

1. The Task

Sought funding for a project entitled Systematising Curriculum Design in the School of Law

Granted \$10,000 for travel for a revised project - Systematising Curriculum Design in the School of Law – a preliminary investigation of distinctiveness of Law programs in selected Australian Universities.

Activity - Visits by team members and others to selected Australian Law Schools with distinctive LLB programs to determine what can be learnt from those programs.

Outcomes - The consolidated results of those investigations will inform the future direction and revised budget for the originally proposed project.

2. How We Chose the Schools for the Scoping Study

The Law Schools selected for the scoping exercise were chosen as follows:

1. A desktop review of Law School websites, to identify the extent to which law schools identify the curriculum refresh key themes
2. Narrowing down of those law schools to ones that identify the most themes
3. Preferring those law schools that deliver an LLB in a context more aligned with that of JCU (eg by size, demographic of cohort, resource base, regional location)

The Schools chosen were:

QUT – university for the real world; FYE program

Griffith – social justice;

USQ - external

SCU – social justice; external

UNE - external

Newcastle – practical legal skills

Deakin - commercial

Flinders – practical legal training

Murdoch – international; advocacy training

Charles Darwin – legal issues for the NT (including aboriginal and SE Asian perspectives)

3. The Questions We Asked

We worked from the distilled elements of the JCU Curriculum Refresh project:

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| <p>Does it fit with our four nominated themes?</p> <p>Are there clear links to research?</p> <p>Have we reviewed assessment practices and progression criteria?</p> <p>Are there opportunities for work integrated learning?</p> <p>Have we embedded awareness of sustainability issues?</p> <p>Is there an external reference group for the course?</p> <p>Are there access pathways for equity groups?</p> <p>Does the curriculum support the best possible first year experience?</p> <p>Have we maximised flexibility in our offerings?</p> |
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Have we identified and integrated innovative technologies and infrastructure that support student learning in delivery?

People & Culture 1.1: Does the course support passion for learning and foster intellectual curiosity?

Reconciliation Statement: Does the curriculum Integrate Aboriginal and Torres Strait Islander knowledge, perspectives and experience across the curriculum through consultation with Aboriginal and Torres Strait Islander students and staff.

Graduate Attributes: Does the course develop graduate attributes in line within JCU's framework and can we demonstrate this how this occurs through the curriculum?

Internationalisation of the curriculum

1. Nominated Themes – or, Points of Difference

It is possible that the university has 'badged' itself or its law school with a particular attribute (in the same way that JCU has identified the tropics as its context: eg QUT 'university for the real world'). If this is the case, how has the law school managed to draw out this attribute or theme throughout its LLB?

Do you consider that your LLB is distinguished from other Australian LLBs? If so, how? Why? And, how do you do this?

What *processes* did/do you use to create that point of difference – planning retreats, staff collaboration, periodic review etc?

What has been your experience of *staff uptake* of these ideas – has it been successful? Over what period has it been implemented? To what extent has it been required to be implemented – eg every subject? every year level? the degree overall?

Is there a requirement for *accountability*: within the school/faculty/university?

Are there *examples* of how the attribute or theme manifests within your program.

2. Clear Links to Research

There are a number of ways in which the research/teaching nexus can be represented – for example:

- Learning about others' research (research-informed learning)
- Learning to do research (research skills and methods)
- Learning in a research mode (enquiry-based learning)
- Scholarship of teaching and learning (researching teaching, to make evidence-based decisions about teaching)
- Drawing on personal research (ie by academic staff) in designing and teaching subjects

How does your law school approach the question of links to research?

Is there a particular understanding of teaching/research nexus that is represented systematically in the design of the LLB? If so, how is this done? eg scaffolding of student research skills vertically through degree etc.

Is/are there a research subject/s? How are they designed? How do they integrate with other subjects? Are they contextualized or 'stand alone'?

How are student research skills assessed?

Are there institutional links between teaching and research? Eg through research centres in which academic staff participate; participation in the scholarship of teaching and learning etc
What is the culture of linking research & teaching?
Is there an honours program? Does this involve teaching research skills?

3. Assessment practices and progression criteria - review

One of the aims of our review is to redesign our assessment practices to better measure the extent to which students have achieved a 'learning outcome'. Ideally, as students progress through the degree, their skills will develop and learning outcomes and assessment tasks will reflect that development. A systematic approach would have an identifiable progression through the degree and also within a year level.

Is there a systematic approach to the design and the review of assessment in your Law School?
Are subject coordinators aware of assessment tasks across a year level, below and above their subject's level? How is this done?
What range of assessment tasks are addressed within a year level or generally through the degree? (eg tests, exams, orals, moots, research papers etc)

4. Work Integrated Learning

There are a number of conceptions of work integrated learning. The JCU School of Law has the following as a working definition:

Work-integrated learning refers to the process whereby students come to learn from experiences in educational and practice settings and integrate the contributions of those experiences in developing the understandings, procedures and dispositions required for effective professional practice, including criticality.

Does your law school have a clear understanding of WIL? If so, what is that? (it could be simply a placement subject/clinical legal education, or it could be as broad as problem based learning)
Does the school have a work-based subject/s? What form does this take?
How is it managed? How is it assessed?
Is there a systematic approach taken to WIL throughout the LLB? Or does it simply arise in an identified subject (see above)?

5. Awareness of Sustainability Issues

Subject coordinators in the JCU School of Law have interpreted 'sustainability issues' in a variety of ways. A majority relate it to the sustainability of the law in the context of the subject being taught. A minority see it simply in the context of environmental sustainability.

Was the issue of sustainability relevant to the course design in your LLB? If so, how? What is your interpretation of 'sustainability issues'? (for example, a course may have a focus on environment or green issues?)

6. External Reference Group

Does your LLB have access to a reference group external to the Law School?
How is the group comprised, and how are the members chosen?
What are the group's terms of reference?
How frequently does the group meet?
Is the group effective? If so, what makes it effective?
How does it report to the School?
How are the group's reports used – how do they influence subject or program design in a systematic way?
Do academic staff have direct access to the reference group?

7. Access Pathways for Equity Groups

Are there identified student demographics that indicate low participation/retention/completion by equity groups in your law school?
Are there particular programs or pathways to encourage equity groups? If so, what are these? Are they school-based or university-based? How does the school link into them?
Are these programs/pathways linked into teaching and learning in the degree, or do they stand separate?
What is the uptake or buy in of academic staff into these programs, or these issues? How is this promoted?

8. First Year Experience

Is there an explicit transition pedagogy in your law school? How is this manifested?
How is this pedagogy embedded in first year subjects in a systematic way? Is it a team-based or individual approach?
Is the first year program integrated with the rest of the degree? ie what is the uptake of these first year pedagogies by academics teaching in 2nd year and later?
Is the program successful? How is success measured?
What does the first year program look like? What particular skills and knowledge are emphasized?

9. Flexibility in Offerings

Do you consider your LLB to be 'flexible'? In what ways?
Does your law school have a clear direction in its approach to 'flexible learning' – and what does this mean to your law school?
How is 'flexibility' embedded in a systematic way in your LLB?
Do you know what your students want in terms of 'flexibility'? What do they want? How do you provide this in a systematic way, in terms of subject design?

10. Innovative Technologies and Infrastructure

How is your school supported in educational design and in ICT?

How does your school use ICT in its teaching? Does this depend on your academic staff and their preferences, or is there a minimum standard or requirement? Is ICT universal in your LLB?
Does your school use ICT resources produced outside the school? Eg library-produced materials like a virtual tour; proprietary materials from eg text book publishers or online materials.
How is subject and program design influenced by ICT?
What learning platform does your school/university use (eg blackboard, moodle etc)? Does this work for your degree/students? How/why?

11. Passion for learning and intellectual curiosity

In your law school's design of its LLB (and review) how do you maintain your students' passion for learning and their intellectual curiosity? Is this something that is ever discussed in terms of subject design? Do you think it is possible to 'embed'?

12. Aboriginal and Torres Strait Islander knowledge, perspectives and experience

Does your LLB address Aboriginal and Torres Strait Islander perspectives within the degree?
Is this done in a systematic way? How? Or, do you rely on the interest of individuals within their own area, to teach this.
Would you say that this is addressed as a matter of content, or student attitudes, or on a theoretical basis? Eg teaching native title law; ethics & communication with different cultural groups; critical race theory...
Do you consult with Aboriginal and Torres Strait Islander staff or students or community members in relation to how and what you teach?

13. Graduate Attributes

Does your LLB have a specific list of graduate attributes? Or do you use generic university attributes?
How do you design your program to ensure that these graduate attributes are covered?
How do you design a subject to ensure that it addresses its nominated graduate attribute.
Does your LLB consider that it focuses on any particular attributes that distinguish your law school from other law schools? What are these and how do you provide that particular focus, in terms of your subject design.

14. Internationalisation

Does your LLB have any particular identifiable focus on international issues? How?
Is this done in a systematic way? Or, do you rely on the interest of individuals within their own area, to teach this.

Would you say that this is addressed as a matter of content, or student attitudes? eg teaching public international law; looking at international issues within Priestley subjects etc?

Two Main Findings

1. *Distinctiveness*

In one sense the law degree is fairly uniform and in discussions with each of the law schools, it is easy to focus on what we do that is the same – the LLB is required by law to cover particular content in 11 key discipline areas. There was also a significant emphasis on “we’ll make sure our graduates get jobs”. One university, UNE, was blunt about the fact that their degree was a generalist professional degree designed to cater for the diverse needs of their students and therefore not distinctive in any real sense (though their external operation could be seen as their point of distinctiveness). To understand how we might interpret distinctiveness in this context, we attempted to categorise the underlying themes of their programs:

- Discipline focus
- Practical skills
- Service to community
- External cohort

While not stated explicitly by the institutions involved, the different types of ‘distinctiveness’ perceived by law schools aligns somewhat with different ideological approaches to curriculum design.¹ These approaches provide a useful point of reference for curriculum design, and give clues about how the curriculum might be developed from one of these particular standpoints. It is pointed out that these different categories are loose, and they overlap.

The *discipline focus* took a number of different forms. Deakin for example has deliberately positioned itself as a commercial degree, supported also with practical skills (though with less emphasis on this than previously). All students must do Workplace Law. In this case, the practical skills align with the commercial focus.

In contrast, Murdoch takes a thematic approach of internationalisation both within elective subjects but also in facilitating international links and opportunity for student travel. It also has a very broad advocacy program with a Trial Advocacy program, a specific “Moot Court Bench” subject and extensive participation in International Mooting. This is even though many of those subjects are uneconomic because of low numbers (that is, they are kept for strategic purposes)

Charles Darwin sees its point of difference as “an appreciation of legal issues of special significance to the NT” with the intention to focus on Indigenous and South East Asian law within elective subjects.

¹seeeg Michael Stephen Schiro, *Curriculum Theory: Conflicting Visions and Enduring Concerns* (2008). These are scholar academic (discipline based); social efficiency (practical skills); learner centred (external cohort); and social reconstruction (service to community).

Griffith University takes the discipline focus in a different direction again, vertically embedding a theory 'subject' comprising two introductory units, property law, jurisprudence and two law in context subjects. This aspect of the Griffith LLB will inevitably overlap with the community service focus.

Practical skills likewise had a broader, more overarching effect, and a more particular one – depending on the school.

QUT probably has the most identifiable and embedded approach to this. Having branded itself the 'university for the real world', the entire curriculum is designed with 'real world practice' embedded within it. The most striking point of distinctiveness in these terms, is the requirement that every student has the opportunity to participate in a WIL subject. In this law school, moots and legal skills are not classified as WIL: rather there must be a *real life* experience to qualify for this type of subject. Legal skills however are also included throughout the curriculum.

Philosophically, QUT is presently re-imagining what 'real world' lawyering involves. It is moving away from what Donna Cooper described as 'Eagle Street practice', to encompass a more interdisciplinary approach to the notion of professional.

Flinders and Newcastle also emphasise the 'practice orientation' of their degrees and have embedded PLT programs (with Flinders having the joint LLB/Legal Practice degree which 95% of their students do). Newcastle seeks to position itself as 'The Professional Law School' or 'The Leading Clinical Law School'.

Service to community is reflected in terms of a social justice agenda and ethical persona. Griffith, Southern Cross and USQ could be regarded as having the strongest focus on this idea, and Charles Darwin considers its focus on Indigenous legal issues likewise to be distinctive.

Southern Cross' social justice approach reflects staff interests in this agenda, and the school sees it as a factor in its success. Griffith represents this agenda through its vertical subjects in Indigenous perspectives, legal theory, and ethics.

Many of the law schools surveyed consider that their *external offerings* are significant in their distinctiveness. SCU has promoted itself as a quality provider of distance education. Likewise, USQ caters for many external students, through a structure of embedding staff from the central teaching and learning development unit into faculties and schools, to support ADTL and staff on the ground. This has resulted in effective use of ICT to support student learning.

These philosophies are reflected in the approach each law school takes to the Curriculum Refresh themes. For example Griffith and SCU are focused on serving community and so ethics and social justice, through eg Indigenous perspectives and pathways, are embedded throughout their degrees. For

schools that see their location as central to serving community, there is a focus on external delivery and flexibility.

2. Sustainability

The project team had some considerable discussion about where any 'gap' might lie, in terms of our curriculum priorities (CR themes). We observed that most schools identified environmental law as how they delivered curriculum concerned with 'sustainability'. We felt that there was scope here to interpret this more widely in a way that would provide us with a thematic focus for our curriculum in a way that was distinctive within the offerings nationally. This theme could be interpreted not just in environment, but also in governance and regulation, human rights and in other fields of law that promoted justice generally – whether in the commercial arena or social justice areas.

Consequently, the proposed outcome of the next phase of our project is to adopt and embed 'sustainability' as an underlying theme in all awards offered in the School to provide it with both an area of distinctiveness. We are moving into this phase of the project now.

How can the findings best inform future practice at JCU?

The distinctiveness agenda has been challenging for a professionally accredited degree. Engaging in discussion with other law schools has in one sense affirmed our own practice without necessarily highlighting how we could do things differently. Overlaying a theoretical framework (Schiro's) atop practical representations and descriptions of our (JCU) curricular dimensions assists in giving meaning to the distinctiveness agenda and highlighting the differences.

What this highlights is the importance of a considered and philosophical approach to curriculum development, advancing alignment of curricula. While this has the happy outcome of satisfying strategic direction, it likewise provides a legitimate and consistent focus for curriculum development.

Phase 2

The phase 2 project is intended to be the means whereby the JCU School of Law will develop a more systematic approach to curriculum design and a distinctive curriculum for its LLB, LLB (Grad), joint LLB and embedded sub-degree awards, within the Curriculum Refresh framework.

Specifically, its aims are:

- a. To adopt and embed 'sustainability' as an underlying theme in all awards offered in the School to provide it with both an area of distinctiveness and a clear link to JCU's four nominated themes.
- b. In line with that theme, to adopt, implement and embed processes that will ensure that, as well as continuing to meet accreditation requirements, the degrees also:
 - (i) meet the Threshold Learning Outcomes (TLOs) in the Standards Statement for the Bachelor of Laws, developed via the ALTC Learning and Teaching Academic Standards Project;

- (ii) meet the TLOs being developed for the LLB (Hons) degree;
 - (iii) meet AQF requirements for the awards – at undergraduate and Honours level;
 - (iv) meet the requirements of the CALD Standards for Australian Law Schools and permit certification of the School as compliant;
 - (v) meet any revision of the Academic Requirements for Admission to Practice by the Law Admissions Consultative Committee (LACC) – or the national body that is to replace it
- c. As part of that process to:
- identify gaps in current curriculum design;
 - review assessment practices and progression criteria within the degrees;
 - review the extent to which graduate attributes can be better inculcated and integrated throughout the degree, through a more structured approach to skills development both within and across year levels;
 - review and formalise the structured teaching of legal research skills throughout the degrees by identifying entry and exit levels of skill both within and across year levels;
 - review and formalise how statutory interpretation skills are taught throughout the degrees to address concerns about the level of achievement by Law graduates generally;
 - identify opportunities for students to acquire practical skills by undertaking WIL throughout, or at least as part of, their degrees (that review to be undertaken in conjunction with the WIL Project);
 - identify opportunities to include indigenous perspectives in the curriculum (in conjunction with the 'Walking Forward Together' project)
 - identify ways to improve the internationalisation of the School's degrees;
 - investigating opportunities for a 'capstone' subject in the final year of the degree to bring together the key competencies learnt and to better prepare students for the transition to practice;
 - identify opportunities for increasing pathways for and participation by equity groups in Law programs offered by the School;
 - agree standards with School of Law academic staff which each subject and the degrees overall will meet;
 - review the design of each subject in the curriculum to address identified gaps and to accord with agreed standards;
 - ensure each reviewed aspect of curriculum design is embedded, evaluated and revised on an ongoing basis.