Renovating or Innovating? The Current Curriculum Reforms at UNSW

Alex Steel, University of New South Wales
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Abstract
The University of New South Wales Law School is a larger Australian law school with a strong history of innovative pedagogy in teaching law. It was founded in the early 1970’s with a conscious rejection of the lecture/tutorial mode of teaching in favour of an interactive seminar approach. Currently it teaches the majority of its classes to groups of 44 students. The approach to teaching law at UNSW has always been strongly contextual and with a strong emphasis on the impact that the law has on broader social issues. The law school funds its own community legal centre to which all students are exposed, and has a strong and growing external placement (for course credit) program – primarily with public interest related organisations.

The Law School’s curriculum has consistently evolved to match the changing legal setting within courses, however there has not been much significant change to the overall structure of the program in the last few decades. In 2011-2 a major review of the whole program is being undertaken. This paper aims to provide an overview of the approach that has been taken and initial reflections on its successes and shortcomings.

The review was structured to be a bottom-up, rather than a top-down approach and each step has involved consultation and submission with all staff members through subject area groups. Major decisions have involved full school meetings. Student representatives have been involved in committee meetings throughout. The paper will consider the extent to which this has led to broader engagement and what effect it has had on momentum of the review.

The review aims to re-consider not only content, but also approaches to learning outcomes and assessment; and the best forms of teaching and pedagogy to achieve those aims. The paper will consider the way in which these issues have been approached and what the optimal order might be.

The review is also occurring at the same time as the adoption by the Australian Council of Law Deans of a set of Threshold Learning Outcomes for Law. The review aims to embed those outcomes into the degree structure by first localising their expression and then using these local versions as guiding principles for justifications of content, skills and values within core courses. The paper will reflect on how achievable such an aim is, and what issues have arisen to date with this philosophy.

Finally, the paper will offer some comments on the similarities and differences of the issues of curriculum reform in Australia and in the US post the Educating Lawyers report. UNSW Law’s review is very sympathetic to the Educating Lawyers recommendations – but some key differences in the approaches to legal
education in both countries raise some interesting points of divergence.

**Background and history**

The University of New South Wales Law School is a larger Australian law school with a strong history of innovative pedagogy in teaching law. It was founded in 1971 with a conscious rejection of the lecture/tutorial mode of teaching in favour of an interactive seminar approach and a strong sense of the broader context within which law operates. At the core of the curriculum has always been a three-fold commitment to professional excellence in legal analysis and practice, a sensitivity to law’s role in serving the whole of society, and a student-centred approach to learning and teaching.

An often quoted statement by the founding Dean, Hal Wooten to the first intake of students was that:

> [A] law school should have and communicate to its students a keen concern for those on whom the law may bear harshly, either because they cannot afford its services, or because it does not sufficiently recognise their needs, or because they are in some way alienated from the rest of society. The poor, the Aborigine, the handicapped, the deviants, all need their champions in the law as elsewhere.¹

This ethos remains at the heart of the law school’s vision, but it would be a mistake to see this as underlying all courses or classes. The majority of our students enter commercial practice and the school combines this theme of broader social justice with a wide range of applied commercial and financial law courses.

Currently UNSW teaches the majority of its classes to groups of 44 students. The approach to teaching law at UNSW has always been strongly contextual and with a strong emphasis on the impact that the law has on broader social issues. The law school funds its own community legal centre to which all students are exposed, and has a strong and growing external placement (for course credit) program – primarily with public interest related organisations.

Its strength as an innovator in legal education is widely acknowledged. In 1996 while celebrating the 25th anniversary of UNSW Law, Chief Justice Brennan of the Australian High Court noted:

> The Law School has set standards in legal education that others have followed. To the Pearce Committee in 1987, the Law School was a model of “what was possible in legal education”. In 1991 the Independent Monthly stated:

> "The UNSW law course has long been acknowledged as the best and most innovative in the country. It led the way in using small teaching groups, well-prepared study materials for students, continuous assessment (rather than end-of-year examinations) and a clinical program in which students learned the trade through working in community legal centres. ... UNSW must still be regarded as at least the equal of any other and is one of a handful of university courses which show that a good education can and should be both intellectually stimulating and a good preparation for work."

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Then, in 1994, a post-Pearce review concluded with a resounding tribute:

"What is probably most remarkable from the case study is the stability and consistent success of the NSW school. The mission, style of teaching, curriculum, student profile and resources have essentially been unchanged since the mid 80s. Yet there is no evidence to suggest that the school is stagnating or being threatened by the new schools. We found some instances where NSW is still the model that some others strive towards. The impact of Pearce has been to reinforce the core values and practices of the school, not to change them in any significant way."²

These views were echoed by the current Chief Justice, Robert French, in 2011.³

**UNSW Law’s New Curriculum—an Overview**

UNSW law has had a number of curriculum reviews over its life, but recent reviews had largely focussed on one or two current issues. The current review was conceived as a much more major rethink of the curriculum. The review had a number of central ideas.

1. It should be as much as possible a bottom up, rather than top down review. The aim would be to develop a consensus view of the new curriculum.

2. It would focus not only on reviewing the right mix of legal knowledge in the degree, but also expanding experiential learning, legal skills and legal professional values.

3. The re-thinking of the curriculum would also be a good time to re-examine assessment practices and learning outcomes.

The current curriculum review is intended to amount to a significant re-conception of the Australian law degree: one that builds on the current innovations in the UNSW law degree, introduces world’s best practice in legal education, and blends both with our own proven and successful UNSW Law School ethos and approach.

The new curriculum maintains our unique commitment to interactive small group teaching and brings experiential learning into the centre of the student experience with a range of internships, clinics and exchanges unmatched in other Australian law schools. It has an even greater emphasis on the skills for practice needed by modern lawyers, and a pervasive concern with the role of professional legal values.

**Highlights of the new curriculum are:**

- The mainstreaming of experiential learning as a core part of the student experience, with a commitment to ensuring every student has the opportunity to undertake substantial learning outside of the classroom as an intern or equivalent – the Law beyond the Classroom student experience.

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³ The Law School received the full Samaranch Sydney Olympic treatment when Professor Pearce said it was ‘the finest law school in the country’.

I will not use that formula, if only because I have to speak at the anniversary celebration of another law school later this year. There is no doubt, however, that the Law School has met and exceeded its early promise. [http://www.hcourt.gov.au/assets/publications/speeches/current-justices/frenchcj/frenchcj17Sep11.pdf](http://www.hcourt.gov.au/assets/publications/speeches/current-justices/frenchcj/frenchcj17Sep11.pdf)
The recognition of the importance of the global context of legal practice by incorporating international perspectives throughout the degree and introducing a ground-breaking core course of *Law and Practice in a Global Context*, that places legal issues in the broader environment of business and human rights in an integrated manner.

The re-conceptualisation of the teaching of public and private law as broad evolving areas of law rather than atomised subjects through the new foundational core courses *Principles of Public Law* and *Principles of Private Law*, which lead into more specialised examination of law in these areas.

A more complete infusion into all courses of the many dimensions of the relationship between law and justice, including the design of two new core courses exclusively devoted to this issue; *Law, Ethics and Justice* and *Theories of Law and Justice*.

The evolution of litigation and evidence courses into *Resolving Civil Disputes* and *Court Process Evidence and Proof*, in order to reflect the many new dimensions of dispute resolution processes in local and international legal systems and society at large.

Further enhancing UNSW law's criminal justice courses by a stronger emphasis on procedural issues as a way of understanding criminal law in practice and in context through two new core courses *Criminal Justice* and *Defining Crime*.

The introduction of carefully designed research and writing modules which will be integrated with substantive law courses throughout the degree, to ensure the development of the practical skills required of both law students and legal professionals occurs in a timely and relevant way not divorced from substantive legal issues.

While UNSW Law's new curriculum places new emphasis on emerging areas of law, it also will re-emphasise the key strengths of the UNSW approach to teaching law – a fundamental concern for how law affects all in society, a consistent emphasis on the ethical values that should underpin the professional practice of law, and an insistence that neither should be incompatible with the highest standards of excellence.

This paper provides a summary and reflection on the process of undertaking the curriculum review.

**Initial Research Phase**

The Law School took the view that curriculum reviews were often undertaken with a partial knowledge of the issues across the Faculty. One fear that was expressed was that a perfectly rational reform proposal could be derailed by a small number of recalcitrant staff members running a campaign based on prejudices or outdated. In order to avoid the possibility of this occurring, it was decided to engage in some detailed background research before involving the School in the review.

Beginning in March 2010, this involved employing a research assistant to collect and collate benchmarking data on law schools in Australia and overseas, and to identify some key trends in legal education. The researcher was guided by the Head of School,

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4 No such outcome eventuated.
Associate Dean (Education) and the Dean all of whom had their own sources and hunches.

While the degree of coverage varied, in summary 20 international law schools were examined, 14 from the United States of America, 1 from Canada and 5 from the United Kingdom. 21 Australian law schools were also compared. This was primarily done via the description of curricula on the law school’s websites, by where available also included published articles and anecdotal information from colleagues familiar with those law schools. Use was also made of materials published by admitting authorities and law reform bodies who had examined legal education.

The work the researcher undertook resulted in a number of draft reports. However it became apparent that there were significant limitations to this overall approach to research. Firstly, the collection and comparison of degree structures of Australian law schools and some comparator international schools resulted in valuable understanding of the alternate ways the broad progression of a degree could be constructed, but without a good disciplinary knowledge of the courses it was very difficult to ascertain what was covered in similarly named courses in different law schools and how to accurately compare the depth and breadth of coverage of those courses.

It was also clear that while the researcher could collate and summarise key literature, there were important linkages between that literature and the history and current structure of the UNSW law school curriculum that only members of the teaching staff could make. The initial efficiencies of having a small group of senior staff advising the researcher also soon became an inefficiency when the level of knowledge of curriculum review issues held by that group became significantly more advanced than the rest of the Faculty.

On the other hand the raw data and comparative analysis collected by the researcher amounted to a valuable base for later discussions, and it also served to inform key academic staff of the issues that would be likely to arise in the review.

**The Curriculum Review Working Group**

This was overcome by the creation of a Curriculum Review Working Group (CRWP) in July 2010 which met fortnightly to oversee the review. In keeping with the intention to have a democratic and collegiate approach to curriculum reform, membership of this committee was entirely based on volunteers from the fulltime academic staff, and the chair chosen by the committee. The elected Faculty student representatives and presidents of the student law society were also invited members.

As it transpired, the eventual membership of the CRWP turned out to be remarkable representative – with each broad discipline group in the Faculty being represented. The person elected Chair of the committee was from the legal theory discipline, possibly the discipline grouping least affected by issues of disciplinary coverage in compulsory courses.\(^5\) While the Dean, Head of School and Associate Dean (Education) were all on the committee, they did not play any directing or veto-like role, other than to occasionally explain how operational or budgetary issues constrained reform choices.

Although not formed with this design in mind, the CRWP became a broadly

\(^5\) Legal Theory is not subject area required for professional accreditation, but the School had a longstanding commitment to teaching it.

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representative committee where issues of concern to discipline groups could easily be raised and the committee members could be effective communication channels with the groups. This had the effect that there was no sense amongst the Faculty that any decisions were being taken in secret or that any perceived group interests would not be considered in deliberations.

A further important element was the role of the student representatives. The nature of the discussions about curriculum review was such that the Faculty did not feel it appropriate to send serial email alerts about discussions throughout the process, and instead relied on the student representatives. The attendance of the student representatives ebbed and flowed given study workloads, and at times the students may not have fully appreciated the detail of developments. However, while the broader student body might at times have felt communication to them from the representatives was less than complete, the contribution of the students to discussions was invaluable. Politically, it was also an important affirmation of the ethos of the law school that all School committees were open to student attendance and involvement, and that discussions were not in any way inhibited by the student’s presence.

**The Core**

It was decided, perhaps unsurprisingly, that the compulsory core of the degree would be focussed on in the initial stages of the review. In Australia, unlike the US, all legal disciplinary knowledge required for practice is taught and assessed within the law degree. Lawyers admitted to practice are not examined on their knowledge and skills by the admitting authorities. Instead, the requirements for accreditation of a law degree as qualifying a graduate for practice include a long list of areas of law that must be taught to students. Consequently it is currently standard practice for compulsory courses to make up two thirds of a 3 three year Australian law degree.

The comparison with the US in this regard is interesting. The existence of external, post graduation Bar Examinations in the US has given law schools much greater freedom to develop degrees thematically and to minimise the compulsory core in favour of a much greater emphasis on electives and later year specialisation. In Australia, a close examination of content in courses by the admitting authorities and a traditional and conservative focus on legal doctrine and content has prevented law schools from minimising the doctrinal core. Electives have been essentially a eclectic grab bag of courses taken in the final year, adding breadth rather than specialisation for most students.

This is not to suggest either country’s models are better than the other. It does however emphasise that in Australia significant effort in curriculum design is directed to how to incorporate innovation around a very large and well defined doctrinal core of a degree that spreads across the whole of the program, not just the first year. It means that any substantial innovation in curriculum has to take place within the core doctrinal cores, rather than around them.

One other significant impact in curriculum design is that in Australia, most law students take law as undergraduates rather than as graduates, and do so concurrently with another undergraduate degree. This means that students come into the study of law gradually, with the first year of a US JD degree stretched over the students first three years of study – whilst they concurrently complete their other degree (which is effectively
Reduced from 3 to 2 years of study by removal of elective choices or secondary majors). This means that there is more scope to scaffold the learning of skills over 6 semesters of increasing ability before the final two years of full time law study. It also allows for courses that would otherwise have been taught in the first year with less assumed legal knowledge to be taught in a more sequential way and thus have more knowledge built on knowledge. The growing introduction of parallel JD degrees into Australian law schools has thrown into sharp relief the advantages and disadvantages of such an approach.

**Discipline group benchmarking and proposals**

After the CRWP had come up to speed with the research already undertaken, the committee moved to obtain better analysis of the comparative differences between law schools. One issue that the committee was concerned about was a potential for inertia amongst staff who felt, probably rightly, that they had a well honed and developed course that did not need revision. This problem of an atomistic or siloed understanding of the curriculum was sort to be overcome by the creation of discipline groups that brought together courses into clusters and asked the teachers of those courses to benchmark and critique their group of courses as a whole. Each member of staff was also asked to join a cluster, and this also had the benefit of giving each member of staff a role early on in shaping the direction of the curriculum review. These discipline groupings were later to become formalised into ongoing research and teaching clusters.\(^6\)

The groups that were created were:

- Private Law
- Commercial and Corporate Law
- Public Law
- Criminal Law, Evidence and Advocacy
- Comparative and International Law
- Theories of Law and Theories of Society
- Foundational Aspects of Law and the Legal System (including Legal Research)
- Experiential learning (including Law, Lawyers and Society)
- Civil Litigation and ADR
- Ethics
- Greening the Law Curriculum group
- Indigenising the Law Curriculum group

Staff were asked to be a part of at least one grouping and numbers were part of more than one. Funding was also allocated for a student research assistant to undertake benchmarking research beyond what had already been done. The groups were asked to address a set of research questions and to provide a written report on their findings to inform the review. Research conducted for the groups was discussed internally and

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\(^6\) Some staff who only taught in elective courses were less centrally involved in these groups, but it did provide a space to acknowledge their contributions and interests.

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inter-group meetings and discussions held on ways to collaboratively deal with overlapping content and course progression issues. Final reports were completed by March 2011.

**External Focus Groups**

A series of external focus groups were then organised with Alumni, the legal profession. The student law society produced a Student Issues paper and surveyed students on their attitudes to the curriculum proposals in the discipline reports. A Facebook page was also set up.

The results from these discussions were summarised and circulated to the CRWP, and to the School.

**School Forums and Program Plans**

Following the completion of the discipline reports, and their discussion in the CRWP, a series of School wide forums were held where the various groups reports were discussed. At the same time members of the School were asked to put forward suggested whole of curriculum programs based on – or alternative to – the cumulative outcomes of the discipline reports. This resulted in two program alternatives being put forward. These alternates were then justified and debated in a number of School meetings and via a set of written propositions and responses. This culminated in a School vote on the proposals.

The approved plan was then officially transmitted through the university approval processes and work began on fleshing out the new content and approaches in the new courses.

**Program learning outcomes**

With the framework of the program finalised, attention then turned to the key learning outcomes that students would be expected to achieve in the new curriculum. In doing so the Faculty was guided by Bachelor of Laws Threshold Learning Outcomes newly developed by a group of Australian legal academics and endorsed by the Council of Australian Law Deans.

These TLO’s informed the discussion in the CRWP and School Meetings around the shape of a UNSW student’s educational experiences, and these were blended into the historically important UNSW values of social justice, community engagement and ethical practice.

A set of 8 program level learning outcomes were developed grouped into three themes of legal knowledge, legal skills and professional values. These PLO’s captured the key areas of education against which students would be assessed. Below this were a further group of Program Learning Aims which captured the essence of the nature of learning to which all students would be exposed in the law degree, whether or not they would be explicitly assessed.
Assessment alignment and mapping

As staff began to consider how they would be teaching the new and revised compulsory courses, they were asked to develop learning outcomes for the courses. Descriptions of courses were to be developed in the following manner.

Course aims: This was a discursive description of the course that was intended to highlight what the teachers considered to be the important aspirational elements of the course. This would range beyond a listing of content topics to include broader elements of social justice and professional values explored within the course.

Assessment: This was the format of the various assessment tasks – the school policy is that this should normally be three items, one of which is a variant of class participation.

Learning Outcomes: These were the learning outcomes associated with the assessment tasks. Staff could nominate up to 8 assessment related learning outcomes for each course.

Each learning outcome was mapped to a PLO. This resulted in a simplistic but indicative sense of the emphasis existed in assessment on each PLO. A more nuanced sense of the spread of emphasis was also gained by mapping each assessment task to 3 PLO’s.

Following this exercise the resulting curriculum map was distributed to the School and staff were invited to reconsider their assessment choices to see whether in light of a better sense of how students were being assessed in other courses they might like to move to an alternative approach.

The final PLOs

As a result of this process a final set of learning outcomes were developed, mapped to the discipline TLOs.

Knowledge

1.1 Legal knowledge in context (TLO 1 and 2)
1.2 Indigenous legal issues (TLO 1 and 2)
1.3 Principles of justice and the rule of law (TLO 1 and 2)

**Analytical Skills**
2.1 Statutory interpretation and analysis (TLO 1)
2.2 Legal reasoning (TLO 3)
2.3 Research and writing skills (TLOs 4 and 5)
2.4 Law reform and policy analysis (TLO 3)
2.5 Interdisciplinary perspectives

**Professional Skills**
3.1 Communication skills (TLO 5)
3.2 Interpersonal skills (TLO 1 and 5)
3.3 Professional and ethical disposition and values (TLO 2)
3.4 Self-management (TLO 6)

Two examples of the Learning Aims that were linked to these PLOs are below:

**3.3 Professional and ethical disposition and values (TLO 2)**
Professional disposition and values
Developing ability to exercise professional judgment
Ability to reflect on professional responsibilities of lawyers in promoting justice
Understanding the law’s role in serving society
Understanding the value of community engagement
Ethical practice (TLO 2)
Understanding of ethical approaches to decision-making
Developing ability to respond to ethical issues arising in legal practice

**3.4 Self-management (TLO 6)**
Independent learning
Ability to engage in independent learning
Time management skills
Personal development and life-long learning
Reflective practice
Ability to reflect on and assess own capabilities and performance
Ability to use feedback
Reflection on personal values in the professional role
**Student survey of assessment**

To further assist staff with re-considering their approaches to assessment in the new curriculum a comprehensive survey of student’s attitudes to assessment was also undertaken. This yielded a large amount of data that is still currently being assessed. It demonstrated that students were generally happy with the approaches to assessment, and in particular that they were in favour of continuing to assess class participation. Unsurprisingly perhaps they were concerned about the quality of feedback in some assessment forms, and provided detailed free text comments on which we can draw when we reach the phase of re-considering assessment.

**Guiding themes and intentions**

The development of the PLOs and their mapping to assessment demonstrated that some themes of the curriculum while important in teaching, had not been easily captured in the primary aims of the assessment recorded. This led to the decision to develop a set of themes to supplement the PLOs.

These themes run through the degree both across years and courses. Descriptions of these themes and their importance are in the process of being drafted to enable both staff and students to see how courses fit together and how aspects of the degree build on each other. The themes are:

1. Indigenous Legal Issues
2. Human Rights, Justice and the Rule of Law
3. Environment, Class, Gender, Race and Disability Issues
4. Experiential Learning
5. Personal and Professional Development

A draft of the Experiential Learning theme is attached in the Appendix

**Further work**

From the perspective of mid 2012 much has been achieved, and the finish line is close. Between now and the end of the year staff will be engaged in rewriting the curriculum for the new core courses in light of the assistance of the PLOs, Learning Aims and Themes. These new courses will be introduced in 2013 and work will then move to reviewing the suite of electives offered. In 2014 a review of the implantation of the new curriculum will occur. They are exciting times.
APPENDIX

UNSW LAW PROGRAM LEARNING OUTCOMES

Knowledge

Graduates of UNSW Law will understand and appreciate:

1. Legal knowledge in its broader contexts
2. Indigenous legal issues
3. Principles of justice and the rule of law

Analytical Skills

Graduates of UNSW Law will have developed the skills of:

4. Statutory interpretation and analysis
5. Legal reasoning
6. Legal research and writing
7. Reform-oriented analysis of law and policy
8. Application of interdisciplinary perspectives to legal issues

Professional Skills

Graduates of UNSW Law are professionals with:

9. Communication skills
10. Interpersonal skills
11. Professional and ethical dispositions and values
12. Capacities for self-management
UNSW Law Course Learning Outcomes and Aims

Knowledge

1. Legal knowledge in context (TLO 1 and 2)
   • Contextual legal knowledge (TLO 1)
   • Fundamental areas of legal knowledge for practice in NSW
   • Understanding of the Australian legal system
   • Contextual disciplinary understanding
   • Theoretical perspectives (TLOs 1 and 2)
   • Underlying principles and concepts
   • Major theories
   • International and comparative approaches to law (TLO 1)
   • Awareness of other jurisdictions and legal systems and understanding of their impact on local jurisdictions
   • Awareness of global legal practice
   • Broader contexts of law and legal practice (TLOs 1 and 2)
   • Environmental issues
   • Race and diversity based issues
   • Poverty and social inequity/class based issues
   • Employer/employee power imbalances
   • Gender and sexuality based issues
   • Disability awareness
   • Ethical and professional responsibilities and rules (TLOs 1 and 2)
   • Relationship between law and ethics, and theories of ethics applicable to legal practice

2. Indigenous legal issues (TLO 1 and 2)
   • Colonial dispossession
   • Historical and continuing impact of the law on Indigenous Australians
   • Indigenous rights, sovereignty and recognition in the Constitution
   • Native title
   • Interactions with legal professionals and enforcement officers
   • Indigenous laws and justice mechanisms
   • Cross-cultural communication issues

3. Principles of justice and the rule of law (TLO 1 and 2)
   • Tensions between law and justice/morality
   • Distributive justice, including social justice
   • Corrective justice
   • Justice as desert and retributive justice
   • Restorative justice and ADR
   • Legal protection of rights, including by the Constitution
   • Legal practitioners’ duties to clients, the court and society
   • Due process and natural justice
   • The maintenance and operation of the rule of law
   • Constraints upon government power and the review and correction of government decisions
   • The rule of law in context
ANALYTICAL SKILLS

4. **Statutory interpretation and analysis (TLOs 1 and 3)**
   - Navigate and apply statutory enactments and extrinsic aids in accordance with contemporary approaches to statutory interpretation

5. **Legal reasoning (TLO 3)**
   - Case analysis
   - Problem-solving skills
   - Identifying and articulating legal issues
   - Applying legal reasoning and research to generate appropriate responses to legal issues
   - Engaging in critical analysis and making a reasoned choice amongst alternatives
   - Thinking creatively in approaching legal issues and generating appropriate responses

6. **Research and writing skills (TLOs 4 and 5)**
   - Professional research skills
   - Academic research skills (TLO 4)
   - Concise writing (TLO 5)
   - Extended writing (TLO 5) (research assessment tasks with a word length of 3,000 words or more)
   - Professional writing (TLO 5)

7. **Law reform and policy analysis (TLO 3)**
   - Ability to critique existing law in light of broader perspectives, current legal impact and future needs

8. **Interdisciplinary perspectives**
   - Ability to bring perspectives from other disciplines to bear on legal issues
9. **COMMUNICATION SKILLS (TLO 5)**
   - Oral communication in adversarial and non-adversarial contexts
   - General presentation capacities
   - Legal presentation capacities
   - Empathetic listening skills
   - Cross-cultural communication, including with Indigenous people

10. **Interpersonal skills (TLO 1 and 5)**
    - Collaboration skills (TLO 5)
    - Ability to work as a member of a team
    - Respect for diversity
    - Dispute resolution
    - Understanding of formal legal rules
    - Appreciation of alternative and non-adversarial philosophies and practices
    - Understanding of lawyers’ roles in disputes
    - Understanding of power dynamics

11. **Professional and ethical dispositions and values (TLO 2)**
    - Professional disposition and values
    - Developing ability to exercise professional judgment
    - Ability to reflect on professional responsibilities of lawyers in promoting justice
    - Understanding the law’s role in serving society
    - Understanding the value of community engagement
    - Ethical practice (TLO 2)
    - Understanding of ethical approaches to decision-making
    - Developing ability to respond to ethical issues arising in legal practice
    - Working sensitively with clients from diverse backgrounds and with a range of needs
    - Understanding of prosecutorial and advocates’ obligations both to the court and to the client, and judicial obligations to ensure a fair trial

12. **Self-management (TLO 6)**
    - Ability to engage in independent learning
    - Time management skills
    - Personal and professional development
    - Reflective practice
    - Ability to reflect on and assess own capabilities and performance, including through self-assessment
    - Ability to use feedback
    - Reflection on personal values in the professional role
EXPERIENTIAL LEARNING AND THE NEW UNSW CURRICULUM 2013

"Tell me, and I will forget. Show me, and I may remember. Involve me, and I will understand" Xun Zi- Confucian philosopher

Experiential learning is a fundamental aspect of the new UNSW law curriculum. Students’ exposure to law and legal practice outside the classroom is woven through the degree. Experiential learning is a type of legal education where the reality of legal practice, policy and lawyering skills become the focus of the educational experience. Students will have direct designed managed and guided encounters with the law and legal system and will learn by reflecting, writing and researching on the experience with expert Faculty lecturers supervising and guiding them. The experiential learning occurs in a staged manner. It has two strands in the compulsory courses, one which emphasises situated learning outside the classroom and the other that brings real world practice into the classroom. These then allows students in their elective courses to immerse themselves in supervised workplace learning.

LEARNING OUTSIDE THE CLASSROOM

Within their first semester of law (Introducing Law and Justice), all students will attend a local court to see civil law in action, and will link that experience to their learning in the classroom through discussion, and a formal reflective paper. This experience is designed to expose them particularly to the reality of Australian courts (as opposed to their assumptions from television shows) and to see the extent to which the lower courts ‘small’ and ‘insignificant’ cases can impact on people’s lives. It is also aimed to begin students growing sense of identity as a legal professional who considers how his or her clients feel and understands something of how the experience operates for them.

In their second year (Crime and the Criminal Process) they will spend three days in criminal courts at different levels (Local, District or Supreme) and write a paper drawing together scholarly research and their own reactions to the courtroom. That paper explores how procedures and environment have significant and not always intended impacts on people in real situations and that these can be as important as the substantive law itself.

In their third year, all students move from being spectators to participants and in Lawyers, Ethics and Justice engage in the interviewing of real clients under the supervision of lawyers at the Faculty’s own community legal centre, Kingsford Legal Centre. Students are taught the practical skills of legal interviewing and then attend the Centre, where they take client details and conduct legal interviews on their own. They then have the opportunity to work with experienced barristers and solicitors, researching the law relevant to the client’s issue and formulating written legal advice for the client, which is given to the clients by the Centre’s lawyers.

Then, moving from this client-based focus all students in their penultimate year (in Court Process, Evidence and Proof) draw these experiences together, spending two days observing the court-based resolution of a legal dispute. Students’ focus shifts to the complexities of evidence and procedural law and how the law is applied in the heat of a case. A good proportion of these students will sit beside the trial judge’s Associate and

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have the opportunity to discuss points of evidence law from the case with the judge in chambers.

Alongside the formal curriculum students are also encouraged to engage in mooting and witness examination competitions organised by the student Law Society and supported by the Faculty. These competitions provide safe environments to develop the skills of issue specific legal research and persuasive oral argument to build confidence for later legal practice.

**SITUATED LEARNING INSIDE THE CLASSROOM**

Within the classroom there is also a staged approach to experiential learning.

In their second year students asked to engage with the role of lawyers in developing the law beyond a client’s immediate needs. They are asked to draft and deliver hypothetical oral submissions to parliamentary committees (Principles of Public Law) and to provide written advice to Attorney Generals on law reform (Criminal Laws).

In their third and fourth years students develop their skills of legal drafting, drafting a formal trust deed according to instructions (Equity) and written legal advice to a hypothetical client (Land Law). In Court Process Evidence and Proof students are encouraged to complete their mid-session assignment in pairs or small groups – to work as a team, to negotiate different perspectives, and to argue their point of view.

This is supplemented by a range of hypothetical dispute situations in Resolving Civil Disputes and Law in the Global Context where students combine their understanding of the needs of clients from Lawyers, Ethics and Justice with their drafting skills in Equity and Land Law to achieve best outcomes.

In Resolving Civil Disputes students draft client advices based on hypothetical case studies. The first is based on authentic litigious dispute fact scenarios and require students to develop their professional understanding of the broader implications of different forms of dispute resolution and to craft an advice that addresses which forms are in the client’s best interests. This is further developed by the drafting of a client mediation position paper based on authentic scenarios, requiring use of professional skills to best select facts and arguments.

In Law in the Global Context students are formed into negotiating parties and are asked to attempt to negotiate state-to-state ad hoc arbitration agreements to present day real world disputes.

**CAPSTONE EXPERIENCES – OUTSIDE THE CLASSROOM**

In the elective program students are encouraged to build on this experiential base by taking courses that further develop their understanding of legal practice in a broader context. UNSW Law has developed Australia’s widest range of such courses, and can guarantee every student an immersive experiential elective experience.

If student’s interests lie in the role of lawyers as advisers and policy developers they can undertake a range of internships – either with external organisations, or with law reform centres on campus. In internships students use their legal knowledge in a range of professional ways, often with a strong policy development or law reform focus. In the Social Justice Internship Program students are placed in Centres based in the Faculty of Law such as the National Children and Youth’s Law Centre or the National Pro Bono

Renovating or Innovating – Alex Steel, UNSW Law
Resource Centre. The UNSW Law Internship Program places students in an extraordinary array of diverse organisations from the NSW Attorney Generals Department, Bar Association, Football Federation, the Aboriginal Legal Service, with magistrates in the Local Courts in New South Wales, Aboriginal services in Darwin, the community legal centre in Vanuatu, human rights organisations in London, New York and Singapore etc. Students attend regular classes with experienced clinical lecturers to analyse notions of lawyering, how the legal and policy systems work both domestically and internationally and deliver presentations and written assignments on their placements.

If the student’s interests lie in understanding how lawyers can assist individuals there are a range of legal clinics they can enrol in. In clinics students work alongside practicing lawyers, providing advice and tailoring solutions for the individual legal needs of clients. Classes are designed to reflect on students’ work. Faculty staff spend time working with and teaching students and discussing aspects of law and practice in a way that is not feasible in the usual legal practice. As an Australian leader in clinical and experiential learning the Faculty offers 8 in-house clinical courses: Courses at Kingsford Legal Centre in Community law, Employment law, Family law, Indigenous first year clinic; Administrative law housing clinic - students representing public housing tenants at the Tribunal (in partnership with Redfern Legal Centre); Human Rights Clinic- Casework and projects involve law, clients, partners or rights violations that extend beyond Australia’s borders, and focus primarily on advancing the human rights of non-citizens including migrant workers and refugees in Asia and Australia; Hong Kong Refugee clinic- students assisting refugees in Hong Kong; South African clinic – students working in non government organisations assisting disadvantaged clients in South Africa over summer

If students’ interests lie in developing the skills of oral legal argument, a range of international competitive moot courses can be enrolled in. UNSW Law offers courses in the Jessup International Law Moot; Vis International Commercial Arbitration Competition; Pictet International Humanitarian Law Competition; International Criminal Court moot and the International Commercial Mediation Competition. At the domestic level, The Essential Advocate provides students with skills in criminal case preparation and the fundamentals of advocacy. Students’ skills are built through hands-on exercises culminating in students deploying their criminal law, evidence and procedural law knowledge in mock trial situations.

Students who want to focus on research and publications may do one of the many Journal internships which allow them to write for and assist in production of recognised law journals produced by UNSW Law Faculty, including the UNSW Law Journal, the Indigenous Law Review, the Human Rights.

**Capstone experiences – inside the classroom**

Many later year electives have a strong experiential focus. These include:

Succession: students carry out a will-drafting exercise which requires them in some cases to take instructions. The will-drafting exercise itself is a comprehensive process where they must do the draft to the point of engrossment and then write a clause by clause justification of why each clause is there. This involves their assessment both of the law and also of likely developments in the client’s family and business and attempting to avoid problems

As a result of this emphasis on experiential learning, UNSW Law graduates have a range of experience and ability that gives them flexibility and maturity to skilfully practice
as lawyers, or legally trained professionals, in a rapidly changing work environments.