

# **Preparing tomorrow's lawyers today: graduate attributes in first year law**

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## **Abstract**

*Graduate attributes are not only pedagogically sound, they are a government requirement for all universities. A quality approach to embedding graduate attributes must begin with first year. This is where students should obtain an overall understanding of what graduate attributes are, why they are important, and where and how they will be developed across the course of their studies. This paper focuses on incorporating graduate attributes into first year law. It considers threshold issues such as whether development should be embedded in core law units or in a stand-alone unit, and the related issue of whether a specialist member of staff should be responsible or whether every first year law academic must play their part. It identifies effective strategies for embedding graduate attributes in first year law, both within individual subjects and general overall development, showcasing a graduate attributes workbook and proposing a university-wide web portal for the future.*

## **Introduction**

In an educational climate where liberal education has given way to professional education to create employment-ready graduates, it is no surprise that universities are seen to be providing a service (education) to create a product (graduates). It has been ten years since the then Department of Employment, Education, Training and Youth Affairs introduced a requirement for all Australian universities to include generic graduate attributes in their annual Quality Assurance and Improvement Plans. These statements of graduate attributes are the outcomes a student of the relevant university can expect by the time they graduate.

What has been accomplished in the eleven years since this accountability requirement was introduced? Most universities have taken the first three steps. The first step involves developing a set of graduate attributes at a university level, and the second

step involves translating those attributes at the discipline level. The third step requires mapping where the discipline-specific attributes are currently taught, practiced and assessed, and the fourth step, which to date most law faculties in Australian universities have not yet taken, involves negotiating across the teaching staff to ensure comprehensive coverage of each attribute, scaffolded from first year to final year.<sup>1</sup>

This paper focuses on why a solid foundation in graduate attributes should be incorporated into first year law, and three effective techniques for accomplishing this. It is in three parts. The first part addresses the ‘why’ issue, and the second part addresses general issues in ‘how’ to implement graduate attributes in first year law. The third part considers some effective strategies for embedding graduate attributes in first year law, and one proposed university-wide strategy. It is based on the author’s experience over a number of years in teaching first year law, and in her current position as First Year Coordinator in a program with 600 first year law students.

### **Why graduate attributes should be incorporated into first year law**

It seems an obvious question – surely, if students are to develop the attributes by the time they graduate, they should start in first year! However, it is not uncommon for graduate attribute development to be left to an unconscious, organic approach whereby students somehow absorb this development naturally through a kind of osmosis. Some law schools simply have a list of graduate attributes on their website and few references are made to them during the program of study.

Graduate attributes should be incorporated into first year law for three main reasons. First, motivation theory shows the value in having clear goals and a defined process towards their attainment.<sup>2</sup> One of the three main human needs identified in McClelland’s work, for example, is achievement, defined as the need for competitive success measured against a personal standard of excellence.<sup>3</sup> Therefore to go beyond lip service to graduate attributes, and to motivate law students to take responsibility for their own attribute development, graduate attributes need to be promoted as clear goals with a clear roadmap to their attainment. There also needs to be some way for students to measure their development and to feel a sense of achievement as they progress.

Second, graduate attributes need to be the subject of scaffolded development, and the foundational learning must take place in the first year of law studies so that higher level attribute attainment can be progressively developed in the following years. Adopting Biggs Structure of the Observed Learning Outcome (SOLO) taxonomy to show how a learner’s performance grows in complexity when mastering many academic tasks, from prestructural, unistructural, multistructural to relational and

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<sup>1</sup> Sanson, M. (2004). *Graduate Attributes: Established Theory and Current Practice*. Research Paper submitted towards Master of Education in Adult Education, copy available on request.

<sup>2</sup> See for example Latham, G., & Locke, E.A. (1984). *Goal Setting: A Motivational Technique That Works*. Englewood Cliffs, NJ: Prentice Hall.

<sup>3</sup> Chanda, A. Krishna, B.S., & Shen, J. (2007). *Strategic Human Resource Technologies: Keys to Managing People*. Thousand Oaks, CA: Sage.

extended abstract, first year provides an opportunity to provide at least unistructural development, through activities such as ‘identify’ and ‘do simple procedure’. Or, to use Bloom’s taxonomy of educational objectives, foundational level graduate attribute development would encompass ‘understand’ in the cognitive domain, and ‘awareness’ in the affective domain.<sup>4</sup>

Third, we as legal educators can benefit from working together as a team across a program, rather than the traditional approach of subject ‘silos’. If we know which attributes we will focus on in our subject, and to which level, we can better craft our learning objectives and in turn, our approaches to teaching and learning, and of course, assessment. Knowing that our efforts are grounded solidly in a concerted, first year-wide approach can provide us with greater work satisfaction and comfort that no essential building blocks to knowledge are left to fall between the cracks.

Therefore, incorporating graduate attributes into first year is a ‘win-win’ situation for both educators and students alike, and it is both theoretically and practically sound to implement this initiative.

### **Deciding how to incorporate graduate attributes into first year law**

Two threshold issues must be addressed before embarking on implementation of graduate attributes in the first year. The first is whether the graduate attribute work should be embedded in a first year subject or subjects, or whether it should be developed separately. Bennett et al have described this as a choice between a ‘curriculum-integrated approach’, that enables students to develop generic attributes and skills within the context of their discipline content, or ‘stand-alone development’, where attribute development takes place in a unit separate from the discipline studies themselves.<sup>5</sup> To these options must be added a third alternative – whether the development should take place in a ‘unit’ or ‘subject’ at all, or whether the emphasis should be on self-driven graduate attribute development.

Of course, these alternatives are by no means mutually exclusive, and perhaps the best approach is a combination of all three – reference to particular graduate attributes that are developed in each subject, plus some stand-alone skills development, backed up by a system for independent learning and development. However, few law schools have the luxury of adding further units to an already full first year law curriculum, and therefore it is more feasible to focus on combining the first and third options – addressing graduate attributes within each subject plus a workbook or system for initial graduate attribute development.

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<sup>4</sup> Bloom, B.S., Engelhart, M.D., Furst, E.J., Hill, W.H., & Krathwohl, D.R. (1956). *Taxonomy Of Educational Objectives: Handbook I, The Cognitive Domain*. New York: Longmans, Green. and Bloom, B.S., Masia, B.B., & Krathwohl, D.R. (1964). *Taxonomy Of Educational Objectives: Handbook II, The Affective Domain*. New York: David McKay Co.

<sup>5</sup> Bennett, N., Dunne, E. & Carre, C. (1999). Patterns of core and generic skill provision in higher education. *Higher Education*, 37(1), 71-93. See also Bennett, N, Dunne, E, & Carre, C. (2000). *Skills Development in Higher Education and Employment*. Buckingham: Open University Press.

The second threshold issue is whether there should be a specialist member of staff who is responsible for interfacing with students regarding graduate attribute development, or whether each and every member of teaching staff should be responsible. Support for the former approach would include the fact that not all law academics have formal training in teaching and learning (indeed most do not); not all law academics have an interest in pedagogical aspects (some see teaching as a necessary evil which distracts them from their research); and having several people trying to develop the same skill or attribute may result in inconsistent messages being received by students which can cause confusion and frustration on their part. Support for the latter approach includes the fact that adults learn better where the new information can be connected directly with prior knowledge;<sup>6</sup> one of the graduate attributes is the substantive legal content itself, and this often entails skills (such as, for example, teaching the rules of evidence and teaching the skill of pleading as to the admissibility of certain evidence); and it can be disjointed to have a different person come to teach a small component of any given class, or to have different classes taught by different people. In the author's experience, students tend to complain where they cannot see a logical connection between the content and focus of each progressive class in a subject. Just as few people would embark upon travel without an itinerary, students do not want to enter their law journey and find different 'tour guides' popping up and giving them seemingly unconnected information.

Therefore, attribute development needs to occur both within and outside of scheduled subjects, and there needs to be both generalist academic staff who embed specific development within their subjects plus specialist staff who can guide students through their overall attribute development. This would, of course, include identifying students who are falling behind in their attribute development and having remedial strategies to bring them to the expected level of development for their corresponding year of study.

### **Effective strategies for embedding graduate attributes in first year law**

As the outcome of the above discussion was that there should be two parts to graduate attributes development – one being specific, embedded development within subjects and the other being general self-driven development strategies, this part will be covered in two sections.

#### *Embedding within first year subjects*

Assuming the relevant faculty as a whole has undertaken the negotiation on basic mapping of graduate attributes across the law curriculum, first year teachers will commence with a clear understanding of which attributes they need to facilitate development of, and to what level. They then need to negotiate where and how they will teach, practice and assess the various attributes in first year. The author has found a table such as the following to form a useful basis for this negotiation.

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<sup>6</sup> See for example Rumelhart, D.E. (1980). Schemata: The Building Blocks of Cognition. In Spiro, R.J., Bertram, C.B., & Brewer, W.F. (Eds.), *Theoretical Issues in Reading Comprehension* (pp. 33-58). Hillsdale, NJ: Erlbaum.

	<b>Intro</b>	<b>Crime</b>	<b>Cont</b>	<b>Torts</b>	<b>Prop</b>	<b>Const</b>	<b>Admin</b>	<b>Proc</b>
Substantive and procedural law	T	TPA	TPA	TPA	TPA	TPA	TPA	TPA
Thinking and analysis	T	TA	A	A	TA	A	TA	PA
Research techniques	TPA	A	PA		TPA	PA	A	PA
Strategic analysis	T	TA	TPA	PA	TPA	TPA	TA	TPA
Self and priority management skills	TP		P		T			P
Communication skills	TPA	TPA	PA	PA	TPA	PA	A	PA
Cultural and intellectual diversity		TA	T		T			T
Individual responsibility and obligations			T	T	TA			
Lifelong learning	T		T		T		TA	TP
Value honesty, accountability, ethics					T			

**Table 1: Example of mapping graduate attribute development in first year law**

This table is prepared by listing graduate attributes in the left column and listing first year units along the top row. Where units are electives, they should be treated as one unit for the purpose of this exercise, otherwise it cannot be ensured that all students will develop all designated attributes to the first year agreed standard. The negotiation can commence with a mapping of where the designated attributes are currently taught (T), practiced (P) and assessed (A). This can identify gaps in the development of certain attributes. For example in the above table there are gaps in ethics, which is only taught and is not assessed at all. It can also identify areas that are over-emphasised. It does not necessarily mean they should be reduced, but it may mean that different subjects should focus on different aspects. For example, in the above table there is an over-emphasis on communication skills. First year teachers could divide up who will focus on class participation, class presentations, debates, essays, case notes etc as different ways of developing the one attribute. Once this process is complete, teaching teams in individual subjects can rework their subject outlines, in particular the learning objectives and outcomes, and assessment.

Unfortunately the next strategy is difficult to implement. What is needed is teaching and learning materials which focus not only on the content, but on the attributes being taught through the content. In most cases, teaching teams will need to develop this material themselves. This is because very few texts take a graduate attributes approach – they mostly simply focus on the content. For example, the average introductory law text has chapters on history, government, the court system, precedent, and statutory interpretation. Case analysis and statutory interpretation chapters can include exercises to develop skills in problem solving, but there remains an absence of the linking node for students of *why* these skills are important and *how* they will be useful when they graduate.

The author has been involved in drafting a first year law text from a graduate attribute perspective.<sup>7</sup> *Connecting With Law* has chapters such as ‘Learning Law: How can I develop a legal mind?’ which includes sub-sections on graduate attributes and ‘success in law school’; and ‘My Law Career: How can I best prepare for it?’ which includes sub-sections such as ‘What can I do as a student to become the lawyer I want to be?’ and ‘Preparing to maintain a decent work-life-balance’. The approach is a holistic one, considering not just *what* you need to know, but *why* it is useful and *how* to go about it. It is hoped that other law academics follow this approach in their own text writing in the future. In the meantime, teaching teams will need to develop their own subject materials to complement traditional law texts.

Having considered a curriculum-integrated approach to develop graduate attributes across first year law subjects, I will now turn to general development of graduate attributes through self-driven strategies.

#### *Self-driven graduate attribute development*

Students need to understand the bigger picture of graduate attributes – what are they, why does the law school have them, and where and how will they develop them over the course of their degree? Also, to recognise the fact that students come from a variety of backgrounds and experiences, students should undertake a benchmarking process. The author has applied the above process through the development of a ‘Law Graduate Attributes Workbook’.<sup>8</sup>

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<sup>7</sup> Sanson, M., Worswick, D., & Anthony, T. (2009). *Connecting With Law*. Melbourne: Oxford University Press.

<sup>8</sup> Sanson, M. (2007) *Graduate Attributes Workbook*. Sydney: University of Technology, Sydney.

The Workbook commences with the bigger picture, as shown on the next page:

## Graduate Attributes

**What are graduate attributes?**  
Graduate attributes are the characteristics and qualities, skills and capabilities possessed by students by the time they complete their law degree at UTS.

**Why do we have them?**  
Because being a successful law graduate in today's world requires more than just knowing the law and how to apply it. Graduates need to be able to think critically, to analyse information and its source, to behave professionally and to manage work and life priorities in an effective manner. Graduates need to be ready to thrive and survive in a workplace that is more technologically-dependent and rapidly changing than ever before.

**How were they developed?**  
UTS surveyed successful graduates in the early stages of their career across a wide range of professions, to identify their top capabilities. We at the UTS:LAW took the attributes framework devised at the University level and tailored it to law, embedding it in our course structure, subject activities, and assessment.

**What does this workbook do?**

- It introduces each of the graduate attributes
- It enables you to benchmark yourself against them
- It provides initial explanations and exercises for developing the attributes
- It shows you where you will develop the attributes across your degree

**When can I start?**  
Now – this workbook will get you started!

Figure 1: Big picture of graduate attribute development in student workbook

The workbook is divided into sections, one for each graduate attribute. Each section covers three aspects – what does the attribute mean in terms of what someone who possesses the attribute does, thinks, or can do; the scaffolded levels of attainment of the attribute; and some exercises that entry level students should be able to complete to give them a deeper, applied understanding of the attribute. Below is an example.


Figure 2: Example of attribute explanation and scaffolding

Figure 3: Example of entry level graduate attribute exercises

There are two further important features. The first is an overall map of where graduate attributes are developed across the curriculum, and the second is a benchmarking tool for students to identify their attributes on entry. An example of these is shown in Figures 4 and 5 below. Note that Figure 4 is not ideal because it does not show the levels at which the attributes are developed. Ideally it should be broken down so that students can see where they develop the basic, intermediate and advanced level of attributes. However this workbook was produced before the fourth step of attribute embedding across the curriculum (described in the introduction above) had been undertaken.

Graduate Attributes Table		Intellectual Attributes				Professional Attributes			Personal Attributes			
		1	2	3	4	5	6	7	8	9	10	
The table shows where each attribute will be Taught (T), Practised (P), and Assessed (A) throughout your course. The attribute numbers relate to the numbered sections of this workbook.	<b>Stage 1: Foundations</b>											
	70115 Perspectives on Law (8cp)	TA	TA		TA			TA	TPA	A		
	70120 Legal Method (6cp)	TP						T	T	TPA	TPA	
	70218 Criminal Law (8cp)	P	T						A	PA	PA	
	70211 Contracts (8cp)			PA	T		TPA		A	PA		
	70311 Torts (8cp)			TPA			TPA	TA	TA	A	A	
	70616 Constitutional Law (8cp)			PA	T		TPA		A	PA		
	<b>Stage 2: Essentials</b>											
	70317 Real Property (8cp)			TA			TPA	TA		TA	A	A
	70327 Commercial Law (6cp)	P	T	TPA			TPA	TP	PA	PA	PA	
	70417 Corporate Law (8cp)			PA			TPA	PA	PA	PA	PA	
	70617 Administrative Law (8cp)	T	T	TPA	TA		TPA	TA	TA	TA	TPA	PA
	70516 Equity and Trusts (8cp)	TPA	T	TPA	TPA		TPA	TP	T	TA	TPA	TPA
	75421 Civil Litigation (6cp)	A	T	TPA	TPA		TPA	T	T	TA	TPA	TA
	70717 Evidence and Criminal Procedure (6cp)	P		PA			TPA	P		TA	PA	PA
75420 Ethics and Professional Conduct (6cp)	P	PA	PA	PA		TPA	P	TPA	P	PA	PA	
<b>Stage 3: Options</b>												
*Non-PLT Electives (3 x 6cp)												
**75402 Property Transactions or Elective (6cp)	TPA	P	PA	P		P	P	PA	P	PA	PA	
**75403 Commercial & Estate Practice or Elective (6cp)	TPA	P	PA	P		P	P	PA	P	PA	PA	
**7xxxx Legal Skills or Elective (6cp)	TPA	TPA	PA	PA		P	P	PA	PA	TPA	TPA	
**7xxxx Advocacy & Criminal Practice or Elective (6cp)	TPA	P	TPA	P		PA	P	PA	PA	PA	PA	
**75411 Practical Experience (0cp)	PA	PA	PA	PA		PA	PA	PA	PA	PA	PA	

Figure 4: Example of overall map for students



## YOUR CURRENT ATTRIBUTES

Exercise – Benchmark yourself against the attributes on entry to the course

e.g. a c

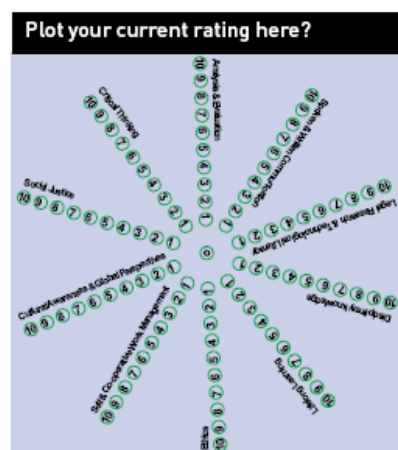
**How to benchmark your attributes**

Students come to UTS: LAW from a variety of backgrounds, and will have already developed certain attributes to a greater or lesser extent. This exercise allows you to benchmark yourself against the attributes on entry to the course.

**Steps**

1. Make sure you understand what each of the attributes means (there is a section on each attribute in this workbook)
2. Consider each attribute, one at a time. For each, give yourself a score out of ten for how much you believe you currently possess the attribute. A score of 0 will be 'not at all', and a score of 10 will be 'complete mastery' of the attribute.
3. As you go, mark your scores with a dot along the relevant line, with 0 being at the centre and 10 being at the end of the line.
4. Once you have scored yourself for all the attributes, connect the dots with a line, and shade the area inside.
5. You can now see which areas need the most work – by the time you graduate you should have a fully formed shaded polygon!

**Plot your current rating here?**



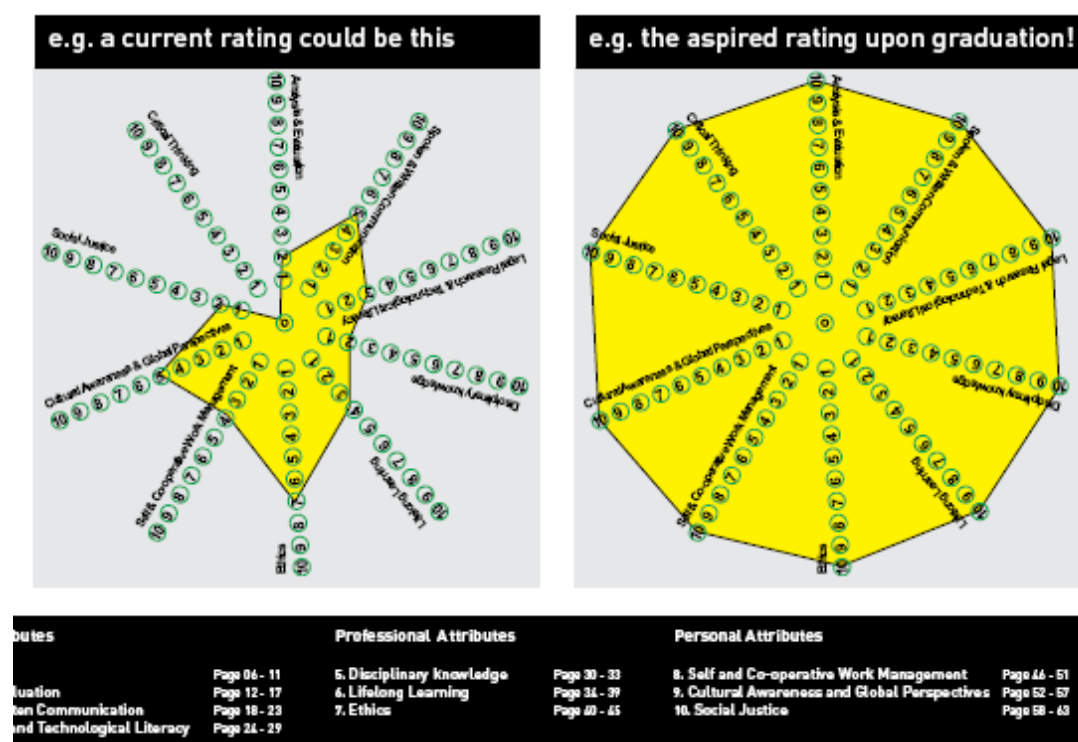
**Intellectual Attributes**

1. Critical Thinking
2. Analysis and Evaluation
3. Spoken and Written Communication
4. Legal Research and Technological Literacy

Figure 5A: Left side of benchmarking tool page in workbook



the course.



**Figure 5B: Right side of benchmarking tool page in workbook**

This workbook was a huge success when it was launched for first year law students in 2007, and the law office received numerous enquiries from senior year law students who wanted to do the exercises themselves. However, in truth, the workbook is only the first level, for first year, of attribute development. It is preferable that universities have a graduate attributes web portal, where the home page can introduce the university level attributes, with links to the attributes as defined in each discipline, and in turn links to each attribute, comprising exercises not only at first year, basic level as shown in the above workbook, but at intermediate and advanced levels, including exercises to assess development, links to relevant reading to further develop attributes, and an overall link into an e-portfolio. The author is in consultations regarding developing a prototype of such a portal.

## Conclusion

There is a great deal of room for development excellence in graduate attributes across the curriculum, but the most pressing and important issue facing law schools is getting the foundations right, in first year. A solid foundation requires students to understand what graduate attributes mean, what they will be like when they possess each one, whether they already have each attribute to some extent due to their past qualifications and experience, and where and how they will develop each attribute across the course of their degree. To do this, there needs to be specific attention given in each first year unit to which graduate attributes are covered and what learning

activities and assessments will address them, coupled with a workbook or other suitable resource that can help students understand the bigger picture of graduate attribute development in their course overall.

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