

# GROUP COURT INTERNSHIP PROGRAM MODEL: DESIGNING THE VICTORIA UNIVERSITY COUNTY COURT INTERNSHIP PROGRAM

---

NUSSEN AINSWORTH\*

## ABSTRACT

THE VICTORIA UNIVERSITY COURT INTERNSHIP MODEL (VU MODEL) IS A NEW AND INNOVATIVE CLINICAL LEGAL EDUCATION (CLE) EXPERIENCE. THE INNOVATION OF THIS MODEL IS THAT STUDENTS PARTICIPATE IN THE PROGRAM AS A GROUP WITH ONE JUDGE, AS OPPOSED TO THE MORE TRADITIONAL 1:1 MODEL. THE INNOVATIVE DESIGN OF THIS MODEL ALLOWS FOR MORE STUDENTS WHILE STILL MAINTAINING THE BENEFITS AND LEARNING OUTCOMES OF THE TRADITIONALLY LOWER STUDENT RATIO MODELS. THIS MODEL RESPONDS TO THE NEEDS OF THE CHANGING AUSTRALIAN LEGAL EDUCATION LANDSCAPE. IT ALLOWS FOR THE DESIGN OF A CLE EXPERIENCE WHICH IS SCALABLE, VIABLE AND COMPLIES WITH BEST PRACTICE IN AUSTRALIA. FEEDBACK FROM PARTICIPANTS IN THE VU MODEL SUGGEST THAT THE KEY BENEFITS OF PARTICIPATING IS THAT STUDENTS FOCUS AND REFLECT ON CAREER PLANNING, LEARNING FROM OBSERVATIONS AND BRIDGING THE GAP BETWEEN THEORY AND PRACTICE. THROUGH CREATING CLE PROGRAMS BASED ON THE VU MODEL, OTHER UNIVERSITIES ARE ABLE TO PROVIDE CLE EXPERIENCES WHICH WILL PROVIDE STUDENTS WITH THESE BENEFITS AND ALLOW UNIVERSITIES TO BETTER PRODUCE GRADUATES WHO ARE PREPARED FOR LEGAL PRACTICE, WHICH IS THE CORE OBJECTIVE OF LEGAL EDUCATION.

## I INTRODUCTION

IN RECENT TIMES, CLE HAS DEVELOPED IN AUSTRALIAN LEGAL EDUCATION. THERE IS A GROWING NEED TO LOOK AT CREATING NEW AND INNOVATIVE CLE EXPERIENCES THAT CAN COPE WITH THE GROWTH OF LAW SCHOOLS AND THE NUMBER OF LAW STUDENTS. THESE EXPERIENCES NEED TO BE SUSTAINABLE, AVAILABLE TO LARGER NUMBERS OF STUDENTS, AND AT THE SAME TIME ACHIEVE CLE'S INHERENT OBJECTIVE OF BETTER PREPARATION OF STUDENTS FOR LEGAL PRACTICE. VICTORIA UNIVERSITY (VU) IN PARTNERSHIP WITH THE COUNTY COURT OF VICTORIA HAVE DEVELOPED AN INNOVATIVE COURT INTERNSHIP PROGRAM (THE VU MODEL). THIS MODEL DEMONSTRATES THAT THERE ARE NEW AND INNOVATIVE CLE EXPERIENCES WHICH CAN RESPOND TO THE CHANGING LANDSCAPE OF AUSTRALIAN LEGAL EDUCATION. PART I OF THIS ARTICLE PROVIDES A SNAPSHOT OF THE DEVELOPMENT OF CLE IN AUSTRALIA AND CONSIDERS RECENTLY DEVELOPED AUSTRALIAN CLE BEST PRACTICE. PART II OUTLINES THE VU MODEL AND DEMONSTRATES ITS COMPLIANCE, IN DESIGN, LEARNING OBJECTIVES AND ASSESSMENTS, WITH THE BEST PRACTICE. PART III EXAMINES THE RESULTS OF THE STUDENT PARTICIPANTS SURVEY RESPONSES AND SUBSTANTIVE FEEDBACK PROVIDED UPON COMPLETION OF THE PROGRAM. THE AIM OF THIS ARTICLE IS TO PROVIDE AN INNOVATIVE INTERNSHIP MODEL THAT IS SUSTAINABLE, ACCESSIBLE AND CONTRIBUTES TO STUDENTS' PRACTICAL LEGAL EDUCATION.

---

\* Lecturer, College of Law and Justice, Victoria University. The author wishes to acknowledge The Honorable Judge Phillip Misso of the County Court of Victoria whom is also an Adjunct Professor at the College of Law and Justice. Judge Misso conceived the concept for the program and has tirelessly worked with the author and Victoria University on facilitating the Victoria University County Court Internship Program. The author would like to thank Associate Professor Nicolette Lee for her ongoing support in writing this article.

## II DEVELOPMENT OF CLE IN AUSTRALIA

Work integrated learning (WIL) has steadily grown in popularity as an engaging means of developing practical lawyering skills; demand from universities and students for learning experiences in legal workplaces has also increased. Universities see WIL as a valid pedagogy that focuses on work-ready graduates, which is what employers are demanding. Student demand for WIL comes from their desire for practical industry knowledge and skills that are developed in a disciplinary context. In response to these demands, the Australian Learning and Teaching Council commissioned a National Scoping study of WIL in contemporary Australian higher education. A key finding is that, with this increased demand for WIL, there is now ‘the need for collaborative and inclusive sector-wide engagement in initiatives that can support and sustain a broad range of WIL experiences.’<sup>1</sup> There are many ways to achieve this kind of collaboration, and internships are ideally suited to WIL for law students in Australia.<sup>2</sup>

The development of CLE in Australia does not have the enthusiastic industry-wide support that is enjoyed in the USA.<sup>3</sup> Numerous factors contribute to this comparative lack, with a primary cause claimed to be the ‘uneasy relationship’ between academia and the profession.<sup>4</sup> Nonetheless, CLE in Australia has developed and is now increasingly available at Australian law schools.<sup>5</sup> The growth of CLE in Australia has occurred both in courses and in programs, as well as in the number of universities offering CLE.<sup>6</sup> In the Kingsford CLE guide<sup>7</sup> 2011–2012, 25 university law schools offering CLE are listed. That is 69.4 per cent of Australian law schools. It should be noted that VU is not listed, but does offer numerous CLE opportunities. This could also be the case with other law schools. The growth of these ‘traditional’ CLE courses has led to general acceptance of CLEs as a beneficial experience for law students. There is continued consideration and discussion on how to best incorporate CLE into the well-established curriculum of the Australian law degree.

Various models of CLE are used in Australia. The model most likely to be associated with universities is that of the legal clinic. This model was first used in Australia in 1975 and is now well established in a number of law schools.<sup>8</sup> In legal clinics, students, under academic supervision, work with real clients. Close supervision allows for a rich learning experience as students work through the process of advising clients and providing them with legal services. A major drawback for a law school adopting this model is that it is very costly, due to the expenses of running a functioning law office.<sup>9</sup> Additionally, providing adequate supervision for students requires a large amount of resources as several aspects of the legal clinic model require close supervision. Supervisors have to ensure that sound legal work is being provided to the clients without losing sight of the central objective of the clinic, which is to provide students with a learning experience. Therefore, there are limited programs using the legal clinic model with limited student places.

In the simulation model of CLE students role-play what lawyers would do in a specifically designed artificial setting.<sup>10</sup> The simulation model has numerous notable features, which can at the same time be advantageous and problematic.<sup>11</sup> An example of a benefit of simulation is

1 Carol-Joy Patrick et al, *The WIL Report: A National Scoping Study*, Australian Learning and Teaching Council (ALTC) Final report (QUT Department of Teaching and Learning Support Services, 2009).

2 Judith McNamara, ‘A Collaborative Model for Learning and Assessment of Legal Placements’, paper presented at World Conference on Collaborative Education and Work Integrated Learning, Vancouver Canada, 23–26 June 2009, 6.

3 Jeffrey Giddings, *Influential Factors in the Sustainability of Clinical Legal Education Programs* (PhD Thesis, Griffith University, 2010) 6.

4 *Ibid.*

5 Adrian Evans et al, *Best Practices: Australian Clinical Legal Education* (Commonwealth Department of Industry, Innovation, Science, Research and Tertiary Education, 2012) 6.

6 Kingsford Legal Centre, University of New South Wales, *Clinical Legal Education Guide 2011 and 2012* (August 2012) <[http://www.klc.unsw.edu.au/sites/klc.unsw.edu.au/files/doc/eBulletins/CLE\\_GUIDE\\_2011\\_12.pdf](http://www.klc.unsw.edu.au/sites/klc.unsw.edu.au/files/doc/eBulletins/CLE_GUIDE_2011_12.pdf)>.

7 *Ibid.*

8 *Ibid.* 5.

9 Giddings, above n 3, 91.

10 *Ibid.* 79.

11 For further discussion see Giddings, above n 3, 79–82.

the controlled environment, since simulations are not real. A controlled environment affords students a safe way to experiment with the skills and knowledge of a profession without causing potential harm to clients. However, at the same time, simulations can be a disadvantage as realism is very important to clinical educational experiences.

The externship model is very popular in the USA, and almost all law schools accredited by the American Bar Association offer externships programs.<sup>12</sup> In Australia, externships, more commonly referred to as internships, are less popular.

Attributing descriptive terms to environments that provide students with educational benefit through practical engagement outside the traditional formal lecture has been difficult. Terms such as WIL, clinical education, internships and externships are commonly interchanged. This difficulty in nomenclature was raised in the National Scoping study, which took the position of not providing a unitary definition of WIL and, instead, stipulates that WIL is ‘an umbrella term for a range of approaches and strategies that integrate theory with the practice of work within a purposefully designed curriculum.’<sup>13</sup> Internships, as defined by Abeysekera, can also fall under this umbrella. According to Abeysekera, internships are ‘any carefully monitored work or service experience in which a student has intentional learning goals and reflects actively on what is being learned throughout the experience.’<sup>14</sup>

There are well-documented issues with the various CLE models. Major issues include limited university resources and student access. Traditional CLE programs to date strongly emphasise service and access to justice.<sup>15</sup> From a practicality perspective, these programs are by nature resource-hungry and difficult to sustain, in part due to the large amount of academic supervision required. From an educational perspective, CLE provides students with an important, rich and deep practical experience. However, this experience is limited to the small number of students who are able to obtain a place in a program.

### III CLE BEST PRACTICE IN AUSTRALIA

Clinical legal program models in Australia are under-researched. There has not been much empirical research done on CLE nor is there consensus on the future development for such programs by Australian law academics. While one will find many clinical legal education programs across Australian law schools, until recently there were no agreed benchmarks of what should be their purpose and place in legal education. This has changed with the release of the Best Practices in Australian Clinical Legal Education (CLE Best Practices) in September 2012.<sup>16</sup>

The distinguishing features of *CLE Best Practices* include:

- the programs are intensive
- there are small group of students
- they allow students to apply legal theory
- they allow students to develop practical lawyering skills
- they involve student self-critique
- they facilitate student learning (learn-to-learn from experience)
- they encourage a collaborative learning environment.

The Council of Australian Law Deans (CALD) has supported the development of CLE best practice from its inception. This is very encouraging, as it supports the notion that CLE programs play a fundamental role in the core academic legal curriculum. CLE programs, according to *CLE Best Practices*, are in line with the Threshold Learning Outcomes (TLOs) for

---

<sup>12</sup> J P Ogilvy, ‘Introduction to the Symposium on Legal Externships: Learning From Practice’ (2004) 10 *Clinical Law Review* 469, 469.

<sup>13</sup> Patrick et al, above n 1.

<sup>14</sup> Indra Abeysekera, ‘Issues Relating to Designing a Work-integrated Learning Program in an Undergraduate Accounting Degree Program and its Implications for the Curriculum’ (2007) 7(1) *Asia-Pacific Journal of Cooperative Education* 7, 10.

<sup>15</sup> Giddings, above n 3, 6.

<sup>16</sup> Evans et al, above n 5.

law. The overarching goal of CLE programs is to produce students who can ‘deal effectively with the modern world’.<sup>17</sup> Specifically in the legal context, CLE ‘focuses on lawyers’ role in achieving social justice. This is strongly developmental in strengthening future lawyers’ emotional awareness and sense of ethical behavior.<sup>18</sup>

The *CLE Best Practices* has seven ‘themes’ or sections in which best practices are provided for the theoretical and practical components of running a CLE program. Each theme is succinctly presented in two pages, except for the Course Design (four pages). Theme structure is uniform; each theme starts with a brief introduction of the theme and continues with the Principles and Best Practices. Each includes examples of how those practices are implemented in current CLE programs. The Course Design section also includes a Learning Outcomes section.

The *CLE Best Practices* were developed through extensive investigation using questionnaires, interviews, workshops conducted across Australia; findings were presented at conferences, and drafts were workshopped with key stakeholders and critiqued by national and international members of the project committee reference groups. The *CLE Best Practices* themes that are focused on in this paper are Course Design, Law in Context in a Clinical Setting, Reflective Student Learning and Assessment.

#### IV THE VICTORIA UNIVERSITY COURT INTERNSHIP PROGRAM MODEL

The VU model was developed out of the Victoria University County Court Internship Program (‘VUCCIP’). Judge Misso of the County Court first conceived this program. Since the initial concept, Judge Misso and the author have developed the VUCCIP into the Victoria University Court Internship Program Model. This Part sets out the VUCCIP as a case study, based on the program as it ran in semester 1 of 2013 (the program).

The VUCCIP offers students the opportunity to gain experience and insight into the County Court structure and its workings. There are daily lectures from Judge Misso, a sitting County Court Judge, covering a range of civil procedure topics and the practicalities of running a file. The program includes daily tours of the various areas in the court building such as the registry, judges’ chambers and judge’s library.

The program is extracurricular to the student’s degree and currently does not provide any credit towards the completion of a law degree.<sup>19</sup> Generally, students who participate in the VUCCIP have completed two years of law school. Upon conclusion of the program, the student receives a certificate of completion.

To apply for the program students need to complete *Civil Procedure/Dispute Resolution* and *Advocacy and Communication* or *Legal Writing and Drafting* and to receive a distinction average in all subjects. The purpose of the requirement of completing one of these subjects prior to commencing the CLE is to ensure that students will have the foundation knowledge of the subject areas that are the focus of the program. Successful completion of some prerequisites enhances students’ chances of being able to build on the theory learned by observing and taking part in its practical application in a legal context. The purpose of the distinction average requirement is twofold. First, students are going to be ambassadors of the University, and given the nature of the program there is a requirement that they have demonstrated commitment and are able to engage fully. Second, there is simply too much demand for the program. The program has been very popular and the applications outnumber the available places. In semester 1 of 2013 there were more than 2.5 applications for each place.

Following application for the program, students are selected for interviews. During interviews, students were asked what their future career goals were.<sup>20</sup> The results in Figure 1 below are based on the interviews of the 13 student participants in the program. Most students

---

17 Ibid 5.

18 Ibid.

19 This is likely to change, and the VUCCIP to be developed into a subject for credit.

20 See Figure 1.

mentioned that they hoped to become a barrister,<sup>21</sup> and two stated that they first wanted to become a solicitor. Two students wanted to become a judge's associate, one wanted to be a corporate lawyer, one wanted to combine their previous medical-related degree with their legal practice, and one stated that they wanted to be an advocate in some capacity.

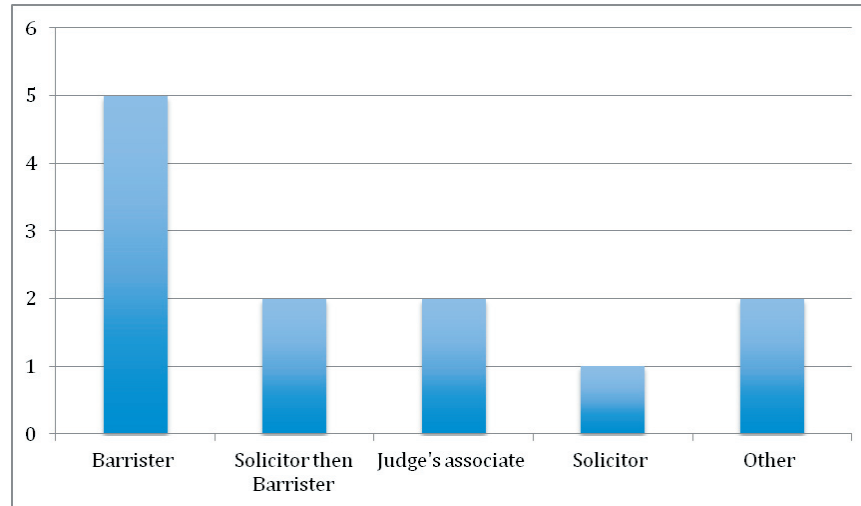


Figure 1: Future goals of participants (n=13)

## V CONSTRUCTIVE ALIGNMENT AND THE VUCCIP

The theory of constructive alignment has been shown to be useful when designing educational courses and programs in the higher education environment.<sup>22</sup> VUCCIP is principally an educational experience. Assessing and evaluating the VUCCIP with the constructive alignment theory provides useful information into the educational outcomes of CLE programs and can be used to further enhance this experience for the students.<sup>23</sup>

Biggs's concept of constructive alignment ensures that all elements of a course or program are aligned with the student-focused learning outcomes.<sup>24</sup> There are two aspects to constructive alignment: constructivism and alignment. Constructivism relates to the students' role. It is the students who construct meaning from the learning activities and it is their role to derive the meaning from the learning activity. Alignment is the teacher's role. The teacher is to ensure that learning activities in the design of the unit or program align with the intended learning outcomes.<sup>25</sup>

## VI ELEMENTS-BASED PROGRAM DESIGN

To understand the structure of the program it helps to break it down into five core elements. This Part outlines each of the five elements and how they work together to make up the program.

The first element is the introductory lecture, which takes place in the week preceding the program. This lecture takes the form of a workshop and serves several purposes, each of which

21 A barrister is a legal practitioner who is a member of the Bar, a professional association whose members predominantly work as advocates in court.

22 John Biggs, Constructive Alignment <<http://www.johnbiggs.com.au/academic/constructive-alignment/>>.

23 For an example see Judith McNamara, 'Internships: Effective Work Integrated Learning for Law Students' (2009) 10(3) *Asia-Pacific Journal of Cooperative Education* 229.

24 Biggs, above n 22.

25 John Biggs, 'Aligning Teaching and Assessing to Course Objectives', paper presented at Teaching and Learning in Higher Education: New Trends and Innovations, University of Aveiro, 13-17 April, 2003, 1.

focuses on preparing and focusing students on the learning outcomes.<sup>26</sup> At the beginning of the lecture students are provided with the program materials. The lecture then covers what is required from the students in relation to their participation and assessments. A number of important topics are covered, such as confidentiality, conduct during the program, professionalism, being aware of their environment and respect. The lecture also discusses learning from observation, reflective learning and life-long learning.<sup>27</sup> An associate of the supervising judge briefly attends this lecture to introduce themselves so that the student recognise them on the first morning of the program when they attend at the court. Finally, this lecture gives students the opportunity to ask any questions and voice any concerns they may have at this stage.

The second and main element of the program is four intensive days on site at the County Court.<sup>28</sup> Each of the four days begin with a 45 minute discussion with Judge Misso. The morning talks cover the following topics:

- An Introduction to the County Court.
- Civil Procedure — Rules of Court — How they are Formulated and their Purpose.
- A Typical Civil proceeding — the Court file — the Actual Hearing, and the Judgment and Orders.
- The Journey from Student to Practice to Judge.

Following the morning talks from Judge Misso, the students spend a large part of the day observing court proceedings. The nature of a court is that even though cases are generally scheduled weeks and months in advance, in reality each day is quite unpredictable.<sup>29</sup> This is largely due to the high percentage of cases that settle just before the trial date. Judges and their staff need to manage the uncertainty of the calendar and to be quite fluid and flexible. If a scheduled trial coincides with the program, it will, ideally, give the students the opportunity to observe a case from start to finish, with obvious educational benefits. However, it is not uncommon for that case to settle on the morning the trial is to start. From the Court's perspective, this frees up the Court's limited resources. However, from the perspective of the program, the observational learning on which the program depends may no longer be available. The VUCCIP deals with this issue in two ways: first, by scheduling a brief session with the judge's associate following the judge's lecture to advise and recommend to the student participants which case in the County Court they should observe, and any relevant information that would make the observation more beneficial. And, second, by being flexible with when the group tour takes place (further discussed below).<sup>30</sup>

The third element of the VUCCIP is a daily group tour led by the judge's associate through various parts of the court building that are not open to the public. This part of the program is very engaging, and expands the students' understanding of what is involved behind the scenes, bringing that aspect of the program to life. Throughout the four days onsite at the court, the students tour the registry, judges' library, judges' chambers and jury deliberation room. These tours give students an extra dimension to their legal education that they would otherwise not receive.

26 This is linked to a USA based model for evaluating legal externship programs. See Guideline 1.1.2: 'Does the program disseminate to all potential students and placements the goals, benefits, eligibility criteria, application procedures, and other policies for the program?': J P Ogilvy, 'Guidelines with Commentary for the Evaluation of Legal Externship Programs' (2003) 38(1) *Gonzaga Law Review* 155, 161.

27 See J P Ogilvy et al, *Learning From Practice* (Thomson West, 2nd ed, 2007). This book is the primary resource used for substantive content to deliver to the students about these concepts.

28 The length of four days was considered appropriate. A number of factors were taken into account: the already high commitment demands of court and the supervising judge's time and resources; students' availability, as the VUCCIP takes place during semester and students are not able to attend classes while onsite at the court; and the judgment that this amount of time allowed for a rich exposure to the workings of court. The importance of this is articulated Guideline 1.4.6: 'Does the program monitor placements to ensure that the time commitments demanded of the students by the placements are appropriate and that the placements work with the students to help them fit their externship hours into their academic schedule?' See Ogilvy, above n 26, 167.

29 This is linked to Guideline 1.5.1.5, 'Does the program specify how substantial changes, including a change of placement site, can be made to the student's placement experience when circumstances require it, without sacrificing learning?' see Ogilvy, above n 26, 170.

30 Ibid.

The fourth element is the industry lunch. The lunch takes place during the second day of the four intensive days onsite at the court. At this stage the students are settled into the program and are thinking about what impact the VUCCIP will have on them personally, and on their future. The lunch is attended by the VUCCIP student participants as well as a range of industry guests including current judges' associates, lawyers and barristers.<sup>31</sup> Generally, the industry guests have previously also been a judge's associate. The industry guests are able to provide students with tips on how to get the most from their time in the court, and discuss their career plans. Having industry guests who are in various roles within the legal profession allows students to be exposed to a broad range of careers that they might have not considered, or even known existed.

The fifth and final element is the closing session. This session takes place three weeks after the four intensive days onsite at the court and after the students have submitted their assessment and feedback. By this time, the students have had the opportunity to digest and reflect on the experience generally and the impact the VUCCIP has had on them specifically.<sup>32</sup> The closing session is very useful for the facilitators, as it gives them the chance to address and discuss anything that has emerged from the assessments and feedback.

These five elements collectively give the students a new and deeper understanding of the court and its practices, particularly in relation to the study of civil procedure, which students are required to study during their legal education. The subject covers rules regarding court documents and their filing with the court. The class setting is limited to students being shown court documents to assist in their understanding, without exploring what happens to the document once filed. This newfound understanding is very valuable to students as this is an area that is not well understood by practitioners.<sup>33</sup>

## VII LEARNING OUTCOMES

The learning outcomes for the VUCCIP have been derived from the Best Practice paper, with outcomes matched to the elements, learning activities and assessment components of the VUCCIP. Upon successful completion of the VUCCIP, students should be able to:

1. Demonstrate critical analysis of legal concepts through reflective practice;
2. Demonstrate a developing ability to 'learn from experience';
3. Demonstrate an understanding of continuing professional development and a desire for life-long self-learning;
4. Demonstrate a consolidated body of substantive legal knowledge, and knowledge of professional conduct rules and ethical practice; and
5. Demonstrate an awareness of the social issues of justice, power and disadvantage and an ability to critically analyse entrenched issues of justice in the legal system.

These learning outcomes are useful for students' knowledge, as well providing a tool to expand the potential outcomes from the programs for students. Many students begin the program with a limited expectation of what they will gain in terms of learning, so articulating the learning outcomes and having a discussion about them with the students at the introductory lecture is invaluable.

---

31 This is linked to learning outcome No 3: Demonstrate an understanding of continuing professional development and a desire for life-long self-learning.

32 For further discussion on how such experiences develop students' professional identities see Kelly Terry, 'Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity and Purpose' (2009) 59(2) *Journal of Legal Education* 240. This allows for students to demonstrate achievement of learning outcomes Nos 1, 2 and 3.

33 For further discussion on the importance of reflection as part of the four-stage cyclical model to describe the process of learning, see Nancy Maurer and Liz Ryan Cole, 'Design, Teach and Manage: Ensuring Educational Integrity in Filed Placement Courses' (2012) 19 *Clinical Law Review* 115,154: See also Kimberly O'Leary, 'Evaluating Clinical Law Teaching — Suggestion for Law Professors Who Have Never Used the Clinical Teaching Method' (2002) 29(3) *Northern Kentucky Law Review* 491, 503: This is linked to learning outcome No 4: 'Demonstrate a consolidated body of substantive legal knowledge, and knowledge of professional conduct rules and ethical practice.'

The learning outcomes used are based on the feedback from previous student participants as well as the intended learning outcomes envisioned by Judge Misso and the author.

## VIII FEEDBACK METHODOLOGY AND ASSESSMENT

Discussion about the assessment criteria for the program is beyond the scope of this paper as the VUCCIP is not for credit at this stage, and the students' reflective reports are not formally graded. Students are provided with brief feedback of the reports at the closing session by both the coordinating judge and academic.

Three sources of information are used to monitor the running of the VUCCIP: a reflective report, feedback questions, and an online survey.

### A *Reflective Report*

The most substantial source of information from student participants is from their reflective report. Student reflection of on their experience allows them to put the WIL in context. This transformative power of reflection makes it a central element of WIL.<sup>34</sup> In the clinical legal education space students reflect on the following:<sup>35</sup>

1. Legal skills – theirs and others.
2. Career – goals and needs.
3. Legal processes – their impact.
4. Understanding of the law.

The purpose of reflective learning in a CLE context is to develop the student's ability to learn from their experience.<sup>36</sup> This is an important skill that students will come to rely on in practice. Attending lectures and writing papers do not facilitate the development of this skill. CLE is the ideal setting for this skill to be fostered and developed.

Walsh<sup>37</sup> points out that it is the student who is in the best position to understand their own situation and therefore they should be the ones to decide the focus of their substantive learning in WIL. This is the case especially when a focus of the VUCCIP is on providing a practical insight into professional practice which will serve to inform the students' career planning and choices. It is the students who are in the best position to know what direction in career planning they are looking into. For these reasons, students are encouraged to negotiate a theme/topic for their reflective report with the program coordinator. This choice allows for greater alignments of the VUCCIP's learning outcomes, activities and assessment.<sup>38</sup>

The reflective report that students are required to complete is a 1500-word report that should have a theme/topic and focus. Students are encouraged to develop their own theme/topic with consultation and approval of the program coordinator. Some suggested themes/topics are provided to students:<sup>39</sup>

- being a judge: what is involved
- the effect of the program on my future legal career
- lecture theatre vs the court room

---

34 Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?' (2006) 9 *International Journal of Clinical Legal Education* 29, 29–30.

35 Harriet Katz 'Using Faculty Tutorial to Foster Externship Students' Critical Reflection' (1999) 5 *Clinical Law Review* 437, 441–2.

36 This is linked to learning outcome No 1: 'Demonstrate a developing ability to "learn from experience"' and learning outcome No 2: 'Demonstrate an understanding of continuing professional development and a desire for life-long self-learning'.

37 Anita Walsh, 'An Exploration of Biggs' Constructive Alignment in the Context of Work-Based Learning' (2006) 32(1) *Assessment & Evaluation in Higher Education* 79, 83–4.

38 This is primarily linked to learning outcome No 1: 'Demonstrate a developing ability to "learn from experience"'.

39 These themes/topics were chosen as they relate to the related units of substantive law students undertake in their legal degree. These themes/topics are linked to learning outcome No 4: 'Demonstrate a consolidated body of substantive legal knowledge, and knowledge of professional conduct rules and ethical practice'.



- County Court: not just a court room
- the advocate: all things considered
- civil procedure — my new understanding
- new appreciation of law and its context in society.

The reflective reports appear to be beneficial for students, as they require students to engage with the learning aspect of the program after it has finished.<sup>40</sup> The report topics vary, as does the depth of analysis. Whether there should be more formal guidelines or criteria for the report is worth exploring, especially if the program becomes credit-earning. At this point however, while it is not a credit-carrying program, the reports appear to be serving their intended purpose.

### B *Feedback Questions*

The second source of information is the feedback questionnaire. The questions are focused on the student's experiences. Students are asked to provide substantive responses to the following:

- Has the experience been beneficial in the context of your studies?<sup>41</sup>
- Has the experience met your expectations, and if it did not, then in what respects?
- What additional exposure would you have liked which you consider reasonable to be included in the program?
- Any other matters you think would be beneficial/ any observations.

The student responses to these questions have been very insightful and useful in monitoring the program and ensuring that it meets the intended outcomes. Three themes appear from the analysis of the student responses to the feedback questionnaire. These themes inform the development of the program and support discussions about the program's learning activities, learning outcome and assessment to ensure they are well aligned.<sup>42</sup> The themes are career planning, learning from observation, and knowledge.

In order to attain a real sense of the student's feedback on the program experience it would be ideal to read their feedback in its entirety. However, that is not practical in the context of an article. Below are a limited number of comments taken from the student's feedback responses.

#### *Theme 1: Career Planning*

'This program exceeded my expectations and cemented my interest and passion for the law. It proved to me that a possible career as an advocate, or an associate in court is not impossible, and that the people that work in Court are real, approachable people who have been through similar experiences to me' — Student 12

'the experience in the County Court ... has motivated me to work towards sitting the bar exam upon graduation and subsequent admission.' — Student 10

'Perhaps the single most important thing that I took away from the program was the fact that I can readily picture myself beginning a career in personal injury law and litigation.' — Student 2

'The industry lunch... was one of the highlights ... I was able to ask a lot of questions and get the opinion of those in the industry on what my plan was after university.' — Student 2

'Talking with [the judge's associate] and subsequent research has inspired me to apply for associate roles when the opportunity arises.' — Student 13

---

40 This is evident from the student comments outlined in the next section.

41 This question is linked to learning outcome No 4: 'Demonstrate a consolidated body of substantive legal knowledge, and knowledge of professional conduct rules and ethical practice'.

42 This is linked to learning outcome No 3: 'Demonstrate an understanding of continuing professional development and a desire for life-long self-learning'.

‘this program has not only taught me a lot. It has also change d my future career goals.’ — Student 13

### *Theme 2: Learning From Observation*

‘The most valuable aspect, in my opinion was observing the advocacy.’ — Student 4

‘It was a priceless experience being able to watch barristers and then have His Honor discuss the advocacy that was presented’ — Student 4

‘Perhaps the most positive aspect of attending the program was the ability to observe practitioners in the process of litigation as well as observing the Judge’s role in such proceedings.’ — Student 3

‘it was of great benefit for me to see the different styles of advocacy on display in the numerous court proceedings attended.’ — Student 3

### *Theme 3: Knowledge*

‘This program is quite unique in that it provides a practical perspective that students do not gain from university and from reading textbooks. It cemented the importance of civil procedure and went further’ — Student 12

‘While studying, I have noticed that there seemed to be a significant “gap” between the legal knowledge that I had gained while studying at university, and my knowledge of the application of the law in the courtroom. My participation within the program has helped me to bridge this gap, and I have gained a better understanding of the manner in which legal knowledge is applied in court room advocacy’ — Student 2

‘The experience was valuable as learning about the rules and processes in class was one thing, but to see it happen in Court and to have a Judge explain the processes and rules solidified my learning.’ — Student 10

‘the program provided complimentary learning to my current court work in areas including civil procedure and advocacy.’ — Student 5

‘The program offers this in a practical and ‘hands on’ manner, which is unparalleled by any theoretical teaching I have received in any of my subjects — for this reason I am grateful to have been privileged enough to attend.’ — Student 3

## *C Online Survey*

The third and final source of information is the online survey that is emailed to students. The survey questions are in part adopted from the standard Victoria University ‘Student Evaluation of Teaching Report’. There are eight questions in total. The final question requires a written response; the others provide a Likert scale with answers ranging from ‘strongly disagree’ to ‘strongly agree’. The questions were:

1. It was clear what this program was about.
2. I had a clear idea of what was to be completed in this program and what was expected of me.
3. The learning activities were useful in this program.
4. The program was well planned and managed.
5. The program exceeded my expectations.
6. I will recommend the program to other students.
7. The program gave me practical experience that will be applicable to my future.

8. I have the following recommendations for future programs:

The survey responses for the program were overwhelmingly positive. Responses to the individual questions are set out in Figure 2. Three issues were raised by the student participants in their response to question 8.<sup>43</sup> The first was that they wanted more of the following:

- talks from Judge Misso
- insights in to the different roles in the court with specific reference to the role a judge’s associate, registry staff and librarians
- networking, either by way of extending the existing session or by adding another session after hours.

These ‘issues’ are positive. There would be some concern if all the students wanted more of the same thing, as this would indicate some level of deficiency in activities for that particular part of the program. The variability of response is a clear indication that the program is achieving one of its primary goals: to provide students with insight into the County Court structure and its workings. The program is designed to explore various facets of the court so that students can focus on what they are most interested in and use the program as a foundation and impetus for further exploration.

The second and third issues are procedural in nature and worth mentioning, as they can be solved relatively easily in future programs. Four of the 13 participants said they only became aware of the requirement to undertake the reflective report after they were accepted into the program, and 2 of the 13 participants raised the issue that the program ran towards the end of semester. The steps that have been put in place to resolve these two issues are to endeavor to have the program run earlier in the semester, and the requirement of a reflective report clearly noted in the advertisements calling for applications. In fact, however, the reflective report requirement has been clearly indicated and discussed in the information session and specifically mentioned in all interviews, which suggests oversight by the students who responded in that way.

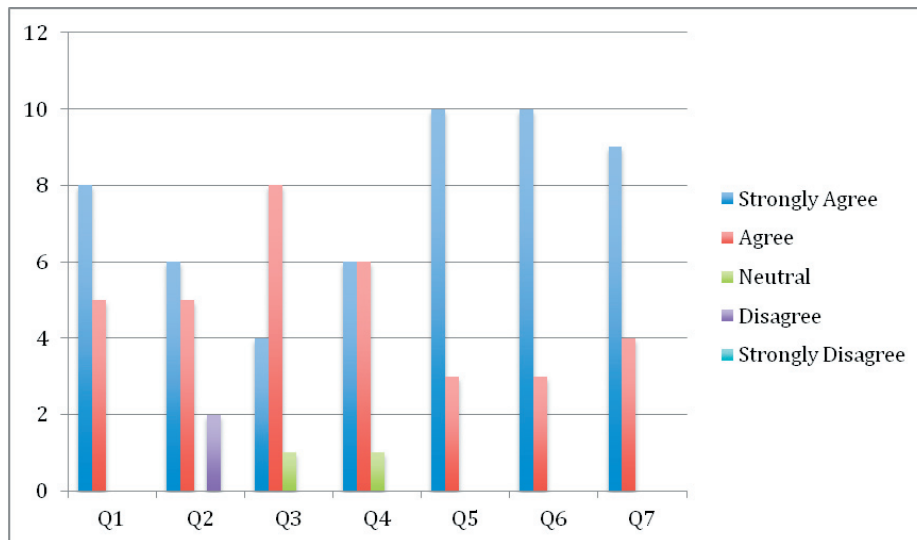


Figure 2: Responses to survey questions (n=13)

## IX FURTHER DEVELOPMENT OF THE VU MODEL

The VUCCIP can be further developed to enhance the students’ educational experience as well as further integrated into the legal education curriculum. An obvious way to integrate it into the curriculum would be to make the VUCCIP credit-carrying. Doing this would raise several issues. One is the limited number of electives available to law students, which is exacerbated by the growth of the Juris Doctor program and graduate entry degrees. Another issue is that there

would have to be additional lectures or workshops that focus on the learning skills students will develop and rely on during the VUCCIP. Finally, a benefit of integrating into the curriculum would be to provide the opportunity to an even larger number of students. To do this would require some strategic and creative thinking, as it would not simply be a matter of increasing the number of students for each intake, due the limited space in the court and the benefits in having smaller groups. One way to overcome these challenges and increase the number of students is to divide the students into two groups, running the intensive time in court (element two) over consecutive weeks, and joining the two groups for the other elements of the program.

## X CONCLUSION

The VU model is a nationally leading CLE program. It is innovative and accessible to students, in comparison to traditional CLE programs. The VU model aligns learning activities and assessments with the CLE national best practices learning outcomes. The model can be applied and adopted in other courts and similar settings. The VU model provides a practical experience for students with clear learning outcomes. Participating in the program has been shown to impact and enhance a student's knowledge, career planning and life-long learning skills through observation in real world settings.

CLE programs will have to develop to cater to the demand of the growing number of law students and as CLE becomes more integrated with the legal education curriculum. The success of this model provides an example of how CLE can develop in the future.