



Promoting excellence in higher education

2011

Good Practice Guide

THRESHOLD LEARNING OUTCOME 6 Self-management

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Threshold Learning Outcome 6: Self-management¹

Background

This Good Practice Guide was commissioned by the Associate Deans Law Network to support the implementation of Threshold Learning Outcome 6: Self-management.

The Threshold Learning Outcomes (TLOs) for the Bachelor of Laws were developed in 2010 as part of the Learning and Teaching Academic Standards (LTAS) Project, led by Professor Sally Kift and Winthrop Professor Mark Israel.² TLO 6: Self-management is one of the 6 TLOs developed for the Bachelor of Laws. The other 5 TLOs are:

- TLO 1: Knowledge
- TLO 2: Ethics & professional responsibility
- TLO 3: Thinking skills
- TLO 4: Research skills
- TLO 5: Communication and collaboration

The TLOs were developed having reference to national and international statements on the competencies, skills and knowledge that graduates of a degree in law should have, as well as to the emerging descriptors of the Australian Qualifications Framework (AQF) for Bachelor Degrees (Level 7) and Bachelor Honours Degrees (Level 8).³

Threshold Learning Outcome 6: Self-management

Graduates of the Bachelor of Laws will be able to:

- (a) Learn and work independently, and
- (b) Reflect on and assess their own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development

This Good Practice Guide seeks to assist law schools and legal educators in implementing TLO 6 by

- providing a concise summary of existing research and good practice in the area
- synthesising the key considerations to be taken into account in determining how to implement TLO 6, and
- identification of areas in which further work is needed.

¹ This Good Practice Guide has been prepared by Judith Marychurch, Associate Dean – Teaching & Learning, Faculty of Law, University of Wollongong. Judith would like to gratefully acknowledge the assistance of Liana Whitten in collating and preparing the literature review; and the assistance of her Associate Dean colleagues in law schools across the country in assisting the identification of exemplars of good practice in this area. Judith takes full responsibility for the contents of the document, including acknowledgment of the sources of good practice; any omissions or errors are unintentional and will be rectified when brought to her attention: judithm@uow.edu.au.

² Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards Project: Bachelor of Laws Learning & Teaching Academic Standards Statement December 2010*, Australian Learning & Teaching Council (December 2010) <http://www.altc.edu.au/system/files/altc_standards_LAW_110211.pdf>.

³ Ibid. The sources and relevant equivalent or contributing statements to TLO 6 are summarized at 50-52.



Literature Review

The literature review draws upon current research on independent and reflective learning in legal education, focusing on the development of graduate attributes and professional skills. The issue of law-student and lawyer well-being permeates this discussion and provides the context for much of the recent literature, and particularly for current work on the implementation of TLO 6: Self-management by Huggins, Kift and Field.⁴

Filippa M. Anzalone, 'It All Begins with You: Improving Law School Learning Through Professional Self-Awareness and Critical Reflection' (2006) 14(3) *Legal Education Digest* 17

This paper presents a proposal for better teaching in legal education through the use of teacher self-awareness and critical reflection, which will promote student self-awareness and critical reflection. Traditional law school pedagogy which focuses on doctrinal analysis, at the cost of interpersonal and problem-solving skills has been found wanting academically and psychologically. The author argues that self-reflection is vital for healthy adult emotional development and that legal education should make use of the three intellectual traditions which underpin critical reflection literature: critical pedagogy, reflective practice and adult learning and education. He suggests that it is by a teacher understanding their own process of learning and respecting the different approaches to learning within individuals, they will be better able to assist and not hinder learning.

Australian Law Students Association, 'Depression in Australian Law Schools: A handbook for law students and law student societies' (Australian Law Students Society, 2009)
<http://www.alsa.net.au/assets/publications_ALSA_depression_handbook.pdf>

This is a handbook from the Australian Law Students Association to be used by Law Students Societies in law schools across the country. It makes suggestions as to the causes of depression in the legal profession stemming from the negative and stressful nature of the job and common personality characteristics (pessimism and perfectionism) of lawyers. These observations also apply to law students. It further outlines the problems with disruption of the sleep-wake cycle in terms of mental health. It lists the "dos and don'ts" of helping someone with depression and the "dos and don'ts" of self-care, how to reduce stress and provides study tips and suggestions for mentoring programs.

Australian Law Students Association, LSS Mental Health Supplement (Australian Law Students Society, 2011)
<http://www.alsa.net.au/images/2011/2011_ALSA_Mental_Health.pdf>

This supplement details initiatives of law students' associations in law schools across the country in addressing the mental health issues facing law students. In 1-2 page summaries, law students describe issues facing students in terms of the cultures of law school, of perfectionism and competitiveness; the role of mentoring in

⁴ Anna Huggins, 'The Threshold Learning Outcome on Self-management for the Bachelor of Laws degree: A proposed focus for teaching strategies in the first year law curriculum' (2011) 2(2) *The International Journal of the First Year in Higher Education* 23 and Anna Huggins, Sally Kift & Rachael Field, 'Implementing the Self-management Threshold Learning Outcome for Law: Some Intentional Design Strategies From The Current Curriculum Toolbox' (2011) *Legal Education Review* (forthcoming). Both articles are included in this Literature Review.



ameliorating the impact of stress; and issues relating to assessment and stress.

Beaton Research & Consulting 2011 *Annual Business and Professions Study*. (2011)

<http://www.beatonglobal.com/pdfs/2011_Annual_Business_and_Professions_Study.pdf>

In May 2011 a survey was conducted of Australian professionals which investigated levels of awareness and attitudes towards mental health and workplace responses to mental health. Data was analysed for a total of 17,980 respondents. Lawyers reported the highest level of mental health training and the attitudes of respondents when compared to 2007 responses to a similar survey indicate that lawyers are now less likely to accept mental health stigmas and more likely to accept that a stressful work situation will lead to mental health problems. However, there are indications that problems still exist in engaging in proactive behaviour and the assistance available to a lawyer in a workplace when they are experiencing mental health problems.

Nikki Bromberger (2010) 'Enhancing Law Student Learning – The Nurturing Teacher' 20 *Legal Education Review* 45

This article reflects on the interrelationship between students' emotions and their learning and the role of the teacher in harnessing these emotions for effective learning in a classroom environment. The philosophy of the nurturing teacher is to be able to intensify the emotional state of the student to an appropriate level to assist learning by challenging and stimulating students academically, but in an emotionally safe environment. The author concludes that teachers who are more nurturing – and therefore able to take account of and control the emotional context of the classroom – make better teachers, as they can support engaged and deep learning. The role of teachers in engaging with student emotions to assist learning may also be beneficial to overall student wellbeing.

Kelley Burton and Judith McNamara, 'Assessing reflection skills in law using criterion-referenced assessment' (2009) 19 *Legal Education Review* 171

This paper offers a criterion-referenced rubric for use by law schools in assessing reflection skills. This comes in response to literature which suggests that traditional models of legal education which emphasise intellect over emotional intelligence are not assisting law students or practicing lawyers to cope with the stressors inherent in the law. The authors argue that reflective practice is a vital skill for professional practice which is best learnt at law school. Reflective practice is the means by which lawyers and law students are able to cope with the daily ethical, moral and personal dilemmas that they face. The article draws on existing research into reflective practice and the themes that should, therefore, be incorporated into criteria for assessment of reflection in legal education. Reflective practice is a useful life skill for any context, but in the law school context will equip the student for deeper insight in all subject areas, a more integrated and reasoned approach to constructive or critical feedback and a more positive sense of self. The authors argue that reflective practice must be summatively assessed and offer an assessment rubric for such a purpose.

Cameron Cooper and Greg Dwyer, 'Some positive news about depression' *Australasian Law Management Journal* (Law Council of Australia, January 2011) <<http://www.lawcouncil.asn.au/lca/index.cfm?9AE28594-A961-6CAA-8192-D6CF2F917092>>

This article details the Resilience@law initiative designed to raise awareness of



depression and promote strategies to deal with the issue. The initiative is a cooperative between top tier firms and the College of Law. Principally, it utilises an educational DVD designed to break down stereotypes and stigmas and allow for discussion about depression. It subsequently involved the implementation of a training/education module included in the existing College of Law PLT program. The module utilises group work, class discussion, individual workbook activities and use of the Resilience@law DVD.

[Council of Australian Law Deans \(CALD\), *The CALD Standards for Australian Law Schools* \(2009\) <http://www.cald.asn.au/docs/CALD-standards-project-final-adopted-017-November-2009.pdf>](http://www.cald.asn.au/docs/CALD-standards-project-final-adopted-017-November-2009.pdf)

These are the national standards for all law schools in Australia, adopted 17 November 2009 and cover all aspects of a law course with which a law school must comply to be certified. The teaching and learning emphasised, together with the requirements of the curriculum are in keeping with an engaged student body. There is also a specific standard (2.9) which relates to a law school's Pastoral Responsibility towards students.

[Rachael Field & Sally Kift \(2010\) 'Addressing the high levels of psychological distress in law students through intentional assessment and feedback design in the first year law curriculum' \(2010\) 1\(1\) *The International Journal of the First Year in Higher Education* 65](#)

This paper calls for strategic change to address the high level of psychological distress evident in law schools. The authors argue that through the use of good assessment and feedback practice, beginning in first year, students will be better equipped as independent and self-managing learners and will therefore be more able to successfully navigate the stressors of law school. They urge the legal academy to move beyond information dissemination to intentional curriculum design towards proactive prevention of law student distress.

The authors provide suggestions as to practical ways to alter curriculum, in designing assessment that: has clear expectations (including an induction for students into academic language and convention and assessment standards); engages students by scaffolding and integrating the assessment within the curriculum (including support of ongoing learning and careful timetabling of assessment); encourages students to be independent learners (including offering authentic assessment tasks which engage students, encouraging self-reflection and self-assessment and giving students some choice and control). They also make suggestions as to the importance of formative feedback and for this feedback to be well-timed and structured into the curriculum as learning tools. They also emphasise the need to move beyond written feedback. If students are supported in their learning by the use of these practices, particularly in the transitional first year, there is significant potential to offset the stressful nature of legal education.

[Ben Gibson, 'How Law Students Can Cope: A Student's View' \(2010-2011\) 60 *Journal of Legal Education* 140](#)

This paper, together with a collection of others in the Symposium, offers insight into the stressors faced by law students and possible remedies to these. Gibson, in particular, suggests that the major contributions to mental ill-health of law students stem from the following: a loss of hope, passion and purpose upon entering law school and realising their dreams cannot become reality; an unbalanced approach to life when engaged in legal study to the detriment of all other aspects of life; and, a loss of identity when self-worth is tied to specific exam or subject performance. He advocates exercise, healthy eating, adequate sleep, reflective practice (journaling, meditation, deep breathing or yoga) and a supportive community of family and friends.



Anna Huggins, 'The Threshold Learning Outcome on Self-management for the Bachelor of Laws degree: A proposed focus for teaching strategies in the first year law curriculum' (2011) 2(2) *The International Journal of the First Year in Higher Education* 23

This paper explores how TLO 6 can be applied to first year legal education. It argues that designing first year curriculum to connect with law students' intrinsic interests, values, motivations and purposes will facilitate student engagement with TLO 6, as well as promoting personal wellbeing, academic engagement and ethical dispositions. Self-management is a vital skill for all students to attain, especially as it assists them in being employable. Increasingly, emotional intelligence is being seen as critical for good professional practice in law. Recent research has indicated that the psychological wellbeing of law students may be assisted by supporting and encouraging their intrinsic motivations and values and that legal education strategies, specifically designed to promote autonomy and support social connectedness, may alleviate students' distress.

Anna Huggins, Sally Kift & Rachael Field, 'Implementing the Self-management Threshold Learning Outcome for Law: Some Intentional Design Strategies from the Current Curriculum Toolbox' (2011) *Legal Education Review* (forthcoming)

This paper considers the importance of TLO 6 in light of the BMRI research and other, more recent, research indicating high levels of psychological distress and depression amongst law students and the deleterious effect of law school on law students. It offers an argument that it is vital for lawyers entering practice to be able to self-manage and, accordingly, law schools should be teaching such skills to their students.

The paper suggests a conceptual framework of strong student engagement to promote student learning of TLO 6, in conjunction with other learning outcomes. The authors argue that the psychological wellbeing of students is enhanced by supporting student autonomy and that curriculum should be designed to promote self-management and support autonomy. Specifically, they propose reflective practice as a curriculum design strategy to promote engagement with TLO 6. Reflective practice is said to enhance the integration of the whole of a student's life.

There are four steps to implementing reflective practice as part of the curriculum. First, the skills necessary to engage in reflective practice must be explicitly taught. Second, there must be interventions by teachers to guide the reflections of students. Third, the law school should use a criterion-referenced assessment rubric. Fourth, comprehensive feedback must be provided to students. The authors suggest that using this approach, reflective practice can be embedded into specific identified existing subjects within the law curriculum such that reflective practice will be initially taught and then engagement in a reflective activity will form part of the assessment for that subject. Once students have learnt the practice, reflective activities should be summatively assessed.

Colin George James and Jennifer Anne Finlay-Jones, 'I Will Survive: Strategies for Improving Lawyers' Workplace Satisfaction' (2007) 15(1) *Legal Education Digest* 32

This paper comments on the ongoing debate in legal education about the importance of educating for knowledge or for task. The authors argue that such debate is meaningless in circumstances where neither approach incorporates the teaching a learning of personal development as part of legal education. Rather, existing legal education, it is suggested, supports a culture of external measures of success, which do not assist students to value their intrinsic motivations and to seek develop



emotional competencies and become more integrated to cope with the stressors of legal education and practice. The paper suggests that clinical programs should be incorporated into legal education to assist law students to develop personal skills and increase their emotional intelligence. The authors propose further research in relation to their suggestions.

Norm Kelk, Georgina Luscombe, Sharon Medlow and Ian Hickie, *Courting the Blues: Attitudes towards depression in Australian law students and legal practitioners*, Brain and Mind research Institute: University of Sydney (2009) <http://www.cald.asn.au/docs/Law_Report_Website_version_4_May_09.pdf>

This report details the results of a study of depression literacy and psychological distress in Australian law students and practicing lawyers completed by the Brain and Mind Research Institute in 2008. The study was conducted with the participation of 741 final year law students from 13 universities, 924 solicitors and 756 barristers. The study revealed:

- high levels of psychological distress and risk of depression in the law students and practising lawyers who were surveyed, when compared with Australian community norms and other tertiary student groups;
- a number of attitudes and behaviours which imply a general reluctance to seek help for mental health issues; and
- a need for future studies to give emphasis to interventions in law schools and law firms or professional bodies, with such interventions to be formally evaluated.

Christopher Kendall, *Report on Psychological Distress and Depression in the Legal Profession* (Law Society of Western Australia, 2011) <http://www.lawsocietywa.asn.au/client/multimedia/News/Report_of_PDD_Ad_Hoc_Cttee_FINAL_Public_Release_16_May_2011.pdf>

This is the report from an Ad Hoc Committee formed to, *inter alia*, review existing strategies for dealing with psychological distress and make recommendations. The report canvasses the history of research leading up to the forming of the Ad Hoc Committee, gives an overview of the services offered by each of the Australian Law Societies and then makes suggestions as to the causes of depression in the profession.

The committee suggests that, *inter alia*, bullying and pressure to record a high number of billable hours may be causes of psychological distress in the workplace. They argue a need for a preventative/awareness raising perspective combined with a counselling/ treatment focus for the Law Society. Their recommendations also include a specific recommendation that all mental health related seminars should be promoted to law students and graduates via all WA law schools and the Practical Legal Training Providers, with complimentary or special reduced pricing being applied.

Sally Kift, '21st Century climate for change: curriculum design for quality learning engagement in law' (2008) 18 *Legal Education Review* 1

This paper presents an argument for creating legal curriculum which engages law students in learning for life. Such learning will focus on skills most regularly used by law graduates – communication, time management, document management and computer skills – rather than exclusively legal-specific skills. The role of the law school is to educate law students with knowledge, skills and attitudes to allow them to self-manage their learning in an uncertain and changing environment. To educate law students with traditional pedagogical practices only is to restrict the flexibility of students to adapt to new legal fields and new ethical dilemmas. In the changing



climate of the 21st Century, law schools should be using curriculum which positively engages law students in learning, inclusive of knowledge, practice, and personal judgment. Skills in law are not restricted to legal analyses, but should include the ethical and social dimensions of the profession. This is achieved through practice and reflection. The author argues that through enhancing the whole student experience, students will be engaged in learning. This involves the linking of curricular and co-curricular activities to inspire, motivate and engage and may include a more deliberate approach to marking transitions throughout the law school experience.

Sally Kift, Karen Nelson and John Clarke, 'Transition Pedagogy: A third generation approach to FYE – A case study of policy and practice for the higher education sector' (2010) 1(1) *The International Journal of the First Year in Higher Education* 1

This article draws on current research and practice related to the first year experience of commencing higher education to argue that when first generation co-curricular and second generation curricular approaches to first year experience are integrated through a collective response from academic and professional staff and specific curricular engagement, a third generation approach develops, which the authors label 'transition pedagogy'. This approach should encourage engagement, support and belonging of each group of new students in an effort to create a positive first year experience. Students, institutions, teaching and support staff share responsibility for student engagement and retention.

Law Council of Australia, *Depression in the Legal Profession* (2010) <http://www.muls.org/index.php/download_file/view/265/87/>

In January 2010, the Constituent Bodies of the Law Council were requested to provide their responses to a survey designed by the Law Council for the purpose of obtaining information on activities employed by each of the Constituent Bodies to address depression within the legal profession. The report provides a summary of all services offered by the relevant bodies to their members, which promote the general health and wellbeing of members.

LexisNexis, *The pace of Change in the Australian Legal Industry* (August 2011) <<http://www.lexisnexis.com.au/paceofchange>>

This paper details the outcomes of a roundtable discussion between managing partners of medium and large law firms, in-house counsel and representatives of other groups including the NSW Young Lawyers association. The objective of the discussion was to identify and explore how the legal industry is being affected by the pace of change; and how societal and technological trends are affecting law firms in areas including depression and the impact on legal life, social media and the effect of real-time communication, methods of billing and the globalization of firms and the rise of niche firms. Findings suggest that a number of factors are impacting on the legal mindset, including increasing commercialization of the legal industry, information overload and lack of human contact. While it was considered that there is inadequate support and mentoring for young lawyers, there is also a feeling that firms are employing 'damaged goods', whether due to the personality type the legal profession attracts or exacerbated by the difference between the perceptions and the realities young lawyers have of their role.

Suzanne Owen and Gary Davis, *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment* (Australian Learning and Teaching Council, 2009) <http://www.altc.edu.au/system/files/resources/altc_LawReport.pdf>



This is the final report of the project conducted under the auspices of CALD and ALTC. The key purpose of the project was to examine the provision of legal education and to enhance and sustain excellence in teaching and learning, including links with professional groups and awareness of mental health issues. It was this project that, *inter alia*, assisted in the development of the CALD Standards for Australian Law Schools and liaised and facilitated the 2008 BMRI study.

The report includes suggestions as to further developments in the area of mental health and wellbeing of law students, including: adequate preparation of law teaching staff to support students disclosing struggles with mental wellbeing; balancing the competitive ethos of law school with messages of connectedness and autonomy; modification of law school standards to expressly include reference to mental wellbeing; pro-active engagement with organisations that promote the mental health of students; education and dissemination of information; and preparing students for the normal stresses of legal education.

The report canvasses the special stresses of legal education and the need for lawyers to be able to perform with appropriate pessimism and perfection in a professional capacity, but to contain these tendencies in private settings. This goes to the capacity of law schools to train law students with real life skills through peer involvement, mentoring, engagement of teachers with emotional responses, healthy collaboration and the provision of specific support services.

[Kennon Sheldon and Lawrence Krieger 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory' \(2007\) 15\(1\) *Legal Education Digest* 29](#)

This paper presents the findings of longitudinal studies by the authors into the emotional distress of law students, which sought to determine the relevance of the motivation and values of students to their psychological wellbeing. The studies showed that mental health of students declined in line with reduced intrinsic motivation over their first year of legal education. The paper presents self-determination theory as a conceptual framework to explain why students experience such a decline in wellbeing and to provide a key to a pedagogical approach to ameliorating student distress. They argue that law schools should support student autonomy by providing choice (within reasonable limits), an explanation where choice is not available and empathy with the perspective of the student. In order to maximise their positive motivation, law students will need to experience autonomy, competence and relatedness – all of which can be achieved through learning outcomes at law school. If these issues as to motivation and values are not addressed at law school, the deleterious effects may continue well beyond graduation.

[Massimiliano Tani and Prue Vines 'Law students' attitudes to education: pointers to depression in the legal academy and the profession?' \(2009\) 19 *Legal Education Review* 3](#)

In 2005 the University of New South Wales conducted a survey of students which investigates their attitudes to their experience and expectations of their university education. The data showed that law students responded differently to other students. This paper is an exploration of those differences in light of further investigation, discussed as a point of educational interest, but also with a mind to understand the impact of their different attitudes on the mental wellbeing of law students in light of recent studies.

The authors refer to recent studies which point to ongoing issues of depression in the legal profession and among law students. Notably, these studies show that law



students are on par with other students prior to entering law school but have a decline in mental health upon commencing law school. Indications from these studies are that critical needs for psychological wellbeing are self esteem, competence, security, social connection or relatedness and autonomy. The research of the authors was then able to focus on whether the responses made by students show that law schools are providing for any of these needs. They conclude that the attitudes which set law students apart from other students in the research are that they are more likely to: have external motivations for enrolling, see employers as interested in their high marks and not other social characteristics, value the reputation of their university, see friendships as networks for their career. Also, they are less likely to: find their study intrinsically interesting, state they are at university to learn, see good grades as helping them to learn.

The most significant factor setting law students apart is the focus on getting good grades as the most important motivator and indicator of their success. These results indicate that personal characteristics may impact on the level of depression among law students. The authors argue that these issues can be ameliorated by promoting a sense of autonomy and social connectedness amongst law students and draw on recent papers to indicate the importance of these attitudes to mental wellbeing. They further suggest that targeted strategies should be employed to foster resilience in current law students, which they will take with them into the profession.

Molly Townes O'Brien, Stephen Tang and Kath Hall, 'No time to lose: Negative impact on law student wellbeing may begin in year one' (2011) 2 (2) *The International Journal of the First Year in Higher Education* 49

This paper presents preliminary and inconclusive results of a pilot study of law students which suggests that even within one year of law school, students attitudes, stress and satisfaction with life could have been substantially altered. The authors suggest that the teaching focus of educating law students to think adversarially, analytically, pessimistically, dispassionately and with a mind to risk aversion is an incomplete analysis of the role of a lawyer in practice, and may also have a detrimental affect on the overall mental wellbeing and outlook on life of those law students. The findings also suggest that there may be a mismatch between student expectations and the lived experience of law school. The authors indicate that further empirical study is needed on both a longitudinal and cross-institutional basis to form a conclusive base for analysis of the impact of legal education on the mental health of law students.

Law School: A Survivor's Guide, <www.survivelaw.com>

The website presents information, connections and advice in relation to study, skills and balance and has a strong focus of encouraging mental health. It is intended to support students in developing personal autonomy and progressing in a healthy way through law school.

Law School Reform, <www.lawschoolreform.com>

The website provides a forum for promoting discussion between law students and law school staff to inform curriculum review and ensure engagement in teaching and learning. The site is specifically targeted at the ANU but provides a central place for resources and discussion of curriculum issues in law schools generally.



Summary of Key Issues

Whole of curriculum approach

Implementation of Threshold Learning Outcome 6: Self-management requires a holistic curriculum approach, encompassing personal and professional developmental needs and establishing a framework for transitioning students to independent learning. The level of student autonomy needs to be gradually increased throughout the degree, such that by graduation students are able to demonstrate that they are both capable of learning and working independently, and of constructively reflecting on their own performance and utilising feedback from others to proactively address areas of their lives that need attention or development. Students who are capable of reflecting on their own learning, work, behaviour, attitudes and feelings will have higher levels of emotional intelligence, which are valued by employers. Reflective learning skills and emotional intelligence will support students, and ultimately graduates and professionals, to sustain a career in the legal profession in the long term.

The foundations for an effective implementation of TLO 6 require that students develop the capacity to:

- Work with requirements of subjects to develop appropriate study plans and strategies (building the capacity to undertake and deliver on professional projects or undertakings)
- Recognise, guided by self-reflection and feedback from others, areas of strength and weakness, or areas where further development is needed, both in substantive knowledge or skills, and personally
- Identify areas where support is needed, whether learning support, mentoring, professional support, collegial or personal support
- Develop a sense of empowerment such that recognition of the need for support, and action to seek such support, is seen as a natural, appropriate and positive response to challenges
- Strengthen emotional intelligence, including self-awareness

Supporting students to develop these skills requires a whole of curriculum approach, as skill development must be scaffolded so that basic skill development occurs in first year and is gradually deepened and strengthened through each semester prior to graduation. This means that curriculum development and renewal will be required in law schools to intentionally embed learning activities and assessment to support the gradual development of student autonomy and reflective learning skills.

Intentional feedback design

Field & Kift address *intentional feedback design* in supporting student learning.⁵ This can encompass assessment structure designed to provide students with regular formative commentary early in their subjects across the course; design of overlapping phases of assessment in first year, such as assessment for transition (low weight, low feedback), assessment for development (low weight, high feedback)

⁵ Rachael Field and Sally Kift, 'Addressing the high levels of psychological distress in law students through intentional; assessment and feedback design in the first year law curriculum' (2010) 1(1) *International Journal of the First Year in Higher Education* 65, 72.



and assessment for achievement (high weight, low feedback).⁶ Examples of assessment and feedback design are included in the next section, Good Practice Examples, particularly Examples 1 and 2. Clarity about what is expected of students in their assessments and providing clear feedback and explanation for marks awarded can promote student autonomy and alleviate uncertainty and anxiety about assessment.⁷ Teachers can explain what is expected in assessment, and provide feedback on marked assessment, in many ways, including discussion in class (of a past assessment, perhaps with an example to illustrate aspects done well or how improvements could be made), provision of a feedback document on a subject website with examples of good responses to an assessment, or provision of a criterion-referenced assessment (CRA) sheet with an assessment topic coupled with class discussion of how the criteria will be applied.⁸

Students can also be encouraged to provide feedback on their own learning during the course of a subject, outside formal teaching or subject evaluation surveys, through simple exercises like passing a large envelope around the class 2 or 3 times a semester and encouraging students to insert notes about their learning or questions they have but were too afraid to ask, or suggestions for how their learning may be better supported or improved. Huggins, Kift and Field suggest that encouraging feedback from students enables 'teaching staff [to] demonstrate their respect and consideration for students' perspectives' and promote an effective teaching and learning environment that provides appropriate support for student autonomy.⁹

Authentic, reflective and autonomous learning

Field & Kift¹⁰ suggested that assessment can be designed to facilitate the transition to *independent learning* in three ways:

1. Offering students motivating, authentic assessment tasks that replicate the real world of work & practice
2. Encouraging self-reflection on the learning process to build self-efficacy and their ability to evaluate their own learning achievements and future needs and
3. Providing students with opportunities to take control of their own learning through shaping assessment in ways that are meaningful to them (eg. choice in topic, timing, method, weighting or assessment criteria)

Examples of authentic assessment tasks, supported by embedded reflective components, are included in the Good Practice Examples in the next section. These include assessment examples for typical first year subjects in areas such as legal research and writing, and communication skills. Further examples show how authentic assessment tasks can be integrated into later year subjects, where a greater level of student autonomy is allowed both in learning and assessment. Embedding reflective components in assessments and allowing students to select the weighting given to the reflection and to their substantive performance in an assessment exercise can also promote students taking informed risks in stepping

⁶ Ibid.

⁷ Anna Huggins, Sally Kift & Rachael Field, 'Implementing the Self-management Threshold Learning Outcome for Law: Some Intentional Design Strategies From the Current Curriculum Toolbox' (2011) *Legal Education Review* (forthcoming) 14.

⁸ Ibid 14-15.

⁹ Ibid 16.

¹⁰ Rachael Field and Sally Kift, above n 5, 71.



outside their comfort zone to try different forms of assessment, such as mooted or witness examination.¹¹ Reflective practice 'can be defined as a students' capacity to reflect on their own strengths and weaknesses, to learn from constructive criticism and to practice critical reflection by monitoring their own work performance, interpersonal interactions, and personal and professional development.'¹² The ability to engage in reflective practice can be fostered in teaching activities and assessment, including self and peer assessment, reflective essays and diaries or journals, and personal development portfolios, as well as problem based learning.¹³ McNamara, Field and Cuffe¹⁴ and McMamara, Field and Brown¹⁵ present a structured process for teaching of reflective practice in the first year of law studies.

Motivation and engagement

A critical aspect to address in curriculum design is student engagement, which is recognized as being crucial to learning: 'high quality student learning, and deep learning outcomes, are made possible by curriculum design that engages students, and provides supportive, integrated and coordinated learning environments.'¹⁶ In order to achieve a high level of engagement with their studies, students must be motivated to learn. Offering authentic assessment tasks relevant to real life and practice, as noted above, is one way to do this. A possible additional barrier to motivating student engagement has, however, been identified. Tani and Vines have examined data collected from 2,528 students across the University of New South Wales in 2005 via a survey 'intended to investigate students' experiences of their university education so that teachers could respond effectively to those expectations'.¹⁷ In analysing the data across the then 10 UNSW faculties, and particularly comparing law students (13 percent of the sample size) with medical students, Tani and Vines found that law students were more likely to have been

¹¹ This has proven successful in an interdisciplinary context where Master of Forensic Accounting (MFA) students have been offered the opportunity to be expert witnesses in a mock trial, with Master of Laws (Criminal Prosecutions) students conducting examination in chief and cross-examination. MFA students could select the weighting to go to each component of the task - their performance in the expert witness examination and their reflections on their experiences – out of a total of 30, with the minimum weighting being 10 out of 30 for each task but allowing students to choose the weighting after they have received their feedback and percentage result for the expert witness examination. This has alleviated the 'fear factor', particularly for international students, and promoted participation in the exercise, which students have consistently reported as one of the best learning experience of their lives (Judith Marychurch, University of Wollongong). A similar structure could be incorporated in a law subject, promoting choice in the form of assessment and the weighting of components of the assessment.

¹² Anna Huggins, Sally Kift & Rachael Field, above n 7, 18.

¹³ Ibid 19-20.

¹⁴ Judith McNamara, Rachael Field and Natalie Cuffe, 'Designing Reflective Assessment for Effective Learning of Legal research Skills in First Year' (Paper presented at the 11th Pacific Rim First Year in Higher Education Conference, Hobart, 30 June – 2 July 2008) <http://www.fyhe.qut.edu.au/past_papers/papers08/FYHE2008/index.html>.

¹⁵ Judith McNamara, Rachael Field and Catherine Brown, 'Learning to Reflect in the First Year of Legal education: The Key to Surviving legal Education and Legal practice' (Paper presented at the 12th Pacific Rim First Year in Higher Education Conference, Townsville, June 29 July 1, 2009) 6 <http://www.fyhe.com.au/past_papers/papers09/index.html>

¹⁶ Anna Huggins, Sally Kift & Rachael Field, above n 7, 7.

¹⁷ Massimiliano Tani and Prue Vines 'Law students' attitudes to education: pointers to depression in the legal academy and the profession?' (2009) 19 *Legal Education Review* 3, 3.



motivated by extrinsic factors in deciding to study law: approximately one third of law students responded that they have had chosen to study law under the influence of their parents.¹⁸ Personal interest in law motivated 61 percent of law students, compared with 80 percent of medical students and 67-74 percent of all other students surveyed.¹⁹ Tani and Vines suggest that this level of family influence over the choice of area of study may mean that law students have a lower level of autonomy and are more likely to choose law because they got the marks to get in and were told by parents not to waste the opportunity by studying an area with lower admission requirements.²⁰ In addition, future career plans, and the desire to please family were also cited by more law students than any other student cohort in the study. These factors are external to the student, meaning that they are extrinsically motivated in their studies rather than being intrinsically motivated (such as by a genuine interest in or desire to learn about law). This may have flow-on effects to how law students respond to their progression in their studies. If the motivation is external, a higher focus on getting good results in subjects to ultimately get a good job that pays well, is more likely, which may result in competitive behaviour (including dislike of group work based learning and assessment) and lack of social connectedness, particularly to peers, which increases vulnerability to developing mental illnesses such as depression.²¹

If extrinsic motivation is common among law students, this must be considered in curriculum design and the development of pedagogical strategies to 'address the full range of knowledge, skills and attitudes encapsulated in TLO 6, including emotional intelligence skills'.²² Huggins, Kift and Field suggest that

[I]aw students' sense of autonomy, purpose and motivation in relation to their law degrees and future careers may be enhanced by assessment tasks that expose them to the types of issues faced in the real world of legal practice. Such tasks may help students to clarify their choices in relation to their degrees and future career, providing an opportunity for students to exercise self-management by making autonomous and authentic decisions ... authentic assessment tasks may similarly foster these students' ability to self-manage their university studies (for example, choice of electives) and early career decisions by clarifying whether legal practice will be an appropriate fit for them.²³

Supporting students to develop their abilities to self-manage in line with TLO 6 will assist in ameliorating the negative impacts associated with law studies that have been documented to date. Graduates who are more autonomous and able to reflect on their own performance and well-being, and pro-actively seek support when needed, will be much more resilient when it comes to dealing with the real life aspects of the legal industry. They will also be more able to make decisions about the career direction they want to take, and develop, and modify during the different stages of their career, an effective work-life integration that addresses both their personal and professional needs.

¹⁸ Ibid 15. This was higher than for all other respondents and almost double the corresponding response for medical students, at 18 percent.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid 20 – 21 and 24-30.

²² Anna Huggins, Sally Kift & Rachael Field, above n 7, 22.

²³ Ibid 16-17.



Good Practice Examples

The following are examples of good practice drawn from law schools across Australia. These have been selected based on the way they support the development of skills associated with self-management, including in relation to independent learning and reflective learning supported by feedback as a basis for further knowledge and skill development. It is important to note that none of these examples on their own would be sufficient to enable students to meet the minimal level of competency required by TLO 6: Self-management. Intentional curriculum design from first year through to final year that motivates students to engage in active, deep learning activities, supported by effective assessment and feedback practices that take account of developing skills over the duration of their degree, is required in order to enable a law school to be confident that their graduates meet the requirements of TLO 6. Law schools must be able to demonstrate, supported by appropriate and measurable evidence, how their students are guided and supported in developing autonomy in their learning and how and where their capacity to engage in effective reflective practices in support of their personal and emerging professional development is being established.

Example 1: Intentional assessment design to demonstrate the 'secrets of success' in critical essay writing (Nickolas James, University of Queensland)

First year students studying *Law & Society* are required to demonstrate their ability to engage in critical thinking by focusing on interpretation, analysis and evaluation of a choice of claims discussed in tutorials, and reflecting on their abilities.

Students are instructed to divide their essay into four parts: 'Interpretation', 'Analysis', 'Evaluation' and 'Reflection' and are provided with a rubric of detailed statements indicating performance levels (not competent, competent, advanced ability, exceptional ability) and indicative mark ranges under each of the four headings. Students are provided with explicit statements of what they should be doing under each of these headings, and are told not to include an introduction, conclusion, bibliography or appendices:

Under the heading **Interpretation**, demonstrate your understanding of the surface meaning of the claim by identifying the meaning of each key word or phrase within the claim, the extent to which any of these words or phrases are ambiguous, the meaning of the claim as a whole, and the overall position being advocated.

Under the heading **Analysis**, demonstrate your understanding of the hidden elements and structures within the claim by identifying the reasons or evidence offered in support of the overall position being advocated, as well as any assumptions that appear to be made by the maker of the claim, any apparent biases of the maker of the claim, and any forms of faulty reasoning being used.

Under the heading **Evaluation**, demonstrate your ability to assess the claim against explicit criteria by identifying arguments that support the claim and arguments that oppose the claim. In conducting your evaluation, you should draw upon one or more of the theories, ideologies, values or perspectives presented in this course. You should also demonstrate your overall conviction about the claim, and explaining how your conclusion is supported by your interpretation, analysis and evaluation of the claim

Under the heading **Reflection**, demonstrate your ability to apply your critical thinking skills to your own reasoning by identifying what you did well in your interpretation, analysis and evaluation and what you could have done better; how your own position in relation to the claim did or did not change as a result of participating in the relevant tutorial and writing this essay; and how your personal opinions and beliefs may have influenced your reasoning

Following marking, a general feedback document is released to students with explanations of key areas done well and not so well, with examples of good work.



Outcomes

The expectations of academic staff in relation to a critical essay are 'unpacked' for students from the outset. Feedback is specifically related to the requirements of the task and the expectations for levels of performance are articulated in advance. The use of real examples to demonstrate good levels of performance under each heading enables students to compare their work to these examples and to see how they may be able to improve their work taking into account the specific feedback given to them on their own paper.

Reflection is incorporated into the task. Students find it difficult to write more than a brief paragraph demonstrating their reflection skills, resulting in superficial reflections. Some were unrealistically positive about their own abilities, other were artificially negative (in the sense that students made up problems in the mistaken belief that reflection is all about admitting one's faults). The better reflections were balanced, carefully considering the way in which the student approached each part of the essay, and explored the student's potential preconceptions and biases about the claim and how that may have influenced their reasoning.

Example 2: Authentic & reflective assessment in teaching legal research & writing (Brendan Grigg, Flinders University)

In *Legal Research and Writing*, the three written assignments reflect the tasks that would be expected of a law clerk or recent law graduate in legal practice. The assessments authentically replicate the real world of work and legal practice.

This subject is a first semester, first year subject. The assessments are expressly designed to convey the message that, at the outset, expectations in terms of legal skills are low, but that these expectations are raised incrementally throughout the semester as students are taught key legal research and writing skills. In addition to online, non-graded pass quizzes on learning modules, students are required to complete three written assessments:

1. a memorandum to a senior partner summarising a case and an indication of relevance to the facts of a problem scenario
2. a case summary that includes preliminary elements of legal advice in relation to a problem scenario
3. a letter of advice to the client (to be settled and signed by the senior partner).

Assignments 2 and 3 incorporate a "legal research reflection diary" where students are asked to reflect on the process of undertaking legal research. Students document their legal research path across all forms of primary and secondary research materials, both electronic and hard-copy. They are asked to evaluate critically their successes, failures and discoveries in that task. The diary is worth 20% of the grade for assignment 2 and 50% of the grade for assignment 3.

For all written assignments assessment criteria in the form of marking rubrics are provided to students together with the assignment question materials. These rubrics also were designed to reflect the increased expectations in terms of legal research and plain English writing skills as the semester progressed.

Outcomes

Students have the opportunity to learn from feedback with a low weighting to the first reflection diary and then to utilize the feedback in planning and executing the research path for assignment 3 where the reflective component has the higher weighting. The online modules provide students with an opportunities to take control of their own learning by giving them control (within reasonable limits) of the time when then undertake the module and associated quiz.



Example 3: Authentic assessment and self-reflection in teaching communication skills (Elizabeth Ellis, Margaret Bond, Judith Marychurch, Meredith McLaine and Stephen Kuhn, University of Wollongong)

In this first year, first semester subject, students are introduced to communication as a dynamic and interpersonal process that defines relationships and creates meaning. While words are central to this process, other competencies are also important. These include the capacity to observe and listen, as well as an appreciation of non-verbal cues, such as body language and eye contact. In addition, personal values and attributes, such as respect for others and awareness of diversity, play a key part. Students explore these concepts in discourse within seminars and actively engage in written and verbal communication exercises.

Students prepare and submit, via email with attachment, a self-assessment of their participation in classes for another of their core first year subjects (Contract law), and copy this to their Communication Skills teacher for the purposes of assessment (pass/ resubmit). The final assessment task in the subject is a portfolio of work drawn from all first year law subjects demonstrating achievement of the learning outcomes of the subject. The portfolio must contain written exercises completed in the Communication Skills seminars; a self-assessment of participation in seminars and how it demonstrates strengths and weaknesses in their communication skills; reflections on students' observations of communication in other LLB classes, including any changes noted over the course of the semester; and one or more examples of work submitted for other first year LLB subjects with reference to how that piece of work demonstrates achievement of one of the LLB Graduate Qualities (Informed, Independent Learners, Problem Solvers, Effective Communicators, Responsible). The portfolio is accompanied by a covering letter (500-600 words) addressed to a (hypothetical) law firm with whom the student is seeking vacation employment. Students are told that the purpose of the covering letter is to persuade the employer to offer them a job and that their aim is to set out what they have learned from their first semester law subjects and to demonstrate their communication skills in the process. In the final seminar for the subject, students present their letter to the class or participate in a mock job interview.

Outcomes

The email communication task resulted in a vast improvement in the standard of emails received and prompted early consideration of what participation in seminar classes is about and how it is assessed. This engaged students in a relatively simple reflective exercise with low stakes and facilitated contact and discussion between first year teachers in two subjects and students, particularly where the self-reflection was not substantially similar to that of their Contract law teacher. The majority of students approached the portfolios in an earnest, enthusiastic and genuinely reflective manner. Students appreciated the practical, "real life" focus of the content of the subject, and appear to have gained real insights into aspects of communication relevant to both legal practice and performing well as a law student. Within their portfolios students reported that they had learned, for instance, the crucial importance of communication for lawyers; the need to avoid jargon and to concisely convey meaning; to build rapport and trust with clients; to balance empathy with objectivity; and improve their written skills through practical exercises. Many identified areas for improvement in their own communication. Several students commented that the relatively relaxed classroom environment in Communication Skills gave them confidence to contribute to class discussion and class activities, both in that subject and consequently in other subjects, thereby overcoming anxiety connected with the daunting environment of commencing law school.



Example 4: Pastoral support in first year (Kate Galloway, Rachel Bradshaw & Nichola Corbett Jarvis, James Cook University)²⁴

The first year program in the LLB at JCU adopts deliberate and integrated strategies to provide pastoral support for students. Initiatives include:

- Appointment of first year coordinator for each campus to oversee not only 'formal' curriculum, but also student pastoral support.
- An Orientation workshop introduces the study of law, and materials from the workshop are integrated into the first year subject sites providing a seamless introduction into study.
- Building on students' Orientation experiences, first lectures discuss student support services and integrate a variety of student support mechanisms into the lecture itself, including bringing student mentors into initial lectures. An open dialogue with mentors is subsequently maintained.
- Enhancement of social presence via email from the first year coordinators - weekly in first semester, and intermittently in second semester, encouraging students to engage in student life.
- Provision of emotional support through formative assessment. In all first year subjects, students are offered a one-on-one dialogue with academic staff on assessment tasks that are frequent and 'low-stakes'.
- The 'On Track Program' to identify and contact at-risk students and actively encourage participation in their studies or direct them to services to meet any of their concerns.
- A discussion board available on a core subject online site, allowing students to post both law-related and other non-personal matters in order to promote effective communication and connection with peers and staff.
- Indigenous student support officers on each campus assist in identifying and supporting at-risk students.

Outcomes

The integration of pastoral care into the curriculum 'fosters academic and social connections as well as emotional literacy.'²⁵ 'This fosters a feeling of control over initial social and academic anxieties.'²⁶ The diversity in the backgrounds of students entering a law degree poses additional challenges and consequent workload impact, including 'emotional labour',²⁷ in the provision of embedded pastoral support to first year students. This challenge will only become greater with the social inclusion agenda of current government policy.

²⁴ See also Lisa Westcott and Mandy Shircore 'The Experience of a Small Regional Law School in Preparing Students for a Journey Through Law' [2006] *JCU Law Review* 5; and Kate Galloway, Rachel Bradshaw, Neil Dunbar and Jamie Fellows, 'Academic Identity, Pastoral Care and Student Wellbeing' (2011) *Legal Education Review* (forthcoming).

²⁵ Kate Galloway and Rachel Bradshaw 'Responding to Changed Parameters of the Law Student: A Reflection on Pastoral Care in the Law School' (2010) *Journal of the Australasian Law Teachers Association* 101, 106.

²⁶ *Ibid.*

²⁷ *Ibid* 110.



Example 5: Fostering interdependence and independence via collaborative learning (Elizabeth Handsley, Christopher Reynolds, Rebecca Laforgia, Mark Israel and Gary Davis, Flinders University)²⁸

Since 2002, *Constitutional Law* has been taught in lectures and two-hour workshops. The workshops, capped at a maximum number of 30 students, are further divided into groups of 4-6 students at the beginning of the semester and these groups stay together for the duration of the subject.²⁹ Workshops are held fortnightly, with student groups encouraged to meet for group study in the alternate weeks. Teachers act as facilitators during the workshops and aim to spend an equivalent amount of time with each group.³⁰ Groups also have their own private discussion space on the subject's Web CT/ eLearning site. The traditional mid-semester assignment has been replaced by group presentations in the last round of workshops, with group members receiving the same mark except in the event of serious 'free-loading' by a group member.³¹ The primary assessment criterion is the quality of the group process evident in the presentation, with the substance or content of the presentation receiving a lower weighting.³²

Outcomes

The small group focus promotes collaboration between students. Group members come to know each other through the course of the semester and rely on each other as a learning resource. Students report learning the 'importance of diplomacy and compromise, and the need to be flexible, patient and encouraging, as well as more organised, because of the need to keep up to date and fulfill responsibilities to other group members'.³³ Students are more likely to come to the workshops better prepared, 'possibly because they did not want to drag their group down by having an inferior understanding of the material with which their team was dealing'.³⁴ This facilitates a deeper approach to learning, resulting in more sophisticated questions being asked of academic staff in the subject and a greater degree of analytical thinking in relation to problems and exercises set.

Example 6: Scaffolding learning through staged assessment and feedback (Anne Hewitt, Adelaide Law School)

In the final year course *Dispute Resolution and Ethics*, students work in teams of 3 throughout first semester to represent a client in a mock civil litigious dispute. During the course of the semester each team appears in two mock interlocutory applications regarding the pre-trial disclosure of documents in the case. In each application, the team is required to develop legal arguments applying civil procedure rules, case law, and the facts of the case. These arguments are presented before a "judge" (an academic, member of the legal profession or the judiciary) who gives a judgment on the application and also provides feedback to the students on the legal

²⁸ Elizabeth Handsley, Christopher Reynolds and Rebecca Laforgia received a Carrick Citation in 2007 for innovation and effectiveness in creating a framework to develop student independence through training in the generic and professional skill of group work in relation to this good practice example.

²⁹ Elizabeth Handsley, Mark Israel and Gary Davis, 'Law School Lemonade, or Can External Pressures Be Turned Into Educational Advantages?' (2005) 14 *Griffith Law Review* 108, 118.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ See Also Mark Israel, Elizabeth Handsley and Gary Davis, 'It's the Vibe: Fostering Student Collaborative Learning in Constitutional law in Australia' (2004) 38 *The Law Teacher: International Journal of Legal Education* 1; (2004) 12(4) *Legal education Digest* 16.

³⁴ Above n 29, 122-123.



arguments they presented and their advocacy techniques.

After the completion of the advocacy exercise, each student team is required to “write up” various documents regarding the applications and submit these as a written assessment. Those documents include:

- memoranda to the team’s “senior partner” for both applications explaining what they thought the outcome of each of the applications was likely to be, and explaining why the outcome conformed with or differed from that predicted;
- a record of orders made; and
- for the second application, an outline of the team’s legal argument.

Student teams are encouraged to incorporate the oral feedback received in the course of the mock interlocutory applications (in relation to matters such as the strength of legal arguments; how to use cases; structural issues in arranging the arguments) into their written submission.

Outcomes

The opportunity to incorporate feedback into the exercise means that students listen carefully to, and take on board, the feedback given. The feedback allows students to improve the quality of their written work in this assignment. Students’ final examination results suggest this process has also assisted to improve their overall understanding of concepts addressed in the task.

The feedback given to students on their advocacy techniques in the course of these applications is later utilised by students in the second semester course *Evidence and Proof* in which student teams engage in regular mooting exercises (conducting the trial in the same civil case which they worked on in first semester) and are marked on their advocacy performance.

Example 7: Providing choice in assessment to build autonomy and provide opportunity for reflective practice (Tony Krone, University of Canberra)

In the Cybercrime elective, students are provided with a choice of three learning focused activities, targeted at different levels of learning. Students choose from three options at ‘level 1’ learning (remembering information/ comprehending information/ applying knowledge) and three options at ‘level 2’ (analyse/ synthesise-create/ evaluate), with the restriction that at least one learning activity must be drawn from a level 2 task. The weighting to each of the three tasks is 10 percent, for a total of 30 percent of the final grade in the subject. The tasks themselves include (at level 1) a research task, research summary or practical application of research and (at level 2) critical examination, development of a new argument or critical evaluation. A major reflective journal is also incorporated in the assessment (25 percent), where students post reflections on-line, which are available to other students to read and comment on. Students are assessed in this task on their demonstration of their preparation for, participation in and reflection on discussion; peer review and comments on the on-line work of other students; creation of new material that provides evidence of learning.

Outcomes

Students are supported in the development of their autonomy by allowing a structured choice of assessment that gives them the opportunities to draw on the topic aspects of the subject in which they are most interested, as well as in the nature of the task they undertake with respect to that topic. By requiring students to choose at least one level 2 learning task, the teacher can ensure that a level of learning commensurate with the place of the subject in the law degree is present. Integration of reflections in the on-line format requires self and peer review on the understanding of issues and encourages evaluation of both substantive subject content and critical reflection skills.



Example 8: Vitality for Life & Law – Teaching law students life skills to build emotional intelligence and self-awareness (Holly Kneebone and Judith Marychurch, University of Wollongong)

Vitality for Life and Law is a mindfulness-based stress reduction (MBSR) program piloted in Autumn semester 2010, funded by an Educational Strategic Development Fund (ESDF) grant (\$25,000) and sponsorship from two law firms, Allens Arthur Robinson (Sydney) and RMB Lawyers (Wollongong). The pilot program was designed and written by Holly Kneebone,³⁵ a former lawyer and now executive coach, in consultation with the project Chief Investigator, Judith Marychurch, who has completed a “train the trainer” program to facilitate on-going *Vitality* programs.

The *Vitality for Life & Law* program aims to provide students with the opportunity to learn life and work skills which will enable them to thrive in their personal and academic life, and to build a successful and sustainable career in the law. Through a series of interactive and experiential seminars students learn how to optimise their performance at university, and in life, and sustain their physical, emotional, mental and spiritual wellbeing. The seminar series supports students to:

- learn personal care strategies for minimising stress, maintaining a healthy lifestyle and avoiding ‘burnout’ - both at university and at work
- learn to enhance your physical health and wellbeing
- build a supportive environment with other law students
- understand the factors that can contribute to ‘downward spirals’ and ways to bounce back
- develop psychological resilience, communication and reflective learning skills
- strengthen your emotional intelligence, including self awareness

Students are encouraged to share their own experiences as well as practice some techniques and skills such as ‘mindfulness’ meditation. ‘Mindfulness’ is simply about taking a few minutes to be present in the moment, rather than rehearsing for a coming event or reliving the past, which is what our minds are typically doing. ‘Mindfulness is a mental state of openness, awareness and focus, and meditation is just one way amongst hundreds of learning to cultivate this state.’³⁶

Outcomes

Approximately 30 students have now completed *Vitality for Life & Law*. Some students have reported, after having implemented practices learned in *Vitality* over a period of months, that their academic results have improved markedly. Students report that they are more organized, pay more attention to their physical health (sufficient sleep, nutrition and exercise) and pay more attention to their stress levels and ways to reduce and/or manage stress.³⁷ Student evaluations of the program have been gathered to inform the LLB curriculum review scheduled for 2011/12. This feedback shows overwhelming support for the integration of the program into the curriculum.

³⁵ See The Breathing Space <<http://hollykneebone.com.au>>

³⁶ Act Mindfully <<http://www.actmindfully.com.au/mindfulness>>

³⁷ Research has shown that 8 weeks practise of mindfulness ‘can lead to structural brain changes including increased grey matter density in the hippocampus, known to be important for learning and memory, and in structures associated with self-awareness, compassion and introspection’ Action for Happiness < http://www.actionforhappiness.org/10-keys-to-happier-living/notice-the-world-around?gclid=CK_30eWzxKsCFetU4godMDTk3g> at 30 September 2011.



Areas for further development

The good practice examples above demonstrate that strategies to implement TLO 6: Self-management are available within the 'current curriculum toolbox'.³⁸ However, further work is required to develop, implement, reflect on and improve pedagogical strategies within the curriculum to 'specifically address the full range of knowledge, skills and attitudes encapsulated in TLO 6, including emotional intelligence skills'.³⁹ Law teachers are not necessarily equipped with the skills required to develop and embed such strategies within the curriculum, nor can responsibility for the implementation of this TLO be left to select individuals within the teaching staff of a law school. The whole of curriculum approach required for implementation of TLO 6 means that buy-in of virtually all law teachers in a school is needed. This will require leadership and commitment to promote and facilitate the development of communities of practice around the pedagogical strategies needed to facilitate student's skills of self-efficacy, self-awareness and autonomy. In a context where academic staff are increasingly asked to do more with the same or less resources, achieving buy-in sufficient to fully support the development of self-management skills will be challenging. It will also require practice of self-management skills by academic staff: a cultural change in the student population through curriculum renewal and development cannot be achieved or sustained where academics are unable to manage their own workloads and achieve effective work-life integration.⁴⁰

As with other TLOs, and graduate attributes or qualities, demonstration of how, when and where students develop aspects of TLO 6 across the curriculum, will be required. The purpose of this is two-fold. First, in order to appreciate their own development of self-management skills, students need to be able to see and articulate their learning of components of TLO 6, at least with the benefit of hindsight and encouraged through embedded reflective learning opportunities. Second, law schools must be able to provide evidence of their students' achievement of the TLOs in the context of regulation of academic standards with the introduction of the Tertiary Education Quality and Standards Agency (TEQSA). This requires curriculum mapping to a new set of requirements, beyond the prescribed areas of academic knowledge set by admission bodies for the purposes of admission to practice law, known as the Priestley 11, and the graduate attributes or qualities (also referred to as graduate employability skills) set for many universities and often tailored at a discipline level within each university. Communication to students of how the development of skills across a degree can be mapped in a meaningful way is an area for further work. This is also true for the second focus of curriculum mapping, quality and standard assurance. In the context of standards and demonstration of the achievement of standards, the development of criterion-referenced academic standards rubrics is important. Funding has been obtained through Beverley Oliver's ALTC Assuring Graduate Capabilities project for development of a standards rubric for TLO 6: Self-management in law.⁴¹

Finally, on-going research into the effect of legal education on law students, and the impact of curriculum changes as a result of the implementation of TLO 6, is needed. As identified by Townes O'Brien, Tang and Hall, this needs to be done on a longitudinal and cross-institutional basis.⁴²

³⁸ Anna Huggins, Sally Kift & Rachael Field, above n 7, 22.

³⁹ Ibid.

⁴⁰ See Kate Galloway and Rachel Bradshaw, above n 25.

⁴¹ Judith Marychurch and John Littrich, University of Wollongong (forthcoming).

⁴² Molly Townes O'Brien, Stephen Tang and Kath Hall, 'No time to lose: Negative impact on law student wellbeing may begin in year one' (2011) 2 (2) *The International Journal of the First Year in Higher Education* 49.

