



**Curriculum Renewal in Legal Education: Capstone Experiences in Law**

**Capstone Experiences *Toolkit***  
**(includes principles)**

Lead institution: Queensland University of Technology

Partner institutions: Griffith University  
University of Western Australia

Project leader: Professor Sally Kift

Team members: Professor Des Butler  
Associate Professor Rachael Field  
Ms Judith McNamara  
Ms Catherine Brown  
Ms Cheryl Treloar

Project website: <http://wiki.qut.edu.au/display/capstone/Home>

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## INTRODUCTION

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

There are four sections to this *Toolkit*. Part A explains the principles underpinning the capstone experiences designed in this *Toolkit*. The Project Team felt the need to include such exemplars as the current literature indicates that in the law discipline limited consideration has been given to designing a final year program to address specifically all facets of a capstone experience. Rather, existing programs appear to have been introduced to address concerns about graduates being ‘work ready’ or other institutional concerns, rather than with the goal of providing students with a ‘culminating experience’ for their law degree. It is envisaged these models will assist those developing capstone experiences by identifying some of the decisions to be made and by providing some possible resolutions. Part B of the *Toolkit* provides a capstone subject model template which educators can use to develop their own capstone program.

In Part C, five subject models are presented for capstone experiences in law. These models do not describe existing programs, but suggest a number of possible options and considerations for a program of study designed specifically to be a capstone experience with the *Capstone Experiences Curriculum Principles* at their core. The models include a work-integrated learning (WIL) subject, a problem based learning (PBL) subject, a research project subject, an alternative dispute resolution (ADR) subject, and a practical legal training (PLT) subject. The learning approaches were selected as they are familiar to Australian law schools and may provide the best opportunities for the introduction of a complete and authentic capstone experience. Each subject could be used as a component of a capstone experience ‘showcasing’ a particular *Capstone Experience Principle*, but a more complete capstone experience is achieved from combining these subjects to form a program of study across which all of the *Capstone Experience Principles* are addressed.

Part D of the *Toolkit* 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. In the selection of examples for this section of the *Toolkit*, it became apparent that the *Capstone Experiences Curriculum Principles* conceptualised as ‘Transition’ and ‘Integration and Closure’ were particularly prominent in the design of these final year units. Each program of study described in this section has been categorised based on whether it is *Transition* focussed or whether it is *Integration and Closure* focussed. In some respects such a designation is arbitrary, as a more complete capstone experience will address both principles. However, it is useful to identify whether the example discussed is predominantly concerned with the students’ movement from study to work (Transition); or whether it is better identified as an opportunity for the

student to create new understandings of existing knowledge and apply that existing knowledge to new situations (Integration and Closure).

The examples in Part D 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.

Part E contains web resources for capstone experiences.

## PART A: CAPSTONE EXPERIENCE CURRICULUM PRINCIPLES

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

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

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

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

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

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

## Favourable conditions

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

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

## Principles

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



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

## **1. Transition**

An effective capstone experience supports transition by:

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

## **2. Integration and closure**

An effective capstone experience provides integration and closure by:

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

## **3. Diversity**

An effective capstone experience responds to diversity by:

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

## **4. Engagement**

An effective capstone experience promotes student engagement by:

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

## **5. Assessment**

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

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

## **6. Evaluation**

An effective capstone experience:

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

# Principle Notes

## Transition

### ***Student and recent graduate comments***

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

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

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

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

### ***Transition generally***

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

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

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

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

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

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

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

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

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

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

### ***Assisting students in beginning to develop a sense of professional identity***

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

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

Again in the context of legal education in particular, the Carnegie Report also identifies professional identity as a third apprenticeship and states “legal education needs to attend very seriously to its apprenticeship of professional identity” (Sullivan et al 2007, 128). The Carnegie Report includes in this apprenticeship both the rules of professional responsibility

and the moral development of legal professionals, referring explicitly to matters of character and responsibility for clients (Sullivan et al 2007, 129-132):

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

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

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

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

Reflective practice also has an essential role in assisting students to develop a sense of professional identity. Reflection fosters both personal and professional development (Olsen, Weber and Trimble 2002), and contributes to the acquisition and refinement of higher order cognitive skills, including critical thinking (Forde 2006). Reflective practice includes personal reflection, with the potential for personal transformation, which has the purpose of promoting self-awareness and instilling a sense of citizenship (Hovorka 2010). Generally, self-reflection is essential for law students in order for them to develop as ethical, socially responsible practitioners (McNamara, Field and Brown 2009).

### ***Supporting students to manage their career planning and development***

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

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

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

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

## Integration and Closure

### ***Student and recent graduate comments***

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

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

Students feel that final year tends to be disjointed:

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

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

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

### ***Integration and Closure generally***

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

In order to achieve integration and closure, it is important to conceptualise capstones as culminating experiences in an intentionally sequenced curriculum whole. In this regard, Bruner's (1977) concept of a 'spiral curriculum' provides a particularly useful conceptual basis. Bruner states that "[l]earning should not only take us somewhere, it should allow us later to go further more easily" (1977, 17). He advocates enquiry based learning, and argues that the fundamental principles must be learnt first, and revisited later throughout the



curriculum and built upon (Bruner 1977). The spiral curriculum supports students in achieving a holistic sense of their studies by “enhancing the knowledge and skills they have acquired in previous classes” (Sargent, Pennington and Sitton 2003, 2). It also illustrates how the structure of a capstone experience must be unique within a degree, in that the focus in this aspect is on synthesis and integration as opposed to new conceptual learning. In order to use the concept of a spiral curriculum effectively, a constructivist approach is required which ensures that previous learning is integrated into a whole, thereby creating a sense of completeness for students (Bailey, Oliver and Townsend 2007). In this way, the spiral curriculum facilitates particular achievement of the capstone experience objective of Integration and Closure.

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

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

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

Reflection assists students to integrate existing knowledge (Dunlap 2005) with the potential to transform understandings through new and different perspectives generated. Accordingly, Baker (1997) argues that capstone experiences must allow students to critically reflect on their prior learning; in the context of program completion, a reflective component serves to highlight a student’s sense of accomplishment. Conceptualised in this way, the role of reflective practice in effective capstone design is desirably broad and pervasive,

facilitating both retrospective and forward-looking learning and, through personal reflection, enabling the potential for personal transformation, the promotion of self-awareness and the acquisition of a sense of citizenship (Hovorka 2010).

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

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

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

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

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

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

## Diversity

### ***Student and recent graduate comments***

Diversity of backgrounds needs to be addressed:

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

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

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

## Diversity generally

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

### ***Enhancing students' capacity to engage with diversity in professional contexts***

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

Stuckey et al (2007, 66-67) argue that cultural competence is "a skill that can be taught",

and to this end recommend student acquisition of the five habits of cross-cultural practice developed by Bryant and Peters (Bryant 2001 cited in Stuckey et al 2007, 66-67). These are:

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

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

### ***Being inclusive of all students***

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

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

learning should be adopted in a capstone experience, as this enables all learners to enhance their own development.

## Engagement

### *Reference group member comment*

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

### **Engagement generally**

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

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

Ramsden's six principles of effective teaching include, in Principle 5, a commitment to "independence, control and engagement" (Ramsden 2003, 97). Ramsden comments that "high-quality teaching implies recognising that students must be engaged with the content of learning tasks in a way that is likely to enable them to reach understanding" (2003, 97). Such engagement is facilitated by allowing students a sense of independence and control over their learning (Ramsden 2003), which over time, and through scaffolded or spiral approaches, allows the learner to become increasingly self-sufficient (Bruner 1977). The

2008 AUSSE Report states that “engagement in higher order forms of learning that involve analysing, synthesising, evaluating and applying tends to be positively associated with most aspects of engagement. Greater engagement is related to more advanced forms of reasoning such as analysis, synthesis, evaluation and application” (ACER 2008, ix).

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

Biggs (2003, 56) argues that to achieve student engagement, intentional curriculum design should focus on motivation, climate and learning activity. Motivating approaches to pedagogy draw on socio-constructivist theories to harness community and interactivity in achieving engagement (Dunkin 1983, 75; Cannon 1988, 3). A positive climate for engaged learning is one that supports student autonomy. Students who are offered choice and involvement in their learning, in alignment with their abilities and interests feel included (Rose and Meyer 2002) and engaged. Autonomy can be promoted, for example, by affording flexibility in terms of time, mode, place or format of study; or by involving students in assessment design as regards problem identification or generation of assessment criteria. A 2006 study of law students in the USA found that students who perceived that the law school supported their autonomy did not experience as significant a decline in satisfaction levels in their final year, were more academically successful, and more motivated in their first post-graduation job (Sheldon and Kreiger 2006, referred to in Stuckey et al 2007, 113). Learning activity is discussed further in the next section.

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

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

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

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

**Active roles:** Biggs identifies “learner activity and interacting with others” as two critical characteristics of rich (and therefore engaging) learning and teaching environments (2003, 79). Active learning is at the core of student engagement with their learning across the years of the law degree, and is particularly critical to effective capstone experiences. Learner activity can be teacher-directed, peer-directed, and self-directed (Biggs 2003, 81). Laurillard’s (2002) conversational framework supports learner activity – through layers of discursive interaction – to promote engagement.

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

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

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

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

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

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



including learner-friendly facilities and campus environments.

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

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

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

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

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

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

discussion of the development of professional legal identity).

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

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

## Assessment

### ***Student and recent graduate comments***

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

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

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

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

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

## ***Assessment generally***

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

Of particular relevance in the capstone context is that “students themselves need to develop the capacity to make judgements about both their own work and that of others in order to become effective continuing learners and practitioners” (Boud and Associates 2010). Thus, program assessment generally, and capstone assessment in particular, should focus on “providing a foundation for a lifetime of learning and work in which there is little formal assessment or formal instruction” (Boud and Falchikov 2007, 3). It is for this reason that self and peer assessment are particularly common assessment practices for capstone experiences (Gomezdelcampo 2006), as the culmination of program assessment design in which “students progressively take responsibility for assessment and feedback processes” and gain “understanding of processes they can use to judge their own performance ... in dialogue about them with peers and teachers” (Boud and Associates 2010). Similarly, many capstone experiences also contain a self-reflective component (either program-wide or subject specific), to facilitate students’ review and consolidation of their learning across the years of study so that they might collect and present evidence of that learning for various purposes. In recognition of maturing student agency, students are frequently involved in capstone assessment design; for example, having input into problem identification, the settling or weighting of assessment criteria and determining how the capstone product will be delivered or presented.

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

Summative assessment of capstone experiences is increasingly being used for multiple purposes: to measure and certify student learning; to collect evidence of students’ overall achievement for assurance of learning purposes; for benchmarking to assure the maintenance of academic standards; and to assess program and institutional success (Berheide 2007). Capstone experiences enable students to demonstrate they have attained the expected knowledge, skills and capabilities articulated for the program of study (Hovorka 2010), usually by way of application of program learning to produce a tangible outcome or product. In legal education specifically, the most recent articulation of threshold learning outcomes for undergraduate law degree programs has been the Australian Learning and Teaching Council’s *Learning and Teaching Academic Standards Project*:

*Bachelor of Laws Learning and Teaching Academic Standards Statement* (Kift, Israel and Field 2011). As the *Standards Statement* makes clear, in addition to assessing the acquisition of technical competence, capstone experiences also provide a means of evaluating the development of a program's 'soft skills', or generic and discipline-specific capabilities (Malinowski and Noble 2009). ePortfolios (or similar) may provide a means of capturing a range of learning outcomes beyond conceptual knowledge, including generic skills and professional competencies (Kift 2008). The role of assessment in capstone experiences for assurance of learning purposes is considered in more detail below (see Evaluation principle at 5.9 below).

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

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

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

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

- A case study based on an unstructured, real-world situation;
- A research grant proposal based on an authentic industry need;
- A feasibility study report on a proposed initiative;
- A research report, thesis or dissertation on a capstone project (for example, an applied design project which could be team or individually prepared in a discipline

or multi- or inter-disciplinary context);

- An authentic discipline product (for example, a creative performance, production, design, exhibition, artwork, law reform submission);
- A plan for a program of activities, or series of communiqués and presentations, for an authentic professional or industry setting of the capstone project work;
- A culminating event or product (for example, a conference, classroom symposium, student-run journal, website for broad audience);
- An environmental scan of future employment or discipline opportunities;
- An integrative and reflective (e)Portfolio, either stand alone for a subject or prepared as regards attainment of the program learning outcomes (Blicblau and Richards 2010); and
- Reflection on the undergraduate and/or transition experience (Shea n.d.).

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

- Whether the experience is for credit or not;
- Whether the assessment is graded or pass/fail;
- Whether the assessment is of the product, the process or both;
- In group tasks, whether to assess the individual, the group or both;
- In inter- or multi-disciplinary tasks, by whom, and the logistics of how, assessment takes place;
- In work-integrated learning tasks, the quality assurance of any industry/professional assessor (for example, expectations, training, support, moderation);
- The determination of what program learning outcomes will be demonstrated and how (and what) evidence of student achievement is collected for valid and reliable assurance of learning;
- Setting and communicating clear expectations to students (for example, about outcome(s), time investment, level of support or supervision);
- Will students be involved in the assessment design (for example, in problem identification, settling and weighting of assessment criteria, determining how the capstone product will be delivered or presented); and
- That the assessment emphasis is on the capstone objectives of integration, synthesis, extension rather than on any new content, discipline knowledge or skills that are introduced.

## ***Aligning assessment practice with the capstone principles***

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

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

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

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

- What are the subject and program learning outcomes to which the capstone experience will contribute?
- What are the capstone learning outcomes (for example, from these Principles) to which the capstone experience will contribute?
- Has the whole-of-program design prepared students for their engagement in the higher order cognitive and affective processes required by the capstone experience?
- What capstone learning and teaching approaches should be adopted for the constructive alignment of student learning? While a number of assessment possibilities are set out above, authentic learning and teaching approaches might

include those set out above under the Engagement principle; and

- How should the teaching, learning and assessment be structured? For example:
  - Is the experience compulsory or elective?
  - Will the experience have lectures, tutorials, seminars or some other facilitation?
  - What type of capstone experience will be adopted? (for example: disciplinary, inter-disciplinary or multi-disciplinary; to satisfy professional requirements; to address institutional goals);
  - If appropriate, who will develop the capstone projects? (for example, student or teacher, internally or externally developed project briefs);
  - What will be the length of the capstone experience? (for example, module(s), semester, whole year);
  - When will the capstone experience be offered (for example, last semester or penultimate semester)?
  - What, if any, new material or skills will be introduced to provide the context for the capstone experience?
  - What use will be made of supporting technologies? (for example, for information transfer, to support group work or reflection);
  - How sustainable and realistic is the workload for both students and staff?
  - What level of student support will be provided and how are the experience's resources and other logistics, including risk management, being proactively managed? (for example, occupational health and safety, ethics clearance, intellectual property);
  - If group work is involved, are there agreed procedures for mediating (inevitable) issues that may arise? (for example, team charge cards for travel or purchasing parts and materials); and
  - That evaluation strategies have been designed-in during the planning phase.

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

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

Transition may particularly be supported by assessment that requires students to reflect on their learning throughout the degree, their career development and their formation of a

professional identity. There are many opportunities to incorporate reflective assessment in capstone experiences; for example, the use of reflective reports or portfolios throughout their degree can aid the process of reflection and assist to capture a range of learning outcomes, including both generic and discipline-specific skills and professional competencies (Kift 2008).

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

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

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

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



(Quinlan and Johnson 2003).

## Evaluation

### **Reference group member comment:**

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

### **Evaluation generally**

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

As Boud and Associates (2010) have observed:

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

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

- Evaluate effectiveness regularly;
- Use various methods to gather information;
- Use student performance and outcome assessment results;

- Meet recognised standards for conducting assessments;
- Solicit and incorporate opinions from outside the academy; and
- Demonstrate how data is used to improve effectiveness (Stuckey et al 2007).

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

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

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

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

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

The above steps can be stated as:

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

- What will we do if they have not learned it?

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

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

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

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

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

Capstone experiences should be evaluated particularly in terms of whether the desired student learning outcomes have been achieved. One method of evaluation is surveys of recent graduates who have completed the capstone experience (van Beveren, Mariyam and Stewart 2011), together with employer perceptions (Boud and Associates 2010): “The impact of programs on student learning, and the role of assessment in them, can only be fully evaluated following graduation ... Systematic study of the impact of such experiences on graduates (at, say, one and five years from graduation) and employers’ perceptions of

such preparation and standards are needed to ensure that courses are effective in the longer term” (Boud and Associates 2010). Graduates are able to reflect on the university experience in light of their post-university experiences (Schilling and Schilling 1998, 253). Relevant evaluation questions might include the adequacy of support provided for the transition out of university and suggestions for improving such support, involvement in civic activities post-graduation, and the relevant importance of aspects of the degree to graduates’ personal and professional lives (Schilling and Schilling 1998, 253).

### ***Contributes to the whole-of-program evaluation***

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

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

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

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

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

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

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

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

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

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

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

## PART B: CAPSTONE EXPERIENCE DESIGN *TOOLKIT* TEMPLATE



LAW CAPSTONE EXPERIENCE

### Capstone Experience Design Template

#### Some Capstone Experience Design Questions

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

<p>managed? (for example, occupational health and safety, ethics clearance, intellectual property);</p> <ul style="list-style-type: none"> <li>○ If group work is involved, are there agreed procedures for mediating (inevitable) issues that may arise? (for example, team charge cards for travel or purchasing parts and materials); and</li> <li>○ That evaluation strategies have been designed-in during the planning phase.</li> </ul> <ul style="list-style-type: none"> <li>• As regards <b>assessment specifically</b>, see the assessment design issues for consideration under Assessment in the template below.</li> </ul>
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## Preliminary matters

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

<b>New material or skills to be introduced</b>	
<b>Student support and other resources/infrastructure required/desirable</b>	
<b>Foreseeable risks to be managed</b>	
<b>Alignment with Capstone Experiences Principles</b>	
<b>Transition</b> <ul style="list-style-type: none"> <li>• <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i></li> <li>• <i>Assisting students in beginning to develop a sense of professional identity; and</i></li> <li>• <i>Supporting students to manage their career planning and development.</i></li> </ul>	
<b>Closure</b> <ul style="list-style-type: none"> <li>• <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i></li> <li>• <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i></li> </ul>	
<b>Diversity</b> <ul style="list-style-type: none"> <li>• <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i></li> <li>• <i>Being inclusive of all students.</i></li> </ul>	
<b>Engagement</b> <ul style="list-style-type: none"> <li>• <i>Requiring students to assume active roles, to apply their learning in realistic, authentic and unfamiliar contexts and to take responsibility for their own work; and</i></li> <li>• <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i></li> </ul>	



<b>Assessment</b> <ul style="list-style-type: none"> <li>• <i>Aligning assessment practice with the capstone principles; and</i></li> <li>• <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i></li> </ul>	
<b>Evaluation</b> <ul style="list-style-type: none"> <li>• <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i></li> <li>• <i>Contributes to the whole-of-program evaluation; and</i></li> <li>• <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i></li> </ul>	

## Subject/model outline for capstone experience

### Learning outcomes

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

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

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

**Consider:**

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

## Content

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

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

*The subject consists of the following components:*

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

**Consider:**

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

## Approaches to teaching and learning

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

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

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

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

**Consider:**

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

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

- Work-integrated learning (WIL) (for example, practicum, internships, fieldwork, clinical or work placement);
- work experience in industry (WEI);
- hypotheticals, role plays, role modelling;
- problem-based learning;
- project-based learning;
- case studies and extended problem analysis frameworks;
- narrative analysis;
- real-world situation analysis (the living case method);
- simulations or Virtual Situated Learning Environments (VSLE);
- reflective practice;
- competitions;
- study tours and immersion experiences;
- service learning;
- volunteering;
- industry speakers, interviews, mentors;
- peer mentoring;
- career development learning, planning and preparation; and
- formal leadership program.

## Assessment

A general statement of assessment requirements and feedback opportunities

**Consider assessment design issues such as:**

- whether the assessment is graded or pass/fail;
- whether the assessment is of the product, the process or both;
- in group tasks, whether to assess the individual, the group or both;
- in inter- or multi-disciplinary tasks, by whom, and the logistics of how, assessment occurs;
- in work-integrated learning tasks, the quality assurance of any industry/professional assessor (for example, expectations, training, support, moderation);
- determination of what program learning outcomes will be demonstrated and how (and what)

evidence of student achievement is collected for valid and reliable assurance of learning;

- the setting and communicating of clear expectations to students (for example, about outcome(s); time investment; level of support or supervision);
- will students be involved in the assessment design (for example, in problem identification; settling and weighting of assessment criteria; determining how the capstone product will be delivered or presented); and
- that the assessment emphasis is on the capstone objectives of (eg) integration, synthesis, extension rather than on any new content, discipline knowledge or skills that are introduced.

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

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

## PART C: SUBJECT MODELS FOR CAPSTONE EXPERIENCES IN LAW

### Model for Capstone Problem Based Learning (PBL) Subject

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

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

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

<b>Type of capstone</b> (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	Disciplinary with the subject providing evidence of integrative discipline learning together with assurance of learning for several program learning outcomes.
<b>Model/ duration of capstone</b> (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	One subject taken in the final year along with a companion subject focussing on Transition.
<b>Compulsory or elective</b>	Compulsory
<b>Placement in degree</b> (eg, final semester; penultimate semester; cornerstones throughout)	Final year, either single semester or whole year.
<b>Assumed level of student preparedness to engage in</b>	It is assumed that, prior to engagement with this subject, students will already be able to:

<b>capstone experience</b>	<ul style="list-style-type: none"> <li>• provide a reasoned opinion as to the relevance, meaning and application of complex case law and legislation in the context of familiar subject areas and less complex case law and legislation in the context of unfamiliar subject areas;</li> <li>• use a range of legal problem solving techniques in relation to complex matters in the context of familiar subject areas and less complex matters in the context of unfamiliar subject areas;</li> <li>• the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues;</li> <li>• engage in critical reflection on the law and on policy and social and other contextual issues underlying and impacting on the law and its development;</li> <li>• engage in critical self-reflection, including the capacity to make judgements about the quality of their own work and the work of others (as required) and to establish and implement personal learning strategies;</li> <li>• communicate in ways that are effective, appropriate and persuasive for both legal and non-legal audiences from diverse backgrounds;</li> <li>• work in effectively in teams (as required);</li> <li>• recognise and reflect upon ethical issues likely to arise in professional contexts.</li> </ul> <p><u>Skills that may be required, depending on the nature of the capstone experience</u></p> <ul style="list-style-type: none"> <li>• Conduct client interviews</li> <li>• Dispute resolution skills</li> <li>• Knowledge of civil procedure</li> <li>• Legal drafting</li> </ul>
<b>Program learning outcomes to which capstone will contribute</b>	<p>TLO 1: Knowledge <input checked="" type="checkbox"/></p> <p>TLO 2: Ethics and professional responsibility <input checked="" type="checkbox"/></p> <p>TLO 3: Thinking skills <input checked="" type="checkbox"/></p> <p>TLO 4: Research skills <input checked="" type="checkbox"/></p> <p>TLO 5: Communication and collaboration <input checked="" type="checkbox"/></p> <p>TLO 6: Self-management <input checked="" type="checkbox"/></p>
<b>Who will generate subject matter/focus of capstone experience</b>	Academics with input from legal practitioners and students as considered appropriate.
<b>New material or skills to be introduced</b>	In the context of unfamiliar, multi-faceted and unstructured authentic legal problems/issues, students will demonstrate enhanced skills to:

	<ul style="list-style-type: none"> <li>• provide a reasoned opinion as to relevance, meaning and application of complex case law and legislation;</li> <li>• utilise a range of legal research, analytical and communication capabilities;</li> <li>• recognise, reflect on and respond to ethical issues.</li> </ul>
<b>Student support and other resources/infrastructure required/ desirable</b>	<ul style="list-style-type: none"> <li>• Some support for students regarding problem identification, refinement and scoping.</li> <li>• Support for engagement with members of the legal profession (as required).</li> <li>• If teamwork is required, the provision of teamwork tools delivered via the learning management system (LMS).</li> </ul>
<b>Foreseeable risks to be managed</b>	<p>Scalability – teamwork might be considered.</p> <p>Delivery for external students.</p> <p>The subject is designed with minimal face-to-face teaching time. Rather it is envisaged that substantial academic time will be devoted to:</p> <ul style="list-style-type: none"> <li>• providing timely assistance in problem identification, refinement and scoping;</li> <li>• assuring that the agreed assessment is authentic, aligned, valid and reliable (desirably seeking input from legal practitioners as appropriate), and</li> <li>• ensuring that opportunities for constructive feedback (self, peer, practitioner and/or teacher generated) are provided.</li> </ul> <p>There is a risk that a failure to recognise appropriately the academic skill set required for, and workload involved in, the subject's delivery will compromise the quality of the capstone experience, could have reputational consequences for the law school and/or may impact on the subject's longer term sustainability.</p>
<b>Alignment with Capstone Experiences Principles</b>	
<b>Transition</b> <ul style="list-style-type: none"> <li>• <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i></li> <li>• <i>Assisting students in beginning to develop a sense of professional identity; and</i></li> <li>• <i>Supporting students to manage their career planning and development.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Students' transition to practice is supported by learning engagement with unfamiliar, multi-faceted and unstructured legal problems/issues which mirror professional practice.</li> <li>• It is suggested that a companion subject or an additional module be offered with this PBL subject that focuses more specifically on transition to professional identity and career development learning (for example, a conference, a reflection on the development of professional identity and career development or a second subject such as a WIL subject).</li> </ul>
<b>Integration and Closure</b> <ul style="list-style-type: none"> <li>• <i>Supporting students to integrate,</i></li> </ul>	<ul style="list-style-type: none"> <li>• Integration and synthesis is achieved by students applying the knowledge, skills and capabilities they have developed throughout their degree in order to</li> </ul>

<p><i>synthesise and extend their learning in the program; and</i></p> <ul style="list-style-type: none"> <li>• <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i></li> </ul>	<p>solve the unstructured authentic legal problem/issue.</p> <ul style="list-style-type: none"> <li>• Extension is achieved by students applying research, analytical and communication skills in relation to an area of law that is relatively complex and unfamiliar to students.</li> <li>• Students gain a sense of completion by acting authentically in relation to a complex legal problem which mirrors professional realities, presents real ethical issues and demonstrates the relevance of their learning to future professional roles.</li> </ul>
<p><b>Diversity</b></p> <ul style="list-style-type: none"> <li>• <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i></li> <li>• <i>Being inclusive of all students.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Ideally the problem would be scoped to draw out issues around diversity likely to be encountered in professional practice.</li> <li>• Students' capacity to engage with diversity in professional contexts is developed through their engagement with community partners and reflection upon their ability to communicate with diverse audiences.</li> </ul>
<p><b>Engagement</b></p> <ul style="list-style-type: none"> <li>• <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i></li> <li>• <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The reflective assessment aspect proposed enables students to identify connections between their learning and professional contexts and assists in the development of professional identity.</li> <li>• Problem-based learning is intrinsically engaging and requires students to take responsibility for and be involved in active learning.</li> <li>• Students in the final year are more likely to be engaged with learning that is realistic and authentic.</li> </ul>
<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>• <i>Aligning assessment practice with the capstone principles; and</i></li> <li>• <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The assessment is authentic in that it mirrors what is expected of students in professional practice.</li> <li>• Staged assessment requires students to make use of feedback from one assessment item to the next, while the learning journal requires students to use this feedback to reflect on their own performance.</li> </ul>
<p><b>Evaluation</b></p> <ul style="list-style-type: none"> <li>• <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i></li> <li>• <i>Contributes to the whole-of-program evaluation; and</i></li> <li>• <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The subject should be evaluated in accordance with the institution's usual subject evaluation process(es).</li> <li>• Student assessments will provide both assurance of learning data (as regards student demonstration of program learning outcomes) and data relevant to program evaluation (as regards the efficacy of whole-of-program design). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way.</li> <li>• The currency and relevance of the subject's problems should be iteratively assured through the involvement of suitably qualified academic staff and/or legal practitioners.</li> </ul>



## Subject outline for problem-based learning capstone experience

### Learning outcomes

**[Choose from / modify as required]**

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

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

### Content

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

### Approaches to teaching and learning

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

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

## Assessment

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

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

## Model for Capstone Work-integrated Learning (WIL) Subject (companion to Problem Based Learning (PBL) subject)

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

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

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

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

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

<b>introduced</b>	<p>develop an enhanced ability to:</p> <ul style="list-style-type: none"> <li>• apply integrated legal knowledge and skills;</li> <li>• extend existing legal knowledge and skills, including ethical reasoning, independently in authentic discipline applications;</li> <li>• analyse how ethical issues arise in a legal workplace and recognise, reflect on and respond to those ethical issues;</li> <li>• make career plans and decisions that take into account the rapidly changing legal and business environment in which they will be working; and</li> <li>• appraise their own professional values and developing sense of professional identity.</li> </ul>
<b>Student support and other resources/infrastructure required/ desirable</b>	<ul style="list-style-type: none"> <li>• Support to secure placements with relevant legal professionals.</li> <li>• Preparation to enter the legal workplace.</li> <li>• Career development learning support.</li> </ul>
<b>Foreseeable risks to be managed</b>	<ul style="list-style-type: none"> <li>• Scalability – availability of placements.</li> <li>• Workplace health and safety issues.</li> <li>• Reputational risks if students enter workplaces unprepared to engage effectively with daily work environment.</li> <li>• Ability to assess workplace performance in an authentic and resource effective manner and without raising confidentiality concerns.</li> </ul>
<b>Alignment with Capstone Experiences Principles</b>	
<b>Transition</b> <ul style="list-style-type: none"> <li>• <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i></li> <li>• <i>Assisting students in beginning to develop a sense of professional identity; and</i></li> <li>• <i>Supporting students to manage their career planning and development.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The requirement that students set their own learning goals for the placement and to reflect on their achievement of those goals in the portfolio will support students' career planning and development skills.</li> <li>• The reflection on the students' placement experiences and future career plans will assist students to deal with uncertainty, complexity and change in a personal sense, to develop a sense of professional identity and to manage their career planning and development.</li> <li>• The workplace experience will assist students to apply legal skills in uncertain, complex and changing environments.</li> </ul>
<b>Integration and Closure</b> <ul style="list-style-type: none"> <li>• <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i></li> <li>• <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Integration, synthesis and extension are achieved by students applying the knowledge, skills and capabilities they have developed throughout their degree in an authentic legal workplace, however the extent to which this is achieved may depend on the type of work the student undertakes. The most significant aspect is the extension of knowledge and skills by the application in the workplace.</li> <li>• It is suggested that a companion subject or an additional module be offered with this WIL subject</li> </ul>

	that has a focus on the integration of knowledge, skills and capabilities (for example a problem-based learning subject).
<b>Diversity</b> <ul style="list-style-type: none"> <li>• <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i></li> <li>• <i>Being inclusive of all students.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Students' capacity to engage with diversity in professional contexts may be developed through their engagement with diverse individuals during their placement and reflection upon their ability to communicate with diverse audiences. Where this cannot be guaranteed (given the diverse range of placements that might be available), an interactive online cross-cultural communication module might be developed to supplement the placement experience.</li> <li>• The flexible learning and teaching approaches, student choice in the type of placement and the choice of personal learning goals support diversity of the student cohort.</li> </ul>
<b>Engagement</b> <ul style="list-style-type: none"> <li>• <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i></li> <li>• <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Work-integrated learning is intrinsically engaging due to its authenticity and requires students to take responsibility for and be involved in active learning.</li> <li>• In addition to the student learning taking place in an authentic legal workplace, the assessment requires students to be responsible for their own learning by identifying their own learning goals and reflecting upon the extent to which they have achieved those goals.</li> </ul>
<b>Assessment</b> <ul style="list-style-type: none"> <li>• <i>Aligning assessment practice with the capstone principles; and</i></li> <li>• <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The assessment is authentic and supports integrative learning requiring students to connect both within and beyond the campus.</li> <li>• Students are required to engage in reflective tasks with peers.</li> <li>• Students are required to evaluate their own workplace performance, and reflect on feedback given by supervisors during the work placement as part of their final portfolio assessment.</li> </ul>
<b>Evaluation</b> <ul style="list-style-type: none"> <li>• <i>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</i></li> <li>• <i>Contributes to the whole-of-program evaluation; and</i></li> <li>• <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The subject should be evaluated in accordance with the institution's usual subject evaluation process(es).</li> <li>• Student reflections and assessments will provide both assurance of learning data (as regards student demonstration of program learning outcomes) and data relevant to whole-of-program evaluation (as regards the efficacy of whole-of-program design and how students consider their degree has prepared them for their workplace experience). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way.</li> <li>• The currency and relevance of the subject is assured through the involvement of industry partners and the placement in an authentic work environment.</li> </ul>

## Subject outline for work-integrated learning capstone experience

### Learning outcomes

**[Choose from / modify as required]**

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

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

### Content

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

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

### Approaches to teaching and learning

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

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

- The supervising lawyer's feedback and evaluation.

## Assessment

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

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

**Assessment Two:** Participation in group reflections.

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

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



## Model for Capstone Research Project Subject (whole year)

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

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

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

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

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

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

## Subject outline for research project capstone experience

### Learning Outcomes

**[Choose from / modify as required]**

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

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

### Content

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

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

<sup>\*</sup>Consideration should be given to whether research ethics approval would be required where interviews are conducted with community members.

### Approaches to teaching and learning

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

#### During the project planning

- You will attend a three hour workshop during which you will learn strategies for implementing

social, legal and policy change; and brainstorm with peers and community partners in relation to issues where social, legal or policy change is needed. (Where necessary, consideration should also be given to ways of making this available to external students, for example: via Collaborate, Skype, video-conferencing, audio-visual recording);

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

#### During the project

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

#### After Completion of the project

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

## Assessment

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

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

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

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

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

**Assessment five:** Presentation of project at conference.

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

## Model for Capstone Alternative Dispute Resolution Subject

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

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

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

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

<b>Type of capstone</b> (eg, disciplinary, multi- or inter-disciplinary; to satisfy accreditation requirements; reflection on program; career development and planning; for professional identity; to satisfy institutional/law school goals)	Skills focussed; reflection on development of professional legal identity.
<b>Model/duration of capstone</b> (eg, an integrated final year program; a single subject; a suite of subjects; modules within several subjects)	A single subject taken in the final year.
<b>Compulsory or elective</b>	Compulsory
<b>Placement in degree</b> (eg, final semester; penultimate semester; cornerstones throughout)	The final semester.
<b>Assumed level of student preparedness to engage in capstone</b>	It is assumed that students have the ability to:



<b>experience</b>	<ul style="list-style-type: none"> <li>• engage in a reasoned analysis of a complex legal dispute and provide an opinion on the relevant law of subjects studied as part of the core curriculum;</li> <li>• learn how to diagnose a legal dispute and make an informed decision as to an appropriate dispute resolution process;</li> <li>• learn and practice a range of legal dispute resolution skills techniques;</li> <li>• engage in critical reflection to inform decision-making as to how to progress a legal matter in a manner that is in the client's best interests;</li> <li>• engage in critical self-reflection particularly in relation to the student's emergent professional legal identity and their transition out to the world of work;</li> <li>• communicate in ways that are effective, appropriate and persuasive for legal and non-legal audiences;</li> <li>• work effectively in practice teams; and</li> <li>• recognise and reflect upon ethical issues likely to arise in professional contexts.</li> </ul> <p>Students will be expected to use intellectual and practical skills to identify, research, evaluate and synthesise relevant factual and legal issues.</p> <p><u>Skills required depending on the nature of the assessment:</u></p> <ul style="list-style-type: none"> <li>• Legal analysis and reasoning skills</li> <li>• Research skills</li> <li>• Communication skills</li> <li>• Group work and collaboration skills</li> <li>• Dispute resolution skills</li> <li>• Legal drafting</li> </ul>												
<b>Program learning outcomes to which capstone will contribute</b>	<table> <tr> <td>TLO 1: Knowledge</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>TLO 2: Ethics and professional responsibility</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>TLO 3: Thinking skills</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>TLO 4: Research skills</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>TLO 5: Communication and collaboration</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>TLO 6: Self-management</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	TLO 1: Knowledge	<input checked="" type="checkbox"/>	TLO 2: Ethics and professional responsibility	<input checked="" type="checkbox"/>	TLO 3: Thinking skills	<input checked="" type="checkbox"/>	TLO 4: Research skills	<input checked="" type="checkbox"/>	TLO 5: Communication and collaboration	<input checked="" type="checkbox"/>	TLO 6: Self-management	<input checked="" type="checkbox"/>
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TLO 6: Self-management	<input checked="" type="checkbox"/>												
<b>Who will generate subject matter/focus of capstone experience</b>	<p>Academics with input from legal practitioners where appropriate.</p>												
<b>New material or skills to be introduced</b>	<p>Students will:</p> <ul style="list-style-type: none"> <li>• Build on their ability to analyse and give a reasoned opinion as to a client's legal issues and interests in a complex legal dispute; and</li> </ul>												

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

	which mirrors professional realities, and through their practice of an authentic role-play of a dispute resolution process.
<b>Diversity</b> <ul style="list-style-type: none"> <li>Enhancing students' capacity to engage with diversity in professional contexts; and</li> <li>Being inclusive of all students.</li> </ul>	<ul style="list-style-type: none"> <li>Ideally the legal dispute would be drafted to draw out issues around diversity likely to be encountered in professional practice.</li> <li>Students' capacity to engage with diversity in professional contexts is developed through their engagement with a practice group approach to the assessment, and through reflection upon their ability to communicate with diverse audiences.</li> </ul>
<b>Engagement</b> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The legal analysis and advice components of the assessment require the students to be involved in active learning in order to problem-solve and advise the client using a practice group approach.</li> <li>The role-play component of the assessment is intrinsically engaging and authentic as it requires students to practice dispute resolution skills and processes in a realistic context and to take responsibility for the outcome of the process.</li> <li>The reflective component of the assessment enables students to develop connections between their learning and professional contexts and to assist the development of their professional identity.</li> </ul>
<b>Assessment</b> <ul style="list-style-type: none"> <li>Aligning assessment practice with the capstone principles; and</li> <li>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</li> </ul>	<ul style="list-style-type: none"> <li>The assessment is authentic in that it mirrors what will be expected of students once they join professional practice.</li> <li>Staged assessment requires students to make use of feedback and to reflect on their own performance.</li> </ul>
<b>Evaluation</b> <ul style="list-style-type: none"> <li>Should be regularly evaluated to ensure its relevance, coherence and alignment with the program;</li> <li>Contributes to the whole-of-program evaluation; and</li> <li>Contributes to the demonstration of student attainment of the discipline learning outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>The subject should be evaluated in accordance with the institution's usual subject evaluation process.</li> <li>Student assessments will provide data relevant to whole-of-program evaluation and attainment of learning outcomes and it is suggested a pro forma be developed to enable markers to provide this feedback in a systematic way.</li> <li>The currency and relevance of the subject should be assured through the involvement of suitably qualified academic staff or legal practitioners in the setting of the assessment.</li> </ul>

## Subject outline for alternative dispute resolution capstone experience

### Learning outcomes

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

1. Identify, research, synthesise and evaluate relevant factual and legal issues (TLO4).
2. Analyse relevant law for the purposes of providing a well-reasoned advice to a client in the context of a complex and multi-faceted legal dispute that includes a range of doctrinal

subject areas (TLO1 and TLO3).

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

## Content

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

## Approaches to teaching and learning

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

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

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

## Assessment

Examples of components of assessment items:

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

## Model for Capstone Practical Legal Training (PLT) Subject

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

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

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

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

<b>Alignment with Capstone Experiences Principles</b>	
<b>Transition</b> <ul style="list-style-type: none"> <li>• <i>Drawing on students' self-management and other legal skills to deal with uncertainty, complexity and change;</i></li> <li>• <i>Assisting students in beginning to develop a sense of professional identity; and</i></li> <li>• <i>Supporting students to manage their career planning and development.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Students' transition to practice is supported by the transactional approach in a setting which mirrors professional practice.</li> <li>• The environment is designed to encourage students to start the transition process from student to novice professional.</li> </ul>
<b>Integration and Closure</b> <ul style="list-style-type: none"> <li>• <i>Supporting students to integrate, synthesise and extend their learning in the program; and</i></li> <li>• <i>Enabling students to attain a sense of completion and an understanding of what it means to be a law graduate and a global citizen.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The transactional style setting offers opportunities for integration and synthesis of skills and knowledge.</li> <li>• Extension is achieved by students applying research, analytical and communication skills in a transactional setting which may be unfamiliar to students.</li> <li>• Students gain a sense of completion by acting authentically in relation to a complex legal problem which mirrors professional realities, presents real ethical issues and demonstrates the relevance of their learning to future professional roles.</li> </ul>
<b>Diversity</b> <ul style="list-style-type: none"> <li>• <i>Enhancing students' capacity to engage with diversity in professional contexts; and</i></li> <li>• <i>Being inclusive of all students.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Ideally the problem would be scoped to draw out issues around diversity likely to be encountered in professional practice.</li> </ul>
<b>Engagement</b> <ul style="list-style-type: none"> <li>• <i>Requiring students to assume active roles, to apply their learning in realistic and unfamiliar contexts and to take authentic responsibility for their own work; and</i></li> <li>• <i>Providing opportunities for reflection to enable students to make connections between their learning and professional contexts and to assist the development of their professional identity.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Student engagement is encouraged through active, realistic, applied and self-reflective learning in an environment which assists students in building professional identity and confidence.</li> <li>• Students in the final year are more likely to be engaged with learning that is realistic and authentic.</li> </ul>
<b>Assessment</b> <ul style="list-style-type: none"> <li>• <i>Aligning assessment practice with the capstone principles; and</i></li> <li>• <i>Requiring students to make appropriate use of feedback and to reflect on their own capabilities and performance.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The assessment is authentic in that it mirrors what is expected of students in professional practice.</li> <li>• Staged assessment requires students to make use of feedback from one assessment item to the next, and includes intrinsic self-reflection requirements.</li> </ul>
<b>Evaluation</b> <ul style="list-style-type: none"> <li>• <i>Should be regularly evaluated to ensure its relevance, coherence</i></li> </ul>	<ul style="list-style-type: none"> <li>• The subject should be evaluated in accordance with the institution's usual subject evaluation process(es).</li> <li>• Student assessments will provide both assurance of learning data (as regards student demonstration of</li> </ul>



<p><i>and alignment with the program;</i></p> <ul style="list-style-type: none"> <li>• <i>Contributes to the whole-of-program evaluation; and</i></li> <li>• <i>Contributes to the demonstration of student attainment of the discipline learning outcomes.</i></li> </ul>	<p>program learning outcomes) and data relevant to program evaluation (as regards the efficacy of whole-of-program design). It is suggested that a mechanism be developed to enable program coordinators to capture these data in a systematic way.</p> <ul style="list-style-type: none"> <li>• The currency and relevance of the subject's problems should be iteratively assured through the involvement of suitably qualified academic staff and/or legal practitioners.</li> </ul>
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## Subject outline for practical legal training capstone experience

### Learning outcomes

**[Choose from / modify as required]**

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

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

### Content

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

### Approaches to teaching and learning

As a final year subject, the learning and teaching approach is to support you to work independently and assume responsibility for your own learning. A transactional learning approach is adopted in the subject. It utilises a blend of face-to-face interaction (including instruction, meetings of student legal practices and interviewing of standardized clients) and online interaction and resources (discussion

boards, chat rooms, online management and assessment of practice and individual tasks and provision of resources). It has a strong focus on peer interaction and self-reflection.

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

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

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

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

## Assessment

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

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

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

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

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

Summative assessment involves a process of peer review and individual performance appraisal, similar to that which might be expected in a work environment. The peer review instruments are similar to those in use by legal practices and each student is required to review the work and

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

## **PART D: EXISTING SUBJECT EXAMPLES OF CAPSTONE PROGRAMS**

### **Part 1: *Transition-focussed* Capstone Experiences**

The examples presented in the first part of this section all focus on the capstone principle of *Transition*. The experiences 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.

More detailed discussion of the Transition principle is contained in Part A of this *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.

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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**

- Maharg, P. 2007. *Transforming Legal Education: Learning and teaching the Law in the 21st Century*. London: Ashgate.
- Hamilton, N. and L.M. Brabbit. 2007. Fostering Professionalism Through Mentoring, *Journal of Legal Education*, 102.

## 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 be conducted entirely through the following programs:*

- **Professionalism Program.** *This is an entirely new, year-long program that will be on-going 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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Cunningham, C.D. and C. Alexander. 2010. Developing professional judgement: Law school innovations in response to the Carnegie Foundation's critique of American legal education. *The Ethics Project in Legal Education*. M. Robertson, L. Corbin, F. Bartlett and K. Tranter (eds). London: Routledge-Cavendish, 79-101.

Ellmann, S. 2008. The Clinical Year, *New York Law School Law Review*, 53(4), 877.

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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

Australian National University. <http://law.anu.edu.au/undergraduate/internship.asp>.

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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

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## 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](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](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/](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/](http://www.nyls.edu/centers/harlan_scholar_centers/justice_action_center/clinical_research_institute/student_capstone_journal/).



## **Part 2: *Closure and Integration* Focussed Capstone Experiences in Law**

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 and its role in capstone experiences see Part A of this *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](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](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.

## Inter-disciplinary Capstone Seminar

**Keywords:** project-based learning, problem based learning, inter-disciplinary 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 concern 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

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## 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 worth 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 taken to solving the particular problem and basis for that method and vignette demonstrations of that process in practice. This assessment is triangulated (peer, self, academic,) and is worth 40% of the overall subject grade.
- The third assessment is an individual work record. This would demonstrate 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” (Kloppenber 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 where 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 judgement 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 (Kloppenber 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 (Kloppenber 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.

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

Kloppenber, 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](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 21<sup>st</sup> 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 21<sup>st</sup> 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.

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Webpage: *Lawyering in the 21<sup>st</sup> Century*.

[http://jay.law.ou.edu/faculty/Jmaute/Lawyering\\_21st-Century/](http://jay.law.ou.edu/faculty/Jmaute/Lawyering_21st-Century/)

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## PART E: INTERNET RESOURCES FOR CAPSTONE EXPERIENCES

### University teaching resources:

<http://www.flinders.edu.au/teaching/quality/teaching-methods/capstone.cfm> (Flinders University, Australia)

<http://teaching.unsw.edu.au/capstone-project> (University of NSW, Australia)

<http://manoa.hawaii.edu/assessment/howto/capstone.htm> (University of Hawai'i)

[http://staff.mq.edu.au/teaching/curriculum\\_development/capstone\\_units/](http://staff.mq.edu.au/teaching/curriculum_development/capstone_units/) (Macquarie University, Australia)

[http://vpapf.chance.berkeley.edu/accreditation/ee\\_essays\\_1.html](http://vpapf.chance.berkeley.edu/accreditation/ee_essays_1.html) (University of California Berkeley, USA)

<http://insight.glos.ac.uk/TLI/ACTIVITIES/NTF/CREATIVEHOPS/Pages/default.aspx> (University of Gloucestershire, UK)

<http://www.careers.qut.edu.au/student/develop/> (Queensland University of Technology, Australia)

<http://boliver.ning.com> (Deakin University, Australia)

<http://www.unisa.edu.au/policies/codes/academic/bestpractice.asp> (University of South Australia, Australia)

### Research centres:

<http://www.cuhk.edu.hk/clear/tnl/capstone.html> Centre for Learning and Enhancement and Research (The Chinese University of Hong Kong)

<http://ccl.org/> Center for Creative Leadership

### Documents and resources:

Moore, Robert C. 2008. Capstone courses.

<http://users.etown.edu/m/moorerc/capstone.html>

Universities Australia, (2008). A national internship scheme: Enhancing the skills and work-readiness of Australian graduates.

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## Research projects:

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Holdsworth, Annie, Kim Watty and Martin Davies. 2009. *Developing capstone experiences*. University of Melbourne. [http://www.cshe.unimelb.edu.au/resources\\_teach/curriculum\\_design/docs/Capstone\\_Guide\\_09.pdf](http://www.cshe.unimelb.edu.au/resources_teach/curriculum_design/docs/Capstone_Guide_09.pdf)

## Conferences and Symposia

First Australian Conference of Undergraduate Research, 20<sup>th</sup> September 2012, Macquarie University, Sydney, Australia. [http://www.mq.edu.au/lrc/altc/ug\\_research/index.htm](http://www.mq.edu.au/lrc/altc/ug_research/index.htm)

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## Glossary

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

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

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

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

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

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

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

**Project-based learning** refers to a learning practice where tasks are designed to reflect actual practice. It differs from problem-based learning as the emphasis is placed on the development of an end product, rather than the problem solving process. It is common in this approach for actual companies or employers to put forward project ideas, and for representatives from the client organisations to assess the project outcomes in partnership

with the university (Bove and Davies 2009). Team-based approaches are typical, and there is often complex interaction with actual workplaces. These are sometimes referred to as ‘living cases’ in undergraduate law (Kerka 2001, 4).

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

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

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

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

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

the legal profession (Maharg 2007).

**Work-integrated learning** refers to "a structured strategy integrating classroom studies with learning through productive work experiences in a field related to a student's academic or career goals" (National Commission for Cooperative Education 2005, 17). Alternatively, it is an "umbrella term for a range of approaches and strategies that integrate theory with the practice of work within a purposefully designed curriculum" (Patrick et al 2008, iv).

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