



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

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# Outline

- Graduate attributes in first year – why?
- Implementation – how?
  - Embedding in first year subject materials, using scaffolding approach
  - Self-driven development
- Discussion



# The rationale for implementing graduate attributes in first year

- Organic/osmosis mentality is not enough
- Motivation theory supports having clear goals and a defined process towards attainment
- Foundational learning begins in first year, and so should foundational graduate attribute development
- It makes legal educators work in teams rather than subject 'silos' which has quality outcomes



# Implementation

- Threshold issues –
  - stand-alone subject or curriculum-integrated approach? (or self driven?)
  - specialist staff or all staff?
- Pedagogically sound approach to combine embedding in subjects with self-driven engagement and development



# Embedded in first year subjects

- School/faculty develops discipline specific attributes, maps across course, decides which attributes developed in first year and to what level
- First year teachers negotiate which attributes to develop in which first year subjects: teach, practice, assess



# Embedded in first year subject materials

- Teaching and learning materials must support both content and attribute development
- Text design, approach and style need to take into account the readership





*‘It is better to use a first  
year text to engage and  
inspire students than to  
scare the hell out of them’*



CHAPTER

10

## Statutory Interpretation: How do Courts Interpret Legislation?

### WHAT YOU WILL LEARN

- What statutory interpretation means and why it is an important skill to have
- How modern courts interpret legislation using interpretation acts
- How traditional approaches to statutory interpretation still play a role
- Which parts of a piece of legislation are used in interpretation
- How to use other documents in interpreting legislation
- How to work out the purpose of a piece of legislation
- How to solve statutory interpretation problem questions
- How case analysis and statutory interpretation go together in practice

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## Connecting with Law

Michelle Sanson, David Worswick, Thalia Anthony



Description

Features

Contents

Authors

Lecturer Resources

Student Resources

ebook

*Connecting with Law* covers the foundations of law in an interesting and thought provoking way, challenging students to think critically, question ideas, and connect with law. It provides students with a broader context which allows them to start thinking about the values law embodies and their relationship to society. This fresh approach to introductory law is designed to engage students with contemporary examples and case studies they can relate to, and which help them understand the law.

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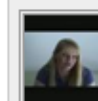
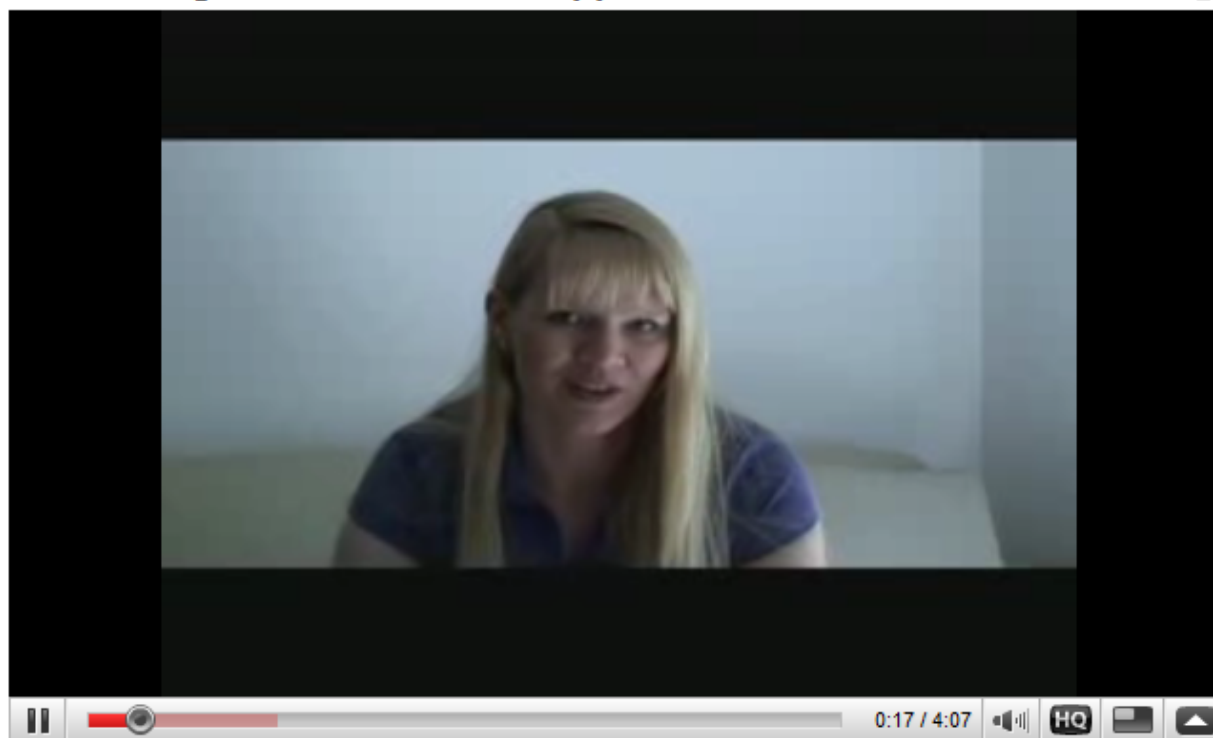
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## Connecting With Law - Overall Approach



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September 19,  
2008

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Dr Michelle Sanson describes the overall approach that was taken with the text. This is suitable for students and academics alike.

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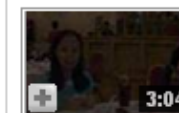
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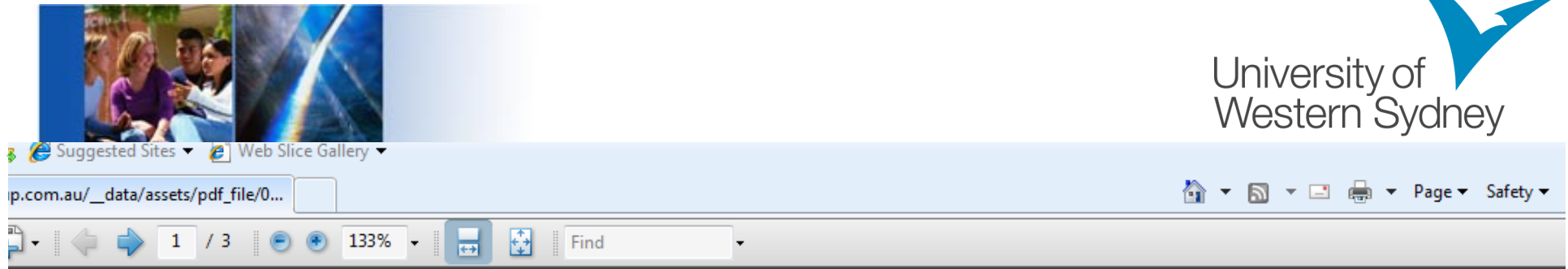
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## Law as a discipline

- Law is an autonomous discipline - separate from politics, morality, religion
- A structured, logical, systematic discipline
- ‘Thinking like a lawyer’: non-assumptive thinking, fact over emotions, tolerance of ambiguity, ability to make connections between facts, documents and laws, verbal mapping and ordering, automatic devil’s advocacy

## Legal reasoning

- Inductive – from specific to general  
eg. This dog has a tail.  
That dog has a tail.  
The other dog has a tail.  
Therefore, all dogs have tails.
- Deductive – from general to specific  
eg. All drug addicts are criminals.  
Jodie is a drug addict.  
Therefore, Jodie is a criminal.



## Connecting with Law

# Legal Problem Solving: a framework

Chapter 11 of *Connecting with Law* introduced you to numerous classifications of law: civil and criminal, civil law systems and common law systems, substantive and procedural systems, and so on. This chapter also explained the basics of the kinds of topics that you will study in a law degree.

This note is to get you to think about a framework for solving those legal problems. After all, one of the many purposes of legal systems is to solve legal problems. It is important when thinking about a legal career to remember that although you are an advocate within a largely adversarial system (the 'hired gun'), you are engaged to solve problems for your client. You may not realise this, but this skill is being taught to you every week at Law School in your tutorials, seminars and assignments.



Welcome to the Connecting with Law Film Competition – Take 2 for 2009.

We invite you to submit a short film (between 2 and 5 minutes) about law or the study of law. The winners will be those judged to be the most creative, instructive and original – anything that helps other students connect to the law.

This competition is open to all students currently enrolled in an Australian Law School. Please note: non-law students can be involved, however at least one student per group must be studying a law subject

Entries close Friday 31st July 2009.





# Self-driven graduate attribute engagement and development

- Self-paced workbook:
  - Explanation of graduate attributes
  - Benchmarking
  - Entry level exercises to deepen understanding
  - Map of attribute development across the course
- Ideally backed up with online portal with materials for each year/stage in the course



## Graduate Attributes

### What are graduate attributes?

Graduate attributes are the characteristics and qualities, skills and capabilities possessed by students

### Why do we have them?

Because being a successful law graduate in today's world requires more than just knowing the law and Graduates need to be able to think critically, to analyse information and its source, to behave professionally. Graduates need to be ready to thrive and survive in a workplace that is more technologically-dependent

### How were they developed?

UTS surveyed successful graduates in the early stages of their career across a wide range of professions. We at the UTS:LAWS took the attributes framework devised at the University level and tailored it to law, i

### 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!

# Index

## Intellectual Attributes

1. Critical Thinking Page 06 - 11
2. Analysis and Evaluation Page 12 - 17
3. Spoken and Written Communication Page 18 - 23
4. Legal Research and Technological Literacy Page 24 - 29

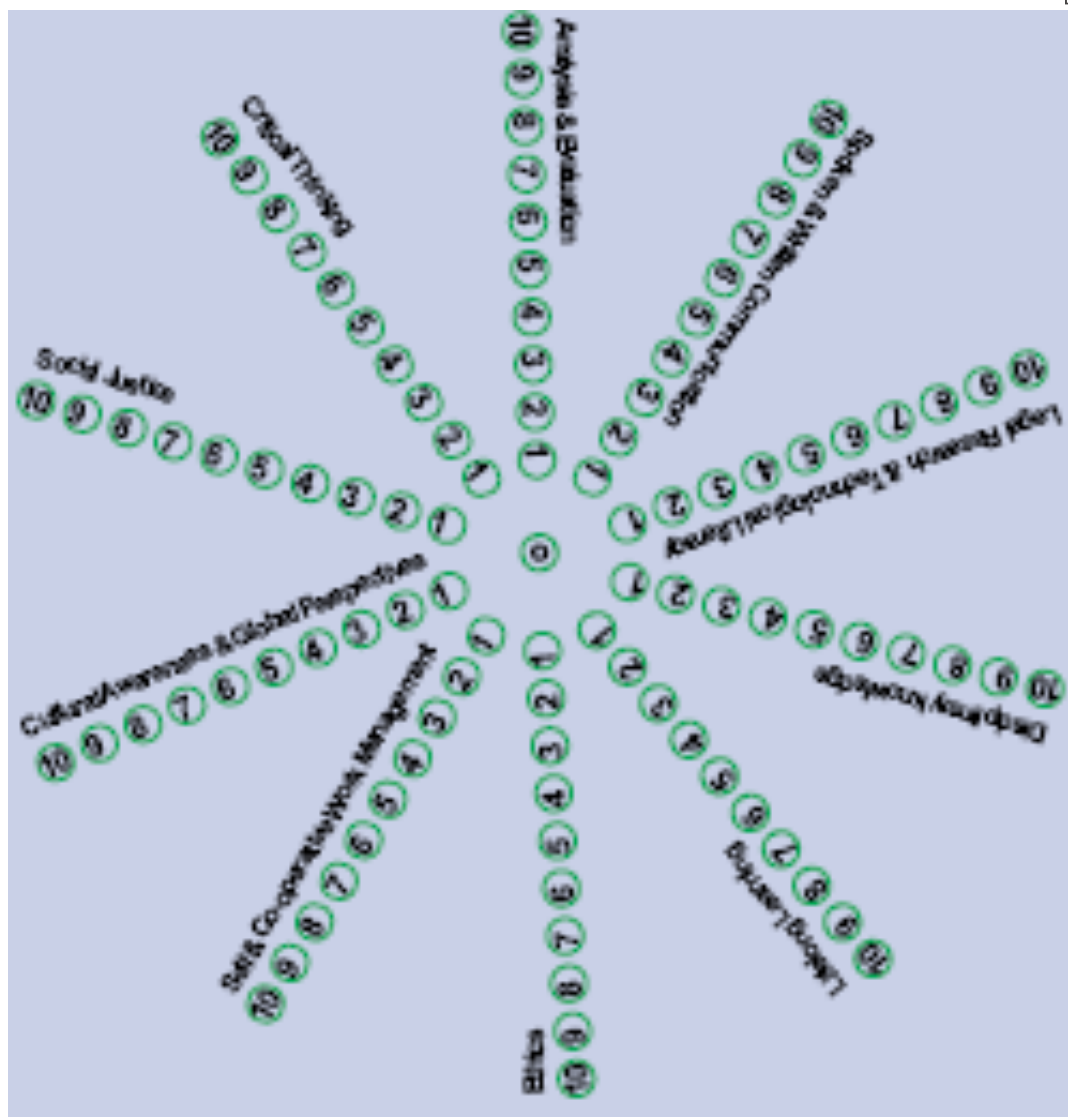
## Professional Attributes

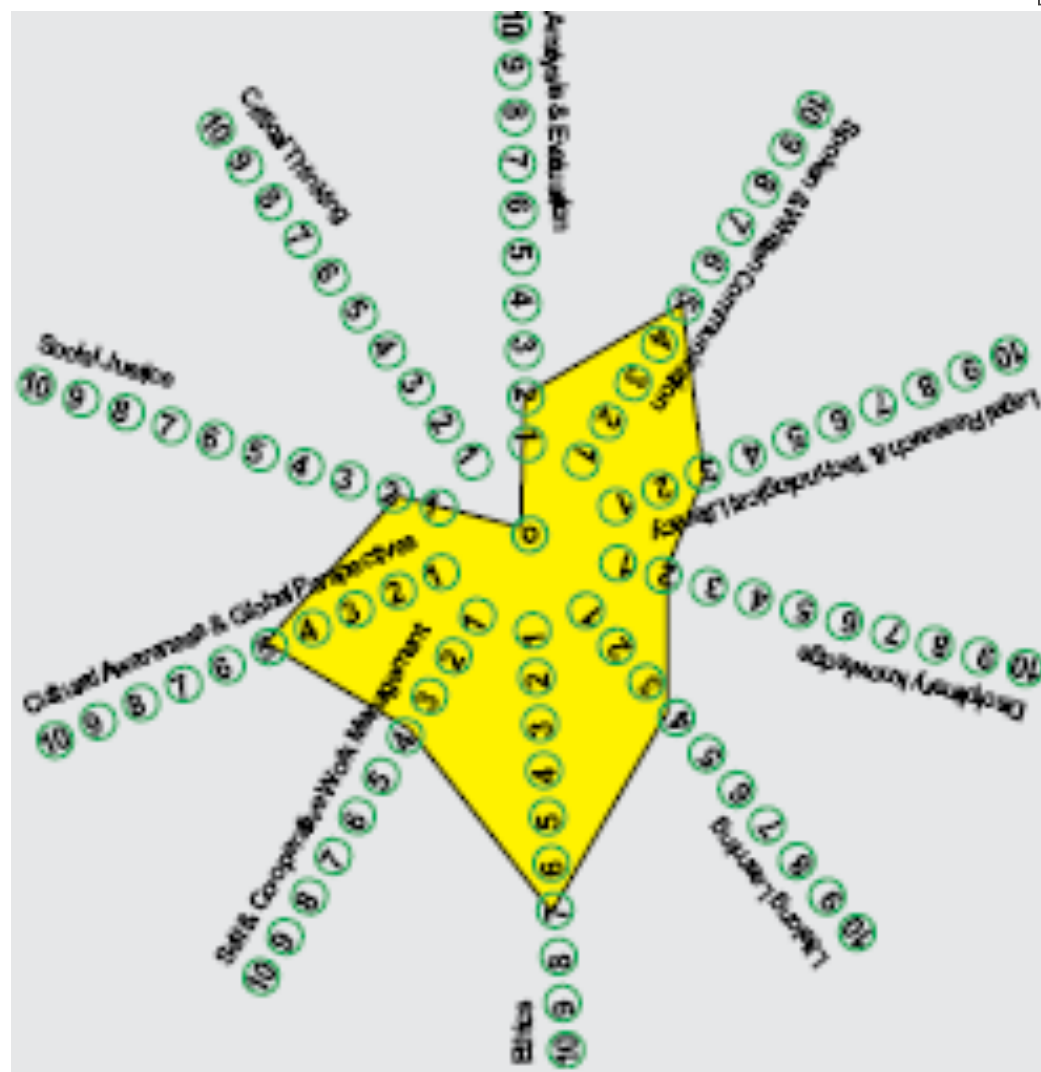
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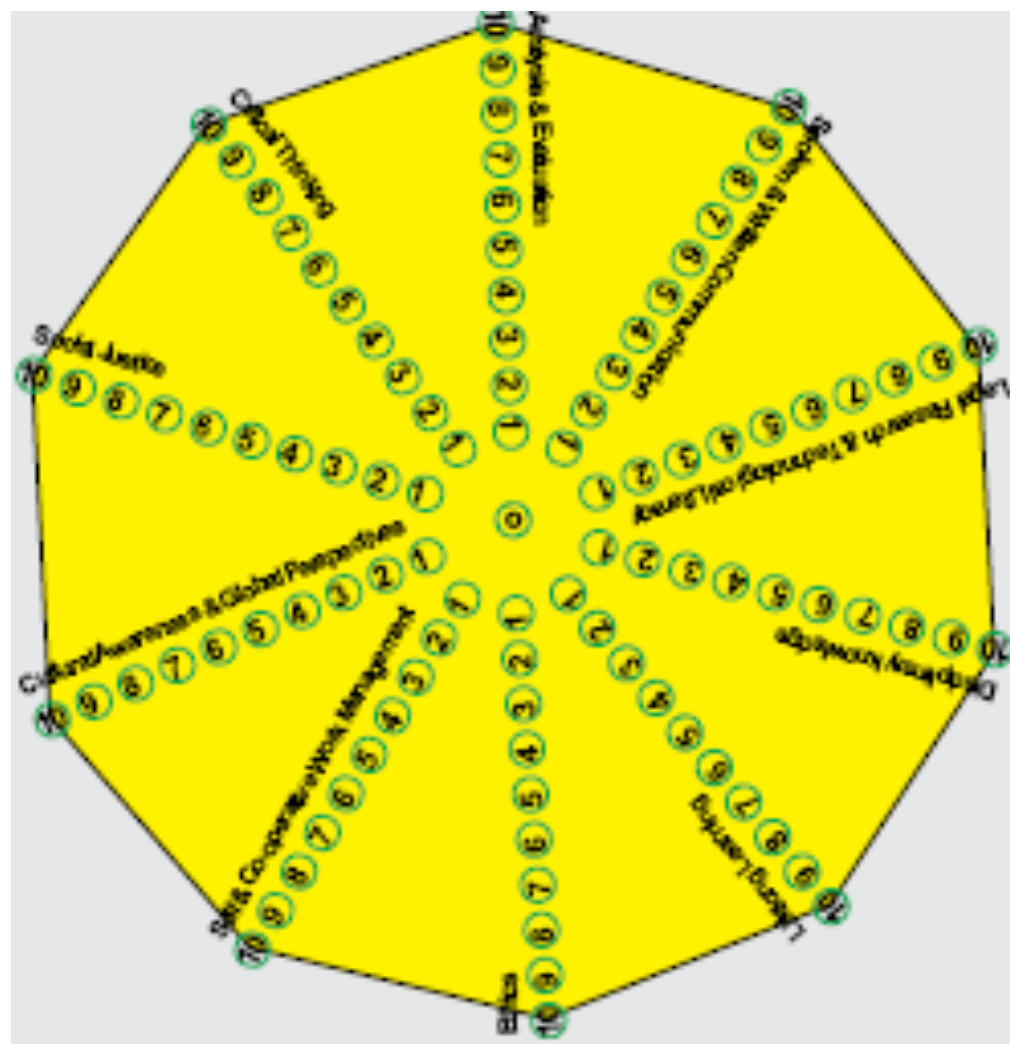




# Spidergram









# 1 Critical Thinking

## Being a critical thinker

A person proficient in this attribute can identify and apply themselves to problems, and create new or imaginative perspectives or solutions.

A critical thinker evaluates information by breaking it down and examining its component parts, or takes dispersed, disconnected ideas and information and synthesises them, or creates something new from them.

To critically analyse something requires independent thinking and creativity. It involves making a judgment as to the position adopted or rejected, and backing it up with evidence from the synthesized material.

## Becoming a critical thinker

**Basic:** comprehending meanings in text and being aware of the relevance of the source of the information, the motives of the writer, when and where the material was created, making straightforward inferences, and using basic skills such as comparing and contrasting.

**Intermediate:** basic plus being able to rank the relevance and importance of sources of information, engage in deeper comparative analysis, being able to comprehend both explicit and implicit meanings and relationships in text, being able to track the application of theories and models throughout the work of various commentators, identifying assumptions, and developing a critical perspective on material.

**Advanced:** intermediate plus using analysis to challenge assumptions underlying present theory and practice, reflect on the evaluation by reference to one's own perspectives, developing new perspectives and critically analysing what they in turn have to offer.

At UTSiLAW we develop this attribute in 3 stages to give you an appropriate level of independent thinking, creativity and critical analysis.



## FLAWS IN REASONING

Exercise – Try engaging in critical analysis by identifying assumptions and other flaws in reasoning in these five statements.

### Violence

It is pretty obvious that watching violence promotes doing violence. Statistics show that most violent criminals attended a boxing match in the year before their violent crime took place.

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#### Read notes after you have finished

It is a well-known fact that watching violence promotes doing violence. Statistics show that most violent criminals attended a boxing match in the year before their violent crime took place. This is a clear indication that watching violence promotes doing violence. Therefore, we should ban all forms of violence.

### Terrorists

Bentham said it is about the greatest good for the greatest number, and so it is acceptable to use torture to obtain evidence from terrorists, and anyway every police interview or interrogation involves some duress.

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#### Read notes after you have finished

Bentham's utilitarianism is a flawed moral theory. It is based on the idea of the greatest good for the greatest number, but it fails to take into account the rights of individuals. Therefore, it is not acceptable to use torture to obtain evidence from terrorists.

### Innocence

We should just make the decision – guilty or not guilty. I'm tired of thinking about it, and all this discussion and indecision is making me nervous.

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#### Read notes after you have finished

It is not always clear what is meant by 'guilty or not guilty'. The legal system is designed to ensure that the accused is given a fair trial and that the evidence is properly evaluated. Therefore, it is not acceptable to make a decision based on a lack of evidence.

### Studying

Students who spend most of their time in the library are smarter and get better marks than those who spend only a little bit of time in the library.

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#### Read notes after you have finished

It is not always clear what is meant by 'smarter'. The library is a place where students can find resources and study. Therefore, it is not acceptable to make a decision based on the amount of time spent in the library.

### Disputes

I looked at several issues of the Dispute Resolution journal, a periodical that publishes research on alternative dispute resolution. Every article confirmed that mediation is better than litigation, so I don't understand why they persist with the court system.

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#### Read notes after you have finished

The Dispute Resolution journal is a well-known publication. It is not surprising that it publishes research on alternative dispute resolution. Therefore, it is not acceptable to make a decision based on the journal's findings.

### Recommended Reading

Brown D. and Spencer, S. *Surviving Law School*, Oxford University Press Australia, 2004, UTS Library Call No. 365.07 BROB.  
Brookfield, S. et al. *Conversations with critical thinkers*, Whitman Institute, San Francisco, 1993, UTS Library Call No. 160 BROO.  
Dwyer, S. *Becoming a critical thinker: a user-friendly manual*, Macmillan, New York, 1994, UTS Library Call No. 160 DYES.



## Page 11

**Exercise – Critically analyse this fictitious paragraph.**

### Your analysis?

[illegible]

**Read notes after you have finished**

[illegible]

### Recommended Reading

Kim, J.C.S. *The art of creative critical thinking*, University Press of America, 1996, UTS Library Call No. 160 NMJ.  
Moore, B.N. *Critical Thinking*, Mayfield, California, 6th ed, 1995, UTS Library Call No. 160 MODR (ED.4)  
Ruggiero, V.R. *The art of thinking: a guide to critical and creative thought*, HarperCollins College Publishers, New York, 6th ed, 1995, UTS Library Call No. 153.42 RUGG (ED.4)





## UWS Graduate Attributes

Graduate attributes comprise the knowledge, skills, perspectives, capabilities and qualities that you should possess by the time you graduate



Click on each piece of the pie and reading a bit more on what the attribute is about (links to individual pages which contain headings like 'definition', and 'a person with the attribute .... does/says/is ...', and maybe a few quotes on why it is important)

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# Discussion

- General issue of graduate attributes in first year
- Strategies for implementation – scaffolding of materials, and self-driven strategies
- Other issues?