

ANU Legal Workshop

Graduate Diploma of Legal Practice



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Teaching Context

The GDLP: The ANU Graduate Diploma of Legal Practice provides LLB and JD graduates with the qualification required to be admitted as a lawyer in Australia. The GDLP is delivered almost entirely online, and can be completed in 6 months.

Students: Between 500-900 students located around Australia and internationally undertake the GDLP in each of two yearly intakes (summer and winter). All students have already completed a 3-4 year LLB or JD qualification.

Teaching team: A team of six convenors at the ANU Legal Workshop design the learning resources and work with up to 150 practice mentors (who are all experienced legal practitioners) to deliver the program.

Issue: Impetus for change

Legal professionals are known to experience high rates of psychological distress, with adverse health impacts including depression, anxiety and addiction. In response, there is growing interest in redesigning legal education to prepare well-rounded future lawyers who have the knowledge and skills to be competent, ethical and mentally-healthy practitioners.

Aim

Design a professional legal education program that would better support students to make the transition from academic study to professional practice by developing an authentic professional identity and establishing professional competencies that underpin development and wellbeing of the 'whole person'.

Curriculum elements

The GDLP consists of a 5-day face-to-face workshop (taught in all capital cities and various regional centres) that introduces students to the essential skills for 'Becoming a Practitioner'. Students are then 'recruited' into virtual law firms where they work collaboratively online (in teams of 4) over 16 weeks to develop further expertise in core areas of legal practice – such as property, civil litigation and commercial law – and gain the real-world knowledge and attributes demanded by employers. This 'Professional Practice Core' (PPC) is complemented

by and supports students to undertake at least 20 days of practical experience under the supervision of an experienced lawyer.

Program design strategies

The Legal Workshop team are actively trialling and evaluating approaches to curriculum development that support student wellbeing in an integrated and holistic sense – rather than providing 'add on' decontextualised modules on mental health that are unlikely to provide an adequate foundation for effective management of the uncertainties, unknowns and complexities involved in legal practice.

Key strategies that the ANU Legal Workshop team identify as supporting the wellbeing of GDLP students:

Foster development of professional identity through simulation of legal practice

The development of law students into legal professionals is facilitated in the PPC through online simulation of a legal workplace and legal transactions that require students to 'act' in the role of a 'newly admitted lawyer'. Each 'virtual firm' of four students is assigned a Practice Mentor for the duration of the course and teams are trained and supported to work collaboratively. The simulated practice environment offers students a safe place to make mistakes and learn through trial, error, feedback and reflection.

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It also affords opportunities for students to integrate the norms and values of legal practice into their developing professional identity.

Redesign assessment of and feedback on professional competencies

Students' competencies and behaviours are assessed through satisfactory completion of a number of legal transactions to a professional standard (rather than through normatively graded self-contained assignments). To graduate, students must refine their work-products, individually and in groups, until each piece meets a 'competent' standard. Practice mentors and other group members provide timely feedback to students on their work-product and the ways their work practices, behaviour and communications impact on others. There are also structured opportunities (in 'practice management') for students to reflect on individual learning and development and the team work process, including challenges and problem solving strategies. While Mentors 'step in' to counsel teams when there are conflicts or they fall behind in their work, student teams are expected and supported to negotiate work plans and timelines, keep one another informed of progress, and manage delays, setbacks and conflicts – all critical skills for newly admitted lawyers.

Intentionally develop students' capacity to manage unforeseens, unknowns and uncertainties

The active process of learning through performance of authentic transactions involving reflection, collaboration, and holistic or process learning – is a 'messy learning process' in which students must discern the nature of their tasks, locate the resources to assist them in resolving the task and consider that there may not be just 'one' answer to the task provided. In this way students learn to become comfortable with the fact that uncertainty is a constant feature of legal life. To emphasise this point, and in keeping with the simulation of legal practice conditions, some deadlines and milestones are set for work outputs, but students are also told that things will 'come up' through the course that need to be managed 'on the fly', such as new facts, a change in the client's instructions, or a request from a senior partner to 'please advise by tomorrow'.

Integrate the Giving Voice to Values (GVV) curriculum in the PPC

Drawing on curriculum developed by Mary Gentile of Babson College (www.GivingVoiceToValues.org) for MBA students, the Legal Workshop team

has designed an integrated curriculum component to help students learn to not just recognise ethical conflicts that arise in the workplace, but to enable them to voice and act on their values when these conflicts arise. Through concrete examples and roleplay, GVV encourages self-knowledge and acting from one's strengths. In so doing, it promotes wellbeing and preparedness for practice – on the working theory that if a practitioner can bring her/his 'whole self' to work then she/he will generally have a better sense of wellbeing and a more sustainable professional identity.

Evaluating outcomes

The first iteration of the 'whole person' curriculum was introduced with the PPC in 2010. A survey is administered at the start of the PPC course to assist students to reflect on what they are bringing into the program and their wellbeing and goals. That survey is repeated at the end of the course and students can elect to submit their data for research and course improvement purposes. Survey data from more than 2,000 GDLP students:

- Enables evidence based strategic review and adaptation of the learning approaches employed in the GDLP in order to improve the student experience.
- Shows that, in stark contrast to the high levels of psychological distress experienced by Australian LLB and JD students, students undertaking the PPC maintain levels of wellbeing similar to or better than their community peers. That is, student wellbeing does not decline over the course, despite the intensity of the program.
- Suggests that the focus on professionalism, self-management and values-congruent experiential learning in the GDLP may be insulating students against sources of distress.
- Shows that graduates have high levels of pathway thinking (being able to come up with ways to solve a problem) and agency thinking (being able to act on those problem solving pathways successfully).

FURTHER INFORMATION

Tang S and Ferguson A. (2014) *The Possibility of Wellbeing: Preliminary Results from Surveys of Australian Professional Legal Education Students*. QUT Law Review 14(1): 27-51.

Ferguson A. (2015) *Creating practice ready, well and professional law graduates*. Journal of Learning Design 8(2): 22-37.