

LAW GRADUATE ATTRIBUTES IN AUSTRALIA: LEADERSHIP AND COLLABORATIVE LEARNING WITHIN COMMUNITIES OF PRACTICE

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Abstract

University outcomes are increasingly focused on generic skills, as well as ensuring students meet specific professional competencies and knowledge. Many academics have little educational background and training in planning curriculum including learning activities and assessment tasks aligned to explicit criteria in relation to outcomes such as teamwork, communication and ethics. Some research on successful professional development approaches for legal academics has occurred in specific universities (Kift et al., 2006; Kift, 2003), but there has been little research about shared learning across Australian university law schools. Learning within communities of practice involving ongoing joint activity has been shown to be effective in supporting professional learning and sustained change (Wenger, 1998). During 2008-2009, a national project included a focus on law academics building curriculum planning skills in relation to graduate attributes. This paper reports on some cross-institutional collaborative processes and the successful change strategies and materials development which occurred, considering these results within a community of practice framework context.

Keywords

Communities of practice, collaborative learning, graduate attributes

Background

Universities are under increasing pressure to nurture knowledge, skills and personal attributes of the professionals of the future, including discipline-specific and broader generic areas. Graduate attributes were previously highlighted in the West review of universities in 1998 (Review Committee, 1998) and in the *Employability Skills for the Future* report (DEST, 2002). The role of universities in the advancement of the national economy and wider society was emphasised as follows:

More than ever before universities are being relied upon as a vehicle for advancement of both the national economy and wider society. They do this through the creation of new knowledge and by preparing graduates with appropriate skills and attributes. It makes sense then for them to maintain a focus on keeping graduate capabilities in line with the needs of the economy and society.

(DEST, 2002, p. 25).

Critical thinking, communication and interpersonal skills, lifelong learning, independence, ethics and professionalism, and leadership, are some of the employability skills and graduate attributes which are consistently identified by universities and the various discipline areas.

Beyond broader university-specified graduate attributes, in relation to law education in Australia, the curriculum is required to meet the accreditation standards of the profession. There is a strong focus on knowledge aspects as a consequence of the legislative requirement that law students be taught the so-called Priestley 11 content areas such as criminal law, property and professional conduct. Significant issues have arisen with this approach to legal education (Kift, 2007). The Australian Law Reform Commission (ALRC) key report, *Managing Justice* (1999, para 2.21) highlighted the importance of law curriculum moving beyond a content focus towards skills and values: ‘what lawyers need to be able to do [rather than] anchored around outmoded notions of what lawyers need to know’.

The *Learning Outcomes and Curriculum Development in Law* (2003) study of 29 law schools in Australia indicated the continuing predominance of the traditional content areas as the key driver for curriculum decision-making. Given the expansion of student numbers and purposes for undertaking law studies and the wider diversity of student backgrounds, some law schools were attempting to use a wider range of teaching and learning approaches such as group discussion, role play and online formats rather than lecturer input. Examinations, written reports and problem-based assignments were the most commonly used assessment approaches. Learning and assessment approaches which have been associated with supporting the development of communication skills, teamwork, and lifelong learning and other graduate attributes were not widely used (Johnstone & Vignaendra, 2003).

However, while law academic staff are experts in their specific content areas and are comfortable with lecturing approaches for learning and assessment using examinations and other written formats, relatively few lecturers have substantial background in alternative approaches for assessing student skills such as oral presentations, reflective writing, role plays and other practical aspects. Professional learning strategies focused on establishing a community of practice involving groups of people in collaborative work over an extended timeframe, using shared values, and undertaking joint activities and developing a sense of identity have been shown to effectively build the skills of academics (Cox, 2001; Wade, 2007). Communities of practice may be defined as “groups of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly” (Wenger, 2006, p.1).

Wenger, McDermott and Snyder (2002) identified three community of practice aspects, these being a ‘domain’, ‘practice’ and ‘community’. ‘Domain’ refers to a shared topic of interest, values and identity; ‘practice’ involves a focus on relevant activities which people engage in, and ‘community’ is about interpersonal relations and cohesion involved in learning together. Some researchers (Bolam, McMahon, Stoll, Thomas, Wallace, with Greenwood, Hawkey, Ingram, Atkinson & Smith, 2005; Grossman, Wineburg & Woolworth, 2000) have raised issues about communities of practice and professional learning teams and various levels of maturity of interest-focused groups. These levels range from ‘starter’ (in which individuals were not strongly committed to the group), to ‘developer’ and subsequently ‘mature’, with participants in the latter category showing a strong sense of identity and group learning.

While communities of practice are essentially self-organising and leaders arise naturally within the group to build sustainability, the community can be nurtured through formal organisational structures with provision of time and expert support (Wenger, 1998). The importance of leaders providing opportunities for comprehensive and systematic approaches, including time for ongoing and supportive collegial learning to challenge ideas and build new skills and values is important in curriculum change and effective professional development (Senge, 1994; Bolman & Deal, 2003; Heifetz & Lindsay, 2002; Darling-Hammond & McLaughlin, 1995).

While some research about successful curriculum change within collegial groups in law schools has been documented (Kift, Cuffe, Field, Shirley & Thomas, 2006; Kift, 2003), little research has been conducted into building communities of practice and professional learning across law schools. Recognising the importance of disciplinary affiliation in developing and disseminating good teaching and learning practice, funding was provided by the Australian Learning and Teaching Council (ALTC) to the Council of Australian Law Deans (CALD) to oversee a Discipline Based Initiative entitled *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment*. The project focused on working collaboratively with law academics from across Australian universities to make improvements in the teaching

and learning process at a national level in relation to the law profession, while also establishing an infrastructure to support sustainable change.

The ALTC/CALD law project was undertaken against the background of an increasingly more diverse student body in terms of background, ability, motivation and career aspirations, and within a consequential context of academics needing to use a wider range of teaching and assessment approaches to cater for various student learning needs. This paper fills a gap in the research about curriculum change processes in legal education, with the specific aim of the research being to improve law graduate attribute outcomes curriculum renewal strategies through sharing and engaging in national cross-institutional work to develop quality learning and assessment tasks. The paper reports on the graduate attributes component of the ALTC/CALD project by examining the collaborative professional learning processes, key emergent ideas and materials developed within a community of practice framework.

Method

The law graduate attributes project used a range of key methodologies. Preliminary methodologies included reviewing current literature, identifying law school graduate attributes leaders and preparing a law graduate attributes background paper. Key methodologies which are particularly relevant for this paper involved conducting regional round table meetings to share programs and ideas, establishing collaborative assessment workshops within the graduate attribute framework, producing non-prescriptive frameworks documents for further discussion within a national law education conference and survey completion regarding the impact of the project.

In regard to graduate attributes, regional meetings were held with senior representatives from 30 of the 32 Australian law schools in five capital cities, with a video-teleconference also available and with multiple representation occurring from some institutions. Preparatory material based on literature was provided prior to the meeting. University law schools were invited to bring along their documentation regarding graduate attributes. At the meetings, legal academics from various universities shared their university and related law school specific graduate attributes. Mapping the curriculum across law topics, skills components and sometimes differentiated levels and assessment tasks were some of the key aspects of the documentation variously presented.

Discussion occurred regarding the processes and challenges of developing graduate attributes and sharing implementation strategies for embedding these within the law curriculum, with the researcher manually noting the discussion. Based on these regional meetings, collation and manual analysis occurred of the documents provided by law schools and key discussion points. A non-prescriptive graduate attributes framework paper was then prepared and presented at a national law education conference workshop, with feedback being documented. A request for a follow-up workshop on assessment resulted in a national workshop involving over thirty law academics from five states and thirteen universities. At the national workshop, following an opening plenary session on criterion-referenced assessment, four parallel workshops were conducted. These were focused on assessment involving, respectively, legal ethics, group work, reflection and role. Academics had brought with them relevant assessment tasks from their own universities. Specialist collegial leaders facilitated each session. Using a curriculum planning template, assessment tasks were written in the workshop groups. The specialist group leaders shared these with the other collegial teams. A final plenary session and feedback brought the Assessment Workshop to its conclusion.

Follow-up occurred through materials being disseminated to the relevant team leaders and team members for ongoing improvement and to the teaching and learning network member representatives from each law school who were part of the overall national project. Formal written feedback regarding the overall professional learning process was requested several months after the regional meetings and assessment workshops. Respondents' views were sought on the sessions themselves, the immediate dissemination which attendees engaged in within their own law schools, network dissemination and the longer term impact on curriculum. A five point Likert scale survey instrument was used, as well as some free response questions, with results collated and analysed through manual processes.

Findings

Three key features which are associated with communities of practice models of professional learning were evident in the data from the regional round table meetings, collaborative assessment workshops and survey feedback. These professional learning aspects are presented within the following thematic areas:

- Shared Topic of Interest
- Active Engagement in Developing Curriculum Materials
- Valuing of Collaborative work

Shared topic of interest

Wenger (1998) highlights community of practice members being involved in a 'domain' or joint enterprise that is more than task-based and also includes a commitment to values and shared identity which evolves through working together over an extended timeline. The regional round table meetings and sharing of graduate attributes documents from law schools provided a focus for joint work and indicated that there was widespread variation in the degree that Australian law schools had embedded graduate attributes in their curriculum. Nearly all law schools had developed some law specific graduate attributes and had aligned these with the graduate attributes of their universities. Law schools which were most advanced in terms of graduate attributes curriculum work outlined a range of successful processes. Regarding curriculum processes, these involved identification and documentation of graduate attributes, mapping the graduate attributes against topics or developing a vertical approach, identification of specific aspects/skills related to law graduate attributes, possible identification of levels of achievement, and developing quality assessment tasks aligned to graduate attributes. Through the sharing of ideas it was evident that only a few law schools had really addressed the key issue of graduate attributes in relation to assessment tasks being aligned to assessment criteria and objectives/outcomes.

In sharing successful graduate attributes processes and change management strategies, the findings of the regional meetings involved recognition that compliance which often occurs through using university template documentation can occur relatively easily. The challenge identified by senior law academics was about building staff ownership and involvement in genuine curriculum renewal. Some law school leader attendees reported that they had worked on a joint project over an extended timeline and successfully supported academic staff members in shifting from content knowledge and transmission roles to a responsibility for ensuring achievement of broad and transparent outcomes consistent with graduate attributes. This process included learning activities, assessment tasks and assessment criteria being aligned. Through building staff skills over time, didactic and other traditional approaches were being supplemented by experiential learning placements, clinical opportunities and simulations.

Some of the specific strategies explored and discussed for establishing successful curriculum renewal included providing opportunities for participants to work together and to incorporate graduate attributes through collaborative staff workshops; use of individual champions and leaders; and availability and use of an institutional template framework. Other successful strategies for joint work included cross-university sharing; dedicated time being made available to associate deans (teaching and learning), with clear functions and authority and ensuring these responsibilities were understood by others affected; also ensuring ongoing support to sustain change and avoid dilution. A key message consistently provided in the regional meetings was about the importance of the university providing additional resources to promote effective changes of this nature.

Example comments from survey respondents capture the shared topic of interest aspect within the regional meetings, as well as with other project professional learning opportunities, as follows:

One of the most beneficial aspects of the project was meeting other law school academics and hearing of the different practices in different universities, as well as discussing similar issues/concerns/ideas.

My position is different because I am not teaching. However, I have used the information to help shape change within my faculty. It is essential to know what is happening in the wider sector and attendance at the conferences etc has allowed me that opportunity.

Active engagement in developing curriculum materials

Wenger (1998) also highlights members of the community being active participants and learning from each other while developing relevant materials and resources for practice. Building on the regional meetings graduate

attributes sharing sessions, a national workshop was established for further collaborative work associated with building curriculum planning and assessment skills. The 'Let's Do Assessment' workshop was established within the context of criterion-referenced assessment. Various interest groups were generated to explore and work through specific assessment approaches associated with reflection, role, group work and ethics. Through sharing teaching resource materials from across Australian university law schools and through discussion and use of a curriculum planning template, a range of materials was produced and participants were engaged in the refinement process over several months at the conclusion of the workshop event.

As an example of relevant materials developed in the workshop in various topic groups, one group focused on role. Assessment within role links to experiential placements and connects to graduate attributes related to knowledge, skills and professional attitudes and to opportunities for simulated professional action and actual workplace experiences (Flinders University, 2003).

The role workshop group identified that experiential learning in the workplace or simulated contexts included various experiences relevant to building legal professional identity and skills including:

- problem-solving through studying individual legal cases
- developing generic and occupational skills within tertiary studies
- reflective practitioner models involving self-directed and group learning
- role plays, workplace visits and case studies as simulations.

The workshop group used Miller's (1990) competency assessment framework which progresses through a range of different assessment approaches as a basis for their work. The model encompasses knowledge which can be tested in the classroom (e.g. essays, test, written work) as well as applied knowledge used in case studies and letter writing. The workshop group prepared Figure 1 which represents the development of knowledge, skills and attributes within the university law program. Figure 1 indicates that the initial focus is on aspects such as letter writing and interviews, and as understandings and skills develop, law students can demonstrate their developing skills in simulations, such as interview practice with tutors or letter-writing for actual cases. Assessment at the most advanced levels is focused on working in actual workplace contexts with professional identity established most effectively in clinics, placements and pro bono legal contexts:

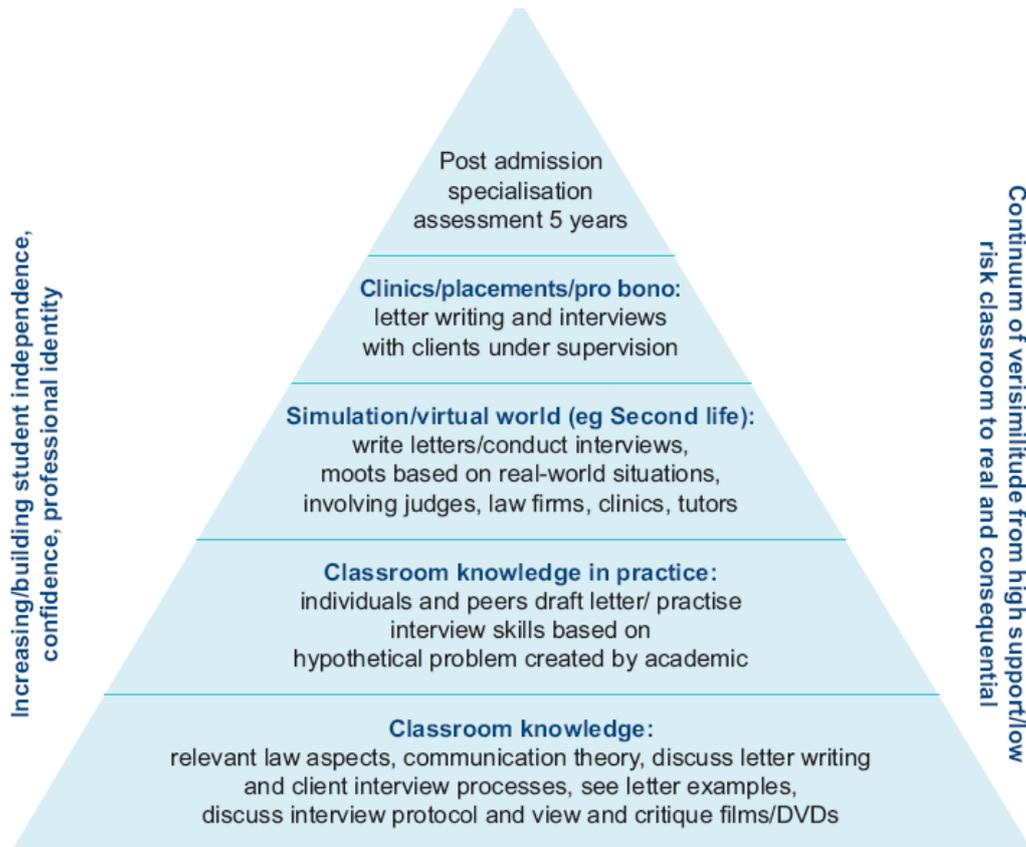


Figure 1: Assessment using role

An example of assessment within role which the workshop group developed, involved participants in making use of the curriculum planning framework provided so they could work together to develop a relevant learning and assessment task focused on building student letter writing and interview skills in law and this is shown in Figure 2. Clear objectives related to graduate attributes, scaffolded learning processes, transparent assessment tasks and explicit assessment criteria are highlighted.

Objectives/outcomes	Scaffolded Learning	Assessment Task	Assessment Criteria
<p>Demonstrates understanding of legal letter writing and client interviewing skills in simulated situations of authenticity.</p> <p>Possible Graduate Attributes:</p> <ul style="list-style-type: none"> • body of knowledge • communication • interpersonal. 	<p>Guest lecture on drafting letters and client interviews from corporate partner/ community legal centre in relation to particular problem.</p> <p>Students prepare for tutorial using package of readings in relation to specific issue.</p> <p>Students practise writing an initial letter of advice and conduct practice interview in pairs with feedback using protocol and assessment criteria.</p> <p>Students practise writing second letter and use assessment criteria to self-assess and peer assess</p> <p>Students practise additional client interview in threes, with observer.</p>	<p>Write a letter on behalf of a particular law firm/agency providing advice in response to a query regarding a specified issue.</p> <p>Conduct interview with a tutor providing advice regarding a legal matter on a specified topic.</p>	<p>Demonstrates understanding of:</p> <ul style="list-style-type: none"> • basic format/presentation of a simple legal letter and substance and appropriate written expression and understanding of area of law content • letter format; firm letter head, references, date, special instructions, name and address, salutation, subject line, complimentary close, signature, typeface • beginning stating purpose, middle providing facts/ advice, end client action and contact • written expression; clarity of expression, using plain English, professional tone, proofread, legal citation • content; knowledge of area of law • interview process; provides appropriate information, establishes professional relationship, gathers relevant information, assesses/selects information, provides specialist knowledge, tailors communication, offers support and follow up, provides opportunity for questions, summarises.

Figure 2: Role: curriculum planning example task

Survey responses provide further examples of the focus on practical tasks within the workshop and other professional learning opportunities, with 70% making changes in their practices after involvement. Indicative example comments about the practical nature of the workshop and the resources developed are:

Thank you for a great workshop.....thought the format and the material was very helpful.

The 'newspaper' format of the materials (developed) makes it relatively simple to pass on to fellow staff.

Valuing of collaborative work

Wenger (1998) also highlights the importance of social aspects in a community of practice. The value of social collaboration was especially evident in the survey feedback. Twenty five responses were received from people variously involved in the regional round table meetings, a national professional follow-up conference presentation, the national assessment workshop and other relevant teaching and learning network activities, and with many respondents involved in multiple activities.

Indicative of the importance of the social aspects of working and learning together within the professional learning processes, 84% of survey respondents indicated the worthwhile nature of the project collaborative work. Ninety-two percent had shared ideas as a result of their involvement in various opportunities and 86% intended having further discussion with other network, again reflecting the community of practice aspect of learning increasing from more ongoing collaboration with others over an extended timeline. A few respondents who only attended the regional meetings were less positive about the worthwhile nature of the professional learning opportunity in terms of gaining new knowledge although free response comments indicated that they still benefited from involvement in terms of collegiality.

Various additional comments were also provided and these comments were generally very positive in nature indicating valuing of the opportunity to meet other law academics in the regional workshops and to collaborate

with colleagues in developing materials in the Assessment workshops. This is reflected in the following comments:

I thought that the Assessment workshop were well run and valuable, as was the networking opportunity. It was reassuring to see that colleagues in other institutions were grappling with similar problems and also inspiring to see some of the ways those issues had been/were being tackled.

...excellent opportunity to meet with Directors of T&L (Teaching and Learning) from other law schools. Being from a small regional university, it is important to maintain professional networks to avoid isolation.

Discussion

The national law graduate attributes professional learning process provided examples of a shared topic of interest (domain), active engagement in developing curriculum materials (practice) and collaborative work (community). This is consistent with Wenger's (1998, p. 2) community of practice notion of knowledge being 'created, shared, organised, revised and passed on within and among these communities....(and) "owned" in practice',

While Wenger and Snyder (2000) indicate that communities of practice arise naturally and are essentially self-sustaining in nature, various researchers (Wenger, 1998; Halverson, 2003; Owen, 2004) have also noted that there are considerable benefits to be gained when leaders provide support. Heifetz & Lindsay (2002) similarly indicate that through provision of time and collegial opportunities, technical and mechanistic, as well as adaptive leadership approaches are highlighted. Adaptive leadership is focused on changing hearts and minds, challenging contradictory values and developing new ideas. This was evident in some of the law schools in which resources were made available, designated leaders were appointed, and time for collective work by staff was provided, with this visible institutional commitment leading to increased chances for its acceptance and for the sustainability of change.

Another key theme which was evident was the importance of the "ownership" factor and 'bottom-up' approaches. Consistent with communities of practice frameworks (Lave & Wenger, 1991) and as evident in the regional meetings and other aspects through working together on joint activities focused on student learning, academic staff can build new skills such as practical tasks and curriculum work relevant to new approaches to assessment including using reflective writing, role play and group work. Communities of practice for learning most effectively happen within the actual work location where people can come together regularly but also where people interact informally on a day-to-day basis and learn from each other as evident in some law schools. Through this process, shared beliefs are developed and newcomers are inducted into the environment and people can support each other's learning. However, consistent with the literature (Owen, 2004; Barab, Barnett & Squire, 2002), new ideas to prevent insularity are also important. In this project, the national assessment workshop brought together legal academics from across many parts of Australia who shared their assessment materials within topic groups and produced new materials in a news-sheet format for later dissemination across all law school academics in Australia.

The national project provided some opportunities for developing the community of practice and there were indications from some participants who were involved in a range of project aspects that a sense of identity and learning as part of the project community was occurring. Within this group of participants, some were highlighting rethinking of views and making actual changes in curriculum planning practices. However, reflecting Bolam et al.'s (2005) previously-introduced work regarding levels of maturity of such communities, the law collaborative learning group is still in the 'starter' or 'developer' phase, with an emphasis on aspects such as establishing values and norms rather than identifying with other group members using a shared vision to guide teaching and learning, as evident in more mature phases of collective work.

While this project is a small scale study and further research is required to make any definitive statements, what the regional round table/national assessment workshop evaluative feedback comments have shown is that there was some learning from each other's universities which occurred within the professional learning process in regard to graduate attributes and curriculum change processes. Of greater significance was that most respondents indicated that they had made some changes to their graduate attributes and learning and assessment processes at their university as a result of their involvement in the project. That the assessment materials and

other information produced had been disseminated within localised professional contexts and across other networks demonstrate further significance and influence.

Conclusion

The graduate attributes successful change processes from the national legal education project highlight institutional level leadership and also collaborative learning within the relevant community over time. While small-scale and needing further research, the processes outlined in this paper within one university discipline provide some strategies for consideration by other higher education faculties for change within individual institutions and nationally towards effective professional learning and curriculum change for improved student learning.

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