

## Get Real! A Case Study of Authentic Learning Activities in Legal Education

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Authentic learning activities offer a significant contribution to legal education. Legal practice simulations provide opportunities for students to experience the application of legal theory in situations designed to replicate legal practice. This article reports on a case study that describes and discusses the use of simulations in authentic legal activities integrated within substantive law courses. Simulations including a mock legal firm and moots were introduced into selected courses in a postgraduate law degree to give students the experience of legal practice. Students were given feedback, and assessed by legal practitioners in the various legal tasks that they accomplished as part of the simulations. Notably, the simulations were assisted by the use of video to scaffold learning. Both students and legal practitioners evaluated the project. As a result of their feedback, several initiatives are described that are in development to improve student learning through the production of teaching videos.

### 1. Introduction

Authentic learning activities can make a significant contribution to legal education and have traditionally been provided through clinical education.<sup>1</sup> Increasingly, legal skills are seen as important in undergraduate and postgraduate education, and have been included in recently articulated standards for legal education.<sup>2</sup> Legal practice simulations are another of the ways to provide authentic learning regarding legal practice. This article provides a case study of a design that uses simulations to teach legal skills and these simulations are integrated into substantive law courses. A mock legal firm is used as a vehicle for students to experience legal practice in various courses such as Tort and Contract and gain selected legal skills. This initiative is combined with a moot program that is also embedded into substantive law courses. Students were given feedback and assessed by legal practitioners in each learning and teaching simulation. Importantly, for the design of this project, the teaching staff developed various videos to scaffold student learning in preparation for engagement with the simulations. Both the students and the legal practitioners, involved in the simulations, evaluated this project. In response to this feedback, initiatives to improve student learning through the production of video are described. The purpose of this paper is to portray a project at RMIT University that introduced a blended learning approach to legal skills education. The paper canvasses the learning and teaching design, the data gathered for the evaluation of the project, and plans for training videos that aim to improve use of the online environment as well as scaffold the legal skills that are in development. It begins by discussing authentic learning in legal education.

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<sup>1</sup> Marlene Le Brun and Richard Johnstone, *The Quiet Revolution: Improving Student Learning in Law* (Law Book Company, 1994) 32.

<sup>2</sup> Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards Project: Bachelor of Laws* (2010).

<<http://www.olt.gov.au/resources/1710%2C5990?text=%22academic%20standards%22&solrsort=score%20desc>>. There are similar standards for postgraduate law degrees known as the Juris Doctor (JD).

## 2. Authentic Learning

With the push to produce skilful, competent graduates for complex contemporary legal work,<sup>3</sup> law schools now recognise the importance of authentic learning activities for students. Authentic activities link legal doctrine to professional practice.<sup>4</sup> In authentic learning, a student is no longer the passive recipient of knowledge but an active ‘doer’, confronting a complex real world problem from multiple perspectives and considering a wide range of possible solutions. Introducing authentic assessment in a law degree ‘ensures that students have opportunities to develop the critical thinking and problem-solving skills needed in professional situations, as well as the cognitive and performance skills relating to graduate attributes.’<sup>5</sup> This kind of assessment is valuable as it ‘replicates what students will be required to do in the workplace’.<sup>6</sup> In authentic learning, a student is required to demonstrate a range of attributes: presenting, analysing, questioning, judging, and combining ideas and information. Researchers suggest that when academic activity includes legal practice, it ‘greatly improves student learning outcomes’<sup>7</sup> and ‘students learn more effectively when their activities take place within a practice context’.<sup>8</sup> This approach is enhanced by assessment where ‘the learner is required to demonstrate skills under authentic conditions.’<sup>9</sup> Law teachers can incorporate authentic activities by using simulated legal firms, engaging in moots, and by assessing students performing legal tasks. Skill development can be included in face-to-face teaching, online experiences, or through blended learning (a combination of both modalities).<sup>10</sup> Blended learning in law allows students to engage with some parts of their courses online, and may have benefits in preparing students for face-to-face role-plays.<sup>11</sup> The use of video can be a key approach to enhance student learning as students can watch and learn from those involved in the field and thus experience authentic ‘real world’ learning.<sup>12</sup>

Legal skills generally include such activities as interviewing clients, analysis, and research of legal problems, as well as communication skills such as advocacy.<sup>13</sup> Reflecting the shift away from a purely theoretical emphasis in legal education, the 2007 report by the Carnegie Foundation in the United States argued that such skills are an essential part of law programs.<sup>14</sup> In Australia, a recent analysis of the curricula at various law schools noted the growing emphasis on graduate attributes as a framework for organising the legal curriculum. Legal skills are identified

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<sup>3</sup> Richard Johnstone, ‘Whole of Curriculum Design in Law’ in Sally Kift, Michelle Sanson, Jill Cowley and Penelope Watson (eds), *Excellence and Innovation in Legal Education* (Lexis Nexis, 2011) 1.

<sup>4</sup> Caroline Hart, et al, ‘The Real Deal: Using Authentic Assessment to Promote Student Engagement in the First and Second Years of a Regional Law Program’ (2011) 22 *Legal Education Review* 97, 105.

<sup>5</sup> Ibid 105.

<sup>6</sup> Donna Cooper, ‘Assessing What We Have Taught: The Challenges Faced with the Assessment of Oral Presentation Skills’ (Paper presented at the 28th Higher Education Research and Development Society of Australasia Annual Conference, Sydney, 3–6 July 2005) 216. This comment is part of a larger assessment framework.

<sup>7</sup> Mary Keyes and Kylie Burns, ‘Group Learning in Law’ (2008) 17 *Griffith Law Review* 357, 357.

<sup>8</sup> Anne Hewitt, ‘Producing Skilled Legal Graduates: Avoiding the Madness in a Situational Learning Methodology’ (2008) 17 *Griffith Law Review* 87, 89.

<sup>9</sup> John Bowden and Ference Marton, *The University of Learning Beyond Quality and Competence* (Kogan Page, 1998) 165.

<sup>10</sup> Michele Ruyters, et al, ‘Blended Learning Design Using Role-plays, Wikis and Blogs’ (2011) 4 *Journal of Learning Design* 45.

<sup>11</sup> Ibid.

<sup>12</sup> Jan Herrington, Thomas Reeves and Ron Oliver, *A Guide to Authentic E-Learning* (Routledge, 2010) ch 5.

<sup>13</sup> Bobette Wolski, *Legal Skills: A Practical Guide for Students*, (Law Book, 2006) preface.

<sup>14</sup> See also: William Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond and Lee S Shulman, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass, 2007) (the Carnegie Report) ch 1.

as part of this framework.<sup>15</sup> As part of the program at RMIT University, students learn advocacy skills through their compulsory participation in the moot court program, which is integrated within three of the core subjects: Evidence, Civil Procedure, and Administrative Law. Legal interviewing and drafting is integrated within Civil Procedure. Negotiation and mediation are addressed in a dedicated first year course.

In an effort to improve legal skills teaching in the law program at RMIT, the project team was granted funding to create legal simulations that could be embedded in substantive law courses. It was felt that the new standards in law required more skills based learning, building on the already present integrated skills in various courses. The project was titled 'Enhancing the Practical Lawyering Skills in the Juris Doctor'.<sup>16</sup> The project team identified the need to design learning and teaching activities that would allow students to better develop skills in legal interviewing, legal problem solving and advocacy. The new learning and assessment approach was designated 'Practice Aspects in the Juris Doctor' (PAJD). The central aim of the project was to develop authentic and blended learning approaches using a range of strategies and tools. The project makes use of problem based learning (PBL) pedagogy to provide students with the opportunity to master a range of legal skills during their studies. PBL will often involve an open-ended approach where students work in collaborative groups. This approach encourages teachers to be the facilitators and designers of activities. In its purest form, PBL allows maximum freedom of interpretation, providing minimal guidance to students so that, for example, a scenario may be only broadly defined. However, there are variations to the PBL approach in terms of the level of teacher direction.<sup>17</sup> The level of intervention should be carefully considered to ensure that the desired learning outcomes as part of the course objectives can be achieved.<sup>18</sup> The project learning design included a mock legal firm simulation where students would adopt the role of legal assistant to a solicitor within the firm. As part of our design, students worked with industry representatives, gaining feedback from experienced legal practitioners. PBL may be confronting for a law student who has experienced more traditional forms of legal education, therefore scaffolded learning may be needed to assist and support students to develop and master legal skills. Scaffolded learning supports students to progressively master knowledge and skills and ensure that tasks are both challenging and achievable. The learning design used scaffolded skills through online learning resources, such as precedents and video providing advice about legal practice. Video has been used in law to enhance understanding in skills such as negotiation and mediation in the court context.<sup>19</sup> It provides the opportunity for the demonstration of skills, such as in mediation, and thus provides students with visual representations of 'good' practice.<sup>20</sup> Arguably, scaffolding can work well in the e-learning environment, for example, through the posting of video to intranets for viewing by students asynchronously. This approach allows students to engage with skills required in legal tasks through observation at their leisure.

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<sup>15</sup> Susanne Owen and Gary Davis, *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in A Changed and Changing Environment* (Australian Learning and Teaching Council, 2009) 100.

<sup>16</sup> This funding was for \$48,000 and ran from January 2011 to December 2011. There was also funding for an interdisciplinary video project involving a media annotated tool that provided the resources for the moot court video.

<sup>17</sup> John Biggs and Catherine Tang, *Teaching for Quality Learning at University* (Open University Press, 3<sup>rd</sup> ed, 2007) 151-53.

<sup>18</sup> *Ibid* 14.

<sup>19</sup> Jacqueline Horan and Michelle Taylor Sands, 'Bringing the Court and Mediation Room into the Classroom' (2008) 18 *Legal Education Review* 197.

<sup>20</sup> Judy Gutman and Mathew Riddle, 'ADR in Legal Education: Learning by Doing' (2012) 23 *Australasian Dispute Resolution Journal* 189.

Paivi Hakkarainen and fellow writers<sup>21</sup> reported on the use of a PBL approach for authentic activities in both face-to-face and online learning environments. In this research, a public administration and management course adopted case-based teaching including face-to-face and online formats. A teacher, together with a number of the students, designed and produced three digital video-supported cases. The videos simulated scenarios based on real life cases that were selected by the teacher because they related to theoretical articles on the course topics. The students who attended face-to-face classes wrote scripts for the three cases, and also acted in the videos, with their teacher playing different roles. The videos of the cases were then distributed to online students to solve as part of their learning material for the course. The authors based their assessment on twelve characteristics of meaningful learning processes. According to these characteristics, 'meaningful learning is (1) active, (2) self-directed, (3) constructive, (4) individual, (5) collaborative, (6) conversational, (7) contextual, (8) emotionally involving, (9) goal oriented, (10) reflective, (11) abstract, and (12) multiple perspectives oriented.'<sup>22</sup> The authors found that designing and producing, as well as solving the cases presented in the digital video promoted a number of these characteristics of meaningful learning. Clearly, the use of video can provide the opportunity for 'deep' learning for students through a variety of approaches. In this article we now describe the case study that provides insight into the use of simulations in legal education, and the role that video can play in preparing students for engagement with these simulations.

### 3. Project Design and Implementation

In 2011, the PAJD project was introduced to first-year students, and third-year students first used the moot-court video material. PAJD was introduced into four first-year core courses—Torts, Australian Property Law, Contract Law, and Criminal Law. The mooted video was used in the Evidence course.

Two virtual online legal firms were established, and students were given an opportunity to engage in simulated legal practice. The students role-played as trainee lawyers with external legal practitioners playing the roles of partners of the mock firms—the latter directing the students in their learning tasks and assessing them on the practical tasks. Students were introduced to 'practice activities' typical in legal firms such as meeting partners to discuss files and take instructions, and advising clients. For instance, one practice activity (PAJD session) involved interviewing a client in a remand centre followed by a written bail application. The practice activities were scheduled for one hour per course. Practitioners assessed students' activities and awarded a mark out of a maximum of ten (ten per cent of the overall assessment in the course). At the end of each practice activity, students undertook a written task based on the practice activity, also worth ten per cent of the overall assessment in the course, submitted no later than a week after the activity and marked by the relevant academic.

Two dedicated university intranet sites (called student learning hubs) assisted in the development of the legal skills for PAJD and the moot court program. The PAJD learning hub contained documents setting out various scenarios and included tips on interviewing, supporting documents such as agreements and precedents relating to specific scenarios, as well as videos by

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<sup>21</sup> Päivi Hakkarainen, Tarja Saarelainen and Heli Ruokamo, 'Towards Meaningful Learning Through Digital Video Supported, Case Based Teaching' (2007) 23(1) *Australasian Journal of Educational Technology* 87.

<sup>22</sup> *Ibid* 91.

practitioners setting out advice, directions and instructions about certain aspects of legal practice. The moot court learning hub was made up of posts of relevant documents such as briefs, and included material from a barrister offering advice on advocacy. These learning hubs thus provided a range of scaffolding information and documentation for the moot program and the practice activities, and enabled the students to reflect on the activities prior to engagement with the face-to-face experience. Materials on the learning hubs included:

### **3.1 Scenarios**

For the PAJD project, nine scenarios were produced with the assistance of external legal practitioners to cover the four core courses. The scenarios, uploaded onto the site in the first week of semester, Supporting documents were created and posted to the dedicated learning hub. The practical tasks for students included interviewing clients, as well as the written tasks, such as the drafting of a letter of advice or memorandum that followed the interview that demonstrated legal problem solving. Similarly, the moot court scenarios are distributed to students through the moot learning hub.

### **3.2 Videos**

The PAJD project team members carefully considered which material would be helpful to demonstrate through video. Initially, two videos were produced where two different practitioners introduced ideas and concepts of professional legal practice. These focused on the reality of legal practice through advice and examples from the practitioners' own experience. Both practitioners emphasized communication and research skills—the ability to think on one's feet quickly and seek information effectively—and stressed finding solutions for the client that incorporated both legal concerns, and practical implications. For the mooting program video material of practitioner advice, 'the top ten tips of advocacy', was posted to the moot learning hub. In addition a demonstration video of a moot was filmed. This video differed from others as it scaffolded the actual skills needed rather than offering practitioner advice. Students could view and annotate the video to support and develop their advocacy skills in preparation for their face-to-face role-play. A screen shot of this video is provided below.

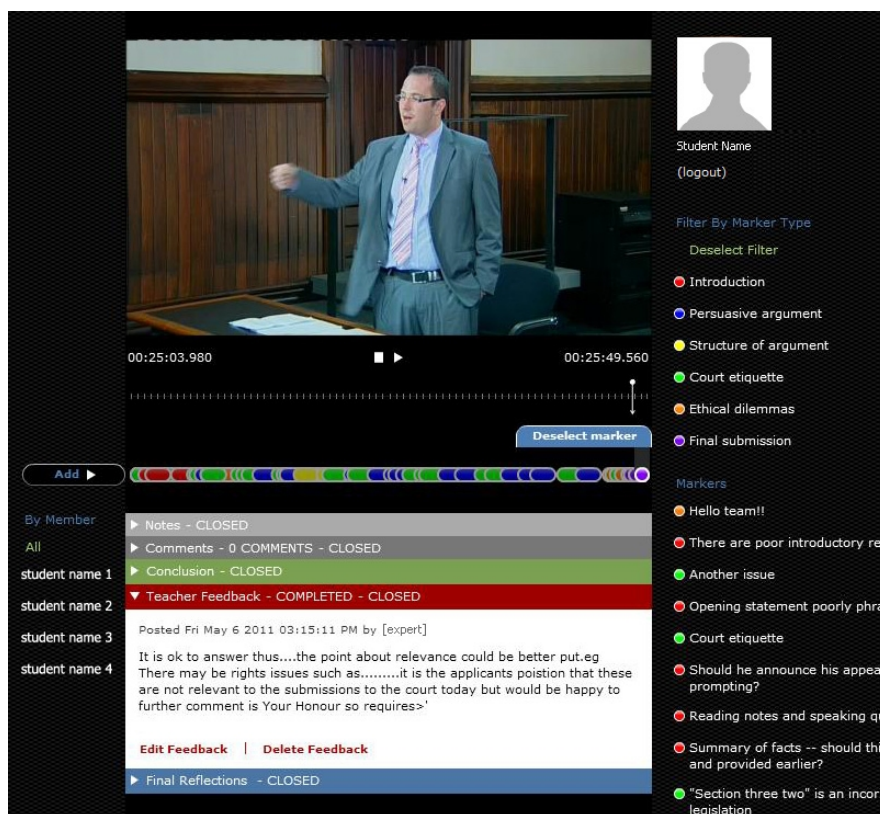


Figure 1: Moot court video developed for scaffolding advocacy skills

### 3.3 Mark-Sheet

A PAJD mark-sheet, setting out the criteria and mark allocation for the practical activities, was available to guide students for their assessment tasks. Practitioner assessors provided feedback on the mark-sheet. A similar mark-sheet was available on the moot court program learning hub. The moot court judge completed this mark-sheet after the advocacy role-play.

### 3.4 Resources

On both learning hubs, the PAJD and the moot court program, there were documents including resources for both civil and criminal case situations, such as directions on how to approach the learning tasks. There was also links to library online resources. These same resources were available on the moot court program learning hub.

### 3.5 Precedents

A few examples of typical written tasks, such as bail applications in the Magistrates Court, and a brief to counsel, were also available online.

The pilot practice sessions for the PAJD were held on 8 October 2011. These involved 61 students, six practitioner assessors, six 'actors' playing the roles of clients, an administrative assistant and an academic staff member. The morning sessions, from 9 am to 1 pm involved

practical tasks for Australian Property Law, Torts, Contract Law, and Criminal Law whilst the afternoon session included practical tasks for Torts, Contract Law, and Criminal Law. Students enrolled in a maximum of three courses and allocated either a morning or afternoon session so that there was limited waiting time between practical tasks. Details of the evaluation of the PAJD are described below. The moot court program using video was undertaken in June and evaluated separately and not reported in this discussion.

## **4 Evaluation**

The purpose of the evaluation of PAJD was two-fold:

- firstly, to monitor and review the project within the time and budget constraints;
- secondly, to evaluate the impact and efficiency of the project by examining whether the strategic aims and objectives had been achieved, and redesigning and modifying any aspects of the project, as required, to ensure maximum benefits to the various the students, academics and industry representatives.

### **4.1 Methodology**

Following ethics approval, solicited feedback from a small student focus group provided some indicative qualitative and quantitative information to guide further exploration of Both prior to and after the practice activity sessions, students were asked to volunteer, via email as well as verbally, for a focus group to collect data about their experience. The focus group was scheduled a week after the submission date for the follow-up written tasks. Four students met with the project leader in a meeting room and another student participated via teleconferencing. The students were requested to respond to the eleven statements in a survey (Appendix A) using a Likert scale, requiring a response from the focus group members ranging from ‘strongly agree’ to ‘strongly disagree.’ Following the survey, there was a discussion around the questions and issues raised in the survey. The student participating via teleconferencing responded to the survey via email. The focus group lasted about 45 minutes, and a number of themes emerged based on the feedback, as discussed below. The second area of data collection, gathered the feedback and experiences from practitioner assessors through a survey instrument. The six practitioners involved (a barrister, three solicitors and two recently retired practitioners now involved in legal education) were emailed the survey (Appendix B) after the practice sessions. Five responses were received via email from the practitioner assessors. The survey included 11 statements, using a Likert scale, and required a response from the practitioners ranging from ‘strongly agree’ to ‘strongly disagree’, as well as open-ended questions.

#### **4.1.1 Student Experiences**

The findings from this small sample indicated that most students agreed that the PAJD sessions were interesting and challenging. Most students also found that the PAJD sessions were realistic and confronting. Four of the five students found the PAJD session inspiring. Three of the students strongly agreed that their existing skills as a postgraduate student assisted them in the PAJD session. All but one of the students agreed that the learning hub site prepared them for the PAJD session. However, notably, this enthusiasm was not supported by student written responses to the open-ended questions. Some students perceived a lack of explanation or

instruction (prior to the session) about what was going to occur, and what was expected in relation both to the practical and written tasks.

Three of four students disagreed with the statement that the method and marks allocated were in line with the information given prior to the session. This dissatisfaction with marking was supported by the written responses to the question regarding areas needing improvement, where marking was identified as a problematic area. All but one of the students agreed that the PAJD session increased their practical skills and gave them a better understanding of what occurs in a legal firm. There was a range of opinions on whether the PAJD session illustrated the rationale behind this new form of assessment.

The common themes from the students' written responses to the open-ended question about the best feature of the assessment activity were the opportunity to apply the theory of their course in a practical situation, the interaction with the practitioner assessor, and obtaining relevant and concise information within a set time frame. In response both to questions asking the students to identify the best features of the assessment activity, and to an invitation for further comments, the students were generally enthusiastic:

I think it was really, really useful. I loved it and wish it was done for all subjects. (Student 5)

I think this was more valuable as a learning experience than an essay on academic aspect of legal topic. Put this in for every subject. I think this is so valuable. (Student 1)

Overall, [the PAJD was] a very beneficial exercise. Other than the comments above, the feedback from colleagues has been supportive and appreciative of the program. (Student 3)

When asked about best features of assessment activity, students identified the experience of working with real practitioner assessors:

Getting the practitioner's perspective from the relevant partner; seeing the practical rather than the theoretical approach to applying the relevant law; learning by doing. (Student 3)

Interaction with a barrister and the pressure of working to find concise information. (Student 2)

Having the opportunity to work with 'real people'. (Student 5)

From the above comments, it would appear that the students were highly receptive to the new learning and assessment strategy, and especially appreciated dealing with real people in the authentic activity.

However, the focus group identified specific areas that required improvement. A common theme from the students' written responses to the open-ended question on how the learning and teaching design could be provided, was the need to scaffold the legal skills, improving preparation as well as addressing the students' level of anxiety toward a PBL experience. There was also concern amongst some students about consistency of allocation of marks by the practitioner assessors. Although very few students failed the practical tasks, some students were



dissatisfied with their marks and/or the perceived variation in the marks allocated and/or the level of feedback. Students offered very specific feedback when asked about the areas that needed improvement:

Moderation of marks, feedback to students...currently, there is NO method of redress towards mark awarded by 'practitioner' (Student 1)

As stated above, three out of four students of the focus group disagreed with the statement 'the method and marks allocated were in line with the information given prior to the session'. This issue was anticipated as an assessment involving practical matters was always going to include subjective elements. This issue was canvassed at a meeting attended by some of the practitioner assessors where the marking scheme was discussed and the factors for the basis of the scheme were agreed upon and disseminated. Yet, it remained challenging for students, and also for practitioners.

From the student comments, it is clear that in future, more effort must be made to ensure that the external practitioner assessors strive to achieve uniformity both in the marking scheme and in the level of feedback and guidance given to the students during the practical sessions. The level of preparation given to students prior to the session also requires improvement. As this exercise was a completely new assessment activity, some degree of anxiety amongst students was anticipated. In particular though, students expressed greater concern around receiving sufficient guidance about the process involved in the practical activities. They expressed little concern about the content even though two of the contract law scenarios included voluminous documentation. Student feedback about the areas needing improvement emphasised preparation, and assessment expectations.

Please add some sort of preliminary practice so we (those of us who have no existing legal practice) can find out what is expected of us (Student 4)

Confused me in part- did not know what I was doing (Student 4)

Clearer instructions before the commencement that you as the practitioner needed to extract the relevant information from your client. (Student 3)

'Information session where questions could be asked' and 'Show what is expected' (Student 2)

Provide instructions on how to do the written tasks such as: how to write a brief, how to structure a memorandum and the legal requirements in the content ... (Student 3)

Practice session of example of documents i.e. memorandum. (Student 2)

Some of the partners allegedly were very arrogant, rude and condescending. (Student 3)

Although the aim of this practical project is to develop 'lawyering' skills that involve students 'thinking on their feet', first year students, especially those with limited work/life experiences, will require more instruction or information. Ideally, further preparation will reduce the level of uncertainty about the practical activities in their roles as trainee lawyers in the simulated legal firm.

#### 4.1.2 Practitioner Assessors' Experiences

Four practitioners strongly agreed that the students were respectful. All practitioners agreed that the students were well-prepared and mature. Four of the five practitioner assessors agreed that the students were confident. Perhaps of most interest, given the students' perceptions of the lack of clarity and consistency with marking, four of the five practitioners agreed that 'I had difficulty/concerns regarding the allocation of marks for the session' whilst one practitioner was neutral. This is further reflected in the statement of a practitioner assessor who remarked in the open section that 'I found it difficult to be confident my marks were a fair assessment of the students' performance'.

All practitioners agreed with the statement 'the practice aspects session increased the practical skills of the student' and four practitioners agreed that the time allocated for the practical tasks was about right. All practitioners also agreed that the practical tasks were in line with the issues set out in the scenarios. There were mixed perceptions about the statement 'the sessions did not go far enough to illustrate the rationale behind this new form of assessment' with three agreeing and two disagreeing. All practitioners reported that they found the practical sessions challenging. When asked to identify the best features of the assessment activity, practitioner assessors reported:

Practical nature of the tasks, format of the sessions [where it is structured as a] simulated office environment. (Practitioner 4)

Giving the students a small taste of what to expect in practice' and 'taking them out of the comfort zone'. (Practitioner 3)

Meeting students and interacting, giving them the opportunity to advise on the spot (Practitioner 1)

A good way to get students thinking of what work as a solicitor may be like. Also to think about how they can utilise the theory that they have learnt. Also good to get practitioner assessors involved in student activities and open up opportunities for students to talk to practitioners. (Practitioner 2)

When asked to identify areas needing improvement, practitioners also identified consistency and confidence in marking, and the need for greater preparation: both areas that were emphasised by the students.

Some standardising of the marking, and limiting the scenarios to one area of law (Practitioner 3)

In future, more thought could be turned to preparing students for the activities (Practitioner 2)

I think the students were 'ambushed' in the sense that they were given so many possible scenarios and they did not know what part(s) they played until the last minute. I cannot

see why we cannot tell them which matter they are going to give advice in, say a week before the session. (Practitioner 1)

Other concerns noted by the practitioner assessors included the time limitation and the complexity of the tasks.

At times I felt there was insufficient time to adequately explore matters (Practitioner 4)

The scenarios had been (intentionally) written to introduce a number of issues across a number of practice areas – as real life cases don't often fit neatly into one area. However, as the lecturers in only one subject correct written tasks, future scenarios will need to be tailored accordingly (Practitioner 3)

When asked whether there were particular streams or distinguishing aspects in the student cohort, which the practitioner assessors particularly noted:

The best prepared (and best performed [sic]) students were those of a more mature age, who had several years' experience in the workforce before enrolling in the Juris Doctor. (Practitioner 3)

Those students who actively and without caution articulated issues or concerns in lectures and other class exercises in their groups were the ones well prepared in the practical assessments once they had the materials to hand. (Practitioner 5)

Whilst practitioners were generally positive about the new assessment activity, their concern with allocating marks indicates a need for further support or clarification. In future, more guidance and discussion will need to be undertaken with the practitioners to address this issue. The data also indicates that the students require targeted scaffolding to support their learning. In the online environment, this can be provided through improved use of the learning hub site. We discuss our plans for improvement in the next section of this article.

## **5 Discussion and Conclusion**

In this project, students benefited from a blended approach using PBL and authentic strategies as a way to embed various legal skills into substantive law courses. The hope was to produce graduates with relevant work and practical experience, skills, and feedback from the profession gained during their legal education. It is anticipated that this will help students emerge with a greater sense of 'work readiness' on completion of their degree. Despite the students' general enthusiasm for the activities, the evaluation indicated that improved scaffolding is required to assist them to master legal skills. Although some precedents and video material were provided through the dedicated learning hubs, students indicated that they needed further support to engage with this kind of learning. This suggests that a greater level of teacher/practitioner/pedagogical intervention and support needs to be considered when designing these activities. Critically, the practitioner advice videos were insufficient to prepare the students for engagement with PAJD. Therefore, in order to meet students' needs, we are currently developing further video material that aims to better scaffold legal skills. This material will be available online to demonstrate the procedures and processes of PAJD sessions to new students. The material includes a video showing students in a PAJD session working with a legal

practitioner and demonstrating legal problem solving. Additionally, a video demonstrating the skills necessary for a successful legal interview is in production. These new videos are more targeted in their approach than the more general tips from practitioners that were the focus of the first iteration of the use of video in PAJD. Importantly, we are also improving the student experience by providing better briefing for the legal practitioners regarding providing scaffolding and support to students. Practitioner marking has been improved by the provision of more detailed criteria and marking rubrics. In these ways, we strive to assist students to achieve greater mastery of legal skills and prepare them for the complex demands of legal practice.

APPENDIX A

**SURVEY 2: PRACTICE ASPECTS IN THE JURIS DOCTOR**

Program: Juris Doctor

Semester 2 2011

To be filled out at the beginning of the focus group session.

**Your opinion is important to this project and your time in completing this survey is appreciated.**

(i) Name the courses involved in the practice session:

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2. Put an 'x' in the column to indicate your level of agreement for the following statements using the rating scale provided. Each of these questions refers to you as a learner in an RMIT learning program. The questions refer to your experience of the practice aspects session you undertook.

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I found the practice aspects session was:					
interesting					
challenging					
realistic					
inspiring					
confronting					
I feel that my existing skills as a postgraduate student contributed to my performance during the sessions.					
The practice session increased my practical skills.					
The DLS site prepared me for the session.					
The session has given me a better understanding of what goes on in a legal firm.					
The method and marks allocated were in line with the information given prior to the session					
The session I took part in illustrated the rationale behind this new form of assessment					

3. The following questions relate to your feedback on the positive and negative aspects of the practice aspects activity.

(i) What were the best features of this assessment activity?

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(ii) What are the areas which need improvement?

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(iii) Are there any other comments that you would like to make about the practice aspects assessment activity?

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APPENDIX B

<b>Practitioner's feedback on the PAJD Session on 8<sup>th</sup> October 2011. Please tick box. Statement</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
I found the students in the practice aspects session:					
respectful					
well-prepared					
mature					
confident					
Other(s) please add					
I had difficulty/concerns regarding the allocation of marks for the session					
The practice aspects session increased the students' practical skills					
The time allocated for the practical session was about right					
The practical tasks were in line with the issues set out in the scenarios					
The sessions did not go far enough to illustrate the rationale behind this new form of assessment					
I found the prac sessions: challenging					
boring					
Others, please specify					

**The following questions relate to your feedback on the positive and negative aspects of the practice aspects activity.**

**(i) What were the best features of this assessment activity?**

**(ii) What are the areas which need improvement?**

**(iii) Are there any other comments that you would like to make about the practice aspects assessment activity?**

**(iv) Were there any particular streams or distinguishing aspects in the student cohort which you particularly noticed?**