time will be devoted to:</p> <ul style="list-style-type: none"> • providing timely assistance in problem identification, refinement and scoping; • assuring that the agreed assessment is authentic, aligned, valid and reliable (desirably seeking input from legal practitioners as appropriate), and • ensuring that opportunities for constructive feedback (self, peer, practitioner and/or teacher generated) are provided. <p>There is a risk that a failure to recognise appropriately the academic skill set required for, and workload involved in, the subject's delivery will compromise the quality of the capstone experience, could have reputational consequences for the law school and/or may impact on the subject's longer term sustainability.</p>
Alignment with Capstone Experiences Principles	
<p>Transition</p> <ul style="list-style-type: none"> • <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i> • <i>Assisting students in beginning to develop a sense of professional identity; and</i> • <i>Supporting students to manage their career planning and development.</i> 	<ul style="list-style-type: none"> • Students' transition to practice is supported by learning engagement with unfamiliar, multi-faceted and unstructured legal problems/issues which mirror professional practice. • It is suggested that a companion subject or an additional module be offered with this PBL subject that focuses more specifically on transition to professional identity and career development learning (for example, a conference, a reflection on the development of professional identity and career development or a second subject such as a WIL subject).
<p>Integration and Closure</p> <ul style="list-style-type: none"> • <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i> • <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i> 	<ul style="list-style-type: none"> • Integration and synthesis is achieved by students applying the knowledge, skills and capabilities they have developed throughout their degree in order to solve the unstructured authentic legal problem/issue. • Extension is achieved by students applying research, analytical and communication skills in relation to an area of law that is relatively complex and unfamiliar to students. • Students gain a sense of completion by acting authentically in relation to a complex legal problem which mirrors professional realities, presents real ethical issues and demonstrates the relevance of their learning to future professional roles.
<p>Diversity</p> <ul style="list-style-type: none"> • <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i> • <i>Being inclusive of all students.</i> 	<ul style="list-style-type: none"> • Ideally the problem would be scoped to draw out issues around diversity likely to be encountered in professional practice. • Students' capacity to engage with diversity in professional contexts is developed through their engagement with community partners and reflection upon their ability to communicate with diverse audiences.
Engagement	

<ul style="list-style-type: none"> • <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i> • <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i> 	<ul style="list-style-type: none"> • The reflective assessment aspect proposed enables students to identify connections between their learning and professional contexts and assists in the development of professional identity. • Problem-based learning is intrinsically engaging and requires students to take responsibility for and be involved in active learning. • Students in the final year are more likely to be engaged with learning that is realistic and authentic.
<p>Assessment</p> <ul style="list-style-type: none"> • <i>Aligning assessment practice with the capstone principles; and</i> • <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i> 	<ul style="list-style-type: none"> • The assessment is authentic in that it mirrors what is expected of students in professional practice. • Staged assessment requires students to make use of feedback from one assessment item to the next, while the learning journal requires students to use this feedback to reflect on their own performance.
<p>Evaluation</p> <ul style="list-style-type: none"> • <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i> • <i>Contributes to the whole-of-program evaluation; and</i> • <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i> 	<ul style="list-style-type: none"> • The subject should be evaluated in accordance with the institution's usual subject evaluation process(es). • Student assessments will provide both assurance of learning data (as regards student demonstration of program learning outcomes) and data relevant to program evaluation (as regards the efficacy of whole-of-program design). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way. • The currency and relevance of the subject's problems should be iteratively assured through the involvement of suitably qualified academic staff and/or legal practitioners.

Subject outline for problem-based learning capstone experience

Learning outcomes

[Choose from / modify as required]

At the completion of this subject you should be able to:

1. Identify, research, evaluate and synthesise relevant factual, legal and policy issues (TLO4).
2. Determine the relevance, meaning and application of complex case law and legislation in the context of unfamiliar, multi-faceted and unstructured legal issues (TLO1; TLO3).
3. Identify and apply a range of legal problem solving techniques in relation to complex matters in the context of unfamiliar, multi-faceted and unstructured legal issues (TLO3).
4. Communicate practical legal advice for the resolution of complex legal issues (including offering creative solutions) effectively, appropriately and persuasively (TLO5; TLO3).
5. Recognise, reflect upon, and to respond to, ethical issues likely to arise in professional contexts (TLO2).
6. Reflect on and assess your own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development (TLO6).
7. Collaborate effectively (TLO6).
8. Identify appropriate non-adversarial responses to complex legal issues (TLO3).

Content

In this subject you will provide advice on a complex legal matter that involves an unfamiliar and multi-faceted area of law. The material covered in this subject includes advanced legal research techniques, effective and appropriate communication in professional legal contexts and ethical issues.

Approaches to teaching and learning

As a final year subject, the learning and teaching approach is to support you to work independently and assume responsibility for your own learning. There will be minimal face-to-face teaching time. In order to achieve the learning objectives of the subject, a range of teaching and learning approaches will be employed. There will be a limited number of face-to-face lectures/workshops in relation to advanced legal research techniques and professional communication, especially legal writing, however the focus of your learning in the subject will be through your engagement with the assessment tasks and the feedback received on those tasks.

The problem task will be of the type you may encounter in legal practice (for example, a transaction that is being negotiated between your client and another party or the resolution of a legal issue) and it will be presented in a way that mirrors legal practice. The assessment will be presented via the subject's online LMS by way of documents such as recorded client interviews, file notes and legal documents. The problem and assessment tasks will require you to communicate with culturally diverse audiences. The task will be provided in stages with more detailed information being given for each assessment task. Part of the requirements of each assessment task will be for you to identify any further information you need in order to provide advice and how that information should be obtained.

Assessment

Examples of possible assessment items, for which feedback opportunities (self, peer, practitioner and/or teacher) should be identified, include:

1. **Simulated client/standardised client interview.** If resources do not permit individual assessment tasks of this nature an alternative might be to require a file note that sets out a plan for an initial interview to take instructions from the client after reading an initial brief (perhaps a file note of an initial telephone conversation between the instructing partner and the client). Students should be required to identify what further instructions they are seeking from the client and why those instructions are needed. Following this item of assessment generic feedback could be given which also provides the additional instructions needed for the next item of assessment. In this way, students who do not identify all of the instructions needed at the initial stage receive feedback and are able to move to the next stage with full instructions.
2. **Initial advice.** This assessment could take the form of a letter of advice, a file memorandum or research file note. The initial advice might follow a simulated or standardised client interview or be the first piece of assessment in its own right. It may include a requirement to seek further instructions. The initial advice task would assess the students' initial identification of the relevant issues and understanding of the more basic aspects of the relevant factual, legal and/or policy issues. Further, more complicated, instructions might be provided following this item of assessment that require students to engage in additional or more complex identification, research, evaluation and synthesis of factual, legal and/or policy issues.
3. **Negotiation or dispute resolution:** Students might be required to negotiate a final agreement where the problem task is transactional in nature or to engage in a dispute resolution process if the problem involves a legal dispute.
4. **Drafting documentation:** where students have developed the necessary skills prior to the capstone, or if the skills are taught and practiced in the capstone, students might be required to draft legal documents (for example, contracts, mortgages, court documents).
5. **Final advice:** This assessment item could be a letter of advice, file memorandum or brief to counsel (preferably in an alternative format to the initial advice). The purpose is to enable students to demonstrate their ability to integrate legal knowledge, skills and ethical capability in order to solve a complex legal problem, through the generation of appropriate responses, engagement in critical analysis and making a reasoned choice amongst alternatives. The final advice should be communicated effectively to its intended audience.
6. **Learning journal:** students should be required to reflect on their learning and ability to respond to unfamiliar, multi-faceted and unstructured legal problems/issues, including their self-evaluation and use of feedback.

Outline for capstone work-integrated learning (WIL) subject [companion to problem-based learning (PBL) subject]

This is a suggested model for how the capstone principles could be enacted in a work-integrated learning (WIL) subject. The subject involves students undertaking a placement in a legal office under the supervision of a practicing lawyer and reflecting on that experience with peers and individually. An issue which would need to be considered is whether students should be required to organise their own placements or whether they would be organised by the institution. A limitation might be that there may not be sufficient placements for all students undertaking the program, in which case this WIL experience could not be compulsory and alternatives would need to be developed. The assessment includes a placement plan, collaborative reflections on the placement and a portfolio.

This subject focuses on the capstone principle of Transition and a companion subject focussing on Integration and Closure should also be considered to complete the capstone experience.

The learning outcomes, assessment and teaching and learning strategies suggested in this outline are constructively aligned and where variations are introduced, for example to assessment, flow on changes to learning outcomes and teaching and learning approaches should be addressed. The ideas for this model subject are drawn mostly from existing practices. The literature and further examples of various aspects of the outline may be found in the *Capstone Principles Commentary* and the *Toolkit*.

Type of capstone (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	Disciplinary with the subject providing evidence of integrative discipline learning together with assurance of learning for several program learning outcomes.
Model/duration of capstone (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	One subject taken in the final year along with a companion subject focussing on Closure and Integration in the alternative semester.
Compulsory or elective	If this subject is compulsory, it would be necessary to ensure that sufficient placements could be found for all students in the program.
Placement in degree (eg, final semester; penultimate semester; cornerstones throughout)	Final year, either semester (desirably with companion subject focussing on Closure and Integration in the alternative semester).
Assumed level of student preparedness to engage in capstone experience	It is assumed that, prior to engagement with this subject, students will already be able to: <ul style="list-style-type: none"> • provide a reasoned opinion as to the relevance, meaning and application of complex case law and legislation in the context of familiar subject areas and less complex case law and legislation in the context of unfamiliar subject areas; • use a range of legal problem solving techniques in relation to complex matters in the context of familiar subject areas and less complex matters in the context of unfamiliar subject areas;

	<ul style="list-style-type: none"> engage in critical reflection on the law and on policy and social and other contextual issues underlying and impacting on the law; the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues; engage in critical self-reflection, including the capacity to make judgements about the quality of their own work and the work of others (as required) and to establish and implement personal learning strategies; communicate in ways that are effective, appropriate and persuasive for both legal and non-legal audiences from diverse; work in effectively in teams (as required); recognise and reflect upon ethical issues likely to arise in professional contexts. <p><u>Skills that may be required, depending on the nature of the placement</u></p> <ul style="list-style-type: none"> Conduct client interviews Dispute resolution skills Knowledge of civil procedure Legal drafting
Program learning outcomes to which capstone will contribute	<p>TLO 1: Knowledge <input checked="" type="checkbox"/></p> <p>TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/></p> <p>TLO 3: Thinking skills <input checked="" type="checkbox"/></p> <p>TLO 4: Research skills <input checked="" type="checkbox"/></p> <p>TLO 5: Communication and collaboration <input checked="" type="checkbox"/></p> <p>TLO 6: Self-management <input checked="" type="checkbox"/></p> <p>The extent to which all of the TLOs are addressed may depend on the nature of the placement. Students could be required to ensure that they address all of the TLOs in the placement, however this may limit the number of suitable placements available.</p>
Who will generate subject matter/focus of capstone experience	<p>Student will agree on the work to be undertaken during the placement with the industry partner supervising the placement and will set their own learning goals for the subject.</p>
New material or skills to be introduced	<p>In the context of authentic legal practice, students will develop an enhanced ability to:</p> <ul style="list-style-type: none"> apply integrated legal knowledge and skills; extend existing legal knowledge and skills, including ethical reasoning, independently in authentic discipline applications; analyse how ethical issues arise in a legal workplace and recognise, reflect on and respond to those ethical issues;

	<ul style="list-style-type: none"> • make career plans and decisions that take into account the rapidly changing legal and business environment in which they will be working; and • appraise their own professional values and developing sense of professional identity.
Student support and other resources/infrastructure required/desirable	<ul style="list-style-type: none"> • Support to secure placements with relevant legal professionals. • Preparation to enter the legal workplace. • Career development learning support.
Foreseeable risks to be managed	<ul style="list-style-type: none"> • Scalability – availability of placements. • Workplace health and safety issues. • Reputational risks if students enter workplaces unprepared to engage effectively with daily work environment. • Ability to assess workplace performance in an authentic and resource effective manner and without raising confidentiality concerns.
Alignment with Capstone Experiences Principles	
Transition <ul style="list-style-type: none"> • <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i> • <i>Assisting students in beginning to develop a sense of professional identity; and</i> • <i>Supporting students to manage their career planning and development.</i> 	<ul style="list-style-type: none"> • The requirement that students set their own learning goals for the placement and to reflect on their achievement of those goals in the portfolio will support students' career planning and development skills. • The reflection on the students' placement experiences and future career plans will assist students to deal with uncertainty, complexity and change in a personal sense, to develop a sense of professional identity and to manage their career planning and development. • The workplace experience will assist students to apply legal skills in uncertain, complex and changing environments.
Integration and Closure <ul style="list-style-type: none"> • <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i> • <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i> 	<ul style="list-style-type: none"> • Integration, synthesis and extension are achieved by students applying the knowledge, skills and capabilities they have developed throughout their degree in an authentic legal workplace, however the extent to which this is achieved may depend on the type of work the student undertakes. The most significant aspect is the extension of knowledge and skills by the application in the workplace. • It is suggested that a companion subject or an additional module be offered with this WIL subject that has a focus on the integration of knowledge, skills and capabilities (for example a problem-based learning subject).
Diversity <ul style="list-style-type: none"> • <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i> • <i>Being inclusive of all students.</i> 	<ul style="list-style-type: none"> • Students' capacity to engage with diversity in professional contexts may be developed through their engagement with diverse individuals during their placement and reflection upon their ability to communicate with diverse audiences. Where this cannot be guaranteed (given the diverse range of placements that might be available), an interactive online cross-cultural communication module might

	<p>developed to supplement the placement experience.</p> <ul style="list-style-type: none"> • The flexible learning and teaching approaches, student choice in the type of placement and the choice of personal learning goals support diversity of the student cohort.
<p>Engagement</p> <ul style="list-style-type: none"> • <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i> • <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i> 	<ul style="list-style-type: none"> • Work-integrated learning is intrinsically engaging due to its authenticity and requires students to take responsibility for and be involved in active learning. • In addition to the student learning taking place in an authentic legal workplace, the assessment requires students to be responsible for their own learning by identifying their own learning goals and reflecting upon the extent to which they have achieved those goals.
<p>Assessment</p> <ul style="list-style-type: none"> • <i>Aligning assessment practice with the capstone principles; and</i> • <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i> 	<ul style="list-style-type: none"> • The assessment is authentic and supports integrative learning requiring students to connect both within and beyond the campus. • Students are required to engage in reflective tasks with peers. • Students are required to evaluate their own workplace performance, and reflect on feedback given by supervisors during the work placement as part of their final portfolio assessment.
<p>Evaluation</p> <ul style="list-style-type: none"> • <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i> • <i>Contributes to the whole-of-program evaluation; and</i> • <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i> 	<ul style="list-style-type: none"> • The subject should be evaluated in accordance with the institution's usual subject evaluation process(es). • Student reflections and assessments will provide both assurance of learning data (as regards student demonstration of program learning outcomes) and data relevant to whole-of-program evaluation (as regards the efficacy of whole-of-program design and how students consider their degree has prepared them for their workplace experience). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way. • The currency and relevance of the subject is assured through the involvement of industry partners and the placement in an authentic work environment.

Subject outline for work-integrated learning capstone experience

Learning outcomes

[Choose from / modify as required]

At the completion of this subject you should be able to:

1. Reflect on and assess your own capabilities and performance as regards your application of discipline specific and professional knowledge and skills and implement personal learning strategies (TLO6).
2. Reflect on and learn from experience individually and in collaboration with students, work colleagues and placements supervisors (TLO 5; TLO6).
3. Take responsibility for your own workplace skill development, professional learning and career management (TLO6).
4. Make connections across diverse areas of legal knowledge and skills and demonstrate the practical application of legal knowledge and skills (TLO1; TLO3).
5. Recognise, reflect on and respond to professional and ethical issues that arise in a legal workplace, your developing professional identity and your professional values (TLO2).
6. Communicate effectively, appropriately and persuasively with other professionals and clients from a diverse range of cultural backgrounds (TLO5).
7. Demonstrate career development learning (TLO6).

Content

The substantive law content of the subject will depend on your placement and the tasks allocated by the supervising lawyer. The subject consists of the following components:

- Preparation for the placement;
- Attendance and working in the placement with at least 60 hours being spent working in the office of the assigned placement;
- Completion of cross-cultural communication module (either face-to-face or online);
- Participation in group reflections (either face-to-face or online); and
- Reflection upon your learning during and after the placement.

Approaches to teaching and learning

As a final year subject, the learning and teaching approach is to assist you to work independently and assume responsibility for your own learning. In order to achieve the learning objectives of the subject a range of teaching and learning approaches will be employed. These include:

- Online academic learning support in preparation for the placement and for the specific assessments you will encounter in this subject;
- Liaison between the subject coordinator and the workplace supervising lawyer;
- Individual consultation between you and the subject coordinator;
- Experiential learning and reflective practice;
- Collaborative learning via students using the online discussion forum; and
- The supervising lawyer's feedback and evaluation.

Assessment

Examples of possible assessment items, for which feedback opportunities (self, peer, supervising lawyer and/or teacher) should be identified, include:

Assessment One: Placement plan (including setting of personal learning goals).

Assessment Two: Participation in group reflections.

Assessment Three: Final portfolio (including supervisor's evaluation and student's reflections on attainment of personal learning goals).

(The communication module should be assessed either as part of the final portfolio, the group reflections or as a separate assessment item built into an online module).

Outline for capstone research project subject (whole year)

This is a suggested model for how the capstone principles could be enacted in a research project subject. The subject requires students to identify an issue of contemporary legal significance (for example, regarding social justice, public policy or commercial law) and then to plan and undertake a creative project to address that issue. Students are expected to engage with a community or industry partner to some extent, though the nature of that involvement may be limited according to the available law school resources and student numbers. A variation might be for students to undertake projects in teams and possibly cross-disciplinary teams. Students would present their projects at a conference which would also include sessions relevant to the transition out of university. The assessment suggested includes the project plan, reflections on both the project and on the conference and the project itself. Given the amount of assessment and student work involved and the time line for planning and completing such a real-world project, it is suggested that this be the equivalent of two subjects, perhaps taken over the course of the full final year. If a single semester capstone subject is preferred, this subject outline would require modification.

The learning outcomes, assessment and teaching and learning strategies suggested in this outline are constructively aligned and where variations are introduced (for example, to assessment), flow on changes to learning outcomes and teaching and learning approaches should be addressed. The ideas for this model subject are drawn mostly from existing practices. The literature and further examples of various aspects of the outline may be found in the *Capstone Principles Commentary* and the *Toolkit*.

Type of capstone (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	This subject is designed as a disciplinary capstone however it could be adapted as a multi-disciplinary capstone subject.
Model/duration of capstone (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	This subject is taken over both semesters of the final year.
Compulsory or elective	This subject might be offered as one of a suite of capstone electives or as a compulsory capstone. It may be particularly relevant to students planning to work in the community sector, government or academia.
Placement in degree (eg, final semester; penultimate semester; cornerstones throughout)	Final year.
Assumed level of student preparedness to engage in capstone experience	<p>It is assumed that, prior to engagement with this subject, students will already be able to:</p> <ul style="list-style-type: none"> • provide a reasoned opinion as to the relevance, meaning and application of complex case law and legislation in the context of familiar subject areas and less complex case law and legislation in the context of unfamiliar subject areas; • use a range of legal problem solving techniques in relation to complex matters in the context of familiar subject areas and less complex matters in the context of unfamiliar subject areas;

	<ul style="list-style-type: none"> the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues; engage in critical reflection on the law and on policy and social and other contextual issues underlying and impacting on the law and its development; engage in critical self-reflection, including the capacity to make judgements about the quality of their own work and the work of others (latter as required) and to establish and implement personal learning strategies; communicate in ways that are effective, appropriate and persuasive for both legal and non-legal audiences from diverse backgrounds; work effectively in teams (as required); and recognise and reflect upon ethical issues likely to arise in professional contexts.
Program learning outcomes to which capstone will contribute	TLO 1: Knowledge <input checked="" type="checkbox"/> TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/> TLO 3: Thinking skills <input checked="" type="checkbox"/> TLO 4: Research skills <input checked="" type="checkbox"/> TLO 5: Communication and collaboration <input checked="" type="checkbox"/> TLO 6: Self-management <input checked="" type="checkbox"/>
Who will generate subject matter/focus of capstone experience	<p>One option is for students to generate their own project and engage relevant stakeholders; alternatively projects could be organised by the institution. Drawbacks of the latter model are that there will be additional administrative resourcing required to set up projects and students may not attain the same sense of completion as they would in developing their own project. It is suggested that if students are to generate their own projects, assistance may need to be offered to some students and support should be provided in terms of generating project ideas, refinement and scoping.</p>
New material or skills to be developed	<p>Students will develop an enhanced ability to:</p> <ul style="list-style-type: none"> identify and refine a topic of contemporary significance and to develop and scope a creative and innovative project in response to that topic; use a range of legal problem solving techniques in relation to complex matters in the context of unfamiliar, multi-faceted and unstructured legal problems/issues; make career plans and decisions that take into account the rapidly changing legal and business environment in which they will be working; and appraise their own professional values and developing sense of professional identity.

Student support and other resources/infrastructure required/desirable	<ul style="list-style-type: none"> • Support for students regarding problem identification, refinement and scoping. • Support for engagement with community and industry partners (as required). • Support in planning and managing the research project. • Career development learning support. • If teamwork is required, the provision of teamwork tools delivered via the learning management system (LMS).
Foreseeable risks to be managed	<ul style="list-style-type: none"> • Scalability – team work might be considered. • Delivery for external students. • Consider whether a conference is suitable given diversity and size of cohort (for example, how to replicate the experience for external students). • Ethics approvals for student project. • Confidentiality of research data.
Alignment with Capstone Experiences Principles	
Transition <ul style="list-style-type: none"> • <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i> • <i>Assisting students in beginning to develop a sense of professional identity; and</i> • <i>Supporting students to manage their career planning and development.</i> 	<ul style="list-style-type: none"> • The reflection on the conference and future career plans will assist students to deal with uncertainty, complexity and change in a personal sense, to develop a sense of professional identity and to manage their career planning and development. • Identifying, refining and scoping an area of law of contemporary significance suitable for a research project and completing and reporting on that project will assist students to apply self-management and other legal skills in uncertain, complex and changing environments, while also contributing to the development of professional identity.
Integration and Closure <ul style="list-style-type: none"> • <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i> • <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i> 	<ul style="list-style-type: none"> • Integration and synthesis is achieved by students applying the knowledge, skills and capabilities they have developed throughout their degree in relation to their project. • Extension is achieved by requiring students to identify an issue of contemporary significance and develop their own project in response to that issue. • Extension is further achieved by students applying research, thinking and communication [and collaboration as required] skills in relation to an area of law that is relatively complex and unfamiliar to students and that may also raise ethical issues. • Students gain a sense of completion through attendance and presentation at, and reflection on, the conference and by completion of a self-generated project in relation an issue of contemporary significance.
Diversity <ul style="list-style-type: none"> • <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i> • <i>Being inclusive of all students.</i> 	<ul style="list-style-type: none"> • The flexible learning and teaching approaches and the student choice in both project topic and mode of presentation support diversity of the student cohort. • Students' capacity to engage with diversity in professional contexts is developed through their engagement with community partners and reflection upon their ability to communicate with diverse

	audiences.
Engagement <ul style="list-style-type: none"> • <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i> • <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i> 	<ul style="list-style-type: none"> • Students take an active approach to their learning by liaising with a community partner to identify a legal, social or policy issue of contemporary significance and by developing their own project to creatively and innovatively address that issue. • The reflective assessment aspect proposed enables students to identify connections between their learning and professional contexts and assists in the development of professional identity.
Assessment <ul style="list-style-type: none"> • <i>Aligning assessment practice with the capstone principles; and</i> • <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i> 	<ul style="list-style-type: none"> • The assessment is authentic and supports integrative learning requiring students to connect both within and beyond the campus. • Students are required to engage in self and peer evaluation and assessment, with the potential also for industry evaluation and feedback. • As part of the reflective assessment, students could be required to reflect on how, as future legal professionals, they will enact legal professional values such as promoting justice, fairness and morality.
Evaluation <ul style="list-style-type: none"> • <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i> • <i>Contributes to the whole-of-program evaluation; and</i> • <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i> 	<ul style="list-style-type: none"> • The subject should be evaluated in accordance with the institution's usual subject evaluation process(es). • Student assessments will provide both assurance of learning data (as regards student demonstration of program learning outcomes) and data relevant to program evaluation (as regards the efficacy of whole-of-program design). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way. • The currency and relevance of the subject is assured through the involvement of community partners and the necessity to choose projects which have contemporary significance.

Subject outline for research project capstone experience

Learning Outcomes

[Choose from / modify as required]

At the completion of this subject you should be able to:

1. Identify, analyse and critically evaluate legal, social, commercial or policy issues which require change and/or new approaches, and generate appropriate and/or creative solutions to such issues (TLO3).
2. Identify, research, evaluate and synthesise relevant factual, legal and policy issues (TLO4).
3. Synthesise connections between diverse areas of legal knowledge and demonstrate the practical application of knowledge and skills (TLO1).
4. Communicate responses to legal, social, commercial or policy issues effectively, appropriately and persuasively (TLO5).
5. Appraise your developing professional identity, including your professional values (TLO2).
6. Reflect on and assess your own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development (TLO6).
7. Collaborate effectively (TLO6).
8. Demonstrate career development learning (TLO6).

Content

In this subject you will identify a legal issue of contemporary significance and develop a creative and innovative project in response to that issue. In identifying your issue you may draw upon stimulus provided in the subject or you may be informed by your independent knowledge and investigation. Your project will require you to independently identify and analyse the legal principles, and social, policy and other contextual factors impacting on the issue in order to generate a creative and innovative solution to the issue. In your project you will take into account the views of stakeholders who are impacted by the issue. You may obtain this input by various methods which may include direct interviews with community members or representatives,^{*} analysis of existing data which has been independently collected, and analysis of media reports.

You will communicate your project results during a student conference held in the second half of the year. During the conference you will also participate in sessions that relate to your career planning and development.

^{*}Consideration should be given to whether research ethics approval would be required where interviews are conducted with community members.

Approaches to teaching and learning

Your learning in this subject will be through inquiry based learning and reflection and you will be required to choose your own topic and develop your own project. You will be supported in this process at the various stages:

During the project planning

- You will attend a three hour workshop during which you will learn strategies for implementing social, legal and policy change; and brainstorm with peers and community partners in relation to issues where social, legal or policy change is needed. (Where necessary, consideration should also be given to ways of making this available to external students, for example: via Collaborate, Skype, video-conferencing, audio-visual recording);

- You will undertake readings and online activities which will assist you to identify an issue of contemporary relevance and to develop, refine and scope your project;
- You will receive feedback on your project ideas from your academic mentor and peers; and
- You will reflect on the personal learning strategies you will implement during the project.

During the project

- You will receive individual feedback on your project plan [from academic mentor and peers];
- You will receive feedback on your project by email, telephone or other agreed communication method (or during two scheduled one hour workshops during weeks 6 and 9);
- You will reflect on the feedback you receive on your project plan and the project progress and implement changes to your project in response as necessary;
- You will reflect on various topics relevant to social, legal and policy change and receive feedback on those reflections; and
- You will receive feedback on your draft project report [or other negotiated mode of presentation].

After Completion of the project

- You will receive feedback on your final project report [or other negotiated mode of presentation] prior to presentation at the conference;
- You will reflect on the feedback you receive and implement any necessary changes to your project presentation;
- You will present your project during a student conference and receive feedback from audience members (both by way of questions during the presentation and by formal session evaluation by conference participants);
- You will provide feedback to your peers in relation to their project presentations during the conference; and
- You will participate in and reflect on conference sessions which will explore career planning and development and topical legal, social and commercial issues.

Assessment

Examples of possible assessment items, for which feedback opportunities (self, peer, practitioner and/or teacher/academic mentor) should be identified, include:

Assessment One: Project proposal (including reflection on personal learning strategies).

Assessment Two: Reflection on social, legal and policy issues relevant to project (for example, reflection on impact of class, race and cultural identity on values and beliefs and differences in the way law impacts on people of different class, race and cultural identity).

Assessment Three: Draft project report [or other negotiated mode of presentation] (This assessment could be presented in studio environment to enable students and/or industry representatives to provide peer and/or practitioner feedback).

Assessment Four: Final project report [or other negotiated mode of presentation].

Assessment five: Presentation of project at conference.

Assessment six: Reflection on conference, career development and planning, the development of professional identity and the development of professional values.

Outline for capstone alternative dispute resolution subject

This is a suggestion as to how the capstone principles could be enacted in a subject focussed on alternative dispute resolution (ADR) theory and skills. The subject involves students analysing a number of legal disputes drawing together their substantive knowledge from a range of core areas of study across their degree. Students are asked to analyse the legal disputes, provide legal advice about the substantive law matters they raise, diagnose an appropriate dispute resolution process for the resolution of the issues in the client's best interests, and implement the chosen process (most likely negotiation or mediation). The intention of this design is to provide students with an engaging and authentic learning experience in a manner that replicates the real-world of legal professional practice as closely as possible.

The legal problems should be presented to students as individual parts of a client's complex dispute narrative through, for example, file notes, letters and other documents, and recorded client interviews. Ideally, the facts and documents develop and unfold throughout the semester as the client's matter progresses following each item of assessment. The legal disputes should be conceptualised so that they draw on a range of areas of law that students have previously studied as core subjects. The problems should be relatively complex, include a number of legal issues in dispute, and raise ethical considerations. The assessment is authentic, requiring students to learn and then implement a dispute resolution process through a role-play.

This subject has the potential to address Integration, Closure and Transition.

The learning outcomes, assessment, and teaching and learning strategies suggested in this outline are constructively aligned and where variations are introduced, for example to assessment, flow on changes to learning outcomes and teaching and learning approaches should be addressed. The ideas for this subject are particularly based on curriculum development work to integrate ADR into the law curriculum at the University of Missouri-Columbia led by Professor Leonard Riskin, and also draw on existing practices and literature which can be found in the *Capstone Principles Commentary* and the *Toolkit*.

Type of capstone (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	Skills focussed; reflection on development of professional legal identity.
Model/duration of capstone (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	A single subject taken in the final year.
Compulsory or elective	Compulsory
Placement in degree (eg, final semester; penultimate semester; cornerstones throughout)	The final semester.
Assumed level of student preparedness to engage in capstone experience	It is assumed that students have the ability to: <ul style="list-style-type: none"> engage in a reasoned analysis of a complex legal dispute and provide an opinion on the relevant law of subjects studied as part of the core curriculum; learn how to diagnose a legal dispute and make an informed decision as to an appropriate dispute resolution process;

	<ul style="list-style-type: none"> • learn and practice a range of legal dispute resolution skills techniques; • engage in critical reflection to inform decision-making as to how to progress a legal matter in a manner that is in the client's best interests; • engage in critical self-reflection particularly in relation to the student's emergent professional legal identity and their transition out to the world of work; • communicate in ways that are effective, appropriate and persuasive for legal and non-legal audiences; • work effectively in practice teams; and • recognise and reflect upon ethical issues likely to arise in professional contexts. <p>Students will be expected to use intellectual and practical skills to identify, research, evaluate and synthesise relevant factual and legal issues.</p> <p><u>Skills required depending on the nature of the assessment:</u></p> <ul style="list-style-type: none"> • Legal analysis and reasoning skills • Research skills • Communication skills • Group work and collaboration skills • Dispute resolution skills • Legal drafting
Program learning outcomes to which capstone will contribute	<p>TLO 1: Knowledge <input checked="" type="checkbox"/></p> <p>TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/></p> <p>TLO 3: Thinking skills <input checked="" type="checkbox"/></p> <p>TLO 4: Research skills <input checked="" type="checkbox"/></p> <p>TLO 5: Communication and collaboration <input checked="" type="checkbox"/></p> <p>TLO 6: Self-management <input checked="" type="checkbox"/></p>
Who will generate subject matter/focus of capstone experience	Academics with input from legal practitioners where appropriate.
New material or skills to be introduced	<p>Students will:</p> <ul style="list-style-type: none"> • Build on their ability to analyse and give a reasoned opinion as to a client's legal issues and interests in a complex legal dispute; and • Develop their communication, group work and legal drafting skills. <p>Where students have not previously studied a dispute resolution subject they will:</p> <ul style="list-style-type: none"> ○ Learn dispute resolution skills and processes; and ○ Learn how to diagnose a dispute so as to identify the most appropriate dispute resolution process in order to resolve it in the client's best interests.

Student support and other resources/infrastructure required/desirable	<ul style="list-style-type: none"> engagement with legal profession in relation to setting of assessment problem
Foreseeable risks to be managed	<p>The subject requires significant input of time in the development of appropriate and authentic assessment. A risk is that if the time involved in setting the assessment is not recognised adequately within workloads or the necessary skills are not available, the problem set for the assessment will not be effective. If new assessment problems for each year are not designed the efficacy of assessment could be compromised by the possibility of student plagiarism and via previous students' notes. It is essential that the assessment tasks mirror legal practice and if necessary input from legal practitioners should be sought.</p>
Alignment with Capstone Experiences Principles	
Transition <ul style="list-style-type: none"> <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i> <i>Assisting students in beginning to develop a sense of professional identity; and</i> <i>Supporting students to manage their career planning and development.</i> 	<ul style="list-style-type: none"> Students' transition to practice is supported by setting a problem that mirrors professional practice both in its content and complexity and in the way it is delivered. Students have the opportunity to engage in authentic dispute resolution role-plays and to reflect on those role-plays and therefore are assisted in developing a sense of professional identity. Through engagement with real-world legal professional tasks students are given the opportunity to think about the development and direction of their legal career.
Closure <ul style="list-style-type: none"> <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i> <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i> 	<ul style="list-style-type: none"> Integration and synthesis is achieved by students applying the knowledge, skills and capabilities they have developed throughout their degree in substantive core subjects as they analyse and advise the client about the dispute resolution scenario, diagnose an appropriate dispute resolution process, and implement that process. Extension is achieved by students applying research, analytical and communication skills in relation to an area of law that is relatively complex and integrates a range of legal issues across subject areas. Students gain a sense of completion by their ability to provide advice in relation to a complex legal problem which mirrors professional realities, and through their practice of an authentic role-play of a dispute resolution process.
Diversity <ul style="list-style-type: none"> <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i> <i>Being inclusive of all students.</i> 	<ul style="list-style-type: none"> Ideally the legal dispute would be drafted to draw out issues around diversity likely to be encountered in professional practice. Students' capacity to engage with diversity in professional contexts is developed through their engagement with a practice group approach to the assessment, and through reflection upon their ability to communicate with diverse audiences.
Engagement <ul style="list-style-type: none"> <i>Requiring students to assume</i> 	<ul style="list-style-type: none"> The legal analysis and advice components of the assessment require the students to be involved in

<p><i>active roles, to apply their learning in realistic, authentic and unfamiliar contexts and to take responsibility for their own work; and</i></p> <ul style="list-style-type: none"> • <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i> 	<p>active learning in order to problem-solve and advise the client using a practice group approach.</p> <ul style="list-style-type: none"> • The role-play component of the assessment is intrinsically engaging and authentic as it requires students to practice dispute resolution skills and processes in a realistic context and to take responsibility for the outcome of the process. • The reflective component of the assessment enables students to develop connections between their learning and professional contexts and to assist the development of their professional identity.
<p>Assessment</p> <ul style="list-style-type: none"> • <i>Aligning assessment practice with the capstone principles; and</i> • <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i> 	<ul style="list-style-type: none"> • The assessment is authentic in that it mirrors what will be expected of students once they join professional practice. • Staged assessment requires students to make use of feedback and to reflect on their own performance.
<p>Evaluation</p> <ul style="list-style-type: none"> • <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i> • <i>Contributes to the whole-of-program evaluation; and</i> • <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i> 	<ul style="list-style-type: none"> • The subject should be evaluated in accordance with the institution's usual subject evaluation process. • Student assessments will provide data relevant to whole-of-program evaluation and attainment of learning outcomes and it is suggested a pro forma be developed to enable markers to provide this feedback in a systematic way. • The currency and relevance of the subject should be assured through the involvement of suitably qualified academic staff or legal practitioners in the setting of the assessment.

Subject outline for alternative dispute resolution capstone experience

Learning outcomes

At the completion of this subject you should be able to:

1. Identify, research, synthesise and evaluate relevant factual and legal issues (TLO4).
2. Analyse relevant law for the purposes of providing a well-reasoned advice to a client in the context of a complex and multi-faceted legal dispute that includes a range of doctrinal subject areas (TLO1 and TLO3).
3. Diagnose a relevant dispute resolution process that will enable the dispute to be resolved in a way that addresses the best interests of the client (TLO3).
4. Communicate practical legal advice, including offering creative solutions, for the resolution of a multi-faceted, complex legal dispute (TLO5; TLO3).
5. Work in practice groups to analyse a legal dispute, formulate an appropriate advice, communicate with the client, diagnose an appropriate process, and implement that process in a role-play (TLO3; TLO5).
6. Recognise, reflect upon, and respond to, ethical issues arising out of the legal dispute and its resolution (TLO2).
7. Reflect on and assess your own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development (TLO6).

Content

In this subject you will work in a practice groups to provide advice to a client on a complicated legal matter that involves a multi-faceted legal dispute covering a range of areas of law. The material covered in this subject includes legal advice techniques, dispute resolution practice and reflective practice.

Approaches to teaching and learning

As a final year subject the learning and teaching approach is designed to require you to work independently and to assume responsibility for your own learning, whilst also working effectively in collaboration with peers. Face-to-face teaching time is limited to the dispute resolution theory and skills content of the subject that has not been studied previously in a substantive core subject. Across the semester there will be four face-to-face workshops in relation to dispute resolution skills and practice, and communication skills and practice.

The assessment in the subject is designed as the key teaching tool. You will work in practice groups of four students in order to achieve the learning objectives of the subject, and the focus of your learning in the subject will be through your assessment tasks and the feedback received on those tasks, including peer feedback. The dispute resolution problem will be presented from at least two client perspectives. Practice groups will be allocated a client and will work to advise that client. Practice groups will be paired with a practice group acting for the other client in order to engage in the final dispute resolution role-play assessment item.

The legal dispute task will reflect an authentic dispute that you may encounter in legal practice (for example, a complex torts, contracts, criminal or property matter, or an integrated problem across combinations of these areas). The dispute will be presented to each practice group as a problem from their client's perspective in a way that mirrors legal practice. Information relevant to the legal analysis and advice component of the assessment will be presented via the subject's online learning management site by way, for example, of recorded client interviews, documents such as letters and file notes, and other legal documents. The task will be provided in stages with more detailed information being given as the task develops. You will be required to build on the analysis

and advice component of the assessment by using your analysis of the dispute, and of the law that is relevant to the dispute, to diagnose an appropriate dispute resolution process and then to enact that process through a role-play activity in which you will be joined by another practice group.

Assessment

Examples of components of assessment items:

1. **Analysis of dispute:** Resources will be provided to each practice group to allow you to complete an initial analysis of the dispute and for research to occur in the relevant areas of law. The provided resources might include an initial brief, a recorded initial telephone conversation between the instructing partner and the client, letters, a partially completed file, or other legal documents. Practice groups will use these resources to complete research into the relevant areas of law so as to be able to write a letter of advice to the client about the law pertaining to the dispute, identifying your client's legal position, as well as potentially identifying any underlying concerns or interests for the client. Following this item of assessment generic feedback is given which provides additional instructions needed for the next item of assessment – the diagnosis of an appropriate dispute resolution process. In this way, practice groups who do not identify all of the relevant issues and law at the initial stage receive feedback and are able to move to the next stage with full information.
2. **Diagnosis of an appropriate dispute resolution process:** This assessment involves practice groups drafting and finalising a letter of advice to the client, or a file note to the instructing partner, that provides a diagnosis of the dispute resolution options open to the client on the basis of the analysis and research of assessment item one. The purpose of this assessment item is to enable students to evidence their detailed understanding of the legal dispute through demonstrating a capacity to identify the most appropriate way to resolve that dispute.
3. **Dispute resolution role-play:** This assessment item builds on the previous two assessment items and involves a dispute resolution role-play between two practice groups. Practice groups who are advising opposing clients and have diagnosed the same dispute resolution process will be matched and required to organise and implement that process for the resolution of the dispute.
4. **Reflection:** The final assessment item requires students to reflect individually on their performance in the assessment items, and to respond to feedback provided. Students are also asked to reflect on how their learning in the subject has informed the development of their own emergent professional legal identity and how it has informed their thoughts about future career directions they might take.

Outline for capstone practical legal training (PLT) subject

This is a suggested model for how the capstone principles could be enacted in a practical legal training subject. Students are placed in a virtual legal practice and work with other members of the practice and a client to complete required practical tasks and manage aspects of the practice and client matters. Students have access to the advice of a consultant however are expected to find their own solutions to problems prior to seeking advice. Students complete time sheets and are responsible for practice management. The assessment is authentic, requiring students to engage with authentic legal tasks in a legal practice setting.

The learning outcomes, assessment and teaching and learning strategies suggested in this outline are constructively aligned and where variations are introduced, for example to assessment, flow on changes to learning outcomes and teaching and learning approaches should be addressed. The ideas for this model subject are drawn mostly from existing practices. The literature and further examples of various aspects of the outline may be found in the *Capstone Principles Commentary* and the *Toolkit*.

Type of capstone (eg disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	Disciplinary with the subject providing evidence of integrative discipline learning together with assurance of learning for several program learning outcomes. The subject may also contribute towards admission requirements and in this sense may be considered a mandate.
Model/duration of capstone (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	One subject taken in the final year.
Compulsory or elective	Compulsory
Placement in degree (eg, final semester; penultimate semester; cornerstones throughout)	Final year.
Assumed level of student preparedness to engage in capstone experience	<p>It is assumed that, prior to engagement with this subject, students will already be able to:</p> <ul style="list-style-type: none"> • Legal skills such as drafting, client interviewing and dispute resolution; • provide a reasoned opinion as to the relevance, meaning and application of complex case law and legislation in the context of familiar subject areas and less complex case law and legislation in the context of unfamiliar subject areas; • use a range of legal problem solving techniques in relation to complex matters in the context of familiar subject areas and less complex matters in the context of unfamiliar subject areas; • the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues; • engage in critical self-reflection, including the capacity to make judgements about the quality of

	<p>their own work and the work of others (as required) and to establish and implement personal learning strategies;</p> <ul style="list-style-type: none"> • communicate in ways that are effective, appropriate and persuasive for both legal and non-legal audiences from diverse backgrounds; • work in effectively in teams; and • recognise and reflect upon ethical issues likely to arise in professional contexts.
Program learning outcomes to which capstone will contribute	<p>TLO 1: Knowledge <input checked="" type="checkbox"/></p> <p>TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/></p> <p>TLO 3: Thinking skills <input checked="" type="checkbox"/></p> <p>TLO 4: Research skills <input checked="" type="checkbox"/></p> <p>TLO 5: Communication and collaboration <input checked="" type="checkbox"/></p> <p>TLO 6: Self-management <input checked="" type="checkbox"/></p>
Who will generate subject matter/focus of capstone experience	Academics with legal practice experience and/or input from legal practitioners and students as considered appropriate.
New material or skills to be introduced	<p>In the context of unfamiliar, multi-faceted and unstructured authentic legal problems/issues, students will demonstrate enhanced skills to:</p> <ul style="list-style-type: none"> • utilise a range of legal skills and communication capabilities in relation to legal transactions in a legal practice setting; and • Recognise, reflect on and respond to ethical issues.
Student support and other resources/infrastructure required/desirable	<ul style="list-style-type: none"> • This approach can be offered within limited resources and without access to complex software. • Support for engagement with members of the legal profession (as required). • The provision of teamwork tools delivered via the learning management system (LMS).
Foreseeable risks to be managed	Advanced planning and construction of exercises is required for this approach to work well. There is a risk that a failure to recognise appropriately the academic skill set required for, and workload involved in, the subject's delivery will compromise the quality of the capstone experience, could have reputational consequences for the law school and/or may impact on the subject's longer term sustainability.
Alignment with Capstone Experiences Principles	
Transition <ul style="list-style-type: none"> • <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i> 	<ul style="list-style-type: none"> • Students' transition to practice is supported by the transactional approach in a setting which mirrors professional practice. • The environment is designed to encourage students to start the transition process from student to novice

<ul style="list-style-type: none"> • <i>Assisting students in beginning to develop a sense of professional identity; and</i> • <i>Supporting students to manage their career planning and development.</i> 	<p>professional.</p>
<p>Integration and Closure</p> <ul style="list-style-type: none"> • <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i> • <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i> 	<ul style="list-style-type: none"> • The transactional style setting offers opportunities for integration and synthesis of skills and knowledge. • Extension is achieved by students applying research, analytical and communication skills in a transactional setting which may be unfamiliar to students. • Students gain a sense of completion by acting authentically in relation to a complex legal problem which mirrors professional realities, presents real ethical issues and demonstrates the relevance of their learning to future professional roles.
<p>Diversity</p> <ul style="list-style-type: none"> • <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i> • <i>Being inclusive of all students.</i> 	<ul style="list-style-type: none"> • Ideally the problem would be scoped to draw out issues around diversity likely to be encountered in professional practice.
<p>Engagement</p> <ul style="list-style-type: none"> • <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i> • <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i> 	<ul style="list-style-type: none"> • Student engagement is encouraged through active, realistic, applied and self-reflective learning in an environment which assists students in building professional identity and confidence. • Students in the final year are more likely to be engaged with learning that is realistic and authentic.
<p>Assessment</p> <ul style="list-style-type: none"> • <i>Aligning assessment practice with the capstone principles; and</i> • <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i> 	<ul style="list-style-type: none"> • The assessment is authentic in that it mirrors what is expected of students in professional practice. • Staged assessment requires students to make use of feedback from one assessment item to the next, and includes intrinsic self-reflection requirements.
<p>Evaluation</p> <ul style="list-style-type: none"> • <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i> • <i>Contributes to the whole-of-program evaluation; and</i> • <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i> 	<ul style="list-style-type: none"> • The subject should be evaluated in accordance with the institution's usual subject evaluation process(es). • Student assessments will provide both assurance of learning data (as regards student demonstration of program learning outcomes) and data relevant to program evaluation (as regards the efficacy of whole-of-program design). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way. • The currency and relevance of the subject's problems should be iteratively assured through the involvement of suitably qualified academic staff and/or legal practitioners.

Subject outline for practical legal training capstone experience

Learning outcomes

[Choose from / modify as required]

At the completion of this subject you should be able to:

1. Apply knowledge of the statutory and common law requirements and processes relating to transactional practice (TLO1).
2. Demonstrate the competence required of an entry level legal practitioner in conducting a commercial transaction, setting up standard commercial structures, dealing with loans and securities, transferring title, creating leases, creating and releasing securities, advising on land use, drafting wills, administering deceased estates, taking action to resolve wills and estates problems, advising on revenue law and practice in relation to commercial and other property transactions, drafting documents related to transactional practice (TLO1; TLO3; TLO5).
3. Communicate practical legal advice for the resolution of complex legal issues (including offering creative solutions) effectively, appropriately and persuasively (TLO5; TLO3).
4. Recognise, reflect upon, and to respond to, ethical issues likely to arise in professional contexts (TLO2).
5. Reflect on and assess your own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development (TLO6).
6. Collaborate effectively (TLO6).

Content

In this subject you will participate as a member of a virtual legal practice. As a member of the practice you will work with the other members of the practice to complete the required tasks and manage aspects of the practice and the client matters that you must deal with. You will have a number of client matters for which your practice will be instructed during the semester, and a number of tasks that the practice must perform in relation to its own organisation and administration.

Approaches to teaching and learning

As a final year subject, the learning and teaching approach is to support you to work independently and assume responsibility for your own learning. A transactional learning approach is adopted in the subject. It utilises a blend of face-to-face interaction (including instruction, meetings of student legal practices and interviewing of standardized clients) and online interaction and resources (discussion boards, chat rooms, online management and assessment of practice and individual tasks and provision of resources). It has a strong focus on peer interaction and self-reflection.

Students are placed into legal practices of four and are expected to behave professionally in all their interactions. Within their practice groups, students are required to manage a range of activities that would normally occur in legal practice – from registering their own practice business name to interviewing clients, drawing wills, setting up companies, negotiating a sale of business and drafting appropriate agreements and managing property settlements.

Resources similar to those that might be available in practice are provided and students are also encouraged to seek assistance from peers both within and outside the practice groups. Those 'peers' include members of the teaching staff.

Attendance at face-to-face sessions is not compulsory as such but students are required to attain sufficient face-to-face sessions to gain a required number of continuing professional development

(CPD) points in the same way that legal practitioners are required to undertake mandatory CPD.

The majority of the significant workload for this subject is in the performance of the tasks (about 30 during the semester) – both in terms of the management of them within each practice group and the satisfactory completion of them. The tasks are all authentic and rely for their satisfactory completion not only on the theoretical knowledge that students have gained previously in their program as well as in this subject but also on a range of underlying skills in group work, time and file management, research and the ability to behave in a professional manner.

Assessment

As a practical legal training subject, Transactional Legal Practice is competency based. The criteria adopted are those imposed by the requirements for admission as a legal practitioner. To qualify for a non-graded pass in this subject, students must show competence in the required tasks to the standard of an entry level lawyer.

The majority of assessment is formative and is carried out within the legal practice groups as a series of approximately 30 authentic tasks that are required to be completed. As in life, students do not know exactly what they will be required to do until notified through the online learning system. Turnaround time for tasks varies but generally reflects the time frame within which a task might be expected to be performed in practice. No extensions of time for tasks are available. Student work is assessed at the standard of an entry level lawyer and in the context of client files or practice requirements and not as academic exercises.

There are no fail grades for individual tasks in this topic, students being required to resubmit until they achieve a satisfactory level of competence. Students are, however, reminded that in practice, reworking has a time management and financial detriment to the practice and, possibly, to their future careers, and therefore carelessness is to be avoided.

Written and orally recorded feedback by teachers is given for some tasks but not all. The orally recorded feedback mimics the legal practice situation of a senior practitioner discussing a draft presented by a junior.

For a selection of tasks, students are given access to resources, asked to complete the task and then provided with a structured online self-assessment and revision process using a best practice example, the idea being to encourage them to understand that there will not always be a teacher at hand in a professional environment.

Summative assessment involves a process of peer review and individual performance appraisal, similar to that which might be expected in a work environment. The peer review instruments are similar to those in use by legal practices and each student is required to review the work and performance of the other students in their practice group. The student peer reviews are available to the appraisers but not to the reviewed student. For the performance appraisal, each student is required to attend an interview with a member of the teaching staff and a member of the legal profession and to provide evidence of why they should be regarded as competent in the required areas. Preparation for the interview, of necessity, requires a reflective process and the preparation of some kind of portfolio (which students are encouraged to maintain from the beginning of the subject).

Appendix B

Capstone experience 1: The virtual practice/law office

Aim/context

The aim or context of this example is to introduce students to a virtual office. The virtual office consists of a number of different departments, each engaging with different areas of law. The student is assigned to a particular area where, as trainee or junior solicitor, they are given a number of case files to manage. Ideally these case files would be based on real, de-identified cases (although theoretical case studies could also be used).

Students are then given a series of tasks, either through a real-life supervisor (a tutor for example), or by way of a series of instructions released at predetermined stages through the virtual learning environment. Students are also provided with access to documentation and correspondence that would be typical for that type of matter. Students proceed with the case file until they reach its conclusion. This conclusion might be based on the real outcome of the case (where actual de-identified files have been used) or a theoretical one based on the steps the students has elected to take.

For an example of how a matter could be progressed, using a domestic violence scenario, see Pescod and Seagreaves 2009. A key example is the Ardcalloch Sheriff's Office (Barton and McKellar 2007), SIMPLE project (Maharg and Li 2008; Maharg 2007). For an extensive discussion of the educational theories underpinning the SIMPLE project in Scotland, see Maharg (2007).

Learning and teaching approach

The virtual office is an example of *transactional learning* where real-life experiences are provided within a virtual learning environment. It also utilises situated cognition theory where the problem to be resolved by the student is taught within the relevant professional environment. The aim of the experience is to introduce the student not only to the problem to be resolved but also to the relevant professional (rather than law school) culture.

Suggested favourable conditions

Final year students with a large number of substantive law programs completed; students with appropriate programs for admission.

Assessment options

- Both formative and summative assessment are appropriate for this capstone experience.
- Many professional courses are assessed on a competent/not competent basis.
- An example piece of assessment may involve students submitting documentation (for example, a letter of advice).
- Development of personal portfolio of achievements.

Connection to capstone principles

Strong connection with Engagement as well as Transition.

Advantages

While achieving many of the same objectives as the work placement or internship, the virtual office model is capable of being used with much larger cohorts. It allows students to practise legal tasks, with the opportunity to discuss these tasks with colleagues or staff, while protecting students from the real-life risks and consequences of malpractice or negligence.

The virtual legal office is an appropriate vehicle for a broad range of assessment options. Additionally, it can be used outside the assessment requirements of a particular subject as a tool to promote collaborative learning.

The virtual environment can also be designed to be 'discipline neutral', allowing it to be used to develop students' understanding of other disciplines and their interactions with the law (perhaps particularly useful for double-degree students) (Maharg 2007, 178-180). This will necessitate the inclusion of features and information extending beyond those which are needed for the legal transaction (for example, extra documentation, scenarios, characters). This may have workload implications for staff and students.

Disadvantages

To be successful this model requires significant time and financial resources to be committed to designing and implementing an appropriate virtual environment. Such a project would require a considerable amount of initial time both to source appropriate documentation and develop legal problems as well as to designing the user interface. Further time would be required to enhance and fine tune the virtual environment so that it operated as required. To justify this investment, consideration would also need to be given to how the virtual office would be maintained into the future.

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Appendix C

Capstone experience design *Toolkit* template



LAW CAPSTONE EXPERIENCE

Capstone Experience Design Template

Some Capstone Experience Design Questions

- What are the **subject** and **program** learning outcomes to which the capstone experience will contribute?
- What are the **capstone learning outcomes** (for example, as from the *Capstone Experiences Design Principles*) to which the capstone experience will contribute?
- Has the whole-of-program design **prepared students** for their engagement in the higher order cognitive and affective processes required by the capstone experience?
- What capstone **learning and teaching approaches** should be adopted for the constructive alignment of student learning?
- How should the learning, teaching and assessment be structured? For example
 - Is the experience compulsory or elective?
 - Will the experience have lectures, tutorials, seminars or some other facilitation?
 - What type of capstone experience will be adopted? (for example: disciplinary, inter-disciplinary or multi-disciplinary; to satisfy professional requirements; to address institutional goals);
 - If appropriate, who will develop the capstone projects? (for example, student or teacher, internally or externally developed project briefs);
 - What will be the length of the capstone experience? (for example, module(s), semester, whole year);
 - When will the capstone experience be offered? (for example, last semester or penultimate semester);
 - What, if any, new material or skills will be introduced to provide the context for the capstone experience?
 - What use will be made of supporting technologies? (for example, for information transfer, to support group work or reflection);
 - How sustainable and realistic is the workload for both students and staff?
 - What level of student support will be provided and how are the experience's resources and other logistics, including risk management, being proactively managed? (for example, occupational health and safety, ethics clearance, intellectual property);
 - If group work is involved, are there agreed procedures for mediating (inevitable) issues that may arise? (for example, team charge cards for travel or purchasing parts and materials); and

- That evaluation strategies have been designed-in during the planning phase.
- As regards **assessment specifically**, see the assessment design issues for consideration under Assessment in the template below.

Preliminary matters

Type of capstone (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	
Model/duration of capstone (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	
Compulsory or elective	
Placement in degree (eg, final semester; penultimate semester; cornerstones throughout)	
Assumed level of student preparedness to engage in capstone experience	
Program learning outcomes to which capstone will contribute	TLO 1: Knowledge <input checked="" type="checkbox"/> TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/> TLO 3: Thinking skills <input checked="" type="checkbox"/> TLO 4: Research skills <input checked="" type="checkbox"/> TLO 5: Communication and collaboration <input checked="" type="checkbox"/> TLO 6: Self-management <input checked="" type="checkbox"/>
Who will generate subject matter/focus of capstone experience	
New material or skills to be introduced	
Student support and other resources/infrastructure required/desirable	
Foreseeable risks to be managed	

Alignment with Capstone Experiences Principles	
Transition <ul style="list-style-type: none"> • <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i> • <i>Assisting students in beginning to develop a sense of professional identity; and</i> • <i>Supporting students to manage their career planning and development.</i> 	
Closure <ul style="list-style-type: none"> • <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i> • <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i> 	
Diversity <ul style="list-style-type: none"> • <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i> • <i>Being inclusive of all students.</i> 	
Engagement <ul style="list-style-type: none"> • <i>Requiring students to assume active roles, to apply their learning in realistic, authentic and unfamiliar contexts and to take responsibility for their own work; and</i> • <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i> 	
Assessment <ul style="list-style-type: none"> • <i>Aligning assessment practice with the capstone principles; and</i> • <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i> 	
Evaluation <ul style="list-style-type: none"> • <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i> • <i>Contributes to the whole-of-program evaluation; and</i> • <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i> 	

Subject/model outline for capstone experience

Learning outcomes

The learning outcomes are three or four statements that guide the design of assessment and the learning environment for the subject; eg, what are the three/four main things students will get from this subject?

Example: *At the completion of this subject, you should be able to:*

1. *Appraise the practice of law within a public or community sector environment.*
2. *Appraise social, professional and ethical issues which arise in a legal workplace in the public or community sector.*
3. *Evaluate and reflect on your application of discipline specific and professional knowledge and skills and implement personal learning strategies.*
4. *Create connections between diverse areas of legal knowledge and understand the practical application of knowledge and skills in the public or community sector.*

Consider:

- **Program learning outcomes to which this subject's learning outcomes will contribute;**
- **Alignment with the Capstone Experiences Principles.**

Content

The content section is a brief statement of the major topics to be covered and specific skills to be acquired.

Example: *The substantive law content of the subject will depend on your placement and the tasks allocated by the supervising lawyer.*

The subject consists of the following components:

- *Preparation for the placement;*
- *Attendance and working in the placement with at least 60 hours being spent working in the office of the assigned placement;*
- *Mandatory class meetings, including a poster showcase, to be attended by all enrolled students; and*
- *Reflection upon your learning during and after the placement.*

Consider:

- **What, if any, new material and skills will be introduced to provide context for the capstone experience?**
- **Who will generate the content/ subject matter of this capstone experience?**

Approaches to teaching and learning

Approaches to teaching and learning is a statement incorporating both the methods of presentation of content (eg, lectures, written materials, online), and the learning experiences students will undertake. This section should consider:

- how particular learning activities and tasks engage and support students' achievement of the learning outcomes;
- the support to be given to students for the learning tasks;
- the real-world learning experiences students can expect in the subject;
- use of teaching and learning spaces and resources; and
- whether students will be provided with flexible learning choices.

Example: *In order to achieve the learning objectives of the subject a range of teaching and learning approaches will be employed. These include:*

- *Two two-hour classes (weeks 1 and 10) and nine one-hour classes (weeks 2 - 9 and 11);*
- *Online and face-to-face academic learning support in preparation for the placement and the assessment of student learning;*
- *Liaison between the subject coordinator and the workplace supervising lawyer;*
- *Individual consultation, both face-to-face and by email, between you and the subject coordinator;*
- *Experiential learning and reflective practice; and*
- *Supervising lawyer feedback and evaluation.*

Consider:

- Will the experience have lectures, tutorials, seminars or some other facilitation?
- What use will be made of supporting technology?
- What level of student support will be provided?
- If group work is involved, how will that be supported?

What teaching and learning approaches will be adopted, for example, (adapted from [Holdsworth, Watty and Davies, 2009](#)):

- Work-integrated learning (WIL) (for example, practicum, internships, fieldwork, clinical or work placement);
- work experience in industry (WEI);
- hypotheticals, role plays, role modelling;
- problem-based learning;
- project-based learning;
- case studies and extended problem analysis frameworks;
- narrative analysis;
- real-world situation analysis (the living case method);
- simulations or Virtual Situated Learning Environments (VSLE);
- reflective practice;
- competitions;

- study tours and immersion experiences;
- service learning;
- volunteering;
- industry speakers, interviews, mentors;
- peer mentoring;
- career development learning, planning and preparation; and
- formal leadership program.

Assessment

A general statement of assessment requirements and feedback opportunities

Consider assessment design issues such as:

- whether the assessment is graded or pass/fail;
- whether the assessment is of the product, the process or both;
- in group tasks, whether to assess the individual, the group or both;
- in inter- or multi-disciplinary tasks, by whom, and the logistics of how, assessment occurs;
- in work-integrated learning tasks, the quality assurance of any industry/professional assessor (for example, expectations, training, support, moderation);
- determination of what program learning outcomes will be demonstrated and how (and what) evidence of student achievement is collected for valid and reliable assurance of learning;
- the setting and communicating of clear expectations to students (for example, about outcome(s); time investment; level of support or supervision);
- will students be involved in the assessment design (for example, in problem identification; settling and weighting of assessment criteria; determining how the capstone product will be delivered or presented); and
- that the assessment emphasis is on the capstone objectives of (eg) integration, synthesis, extension rather than on any new content, discipline knowledge or skills that are introduced.

Consider what type of assessment, for example, in addition to traditional assessment tasks such as assignments, posters, oral presentations, reflective journals, tutorials/online forums or comprehensive examinations, consider (adapted from [Macquarie University, 2008](#)):

- a case study based on a unstructured, real-world situation;
- a research grant proposal based on an authentic industry need;
- a feasibility study report on a proposed initiative;
- a research report, thesis or dissertation on a capstone project (for example, an applied design project prepared by a team or individually in a discipline or multi- or inter-disciplinary context);
- an authentic discipline product (for example, a creative performance; production; design; exhibition; artwork; law reform submission);
- an integrative and reflective (e)Portfolio, either stand alone for a subject or prepared as regards attainment of the program learning outcomes;
- a plan for a program of activities or series of communiqués and presentations for an authentic professional or industry purpose;
- a culminating event or product (for example, a conference; classroom symposium; student run journal; website for broad audience);
- an environmental scan of future employment or discipline opportunities;
- reflection on the undergraduate and/or transition experience.

Appendix D

Evaluation Report June 2012

Curriculum renewal in legal education: Articulating final year curriculum design principles and a final year program PP9-1374

Introduction

This independent evaluation of the Curriculum Renewal in Legal Education: Articulating Final Year Curriculum Design Principles and a Final Year Program has been prepared with reference to the project objectives:

- Renew the final year curriculum of legal education by articulating a set of curriculum design principles as well as designing a model for an effective final year program;
- Ensure the model final year program was transferrable and adaptable to other disciplines; and
- Pursue institutional priorities around enhancing the final year student experience and build upon and extend previous work including relevant existing ALTC funded (or past Carrick funded) projects.

The evaluation process was from the perspective of a critical friend. This role involved on-going interaction with the project team from the earliest days of the project, participation in major project events and activities such as:

- Participation in the two-day initial forum with project team and stakeholder group (February 2010);
- Meetings with the project team;
- Provision of feedback on draft materials;
- Informal communication with the project leader;
- Participation in the two-day *Capstone Experience Forum* and project meeting (February 2012); and
- Consideration of the project website and final project reports.

The evaluation report addresses both project processes and outcomes.

Project processes

The processes employed by the project team were consistent with those proposed in the grant submission. Some adjustments were required because of the influence of factors not uncommon in large university contexts such as delays in project establishment, staff and student representative turnover, technological difficulties in developing the project website and budget management that is responsive to unanticipated opportunities and

requirements. These factors were however managed by the project team in a way that had no detrimental impact on project outcomes. Listing and discussing key challenges faced by the team in the final project report is helpful in raising the awareness among prospective submission developers of factors to consider when developing risk management strategies.

Project processes appeared effective due to the contribution of a number of key factors. In the first instance it seemed a major advantage that all project team members were located in the same faculty, worked closely together and as a consequence had developed a shared understanding of the project intentions, efficient working relationships and distinct but complementary responsibilities.

A further strength was the calibre and representativeness of the reference group established by the project team and their evident commitment and engagement throughout the duration of the project. The expertise they contributed during the initial forum was instrumental in the framing and refining of the project and the responsiveness of the project team to these contributions appeared to secure their on-going involvement. As noted by the project team themselves:

As a result of consolidating these commitments at such an early stage of the project significant dividends were obtained which directed the level of engagement and interaction that the geographically dispersed membership demonstrated over the course of the project.

Inclusion in major project activities such as inaugural and national forums ensured the evaluation was well-informed of project intentions and provided insights into team processes and the priorities of major stakeholders.

The project team took a scholarly approach to their work as evidenced by the extensive literature review that was undertaken, their openness to the incorporation of earlier work of relevance to their project and the efforts they took to engage their discipline community in project progress through a program of publication and presentations at appropriate forums. The engagement of the discipline communities was evident in the examples of practice presented at the final forum by legal education practitioners from throughout Australia.

Efforts to ensure the inclusion of the student voice were a notable feature of the project and the illustrative student comments embedded in the final report are an effective way of representing the student perspective.

The project team also incorporated progressive evaluative activities and the documentation of responsiveness demonstrates their utilisation of the formative feedback collected at significant project milestones.

Project products

Project outputs demonstrate that the project achieved its intended aims in producing a set of curriculum design principles based on a comprehensive literature review and benchmark analysis of current approaches to final year programming with potential transfer to other disciplines; a series of dissemination activities including a scholarly output of presentations and publications, a *Final Year Forum* and a project website. The inclusion of key factors that influence the success of final year students added valuable contextual information to be

used in conjunction with the examples of practice provided in the *Toolkit*.

As capstones are increasingly under consideration as approaches to assuring graduate learning outcomes, the framing of this project in relevant literature supports further discussion of this particular curriculum strategy as well as establishing the significance of the capstone project. The *Principles* are described succinctly on the project website and supported with an extensive elaboration of their generic origins and distinctive application to capstone experiences in the project report. The explicit relationship to relatively well-known first-year design principles developed through an earlier project should add to their accessibility.

To a certain extent the project was breaking new ground in attempting to explicate and guide the conduct of effective capstone courses. Examples of practice that illustrate the incorporation of the curriculum design principles were therefore not readily available so that team is to be commended for their persistence in locating and generating examples for provision in the *Toolkit* located on the project website.

Conclusion

In summary, the project team has fulfilled the commitment they made when undertaking this project in terms of both process and product. Where adjustments were required explanations were provided and responses detailed. The project team also demonstrated openness and responsiveness to feedback from the reference group and from the project evaluator. While the project has provided useful resources for those embarking on the provision of capstone experiences for students in law and other disciplinary programs, it has also recommended further steps for sustaining and extending the work achieved thus far. So, just as this project has built extensively on earlier investigations conducted in Australia and elsewhere, there is a need to extend this project through future opportunities for curriculum development that tests the utility of the principles provided and through creating opportunities for on-going sharing within and among disciplinary communities with an interest in providing effective capstone experiences for their students.

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Appendix E

Project collaborators and reference group members

Professor Gary Davis, Deputy Executive Dean, Faculty of Education, Humanities and Law, Flinders University

Professor Gary Davis is Deputy Executive Dean, Faculty of Education, Humanities and Law, Flinders University and holds an appointment as Special Adviser to the Vice-Chancellors of Flinders University and Charles Darwin University. Dean of Flinders Law School from 2001-2007, Professor Davis has held a number of executive roles at Charles Darwin University since 2009, including Pro Vice-Chancellor of the Faculty of Law, Education, Business and Arts and, most recently, Deputy Vice-Chancellor Academic. In 2008, Professor Davis was appointed by the Council of Australian Law Deans to be Director of the Discipline-Based Initiative in Law, *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment* (DBI). That national project on legal education was funded by the Australian Learning and Teaching Council. He has been a member of the Council of Australian Law Deans, the Legal Practitioners Education and Admission Council of South Australia, and the Council of the Law Society of South Australia.

Professor Jeff Giddings, Griffith University

Professor Jeff Giddings is Director of Professionalism at Griffith Law School. He has worked at Griffith since 1995 and was responsible for the development of Griffith's clinical legal education program. Jeff's teaching and research interests relate to clinical legal education, access to justice, and alternative dispute resolution. He is currently the convenor of the graduate program in dispute resolution. He currently teaches in legal research and convenes the clinics for alternative dispute resolution and refugee law and policy. He has received national and institutional teaching awards and been a chief investigator for ARC Discovery and Linkage projects. In 2010, he completed his PhD thesis on 'Influential Factors in the Sustainability of Clinical Legal Education Programs'.

Associate Professor Mary Heath, Flinders University

Associate Professor Mary Heath teaches criminal law, legal method and history of legal ideas at Flinders University, where she has taught since 1994. She is a recipient of university and national teaching awards and has published on her approach to teaching sexual offences. She was a Flinders Law Students' Association Teacher of the Year Award: Runner Up, in 2008. She received the Carrick Citation for Outstanding Contributions to Students Learning, for a decade of inclusive, accessible, supportive and inspiring teaching of sexual assault law, 2006; the Carrick Award for Australian University Teaching, 2006; and Vice-Chancellor's Award for Excellence in Teaching, 2003. Associate Professor Heath is currently the convenor of the First Year Law Teachers' Community of Practice.

Professor Richard Johnstone, Griffith University

Professor Richard Johnstone is a Professor of Law at Griffith University Law School, where he was the Director of the Centre for Socio-Legal Research from 2003 to early 2010. From 2001 until 2004, he was the foundation Director of the National Research Centre for

Occupational Health and Safety Regulation, based in the Regulatory Institutions Network at the Australian National University. Since 2007 he has been one of the two Co-Directors of that Centre. Professor Johnstone is also currently an Adjunct Professor at the Australian National University and an Honorary Professor in Department of Ageing, Work and Health, at the University of Sydney. He is also an associate member of the Centre for Employment and Labour Relations Law at the University of Melbourne. In 2001-2002 he directed a stocktake of legal education in Australian law schools commissioned by the Australian Universities Teaching Committee, and was the principal author of the ensuing report published in 2003: *Learning Outcomes and Curriculum Development in Law* (http://www.cald.asn.au/docs/AUTC_2003_Johnstone-Vignaendra.pdf). He has authored, co-authored or edited thirteen books, in occupational health and safety regulation, legal education, labour law and legal theory.

Professor Mary Keyes, Griffith University

Professor Mary Keyes has been associated with the Griffith Law School for over eighteen years. Her role has progressed from a Research Assistant in 1992 to a Professor in 2010. She serves the Griffith Law School by taking part in a number of committees, and is co-convenor of the Learning and Teaching Forum. Professor Keyes has been admitted to practice as a Barrister for the Supreme Court of Queensland in 1993 and the High Court of Australia in 1994. She is the Review Articles editor and a member of the editorial board of the *Journal of Private International Law*. She organised and convened the Journal of Private International Law Colloquium 2010, hosted by the Socio Legal Research Centre at Griffith Law School, in October 2010. Her research expertise is in private international law, particularly jurisdiction, choice-of-law for tort and theory. She is a widely published legal educator and, with Professors Johnstone and Giddings, has been instrumental in the design and implementation of Griffith's recent ground-breaking law curriculum renewal. She has received institutional recognition of her teaching excellence (Griffith Teaching Award, 1999).

Associate Professor Natalie Skead, University of Western Australia

Dr Skead is an Associate Professor and the Associate Dean (Students) in the Faculty of Law at The University of Western Australia where she teaches and researches in equity and property law. She has been awarded faculty and university awards for Excellence in Teaching Award: Small Group Teaching, 2005; Excellence in Teaching Award: Small Group and Tutorial Teaching, 2007; Combined Faculties Teaching Award: Excellence in Teaching, 2010; and was a recipient of an Australian Learning and Teaching Council Citation for Outstanding Contribution to Student Learning, 2011.

Professor Rosalind Croucher, Australian Law Reform Commission

Professor Croucher was appointed to a five year term as President of the Australian Law Reform Commission (ALRC) from 14 December 2009 to 13 December 2014. She was a fulltime Commissioner for a term of three years, commencing on 5 February 2007 to 4 February 2010. Professor Croucher was Dean of Law at Macquarie University from 1999. Prior to this she was a member of the Law Faculty of the University of Sydney and the University of New South Wales. Professor Croucher served as Chair of the Council of Australian Law Deans (2002), Vice President (Western Pacific), International Academy of Estate and Trust Law (1998–2005), Chair of the Scientific Committee for the World Congress

of Medical Law 2004 and on the Program Committee for the 8th biennial conference of the International Association of Women Judges, 2006. Professor Croucher has lectured and published extensively, principally in the fields of equity, trusts, property, inheritance and legal history.

Professor Clark D. Cunningham, Georgia State University, USA

Professor Cunningham is the W. Lee Burge Chair in Law and Ethics, College of Law, Georgia State University, USA. He is a member of the Chief Justice of Georgia's Commission on Professionalism and Co-Reporter to Georgia's Commission on Indigent Defense. He is a widely cited expert on the lawyer-client relationship and publishes on a variety of other topics with an emphasis on inter-disciplinary and comparative scholarship. His article in the *Iowa Law Review*, applying semantics to analyse the ways the meaning of 'search' has evolved in U.S. constitutional law, won the national Scholarly Papers Competition sponsored by the Association of American Law Schools. His Yale Law Journal article, *Plain Meaning and Hard Cases*, co-authored with three linguists, has been cited by the U.S. Supreme Court in three different cases. He is a leading American scholar on the legal system of India and has consulted around the world on reform in legal education. He has been a visiting scholar at the Indian Law Institute, Sichuan University (China), the University of Sydney (Australia), University of Palermo (Argentina), and the National Law School of India. He has been an active public interest lawyer, prior to his academic career, and as the director of both civil and criminal law school clinics. He has litigated a number of federal class action law suits, argued before the Missouri Supreme Court and the U.S. Court of Appeals for the Sixth Circuit, and authored friend-of-the court briefs filed in the Michigan Supreme Court and the U.S. Supreme Court. Prior to joining GSU in 2002 as the first holder of the W. Lee Burge Chair in Law and Ethics, he was on the faculty of the University of Michigan Law School (1987-89) and the Washington University School of Law (1989-2002).

Professor Julian Webb, University of Warwick

Professor Webb has been Professor of Legal Education at University of Warwick since 2006. He is also a Senior Associate Research Fellow of the Institute of Advanced Legal Studies, University of London. From May 2006 until its recent closure, he was Director of the UK Centre for Legal Education (<http://www.ukcle.ac.uk/>), based at the University of Warwick. Professor Webb has undertaken research and consultancy work for a range of academic and professional bodies in the UK and internationally, including work on access to undergraduate legal education for the Lord Chancellor's Advisory Committee on Legal Education and Training (1995), and in 2005-6, as part of an international team funded by the Netherlands Council of the Judiciary exploring case assignment and impartiality in six European judiciaries. From 1998-2001 he was an Education Advisor to the (English) Bar Council, and, in 2001, he was appointed by the New Zealand Council of Legal Education to undertake a review of professional legal training in that jurisdiction. He is currently leading the research team undertaking a national review of legal education and training in England and Wales on behalf of the Solicitors Regulation Authority, Bar Standards Board and ILEX Professional Standards. Professor Webb has also been involved in an advisory capacity in range of national and international projects, including membership of the expert advisory groups for an Australian Learning and Teaching Council project developing threshold learning outcomes for Australian law degrees (2009-10); the UK Quality Assurance Agency's

Working Party on Contact Hours (2010-11), the advisory board of the Centre for Legal Education at the University of Hamburg, Germany (2010-), and as an expert consultant to the Taiwan Legal Information Institute (2011-12). From 1998-2008, Julian was a founding editor of the journal *Legal Ethics*. He is currently a member of the advisory boards for four academic journals: the *International Journal of the Legal Profession*, *Commonwealth Law and Legal Education*, *Revista Educación y Derecho*, and *Legal Ethics*. He also edits, with Dr John Paterson (University of Aberdeen), the *Law, Science and Society* book series published by Routledge. In July 2011 his contribution to legal education and training was recognised by his election as an Academic Bencher of the Inner Temple.

Winthrop Professor Mark Israel, University of Western Australia

Professor Israel is Associate Dean (Learning and Teaching) for the Faculty of Law and a member of the University's Teaching and Learning Committee. He has acted as a consultant to various institutions and agencies, including the Commonwealth, New South Wales, Queensland and South Australian Governments, CSIRO and the National Health and Medical Research Council, and on educational matters to a range of universities and private Higher Education Providers in Australia, Hong Kong and the United Kingdom. In 1999 and 2000, Mark was the winner of the Australian and New Zealand Society of Criminology's Young Scholar Award. In 2005, he received the Radzinowicz Memorial Prize from the British Journal of Criminology, in 2006, the Critical Criminologist of the Year Award from the Critical Criminology Division of the American Society of Criminology, and in 2010 the American Society of Criminology's inaugural Teaching Award. In 2004, Mark won the Prime Minister's Award for Australian University Teacher of the Year. He also received the national award for teaching in the Law, Economics, Business and Related Studies category. He is a Senior Fellow of the Higher Education Academy (SFHEA) in the UK and a Fellow of the Australian College of Educators (FACE). He was awarded an Associate Fellowship by the Australian Learning and Teaching Council in 2009 and was made a Discipline Scholar by the same organisation in 2010. He is Adjunct Professor of Law and Criminology, School of Law, Flinders University, Adelaide, Australia (2010-13); Deputy Chair (2010-) and Independent Member, Academic Board, *Think: Education Pty Ltd*, Sydney, Australia (2007-present) (<http://www.think.edu.au/about-think/think-quality/governance>); Independent Member, Academic Board, Australian School of Management, Perth, Australia (2010-present); Member, Awards Standing Committee, Australian Government Office of Learning and Teaching (2012-13); and current member of the Australian and New Zealand Society of Criminology. His recent editorial roles have included Associate Editor of the *Australian and New Zealand Journal of Criminology*, and *Criminal Justice Ethics* and Pacific Rim Editor for *Critical Criminology: an International Journal*. He is also a member of the Editorial Boards of *Teaching Sociology*, *Enhancing Learning in the Social Sciences*, *Journal of Academic Ethics*, *Research Ethics Review* and the *Journal of Empirical Research on Human-Research Ethics*.

Appendix F

Focus group questions

<p>Focus Group [XXX University] [Date] [Month] 2010/2011</p>
<p>‘Curriculum Renewal in Legal Education: Articulating Final Year Curriculum Design Principles and a Final Year Program’</p>
<p>Proposed Focus Group Questions for – final year students – recent law graduates</p>

Proposed focus group questions for final year students:

1. General questions relating to students’ final year/near to final year experience of legal education –
 - Do you feel confident about commencing employment after you graduate? Why? Why not?
 - What has your final year/ near to final year law school experience been like? How has it been a good preparation for the workplace? What could be improved?
 - What do you think you should be doing in your final year that will specifically prepare you for entry into the workplace?
 2. General questions relating to a proposed capstone experience –
 - What do you think should be included in a model for a final year program?
 - What is your opinion of these capstone design principles? What are their strengths? Weaknesses?
 3. Specific questions for students framed around the project’s key curriculum objectives of reflection, closure, and transition –
 - Have you had an opportunity in your final year/ near to final year of law school to reflect on your experience at law school? (aimed at reflection*)
 - If you have had such an opportunity, as part of your course, to reflect on your experience, have you found that useful? Do you think such an opportunity is important for you in your final year? Why? (aimed at reflection)
 - To what extent have you been given the opportunity in your final year to pull together all that you have learned while you have been at law school? Have you found it useful? (aimed at closure)
 - Are you confident about being able to use the knowledge and skills that you have acquired while at law school in your employment after you graduate? (aimed at transition)
 4. Concluding questions –
 - Do you think your law education has contributed to your confidence, or do you think that this is because of your disposition (or a combination of both)? (aimed at transition)
 - Is there anything else you would like to say?
- * Should students require some clarification of what is meant by reflection in this context the following statement is suggested –

“For example, have you had the opportunity to think back and consider: why you commenced your law studies and whether your expectations have been met; whether your goals and values have changed as a result of your legal studies; what you have learned about law and how your skills have developed; how the various subjects you have studied are connected; how you will use your skills and knowledge in the future; etc....”

- * Should students require some clarification of what is meant by capstone in this context the following statement is suggested –

“A capstone is a final year experience that pulls together and makes sense of all of your prior learning in an effort to provide you with some overall understanding of what it means to have a law degree, and at the same time, it provides opportunities for you to develop an understanding of how you might use that learning as a practicing professional.”

Thank you for your contribution to this research project.

Proposed focus group questions for recent law graduates:

1. General questions relating to recent graduates’ final year experience of legal education –
2. When you started your employment after graduating, were you confident about commencing with the knowledge and skills base you had acquired at law school?
 - If yes, do you think your law education has contributed to this, or do you think that this is because of your disposition (or a combination of both)?
 - If no, was that because of gaps in your law education? (aimed at transition).
 - What was your final year law school experience like?
 - Now that you have been working after you graduated, what do you think you should have done in your final year that would have better prepared you for entry into the workplace?
 - What did you do in your final year that was useful, and prepared you well for entry into the profession?
3. Specific questions for recent graduates framed around the project’s key curriculum objectives of reflection, closure, and transition –
 - Now that you are working, is there anything else you wish you had learnt in your final year of law school that would have better assisted your transition to practice? (aimed at transition)
 - How easy/difficult has it been for you to use the knowledge and skills that you acquired at law school in your employment? (aimed at transition)
 - Did you have an opportunity in your final year of law school to reflect on your total experience at law school?
 - If yes, do you think such an opportunity was important for you in your final year? Why?
 - If no, now that you have been in employment since graduating, do you think it would have assisted you to have had such an opportunity? (aimed at reflection*)
 - Did you have an opportunity in your final year of law school to pull together all that you had learned while you were at law school?
 - If yes, do you think such an opportunity was important for you in your final year? Why?
 - If no, now that you have been in employment since graduating, do you think it would have assisted you to have had such an opportunity? (aimed at Closure)

4. General questions relating to a proposed capstone experience –
5. What do you think should be included in a model for a final year program?
 - What is your opinion of these capstone design principles? What are their strengths? Weaknesses?
6. Concluding question –
 - Is there anything else you would like to say?
- * Should recent graduates require some clarification of what is meant by reflection in this context the following statement is suggested –

“For example, have you had the opportunity to think back and consider: why you commenced your law studies and whether your expectations have been met; whether your goals and values have changed as a result of your legal studies; what you have learned about law and how your skills have developed; how the various subjects you have studied are connected; how you will use your skills and knowledge in the future; etc....”
- * Should students require some clarification of what is meant by capstone in this context the following statement is suggested –

“A capstone is a final year experience that pulls together and makes sense of all of your prior learning in an effort to provide you with some overall understanding of what it means to have a law degree, and at the same time, it provides opportunities for you to develop an understanding of how you might use that learning as a practicing professional.”

Thank you for your contribution to this research project.

Appendix G

Survey questions

What is your most enduring memory of your final year at law school?

What do you think should be included in the final year of law school?

Do you have any comments on the Draft Final Year Design Principles that were attached to the email inviting you to participate in the survey?

Please select your institution.

Please indicate your mode of study.

Please indicate your course.

Please indicate whether you are a final year student or a recent graduate.