

# Creating and enabling opportunities for increased student participation in experience based learning in professional practice.

Ms Judith McNamara; Ms Tina Cockburn; Associate Professor Melinda Shirley

*QUT faculty of Law*

*[j2.mcnamara@qut.edu.au](mailto:j2.mcnamara@qut.edu.au); [t.cockburn@qut.edu.au](mailto:t.cockburn@qut.edu.au); [m.shirley@qut.edu.au](mailto:m.shirley@qut.edu.au)*

**Abstract.** This paper explores models for enabling increased participation in experience based learning in legal professional practice. Legal placements as part of “for-credit” units offer students the opportunity to develop their professional skills in practice, reflect on their learning and job performance and take responsibility for their career development and planning. In short, work integrated learning (WIL) in law supports students in making the transition from university to practice. Despite its importance, WIL has traditionally taken place in practical legal training courses (after graduation) rather than during undergraduate law courses. Undergraduate WIL in Australian law schools has generally been limited to legal clinics which require intensive academic supervision, partnerships with community legal organisations and government funding. This paper will propose two models of WIL for undergraduate law which may overcome many of the challenges to engaging in WIL in law (which are consistent with those identified generally by the WIL Report). The first is a virtual law placement in which students use technology to complete a real world project in a virtual workplace under the guidance of a workplace supervisor. The second enables students to complete placements in private legal firms, government legal offices, or community legal centres under the supervision of a legal practitioner. The units complement each other by a) creating and enabling placement opportunities for students who may not otherwise have been able to participate in work placement by reason of family responsibilities, financial constraints, visa restrictions, distance etc; and b) enabling students to capitalise on existing work experience. This paper will report on the pilot offering of the units in 2008, the evaluation of the models and changes implemented in 2009. It will conclude that this multi-pronged approach can be successful in creating opportunities for, and overcoming barriers to participation in experiential learning in legal professional practice.

## 1. INTRODUCTION

The need to provide experiential learning opportunities in professional practice for law students is increasingly recognised as essential to legal education [30],[31]. However providing such opportunities in an effective and efficient way presents substantial challenges to law schools [14]. The QUT Law School has recently risen to this challenge by introducing two new subjects which offer students the opportunity to participate in experiential learning as part of a professional work place experience.

This paper will firstly explore experiential learning in law, considering the benefits of experiential learning, existing models of experiential learning and impediments to law schools offering experiential learning subjects. It will then propose two models of experiential learning for undergraduate law which may overcome many of the challenges to engaging in experiential learning in law. These models have been implemented by the QUT Law School and this paper will report on the evaluation of those pilot offerings. It will then identify challenges to be met to ensure the continued viability and expansion of experiential learning in the Law School, concluding that this multi-pronged approach can be successful in creating opportunities for, and overcoming barriers to,

participation in experiential learning in legal professional practice.

## 2. EXPERIENTIAL LEARNING IN LAW

### 2.1 Benefits of Experiential Learning in Law

There is a growing view that experiential learning has a vital role in assisting law students to develop the skills they need in order to be effective legal practitioners [30],[31]. Experiential learning courses in law can help students adjust to their roles as professionals; become better problem solvers; develop interpersonal and professional skills; and learn how to learn from experience [30]. In short, experiential learning as part of a for-credit course in law supports students in making the transition from university to practice [27].

Experiential learning can either be the primary focus of learning in a subject or it may be merely an aspect of the learning in a subject, for example where students are engaged in a role play or other activity as part of their learning. This paper is concerned with experiential learning subjects where the focus of the learning is a work experience. We will refer to such subjects as work integrated learning (WIL). The *Best Practices for Legal Education Report* (the *Best Practices Report*) identifies three types of experiential learning for WIL in legal

education: simulation-based courses, in-house clinics, and externships [30]. These are defined as follows:

- in **simulation-based courses**, students assume professional roles and perform law-related tasks in hypothetical situations,
- in **in-house clinics**, students represent clients or perform other professional roles under the supervision of members of the faculty, and
- in **externships**, students represent clients or perform other professional roles under the supervision of practicing lawyers or they observe or assist practicing lawyers or judges in their work.”

While there are many creative models for WIL in law,<sup>1</sup> most WIL subjects fall broadly into one of these three categories.

## 2.2 Existing Models of WIL in Australian Law Schools.

Undergraduate WIL has not been widely available to Australian law students and has generally been limited to clinical legal education programs which may either be in-house or outsourced to a community legal centre. Legal clinics have a long history in the US, dating back prior to the 1930's, and have existed in Australia since 1975 [13]. In legal clinics students provide advice to real clients under the supervision of faculty or experienced legal practitioners. Australian clinical legal education programs have tended to follow a community service model [13], and have emphasised social justice and ethical issues [9], and personal development [17]. The major impediment to law schools offering legal clinical programs is their resource intensive nature [14]. Legal clinics require intensive academic supervision, partnerships with community legal organisations and government funding [13]. Giddings suggests that in order to meet the challenge of providing experiential learning opportunities, law schools should develop methodologies beyond the traditional legal clinic model to include simulations and externship arrangements [14].

In addition to legal clinics, some law schools in Australia offer public interest law courses. In these courses students either undertake clinical work at a community legal centre or complete placements under the supervision of a practitioner in a not for profit, non-government or government agency [24]. While public interest courses may not be as resource intensive as traditional legal clinics, they do require a high level of administration in maintaining relationships with the various agencies in which students are placed. In addition, the number of students who can undertake a public interest law course is restricted by the number of placements the university can establish with an appropriate agency.

A small number of Australian law schools also offer internship courses.<sup>2</sup> Abeysekera (2006) defines

internships as “any carefully monitored work or service experience in which a student has intentional learning goals and reflects actively on what is being learned throughout the experience.” [1] Internships differ from legal clinics because the academic supervisor does not have control over the workplace environment in which the learning takes place. This lack of academic control leads to difficulty in designing a uniform learning agenda [1] and to reliance on the workplace supervisor to ensure a worthwhile workplace experience. Given the importance of the role of the workplace supervisor, there is a need to ensure supervisors are adequately prepared to supervise students on placement [28].

In Australia, there is little precedent for undergraduate legal internships, however, there is a significant number of US law schools providing internship opportunities in the private sector [3], and there is a growing body of literature in the US exploring relevant design issues. The literature demonstrates that legal internships (referred to as externships in the US) are a valuable part of the US law school curriculum and the recent *Best Practices Report* included recommendations for the design and assessment of internship subjects.

## 2.3 Impediments to WIL in Australian Law Schools

The impediments to offering WIL in law as discussed in the previous section can be summarised as:

- Legal clinics are resource intensive.
- Both legal clinics and internships may require partnerships with appropriate agencies.
- The number of WIL placements which can be offered to students is restricted by the limited number of places available; this may result in equity and access issues.
- Legal practitioners may not be prepared or able to adequately supervise students undertaking internships, particularly if they are also required to assess the student's workplace performance.
- There may be concerns about the academic integrity/rigour of internship courses because of the difficulty for the university to maintain control over the workplace experience.

These impediments are consistent with the challenges to engaging in WIL more broadly which were identified by the recent Australian Learning and Teaching Council commissioned National Scoping study into WIL (“the WIL Report”) [25]. The challenges identified by the WIL Report are:

- Ensuring equity and access to international students, students with family or employment responsibilities, students from lower socioeconomic backgrounds, students with a

<sup>1</sup> In the United Kingdom WIL initiatives include soup kitchens, campaign teams and innocence projects [19].

<sup>2</sup> By way of example Flinders University offers a Placement subject as part of its combined undergraduate and practical legal training program [27] and QUT offers an Internship unit offering placements in government legal offices in its undergraduate program.

disability, indigenous students and students in regional and remote areas.

- Managing expectations and competing demands of universities, employers and students.
- Improving communication and coordination between universities and employers.
- Ensuring WIL placement experiences that are relevant, meaningful and worthwhile.
- Adequately resourcing WIL.

### 3. OPPORTUNITIES TO EXPAND WIL IN LAW

The WIL Report identified a need for “collaborative and inclusive sector-wide engagement in initiatives that can support and sustain a broad range of WIL experiences” [25]. This paper will propose two models of WIL for undergraduate law which may overcome many of the challenges to providing WIL experiences for undergraduate law students. The first, based on the US externship model, enables students to complete placements in private legal firms, government legal offices, community legal centres or corporate legal offices under the supervision of a legal practitioner. The second is a virtual law placement in which students use the affordances of technology to enable them to complete a real world project in a virtual workplace, in teams under the guidance of a real world workplace supervisor who represents one of the diverse graduate destination opportunities for law students, such as private law firms, law reform agencies and social justice non government organisations, including international workplaces. The units complement each other by a) enabling students to capitalise on existing work experience opportunities; and b) creating and enabling placement opportunities for students who may not have otherwise been able to participate in work placement activities by reason of family responsibilities, financial constraints, visa restrictions, distance etc.

#### 3.1 LWB421 Learning in Professional Practice

LWB421 is an internship course in which students organise their own placements in legal offices. The placements may be voluntary or paid and may take place in an office where the student is already employed. In the pilot offering, placements were limited to the private sector.

While there has been some resistance in the past to basing a for-credit educational learning experience on an internship placement, in the US at least, there is a growing body of literature acknowledging that legal work experience is educationally rich and that it is not necessary for learning to take place that academics control or participate actively in the work experience [15],[8],[29]. The literature demonstrates that legal internships are a valuable part of the US law school curriculum and the recent *Best Practices Report* included recommendations for the design and assessment of internship subjects. Recent changes to the American Bar Association (ABA) requirements for internships have led to a transformation in the way

programs are run, which has resulted in more widespread participation by students.

Until recently, the ABA required internships to include a classroom component, however, changes to the requirements of the ABA Standards for Approval of Law Schools have allowed face to face teaching to be replaced by other means of guided reflection (ABA Standard 305(e)(7)). As a result larger numbers of students are able to undertake internships; for example Gharakhanian (2007-2008) reports that 70% of graduates from Southwestern Law School have completed at least one internship during their degree [12]. US law schools offering internships to significant numbers of students generally follow an apprenticeship model where primary responsibility for learning is placed on the student who creates a learning plan and submits a reflective journal, time logs, supervisor evaluations and work product [4].

LWB421 has been designed along the lines of the US apprenticeship model. The key features of the apprenticeship model are: the workplace supervisor has the primary role in supervising the student and providing learning opportunities; work placements are widely dispersed in a variety of legal offices; the learning focus is on the work experience; academic supervision is by a range of assignments connected to the internship experience (such as reflective journals); academic/supervisor contact is usually by phone and written communication rather than site visits; a community service mission is not a requirement of the program; and more students may participate in internships because supervision is centered on the workplace supervisor[4]. In the apprenticeship model the student is primarily responsible for their own learning and the student’s individual learning plan is usually emphasized [4]. The student is in the best position to understand their own practice situation and therefore to establish the framework for learning [32]. A benefit of individually negotiated learning agreements is that they enable alignment of course objectives, teaching and assessment [6]. In practice, university subjects are required to have established learning objectives applicable to all students, and to meet this requirement in internships, learning objectives specifying appropriate levels of understanding should be established [32] which students address through specific learning goals. The student’s individual learning agreement should also specify how the student will attain the specific learning goals and include the work opportunities that will be provided by the workplace supervisor.

One of the main benefits of the US apprenticeship model is that more students are able to participate, not only as a result of more efficient and cost effective application of resources but also because a wider range of placements can be approved [4]. For example law schools may offer credit for placements in private legal offices, government departments, law reform bodies, and corporate legal offices rather than merely in the Courts or non-profit organisations. This also means that students may choose placements more suited to their individual needs and interests and can explore career

paths across the broad range of legal practice opportunities that are available [4]. The benefits of allowing placements in private legal offices and other law graduate career destinations include expanding the number and variety of placements available and involving members of the broader profession in law student training [10]. This also may assist with students developing resilience and adapting to changed circumstances by gaining an understanding of alternative career paths

The objective of the unit is to enable students to turn their legal work experience into educationally rich experiential learning [30]. The unit aims to achieve this objective by providing appropriate academic support and assessment to assist students to learn from their experience by engaging in reflective practice individually and collaboratively with their peers and also by receiving feedback on their learning from their workplace and academic supervisors.

### 3.1.1 The LWB421 pilot.

LWB421 was first offered in second and summer semesters 2008 with cohorts of 36 in each offering. The learning objectives for both offerings covered the theory/practice nexus, social and ethical issues, legal and personal skills, career planning and reflection. The approach to teaching and learning was to provide academic support in relation to the preparation for the placement (including goals setting tasks and experiential learning theory), learning during the placement (including personality styles, legal skills and interpersonal skills) and reflection on learning during and after completion of the placement. Resources such as interactive online learning modules and activities, reflective activities, podcasts and references to readings were provided to students via the unit's Blackboard site. The assessment in semester two comprised a placement plan (10%), online discussion forum (30%) student portfolio (60%) and an unweighted supervising lawyer's report. In summer the portfolio was weighted at 50% and the supervising lawyer's report was weighted at 10%.

In order to ensure that students could participate in the subject regardless of their location and/or life circumstances, a flexible approach to teaching delivery was adopted with learning and teaching activities taking place online via the unit Blackboard site (the online teaching and learning management system adopted by QUT). Face to face classes were not held in LWB421 so as not to disadvantage students who were unable to attend for reasons such as family responsibilities, work commitments or geographical location. To enable the learning that would otherwise take place in face to face classes an online discussion forum was used. The objectives of the online discussion forum were to facilitate collaborative learning by sharing workplace experiences and to scaffold student reflection.

The majority of students who undertook the unit in the second semester offering were students who had part time jobs in the legal offices in which the placement took place and the students who undertook the summer

semester offering were a mix of students with part time jobs and students completing summer clerkships in law firms. There was also a small number of students in both offerings who had organised placements specifically for the purposes of the unit.

The pilot offering of LWB421 in semester two 2008 was subject to a Faculty review in order to determine whether the unit should continue to be offered and whether any changes should be introduced.

### 3.1.2 The Student Perspective

The crucial question is whether LWB421 worked as a form of experiential learning? Did the unit transform what would otherwise be mere work experience into an educational experience which qualifies as experiential learning?

Student feedback was obtained by an electronic survey available to all students via the subject's Blackboard site, the LEX survey (QUT's student evaluation tool which is also delivered online) and a focus group of students enrolled in the unit.

Some general points arise out of the feedback. First, students are strongly in favour of a workplace unit as part of the undergraduate course in order to assist their personal development and career planning. For example one student commented:

*"This unit was the best thing to be introduced! It is fantastic for students already working to obtain credit for their work and assisted in enhancing their working situations. It has assisted with the transition from administrative tasks to 'professional' tasks. I definitely recommend the subject to all students."*

Students were generally satisfied with the teaching and assessment and online activities in the unit. Most students appreciated the crucial role of reflective practice in the unit although some perceived there was an over reliance on reflection.

*"Thinking reflectively was the touchstone of the placement. It assisted me into gaining insight into how I was thinking and how my preconceived prejudices and thoughts were inhibiting progression.."*

*"I thought that the personality and learning style analysis materials were particularly helpful on reflective practice. I had not given a great deal of thought to why or how I do things, and once I had a chance to reflect on what my personality and learning styles were broken down, I was able to view myself in a different way. I have also incorporated some changes into the way I study as a direct result of having worked through this particular reflective exercise."*

The online discussion forum was a popular and beneficial method of learning, however, some students did have reservations with them in terms of workload and the temptation to "manufacture" experiences for the purposes of the discussion.

Students were particularly positive in relation to the overall flexible delivery.

*"I liked being able to tailor my learning to the specific weaknesses that I identified by going through the*

*course. I loved the flexibility of the course and found the online discussion forums very useful. All up it has been my favourite subject of my whole degree."*

*"The freedom to progress through the unit at your own pace and complete assessment items when it suited you. It was also good to communicate with other students by sharing and hearing other people's experiences in the work environment."*

A positive aspect of the unit for students is the ability to negotiate a placement that suits their own needs and which may be part time. Students are not precluded from participating because of their location, family or other responsibilities and work commitments.

Students who need to work to support themselves are able to use their paid work as their placement provided they are in a legal office, supervised by a legal practitioner and doing legal work.<sup>3</sup> One student noted as one of the best aspects of the unit "[t]he fact that students are able to decide on when, where and how their placement will be completed."

### 3.1.3 The University Perspective

In addition to student feedback the evaluation considered difficulties in running the unit from the unit coordinator's point of view. In relation to workload, the unit coordinator (who also coordinates a subject where the placements are organised by the Faculty) found that while there is still an administrative responsibility in approving placements it was much less than when placements are organised for students by the Faculty. However some students do need assistance in obtaining placements and further resources could be committed to this aspect of the subject. There is also a significant workload in running the online discussion forum which takes about the same amount of time as would a face to face tutorial.

The greatest challenge in terms of the academic support provided to students in the subject was the design of the assessment framework. The rationale for the design of the assessment framework was that WIL learning involves three components; learning theory (understanding how to learn), capability (ability to perform in the workplace) and critical reflection and, which must all be assessed.<sup>4</sup> The portfolio assessment enabled the first and third components to be effectively assessed; however, this method of assessment is of limited use in assessing workplace capability because it is based on evidence of learning provided by the student which is not necessarily verified by an objective source. In order to overcome this difficulty, students were required to include evidence of their learning in the portfolio. In practice students encountered difficulty in providing evidence largely due to the confidentiality of most of their work. Even with the inclusion of evidence from the workplace as part of the assessment, some

students perceived there to be a heavy reliance placed on reflective practice and one student commented:

*"The assessment program was somewhat repetitive - so much reflective writing, I felt like there was too much repetition."*

The challenge is that the academic coordinator cannot directly assess the student's workplace performance (as opposed to their reflective practice) because she is not present in the workplace. As a result of the student feedback on the semester two offering the assessment over summer was amended to include a 10% weighting for the supervisor's final report. This in turn resulted in difficulty in ensuring that the assessment was fair and reliable given the range of different supervisors responsible for the assessment. The subject coordinator noted in finalising the assessment in the subject that there was often little correlation between the mark awarded by the supervisor in the final report and the student's learning and capability as demonstrated in the portfolio.

Difficulties in moderating the supervisor's assessment also highlighted the need for supervisors to be provided with resources and guidance in relation to the supervision of students and the assessment of their workplace performance. The quality of the placement experience can be impacted by the nature of the supervision. Student feedback suggested that supervisors be provided with more information in relation to the importance of providing regular worthwhile feedback in relation to the student's strengths and weaknesses and workplace performance more broadly.

### 3.1.4 Changes in 2009.

As a result of the evaluation of the pilot offering several changes were introduced to the subject in 2009. First, a booklet was provided to supervisors which set out the requirements in relation to the subject and provided guidance in relation to supervision of students. The guidelines drew on a similar resource booklet published by Massey University (Martin and Hughes), the experience of Flinders University in running a similar subject as part of their practical legal training course (Spencer) and the guidelines for training those who give feedback set out in the *Best Practices Report*. The guidelines provide information in relation to placement planning, communication skills, promoting ethics and professional responsibility, encouraging enthusiastic participation and personal organisation, explaining the procedural requirements of working in a legal office, career planning, and evaluation and reflection. The impact of the booklet is not yet clear as the discussion forum has not been finalised and feedback has not yet been obtained from students or supervisors.

The discussion forum in semester two has been streamlined and an attempt has been made to ensure that the requirements for contributions match the stage the student is likely to have reached in their placement. In summer 2009, instead of a discussion forum, students will be required to keep an online reflective blog (which

<sup>3</sup> The WIL report identified the impact of financial pressure on the ability to complete WIL as one of the issues to be addressed by Universities. [24]

<sup>4</sup> The rationale for the assessment framework has been explored more fully elsewhere. [23].

will be shared with other students). This is because in summer students are more disconnected from their role as students and also tend to complete their placements in blocks which resulted in weekly discussion forum contributions being somewhat contrived.

As a result of the difficulty in moderating the supervisor's assessment discussed above and also to encourage practitioners to participate as supervisors,<sup>5</sup> in summer a pass/fail offering will be trialed. The assessment and feedback regime will otherwise remain the same. This does not however address the student concern that there is an overall reliance on reflection. Further data needs to be obtained in order to ascertain how widely held this view is and whether it is one which needs a reconsideration of the assessment framework or for students to be better instructed as to the benefits of reflective practice. Student focus groups in 2009 will explore this issue.

### 3.2 LWB422 Virtual Law Placement

LWB422 enables students to apply integrated legal knowledge and skills to complete a real world, real time, work place project virtually rather than by physically attending the workplace. Students work in teams and use online technology to communicate with their supervisors and each other. In this way the subject aims to overcome the traditional barriers to participation in WIL which are posed by distance, visa restrictions, family responsibilities and financial hardship and broadens the range of employment opportunities to a global market. The technological platform includes a mix of Blackboard, video, Skype, discussion forums, ePortfolio, online chat, email and SharePoint with opportunities for face to face communication where possible and desirable.

LWB422 can be said to be a simulation internship course which uses online technology to facilitate the work experience under the supervision of real world workplace supervisors who have specialist expertise in their particular area of practice. The use of simulations as a form of experiential learning and the use of technology in legal education particularly in the provision of simulations is well founded in the legal education literature.

Simulation based courses are defined by the *Best Practices Report* as [30]:

“...courses in which a significant part of the learning relies on students assuming the roles of lawyers and performing law related tasks in hypothetical situations under supervision and with opportunities for feedback and reflection.”

Simulations are an appropriate form of experiential learning that are frequently adopted to teach legal skills [20]. While simulations can occur in traditional class room settings, they may also be created and made

available to students by the use of online technology. The primary benefit of using online technology is that it enables students to interact without the constraints of time or geographical location [26]. In addition, it can also lead to an improved learning environment for students because it assists them in becoming more flexible and enhances their ability to understand and adapt to change [26], which has been said to be one of the most important outcomes of legal education [16]. In particular, online technology has been demonstrated to be an effective means of providing skills training in an environment which can mimic real life and be engaging for students [7]. As well as the educational benefits which the use of online technology provides to students, there is evidence that students also increasingly prefer to learn using technology. Emerging research suggests that the level of Generation Y's exposure to information technology media during their formative years has led to a shift in learning preferences to the use of technology as compared with past student generations [11].

In addition to the pedagogical advantages of online technologies, law schools have an obligation to use technologies because lawyers in modern legal practices need to possess technological communication skills. Koo recommends that ‘[l]aw schools should leverage technology more effectively to accomplish the goal of skills transmission’, and that they should ‘[u]tilize technology to create more effective simulations’ [21] Australian Law Professor Eugene Clark said in 2001 [22]:

“Legal educators must be prepared and able to educate tomorrow's lawyers who will work in law offices which will operate in a dramatically different environment than that which exists in the majority of today's organisations.”

The *Best Practices Report* identifies the role of simulation based courses in legal education as being to develop the professional skills and understandings essential for practice; provide a setting for teaching the ethical demands of practice, and helping students improve their practical reasoning and judgment. In relation to the use of online technology to create simulations, Barton et al conclude [5]:

“we can use web-based simulations to create forms of education which not only challenge conventional modes of teaching but can be used to enable students to learn professional values and community-centred ethical approaches to lawyering.”

In summary it can be said that new technologies are transforming the practices of both universities and workplaces, which deserves recognition in the design of an authentic WIL experience [27]. Accordingly, LWB422 aims to use online technology not only to make WIL available to students who might not otherwise be able to complete a placement due to time or geographical constraints, but also to take advantage of the use of technology to create a unique learning experience for students that enhances their

---

<sup>5</sup> The unit coordinator received feedback from the human resources consultant of a top tier law firm that practitioners were unwilling to supervise students if they were required to be directly involved in summative assessment.

technological and other professional skills, their problem solving abilities and their ethical orientation.

### 3.2.1 The LWB422 Pilot.

LWB422 was offered as a pilot in semester two 2008 with a cohort of 20 students. The learning objectives covered the ability to apply for a legal position; career management; taking responsibility for individual learning, completion of a real world workplace project; the ability to work in a virtual environment and engage with workplace skills, literacies and technologies; and learning from experience. The approach to teaching and learning was for students to be provided with expert University Careers and Employment, workplace and academic support to apply for and prepare for their placements with participating workplaces; engage with their workplace supervisors, academic staff and teams in an online environment sharing their expectations, learning, preconceptions and experiences. Resources such as interactive online learning modules and activities, online resources and readings, weblinks and other web-based resources were provided to students via the subject's Blackboard site. The assessment comprised an application for a placement (10% - individual mark), online discussion forum (15% - individual mark), project outline (15% - team mark), completed team project and individual report (40% - 10% team mark and 30% individual mark) and ePortfolio entries reflecting on their skill development (20%).

For the reasons described above in relation to LWB421 no face to face lectures were scheduled in LWB422, with all teaching and learning activities taking place on the subject Blackboard site and specially designed Sharepoint intranet pages for each workplace.

For the pilot offering workplace supervisors were intentionally targeted to exemplify the broad spectrum of employment opportunities which are open to today's law graduates and included a top tier international private law firm (Mallesons Stephen Jaques) a law reform body (the Australian Lawyers Alliance) and a charitable international social justice organisation which operates in SE Asia, particularly Thailand and Cambodia (Bridges Across Borders South East Asia - BABSEA). Students were required to apply and interview for their desired position following recruitment processes adopted by each type of organisation. The projects assigned by each supervisor were similarly diverse, ranging from completion of a file relating to an intellectual property web domain dispute under the supervision of an expert intellectual property/IT practitioner; to a research based project involving the creation of educational materials to inform and protect the rights of prisoners in South East Asia under the supervision of BABSEA workplace supervisors. Following completion of their projects, students were encouraged to reflect upon the impact of their work in the real world, share those reflections on the online discussion forum and were provided with feedback from their workplace supervisors as to how their work was actually used.

Academic facilitator engagement was high in the early stages to ensure that technical issues were dealt with and, where necessary, supplementary skills developed. Facilitator strategies to encourage dialogue throughout the experience included instigating online discussions, acknowledging contributions, referring students to supplementary resources, linking those resources, posing critical questions and modelling constructive feedback.

The virtual paradigm enabled both synchronous and asynchronous communication between teams and workplace supervisors to provide flexibility and arguably a greater level of reflection than may have been possible in a face-to-face environment by enabling students to express and adapt their understandings and value systems as a result of their personal learning experiences [2]. The use of technology also enabled students to engage with real world employers as they worked on their file related tasks [27].

As discussed above in relation to LWB421, the pilot offering of LWB422 was subject to a Faculty review.

### 3.2.2 The Student Perspective

Like in LWB421, the crucial question was whether LWB422 worked as a form of experiential learning. In particular did the internship simulation model offer an authentic workplace experience and effective experiential learning experiences?

Following the pilot offering, student feedback was obtained by a variety of means: a subject specific electronic survey available to all students via the subject's Blackboard site; an additional Blackboard survey directed to evaluating and improving the SharePoint experience; the LEX survey (QUT's student evaluation tool which is also delivered online); and a focus group of students enrolled in the subject.

Some general points arose out of the feedback. First, students valued the opportunity to participate in a flexible, online work placement subject as part of the undergraduate course which offers a range of workplace opportunities, particularly international social justice exchanges, with a view to making a difference in the real world and seeing this real world impact. This was particularly so for those who participated in the BABSEA placement. For example:

*"I just want to say that this has been a STAND OUT subject. It's been by far the most interesting and meaningful subject I have done in this course. It took me to the core of why I wanted to do law in the first place. So thank you."*

I liked: *"working on a real project that could change the lives of real people on an issue that meant a lot to me."*

Students also appreciated the opportunity to work on real world projects with real world supervisors, plan for their future careers and especially appreciated receiving feedback from real world human resources people, real world employers and experts, as opposed to academics.

*"For me the workplace - the best part was you were talking to real lawyers, not like a student in a lecture"*

*hall pretending, writing problem questions about Fred Smith. It was real work, with a real problem, with a real lawyer and a real opinion. It made me feel one day I might actually be a lawyer. “*

*“Networking relationships established during this unit are of such a degree that they will continue to exist and interact and assist each other well after the unit materials are submitted and assessed.”*

The opportunity to engage in a flexible online learning environment, gain employment related skills and access diverse placement opportunities was valued by students.

*“The Flexible learning environment ...suits my learning style and fits very well with my “multitude” of other responsibilities. The Assessment (with the obvious absence of high stress “formal exams”) was also more suited to allow for my capabilities to be more accurately measured. The opportunity to learn relevant new contemporary skills (ePortfolio) and access to materials (eTutorials) designed to solidify levels of existing knowledge and identify new areas for later exploration (online collaboration), all in one workspace...I believe to have been previously unequalled in my studies to date.”*

However, despite their digital native status, student feedback identified a need for specific ICT training and support, particularly in relation to accessing and using the Sharepoint document management system. There were some ICT issues raised in student feedback including requests for more ICT training and support, and some reported difficulties in navigating the Blackboard site if more than 2 “mouse clicks” were required to access resources. This is consistent with emerging research which suggests that despite the prevalence of “digital natives” in the modern University, the diverse mix of students in any cohort makes it problematic to assume any base standard of ICT competency and mandates a high level of technical support in embedding online learning experiences [18].

The online discussion forum provided an excellent opportunity for students to enthusiastically share knowledge, experiences and reflections (particularly regarding different workplace cultures and office politics), and to learn from each other.

*“Forum discussions were great - the nature of the forums allowed almost unlimited discussions to be held to a very detailed extent. Generally, alot can be learnt from reading other people's views and information posts.”*

Interestingly, despite a generally negative response to teamwork in the traditional teaching program, the online teamwork components of the VLP attracted surprisingly positive feedback. Working on meaningful real work projects generally inspired a higher level of student commitment than in conventional subjects where the learning outcomes are not so concrete and students are not so passionate and engaged and student teams worked more effectively than usual with minimal unresolved conflict.

*“Team work is pretty awesome – atmosphere of collaboration and everyone doing their jobs. Online*

*makes it very flexible for external students who would not otherwise have been able to meet regularly. In my team, there was a high emphasis placed on everyone being satisfied with every submission so a lot of collaboration was necessary sometimes even for the simplest thing...”*

### **3.2.3 The University Perspective**

In addition to the student feedback, the subject coordinator reflected on administrative and other issues which arose during the pilot offering.

In relation to workload, it was noted that the subject involved an increased workload as compared to managing and teaching in undergraduate core substantive law subjects (the LWB422 subject coordinator has coordinated and taught in large core undergraduate substantive law subjects for more than 17 years). Some of the aspects of the subject which led to this increased workload included: establishing relationships with potential new workplace supervisors and briefing them on subject requirements, policies and procedures; working with supervisors in advance of semester to develop materials (including job advertisements and workplace descriptions), appropriate projects, workloads and timelines for students; updating online resources and checking links, updating Blackboard (which was more time consuming than in regular subjects which rely more on print resources and are not so content rich) and reviewing, developing and updating each workplace's Sharepoint intranet; managing and addressing IT access issues and coordinating IT support and training; managing supervisors and briefing them in relation to working with students, assessing students and providing timely and constructive feedback; addressing student queries and concerns in the workplace during semester; working with various experts across the University such as Careers and Employment, QUT International and ePortfolio team to audit resources and provide students with additional learning support; moderating supervisors' assessment and feedback; and facilitating the online discussion forum. Appropriate allocation needs to be made to recognise these complicated and time consuming tasks in any workload policy.

Similar issues arose in relation to the assessment framework, moderation of supervisor assessment, and feedback which have been addressed above in relation to LWB421. In particular, it was recognised that greater academic learning and support needs to be provided in relation to the development and practice of reflective writing skills.

Supervisor feedback focused on unfamiliarity with the Sharepoint technology but also recognised the value of equipping students with the skills necessary to navigate industry standard ICT whilst engaging in real world work experiences. Supervisors also noted that student work was valued and useful for their organisations.

*“the reports are all amazing and we are already implementing them into our projects for our partners. I have emailed some of the QUT students letting them know where their work is now and what the next step is*

for their research. Great great stuff. (BABSEA workplace supervisor).

### 3.2.4 Changes in 2009.

As a result of the pilot offering several changes were introduced to the subject for 2009. First, strategies were adopted to manage student expectations in relation to the need to be more independent in their learning, by making the purpose and intention of the learning experience more explicit. Strategies adopted included: revisions to the study guide and unit outline; email communications/podcasts etc during semester from unit coordinator; supervisor training and resources (including suggesting more regular meetings and more timely feedback being provided to students). The following advice from previous students was included in the study guide:

*“Consider the whole way through what you are getting out of the project – like any work experience, this should be able to get put on your resume and work for you, so the more reflective you are throughout the more you will achieve from the project.”*

Improvements were made to the subject design, delivery and online resources. Additional online resources identified as necessary by students were included, such as additional QUT online Career Development modules. A review of the organisation and structure of the Blackboard site was undertaken to make navigation more efficient.

Changes were made to the operation of the online discussion forum to make it operate more effectively and efficiently for students, academic staff and workplace supervisors, including: expectations were shared and protocols were developed, explained and agreed to by all participants prior to the forum opening; the forum was more carefully monitored and moderated; and more clear instructions and exemplars of posts were provided, especially in the early stages of the subject to enable scaffolded learning by students.

IT training resources were developed, including a Sharepoint sandpit, tip sheets and online resources and IT training and support was made available for students, workplace supervisors and academics, particularly in the early stages of the subject. In addition technical modifications were made and new software was applied to resolve Sharepoint access issues.

As a result of student feedback and academic reflection, changes were made to the assessment regime. More formative assessment and feedback was provided, for example students were given an opportunity to practice their reflective writing and receive feedback from the eportfolio team on a formative ePortfolio entry early in semester in advance of the submission of their assessable entries. Workplace supervisors were encouraged to provide more regular, timely and constructive feedback during the placement and exemplars of student assessment submissions from the pilot offering were made available for both supervisors and students.

In relation to the summative assessment, assessment weightings were reviewed following student feedback and the application assessment component was changed to pass/fail due to resource constraints and inability of careers and employment staff to undertake this task and the need for specialist HR expertise in the assessor. In particular, the weighting attached to the final team project/report was increased to 25% following feedback from students that this component should be more highly weighted. Similarly, to reflect the work involved in, and importance of the subject online discussion forum, the weighting allocated to this was increased to 20%.

## 4. CHALLENGES FOR THE FUTURE

As a result of the Faculty review of LWB421 and LWB422 a number of challenges to ensure the continued viability and expansion of the WIL program have been identified. First, the Faculty needs to ensure the retention of existing workplace supervisors in order to capture their experience and to increase their capacity to supervise students. Further there needs to be incremental inclusion & training of new workplaces & supervisors representing diverse law graduate destinations, including international & social justice placements as well as retention of academic staff experienced in WIL and expansion of the teaching teams.

In order to ensure increasing student participation resources need to be applied to increase placement opportunities and student participation. The WIL program should be marketed to students to increase enrolments and develop an understanding of the importance of participating in WIL initiatives. Further, the WIL initiatives need to be marketed to the profession to increase the workplace supervisor pool and to inculcate an understanding of the importance of WIL.

## 5. CONCLUSION

This paper has offered two models of WIL for undergraduate law students that can enable larger numbers of students to participate in experiential learning in a variety of professional workplaces. We suggest law schools cannot fully satisfy the WIL needs of students by offering a single model of WIL but that a multi-pronged approach is needed. Law Schools are unlikely to have the resources to create new and individual physical placement opportunities for all students, however they can ensure that students are able to take advantage of existing work experience and also create some work experience opportunities for those students who may otherwise be precluded from participating in WIL. While the challenges of creating genuine experiential WIL experiences are high, it has been shown that students generally appreciate the opportunity to reflect on their development and experience increased confidence and optimism in their self assessment as to employability as a result of their participation in WIL. The major challenge remains to ensure that the assessment is appropriate and that

students fully appreciate the benefits of engaging in reflective practice.

## REFERENCES

1. Abeysekera, I. (2006) "Issues Relating to Designing a Work-integrated Learning Program in an Undergraduate Accounting Degree Program and its implications for the Curriculum," *Asia Pacific Journal of Cooperative Education*, vol. 7 no. 1, pp. 7-15.
2. Arnold, L. (2008) "Experiential work-integrated online learning: Insights from an established UK higher education program," *Innovate*, vol. 4, no. 3. Available at <http://www.innovateonline.info/index.php?view=article&id=494> (accessed 29 September 2009).
3. Backman, J. H. (2006) "Where Do Externships Fit - A New Paradigm Is Needed: Marshaling Law School Resources to Provide an Externship for Every Student," *Journal of Legal Education*, vol. 56, pp. 615-655.
4. Backman, J. (2007-2008) "Practical Examples for Establishing an Internship Program Available to Every Student," *Clinical Law Review*, vol. 14, pp. 1-36.
5. Barton, K., McKellar, P., & Maharg, P. (2007-2008) "Authentic Fictions: Simulation, Professionalism and Legal Learning," *Clinical Law Review*, vol. 14, pp. 143-194.
6. Biggs, J. (2003) *Teaching for Quality Learning at University*. United Kingdom: The Society for Research into Higher Education and Open University Press.
7. Butler, D. (2008) "Air Gondwana: Teaching Basic Negotiation Skills Using Multimedia," *Journal of the Australasian Law Teachers Association*, vol. 1 nos. 1 & 2, pp. 213-226.
8. Condlin, R. J. (1996-1997) "Learning From Colleagues: A Case Study in the Relationship Between "Academic" and "Ecological" Clinical Legal Education," *Clinical Law Review*, vol. 3, pp. 337-438.
9. Curran, L., Dickson, J., & Noone, M. A. (2005). "Pushing the Boundaries or Preserving the Status Quo," *International Journal of Clinical Legal Education*, vol. 8, pp. 104-122.
10. Feeley, B. (2007-2008). "Examining the Use of For-profit Placements in Law School Externship Programs," *Clinical Law Review*, vol. 14, pp. 37-60.
11. Frand, J.L. (2000) "The Information Age Mindset: Changes in Students and Implications for Higher Education," *Educause Review*, vol. 35, no. 5, pp. 15-24.
12. Gharakhanian, A. (2007-2008) "ABA Standard 305's Guided Reflections: A Perfect Fit for Grounded Fieldwork," *Clinical Law Review*, vol. 14, pp. 61-104.
13. Giddings, J. (2003) "Clinical Legal Education in Australia: A Historical Perspective," *International Journal of Clinical Legal Education*, vol. 3, pp. 7-28.
14. Giddings, J. (2008) "Contemplating the Future of Clinical Legal Education," *Griffith Law Review*, vol. 17, no. 1, pp. 1-26.
15. Givelber, D., Baker, B., McDivitt, J., & Miliano, R. (1995) "Learning Through Work: An Empirical Study of Legal Internship," *Journal of Legal Education*, vol. 45, no. 1, pp. 1-48.
16. Goldring, J. (1995) "Coping with the Virtual Campus: Some Hints and Opportunities for Legal Education," *Legal Education Review*, vol. 6, pp. 91-116.
17. James, C. (2005) "Seeing Things as We Are - Emotional Intelligence and Clinical Legal Education," *International Journal of Clinical Legal Education*, vol. 8, pp. 123-150.
18. Kennedy, G., Churchward, A., Judd, T., Gray, K., Krause, K. (2008) "First year students' experiences with technology: Are they really digital natives?" *Australasian Journal of Educational Technology*, vol. 24, no. 1, pp. 108-122.
19. Kerrigan, K. (2007). "How Do You Feel about This Client - A Commentary on the Clinical Model as a Vehicle for Teaching Ethics to Law Students," *International Journal Clinical Legal Education*, vol. 11, pp. 7-26.
20. Kift, S. (1997) "Lawyering skills: finding their place in legal education," *Legal Education Review*, vol. 8, no. 1, pp. 43-73.
21. Koo, G. *New Skills, New Learning: Legal Education & the Promise of Technology*, The Berkman Centre for Internet at Harvard Law School, pp. 34. Available from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=976646](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=976646) (accessed 30 September 2009).
22. Macrae, M. (2001) "Academic leader calls for action," *E.Law Practice* vol. 8, pp. 21-24
23. McNamara, J. (2008) *The challenge of assessing student capabilities in legal internships*. Paper presented at the WACE Asia Pacific Conference. from <http://www.abcon.biz/acen.html>
24. National Pro Bono Resource Centre. (2004) *Information Paper - Pro bono & clinical legal education programs in Australian law schools*. Available from <http://www.nationalprobono.org.au/ssl/CMS/files/cms/ProbonoandCLEs.pdf> (accessed 29 September 2009).
25. Patrick, C.-J., Peach, D., Pocknee, C., Webb, F., Fletcher, M., & Pretto, G. (2008) *The WIL [Work Integrated Learning] Report: A national scoping study* Brisbane, Queensland. (The WIL Report).
26. Richards, B. (2003-4) "Alice Comes to Law School: The Internet as a Teaching Tool," *Legal Education Review*, vol. 14, no. 1, pp. 115-134.
27. Shirley, Melinda. Davies, Iyla; Cockburn, Tina; Carver, Tracy (2006) "Challenge of Providing Work-Integrated Learning for Law Students - The QUT Experience" *International Journal of Clinical Legal Education*, vol. 9, pp. 134-138.
28. Spencer, R. (2007). "Your Place or Mine? Evaluating the Perspectives of the Practical Legal Training Work Experience Placement through the Eyes of the Supervisors and the Students," *International Education Journal*, vol. 8, no. 2, pp. 365-376.
29. Stone, W. E., & McLaren, J. (1999) "Assessing the undergraduate intern experience," *Journal of Criminal Justice Education*, vol. 10, no. 1, pp. 171 - 183.
30. Stuckey, R. (2007) *Best Practices for Legal Education: A Vision and A Road Map*. United States: Clinical Legal Education Association (The Best Practices Report).
31. Sullivan, W. M., Colby, A., Wegner, J. W., Bond, L., & Schulman, L. S. (2007). *Educating Lawyers:*

*Preparation for the Profession of Law: The Carnegie Foundation for the Advancement of Teaching.* (Jossey-Bass).

32. Walsh, A. (2007) "An exploration of Biggs' constructive alignment in the context of work-based learning," *Assessment & Evaluation in Higher Education*, vol. 32, no. 1, pp. 79 - 87.