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Abstracts from the Legal Education Interest Group

The Impact of formative assessment on student learning: a law-based study

Alison Bone

Abstract

Using the law of contract as a context, this study examines the different forms of feedback provided to students across a selection of higher education institutions in the UK. Lecturers and students were interviewed to evaluate the perceived effectiveness of such feedback in enhancing student learning.

What Business Students need to know about law

Jill Jones and John Horsley

Senior Lecturers, Manukau Business School, Accountancy and Law Division, Manukau Institute of Technology

Abstract

Educationists Argyris and Shon point out that in legal education there is often incongruity between “espoused theory” and “theory in use.” This paper argues that the above statement is particularly true of introductory law courses designed for business students in New Zealand. Such papers are frequently built upon a quasi LLB methodological framework, which is entirely inappropriate for the needs of these students. Any attempt that is made to teach an elaborate and perhaps non-existent system of reasoning, manners, logic and rules within a short space of time is likely to serve little purpose, except the unintended one of confusing students. The danger of using the same methodological framework for teaching both business and law students is that it encourages business students to act in accordance with learned formulas, rather than with regard to particular situations, thus resulting in a hiatus between espoused theory and theory in use. In this paper the authors suggest that a contextual frame should be the driver for the learning outcomes, assessment criteria and delivery of law courses for business students. Various frames for a business view of law; regulatory, enabling, facilitative, compliance and risk management need to be articulated and recognised - as does the liability/risk averse/litigation perspective that may be an in-built bias in a law lecturer’s approach to teaching.

‘ONE LAW FOR ALL’ AUSTRALIAN UNIVERSITIES – STATUTORY OBJECTS AND THE DOCTRINE OF ULTRA VIRES

John Orr

Abstract

In March 2005 the Commonwealth Minister for Education Science and Training issued a ‘discussion paper’ that proposes a restructure to the legal landscape so as to ‘rationalise’ the responsibilities for higher education by transferring the enabling legislation from the State/Territory to the Commonwealth government. According to the ‘discussion paper’, this national approach to higher education is said to “reflect the increasingly corporate nature of modern universities, which are multi-million dollar enterprises, and to encourage universities to undertake commercial activities and engage in collaborative activities with other universities across State borders.” This choice of language is certainly interesting and clearly places a great deal of emphasis on the role that commercial activity will play in the future of Australia’s universities. An Australian university is generally able to establish and participate in commercial activity provided that it stays within the express or implied scope of the university’s objects, purposes or functions. The purpose of this paper is two fold. First the presentation will raise issues regarding the objects, purpose and functions of Australian universities, especially as to whether the Commonwealth government’s proposed ‘one law of all’ approach will emphasise the ‘commercial’ or ‘research and teaching’ within the university enabling legislation. Secondly, this paper will examine whether the corporate doctrine of ultra vires applies to the objects of Australian universities as stated in their enabling legislation.

On the Job with Plato, Nat Young and Thorpey: Teaching Legal Method to Students who Know no Law

Julia Davis

Lecturer, Faculty of Law, University of Technology

Abstract

This paper shares some strategies that I have developed for introducing students who have not studied any law to some of the essential aspects of legal problem solving and familiarising them with some of the important concepts (like facts, rules, principles and policies) and skills (in analysis, interpretation and application) that are used in legal argument. These strategies draw on everyday situations that students are already familiar with, like Olympic Games selection trials, fortune telling, surfing, baby-sitting children or applying for a job, to illustrate legal problem solving techniques without the prior need to teach the students any law. I have designed these scenarios for use in teaching bridging classes, introductory sessions for first year groups and in law related units for non-law students in both undergraduate and postgraduate degrees. This approach is aimed at defusing the tension and dispelling the special mystique that many pre-law or non-law students associate with legal argument, and giving them confidence that they can acquire the new skills of legal reasoning and legal problem solving before they embark on the task of learning the law itself.

CRAFT: Criterion Referenced Assessment For Teachers

Kelly Burton

Associate Lecturer, Faculty of Law, Queensland University of Technology

Criterion referenced assessment (CRA) sheets were trialled in a first year core undergraduate law unit, LWB143 Legal Research and Writing, with a cohort of approximately 600 students in semester 2 2004. The two main benefits of CRA sheets for teachers are greater consistency in marking where several markers have a shared understanding of the criteria, and the ability to quickly provide students with valuable feedback. With the insight gained in semester 2 2004, the joint unit co-ordinators have refined the CRA sheets and intend to use them in semester 2 2005. This paper will exemplify the refined CRA sheets, and provide words of advice and caution to teachers who are inspired to craft CRA sheets for their units. This paper will also launch the questionnaires crafted by the joint unit co-ordinators to collect feedback from the teaching team and students on the use of the CRA sheets in semester 2 2005.

Best Teaching Practices in First Year Law Subjects

Mandy Shircore and Lisa Westcott

Acting Lecturer and Lecturer, School of Law, James Cook University

Abstract

In 2004, in recognition of the rapidly changing nature of the legal profession and the necessity to provide graduates equipped with the requisite skills to survive in the legal profession, a review of the first year law program at James Cook University was undertaken. Staff were concerned with student performance in first year law subjects and the skills first year students were acquiring and taking into later years of the degree and the workforce. In Study Period 1 of 2005 the staff involved in the review of the first year program implemented a new, completely re-designed foundation program for students commencing their law studies in 2005. The program is designed to reflect current best practice in teaching and learning and offers a fully integrated and student-centred approach to the teaching and learning of first year students. The staff involved in the project, including sessional staff, have worked and continue to work in a team-based environment for the design, development and implementation of the program. In this paper, two of the staff members involved in the foundation program address the processes involved in the design, development, implementation and evaluation of a new foundation program curriculum within a small regional law school.

Improving Student Performance in Company Law: A Reflective View

Melissa Simpson

Abstract

This paper considers and reflects on the various changes to a Company Law course which were implemented by the author in order to improve student performance.

Firstly, the paper considers the need for academics to recognise the importance of providing formative feedback to students, discusses the tools developed by the author to provide formative feedback, and reflects on the extent to which the provision of formative feedback has improved student performance. The balance between over-assessment and assessment as a motivational tool is also discussed. Secondly, the paper also reviews some of the difficulties faced by students whose first language is not English, particularly in language-based courses such as Company Law. The paper considers the various means by which the author has attempted to improve access to the course material for such students, and reflects on the extent to which student performance has improved as a result. Finally, the paper reflects on the practical implications of improving student performance. The author is an academic in the School of Accounting and Law at RMIT University. She practiced as a corporate lawyer and before that, taught English as a foreign language for several years. She also has first-hand experience of the difficulties associated with studying law in a foreign language, having completed her LLM in German.

Legal Education at Victoria University of Wellington: the student experience

Petra Butler

Senior Lecturer, Faculty of Law, Victoria University of Wellington

Abstract

Empirical research carried out in the US in the last 10-15 years reveals that law students are generally dissatisfied with their experiences there. The negative effects of legal education are particularly marked for female students. This study, carried out at a New Zealand university in late 2004 seeks to replicate earlier US studies and queries whether the influx of female students into law school in the past ten years has effected any change in how law school is experienced. It asks: how comfortable are students with lecturer interactions inside and outside the classroom? With student interactions? How attached are they to their law school? Why did they come to law school and how do they feel about their performance while there?

FY Law: Engaging law students in transition as if retention and learning really matters

Sally Kift

Lecturer, Faculty of Law, Queensland University of Technology

Abstract

Successfully managing the process of transition to university involves acknowledging that students, in all their diversity, come to us to learn and that we are responsible, not just for retaining and credentialing them, but for designing and supporting environments where active and interactive, transformational, learning can take place. Research has also shown that students' successful engagement with their tertiary learning closely correlates with their integration into and participation in both the academic and social arenas (McInnis et al, 2000; Krause et al, 2002; Tinto, 1993): a sense of shared commitment and

sense of belonging to a community in which learning with other people, particularly peers, is valued is a key indicator of likely student success. This paper will discuss a “whole-of-course” response to the dynamics of the first year experience in legal education by way of formal and informal curriculum renewal. A two-pronged approach will be suggested that embeds the basic skills-set necessary for tertiary success into core curriculum and then supports this in-class learning with a range of out-of-class strategies that emphasise retention and learning engagement. An analysis of student feedback on the transitional strategies will also be presented.

Creating an Effective Learning Environment

Sue Tappenden

Lecturer, School of Law, The University of Waikato

Abstract

This paper looks at some of the fundamental principles of learning and considers ways in which the university learning environment can be enhanced to take more account of the way in which students learn. The function of memory in learning is discussed and how teaching strategies can be devised to assist students’ cognitive processing. It is suggested that technologically enhanced teaching techniques would be beneficial to students and that we should take full account of those techniques when we consider what learning outcomes we expect from a course and devise teaching strategies that will better enable our law students to achieve those outcomes. The paper puts forward some suggestions as to why some students may fail to realise their initial potential and how the construction of a blended learning environment, in which support is made readily available, can meet the needs of those students. It is not the intention to ask what aspects of our teaching can be replaced by technology but rather to discover how we learn and how technology can assist with that learning.