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# THE JD FIRST YEAR EXPERIENCE: DESIGN ISSUES AND STRATEGIES

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## I INTRODUCTION

As increasing numbers of law schools offer a Juris Doctor (JD), or a 'graduate-entry' law degree leading to admission to practice,<sup>1</sup> there is a corresponding need to understand and support the first year experience of students commencing study in law as postgraduates. Australian research on the first year experience of law students has, to date, focused on the social and academic support needs of school leavers making the transition to tertiary study.<sup>2</sup> In contrast to this significant and expanding body of literature, there is currently very little reported research on the transition and support needs of students commencing study in law after completing at least a bachelor program in another discipline.<sup>3</sup> More particularly, JD program designers need

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<sup>1</sup> On the expansion of JD programs in Australia, see Donna Cooper, Sheryl Jackson, Mary Toohey and Rosalind Mason, 'The Emergence of the JD in the Australian Marketplace and its Impact on Academic Standards (2011) 21(1) *Legal Education Review* 23. On the adoption and development of JD programs in the Asian region, see Masahiko Omura, Satoru Osanai and Malcolm Smith, 'Japan's New Legal Education System: Towards International Legal Education?' (2005) 20 *Journal of Japanese Law* 39; Soogeun Oh, 'Globalization in Legal Education of Korea' (2005) 55 *Journal of Legal Education* 525; Ji Weidong, 'Legal Education in China: A Great Leap Forward of Professionalism' (2004) 39 *Kobe University Law Review* 1.

<sup>2</sup> See, eg, Sally Kift, '21<sup>st</sup> Century Climate for Change: Curriculum Design for Quality Learning Engagement in Law' (2008) 18 *Legal Education Review* 1; Sally Kift and Rachael Field, 'Intentional First Year Curriculum Design as a Means of Facilitating Student Engagement: Some Exemplars' (Paper presented at the 12<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Townsville, Queensland, 29 June – 1 July 2009) <<http://eprints.qut.edu.au/30044/1/c30044.pdf>>; Lisa Westcott and Mandy Shircore, 'The Experience of a Small Regional Law School in Preparing Students for a Journey through Law' (2006) 13 *James Cook University Law Review* 81; Karen Nelson, Sally Kift and John Clarke, 'Expectations and Realities for First Year Students at an Australian University' (Paper presented at the 11<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Hobart, Tasmania, 30 June – 2 July 2008) <<http://eprints.qut.edu.au/17883/1/c17883.pdf>>.

<sup>3</sup> Successful completion of a three-year bachelor program is usually required for admission to a JD program.

to know whether commencing JD students experience the same kinds of ‘transition’ issues as undergraduate LLB students, and whether the strategies and responses that have been developed to address transition and first year learning in undergraduate law are appropriate and effective with graduate-entry cohorts.

This article seeks to contribute to the knowledge base on the JD first year experience by providing an overview of first year measures implemented in the JD program at Melbourne Law School (MLS) over the four-year period, 2008–2011. MLS has offered a small, ‘stand-alone’,<sup>4</sup> Masters-level JD program since 2000. However, that program was significantly revised and the JD has been offered in a new form since 2008 when MLS became a Graduate School under the ‘Melbourne Model’.<sup>5</sup> Over the period 2008–2011, the annual JD intake at MLS has expanded from 75 to 240 full-time students.<sup>6</sup> As intake numbers have increased, a range of strategies and programs have been developed to ensure that commencing students from diverse backgrounds are effectively supported to make the academic transition to study in law, and to successfully complete their first year studies in a graduate program. It is hoped that the insights and strategies described in this article will provide practical examples and approaches to the JD first year experience that can be adapted and refined, as appropriate, in other JD programs.

Although JD students’ first year needs are likely to differ from those of first year undergraduates, in the experience of the MLS there is a similar need to design and manage the JD first year experience proactively. The strategies adopted at MLS are informed by the extensive literature about first year transition which highlights the need to *intentionally*<sup>7</sup> design a first year law program so as to optimise student engagement and learning outcomes. As Kift,

<sup>4</sup> That is, not taught in conjunction with the LLB.

<sup>5</sup> See University of Melbourne, *The Melbourne Degrees* (22 August 2011) <<http://futurestudents.unimelb.edu.au/courses/melbourne-model>>.

<sup>6</sup> In 2011, 55 per cent of the commencing JD cohort was female and 45 per cent male; the average age was 24, with an age range from 20 to 48 years; and 20 per cent of the cohort applied through Graduate Access Melbourne — a scheme to promote equity and diversity: see University of Melbourne, *Graduate Access Melbourne* (15 February 2011) <<http://www.futurestudents.unimelb.edu.au/admissions/entry-requirements/other-entry-options/graduate-access-melbourne>>. In all intakes of the Melbourne JD, at least 50 per cent of domestic students have been offered Commonwealth Supported Places.

<sup>7</sup> Sally Kift has emphasised, in a number of publications, the need for ‘intentional curriculum’ design in order to improve and mediate the first year experience — see, eg, Kift, ‘21<sup>st</sup> Century Climate for Change’, above n 2; Kift and Field, above n 2; Sally Kift, Karen Nelson and John Clarke, ‘Transition Pedagogy: A Third Generation Approach to FYE: A Case Study of Policy and Practice for the Higher Education Sector’ (2010) 1 *International Journal of the First Year in Higher Education* 1; Sally Kift, *Final Report for ALTC Senior Fellowship Program: Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education* (Australian Learning and Teaching Council, 2009).

Nelson and Clarke have emphasised, an ‘intentionally designed first year curriculum’ will harness curricular and co-curricular learning activities (such as peer support or mentoring programs) so as to scaffold and mediate the first year learning experience for contemporary heterogeneous cohorts.<sup>8</sup> More particularly, they propose that an intentional first year curriculum will be designed to:

- engage new learners in their learning and mediate support for that learning;
- promote awareness of and timely access to support services; and
- create a sense of belonging through involvement, engagement and connectedness.<sup>9</sup>

Kift, Nelson and Clarke note that these outcomes are achievable only through the development of effective and sustainable academic–professional partnerships to ensure that the academic, administrative and support aspects of the first year are ‘seamlessly’ integrated.<sup>10</sup> Such partnerships both require and result in an institution-wide approach to the first year experience, in which the support of first year learning is recognised to be ‘everyone’s business’.<sup>11</sup>

Part IV of this article adapts and applies these broad requirements for an holistic approach to the first year experience centred on an ‘intentional curriculum’ to thematically discuss the policies and strategies introduced to support first year learning in the Melbourne JD. First, however, Part II considers research on the first year experience of students in higher education and Part III considers the applicability of first year experience approaches for commencing JD students. Part V reflects on possibilities and priorities for further research on the JD first year experience.

## II THE FIRST YEAR EXPERIENCE

The first year in higher education is rightly the focus of extensive educational research and institutional activity. As Kift, Nelson and

<sup>8</sup> Kift, Nelson and Clarke, above n 7, 8.

<sup>9</sup> Ibid 4, 11.

<sup>10</sup> Ibid 11.

<sup>11</sup> Ibid. On institution-wide and team-based approaches to first year experience, see also Sally Kift, ‘The Next, Great First Year Challenge: Sustaining, Coordinating and Embedding Coherent Institution-Wide Approaches to Enact the FYE as “Everybody’s Business”’ (Paper presented at the 11<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Hobart, Tasmania, 30 June – 2 July 2008) <[http://www.fyhe.com.au/past\\_papers/papers08/FYHE2008/content/pdfs/Keynote%20-%20Kift.pdf](http://www.fyhe.com.au/past_papers/papers08/FYHE2008/content/pdfs/Keynote%20-%20Kift.pdf)>; Karen Nelson, Sally Kift and Tracy Creagh, ‘Implementing a Blueprint for Transition Success’ (Paper presented at the 10<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Brisbane, Queensland, 4–6 July 2007) <[http://www.fyhe.com.au/past\\_papers/papers07/final\\_papers/pdfs/4b.pdf](http://www.fyhe.com.au/past_papers/papers07/final_papers/pdfs/4b.pdf)>; Vincent Tinto, ‘Taking Student Retention Seriously: Rethinking the First Year of University’ (Paper presented at the FYE Curriculum Design Symposium, Queensland University of Technology, Brisbane, Queensland, 5–6 February 2009) <[http://www.fyecd2009.qut.edu.au/resources/SPE\\_VincentTinto\\_5Feb09.pdf](http://www.fyecd2009.qut.edu.au/resources/SPE_VincentTinto_5Feb09.pdf)>.

Clarke note, there are important economic reasons for concentrating on the first year experience: attrition in the higher education sector is estimated to cost around \$1 billion per year, or \$20–36 million for each of the 38 public universities.<sup>12</sup> Social justice reasons are just as compelling. The ‘massification’ of higher education,<sup>13</sup> and related federal government policies designed to expand participation and improve social inclusion,<sup>14</sup> mean that the student body in Australian universities has become, and will continue to become, increasingly diverse. As Vincent Tinto has argued, however, the ‘open door’ that universities now present to students from a range of backgrounds is more likely to be a ‘revolving door’ for low-income and other ‘equity’ students if appropriate transition and academic support programs are not in place to ensure their retention and achievement.<sup>15</sup> Universities cannot claim that they are ‘providing opportunity’ for students from low income and non-traditional backgrounds, Tinto argues, if they

do not construct environments that effectively support their [students’] efforts to learn and succeed once access has been gained. Simply put, access without effective support is not opportunity.<sup>16</sup>

A rewarding first year experience is critical for student persistence and retention. Students are at highest risk of dropping out of university in their first year. In an Australian study involving 14 universities, Long, Ferrier and Heagney found a first year attrition rate of 13.7 per cent.<sup>17</sup> Moreover, research by the Centre for the Study of Higher Education found that 28 per cent of Australian students

<sup>12</sup> Kift, Nelson and Clarke, above n 7, 13.

<sup>13</sup> See Margaret Thornton, ‘The Law School, the Market and the New Knowledge Economy’ (2007) 17 *Legal Education Review* 1, for an account of the ways in which law schools and legal education have been reshaped in recent years by the new ‘knowledge economy’ and related policies that have promoted increased participation in higher education — ‘massification’ — while severely underfunding it.

<sup>14</sup> See Department of Education, Employment and Workplace Relations, ‘Foreword’ in Richard James, Kerri-Lee Krause and Claire Jennings, *The First Year Experience in Australian Universities: Findings from 1994 to 2009* (Centre for the Study of Higher Education, University of Melbourne, 2010). National participation targets for 2025 include 40 per cent of all 25–34 year olds having attained a qualification at bachelor level or above and 20 per cent of undergraduates to be from low socio-economic status backgrounds: at v.

<sup>15</sup> Vincent Tinto, *Access without Support Is Not Opportunity* (9 June 2008) Inside Higher Ed <<http://www.insidehighered.com/views/2008/06/09/tinto>>.

<sup>16</sup> Ibid. See also Judy Skene and Sarah Evamy, ‘Does Access Equal Success? The Critical Role of the FYE in Achieving Equity in Higher Education’ (Paper presented at the 12<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Townsville, Queensland, 29 June – 1 July 2009) <[http://www.fyhe.com.au/past\\_papers/papers09/content/pdf/4A.pdf](http://www.fyhe.com.au/past_papers/papers09/content/pdf/4A.pdf)>.

<sup>17</sup> Michael Long, Fran Ferrier and Margaret Heagney, *Stay, Play or Give It Away? Students Continuing, Changing or Leaving University Study in Their First Year* (Centre for the Economics of Education and Training, Monash University, 2006) <[http://www.dest.gov.au/sectors/higher\\_education/publications\\_resources/profiles/stay\\_play\\_giveaway.htm](http://www.dest.gov.au/sectors/higher_education/publications_resources/profiles/stay_play_giveaway.htm)>.

in 2004 considered discontinuing their studies in the first year.<sup>18</sup> Of course, a degree of student attrition in the first year of university is inevitable, and not all the factors that contribute to a student's decision to discontinue their studies are within an institution's control. The focus of first year experience policies and activities is thus directed to limiting preventable attrition by improving the educational settings that institutions create for first year learning. A number of factors associated with attrition are within an institution's control, including:

- the quality and organisation of teaching in the first year;
- the degree of program difficulty and the level of support for students not well prepared academically for the challenges they will face;
- the clarity of information provided to support students' choice of an appropriate program; and
- the extent to which commencing students are made to feel that they belong on the campus and to the institution.<sup>19</sup>

Particular attention has been directed in recent years to strategies that institutions can adopt to promote and foster student engagement.<sup>20</sup> 'Student engagement' is an educational construct that

<sup>18</sup> Kerri-Lee Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies* (January 2005) Department of Education, Employment and Workplace Relations, 18 <[http://www.dest.gov.au/sectors/higher\\_education/publications\\_resources/profiles/first\\_year\\_experience.htm](http://www.dest.gov.au/sectors/higher_education/publications_resources/profiles/first_year_experience.htm)>. Note that this was a drop from the 33 per cent of students in the 1994 and 1999 surveys who said that they had thought seriously about discontinuing or deferring during the first semester, indicating that first year strategies in the period 1999–2004 may have had some success.

<sup>19</sup> Ibid. See also Kift, '21<sup>st</sup> Century Climate for Change', above n 2; Tinto, 'Taking Student Retention Seriously', above n 11; Long, Ferrier and Heagney, above n 17; Richard James, Kerri-Lee Krause and Claire Jennings, *The First Year Experience in Australian Universities: Findings from 1994 to 2009* (Centre for the Study of Higher Education, University of Melbourne, 2010); Mantz Yorke and Bernard Longden, *The First year Experience of Higher Education in the UK: Final Report* (The Higher Education Academy, 2008) <<http://www.heacademy.ac.uk/assets/York/documents/resources/publications/FYEFinalReport.pdf>>.

<sup>20</sup> See, eg, Kerri-Lee Krause, 'Understanding and Promoting Student Engagement in University Learning Communities' (Paper presented at the Sharing Scholarship in Learning and Teaching: Engaging Students, James Cook University Symposium, Townsville, Queensland, 21–22 September 2005) <[http://www.cshe.unimelb.edu.au/resources\\_teach/teaching\\_in\\_practice/docs/Stud\\_eng.pdf](http://www.cshe.unimelb.edu.au/resources_teach/teaching_in_practice/docs/Stud_eng.pdf)>; Gary Pike and George D Kuh, 'A Typology of Student Engagement for American Colleges and Universities' (2005) 46 *Research in Higher Education* 185; Mantz Yorke, 'Student Engagement: Deep, Surface or Strategic?' (Paper presented at the 9<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Gold Coast, Queensland, 12–14 July 2006) <[http://www.fyhe.com.au/past\\_papers/2006/Keynotes/Yorke.pdf](http://www.fyhe.com.au/past_papers/2006/Keynotes/Yorke.pdf)>; Bonita London, Geraldine Downey and Shauna Mace, 'Psychological Theories of Educational Engagement: A Multi-Method Approach to Studying Individual Engagement and Institutional Change' (2007) 60(2) *Vanderbilt Law Review* 455; Wendy Larcombe, 'Can Assessment Policies Play a Role in Promoting Student Engagement in Law?' (2009) 2 *Journal of the Australasian Law Teachers Association* 197.

measures the extent to which students participate in learning activities and conditions that are known to be associated with achievement, satisfaction and persistence.<sup>21</sup> The focus is thus on what students do: '[e]ngagement refers to the time, energy and resources students devote to activities designed to enhance learning at university.'<sup>22</sup> These activities include: spending time on campus; studying and interacting with peers in educationally purposeful ways; actively constructing and applying knowledge; interacting with academic staff; and participating in educationally enriching experiences such as community work, industry placements and exchange programs.<sup>23</sup> In short, students who are actively involved in the social and academic life of their university are more likely to persist and succeed in their first year in higher education.<sup>24</sup> Universities should therefore ensure that their first year students are integrated into the social and academic life of the institution and that they are also actively involved with others in constructing and questioning knowledge.<sup>25</sup> The link is learning. 'Student engagement' assesses and promotes the conditions known to support high-quality learning and, as Vincent Tinto identifies, 'learning is the key to student retention': students who learn are students who stay.<sup>26</sup>

Informed by this understanding, Sally Kift has been a leading architect and advocate in Australia of a 'transition pedagogy' that 'carefully scaffolds and mediates the first year learning experience for contemporary heterogeneous cohorts'.<sup>27</sup> Kift's extensive work on the first year experience, student engagement and development of an 'intentional curriculum' is founded on the premise that 'in all their diversity, and acknowledging their multiple identities and changing patterns of engagement, it is within the first year curriculum that

<sup>21</sup> Different definitions are available — see, eg, George D Kuh, 'Assessing What Really Matters to Student Learning: Inside the National Survey of Student Engagement' (2001) 33(3) *Change* 10; Kerri-Lee Krause and Hamish Coates, 'Students' Engagement in First Year University' (2008) 33(5) *Assessment and Evaluation in Higher Education* 493. A law-specific scale of engagement is utilised in the US Law School Survey of Student Engagement — see *About* (2009) Law School Survey of Student Engagement <<http://lsse.iub.edu/about.cfm>>.

<sup>22</sup> Krause, above n 20, 5.

<sup>23</sup> *Ibid* 3–7. See also Krause and Coates, above n 21; Australian Council for Educational Research (ACER), *Attracting, Engaging and Retaining: New Conversations about Learning, Australasian Student Engagement Report, Australasian Survey of Student Engagement: AUSSE* (2008).

<sup>24</sup> James, Krause and Jennings, above n 19, 35–48.

<sup>25</sup> *Ibid*.

<sup>26</sup> Tinto, 'Taking Student Retention Seriously', above n 11, 2. See also Nelson, Kift and Clarke, above n 2, whose research found that first year law students' expectations of learning were not always met in the first semester.

<sup>27</sup> Sally Kift, 'Articulating a Transition Pedagogy: First Year Curriculum Principles' in Kift, *Final Report for ALTC Senior Fellowship Program*, above n 7, app 1. See also, Kift, '21<sup>st</sup> Century Climate for Change', above n 2; Kift and Field, above n 2; Nelson, Kift and Clarke, above n 2; Kift, Nelson and Clarke, above n 7; Kift, 'The Next, Great First Year Challenge', above n 11.



commencing students must be engaged, supported, and realise their sense of belonging'.<sup>28</sup> 'Curriculum' is broadly conceptualised in Kift's framework, drawing on Craig McInnis's terms, as the 'glue that holds knowledge and the broader student experience together',<sup>29</sup> making it central to an integrated first year experience strategy.

Kift and colleagues conceptualise their 'transition pedagogy' as a 'third generation approach' to first year experience:

where student engagement, their timely access to support and the development of a strong sense of belonging are achieved by bringing together co-curricular and curricular strategies into an intentionally designed and broadly interpreted curriculum.<sup>30</sup>

Such an approach takes institutions well beyond the isolated or piecemeal strategies of 'first'- and 'second'-generation first year experience support.<sup>31</sup> An integrated, whole-of-curriculum strategy is essential, Kift argues, given that '[t]he first year bears the heavy burden of providing the solid curriculum foundation on which to build the whole-of-program profile'.<sup>32</sup> The first year is an 'orienting year for new discipline learners; one that mediates (inter alia) their diversity, expectations and preparedness'.<sup>33</sup>

### III THE JD FIRST YEAR EXPERIENCE

The first year experience research discussed above relates to the first year in higher education, and its lessons have been widely taken up and applied in the design of undergraduate law programs across Australia.<sup>34</sup> But are those lessons applicable to the increasing numbers of graduate-entry or JD programs? Does the first year of a graduate-entry program bear the same heavy burden that Kift describes of 'providing the solid curriculum foundation on which to build the whole-of-program profile'? Must the first year experience of graduate-entry students be intentionally designed to support the transition of 'new discipline learners' and mediate their 'diversity, expectations and preparedness'? Is the curriculum, in the widest sense of the term, the best 'organising mechanism' through which to engage first year students in their learning and with the

<sup>28</sup> Kift and Field, above n 2, 2.

<sup>29</sup> Ibid, citing Craig McInnis, *Signs of Disengagement? The Changing Undergraduate Experience in Australian Universities* (Centre for the Study of Higher Education, University of Melbourne, 2001).

<sup>30</sup> Kift, Nelson and Clarke, above n 7, 14.

<sup>31</sup> Ibid 10. See also Kift, 'The Next, Great First Year Challenge', above n 11.

<sup>32</sup> Kift, '21<sup>st</sup> Century Climate for Change', above n 2, 16.

<sup>33</sup> Ibid 25.

<sup>34</sup> See above n 2.



institution? In the authors' experience of contributing to the design and development of a first year JD program, the answer to all these questions is 'yes'.<sup>35</sup>

It should first be recognised, however, that the academic and social needs of JD students are not identical to those of undergraduate law students. For students in their first year of higher education, there are particular challenges in making the adjustment to university life, to the different modes of learning and teaching in higher education and, for many undergraduate students, adjusting to the combined responsibilities of earning and learning.<sup>36</sup> Moreover, first year undergraduates do not always make well-informed decisions about, or have good reasons for, their program choice.<sup>37</sup> As Wingate outlines, 'learning to learn' at university is 'a complex personal development process' for undergraduates as it involves 'learning' how to be an independent learner as well as learning how knowledge is constructed within a discipline.<sup>38</sup> For graduate-entry students, that experience is behind them: their prior academic achievement indicates that they successfully adapted to and learned effectively within the social and academic life of a university. They are also more likely to have made a well-informed choice of program, based on strong motivating reasons,<sup>39</sup> and to be experienced and skilled in juggling multiple commitments, including balancing study with paid work.<sup>40</sup>

We have previously researched differences in the interests, expectations and academic readiness of commencing JD students when compared with commencing LLB students at MLS.<sup>41</sup> As might

<sup>35</sup> Wendy Larcombe acted as Director of Learning in the MLS from 2006–2009 and Director of Teaching from 2010–2011. She had responsibility for academic transition and first year experience in the LLB, 2007–2009, and was a member of the JD Committee, 2010–2011. She taught in the foundational JD subject, 'Legal Method and Reasoning', in 2010 and 2011, and in a first year JD subject, 'Legal Theory', each year from 2008–2011. Ian Malkin acted as one of the JD Directors in 2010, Associate Dean (Undergraduate) 2005–2007, Director of the Office for Teaching and Learning in Law, 2006–2007, 2009–2010 and Director of Teaching, 1994, 1996, 1997. He taught in the first year program for 25 years and coordinated 'Torts and the Process of Law' in the LLB most of that time. He taught and coordinated JD 'Legal Method and Reasoning', 2008–2011 and JD, 'Torts', 2009–2010.

<sup>36</sup> See above nn 19, 20.

<sup>37</sup> See James, Krause and Jennings, above n 19, 17; Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Performance in Law School: What Matters in the Beginning?' (2008) 18 *Legal Education Review* 95, 107–8.

<sup>38</sup> Ursula Wingate, 'A Framework for Transition: Supporting "Learning to Learn" in Higher Education' (2007) 61(3) *Higher Education Quarterly* 391, 394–5.

<sup>39</sup> Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Commencing Law Students' Interests and Expectations: Comparing Undergraduate and Graduate Cohorts' (2008) 1 *Journal of the Australasian Law Teachers Association* 227, 230–1.

<sup>40</sup> Although recent research shows a decrease in the proportion of full-time first year undergraduates who believe their paid work commitments interfere with their study: James, Krause and Jennings, above n 19, 52–5.

<sup>41</sup> Larcombe, Nicholson and Malkin, above n 39.

be expected, that study found that commencing JD students expressed higher levels of interest than LLB students in the kinds of topics studied in a law course and in working in the legal profession after graduation.<sup>42</sup> JD students also expressed comparatively high levels of confidence in their academic skills and ‘readiness’ to undertake the academic tasks they would encounter in first year law.<sup>43</sup> However, that confidence may tend towards over-confidence in some cases. The study found that JD students on average were carrying substantially more obligations to paid work and family care than LLB students. The survey findings indicated that some JD students may have been unrealistic about their abilities to juggle multiple commitments alongside the demands of a full-time, graduate-level law degree.<sup>44</sup>

It is apparent that the ‘first year’ needs of graduate-entry students differ in important ways from those of first year undergraduate students. However, the commonalities are likely to outweigh the differences. Students commencing studies in law as graduates are still involved in a process of transition: to the new disciplinary environment and its methods of inquiry; to learning how knowledge is constructed and communicated within law; and to becoming identified with the legal community and the professional careers for which the course is preparation. Further, graduate-entry students are similarly diverse in their expectations, preparedness, backgrounds and interests — in some ways, this ‘diversity’ may be even more pronounced in a commencing graduate-entry cohort than in an undergraduate commencing cohort.<sup>45</sup> Consequently, the first year experience in a JD program must be designed to mediate and support the learning needs of a heterogeneous cohort transitioning to learning in a new discipline — as in an LLB program. Moreover, it must do so quickly — given the often ‘compressed’ nature of a graduate-entry law program, it is vital that students are actively engaged with their learning and the institution by the end of the first semester.<sup>46</sup>

As in the undergraduate first year experience, the curriculum, broadly defined, is the best ‘organising mechanism’ for coordinating and intentionally designing the first year experience of graduate-entry students. As Kift has identified, ‘the one thing that all students have in common in all their diversity is that they come to us to learn and it is as learners that students must be primarily engaged if they are to

<sup>42</sup> Ibid 231.

<sup>43</sup> Ibid 234–5.

<sup>44</sup> Ibid 236.

<sup>45</sup> For example, members of a graduate-entry cohort have a range of commitments and responsibilities and are at different life stages (many may be embarking on their fourth consecutive year of university, whereas many others are older graduates, seeking changes to their careers); also, undergraduate study is an uneven preparation for graduate study in law, as discussed below.

<sup>46</sup> Most JD programs, including the MLS JD, allow for acceleration of the degree to two or two and half years in specified circumstances — see, eg, *The Melbourne JD* (21 September 2011) The University of Melbourne <<http://www.law.unimelb.edu.au/jd/course-and-subjects/the-course>>.

have a successful FYE.<sup>47</sup> In a JD program, students have generally made an informed decision to ‘come to us’ to learn about law. That commonality can be leveraged to directly engage commencing students in a range of curricular and co-curricular learning activities that, in Kift’s terms, are intentionally designed to inspire and support students to learn, and to create a sense of belonging. Specific strategies and policies for achieving these objectives are discussed in the next section.

#### IV SUPPORTING GRADUATE STUDENTS’ FIRST YEAR IN LAW IN THE MELBOURNE JD

[I]t is within the first year curriculum that all students must be inspired, supported, and realise their sense of belonging; not only for transition, early engagement and retention, but also as foundational for later year learning success and a lifetime of professional practice.<sup>48</sup>

At the MLS, a number of strategies and policies have been developed and adopted over the past four years to ensure that the first year JD curriculum engages new learners in their learning, promotes awareness of and timely access to support services, and creates a sense of belonging.<sup>49</sup> Key initiatives are described below: a foundational intensive course; proactive academic skills development and wellbeing support; attendance requirements; and a professional mentoring scheme. Each of these initiatives has been evaluated positively by both students and staff, and affirmed as an important element of the first year JD experience at MLS. It is hoped that these examples of effective JD transition strategies stimulate further thought and discussion about the JD first year experience.

#### *A Engage Students in Learning*

One of the key elements of the first year experience in the MLS JD over the past four years has been the compulsory, pre-semester, foundational course in ‘Legal Method and Reasoning’ (LMR). This is a credit-bearing course/subject,<sup>50</sup> taught intensively over a two-week

<sup>47</sup> Sally Kift, ‘Organising First Year Engagement around Learning: Formal and Informal Curriculum Intervention’ (Paper presented at the 8<sup>th</sup> Pacific Rim First Year in Higher Education Conference, Melbourne, Victoria, 14–16 July 2004) 3 <[http://www.fyhe.com.au/past\\_papers/Papers04/Sally%20Kift\\_paper.doc](http://www.fyhe.com.au/past_papers/Papers04/Sally%20Kift_paper.doc)>; see also Kift, Nelson and Clarke, above n 7.

<sup>48</sup> Kift, Nelson and Clarke, above n 7, 7.

<sup>49</sup> Ibid 11. Over the years under review, Professor Cheryl Saunders and Professor Pip Nicholson have held the role of Associate Dean, JD, at MLS. Their vision and commitment to the program have been vital in ensuring the level of first year support described in this article.

<sup>50</sup> Terminology for individual and collective units of study varies across institutions. In this paper, we use ‘course’ to refer to an individual unit of study (elsewhere known as a subject, topic, unit or credit) and ‘program’ to refer to the complete program or course of study.

period in February, before the beginning of the first semester. It is intended and designed to ‘immerse’ students — socially and intellectually — in the active and collaborative study of law. It has proven to be extremely effective in managing the transition of students from diverse backgrounds to studying law; in creating strong social and institutional relationships among the commencing cohort; and in ensuring that students begin the first semester confident about their program choice and their abilities to meet its academic challenges.<sup>51</sup>

LMR is taught in small groups (up to 25), each with a dedicated teacher who leads four hours of seminar-style classes each day, interspersed over the two weeks with library-based research skills training and whole group events. The classes are discussion and activity based, employing a range of active and collaborative learning strategies.<sup>52</sup> Students are expected to have completed up to four hours pre-reading for each day’s classes (reading materials are available two weeks in advance of the course), ensuring that class time is an opportunity for consolidation, questioning and extension of students’ knowledge and understanding of the course materials. Direct instruction is limited, and most often delivered on an ‘as-needs’ or ‘in-time’ basis. Students must attain a pass standard on two 1500-word assignments in LMR as a prerequisite for entry to their first-semester courses.

LMR has three principal transition-related objectives. First, the course aims to establish a common level of knowledge and understanding of Australian legal institutions, legal sources and legal methods of problem-solving. In our experience, graduate-entry students commence study in law with a wider range of base knowledge than undergraduate students. For example, some graduate-entry students have considerable familiarity with legal sources and methods of reasoning from years of experience working as paralegals or court officers; some have a good understanding of legal institutions and procedures from postgraduate study in criminology, politics or international relations; and some graduate students commence study in law with no understanding of legal sources and methods, nor of Australian legal and political institutions and processes. LMR thus has an important function as a ‘leveller’, ensuring that all students commencing the first semester have a common, foundational understanding of legal sources and institutions.

<sup>51</sup> LMR provides students with a realistic experience of the academic expectations and workload in the JD program and thus enables students at its completion to assess whether they will be interested and able to complete the program. Each year, a handful of students have withdrawn from the program after experiencing the workload in LMR; thereafter, attrition in the program is minimal.

<sup>52</sup> Active learning is not necessarily inhibited by large class sizes — see, eg, Kift and Field, above n 2, 10. However, the formation and development of peer-to-peer and also student–teacher relationships is significantly assisted by a small group size.

The second objective of LMR is to engage all students with the basic skills of case reading and statutory interpretation which they will need to apply in their first-semester courses. LMR is intentionally designed around development of these skills. In the first week, students learn to read cases (complete judgments) and to develop an understanding of common law reasoning and precedent. In the second week, students learn to navigate statutes and their related regulations and extrinsic materials and to develop an understanding of statutory interpretation principles. The two compulsory assignments (released on a Wednesday and due the following Monday) enable students to demonstrate their development of these fundamental skills. For the first assignment, students are required to advise a client by applying (limited) case law studied in class to a short hypothetical problem. Students also receive a 'new' case and they are required to 'brief' it and comment critically on the decision. The second assignment is an extended problem-solving exercise. Students receive a (carefully selected and, if necessary, edited) piece of legislation, with related regulations and extrinsic materials, and must advise a client of their liability under the Act. If a student does not pass either assignment on the first attempt, or is considered likely to benefit from further work on the assessed skill, they are given a week to attempt a resubmission. Once again, the aim is to prepare students to commence their first-semester studies. In our experience, students from a wide range of academic backgrounds are able to approach their first year in law with greater confidence after seeing for themselves what they are able to do after just two short weeks in LMR.

Finally, LMR aims to foster a sense of group cohesion and to enable social connections to develop so that students have established relations with peers, academic faculty members and professional staff before the commencement of first semester. Two elements of LMR teaching are important in this respect: small classes meeting regularly for two weeks, and the emphasis on peer-to-peer and collaborative learning activities, such as quizzes, debates, problem-solving, brainstorming and group presentations. Learning and, more particularly, learning to practise law, is the focus and mediator of social interactions throughout the course. We encourage students to see themselves and their peers as future legal professionals, and to value the friendships forged through LMR as a resource for learning through the degree and even into professional life. In this way, LMR provides an important foundation for development of an enduring social and academic learning community.<sup>53</sup>

<sup>53</sup> The learning community and the learning practices developed within LMR are carried forward into the first-semester curriculum. All courses are taught in 'seminar' style — discussion-based classes for which students are expected to have prepared in advance. Class sizes are larger after LMR, although one course each semester is taught in 'streams' of fewer than 35 students to ensure that every student is well known to at least one member of the academic staff each semester.

## *B Proactive and Timely Access to Learning and Life Support*

The JD student body at MLS is diverse. Students' cultural, educational and socio-economic backgrounds vary significantly, as do the work and life experiences of older, graduate-entry students. While all JD students are required to have successfully completed at least three years of a bachelor program, it cannot be assumed that that prior academic experience equips students with a common set of academic skills.<sup>54</sup> Moreover, a proportion of our students come to the MLS having suffered a degree of disadvantage, or with a recognised disability.<sup>55</sup> The MLS offers a range of resources and services to support students' academic transition and skill development, provided by Equal Opportunity Liaison Officers, a Student Welfare and Wellbeing Coordinator, a Language and Academic Skills (LAS) Adviser and a Research Skills Adviser. With an awareness of Tinto's caution that 'access without effective support is not opportunity',<sup>56</sup> the support programs we provide are not only reactive to learning and wellbeing issues that have compromised student learning, but are designed from the outset to identify and meet anticipated needs proactively.

### *1 Academic Skills Support*

Early intervention to support the development of students' generic academic skills is vital as a foundation for the acquisition of more specialised legal skills. Consequently, in LMR, all students complete a short, 200–400-word in-class writing exercise at the end of their second day of studies.<sup>57</sup> The exercise is assessed by the LMR teacher and returned with comments within a day of completion. If a student's submission demonstrates difficulties with written expression — grammar, sentence structure, paragraphing, cohesion

On the importance of learning communities in higher education, see Tinto, 'Taking Student Retention Seriously', above n 11.

<sup>54</sup> For example, a JD student whose first degree is in astro-physics, biochemistry, creative arts or geology may never have written an academic essay, nor used a database to identify research sources.

<sup>55</sup> As indicated above, approximately 20 per cent of the JD students at MLS apply under the 'Graduate Access Melbourne' program which promotes equity and diversity in access — see University of Melbourne, *Am I eligible?* (22 June 2011) <[http://www.futurestudents.unimelb.edu.au/admissions/entry-requirements/other-entry-options/graduate-access-melbourne/am\\_i\\_eligible](http://www.futurestudents.unimelb.edu.au/admissions/entry-requirements/other-entry-options/graduate-access-melbourne/am_i_eligible)>.

<sup>56</sup> Tinto, 'Access without Support Is Not Opportunity', above n 15.

<sup>57</sup> A version of this diagnostic exercise, designed for early intervention, was successfully used in the Melbourne LLB — see Wendy Larcombe and Ian Malkin, 'Identifying Students Likely to Benefit from Language Support in First year Law' (2008) 27 *Higher Education Research and Development* 319. It has been found worthwhile to retain such an exercise in the JD, although proportionally fewer students are referred for individual support.

or logic — she or he is referred to the faculty's LAS Adviser.<sup>58</sup> In an individual consultation, the LAS Adviser explores the student's needs and designs a strategy for skills development and, if needed, support for first-semester assessment. As a 'one-size model' of academic support rarely fits all, especially in a graduate context, individual consultations with a LAS adviser, while time-intensive, are a particularly effective way of improving students' academic skills, and writing skills in particular.<sup>59</sup>

Students' development of legal writing skills is further supported across first semester by an online suite of 'Legal Academic Writing resources', which include annotated examples of student writing in various legal genres.<sup>60</sup> In addition, first year JD students can get feedback on a penultimate draft of their first research assignment (usually due around week 8 of first semester) from our 'Legal Writing Advisers' (LWAs) — a small team of PhD students trained by and working alongside our LAS Adviser in the 7–10 days leading up to the assignment's submission. During a 30-minute appointment, the LWA asks the student about any specific concerns, reviews the draft, and provides comments on whether the assignment complies with the instructions; has a coherent theme; is appropriately supported with authority (that is, properly acknowledged and cited); is structurally cohesive; and is clearly expressed. The feedback is not content related — LWAs do not tell students if their analysis is 'correct' — rather, advice is focused on the skills required by the writing task. This form of support is very popular with first year JDs, and has also ensured a higher standard of written work.

Student-facilitated study groups have also proven to be popular with first year JD students. Later-year JD students, who have been identified as excellent communicators, are employed to facilitate a series of first year study groups with six to eight students per group. Groups meet for an hour each week to discuss key academic skills and review course content across the four first-semester courses. The LAS Adviser trains and supervises the student facilitators so that they can guide their groups to develop independent and effective study strategies. Topics covered in study groups typically include making effective notes from readings and classes; answering hypothetical problems; analysing case law; prioritising time and managing interim assessment tasks; and preparing for end-of-semester law

<sup>58</sup> The LAS adviser is already known to JD students from an introduction during the two-day orientation program that precedes LMR.

<sup>59</sup> There are two bases on which our LAS Advisor sees students for individual consultations: self-identification, if students believe they are struggling or are ill at ease with the course; or referrals by lecturers. On the value of individualised support for academic skills development, see Wingate, above n 38.

<sup>60</sup> See University of Melbourne, *Legal Academic Writing Resources* (30 June 2011) <<http://www.otll.law.unimelb.edu.au/go/learning-development-for-students/legal-academic-writing-resources/index.cfm>>.



exams. Participation in a study group is optional; however, registered students are expected to attend most of their group meetings over the course of the semester. Evaluation of the program has consistently shown that this form of learning support is especially popular with students who do not otherwise have regular contact with peers outside class and who describe themselves as less confident about speaking in seminars.<sup>61</sup>

## 2 Supporting Student Wellbeing

Timely access to wellbeing support and advice is now also a feature of the first year MLS JD program. It is well-established that law students in Australia suffer from disproportionately high rates of depression and anxiety<sup>62</sup> and that legal education at both graduate and undergraduate levels has a negative impact on student wellbeing.<sup>63</sup> Clearly, law schools have an immediate responsibility to develop effective strategies and targeted programs to support student wellbeing.<sup>64</sup>

<sup>61</sup> Dr Anthony McCosker, *Language and Academic Skills Support: Evaluation and Report 2010* (on file with authors).

<sup>62</sup> For a summary of the research literature, see Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession?' (2009) 19 *Legal Education Review* 3; Norm Kelk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers* (Brain and Mind Research Institute, 2009). Depression and anxiety have been identified as issues challenging the legal profession for some years, but it has only recently become known that lawyers' problems with psychological and emotional wellbeing often begin in law school and are then carried into the profession. For example, the 2008 *Courting the Blues* survey found that one in three law students had high or very high levels of psychological distress: Kelk et al at 12.

<sup>63</sup> See, for example, G A Benjamin et al, 'The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers' (1986) 11(2) *American Bar Foundation Research Journal* 225; Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory' (2007) 33 *Personality and Social Psychology Bulletin* 833; Kelk et al, above n 62. A number of theories have been developed to account for the links between legal education and law students' disproportionately high rates of psychological distress. In particular, it is postulated that wellbeing requires levels of social connectedness, autonomy, self-esteem and a sense of competence that are often undermined by the competitive and results-focused culture that prevails in many law schools — see especially Tani and Vines, above n 62. Additionally, the process of learning to 'think like a lawyer' is considered by some to be inherently pessimistic and to distance students from their moral values and the social justice aspirations that often motivated their decision to study law — see especially Martin Seligman, Paul Verkuil and Terry Kang, 'Why Lawyers Are Unhappy' (2005) 10 *Deakin Law Review* 49. These theories provide direction for law schools' efforts to address student wellbeing.

<sup>64</sup> See Colin James, 'Lawyer Dissatisfaction, Emotional Intelligence and Clinical Legal Education' (2008) 18 *Legal Education Review* 123, 137; Council of Australian Law Deans and the Australian Learning and Teaching Council (CALD/ALTC), *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment* (2009) 122, 124.

Two key strategies have been adopted at MLS. First, individual support and referral of students experiencing distress is offered at MLS by our Student Wellbeing and Welfare Coordinator. This is an important position, enabling coordinated ‘case management’ of students experiencing personal difficulties that impact on their learning.<sup>65</sup> In 2011, an additional, more proactive measure, was implemented by the MLS in conjunction with the University Counselling Service: a pilot series of ‘mindfulness’ training workshops addressed specifically to law students and conducted in the law school.

‘Mindfulness’ is a form of meditation or cognitive behaviour that is considered to be particularly suited to redressing the patterns of conduct or thinking associated with anxiety and distress.<sup>66</sup> Current psychological research has established that ‘mindfulness’ can assist students to respond better to stress, a busy mind, and difficult emotions, as well as awaken a more conscious enjoyment of life. The four-part ‘Introduction to Mindfulness’ workshop series demonstrated a number of formal and informal practices of mindfulness and taught students how to integrate them into daily life. The workshops were free and available to all interested law students (three parallel series were run). Those students who completed the program evaluated it very positively and, importantly, enjoyed reduced levels of stress and anxiety at the end of the program.<sup>67</sup> The presence of the mindfulness program in the law school also helped to raise awareness of the need to foster student wellbeing and to promote ‘healthy’ approaches to managing workloads, stress and anxiety.

### *C Intentionally Fostering a Sense of Belonging*

It was anticipated that it would be just as important to actively foster student engagement and a sense of belonging in a JD program as it was in an LLB program. Indeed, awareness of the JD students’ comparatively higher commitments to paid work and family care made it even more likely that their time on campus and their participation in a range of co-curricular activities might be restricted in ways that limited their engagement with peers and the broader learning environment that the law school provides. As Nelson,

<sup>65</sup> The Student Welfare and Wellbeing Coordinator assists students with special consideration applications, alternative exam arrangements and other accommodations for students with disabilities and provides general support for student wellbeing including referral to the University Counselling Service or the Disability Liaison Unit.

<sup>66</sup> Jonathan Norton, *Law Students and Depression* (2010) Jonathan Norton: Critical Psychotherapy <<http://jonathannorton.wordpress.com/2010/10/21/law-students-and-depression/>>. Research conducted by James, above n 64, found that higher levels of ‘emotional intelligence’ were associated with higher levels of work satisfaction, even in stressful work environments.

<sup>67</sup> Assessed by comparing pre- and post-test results.

Kift and Creagh remind, 'it is important that student engagement is fostered from the very earliest weeks of their first semester, to combat the feelings of isolation and disconnectedness which are common amongst first year students and which rapidly lead to disengagement'.<sup>68</sup> Consequently, at MLS a range of strategies and policies has been adopted to foster a student's sense of belonging — to the JD program cohort, to the law school, and to the profession.

An obvious but sometimes overlooked strategy is literally to 'create space' for the commencing cohort so as to develop a sense of belonging on the campus.<sup>69</sup> LMR has already been described as a key initiative at MLS in building students' sense of membership of a commencing/first year cohort. It is important to the course's success in this respect that the commencing cohort has the MLS building, as well as the law school academic and professional staff, largely 'to themselves' in those two weeks before the semester begins. Over the two weeks, one can observe the 'new' students gradually making themselves at home in the classrooms, student lounges and study spaces, becoming familiar with key staff and services within the Law Student Centre, the Legal Academic Skills Centre, the Law Library and the Careers Office. This alone establishes a degree of confidence and a sense of ownership that serves them well once the building fills with returning students from a range of programs in the first week of semester.

Another important strategy for creating an engaging learning community has been the decision to impose an attendance requirement for all JD compulsory subjects. First year experience research has established that there is a strong link between 'students' attendance on campus and their involvement with and integration into the learning community'.<sup>70</sup> Strong communication of the expectation that students will normally attend and participate in at least 75 per cent of scheduled classes (seminars)<sup>71</sup> is an active strategy to foster student engagement and the development of a cohesive, campus-based learning community.<sup>72</sup> To support this aim, a related policy

<sup>68</sup> Nelson, Kift and Creagh, above n 11, 5.

<sup>69</sup> See Kift and Field, above n 2, 6; James, Krause and Jennings, above n 19, 35.

<sup>70</sup> James, Krause and Jennings, above n 19, 37, who note further that 'students who spend fewer days on campus are also those least likely to ask questions in class and make class presentations'. On the importance of class attendance for learning outcomes, see also Lillian Corbin, Kylie Burns and April Chrzanowski, 'If You Teach It, Will They Come? Law Students, Class Attendance and Student Engagement' (2010) 20 *Legal Education Review* 13.

<sup>71</sup> JD Course Rules, r 6.0 < <http://www.law.unimelb.edu.au/jd/current-students/jd-course-rules-and-policies/jd-course-rules#6.0>>.

<sup>72</sup> Krause, above n 20, 14, explains that '[e]ngagement should be an interlocking and a "fastening" of students to learning and university learning communities in an engagement relationship which is mutually beneficial and continues well beyond graduation.'

advises students that JD classes are not recorded.<sup>73</sup> As a result, most JD students spend at least four days per week on campus during semester, ensuring a vibrant student presence in the law school. An important secondary effect of the compulsory attendance requirement is that it enables absent students to be identified and contacted. Subject teachers maintain class attendance records and either contact persistently absent students directly or forward information to the law school's Student Welfare and Wellbeing Coordinator to make enquiries.<sup>74</sup>

Two strategies have been adopted to 'connect' first year JD students to the wider legal profession. Participation in a 'Guest Lecture Series' is also a compulsory program requirement for our first year JD students. Small groups of first year students are trained and scheduled to host a visiting speaker and they facilitate a weekly lecture in the series. In doing so, students act as representatives of the MLS and interact with inspiring practitioners working in a range of contexts, institutions and roles. Students' introduction to legal professionals is further supported in the first year by a professional mentor scheme, first introduced in 2009. Although the scheme is voluntary, in 2011, 85 per cent of the commencing cohort enrolled to be matched with a professional mentor — a legal professional working in an area of particular interest to the student (across community, private, government or corporate sectors).<sup>75</sup> More than 245 mentors have participated in the program, volunteering to mentor one or more students each year. Mentors and mentees are matched and introduced by the Program Coordinator and, after a welcome function, meet at least three to four times during first year. In a graduate-entry law program where students are highly interested in employment opportunities and destinations, and where clerkships and external placements are often taken up at the end of first year, the mentor program is an important means of introducing first year students to legal roles and workplaces, and thereby fostering a sense of belonging to the legal profession.

<sup>73</sup> JD Policies, *What to Expect of Your Lecturers at Melbourne Law School* <<http://www.law.unimelb.edu.au/index.cfm?objectid=6A1ECBA0-C973-11E0-9EB4005056A2652C>>.

<sup>74</sup> The importance of identifying and managing students at risk of disengagement is explored in Nelson, Kift and Creagh, above n 11.

<sup>75</sup> This program is coordinated by the MLS Careers Office. It is just one of the programs designed to help students to assess their career options and preferred destinations and to plan how to develop the required skills and experience to build an appropriate CV during the degree.

## V LEARNING MORE ABOUT THE JD FIRST YEAR EXPERIENCE

There are currently 32 law schools in Australia which, collectively, had more than 20 000 enrolled students in 2008.<sup>76</sup> Almost all these law schools (93 per cent)<sup>77</sup> offer graduate-entry pathways into either an LLB or a JD program. The average age of law students in Australia has increased as a result, with 30 per cent aged 25 years or more in 2008. Women outnumber men 3:2 in law school enrolments in both the under 25 year old group and the 25 and older age group.<sup>78</sup> Internal, full-time enrolments are the most common; however, external programs and part-time or flexible course offerings are increasing, with some schools specialising in external or multi-modal course delivery options.<sup>79</sup> As the Council of Australian Law Deans notes, 'law schools increasingly must make appropriate accommodations to programs and to teaching and learning' in order to meet the needs of students from a wider range of backgrounds studying in a range of course modes.<sup>80</sup> Understanding the needs of different student cohorts, and also knowing what works to support those needs, are vital to ensuring that 'appropriate accommodations' are made. Little is currently known, however, about the backgrounds, expectations and experiences of graduate-entry students in law programs across Australia.

In that context, this article has reflected on the first year experience literature and its applicability to the first year of a graduate-entry JD program. It has proposed that Kift's concept of an 'intentional curriculum' designed to deliver an integrated 'transition pedagogy' is equally applicable to the graduate and the undergraduate 'first year in law'. Some strategies and policies need to be adapted to suit and address the specific needs of graduate-entry students. However, the need to engage first year students in their learning, to provide timely support, and to create a sense of belonging is common to both graduate-entry and undergraduate law programs.

The strategies discussed in this article have proven to be effective in supporting the JD first year experience at MLS.<sup>81</sup>

<sup>76</sup> CALD/ALTC, above n 64, 32, 40.

<sup>77</sup> Ibid 37.

<sup>78</sup> Ibid 46.

<sup>79</sup> Ibid 40.

<sup>80</sup> Ibid 51.

<sup>81</sup> A range of evaluation tools has been used to assess and gain suggestions for improving each of the initiatives described above. For example, LMR has been evaluated by students using the standard subject experience survey to which additional, customised questions have been attached. While students' evaluations of the quality of the learning experience in the subject have been consistently high, each year, students have made constructive suggestions for improvement which have been considered by the teaching team during its annual review of the subject. Academic skills support services, including facilitated study groups, are evaluated through student satisfaction and feedback surveys which are reported to the Office

Further opportunities for intervention and improvement have also been identified. Beyond LMR, the first year curriculum at MLS has been designed to provide a sequenced and integrated program with an emphasis on vertical development of public law and private law principles and procedures.<sup>82</sup> However, the scope for improved *horizontal* integration of the curriculum has been identified, given that most JD students at MLS study four courses each semester of the first year.<sup>83</sup> A group within the faculty<sup>84</sup> initiated a ‘curriculum integration project’ in 2011 aimed at improving cohesion across the courses in each semester of the first year curriculum. Key outcomes of the project include a set of resources for first year teaching staff that will enable them to better identify conceptual and doctrinal links between courses within and across semesters, to use common cases and problem scenarios, and to build on the knowledge and skills students have developed in previous study — either in the foundational LMR course, or in the first semester. A half-day teaching and learning colloquium in August 2011 brought faculty members together to brainstorm, collaborate and make commitments in relation to the 2012 first year JD program.<sup>85</sup>

A second curriculum project was initiated in 2011 to investigate best practice and to develop a comprehensive plan to address student wellbeing in all aspects of our graduate law program design. To support that plan, the project will collect empirical data about the extent and nature of student depression and anxiety within the law school, and also about student resilience and effective stress management techniques. While key faculty staff are keenly aware

for Teaching and Learning in Law (see McCosker, above n 61) while Welfare and Wellbeing support services are evaluated and regularly reviewed by the Student Centre Manager. The MLS Careers Office surveys students and mentors to evaluate the mentor program and the guest lecture series. Academic teachers in the JD also have regular opportunities to contribute to review and evaluation of the program through committee meetings and an annual review and planning forum.

<sup>82</sup> The value of an ‘integrative’ approach to law curriculum design and renewal has been emphasised by a number of recent reviews of legal education, including: William Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law* (Carnegie Foundation for the Advancement of Teaching, 2007) (‘*Carnegie Report*’); Roy Stuckey et al, *Best Practices for Legal Education: A Vision and a Road Map* (Clinical Legal Education Association, 2007). The first recommendation of the influential 2007 *Carnegie Report* was to ‘offer an integrated curriculum’ in which the teaching of legal doctrine, of lawyering skills and of professional ethics and attributes are ‘integrated’ to achieve the common, unifying purpose of forming ‘competent and committed’ legal professionals (recommendation 6).

<sup>83</sup> An exemplary framework for improving horizontal curriculum integration in a first year law course is reported and discussed in Westcott and Shircore, above n 2.

<sup>84</sup> Comprising the authors, Professor Pip Nicholson and Dr Anthony McCosker.

<sup>85</sup> As the *Carnegie Report*, above n 82, 191–2, identified, achieving greater coherence and integration in the law curriculum, and students’ law school experience, requires the law faculty to work across the curriculum and in collaboration with others in ways that may be unfamiliar or challenging to established practice. Consequently, such work needs to be institutionally supported. Our planned colloquium is one measure designed to support such collaboration.

of the extent and severity of psychological distress experienced by some of our law students, there has been no attempt or capacity to date to systematically collect data about student wellbeing. Such data are vital for understanding the (positive and/or negative) impacts on student health of the cohort-based graduate law experience; for developing targeted and appropriate evidence-based interventions; and for evaluating the effectiveness of such interventions. As explained above, we already have in place a number of initiatives to build social cohesion in the commencing cohort, to support academic skills development and peer collaboration, and to build relationships between students and faculty members. It is known that these initiatives are effective for specific purposes. What is not yet known is whether these strategies have additional benefits (or unintended consequences) in terms of student resilience and wellbeing. The proposed research is designed to provide some insight into this question and thus enable appropriate and sustainable interventions in support of student wellbeing.

Better data, from a range of institutions, is also needed about the academic and social support needs of graduate-entry law students in Australia and their first year experience. In particular, reasons for attrition (or retention) among graduate-entry cohorts may be different from those known to affect students who drop out of their first year in higher education. For example, poor or uninformed program choice has been identified as a factor contributing to first year undergraduate under-achievement and attrition.<sup>86</sup> However, this is less likely to be a factor contributing to attrition in graduate-entry programs, where students are generally making choices with a better understanding of the features and elements of particular programs and also, hopefully, with a better understanding of their own interests, goals and skills.<sup>87</sup>

On the other hand, a second reason for undergraduate attrition — financial stress — may have an even greater impact on learning and retention for graduate-entry students. For graduates, the ‘opportunity cost’ of time out of the workforce will likely be higher than for undergraduates. Total fee contributions or debts under HECS schemes are also likely to be higher for graduate-entry law students by the time they complete their studies. Financial stress is known to be one of the factors contributing to disengagement and attrition in the first year of higher education, particularly for students from low socio-economic status backgrounds.<sup>88</sup> Given their more ‘mature’ age, and increased responsibilities for family care, the level and impact of financial stress experienced by graduate-entry students would certainly merit further investigation and understanding.

<sup>86</sup> Krause et al, above n 18, 18; James, Krause and Jennings, above n 19, 23–5.

<sup>87</sup> See Larcombe, Nicholson and Malkin, above n 39, 230–1.

<sup>88</sup> James, Krause and Jennings, above n 19, 2, 41–2, 64.



The impact on learning outcomes of the higher levels of paid work and family commitments being undertaken by graduate-entry students also merits investigation.<sup>89</sup> For example, at the undergraduate level, full-time students undertaking 16 or more hours per week of paid work are known to be ‘at risk’ of discontinuing or failing during their first year of study.<sup>90</sup> It is not known whether full-time graduate students who combine full-time study with 16 or more hours of paid work or family care are at similar risk of low achievement or discontinuing.

As discussed above, there are economic and moral reasons for law schools to better understand the first year experience of their students — both graduate-entry and undergraduate. Providing access to programs does not afford students with educational opportunity if those programs are not intentionally designed to support and mediate students’ diverse expectations and levels of preparedness. For law schools, there is now the additional obligation to actively foster student wellbeing. Optimising learning by promoting engagement, providing timely access to appropriate support, and creating a sense of connectedness and belonging are surely the core ‘business’ of first year<sup>91</sup> — in both graduate and undergraduate law programs.

<sup>89</sup> Larcombe, Nicholson, Malkin, above n 39, 233–4.

<sup>90</sup> James, Krause and Jennings, above n 19, 2, 41–2.

<sup>91</sup> Kift, ‘The Next, Great First Year Challenge’, above n 11, 20.