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Implementing Good Practice Pedagogy to Support Law Students' Writing Skills

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IMPLEMENTING GOOD PRACTICE PEDAGOGY TO SUPPORT LAW STUDENTS' WRITING SKILLS

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I INTRODUCTION

The issue of the standard of writing of school and university students in Australia is again in the media.[1] Whilst debates about the standard of students' academic literacy occur in a somewhat cyclical pattern,[2] the current attention to this topic should remind Australian law schools of their role in supporting law students' writing skills. There is a strong connection between the standard of law students' writing and their results at university,[3] and writing is still the main medium through which law students are assessed,[4] accentuating the need for law schools to support and develop their students' writing skills. At the same time, there is clear evidence that the legal profession in a number of countries, including Australia, is less than impressed with the way that law schools support the development of their students' written communication skills.[5]

Australian law schools have been provided with a guide to good practice in relation to students' written communication skills: the Good

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1 Jordan Baker, 'Writing Wrongs', *Sydney Morning Herald* (Sydney, 19-20 September 2020) 22-23; Jordan Baker, 'The Sydney School that Bucked the Trend and got Boys to Succeed in English', *Sydney Morning Herald* (online, 17 September 2020) <https://www.smh.com.au/national/the-sydney-school-that-bucked-the-trend-and-got-boys-to-succeed-in-english-20200916-p55waz.html>.

2 See generally Ilana Snyder, *The Literacy Wars: Why Teaching Children to Read and Write is a Battleground in Australia* (Allen and Unwin, 2008).

3 See generally Jessica L Clark, 'Grades Matter; Legal Writing Grades Matter Most' (2013) 32(3) *Mississippi College Law Review* 375.

4 Samantha Hardy, 'Why Teach Writing Skills to Law Students?' (2005) *Unpublished article* 5, citing ME Gale, 'Legal Writing: The Impossible Takes a Little Longer' (1979-1980) 44 *Albany Law Review* 298, 300-301; Simon Knight et al, 'Designing Academic Writing Analytics for Civil Law Student Self-Assessment' (2018) 28(1) *International Journal of Artificial Intelligence in Education* 1, 1.

5 Sandra Noakes, '"Reality Check": Supporting Law Student Diversity and Achievement through a Novel Model of Support and Assessment of Academic Literacy: Student Perceptions, Retention and Performance' (2020) *The Law Teacher* 3-5 (online) <https://doi.org/10.1080/03069400.2020.1794199>.

Practice Guide for Threshold Learning Outcome 5 ('GPG'),[6] which was commissioned by the Legal Education Associate Deans' Network following the publication of the Threshold Learning Outcomes ('TLOs') for law degrees. Three of the key recommendations of the GPG are that writing support at law school should be fully embedded with discipline content, that it should be underpinned by an understanding of how students learn literacy, and that there should be collaboration between discipline academics and academic language and learning ('ALL') experts.

The study discussed in this article employed mixed methods research to examine the experience of both students and law academics in relation to the implementation of a writing program based on the GPG recommendations ('the Writing Program'). Its main findings are that, whilst academics may find some aspects of embedded writing programs challenging, the program provided an opportunity to learn subject content through writing. It also demonstrates the benefits of designing a program in consultation with ALL experts to support law academics to embed writing development. The quantitative results of this study indicate that the Writing Program appears to have improved the performance of students who may not have traditionally been admitted to law school. This is a particularly significant finding particularly given the diverse group of learners who now constitute the student cohorts of many Australian law schools.[7]

II AUSTRALIAN LAW SCHOOLS AND STUDENT WRITING

Australian law schools are expected to support and develop their students' communication skills. This responsibility is articulated in the requirements of the *Higher Education Standards Framework (Threshold Standards) 2015* (Cth) ('*Higher Education Standards Framework*') that higher education institutions ('HEIs') develop students' discipline-specific language skills,[8] the Australian Qualifications Framework ('AQF') Specifications, which stipulate certain generic skills, including communication skills,[9] and in the Threshold Learning Outcomes ('TLOs') for law,[10] which are relevant

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6 Sharon Wesley, *Good Practice Guide (Bachelor of Laws) Communication (Threshold Learning Outcome 5)* (Report, Australian Learning and Teaching Council, 2011).

7 Peter Moraitis and Helen Murphy, 'Language, Law and Identity: a Language and Learning Response to the Challenges of Widening Participation of Students in Law Subjects' (2013) 47(2) *The Law Teacher* 159, 159; Michelle Sanson and Susan Armstrong, 'Holistic Approaches to Academic and Social Transition to Law School' in Leon Wolff and Maria Nicolae (eds), *The First Year Law Experience: A New Beginning* (Halstead Press, 2014) 96, 98-99; Felicity Deane and Danielle Bonzin, 'Using Guiding Principles to Construct Effective Multiple Choice Exams to Assess Legal Reasoning' (2016) 26(1) *Legal Education Review* 1, 8.

8 See *Higher Education Standards Framework (Threshold Standards) 2015* (Cth) pt A, cl 1.4.2a–b ('*Higher Education Standards Framework*').

9 Australian Qualifications Framework Council, *Australian Qualifications Framework Second Edition* (2nd ed, 2013) 11-12.

10 Sally Kift, Mark Israel and Rachael Field, *Bachelor of Laws: Learning and Teaching Academic Standards Statement* (Report, Australian Learning and Teaching Council,

for law schools' course accreditation by the Tertiary Education Quality and Standards Agency ('TEQSA').[11] All Australian law schools have adopted the TLOs, as has the Council of Australian Law Deans ('CALD').[12] TLO 5 (Communication and Collaboration) requires that law graduates must be able to communicate in ways that are 'effective, appropriate and persuasive for legal and non-legal audiences'.[13] The

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2010); *Juris Doctor - Threshold Learning Outcomes* (Statement, Endorsed by Council of Australian Law Deans, March 2012).

The TLOs for the Bachelor of Laws ('LLB') are:

TLO 1: Knowledge

Graduates of the Bachelor of Laws will demonstrate an understanding of a coherent body of knowledge that includes:

(a) the fundamental areas of legal knowledge, the Australian legal system, and underlying principles and concepts, including international and comparative contexts,

(b) the broader contexts within which legal issues arise, and

(c) the principles and values of justice and of ethical practice in lawyers' roles.

TLO 2: Ethics and professional responsibility

Graduates of the Bachelor of Laws will demonstrate:

(a) an understanding of approaches to ethical decision-making,

(b) an ability to recognise and reflect upon, and a developing ability to respond to, ethical issues likely to arise in professional contexts,

(c) an ability to recognise and reflect upon the professional responsibilities of lawyers in promoting justice and in service to the community, and

(d) a developing ability to exercise professional judgement.

TLO 3: Thinking skills

Graduates of the Bachelor of Laws will be able to:

(a) identify and articulate legal issues,

(b) apply legal reasoning and research to generate appropriate responses to legal issues,

(c) engage in critical analysis and make a reasoned choice amongst alternatives, and

(d) think creatively in approaching legal issues and generating appropriate responses.

TLO 4: Research skills

Graduates of the Bachelor of Laws will demonstrate the intellectual and practical skills needed to identify, research, evaluate and synthesise relevant factual, legal and policy issues.

TLO 5: Communication and collaboration

Graduates of the Bachelor of Laws will be able to:

(a) communicate in ways that are effective, appropriate and persuasive for legal and non-legal audiences, and

(b) collaborate effectively.

TLO 6: Self-management

(a) learn and work independently, and

(b) reflect on and assess their own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development.

The Threshold Learning Outcomes for the Juris Doctor are comparable in scope but set at a standard appropriate to a post-graduate degree. TLO 5 is identical for the LLB and JD degrees. See *Juris Doctor- Threshold Learning Outcomes* (Statement, Endorsed by Council of Australian Law Deans, March 2012).

[11] See *Higher Education Standards Framework* (n 8) pt A cl 1.4.2 (Learning Outcomes and Assessment); pt A cl 3.1.1.e (Teaching- Course Design), which requires HEIs to have course designs which include 'expected learning outcomes'; pt A cl 5.1.2 (Course Approval and Accreditation); and pt A cl 5.3 (Monitoring, Review and Improvement).

[12] Law Admissions Consultative Committee, *Redrafting the Academic Requirements for Admission* (Report, Law Council of Australia, 2019) 1.

[13] Kift, Israel and Field (n 10) 20.

Australian Law School Standards, adopted by CALD, also require law schools to include communication skills in their curricula.[14] Furthermore, communication skills, including written communication skills, are among the most common graduate attributes that Australian universities claim to develop.[15]

Current pedagogical research recommends a fully embedded model of writing support for students in higher education ('HE'),[16] in which overt, explicit writing instruction is integrated with discipline content,[17] and where the responsibility for student writing support resides with the teaching academic as subject matter or discipline expert.[18] The

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[14] Council of Australian Law Deans, *Australian Law School Standards (with Guidance Notes)* (Report, 30 July 2020) 4-5.

[15] Beverley Oliver and Trina Jorre de St Jorre, 'Graduate Attributes for 2020 and Beyond: Recommendations for Australian Higher Education Providers' (2018) 37(4) *Higher Education Research and Development* 821, 824-825.

[16] Rosemary Wette, 'Embedded Provision to Develop Source-based Writing Skills in a Year 1 Health Sciences Course: How can the Academic Literacy Developer Contribute?' (2019) 56 *English for Specific Purposes* 35, 37.

[17] See generally Ursula Wingate, 'Doing Away with 'Study Skills'' (2006) 11(4) *Teaching in Higher Education* 457; Alison Ahern, 'Engineering Writing: Replacing 'Writing Classes' with a 'Writing Imperative'' in Lisa Ganobcsik-Williams (ed), *Teaching Academic Writing in UK Higher Education* (Palgrave MacMillan, 2006) 110 ('*Teaching Academic Writing*'); Sally Mitchell and Alan Evison, 'Exploiting the Potential of Writing for Education Change at Queen Mary, University of London' in '*Teaching Academic Writing*' 68; Lisa Ganobcsik-Williams, 'General Introduction: Responding to the Call for Academic Writing Theory and Pedagogy' in '*Teaching Academic Writing*' xxi; Theresa Lillis, 'Moving Towards an 'Academic Literacies' Pedagogy: Dialogues of Participation' in '*Teaching Academic Writing*' 30; Ursula Wingate, 'A Comparison of "Additional" and "Embedded" Approaches to Teaching Writing in the Disciplines' in Mary Deane and Peter O'Neill (eds), *Writing in the Disciplines* (Palgrave MacMillan, 2011) 65 ('Additional and Embedded Approaches') ('*Writing in the Disciplines*'); Mary Deane and Peter O'Neill, 'Writing in the Disciplines: Beyond Remediality' in '*Writing in the Disciplines*' 3; Lisa Ganobcsik-Williams, 'The Writing Centre as a Locus for WiD, WAC and Whole-Institution Writing Provision' in '*Writing in the Disciplines*' 250; Rebecca Bell, Sarah Broadberry and Julius Ayodeji, 'From WAC to WiD: Trialling Writing-Intensive Pedagogies with Academic Staff in UK Higher Education' in '*Writing in the Disciplines*' 198; Tracey Costley and John Flowerdew, 'Introduction' in John Flowerdew and Tracey Costley (eds), *Discipline Specific Writing: Theory into Practice* (Routledge, 2017) 1 ('*Discipline Specific Writing*'). See also Yongyan Li and Guangwei Hu, 'Supporting Students' Assignment Writing: what Lecturers do in a Master of Education Programme' (2018) 43(1) *Assessment & Evaluation in Higher Education* 1, 2-3; Kate Chanock et al, 'Collaborating to Embed Academic Literacies and Personal Support in First Year Discipline Subjects' (2012) 9(3) *Journal of University Teaching and Learning Practice* 1, 1-2; Anna Magyar, Daniel McAvoy and Kathrin Forstner, ''If only we knew what they wanted': Bridging the Gap between Student Uncertainty and Lecturers' Expectations' (2011) 3 *Journal of Learning Development in Higher Education* 1, 2; Wette (n 16), 37; Chi Baik and Joan Greig, 'Improving the Academic Outcomes of Undergraduate ESL Students: the Case for Discipline-Based Academic Skills Programs' (2009) 28(4) *Higher Education Research & Development* 401, 404; Anna Maldoni, 'A Cross-Disciplinary Approach to Embedding: A Pedagogy for Developing Academic Literacies' (2017) 11(1) *Journal of Academic Language & Learning* A104, A105.

[18] Wingate, 'Additional and Embedded Approaches' (n 17) 67–68; Rebecca Bell, Sarah Broadberry and Julius Ayodeji, 'From WAC to WiD: Trialling Writing-Intensive Pedagogies with Academic Staff in UK Higher Education' in '*Writing in the Disciplines*' (n18) 198, 200; John Bean, 'Backward Design: Towards an Effective Model of Staff Development in Writing in the Disciplines' in '*Writing in the*

embedded model of writing support is also supported by the GPG. It recommends that '[w]riting instruction needs to be embedded within classes with discipline content. Separating writing from content removes context and devalues writing.'[19]

Over the past two decades, Australian law schools have experienced the pressures of increased and more diverse participation in law,[20] and the imposition of external accreditation requirements that mandate the development of their students' communication skills. In this environment, an embedded approach to writing support ensures that *all* students' written communication skills are supported. This avoids the deficit, optional, 'study skills' model of student writing support, which is exclusionary and tends to marginalise students from non-traditional backgrounds.[21] The increasingly diverse student population in Australian HE means that it is not feasible to sustain a model of individual support for students from a centralised learning unit or skills centre within the university.[22] Embedded models of support are cost-effective and equitable, because they reach a greater number of students than is the case with individual support from a centralised learning

Disciplines' (n18)215, 217-218; Chanock et al, 'Collaborating to Embed Academic Literacies and Personal Support in First Year Discipline Subjects' (n 17) 1-2; Ursula Wingate, *Academic Literacy and Student Diversity: The Case for Inclusive Practice* (Channel View Publications, 2015) Ch 4; Tessa Green, Joshua Dymock and Carol Floyd, 'Academic Literacy Support: Teaching Along the Continuum' in Leigh N Wood and Yvonne A Breyer (eds), *Success in Higher Education: Transitions to, within and from University* (Springer, 2017) 269, 271.

19 Wesley (n 6) 13.

20 See generally David Barker, 'An Avalanche of Law Schools: 1989 to 2013' (2013) 6 *Journal of the Australasian Law Teachers Association* 177. See also Australian Government Productivity Commission, *Access to Justice Arrangements, Productivity Commission Inquiry Report Volume 1* (Report No 72, 5 September 2014) 245; Ainslee Lamb, John Littrich and Karina Murray, *Lawyers in Australia* (The Federation Press, 3rd ed, 2015) 28; Moraitis and Murphy (n 7) 159; Michelle Sanson and Susan Armstrong, 'Holistic Approaches to Academic and Social Transition to Law School' in Leon Wolff and Maria Nicolae (eds), *The First Year Law Experience: A New Beginning* (Halstead Press, 2014) 96, 98-99; Felicity Deane and Danielle Bonzin, 'Using Guiding Principles to Construct Effective Multiple Choice Exams to Assess Legal Reasoning ' (2016) 26(1) *Legal Education Review* 1, 8.

21 See generally Jade McKay and Marcia Devlin, "Uni has a different language ... to the real world': Demystifying Academic Culture and Discourse for Students from Low Socioeconomic Backgrounds' (2014) 33(5) *Higher Education Research & Development* 949. See also Theresa Lillis, *Student Writing: Access, Regulation, Desire* (Routledge, 2001) 6; Marcia Devlin et al, *Effective Teaching Support of Students from Low Socioeconomic Status Backgrounds: Resources for Australian Higher* (Final Report, Australian Government Office for Learning and Teaching, 2012), 6-7; Digby Warren, 'Curriculum Design in a Context of Widening Participation in Higher Education' (2002) 1(1) *Arts & Humanities in Higher Education* 85, 89; Caroline San Miguel, Lisa Townsend and Cheryl Waters, 'Redesigning Nursing Tutorials for ESL Students: A Pilot Study' (2013) 44(1) *Contemporary Nurse* 21, 29.

22 Rowena Harper and Karen Orr Vered, 'Developing Communication as a Graduate Outcome: using 'Writing Across the Curriculum' as a Whole-of-Institution Approach to Curriculum and Pedagogy' (2017) 36(4) *Higher Education Research & Development* 688, 689.

unit.[23] An embedded model also recognises that 'all students, whether first or second language speakers, mature age or school leavers, are novices in the academic context.'[24] Where writing is taught by discipline experts, students give it higher status, and perceive it as a core part of learning in the discipline.[25]

However, initiatives to embed writing into discipline teaching are sometimes resisted by teaching academics,[26] even where there is institutional support for this approach.[27] Academics may perceive that it is not their role to teach writing.[28] They may also be concerned that embedding writing support will 'crowd out' subject matter content and add to their workload.[29] Even where teaching academics are willing participants in an embedded writing program, there are legitimate concerns that they may not have the requisite skills or theoretical knowledge to teach writing.[30] Teaching academics as discipline experts

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[23] Jan Skillen, 'Teaching Writing from the 'Centre' in Australian Universities ' in '*Teaching Academic Writing*' (n18) 140, 144.

[24] Kerry Hunter and Harry Tse, 'Student Perceptions of Embedded Writing Progams Taught by Disciplinary Academics' (2013) 7(2) *Journal of Academic Language & Learning* A95, A95 ('Student Perceptions').

[25] Bell, Broadberry and Ayodeji (n 18) 200; Olivier Buzzi, Susan Grimes and Alistair Rolls, 'Writing in the Discipline for the Discipline?' (2012) 17(4) *Teaching in Higher Education* 479, 480-481; Kate Chanock et al, 'Collaborating to Embed Academic Literacies and Personal Support in First Year Discipline Subjects' (n 17) 2; Angela Diane Crocker, 'Facing the Challenge of Improving the Legal Writing Skills of Educationally Disadvantaged Law Students in a South African Law School' (2018) 21 *PER/PELJ* 1, 20.

[26] Wingate, 'Doing Away with 'Study Skills'' (n 17) 459; Anne Harris, 'Integrating Written Communication Skills: Working Towards a Whole of Course Approach' (2016) 21(3) *Teaching in Higher Education* 287, 292.

[27] Neil Murray and Shashi Nallaya, 'Embedding Academic Literacies in University Programme Curricula: A Case Study' (2016) 41(7) *Studies in Higher Education* 1296, 1304-1306.

[28] Joan Turner, 'Academic Literacies: Providing a Space for the Socio-Political Dynamics of EAP' (2012) 11 *Journal of English for Academic Purposes* 17, 21-22; Bell, Broadberry and Ayodeji (n 17) 199; Murray and Nallaya (n 27) 1305; Rowena Harper, 'From Principles to Practice: Implementing an English Language Proficiency Model at UniSA' (2013) 7(2) *Journal of Academic Language & Learning* A150; Karyn Gonano and Peter Nelson, 'Developing Students' Writing at the Queensland University of Technology' in Chris Thaiss et al (eds), *Writing Programs Worldwide: Profiles of Academic Writing in Many Places* (The WAC Clearinghouse, 2012) 43, 44.

[29] Murray and Nallaya (n 27) 1305; Reem Al-Mahmood and Paul Gruba, 'Approaches to the Implementation of Generic Graduate Attributes in Australian ICT Undergraduate Education' (2007) 17(3) *Computer Science Education* 171, 179; Kate Chanock, 'Teaching Subject Literacies through Blended Learning: Reflections on a Collaboration Between Academic Staff and Teachers in the Disciplines' (2013) 7(2) *Journal of Academic Language & Learning* A106, A108; Amanda French 'Through a Glass Darkly: A Post-Qualitative Case Study into Lecturers' Perceptions of Academic Writing Practices in Higher Education' (PhD Thesis, Birmingham City University, 2014) 56 ('Through a Glass Darkly'); Magyar, McAvoy and Forstner (n 17) 4; B Yalvac et al, 'Promoting Advanced Writing Skills in an Upper-Level Engineering Class' (2007) 96(2) *Journal of Engineering Education* 117, 118.

[30] Sophie Arkoudis, *Integrating English Language Communication Skills Into Disciplinary Curricula: Options and Strategies: Final Report* (Report, Australian Government Office for Learning and Teaching, 2014) 11; Murray and Nallaya (n 27) 1306; Helen Basturkmen, 'Developing Writing for Specific Academic Purposes' in '*Discipline Specific Writing*' (n18) 31, 31; Lotta Bergman, 'Supporting Academic

are 'insiders' for whom the literacy practices of their discipline are often so familiar that they are invisible.[31] It is hard to teach something that you cannot see.

The GPG suggests that the way for discipline academics to make these practices visible to law students is for embedded writing programs to be based on an understanding of how students develop academic literacy, and for teaching academics to collaborate with ALL experts.[32] Collaboration benefits discipline experts because it often reveals to them tacit knowledge about ways of thinking (and doing) in their subject specialty and which they may not articulate to their students.[33]

Literacies: University Teachers in Collaboration for Change' (2016) 21(5) *Teaching in Higher Education* 516, 517 ('Supporting Academic Literacies'); Richard Bailey, 'The Role and Efficacy of Generic Learning and Study Support: What is the Experience and Perspective of Academic Teaching Staff?' (2010) (2) *Journal of Learning Development in Higher Education* 1, 12; French 'Through a Glass Darkly' (n 29) 55.

31 Tamsin Haggis, 'Pedagogies for Diversity: Retaining Critical Challenge Amidst Fears of 'Dumbing Down'' (2006) 31(5) *Studies in Higher Education* 521, 530; Theresa Lillis and Joan Turner, 'Student Writing in Higher Education: Contemporary Confusion, Traditional Concerns' (2001) 6(1) *Teaching in Higher Education* 57, 65; Lillis, *Student Writing: Access, Regulation, Desire* (n 22) 22; Mary R Lea and Brian V Street, 'Student Writing in Higher Education: An Academic Literacies Approach' (1998) 23(2) *Studies in Higher Education* 157, 163-164; Ursula Wingate, Nick Andon and Alessia Cogo, 'Embedding Academic Writing Instruction into Subject Teaching: A Case Study' (2011) 12(1) *Active Learning in Higher Education* 69, 71 ('Embedding Academic Writing'); Kari Mari Jonsmoen and Marit Greek, 'Lecturers' Text Competencies and Guidance Towards Academic Literacy' (2017) 25(3) *Educational Action Research* 354, 361-362; Lewis Elton, 'Academic Writing and Tacit Knowledge' (2010) 15(2) *Teaching in Higher Education* 151, 153; Wingate, *Academic Literacy and Student Diversity: The Case for Inclusive Practice* (n 18) 9-10.

32 Wesley (n 6) 14; Wesley (n 6) 16.

33 Skillen (n 23) 150; Sian Etherington, 'Academic Writing and the Disciplines' in Patricia Friedrich (ed), *Teaching Academic Writing* (Continuum, 2007) 26, 31; Tao Bak and Helen Murphy, 'Reconceiving an Approach to Teaching Legal Discourse: A Community of Practice Project' (2008) 1 *Journal of the Australasian Law Teachers Association* 197, 198; Cecilia Jacobs, 'On Being an Insider on the Outside: New Spaces for Integrating Academic Literacies' (2005) 10(4) *Teaching in Higher Education* 475, 479; Cecilia Jacobs, 'Towards a Critical Understanding of the Teaching of Discipline-Specific Academic Literacies: Making the Tacit Explicit' (2007) (41) *Journal of Education* 59, 76; Cecilia Jacobs, 'Mainstreaming Academic Literacy Teaching: Implications for how Academic Development Understands its Work in Higher Education' (2007) 21(7) *South African Journal of Higher Education* 870, 874; Cecilia Jacobs, 'Collaboration as Pedagogy: Consequences and Implications for Partnerships Between Communication and Disciplinary specialists' (2010) 28(3) *Southern African Linguistics & Applied Language Studies* 227, 236; Cecilia Jacobs, 'Opening up The Curriculum: Moving from The Normative to The Transformative in Teachers' Understandings of Disciplinary Literacy Practices' in Theresa Lillis et al (eds), *Working with Academic Literacies: Case Studies Towards Transformative Practice* (WAC Clearinghouse, 2015) 131, 136-137 ('*Working with Academic Literacies*'); Moraitis and Murphy (n 7) 184; Sherran Clarence, 'Making Inter-Disciplinary Spaces for Talk about and Change in Student Writing and Literacy Development' (2012) 17(2) *Teaching in Higher Education* 127, 131; Ursula Wingate, 'Academic Literacy across the Curriculum: Towards a Collaborative Instructional Approach' (2018) 51 *Language Teaching* 349, 353 ('Academic Literacy across the Curriculum'); Lotta Bergman, 'The Research Circle as a Resource in Challenging Academics' Perceptions of How to Support Students' Literacy Development in Higher Education' (2014) 15(2) *Canadian Journal of Action Research* 3, 13;

In this way, the ALL expert acts as an intermediary between the discipline expert and the student.[34] Like the student, the ALL expert approaches the collaboration as a novice to the particular discipline or subject specialty. However, unlike the student, they come to the collaboration as an equal to the discipline expert.[35] This means they can challenge the discipline expert's assumptions about what students should already know in terms of their writing. In addition, they contribute an understanding of the challenges that students face in negotiating the discourses of HE and can provide this perspective.[36]

The importance of discipline specific writing support for Australian law students has been recognised in the literature.[37] However, there are very few studies which examine the efficacy of embedded writing programs for law students in Australia, that is, writing support in the context of subject matter content led by law academics as discipline experts.[38] This is surprising, given the recognition in the Australian

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Bergman, 'Supporting Academic Literacies' (n 30) 528; Kate Chanock, 'Developing Students' Academic Skills: An Interdisciplinary Approach' in Martin Davies, Marcia Devlin and Malcolm Tight (eds), *Interdisciplinary Higher Education: Perspectives and Practicalities: Volume 5* (Emerald Group Publishing, 2010) 270, 272; Kate Chanock, 'Teaching Subject Literacies through Blended Learning: Reflections on a Collaboration Between Academic Staff and Teachers in the Disciplines' (n 29) A109; Elaine Evans et al, 'Collaborative Teaching in Linguistically and Culturally Diverse Higher Education Setting: a Case Study of a Postgraduate Accounting Program' (2009) 28(6) *Higher Education Research & Development* 597, 609; Kate Wilson and Linda Devereux, 'Scaffolding Theory: High Challenge, High Support in Academic Language and Learning (ALL) Contexts' (2014) 8(3) *Journal of Academic Language & Learning* A91, A96; Magnus Gustafsson et al, 'Collaborating for Content and Language Integrated Learning: The Situated Character of Faculty Collaboration and Student Learning' (2011) 8(3) *Across the Disciplines* 1, 2; Radhika Jaidev and Peggy Chan, 'Embedding Communication in the Disciplines: a Tale of two Faculties' (2018) 12(3) *Innovation in Language Learning and Teaching* 199, 201; Yongyan Li, 'Language–Content Partnership in Higher Education: Development and Opportunities' (2020) 39(3) *Higher Education Research & Development* 500, 502.

34 Janet Jones, Helen Bonanno and Karen Scouller, 'Staff and Student Roles in Central and Faculty-Based Learning Support: Changing Partnerships' (Conference Paper, Changing Identities: Language and Academic Skills Conference, November 29-30, 2001) 6; Katerina Stratilas, 'The Evolving Nature of Support: A New Horizon' (2011) 5(2) *Journal of Academic Language & Learning* A44, A48.

35 Jacobs, 'On Being an Insider on the Outside: New Spaces for Integrating Academic Literacies' (n 33) 481; Jacobs, 'Towards a Critical Understanding of the Teaching of Discipline-Specific Academic Literacies: Making the Tacit Explicit' 66 (n 33).

36 See generally Julian Ingle and Nadya Yakovchuk, 'Writing Development, Co-Teaching and Academic Literacies: Exploring the Connections' in '*Working with Academic Literacies*' 143. See also Robyn Yucel et al, 'A Broad Based, Grass-roots, Community of Practice Achieving Curriculum Reform in First Year Biology' (2009) 3(2) *Journal of Academic Language & Learning* A26, A30.

37 See generally Dean Bell and Penelope Pether, 'Re/writing Skills Training in Law Schools - Legal Literacy Revisited' (1998) 9(2) *Legal Education Review* 113; Peter Moraitis and Helen Murphy, 'Language, Law and Identity: a Language and Learning Response to the Challenges of Widening Participation of Students in Law Subjects' (2013) 47(2) *The Law Teacher* 159. See also Paula Baron and Lillian Corbin, *Legal Writing* (Oxford University Press, 2016) 1.

38 Two examples located by the author were: Graham D Hendry, Susan Armstrong and Nikki Bromberger, 'Implementing Standards-Based Assessment Effectively: Incorporating Discussion of Exemplars into Classroom Teaching' (2012) 37(2) *Assessment & Evaluation in Higher Education* 149; Katherine Curnow, 'More than

literature that the law teacher, as subject matter expert, is the 'medium for developing a set of skills broader than the knowledge base of their particular subject.'[39]

The experience of collaborations between law academics and ALL experts to develop writing support for students is not an issue which has been extensively explored, and the research in this area comes mainly from South Africa,[40] where discipline specific programs to support law students' academic literacy have been driven by an imperative to increase the participation of students who did not have access to high quality education under apartheid.[41] However, it has also been recognised that there is an 'articulation gap' between the literacy and numeracy levels attained by students in 'poor and unequal' primary and secondary schooling settings,[42] and 'the demands of higher University-level education.'[43]

The literature also reveals that whilst the *justifications* for introducing an embedded writing program are usually based on sound pedagogical theory, the actual *design* of the writing intervention is not. This has been most recently acknowledged by Wingate, who observes that, when projects in discipline-specific academic literacy are undertaken, '[t]here is no explicit account of the teaching methods and the theoretical frameworks underpinning them'.[44] Having carefully established the reasons why an embedded model of writing support is adopted, studies then tend to adopt a writing intervention 'borrowed' from various sources, without providing a theoretical justification for doing so.[45]

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the Rules: Using Pleading Drafting to Develop Lawyering and Transferable Skills' (2015) 25(1) *Legal Education Review* 203.

39 Liesel Spencer and Elen Seymour, 'Reading Law: Motivating Digital Natives to Do the Reading ' (2013) 23(1) *Legal Education Review* 177, 188.

40 See, eg, Clarence (n 33); Toni Gottlieb and Lesley Greenbaum, 'The Effect of Integration on Learning: An Analysis and Evaluation of a Legal Writing Project in a South African Law Faculty' (2018) 31(1) *Per Linguam* 47; Jacobs, 'On Being an Insider on the Outside: New Spaces for Integrating Academic Literacies' (n 33); Jacobs, 'Mainstreaming Academic Literacy Teaching: Implications for how Academic Development Understands its work in Higher Education' (n 33); Jacobs, 'Collaboration as Pedagogy: Consequences and Implications for Partnerships Between Communication and Disciplinary specialists' (n 33).

41 Lesley Greenbaum, 'Legal Education in South Africa: Harmonising the Aspirations of Transformative Constitutionalism with our Educational Legacy' (2015) 60 *New York Law School Law Review* 463, 471-473; Crocker (n 25) 1-4.

42 Greenbaum (n 41) 472.

43 Greenbaum (n 41) 473. See also Sherran Clarence, Latiefa Albertus and Lea Mwambene, 'Building an Evolving Method and Materials for Teaching Legal Writing in Large Classes' (2014) 67(6) *Higher Education: The International Journal of Higher Education and Educational Planning* 839; L Biggs and K Hurter, 'Rethinking Legal Skills Education in an LLB Curriculum' (2014) 39(1) *Journal for Juridical Science* 1.

44 Wingate, 'Academic Literacy across the Curriculum' (n 33) 354. See also Wingate, *Academic Literacy and Student Diversity: The Case for Inclusive Practice* (n 18) 65.

45 See, eg, G R Hampton, A W Russell and J Skillen, 'Integrating Tertiary Literacy into the Curriculum: the Effects on Performance and Retention' in K Placing (ed), *Uniserve Science: Proceedings of Improving Learning Outcomes Through Flexible Science Teaching* (Uniserve Science, 2003); Hunter and Tse, 'Student Perceptions' (n 24); Robert Kennelly, Anna Maldoni and Doug Davies, 'A Case Study: Do Discipline-Based Programmes Improve Student Learning Outcomes?' (2010) 6 *Asia*

The Writing Program examined in this study implemented an embedded model of writing support that was both informed by literacy theory and constructed and implemented through interdisciplinary collaboration between law academics and ALL experts.

III OUTLINE OF THE WRITING PROGRAM

The Writing Program occurred in a first year undergraduate contract law subject ('LLB120') at a law school in a large regional university with a diverse student cohort consisting of 14% low-SES students.[46] The law school had devoted considerable resources to its first year program.[47] However, at the same time, the university had moved away from an admissions process based purely on students' Australian Tertiary Admission Rank ('ATAR'), and anecdotal evidence from academics within the law school suggested that this had impacted on student readiness for law school. In 2016 the law school had conducted a review of its LLB program, and one of the focus areas of this review related to the development of students' skills.[48] The review process identified the need for greater support of new students' academic literacy.[49]

The Writing Program was designed in consultation between the law school and an ALL expert at the university. It focused on one genre of writing: the legal problem question ('LPQ'), because this was a dominant mode of assessment in LLB120, and for these new law students, it was a novel genre of writing. The program employed the scaffolded approach of the Sydney School of genre theory,[50] involving

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Pacific Forum on Educational Integrity 61; Myrtle Emmanuel et al, 'Taking Action in Business' in '*Writing in the Disciplines*' (n18) 122; Amanda French, 'Writing Matters! Teaching Writing Development to First-Year Early Years Students' (2009) 10(1) *Contemporary Issues in Early Childhood* 83; Samantha Sin, Alan Jones and Peter Petocz, 'Evaluating a Method of Integrating Generic Skills with Accounting Content Based on a Functional Theory of Meaning' (2007) 47 *Accounting & Finance* 143; Emily Purser, 'Developing Academic Literacy in Context: Trends in Australia' in '*Writing in the Disciplines*' (n18)30; Sharon P Hillege et al, 'Discipline Matters: Embedding Academic Literacies into an Undergraduate Nursing Program' (2014) 14(6) *Nurse Education in Practice* 686.

46 Sarah O'Shea et al, 'Shifting the Blame in Higher Education – Social Inclusion and Deficit Discourses' (2015) 35(2) *Higher Education Research & Development* 322, 326.

47 University of Wollongong 'Staff Recognised for their Contributions to Student Learning' (Media Release, 21 September 2015) <http://media.uow.edu.au/releases/UOW202475.html>.

48 See generally John Littrich, *Position Paper: Legal Internships and Professional Skills* (Position Paper, University of Wollongong Faculty of Law, Humanities and the Arts LLB Review, 2015), copy available on request

49 School of Law, *Course Review Report* (Report, University of Wollongong, 2016) Section 6.1 – Course Review Recommendation, Actions and Required Resources.

50 See generally David Rose, 'Genre in the Sydney School' in James Paul Gee and Michael Handford (eds), *The Routledge Handbook of Discourse Analysis* (Routledge Handbooks Online, 2013) 209; JR Martin and David Rose, 'Designing Literacy Pedagogy: Scaffolding Democracy in the Classroom' in Ruqaiya Hasan, Christian Matthesissen and Jonathon Webster (eds), *Continuing Discourse of Language* (Equinox, 2005) 251; JR Martin and David Rose, 'Interacting with Text: the Role of Dialogue in Learning to Read and Write' (2007) *Foreign Studies Journal* 1; David

a teaching and learning cycle ('TLC') of modelling the genre of the text, deconstruction of the text, joint construction and finally independent construction of the text.[51] Sydney School genre pedagogy views literacy as a social rather than cognitive process. It has been extensively employed in Australian primary and secondary schools and has been implemented successfully in HE settings.[52] It is deliberately 'interventionist', and unapologetically places the teacher as discipline expert at the centre of student writing development.[53]

In summary, the Writing Program involved:

- a Writing Workshop for the teaching academics in LLB120 prior to the commencement of the semester;
- early diagnostic testing of student writing using an LPQ in Week 2 of semester ('Writing Task 1');
- the publication of support materials, including videos, on the LLB120 online learning management system, Moodle.
- student submission of LPQ responses to the LLB120 Moodle in four designated 'writing intensive weeks' during the semester;
- in-class analysis of some of the writing samples submitted to Moodle site in the four designated 'writing intensive' weeks during the semester;
- in-class LPQ writing activities in four designated 'writing intensive' weeks during the semester;
- analysis and marking of student writing from the final exam in LLB120 ('Writing Task 2').

Rose, 'Beyond Literacy: Building an Integrated Pedagogic Genre' (2011) 34(1) *Australian Journal of Language & Literacy* 81; JR Martin, 'Mentoring Semogenesis: Genre Based Literacy Pedagogy' in Frances Christie (ed), *Pedagogy and the Shaping of Consciousness* (Routledge, 2000) 123; JR Martin, 'Genre and Language Learning: A Social Semiotic Perspective' (2009) 20(1) *Linguistics and Education* 10.

51 For a graphical representation of this teaching and learning cycle, see Martin and Rose, 'Designing Literacy Pedagogy: Scaffolding Democracy in the Classroom' (n 50) 252, citing J Rothery, *Exploring Literacy in School English (Write it Right Resources for Literacy and Learning)* (Sydney Metropolitan East Disadvantaged Schools Programme, 1994). For further outlines of this approach see generally New London Group, 'A Pedagogy of Multiliteracies: Designing Social Futures' (1996) 66(1) *Harvard Educational Review* 60; JR Martin, 'Mentoring Semogenesis: Genre Based Literacy Pedagogy' (n 51); Linley Cornish and John Garner, *Promoting Student Learning* (Pearson Education, 2nd ed, 2009).

52 See, eg, David Rose et al, 'Scaffolding Academic Literacy with Indigenous Health Sciences Students: an Evaluative Study' (2008) 7 *Journal of English for Academic Purposes* 165; Darryl Hocking and Wes Fieldhouse, 'Implementing Academic Literacies in Practice' (2011) 46(1) *New Zealand Journal of Educational Studies* 35. See Susan Constable, Jennifer Jasinski Schneider and Carrie Blosser Scheckelhoff, 'Apprenticeship in Academic Literacy: Three K-12 Literacy Strategies to Support Higher Education Students' (2012) 6(3) *Journal of Academic Language & Learning* A70 for an example of an application of these methods in the USA. See Weronika Fernando, 'Show me your True Colours: Scaffolding Formative Academic Literacy Assessment through an Online Learning Platform' (2018) 36 *Assessing Writing* 63 for an example of its use in the UK.

53 Rose, 'Genre in the Sydney School' (n 52) 209.

A *The Writing Workshop for teaching academics*

The Writing Program first focused on the LLB120 teaching academics. Discipline specific writing support has been demonstrated to be more effective when it is provided to teaching academics within the discipline, rather than to individual students, and where ALL experts and teaching academics co-design academic literacy programs.[54] Where support is provided by ALL experts directly to students, it is perceived as peripheral, rather than central, to the discipline.[55] Briguglio has observed that through reaching academic staff, ALL experts increase their reach to students 'a hundredfold',[56] making this mode of support extremely cost-effective.

The LLB120 teaching academics were not language experts, nor did they have the time to become language experts. However, at the suggestion of the ALL expert, the teaching academics were provided with the tools to discuss the language of law through the concept of *assessment literacy*. Much of the research concerning assessment literacy in HE has focused on improving *students*' understanding of assessment practices, in order to enhance their learning.[57] Only recently

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[54] Skillen (n 23) 143-144; Harris, 'Integrating Written Communication Skills: Working Towards a Whole of Course Approach' (n 26) 295; Lisa Ganobcsik-Williams, 'The Writing Centre as a Locus for WiD, WAC and Whole-Institution Writing Provision' (n 17) 256; Joan A Mullin, 'Learning From - Not Duplicating - US Composition Theory annd Practice' in '*Teaching Academic Writing*' (n18)167, 176; Cathy Hutchings, 'Reaching Students: Lessons from a Writing Centre' (2007) 25(3) *Higher Education Research & Development* 247, 260; Aled Ganobcsik-Williams, Building an Academic Writing Programme from within a Discipline' in '*Teaching Academic Writing*' (n18) 98, 104; Carolyn Malkin and Kate Chanock, 'Academic Language and Learning (ALL) in Australia: an Endangered or Evolving Species?' (2018) 12(1) *Journal of Academic Language & Learning* A15, A17. Note that Percy argues that, in Australia, there is an artificial and unnecessary 'bifurcation' of the work of academic literacy experts into 'Academic Development' and 'Academic Language and Learning' experts. The former have tended to work with discipline experts, and the latter with students. See generally Alisa Percy, 'Re-integrating Academic Development and Academic Language and Learning: a Call to Reason' (2014) 33(6) *Higher Education Research & Development* 1194.

[55] See generally Pat Strauss, '"I Don't Think We're Seen as a Nuisance": the Positioning of Postgraduate Learning Advisors in New Zealand Universities' (2013) Special Issue 21 *TEXT* 1; See also Skillen (n 23) 150-151.

[56] Carmela Briguglio, 'The Three Rs: Academic Language and Learning (ALL) Advisers Getting Down to Basics with Academic Colleagues' (2007) 1(1) *Journal of Academic Language & Learning* A10, A12. See generally Colin Beasley, 'Letter of the Law' in Glenda Crosling and Graham Webb (eds), *Supporting Student Learning: Case Studies, Experience and Practice from Higher Education* (Kogan Page, 2002) 145.

[57] See eg, Chris Rust, Margaret Price and Berry O'Donovan, 'Improving Students' Learning by Developing their Understanding of Assessment Criteria and Processes' (2003) 28(2) *Assessment & Evaluation in Higher Education* 147; Berry O'Donovan, Margaret Price and Chris Rust, 'Know what I Mean? Enhancing Student Understanding of Assessment Standards and Criteria' (2004) 9(3) *Teaching in Higher Education* 325; Calvin Douglas Smith et al, 'Assessment Literacy and Student Learning: the Case for Explicitly Developing Students 'Assessment Literacy'' (2013) 38(1) *Assessment & Evaluation in Higher Education* 44; D Royce Sadler, 'Beyond Feedback: Developing Student Capability in Complex Appraisal' (2010) 35(5) *Assessment & Evaluation in Higher Education* 353; Sally Baker, 'Students' Writing "In Transition" from A-Levels to University: How Assessment Drives Students'

has a body of work begun to emerge relating to the assessment literacy of teaching academics in HE.[58] Gareis and Grant define teacher assessment literacy as 'a *teacher's* ability to create and use assessment practices in order to enhance student learning.'[59] In the Writing Workshop, the academics were asked to consider why they thought law schools used LPQs *at all* as a form of assessment, and were also asked to mark and discuss samples of LPQ writing with the ALL expert, using an existing LPQ marking rubric for LLB120. They were then asked to use LPQ exemplars and the marking rubric in their LLB120 seminars, as a means of discussing LPQ writing with their students. Hendry, White and Herbert's study of the use of exemplars in conjunction with a marking rubric as a mode of supporting a written assessment task in animal sciences suggests that this model could be used for embedded writing programs in other disciplines, and that more research is needed to test the effectiveness of this model in an embedded context.[60]

Understandings, Practices and Discourses' (2017) 42(1) *Assessment & Evaluation in Higher Education* 18; Susan J Deeley and Catherine Bovill, 'Staff Student Partnership in Assessment: Enhancing Assessment Literacy through Democratic Practices' (2017) 42(3) *Assessment & Evaluation in Higher Education* 463; Betty Gill, 'Talking About the Elephant in the Room: Improving Fundamental Assessment Practices' (2015) 6(2) *Student Success* 53; David Carless and David Boud, 'The Development of Student Feedback Literacy: Enabling Uptake of Feedback' (2018) 43(8) *Assessment & Evaluation in Higher Education* 1315; Philip Denton and David McIlroy, 'Response of Students to Statement Bank Feedback: the Impact of Assessment Literacy on Performances in Summative Tasks' (2018) 43(2) *Assessment & Evaluation in Higher Education* 197; Mehdi Davari Torshizi and Mostafa Bahraman, 'I Explain, therefore I Learn: Improving Students' Assessment Literacy and Deep Learning by Teaching' (2019) 61 *Studies in Educational Evaluation* 66; Berry M O'Donovan, 'Patchwork Quilt or Woven Cloth? The Student Experience of Coping with Assessment across Disciplines' (2019) 44(9) *Studies in Higher Education* 1579; Simon Knight et al, 'Calibrating Assessment Literacy through Benchmarking Tasks' (2019) 48(8) *Assessment & Evaluation in Higher Education* 1121; Ye Han and Yueting Xu, 'The Development of Student Feedback Literacy: the Influences of Teacher Feedback on Peer Feedback' (2020) 45(5) *Assessment & Evaluation in Higher Education* 680.

58 See, eg, Niveen R M Elshawa et al, 'Teachers' Assessment Literacy and Washback Effect of Assessment' (2016) 5(4) *International Journal of Applied Linguistics and English Literature* 135; Mark S Davies and Maddalena Tara, 'Coherence and Disparity in Assessment Literacies among Higher Education Staff' (2018) 16(3) *London Review of Education* 474; Phillip Dawson, 'Assessment Rubrics: Towards Clearer and more Replicable Design, Research and Practice' (2017) 42(3) *Assessment & Evaluation in Higher Education* 347; Emma Medland, '"I'm an assessment illiterate': Towards a Shared Discourse of Assessment Literacy for External Examiners' (2019) 44(4) *Assessment & Evaluation in Higher Education* 565; Seyed Ali Rezvani Kalajahi and Ain Nadzimah Abdullah, 'Assessing Assessment Literacy and Practices among Lecturers' (2016) 124(4) *Pedagogy* 232; Rebecca Lees and Deborah Anderson, 'Reflections on Academics' Assessment Literacy' (2015) 13(3) *London Review of Education* 42; Gesa Ruge, Olubukola Tokede and Linda Tivendale, 'Implementing Constructive Alignment in Higher Education – Cross-institutional Perspectives from Australia' (2019) 38(4) *Higher Education Research & Development* 833.

59 Christopher R Gareis and Leslie W Grant, 'Assessment Literacy for Teacher Candidates: A Focused Approach' (2015) (Fall- Winter) *Teacher Educators' Journal* 4, 8.

60 Graham D Hendry, Peter White and Catherine Herbert, 'Providing Exemplar-Based 'Feedforward' Before an Assessment: The Role of Teacher Explanation' (2016) 17(2) *Active Learning in Higher Education* 99, 105.

B *Modelling*

The 'modelling' phase of the TLC occurred via the Moodle site for LLB120. It consisted of a series of 'Writing ILAC' videos to communicate to students that LPQ writing was just *one* genre of writing which students would be required to do at law school, and to discuss the social purposes that teaching academics believed were served by LPQ writing.[61] The videos presented an analysis and critique of LPQ writing, [62] and discussed the feedback provided by the teaching academics in the Writing Workshop on samples of LPQ writing. Students were also provided with copies of the writing samples that the academics had analysed in the Writing Workshop, including the comments that the academics had made on these samples. This meant that students could look at the sample writing with the comments on it, without watching the 'Writing ILAC' videos.[63]

C *Deconstruction*

Throughout the semester, in four selected 'Writing Intensive' weeks, students were invited to submit their responses to a particular LPQ assigned for that week's seminars. Every student in LLB120 had at least one opportunity to submit written work during the semester. Students submitted this work on the understanding that it could be used in seminars as an exemplar. One response from each seminar group was selected to be analysed by students during the seminars, and the remaining responses were marked by an LLB120 teaching academic or the author. This meant that all students who submitted a response received individual feedback on their work.

In seminars, using the information from the online resources and the LLB120 marking rubric, students and teaching academics deconstructed a given writing sample using the LLB120 marking rubric, and provided feedback which was recorded by the teaching academic on the writing sample. Deconstruction of the sample included an analysis of the content of the response in terms of whether it correctly identified the legal issue or issues, correctly applied the relevant law to the facts, and arrived at a supported conclusion. In addition, the writing was analysed in relation to matters such as whether the answer achieved

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61 The acronym ILAC (Issue, Law, Application, Conclusion) was used because this was the common acronym used at the law school for problem questions.

62 This critique was based on the following research: Laura P Graham, 'Why-Rac? Revisiting the Traditional Paradigm for Writing About Legal Analysis' (2015) 63 *Kansas Law Review* 681; Tracy Turner, 'Finding Consensus in Legal Writing Discourse Regarding Organizational Structure: A Review and Analysis of the use of IRAC and its Progenies' (2012) 9 *Legal Communication and Rhetoric: JAWLD* 351; Kelley Burton, 'Teaching and Assessing Problem Solving: An Example of an Incremental Approach to using IRAC in Legal Education' (2016) 13(5) *Journal of University Teaching and Learning Practice* 1; Greg Taylor, 'Structured Problem-Solving: Against the 'Step-by-Step' Method' (2006) 11 *Deakin Law Review* 89.

63 The extent to which students accessed this material is not known.

its social purpose, employed appropriate rhetorical 'moves',[64] and whether it employed appropriate language structures, such as paragraphs and hedging devices.[65] The writing was also assessed in terms of surface features such as grammar and spelling.

D *Joint construction*

The Joint Construction phase of the TLC occurred in the Writing Intensive weeks, when time was allocated in seminars for students, in groups, to jointly write an answer to another LPQ set in that particular week, with the support of the teaching academic.

E *Independent Construction*

Students were invited to independently write an answer to an LPQ which was set for the next Writing Intensive week, and to submit their independent work to Moodle for analysis and feedback. Studies of literacy programs which employ genre pedagogy emphasise the importance of building student discipline knowledge as part of the scaffolding process prior to the students engaging in independent writing.[66] For this reason, the first independent writing exercise was not introduced until Week 4 of semester, allowing students to acquire some familiarity with the subject matter of contract law before engaging in independent writing. However, in the Independent Construction phase of the TLC, students should usually attempt written work on a topic that has not been directly modelled or deconstructed in classes. This avoids the possibility of the students simply copying an exemplar answer which has been used in the Modelling/Deconstruction phase of the program. For this reason, students in LLB120 were asked to submit their individual LPQ response on a contract law topic which had *not* been previously covered in classes.

IV METHODOLOGY FOR STUDY OF WRITING PROGRAM[67]

The study of the Writing Program utilised a mixed methods research ('MMR') methodology, employing both quantitative and qualitative methods. Evans, Coon and Ume note that MMR is often associated with practice-based disciplines, in which it has been recognised that

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64 Girolamo Tessuto, 'Legal Problem Question Answer Genre Across Jurisdictions and Cultures' (2011) 30 *English for Specific Purposes* 298, 300.

65 Ibid 302.

66 See generally Shoshana J Dreyfus et al, *Genre Pedagogy in Higher Education: the SLATE Project* (Palgrave MacMillan, 2016); Martin and Rose, 'Interacting with Text: the Role of Dialogue in Learning to Read and Write' (n 50); Dave Horne and Kelly Peake, 'Writing Hazards' in '*Writing in the Disciplines*' (n18) 103; Tory Young and Simon Avery, 'Teaching Writing within a Discipline: the Speak-Write Project' in '*Teaching Academic Writing*' (n18) 85.

67 Ethics approval was obtained for all aspects of this study involving human subjects. See HE16/294, University of Wollongong Social Sciences Human Research Ethics Committee for ethics approval.

'confusing problems defy rigorous technical problem-solving'. [68] Barnat, Bosse and Trautwein argue that 'MMR is regarded as particularly suited for complex fields of research such as higher education. Investigating teaching and learning embedded in their institutional and social structures may involve research problems that exceed the explanatory power of single methods.'[69]

There are a number of rationales provided for the use of MMR in education research generally. Most of these are derived from the seminal work of Greene, Caracelli and Graham, who outline five rationales for the use of MMR in educational and social research: triangulation, complementarity, development, initiation and expansion.[70] The MMR design in this study was underpinned primarily by an *expansion* rationale. The purpose of MMR based on an expansion rationale is usually 'to increase the scope of the inquiry by selecting the methods most appropriate for multiple inquiry components'.[71] Greene, Caracelli and Graham note that, in the case of research involving the evaluation of a particular social or educational program, a 'mixed-methods expansion purpose is commonly illustrated by the use of qualitative methods to assess program processes and by quantitative methods to assess program outcomes'.[72] The use of MMR to evaluate the Writing Program is predicated on an expansion rationale, because it primarily employs qualitative methods to examine the program's processes, including students' and academics' perceptions of them, and inferential statistical quantitative methods to explore program outcomes. In addition, there is precedent for the use of MMR design in the implementation of educational interventions in law programs in Australia.[73]

The quantitative impact of the Writing Program was assessed by a before-and-after study using students' results in Writing Task 1 and Writing Task 2, and the Measuring Academic Skills of University Students ('MASUS') instrument.[74] The MASUS instrument is a well-recognised instrument for the creation of a literacy profile of a student cohort in HE,[75] and is particularly appropriate as a diagnostic tool when

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68 Bronwynne C Evans, David W Coon and Ebere Ume, 'Use of Theoretical Frameworks as a Pragmatic Guide for Mixed Methods Studies: A Methodological Necessity?' (2011) 5(4) *Journal of Mixed Methods Research* 276, 277.

69 Mariam Barnat, Elke Bosse and Caroline Trautwein, 'The Guiding Role of Theory in Mixed-Methods Research: Combining Individual and Institutional Perspectives on the Transition to Higher Education' in Jeroen Huisman and Malcolm Tight (eds), *Theory and Method in Higher Education Research, Volume 3* (2017) 1, 3.

70 Jennifer C Greene, Valerie J Caracelli and Wendy F Graham, 'Toward a Conceptual Framework for Mixed-Method Evaluation Designs' (1989) (3) *Education Evaluation and Policy Analysis* 255, 258-259.

71 Ibid 259.

72 Ibid 260.

73 See, eg, Hendry, Armstrong and Bromberger (n 38) in which the authors use a mixed methods design to test the usefulness of exemplars in supporting law student performance.

74 Helen Bonnano and Janet Jones, *The MASUS Procedure: Measuring the Academic Skills of University Students: A Diagnostic Assessment* (Resource Package, Learning Centre, University of Sydney, 2007).

75 Bonnano and Jones (n 74) 1; For examples of its use see generally Karen Scouller et al, 'Student Experience and Tertiary Expectations: Factors Predicting Academic

integrating academic literacy with the teaching of subject matter content.[76] Empirically, its reliability and validity in a HE context has been demonstrated in a number of studies.[77] In addition, the final results of the students in the 2017 cohort participating in the program ('the Study Cohort') were compared to the results of two previous cohorts from 2015 and 2016, using ATAR as the control.

As with any quantitative analysis of an educational intervention involving human subjects, it is difficult to draw any definite conclusions about a cause-and-effect mechanism relating to the intervention. Thies et al observe that, at best, any conclusions about the effect of such interventions can only ever be tentative, 'given non-clinical contexts and uncontrollable variables'.[78] The author addressed some of these issues by establishing certain 'controls' around the introduction of the Writing Program so that, as far as possible, the 2015 and 2016 cohorts in LLB120 acted as the 'control' groups in this study, and Study Cohort was the 'experiment' group.

First, the author conducted semi-structured interviews with the Subject Coordinators of each of the five law subjects being undertaken by the Study Cohort, and also observed seminars in those subjects in the early weeks of the Autumn 2017 semester, prior to the implementation of the Writing Program in LLB120. The purpose of these interviews and observations was to obtain a 'baseline' description of the content and delivery of all first year law subjects in 2017, and also in relation to these subjects in 2015 and 2016. This process allowed the author to confirm that no subject was materially altered in 2017, compared to 2015 and 2016. Secondly, prior to the Study Cohort undertaking Writing Task 1, the Subject Coordinator of LLB120 replicated what had occurred in 2015 and 2016 in relation to introducing students to LPQ writing in LLB120. This meant that, when the Study Cohort undertook Writing Task 1 in Week 2 of semester, they had had no additional assistance with LPQ writing than had been provided to students in 2015 and 2016 in LLB120 at the same stage in the semester.

Literacy Amongst First Year Pharmacy Students' (2008) 33(2) *Studies in Higher Education* 167; Lorinda Palmer et al, 'Academic Literacy Diagnostic Assessment in the First Semester of First Year at University' (2014) 5(1) *The Internatioanl Journal of the First Year in Higher Education* 67.

[76] Bonnano and Jones (n 74) 1.

[77] See, eg, Karen Scouller et al, 'Student Experience and Teriary Expectations: Factors Predicting Academic Literacy Amongst First Year Pharmacy Students' (2008) 33(2) *Studies in Higher Education* 167; Bronwen Dyson, 'Understanding Trajectories of Academic Literacy: How could this Improve Diagnostic Assessment?' (2009) 3(1) *Journal of Academic Language & Learning* A52; Elizabeth Erling and John Richardson, 'Measuring the Academic Skills of University Students: Evaluation of a Diagnostic Procedure' (2010) 15 *Assessing Writing* 177.

[78] Linda Thies et al, 'Embedded Academic Literacies Curricula: the Challenges of Measuring Success' (2014) 8(2) *Journal of Academic Language & Learning* A43, A52, citing T Gale and S Parker, *Widening Participation in Australian Higher Education* (Report, Higher Education Funding Council of England (HEFCE) and the Office of Fair Access (OFFA), August 2013). See also Karen Handley and Lindsay Williams, 'From Copying to Learning: Using Exemplars to Engage Students with Assessment Criteria and Feedback' (2011) 36(1) *Assessment & Evaluation in Higher Education* 95, 102.

There were three teaching academics who participated in the program. Two of the academics (identified as TA1 and TA3) had considerable teaching experience. The other was a practising lawyer with minimal teaching experience (identified as TA2). TA1 was also the Subject Coordinator of LLB120. Two of the academics (TA1 and TA2) were willing participants in the Writing Program. TA3 was not but agreed to allow students in their classes to participate, so that the students were not disadvantaged or concerned about inconsistencies across classes. Academics' perceptions of the Writing Program were obtained via audio and video recording of the Writing Workshop, and semi-structured interviews conducted during the semester with the academics who were implementing the program. These were also audio recorded. TA3 did not consent to be interviewed by the author about their perceptions of the Writing Program, and also requested that the comments they made in the Writing Workshop not be used in this study. For these reasons, the author has limited data on how the program was implemented in TA3's classes. The data is limited to the perceptions of *students* in TA3's classes.

Student perceptions of the Writing Program were obtained via an anonymous online survey conducted via SurveyMonkey during the lecture in the final week LLB120. The response rate (N=196) represented 69% of the students who completed LLB120 in Autumn 2017 (N=283). The survey consisted of Likert-scale statements, as well as a series of questions which asked students to rate the utility of certain aspects of the Writing Program on a sliding scale from 0-100, where a rating of 0 indicated that the aspect was not at all useful, and a rating of 100 indicated that the aspect was extremely useful. The survey concluded with two open-ended questions that asked students to reflect on what they liked about the Writing Program, and how they thought it could be improved. These qualitative responses were coded using conventional qualitative content analysis using Nvivo software.

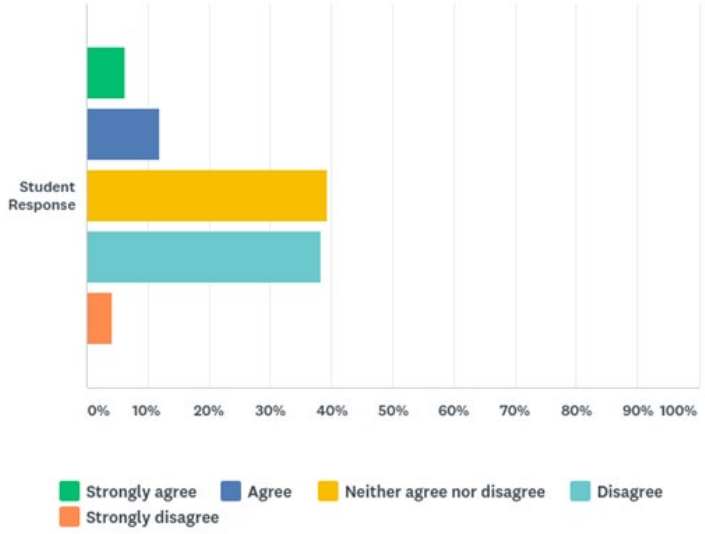
V DISCUSSION AND ANALYSIS

A *Learning content through the Writing Program*

As discussed above, a common concern of teaching academics in relation to embedded writing instruction is that it may crowd out content. The Writing Program was implemented in LLB120 without making substantial changes to the subject content. The teaching academics in this study reported that it was sometimes challenging to accommodate the program and cover the relevant week's topic content in one seminar. TA1, who, as Subject Coordinator, had greater agency in how LLB120 was delivered, reported less difficulty in conducting the program in their seminars than did TA2.

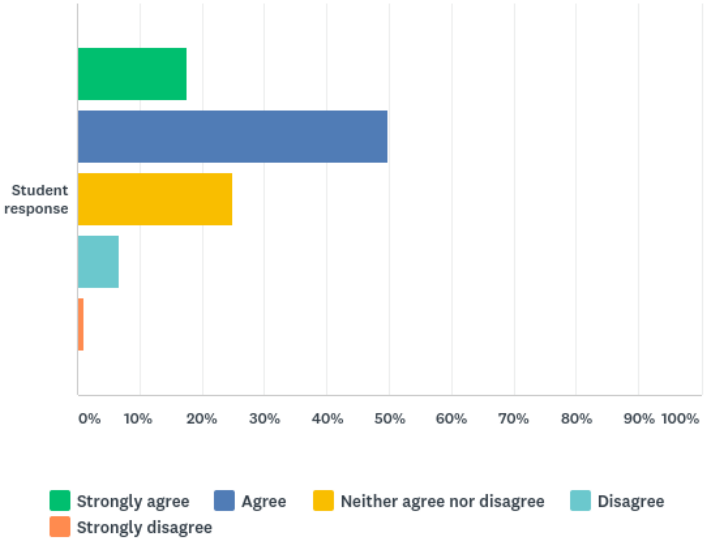
However, the *students* did not perceive that the Writing Program took up too much time in seminars:

Figure 1
Student Survey Response to statement: 'The Writing Program took up too much time in LLB120 seminars'



Both students and the teaching academics saw a strong connection between the Writing Program and learning the content of LLB120. Sixty-seven percent of students were in general agreement with the statement *Participation in the Writing Program improved my understanding of the content in LLB120*:

Figure 2
Student Survey Response to statement: 'Participation in the Writing Program improved my understanding of the content in LLB 120'



There were also a number of responses to the open-ended survey question *What did you like most about the Writing Program?* that indicated that one of the benefits of the Writing Program was that it assisted students in understanding the subject content:

> helped me understand ilac method and apply content.
>
> Was also useful in developing the key concepts of contracts within a problem style question.
>
> Chances to really apply your knowledge
>
> Enhanced my understanding of content
>
> Gave me a better understanding of how to apply the content[79]

This is consistent with the perceptions of the teaching academics involved in the Writing Program, who reported that they were able to use their discussion of LPQ writing as an opportunity to develop students' understanding of contract law:

> I don't see how you could separate [a discussion of the writing from a discussion of the content]. We discussed both and I think that it's really important for me to discuss the writing side of it as well as the content because the content seemed to go hand in hand with the writing style, so as you're writing what needs to go in there, and that's kind of where we started filling in the content, we discussed the writing style.[80]
>
> [When] we actually went through [the sample, I would say] "Okay, then, so if you were answering this question it would be this and this and this" and then we discovered that there was actually a whole chunk of material that that answer had left out. So that was a useful way of me saying "When you're answering the question you have to go through all of these stages and try to bring in all the elements [of a contract] because you all looked at this answer and thought that it was great and it is well written and it does cover the issues that it covers really well but it's missed all of this stuff….. So that even though that's something that looks really good and sounds well and flows and has clear writing and it uses the right referencing and applies the right law and has a good discussion can still nevertheless not be perfect because they've missed some of the content.[81]

In the Writing Intensive weeks, the Joint Construction phase of the TLC involved students being given the opportunity in class time to jointly write answers to LPQs, supported by the teaching academics. Students ranked this aspect of the program highly in terms of its utility, and the open-ended responses indicated that students wanted more opportunities to do this in class, and on more complex questions.

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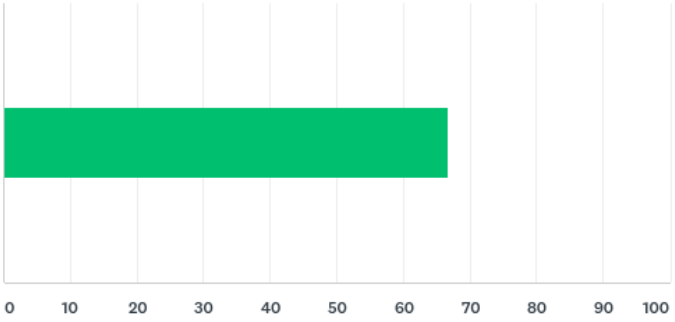
79 Student survey responses. Survey conducted online 29 May 2017.
80 Interview with TA1 (Author details omitted, in person, 28 March 2017).
81 Interview with TA2 (Author details omitted, in person, 24 May 2017).

Figure 3
Student Survey ranking of usefulness of group work on ILAC responses in seminars



The teaching academics' comments on the in-class joint construction of LPQ responses was that it appeared to result in students thinking more deeply about the LPQ, and how they would respond to it, compared to when the answers to LPQs were discussed using an oral Socratic method:

> ..I think it was helpful because as I stated, it slowed them down to be a little bit more methodical, to think it through, instead of trying to jump in and resolve them. I wish I could have done it to more of the courses, because I do probably half of the seminars, and it would be something that I would definitely do a little bit more of.[82]

> They mostly were typing it so they didn't hand it up. But it was good in that they all did seem to be actually writing something and they were collaborating on it and then at the end, coming back as a class, "Let's answer the question" they did seem to have thought about it more and the structure was better than if they just talked about it in groups and then came back….

> … It's like the fact of having to write it down forced them to structure it a bit more. And even if they just wrote it down in notes, because I'd say "Look, you're not going to have time to write a full response but at least write down some points, get your structure and all of that". I think it did focus them a bit more on how to answer the question. So it was useful.[83]

Harper and Orr-Vered observe that the common thinking in Australian HE is that content is something students learn through lecture or seminar instruction or reading, and 'the view that low-stakes formative writing exercises help students to learn subject content is not commonly articulated in Australian higher education.' [84] Tuck has similarly documented the impact of the separation of the teaching of 'knowledge' and 'language' in UK HE. [85] She argues that it leads to the

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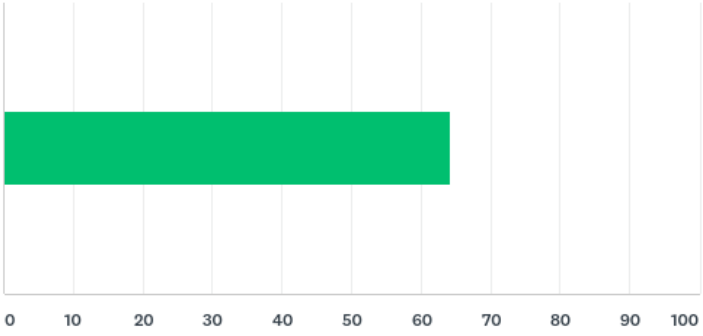
82 Interview with TA1 (Author details omitted, in person, 1 June 2017).
83 Interview with TA2 (n 81).
84 Harper and Orr-Vered (n 22) 697.
85 Jackie Tuck, *Academics Engaging with Student Writing: Working at the Higher Education Textface* (Routledge, 2018) Ch 5. See also Joan Turner, 'Language as Academic Purpose' (2004) 3(2) *Journal of English for Academic Purposes* 95 for a discussion of this language/skills dichotomy in UK HE.

conception of language as a means of representing knowledge only, rather than a tool of learning. Tuck's study shows that the institutional separation of 'language' from 'knowledge' has now occurred to such an extent that discipline academics effectively outsource support for student writing; for example, to third party private providers who mark student assignments, to paid (or in some cases unpaid) post-graduate students, or to volunteer writing mentor services. In the New Zealand HE context, McWilliams and Allan have noted that 'institutional understanding of the intrinsic relationship between writing, learning and communities' of practice within disciplines cannot be guaranteed.'[86] The findings of the Writing Program study show that, not only do students see a connection between learning writing skills and mastery of content, but that teaching academics also perceive that teaching and supporting student writing can be used as a mechanism to develop students' understanding of the subject matter of contract law.

B *Deconstruction- an opportunity to talk about writing*

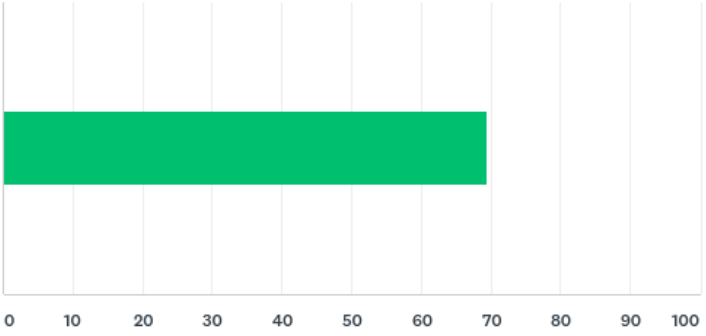
As outlined above, the in-class Deconstruction phase of the Writing Program involved students and the teaching academics analysing one sample student response to an LPQ that had been assigned as classwork, using the marking rubric for LPQ responses. Analysis of data in relation to the in-class Deconstruction phase of the TLC revealed that what students found most useful was the opportunity to discuss the writing samples with their tutor:

Figure 4
Student Survey ranking of usefulness of seminar group's analysis of other writing samples in the seminars



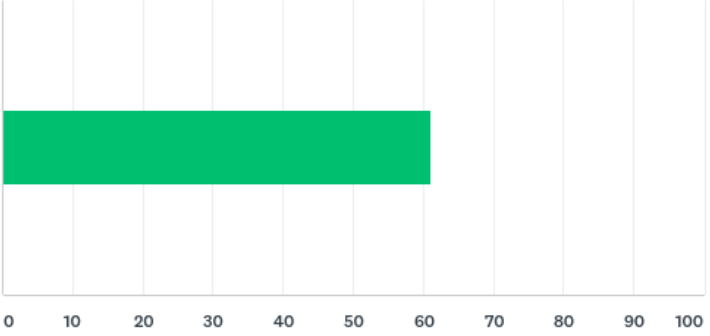
[86] Robyn McWilliams and Quentin Allan, 'Embedding Academic Literacy Skills: Towards a Best Practice Model' (2014) 11(3) *Journal of University Teaching and Learning Practice* 1, 3.

Figure 5
Student Survey ranking of usefulness of seminar leader's comments on the writing samples in seminars



Students found these aspects of the TLC more useful than the individual feedback they received on their own LPQ responses:

Figure 6
Student Survey ranking of usefulness of feedback received on individual ILAC response submitted to Moodle



The qualitative data from the survey responses to the open-ended question about the positive aspects of the Writing Program reinforced these findings:

> [seminar leader's] knowledge of effective writing and the great tips provided
>
> I like going through the structure and seeing examples of how to actually write an answer to these problem questions.
>
> By analysing other peoples [sic] work, it helped me to pick up on ways to improve my own writing.
>
> Gave advice, identified the issues I was missing in my analysis
>
> discussions in class with the seminar leader
>
> marking others
>
> Deconstructing ILAC responses [sic].

> That it gave me a chance to see where I was going with my writing and ILAC skills, helped me develop them from responses and what to do and what not to do
>
> I liked discussing the Moodle responses in class, it allowed us to objectively analyse ILAC and contributed to my own understanding. I think this activity will improve the way I write.
>
> looking at others work to get an outline of whats [sic] expected[87]

The students' feedback about the usefulness of the in-class Deconstruction phase of the Writing Program reflects the findings of other studies concerning the dialogic use of exemplars. Hendry, Armstrong and Bromberger's study of the use of exemplars in law classes demonstrated that it was not the exemplars themselves that students found useful, but their tutor's comments about the exemplars, and the opportunity to discuss them with the tutor in class.[88] This is consistent with the findings of To and Carless about the use of teacher-led discussion of exemplars.[89] Carless et al have recently argued that principled use of teacher-led discussion about exemplars can facilitate the development of tacit knowledge, that is knowledge 'which [is] hard to transfer verbally or in writing'.[90] It is pertinent that, in To and Carless' study, the academics' perceptions were that the tutors dominated the in-class discussions, and that they should have been more student-led. However, this was not reflected in the *students'* perceptions, as the students particularly valued the tutors' comments about the exemplars. Similarly, in Curnow's study of an embedded writing program in law involving the drafting of pleadings, students rated the tutor-led discussions about sample pleadings more useful than peer-to-peer discussions, which the students likened to 'the blind leading the blind.'[91]

However, a more striking aspect of this study was the impact of the Deconstruction phase of the TLC on the teaching academics, particularly that it showed them the considerable gap between *their* understanding of what constituted good LPQ writing, and the students'

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87 Student survey responses. Survey conducted online 29 May 2017.

88 See generally Hendry, Armstrong and Bromberger (n 38). See also Graham D Hendry and Judy Anderson, 'Helping Students Understand the Standards of Work expected in an Essay: Using Exemplars in Mathematics Pre-service Education Classes' (2013) 38(6) *Assessment & Evaluation in Higher Education* 654.

89 See generally Jessica To and David Carless, 'Making Productive use of Exemplars: Peer Discussion and Teacher Guidance for Positive Transfer of Strategies' (2016) 40(6) *Journal of Further and Higher Education* 746. See also David Carless and David Boud, 'The Development of Student Feedback Literacy: Enabling Uptake of Feedback' (2018) 43(8) *Assessment & Evaluation in Higher Education* 1315; David Carless et al, 'Developing Students' Capacities for Evaluative Judgement through Analysing Exemplars' in David Boud et al (eds), *Developing Evaluative Judgement in Higher Education : Assessment for Knowing and Producing Quality Work* (Taylor and Francis Group, 2018) 108; David Carless and Kennedy Kam Ho Chan, 'Managing Dialogic use of Exemplars' (2017) 42(6) *Assessment & Evaluation in Higher Education* 930.

90 Carless et al, 'Developing Students' Capacities for Evaluative Judgement through Analysing Exemplars' (n 89) 108.

91 Curnow (n 38) 217.

perceptions of what was required. It is these reflections that demonstrate the benefit of collaboration between discipline experts and ALL experts in designing an embedded writing program and supporting staff to implement it.

VI DECONSTRUCTION- REVEALING THE GAPS

As part of the Writing Workshop for the law academics, the ALL expert encouraged them to reflect on the extent of their tacit knowledge about LPQ writing, and the gap which might exist between their knowledge and first year law students' understandings. This was done in a number of ways.

First, the discussions in the Writing Workshop with the ALL expert identified a gap between the skills the academics *believed* students developed through LPQ writing, and the assessment criteria that were employed to assess student LPQ writing in LLB120. The academics were asked to consider how the assessment criteria for LPQs in LLB120 writing mapped to the Subject Learning Outcomes for LLB120. They all expressed doubt as to whether the existing criteria accurately assessed what students were required to learn through LPQ writing. This exercise helped demonstrate to the academics that, if *they* had doubts about whether the criteria reflected what they thought was being assessed through LPQ writing, students might have even greater difficulty working out what was required of them!

Another exercise in the Writing Workshop which helped identify the gap between the academics' understandings of good writing and what students new to the discipline of law might understand as good writing involved the ranking of some sample LPQ responses. The teaching academics and the ALL expert ranked the samples from best to worst. The results demonstrated some important differences between what the ALL expert, as an outsider to the discipline, and the academics, as insiders, considered to be good LPQ writing. The discussion about these samples also helped reveal the gaps that might exist between the understanding of a novice to the discipline and those with insider knowledge.

However, the teaching academics were most challenged by an exercise in the Writing Workshop where the ALL expert asked them to write a Petrarchan sonnet. The ALL expert's intention with this exercise was to encourage the discipline experts to consider how their experience of learning a new genre of writing might reflect the experience of first year law students grappling with LPQ writing. The ALL expert provided the academics with some preliminary instructions as to the features of the sonnet, showed them an example of one, and then asked them to write one. The academics found this exercise extremely challenging. The ALL expert asked them to consider whether they could see any similarity between them attempting to write a Petrarchan sonnet, and first year law students attempting to write an LPQ response, having been given some preliminary guidance in how to

do so. Both academics were extremely reluctant to accept the ALL expert's premise that the two tasks were in any way analogous:

> TA 1- I think you can't say "here's two [lecture] slides [showing me how to write a sonnet] and I need to know how to do [a sonnet]", because we're going to be spending the entire term teaching students in a class that deals specifically with it. I see your example and I see that you're trying to show "Look, this is something that's new so you can be comfortable with it, but there's also … I think that the ILAC format is … this is going to require creativity as well and you don't have to have the creativity in the law.
>
> LE – I think you might be underestimating is how difficult it is to do that conceptual thing, that 'identify what the issue is'.[92]

However, the in-class Deconstruction phase of the Writing Program with students appeared to demonstrate to the academics the considerable gap between novice and expert understandings of LPQ writing:

> …The first class I had was probably quite a poor answer. It was very short. It didn't really cover all of the stuff. It had the right ILAC headings but it's not really a very good analysis. It was also, well I formed the view, looking at it, it was clearly written by somebody who didn't have English as their first language and so there was a few linguistic issues and the students very quickly picked up on those, which I kind of said "Well yes, that's a problem but it's not the main problem." And that people don't get penalised for not having English as their first language, because I thought it was kind of important to make that point, that they're not getting marked really on how good their writing is, they're being marked on how well they address the legal issue…
>
> …But in the other classes where the answers were much longer and kind of looked more impressive when you first looked at them, the students in those classes, well the first one in particular, they all read it and kind of went "Oh, wow. Who wrote this? Is this from a third year or did you write this" and they were very impressed by it and were asking me what mark I would give it and what not and I said "Well let's work through the question ourselves first before we get to that". Then it was interesting because when they worked through the question and then when we went through it together as a class and then we went back to the sample answer, the students were able to identify gaps in the sample answer and issues that the student had missed or things they hadn't explored. So I thought that was a very interesting exercise in them seeing what they initially thought was "it must have been a high distinction", it so good, and once we'd looked through the content and then looked back at that question again, they realised that maybe it wasn't as good as they first thought.[93]
>
> Sometimes between the groups, sometimes the groups would be roughly the same and they tended to overestimate how good the answer was and then I would be like "Really! Because they didn't do this or this or this or this," and "have they applied" whatever the major case that week was, and sometimes they would have. The example we had today they didn't apply

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92 Transcript of recording of Writing Workshop, 17 February 2017.

93 Interview with TA2 (Author details omitted, in person, 30 March 2017).

> that, the Privy Council case at all, and then the students were able to identify it and say "Okay, that was a big problem"…
>
> ...I definitely got a sense that when I was talking about [how to structure and present an answer] ….they were all paying attention, which makes me think that maybe it was new to them.[94]

TA2 observed that the material covered in the Writing Workshop in relation to the discussion of LPQ writing as a novel genre helped TA2 better communicate to students what was required for good LPQ writing during the in-class deconstruction phase:

> ..[the students] were saying things like "Is this the way you would set it out". They were asking those kinds of questions and "Is that the way we should set it out". So my response to that was more around "Well this is one way of doing it. It's not necessarily the only way of doing it" and I was trying to distinguish this and the stuff that we went through in your workshop helped. I said "When you're at high school and you're learning how to write an essay or you're learning how to write poetry, there are particular structures that you have to follow and part of writing in that style is following that structure and I was saying there isn't a prescribed structure in the same way because people will respond to that in their own way but you need to think in a certain way and to a certain extent that then forms the structure because there's only so many ways that if you follow that pattern of thinking that you can write it down but it's not the same as having a 'one size fits all'.[95]

The deconstruction of poorer quality responses also presented TA2 with an opportunity to discuss with students the way in which surface writing features, such as spelling and grammar, might influence a marker:

> …There were some very good examples. But by and large they were fairly lacking in terms of what I would consider basic writing skills. So things like not pluralising properly, having tenses that didn't match, grammar was non-existent. Even sentences that were way too long and some kind of … there were a couple that I put up for the students to read and none of us could decipher really what was being said because it was all bunched up in this big paragraph. There were three or four lines to a sentence ...
>
> ... I was surprised by the general poor standard and so I spent the next couple of classes trying to emphasise how important communication is as a lawyer, because that's what we do, and that getting your writing style clear … and I went through the marking rubric and highlighted and focused on that one assessment criteria that next week, and it was like "The reason why this is a criteria is because you can write the best answer to a question in the world but if nobody can understand what you're saying what's the point. So the way that you write and the words that you use and the structure and all of those things are really important and that's why it's its own discrete criteria". So I was trying to kind of in a 'kind way' tell them that they really needed to focus on that skillset.[96]

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94 Interview with TA2 (n 81).
95 Interview with TA2 (n 93).
96 Interview with TA2 (n 81).

Both discipline experts noted that, as the semester progressed, the 'gap' narrowed between what *they* perceived as a well-written LPQ answer, and the students' perception of a good answer. They both felt that their students found it challenging to critique the writing samples at first but became far more proficient at it as the semester progressed. They also both linked this to the class dialogue about the writing samples using the marking rubric:

> It was interesting because the whole group had the same experience, "Wow this is a really good answer" "oh wow, so they missed all this stuff". I think really it was a positive for them because they realised that they actually did know more than they thought...
>
> ...I found that the shift in the students' perception of the work before and after [deconstructing a writing sample] was interesting, that they thought that they were looking at a really good piece of work that they could never and then when they actually worked through the facts, they worked through the issues, they worked through the law and they worked through what would have been a reasonably complete answer, because we'd done this whole thing as a class, and then looked back then at this piece of writing that they were quite scared of at the beginning and realising that actually it wasn't this unattainable thing, that it had flaws and that maybe they could do better.[97]
>
> I think students had the tendency to read through something and immediately say that was good and as we would spend more time, especially if we applied the rubric a little bit more strictly, I think they began to realise that something that at first read might look good really, might be weak in certain areas. For example, one particular sample had a lot of information with all the stuff they put down, however once we realised that it was pretty much repetitious, so there wasn't a lot of new material and they weren't really on point with the issue.[98]
>
> ... As a whole I think… at the beginning of the semester they thought the answers were all really good. By the last couple [of classes] they were a lot more critical…they did seem to be much more critical of the answers later in the semester than they were earlier on where they seemed to think "Yeah, they did really well" until you actually went through how you would answer the questions and realised that there were big gaps.[99]

The teaching academics also observed that students developed an awareness of the importance of their own writing in effectively communicating their knowledge, rather than simply learning the content of the subject. They both felt that this awareness also occurred as a result of the deconstruction of the sample answers:

> I think they only come to that realisation [about the quality of a response] themselves by them working through it as a class and with the teacher's guidance. So I don't know whether if they went home and looked at it as an individual, whether they would be able to do that because I do think that when you have the class discussion and you've got different people

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97 Interview with TA2 (n 93).
98 Interview with TA1 (n 80).
99 Interview with TA2 (n 81).

> bouncing ideas off each other, actually more stuff gets teased out than would otherwise.[100]

> ...I have noticed…….., so many students who asked very good questions about how to write the final exam, how to be writing for the final exam. I thought that was really good because I truly believe without the writing intense program students wouldn't be thinking about that, they would just be thinking about how do they know their topic, but they're not worried about how do they convey their knowledge. So I think that's another side benefit which is great…. In consultation time, with students one on one and then also students in their seminars, asking the same type of question, "Okay, so if we had this on the final exam, how do we approach it so that way it sounds right? How should my issue be written?". That's really good. I've never had that before.[101]

TA1 also commented that the in-class Deconstruction phase of the Writing Program made *them* more conscious of explicitly articulating to students what was required in terms of LPQ writing, and that using the LLB120 marking rubric as the conduit for discussing the writing sample enhanced their ability to articulate to students what was required of them:

> [Towards the end of the semester we]… spent more time… on how it should be written. So the students did have a chance to read through the student sample that was provided, …… and I think what we did instead was …. a little bit more of "how would *we* write it". So they had a chance to see that, but then it was like "how would *we* do it"… I think that if you don't know how [to explain how] to formulate your answer, your students are going to lose out on potential marks that they could receive and *so I think that overall the rubric and the writing instructions help the students in a way that are hard to describe but are there*.[102]

The in-class Deconstruction phase of the TLC is crucial in developing students' 'meta-knowledge' or 'meta-understanding' of language in the discipline of law. This meta-knowledge is something that only law academics, as discipline experts, can impart to students of law. However, the first step in this process is to bridge the divide between student understandings of what it means to write competently in a discipline, and what academics understand, but perhaps do not articulate to students. Academics are unconsciously competent in their writing.[103] This is clearly evidenced by the reluctance of the academics in this study to accept that the Petrarchan sonnet exercise was in any way similar to the experience of first year law students approaching LPQ writing. Clughen and Connell's study demonstrates that a dialogic approach to the discussion of a genre of writing within a discipline can

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100 Interview with TA2 (n 93).

101 Interview with TA1 (n 82).

102 Ibid.

103 Lisa Clughen and Matt Connell, 'Using Dialogic Lecture Analysis to Clarify Disciplinary Requirements for Writing' in Christine Hardy and Lisa Clughen (eds), *Writing in the Disciplines: Building Supportive Cultures for Student Writing in UK Higher Education* (Emerald Publishing Limited, 2012) 123, 126. See also Lillis and Turner, 'Student Writing in Higher Education: Contemporary Confusion, Traditional Concerns' (n 31) 63.

assist the discipline expert to 'walk in the students' shoes' and gain an appreciation of this divide between their tacit knowledge and the students' understanding.[104] In particular, their study demonstrates that 'focusing on a specific writing convention [within a discipline]...can enhance a tutor's realisation that forms of discourse which are naturalised for them are very foreign for the students'[105]

However, as Haggis observes, even if academics recognise the chasm between their knowledge and students' knowledge about the language requirements of their discipline, they may then not have the requisite tools to communicate 'how' they do writing in their discipline.[106] For this reason, Wingate has suggested that a fully embedded model of writing support should integrate the ALL expert into the discipline teaching as an alternative to making the teaching academic solely responsible for developing students' academic literacy.[107] She also acknowledges that this level of integration may be expensive, at least in the short term. However, in relation to teaching LPQ writing to law students in a content-based program, Bruce notes an important limitation of the ALL expert assuming responsibility for delivering the writing program; that they must, to some extent, assume the role of discipline expert.[108] Certainly, the integration of the ALL expert into classroom teaching was beyond the scope of the Writing Program. However, the use of the marking rubric in the in-class Deconstruction phase of the Writing Program assisted the teaching academics to articulate the writing practices of their discipline; they did not need to be fully fledged 'language experts'. The dialogue with students concerning the writing samples using the marking rubric helped the teaching academics to articulate conventions of writing in law which are, in the words of TA1, 'hard to describe but are there'.

The contribution of the ALL expert to this Program resulted in the use of the marking rubric as the bridge to discuss the language features of LPQ writing with the students. The concept of assessment literacy for both the academics and the students provided a means for the academics to talk to students about the language of LPQs in a way that the academics *already understood*. It also meant that, in discussing the writing samples in class, the academics focused on the 'top down'

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[104] Clughen and Connell, 'Using Dialogic Lecture Analysis to Clarify Disciplinary Requirements for Writing' (n 103) 128.

[105] Clughen and Connell, 'Using Dialogic Lecture Analysis to Clarify Disciplinary Requirements for Writing' (n 103) 136. See also, generally, Adriana Fischer, '"Hidden Features" and "Overt Instruction" in Academic Literacy Practices: A Case Study in Engineering' in '*Working With Academic Literacies*' 75, noting the benefits of a dialogic approach over an 'overt instruction' approach.

[106] Haggis (n 31) 530. See also Jonsmoen and Greek (n 31) 361-362.

[107] Wingate, *Academic Literacy and Student Diversity: The Case for Inclusive Practice* (n 18) 154. See also Tony Dudley-Evans, 'Team-teaching in EAP: Changes and Adaptations in the Birmingham Approach' in John Flowerdew and Matthew Peacock (eds), *Research Perspectives on English for Academic Purposes* (Cambridge University Press, 2001) 225, who advocates for a 'team teaching' approach to collaboration, where materials are jointly prepared and delivered by the ALL expert and the discipline expert.

[108] Nigel Bruce, 'Dovetailing Language and Content: Teaching Balanced Argument in Legal Problem Answer Writing' (2002) 21(4) *English for Specific Purposes* 321, 325.

approach favoured by the Sydney School genre pedagogy. That is, the focus was on the social purpose of the LPQ writing, and its generic features, rather than more granular aspects of the writing, for example the spelling of individual words and syntax within individual sentences. However, as Dreyfus' study of a genre pedagogy project in HE emphasises, the fact that a 'top down' approach is employed does not mean that granular features of writing are not discussed with students. Instead, these features are discussed 'in terms of their function at higher levels'.[109] This is demonstrated quite clearly by the way in which TA2's dialogue with their students relating to the exemplar writing presented opportunities to discuss the impact of poor spelling and grammar, as illustrated by TA2's observations above that 'you can write the best answer to a question in the world but if nobody can understand what you're saying what's the point'.

This demonstrates the importance of the contribution of the ALL expert to a project such as this, in terms of harnessing their expert knowledge about language to find ways to enhance the skills of discipline academics. In this case, the ALL expert, as language expert, was aware of what the discipline experts did not know about teaching language to students, but was also aware that the discipline experts would need a tool or a 'hook' to deliver the Writing Program. The use of the concept of assessment literacy equipped the discipline experts with a familiar tool they could use to talk about language to their students.

The development of students' meta-knowledge about the language of law school was noted by both academics in relation to the students' growing confidence in critiquing the writing samples, and also students' awareness that they needed to ask questions about *how* an answer to an LPQ should be written, rather than simply learning the content of the subject. Haggis notes that teaching academics need to provide students with the tools to understand the writing conventions of their discipline, but also to deconstruct them.[110] She observes that these conventions differ between disciplines in HE, and that, therefore, students not only need to learn how to learn in HE, they also need to learn how to learn *in each particular discipline*. It has been observed that the dialogic approach involved in the Deconstruction phase of the TLC allows students the opportunity to both learn discipline specific academic genres, and also to critique them.[111]

However, this dialogic model assumes to some extent that students *already know* what questions to ask about the way knowledge is constructed through language in their discipline. For example, Clughen and Connell claim that the dialogue which occurs between students and discipline experts in the deconstruction phase of a discipline specific writing program helps academics 'forget what they know' because the students' questions about the text reveal to the academics what the

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109 Shoshana J Dreyfus et al, (n 66) 207.

110 See generally Haggis (n 31).

111 See generally Clughen and Connell, 'Using Dialogic Lecture Analysis to Clarify Disciplinary Requirements for Writing' (n 103).

students do not understand.[112] This assumes that students possess the relevant knowledge to *know what questions to ask*: that is, to know what they do not know.

This is another reason why embedded academic literacy programs delivered by discipline experts need to be supported by collaborations with ALL experts.[113] The Petrarchan sonnet exercise in the Writing Program study demonstrates the contribution that can be made by the ALL expert, who is able to see the new discourse through the eyes of a novice at law, but also has the requisite expertise and cultural capital to know what questions to ask, so that academics *are* challenged to think about how they do what they do in their discipline. Chanock argues that this is one of the key contributions that can be made by an ALL expert to the understanding of the discipline expert, particularly in relation to first year students;[114] ALL experts can provide insights into the differences in discourse between school and university, and the issues students experience in attempting to negotiate those differences. Chanock et al have further demonstrated the way in which ALL experts can challenge the common assumption of discipline experts that, provided students arrive at university as competent readers and writers, they will be able to engage with academic texts.[115] They argue that ALL experts can do this because they are able to talk to discipline experts about the differences between discipline discourses. Whilst the discipline experts involved in the Writing Program may not have accepted the premise of the sonnet exercise in the Writing Workshop, they were able to see, via the in-class Deconstruction phase of the Writing Program, that perhaps the ALL expert was correct about the difficulties law students might encounter when confronted with the new genre of LPQ writing.

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[112] Ibid 129.

[113] See generally Jacobs, 'On Being an Insider on the Outside: New Spaces for Integrating Academic Literacies' (n 33); Jacobs, 'Towards a Critical Understanding of the Teaching of Discipline-Specific Academic Literacies: Making the Tacit Explicit' (n 33); Jacobs, 'Mainstreaming Academic Literacy Teaching: Implications for how Academic Development Understands its work in Higher Education' (n 33); Jacobs, 'Collaboration as Pedagogy: Consequences and Implications for Partnerships Between Communication and Disciplinary specialists' (n 33).

[114] See generally Kate Chanock, 'What Academic Language and Learning Advisers Bring to the Scholarship of Teaching and Learning: Problems and Possibilities for Dialogue with the Disciplines' (2007) 26(3) *Higher Education Research & Development* 269.

[115] Chanock et al, 'Collaborating to Embed Academic Literacies and Personal Support in First Year Discipline Subjects' (n 17) 4.

VII IMPACT OF WRITING PROGRAM ON STUDENT PERFORMANCE

A *Overview*

Quantitative statistical analysis was used to determine if the Writing Program had any discernible impact on student performance in LLB120.[116] The data were analysed using R 3.5.1 software.

The impact on student performance was assessed in two ways.

First, it was assessed by a before and after analysis conducted in relation to the performance of the Study Cohort in two pieces of writing, one which was undertaken by the Study Cohort prior to the start of the Writing Program ('Writing Task 1') and one which was undertaken at the conclusion of the Writing Program ('Writing Task 2'). Students' individual performance was recorded as a mark out of 100 for each task, and the MASUS instrument was used to compare the overall literacy profile of the Study Cohort before and after the Writing Program.

This analysis demonstrated that individual student performance improved by a statistically significant amount between Writing Task 1 and Writing Task 2. Statistical significance refers to a result which, given the number of students in the Study, cannot reasonably be explained as a chance occurrence. 'Statistical significance' is measured by a 'p-value', which is calculated as a number between 1 and 0. A p-value of less than or equal to .05 means that results are statistically significant. It means that the probability of an observed result occurring by chance is less than or equal to 5%. The analysis also showed that the students who demonstrated greater engagement in the Writing Program achieved better results in Writing Task 2 than those who did not. Finally, the MASUS profile of the Study Cohort showed an improvement in the literacy profile of the cohort in Writing Task 2 compared to Writing Task 1, particularly in relation to those students who had a low MASUS rating in Writing Task 1.

Secondly, the author compared the Study Cohort's performance in LLB120 with that of the 2015 and 2016 cohorts, who had not undertaken the Writing Program. This was done primarily by a comparison of the interaction between ATAR and final results in LLB120 of the Study Cohort compared to the 2015 and 2016 cohorts. The author's hypothesis was that whilst there would be a positive relationship between ATAR scores and students' results in LLB120, in the Study Cohort this relationship would be less strong than in 2015 and 2016 because of the impact of the Writing Program. This proved to be correct, in particular in relation to those students in the Study Cohort with low ATAR scores. In the Study Cohort students with low ATAR

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[116] The quantitative data were analysed by the Statistical Consulting Services in School of Computing, Engineering and Mathematics Western Sydney University (WSU) as a result of a grant obtained by the author from WSU. The author acknowledges the contribution of Dr Russell Thomson, School of Computing, Engineering and Mathematics, Western Sydney University in relation to the statistical analysis and reporting.

scores performed better in LLB120 than their ATAR scores would have predicted, compared to those in the 2015 and 2016 cohorts.

B *Results of the Study Cohort*

1 *Before and After Study of Individual Results in Writing Task 1 and Writing Task 2*

In relation to Study Cohort, the author compared individual student results in the writing task which was performed before the writing program (Writing Task 1), and after (Writing Task 2).[117]

An ANOVA test was first performed to confirm that the identity of a student's teacher did not have an impact on the difference in marks between Writing Task 1 and Writing Task 2. The ANOVA was fitted on the difference between the marks for Writing Task 1 and Writing Task 2.[118] This analysis showed no statistically significant effect on student results depending on the identity of their teacher ($F=0.214$, $df=2,238$, p-value=0.8). A paired T-test *showed a statistically significant increase in scores between Writing Task 1 and Writing Task 2* in individual student results in the Study Cohort. (Mean Difference between Marks for WT1 and WT 2=14.3, $T=15.6$, p-value<0.0001).

2 *Effect of Participation in Optional Individual Writing Activity*

The author collected data on the students who submitted an individual writing task during the semester in their allocated Writing Intensive week. Students were not compelled to submit an individual writing task. However, if they did so it was on the understanding that it could be used as a sample and discussed by students in other seminar groups, and that the student would be given individual feedback on their writing. The assumption here is that those students who participated in this voluntary activity were more likely to be more engaged in the Writing Program than those who did not submit an individual writing task. The author analysed how those students who participated in the individual writing task activity performed in Writing Task 2 compared to those students who did not submit an individual writing task.[119]

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[117] N= 242. Note that Populations: N=283 for students in cohort with final result in Unit. N=242 for number of students with valid result in both WT 1 and WT 2. Students excluded here included those who did not participate in WT1 and/or did not have a valid result for WT 2 because they had either attempted a supplementary exam, and these students were not included in this study because the writing task required was not considered equivalent to the one undertaken by the rest of the cohort OR some students had a total mark only recorded on their papers for both questions in the exam, so it was not possible to discern from this mark the individual mark they had been allocated for the particular question which was analysed.

[118] This difference was approximately normally distributed so no transformation necessary.

[119] Students with a valid result for both WT 1 and WT 2 (N=242). Students in this group who submitted an individual writing task (N=50). Students in this group who did not submit an individual writing task (N=192).

A T-test was used to see if there was a statistically significant difference in the marks for Writing Task 2 of those students who participated in the individual writing activity and those who did not. The results *showed a statistically significant difference* (T=2.69, p-value 0.00756).
A graph and table of the results is as follows:

Figure 7
Difference in Mean Marks for Writing Task 2 based on participation in individual writing activity

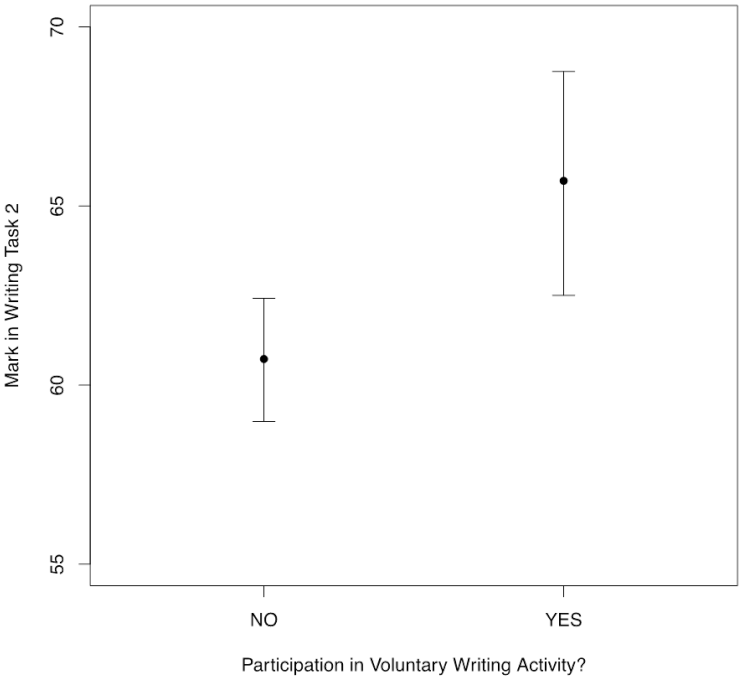

Table 1
Difference in Mean Marks for Writing Task 2 based on participation in individual writing activity

Participation in voluntary writing activity	Average mark in writing task 2 (95% ci)
No	60.7 (59-62.4)
Yes	65.6 (62.5-68.8)

The author also investigated whether participation in the individual writing task impacted on the amount of improvement in marks between Writing Task 1 and Writing Task 2. A T-test was used to see if the *increase* in marks from Writing Task 1 to 2 was significantly different between those students who participated in the individual writing

activity and those who did not.[120] These results showed a non-significant difference (Diff = 3.54 , T=1.56, p-value = 0.121). However the direction of the difference follows what was hypothesized; that is, those students who participated in the individual writing activity on average improved their mark in Writing Task 2 by 3.54 (CI => (-0.94, 8.01)) marks more than those who did not participate.

It is acknowledged that, in cases where optional language support such as the individual writing task is offered to students in HE, the students who access the support are usually higher performing students who wish to further improve,[121] rather than the students who actually need assistance.[122] However, in the case of the individual writing task activity in the Writing Program, 56% (N=28) of the students who participated in this activity did not receive pass mark for Writing Task 1, and 42% (N=21) received a mark below the mean mark for Writing Task 1. Therefore, it was not only the high-performing students in the Study Cohort who participated in the individual writing activity.[123]

It is obviously not possible to draw the conclusion that the Writing Program caused the significant increase in marks between Writing Task 1 and Writing Task 2. For example, this may have been the result of students' better understanding of the content in LLB120 as the semester progressed, or a gradual acquisition of skills in analysing and answering LPQs which would have occurred in the absence of the Writing Program. However, when the data on the increase in marks between the tasks is considered in combination with the data concerning the impact of participation in the individual writing activity, this indicates that the Writing Program had a positive impact on student results in Writing Task 2 compared to Writing Task 1.

C *Literacy profile of Study Cohort*

A before and after literacy profile of the Study Cohort was conducted in relation Writing 1 and Writing Task 2, using the MASUS instrument.[124]

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120 Difference = WT 2 mark – WT 1 mark.

121 Wingate, 'Additional and Embedded Approaches' (n 17) 67.

122 See generally Robert M Kennelly and Tony Tucker, 'Why do "At Risk" Students Choose to Attend or Avoid Specific Support Programs: A Case Study of Student Experience at the University of Canberra' (2012) 6(1) *Journal of Academic Language & Learning* A103. See also Warren (n 21) 90;Wingate, 'Doing Away with 'Study Skills'' (n 17) 458; Sophie Arkoudis and Lachlan Doughney, 'Good Practice Report-English Language Proficiency' (Report, Australian Government, Office for Learning and Teaching, 2014) 12-13; Anna M Maldoni and Emmaline L Lear, 'A Decade of Embedding: Where are we Now?' (2016) 13(3) *Journal of University Teaching and Learning Practice* 2, 9.

123 The Mean mark for WT 1 was 46%.

124 N=240. This was the number of students in the cohort who had a MASUS assessment of both writing task 1 and writing task 2, and who also had a valid result for writing task 1 and writing task 2. Two students from the population with a valid result from WT2 and WT1 were excluded from the MASUS analysis because, whilst the student's result for WT2 had been recorded, the student's paper for WT 2 was not retained and therefore it was not possible to conduct a MASUS analysis of WT 2.

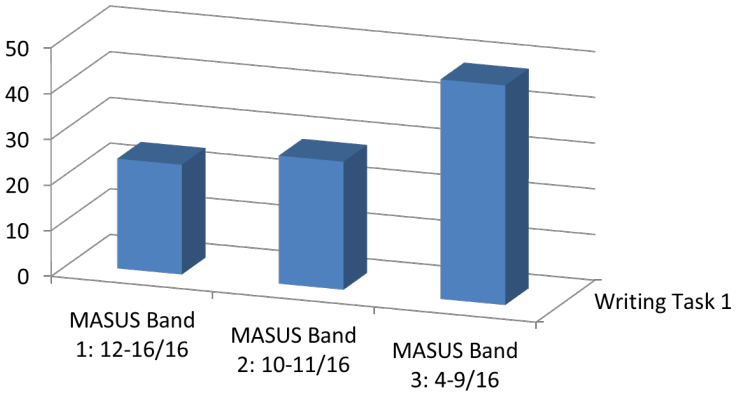
1 *MASUS profile for Writing Task 1*

This MASUS profile was conducted on Writing Task 1. Adopting the approach taken by Palmer et al,[125] students' overall MASUS ratings were grouped into 3 bands:

> **Band 1 (High): 12-16/16-** indicating appropriate or nearly appropriate academic literacy skills for all four MASUS criteria
> **Band 2 (Medium): 10-11/16**; indicating lack of competence in at least one of the four MASUS criteria
> **Band 3 (Low): 4-9/16**: indicating problems in several MASUS criteria.

The condensed MASUS scores for each Band showed that 24% of the Study Cohort received a Band 1 score, 28% received a Band 2 score and 48% received a Band 3 score:

Figure 8
Condensed MASUS Profile of Study Cohort for Writing Task 1



MASUS profile of 2017 cohort, showing percentage of students in each Band for Writing Task 1

2 *MASUS profile for Writing Task 2*

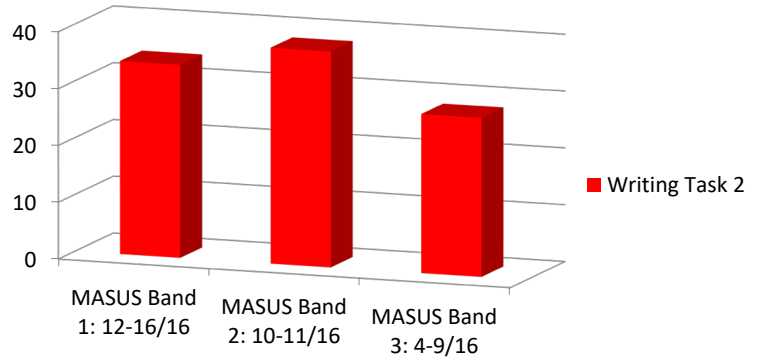
One of the questions in the end of semester exam question was chosen as Writing Task 2, because it was an LPQ that raised some similar legal issues to those raised in the LPQ in Writing Task 1, but extended on these to cover other contract law issues students had studied throughout the semester. These two tasks can be considered comparable because, whilst Writing Task 2 required students to analyse a longer question and apply more material, it occurred at the end of the

[125] Palmer et al (n 75) 73-75.

semester, when students had the benefit of learning all of the material covered in the subject.

The condensed MASUS scores in Writing Task 2 for each Band showed that 34% of the Study Cohort received a Band 1 score, 38% received a Band 2 score and 28% received a Band 3 score:

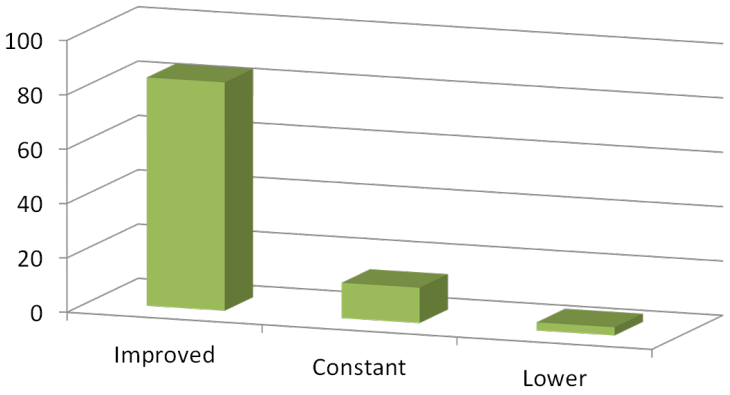
Figure 9
Condensed MASUS Profile of Study Cohort for Writing Task 2



MASUS profile of 2017 cohort, showing percentage of students in each Band for Writing Task 2

This before and after profile demonstrates a noticeable improvement at the lower end of the cohort. This result is reinforced by the improvement in the MASUS scores of the lowest band in Writing Task 1. Of the students in Band 3 for Writing Task 1, 84% improved their score in Writing Task 2, 13% stayed the same and only 3% scored lower. 27% moved from the lowest MASUS band to the highest.

Figure 10
Comparison of condensed MASUS scores for students in Band 3



Comparison of condensed MASUS scores for students in Band 3 for Writing Task 2- expressed as percentage of students in this Band

In relation to those in Band 2 for Writing Task 1, 46% improved their MASUS score in Writing Task 2, 18% stayed the same and 35% scored lower. 31% moved into the highest band, which is comparable to the improvement of the students in the lowest band for Writing Task 1.[126]

D *Overall result in Subject- comparison of cohorts*

The author performed a linear regression analysis on the relationship between students' final results in LLB120 and ATAR in relation to the 2015, 2016 and 2017 cohorts.[127] This analysis was performed in order to determine, first, whether there was a statistically significant relationship between ATAR and final result, and secondly, whether that relationship was less strong in 2017 when the Writing Program was conducted. The hypothesis was that, first, there would be a positive relationship between ATAR scores and students' results in LLB120, but that, in 2017, this relationship would be less strong than in 2015 and 2016 because of the impact of the Writing Program. It was hypothesised that the Writing Program should disrupt the nexus between student ATAR and final result in LLB120. The hypothesis was

[126] In relation to the students in Band 1 for WT1, 45 % moved to a lower band for WT2, but this consisted of 30% who moved to Band 2, and 15% to the upper end Band 3. In most circumstances this was due to students missing issues in the LPQ exam question, and so not scoring as high as they had in WT 1 for criterion A of the MASUS instrument, relating to retrieval of information from source materials.

[127] Note, not all students in the cohort who had a final result had an ATAR score. The number of students with an ATAR score in each cohort was: 2017 (N= 260/283), 2016 (N= 254/286), 2015 (N=206/239).

that the 2017 students would perform better in LLB120 than their ATAR scores would predict.

In this study, the triangulation of the ATAR data and the qualitative data concerning the similarity of content and delivery of LLB120 and the other first law year subjects in 2015, 2016 and 2017 was a means by which the author could compare the performance of the 2015, 2016 and 2017 cohorts.

E *Comparison of Final Results*

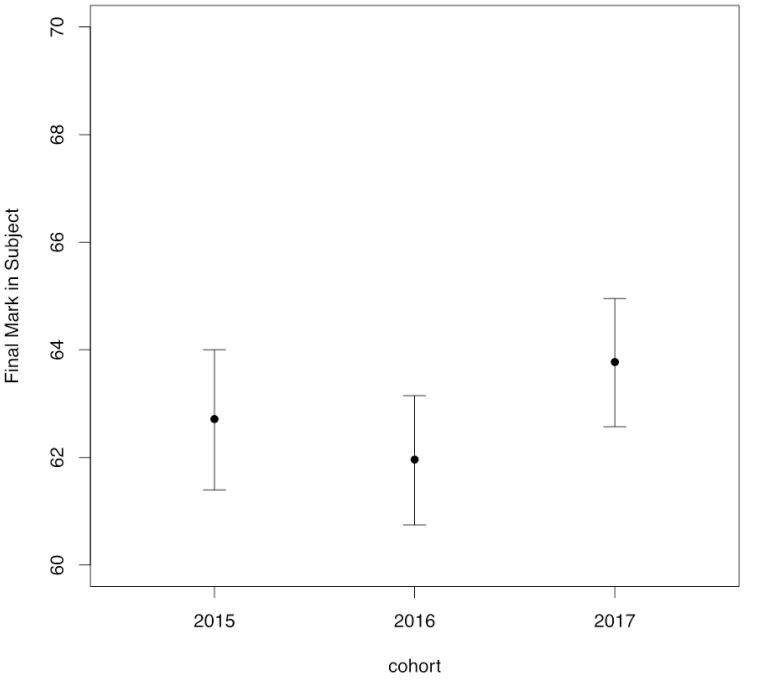
The author first compared the final results of students in LLB120 in 2015, 2016 and 2017, without taking into account student ATARs. This demonstrated that the Study Cohort attained, on average, slightly better overall results in LLB120 compared to the 2015 and 2016 cohorts. However, this difference was not statistically significant.

A mixed effects ANOVA was used, accounting for students who were in multiple cohorts, using a numerical identification code assigned to each student as a random effect. A square transformation for the marks was used to account for the left skew in the data. The results showed no statistically significant differences between the 3 cohorts, based on a likelihood ratio test (chisq=4.54, df=2, p-value = 0.103). When comparing the final results of the Study Cohort to the other two cohorts, the results showed a nominal statistically significant difference, based on a likelihood ratio test (chisq=3.84, df=1, p-value = 0.0502).[128] A graph of the mean overall marks in the subject for the three cohorts and 95% CIs is shown below.[129] This shows that the Study Cohort attained, on average, slightly better overall results in LLB120 to the 2015 and 2016 cohorts:

[128] R Tables relating to comparison of Study Cohort and 2015 and 2016 final results available on request.

[129] These results are obtained from the mixed effects linear regression, after back transformation.

Figure 11
Comparison final result in Subject: 2015, 2016 and 2017 (Study) Cohorts



The estimates, as presented in the graph, are:

Table 2
Comparison of average final mark in Subject: 2015, 2016 and 2017 (Study) Cohorts

Cohort	Average final mark (95% ci)
2015	62.7 (61.4-64.0)
2016	62.0 (60.7-63.1)
2017	63.8 (62.6-65.0)

A T-test was used to test for differences between the ATAR scores between the cohorts.[130] The p-values are given in the following table, and show that the mean ATAR of the Study Cohort was statistically significantly *lower* than that of both the 2015 and 2016 cohorts:

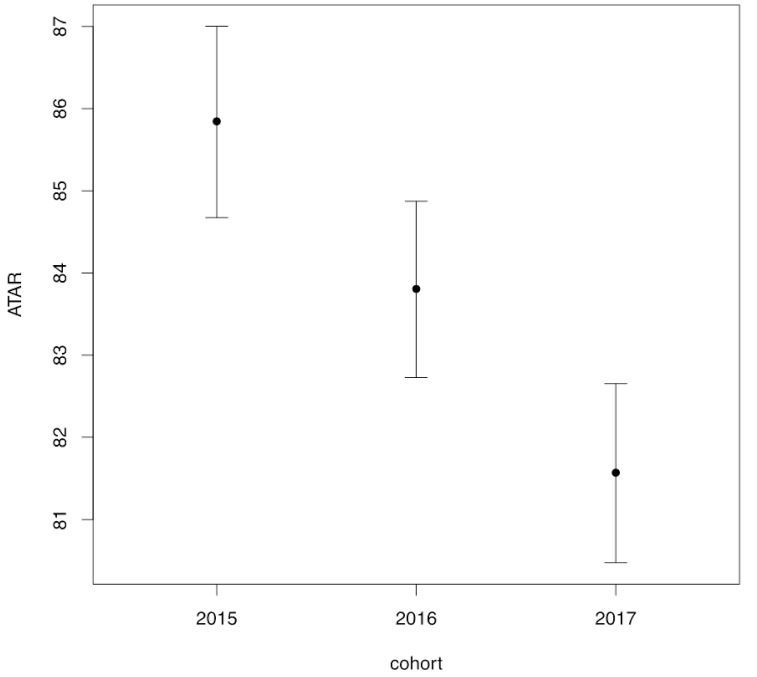
[130] The ATAR scores were first square transformed.

Table 3
Mean ATAR comparison of 2017 (Study) Cohort with 2015 and 2016 Cohorts

Cohort	Mean ATAR (95% ci)	p-value for comparison to 2017 cohort (Study Cohort)
2015	85.8 (84.7-87.0)	0.000000196
2016	83.8 (82.7-84.9)	0.00423
2017	81.6 (80.5-82.7)	

A graph of the mean ATARs for the three cohorts and 95% CIs is as follows:

Figure 12
Graph of Mean ATARs of 2015, 2016 and 2017 (Study) Cohorts

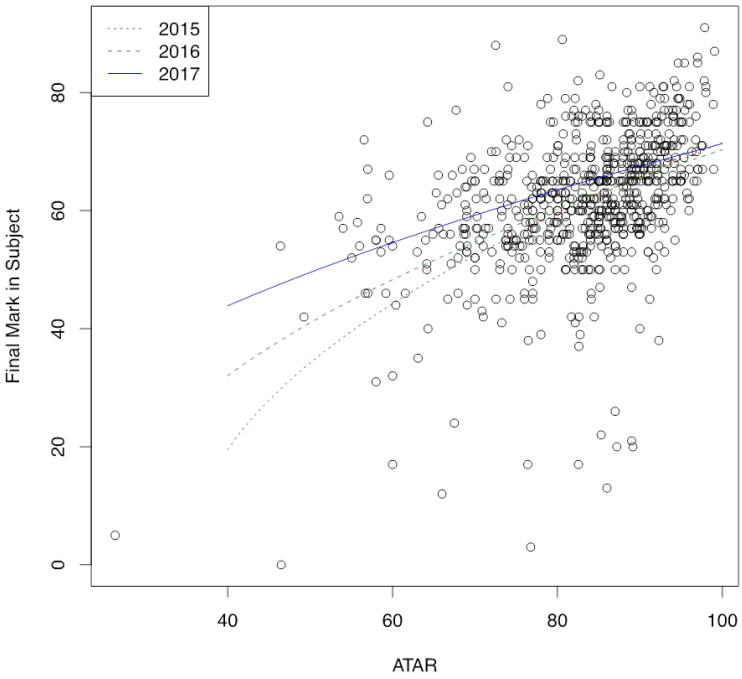


The author then tested for differences in cohorts in relation to the interaction between final results in LLB120 and ATAR. A linear mixed effects model was used, this time including ATAR as a predictor of final result in LLB120. A test was made to see if there was a statistically significant difference between the Study Cohort and the other two cohorts, for the effect of ATAR on the final mark in the subject. The difference between the Study Cohort and the other two cohorts *was* statistically significant**,** based on a likelihood ratio test (chisq=4.22, df=1, p-value=0.0399).[131]

[131] R tables relating to the comparison of the final results of Study Cohort and the 2015 and 2016 cohorts, using ATAR as a predictor of final result available on request.

A plot of the relationship between ATAR and final marks in LLB120 is shown below. As can be seen, the slope of the regression line is closest to zero for the Study Cohort, as was hypothesized:

Figure 13
Relationship between ATAR and Final Mark in Subject: 2015, 2016 and 2017 (Study) Cohorts



What is pertinent here is not that Study Cohort appear to perform slightly better on average than the other two cohorts in terms of final result in LLB120, but that *there was a statistically significant difference in the interaction of ATAR scores and final result between the Study Cohort*, and the other two cohorts. This was *particularly so in relation to the students with lower ATAR scores*, who performed better in LLB120 in 2017 than students with similar ATAR scores in the 2015 and 2016 cohorts (that is, the 'tail' is lifted), which is what causes the line of regression to be closer to zero in 2017 than it is for the 2015 and 2016 cohorts. This result appears to be consistent with the MASUS profile of the Study Cohort. As discussed above, the MASUS profile of the lower end of the cohort improved considerably between Writing Task 1 and Writing Task 2.

VIII CONCLUSION

This article demonstrates that it is possible to introduce a writing program in law based on the key recommendations of the GPG, in particular the recommendations that writing be embedded into subjects with discipline content, that it be based on an understanding of how

students acquire literacy, and that it is developed in collaboration with ALL experts. In the case of the Writing Program, this was achieved without substantially re-designing the subject, and meant that writing was employed as a means of learning in the subject, rather than as an 'adjunct' or 'bolt-on' to learning.

The quantitative analysis discussed in this article shows that a writing program based on the GPG recommendations has the potential to lift the performance of students who may traditionally not have been admitted to law school. This conclusion can be drawn from the triangulation of three factors: first, that the final results of the Study Cohort were significantly better than what their ATARs would have predicted, and this was particularly so in relation to the students at the lower end of the ATAR profile in the Study Cohort; secondly, that the academic literacy profile of students initially in the lower range was substantially improved by the end of the semester; and thirdly, that students who participated fully in the Writing Program achieved better results that those who did not.

Given that law schools have a responsibility for the development of their students' writing, this study demonstrates that a program of support based on good practice pedagogy can provide opportunities for students and law academics to bridge the gap between their disparate understandings of what it means to write well at law school. It also reveals the importance of focusing the support on the teaching academics, rather than on individual students, and ensuring that academics are supported by ALL expertise, to provide them with the tools to be able to talk to their students about language in their discipline.