

# TAKING HINTS FROM HOGWARTS: UOW'S FIRST YEAR LAW IMMERSION PROGRAM

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## ABSTRACT

The first year of law school is a challenging time: adapting to new surroundings; making new friends; absorbing new ideas, and developing new ways of learning, thinking, speaking and performing – all with the added pressure of high academic achievement. This paper explores the important role of modern law teachers as guides and mentors for the students' transformative journey.

As experienced first year teachers in the LLB program, the authors have devoted considerable efforts to developing a program that facilitates a smooth transition for law students. We believe law teachers have a unique opportunity as well as a responsibility to facilitate positive transformation. This paper outlines the unique First Year LLB program that has been developed and refined over a number of years at the University of Wollongong.

## I. INTRODUCTION

It has long been established that the first year of law school is a challenging time for students and for their teachers. Students arrive at the gates of the law school, backpacks filled with law texts and laptops, ready to embark upon a journey. Their intended destinations will vary. Many will be setting out with dreams of 'becoming a lawyer'. Others will have even vaguer notions. No matter what the intended destination, each student's journey will involve adapting to new surroundings, making new friends, absorbing new ideas, and developing new ways of learning, thinking, speaking and performing. And in opening the gates to a legal education, law teachers will face the challenge of mapping out the direction of the student's journey and helping shape how they might arrive at their destination.<sup>1</sup>

In reflecting on the concept of 'gatekeepers' in the context of having taught first year law students for many years, we were struck by how our relationship with these students resembled less that of 'gatekeepers' guarding the gates to legal knowledge and the profession and more that of 'wise mentors' engaging and guiding students through the transformative time of first year law. Indeed, the more we considered these characterisations, the more we were reminded of the Harry Potter mythology. Law teachers should not be seen as simply 'watchdogs' guarding the gates to the profession in the way 'Fluffy' protects the entrance to the Chamber of Secrets in the second novel of J K Rowling's *Harry Potter* series. Rather, we argue that law teachers should aim to replicate something akin to Dumbledore's relationship with Harry Potter throughout his academic journey. In the book series, Harry implicitly trusts the Hogwarts Headmaster – in part because he is intelligent, wise, approachable and humorous – but primarily because he consistently encourages Harry to question and learn and to actively reflect on his personal

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<sup>1</sup> Lyman Johnson, 'Corporate Law Professors as Gatekeepers' (2009) 6 *University of St Thomas Law School Journal* 447, 448.

growth through these experiences. As a mentor, Dumbledore allows space for individual growth and nurtures student transformation.<sup>2</sup>

As law teachers, we argue that students greatly benefit from a ‘Dumbledorean’ approach. That is, while we must sometimes lead our students down known paths and introduce them to specific areas of knowledge, we must also prompt and encourage them to be reflective, to challenge settled assumptions and ultimately ‘to assemble tools they will need to climb on alone, ... to explore their own tracks [and ultimately] to surpass’ their teacher.<sup>3</sup>

The methodology of this paper follows the model for the scholarship of teaching as articulated by Trigwell and colleagues:<sup>4</sup> ‘[t]he aim of teaching is simple: it is to make student learning possible’. We believe the aim of scholarly teaching is also simple: it is to make transparent how we have made learning possible.<sup>5</sup> As experienced first year teachers in the LLB program, the authors have sought:

to understand teaching by consulting and using the literature on teaching and learning, by investigating their own teaching, by reflecting on their teaching from the perspective of their intention in teaching while seeing it from the students’ position, and by formally communicating their ideas and practice to their peers.<sup>6</sup>

This paper explores the important role of modern law teachers as guides and mentors for students’ transformative journeys. First, the paper engages in a brief examination of the extensive and well-established literature on first year transition and the transformative effects that law school has on student identity. The paper then outlines the unique First Year LLB immersion program that has been developed and refined over a number of years at the University of Wollongong (‘UOW’).<sup>7</sup> Through collaborative reflection,<sup>8</sup> in the third part of the paper the authors have identified two key areas in which the program is distinctive:

- a ‘Pods’ seminar allocation system that supports transition and creates a student centred learning environment that fosters interaction and active engagement in learning; and
- delivery of integrated content and coordinated assessment by a highly dedicated and collegial first year teaching team.

Feedback from the students’ perspective is also included in this third part of the paper. Finally, the paper shares the authors’ surmise: the view that the role the ‘gatekeeper’ teachers play is essential in creating a first year program that truly enhances the student experience and supports transition and transformation.

## II. THE FIRST YEAR EXPERIENCE

Enhancing the student learning experience has been a clear agenda among teaching and learning institutions over the last decade. National and international researchers have argued that the successful management of first year transition should be a high priority for universities seeking to improve on outcomes for student wellbeing.<sup>9</sup> In 2005 the Australian government recommended that universities focus on improving the first year experience for transition

2 As Dumbledore says in the *Chamber of Secrets* (2002): ‘it is our choices Harry, that show what we truly are, far more than our abilities’.

3 Mary K Norton, ‘Of Gurus, Gatekeepers and Guides: Metaphors of College Teaching’ (1993-94) 5(6) *Essays on Teaching Excellence* 5 <<http://podnetwork.org/publications/1993-1994-essays/>>.

4 K Trigwell et al, ‘Scholarship of Teaching: A Model’ (2000) 19 *Higher Education Research and Development* 155.

5 Ibid 156, quoting Paul Ramsden, *Learning to Teach in Higher Education* (1992, Routledge) 5.

6 Trigwell, above n 4, 164.

7 The authors’ efforts in creating this unique program have been recognised in 2013 by the ‘Vice Chancellor’s Award for Outstanding Contribution to Teaching and Learning’ at the University of Wollongong.

8 See Bonnie Cord and Mike Clements, ‘Reward Through Collective Reflection: An Autoethnography’ (2010) 4(1) *e-Journal of Business Education & Scholarship of Teaching* 11 <<http://www.ejbest.org/a.php?/content/issue/6>>.

9 K Krause et al, *The First Year Experience in Australian Universities: Findings From a Decade of National Studies*. (2005) <[http://www.griffith.edu.au/\\_data/assets/pdf\\_file/0006/37491/FYEReport05.pdf](http://www.griffith.edu.au/_data/assets/pdf_file/0006/37491/FYEReport05.pdf)>; Karen Nelson et al, *A Blueprint for Enhanced Transition: Taking an Holistic Approach to Managing Student Transition into a Large University* (2006).

students,<sup>10</sup> prompting extensive research into best practice strategies. Several institutions developed innovative programs which directly address first year transition.<sup>11</sup>

The push for these strategies and programs stems from the now well established recognition that ‘first year students have special learning needs by virtue of the social and academic transitions they are making’.<sup>12</sup> First year students occupy a unique transitional position in tertiary education, within which they are constantly participating in a dislocation and slippage across discursive boundaries. This position is heightened in law school, which serves as a particular site of struggle over ways of thinking, speaking and performing. Certainly, students in first year law are engaged in a process of building on what they perceived, believed and felt in the past, and drawing from the experiences of the present, in order to form a trajectory of their desired future as lawyers.<sup>13</sup> By reflecting on what it is they value, and ‘about how matters of value are shared and disputed in the world we inhabit with others’,<sup>14</sup> law school pushes students to evaluate, defend and sometimes reconstruct their self-identity in relation to the way they view the world of law. For this reason, it is clear that law schools have a responsibility to value the transformative stage that students will experience in their first year of law school, and to deploy what Kift has termed ‘transition pedagogy’ within teaching programs.<sup>15</sup>

In articulating a ‘transition pedagogy’ Kift and Nelson argue that effective programs are those that aim to ‘support learning through engagement and provide environments that humanise the learning experience’.<sup>16</sup> Based in a constructivist approach to learning, the transition pedagogy promoted by Kift and Nelson recognises that not only is learning an active process of constructing meaning, but that instruction (or teaching) is a process of supporting that construction.<sup>17</sup> This article outlines a coordinated teaching program that similarly embraces a constructivist transition pedagogy and seeks to actively engage first year law students in their ongoing construction of meaning. In doing so, the article also demonstrates that the program goes some way to addressing the current concern that first year transformation is not wholly positive.

Indeed, the wellbeing of law students (as well as lawyers) is a ‘hot topic’ within the academy and the profession.<sup>18</sup> Current literature suggests that ‘the problems arising in law students are

10 Department of Education Science and Training *Learning and Teaching Performance Fund, Future Directions* (Discussion Paper, DEST, December 2005).

11 See, for example, K Krause, ‘Understanding and Promoting Student Engagement in University Learning Communities’ (Paper presented at *Deconstructing the 21st Century Undergraduate Student* – James Cook University Symposium, Sharing Scholarship in Learning and Teaching: Engaging Students, James Cook University, 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)>; S Kift and K Nelson, ‘Beyond Curriculum Reform: Embedding the Transition Experience’, in A Brew and C Asmar, (eds) *Higher Education in a Changing World* (HERDSA, 2005) 225–35; Rachael Field and James Duffy, ‘Better to Light a Single Candle Than to Curse the Darkness: Promoting Law Student Well-Being Through a First Year Law Subject’ (2012) 12 *Queensland University of Technology Law and Justice Journal* 133; Sally Kift, ‘21st Century Climate for Change: Curriculum Design for Quality Learning Engagement in Law’ (2008) 18(1) *Legal Education Review* 1.

12 Sally Kift, ‘The Next, Great First Year Challenge: Sustaining, Coordinating and Embedding Coherent Institution-Wide Approaches to Enact the FYE as ‘Everybody’s Business’ (Proceedings of the *11th International Pacific Rim First Year in Higher Education Conference*, Hobart, 30 June–2 July 2008) 4.

13 See also Cassandra Sharp, ‘“Represent a Murderer ... I’d Never Do That!” How Students Use Stories to Link Ethical Development and Identity Construction’ in M Robertson et al (eds), *The Ethics Project in Legal Education* (Routledge, 2011); Cassandra Sharp, ‘Changing the Channel: What to Do with the Critical Abilities of Law Students as Viewers?’ (2004) 13(2) *Griffith Law Review* 185.

14 James R Elkins, ‘Lawyer Ethics: A Pedagogical Mosaic’ (2000) 14 *Notre Dame Journal of Law, Ethics & Public Policy* 117, 127–9.

15 Nelson et al, above n 9, 3; Kift and Nelson, above n 11, 225.

16 Kift and Nelson, above n 11, 225.

17 *Ibid* 228.

18 See, for example, Anthony Lester, Lloyd England and Natalia Antolak-Saper, ‘Health and Wellbeing in the First Year: The Law School Experience’, (2011) 36(1) *Alternative Law Journal* 47; Ian Hickie, Norm Kelk and Sharon Medlow, ‘Depression and the Law: Experiences of Australian Barristers and Solicitors’ (2011) 33 *Sydney Law Review* 771; Ian Hickie, Norm Kelk and Sharon Medlow, ‘Distress and Depression Among Australian Law Students: Incidence, Attitudes and the Role of Universities’ (2010) 32 *Sydney Law Review* 113; 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.

largely attributable to the process of legal education'.<sup>19</sup> A longitudinal study conducted on American law students tested the hypothesis that 'law school has a corrosive effect on the well-being, values and motivation of students'<sup>20</sup> and found that:

[t]he law student sample shifted from strong mental health and life satisfaction measurements during initial orientation to distinctly elevated distress and depression ... later in the first year and into the second year.<sup>21</sup>

These results have been replicated or supported in Australia by a number of studies into depression and wellness in law school, including at the University of New South Wales,<sup>22</sup> Monash University,<sup>23</sup> the Australian National University<sup>24</sup> and the University of Melbourne.<sup>25</sup>

The mounting evidence on depression in law student cohorts has led to a focus on addressing or eliminating its causes. In Australia, a 'Wellness Network for Law' community has been established to share and harness the work being done in this area.<sup>26</sup> A leading academic in the area, Field, has recently issued a 'call to arms':

The next step for academics writing in the area of law student psychological well-being is to publish on the steps they have taken to mitigate the problem.<sup>27</sup>

A number of law school academics have published on their innovative first year programs<sup>28</sup> and this article seeks to contribute to that literature.

### III. THE FIRST YEAR IMMERSION PROGRAM

The origins of the First Year Immersion Program ('FYIP') are to be found in recommendations made in the 2002 review of the UOW's first year LLB program. This review identified the need for greater integration across first year subjects:

Learning as understanding as opposed to acquiring fragmented knowledge requires that students have a framework of meaning in which to make sense of different parts of their degree. This is particularly important where the first year intake comprises students with a wide variety of abilities, backgrounds and levels of commitment to their studies. All the feedback from the different parts of the review process emphasised the importance of making explicit connections between the content of the various first year subjects, between these subjects and the rest of the degree and between the knowledge, skills and values domains of each subject.<sup>29</sup>

19 Lawrence S Krieger, 'Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence' (2002) 52 *Journal of Legal Education* 112, 123.

20 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(6) *Personality and Social Psychology Bulletin* 883, 883.

21 Krieger, above n 19, 114.

22 Tani and Vines, above n 18.

23 Lester, England and Antolak-Saper, above n 18.

24 Molly Townes O'Brien, Stephen Tang and Kath Hall, 'Changing Our Thinking: Empirical Thinking on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 149.

25 See Wendy Larcombe et al, 'Does an Improved Experience of Law School Protect Students against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students' (2013) 35 *Sydney Law Review* 407; Wendy Larcombe, Ian Malkin and Pip Nicholson, 'Law Students' Motivations, Expectations and Levels of Psychological Distress: Evidence of Connections' (2012) 22 *Legal Education Review* 71.

26 *Wellness Network* (2011) Tristan Jepson Memorial Foundation <<http://www.tjmf.org.au/wellness-network/>>.

27 Field and Duffy, above n 11, 156.

28 See, for example, Field and Duffy (2012), above n 11 (Queensland University of Technology Law School); Wendy Larcombe and Ian Malkin, 'The JD First Year Experience: Design Issues and Strategies' (2011) 21 *Legal Education Review* 1 (Melbourne Law School); Kate Galloway et al, 'Approaches to Student Support in the First Year of Law School' (2011) 21 *Legal Education Review* 235 (James Cook University Law School); Dominic Fitzsimmons, Simon Kozlina and Prue Vines, 'Optimising the First Year Experience in Law: The Law Peer Tutor Program at the University of New South Wales' (2006) 16 *Legal Education Review* 99.

29 Elizabeth Ellis, *Report of the First Year Review* (Report prepared for Faculty of Law Education Committee, UOW, 3 December 2002) 9.

A first year working party was established to review and set learning objectives for the first year subjects, identify material for common use across the first year subjects, coordinate assessment tasks across the whole year and evaluate the implementation of the review's recommendations. This resulted in a number of improvements and changes to objectives, assessments and content throughout 2003 to 2005.

In 2005, a Faculty decision was made to open up a 4 year LLB degree to school leavers. Anticipation of the admission of a large cohort of students who would only be studying LLB subjects, coupled with the commitment to creating a coordinated learning space for LLB students, provided the impetus for the introduction of the FYIP.

The FYIP brings together all first year LLB students, regardless of the LLB degree in which they are enrolled: double degree, 4 year degree or 3 year graduate degree. All law students undertake the first year of their university studies as a collegial group. Undergraduate and graduate students alike enrol in and study *only* law subjects in their first year.<sup>30</sup>

Having all students take the first year of their law studies together provides the opportunity for the first year coordinators to design and 'manage' the first year program as a coordinated and supportive learning space. In their first year, students are 'immersed' in a carefully chosen suite of ten introductory, substantive and skills subjects:

<i>Autumn</i>	<i>Spring</i>
Foundations of Law A	Foundations of Law B
Law of Contract A	Law of Contract B
Criminal Law and Process A	Criminal Law and Process B
Legal Research and Writing*	Lawyers and Australian Society <sup>#</sup>
Communication Skills*	Advocacy and Negotiation*

\* Skills subject

<sup>#</sup> Ethics and Professional Responsibility subject

While these subjects introduce students to the foundational knowledge, values, qualities and skills needed for successful legal studies and provide a solid grounding for lifelong legal learning, in combination they also present an enormous opportunity for teachers to facilitate their students' development of professional identity, integrity, self-awareness, personal expression and reflexivity.<sup>31</sup> Despite some arguing that law school curricula often seem to operate antithetically to such a holistic approach,<sup>32</sup> for some time now, research has demonstrated that the first year of law is a unique time of transformation for students as they develop professional identity, and that in particular, law schools do have an important role to play in facilitating this transformation.<sup>33</sup> Furthermore, Sharp has demonstrated that first year law students are primed and ready to be engaged in self-reflection, critical evaluation, and transformation,<sup>34</sup> and one of the most significant benefits of the immersion program within the FYIP is, we believe, its facilitation of this transformation in a positive way. Law school

30 Requiring undergraduate LLB double degree students to study only law subjects is a unique feature of the UOW first year immersion program.

31 Pommersheim argues that these are some of 'the touchstones for becoming a professional lawyer': Frank Pommersheim, 'Voice, Values, and Community: Some Reflections on Legal Writing' (1988) 12(4) *Legal Studies Forum* 477, 477.

32 It has indeed been argued that many law schools do students a disservice by divorcing law from morality and personal ethics, and that legal education has the potential to threaten and undermine the active awareness of personal identity: Ysaiah Ross, *Ethics in Law: Lawyers' Responsibility and Accountability in Australia* (LexisNexis, 3rd ed, 2001) 41; see also Andrew Goldsmith, 'Warning: Law School Can Endanger Your Health!' (1995) 21(2) *Monash University Law Review* 272 generally. Pommersheim, above n 31, 485, has also argued: 'Any desire for personal expression is directly or indirectly cast aside as inappropriate or irrelevant, and, even, at times, with ultimate derision as weak or "soft"': Ibid 482; 'The analytic focus of legal education often drains attention and meaning away from the political and moral values inherent in many legal problems ... Students need to scrutinise the values inherent in law as well as how these values correspond with personal values'.

33 See, for example, Sharp, above n 13; Kift, above n 12.

34 Sharp, above n 13.

provides a myriad of circumstances where students can experience the dynamic forces of legal culture, and these situations constantly force students to actively interpret the law in relation to the world around them.

Specifically, the immersion year at UOW plays a powerful role in the inculcation and production of a strong, informed and reflective ‘legal *habitus*’<sup>35</sup> by quite literally immersing the students into a full-time study of law – and law alone – in their first year of university. Traditionally in law schools, this type of immersion comes much later in undergraduate law programs – usually in the final two years of law, when students have been immersed in a variety of other institutional sites and discourses. The FYIP quite literally begins the embodiment of the law student in ‘legal consciousness’ from the moment they enter law school. With appropriate guidance to navigate the exchange of knowledge, the challenging of perceptions and the development of values provided by the immersion program, students will reflect on the way in which they are being transformed. This, we argue, is one of the distinct advantages provided by a successful FYIP.

Certainly, in our experience of implementing the FYIP over the last seven years, students are not just learning about the law from textbooks, or the content of the curriculum (however engaging), but they learn by doing and by reflecting.<sup>36</sup> The FYIP does not take this for granted, and acknowledges that law students are transformed and developed ‘through those forces of which we are least aware’,<sup>37</sup> such as, for example, the very experience of ‘being’ at law school. As Lesnick rightly argued, ‘it is what is imprinted in that initial immersion [in first year], and not any broader message of the [following] years that shapes students’ consciousness of what is important and not important to being a lawyer’.<sup>38</sup> Indeed, the FYIP teachers have worked hard to provide opportunities for student reflection and engagement, not only in each of their classes, but in the wider law school culture, in order to place a high priority on the self-awareness and development of students in this first year of immersion into the law. The role and commitment of the first year teachers and the unique ‘Pods’ program have, together, been instrumental in our immersion design.

#### IV. THE BENEFITS OF A SUPPORTIVE AND INTEGRATED ENVIRONMENT

One of the key aspects to an integrated first year immersion program is the sense of community that students experience when they start law at UOW. While research into the causes of poor law student well-being have been inconclusive, recurring themes for improving well-being are increasing social connectedness<sup>39</sup> and increasing student engagement.<sup>40</sup>

##### A. Pods

A key feature of the FYIP is the use of ‘Pods’. Students are placed with the same cohort of students for all seminars in all subjects for the first session of their law studies. The Pods were introduced to promote ‘connectedness’ between students and to encourage the formation of support networks and study groups. As Larcombe and Malkin have noted in the context of their examination of the first year of Melbourne Law School’s JD program, social and intellectual

35 This echoes Bourdieu’s concept of the *habitus* – ‘embodied history, internalized as a second nature and so forgotten as history’. For Bourdieu, the *habitus* is a series of dispositions that are learned and embodied in such a way that you only have to place a subject within a (known) context and they will ‘automatically’ produce/perform this history: Pierre Bourdieu, *The Logic of Practice* (Nice Richard trans, Stanford University Press, 1990) 56, 69.

36 As Bourdieu, *ibid* 73, describes: ‘What is “learned by the body” is not something that one has, like knowledge, that can be brandished, but something one is.’

37 Desmond Manderson and Sarah Turner, ‘Coffee House: Habitus and Performance among Law Students’ 31(3) *Law and Social Inquiry* 649, 653.

38 Howard Lesnick, ‘Infinity in a Grain of Sand: The World of Law and Lawyering as Portrayed in the Clinical Teaching Implicit in the Law School Curriculum’ (1990) 37 *UCLA Law Review* 1157, 1159.

39 See, for example, Lawrence S Krieger, ‘Human Nature as a New Guiding Philosophy for Legal Education and the Profession’ (2007) 47 *Washburn Law Journal* 247; Tani and Vines, above n 18, 30.

40 See, for example, Field and Duffy, above n 11, 145–6; Galloway et al, above n 28, 237; Larcombe and Malkin, above n 28, 5–6.

immersion in ‘the active and collaborative study of law’ is a valuable mechanism for facilitating effective transition.<sup>41</sup>

At UOW, the Pods facilitate students’ gradual introduction to the practical realities of tertiary education and build student confidence as they engage with university life.

It was a good idea. I think, because everyone else, like my friends who are in [another University] talk about their Uni experience and they say it’s very hard sort of, to make friends and really get involved in the classes, just because you’re utterly alone. But with the Pods it’s good because like, I’ve been able to collaborate with like study groups and everything and it’s just sort of sharing the load makes it a lot easier.<sup>42</sup>

The Pods have proved a very popular aspect of the first year program and, from their inception in 2006 the feedback has been overwhelmingly positive. In an independent review of the UOW First Year Experience, conducted in 2006, ‘many students identified the Pods experience ... as the most positive overall aspect’<sup>43</sup> of the FYIP:

My easy transition was because I have set groups of friends ... that I saw every day and it just made it easier to open up to them and I was able to participate more. If I was ... with different people every day I would be like, a bit shy.<sup>44</sup>

Further,

It was good because it was sort of like a transition from school, in that you got a set group of people you got to know which sort of made the first semester a bit easier and not as overwhelming.<sup>45</sup>

The report noted that ‘[e]ven the graduates, who are used to negotiating the University environment, found it a positive experience’.<sup>46</sup>

We could make our friendships in the Pods easily ... we were in the same classes so ... it’s much easier ... We didn’t have that in my previous degree, didn’t make friends like that, so it’s kinda cool.<sup>47</sup>

While the report noted that no students commented unfavourably on the Pods system, the social connectedness of students can bring its own set of challenges for first year teachers:

[I]f you’re a more timid person and you’re in a Pod with some big personalities, you can kind of get locked out of saying anything or locked out of contributing, whereas if it was broken up with different classes, maybe in some classes you have a break from the kind of social structure that forms in the Pods.<sup>48</sup>

Overall, the Pods have been regarded by students as ‘*the most effective way to integrate first year students into university life*’.<sup>49</sup> In the 2013 handbook produced and written by the UOW Law Students’ Society for first year students (‘*2013 LSS Playbook*’), the Pods were described as follows:

They say you can’t pick your family but blood is thicker than water; well it’s also true that you can’t pick your Pod but your law family is better than your real one! Your Pod is your class group for your first semester of study at UOW ... This is basically the best thing to happen to you because it means that you don’t suffer in isolation. Pod parties, Pod love and Pod family are all phrases that will eventually work their way into your vocabulary as you move through your first semester and share the highs and lows of being a law student with that same

41 Larcombe and Malkin, above n 28, 6,

42 Ruth Walker, *The First Year Experience 2006: A Report on Four Focus Groups Conducted for the First Year Working Party* (Faculty of Law, UOW, 2006) 7.

43 Ibid 3.

44 Ibid 3.

45 Ibid 3.

46 Ibid 8.

47 Ibid 8.

48 Ibid 8.

49 Email from the President of the UOW Law Student Society, January 2013.

group of about 15 for just as many weeks. Pods are UOW's way of guaranteeing inclusion on campus.<sup>50</sup>

More recently, the success of the Pods system has been further evidenced in student reflections in one of their first year skills subjects. In *Communication Skills* students were asked to keep a reflective journal of their experiences during their first semester of law and their growth during that time. These journals reflected students' consistent observation that the Pods allow them to better meet the learning objectives of the course overall. A recurrent theme was that the Pods increased their confidence in sharing with their peers in a class environment and helped them to develop a network of friends.

In terms of increasing student confidence, a number of students have also communicated a sense that the Pods promoted strong student engagement and assisted them to build strong relationships with the academic staff. As one student commented:

The Pods system is hands down one of the best innovations in law school I have ever seen, heard of or had the pleasure of being involved with. Representing UOW at an Australian level has allowed me to talk to law students from all over the country. None that I have spoken to have had the benefit of enjoying the amazing relationship with their peers and staff that I have. The amount that it increases student engagement of campus is astounding.<sup>51</sup>

### A. *An Integrated Curriculum*

The curriculum has been recognised as 'the best "organizing mechanism" for coordinating and intentionally designing the first year experience.'<sup>52</sup> Encouraging vertical and horizontal integration of the curriculum<sup>53</sup> has been a primary focus, both in terms of curriculum themes and assessment tasks. The FYIP is intentionally designed as a scaffolded learning space where material delivered in one subject is linked to and then built upon in other subjects. It is possible to achieve this in a well-structured and planned program due to the cohort's immersion in first year.

At UOW, this has meant taking opportunities each year to maximise the synergies of an integrated program in designing assessment tasks which support learning across subjects. Subject planning and assessment in the FYIP is based on the goal of developing the knowledge base and skills (such as legal writing, research, problem solving, and argument building) that will be crucial to a law student's progression in the degree. These skills are assessed through integrated tasks across the subjects enabling students to build a solid foundation for developing a legal mindset.

This scaffolding and support requires the team to meet regularly throughout each session to discuss subject content and review assessment tasks. End-of-session meetings provide an opportunity to reflect upon strengths and weaknesses over the session. To ensure continuous improvement, the team discusses and incorporates current academic scholarship on first year pedagogy, reviews internal Faculty subject evaluations and consults with experts in the Faculty, University and externally. This is all done with the ideal of enabling greater student interaction and a first class integrated experience for students.

Based upon our experience, the authors argue that a FYIP must involve the strategic integration of three key areas: connected curriculum themes, methods of teaching, and assessments. This section concludes by providing concrete examples in each area.

#### 1. *Curriculum Themes*

In curriculum themes, the FYIP approaches teaching from a constitutive perspective that sees 'law at the heart of everyday life'.<sup>54</sup> Acknowledging a legal consciousness or cultural world

<sup>50</sup> UOW Law Students' Society, *The Law Student Playbook* (2013) 11.

<sup>51</sup> Email from a current LLB final year student, January 2013.

<sup>52</sup> Larcombe and Malkin, above n 28, 9.

<sup>53</sup> *Ibid* 20.

<sup>54</sup> L Gies, 'The Media and Public Understanding of the Law' in S Greenfield and G Osborn (eds), *Readings in Law and Popular Culture* (Routledge-Cavendish, 2008) 65.



of law as part of an everyday experience, the FYIP, as implemented at UOW, recognises that students do not study law in isolation or in a vacuum but, instead, as part of a broader social and cultural experience. In this way, each subject in the FYIP is designed to facilitate the integration of legal knowledge with reflections on the practical, ‘real life’ implications for contemporary society. For example, in *Foundations of Law*, *Contract Law* and *Criminal Law* students are encouraged to identify weekly any current affairs which impact on the law being studied (whether obvious or more subtle) and to use those current issues to stimulate personal reflection.

As another example, both *Foundations of Law* and *Criminal Law* require all law students to undertake a court observation. In *Criminal Law* students are required to undertake a written assessment in relation to their court visit; while in *Foundations of Law* students use their observations from the court visit as part of a class assessment exercise. Not only does this integrated content allow for the teachers in each subject to identify and teach to the particular subject related aspects of the court visits, but it also avoids duplication and creates teaching efficiency.

Further, *Foundations of Law* teaches the basics of case analysis and statutory interpretation – key legal skills that are utilised and practised in both *Contract Law* and *Criminal Law*; and *Legal Research and Writing* and *Communication Skills* equip students with the basic skills to effectively perform in the core subjects.

## 2. Teaching Method

A key aspect to legal education is the development of case analysis and problem solving skills – and this is often what students find most challenging in their first year. The FYIP adopts a uniform methodology for approaching legal problem solving in all subjects to develop student confidence and capability in legal problem solving. This method (known as the ‘ILAC’<sup>55</sup> approach) is taught to students in *Legal Research and Writing* and put into practice in class activities and assessments in the substantive subjects. This enables students to immediately begin to grasp important legal skills that will be developed and practised across their law degree. Students consistently observe that this form of integration is beneficial and that they appreciate this scaffolding.

As described above in relation to curriculum themes, the FYIP teachers at UOW have been keen to encourage students towards viewing law as part of the everyday experience. This has meant that in each subject, the first year teachers are constantly devising different ways of contextualising the law while at the same time seeking to enhance student understanding, encourage student interaction and engagement, increase student confidence and make classes enjoyable for all. Examples of the methods used by the teachers which seem to be successful are: court simulations; debates and role-playing in seminars; and the use of popular culture and current media texts. For example, in *Foundations of Law A*, lectures and seminars often screen media clips and popular cultural texts designed to facilitate interactive and provocative discussion about issues of justice, discretion, interpretation and the adversarial system, all of which are key concepts across the first year program. That this is appreciated by *Foundations of Law A* students is evident in this student’s comment:

Not only were the lectures engaging and easy to understand, it remains clear that the lecturer goes to some length to relate to the First Year students and demonstrate often difficult course content through engaging examinations of examples from popular culture. This has always been an excellent aid to understanding.<sup>56</sup>

In *Criminal Law* the course is taught through the David Brown et al *Criminal Laws* text,<sup>57</sup> which distinguishes itself from other leading teaching texts by its questioning of the limits of what is assumed to be the criminal law together with providing information (both theoretical and statistical) on the context of crime. The coordinator of this course has a strong practising

<sup>55</sup> ‘Issue, Law, Apply, Conclusion’.

<sup>56</sup> Email from current third year student, January 2013.

<sup>57</sup> David Brown et al, *Criminal Laws: Materials and Commentary on Criminal Law and Process of New South Wales* (Federation Press, 5<sup>th</sup> ed, 2011).

background in criminal law and seeks to integrate this ‘real life experience’ into the teaching of the course in both lectures and seminars. Students often comment on how this positively impacts on their studies of the criminal law, evidenced by the following student’s comment:

Her personal experience in the field of criminal law adds colour and depth to what is taught. This, along with her underlying enthusiasm makes Criminal Process A a great subject for First Year UOW Law students.<sup>58</sup>

Significant use is also made of current legal trials or issues in criminal justice, both for highlighting issues in the course and for assessment purposes. Students find this stimulating, but it also assists in contextualising the study of the law.

Another benefit of this integrated approach is its creation of maximum opportunities for students to gain feedback as well as providing ‘feed forward’ learning opportunities. In 2011, assessments in *Contract Law* and *Communication Skills* were integrated such that students whose argument in the *Contract Law* assignment failed to reach the stipulated standard were required to improve and resubmit their assignment for *Communication Skills* as part of that subject’s argument-building objective. A further example in *Communication Skills* is the requirement to submit a reflective portfolio. The portfolio contains work drawn from all first year subjects, and requires students to reflect on how each piece of work demonstrates achievement of one or more of the Faculty’s Graduate Qualities. It invites students to reflect, more generally, on the development of their communication skills throughout the semester. This task is not only effective in providing thorough integration, but is also another means of supporting students in their transformation by helping them to develop as self-reflective practitioners.

Of course, in the knowledge that law schools are increasingly engaging casual/sessional staff, it is important to recognise the need to provide a high level of support to sessional tutors assisting in the delivery of the FYIP. In order for the tutors to appreciate and implement the ‘first year approach’ and provide consistency for students, we have utilised such strategies as developing detailed lesson plans for teaching staff in each subject to ensure greater consistency across first year teaching and incorporating integration alerts in teaching materials.

### 3. Assessment

One of the goals of the first year assessment regime is to provide students with foundational skills in self-reflective practice. The reflective journal comprises, among other things, weekly self-reflective tasks that are designed to focus students’ personal engagement with the content and provide them with opportunities for autonomous learning – for example by having them reflect on their strengths and weaknesses in interpersonal communication and on strategies to develop these skills in the context of their first semester of law.

Teaching and Learning scholarship has highlighted the benefits of integrating reflective practice into the law curriculum, particularly within the first year program.<sup>59</sup> McNamara, Field and Brown consider that self-reflective practice can encourage the development of students’ emotional intelligence, which, in turn, helps better prepare students for the stresses and rigours of both legal education and legal practice.<sup>60</sup> They note that:

An ability to engage in reflective practice is an important skill for lawyers ... because it can provide the means for lawyers to cope with the day-to-day moral, ethical and personal dilemmas that arise in the practice of law. This requires law schools to assist students to develop their emotional intelligence through reflective practice.<sup>61</sup>

58 Anonymous feedback provided in student evaluation survey.

59 Judith McNamara, Rachael Field and Catherine Brown, ‘Learning to Reflect in the First Year of Legal Education: The Key to Surviving Legal Education and Legal Practice’ (Proceedings of the 12th Pacific Rim First Year in Higher Education Conference, Townsville, Queensland, 29 June–1 July 2009).

60 Judith McNamara, Rachael Field and Natalie Cuffe, ‘Designing Reflective Assessment for Effective Learning of Legal Research Skills in First Year’ (Proceedings of the 11th Pacific Rim First Year in Higher Education Conference, Hobart, Tasmania, 30 June–2 July 2008).

61 McNamara, Field and Brown, above n 59, 5.

The FYIP teachers work closely together to achieve a coherent first year assessment program that not only maximises greater student learning but also contributes to high quality educative goals. To this end, the Team regularly reviews subject assessment tasks in order to achieve a high-quality, integrated experience for students. Students have overwhelmingly indicated an appreciation of this integration: ‘*this was a great aspect of first year. It made assessments seem very worthwhile and ensured that students learning outcomes were truly a focus, and easily identifiable by students themselves.*’<sup>62</sup>

Some examples of such integration include:

- In *Legal Research and Writing* students are taught how to reference in accordance with the *Australian Guide to Legal Citation* several weeks before their first assessment task is due in their substantive subjects.
- In *Communication Skills* the development of a scholarly argument is practised prior to their first research essay for *Foundations of Law A* using the actual research essay question. This helps the students appreciate the usefulness of acquiring this fundamental legal skill.
- In *Foundations of Law* the students must not only deploy the skills of legal research that they have learned in *Legal Research and Writing* to write an essay, but a duplicate copy is submitted for *Legal Research and Writing* assessment – to assess citation and referencing competence and to focus on skill building in a ‘real life’ way.
- Appropriate email etiquette is covered in *Communication Skills*. This is reinforced in *Law of Contract A*, where each student is required to email the self-assessment of their class participation to their teachers in each subject. The teachers in *Law of Contract A* reply to the students regarding their class participation, while the teachers in *Communication Skills* assessed their email etiquette. This exercise facilitates a focus on students’ development of reflective practices as well as building this writing skill into their law degree and professional experience.
- The major assessment task for *Communication Skills* evidences significant integration across all first year subjects. As described above, the reflective portfolios of students require them to reflect upon and articulate how their communication skills have developed during the session, drawing on all their first year law subjects.

The student feedback in relation to the integrated assessment regime has highlighted the benefits to students of this approach. For example, one student comments:

Assessment schedules can make or break a session. There can be poor outcomes if you have four essays due in one week that lead a student to question whether the marker was really able to evaluate their true abilities. However, this problem was avoided with the integrated assessment schedule given in first year. Beyond timetabling, thought had been given to the kinds of assessment required and the way that each one would complement another, in relation to skills, in different subjects. This was a great aspect of first year. It made assessments seem very worthwhile and ensured that students learning outcomes were truly a focus, and easily identifiable by students themselves.<sup>63</sup>

Comments found in the *2013 LSS Playbook*, made by upper year students who have been through the immersion program, indicate that students are aware and appreciative of the efforts UOW’s first year team make in integrating their learning:

You ... are taught harmoniously week by week. You might learn how to reference in Legal Research and Writing in week three so that your Foundations essay in week 5 isn’t as difficult. You might learn about equity in Foundations in time to understand estoppel in Contract Law the week after. All the while your first year subject tutors are talking to each other and making sure you don’t have too much work in the one week and no two assignments due at once.<sup>64</sup>

<sup>62</sup> Email from current final year LLB student.

<sup>63</sup> Ibid.

<sup>64</sup> UOW Law Students’ Society, above n 50, 11.

## V. THE IMPORTANCE OF THE GATEKEEPERS

The Pods seminar system has no doubt been a major contributor to the level of student satisfaction, but it must be coupled, as we have outlined above, with a high level of staff involvement. The first year team are committed to meeting regularly – before, during and at the end of each session – to reflect upon, trial, improve and learn from each other’s teaching practices, experiences and scholarly research. This allows our students to have the benefit of a FYIP that is always striving to meet their needs, both educational and pastoral.

To achieve the sense of being part of a supportive community for students requires a high level of staff commitment and interaction. For the teaching staff at UOW, this has meant being involved in all aspects of the first year student experience from Day 1. For example, the first year teachers are actively involved in the Law Faculty Orientation Day activities, taking part in the social activities during the day (thus getting to know and welcome first year students) and contributing to the formal presentation. In our experience, Orientation Day is a welcome opportunity not only to assuage fears, dispel myths and encourage students to be self-reflective as they enter law school, but also to open lines of informal communication between staff and students. UOW law students have commented that such involvement is highly valued by the incoming students:

Their willingness to be engaged with students is evident from the beginning – I remember as a first year student that each of them was at my Orientation Day, meeting and greeting students, participating in activities and assuring us that we would have fun in our first year (and ‘not to worry’)! This reduced a number of anxieties – we already knew our new academics were approachable and friendly.<sup>65</sup>

This level of engagement continues from the first day onwards, and includes encouragement of student participation in the valuable learning opportunities afforded by Junior Moots, Client Interviewing Competitions, Negotiation Competitions and other extra-curricular activities. Members of the FYIP teaching team have devoted considerable time to: judging competitions, running seminars on skills relevant to these competitions, and engaging in informal discussions to increase confidence, understanding and participation.

The First Year team is by far the most helpful in participating in the University of Wollongong LSS’ [UOW Law Students’ Society] programmes. They are always the first to raise their hands to judge our competitions, and provide advice for our members. In fact, all of the Team judged at least one competition in 2012 (most more than one). Participating at this level is above and beyond the regular call of duty, and truly exhibits their commitment to enriching the life of law students’ at UOW.<sup>66</sup>

Another initiative that supports the student experience is the practical assistance we have provided for students in adjusting to the academic demands of university life. This includes creating a *Calendar of Subject Assessment and Planning* each session to help with time management and compiling a comprehensive textbook list, which is available for all incoming law students at the beginning of semester and is placed on all eLearning sites.

The teachers’ commitment to a supportive start to studies in law is particularly helpful in managing ‘at risk’ students. The FYIP takes a holistic approach to student support, and in addition to meeting regularly in the lead up to, and end of, each session to discuss, plan and review the curriculum and assessment, the first year integration team also facilitates regular meetings with all teachers (including sessional staff) during session in order to identify and address support needs of particular students. The meetings provide an important opportunity for first year teachers to share information about particular students who may be experiencing difficulties with course content, assessment tasks or other personal matters, and to support sessional staff in this regard. Where students are found to be experiencing problems across one or more of their subjects, appropriate strategies can then be offered to the student. Where confidentiality prevents the identification of a particular student, individual teachers can then

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<sup>65</sup> Email from current LLB student.

<sup>66</sup> Ibid.

be provided with more general support and guidance on working with and assisting the student indirectly.

Many of the students benefiting from this collegial and integrated approach include those from a range of equity and diversity groups, such as students registered with disability services or those from low socioeconomic status groups who might be experiencing special difficulties transitioning from high school to university. As already noted, research is increasingly highlighting the high levels of depression and anxiety experienced among law students. This integrated approach is, therefore, an important forum to ensure that student welfare can be monitored, 'law student distress'<sup>67</sup> can be detected, and students can be offered appropriate support in a timely fashion.

## VI. CONCLUSION

The success of an effective FYIP, we believe, is evident in the way that first year students approach the rest of their LLB degree. Having been provided with the necessary skills and confidence in first year, those law students should go on in subsequent years to continue the process of becoming well-rounded graduates. The FYIP provides a solid foundation for students in their later years, both in terms of skills development and foundational knowledge but also in the cementing of strong relationships among students and with members of academic staff.

The ongoing benefits of the program are evidenced by student reports that the FYIP offers substantial benefits in the development of crucial reflective skills, problem solving abilities and substantive knowledge. Additionally, students report that it helps them feel more connected to the law school and wider university environment, all of which recognise and clearly support the transformative nature of first year and its crucial place within the law degree. As the Dean of Law has observed, the FYIP is

[the] reason the Faculty enjoys a high level of student satisfaction in the first year program. This has substantial flow-on effects for both students and staff as the cohort progresses into later years of the undergraduate degree.<sup>68</sup>

The skills gained and attitudes developed are those that will serve not only practitioners in their professional careers but also those graduates whose career pathways take other directions. The UOW First Year Immersion Program is a student-centred approach that demonstrates clear benefits to students and to the staff who seek to facilitate their learning journey. The reflective practice of its proponents continues to inform its further development and refinement.

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67 Larcombe et al, above n 25, 432.

68 Reference from Professor Warwick Gullett, Dean, Faculty of Law, UOW.

