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# Capstones as Transitional Experiences

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# CAPSTONES AS *TRANSITIONAL* EXPERIENCES

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JUDITH MCNAMARA,\* RACHAEL FIELD,\*\* SANDRA COE,\*\*\* DES BUTLER,† CATHERINE BROWN†† AND SALLY KIFT†††

## I INTRODUCTION

There is growing appreciation by the Australian legal education sector of the importance of providing students with culminating experiences that cap-off their university education. Despite a long tradition in other disciplines, the integration of final year capstone programs by Australian Law Schools has been slow, although momentum has been gathering in recent years.<sup>1</sup> The move into a new regulatory and quality environment, with its focus on academic standards and the demonstration of student acquisition of program learning outcomes, has generated a shift in the Australian higher education sector which has brought capstone experiences sharply into focus, especially for legal education.<sup>2</sup>

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<sup>1</sup> See for example, Ryan Daniel and Mandy Shircore, 'Transitioning Undergraduate Students from Law, Business, and Creative Arts Towards Work Integrated Learning Capstone' (Paper presented at the Australian Collaborative Education Network (ACEN Inc.), Melbourne/Geelong, 2012) <[http://acen.edu.au/2012conference/wp-content/uploads/2012/11/98\\_Transitioning-undergraduate-students-from-Law.pdf](http://acen.edu.au/2012conference/wp-content/uploads/2012/11/98_Transitioning-undergraduate-students-from-Law.pdf)>; Mandy Shircore, Kate Galloway, Nichola Corbett-Jarvis and Ryan Daniel, 'From the First Year to the Final Year Experience: Embedding Reflection Work Integrated Learning in a Holistic Curriculum Framework. A Practice Report' (2013) 4(1) *The International Journal of the First Year in Higher Education* 125.

<sup>2</sup> Sally Kift, Des Butler, Rachael Field, Judith McNamara, Catherine Brown and Cheryl Treloar, *Curriculum Renewal in Legal Education. Final Report* (Office for Learning and Teaching, Australia Government, 2013) 15.

In response to these changes, the *Curriculum Renewal in Legal Education* project ('the project') developed a principled framework to approach the design of capstone programs for the final year of the law curriculum. Although the focus of the project is legal education, the framework is transferable across disciplines and institutions, and can equally be applied to international contexts. The project synthesises final year curriculum innovations from other disciplines nationally and internationally and bridges the gap between curriculum theorising and practice through its identification of six capstone curriculum design principles. The principles are transition, integration and closure, diversity, engagement, assessment, and evaluation. It applies this principled approach to capstone design in legal education through its Toolkit outlining suggestions for subject models for law, along with examples of actual capstone programs in order to offer guidance to course convenors for the planning of capstone programs.<sup>3</sup>

The review of the literature indicates that although reflection is a significant feature of capstone programs, it is not of itself the underlying aim of the experience. Rather, integration, closure, and transition are often the objectives found in most capstone experiences. Therefore these three concepts are the main themes that influence the overall objectives of these programs. As integration and closure complement one another, they have been combined into one theme to be considered in a forthcoming publication. This article discusses the concept of *Transition* as a theme influencing capstone experiences. It explains how this theme underpins the curriculum design principles. It outlines how the components of the Toolkit complement one another in order to guide course convenors to design effective capstone programs intended to support students with the final year transition from undergraduate to emerging professional. The first section of the article discusses the notion of transition in higher education, particularly the understanding of final year students as students *in transition*. The next section outlines the notion of transition as it is conceptualised within the project and the remaining sections outline the approaches used in the Toolkit to address the transitional needs of final year students.

## II FINAL YEAR STUDENTS AS STUDENTS IN TRANSITION

Transition is becoming an increasingly important concept in higher education, with the concept generally associated with student needs. Often, however, students' transitional needs are viewed from an entry perspective with a significant degree of the literature in education concerned with the needs of children as they transition between junior and senior education.<sup>4</sup> It is now also widely accepted that transition from high

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<sup>3</sup> Ibid 15. Information about the project, along with its resources which includes the Toolkit, are available at <<https://www.qut.edu.au/research/research-projects/curriculum-renewal-in-legal-education-articulation>> and <<https://www.qut.edu.au/law/about/learning-and-teaching/capstone-preparing-for-the-real-world>>.

<sup>4</sup> Trevor Gale and Stephen Parker, 'Navigating Change: A Typology of Student Transition in Higher Education' (2014) 39(5) *Studies in Higher Education* 734.

school into university is particularly problematic for many students,<sup>5</sup> thanks largely to Kift's concept of *transition pedagogy*, which addresses the needs of first year students as they undergo this move.<sup>6</sup> Gale and Parker argue that the concept of *transition* 'has expanded beyond its traditional focus on access' due to the massification of higher education and the push to enable 'students from diverse backgrounds' to 'graduate and contribute to a global knowledge economy.'<sup>7</sup> This expansion has increased 'the centrality and importance on student transition[s] in [higher education]' with the concept broadened to include students' 'capability to navigate change', and as a consequence transition has come to implicitly include 'students' capabilities.'<sup>8</sup>

Although there is much discussion about the needs of students as they transition into new educational environments, what has remained relatively unacknowledged are the needs of final year students transitioning out of university and into the world of professional work. Gardner and Van der Veer first drew serious attention to the needs of final year students in 1998 in their book *The Senior Year*.<sup>9</sup> They argue that universities should provide final year students with specific support to assist them to cope with the changes that occur as they complete their university studies and begin post-university life. The challenges students face as graduates moving from university and into the world of work are understood to be as significant as those facing students transitioning from school to university.<sup>10</sup> Following Gardner and Van der Veer's entreaties about the final year, awareness has been steadily growing as to the unique needs of final year students, with synergies established between the transitional needs of the first and final years in higher education.<sup>11</sup>

Although there are challenges in transitioning both to the workplace and to further study, Jervis and Hartley argue the transition issues faced by students joining the professional workforce are particularly

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<sup>5</sup> Ursula Wingate, 'A Framework for Transition: Supporting "Learning to Learn" in Higher Education' (2007) 61(3) *Higher Education Quarterly* 391.

<sup>6</sup> Sally Kift and Karen Nelson, 'Beyond Curriculum Reform: Embedding the Transition Experience' (Paper presented at HERDSA, Sydney Australia, 2005) 28; Karen Nelson, Sally Kift, and Wendy Harper, "'First Portal in a Storm": A Virtual Space for Transition Students' (Paper presented at ASCILITE, Queensland University of Technology, 4-7 December 2005).

<sup>7</sup> Gale and Parker, above n 4, 736.

<sup>8</sup> Ibid 736-7 – original emphasis.

<sup>9</sup> John N Gardner and Gretchen Van der Veer, 'The Emerging Movement to Strengthen the Senior Experience' in John N Gardner and Gretchen Van der Veer (eds), *The Senior Year Experience: Facilitating Integration, Reflection, Closure, and Transition* (Jossey-Bass Publishers, 1998) 3.

<sup>10</sup> Kathryn J Jervis and Carol A Hartley, 'Learning to Design and Teach an Accounting Capstone' (2005) 20(4) *Issues in Accounting Education* 311; Ian Wells, Sally Kift and Rachael Field, 'FYE2: Recognising and Acting on the Synergies Between the First and Final Year Experiences in Legal Education' (Paper presented at 11<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Hobart, 30 June – 2 July 2008).

<sup>11</sup> Wells, Kift and Field, above n 10; Sally Kift, Rachael Field and Ian Wells, 'Promoting Sustainable Professional Futures for Law Graduates Through Vurriculum Renewal in Legal Education: A Final Year Experience (FYE2)' (2008) 15 *Murdoch University Electronic Journal of Law* 145; Susan Armstrong and Judith McNamara, 'Transition Pedagogy in First and Final Year Law Programs' in Sally M Kift, Jill Cowley, Michelle Sanson and Penelope Watson (eds), *Excellence and Innovation in Legal Education* (Lexis Nexis, 2011) 207.

significant.<sup>12</sup> Hence the need is pressing for the intentional design and implementation of effective capstone programs that enhance students' career readiness in order to ease their transition into the professional world beyond university.<sup>13</sup> In legal education this need is particularly urgent: 'the final year experience is currently an ill-established component of all curricula, but particularly so in law.'<sup>14</sup> Without such a capstone experience in the final year of their legal education, law graduates risk entering legal practice or other professional contexts without adequate understanding of their ethical and professional obligations and without a strong base for future professional learning and development.<sup>15</sup> A well designed capstone experience will help to bridge the divide between a degree program that is designed to provide the intellectual requirements for admission to legal practice and the demands that many students will encounter in legal practice or other occupational settings.

The acknowledgement of final year students as students *in transition* recognises that, as such, 'they have a unique set of needs that require specific attention to assist this transitional phrase.'<sup>16</sup> Final year students juggle 'many competing priorities' such as maintaining 'progress to graduation,' making 'decisions on their future options,' and competing with 'fellow students' for jobs.<sup>17</sup> Moreover, many students find the transition to the workplace, with its 'strict time schedules [and] lack of constant feedback, ... independence or flexibility' a 'dramatic shift.'<sup>18</sup> In particular, students are often unprepared 'to deal with the realities of stress, competition, aggression and tension' that is present within the practice of law.<sup>19</sup> Capstone units can provide students with invaluable and effective assistance as they negotiate the transition out of university by preparing them for the world of the graduate.<sup>20</sup> Even when the objective of a capstone program is the integration of student learning, Ferren and Paris argue that underlying this objective is the belief that 'a successful capstone is essential preparation for a successful transition to work and lifelong learning.'<sup>21</sup>

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<sup>12</sup> Jervis and Hartley, above n 10.

<sup>13</sup> Kift et al, above n 2, 43.

<sup>14</sup> Kift, Field and Wells, above n 11, 5.

<sup>15</sup> Kift et al, above n 2, 43.

<sup>16</sup> Ibid 15.

<sup>17</sup> Kift, Field and Wells, above n 11, 4.

<sup>18</sup> Heather D Shea, 'Senior Year Transitions: From College to Career and From Undergraduate to Graduate School' (Colorado State University, 1998/99) <<http://www.colostate.edu/Depts/SAHE/JOURNAL2/1999/Senior.htm>>.

<sup>19</sup> Judith Maute, 'Lawyering in the 21<sup>st</sup> Century: A Capstone Course on the Law and Ethics of Lawyering' (2007) 51 *Saint Louis University Law Journal* 1291, 1299.

<sup>20</sup> Robert L Heinemann, 'The Senior Capstone: Dome or Spire?' (Paper presented at the 83rd Annual Meeting of the National Communication Association, 1997) 5; Gardner and Van der Veer, above n 9; John N Gardner 'The Senior Year' (1999) (March-April) *About Campus* 5; Jack Rosenberry and Lauren A Vicker, 'Capstone Courses in Mass Communication Programs' (2006) 61(3) *Journalism and Mass Communication Educator* 267, 271.

<sup>21</sup> Ann Ferren and David Paris, 'How Students, Faculty, and Institutions Can Fulfil the Promise of Capstones' (2013) 15(4) *Peer Review* 4.

Carefully and thoughtfully designed capstone experiences can ensure students are positively supported through their final learning experiences. Although the movement to incorporate capstone experiences into higher education curriculum can be traced back to the early 1980s in the United States,<sup>22</sup> Ferren and Paris argue many institutions are now ‘recognizing the extraordinary learning experience that a capstone provides.’<sup>23</sup> Capstones are acknowledged as ‘extraordinary learning experiences’ as the ‘intention is for students to be able to demonstrate in their final year their best work – the result of focused, intense, meaningful, and integrative intellectual activity.’<sup>24</sup> Gardner and Van der Veer argue it is essential these learning experiences support students and foster their understanding of the impending change they are about to undergo from student to professional, and ‘how all aspects of their lives have contributed to their development as learners,’ in order to help them to ‘find connections between their academic experience and future plans.’<sup>25</sup> It is therefore desirable that universities design and implement capstone experiences that meet the needs of students as they *transition out* of the institution and into the world of work.

As culminating experiences, capstone programs confer a number of benefits on final year students as they prepare for the transition out of university. These benefits include knowledge synthesis (especially as it relates to career preparation), promotion of holistic thinking, and increased confidence and self-efficacy.<sup>26</sup> Core skills, such as problem-solving, decision-making, critical thinking, ethical judgment, and social and human relationship skills can also be enhanced by these programs.<sup>27</sup> These skills are also vital in assisting students to cope with the challenges of change. Thus, capstone programs can serve as introductions for students to their professional working world.<sup>28</sup> This potential is acknowledged in the Boyer Report, which recommends a culminating experience for all final year students in the United States.<sup>29</sup> Consequently, the importance of effective capstone experiences in a student’s final year should not be underestimated.<sup>30</sup>

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<sup>22</sup> Jill Abraham Hummer, ‘The Content and Integrative Component of Capstone Experiences: An Analysis of Political Science Undergraduate Programs’ (2014) 10(2) *Journal of Political Science Education* 222, 223.

<sup>23</sup> Ferren and Paris, above n 21.

<sup>24</sup> *Ibid.*

<sup>25</sup> Gardner and Van der Veer, above n 9, 6.

<sup>26</sup> Janis Bailey, Damian Oliver and Keith Townsend, ‘Transition to Practitioner: Redesigning a Third Year Course for Undergraduate Business Students’ (2007) 13 *Journal of Management and Organization* 65, 68.

<sup>27</sup> Sandra Kerka, *Capstone Experiences in Career and Technical Education* (Office of Educational Research and Improvement, 2001) 2.

<sup>28</sup> Margaret Reid and Will Miller ‘Bridging Theory and Administrative Practice: The Role of a Capstone Course in PA Programs’ (1997) 20(10) *International Journal of Public Administration* 1513; Jervis and Hartley, above n 10; JM Henscheid, *Professing the Disciplines: An Analysis of Senior Seminars and Capstone Courses* (Columbia, 2000).

<sup>29</sup> Boyer Commission, *Reinventing Undergraduate Education: A Blueprint for America’s Research Universities* (Boyer Commission on Educating Undergraduates in the Research University, 1998) 28.

<sup>30</sup> Kift et al, above n 2, 16.

### III CURRICULUM RENEWAL TO SUPPORT TRANSITION

As outlined above, the final year is a critical period for students in higher education. They often have to deal with the stresses and frustrations associated with differences between academic life and workplace cultures. Universities can play a vital and unique role in facilitating this change in a number of ways. Firstly institutions can assist students to cope with the uncertainty, complexity and change occurring in their lives by drawing on their self-management and other skills. They can assist students to cultivate a sense of professional identity, and support them as they manage career planning and development. Finally, universities can nurture students' employment preparedness by ensuring they have the appropriate skills sought by employers. Each of these issues is addressed separately below to illustrate how capstone experiences can aid these challenges.

#### *A Dealing with Uncertainty, Complexity and Change*

Uncertainty, complexity, and change are all features of the futures of new graduates in today's globalised world. '[A]ll educational institutions and all fields of study ... share in a common obligation to prepare their graduates as fully as possible for the real-world demands of work, citizenship, and life in a complex and fast-changing society.'<sup>31</sup> Teaching students to effectively manage the challenges of modern life is essential to their success in their future professional lives.<sup>32</sup> Holton claims that today's graduates are likely to experience many changing roles throughout their careers, and therefore it is vital that students develop the skills to adapt to future transitions.<sup>33</sup> This view is supported in the United States by Liberal Education and America's Promise (LEAP) which claims that '[t]he world in which today's students will make choices and compose lives is one of disruption rather than certainty, and of interdependence rather than insularity.'<sup>34</sup> In the United Kingdom it is also acknowledged that students' '[p]ost-graduation trajectories are likely ... to be considerably diverse.'<sup>35</sup> According to Heinemann, adaptability and flexibility should be recognised as important graduate outcomes as their success as practitioners will hinge on their ability to adjust their approach to accord with the changing needs of their profession.<sup>36</sup> Capstone programs are excellent vehicles for providing students with opportunities to develop these skills. In particular, developing and managing their cognitive capacities can assist their recall of past experiences, help them

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<sup>31</sup> National Leadership Council for Liberal Education and America's Promise (LEAP), *College Learning for the New Global Century* (Association of American Colleges and Universities, 2008) 5.

<sup>32</sup> Kift et al, above n 2, 44.

<sup>33</sup> Elwood F Holton III, 'Preparing Students for Life Beyond the Classroom' in John N Gardner and Gretchen Van der Veer (eds), *The Senior Year Experience: Facilitating Integration, Reflection, Closure, and Transition* (Jossey-Bass Publishers, 1998) 95, 98.

<sup>34</sup> LEAP, above n 31, 2.

<sup>35</sup> Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) 38(4) *Studies in Higher Education* 538, 549.

<sup>36</sup> Heinemann, above n 20.



to interpret given situations accurately, and apply their learning to new and varying contexts.<sup>37</sup> It is therefore desirable that capstone experiences consolidate learning and equip students with the building blocks (ie, cognitive, skilled and affective) to bridge the divide between student and reflective professional.<sup>38</sup>

The acquisition of life-long learning skills has been shown to smooth the transition from university to post-university life.<sup>39</sup> Attaining these essential life skills can enhance motivation, initiative and creativity in the workplace.<sup>40</sup> Reflective practice has been recognised as an essential life-long learning skill for law students and professionals.<sup>41</sup> The *Best Practices Report* from the United States claims that life-long learning is essential for legal practitioners as they need to ‘realistically evaluate their own level of performance and develop a plan for improving’ and updating their skills in an ever changing environment.<sup>42</sup> Reflective practice is essential to this process and contributes to the acquisition and refinement of higher order cognitive skills, including critical thinking skills.<sup>43</sup> Students therefore need to be provided with opportunities that encourage them to consider and reflect on what they have learnt, and to contemplate how their knowledge is or could be used in a professional context.<sup>44</sup> Given the importance of learning to manage uncertainty, anxiety and change as part of the transition to professional life, the role of reflective practice in promoting life-long skills in the capstone experience is critical.

In addition to adaptability, flexibility and reflection, another core life-long learning skill is resilience. Resilience has long been a topic of professional consideration, however much of this work has occurred in professions other than law such as nursing and medicine.<sup>45</sup> Jackson, Firtko and Edenborough define resilience as ‘the ability of the individual to adjust to adversity, maintain equilibrium, retain some sense of control over their environment, and continue to move on in a positive manner.’<sup>46</sup>

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<sup>37</sup> Ibid.

<sup>38</sup> Kift et al, above n 2, 44.

<sup>39</sup> GF Fairchild and TG Taylor, ‘Using Business Simulations and Issues Debates to Facilitate Synthesis in Agribusiness Capstone Courses’ (Paper presented at the Western Agricultural Economics Association Annual Meetings, Vancouver, British Columbia, Canada, 29 June – 1 July 2000); AJ Hovorka, ‘A Capstone Course of “Geographic” Ideas’ (2010) 108(6) *Journal of Geography* 252.

<sup>40</sup> Kift et al, above n 2, 44.

<sup>41</sup> A Brockbank and I McGill, *Facilitating Reflective Learning in Higher Education* (SRHE/Open University Press, 1998); Roy T Stuckey, M Barry, R B Dinerstein, J C Dubin, R Engler, and J S Elson, *Best Practices for Legal Education: A Vision and a Road Map* (Columbia, 2007).

<sup>42</sup> Stuckey et al, *ibid* 67.

<sup>43</sup> Kift et al, above n 2, 44.

<sup>44</sup> Joanna C Dunlap, ‘Problem-based Learning and Self-efficacy: How a Capstone Course Prepares Students for a Profession’ (2005) 53(1) *Educational Technology, Research and Development* 65.

<sup>45</sup> Kari Kjeldstadli, Reidar Tyssen, Arnstein Finset, Erlend Hem, Tore Gude, Nina T Gronvold, Oivind Ekeberg and Per Vaglum, ‘Life Satisfaction and Resilience in Medical School: A Six-year Longitudinal, Nationwide and Comparative Study’ (2006) 6 *British Medical Journal* 48.

<sup>46</sup> Debra Jackson, Angela Firtko and Michel Edenborough, ‘Personal Resilience as a Strategy for Surviving and Thriving in the Face of Workplace Adversity: A Literature Review’ (2007) 60(1) *Journal of Advanced Nursing* 1, 3.

A key aspect of resilience is the ability to cope with change.<sup>47</sup> Regardless of how resilience is defined, we argue it is essential that law schools also prepare students for the considerable pressures inherent in legal practice and in other positions of responsibility which law graduates are likely to undertake. Such pressures include time demands and constraints, feelings of isolation and bewilderment, general stress, and the struggles of maintaining a healthy work-life balance.<sup>48</sup> In addition to these general pressures, psychological distress and/or depression are increasingly acknowledged as significant issues for both law students and professionals,<sup>49</sup> with Lamb asserting that ‘the largest difficulty facing the legal community is unhappiness.’<sup>50</sup> For all of these reasons and more, resilience should be viewed as an important life-skill for both law students and graduates.

Rather than promoting resilience, legal education often does much to undermine students’ self-efficacy.<sup>51</sup> The competitiveness of law schools sends ‘negative messages to students about their competence and self-worth.’<sup>52</sup> Hall, O’Brien and Tang argue ‘it is important to engage in this process rather than avoid or resist change.’<sup>53</sup> They suggest resilience skills should be understood as ‘self-righting’ skills providing individuals with the capacity for ‘healthy growth and development, even in the face of challenges.’<sup>54</sup> They state that ‘positive environments offer individuals caring relationships, high expectation messages, and opportunities for participation and contribution.’<sup>55</sup> Students also need to be encouraged ‘to maintain their outside interests, leisure activities, and friendships.’<sup>56</sup> Law schools especially need to convey the message that ‘struggling with law school, making mistakes, or feeling anxious about study are not signs of inability or incompetence.’<sup>57</sup> Hall, O’Brien and Tang argue law schools need to ‘provide opportunities for students to form relationships with

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<sup>47</sup> Ibid; M McAllister and J McKinnon, ‘The Importance of Teaching and Learning Resilience in the Health Disciplines: A Critical Review of the Literature’ (2009) 29(4) *Nurse Education Today* 371, 272.

<sup>48</sup> Maute, above n 19.

<sup>49</sup> Molly Townes O’Brien, Stephen Tang and Kath Hall, ‘Changing our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum’ (2011) 21(1 & 2) *Legal Education Review* 149; Kath Hall, Molly Townes O’Brien and Stephen Tang, ‘Developing a Professional Identity in Law School: A View from Australia’ (2010) 4 *Phoenix Law Review* 21; Rachael M Field, James Duffy and Anna Louise Huggins, *Lawyering and Positive Professional Identities* (Butterworths, 2014); Penelope Watson and Rachael Field, ‘Promoting Student Well-being and Resilience at Law School’ in Sally M Kift, Michelle Sanson, Jill Cowley and Penelope Watson (eds) *Excellence and Innovation in Legal Education* (Lexis Nexis Butterworths, 2011) 389.

<sup>50</sup> Jared Lamb, ‘The Path of the Law School: Three Implementable Law School Reforms’ (2012) 3 *Faulkner Law Review* 343, 346.

<sup>51</sup> Kift et al, above n 2, 45.

<sup>52</sup> Stuckey et al, above n 41.

<sup>53</sup> Hall, O’Brien and Tang, above n 49, 48.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid 49.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid 50.

faculty and staff that are marked by availability, positive regard, and an acknowledgement of the person and their strengths.’<sup>58</sup>

Capstone programs offer unique vehicles for addressing many of the concerns regarding the development of these life-long learning skills. In this way, they contribute to the development of graduate capabilities beyond what may be directly measureable in assessment tasks. Thoughtfully designed, capstones can promote holistic thinking, self-confidence and self-efficacy, better equipping students with the skills to deal with the challenge and change of the workplace.<sup>59</sup> Incorporation of reflective practice and promotion of resilience should be key elements in the design of effective capstone experiences. Love and Mackert summarise the potential of capstones, stating that ‘[c]apstone courses at their best move students from the railroad tracks of a major sequence flowchart to the roller skates of the post-graduation world, promoting evolution from college to professional life.’<sup>60</sup> Through the provision of these experiences, law schools fulfil their responsibility ‘to prepare the whole student for the process of leaving the institution.’<sup>61</sup>

### B *Developing a Professional Identity*

Over the course of the law school experience, students should develop an awareness of what it means to be a graduate of their discipline.<sup>62</sup> They should also be encouraged and assisted in the formation of an emerging sense of professional identity that continues to develop past their university studies.<sup>63</sup> The Carnegie Report found that a sense of professional identity was essential and necessary for individuals to answer such questions as: ‘Who am I as a member of this profession?’, ‘What am I like, and what do I want to be like in my professional role?’ and ‘What place do ethical-social values have in my core sense of professional identity?’<sup>64</sup> Branch claims that the ‘development of a professional identity should result in students abandoning their novice view or anticipatory socialisation expectations of the profession for a new professional identity’,<sup>65</sup> and that this shift in thinking should occur ‘throughout their education’ bringing the ‘novice view closer to the professional reality.’<sup>66</sup> As a consequence, ‘students adjust their previous expectations of their

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<sup>58</sup> Ibid.

<sup>59</sup> Bailey, Oliver and Townsend, above n 26; Dunlap, above n 44.

<sup>60</sup> Brad Love and Michael Mackert, ‘Capstone and Building Block: Helping Students Manage Ambiguity About their Futures Through Writing’ (2013) 27(4) *Communication Teacher* 202.

<sup>61</sup> Shea, above n 18.

<sup>62</sup> Kift et al, above n 2, 45.

<sup>63</sup> Robert J Durel, ‘The Capstone Course: A Rite of Passage’ (1993) 21(3) *Teaching Sociology* 223; Hovorka, above n 39.

<sup>64</sup> William M Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond and Lee S Shulman, *Educating Lawyers: Preparation for the Profession of Law. Summary* (The Carnegie Foundation for the Advancement of Teaching, 2007) 135.

<sup>65</sup> S Branch, ‘Who Will I Be When I Leave University? The Development of Professional Identity’ (Paper presented at Effective Teaching and Learning Conference, Brisbane, Australia, 2000).

<sup>66</sup> Ibid.

future work role so that they are accurately matched to the reality' of professional life.<sup>67</sup>

Well-designed capstone experiences aid this identity shift or transition by contributing markedly to the development of a strengthening sense of professional identity and purpose.<sup>68</sup> Hall, O'Brien and Tang argue that law school is an important contributor to the development of students' professional identity, regardless of whether this contribution is acknowledged or intended.<sup>69</sup> A sense of professional identity is so important to an individual's well-being that the Carnegie Report labelled it a 'third apprenticeship' – 'the apprenticeship of identity and purpose.'<sup>70</sup> Sullivan et al make this point by stating that 'legal education needs to attend very seriously to its apprenticeship of professional identity.'<sup>71</sup> The rules of professional responsibility and the moral development of legal professionals are both included in this 'apprenticeship' with the report referring explicitly to matters of character and responsibility for clients.<sup>72</sup> According to Sullivan et al, this 'third apprenticeship' 'introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible.'<sup>73</sup> This is because 'it opens the student to the critical public dimension of the professional life.'<sup>74</sup> Hence, the essential goal of legal education 'is to teach the skills and inclinations, along with the ethical standards, social roles, and responsibilities that mark the professional.'<sup>75</sup> For these reasons, care must be taken to ensure that the professional identity encouraged by law schools is adequate to prepare students for their future professional lives as empathetic and resilient practitioners.<sup>76</sup>

Although the literature acknowledges the role capstone learning experiences play in assisting students to develop a professional identity as they transition out of university,<sup>77</sup> it is less clear on how this objective is achieved.<sup>78</sup> Capstone programs operating in disciplines with long established histories of these learning experiences (such as medicine and engineering) have, over time, developed ways to address this issue. However, for disciplines such as law where the use of capstones is a fairly new learning approach (especially in Australian law schools), careful thought needs to be given to how these programs will contribute to the development of law students' professional identity across the entire degree course.<sup>79</sup>

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<sup>67</sup> Ibid.

<sup>68</sup> Jervis and Hartley, above n 10; Bailey, Oliver and Townsend, above n 26; Annie Holdsworth, Kim Watty and Martin Davies, *Developing Capstone Experiences* (Centre for the Study of Higher Education, 2009) <[http://www.cshe.unimelb.edu.au/resources\\_teach/curriculum\\_design/docs/Capstone\\_Guide\\_09.pdf](http://www.cshe.unimelb.edu.au/resources_teach/curriculum_design/docs/Capstone_Guide_09.pdf)>.

<sup>69</sup> Hall, O'Brien and Tang, above n 49.

<sup>70</sup> Sullivan et al, above n 64, 128.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid 129-132.

<sup>73</sup> Ibid 128.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Kift et al, above n 2, 46.

<sup>77</sup> Branch, above n 65.

<sup>78</sup> Kift et al, above n 2, 46.

<sup>79</sup> Ibid.

In Australia, the issue of professional identity development is discussed in a report by Davis et al (the 'Law DBI report').<sup>80</sup> It notes that the majority of Australian law schools teach ethics and professional conduct as a combined subject in the final year as a means of addressing this matter.<sup>81</sup> Ethics and professional conduct are key aspects in the development of professional identity and it is generally in the courses that teach these topics that students first reflect on the concept of their professional identity. In contrast to the teaching practices of most Australian law schools, the report asserts that the best practice for teaching ethics and professional conduct is for these matters to be embedded and scaffolded across the entire law curriculum. It further argues that experiential learning models are effective learning experiences for these purposes.<sup>82</sup> It is acknowledged that while professional identity should be developed throughout the degree, capstones play an essential role in focusing students' attention to their emerging professional identity at the critical time of making the transition to their professional lives.

An essential component that assists students to develop their professional identity is reflection. Reflective practice facilitates both personal and professional development by encouraging individuals to give thoughtful consideration to contexts, themselves, and their roles. It contributes to the acquisition and development of higher order cognitive skills such as critical thinking.<sup>83</sup> Reflective practice promotes self-awareness and can facilitate personal transformation, a sense of purpose, and a sense of citizenship.<sup>84</sup> For law students, reflective practice is essential to assist them to develop professional identities that are ethical and socially responsible.<sup>85</sup> Given the important role law schools play in contributing to the development of professional identity in students, it is essential that capstone experiences build on earlier student learning in order to assist students to shift their thinking from that of a novice to that of a professional. Reflective practice is an effective means of facilitating this shift in perception.

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<sup>80</sup> Gary Davis, Susanne Owen, Michael Coper, William Ford and Jill McKeough, *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment* (CALD, 2009) 94 <[http://www.cald.asn.au/docs/altc\\_LawReport.pdf](http://www.cald.asn.au/docs/altc_LawReport.pdf)>. The report was supported by the Council of Australian Law Deans (CALD) and the Australian Learning and Teaching Council (ALTC), and evolved into what is commonly referred to as the 'CALD Standards' with both reports significantly influencing the teaching of law students in Australia. See Council of Australian Law Deans, *The CALD Standards for Australian Law Schools* (CALD, 2009).

<sup>81</sup> Davis et al, above n 80, 94.

<sup>82</sup> Ibid 99-113.

<sup>83</sup> Paddy Forde, 'Evaluation: The Capstone Experience' (Paper presented at the Enhancing Student Learning: 2006 Evaluations and Assessment Conference, Curtin University of Technology, 2006).

<sup>84</sup> Hovorka, above n 39.

<sup>85</sup> Judith McNamara, Rachael Field and Catherine Brown, 'Learning to Reflect in the First Year of Legal Education: The Key to Surviving Legal Education and Legal Practice' (Paper presented at the 12th Pacific Rim First Year in Higher Education Conference, Townsville, 29 June – 1 July 2009) <[http://www.fyhe.com.au/past\\_papers/papers09/index.html](http://www.fyhe.com.au/past_papers/papers09/index.html)>.

### *C Managing Career Planning and Development*

Capstone programs are ‘both forward- and backward-looking’<sup>86</sup> with integration and closure addressing the ‘backward-looking aspect and transition the forward. As a transition experience, a capstone program utilises a forward-looking perspective that should be designed to facilitate career planning and development processes.’<sup>87</sup> It should also ‘provide opportunities for students to consider how their own knowledge and skills might interact with professionals with different skill sets.’<sup>88</sup> By ‘[i]ncorporating career planning into the educational experience’ universities increase ‘a student’s level of preparation and understanding about the job search process.’<sup>89</sup> By doing so, institutions positively assist students to make the transition into the world of work.

Career development planning can be easily incorporated into final year capstones programs. For example, supplying students with information about the graduate destinations of previous students enables them to consider potential career paths they may not have otherwise considered.<sup>90</sup> It also shows them their likely career path based on their abilities, the current employment market, and economic climate. Likewise, providing assessment exercises involving personal reflections on results from individual aptitude and interest tests, self-description of employment qualifications, and detailed career objective plans assists career development learning.<sup>91</sup>

Career planning may also be facilitated in the context of practical work experiences such as work integrated learning (WIL) and problem based learning (PBL).<sup>92</sup> Smith et al assert that ‘[c]areer development learning enhances: student engagement; the student experience; student transitions; and contributes to workplace productivity.’<sup>93</sup> They also assert that ‘[i]t is valuable to provide a wide spectrum of workplace experiences to facilitate student participation in work related learning’<sup>94</sup> in order to make available as many different career paths for students as is reasonably possible. In addition to career planning, employment

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<sup>86</sup> Rosenberry and Vicker, above n 20, 269.

<sup>87</sup> Kift et al, above n 2, 47.

<sup>88</sup> Ibid; Gardner and Van der Veer, above n 9.

<sup>89</sup> Shea, above n 18.

<sup>90</sup> Scott A Myers and Virginia P Richmond, ‘Developing the Capstone Course in Communication: Nine Essential Questions’ (1998) 64(1) *The Southern Communication Journal* 59.

<sup>91</sup> Joseph B Cuseo, ‘Objectives and Benefits of Senior Year Programs’ in John N Gardner and Gretchen Van der Veer (eds), *The Senior Year Experience: Facilitating Integration, Reflection, Closure, and Transition* (Jossey-Bass Publishers, 1998) 21, 27. This example was offered in the curriculum at Kean College of New Jersey senior elective program *Career Management*.

<sup>92</sup> Kift et al, above n 2, 47; McNamara, Field and Brown, above n 85; Love and Mackert, above n 60.

<sup>93</sup> Martin Smith, Sally Brooks, Anna Lichtenberg, Peter McIlveen, Peter Torjul and Joanne Tyler, *Career Development Learning: Maximising the Contribution of Work-integrated Learning to the Student Experience* (Australian Learning and Teaching Council, 2009) 10

<<http://www.nagcas.org.au/uploads/file/ALCT%20Report%20July.pdf>>

<sup>94</sup> Ibid.

preparation skills such as resume writing, interviewing skills and business etiquette are useful to enhance students' career development learning.<sup>95</sup>

The responsibility of law schools to prepare students for graduate destinations extends beyond preparing them for legal practice. Law graduates frequently choose career paths in other sectors such as the public sector, accountancy, and management.<sup>96</sup> With a much longer history of use, United States law schools design capstone programs using diverse work environments to accommodate the diversity of graduate destinations.<sup>97</sup> This practice also opens avenues to students they may not have previously considered for future employment. Although the diversity found in graduate destinations may not currently be as varied in Australia as it is in the United States, the Law DBI report found that at least 40 per cent of graduates work outside the legal profession: approximately 20 per cent in government positions and 20 per cent in business or similar occupations.<sup>98</sup> With the current economic and job climate, this figure may be increasing. Shea claims that the 'reality demonstrates that many graduates are forced to look outside their field of study for their first job.'<sup>99</sup> Therefore it is incumbent on law schools in Australia to consider the diverse destinations of their graduates and tailor experiences accordingly. They may also consider designing capstone programs to better reflect their own school mission and context, for example by including legal theory, law reform and/or understanding law in its social, political and economic context.<sup>100</sup> Well-designed capstones facilitate positive transitions to professional life by incorporating career development planning that encompasses diverse potential graduate destinations. This is especially the case when assessment is combined in meaningful ways, such as encouraging reflection on students' individual capacities and interests while also developing career plans.

#### D *Work-ready Graduates*

In the United States there has been a general criticism of the level of graduate preparedness for professional life.<sup>101</sup> Criticisms have also been directed specifically at law schools, leading Allen to assert that the

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<sup>95</sup> Kift et al, above n 2, 47; Cuseo, above n 91, 28.

<sup>96</sup> Kift et al, above n 2, 47; Bahrin (Kam) Kamarul, 'A Law School's Educational Responsibility: The Case of the Canberra Law School' (1994) 1(2) *Canberra Law Review* 215.

<sup>97</sup> Maute, above n 19.

<sup>98</sup> Davis et al, above n 80, 49.

<sup>99</sup> Shea, above n 18.

<sup>100</sup> Kift et al, above n 2, 47.

<sup>101</sup> See Boyer Commission, above n 29; Peter D Hart Research Associates Inc, *How Should Colleges Assess and Improve Student Learning? Employers' Views on the Accountability Challenge* (Washington DC, 2008); George D Kuh, 'High-impact Educational Practices: Who Has Access to Them and Why They Matter for All Students' in *High-impact Education Practices: What They Are, Who Has Access to Them, and Why They Matter* (LEAP, Association of American Colleges and Universities, 2008) 13.

‘extensive scrutiny’ of legal education suggests ‘it is under attack.’<sup>102</sup> These vocal criticisms have been less apparent in Australia, both in regards to higher education generally and legal education more particularly. Nonetheless, being ‘work-ready’ is an issue for final year students, regardless of their discipline, as the ‘primary motivation’ for undertaking higher education studies ‘is related to job preparation and increasing earning potential.’<sup>103</sup> Higher education in the United Kingdom has also been subjected to scrutiny and criticism with ‘an increasing number of initiatives focussing upon the role that higher education institutions can and/or should play in relation to graduate employment.’<sup>104</sup> Although these comments have been applied to university education in general they apply equally to legal education. It is therefore unsurprising that ‘[c]laims are made that law schools are not doing the job they are meant to do: train the next generation of lawyers.’<sup>105</sup> Allen asserts ‘we cannot bury our heads in the sand and pretend that legal education can simply proceed as if no one ever raised the issues on the table.’<sup>106</sup> Consequently, law schools, if they want to remain competitive, must ‘process a new reality that calls for relevance and effective professional preparation’<sup>107</sup> and employment preparedness.

The scrutiny on higher education in general is predicated on the notion that society has a broader interest in graduate outcomes and life-long learning. Holmes states the post-graduation lives of graduates ‘significantly affect wider society, the economy and the political order, as graduates take on influential roles in those domains.’<sup>108</sup> Holmes argues that ‘[a]s increasingly greater economic investments by governments have been made in higher education, largely on the basis of a human capital investment rationale, an increased focus has been placed on post-graduate employment outcomes.’<sup>109</sup> He argues that ‘[t]his has been further emphasised where governments have sought to expand higher education whilst limiting or reducing public expenditure.’<sup>110</sup> Holmes outlines these ‘investments’ at both the macro and the micro levels:

At the macro level, national and regional governments and their agencies, inter-governmental agencies, and institutions and agencies interacting with government, will be particularly concerned with the identifiable economic and social benefits of higher education in relation to the funding provided, and with the governance of higher education system. At the micro level, students (and their families) will be concerned with the extent to which their ‘investment’ (including time and effort) in their degree studies does lead on to desirable employment, and employers will be

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<sup>102</sup> Michael P Allen, ‘Remedies as a Capstone Experience: How the Remedies Course Can Help Address the Challenges Facing Legal Education’ (2012) 57 *St Louis University Law Journal* 547, 547. See also Stuckey et al, above n 46; Sullivan et al, above n 69.

<sup>103</sup> Shea, above n 18.

<sup>104</sup> Holmes, above n 35, 540.

<sup>105</sup> Allen, above n 102, 547.

<sup>106</sup> *Ibid* 548.

<sup>107</sup> Margaret Martin Barry, ‘Practice Ready: Are We There Yet?’ (2012) 32(2) *Boston College Journal of Law and Social Justice* 247, 252.

<sup>108</sup> Holmes, above n 35, 538.

<sup>109</sup> *Ibid* 539.

<sup>110</sup> *Ibid*.



concerned with the extent to which they are able to recruit and employ graduates they deem capable of undertaking the work roles available.<sup>111</sup>

A variety of stakeholders (such as professions, employers, and governments) have a 'legitimate concern' for how 'higher education institutions help prepare students for their post-graduation lives'<sup>112</sup> regardless of students areas of study. In other words, all students in all disciplines need to be provided with opportunities to ensure they graduate with the necessary skills to be both productive professionals and good citizens.

The influence of prospective employers is slowly gaining prominence in the debate about graduate outcomes and employment preparedness. Cord, Sykes and Clements argue that 'academics typically prioritize comprehensive disciplinary and technical knowledge' while 'employers, committed to addressing current business needs, emphasize that graduates must not only have the requisite disciplinary and technical skills, but also the "soft" skills commensurate with job-readiness.'<sup>113</sup> The influential United States report by Peter D Hart Research Associates Inc found that United States employers indicated graduates possessed skills necessary for entry-level positions within their companies only, with less confidence expressed that graduates' skills prepared them for advancement or promotion once employed.<sup>114</sup> Far more damning, however, was the report's finding that one-third of business executives surveyed maintained that recent graduates did not 'have the requisite skills and knowledge' for even entry level positions.<sup>115</sup> With this in mind, LEAP argues that '[t]he challenge is to help students become highly intentional about the forms of learning and accomplishment that the degree should represent.'<sup>116</sup>

Not only do students need to become more intentional, but universities also need to take responsibility to ensure their graduates are work-ready. This emerging view will change the focus of undergraduate education as institutions respond to the growing demands by professions, industry, governments, the public and, most importantly, students for a relevant education designed to meet the challenges of a changing employment environment.

Although many of these comments relate more generally to the fields of business and commercial enterprise, they are just as relevant for law professionals. The diverse range in graduate career destinations highlights the importance of law schools preparing students for employment beyond legal professional practice. The flexibility capstones offer makes them useful mechanisms for addressing the transitional needs of final year students as they prepare for the world of work. Importantly, thoughtfully

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<sup>111</sup> Ibid.

<sup>112</sup> Ibid 538.

<sup>113</sup> Bonnie Cord, Chris Sykes and Michael Clements, 'Who Cares Wins: Owning the Learning Transition' (2011) 25(4) *Development and Learning in Organizations: An International Journal* 20, 20.

<sup>114</sup> Peter D Hart Research Associates Inc, above n 101, 2.

<sup>115</sup> Ibid.

<sup>116</sup> LEAP, n 31, 2.

designed capstones can equip students with important life skills that take them beyond their entry positions.<sup>117</sup>

#### IV CURRICULUM RENEWAL IN LEGAL EDUCATION TOOLKIT

The project identified from the literature the important role capstones perform in facilitating students' transition from their identity as a student to their post-university careers. It also noted, however, the existence of limited practical suggestions as to how this can be achieved. A significant outcome from the project is the creation of a 'Toolkit' designed to facilitate the development of capstone programs in legal education specifically, and in higher education more generally. The Toolkit addresses students' final year transition needs in a number of ways. First, it advocates the use of capstone experiences to facilitate a smooth transition from university to work. As experiential learning experiences, capstones bridge 'the gap between university learning ... and the application of learning in the workplace'<sup>118</sup> in order to promote work-ready graduates. The Toolkit outlines two vital components for successful capstone learning experiences: the 'principles' and the 'favourable conditions'. These conditions have been identified as necessary to promote successful capstone experiences. Briefly, the favourable conditions advocate the use of whole-of-program approaches with scaffolded learning, and committed faculty.<sup>119</sup>

The Toolkit also proposes five subject models designed to assist educators to develop their own capstone programs. The five capstone subject models are problem-based learning; work integrated learning; project-based learning; alternative dispute resolution; and practical legal training. The models were designed to cover most areas of legal education in Australia' and may provide the best opportunities for the introduction of a complete and authentic capstone experience.<sup>120</sup> In addition, a template has been provided for educators wanting to design their own capstone program.

The Toolkit also outlines 16 examples of actual capstone programs that have been implemented by various law schools in Australian and the United States. These examples are offered to show educators the variety of ways capstone experiences can be or have been implemented into curriculums. Although these programs offer a variety of learning experiences, as students are required to 'possess quite an extensive body of legal knowledge,'<sup>121</sup> it is essential careful consideration is given to how a program is developed to ensure required skills are scaffolded into earlier

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<sup>117</sup> Robert C Moore, 'The Capstone Course' in William G Christ (ed), *Assessing Media Education: A Resource for Educators and Administrators* (Erlbaum, 2005) 439.

<sup>118</sup> Bailey et al, above n 26, 67.

<sup>119</sup> The Toolkit, principles and favourable conditions are all available at <<https://www.qut.edu.au/research/research-projects/curriculum-renewal-in-legal-education-articulation>> and <<https://www.qut.edu.au/law/about/learning-and-teaching/capstone-preparing-for-the-real-world>>.

<sup>120</sup> Sally Kift, Des Butler, Rachael Field, Judith McNamara, Catherine Brown and Cheryl Treloar, *Curriculum Renewal in Legal Education: Toolkit* (Office for Learning and Teaching, 2012) 1.

<sup>121</sup> *Ibid* 72.

subjects in the program. As transition focused experiences, the overriding aim of programs 'is to develop the student's appreciation of workplace culture and to develop practical and employment-oriented skills.'<sup>122</sup>

This section briefly discusses the models as they address students' transition needs. Two capstone subject models in the Toolkit specifically address transition: work integrated learning (WIL) and practical legal training (PLT). Both the research project and the alternative dispute resolution models can also address transition as well as integration and closure (or both) depending on how the subjects are designed. Although some argue problem-based learning prepares students for the real world of employment as they 'are forced to deal with ambiguity and the reality that life post-university contains fewer problems with defined answers or direction',<sup>123</sup> the project team advocate the use of this subject model for integration and closure purposes with WIL a companion subject. The two transition-focused models, WIL and PLT, are discussed briefly below.

### *A Work Integrated Learning Capstone Subject*

WIL programs play 'a significant role in preparing students for professional practice.'<sup>124</sup> These programs can 'help students adjust to their role as professionals, become better legal problem solvers, develop interpersonal and professional experience and learn how to learn from experience.'<sup>125</sup> With the growing pressure to produce work-ready graduates, 'WIL is [becoming] increasingly important in undergraduate law programs.'<sup>126</sup> WIL programs prepare 'students for legal practice by providing a context for them to develop their legal and personal skills and to see the link between theory and practice, and by supporting them in making the transition from university to practice.'<sup>127</sup> Internships or work placements are resource-effective means for providing WIL-based learning experiences. Work placements have been used extensively in the United States and are gaining acceptance in Australia, with the 'potential to combine community service with student learning' an appealing benefit.<sup>128</sup>

The suggested WIL capstone subject model proposed in the Toolkit requires students to undertake a placement in a legal office under the supervision of a practicing lawyer.<sup>129</sup> The purpose of curriculum programs such as WIL 'is to create real-life contexts typical of those in

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<sup>122</sup> Ibid.

<sup>123</sup> Love and Mackert, above n 60.

<sup>124</sup> Judith McNamara, 'Internships: Effective Work Integrated Learning for Law Students' (2009) 19(3) *Asia-Pacific Journal of Cooperative Education* 229, 229.

<sup>125</sup> Ibid 230; Stuckey et al, above n 41.

<sup>126</sup> McNamara, above n 124, 229.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid; Jeff Giddings, *Promoting Justice Through Clinical Legal Education* (Justice Press, 2013) <<http://www.justice-press.com/publications/432-promoting-justice-through-clinical-legal-education-jeff-giddings>>.

<sup>129</sup> Kift et al, above n 120.

which the student will work after graduation.<sup>130</sup> As a curriculum strategy, WIL ‘incorporates high-authenticity real-world experiences into the curriculum.’<sup>131</sup> It is an ideal vehicle for addressing students’ transitional needs as not all will experience a smooth transition into work.<sup>132</sup> Placements like WIL assist students to ‘develop a different mind-set’ to support this transition.<sup>133</sup> Shircore et al, reporting on a series of WIL capstone programs initiated at James Cook University (JCU) School of Law, state that ‘[t]ransition is provided through an intentional focus on professional identity development, graduate attributes and authentic project/tasks undertaken with industry and community partners.’<sup>134</sup> As a best practice, the JCU program was developed with a ‘backwards’ approach ensuring the necessary skills required of students to successfully complete the programs were embedded and scaffolded into the curriculum from first year.<sup>135</sup>

An essential additional requirement of the WIL subject model is reflection compelling students to contemplate their experience both independently and with peers. Reflection is necessary as it helps students to draw together and make connections between the practical experience of the placement and ‘broader concepts, knowledge and understanding’ from their studies.<sup>136</sup> Through this process, students ‘gain a rich insight into the skills required to perform such roles and also the responsibilities they entail.’<sup>137</sup> Reflection is a vital component of the suite of WIL capstone programs recently introduced at JCU. Shircore et al argue that ‘students who understand the nature of reflection and are able to effectively engage in reflective practices will navigate the complexities of experiential learning and the world of professional work more successfully.’<sup>138</sup> As discussed above, reflective practice is a necessary aspect of capstones in order to assist students to reflect on their learning, their impending transition as emerging professional, and their future role as law professional.

All models in the Toolkit provide suggestions for student learning outcomes and assessment. The recommended learning outcomes for the models have been designed to align with the Australian Threshold Learning Outcomes (TLOs).<sup>139</sup> The suggested learning outcomes for the WIL model are as follows:

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<sup>130</sup> Calvin Smith and Kate Worsford, ‘WIL Curriculum Design and Student Learning: A Structural Model of Their Effects on Student Satisfaction’ (2014) 39(6) *Studies in Higher Education* 1070, 1070.

<sup>131</sup> *Ibid.*

<sup>132</sup> Shea, above n 18.

<sup>133</sup> *Ibid.*

<sup>134</sup> Shircore et al, above n 1, 127.

<sup>135</sup> *Ibid.*

<sup>136</sup> Andrew Mitchell, Bruce Oswald, Tania Voon and Wendy Larcombe, ‘Education in the Field: A Case Study of Experiential Learning in International Law’ (2011) 21(1&2) *Legal Education Review* 69, 72.

<sup>137</sup> *Ibid.*

<sup>138</sup> Shircore et al, above n 1, 128.

<sup>139</sup> Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards Statement December 2010* (Australian Learning and Teaching Council, 2010).

- ‘Reflect on and assess your own capabilities and performance as regards your application of discipline specific and professional knowledge and skills and implement personal learning strategies (TLO6)’.
- ‘Reflect on and learn from experience individually and in collaboration with students, work colleagues and placements supervisors (TLO 5; TLO6)’.
- ‘Take responsibility for your own workplace skill development, professional learning and career management (TLO6)’.
- ‘Make connections across diverse areas of legal knowledge and skills and demonstrate the practical application of legal knowledge and skills (TLO1; TLO3)’.
- ‘Recognise, reflect on and respond to professional and ethical issues that arise in a legal workplace, your developing professional identity and your professional values (TLO2)’.
- ‘Communicate effectively, appropriately and persuasively with other professionals and clients from a diverse range of cultural backgrounds (TLO5)’.
- ‘Demonstrate career development learning (TLO6)’.<sup>140</sup>

Although many of the tasks for this model are set by the supervising lawyer at the placement organisation, the model also provides recommendations for appropriate assessment tasks that are within the control of the teaching coordinator. The first of these tasks should include placement preparation, with assessable tasks being the development of a plan that includes personal learning objectives. The model necessarily requires attendance and work undertaken at the placement.<sup>141</sup> This aspect of the model lends itself to assessment via student reflection on their learning both during and on completion of the placement. These reflections could be included in a final portfolio that includes a supervisor’s evaluation and statement by the student as to their attainment of their personal objectives as set out in the placement plan. An extension of the reflection tasks is to include group reflections. The model also recommends students complete a cross-cultural communication course in order to promote cultural competencies.<sup>142</sup> These skills are necessary for professional practice as students engage with diverse clients, colleagues and other professionals.

The WIL model integrates the Boyer Report proposal that final year capstone experiences ‘should allow the student to understand her or his potential for serious work and develop the aspiration to do it well.’<sup>143</sup> Experiential learning programs are underpinned by the concept that ‘knowledge creation involves active transactions between the student and

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<sup>140</sup> Kift et al, above n 120, 50-51.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Boyer Commission, above n 29, 28.

the environment being studied.’<sup>144</sup> As an experiential learning and high-impact learning experience, WIL facilitates students’ transition into the world of work by immersing them in this world with a supervision ‘safety net’.

### B *Practical Legal Training Capstone Subject*

The Toolkit provides a suggested model for PLT, integrating the six capstone principles. It requires students to manage a range of activities that would normally occur in legal practice. Such activities range from registering their own practice or business name to interviewing clients, drafting wills, incorporating companies, drafting an agreement for the sale or purchase of a business, and managing property settlements. The model encompasses the professional areas of property practice, corporate and commercial practice, and wills and estates practice.<sup>145</sup> These areas of practice cover the core competencies required of practical legal training other than civil litigation, with the addition of wills and estates, which is one of the elective areas of competency. The particular practice areas may be varied according to the context of the degree program in which the capstone experience is included. The teaching and learning approaches engage students as ‘emergent professionals’ while providing a safe environment to practice their legal skills. The subject should provide as ‘real world’ an experience as possible within the resource constraints of individual university contexts. The model specifies the use of mentors (such as volunteer legal practitioners) for students in order to immerse them into the culture of the legal profession.<sup>146</sup> The use of mentors has the double benefit of cultivating students’ professionalism in parallel with the core aims of the curriculum.

The model suggests a virtual legal practice with students taking on roles as members within the practice and working both individually and as part of a team as they manage their clients’ matters. It is recommended that students be allocated multiple clients in order to more authentically replicate professional practice. The model supports students to work independently and take responsibility for their learning, and blends face-to-face and online learning environments. The model emphasises the need for both peer interaction and individual self-reflection.

The suggested learning outcomes for the PLT model are as follows:

- ‘Apply knowledge of the statutory and common law requirements and processes relating to transactional practice (TLO1)’.
- ‘Demonstrate the competence required of an entry level legal practitioner in conducting a commercial transaction, setting up standard commercial structures, dealing with loans and securities, transferring title, creating leases, creating and releasing securities, advising on land use, drafting wills, administering deceased estates, taking action to resolve wills and estates problems, advising on

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<sup>144</sup> Mitchell et al, above n 136, 72.

<sup>145</sup> Kift et al, above n 120.

<sup>146</sup> Ibid.

revenue law and practice in relation to commercial and other property transactions, drafting documents related to transactional practice (TLO1; TLO3; TLO5)’.

- ‘Communicate practical legal advice for the resolution of complex legal issues (including offering creative solutions) effectively, appropriately and persuasively (TLO5; TLO3)’.
- ‘Recognise, reflect upon, and to respond to, ethical issues likely to arise in professional contexts (TLO2)’.
- ‘Reflect on and assess your own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development (TLO6)’.
- ‘Collaborate effectively (TLO6)’.<sup>147</sup>

As this model is based on a PLT model, its competencies are based on Transactional Legal Practice with the criteria recommended being those necessary for admission to legal practice. Consequently, the recommended assessment tasks are primarily formative, with skills demonstrated via the accurate completion of documentation and tasks. The model also recommends some summative assessment such as peer review and individual performance appraisals.<sup>148</sup> These forms of evaluation mimic real world work environments with professionals expected to work to the standards set by the practice.

Experiential learning programs are widely recognised as high-impact, value-laden learning experiences for law graduates.<sup>149</sup> These programs insert experience into the learning process<sup>150</sup> and, in doing so, assist students to develop essential work-ready skills. Experiential learning programs such as PLT assist students to ‘make the transition from classroom to workplace’ and, in the process, help them overcome some of the challenges often experienced with this transition.<sup>151</sup> As such, these invaluable authentic learning experiences equip students with work-ready skills and prepare them for professional practice.<sup>152</sup>

## V CONCLUSION

This article has discussed the important issue of *transition* for final year students as they move beyond higher education into the work of professional employment. Regardless of their future destinations, transition is an unavoidable process every higher education student faces upon graduation, with adjusting to a new job only part of this transition.<sup>153</sup> Shea argues that a ‘student’s state of readiness for a successful transition

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<sup>147</sup> Ibid 67.

<sup>148</sup> Ibid 67-68.

<sup>149</sup> Mitchell et al, above n 136, 72.

<sup>150</sup> Ibid.

<sup>151</sup> Cord, Sykes and Clements, above n 113, 20.

<sup>152</sup> Ibid.

<sup>153</sup> Shea, above n 18.

is not realized simply by the timing of graduation.’<sup>154</sup> Echoing John Gardner’s assertion that ‘higher education has a moral obligation to pay more attention to students’ preparation for practical success beyond graduation,’<sup>155</sup> Cord, Sykes and Clements argue that institutions have an inherent ‘duty of care’ to their students that they fail to discharge when they do not provide students with learning experiences that address their transitional needs.<sup>156</sup> They further argue this duty of care ‘might be enlarged to include care for the development of students’ skills and capabilities.’<sup>157</sup> Authentic experiential learning programs fulfil these obligations, equipping students with invaluable experiences and preparing them for professional practice.<sup>158</sup>

This article has shown how intentionally designed capstone experiences can assist students to navigate the transition process from university to work. It has discussed the growing criticisms from the broader community that higher education needs to be more responsive to the needs of employers and create ‘work-ready’ graduates.<sup>159</sup> With employability defined in terms of ‘certain characteristics of individuals graduating from higher education,’<sup>160</sup> programs must facilitate professional skills training for students.<sup>161</sup> Part of the value of experiential learning programs is that they engage students in active learning.<sup>162</sup> As law schools begin to process the new reality of ‘relevance and effective professional preparation’<sup>163</sup> the value of experiential learning programs such as capstone experiences becomes apparent.

This article has showcased the *Curriculum Renewal in Legal Education Toolkit* as a means of addressing some of the criticisms levelled against legal education and discussed how the Toolkit provides capstone subject models designed specifically to attend to the transitional needs of final year students. As such, the Toolkit is an invaluable addition to curriculum design both in Australia and internationally by making accessible the constituents of intentionally designed high-impact learning experiences for final year students.

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<sup>154</sup> Ibid.

<sup>155</sup> Gardner, above n 20, 6.

<sup>156</sup> Cord, Sykes and Clements, above n 113, 20.

<sup>157</sup> Ibid.

<sup>158</sup> Margaret Castles and Anne Hewitt, ‘Can a Law School Help Develop Skilled Legal Professionals? Situation Learning to the Rescue!’ (2011) 36(2) *Alternative Law Journal* 90, 90.

<sup>159</sup> David Sill, Brian M Harward and Ivy Cooper, ‘The Disorienting: The Senior Capstone as a Transformative Experience’ (2009) 95(3) *Liberal Education* 50, 50; Allen, above n 102, 548.

<sup>160</sup> Holmes, above n 35, 542.

<sup>161</sup> Barry, above n 107, 247.

<sup>162</sup> Mitchell et al, above n 136, 72.

<sup>163</sup> Barry, above n 107, 252.