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## **Development of Graduate Attributes as a Driver for Curriculum and Teaching Reform in Law**

[The following, reproduced by permission of the author, is extracted from the paper “Integrating the Knowing, the Doing and the Practice: An Early Australian Case Study of Curriculum Renewal”, by Professor Sally Kift of Queensland University of Technology & Carrick Senior Fellow. It was delivered on 21 February 2008 at the *International Conference on the Future of Legal Education* held in Atlanta, Georgia, USA. This Conference was organised by Georgia State University College of Law. The Council of Australian Law Deans, pursuant to the Discipline Based Initiative in Law and the Carrick Institute funding, was a co-sponsor of the Conference: (see further <http://law.gsu.edu/FutureOfLegalEducationConference/>).

In her paper, Prof Kift outlined the factors underscoring the desirability for reform of legal education processes, and continued as follows]:

### **Major Curriculum Renewal at QUT**

It was against this background that we embarked on major curriculum renewal at QUT, with a first offering of the new program in 2000. We were concerned not only to address generic issues of first year transition and the student experience (given the massification and diversity issues referred to above), but were also committed to delivering a whole-of-course approach to the intentional integration and incremental sequencing of knowledge, skills and attitudes (include professionalism) for progressive development and acquisition over the course of the undergraduate degree. We wanted to create authentic learning and assessment environments for our students, through the adoption of “appropriate learning objectives, teaching and learning approaches and assessment methods taking into account the global workplace, social and ethical values and the development of life long learning skills”.<sup>19</sup> In this way, we sought, as the 2007 Carnegie Report has now exhorted, to “pay attention to the overall purposes and effects of [our] school's educational efforts”,<sup>20</sup> and to do so on a genuinely systematic and comprehensive basis:

Efforts to improve legal education have been more piecemeal than comprehensive. Few schools have made the overall practices and effects of their educational effort a subject for serious study. Too few have attempted to address these inadequacies on a systemic basis.<sup>21</sup>

### ***Early identification of attributes and skills and development of a skills taxonomy***

Being an early mover in this area, the first step for us was to identify the attributes and the generic and discipline-specific skills required by and of our law graduates. This was done utilising a variety of sources; including feedback from employers and graduates, studies conducted by professional bodies, the university’s own generic list of graduate attributes, and various international studies. Many of these sources have been referred to above. It is of note

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<sup>19</sup> S Christensen and N Cuffe, Graduate Capabilities In Law: QUT Teaching and Learning Development Large Grant Project Report. Faculty of Law, QUT, 2002 (Internal document) at 7.

<sup>20</sup> W Sullivan, A Colby, J Wegner, L Bond, L Shulman, *Educating Lawyers: Preparation of the Profession of Law*, Jossey Bass, 2007 at 89.

<sup>21</sup> *Ibid* at 190.

that a plethora of discipline reports exists internationally, now totaling more than 20, addressing desirable law curriculum transformation.<sup>22</sup> Of these, at the time we were working in the late 1990s, MacCrate and the seminal work by Bell and Johnstone in the UK were available and most influential.<sup>23</sup> The methodology we adopted in this regard was subsequently described by national program evaluators as a “staged, holistic and consultative approach...to develop the project and ensure its embedding.”<sup>24</sup> A major Project outcome was the development of a *Table of Core Skills*, while the Project, its methodology, processes and products were subject to wide-ranging evaluation and dissemination strategies.<sup>25</sup> We always intended for the process be iterative and, for example, are again revisiting and refining our approaches in cyclical review this academic year.

The six desirable attributes of a law graduate, designed to encapsulate broad descriptors of graduate quality and expressed in terms of the abilities students would be expected to possess upon graduation, were determined to be: Discipline Knowledge; Ethical Attitude; Communication; Problem Solving and Reasoning; Information Literacy; and Interpersonal Focus.<sup>26</sup>

The next stage in the process was to deconstruct these six broad attributes to identify the various skills that would desirably combine to assure student development and acquisition of them. A “program objective” descriptor was formulated for each identified skill (as a statement of graduate achievement) and three progressive levels of achievement were then defined for each skill as a guide to their staged acquisition across the program for both students and staff.<sup>27</sup> It was important for us ultimately to emphasise that many of the identified skills interrelate: very few generic or discipline specific skills exist in a vacuum and many skills (for example, problem solving) draw upon others to demonstrate their effective acquisition, while some skills are so fundamental that they permeate the application of nearly every other skill (reflective practice is a good example). We found that generic and discipline

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<sup>22</sup> For a collection of these discipline reviews and reports, including reference to current inquiries see S Kift, “Curriculum Design Challenges for 21st Century Legal Education.” Keynote address. In *Learning in the Law Annual Conference 2008*, UKCLE. Retrieved January 31, 2007 from <http://www.ukcle.ac.uk/newsevents/lilac2008.html>.

<sup>23</sup> MacCrate Report [American Bar Association, Section on Legal Education and Admissions to the Bar, *Legal Education and Professional Development – An Educational Continuum*, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, ABA, Chicago, 1992]; J Bell, “General Transferable Skills in the Law Curriculum” (1996) II *Contemporary Issues in Law* 1; J Bell and J Johnstone, “General Transferable Skills in the Law Curriculum”, Report for the Department for Education and Employment, 1998. Retrieved January 31, 2007 from <http://www.ukcle.ac.uk/resources/ldn/index.html>.

<sup>24</sup> J McKenzie, S Alexander, C Harper and S Anderson, *Dissemination, Adoption and Adaptation of Project Innovations in Higher Education: A Report for the Carrick Institute for Learning and Teaching in Higher Education* (2005) at 60-66. Retrieved January 31, 2007 from [http://www.carrickinstitute.edu.au/carrick/webdav/site/carricksite/users/siteadmin/public/dissemination\\_dissemination\\_adoptionandadaptation\\_report\\_2005.pdf](http://www.carrickinstitute.edu.au/carrick/webdav/site/carricksite/users/siteadmin/public/dissemination_dissemination_adoptionandadaptation_report_2005.pdf)

<sup>25</sup> *Ibid.*

<sup>26</sup> A more detailed description of these attributes may be found in S. Christensen and S Kift, “Graduate Attributes and Legal Skills: Integration or Disintegration?” (2000) 11(2) *Legal Ed Rev* 207-237; see also S Kift, “Harnessing assessment and feedback to assure quality outcomes for graduate capability development: A legal education case study”. In AARE Conference, Brisbane, December 2002. Retrieved March 13, 2004 from <http://www.aare.edu.au/02pap/kif02151.htm>.

<sup>27</sup> Adapting the “scoping, enabling, training, and relational” levels of skills acquisition described in the ATN Report [J Bowden, G Hart, B King, K Trigwell and O Watts, *Generic Capabilities of ATN University Graduates*, ATN, 2000. Retrieved November 24, 2007 from <http://www.clt.uts.edu.au/ATN.grad.cap.project.index.html>]

specific skills interrelate with each other *and* also overlap *and* underpin effective (holistic) skills development and the ultimate attainment of the desirable graduate attribute package.

The list of generic and legally specific skills for incorporation within the law degree were categorised broadly as: attitudinal, cognitive, communication and relational skills.<sup>28</sup> The taxonomy for skills acquisition that was developed is briefly described as follows –

- the broad *skill category*: from the four categories referred to above;
- the *specific skill* within those categories;
- the *program objective* for the skill: that is, the level of competency expected of a graduate by the end of his/her program regarding the specific skill; and
- the *demonstrated ability* of the graduate for each skill: that is, a statement that to meet the (final) program objective for the specific skill, the graduate will have demonstrated certain abilities. For the purposes of incremental assessment and reporting, we further identified three broad levels of progression or development (notionally levels one, two and three, correlating roughly to the first, second and third years of the degree). Fundamental to nominating these levels of progression were the dual imperatives of making explicit for students the incremental path of the skilling process (and thus also providing the opportunity for student reflection on their own learning development); and of providing staff with the platform on which they could implement particular learning, teaching and assessment strategies in their individual subject areas (“subjects”). This articulation of staged skills progression and development has now also provided the framework for a reflecting and reporting procedure via the student ePortfolio.<sup>29</sup>

### ***Curriculum mapping***

The next stage in the process required a complete review of the existing law degree and a careful mapping of desired knowledge, skills and attitude development within and across appropriate subjects and years of the core curriculum. “Appropriate” in this context required both a considered, sequential placement of the skill (as traditionally effected for content) to build in spiralling complexity over the degree, together with a thoughtful alignment of skill with the subject content in which the teaching, learning and assessment of the skill was to be embedded (for example, advocacy in criminal law, negotiation in contract law, client interviewing in torts law, *etc*). Once embarked on this exercise, we quickly discovered the need for an initial and fundamental reconceptualisation of the first year curriculum given, first, the diversity in preparedness of our entering cohort and, secondly, the necessity to attend to the foundational role of the first year in the developmental sense – the first year program bore the heavy burden of providing a solid curriculum foundation on which to build the whole-of program profile. A valuable additional benefit of this reconceptualisation was a considerable enhancement to the first year experience of our commencing cohorts through the explicit and intentional curriculum design embraced.

This whole-of-program mapping is now a process upon which almost every law school in Australia (and certainly most disciplines in the sector) has either embarked or is currently

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<sup>28</sup> For a further elaboration of these skills see Christensen and Kift, above n 26; Kift, above n 26.

<sup>29</sup> QUT’s Student ePortfolio at [www.studentportfolio.qut.edu.au](http://www.studentportfolio.qut.edu.au) is an electronic tool for students to record, catalogue, reflect on, retrieve & present activities and experiences regarding skills acquisition for ultimate release to employers. See further UKCLE, *Using e-portfolios in legal education: Evaluation Report - October 2007*. Retrieved January 15, 2007 from <http://www.ukcle.ac.uk/research/projects/eportfoliosupdate2.html>.

implementing. Broadly, as introduced above, mapping starts with a whole program matrix onto which the discipline's desirable knowledge, skills and attitudes are carefully plotted for multiple learning opportunities and contexts, increasing in complexity over the course of the degree program. Then, each subject within the program is assessed for its contribution to the holistic curriculum development, having particular regard to –

- whether the learning objective is taught, practised and/or assessed in the subject, and if so, whether constructive alignment in the Biggs sense<sup>30</sup> is assured between what is taught, how it is taught and how that learning is assessed;
- the level of skills progression or intellectual development to be achieved in the subject (e.g. Levels 1, 2, or 3; novice, intermediate, advanced);<sup>31</sup>
- how the subject builds on relevant existing expertise and prior learning;
- how the subject complements concurrent subjects;
- how the subject prepared students for higher order outcomes as they progress through the degree;
- ensuring that career relevance is explicitly communicated; and
- the gradual formation of professional identity.

Once the whole program exercise has been initially completed, the result is reviewed to look for gaps and/or over-emphases. The process also is an iterative one and subject to ongoing monitoring, evaluation and renewal over time. Relevantly in this last regard, in 2003 my Faculty decided to revisit the validity of our assessment and feedback approaches as a particular area that required further attention and curriculum refinement. In 2007, the assessment framework consequently developed and the revised assessment strategies adopted were awarded a *Carrick Institute for Learning and Teaching in Higher Education* national teaching award in recognition of excellence in program design.

In 2005, national program evaluators who subsequently reviewed our efforts found – Law curricula in other universities have been influenced by the QUT developments...The project was perceived to be currently influencing their thinking about graduate attributes development.<sup>32</sup>

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<sup>30</sup> J Biggs, "Assessing for learning quality" (Chapter 8), in *Teaching for Quality Learning at University*, SRHE/OUP, Buckingham, 1999.

<sup>31</sup> See, for example, HL Dreyfus and SE Dreyfus. *Mind over Machine: the power of human intuition and expertise in the era of the computer* (1986), New York, Free Press, referring to development of expertise over time within discernable stages: from novice, to advanced beginner, then competent, proficient and finally expert. Bowden *et al*, above n [27], in the ATN Graduate Attributes Project identified four inclusive, hierarchical levels of attribute attainment: the scoping level; the enabling level; the training level; and the relating level.

<sup>32</sup> McKenzie *et al*, above n 24, at 66.