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# Enhancing the First Year Curriculum and Experience: Law School 'Boot Camp'

## **Cover Page Footnote**

The authors would like to thank Thomas Wooden for his research assistance in the preparation of this article and Corinne Walding for her assistance in the collation of data used in this article. The authors would also like to thank the anonymous referees for their most helpful comments.

# ENHANCING THE FIRST YEAR CURRICULUM AND EXPERIENCE: LAW SCHOOL 'BOOT CAMP'

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## I INTRODUCTION

The first year of university is a challenging and difficult time, and entering law school can be a particularly daunting and stressful experience.<sup>1</sup> It is a time of new environments, experiences and challenges. With the semesterisation of year-long subjects in the 1990s, came the need to immerse students in substantive legal learning from the outset, with Orientation Week providing the main opportunity for welcome, transition and wellbeing activities. However, Orientation Week energies are devoted to basic survival skills such as an introduction to the university system and the general

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<sup>1</sup> 'From the first semester of their studies, law students experience stress, anxiety and depression at rates significantly higher than their contemporaries who do not study law': Natalie Skead and Shane L Rogers, 'Stress, Anxiety and Depression in Law Students: How Student Behaviours Affect Student Wellbeing' (2014) 40 *Monash University Law Review* 564, 565. Law students suffer from depression at a rate three times that of the general population: Yuko Narushima, 'Legal Eaglets Learn to Fend Off Depression', *Sydney Morning Herald* (online), 18 March 2011 <<http://www.smh.com.au/lifestyle/life/legal-eaglets-learn-to-fend-off-depression-20110317-1byvn.html>>. The international research also suggests that law students suffer a loss of well-being within the first year of their law studies: Norm Kelk, Sharon Medlow and Ian Hickie, 'Distress and Depression among Australian Law Students: Incidence, Attitudes and the Role of Universities' (2010) 32 *Sydney Law Review* 113, 114. See also Norm Kelk et al, *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers* (Brain and Mind Research Institute, 2009). There are a number of factors that contribute to law students finding their studies particularly stressful when compared to the wider university population. These include the heavy workload, the teaching methods, competitiveness amongst students, a lack of social connectedness, and limited time for family, friends and recreational activities: Adele Bergin and Kenneth Pakenham, 'Law Student Stress: Relationships Between Academic Demands, Social Isolation, Career Pressure, Study/Life Imbalance and Adjustment Outcomes in Law Students' (2015) 22 *Psychiatry, Psychology and Law* 388, 389-90.

outline of expectations and degree structure.<sup>2</sup> It should be recognised that during this week, students are exposed to a diverse and fragmented range of opportunities and that this environment is not always conducive to information gathering and retention. University can be a bewildering place and the first year cohort is diverse, meaning that student needs vary and extend beyond the understanding of the curriculum.<sup>3</sup>

First year law students, like many of their commencing peers, are enthusiastic and ready to learn but face considerable social, academic and practical challenges. These include becoming familiar with university facilities ('Where is the lecture theatre?'); learning the culture of the university ('Who can I sit next to? Do I have to attend lectures?'); and learning a whole new body of knowledge and techniques ('What is a tort? How do I find that case?').

For first year undergraduate law students, it is a time of social and intellectual upheaval. For those transitioning from secondary education, it is a time often accompanied by significant new freedoms. Those entering the degree as mature age entrants may face the challenges of returning to study. Those balancing employment and study must contend with time and financial pressures.<sup>4</sup> Students who have completed Legal Studies as part of their secondary schooling have knowledge that needs to be taken to a much deeper level. At the same time, some students have no background knowledge at all.

Given the heterogeneity of law students, they inevitably begin from multiple starting points. Consequently, effective first year curriculum design must be both sensitive to the students' differing frames of reference and accommodating of a range of competencies and needs.<sup>5</sup> Empirical studies have established that a successful transition to university is strongly correlated with success at

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<sup>2</sup> Further, there is no guarantee that the students will actively engage with the university-wide orientation programs. In the 2014 survey of the first year experience in Australia, only three in ten students actively engaged in university orientation programs and fewer than half of these students found them useful: Chi Baik, Ryan Naylor and Sophie Arkoudis, *The First Year Experience in Australian Universities: Findings from Two Decades, 1994–2014* (University of Melbourne, 2015) 32. Further, induction to university does not start and finish in Orientation Week. Orientation Week must 'avoid information overload and unnecessary bureaucratic procedures. There seems a strong case for a gradual process of induction': Lee Harvey, Sue Drew and Maria Smith, *The First-Year Experience: A Review of Literature for the Higher Education Academy* (Higher Education Academy, 2006) 18.

<sup>3</sup> As a consequence, the role of the university law teacher extends beyond just teaching the content of the curriculum. As Galloway et al explain, 'pastoral care is an appropriate part of the practice of the law teacher': see Kate Galloway et al, 'Approaches to Student Support in the First Year of Law School' (2011) 21 *Legal Education Review* 235, 236.

<sup>4</sup> The past 20 years has seen an increase in the number of students balancing work and study. The number of university students working more than 20 hours per week has doubled over that time period: Baik, Naylor and Arkoudis, above n 2, 4, 58-61.

<sup>5</sup> The first year cohort can be diverse and regard must be had to this diversity in curriculum design: see, eg, Sally Kift, 'First Year Renewal to Engage Learners in Law' (Paper presented at the Pacific Rim First Year in Higher Education Conference, Brisbane, 9 July 2013) 1-2 <fyhe.com.au/wp-content/uploads/2012/10/First-Year-Renewal-to-Engage-Learners-in-Law.doc>.

university.<sup>6</sup> Key to this is the appropriate use of teaching pedagogy and careful curriculum design to engage students in working towards mastery of their academic curricula.<sup>7</sup> The ‘informal curriculum’ that incorporates other aspects of transition, such as a sense of belonging and social and academic support, can also be critical in contributing to stress reduction and student success.<sup>8</sup>

In 2013, the first year teaching team at the Adelaide Law School undertook a review of the first semester of the first year curriculum within the Bachelor of Laws degree. The focus of the review was on accommodating student needs, building student academic literacies and promoting early, effective engagement in the learning process. This review resulted in a collaborative approach to the teaching of the two initial compulsory subjects that has had a positive impact on the student experience. This article explains the changes that were made as a result of this review and reports on the consequent enhancement to the student experience by virtue of a supported transition to tertiary study.

First, this article sets out the challenge that faced the first year teaching team and the reasons for the redevelopment of the first semester of the first year curriculum. Second, the solution that was developed – a first year ‘Boot Camp’ – is explained. Third, the model is evaluated against the First Year Curriculum Principles developed by Sally Kift.<sup>9</sup> In evaluating the redevelopment against these principles, the article also analyses student feedback and reports on the response to the restructure of the first year curriculum.

## II THE CHALLENGE

### *A The Importance of the First Year Experience*

Sally Kift has highlighted the contemporary importance of the first year experience, explaining that the first year experience should be

engaging, inclusive, relevant and social for all students ... so that the students who have been accepted into our university programs are

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<sup>6</sup> See, eg, Maxine Gallander Wintre et al, ‘Academic Achievement in First-Year University: Who Maintains Their High School Average?’ (2011) 62 *Higher Education* 467, 479.

<sup>7</sup> See Kift, ‘First Year Renewal to Engage Learners in Law’, above n 5.

<sup>8</sup> 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, 2014) 96, 97. Supporting students beyond the formal ‘curricular’ activities is an important part of the first year experience. One way of achieving this is by embedding these ‘co-curricular pastoral care needs’ into the first year program: see Kate Galloway et al, above n 3, 237.

<sup>9</sup> Sally Kift, ‘Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education’ (Report, Australian Learning & Teaching Council, August 2009) 40-1 <<http://fyhe.com.au/wp-content/uploads/2012/10/Kift-Sally-ALTC-Senior-Fellowship-Report-Sep-092.pdf>>.

supported to learn and, thus, are successful, retained and graduate, returning valuable private and public benefits to the nation.<sup>10</sup>

Thus it was essential that, in considering the best way to develop the first year experience, attention was paid to supporting *all* students for learning success. The objectives of the review were to develop a first year program that engaged students, acknowledged the diversity amongst the student body,<sup>11</sup> was relevant and provided students with opportunities to engage not only with the learning process but also with their fellow students.<sup>12</sup> To that end, the goal was to develop an intentional, well-designed first year curriculum.

There are many aspects of the university experience that are outside of the control (or even influence) of the teaching team, but the curriculum is the central feature of the academic experience and it is something over which the Law School has direct control.<sup>13</sup> 'Curriculum' can be defined broadly to include 'the totality of the undergraduate student experience of, and engagement with, their new program of tertiary study' comprising 'all of the academic, social and support aspects of the student experience',<sup>14</sup> and centres on the 'educational conditions in which we place students'.<sup>15</sup> Despite the diversity of students, '[t]he curriculum is what students have in common, is within our institutional control, and is where time-poor students are entitled to expect academic and social support and engagement'.<sup>16</sup>

### B *The Pedagogical 'Problem'*

The challenge for the development of the first year curriculum in any Bachelor of Laws (LLB) program is to transform the traditional focus on substantive law into a more well-rounded curriculum

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<sup>10</sup> Sally Kift, 'A Decade of Transition Pedagogy: A Quantum Leap in Conceptualising the First Year Experience' (2015) 2 *HERDSA Review of Higher Education* 51, 54.

<sup>11</sup> Diversity within the student cohort is continuing to grow in Australian universities: Baik, Naylor and Arkoudis, above n 2, 6. The diversity of the first year student cohort at the Adelaide Law School is detailed below: see nn 42-8 and accompanying text.

<sup>12</sup> Engagement with their peers and making friends is an important part of ensuring students have a positive experience in their first year of university: Baik, Naylor and Arkoudis, above n 2, 4.

<sup>13</sup> Kift, 'Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education', above n 9, 9.

<sup>14</sup> *Ibid.*

<sup>15</sup> Sally Kift, Karen Nelson and John Clarke, 'Transition Pedagogy: A Third Generation Approach To FYE: A Case Study of Policy and Practice for the Higher Education Sector' (2010) 1(1) *International Journal of the First Year in Higher Education* 1, 7-8; Vincent Tinto, 'Taking Student Retention Seriously: Rethinking the First Year of University' (Speech delivered at the ALTC FYE Curriculum Design Symposium, Queensland University of Technology, Brisbane, 5 February 2009) 2. The curriculum is, as Kift explains, the 'centrepiece' of the first year experience: Kift, 'A Decade of Transition Pedagogy', above n 10, 54.

<sup>16</sup> Kift, 'Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education', above n 9, 9. See also Kift, Nelson and Clarke, above n 15, 7-8.

encapsulating knowledge, skills and attributes.<sup>17</sup> In the study of law, students must be rapidly introduced to new skills in writing, analysis and research, to a body of legal knowledge in its social and political context, to new ways of thinking, and to a new technical language and referencing system.<sup>18</sup> Students must apply this new learning to hypothetical fact scenarios ('problem questions') of a kind they have never before encountered.

The first semester of university study provides an important opportunity to shape student attitudes and patterns of thinking that set them up for success in their future studies. One way to achieve this would be to focus solely on foundational skills and knowledge for a whole semester outside of the requirement to learn a substantive area of law. However, this is difficult to accommodate within the Australian law degree given the high number of compulsory subjects.<sup>19</sup> At the Adelaide Law School, the majority of undergraduate law students study law in combination with another degree. These students take two law subjects in semester 1 of their first year of study: *Foundations of Law* and *Tort Law* ('Foundations' and

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<sup>17</sup> This is encapsulated in the Threshold Learning Outcomes for the Bachelor of Laws: see Sally Kift, Mark Israel and Rachael Field, *Learning and Teaching Academic Standards Project: Bachelor of Laws – Learning and Teaching Academic Standards Statement December 2010* (Australian Learning and Teaching Council, 2010) <<http://www.cald.asn.au/media/uploads/KiftetalLTASStandardsStatement2010%20TLOs%20LLB.pdf>>.

<sup>18</sup> While there is often a focus on developing cognitive skills, students are also required to develop their communication skills (both oral and written), their ability to work both as a team and independently ('relational skills') and their 'attitudinal skills' (for example, their ethical orientation). See Christensen and Kift's categorisation and discussion of these skills — attitudinal skills, cognitive skills, communication skills and relational skills: Sharon Christensen and Sally Kift, 'Graduate Attributes and Legal Skills: Integration or Disintegration?' (2000) 11 *Legal Education Review* 207, 216-17. The traditional focus on areas of substantive law is partly a function of the requirements for admission to legal practice, which influence the structure of any law degree in Australia: see below n 19.

<sup>19</sup> It is therefore uncommon for law degrees in Australia to have a semester devoted to the study of law independent of an area of substantive doctrine and this curriculum design approach may have consequences for choices later on in the degree structure. Even offered the choice of a single subject in first semester focused on skills, students are likely to opt to undertake a substantive subject at the same time. In South Australia, the regulation of the requirements for legal practice is overseen by the Legal Practitioners Education and Admission Council (LPEAC): see *Rules of the Legal Practitioners Education and Admission Council 2004* <<http://www.courts.sa.gov.au/Lists/Court%20Rules/Attachments/183/LPEAC%20Rules%202004.pdf>> ('the LPEAC Rules 2004'). The LPEAC Rules adopt the prescribed academic areas of knowledge — of which there are 11 — developed by the Law Admissions Consultative Committee (LACC): Law Admissions Consultative Committee, *Prescribed Academic Areas of Knowledge* (December 2016) Law Council of Australia <[https://www.lawcouncil.asn.au/files/web-pdf/LACC%20docs/243473563\\_1\\_Prescribed\\_Academic\\_Areas\\_of\\_Knowledge.pdf](https://www.lawcouncil.asn.au/files/web-pdf/LACC%20docs/243473563_1_Prescribed_Academic_Areas_of_Knowledge.pdf)>. Further, beyond these 11 core areas, the Adelaide Law School has made International Law a compulsory subject.

‘Torts’).<sup>20</sup> Those enrolled solely in a law degree will take an additional subject in first semester: *Law of Contract*. Therefore, the common subjects for most first year students are Foundations and Torts and it was here that the best opportunity for enhancement of the student experience lay.

Prior to 2013, Foundations and Torts were taught in a standard whole-of-semester format. That is, each subject ran weekly lectures and seminars for the 12 weeks of the semester. In this format, those teaching in Torts observed in the first few weeks of the semester that students were not equipped to exercise the necessary key legal skills (such as reading and analysing a case or answering a problem question); the skills had not yet been taught in Foundations. As a consequence, crucial class time in Torts was devoted to skill development and the required level of understanding of the substantive law was not attained. Also, student attention was diverted by concerns such as how to find and cite a legal authority, the interrelationship between legislation and case law and confusion over the workings of the doctrine of precedent. Students tended to do poorly in early assessment (a stark contrast to the levels of success that had granted them entry to law school) and this had the potential to lead to increased student stress and a risk of disengagement.<sup>21</sup> A practical solution engaging students in ‘active learning; and aligning content, assessment and learning activities in curriculum design’ was clearly needed.<sup>22</sup>

At the Adelaide Law School, the challenge of fulfilling the multiple pedagogical aims is concentrated into the two subjects, Foundations and Torts. Foundations covers core legal skills such as case analysis, statutory interpretation and problem solving, and introduces students to professional ethics and legal theory.<sup>23</sup> It also provides key practical information, including how to research and how to work in a group. In Foundations, students not only start to develop

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<sup>20</sup> These two law subjects will typically account for 50 per cent of the students’ enrolment in semester 1; students will usually also be enrolled in two ‘non-law’ subjects as part of their other degree.

<sup>21</sup> For most law students, the grades they receive in first year will be lower than the grades they were receiving during their secondary schooling. As a consequence there can be considerable stress around assessment and it is important that students feel supported and are provided with meaningful feedback: see Nikki Bromberger, ‘Enhancing Law Student Learning — The Nurturing Teacher’ (2010) 20 *Legal Education Review* 45, 55.

<sup>22</sup> Leon Wolff and Maria Nicolae, ‘The First Year Experience in Law School: A New Beginning?’ in Leon Wolff and Maria Nicolae (eds), *The First Year Law Experience: A New Beginning* (Halstead, 2014) 8, 9.

<sup>23</sup> For the benefits of introducing legal ethics into the first year curriculum, see Diana Henriss-Anderssen, ‘Teaching Legal Ethics to First Year Law Students’ (2002) 13 *Legal Education Review* 45, 54. These skills are introduced in Foundations with the view that the skills will then be developed throughout their studies. As Keyes and Johnstone note, ‘The challenge for law schools is to embed, or integrate, legal and generic skills, ethics, and legal theory within their law curricula, so that law students are provided with a co-ordinated and incremental approach to developing their knowledge and skills’: Mary Keyes and Richard Johnstone, ‘Changing Legal Education: Rhetoric, Reality, and Prospects for the Future’ (2004) 26 *Sydney Law Review* 537, 559.



the necessary practical and intellectual skills to study substantive areas of law, but also introduce other foundations of importance to their law degrees as a whole. For example, students are introduced to the idea that law has its own internal logic, but that this is only one of many ways of viewing relationships and resolving problems. Foundations is used to challenge existing preconceptions of law, to explore its forms and to start to impress on students the fundamentally political nature of law.<sup>24</sup>

Torts represents the students' first experience of studying a subject of substantive law and includes consideration of: trespass to the person and trespass to goods, negligence (including defences and damages), negligent statement leading to pure economic loss, mental harm and nuisance. The law covered in this subject is significant and students must not only understand the law, but demonstrate its application in problem-based questions.

### III FIRST YEAR 'BOOT CAMP'

The first year teaching team recognised that the broader curriculum needs were best met without the pressure of developing a detailed knowledge of a substantive area of law. What was needed was an opportunity for the students to learn some of the foundational knowledge and skills before 'diving into' the unfamiliar territory of tort law.

The idea of an intensive period (or 'Boot Camp') of teaching that provides students with basic knowledge and skills and prepares them for the substantive law to follow is itself not a new solution to the challenges associated with first year curriculum design. However, other models have conducted this intense period of teaching foundational knowledge and skills prior to the semester commencing,<sup>25</sup> or have limited the intense period to the first two weeks of the semester.<sup>26</sup> Conducting a three-week 'Boot Camp' prior to the semester commencing was not logistically possible and did not fit well with the wider-university induction events. Finding the necessary time within the existing timetable was at first problematic; this was, however, until it was decided that the immersion in Foundations would utilise the Tort Law allocation of time in the first three weeks of semester and effectively pause the introduction of substantive law until the students had started to develop some of the required foundational knowledge and skills. The first two subjects would then be viewed as two separate but related components of the first year experience.

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<sup>24</sup> We do this in a three-week segment of the subject devoted to legal philosophy and critical perspectives on law. The critical perspectives we use change each year, but involve a core of feminist, Indigenous and socio-economic perspectives.

<sup>25</sup> See, eg, Wendy Larcombe and Ian Malkin, 'The JD First Year Experience: Design Issues and Strategies' (2011) 21 *Legal Education Review* 1, 10-11.

<sup>26</sup> Amanda Stickley, 'Providing a Law Degree for the "Real World": Perspective of an Australian Law School' (2011) 45 *The Law Teacher* 63, 67-9.

On a practical level, this means that Foundations is front-loaded in an intense three-week ‘Boot Camp’ of foundational legal knowledge and skills. Students have double the number of Foundations seminars (tutorials): two 2-hour seminars, and in the first two weeks three hours of Foundations of Law lectures rather than the usual one hour per week. Torts lectures (2 hours) commence in week 3, and seminars in Torts commence in the following week (week 4). Gradually, the time taken by Foundations is reduced and Torts takes the lead. Foundations seminars end in week 10 to allow students extra time to focus on Torts and for commencing exam revision.

The following table sets out the revised structure of the subjects over the semester as well as the assessment for both subjects:

**Table 1: Structure of subjects and assessment for semester 1**

Week No	Foundations of Law	Tort Law	Assessment
1	<p><b>Lecture 1:</b> The Concept of Law &amp; Sources of Law (2 hrs)</p> <p><b>Lecture 2:</b> Indigenous People and the Law (1 hr)</p> <p><b>Seminar 1:</b> Introductions (2 hrs)</p> <p><b>Seminar 2:</b> The Concept of Law (2 hrs)</p>	No classes	
2	<p><b>Lecture 3:</b> Solving Legal Problems and Case Analysis (Part 1) (2 hrs)</p> <p><b>Lecture 4:</b> Case Analysis (Part 2) and The Legal Profession (1 hr)</p> <p><b>Seminar 3:</b> Sources of Law and Solving Legal Problems (2 hrs)</p> <p><b>Seminar 4:</b> Legal Research (in computer room) (2 hrs)</p>	No classes	
3	<p><b>Lecture 5:</b> Introduction to Statutory Interpretation (1 hr)</p> <p><b>Seminar 5:</b> The Legal Profession and Legal Citations (2 hrs)</p> <p><b>Seminar 6:</b> Case Analysis (2 hrs)</p>	<p><b>Lecture 1:</b> Intentional Torts (Assault, Battery, False Imprisonment) (2 hrs)</p> <p><b>No seminar</b></p>	<p><b>Foundations of Law:</b> Report of Court Observation Exercise (group assessment) (5% of final grade)</p>

4	<b>Lecture/Workshop 6:</b> Working Through 1 <sup>st</sup> Statutory Interpretation Problem (1 hr) <b>Seminar 7:</b> Case Analysis (Part 2) (2 hrs)	<b>Lecture 2:</b> Introduction to Negligence (2 hrs) <b>Seminar 1:</b> Intentional Torts (Assault, Battery, False Imprisonment) (2 hrs)	<b>Foundations of Law:</b> Legal Research Skills and Citation Quiz (5% of final grade)
5	<b>Lecture/Workshop 7:</b> Working Through 2 <sup>nd</sup> Statutory Interpretation Problem Question (1 hr) <b>Seminar 8:</b> Statutory Interpretation (2 hrs)	<b>Lecture 3:</b> Standard of Care and Omissions (2 hrs) <b>Seminar 2:</b> Duty of care; mental harm (2 hrs)	
6	<b>No Lecture</b> <b>Seminar 9:</b> Statutory Interpretation (2 hrs)	<b>Lecture 4:</b> Causation and Remoteness (2 hrs) <b>Seminar 3:</b> Standard of care (2 hrs)	<b>Tort Law:</b> Assignment (Intentional Torts to the Person) (0% or 20% of final grade) <sup>28</sup>
<b>MID-SEMESTER BREAK</b>			
7	<b>Lecture 8:</b> Legal Theory – Natural Law and Positivism (1 hr) <b>No seminar</b>	<b>Lecture 5:</b> Defences and damages; vicarious liability (2 hrs) <b>Seminar 4:</b> Assignment Feedback & Omissions (2 hrs)	<b>Foundations of Law:</b> Case Analysis and Statutory Interpretation Assignment (30% of final grade)
8	<b>Lecture 9:</b> Legal Theory – Critical Perspectives on Law (1 hr)	<b>Lecture 6:</b> Negligent Statement leading to pure economic	

<sup>27</sup> The ‘lectures’ in weeks 4 and 5 of Foundations are designated as ‘Lecture/Workshop’ because, while they take place in a large lecture theatre, the ‘lectures’ are used to work through statutory interpretation problems. These sessions are more interactive than a traditional lecture, both amongst themselves and between the lecturer and the students. The workshops are designed to show students how to answer a problem question.

<sup>28</sup> If a student performs better in Part B of the exam, the mark for the first Tort Law assignment will not count towards the final grade (and Part B of the exam will count for 80%, rather than 60% of the final grade). The mark in the first assignment is ‘redeemable’ by a better performance in Part B of the exam. The rationale behind making this assessment ‘redeemable’ is to relieve students of some of the pressure associated with completing the first Torts assignment. If a student performs poorly in their first assignment, but learns from the feedback and improves in Part B of the exam, then the student is not unduly penalised by a poor performance in their first Torts assignment.

	<b>Seminar 10:</b> Natural Law and Positivism – What is law? (2 hrs)	loss (2 hrs) <b>Seminar 5:</b> Causation and Remoteness (2 hrs)	
9	<b>No Lecture</b> <b>Seminar 11:</b> Critical Perspectives on Law	<b>Lecture 7:</b> Nuisance (2 hrs) <b>Seminar 6:</b> Defences and Damages (2 hrs)	
10	<b>Lecture 10:</b> Assignment Feedback and Statutory Interpretation Revision <b>Seminar 12:</b> Legal Theory Presentations	<b>Lecture 8:</b> Trespass to goods (2 hrs) <b>Seminar 7:</b> Negligent Statement leading to pure economic loss (2 hrs)	<b>Foundations of Law:</b> In-class Legal Theory Group Presentation (10% of final grade) <b>Tort Law:</b> Take-Home Exam (Part A) (7 days to complete) (20% of final grade)
11	<b>No classes</b>	<b>Lecture 9:</b> Revision <b>Seminar 8:</b> Nuisance and Omissions (2 hrs)	
12	<b>Lecture 11:</b> Legal Theory Revision and Exam Preparation (1 hr) <b>No seminar</b>	<b>Lecture 10:</b> Q&A Lecture; Feedback on Take-Home Exam (Part A) (2 hrs) <b>Seminar 9:</b> Trespass to goods (2 hrs)	
Swot Vac / Exam			<b>Tort Law:</b> Take-Home Exam (Part B) (24 hrs to complete) (60% or 80% of final grade) <sup>29</sup> <b>Foundations of Law:</b> Statutory Interpretation and Legal Theory Exam (2 hrs) (50% of final grade) <sup>30</sup>

<sup>29</sup> Ibid.

<sup>30</sup> Marks achieved in the Court Report, Quiz, Assignment and Legal Theory Presentation are added together and make up the interim mark in the subject. The interim mark counts for 50% of the final mark with the examination result making

## IV EVALUATING THE ‘BOOT CAMP’ INITIATIVE

The development of the first year curriculum, and particularly the Foundations subject, was undertaken with reference to Kift’s First Year Curriculum Principles: transition; diversity; design; engagement; assessment; and evaluation and monitoring.<sup>31</sup> The appropriate structure and presentation of Foundations was the key to success of the re-design, which had the overarching aim of facilitating student transition to becoming an effective and self-managing law student and extended beyond the mere reconfiguration of the timetabling of classes in the first three weeks. The following discussion evaluates the way in which the re-structure of Foundations adopted a student-centred approach to learning and shepherded the first year cohort more effectively towards their scaffolded engagement with the substantive law subjects.

### *A Transition*

As Kift explains, the first year curriculum must assist students in their ‘transition from their previous educational experience to the nature of learning in higher education and learning in their discipline as part of their lifelong learning.’<sup>32</sup>

The Foundations subject plays an important part in students’ transition into studying law and, true to its name, builds essential foundational knowledge and skills for the coming years of study. The first few weeks of the subject are designed to bridge the gap between past experience and future study. This is not a straightforward process given the diversity of students’ backgrounds and therefore it is essential that the teaching during these weeks is flexible and supportive. Students who have commenced studying law straight from high school are used to having a great deal of contact with teachers. For those from non-traditional pathways and equity groups underrepresented in higher education,<sup>33</sup> a mentor can make a difference and the intense teaching mode of Foundations creates crucial relationships with the teaching team, as students have consistent contact with just one seminar leader and one lecturer. The intensive teaching allows seminar leaders to get to know their students quickly and vice versa. It also provides an opportunity for students to

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up the other 50%. However, if a student achieves at least 40% for the interim assessment and performs better in the examination, their final mark will be their examination mark (ie the exam will count for 100%).

<sup>31</sup> Kift, ‘Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education’, above n 9.

<sup>32</sup> Ibid 40.

<sup>33</sup> The equity groups underrepresented at university are: people from lower socio-economic backgrounds; people from rural and isolated areas; people with a disability; people from a non-English speaking background; women in non-traditional areas of study and higher degrees; and indigenous people: see L M Martin, *Equity and General Performance Indicators in Higher Education* (Australian Government Publishing Service, 1994).

get to know their peers, which can be one of the great challenges for many students.<sup>34</sup> The rationale for three weeks (rather than just one or two weeks) of intensive teaching in Foundations was that it increases the opportunities for these relationships to develop.

Students expressed appreciation of ‘the interaction between the seminar leader and students.’<sup>35</sup> As one student noted: ‘It is very comforting and reassuring that [the seminar leaders] understand what we are going through as first years.’<sup>36</sup> As students are working in small, stable groups several times a week they are also more likely to become comfortable with their fellow students, thus addressing the ‘who can I sit with?’ type of questions, and reducing social stress. As one student noted, ‘the emphasis on group work was [a] useful tool for making friends quickly rather than just independently working in seminars.’<sup>37</sup>

By the time the students commenced their Torts seminars in week 4 it was hoped that the students would be comfortable with the model of teaching and familiar with some of the basic skills needed to engage actively with the substantive legal issues. This meant that the teaching team for Torts was able to focus on the specific issues of law and develop the core skill of legal problem solving and applying the law to practical scenarios, which was only introduced to students in Foundations.

The Student Experience of Learning and Teaching (SELT) responses in both Foundations and Torts suggested that this restructure of the curriculum assisted students in their transition:

Frontloading the [F]oundations course and delaying the [T]orts course is a great idea. It would be overwhelming if students with little to [sic] legal knowledge had to tackle each subject simultaneously from day one.<sup>38</sup>

Really interesting and engaging. The structure of the [Foundations] course was really good, everything was extremely clear in regard to what would be covered in which lecture/tute which made it easy to keep up with the reading. The front loading of this course before TORTS was ideal and made the beginning of the semester much easier.<sup>39</sup>

The front loading of the [Foundations] course was very well done. For someone in my position, this being the first time I have studied law, it allowed me to grasp the legal system before it had become simply assumed knowledge.<sup>40</sup>

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<sup>34</sup> As is noted in the 2014 survey of the first year experience in Australia, ‘[c]lassroom engagement and engagement with peers remain challenging for many students’: Baik, Naylor and Arkoudis, above n 2, 3.

<sup>35</sup> University of Adelaide, Student Experience of Learning and Teaching 2013 – Tort Law.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> University of Adelaide, Student Experience of Learning and Teaching 2015 – Foundations of Law.

<sup>39</sup> Ibid.

<sup>40</sup> University of Adelaide, Student Experience of Learning and Teaching 2013 – Foundations of Law.

The organisation of the topics [in Torts] — it is clear where each topic fits in to the broader picture of tort law. Such good organisation means that understanding the content, plus revision activities, are made significantly easier. It was good that torts started later in the semester to allow for an intense foundations of law timetable — I do not know how I would have been able to manage tort law and its demands otherwise.<sup>41</sup>

One reoccurring theme in this feedback is that the restructuring of the first semester eased students into their law studies, allowing for a smoother transition.

## B Diversity

While the majority of students commencing a law degree at the Adelaide Law School have come straight from high school,<sup>42</sup> the student cohort is diverse.<sup>43</sup> The female to male ratio is approximately 1:1, with slightly more females than males.<sup>44</sup> One in ten students is a mature age student<sup>45</sup> and one in 20 students is an international student.<sup>46</sup> A quarter of the cohort has transferred internally from another degree program within the University or externally from another University, meaning these students are likely to already have some familiarity with university life.<sup>47</sup> One in five students come from schools ‘that do not traditionally have a strong culture of progression to university-level studies’ and some of these students may need greater support in transitioning to life at university.<sup>48</sup> While the

<sup>41</sup> University of Adelaide, Student Experience of Learning and Teaching 2015 – Tort Law.

<sup>42</sup> Approximately two-thirds of the first year cohort are school leavers. This has been quite consistent across a number of years. From 2011 to 2015, those students coming straight from high school made up between 67% and 69% of the cohort: 69% in 2011; 67% in 2012; 68% in 2013; 67% in 2014; and 67% in 2015.

<sup>43</sup> Within the first year cohort, there are: a significant number of mature age students who are returning to tertiary study; students with disabilities; elite athletes balancing sport and study; students from interstate and rural areas adjusting to living away from home; and international students, who are also struggling with the challenges of a new culture and moving to a new country, as well as students from a vast range of other backgrounds.

<sup>44</sup> Between 2011-15 the percentage of female students in the first year cohort has been steady at between 55-59%: 55% in 2011; 59% in 2012; 58% in 2013; 55% in 2014; and 57% in 2015.

<sup>45</sup> ‘Mature age student’ is defined as a student 21 years and older. From 2011 to 2015 mature age students made up between 5% and 18% of the cohort: 5% in 2011; 11% in 2012; 13% in 2013; 14% in 2014; and 18% in 2015.

<sup>46</sup> International students have made up between 2-8% of the first year cohort over the period 2011-15: 8% in 2011; 8% in 2012; 2% in 2013; 3% in 2014; and 5% in 2015.

<sup>47</sup> Between 2011-15 students transferring from tertiary study either at the University of Adelaide or another institution made up between 23-28% of the student cohort: 26% in 2011; 23% in 2012; 25% in 2013; 26% in 2014; and 28% in 2015.

<sup>48</sup> In 1989 the University of Adelaide introduced a scheme – ‘The Fairway Scheme’ – that awards bonus admissions points to students from under-represented or disadvantaged schools: University of Adelaide, *Admissions Policy* <<http://www.adelaide.edu.au/policies/227/all/?dsn=policy.version;field=data;id=4362;m=view>>. For a detailed examination of the Fairway Scheme see Stephanie Burley, ‘An Historical Examination of a University’s Scheme to Find a “Fair Way”

University provides specific support programs at a whole-of-institution level for some groups of students — such as international student bridging and transition programs,<sup>49</sup> support for elite athletes<sup>50</sup> and support for those students with a disability<sup>51</sup> — these support mechanisms are focussed on the adjustments to university life more generally.

Given the diversity of the cohort and the fact that some students will have a limited knowledge of the Australian legal system, the Foundations subject makes no assumptions about existing knowledge of the legal system. In the first three weeks, students develop their knowledge of the legal system<sup>52</sup> and sources of law.<sup>53</sup> This knowledge then feeds into the teaching of the Torts subject where appropriate assumptions can be made about what students have been taught. Precious in-class time is no longer spent in Torts, for example, introducing the significance of a High Court decision or explaining the doctrine of precedent. Given the fact that these are first year students and new to the subject, these topics will still need to be addressed, but Torts provides the opportunity to reinforce existing knowledge and discuss practical examples of these core concepts. Foundations provides the basic tool set, and Torts helps the students start to use those tools to craft legal argument and apply substantive knowledge.

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for All Students' in Sivakumar Alagumalai, Stephanie Burley and John P Keeves (eds), *Excellence in Scholarship: Transcending Transdisciplinarity in Teacher Education* (Sense Publishers, 2013) 139. The Fairway Scheme has now been superseded by the Universities Equity Scheme, which is administered by the South Australian Tertiary Admissions Centre (SATAC) and has been adopted by all South Australian universities: SATAC, *Universities Bonus Schemes* <<http://www.satac.edu.au/pages/universities-bonus-schemes>>. The Universities Equity Scheme is similar to the Fairway Scheme in that it provides equity bonus points to students from some schools. These 'school-based bonuses' are based on: the remoteness of the school; the percentage of students gaining an Australian Tertiary Admission Rank (ATAR); the mean ATAR; and the school's Index of Community Socio-Educational Advantage. The Universities Equity Scheme also provides bonus points to individuals who are at a disadvantage. Approximately 20% of first year law students were in receipt of bonus points under these schemes: 20% in 2011; 21% in 2012; 26% in 2013; 20% in 2014; and 20% in 2015. The Adelaide Law School Achievement Program also seeks to provide greater access to students who do not achieve the required ATAR for the conventional path for admission, but are the top student at their high school and receive an ATAR of at least 80: Adelaide Law School, *Getting into Law School* (14 September 2017) University of Adelaide <<https://law.adelaide.edu.au/study/entering-law/>>.

<sup>49</sup> University of Adelaide, *Orientation for International Students* (12 January 2018) <<http://international.adelaide.edu.au/student-support/orientation/>>.

<sup>50</sup> University of Adelaide, *Elite Athlete Support* (14 February 2017) <<http://www.adelaide.edu.au/eliteathletes/>>.

<sup>51</sup> University of Adelaide, *Disability Support* (9 November 2017) <<http://www.adelaide.edu.au/disability/>>.

<sup>52</sup> Including an understanding of court hierarchies, doctrine of precedent, differences between criminal and civil law and between public and private law, and the requirements for admission to legal practice.

<sup>53</sup> For example, understanding the difference between statute and common law.



### *C Design*

The redesign of the Foundations subject centred around providing students with the *foundational* knowledge and skills required for their law studies, including: case analysis, legal research, statutory interpretation, and an introduction to legal theory. This is then built upon throughout their studies.<sup>54</sup> An analogy can be drawn with the foundations of a building (and this analysis is used to assist the students in understanding the rationale for the subject content): if the foundations are laid correctly and are solid, they can be built upon to develop a strong structure; but if the foundations are ‘shaky’, the structure built later may be unstable.

The design of the Foundations subject had regard to the other law subjects also being taught as part of the first year program. An analysis of first year law programs around the country reveals an emphasis on justice and rights, Indigenous legal issues, a nod to various aspects of legal theory, as well as an emphasis on the core skills of case reading, statutory interpretation and problem solving.<sup>55</sup> Importantly, there is coordination between Foundations and Torts to ensure the same teaching methodologies are being used. For example, in Foundations the students are taught scaffolding techniques for answering problem questions using the acronym IRAC.<sup>56</sup> After being introduced in Foundations, the IRAC method is then used in Torts to solve weekly problem questions in seminars.<sup>57</sup>

The student feedback on the refreshed curriculum design was positive. The following comments from students best capture the student feedback in this regard:

The back loading if [sic] the course [Torts] in conjunction with the front loading of the foundations course was an excellent idea. It allowed me to understand some basics of the legal system that would be considered assumed knowledge. The structure of the course was very effective.<sup>58</sup>

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<sup>54</sup> For example, in semester 2 in Principles of Public Law, students’ case analysis skills are developed further with a weekly case reading exercise and in-class discussion.

<sup>55</sup> See, eg, Lacombe and Malkin, above n 25; Stickley, above n 26.

<sup>56</sup> The acronym ‘IRAC’ stands for: Issue, Rule, Application/Argument, Conclusion. IRAC (or one of its many variations) is a well-established and well-known scaffolding technique to assist students structure their legal writing and analysis: see, eg, Jeffrey Metzler, ‘The Importance of IRAC and Legal Writing’ (2003) 80 *University of Detroit Mercy Law Review* 501; 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* 351; and the articles cited therein.

<sup>57</sup> Lecturers and seminar leaders in both subjects reinforce the use of this scaffolding technique throughout the semester in a consistent manner, often referencing how these techniques are being used in their own subject as well as the other subject.

<sup>58</sup> University of Adelaide, Student Experience of Learning and Teaching 2013 – Tort Law.

[Torts] is a good subject to pair with foundations, and is a good introduction to studying law. The course was difficult but interesting and it helped me get off to a good start in Law.<sup>59</sup>

The best aspect is that [Torts] started three weeks after Foundations. It allowed me to understand the concepts in Foundations before jumping straight into Torts.<sup>60</sup>

I really appreciated that fact that the [Foundations] course was ‘front loaded’ for the first 3 weeks, as even though at the time it seemed like a lot to take on with 2 lectures per week it was really beneficial in the long run. I felt the course went into a lot of different topics that have given me solid foundations for my degree. I also liked the accompanying lecture slides that consolidated a lot of the ideas, and the tutorials helped to further this. Selected readings were also interesting and appropriate for first year students. The final lectures providing overall feedback and advice for the exam were particularly helpful.<sup>61</sup>

The frontloading of the [Foundations] course helped get an understanding of how to approach law courses which then assisted in foundations assessments and torts as well.<sup>62</sup>

The feedback is supportive of the delay in commencing Torts until after the ‘foundational knowledge and skills’ were introduced in the first three weeks of the Foundations subject.

One of the other great challenges for students commencing studies in law is simply learning the ‘language of the law’. To facilitate the process of learning the language of the law, and to engage students with the law and legal process, ten minutes in each Foundations seminar is dedicated to discussing ‘legal gossip’ — that is, topical legal issues that are present in the media that week. In facilitating that discussion, seminar leaders use the time to discuss the principles and legal language that the students are learning.<sup>63</sup> The exercise allows students to start to develop a basic understanding of court processes.<sup>64</sup> This popular activity also helps students to engage with the ‘real world’ in their acquisition of legal knowledge, and provides a practical frame of reference for their learning. The activity is also an opportunity for students to work in groups: for each class a group of

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<sup>59</sup> Ibid.

<sup>60</sup> University of Adelaide, Student Experience of Learning and Teaching 2015 – Tort Law.

<sup>61</sup> University of Adelaide, Student Experience of Learning and Teaching 2015 – Foundations of Law.

<sup>62</sup> Ibid.

<sup>63</sup> Seminar leaders facilitate the discussion so that students would identify the following: the relevant law involved in the matter; the jurisdiction and court; the parties involved; where the matter was in the legal process (eg, during trial, on appeal, judgment delivered).

<sup>64</sup> To assist and encourage students to take an interest in legal issues in the media, a Twitter feed was also included within the learning management system (‘MyUni’). Both lecturers and students could tweet news stories with the subject hashtag (#LAW1501) and this would appear in the MyUni twitter feed. By embedding the Twitter feed into MyUni students had easy access to the feed and did not need to join Twitter to access it.

4-5 students were responsible for identifying several legal news stories to start the 'legal gossip' discussions.

#### D *Engagement*

Consistent with the ideal of a coherent and integrated 'first year experience' (as opposed to a series of individual topics) was the decision to appoint the Foundations subject coordinator as First Year Coordinator. The First Year Coordinator is responsible for fielding enrolment queries and organising Induction Day in Orientation Week. This provides students with a 'familiar face' and constant guide through the confusing array of new experiences. The First Year Coordinator, along with other Law School staff, organises social events such as BBQs, afternoon teas and table tennis tournaments after some of the Foundations lectures. Some of these events have been directed at specific cohorts (such as mature age students or international students) and some for all students, although all events have an inclusive approach. Many of these events are assisted by later year students to encourage broad social engagement within and across the student body.<sup>65</sup> Equally, this is an opportunity for Law School staff to engage with students outside of the classroom. The First Year Coordinator organises lunchtime workshops on study skills and exam preparation and an information session on internships, international exchanges and study tours for law students. These events mesh the formal and informal curricula by providing a more informal space for students to get to know each other and academic staff.

#### E *Assessment*

A significant source of stress for new university students is assessment.<sup>66</sup> In recognition of this, an integrated approach is taken to managing student assessment. At the start of the semester the First Year Coordinator coordinates deadlines across subjects and creates a list of assignment deadlines for all first year subjects (Foundations, Torts and Law of Contract). Collating this information allows the three subject coordinators to consider whether assessment has been evenly spaced throughout the semester. The list is uploaded to the University's learning management system (LMS) — MyUni — in all three subjects. It is explained to students that this list of deadlines is produced to assist them in managing their workload in semester 1. It is

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<sup>65</sup> This allowed for the informal mentoring opportunities to develop. For the benefits of informal mentoring, see, eg, Penelope Watson, 'Leading Change in Legal Education: Interesting Ideas for Interesting Times' (2012) 22 *Legal Education Review* 199, 222–7. The University of Adelaide already provides a series of Peer Assisted Study Sessions (PASS) in which a later year student facilitates study sessions at which the students can discuss the weekly subject content: University of Adelaide, *PASS (Peer Assisted Study Sessions)* (4 August 2017) <<http://www.adelaide.edu.au/pass/>>.

<sup>66</sup> See above n 21.

also made clear to students that in semester 2, they will be responsible for creating their own list and making a note of important deadlines.

In addition, the first assessment in Foundations is a group assignment,<sup>67</sup> which is helpful for students to get to know each other and, as one student noted ‘I liked how the first assignment was a group assignment. As this was my first university assignment, it made me feel a lot more confident.’<sup>68</sup> Again, the goal here is to provide a transition for students from high school — where students may be given a higher level of personal support — to foster independent learners.

In Tort Law, where the students are given their first individual problem-based assessment within two weeks of beginning the subject (ie in week 5),<sup>69</sup> care is taken to emphasise that this first assessment piece is a learning tool.<sup>70</sup> Students are actively supported during this assessment task and class time is devoted to providing additional general feedback.<sup>71</sup>

Thus, the assessment activities are scaffolded across the semester and provide a timely tool through which to monitor, assess and respond to student learning and engagement, as discussed in the next section.

#### F *Evaluation and Monitoring*

As Kift notes, ‘the first year curriculum should also have strategies embedded to monitor all students’ engagement in their learning and to identify and intervene in a timely way with students at risk of not succeeding or fully achieving desired learning outcomes.’<sup>72</sup> The Torts assignment (due in week six, just before the mid-semester break) is used as a tool to identify students who may be having difficulty and the Torts subject coordinator will, where necessary, meet with these students to discuss their progress. Communication between the subject coordinators for Foundations and Torts is essential in identifying students struggling in first semester. This allows the first year teaching team to identify where a pattern of a lack of engagement is emerging

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<sup>67</sup> The assessment is a ‘Court Report’ — essentially a court observation exercise. In their groups, the students must attend court proceedings and write a short report on their observations. This assessment task is of a low value — 5% of the final grade.

<sup>68</sup> University of Adelaide, Student Experience of Learning and Teaching 2013 – Tort Law.

<sup>69</sup> Torts commences in week 3 of the semester, the students receive the assignment in week 5 (the second week of classes in Torts) and submit the assignment in week 6 of the semester (the third week of classes in Torts).

<sup>70</sup> Every assignment is returned to the students with significant comments, aimed at identification of how to improve the work and the appropriate way to approach a legal problem.

<sup>71</sup> Providing general feedback of ‘common mistakes’ can assist students in appreciating that they were not the only ones to make these mistakes. ‘Research suggests that students feel less disheartened by their grades and more likely to approach their next assignment positively if they are aware that other students made similar errors’: Bromberger, above n 21, 56.

<sup>72</sup> Kift, ‘Articulating a Transition Pedagogy to Scaffold and to Enhance the First Year Student Learning Experience in Australian Higher Education’, above n 9, app 1.

across both subjects.<sup>73</sup> Where the subject coordinators have identified a lack of engagement, one of the subject coordinators will usually make contact with the student and arrange a time to meet. Where lack of engagement stems from a poor understanding of the materials or poor study skills, the coordinator will discuss with the student how these matters might be improved and highlights the support mechanisms within the Law School and the wider University that the student can draw upon (such as the Peer Assisted Study Sessions classes). Where the lack of engagement is a consequence of challenges in the student's personal circumstances, the course coordinator might encourage the student to meet with someone at the University's Counselling Service (or even liaise with the Counselling Service to ensure the student receives the necessary support).

## V DISCUSSION

Since 2013, when the changes in the structure of the first year program were made, the subject coordinators have evaluated the subjects and further incremental changes have been made. These changes have been made in response to reviewing the feedback in the Student Experience of Learning and Teaching (SELT) surveys and actively engaging both students and staff in critical consideration of student needs and subject design.

When the new 'Boot Camp' format for Foundations was introduced in 2013 there was a distinct improvement in the SELT responses. The responses to the question, 'Overall, I am satisfied with the quality of this [subject]' are extracted in the table below. Students were asked to respond using a 1–7 LIKERT scale, where 7 is 'strongly agree', 4 is 'undecided' and 1 is 'strongly disagree'. Percentage broad agreement is defined as the percentage of students who gave a response of 5 or higher.

**Table 2: Summary of Student Experience of Learning and Teaching (SELT) responses**

*Question: Overall, I am satisfied with the quality of this [subject]*

	2011	2012	2013	2014 <sup>74</sup>	2015	2016
Mean	4.9	4.9	5.7	5.3	6.0	6.2
Median	5	5	6	5	6	6
% Broad Agreement	72	72	88	80	91	97
Response rate	147 (37%)	142 (34%)	162 (41%)	152 (40%)	150 (45%)	136 (41%)

<sup>73</sup> The communication is also coupled with monitoring of the University's LMS – MyUni – which allows subject coordinators to see whether materials have been accessed and assessment tasks submitted.

<sup>74</sup> The authors of this article were not involved in the coordination of Foundations of Law or the First Year Coordinator in 2014, and therefore not in a position to explain the slight drop in the student satisfaction in 2014.

The increase in student satisfaction since 2013 is marked and the importance the students attached to this innovation was evident in their feedback.<sup>75</sup>

While there has been a marked improvement in the satisfaction with the Foundations subject, the 'Boot Camp' format has made little change to the grade distribution in that subject. Table 3 below provides a summary of the grades for Foundations.

**Table 3: Summary of final subject grades for Foundations**

<b>Foundations</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
High Distinction (85-100)	1%	2%	2%	3%	3%	3%
Distinction (75-84)	19%	20%	19%	29%	25%	18%
Credit (65-74)	61%	49%	44%	42%	45%	52%
Pass (50-64)	12%	22%	28%	19%	20%	22%
Fail (<50)	2%	4%	4%	4%	5%	4%
Withdraw	5%	3%	3%	4%	3%	1%

However, the 'Boot Camp' format had a positive impact on the final subject grades for Torts. As in shown in Table 4 below, since 2013 there has been an increase in the proportion of distinction and credit grades awarded and a decline in the percentage of pass grades. This slight upward trajectory of grades suggests that the delayed start of Torts had a beneficial impact on student performance in that subject.

**Table 4: Summary of final subject grades for Torts**

<b>Torts</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
High Distinction (85-100)	5%	1%	2%	4%	3%	3%
Distinction (75-84)	12%	15%	30%	28%	19%	23%
Credit (65-74)	31%	29%	35%	39%	43%	41%
Pass (50-64)	42%	42%	25%	20%	23%	27%
Fail (<50)	5%	9%	5%	4%	8%	5%
Withdraw	5%	5%	4%	5%	4%	2%

Interestingly, the curriculum redesign has had no noticeable effect on attrition rates. Table 5 below shows that the percentage of students

<sup>75</sup> See above nn 35-41 and 58-62.

enrolled on the first day of semester but no longer enrolled on Census Date has remained relatively stable before and after the redesign.

**Table 5: Attrition rates in Foundations – From start of semester to Census Date**

Retention measure	2011	2012	2013	2014	2015	2016
Percentage of students enrolled on first day of semester who are no longer enrolled at Census Date	5%	5%	5%	5%	8%	10%

Similarly, the redesign had little impact on the percentage of students still engaged with the subject at the end of the semester. Table 6 shows the percentage of students who did not sit the final exam or apply for a supplementary exam (on medical or compassionate grounds) as a percentage of students enrolled at the start of the semester or as a percentage of students enrolled at Census Date has remained constant over 2011-16.

**Table 6: Attrition rates in Foundations – percentage of students no longer engaged at the end of the semester**

Retention measure	2011	2012	2013	2014	2015	2016
Percentage of students enrolled <i>at start of semester</i> who did not sit the final exam or apply for a supplementary exam	10%	11%	11%	11%	14%	12%
Percentage of students enrolled <i>at Census Date</i> who did not sit the final exam or apply for a supplementary exam	6%	6%	6%	6%	6%	2%

The percentage of students enrolled at Census Date who were still engaged in the subject at the end of the semester has remained at over 94 per cent before and after the 'Boot Camp' format was implemented. One explanation for the curriculum redesign having no noticeable effect on attrition is that given the already low attrition rate in Foundations, it was unsurprising that the redesign had no noticeable effect on attrition.<sup>76</sup>

<sup>76</sup> The university-wide *annual* attrition rate for the University of Adelaide over the 2011-14 period was approximately 15%: 14.36% in 2011; 15.63% in 2012; 14.89% in 2013; and 15.11% in 2014. See Department of Education and Training, *Selected Higher Educations Statistics – 2015 Student Data* (24 October 2017) app 4 <<https://www.education.gov.au/selected-higher-education-statistics-2015-student-data>>. It should be noted that reducing the attrition rate was not one of the

The teaching team has continued to evaluate the success of the first semester program and enhance both the curricular and co-curricular aspects of the subject. In 2015, changes were made to the co-curricular activities as part of the first year program. The number of lunchtime BBQs, workshops and information sessions were increased and the timing of the sessions were planned to integrate well with the first year timetable — for example, holding these events after a Foundations lecture. This provided more opportunities for students to informally mingle with each other and with the teaching staff. In 2016, a series of pre-lecture videos were recorded with a view to delivering some core content in a video format, thus freeing up lecture time for more interactive and engaging learning activities. Students watch the pre-lecture videos and the lecture time is used to work through a series of case analysis and statutory interpretation exercises, applying the concepts explained in the videos.<sup>77</sup> As the table below shows, from 2014-16 there has been a decline in both the percentage of students failing to submit the first assignment and the percentage of students submitting the assignment and receiving a fail grade (ie a mark less than 50 per cent).

**Table 7: Failure and non-submission rates for the Foundations Assignment (Case Analysis and Statutory Interpretation Assignment).**

	2012	2013	2014	2015	2016
Failure rate (F)	14.6%	12.6%	10.2%	7.8%	4.2%
Non-submission rate (NS)	1.7%	6.5%	4.6%	4.1%	1.2%
Combined failure and non-submission rate (F + NS)	16.3%	19.1%	14.8%	11.9%	5.4%

The introduction of the ‘Boot Camp’ in Foundations in 2013 did not have any dramatic impact on the failure rate or non-submission rate for the first assignment in that first year. However, the failure rate and non-submission rate have gradually declined over the 2013–16 period. While it is difficult to determine the precise reason for these declines, the increase in co-curricular activities over this period may have assisted in keeping students engaged in their studies, making it

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objectives of the review and curriculum redesign: see above nn 11-12 and accompanying text.

<sup>77</sup> In weeks 4 and 5 the Foundations ‘lectures’ are run as interactive ‘workshops’: see above n 27. The exercises that the students work through are based upon previous years’ assignment questions. The workshops are an opportunity for students to work through questions of a similar standard to the questions they will receive in the Case Analysis and Statutory Interpretation Assignment.



more likely that they will attempt (and submit) the first Foundations assignment. Furthermore, the opportunity to work through additional sample exercises before the first assignment might have contributed to the decline in the failure rate.

## VI CONCLUSION

At its heart, the 'Boot Camp' emerged from a timetable change, which intensified the focus on Foundations at the very beginning of the first year of the Law degree. What began as a shifting of materials, developed into a new pedagogical practice that achieved the multiple aims of addressing diversity, facilitating transition, encouraging student engagement, promoting knowledge and skill development, improving assessment design and ultimately improving student outcomes.

Curriculum (re)design is an inexact science and it is difficult to balance the complexities of diverse student needs. First year law students enter a new world where they are expected to operate in an unfamiliar frame of reference, adopt an entirely new language and absorb an enormous amount of information. Students must grapple with these new academic and intellectual challenges at a time that is often also a time of great personal transition.

Working within the restrictions of the Australian law curriculum and competing demands on students' time, the first year teaching team was able to develop a model that fitted within the existing teaching timetable, with consequent improvement of student outcomes and no impact on course progression or interference with students' studies in their other degree. It is a model that could readily be adopted and adapted by other law schools facing similar challenges. Of course, other law schools may offer different substantive law subjects in first year, ranging from contract to criminal law, but the content of the substantive subject does not affect the design choices outlined above. The key lies in the gradual rebalancing of the two subjects across the semester. Further, this approach may also have value to disciplines other than law that have their own unique disciplinary knowledge, skills or language requirements.

Such an approach requires a co-ordinated approach by teaching staff. The key to making the students feel like they are part of an overall first year program is communication, amongst both staff and students. It is also very useful to have a coherent explanation as to why curriculum design choices have been made, why assessment has been staggered across the semester and how the legal skills and their assessment are scaffolded across time. These insights should equip students with greater insights into their approach to their future law studies.<sup>78</sup>

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<sup>78</sup> The rationale for the curriculum design can be introduced during Orientation Week and referred back to throughout the semester.

Of course, subject design is an iterative process and further adjustments will undoubtedly be made to this approach on the basis of future student feedback and evaluation. However, the first year team believe that this is a solid foundation to a successful law student experience.