

A Transition Program in First Year Law: Adopting the FY Curriculum Principles

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ABSTRACT

The First Year Curriculum Principles espouse a student-focused consistent and explicit curriculum, acknowledging diversity and the need to scaffold skills and learning. Commencing law students are no different to other first year students in that they must deal with changes in teaching and learning approaches and expectations. As well as the generic issues of transition, law students must grapple with learning the skills which are necessary for the study of law from the very start of their degree. A transition program at the commencement of a law degree as part of a planned first year curriculum provides an opportunity to introduce students to the study of law, the requisite skills as well as assist with transition to tertiary education.

Introduction

In *The First Year Experience in Australian Universities: Findings from a Decade of National Studies* (Krause, Hartley, James and McInnis, 2005, p. 4) it is noted:

Over the past decade, universities have become more responsive to the needs of first year students during their transition to university and their first year on campus, in part as a result of the findings of the 1994 CSHE study. The number and range of transition programs and support services designed principally or primarily for first year students appear to have risen dramatically.

An example of a transition program is Queensland University of Technology's (QUT) First Year Experience Program. One of the key aims of the university is to 'support all commencing students to adjust successfully to study at QUT by providing a strong transition experience' (QUT Manual of Policies and Procedures, [6.2.1]).

In 2007 and 2008 the QUT Law School underwent a curriculum review of its undergraduate program and as a part of that review, the first year program was redesigned in light of the first year curriculum principles which were the outcome of Sally Kift's Australian Learning and Teaching Council (ALTC) Senior Fellowship, entitled, 'Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education to Enhance Transition' (Kift, 2009). Part of that redesign of the first year program included designing a two week transition program which was included as part of one of the core units in first semester. This paper focuses on the design, implementation and evaluation of that transition program.

Design of the Transition Program

To facilitate the redesign of first year, a First Year Design Committee was formed, comprising of first year unit coordinators and teachers, with input from the Director of First Year Experience (QUT). The Committee identified a ‘wish list’ – a list of knowledge and legal skills that would be required by all first year law students to assist them with the commencement of their studies.¹ Legal skills identified as necessary included:

- Know what a case was and what was legislation;
- Use a legal database to find a case when given its name or citation;
- Apply a legal problem solving methodology at its most basic level;
- Write in an accepted academic manner in plain English, including a knowledge of referencing; and
- Awareness of the ethical obligations of the legal profession and how what they do as law students can impact on their future, such as records of plagiarism.

It was acknowledged that not all of the desired outcomes of the first year program could be achieved quickly, nor could they be achieved simply through one unit. The whole first year program had to be designed so the units integrated with each other and the second semester units could build on what the first semester units had introduced. Extra-curricular activities and additional resources would also be required. The Committee came to the decision that the first year program would include a two week intensive aimed at assisting students with transition to the study of law and additional student resources would be developed. This transition program would be the first two weeks of the semester in a core first semester unit, Legal Foundations A. Therefore it would be compulsory and would not be seen as an add-on to study. The other core first semester unit, Torts A, was scheduled to run from week 3, allowing the time that would have been used for it, three hours for each week, to be used in the transition program. This meant that the majority of students would not be required to attend additional hours for the first two weeks, recognising the time restraints many students experience.²

The aim of the transition program was to introduce students to the expectations of tertiary education and some of the basic legal skills required for successful study of law. The first year program as a whole would then scaffold these skills by practising and developing what was introduced in the transition program (Wingate, 2007, p 393).

The transition program combined lectures, a library tour, a computer workshop and tutorials.³

Week 1	Two lectures (two	Tutorial (two hours).	Law library tour (one hour).
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¹ Other generic academic skills are also thought important, however the Law School could utilise the many resources provided by the university to address these areas. For example, the skills of time management and note taking are the subjects of online modules and workshops run by the teaching and learning support division of the university. Therefore these resources could be made known to students and availability could be highlighted not only in the transition program, but also throughout the first year program. For example, the note taking workshops would be advertised to students through email as the semester progressed and students started to review their notes. Further, in weeks before assessment students would be reminded of the academic writing workshops and time management advice available through the university student learning support services.

² Reports reveal that in Australia full-time students in higher education work an average of 15 hours a week: McInnis and Hartley, 2002.

³ Tutorials were capped at 20 students.

	hours each).		
Week 2	Two lectures (two hours each).	Tutorial (two hours).	Computer workshop (one hour).

Lectures were included to encourage students to come onto the campus and to participate in the social activities and meet fellow students. The lectures were designed to engage the students by posing questions, showing videos and using visual demonstrations such as the First Year Law Blackboard site, a resource developed as part of the new first year program. Small group learning was included to encourage engagement as well (Pascarella and Terenzini, 2005, p. 646).

FY Curriculum Principles

In designing the new first year curriculum, the First Year Design Committee was guided by the First Year Curriculum Principles (Kift, 2009): transition, diversity, design, engagement, assessment and evaluation and monitoring.

Transition

The First Year Curriculum Principles state the curriculum and its delivery should be consistent and explicit in assisting students' transition *from* their previous educational experience *to* the nature of learning in higher education and learning in their discipline as part of their lifelong learning.

In respect of generic academic skills expected of all students, to ensure students were not left to 'sink or swim', it was necessary to embed into the transition program exercises, for example short exercises on paraphrasing and writing in plain English, for students to complete in class to draw their attention to any need to improve their academic skills. In the transition program the services available to students to get help for generic academic skills were highlighted to the students in both a first week lecture, a tutorial and again in the final lecture of the program.

Introducing students to the concept of how to study law successfully was an important aspect in the design of the first year program as a whole and in the transition program. Knowledge and skills introduced in the program would be re-enforced and developed in all of the first year units.

The expectations of the first year teaching teams were explained to the students in a week 1 lecture and it was emphasised that students were to develop into independent learners as they progressed through their law degree – but with the reassurance that this would be done with assistance and developmentally, as '[s]tudents need to expect success: to believe there is a point in going on' (Biggs, 1990-1992), p. 143). This was reinforced by the tutorial in the first week where tutors discussed students' experience, academic skills and the assistance available to develop these skills.

Diversity

The second principle states that the first year curriculum should be attuned to student diversity and must be accessible by, and inclusive of, all students. First year curriculum design needs to recognise that students have special learning needs by reason of their social, cultural and academic transition.

Diversity amongst the first year law students is a difficult issue. There is diversity not only in expectations of students, but also in experience, education and culture. In the first year law cohort at QUT there are students studying full-time, part-time, externally and double degrees, as well as a combination of school leavers, mature age students with varying degrees of experience of higher education, international students and students from differing economic backgrounds.⁴ Information was provided on generic transition issues that may be experienced by these different groups.⁵ For example, students who were not school leavers were provided with information about the Mature Age Law Student Association and it was brought to their attention that many mature age students attend the part-time lectures and tutorials. Students with English as their second language were encouraged to join the law student association and meet people and to be aware of QUT's International Student Services.

Design

The third curriculum principle requires that the curriculum design and delivery should be student-focussed, explicit and relevant in providing the foundation and scaffolding necessary for first year learning success.

This principle was identified as very important by the First Year Design Committee. In *First Year Experience Report for 2007* (QUT), one theme which emerged was that many commencing law students struggled to understand what was expected of them, whether they were school leavers or had previous tertiary experience. Comments also indicated that some students were not sure why they were studying some of the topics or skills in the units and could not see the link with the practice of law. Therefore, guidance was needed on the structure and content of the law degree, which includes the introduction and development of specific skills. It could no longer be assumed that students would know why the capability of effective communication was important in a law degree, or why some units had to precede other units in the course structure (Kift, 2008, 6).

As many students enrol in a law degree without understanding what a law degree involves. Explaining that a law degree does not simply involve the learning of the law, but is an integration of knowledge, skills and capabilities to become a professional assists students' understanding of what they are learning. In a week 1 lecture the overall structure of the law degree was explained and then the first year units were discussed in light of how they integrated with each other and provided the foundation for later study.⁶ In the tutorial in week 1, tutors discussed what would be learnt by students in the unit and where the knowledge and skills would be used in their other study.

Although there are many careers open to a law graduate, research shows that the majority of graduates initially go into private practice (Vignaendra, 1998). Links between the required skills of a legal practitioner to the Law Graduate Capabilities were made with an explanation

⁴ Students from low socio-economic backgrounds are provided with support by the Law Faculty and the university. For example, scholarships and assistance through textbook loan schemes are available to certain students.

⁵ This was done in the program and the information was available on the First Year Law Blackboard site.

⁶ This lecture utilised the First Year Law Blackboard site which presents the four years of the undergraduate law degree as a board game, each side representing a year of study. It maps the units of the degree, including the Law Graduate Capabilities, advice on assessment, academic skills, vacation jobs and electives.

of how the graduate capabilities were developed throughout their law degree. This was to demonstrate that what they would learn would assist them in the work place. The tutorial in the first week introduced students to specific skills in a legal context, for example effective communication. Exercises in plain English were completed to generate discussion about the preconception many people have that there is 'legal speak' through the use of archaic expressions, for example, 'hereinafter' and 'the aforesaid mentioned parties'.

Although a law student might expect to be a legal practitioner, a first year student may have little understanding of the types of legal practice which exist. Therefore in a week 1 lecture time is spent explaining the various areas of legal practice and some examples are demonstrated by showing the videos of past graduates available on the First Year Law Blackboard site.

Engagement

Learning, teaching, and assessment approaches in the first year curriculum should enact an engaging and involving curriculum pedagogy and should enable active and collaborative learning according to the fourth principle of first year curriculum. The focus of the transition program was on engaging students with the Law School community and the study of law.

Kift and Field (2009, p. 3) state, 'it is within the first year curriculum that commencing students must be engaged, supported, and realise their sense of belonging'. In an attempt to increase the students' feeling of belonging, the law student association organised social events during weeks one and two. For example, lunchtime events allowed commencing law students to mingle with other students and Law School staff (administrative and academics).

Law students are recognised as being competitive (Floyd, 1997, p. 859), and this competitiveness seems to be a trait with which students commence their study. Feedback in the QUT *First Year Experience Report* (2007) flagged this as an issue, comments referring to the opinion that other students were 'cliquey' or unfriendly. It was hoped that a side effect of transition program would be that friendships and networks would be formed as well as an understanding that they were all a part of the Law School and experiencing the similar issues.

During the program students would be mixing in lectures, workshops and tutorials and it was designed to include as much interactive or discussion type activities as possible to engage the students. To encourage engagement with the study of law, the transition program included some legal content. Students tend to be enthusiastic about their chosen discipline at the start of their studies, so the program included a lecture on the Australian legal system so students would start to learn about law, not just what they were going to learn. The lecture focussed on such topics as what is a case and why do lawyers read them? Making links to the concept of legislation with the real world examples (traffic regulation, drink driving, tax, government payments etc).

Ethics is an important area for law students and an interesting one and was therefore included in a lecture in the transition program. The lecture examined the requirements for admission to legal practice in Queensland, including the requirement that a law graduate must be a fit and proper person. Conduct as a student is relevant to this and students are very interested in how their conduct may impact upon their career. The lecture was supported by a tutorial on common ethical issues in legal practice, relying upon the lecture material. Students engaged in discussions as to their ideas as to what they thought could give rise to a legal ethical dilemma and how conduct as a student may have an effect upon admission to practice.

Plagiarism, one of the things that may prevent admission to legal practice, was discussed and exercises on paraphrasing, quoting and summarising were completed in the tutorial in week 2.

A law library tour in week 1 allowed small groups of students to familiarise themselves with the library and learn about the available resources, including the Library Peer Mentors who are student peers mentors available to give assistance on skills. A computer workshop in week 2 introduced students to the online legal databases that they would be relying upon to read cases and legislation. Simple exercises got students to do simple searches to find given cases and Queensland legislation and to learn about their layout.

Assessment

The first year curriculum should assist students to make a successful transition to assessment in higher education, while assessment should increase in complexity from the first to later years of curriculum design. The program introduced two pieces of low stake assessment:

- Law library exercise – Students locate and identify various electronic and paper-based resources in the Law Library.⁷
- Legal citation exercise – Students cite common legal resources - cases, statutes, textbooks and journal articles.⁸

These two pieces of assessment were at a very basic level and this was deliberate, as the focus of the transition program was to introduce students to the study of law and highlight some of the skills required for successful legal study. The aim was also to engage the students' interest and motivate them (Biggs, 1990-1991) by exposing them to something that is uniquely legal and introduce assessment that was at a level suitable for their inexperience.

Evaluation and monitoring

The sixth principle states that good first year curriculum design is evidence-based and enhanced by regular evaluation that leads to curriculum development and renewal designed to improve student learning. The transition program was evaluated during its first offering by a flying minute survey.⁹ Discussions were also held with the teaching teams to identify issues and successes.

This principle also advocates that there should be in place strategies to monitor all students' engagement in their learning and to identify and intervene in a timely way with students at risk of not succeeding or fully achieving desired learning outcomes. The unit in which the transition program was embedded (Legal Foundations A) utilised the QUT 'Student Success Program'. The aim of this project is to 'trial, evaluate and ultimately establish holistic and systematic ways of helping students who appear to be at-risk of failing or withdrawing from a unit to persist and succeed' (Duncan and Nelson, 2008). Failure to attend the weekly tutorials in Legal Foundations A from week 3 or to hand in the early pieces of assessment alerted the

⁷ To pass this assessment the student had to achieve at least 70%. Feedback would be given and if given below 70% the student had to resubmit until at least 70% was achieved. Students had until week 3 to complete the assessment.

⁸ To pass this assessment students had to achieve 100%. Students could redo the citation exercise as many times as required (by week 4) to pass.

⁹ The evaluation is examined below.

teaching staff of students who may be facing difficulties. The identified students were then contacted by a student peer mentor who was part of the 'Student Success Program' to see if any help was required. Data collated indicated that there was a difference in persistence evidenced by the number of students completing the unit (Student Success Project, 2009).

Evaluation

The intensive was run for the first time in semester one of 2009. As the program was a new approach in the law curriculum, evaluations were carried out to assess its validity and success.

Student evaluation

At the end of the semester, the internal students were asked to complete a voluntary one-page evaluation in the final week of the semester about the two week program. At the end of the semester there were 510 internal students enrolled in the unit of which the intensive was a part. The evaluation was completed by 157 internal students (30.78%).

The main aim of the student evaluation was to determine whether the students perceived whether the program has assisted with their transition into first year law and to identify issues with the content. Feedback was sought on aspects of the program which worked and those which had not. The survey questions were:

- Did you find the two week [transition program] in Legal Foundations A helped or hindered your transition to law studies?
- How could the [transition program] be improved?
- Was it made clear to you that what you are learning is important for your study of law (your whole degree) as it links to all other units?

Transition

Of the 157 students that completed the evaluation, 129 (80.9%) indicated that the intensive had helped with their transition to the study of law. Example comments included:

- It has helped a lot to give me a head start and to not go into my degree without any knowledge.
- It enabled me to become accustomed to uni life more quickly and helped in making me more confident when exams began.

However, 13 of those students commented on that at the time the program was overwhelming or intimidating. For example:

- Did help to an extent. Was slightly overwhelming but I did find most of the information was necessary and helpful.
- It was quite overwhelming & scary to begin with, but looking back, it was necessary and worthwhile.

The feedback from the 20 students (12.7%) who indicated that the transition had hindered their transition, generally points to them seeing no point in a transition to law approach, preferring to get straight into the study of law. For example:

- I thought the two week period would have been used by getting straight into the learning material.
- Hindered transition as adults we can read and review this info independently.

Improvement

It was asked in the evaluation how the transition program could be improved and a mixed response was received. No improvement was thought necessary by 25 students (24.5%) and 19 students (18.6%) identified specific topics needing improvement. Thirteen students believed that the transition program should be shorter or spread across more than two weeks, whilst 4 students (3.9%) were of the opinion that the transition program should be eliminated or made non-compulsory.

Linking

One of the aims of the transition program was to make students understand that the skills they learn at the start of their study apply across all of the law units and throughout their degree. Of the 134 responses to the question, 114 (85.07%) either simply stated 'yes' or indicated that the link had been made and understood and was assisting them in their other units. For example:

- Yes, and the content has been useful in other subjects.
- I applied all skills that I have learnt to my other subjects.

Teaching team

The teaching team was also asked for feedback. Particular concerns were raised about the use of 'legal jargon', which may be common legal terms but it could not be assumed that all students understood and the ethics content of the intensive. Although the students engaged with the discussion of legal ethics, the teaching team had observed that the statutory content included overwhelmed many of them. This observation was supported by a student survey of the unit at the end of the semester in which comments were made about the difficulty in understanding the ethics content so early in the unit.

Responding to the evaluations

The intensive was altered to take into account the student and teaching team feedback. The lectures were revisited and restructured to ensure that there was no overlap. As students had been actively engaged with discussions about legal ethics in relation to their own conduct as students, this topic was retained in the transition program. The more complex examination of the legislation and the various duties of a legal practitioner were moved to later in the semester. The topic of the Australian legal system was expanded to include discussion of legal terminology and more detail on sources of the law, including examining the layout of cases and legislation. The tutorials were amended to reflect the changes in the lecture topics.

Second evaluation

A second evaluation was carried out in second semester of 2010 with a smaller student cohort. Seventy responses were given to the question whether the intensive helped their transition into the study of law, rated between 1 (strongly disagree) and 5 (strongly agree).

The average was 3.77 and again the written feedback indicated that most students had found the intensive to have been a positive experience. For example, one student commented, 'Having an introduction tailored specifically to law students was an element of [the] semester that I found useful, informative, welcoming and somewhat comforting.'

Issues still to be addressed

From the evaluation it appears that the main issue is the diversity in the students in terms of experience. It is recognised that students arrive at university with a varying degree of preparedness (McInnis, 2001, p. 111). The first student evaluation highlighted that some students did not see the value or benefit in the program as indicated by the comment: '[the transition program] hindered transition as adults we can read and review this info independently'. Another student commented: 'Some of the stuff was irrelevant, like the 'what's a lawyer' lecture'.

Diversity in experience is difficult to accommodate. It was hoped to engage students in a diverse cohort in a lecture by focusing on the study of law – which is new to all - rather than only on study at tertiary level. By linking the content of the more introductory lectures to the learning and expectations in law the aim was that the more experienced students would also engage with the program. This appears to have been achieved to a certain extent as there were very few comments indicating that the whole transition program was considered to be a waste of student time.

Diversity will continue to be an issue and this will perhaps increase in light of the present government's goal of substantially increasing participation in the Australian higher education sector (Commonwealth of Australia, 2009, p. 12). Further consideration is taking place to implement strategies to assist with diversity in the transition program.

Conclusion

Wingate has noted that the availability of a tertiary-wide transition program only composed of extra-curricular support services may be cost-effective, but it is not sufficient to provide effective transition (2007, p. 293). Having an institutional wide first year experience program is a necessary requirement but is only one step in assisting students with transition. An institution-wide program assists the individual disciplines in developing their own programs for commencing students as it allows the discipline to rely upon the university resources, enabling the discipline to incorporate discipline specific transition assistance.

A program designed to assist with transition into first year at the commencement of study will not be as effective as one which is supported by the whole of the first year curriculum. Therefore the transition program is merely the precursor to a year of legal study designed to assist with student transition. The whole of the first year program aims to develop in students the necessary skills for successful study. The evaluation of the transition program clearly demonstrates that students see the benefit of such a program at the commencement of their legal studies and that the content and skills introduced were seen as relevant for all of their study of law in their first semester. From the evaluation it appears that students were able to apply their learning from the transition program across all of their study. With an understanding of 'why and what' they are learning, students may adapt to the study of their chosen discipline with greater confidence.

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