Curriculum Renewal in Legal Education: Capstone Experiences in Law

Capstone Examples

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LAW CAPSTONE EXPERIENCE

Contents

INTRODUCTION

This booklet has been designed to assist in the development of capstone experiences. While the examples provided focus on capstone experiences within a law degree, they can be adapted to other discipline areas.

This booklet provides a number of examples of existing units, from Australia and overseas, which could be adapted to form part of a capstone experience and which could usefully be incorporated within a law degree. While most are operating within the law discipline, a few have no current legal 'incarnation' but have been adapted from capstone experiences existing in other disciplines. Generally, capstone units have either an *integration* and *closure* focus or a *transition* focus. That is, the units are designed to either integrate and synthesise student learning and bring closure to their university experience, or assist them in their transition as graduates into the profession. Therefore the examples discussed here have been categorised into either of the two themes, although the project team advocates that capstone units be designed with all six principles of curriculum renewal in mind.

The examples are presented as 'mini-portraits' of the types of learning environments that might be implemented, whether as part of, or as a stand-alone subject, within the particular institutional requirements and objectives of individual law degrees. Indeed the different options could be combined to form the whole final year program. The Principles of Curriculum Renewal and the Favourable Conditions supporting them have been reproduced in the front section of this booklet.

PRINCIPLES OF CURRICULUM RENEWAL

The project team recommends law capstone experiences be designed in accordance with the following six inter-connected design principles:

1. **Transition**
    An effective capstone experience supports transition by:
    *   Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;
    *   Assisting students in beginning to develop a sense of professional identity; and
    *   Supporting students to manage their career planning and development.

2. **Integration and Closure**
    An effective capstone experience provides integration and closure by:
    *   Supporting students to integrate, synthesise and extend their learning in the program; and
    *   Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.

3. **Diversity**
    An effective capstone experience responds to diversity by:
    *   Enhancing students' capacity to engage with diversity in professional contexts; and
    *   Being inclusive of all students.

4. **Engagement**
    An effective capstone experience promotes student engagement by:
    *   Requiring students to assume active roles, to apply their learning in realistic, authentic and unfamiliar contexts and to take responsibility for their own work; and
    *   Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.

5. **Assessment**
    An effective capstone experience recognises the culminating nature of the experience by:
    *   Aligning assessment practice to the capstone principles; and
    *   Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.

6. **Evaluation**
    An effective capstone experience:
    *   Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;
    *   Contributes to the whole of program evaluation; and
    *   Contributes to the demonstration of student attainment of the discipline learning outcomes.

FAVOURABLE CONDITIONS

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

- the taking of a 'whole-of-program' approach to curriculum design;

- the identification of program learning outcomes that take into account the discipline threshold learning outcomes, the institution's graduate attributes, professional accreditation requirements and the institution's and/or the law school's mission(s);

- embedding and incrementally developing the program learning outcomes throughout the program to assure student preparedness to engage in the higher order cognitive and affective processes required;

- assuring the development of the program learning outcomes at checkpoints throughout the program (for example, by use of a student ePortfolio);

- fostering a quality learning environment and good teaching and learning support within the law school and/or institution;

- ensuring that the capstone experiences are mediated through intentionally designed curricula and co-curricula;

- ensuring that the capstone experiences delivered are appropriately supported and resourced and that the associated logistics and risks (for example, occupational health and safety, ethics clearances, intellectual property, etc) are identified and managed proactively;

- ensuring staff are developed, valued and rewarded for their capstone-focused perspective and partnerships; and

- providing institutional support to ensure that the conditions that promote successful student transition out of university and into the world of work, professional practice and future learning are appropriately resourced and are sustainable over time.

PART 1: TRANSITION-FOCUSSED CAPSTONE EXAMPLES

The examples presented in this first section all have the purpose of providing *transition* experiences for students. As such, they are directed principally at one or more of the following:

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

- Assisting students in beginning to develop a sense of professional identity; and

- Supporting students to manage their career planning and development.

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

For a more detailed discussion of the *Transition* principle please refer to the *Toolkit*.

The Virtual Practice/Law Office

Keywords: virtual law office, transactional learning, situated cognitive learning, virtual learning environment, professional identity, constructivism; activity theory case studies.

Aim/Context

In this subject, students are introduced to a virtual office, containing a number of different departments dealing with different areas of law. The student is assigned to a particular area where as trainee or junior solicitors they are given a number of case files. These ideally would be based on real, de-identified cases (although theoretical case studies could be used).

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

For an example of how a matter could be progressed, using a domestic violence scenario, see Pescod and Seagreaves (2009, 4-5). A further example is the *Ardcalloch Sheriff's Office* (see Barton and McKellar 2007), SIMPLE project (see Maharg and Li 2008; Maharg 2007, 171-203 and Ch 7). For an extensive discussion of the educational theories underpinning the SIMPLE project in Scotland, see Maharg (2007).

Learning and Teaching Approach

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

Suggested Favourable Conditions

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

Assessment Options

- Both formative and summative assessments are appropriate for this capstone experience.

- Many professional subjects are assessed on a 'competent/not competent' basis.

- An example piece of assessment may involve students submitting documentation (for example, a letter of advice).

- Development of personal portfolio of achievements.

Connection to Capstone Principles

Strong connection with Engagement as well as Transition.

Advantages/Disadvantages

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

The virtual legal office is an appropriate vehicle for a broad range of assessment options.

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

References/Further Reading

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Transactional Legal Practice (Flinders University)

Keywords: transactional learning, blended learning, online instruction, life-long learning, mentoring.

Aim/Context

Flinders University Law School provides an LLB/LP degree comprising both the Priestley 11 undergraduate subjects and the practical legal training subjects required for admission as a legal practitioner. The curriculum integrates the teaching of skills including research, interviewing and letter writing from first year. Those skills are assessed in their advanced forms toward the end of the subject. All skills and practical subjects are assessed on a non-graded, pass or fail basis.

Transactional Legal Practice is a semester long subject weighted at half of a full time enrolment load for that semester. It encompasses the professional areas of property practice, corporate and commercial practice and wills and estates practice. In the way it is taught, it provides an opportunity for students to learn and to be treated as emergent professionals. The topic aims to provide as 'real world' an experience as possible within the constraints imposed by resources and the university context.

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

(The project team thanks Mary Heath, Deborah Ankor and Lucy Evans for the description of their unit presented here).

Learning and Teaching Approach

This approach is an example of transactional learning (Maharg 2007, 175-176). It utilises a blend of face-to-face interaction (including instruction, meetings of student 'legal practices' and interviewing of standardized clients), and online interaction and resources (discussion boards, chat rooms, online management and assessment of practice and individual tasks and provision of resources). It has a strong focus on peer interaction and self reflection.

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

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

Attendance at face-to-face sessions is not compulsory, however students are required to attain sufficient face-to-face sessions to gain a required number of continuing professional development (CPD) points in the same way that legal practitioners are required to undertake mandatory CPD.

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

Suggested Favourable Conditions

- The integration of legal practice skills and context within the degree programme.

- A degree of alignment of competencies required for admission as a legal practitioner with the university's graduate outcomes.

- Support for alternative approaches from School and Faculty and recognition for staff involved in innovative teaching.

- Staff with an understanding of legal practice and the ability to design appropriate and authentic transactional learning activities within a context of professionalism.

- Pre-requisites requiring students to have completed the majority of other core topics in the degree.

- Capacity to offer a subject that is taught over a suitable time period.

- Capacity to offer students time and space in which to work together as teams (on and off line).

- Institutional support in relation to student career guidance, mentoring, etc.

Assessment Options

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

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

academic exercises.

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

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

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

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

As part of this process, each student is asked whether they are confident of their competence in key areas and offered the opportunity to undertake extra work if they think it necessary. In 2011, of those students whom staff identified as requiring further work before they could be assessed as a pass grade, a significant number recognised their own lack of competence and volunteered to undertake resubmission of tasks.

Connection to Capstone Principles

The core design aims of this subject were to provide a capstone experience that would:

- Provide students with an environment that encourages them to start the Transition process from student to novice professional;

- Offer Closure and Integration through opportunities for synthesis and Integration of skills and knowledge acquired throughout the degree;

- Be inclusive of all students and responsive to their Diversity;

- Encourage Engagement through active, realistic, applied and self-reflective learning in an environment which assists students in building professional identity and confidence;

- Provide an Assessment regime (comprising formative assessment tasks and the summative performance appraisal process) aligned to capstone principles with intrinsic self-reflection requirements; and

- Provide mechanisms within the subject for Evaluation of both individual tasks and the subject in its entirety.

Advantages/Disadvantages

- This approach allows an entire student cohort (regardless of its size) to undertake a capstone experience.

- This approach can be offered within the bounds of limited resources and without access to complex software.

- Offering a structured experience such as this prior to, or in conjunction with, student placements represents excellent preparation for work integrated learning.

- The provision of mentoring and work-like professional environments supports the learning of all students, but may also allow students who are the first in their families to undertake university study and/or professional employment to access the social resources and confidence necessary for success in this profession.

- Advance planning and construction of exercises for students is required for this approach to work well.

- Creative leadership was required to organise policy compliance for a topic which did not meet institutional expectations of how a topic should be organised and run.

References/Further Reading

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The Clinical Year in Law (Washington and Lee School of Law, USA)

Keywords: clinical year, law clinic, experiential learning, transactional learning, simulation, work-integrated learning, professional identity, case studies.

Aim/Context

Emerging from the United States of America, and described as being inspired by the medical school clinical rotation, this 'clinical year' program would make up the great majority, if not all, of a student's final year. Designed for a very small group of students, each student would undertake a number of rotations in a law department during the year. While the exact components vary depending on the institution, such programs contain most of the following elements: a one-two week intensive skills program, followed by an experiential rotation of 8-10 weeks. The content of the rotations would be based on practice areas, with preference given to those areas where students would have stronger employment prospects. Exactly what these areas would be will differ according to the jurisdiction where the capstone experience was introduced. The mode of learning delivery might involve a traditional law school clinic, one or more practica (utilising simulations), or an externship.

Other programs offer additional elements to the clinical year: for example, a parallel professional responsibility subject (for example, the Stanford program) or law related services such as taking part in a moot or editing student law journals.

Washington and Lee outline their third year program as follows:

In lieu of traditional coursework conducted in a classroom setting, the third year curriculum will conducted entirely through the following programs:

- **Professionalism Program**. This is an entirely new, year-long program that will be ongoing for all students throughout the third year.

- **Practicum Courses**. The largest single component of the third year experience will consist of practicum courses. These will be principally simulated practice experiences but may in some instances include real-client experiences.

- **Clinics**. Washington and Lee currently has four legal clinics, and ... have plans to expand the Law School's clinical offerings.

- **Externships**. These are placements in external practice and judicial settings. These already exist and will be modestly expanded.

- **Law Related Service Program**. All students will be required to engage in extra-curricular law-related service, which may include traditional programs internal to the Law School, such as participation in law reviews and journals, moot court competitions, or student organizations; or in external community service and pro bono activities.

- **Transactional Practice Intensive**. A two-week, intensive course in transactional practice will be required of all students.

- **Dispute Resolution Practice Intensive**. A two-week, intensive course in dispute resolution practice (emphasizing litigation, mediation, arbitration, and negotiation skills) will be required of all students.

Stephen Ellmann (2008) described a program that was to be piloted in the 2010-2011 academic year at the New York Law School. The program involves a small group of about eight students undertaking three rotations in three work placements. Each clinical rotation was to last for eight weeks and be worth 6 credits. Each rotation would be preceded by a two-credit, one-week intensive skills and substantive law preparation course. In total, the three rotations would make up two full semesters. Ellmann (2008) suggested rotation areas such as real estate law (a transactional field), immigration law (combining administrative law and litigation practice), and juvenile law (a litigation field).

Learning and Teaching Approaches

This capstone experience involves a combination of experiential learning, simulation and work-integrated learning. It would involve a high degree of cooperation between the profession and the faculty.

Ideally, the students would be supervised by a lawyer working in the relevant area covered by the placement, who would then also be a member of faculty for the duration of the rotation. Academic staff would be responsible for the one week-intensive, and assessment would be carried out by both the workplace supervisor and the faculty.

The proposed program aims to immerse the student into the workplace, and is described as a kind of apprenticeship, providing a more in-depth experience than in-house clinics (Ellmann 2008, 884).

Suggested Favourable Conditions

As this type of subject would usually be restricted to small groups of students (the Washington and Lee program is mandatory) and entry requirements might need to be quite strict. Students would need to be at the very end of their studies, and may be required to possess a high GPA. As only a small number of practice areas can be utilised, students might be required to have studied in the areas previously. For example, if one of the rotations takes place in the Family Law Department then the student will need to have completed a family law subject.

Assessment Options:

- Emphasis is on satisfactory student performance in various tasks rather than on marks.

- Tasks revolve around the relevant practice area. Examples include:

- In family law, negotiation of a prenuptial agreement and representing the father in a surrogate arrangement.

- In wealth transfer planning, drafting a will and negotiating with taxation departments.

- Connection to Capstone Principles:

- This subject has a strong connection with Transition with several opportunities to incorporate other principles through selection of practica and assessment.

Advantages/Disadvantages

- Very adaptable model suitable for the different practice areas within law.

- High degree of integration of skills with knowledge.

- Limited models to provide guidance as to implementation as this model has been implemented in relatively few law schools.

- Student evaluations indicate significant student discomfort with the change from traditional law school programs (a certain number of hours of reading/attending a lecture, followed by an exam) to a 'professional year' (involving significant time investment of 20-25 hours per week as well as added time for law related services type activities). (See for example the Interview with S. Brett Twitty, Director of Admissions, W&L Law at http://www.top-law-schools.com/interview-twitty.html).

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Law Internship (referred to as externships in US)

Keywords: internships, work integrated learning, professional identity, experiential learning, workplace supervision.

Aim/Context

Internships are common in a number of vocational programs, such as medicine, accounting and engineering. They are also becoming more common in areas such as political science (Hindmoor 2010). They have been defined as "any carefully monitored work or service experience in which a student has intentional learning goals and reflects actively on what is being learned throughout the experience" (Abeysekera 2006, 10).

While a variety of different formats are possible, depending on the particular institution's objectives and resources, such capstone experiences are often structured as a semester, stand-alone program. The law internship is one type of work integrated learning (WIL). Students may work full-time at their host organisation, or 1-2 days per week. Students may be placed with a court, government office or agency, public interest organisation or business. They perform the tasks of a lawyer under the supervision of both an on-site lawyer and faculty supervisor. The student is expected to engage with the usual type of tasks in that workplace. On its webpage, the University Of Dayton School Of Law expresses the goals of its externship program as follows:

> ... to present the student with opportunities for substantial, supervised experience in analysing legal problems, and finding creative and competent solutions to those problems by applying the skills and knowledge they have studied in law school, guided by a skilled and experienced practitioner.

Internships are common capstone experiences in a number of disciplines including business. Examples of law internships exist at a number of Australian and international universities. (See the Australian National University School of Law subject LAWS2230 at http://law.anu.edu.au/undergraduate/internship.asp).

Learning and Teaching Approaches

Experiential learning is the predominant approach in these models. The structure of internships varies greatly from institution to institution depending on the particular legal landscape.

Suggested Favourable Conditions

Commonly popular with students, enrolment is usually limited to final semester students who are academically strong. Enrolment is based on student application; students will need to show a strong interest/completion of prerequisite subjects in the practice areas offered for internship.

Assessment Options

Examples of assessment for these sorts of subjects include:

- 6,000 word research papers (100% assessment) marked jointly by professional supervisor and the program co-ordinator (see, for example, Australian National University subject LAWS2230).

- A fact sheet outlining conflicts of interests for government department officers (Hindmoor 2010, 484).

- A research or policy paper on issue provided by host organisation, together with a reflective journal.

Connection to Capstone Principles

- Transition – bridge between study and work; helps the student to be employment ready; allows the student to become part of their chosen profession's culture.

- Closure and Integration – through their host organisation's tasks, students are encouraged to reflect upon and adapt existing discipline knowledge.

- The Diversity principle is also prominent here. There are a number of different workplaces that could be used in such capstone experiences; all giving students the opportunity to interact with people from various walks of life.

Advantages/Disadvantages

- Strong advantage for those students who are able to secure an internship – often these positions will lead to fulltime jobs. Hindmoor expresses concerns that this might become an equity issue if universities/faculties are unable to secure internships for all their students (2010, 484)

- Given the diversity of graduate destinations associated with a law degree, there are a considerable number of possible workplaces that might be appropriate for an internship.

- Due to their optional nature and the practical difficulties involved in providing internship opportunities to all students undertaking a degree, the internship is usually not appropriate for the sole capstone experience (Hindmoor 2010, 486).

- It may be difficult for the internship to effectively address all the different objectives of an appropriately designed capstone experience (McNamara et al 2010).

- These programs can be time consuming for faculty to organise; both in choice of student and of host organisation (Hindmoor 2010) and require considerable administrative support from faculties.

- There is also some difficulty in ensuring that each experience is of required standard. While internships have the necessary links with the main curriculum, they may

involve considerable time negotiating an appropriate project with the host organisation. Failure to invest the time can lead to ad hoc experiences.

- Issues of sustainability may arise particularly as regards appropriate supervision (given, for example, that host supervisors may resign or be promoted).

References/Further Reading

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Virtual Law Internship (Queensland University of Technology, School of Law)

Keywords: virtual learning environment, project based learning, experiential learning, collaborative learning, work integrated learning, internship, workplace supervision.

Aim/Context

In this subject, students are required to undertake a virtual placement. This involves students using online communication technologies to interact in the workplace. As part of this placement students will be required to undertake a substantive workplace project but will also need to complete an application for a position in that workplace (for example, responding to a job advertisement, addressing selection criteria {where appropriate given the particular workplace}, preparing a resume and writing a covering letter). This type of capstone experience differs from the virtual office example discussed in this document, as the workplace is real; the student is interacting with the workplace and its employees electronically. It also differs from traditional work integrated learning as the student is not required to attend a physical workplace, allowing for greater participation of workplaces (international employers can take part) and for greater diversity and breadth of career destinations. It is also an appropriate model for external or distance students.

Learning and Teaching Approaches

- Experiential learning and reflective practice.

- Collaborative learning by students using the online discussion forum.

Suggested Favourable Conditions

At the QUT Faculty of Law, places in the subject are capped at 50 students. Places are allocated within the quota on the basis of the order of receipt of expressions of interest in enrolling in the subject, although preference is given to students in their final years of study and who have not previously completed other work integrated units. External students are especially encouraged to apply.

Assessment Options

In the QUT subject, students must satisfactorily complete all pieces of assessment to pass the program.

The summative assessment includes:

- A job application worth 10% where students must submit a letter of application, resume and a response to selection criteria (where appropriate).

- An online discussion forum worth 20%. Students are required to discuss issues, ideas and comment on the prescribed topics and readings, exchange reflections on their learning in the placement and otherwise communicate with, and learn from, other students enrolled in the unit, academic staff and, where appropriate,

workplace supervisors and experts in particular fields. At the completion of the semester students are required to submit an individual executive summary, not exceeding 750 words, which identifies, describes, analyses and critiques the key issues discussed and the outcome of discussions on two different topics considered in at least two different weeks.

- Project, worth in total 50%, comprising a team project outline or team report of not more than 750 words, and the completed team project.

- Electronic Student Portfolio Reflections worth 20%. Each of the three required reflections should be 400 words and be supported by relevant artefacts of examples of real work (such as letters, memos or presentations) completed during their virtual placement.

(For an example see LWB422 Virtual Law Placement at QUT.
http://www.courses.qut.edu.au/cgi-bin/WebObjects/Courses.woa/wa/selectUnitFromCourseDetails?idunit=42720&strUnitOutlineSelect=LWB422).

Connection to Capstone Principles

- Transition – bridge between study and work; helps the student to be employment ready; allows the student to become part of their chosen profession's culture.

- Closure and Integration – through their host organisation's tasks, students are encouraged to reflect upon and adapt existing discipline knowledge.

- The Diversity principle is also prominent here. There are a number of different workplaces that could be used in such capstone experiences; all giving students the opportunity to interact with people from various walks of life.

Advantages/Disadvantages

- While achieving many of the same objectives as the work placement or internship, the virtual internship model is capable of being used to overcome the problems of geographical distance or mobility, as in this model these issues do not impede the student's ability to engage with the workplace.

- The virtual internship can provide a broad range of assessment options.

- There is a strong advantage for those students who are able to secure an internship – often these positions will lead to fulltime jobs. Although Hindmoor expresses concerns that internships can become an equity issue if universities/faculties are unable to secure internships for all their students (2010, 484), the virtual internship opens avenues for students often precluded from participating in a workplace internship, such as those impacted by geographical distance or mobility.

- Given the diversity of graduate destinations associated with a law degree, there are a considerable number of possible workplaces that might be appropriate for a virtual

internship.

- Due to their optional nature and the practical difficulties involved in providing internship opportunities to all students undertaking a degree, the virtual internship is usually not appropriate for the sole capstone experience (Hindmoor 2010, 486).

- It may be difficult for the virtual internship to effectively address all the different objectives of an appropriately designed capstone experience (McNamara et al 2010).

- These programs can be time consuming for faculty to organise; both in choice of student and of host organisation (Hindmoor 2010) and require considerable administrative support from faculties.

- There is also some difficulty in ensuring that each experience is of the required standard. While internships have the necessary links with the main curriculum, they may involve considerable time negotiating an appropriate project with the host organisation. Failure to invest the time required can lead to ad hoc experiences.

- Issues of sustainability may arise, particularly as regards appropriate supervision (given, for example, that host supervisors may resign or be promoted).

References/Further Reading

Hindmoor, A. 2010. Internships Within Political Science. *Australian Journal of Political Science*, 45 (3), 483.

McNamara, J., S. Kift, D. Butler, R. Field, C. Brown, and N. Gamble. 2010. Work integrated learning as a component of the capstone experience in undergraduate law. In M Campbell (ed), *Work Integrated Learning – Responding to Challenges: Proceedings of the 2010 ACEN National Conference*. (Paper presented at Australian *Collaborative Education Network (ACEN) Perth*, September 29 – October 1), 323-357.

McNamara, J. T.L. Cockburn, and M.J. Shirley. 2009. Creating and enabling opportunities for increased student participation in experience based learning in professional practice. In, *Experience Based Learning Association Inaugural Conference*, 7-9 December 2009, University of Technology Sydney, Sydney.

Shirley, M.J. and T.L. Cockburn. 2009. Enabling authentic collaborative education in an online environment: the QUT Virtual Law Placement. In, *16th World Conference on Cooperative Education and Work Integrated Learning*, 23 - 26 June 2009, Simon Fraser University, Vancouver, Canada.

General Practice Skills Program (Phoenix School of Law)

Keywords: professional legal training, professional identity, practice skills, simulation, evaluation.

Aim/Context

This type of program is directed to helping students develop the skills and values important to the practice of law. The Phoenix School of Law model is a mandatory final (third) year subject which is simulation based. This particular model is limited to a cohort of 30 students. Students must attend 85 percent of classes and complete all written assignments. Before the first class, students form themselves into law firms of 4-5 students. Students will stay in these groups for the entire semester. The 'law firm' will undertake collaborative small group assignments and real life problem solving and advocacy exercises. In this way, students are exposed to workplace structures. The 14 week program comprises seven modules involving seven common practice areas with tasks designed to highlight particular skills and ethical values. Each module spans approximately two weeks. Class time is two three hour sessions twice a week (roughly six hours per module), with the last hour of the module devoted to open question and answer sessions. Two instructors are required for each class of 30 students. Prior to each module, students should be provided with all the necessary materials, including the teaching plan and homework assignments. The current areas covered in the Phoenix School of Law program are listed as follows:

- Law Office organisation and management: sessions on working as a team, listening, written communication, counselling, recognising and resolving ethical dilemmas. Common tasks here involve developing a law firm business plan; drafting office documents such as a retention letter, closing letters, client conflict checking processes and discussion of policies regarding the type of legal areas to be covered by the 'law firm'.

- Family Law Practice: sessions on a number of the areas covered above and pre-trial discovery and advocacy; recognising and resolving ethical dilemmas. Common tasks here include interviewing 'clients' in a divorce proceeding (the 'clients' are volunteers from the community who are given a script and a full explanation of what is expected of them); drawing up the necessary documents; participating in a mock court hearing for temporary orders pending dissolution and a court ordered mediation. In the final sessions of the program, students encounters ethical dilemmas. The firm also prepares final decrees, parenting plans and child support calculations.

- Small Business Entities Practice: sessions on drafting legal documents, interviewing and questioning, negotiations, recognising and resolving ethical dilemmas.

- Creditors/Debtors Practice: sessions on written communication, negotiations, factual investigation, recognising and resolving ethical dilemmas.

- Criminal Law Practice: sessions on advocacy, negotiations, pre-trial discovery, interviewing and questioning, recognising and resolving ethical dilemmas.

- Personal Injury Practice: sessions on working as a team, factual investigation, interviewing and questioning, negotiation, advocacy, recognising and resolving.

(see Gerst and Hess 2009, 529, esp. 534-6)

Learning and Teaching Approaches

Simulations, case studies.

Suggested Favourable Conditions

Small cohort of final year students with a large number of substantive law subjects completed.

Assessment Options

- This subject is often graded on a pass or fail basis.

- Student performance in each module is graded as one of the following: not proficient; proficient, or highly proficient. Two or more not proficient grades result in a fail grade for the program.

Connection to Capstone Principles

The Phoenix School of Law model has placed strong emphasis on Evaluation. The GPS subject is evaluated by both staff and students. The program director observes the classes for an entire module of any faculty team teaching a module for the first time. The Faculty advisory committee reviews the teaching plans and materials for each module.

Students are required to evaluate each module as well as the subject as a whole. At the completion of each module, students are emailed a short, easy to complete survey where they are asked to rate on a scale of 1-5 whether the module helped them to become 'practice-ready', the three things they liked best, and whether and how the module could be improved. Student responses are anonymous to encourage feedback.

The students are also surveyed at the end of the subject, and again their responses remain anonymous. Students are asked to evaluate to what extent the subject accomplished the set goals. The survey asks how the students have benefitted from the subject and how it could be improved.

While only in its early years, the GPS subject has had very positive evaluations. Gerst and Hess (2009, 540-546) state that this success is due to the following factors:

- The GPS subject is closely aligned to the goals of the courses, curricula and overall mission of the law school.

- There has been extensive involvement of the practicing bar, law school administration, teachers and students in the subject design. The Faculty surveyed these bodies to get a clear idea of what skills and attributes a graduate should have on entry to the profession. The profession also has a key role in providing the instruction in the GPS subject.

Care was taken in selecting an appropriate grading system in order to ensure that the practitioner teachers were able to provide meaningful feedback to students. The faculty teams provide extensive feedback on oral and written student performances.

Proper training in education is delivered for practicing attorneys who teach in the course to avoid the practitioner taking a 'talking head' approach to the sessions. Emphasis is on the students learning by doing. Team teaching is also used; faculty teachers are teamed with a practitioner. Gerst and Hess note:

> *The most difficult aspect of teaching the General Practice Skills course for the practitioner ... may be to adhere to the teaching plan and refrain from talking too much. Some of the Phoenix School of Law students noted the instructor lectured too much and that there was not enough time to adequately complete the skills exercises. Practitioner[s] ... should be encouraged to 'keep things moving and the students doing' (2009, 544).*

(The authors refer readers looking for further information on providing effective feedback to students on performance of skills to Ralph Cagle, Critiques of Students Lawyering Skills, in Gerald F Hess and Steven Friedland, *Techniques for Teaching Law,* 1999, pp 310-313).

Advantages/Disadvantages

In the Australian context, much of what is outlined above may currently be the province of the professional legal training (PLT) program rather than the undergraduate law degree. Also, such a resource intensive model may not be feasible for the very large cohorts common in a number of Australian Law Schools.

References/Further Reading

Gerst, S.A. and G. Hess. 2009. Professional Skills and Values in Legal Education: The GPS Model. *Valparaiso University Law Review,* 43(2), 513. http://scholar.valpo.edu/vulr/vol43/iss2/2.

Cagle, R. 1999. Critiques of Students Lawyering Skills. In G.F. Hess and S. Friedland (eds), *Techniques for Teaching Law,* Durham, NC: Carolina Academic Press.

Fundamentals of Law Practice (Georgia State University College of Law)

Keywords: problem based learning, practical legal training, work integrated learning, experiential learning, placement, simulations.

Aim/Context

In the first half of this capstone experience, which is currently run over a semester, students first undertake a fieldwork placement with a sole or small firm legal practitioner. In the second half of semester students have a number of case studies and simulations to work through using various tools, including a case management system. There is also opportunity to represent real clients through the Law School Clinic. A three hour weekly session that addresses various topics assists students in their fieldwork and case studies (for example, webcasts on how to use the case management system, how to interview clients).

This unit has been run with a small cohort of 14 students.

Learning and Teaching Approaches

Experiential learning, internships, simulations.

Suggested Favourable Conditions

Small cohorts of final year students with a large number of substantive law subjects completed or students with appropriate programs for admission.

Assessment Options

The plan for assessment being used at the University of Georgia School of Law involves:

- A field work report, worth 40%, addressing a number of questions relating to the student's experience of working with the small firm or sole practitioner;

- Course Portfolio, worth 30%, illustrating their work with the case management system, small writing assignments and reflecting on their class participation. A short presentation on a substantive area of law is also included.

- Client/representation case work, worth 30%. Here students demonstrate their skills in the client intake process. This might involve real clients or a simulation. Students interview the client, take notes, review the client's document(s) and draft an intake memo and engagement letter. Students are required to record their time and generate a bill using the case management system.

Connection to Capstone Principles

This subject has a strong connection to Engagement with several opportunities to incorporate Transition, Assessment, and Integration and Closure.

Advantages/Disadvantages

- This approach can be offered within the bounds of limited resources and without access to complex software.

- Advance planning and construction of simulations for students is required for this approach to work well. To be successful this model requires significant time and financial resources to be committed to designing this subject.

- Placements may not be available for all students wanting to undertake this capstone experience.

- Diversity may be restricted due to geographical distance or mobility impacting on students' participation.

References/Further Reading

Alexander, C. 2011. Learning to be Lawyers: Professional Identity and the Law School Curriculum. *Maryland Law Review, 70*(2), 465-483.

Also see the "Fundamentals of law Practice" web page:
http://law.gsu.edu/ccunningham/FLP/.

Legal Clinics (University of Dayton School of Law; University of Pennsylvania Law School)

Keywords: problem based learning, practical legal training, clinics, experiential learning, simulations, transactional learning.

Aim/Context

Common in the USA, the law clinic is typically a one-semester course offering an "apprenticeship-like setting" (Sandefur and Selbin 2009, 58) for enhanced student learning in order to bridge the gap between university learning and the practice of law. As an example of a law clinic, the University of Dayton School of Law describes its law clinic as follows:

> *This course studies lawyer decision making by placing students in the role of lawyer in real cases and by analysing decisions made in that role. The course consists of two parts, fieldwork and class sessions. In the fieldwork, students will assume the responsibility of representing clients in a variety of legal matters under the supervision of professors trained to work with clinic students. Clinic professors select cases based upon their educational value to enrolled students, and where possible students represent persons in need. Where appropriate, professors may choose to concentrate on specific types of cases, such as criminal law or landlord/tenant law. The class focuses on the role and skills of a lawyer using simulation, review and discussion, and "case rounds" methodologies (University of Dayton, School of Law).*

(for further information see:
http://community.udayton.edu/law/academics/curriculum/externships capstones clinics courses.php).

Clinics are often associated with social justice and professionals' desire to instigate social change, hence there has been a strong focus on litigation clinics (Kosuri 2011). According to Kosuri (2011), transactional learning can also be effectively undertaken in clinics. The interest in transactional clinics is growing in the US, with approximately "80 live-client transactional clinics spread over 200 law schools" (Kosuri 2011, 10).

Kosuri directs the "Entrepreneurship Legal Clinic" at the University of Pennsylvania Law School. The clinic is conducted over one semester with 16 students. Students are supervised by the clinic director and another member of staff. Class meeting requirements for students are two weekly sessions of 80 minutes each with another 18 hours per week work allocation for the clinic. The clinic generally serves 25 clients at a time. Students are paired into teams of two and assigned a client each and a team client (that is three clients in total for the team). The clinic has three targeted categories of clients. The first is "low to moderate income entrepreneurs from economically distressed communities" (Kosuri 2011, 31). The second looks for clients undertaking larger community revitalisation projects, such as job creation projects or business development collectives. The third category of clientele is businesses with a social impact focus. According to Kosuri, the three client categories provide "examples of how transactional clinics can deploy an impact strategy" translating

into "higher impact service, skills training, and pedagogy" (2011, 32).

Learning and Teaching Approach

Experiential learning, simulations, transactional learning.

Suggested Favourable Conditions

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

Assessment Options

- Both formative and summative assessments are appropriate for this capstone experience.

- Many professional subjects are assessed on a 'pass/fail' basis.

- Example pieces of assessment may involve students submitting documentation (for example, a letter of advice), or the development of a personal portfolio of achievements.

Connection to Capstone Principles

Strong connection with Engagement and Transition.

Advantages/Disadvantages

- Very adaptable model suitable for different practice areas of law such as litigation, community economic development, family law, and small business clinics (Kosuri 2011).

- Kosuri argues it is important to ensure educators do not allow the social 'impact' work of clinics to be "undertaken at the expense of students' education" (2011, 1).

- Clinics assist students to reflect on the social impact of their profession and "foster greater pro bono involvement by practicing lawyers" (Kosuri 2011, 42).

- The size of the clinic may require the faculty to work with a partner practice to provide additional support.

- Limited models available to provide guidance on implementation of this capstone course.

- Clinics require substantial time commitments from supervisors to oversee and direct students.

- Supervisors need to be skilled in the area of law addressed by the clinic.

- Clinic clients may remain with the clinic through a number of student rotations making student familiarisation with each case time consuming.

- Clinics can give rise to complicated "ethical and professional responsibility issues" (Kosuri 2011, 44).

References/Further Reading

Black, J.P. and R.S. Wirtz. 1997. Training advocates for the future: The clinic as the capstone. *Tennessee Law Review,* 64(4), 1011-1018.

Sandefur, R.L. and J. Selbin. 2009. The Clinic Effect. *Clinical Law Review*, 16, 57. http://ssrn.com/abstract=1498844

Kosuri, P. 2011. 'Impact' in 3D - Maximizing Impact Through Transactional Clinics. *Clinical Law Review*, 18(1), 11-38. http://ssrn.com/abstract=1932256.

Conferences

Keywords: project based learning, problem based learning, collaborative learning, conference coordination.

Aim/Context

Students work together to plan a conference exploring a topical issue within their chosen discipline. Students have the responsibility of not only organising the logistics of the conference but also for providing the speakers and materials. While some sessions might be presented by Faculty academics or other key writers in that field, the majority of the papers will be presented by students.

While such conferences have been used as capstone experiences in Education and Engineering, there do not appear to be any examples in Law.

While there does not appear to be any law course examples of this form of capstone experience, examples do exist in engineering, education and tourism (see http://www.heacademy.ac.uk/assets/hlst/documents/projects/round_10/r10_hughes_interim.pdf and *Stepping Out* Conference in the Education faculty at QUT http://www.courses.qut.edu.au/cgi-bin/WebObjects/Courses.woa/wa/selectUnitFromCourseDetails?idunit=34053&strUnitOutlineSelect=ucEDB005%7Cuv3%7Cov3%7Cct6TP4%7Csn2011%7Cui).

Learning and Teaching Approach

This form of capstone experience utilises problem based learning, project based learning, and collaborative learning. It would require a high degree of cooperation between team members and has a strong emphasis on project management skills, with the need for supervision by faculty staff.

Suggested Favourable Conditions

Given the level of engagement required, this project should take place during the students' final year as a whole of year project. Such a project would not be suitable as an intermediate capstone or a semester long capstone.

This project would be suited to a small cohort of students working together as a team to plan and deliver the conference.

Assessment Options

Assessment would need to be outcomes based with an emphasis on task performance and cooperation.

Connection to Capstone Principles

Student Engagement is emphasised as students are required to actively pursue their learning throughout the project. Transition is also addressed by requiring students to form network connections with other professionals in the conference topic field which may

benefit the students' future employment prospects.

Advantages/Disadvantages

- Such a project would be quite challenging as part of an undergraduate degree, particularly if completed within a single semester. It may therefore be more suitable as a whole of final year subject.

- Suitable time frames are needed to address the logistical issues of convening a conference such as time frames for submission of abstracts, review of abstracts, securing keynote speakers, etc.

- Suitable supervision and guidelines need to be provided to ensure students are aware of all the requirements for planning and executing a conference.

- Given the amount of time required to plan and present a conference, this type of capstone experience could not be offered to all students and would need to be limited to one event per final year student cohort.

References/Further Reading

The following resources may provide useful related information although they do not directly address the issue of conference presentations.

Phillips, K., and H. Doyle. 2011. An interdisciplinary capstone experience integrates science, technology, business, and law for joint MS students in environment and resources at Stanford University. *Journal of Environmental Studies and Sciences, 1*(3), 201-205.

Camill, P., and K. Phillips. 2011. Capstones and practica in environmental studies and sciences programs: rationale and lessons learned. *Journal of Environmental Studies and Sciences, 1*(3), 181-188.

Student Prepared Journal Article/Issue (New York Law School)

Keywords: project based learning, problem based learning, journal article.

Aim/Context

The preparation of a journal article or journal issue has not been instigated as a stand-alone capstone subject. Instead, the production of a journal article often appears to be part of a larger capstone unit. For example, for the Masters of Nursing program at the Salisbury University in Maryland USA, students undertake a research project which culminates in the production of a published article. Likewise, the New York Law School publishes students capstone experiences in its "Student Capstone Journal", however the journal article itself forms only part of the capstone course. As a consequence, the writing and successful publication of a journal article as a stand-alone capstone subject remains undeveloped. The example provided here draws on the broader subject developed by the New York Law School.

As a capstone subject, the New York Law School produces the 'Student Capstone Journal'. The journal is run through the *Justice Action Center Student Capstone Journal*. Students engage with the Center in their second year of study and complete several requirements, such as "concentrating in a particular area of social justice law, completing a social justice placement, and completing a capstone" (NYLS). The Center is promoted as a vehicle for evaluating "the efficacy of law as an agent of change and social betterment" and engages students in the fields of "Anti-Discrimination Law, Civil Liberties, Criminal Law, Economic Justice, Education Law, Environmental Law, Family Law, Immigration Law, International Human Rights, Labor and Employment Law, Mental Disability Law, and Social Change Advocacy" (NYLS). The Center provides students with the opportunity to engage in externships, clinics and workshops. The capstone experiences are consolidated as articles published in the journal.

(Please refer to New York Law School, Student Capstone Journal at: http://www.nyls.edu/centers/harlan_scholar_centers/justice_action_center/clinical_research_institute/student_capstone_journal/).

Learning and Teaching Approach

Experiential learning, problem based learning.

Suggested Favourable Conditions

This capstone experience is suited to students in the later years of their studies or undertaking graduate studies. In order to complete a successful journal article students would need to have completed a research project, researched a problem area of law, or undertaken a clinic or workshop of notable interest. Therefore it is unlikely students in the earlier stages of their studies would have the necessary skills or have engaged in professional experiences that would result in the successful publication of a journal article.

Assessment Options

Assessment would need to be crafted around the various stages of submission, such as the preparation of a plan of development, draft proposal, submission to a journal, and final version for publication.

Connection to Capstone Principles

This course connects with Engagement, Diversity, and Transition and to a lesser extent, Integration and Closure.

Advantages/Disadvantages

- Very adaptable model suitable for any area of law.

- Need for a moderate to high level of engagement and oversight by a faculty staff member to guide the student toward the successful completion of the journal article.

- Supervision for independent research projects is relatively time-consuming, especially if it is one-on-one supervision, and numbers might not be able to be limitless depending on supervision skills and availability of staff.

References/Further Reading

Campbell, W.T. and S. Benn. 2011. Individualizing a Capstone Project: A Cruise Ship Nurse Creates a Brochure About the Norwalk Virus. *Nurse educator*, 36(1), 25.

Seeborg, M.C. 2011. Achieving Proficiencies In Economics Capstone Courses. *Journal of College Teaching and Learning (TLC)*, 5(2).

New York Law School Student Capstone Journal, http://www.nyls.edu/centers/harlan_scholar_centers/justice_action_center/clinical_research_institute/student_capstone_journal/.

PART 2: CLOSURE AND INTEGRATION FOCUSSED CAPSTONE EXAMPLES

In these examples, the main focus is on the capstone principle of Closure and Integration. The subjects are more directed at one or both of the following:

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

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

These examples appear to be focussed more around creating synergies with the students' existing knowledge, rather than a focus on skills. Often too, these capstones are best described as 'magnet' capstones as they are usually focussed on providing a culminating experience in a particular discipline/subject area.

To read more about the Closure and Integration principle please refer to the *Toolkit*.

Dispute Resolution/Advocacy Law

Keywords: alternative dispute resolution, collaborative learning, problem based learning, advocacy.

Aim/Context

Students are placed into groups and provided with a case study containing a number of issues to be resolved. They are required to produce a report which is to be presented to their 'client'. For example, the students may be tasked with resolving a number of human resource issues within a non-profit organisation (Ver Ploeg and Hilbert 2010). While knowledge of a number of different areas of law will be involved, the emphasis will be on the reinforcement/application of students' knowledge of advocacy and dispute resolution.

Learning and Teaching Approaches

Collaborative group work, problem based learning. Students could also be encouraged to develop life-long, self-directed learning techniques through a requirement to assess the existing Alternative Dispute Resolution (ADR) literature for material relevant to their case study.

Suggested Favourable Conditions

Advanced year law students (maybe not restricted to final year); completion of pre-requisite course on ADR principles.

Assessment Options

Formative assessment options could include: client interviews, reflection journals reporting on how various conflicts both with client and student groups are resolved; time sheets.

Summative assessment options could include a formal written report outlining ways to resolve "client's" issues, together with a client presentation. Alternatively, a manual of procedures for dealing with conflicts within the workplace could be primary assessment.

Connection to Capstone Principles

While there is a clear focus here on Closure and Integration (that is, the development and application of substantive areas of law to the resolution of disputes), the other capstone principles are also engaged.

The real world nature of the problems assists students by introducing them to the workplace culture and their role in it (Transition).

Student Engagement is promoted through the development of life-long learning strategies and the need to reflect upon how their previous knowledge of law integrates with dispute resolution principles in application to the provided case study.

The Diversity principle is promoted through having to interact with the "client" and perhaps other professionals within their "client's" organisation.

Advantages/Disadvantages

- This model can be offered without the need for additional resources other than those usually associated with the delivery of a subject.

- The model allows for all interested in alternative dispute resolution to undertake a capstone experience.

- Offering a structured experience such as this prior to, or in conjunction with, student placements represents excellent preparation for work integrated learning in this field of law.

- Advanced planning and construction of exercises for students is required for this approach to work well.

- This model offers a high degree of integration of skills and knowledge.

References/Further Reading

Ver Ploeg, C.D., and J. Hilbert. 2011. Without a Net: Advanced ADR Students Problem Solve for Real. *The Legal Education Digest, 19(1), 34*-38. http://www.law.uwa.edu.au/_data/assets/pdf_file/0009/1888947/2011-Legal-Education-Digest_Vol-19-No1-.pdf.

Ver Ploeg, C.D., and J. Hilbert. 2010. Project-based learning and ADR education: one model for teaching ADR students to problem solve for real. *William Mitchell Legal Studies Research Paper No. 2010-18.* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1684228.

Gerst, S.A. and G. Hess. 2009. Professional Skills and Values in Legal Education: The GPS Model. *Valparaiso University Law Review,* 43(2), 513. http://scholar.valpo.edu/vulr/vol43/iss2/2.

Law of Remedies

Keywords: problem based learning, case studies, remedies law, simulations, experiential learning.

Aim/Context

From their law school studies students have some knowledge of a large range of substantive law areas. The aim of this type of semester subject is to allow students to integrate their knowledge of a number of substantive law areas to develop a more structured understanding of the law relating to remedies.

Learning and Teaching Approaches

A problem based learning or case approach is used – students are provided with a number of scenarios where they are asked to identify the available remedies and select the most appropriate options.

Suggested Favourable Conditions

As a 'magnet' capstone, students should have completed a number of law subjects.

This unit could be an appropriate one for an intermediate cornerstone or capstone – for example, the concluding subject for second year.

Assessment Options

As a more traditional-style law subject, the assessment will tend to be more traditional also: for example, an exam or a research paper addressing the set problem.

Connection to Capstone Principles

Here, the emphasis will be heavily on Closure and Integration – allowing students to synthesise and build upon existing knowledge of the law of remedies. Some elements of student engagement can also be promoted through the development of life-long learning strategies if significant research tasks are built into subject design.

Advantages/Disadvantages

- This model can be offered without the need for additional resources other than those usually associated with the delivery of a subject.

- The model allows for large cohorts of students to undertake a capstone experience.

- Advanced planning and construction of exercises for students is required for this approach to work well.

- This model offers a high degree of integration of skills and knowledge.

References/Further Reading

Stockmeyer, N.O. 2010. An Open Letter to a Colleague Preparing to Teach Remedies. *Thomas M. Cooley Journal of Practical and Clinical Law*, 12(2), 115.

Weaver, R.L. and D.F. Partlett. 2007. Remedies as a 'Capstone' Course. *The Review of Litigation,* 27(2), 269-279.

Interdisciplinary Capstone Seminar

Keywords: project based learning, problem based learning, interdisciplinary collaboration, symposium, peer review, integrated learning.

Aim/Context

Designed with double-degree students in mind or for those seeking an experience beyond the home discipline, final year students select a project/research area that aims to integrate their existing disciplines' knowledge and which addresses a real world problem or opportunity. Students may present their work at a public symposium. For example, environmental law students could undertake consideration of the legal ramifications of a carbon-credit taxation scheme; psychology and law students could examine strategies and interventions to deal with cyber-bullying.

Learning and Teaching Approaches

Problem based learning and peer review are the primary learning approaches used here. One example subject structure requires students to work either individually or in groups of up to three members. The student or group selects the project question and develop a detailed research plan, which must fulfil the guidelines provided by the faculty regarding complexity and level of knowledge. This plan is reviewed and approved by a panel of academics. Students meet on a fortnightly basis through the semester to peer review the project and to provide updates on their progress. Peer review plays a particularly important role in providing students with feedback on subject knowledge outside of the staff member's expertise. Other sessions can be included to cover skill based areas such as how to write an annotated bibliography or refreshers on research. However, ultimately the project should be student rather than teacher driven. The culmination of the capstone experience is a 15 or 30 minute presentation at a public capstone project symposium. (For more details on a similar example structure, see http://e-iper.stanford.edu/academics/joint-ms/joint-ms-capstone-project).

Suggested semester plan (see http://e-iper.stanford.edu/academics/joint-ms/joint-ms-capstone-project):

Week 1:	Project selection, group formation, advisor selection.
Week 2:	Draft proposals.
Weeks 3-4:	Final proposals, review and approval by course co-ordinator//faculty.
Weeks 4-10:	Fortnightly class meetings, peer reviews, project updates and feedback.
Week 11:	Practise symposium presentation.
Week 13:	Final presentations at Capstone Symposium.
After Week 13:	Submission of written report for grading.

Suggested Favourable Conditions

Given the depth of knowledge required, this project should take place during the students' final semester. Such a project would not be suitable as an intermediate capstone.

Assessment Options

Students can be required to submit a report of their findings which then can be graded on a pass or fail basis. The symposium presentation would also be assessed, with one option being that the presentation represent 100% of the assessment.

Phillips and Doyle (2011) have expressed concerned that a pass/fail model may result in an overall lower standard of student work, with students only doing the minimum amount needed to pass. They suggest an alternative model where assessment is graded on criteria including class participation, peer review and quality of the final presentation (Phillips and Doyle 2011, 205).

Connection to Capstone Principles

While this experience is largely focussed on the Closure and Integration principle, the student project could form a useful base or addition to a student's professional portfolio or even form the basis of a business plan (Transition). Student Engagement is also emphasised as students are required to actively pursue their learning throughout the project. The subject allows them to identify and address any gaps in their knowledge or the coursework of their degree.

Advantages/Disadvantages

Such a project would be very challenging as part of an undergraduate degree, particularly if completed within a single semester. Suitable guidelines need to be provided to ensure that students fully appreciate the need for them to clearly articulate and define the parameters of their project question. It may also be that students will need to be given extra-curricular opportunities to develop the necessary research or writing skills or be provided examples of high quality proposals or reports.

Ideally, students should have the opportunity to meet with an appropriate faculty mentor. This may be difficult, depending on the size of the student cohort and the breadth of student interests. The success of such a capstone experience will depend in large part on faculty and staff support throughout the university (as the student project should cover more than one discipline.)

Phillips and Doyle also note that assessing these projects, given the potential variety of topics, can also be challenging (2011, 205).

References/Further Reading

Phillips, K., and H. Doyle. 2011. An interdisciplinary capstone experience integrates science, technology, business, and law for joint MS students in environment and resources at Stanford University. *Journal of Environmental Studies and Sciences, 1*(3), 201-205.

Camill, P., and K. Phillips. 2011. Capstones and practica in environmental studies and sciences programs: rationale and lessons learned. *Journal of Environmental Studies and Sciences, 1*(3), 181-188.

Advanced Research Problem

Keywords: advanced research, information retrieval, critical analysis, advanced writing skills.

Aim/Context

This type of subject aims to draw students' knowledge of a number of substantive areas of law together into a more cohesive whole by requiring students to resolve a multi-faceted legal problem.

(The project team thanks Pauline Collins for the description of the unit that appears here).

Learning and Teaching Approaches

Students, working in teams of three, choose a problem from a limited number of detailed problem scenarios, each of which will cover at least three substantive areas of law. The end product may be a research paper, however, such a subject could be developed further by adding a 'real world' element where students would need to draft any necessary ADR or court documents and then present their solution to the 'firm'. If this more advanced model was selected, then practitioners from the outside profession could be involved in the setting and assessing of the problem.

Students would not be engaged in classes; rather the course would be a student-led project with supervision meetings at regular points with an academic.

Suggested Favourable Conditions

Advanced year law students (may not be restricted to final year); completion of substantial law subjects necessary.

Assessment Options

- The first assessment requires an individual reflective piece woth 25%, linking to assessment from a first year subject (for example, Law in Context) involving reflection on values. The reflection requires students to justify their choice of problem scenario based on a reflection on values along with a demonstration of understanding of the legal theory that underpins the problem scenario.

- The second assessment requires students to give half-hour group presentations on the scenario in any medium (documents, video, oral). The focus of the presentation is on what approach will be take to solving the particular problem and basis for that method and vingnette demostrations of that process in practice. This assessment is triangulated (peer, self, academic,) and is woth 40% of the overall subject grade.

- The third assessment is an individual work record. This would demostrate in detail the preparation the individual student has contributed to the group resolution of the scenario. (For instance they may undertake the ADR involved and thus provide detailed evidence of how they would do this). This assessment is worth 35% of the overall grade.

Connection to Capstone Principles

This subject connects with the principle of Engagement. If the more advanced model is adopted, it connects more strongly with Transition.

Advantages/Disadvantages

- This model can be offered without the need for additional resources other than those usually associated with the delivery of a subject.

- The model allows for large cohorts of students to undertake a capstone experience.

- Advanced planning and construction of problem scenarios for students is required for this approach to work well.

- This model offers a high degree of integration of skills and knowledge.

References/Further Reading

The following resource may provide useful related information although it describes a more advanced capstone subject designed for postgraduate students.

Campbell, W.T. and S. Benn. 2011. Individualizing a Capstone Project: A Cruise Ship Nurse Creates a Brochure About the Norwalk Virus. *Nurse educator*, 36(1), 25.

Lawyer as Problem Solver (University of Dayton, Law)

Keywords: magnet capstone, advocacy, criminal law, torts, commercial law, experiential learning, student engagement, collaborative learning, problem based learning, simulations, case study.

Aim/Context

This subject is similar in a number of ways to the Advanced Research Problem subject, with the University of Dayton introducing a number of capstone experiences into their existing programs. These are 'magnet' capstones and apply to 'streams' of learning. Legal issues addressed include legal protection of Indigenous cultures, civil rights, cyber crimes and commercial real estate transactions. Each area can be undertaken in a semester-long program. The aim of the Dayton School of Law is to produce "problem solving graduates who are well-prepared for practice and leadership in the legal profession and their communities" (Kloppenberg 2009, 1099).

Within the selected legal issue, students are encouraged to use knowledge gained in earlier subjects to solve complicated problems (some of which are derived from past experience as well as simulated problems). The problems are representative of the legal issues students will encounter when they commence working in the legal profession and utilise reproductions of actual documents were possible.

Learning and Teaching Approaches

The emphasis is on problem-based learning.

Suggested Favourable Conditions

There is some flexibility in terms of where these types of 'magnet' capstone experiences are implemented during a degree or program of study. Many of these options would be appropriate for intermediate capstones (for example, at the end of second year). However care should be taken to ensure that students have a basic knowledge of the substantive area of law being considered. For example, before the student undertakes a capstone experience in criminal advocacy, they should have completed a core subject on criminal law.

Assessment Options

Examples of assessment items utilised in the University of Dayton law capstone experiences are:

- Preparing mediation documentation for hypothetical clients in commercial disputes involving development of a shopping mall.

- Advising and preparing documentation required for clients starting a small business.

- Conducting initial client interviews in civil rights disputes.

- Drafting a jurisdiction specific manual for prosecutors handling a cybercrime case.

- Conduct of a number of hypothetical criminal law matters, including pre-trial processes, arraignment, grand jury proceedings where students act as both prosecution and defence counsel.

- Research paper on cybercrime.

- Writing assignments requiring drafting pleadings and summary judgment motions.

Connection to Capstone Principles

As well as Integration and Closure, Transition, Engagement and Diversity are also promoted in this subject.

The objectives of Transition and promotion of professional identity are also present as students become aware of how their hypothetical client's priorities, needs and interests impact on legal considerations.

By providing complex problems of the type likely to be encountered in practice, Engagement is promoted. Students are able to recognise the workplace value of the legal research, critical thinking and writing skills required to resolve the given problem.

The Evaluation principle is also implemented in the University of Dayton School of Law through its Bar Outreach Project where the school surveys students, new lawyers and employers to ensure that students are being taught the skills most needed for graduates entering different areas of legal practice (Kloppenberg 2009, 1113-4).

Advantages/Disadvantages

In designing these 'magnet capstones' considerable attention has been given to the need to develop activities which are representative of those encountered in practice, but still provide students with an experience which allows incremental development of legal knowledge, skills and capabilities during the degree.

Another important advantage of the University of Dayton model is that it is mandatory for each student to undertake a capstone experience – be it a selection of the magnet capstones discussed here, an externship, or clinic (Kloppenberg 2009, 1106-7).

These types of capstone experiences may encounter student resistance or anxiety if the critical thinking and related skills required have not been appropriately embedded in earlier years of the degree. To reduce student stress it may be necessary to expend further resources in providing bridging programs in such things as legal research or writing to ensure students have the required skill base before undertaking this subject.

As new problems would be required for each new iteration of the capstone experience, a number of academic staff may have to be involved in drafting appropriately complex problems.

As a 'magnet capstone' it is possible that the problems selected will not possess sufficient depth to achieve Closure and Integration.

References/Further Reading

Kloppenberg, L.A. 2007. Lawyer as a problem solver: Curricular innovation at Dayton. *University of Toledo Law Review,* 38(2), 547-556

Kloppenberg, L.A. 2009. Educating Problem Solving Lawyers for our Profession and Communities. *Rutgers Law Review,* 61, 1099-114.

See also University of Dayton School of Law capstone clinic programs. http://community.udayton.edu/law/academics/curriculum/externships_capstones_clinic_courses.php

Ethics (University of Oklahoma)

Keywords: ethics, case study, problem based learning, professional identity, legal profession.

Aim/Context

While traditional law degrees contain a subject addressing ethical responsibilities in the final year, these traditional models have focussed on students gaining an understanding of the relevant professional rules or legislation rather than in-depth analysis of how such rules would apply in a real world context. In particular, students are often merely presented with the resolved ethical dilemma [the 'right answer'] and are not provided with the opportunity to craft their own solution to the ethical dilemma. A capstone experience focussed on ethics would attempt to provide such an opportunity to the student through the use of carefully drafted case studies or simulations.

The content of such subjects will be driven by the particular legal landscape and the issues which are topical in that jurisdiction at that time. Examples of areas covered in the University of Oklahoma 'Lawyering in the 21st Century' subject include: professional core values, economic competition and technological innovations in the delivery of legal services, outsourcing of legal work, judicial independence.

Learning and Teaching Approaches

Problem based learning, case study, simulation. One possible learning-delivery structure is to run a three hour seminar or small group with no more than 30 students to promote student discussions. Guest lecturers from the profession can be used to identify and discuss the ethical issues they have encountered.

Suggested Favourable Conditions

While ethics has traditionally been covered at the end of the law degree, this seems an area that could also be usefully implemented as an intermediate cornerstone of a law degree.

Assessment Options

Examples of assessment options include:

- A student selected, faculty approved research paper of publishable standard (25 pages) accompanied by a research plan and class presentation/facilitated discussion. Students also must participate on two critique panels for others' writing research papers, including the preparation of 1-2 page memo of feedback. All students are required to read all the research papers.

- Reflective journal relating to issue of professional responsibility, with follow-up memorandum reflecting research and analysis of the issue. The issue could be selected from something covered in the news media, a matter arising within the student's workplace, etc.

- Report on disciplinary court hearing or interview with lawyer on an ethics issues.

- Memo to a professional organisation or committee on ethical issues.

- Short report (5-7 pages) on ethical issue raised/discussed in movie, television show, book or short story.

- Class attendance and participation would also seem to be an obvious assessment choice here.

Connection to Capstone Principles

The Oklahoma model strongly promotes both the Closure and Integration and Transition principles. Students are confronted with issues they are likely to face in practice and are asked to consider what it means to be lawyer in the 21st century. Students are asked to Integrate their existing knowledge on substantive areas of law with current cases and legislation governing their ethical practice. The use of actual/topical cases assists with student engagement as there is a 'real world' feel to the material discussed. The Diversity of student destinations, as well as potential clients can be represented through the selection of course material.

Advantages/Disadvantages

This capstone experience has the potential to be quite labour intensive for the co-ordinator given the need to keep topics relevant to the current news (see Maute 2007, 1314-5). Also, the success of the learning experience will be largely dependent on the level of student engagement as much of the material discussed will be generated by class presentations.

References/Further Reading

Maute, J.L. 2007. Lawyering in the 21st century: A capstone course on the law and ethics of lawyering. Saint Louis University Law Journal, 51(4), 1291-1316.

Webpage: Lawyering in the 21st Century.
        http://jay.law.ou.edu/faculty/Jmaute/Lawyering_21st-Century/

Stenzel, P.L. 2009. A course to meet the unique needs of business prelaw students. Journal of Legal Studies Education, 26(1), 1-46.