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TEACHING DOCTRINE IN CONTEXT: USING A SITUATED CASE BRIEF TO BRIDGE THE ACADEMIC–VOCATIONAL DIVIDE IN A CROWDED LAW CURRICULUM

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I INTRODUCTION

The crowded curriculum in Australian legal education presents a persistent challenge. Due to competing factors, including accreditation requirements, institutional demands, and expectations of both students and the legal profession, legal educators often feel overwhelmed and overburdened in regard to the provision of legal education. As a result, Australian legal education is often pulled in multiple directions, attempting to satisfy competing expectations and, in doing so, risks underserving students and broader society. This schism between what is mandated and what is expected, stems from an underlying confusion as to the nature and purpose of legal education. For studies in the humanities, and some sciences, university has always been ‘a place in which knowledge is obtained without direct reference to its professional use’.¹ But for law, having originated as a vocational undertaking before asserting for itself a place within academia, the purpose of a university law school is muddled.² Is law school primarily an academic engagement, one that prioritises theoretical inquiry and critical engagement with law as a social institution? Or is a vocational approach

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¹ Walter W Cook, ‘Scientific Method and the Law’ (1927) 13(6) *American Bar Association Journal* 303, 303.

² Bethany Rubin Henderson, ‘Asking the Lost Question: What Is the Purpose of Law School’ (2003) 53(1) *Journal of Legal Education* 48 (‘Asking the Lost Question’).

more appropriate, one which emphasises practical skills and readiness for legal practice.³ While many agree that the answer is not either/or but rather both, some attempts to equip students with essential doctrinal knowledge, while simultaneously fostering practical skills, critical thinking, and professional identity, ultimately result in a potentially incomplete education at worst, and an over-crowded education at best.⁴ This tension practically results in a conventional teaching approach whereby students are often taught not to *be* lawyers, but to think *like* lawyers with a reliance on an academic pedagogical lens.

Nevertheless, emerging educative models signal a shift toward greater integration of legal skills and experiential learning, a movement accelerated by the rise of remote and digital education, and necessitated by the increased capabilities and accessibility of generative AI.⁵ There has also been a ‘cultural shift’ regarding the type of student that comes to law school,⁶ with more students than ever joining from economically and culturally diverse backgrounds.⁷ The way contemporary law students learn has also diverged from traditional approaches to legal learning, with attention spans shortening, information available at the click of a button, and the changing priorities of students.⁸ These developments challenge educators to rethink curriculum design and delivery, ensuring that legal education remains responsive to evolving professional and technological landscapes.

Considering this shift towards greater integration, this article focuses on the challenges posed by the crowded curriculum of legal education in relation to the teaching of Evidence and Criminal Procedure to third year students at a Victorian university in Melbourne, Australia. In 2025, the teaching approach for this subject was re-designed to incorporate ‘*Police v Farmer*’ (the *Case Brief*),⁹ a fictional

³ See, eg, James McMillan and Rob Lilley, ‘Why Isn’t All Legal Education Practical?’ (2025) 3 *The Western Australian Law Teachers Review* 49, 53 (‘McMillan and Lilley’); Francina Cantatore, Tanya Atwill and Rachael Field, *The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice: Final Report* (Report, 1 December 2022); Harry H Wellington, ‘Challenges to Legal Education: The “Two Cultures” Phenomenon’ (1987) 37(3) *Journal of Legal Education* 327, 327 (‘Challenges to Legal Education’).

⁴ McMillan and Lilley (n 3).

⁵ See, eg, Genvieve Wilkinson and Maxine Evers, ‘Capturing the Essence of Contemporary Law School Engagement: Tech, Social Justice and Online Engagement’ 35(1) *Legal Education Review* 107; Thomas Corbin, Phillip Dawson and Danny Liu, ‘Talk Is Cheap: Why Structural Assessment Changes Are Needed for a Time of GenAI’ (2025) 50(7) *Assessment & Evaluation in Higher Education* 1087 (‘Corbin, Dawson and Liu’).

⁶ Tania Leiman, Deborah Ankor and Jocelyn Milne, ‘“Perpetual Crisis”? Preparing Gen Z Lawyers for an Uncertain Work Future’ in Judith Marychurch, Kate Fischer-Doherty and Jacqueline Weinberg (eds), *Wellness for Law: Reflecting on the Past - Shaping the Future* (LexisNexis, 2024) 116 (‘Leiman, Ankor and Milne’).

⁷ Amanda-Jayne Bull, Amanda Kennedy and Rebecca Wright, ‘Training Professional Staff to Engage and Support Diverse Learners in Legal Education’ [2025] *Journal of the Australasian Law Academics Association* 9, 12; Sandra Noakes and Anna Cody, ‘Building a (Self) Reflective Muscle in Diverse First-Year Law Students’ (2022) 32(1) *Legal Education Review* (‘Noakes and Cody’).

⁸ Leiman, Ankor and Milne (n 6) 123.

⁹ The authors have used ‘*Case Brief*’ because it reflects the Australian legal lexicon and lends greater authenticity to the learning tool.

brief of evidence designed to mimic a hand-up brief used by the Prosecution in a criminal matter. Created by a practicing Barrister and taught over the whole semester as an evolving narrative, the *Case Brief* bridges the vocational and academic divide by integrating doctrinal knowledge with skills development. The *Case Brief* allows weekly engagement with the ascribed doctrinal knowledge, with immediate application of that knowledge while navigating authentic material in a real-world-based manner. This design ensures that the curriculum balances both priorities in a way that aligns with modern learning practices, without imposing undue burdens on legal educators. Part of the design included ethics approval for an exploratory pilot study involving a survey of students on their experiences with the *Case Brief* in its first year of implementation.¹⁰ While the response rates to the survey were relatively low and thus cannot produce representative data, the overarching themes of the survey responses indicate how and whether the *Case Brief* responded to the pressures of the crowded curriculum in this limited context.

To contextualise the environment into which the *Case Brief* was introduced and tested, Part II of this article examines the historical influences which have framed the traditional development of Australian legal education and have contributed to the crowding of the legal curriculum. Part III undertakes an exploration of current trends in teaching evidence and criminal procedure law, which offers insights into both the pressures and opportunities available to law educators in higher education, with particular focus on experiential, situated learning within the core curriculum. Finally, Part IV of this article evaluates the *Case Brief* and its success as a learning tool introduced in a specific unit of study, based on student responses to an online survey. The *Case Brief* is presented as an example of a method of addressing the crowded curriculum. It does not suggest a one-size-fits-all solution, but offers an approach to teaching that fosters deeper, more lasting learning.

II CONVENTIONAL LEGAL EDUCATION INSTRUCTION

The instruction of legal education typically relies on the use of fragmented hypothetical scenarios dedicated to one or a few legal issues, as well as lecture-based information and content delivery. This instruction has its roots in the historical approach of the discipline. Cambridge and Oxford record lectures on Roman Law in the thirteenth century, but it is Blackstone's 1758 lecture, 'Of the Study of Laws', that is often credited as the first common law lecture.¹¹ Historically, Australian legal training was structured around apprenticeship rather than university study, with aspiring practitioners commonly entering the profession through Supreme Court examinations or lengthy articulated

¹⁰ La Trobe University Human Ethics Committee Approval HEC 25298

¹¹ Wilfrid Prest, 'Legal History in Australian Law Schools: 1982 and 2005' (2006) 27 *Adelaide Law Review* 11, 268; William Blackstone, *Commentaries on the Laws of England, A Facsimile of the First Edition of 1765-1769* (University of Chicago Press, 2002).

clerkships.¹² Even as early as 1847, the absence of formal legal education contributed to growing concerns about the profession's reputation, prompting then-Chief Justice Alfred Stephen to call for 'educational qualifications' as a prerequisite to admission.¹³ The first Australian law schools were created in the mid-1850s,¹⁴ but their early development was still influenced by the profession. The teaching was performed by part-time practitioners, rather than academics, who delivered formalist, doctrinal lessons in law.¹⁵ This curriculum was also encumbered by the expertise of the practitioner.¹⁶ It was only after the Second World War that Australian law schools began to secure a more fully academic character,¹⁷ and expectations of legal education began to resemble the contemporary practice.

Today, there are thirty-eight law schools in Australia. Law courses can be taken at both the undergraduate and post-graduate levels. Admission to practice as an Australian lawyer requires completion of both the academic law degree – either a Bachelor of Laws (LLB) or a Juris Doctor (JD) – and practical legal training (PLT).¹⁸ To obtain a law degree, a student must, at minimum, complete eleven compulsory subjects, the 'Priestley 11',¹⁹ which stipulate the specific academic areas of knowledge that students must be taught to qualify for admission to practice.²⁰ Post graduation, those who wish to practice must then complete their PLT. This is an additional dedicated professional practice and skills-focused course.²¹

¹² Nickolas J James, 'A Brief History of Critique in Australian Legal Education' 24(3) *Melbourne University Law Review* 965 ('James'); Paul Johnson, 'The Articled Clerk Program: Victoria and Nationally' [2004] (34) *Victorian Young Lawyers Journal* 10; John Michael Bennett, EJ Minchin and Anthony Fisher, *A History of Solicitors in New South Wales* (Legal Books, 1984), cited in Linda Martin, 'From Apprenticeship to Law School: A Social History of Legal Education in Nineteenth Century New South Wales' (1986) 9(2) *UNSW Law Journal* 111 ('Martin').

¹³ Martin (n 12) 118.

¹⁴ There is debate about which was the first Australian law school. The Melbourne Law School was established in 1857 as the first school in operation from the start. Though Sydney University had founded a Faculty of Law two years earlier, in 1855, it did not start formal educational operations until 1859. See Emma Ryan, 'Australia's Oldest Law School Reaches Milestone', *Lawyer's Weekly* (online, 31 January 2017) <<https://www.lawyersweekly.com.au/sme-law/20461-australia-s-oldest-law-school-reaches-milestone>>.

¹⁵ David Weisbrot, *Australian Lawyers* (Longman Cheshire, 1990) 122, cited in David Barker, *A History of Australian Legal Education* (The Federation Press, 2017) 45.

¹⁶ Dennis Charles Pearce, Enid Campbell and Don Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (Australian Government Publishing Service, 1987) 1 ('*Australian Law Schools*'), cited in James (n 12) 967; Weisbrot (n 15) 122, cited in Barker (n 15) 45.

¹⁷ James (n 12) 967–8; See also Margaret Thornton, 'Portia Lost in the Groves of Academe Wondering What to Do about Legal Education' (1991) 34(2) *Australian Universities' Review* 26.

¹⁸ Often in the form of the the Graduate Diploma of Legal Practice (GDLP).

¹⁹ These eleven subjects include: Criminal Law and Procedure, Torts, Contracts, Property, Equity, Company Law, Administrative Law, Federal and State Constitutional Law, Civil Dispute Resolution, Evidence and Ethics and Professional Responsibility.

²⁰ *Legal Profession Uniform Admission Rules 2015* (NSW) sch 1 Academic Areas of Knowledge.

²¹ *Ibid* sch 2 Practical Legal Training Competencies for Entry-Level Lawyers.

For many, PLT is the first structured introduction to specific legal skills and practice areas. This is despite the Australian Law School Standards requiring law schools to integrate ‘practicable, experiential learning opportunities’²² and the Higher Education Threshold Learning Outcomes (TLOs) which encourage a focus on skills development.²³ Importantly, the Priestley 11 continue to exert a powerful influence on contemporary legal education by mandating a doctrinally dense set of foundation subjects that all law programs must deliver. Originating from the 1982 McGarvie Report,²⁴ the Priestley 11 privileges traditional conceptions of legal knowledge, constraining opportunities for the development of broader capabilities now recognised as essential to ensuring students are ‘practice ready’.²⁵ Such capabilities include communication, collaboration, problem-solving, and cultural competency. Although Australian law schools also work with the TLOs,²⁶ which are designed to capture these wider professional attributes, these outcomes operate ‘in the shadow’ of the Priestleys and, due to accreditation requirements and institutional resource limitations, mandatory doctrinal coverage invariably takes precedence.²⁷ As a result, the Priestley 11 significantly contribute to the ‘crowded curriculum’ problem facing legal educators. Their compulsory nature absorbs substantial teaching time and leaves limited scope for innovation or integration of emerging areas. The structural separation they enforce between academic study and practical legal training further impedes seamless embedding of skills development within doctrinal subjects. A 2020 review of the Priestley 11 subjects by the Legal Admissions Consultative Council (LACC) did not result in changes to the requirements of contemporary legal education, and law schools are still bound to the same rules that first captured them in 1982.²⁸ Moreover, in 2021 the Council of Australian Law Deans (CALD) commissioned the Kift-Nakano Report,²⁹ which convincingly confirmed that the current system is fragmented, outdated, and ready for change, though no meaningful changes have been forthcoming.

As such, the current structure of legal education entrenches the ‘two cultures’ model in which conceptual, doctrinal learning is confined to the law degree, while practical skills development is deferred to PLT. This division falsely assumes that academic and practical learning are

²² Council of Australian Law Deans, *Australian Law School Standards* (at 30 July 2020) 2.2.4 <<<https://cald.asn.au/the-australian-law-schools-standards/>>>.

²³ Sally Kift, Mark Israel and Rachael Field, *Bachelor of Laws: Learning and Teaching Academic Standards Statement: December 2010* (Australian Learning and Teaching Council, 2011) (‘Kift, Israel and Field’).

²⁴ Victorian Council of Legal Education, *Report on Legal Knowledge Required for Admission to Practice* (Report, October 1982) (‘McGarvie Report’).

²⁵ McMillan and Lilley (n 3) 51.

²⁶ Kift, Israel and Field (n 23).

²⁷ Kate Galloway, Melissa Castan and Alex Steel, ‘Hacking the Priestleys’ in Helen Gibbon et al (eds), *Critical Legal Education as a Subversive Activity* (Routledge, 2022) 129.

²⁸ Ibid.

²⁹ Sally Kift and Kana Nakano, *Reimagining the Professional Regulation of Australian Legal Education* (Report, 1 December 2021).

discrete stages rather than mutually reinforcing processes.³⁰ In practice, meaningful legal learning occurs when students engage with authentic problems, practise core skills, and reflect on their developing professional identity, work that cannot be neatly separated from the study of legal principles.³¹ By relegating skills development to the post-degree phase, the system contributes to the growing pressure on both the LLB/JD and PLT. Law schools respond to professional and student expectations by adding more content, while PLT providers attempt to compensate for students' limited exposure to practice.³² The inevitable result is curriculum crowding on both sides. This fragmentation also obscures for students how legal knowledge functions in real contexts, delaying their understanding of what lawyers actually do. It is therefore essential that students are exposed to earlier, embedded opportunities for experiential learning to more effectively bridge the gap between knowledge acquisition and skills development. Integrating skills, judgment, and practice-based experiences throughout the law degree not only better prepares graduates for the realities of legal work but also produces a more coherent and educationally sound curriculum: one that recognises that legal reasoning and legal practice are inseparable.

III CONTEMPORARY APPROACHES TO TEACHING EVIDENCE AND CRIMINAL PROCEDURE

In Australia, both Evidence law and Criminal Procedure law are part of the mandated '*Priestley 11*' subjects. These subjects provide an illustrative example of the requirement of balance between academic and vocational pedagogy in contemporary legal education. Of all the eleven compulsory prescribed knowledge areas for admission to practice, Evidence carries the most extensive set of requirements, now encompassing eight categories of 'evidentiary principles and rules' that must be taught.³³ Yet the practical meaning of these requirements remains ambiguous, with the substance of these concepts left unstated, underscoring the uncertainty educators face when determining the depth and manner of coverage.³⁴

Evidence law, and by extension, Criminal Procedure law, is well regarded as a subject that 'cannot be learnt in an abstract university context' and is best learnt 'through the use of simulations' by way of

³⁰ McMillan and Lilley (n 3) 55.

³¹ Stephanie Falconer and Emma Henderson, 'Student Perceptions of Video Assessments: Can Practical Legal Skills Be Taught Online?' (2023) *Journal of the Australasian Law Academics Association* 12, 13 ('Falconer and Henderson').

³² Though the efficacy of PLT as it is currently characterised has been the subject of debate in recent years. See Legal Profession Admission Board of New South Wales, 'Discussion Paper on PLT Reform' (Report, 30 September 2025); McMillan and Lilley (n 3).

³³ Yvonne Daly, Jeremy Gans and PJ Schwickard (eds), *Teaching Evidence Law: Contemporary Trends and Innovations* (Routledge, 2021) 5–6 (Daly, Gans and Schwickard). For a list of the requirements, see *Legal Profession Uniform Admission Rules 2015* (NSW) sch 1 pt 2 item 13.

³⁴ *Ibid* 6.

situated learning.³⁵ The logic underpinning this argument is that Evidence and Criminal Procedure law ‘lacks coherence and is simply a matter of common sense’,³⁶ though this might only be a half-truth. Teaching Evidence and Criminal Procedure requires a careful interplay between doctrinal clarity and the development of professional judgment. Traditional doctrinal methods, like reading textbooks or judgments to pull out relevant principles offer students only a fragmented pathway into the subject and can be an inefficient way to learn such a practical subject.³⁷ Students often struggle to distil principles, policies, and rationales from lectures and readings, which often leads to an incomplete or inaccurate understanding of how individual rules relate to each other, or operate in the real world.³⁸

A *Why Evidence and Criminal Procedure teaching needs a new approach*

As Merritt and Simmons observe, these difficulties of teaching Evidence and Criminal Procedure reflect core principles of cognitive load theory.³⁹ Although long-term memory can store extensive doctrinal knowledge, access depends on the limited capacity of working memory, which can process only a few elements at once.⁴⁰ Delivering doctrine in large, unintegrated blocks, through dense lectures and readings, therefore risks cognitive overload.⁴¹ Effective teaching in Evidence and Criminal Procedure must instead match the narrow ‘entry point’ of working memory, so new material can be processed and transferred into long-term understanding.⁴² This cognitive perspective also clarifies why skills-based pedagogies, particularly those that model legal reasoning in action, are so effective in these subjects. Research demonstrates that worked examples outperform unguided

³⁵ Richard Posner, ‘Clinical and Theoretical Approaches to the Teaching of Evidence and Trial Advocacy’ (2003) 21(4) *Quinnipiac Law Review* 731, cited in Daly, Gans and Schwikkard (n 33) 4.

³⁶ Daly, Gans and Schwikkard (n 33) 4.

³⁷ Deborah Merritt and Ric Simmons, ‘Learning Evidence Law with an Uncasebook’ in Yvonne Daly, Jeremy Gans and PJ Schwikkard (eds), *Teaching Evidence Law: Contemporary Trends and Innovations* (Routledge, 2021) 17 (‘Merritt and Simmons’).

³⁸ Ibid; See also William Twining, *Rethinking Evidence* (Cambridge University Press, 2nd ed, 2006) (‘Twining’); Paul Roberts, ‘Rethinking the Law of Evidence: A Twenty-First Century Agenda for Teaching and Research’ in Paul Roberts and Mike Redmayne (eds), *Innovations in Evidence and Proof: Integrating Theory, Research and Teaching* (Bloomsbury, 2007), 62 (‘Roberts’), cited in Peter Sankoff, ‘Teaching Evidence Law in a Flipped Classroom’ in Yvonne Daly, Jeremy Gans and PJ Schwikkard (eds), *Teaching Evidence Law: Contemporary Trends and Innovations* (Routledge, 2021), 34 (‘Sankoff’).

³⁹ Merritt and Simmons (n 37).

⁴⁰ George A Miller, ‘The Magical Number Seven, Plus or Minus Two: Some Limits on Our Capacity for Processing Information’ (1956) 63(2) *Psychological Review* 81, cited in Merritt and Simmons (n 37) 18.

⁴¹ Merritt and Simmons (n 37) 18.

⁴² Ibid.

problem-solving when learners encounter complex material.⁴³ This is because worked examples make visible how doctrinal components interrelate, giving students practical illustrations of how schema operate in genuine evidentiary problems.⁴⁴

Evidence and Criminal Procedure law is uniquely suited to this form of demonstration-based, situated learning.⁴⁵ The rules are more easily applied in authentic contexts, making it possible to show students, not merely tell them, how evidentiary decisions unfold. Thus the common approach for teaching Evidence and Criminal Procedure has typically been via classroom activities built around semi-realistic fact patterns to help students practise identifying, articulating, and applying rules.⁴⁶ These exercises can be scaled in sophistication: from basic single-rule questions with clear outcomes, to open-ended problems where judicial discretion may legitimately lead to different results, through to multi-rule problems requiring complex doctrinal integration.⁴⁷ The limitations in such methods, however, is evident: even contrived hypothetical problem-solving scenarios can only survey a selected amount of fact patterns and rules at a time, which does not embody real life legal experiences in practice.

Taken together, the cognitive science of learning and the applied nature of evidentiary reasoning demonstrates why teaching Evidence and Criminal Procedure cannot rely solely on doctrinal exposition. Students need opportunities to construct robust understanding through guided, cumulative encounters with the rules in context.⁴⁸ Balancing doctrinal instruction with skills-based problem-solving creates an environment that supports both conceptual mastery, and the development of expert legal judgement; an equilibrium that is essential for effective pedagogy in this field.⁴⁹ Building on these cognitive and pedagogical insights, it becomes clear why contemporary Evidence and Criminal Procedure teaching has increasingly embraced flipped classroom models and experiential methods that situate doctrinal learning within active, practice-oriented engagement.

B *Existing contemporary approaches to teaching Evidence and Criminal Procedure*

It is important to acknowledge that the concept of teaching a single narrative over a semester is not an entirely new concept.⁵⁰ Another

⁴³ Ouhao Chen, Slava Kalyuga and John Sweller, 'The Worked Example Effect, the Generation Effect, and Element Interactivity' (2015) 107(3) *Journal of Educational Psychology* 689, cited in Merritt and Simmons (n 37) 20.

⁴⁴ Merritt and Simmons (n 37) 20.

⁴⁵ Ibid 21.

⁴⁶ See generally Daly, Gans and Schwikkard (n 33).

⁴⁷ Merritt and Simmons (n 37) 22.

⁴⁸ Ibid 20.

⁴⁹ Twining (n 38); Roberts (n 38), cited in Sankoff (n 38).

⁵⁰ See, eg, David B Oppenheimer, 'Using a Simulated Case File to Teach Civil Procedure: The Ninety-Percent Solution' (2016) 65 *Journal of Legal Education* 817; Stacy Caplow, 'Autopsy of a Murder: Using Simulation to Teach First Year Criminal Law' (1989) 19(1) *New Mexico Law Review* 137; Philip G Schrag, 'The Serpent

Victorian Law School, for example, has for some time now adopted a semester-long teaching strategy involving true-crime in Evidence law which makes use of 'The Staircase', a now-famous example of a real American murder case.⁵¹ The true-crime approach offers significant pedagogical value. A real, complex case, such as the Peterson matter in *The Staircase*,⁵² provides rich factual detail for teaching doctrinal evidence law and fact analysis. It can generate strong engagement and emotional investment from students, and it invites close critique of reasoning, assumptions, and investigative practice.⁵³ These strengths make true-crime materials a compelling vehicle for introducing students to the dynamics of criminal litigation.

At the same time, real cases inevitably come with structural limits. Their factual contours are fixed by the evidence that exists and the material that has been released publicly, and their narrative progression does not always align with the sequencing required in a course of academic study, particularly when teaching in accordance with the *Priestley 11* requirements. There can also be jurisdictional differences when using examples from other legal systems which could confuse students. In these circumstances, instructors may need to adapt or omit elements to ensure full curricular coverage, which can occasionally disrupt coherence or create confusion for students who read ahead.

A bespoke *Case Brief* can mitigate these limitations and provide a means to complement and, in certain contexts, improve on, the strengths of this authentic approach. Designing a *Case Brief* around an original fact pattern allows the educator to create all necessary or desirable evidence while maintaining authenticity. This creative control enables more deliberate and targeted pedagogical design and greater flexibility in the offences examined. For example, the Petersen case involves a violent crime that may distress students with lived experience of violence. By contrast, a purposely designed *Case Brief* allows educators to focus on non-violent yet legally significant offences that are less likely to cause distress. This supports a more trauma-informed approach to legal education without compromising substantive legal learning. Moreover, because the scenario has no predetermined outcome, students can work with a level of uncertainty that mirrors the reality of criminal practice. Although this approach does not eliminate the artificiality that sometimes accompanies constructed hypothetical problems,⁵⁴ it can mitigate disengagement by grounding the materials in realistic, practice-based contexts, in an accessible way, while still requiring students to apply forensic legal reasoning without the security of a complete or neatly resolved case.

Strikes: Simulation In a Large First-Year Course' (1989) 39 *Journal of Legal Education* 555.

⁵¹ See Jeremy Gans, 'Using True Crime to Teach Evidence' in Yvonne Daly, Jeremy Gans and PJ Schwikkard (eds), *Teaching Evidence Law: Contemporary Trends and Innovations* (Routledge, 2021), 37 ('Gans').

⁵² *The Staircase* (Maha Productions, 2018).

⁵³ Gans (n 51) 42.

⁵⁴ *Ibid* 39.

C *The Case Brief: The Theory Behind the Brief*

The *Case Brief* at the core of this article was developed for LAW3001 Evidence and Criminal Procedure, a third-year core subject delivered at a Victorian University.⁵⁵ Unlike isolated moot courts or weekly hypotheticals which are typically used in Evidence and Criminal Procedure subjects, the semester-long *Case Brief* operates as an integration mechanism rather than an additional layer of content, offering a cogent, coherent, and consistent resource that enables educators to deliver multiple learning objectives simultaneously. Although the initial development of authentic materials – such as search warrants, witness statements, and surveillance logs – demands significant investment, the *Case Brief* offers long-term efficiencies, especially if kept separate from assessment regimes. Once created, it can be reused across semesters, providing sustained pedagogical value without necessitating continual resource generation. With this in mind, the *Case Brief* was created to build on several theoretical models of educational delivery: flipped classroom, experiential learning, and reflective practice.

1 *The Flipped Classroom Approach*

While the flipped classroom model pre-dated COVID-19, the pandemic accelerated its uptake and appears to have cemented its place in contemporary teaching practice.⁵⁶ The flipped classroom moves lectures online freeing up class time for problem-solving and discussion.⁵⁷ Students prepare through short video ‘capsules’ introducing key evidentiary principles,⁵⁸ allowing in-person classes to focus on applying rules, analysing complex scenarios, and debating policy with instructor support.⁵⁹ This is particularly effective in Evidence and Criminal Procedure instruction because shifting passive learning online creates space for collaboration and immediate feedback, which is argued to deepen understanding of complicated and nuanced topics.⁶⁰ It can help students feel more prepared and confident, which can lead to increased participation.⁶¹ The flipped classroom approach

⁵⁵ It is worth noting that there are few Australian law schools which combine the distinct subject areas of Criminal Procedure and Evidence, though the principles of best practice pedagogy can be applied to each similarly and any references to one should be taken to apply to the other.

⁵⁶ For discussion on research investigating the role of the flipped classroom post-pandemic, see Mohd Elmagzoub Eltahir and Najeh Rajeh Alsalmi, ‘Impact of the Flipped Classroom on Academic Achievement, Motivation, and Engagement: A Higher Education Case Study’ (2025) 17(1) *Contemporary Educational Technology* 553 (‘Eltahir and Alsalmi’).

⁵⁷ Sankoff (n 38) 28.

⁵⁸ Ibid 29.

⁵⁹ Ibid 29–30.

⁶⁰ Ibid 28.

⁶¹ Ibid 31. See also Clare A Francis, ‘Student Rates of Outside Preparation before Class Discussion of New Course Topics: A Case Study of a Flipped Classroom’ in Information Resources Management Association, *Flipped Instruction: Breakthroughs in Research and Practice* (IGI Global, 2017) 1, 11 (‘Francis’).

also offers flexible, on-demand access to materials, aligning with modern students' preferences for portable, multimedia learning.⁶² Research consistently notes higher engagement, motivation, and development of teamwork and communication skills.⁶³ As noted, this model is routinely invoked in legal education. As it stands, alone it does not contribute directly to the issue of the crowded curriculum, however, explicit adoption of this approach was undertaken as it complements the *Case Brief*. The flipped classroom ensures that students have the opportunity prior to class to prepare key theoretical concepts, permitting more time in the classroom for active and experiential learning.

2 Experiential Learning

The case for experiential learning in law school, and in particular for teaching Evidence and Criminal Procedure law, has been comprehensively made in legal education scholarship.⁶⁴ The proposals, however, rarely consider the need to reduce the burdens of the crowded curriculum. Experiential learning allows students to cultivate forensic reasoning and issue identification through *doing*.⁶⁵ Integrated experiential learning fundamentally reshapes the development of critical legal reasoning by shifting students' cognitive tasks from passive retention to active extraction and application.⁶⁶ This immersive experience is pivotal, and lectures alone cannot deliver a similar educative experience.⁶⁷ Through authentic engagement with simulated practice, students can learn to deploy legal principles as tools for solving complex, evolving problems. Experiential learning also has the means to meet the much maligned constraints of the *Priestley 11*.⁶⁸ Embedding these knowledge areas within authentic materials allows educators to meet accreditation requirements while simultaneously fostering adaptive skills, ethical reasoning, and analytical capacity. In doing so, the *Case Brief* demonstrates that regulatory alignment need not preclude pedagogical creativity; rather, it can serve as a platform for designing learning experiences that are both compliant and transformative.

⁶² Sankoff (n 38) 31–2.

⁶³ Ibid 33; See also Eltahir and Alsalhi (n 56); Francis (n 61).

⁶⁴ See Falconer and Henderson (n 31).

⁶⁵ See, eg, Yvonne Daly and Noelle Higgins, 'The Place and Efficacy of Simulations in Legal Education: A Preliminary Examination' (2011) 3(2) *All Ireland Journal of Teaching and Learning in Higher Education*; Sarah Yardley, Pim Teunissen and Tim Dornan, 'Experiential Learning: Transforming Theory into Practice' (2012) 34(2) *Medical Teacher* 161, 161.

⁶⁶ Lee Andersen, David Boud and Ruth Cohen, 'Experience-Based Learning: Contemporary Issues' in Griff Foley (ed), *Understanding Adult Education and Training* (Allen & Unwin, 2nd ed, 2000) 207.

⁶⁷ Peter Brown, Henry Roediger III and Mark McDaniel, *Make It Stick: The Science of Successful Learning* (Belknap Press, 1st ed, 2014) 2, 5.

⁶⁸ Margaret Thornton, *Privatising the Public University: The Case of Law* (Routledge, 1st ed, 2012); Frank Carrigan, 'They Make a Desert and Call It Peace' (2013) 23(2) *Legal Education Review* 313.

3 *Reflective practice*

Reflective practice is widely recognised as central to both legal education and professional legal competence.⁶⁹ Developing students' reflective capacity, or 'reflective muscle',⁷⁰ requires explicit modelling, iterative practice, and a clear purpose, and is not easily done without careful integration into learning activities or assessments.⁷¹ Without careful integration into learning activities and assessment design, reflection risks becoming superficial or disconnected from doctrinal understanding. Well-designed experiential learning environments provide the ideal conditions for reflection by prompting students to revisit not only legal reasoning, but also their own assumptions, interpretive choices, and decision-making processes over time.

The steady accumulation of reflective habits, facilitated by dedicated class discussions which scaffold the skill, bolsters the efficacy of experiential activities as transformative learning. This is because when reflective practice is systematically scaffolded within experiential learning, it shifts students from passive recipients of doctrine, to active learners who interrogate their analytical strategies, professional judgment, and developing competence.⁷² This aligns closely with the TLOs for the LLB capacities linked to ethical judgment⁷³ and self-management.⁷⁴ Repeated engagement with the same problem context, such as is facilitated by the *Case Brief*, allows students to move beyond understanding legal rules, towards observing and evaluating how their reasoning evolves through practice. This cyclical process of action, reflection, and refinement supports the internalisation of reflective judgment as a professional habit, underpinning ethical decision-making and adaptive expertise.⁷⁵ In this way, structured reflective practice enhances professional identity formation, strengthens students' capacity to learn from experience, and builds resilience and self-assessment skills; outcomes that are difficult to achieve through traditional, lecture-assessment skills; outcomes that are difficult to achieve through traditional, lecture-based approaches alone.

⁶⁹ See, eg, Michele M Leering, 'Integrated Reflective Practice: A Critical Imperative for Enhancing Legal Education and Professionalism' (2017) 95(1) *Canadian Bar Review* 47; Noakes and Cody (n 7); Haley McEwen, 'Reflection in Legal Education – So What, Now What?: An Academic's Reflection on the Benefits and Challenges of Implementing Reflective Practice in an Online Law Degree' (2022) 15 *Journal of the Australasian Law Academics Association* 1; Stephanie Falconer, 'The Reflective Law Students: A Multi-Lensed Approach to Understating Reflection in Legal Education' (2025) 18 *Journal of the Australasian Law Academics Association* 26 ('Falconer').

⁷⁰ Noakes and Cody (n 7).

⁷¹ Ibid, cited in Falconer (n 69).

⁷² Falconer (n 69) 31.

⁷³ Kift, Israel and Field (n 23) Threshold Learning Outcome 2.

⁷⁴ Ibid Threshold Learning Outcome 6.

⁷⁵ Anna Huggins, Sally Kift, and Rachel Field, 'Implementing the Self-Management Threshold Learning Outcome for Law: Some Intentional Design Strategies from the Current Curriculum Toolbox' (2011) 21(2) *Legal Education Review*.

D Theoretical considerations

The theoretical design of the *Case Brief* was specifically curated to address the underpinning concern of vocational and academic bridging of the Evidence and Criminal Procedure curriculum; one of, if not the, most demanding subjects of the *Priestley 11*. Alone, each of these models would fail to counter the weight of doctrinal knowledge necessitated by accreditation standards, but combined, provide the opportunity for academic rigour alongside practical learning. There are of course limitations to these models in relation to Evidence and Criminal Procedure. Information overload is still a relevant factor, and a single case may expose gaps if not constructed carefully. There is also a reliance on students' ability to engage in prior learning in a meaningful way. However, these are the three pedagogical models which provide the theoretical foundation for the design of the *Case Brief*. In the next section, the implementation and execution of the *Case Brief* is presented.

IV THE CASE FOR THE CASE BRIEF

A study conducted in 2025 (HEC 25298) evaluated student perceptions of the *Case Brief's* pedagogical value via a mixed-methods research design. With a goal to gain data on how to improve the teaching and learning experience, the study addressed five key aims:⁷⁶ (1) assessing student attitudes toward the semester-long activity; (2) examining its effect on understanding complex legal concepts; (3) exploring its influence on critical thinking and reasoning; (4) evaluating its role in bridging theory and practice; and (5) identifying barriers and enablers to adopting such innovations in doctrinal subjects. The following sections outline the methodological approach including participant selection, ethical considerations, and the data analysis approach. From there, the paper reflects on the low response rate to the survey before outlining the characteristics of the respondents. Finally, this section discusses the preliminary observations from the data obtained. Importantly, the study contributes foundational insights into the *Case Brief*, without seeking to provide a comprehensive evaluation.

A Methodology

The study consisted of an online QuestionPro survey of thirty-four fixed-choice and open-text questions which captured both quantitative and qualitative data. Quantitative items used Likert scales to measure confidence in Evidence law, interest in Criminal Procedure, perceptions of skill development, and comprehension of key concepts, aligned with subject learning outcomes and broader threshold standards. Qualitative responses invited students to elaborate on what they found useful,

⁷⁶ These aims encapsulate the subject intended learning outcomes that attach to the course Evidence and Criminal Procedure and the pedagogical imperatives of facilitating deeper, more lasting learning in contemporary Australian legal education.

engaging, or challenging, providing insight into how they navigated the complex factual scenarios in a way that numerical data alone could not show.

1 *Participant Selection and Recruitment*

The target population for the survey was the cohort of students enrolled in LAW3001 during Semester 1, 2025. Enrolment in the subject across two campuses was approximately 167 third year law students. Twenty-five students commenced the survey and eighteen completed it in full, yielding a completion rate of approximately 10%. The first eight questions had a response rate of 21 students, and the survey overall had a drop out of seven respondents.

Recruitment was conducted through several general announcements on the Learning Management System and through a series of broad email invitations circulated via Allocate+. Consistent with ethical requirements, no individual students were contacted directly and no reminders were personalised. Participation was entirely voluntary and prospective participants were frequently reminded of this.

2 *Ethical Considerations*

The project received approval from the La Trobe University Human Ethics Committee (HEC 25298). Given the researchers' dual roles as teachers and investigators, specific safeguards were incorporated to address potential power dynamics. The survey was administered only after the conclusion of the semester and the release of all final grades. This timing ensured that students could respond without concern that their participation or feedback would influence their academic results. The survey was fully de-identified. Though demographic data were collected, no identifying information was retained, and the researchers had no means of linking any response to a particular student. This safeguard was central to protecting student anonymity and maintaining the integrity of the data.

3 *Data Analysis Approach*

Data analysis proceeded in two streams. Quantitative responses were analysed descriptively to generate an overview of student confidence, engagement, and perceived learning gains. The findings sought indicators such as the proportion of students who reported improved confidence in applying Evidence law or who experienced heightened interest in Criminal Procedure. Although the sample size was modest, these descriptive patterns provided insight into the pedagogical value of the tool.

4 *Reflection on the low response rate*

The survey's completion rate of around 10%, with eighteen full responses from a cohort of 167 students, has clear methodological implications. The survey's low engagement was likely driven by its

post-semester timing, survey fatigue, and its voluntary, non-incentivised design, despite repeated reminders being sent to the target cohort. Given the limited sample, the researchers do not claim statistical significance and treat the findings as descriptive and exploratory. The small number of respondents may reflect particularly motivated or organised students, while those who did not participate may hold different views about the *Case Brief* or their learning in general. For these reasons, any conclusions must remain tentative. Quantitative analysis was therefore confined to descriptive statistics, as more complex testing would be unreliable with such low participation. Nonetheless, reading quantitative responses in conjunction with qualitative comments provided useful insight into how students experienced the *Case Brief*.

5 Respondent Characteristics

Some contextual information was sought in the surveys to understand the positionality of the respondents, including minimal demographic data. Most respondents were full time students (90.48%).⁷⁷ The same number (90.48%) of respondents intend to practice law upon completion of their studies, which indicates a level of engagement among respondents that may not be reflective of the attitudes of the whole cohort. Notably, 57.14% of respondents did not work in a job that exposed them to a legal environment at the time they completed the subject, suggesting that their law studies were their only exposure to the culture and skills of the legal profession.

In demographic terms, 83.33% of respondents were aged between 18-24 years old, one being aged between 25-34 and two being aged between 35-44. 77.78% of respondents identify as woman with only 22.22% identifying as man. No respondents indicated any other gender identification. Finally, 100% of respondents have English as a first language.

6 Preliminary Observations

This study is best understood as a foundational contribution rather than a comprehensive evaluation of the *Case Brief*. Its findings add to the limited but growing empirical literature on innovation in doctrinal law teaching and provide a baseline for future work with larger cohorts, stronger sampling strategies, or embedded incentives, supporting the gradual development of evidence-informed curriculum reform. The methodology aimed to generate evidence about how a situated, practice-oriented learning tool can operate within a doctrinal subject to enhance student learning without adding to an already crowded curriculum. The results are intended to inform broader debates about bridging the gap between theoretical instruction and the practical

⁷⁷ This was an early question and includes responses from students who did not complete the whole survey. The total number of respondents to complete this question was 21, rather than 18 for the substantive component of the survey questions.

realities of legal problem-solving. By combining student perceptions with indicators of engagement, the study offers pedagogical insights that can guide the design of law curricula, both for teaching Evidence and Criminal Procedure, and for legal education more generally.

B Findings

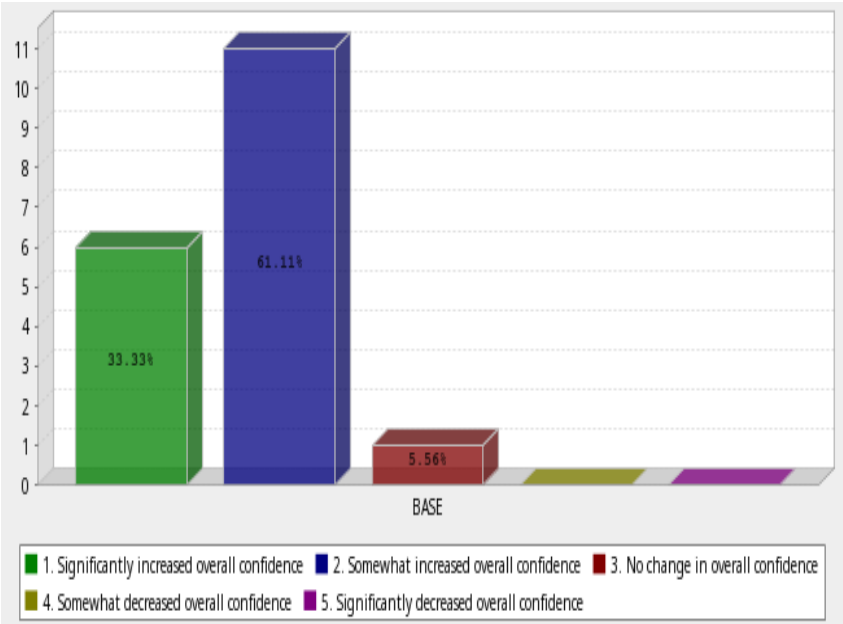
The qualitative responses offered rich accounts of student experiences with the situated learning intervention. The comments provided nuanced reflections on the authenticity of the *Case Brief*, the challenges of working with complex factual information, and the extent to which the tool supported students' developing skills. The consistency of themes across respondents lends credibility to the patterns observed, even within a small dataset. Qualitative data was examined using thematic analysis. Responses were coded inductively to identify common themes relating to the authenticity of the *Case Brief*, its usefulness in bridging theory and practise, and its impact on students' understanding of forensic legal reasoning. A recurrent theme concerned the value students placed on engaging with realistic materials, though some respondents noted that this complexity could be challenging within a curriculum that remains heavily exam-oriented.

The quantitative data suggest that, for students who actively engaged with the tool, the *Case Brief* outperformed traditional readings and seminar structures across several key learning metrics. Students generally reported positive learning outcomes from the *Case Brief*. All of the initial respondents indicated that they think real-world based learning experiences⁷⁸ are extremely important (66.67%) or very important (33.33%) to their legal education. Of the responses, 57.14% revealed that they did not feel that they had been exposed to enough real-world-based learning opportunities in their law studies prior to undertaking the subject. All respondents felt that the *Case Brief* provided a real-world-based learning experience, with equal proportions (50%) selecting either 'Yes, very much so' and 'Yes, I suppose'. All respondents indicated that the *Case Brief* enhanced their understanding of key concepts introduced in the unit (61.11% selected 'very much so' and 38.89% selected 'somewhat'). As seen in Figure 1: Confidence in enhanced legal practice, 94% felt more confident in applying legal concepts because of their engagement with it: 33.33% selected 'significantly increased overall confidence' and 61.11% selected 'somewhat increased overall confidence'. This finding is encouraging, particularly in the context that many of the participants were not currently working in the field. Despite the small data set, the responses indicate that the *Case Brief* assisted students in their learning

⁷⁸ These were defined in the survey as: educational activities that closely mirror the authentic tasks, challenges, and decision-making processes undertaken by legal professionals in practice. These experiences aim to bridge academic learning with professional realities, helping students develop practical skills and insights relevant to legal work.

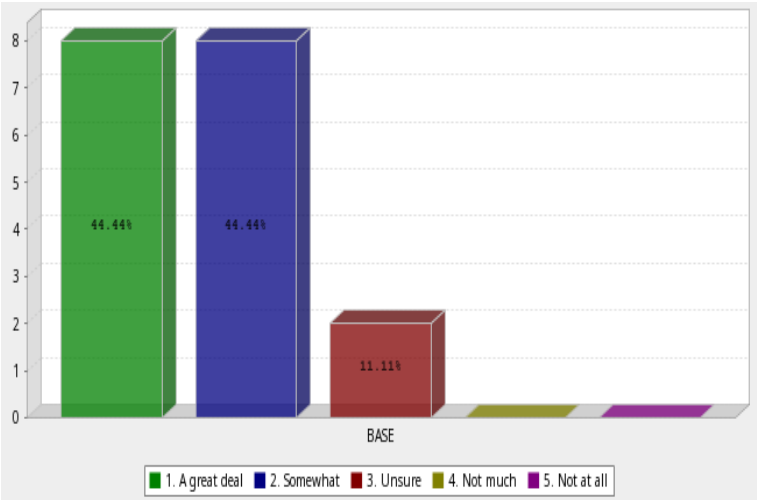
and development of issue identification, legal analysis, and forensic reasoning

Figure 1: Confidence in enhanced legal practice. Survey Question 12: How did using the case brief in classes impact your overall confidence in performing tasks expected of a legal practitioner (e.g., issue identification, legal analysis, forensic reasoning)?



Most students also perceived the task as authentic, as per Figure 2: Authenticity of *Case Brief*. Of the responses, 89% (44.44% selecting ‘a great deal’ and 44.44% selecting ‘somewhat’) viewed the *Case Brief* as a realistic simulation of legal practice and an equal proportion agreed that it deepened their understanding of a lawyer’s rights, roles, and responsibilities (44.44% selecting ‘a great deal’ and 44.44% selecting ‘somewhat’, while 5.56% selected ‘unsure’ and ‘not much’). This indicates that the construction of the *Case Brief* achieved the goal of material exposure. This also suggests that the *Case Brief* met student expectations, and that they developed familiarity with such materials as expected by the legal profession.

Figure 2: Authenticity of *Case Brief*. Survey Question 19: To what extent did the case brief simulate real-world legal tasks you expect to perform in practice?



The *Case Brief* was also regarded as effective in building professional capability, with 83% (44.44% selecting ‘extremely helpful’ and 38.89% selecting ‘somewhat helpful’) reporting that it supported the development of relevant legal skills, including critical thinking.

Comparative measures further underscored its value: 83% of students believed the *Case Brief* provided a better overall learning experience than traditional methods used in the subject (50%, selected ‘it made the experience so much better’ and 33.33% selected ‘it made the experience somewhat better’), and 67% found that it helped them to retain legal principles better than traditional lectures and standard weekly readings (66.67% selecting ‘yes’). Collectively, these results suggest student endorsement of the tool’s value in promoting conceptual understanding, skill acquisition, and practice-aligned confidence. A per Figure 3: Respondent view on value of the Case Brief, there was overall positive support for the *Case Brief* in relation to its use in LAW3001.

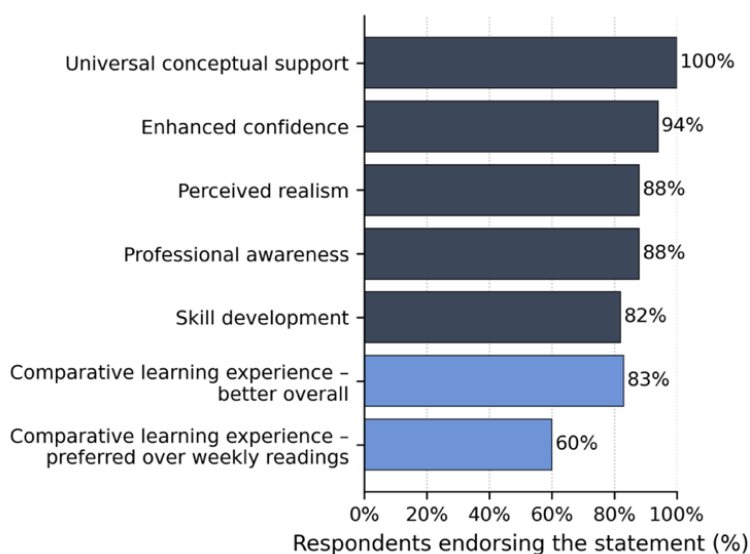


Figure 3 – Respondent views on value of Case Brief

C Discussion

Analysis of the eighteen completed survey responses reveals several interconnected themes that illuminate both the pedagogical value and the structural constraints of the semester-long, practitioner-authored *Case Brief*: Enhanced understanding from authenticity, confidence, and professional identity development; legal skill development; and expectation tensions. Alongside these reflections, the production and delivery of the *Case Brief* by the teaching team also raised additional themes of adaptation, creation, and future potential.

1 *Authentic, Situated Learning Enhances Understanding, Confidence, and Professional Identity Development*

The data shows that the authenticity and narrative continuity of the practitioner-authored *Case Brief* were central to students' learning, with one student noting that, 'relating it to a fixed set of facts through the weeks helped keep the facts in issue in my mind, and helped show how those facts could be transformed at different stages (i.e. questioning; identification evidence; expert evidence)'.⁷⁹ Another reported:

By having a continuous narrative, throughout the brief, and the semester, and applying the different learning to it throughout provided a valuable, and engaging, learning method, which is different to the other activities.

⁷⁹ Respondent 140830714.

Applying the learnings from the readings and lectures to the brief solidified my learning in an interesting and engaging way.⁸⁰

The *Case Brief* also strengthened confidence and emerging professional identity by providing a low-stakes environment for developing skills that doctrinal subjects often make intimidating: ‘The lack of pressure to perform, the ability to make mistakes, and to learn in an environment like the case brief [sic] provided really helpful and interesting engagement with the course materials’.⁸¹ Some students reported a heightened awareness of how procedural missteps can materially affect client outcomes, with one noting that the *Case Brief* illustrated ‘how mistakes or errors... can have very real impacts’.⁸² This contributed to a deeper appreciation of procedural integrity and professional responsibility. One student further described gaining insight into the necessity of scrutinising evidence rather than accepting it uncritically:⁸³

It has broaden [sic] my knowledge of the presence of prejudice and the impact it can have on people who have been accused, the need to hold police accountable for their actions and the need for evidence to be scrutinized.

This reflects an emerging professional identity grounded in ethical awareness and critical reasoning, which is more easily supported via a semester-long narrative exercise like the *Case Brief*.

For the 57% of respondents not currently working in a legal environment, the *Case Brief* provided their only opportunity to engage with practice-like material. All respondents agreed that exposure to realistic case materials was valuable to their learning, and several students noted the importance of the practicing criminal Barrister⁸⁴ who developed the case materials as a composite narrative, with one student stating:

Being developed by a legal practitioner entrenches the accuracy and realistic quality of the *Case Brief*, and therefore provides a lot of value as a learning tool... While this is not to say an academic could not provide an equally good *Brief*, I think the added assurance as to the realistic nature of it definitely added value.⁸⁵

The data indicates the Practitioner’s authorship was fundamental to the project’s success, particularly in generating the authenticity students identified as the *Case Brief*’s core pedagogical value. Notably, 88% of respondents viewed the *Case Brief* as a convincing simulation of

⁸⁰ Respondent 140433529.

⁸¹ Respondent 140433529.

⁸² Respondent 140433529.

⁸³ Respondent 140830634.

⁸⁴ While it is noted that engaging practitioners will not always be feasible, in this instance, the involvement of the practitioner was central to the credibility and efficacy of the *Case Brief* as a learning activity. It is important to acknowledge that the authors do not suggest that such activities are only valuable when constructed by a practitioner, but that the opportunity to combine resources with practitioners has the capacity to improve pedagogical approaches.

⁸⁵ Respondent 140433529.

real-world legal work, and all agreed that exposure to genuine practise-like material was critical to their learning: ‘It gave me a lot of confidence knowing that an actual practitioner had developed the brief so that it has real-world value, and isn’t an outdated or AI-generated brief’.⁸⁶ Taken together, the qualitative responses illustrate how authentic, narrative-based simulations can meaningfully strengthen doctrinal comprehension, ethical awareness, and students’ confidence in beginning to think and act like lawyers.

2 Developing Forensic, Analytical, and Adaptive Legal Skills

Students identified the *Case Brief* as a key driver of core legal skills, particularly evidence scrutiny and extracting relevant facts from complex material with one student reporting:

The case brief definitely encouraged me to think about how legal rules are applied in practice, because it gave more context, as well as grounding for how these processes are undertaken in the real world. Similarly, it supported looking at how the principles operate outside of a normally written hypothetical scenario, and I think the continuity of the brief allowed us to see how the entire area of procedural law can be utilised in a real-life scenario.⁸⁷

Because the *Case Brief* demanded active problem-solving and adaptive reasoning, it cultivated higher-order, forensic thinking that traditional, curated hypotheticals rarely support. Survey responses and educator reflections show that this authenticity bridges the gap between doctrine and practice, turning abstract rules into tools for addressing evolving problems, with one student stating, ‘I think the lectures provided better insight into the legal principles, but the *Case Brief* provided an opportunity to apply the legal principles’.⁸⁸ Another reflected:

The hands on, real world experience was so much more useful than a written essay that only provides us with case law and legislation that we will forget after we submit the assignment anyway.⁸⁹

The *Case Brief* shifts students from passive learning to genuine situated engagement that reflects real legal work. The qualitative responses contrasted the *Case Brief* with weekly hypotheticals, emphasising that the exercise taught them to ‘extract information and identify important issues amidst larger quantities of information’ more readily than individual, curated weekly hypotheticals.⁹⁰ This fundamental legal skill was perceived as uniquely supported by the *Case Brief*. Students described the *Case Brief* as a vehicle for crossing important ‘threshold concepts’,⁹¹ particularly regarding the human, procedural, and systemic dimensions of lawyering. One respondent

⁸⁶ Respondent 140430649.

⁸⁷ Respondent 140433529.

⁸⁸ Respondent 141770687.

⁸⁹ Respondent 140830544.

⁹⁰ Respondent 140830714.

⁹¹ Respondent 140976044.

stated: ‘While having understanding of the law, theories and principles which provide the foundations to our learning are critical, having real-world-based experience is arguably more helpful in providing the skills we will use in practice. It provides both real-world simulation but also teaches the critical knowledge.’⁹² In this way, a core strength of the *Case Brief* is its development of forensic reasoning and issue-identification skills.

Further, students specifically cited the benefit of ‘real-world formatting and documentation’⁹³ and noting that the practitioner-created scenario provided contextual depth not found in other subjects, enabling them to appreciate how procedural errors can carry meaningful consequences for clients: ‘The case brief demonstrated a lot of criminal defence lawyer responsibilities and how to best help clients who do not have legal knowledge and remain vulnerable.’⁹⁴ It is important to note that such high-fidelity materials could not have been produced without professional collaboration, and any analysis of the findings would be incomplete without acknowledging the enormous effort and time required to produce such materials. Overall, the practitioner partnership was a direct driver of the *Case Brief*’s perceived legitimacy, and consequently, its capacity to bridge the gap between theory and the lived realities of legal practice.

3 *Structural Tensions between Experiential Learning and Assessment Expectations*

Despite the clear benefits, students expressed difficulty reconciling the *Case Brief* with exam-focused assessment expectations. Several perceived a misalignment between the open-ended, practice-oriented nature of the *Brief* and the tightly framed problems used in doctrinal exams, a tension that shaped both their engagement and the perceived usefulness of the activity: ‘The case brief showed how you would engage with the legal rules in practice, but not so much in a exam context.’⁹⁵ This highlights the broader structural challenge of integrating experiential learning within traditional assessment regimes.

The *Case Brief* is intentionally designed as a learning resource rather than a formal assessment, creating a low-stakes environment that encourages exploration and critical thinking. By removing the pressure of grading, students can engage with complex legal issues in a safe space, fostering deeper understanding of nuanced principles without the anxiety typically associated with high-stakes evaluation. To further support accessibility and reduce workload, the *Case Brief* requires no advance preparation; it is introduced dynamically during class sessions, allowing students to build knowledge progressively and focus on active participation rather than pre-class reading. This structure promotes

⁹² Respondent 140433529.

⁹³ Respondent 140433529.

⁹⁴ Respondent 141653513.

⁹⁵ Respondent 140255957.

meaningful engagement while minimising stress, ensuring that the learning experience remains both rigorous and manageable.⁹⁶

Even so, several students struggled to reconcile the *Case Brief's* complexity with what they saw as necessary for exam success, noting a preference for simpler, topic-specific scenarios that mirrored exam formats: 'I think I would prefer individualised scenarios for each topic as that would better support exam preparation'.⁹⁷ The most common criticism was that the *Case Brief* was not directly connected to exam demands, with one student stating: 'I use seminars as exam preparation...[and] the *Case Brief* did not prepare me for the final assessment'. Some acknowledged the tension between wanting authentic practice and still needing tightly framed fact patterns typical of exams: 'It was helpful for real-world understanding, but not as useful for exams... exams are reality in the short term'.⁹⁸ These responses reveal an underlying structural challenge: students often view class time primarily through the lens of exam preparation, making expansive, practice-oriented activities feel misaligned with assessment expectations.⁹⁹ These responses echo concerns of the nature and purpose of law schools, with institutional and accreditation requirements compounding legal education curriculum with mandates that do not align with student or legal profession expectation.

4 *Adaptation to other legal subjects*

The *Case Brief* model embodies significant potential for adaptation across a range of law subjects, even though its current design capitalises on the distinctive characteristics of Evidence and Criminal Procedure law. As such, procedural subjects naturally lend themselves to practical learning, making this model particularly well-suited to areas such as civil procedure, administrative law, and family law. The logic

⁹⁶ Keeping the *Case Brief* separate from assessment also facilitates better workload management. It would be practically prohibitive to attempt to develop a *Case Brief* as an assessment tool because it would necessitate the creation of a new version, with new materials each year, to preserve academic integrity; something which would only add to a teaching workload burdened by an already crowded curriculum. This approach requires a large buy-in at the outset but the *Case Brief* can be used across several years.

⁹⁷ Respondent 141770687.

⁹⁸ Respondent 040255957. It was a deliberate pedagogical choice of the subject coordinator to retain the standard hypothetical problem-solving exam scenario for the final assessment, kept separate to the *Case Brief* activity because of its experimental nature as a first-run exercise. This was communicated clearly to students throughout the semester and dedicated revision sessions were incorporated into the learning schedule. While the authors acknowledge that there is a broader structural question regarding the meaningful integration of experiential learning and assessment, the required pedagogical changes, including assessment reform more broadly, is beyond the scope of this immediate study.

⁹⁹ The next iteration of the *Case Brief* will include companion materials which present some of the information in the format of a hypothetical scenario that students would expect to see in an exam. This will allow students to trace the conversion from authentic to academic in a way which does not restrict the potential practical learning facilitated by the *Case Brief*.

underpinning this adaptability lies in the complexity of operational rules within these disciplines. Just as teaching Evidence without practical examples is challenging, other subjects that involve intricate procedural frameworks benefit from a continuous narrative that demonstrates how rules interact in context. Subjects with self-contained topics may struggle to institute a semester long endeavour but could invoke smaller *Case Briefs* around connected topics. For instance, adapting the *Case Brief* to simulate a wills dispute, contract negotiation, or bankruptcy proceeding would likely be as engaging for corporate law students, however the narrative would not occupy an entire semester's worth of content.

5 *Creation of the Case Brief*

Implementing a *Case Brief* model in any subject presents several challenges within an already crowded legal curriculum. The approach is not a universal solution, as it requires substantial upfront investment to produce high-quality materials. Moreover, because a single case cannot encompass every topic within a curriculum, educators may need to adopt a deliberate strategy to bridge these gaps. While the *Case Brief* provides a coherent narrative that integrates multiple doctrinal and practical elements, its scope is necessarily limited by the facts and issues it presents. Core topics that fall outside the case's parameters, including alternative procedural mechanisms, statutory interpretation nuances and ethical considerations, as well as issues beyond the factual scope of the *Case Brief*, require supplementary instruction to ensure comprehensive coverage. This would involve targeted recaps, mini-lectures, or curated in-class activities and readings that contextualise these areas within the broader learning objectives. Without such interventions, students risk developing an incomplete understanding of the subject matter, as the immersive benefits of the *Case Brief* method cannot substitute for systematic engagement with the full curriculum. Consequently, supplementation is not merely an adjunct but an essential pedagogical safeguard to maintain both academic rigour and compliance with accreditation standards, which does not undermine but rather supports the authenticity of the *Case Brief*.

Authenticity is critical to this process. To be effective, the brief must incorporate subject-specific artefacts that mirror professional practice. For example, while the *Case Brief* for Evidence and Criminal Procedure used witness statements and search warrants, a property law brief might include title deeds, caveat forms, and mortgage contracts. These authentic materials enable students to more easily cross threshold concepts, moving from abstract definitions to understanding legal rules as tools for solving real-world problems.

6 *Future potential*

Finally, while the *Case Brief's* long-term viability will require further investigation into its resistance to generative-AI misuse, it's predominantly in-class structure already mitigates many of these

risks.¹⁰⁰ Because the *Case Brief* activities are completed collaboratively and under supervision, students have limited opportunity, or incentive, to rely on AI tools during the learning process. Even if some students use AI when preparing outside class, the design ensures that the core learning still occurs through active engagement in class, where they must analyse, justify, and apply their reasoning in real time. Keeping the *Case Brief* separate from formal assessment provides an additional safeguard, ensuring the activity remains a space for authentic skill-building rather than a task distorted by concerns about AI-generated work.

D Summary

Overall, the findings show that the *Case Brief* strengthened the respondents' confidence, conceptual understanding, and emerging professional identity. Respondents valued its authenticity, forensic focus, and exposure to the complexity of real practice. However, its uptake and perceived usefulness were limited by a broader misalignment between practice-oriented learning and exam-centred assessment. The results suggest that for such innovations to reach their full potential, assessment structures may need to evolve to recognise and reward the skills the *Case Brief* develops, including fact extraction, critical evaluation of evidence, and holistic legal reasoning. Additionally, the potential to adapt the *Case Brief* to other legal education subjects, *Priestley 11* or otherwise, bears some caution. The workload output in the creation and design is substantial, however, is potentially only endured sporadically. Finally, the potential for the *Case Brief* to counter AI-misuse is possible, but further investigation is required.

The *Case Brief's* suggested pedagogical value is significant not only in its own right, but because it recommends a scalable way to ease pressures associated with the crowded law curriculum. Addressing the extensive requirements of the *Priestley 11* and TLOs within the constraints of a standard semester presents a significant challenge for legal educators. The results from the surveys illustrate how the *Case Brief* acts as a high-efficiency solution, enabling teachers to cover substantial doctrinal ground without sacrificing depth. By anchoring the curriculum in a single, evolving narrative, the *Case Brief* moves beyond the limitations of isolated hypotheticals, allowing for the simultaneous coverage of complex concepts and skills. This approach creates a rounded learning environment by exposing students to a composite of materials rather than curated problem questions, requiring them to actively scaffold their understanding of the topics within authentic-looking documents. This method transforms compliance with the crowded curriculum into a dynamic pedagogical asset, facilitating

¹⁰⁰ For a discussion about AI's impact on higher education, see Nicole Landy, 'Early PLT Student Perceptions of the Integration of Generative Artificial Intelligence in Legal Education' (2025) 7(3) *Law, Technology and Humans* 33; Corbin, Dawson and Liu (n 5).

continuous, weekly discussion on critical topics rather than treating them as checklist items.

V CONCLUSION

The crowded curriculum remains a defining challenge in Australian legal education. Shaped by enduring tensions between academic and vocational priorities, it is also reinforced by inflexible accreditation requirements such as the *Priestley 11*. This article has argued that meaningful responses to this problem lie not in the continual expansion of content, but in pedagogical approaches that integrate doctrinal learning, professional skills, and reflective judgment within existing subjects.

The semester-long *Case Brief* examined here provides an example of how such integration can occur in a doctrinally dense subject. By embedding Evidence and Criminal Procedure learning within an authentic, evolving narrative, the *Case Brief* enabled students to engage with legal rules as they operate in context, supporting conceptual understanding, forensic reasoning, and emerging professional identity without adding to curriculum load. While the empirical findings are modest, and do not offer statistically significant outcomes, they suggest that situated learning tools can operate within existing regulatory and institutional constraints.

The *Case Brief* is not presented as a comprehensive solution to curriculum crowding, nor as a universally transferable model. Rather, it suggests how deliberate integration can alleviate some of the pressures of a crowded curriculum by transforming compliance-driven requirements into coherent learning experiences. More broadly, it illustrates how doctrinal rigour and practice-oriented learning can be mutually reinforcing when designed as part of the core curriculum rather than appended to it.