

Learning and Teaching  
Academic Standards Project

BACHELOR OF LAWS

Learning and Teaching  
Academic Standards Statement  
December 2010



AUSTRALIAN  
LEARNING  
& TEACHING  
COUNCIL

Promoting excellence in higher education

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# BACHELOR OF LAWS STANDARDS

## Learning and Teaching Academic Standards Project

### Bachelor of Laws Academic Standards Statement

December 2010

The Learning and Teaching Academic Standards (LTAS) project in Law has developed a set of six Threshold Learning Outcomes (TLOs) for the Bachelor of Laws degree, a program of study recognised by Australian admitting authorities as meeting the academic requirements specified for the purposes of admission to practise as a legal practitioner. In the language of the Australian Qualifications Framework (AQF), the TLOs represent what a Bachelor of Laws graduate is expected “to know, understand and be able to do as a result of learning”.

The TLOs for the Bachelor of Laws were developed during 2010 by way of a broad, iterative consultation process and with the assistance of the judiciary, admitting authorities, legal profession, regulators, academics, students and recent graduates. The discipline community provided advice and feedback through the project’s Expert Advisory and Discipline Reference Groups, an extensive local consultation process, and liaison with peak organisations, including the Council of Australian Law Deans and its Associate Deans’ Network, the Law Admissions Consultative Committee, the Law Council of Australia, the Legal Services Commissioners, the Australasian Law Teachers Association, the Australasian Professional Legal Education Council, and the Australian Law Students’ Association. The drafting process was also informed by national and international experts and the work of similar projects both within and outside Australia. The TLOs were developed according to a set of drafting principles agreed to by the Expert Advisory and Discipline Reference Groups for Law, and have been designed to work in concert with other standards that govern the work of Australian law schools.

The Learning and Teaching Academic Standards Statement for the Bachelor of Laws covers the areas of: knowledge; ethics and professional responsibility; thinking skills; research skills; communication and collaboration; and self-management. The TLOs are accompanied by a set of explanatory Notes that offer guidance on interpretation. The project has also begun gathering resources to aid the implementation of the TLOs by law schools.

The TLOs were endorsed by the Council of Australian Law Deans in November 2010. The endorsed TLOs represent the efforts and engagement of many members of the broad legal community. Their final form has been the product of genuine collaboration between the academy and peak professional, accrediting and student organisations. The Discipline Scholars in Law, on behalf of LTAS project, acknowledge

and are grateful for the extraordinary degree of encouragement, help and support that has been provided by the discipline community and the Australian Learning and Teaching Council throughout the year to bring this project to completion.

### **Project Leaders**

**Discipline Scholars:** Professor Sally Kift and Winthrop Professor Mark Israel

**Project Officer:** Rachael Field

# 1. Learning and Teaching Academic Standards Project Background

The Australian Government is developing a new Higher Education Quality and Regulatory Framework which includes the establishment of the Tertiary Education Quality and Standards Agency (TEQSA).

TEQSA will be a national body for regulation and quality assurance of tertiary education against agreed standards. In developing the standards, the Australian Government is committed to the active involvement of the academic community. The Australian Government has commissioned the Australian Learning and Teaching Council (ALTC) to manage aspects of the Learning and Teaching Academic Standards (LTAS) component of the framework. The approach was designed to ensure that discipline communities would define and take responsibility for implementing academic standards within the academic traditions of collegiality, peer review, pre-eminence of disciplines and academic autonomy.

In 2010, both directly through a specific contract and indirectly through base funding of the ALTC, the Australian Government funded a one-year demonstration project to define minimum discipline-based learning outcomes as part of the development of LTAS.

The project took as its starting point the award level descriptors defined in the Australian Qualifications Framework (AQF). Threshold Learning Outcomes (TLOs) were defined in terms of minimum discipline knowledge, discipline-specific skills and professional capabilities including attitudes and professional values that are expected of a graduate from a specified level of program in a specified discipline area. The process took account of and involved the participation of professional bodies, accreditation bodies, employers and graduates as well as academic institutions and teachers. These representatives of the discipline communities were encouraged to take responsibility for the project and the outcomes within broad common parameters. Some disciplines extended the brief to begin consideration of the implications of implementing standards at institutional level.

## 1.1 Discipline areas encompassed in the demonstration project

Broad discipline areas were defined according to Australian definitions of Field of Education from the Australian Standard Classification of Education. They correspond to the most common broad structural arrangements of faculties or aggregates of departments within Australian universities.

Eight broad discipline groups participated in 2010:

- architecture and building
- arts, social sciences and humanities
- business, management and economics
- creative and performing arts
- engineering and ICT
- health, medicine, and veterinary science
- law
- science.

Discipline Scholars were appointed to lead each discipline area. The key deliverable for each Discipline Scholar was the production of a document of minimum learning outcomes for a specified discipline at an agreed AQF level or levels. This booklet represents that outcome for this discipline.

## 2. The Learning and Teaching of Academic Standards Law Project

### 2.1 Scope

2.1.1 This Statement addresses the undergraduate Bachelor of Laws degree program, the most commonly studied qualification recognised as providing the academic requirements specified for the purposes of admission to practise as a legal practitioner in Australia.

2.1.2 This Statement does not address:

- the Juris Doctor (JD) nor the New South Wales Legal Profession Admission Board's Diploma in Law, the two other programs of study recognised as providing the academic requirements specified for the purposes of admission to practise as a legal practitioner in Australia;
- the honours component of the Bachelor of Laws specifically;
- the practical legal training (PLT) requirements for admission to the Australian legal profession;
- other levels of qualification in law (such as Graduate Diplomas, Masters of Law, Doctor of Juridical Science (SJD) or Doctor of Philosophy (PhD)).

Each of these will be covered by a separate standards statement.

2.1.3 In November 2009, the Council of Australian Law Deans (CALD) adopted a set of Standards for Australian Law Schools. While the CALD Standards<sup>1</sup> address many matters, this Statement is concerned only with the “curriculum content” aspects of them,<sup>2</sup> which are referenced in the “Notes on the Threshold Learning Outcomes for the Bachelor of Laws” in Section 4 below. Similarly, the Notes reference the 11 “prescribed academic areas of knowledge”<sup>3</sup> currently required of graduates for the purposes of admission to practise (colloquially known as the “Priestley 11”).<sup>4</sup>

2.1.4 While the Bachelor of Laws degree aims to provide graduates with the academic requirements specified for the purposes of admission to practise as a legal practitioner, not all students pursue legal study with that purpose in mind. This Statement recognises the diversity of motivations for studying law. The nature and extent of undergraduate legal education is discussed in more detail in Section 3 below.

2.1.5 Where the Bachelor of Laws is studied as part of a joint, combined or double degree program then this Statement should be applied in conjunction with other relevant Standards Statements.

2.1.6 The Threshold Learning Outcomes (TLOs) set out in this Standards Statement represent the minimum learning outcomes expected of a graduate of the Bachelor of Laws.

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1. Council of Australian Law Deans (CALD), *The CALD Standards for Australian Law Schools* (2009) <<http://www.cald.asn.au/docs/CALD%20-%20standards%20project%20-%20final%20-%20adopted%2017%20November%202009.pdf>> at 3 December 2010.

2. Ibid, at paras 2.3.2 and 2.3.3.

3. See Law Admissions Consultative Committee (LACC), *Schedule 1: Prescribed Academic Areas of Knowledge* (2009) <[http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uid=30440CF8-1C23-CACD-222E-59CF362D9B5A&siteName=lca](http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uid=30440CF8-1C23-CACD-222E-59CF362D9B5A&siteName=lca)> at 3 December 2010.

4. At the time of drafting this Standards Statement (over 2010), significant reforms to the legal profession have been proposed (under the Council of Australian Governments' (COAG's) National Legal Profession Reform Project) which are expected to impact on future accreditation processes and requirements.

### 2.1.7 This Statement makes no prescription about the suitability of any

- learning and teaching activities for developing and supporting students to achieve the Bachelor of Laws academic standards
- assessment activities for students to demonstrate achievement of the Bachelor of Laws academic standards
- criteria or decisions relating to student admission to Bachelor of Laws degree programs.

## 2.2 Rationale

In February 2010, at the ALTC National Standards Forum, the Law Group included representatives of the Council of Australian Law Deans (CALD), the Law Admissions Consultative Committee (LACC), the Australian Academy of Law (AAL) and Universities Australia (UA). The Law Group recommended that TLOs be developed for the Bachelor of Laws degree program as the flagship degree for the LTAS: Law Project. This recommendation was endorsed by CALD in March 2010.

The Discipline Scholars in Law have worked with the discipline community to develop a statement of six TLOs for the Bachelor of Laws with the intention that it is possible for law schools to meet concurrent requirements from the Australian Government, the Council of Australian Law Deans, the relevant law admitting authority and their own institutions.

## 2.3 Consultation and development process

The Standards Statement for the Bachelor of Laws was developed during 2010. The consultation and development process was guided by an Expert Advisory Group (EAG) and a Discipline Reference Group (DRG) established early in 2010, which included representatives from peak Australian legal organisations, together with senior legal educators from Australia, New Zealand, the United Kingdom, and the United States (see Appendix 1).

Discipline Scholars attended meetings of the Council of Australian Law Deans (CALD) and its New Zealand equivalent, consulted with the CALD Executive and teleconferenced with CALD's Standing Committee on Legal Education. The project initiated and supported the formation of a permanent group of associate and assistant deans with responsibility for learning and teaching in law schools (the Law AD Network). Discipline Scholars briefed LACC and other members of law admitting authorities, the Secretary-General of the Law Council of Australia (LCA), Legal Services Commissioners, the Annual General Meeting of the Australasian Law Teachers Association (ALTA), and the Coalition of Australian Law Administrators (COALA). The project was also presented to a meeting of the Australian and New Zealand Academic Law Librarians (ANZACLL) and at the 2010 Australasian Professional Legal Education Council (APLEC) Conference.

Local consultation was carried out through workshops conducted in every state and territory, and promoted through every Australian law school, law society, bar association, law admitting authority, as well as the courts and the ALTC website. Professional associations published articles about the project and the consultation process in national and state/territory-based publications. In total, 20 sessions were run for about 240 attendees in Adelaide, Brisbane, Canberra, Darwin, Hobart, Melbourne, Sydney, Perth and Wollongong and by teleconference. Students and recent graduates participated in six focus groups held in two states.

Thirteen further briefings and presentations were provided to school, faculty and university groups at the invitation of seven universities in four states and territories – a combined additional audience of almost 500 people. Briefings were also offered at various ALTC events and to the 2010 Ako Aotearoa Academy of Tertiary Teaching Excellence Symposium in Wellington.

The first draft of the TLOs (circulated in May 2010) drew on national and international precedents and documentation (see Appendix 3), and was circulated to the EAG and a first wave of the DRG. This draft offered a set of drafting principles agreed to by the EAG and DRG – not too general; not too prescriptive;

ordered correctly; can be implemented; can be assessed and measured; and consistent with the range of professional contexts for law graduates. It also provided a choice between a minimalist and more detailed version of the TLOs – in some cases the minimalist version was less demanding, in some cases simply shorter. After feedback, a “middle” drafting approach was agreed, to be supplemented by non-binding and evolving Notes.

The Discipline Scholars hosted a national forum in Melbourne in June 2010 for all law associate and assistant deans with responsibility for learning and teaching (Law AD Network). Draft 2 of the TLOs was produced following that forum. Later in June, the Law Discipline Scholars also briefed the Law Admissions Consultative Committee (LACC) in Melbourne. In July, a joint meeting of CALD and the New Zealand Law Deans was provided with an update on the progress of TLO development and the aggregated feedback collected. CALD consultation was subsequently facilitated via the newly formed Law AD Network and the CALD Standing Committee on Legal Education, in conjunction with the CALD Executive. Also in July in Auckland, the project and proposed TLOs were presented to the broader law academic community at the annual Australasian Law Teachers Association (ALTA) Conference and Annual General Meeting.

A consultation document containing the next substantive draft of the TLOs (Draft 3) was widely disseminated in July 2010. Between late August and early October, a process of local consultation occurred with the discipline community across Australia. A further meeting of the Law AD Network considered Draft 4 of the TLOs in late September, together with a first draft of the Notes on the TLOs. Draft 5 of the TLOs and the accompanying Notes were put to the CALD Standing Committee on Legal Education in October 2010 for its consideration before the last Draft 6 of the TLOs, together with a second iteration of the Notes, were publicly disseminated on 13 October for a final round of feedback.

On 26 October 2010, Professor Sandford Clark, LACC Chair, advised that:

At its meeting on 21 October, LACC considered a proposal to rewrite the Academic Requirements for entry to the legal profession in a way which would pick up the final form of the proposed TLOs for Law, and which specifies the 11 subject areas which presently comprise the Academic Requirements, in an abbreviated form as the “fundamental areas of legal knowledge” referred to in TLO 1 – Knowledge.

That paper has been sent to the various Admitting Authorities and CALD for their consideration.

At its meeting of 22 November 2010, with the subsequent addition of an agreed Preamble, CALD commended the 2010 national consultation process and endorsed the Standards Statement for the Bachelor of Laws in the following terms:

The Council of Australian Law Deans welcomes the development of Threshold Learning Outcomes (TLOs). The Council is, however, concerned that the implementation of the TLOs recognises the existing and highly desirable level of diversity within Australian law courses and that the fundamental importance of universities as self-accrediting institutions is fully respected.

The Council notes the very real potential for Law Schools to be subjected to multiple layers of regulation and review in the offering of a law course through:

- Internal university course approval and related processes,
- State and Territory course accreditation processes for admission to legal practice,
- Council of Law Deans accreditation process for Australian Law Schools,
- TEQSA review processes informed by the Australian Qualifications Framework, and
- Proposed new national regulatory regime for the Australian legal profession.

In this environment, it is essential that external review, approval and accreditation processes are consistent, coordinated and ideally able to be conducted by means of a single mechanism accepted by each relevant agency. Subject to reserving its right to revisit its position in light of the further development of the holistic regulatory regime for Law Schools and law courses, the



Council has resolved at its meeting of 22 November 2010 as follows:

- (i) The Council of Australian Law Deans commends the comprehensive national consultation process that has been undertaken over 2010 by the Learning and Teaching Academic Standards Project to develop the Threshold Learning Outcomes for the Bachelor of Laws.
- (ii) The Council of Australian Law Deans endorses the Standards Statement for the Bachelor of Laws as an appropriate statement of the Threshold Learning Outcomes that are required of Bachelor of Laws graduates from any Australian university.

With the approval of the CALD Standing Committee on Legal Education, the Discipline Scholars worked with the Law AD Network over the second half of 2010 to collect useful resources and examples to aid TLO implementation. Some of these resources are available on the ALTC website at <http://www.altc.edu.au/standards/disciplines/law/resources>. These resources will continue to be identified and developed (and so maintain currency and relevance) once the project moves into its next phase and the Standards become the responsibility of CALD.

In summary, the TLOs represent the efforts and engagement of many members of the broad legal community. Their final form has been the product of genuine collaboration between the academy and peak professional, accrediting and student organisations. The Discipline Scholars in Law, on behalf of LTAS project, acknowledge and are grateful for the extraordinary degree of encouragement, help and support that has been provided by the discipline community and the ALTC throughout the year to bring this project to completion.



# 3. Learning and Teaching

## Academic Standards Statement for the Bachelor of Laws

### 3.1 Nature and extent of Law and Legal Education

As a discipline, law is informed by many perspectives (including Indigenous perspectives) and is shaped by the broader contexts within which legal issues arise (for example, cultural, gender-related, ethical, moral, religious, political, social, historical, philosophical, and economic contexts). Exploration of the role and purpose of lawyers in society, and the potential for graduates to make constructive contributions to public, legal, and commercial life, sees many professional law degrees include opportunities for clinical training, pro bono community service, workplace-based internships, and international exchanges. More recently, the globalisation of law and legal services has meant that contemporary law students ought to be provided with opportunities to develop international and comparative perspectives on the law.

In a changing and dynamic world, contemporary Australian legal education places an emphasis on the ability of law graduates to think analytically and creatively in approaching and generating solutions to legal issues, and to demonstrate an appreciation of the principles and values of justice and ethical practice. Law students explore fundamental notions such as the nature of law, the relationship between law and justice, and the significance of each for the rule of law. As the Australian Law Reform Commission noted in 2000:

In a changing environment, the best preparation that a law school can give its graduates is one which promotes intellectual breadth, agility and curiosity; strong analytical and communication skills; and a deep moral/ethical sense of the role and purpose of lawyers in society.<sup>5</sup>

The Bachelor of Laws, the Juris Doctor (JD) and the New South Wales Legal Profession Admission Board's Diploma in Law are programs of study recognised by Australian admitting authorities as providing the academic requirements necessary for admission to practise as a legal practitioner. To qualify fully for admission to practise law, applicants also need to satisfy the relevant admitting authority that they have met the requirements of practical legal training (PLT) and are of "good fame and character".

This Standards Statement addresses only the Bachelor of Laws. The Bachelor of Laws may be undertaken as a single degree, as one part of a combined, joint or double degree, or as a graduate-entry bachelor program, and it may be awarded with honours, the latter usually embedded in the bachelor degree. The Bachelor of Laws is sometimes also undertaken in combination with the PLT component mentioned above.

The Bachelor of Laws provides a comprehensive foundation in the sources of law and fundamental areas of legal knowledge, together with the development of other relevant knowledge, skills and dispositions. It includes the study of a prescribed, substantive core and the flexibility for students to add to these foundational doctrinal areas by choosing from a range of specialist, elective subjects. The Bachelor of Laws also seeks to develop higher order professional skills that include critical thinking and analysis, problem-solving, advocacy and persuasion, research, communication and collaboration, ethical and professional responsibility, and a lifelong commitment to professional development.

A law degree assists law graduates to enter diverse professional and vocational fields, not only practising as barristers and solicitors, but also working as government officials, corporate counsel, advisers to international organisations, in the business world, in the community legal sector, as academics, in publishing and in many other fields. The TLOs for the Bachelor of Laws seek to recognise the relationship between the degree's academic and professional accreditation requirements, and the reality that many law graduates work in diverse roles beyond professional legal practice.

## 3.2 Threshold Learning Outcomes for the Bachelor of Laws

Taken as a whole, the TLOs for the Bachelor of Laws represent what a graduate is expected to know, understand and be able to do as a result of learning or, in the words of the Australian Qualifications Framework (AQF), the “set of knowledge, skills and the application of the knowledge and skills a person has acquired and is able to demonstrate as a result of learning”.<sup>6</sup> While there has been an attempt to ensure minimal overlap across the TLOs and, as far as possible, each is defined independently, even at the threshold level of achievement it is expected that graduates would demonstrate a broad and coherent assimilation of the TLOs across the identified knowledge and skills.

For example, a graduate with an understanding of a “coherent body of knowledge that includes... the fundamental areas of legal knowledge” (TLO 1: Knowledge) will frequently apply the results of legal research (TLO 4: Research skills) to demonstrate the thinking skills set out in TLO 3 (Thinking skills). Any of those TLO 3 cognitive outcomes (critical analysis, legal reasoning, creative thinking, etc) will in turn need to be communicated effectively, appropriately and persuasively in various contexts, as required by TLO 5 (Communication and collaboration), and ethically, as required by TLO 2 (Ethics and professional responsibility). Thus, within the range of diverse programs developed by the various law schools, graduates’ acquisition of the TLOs will most likely be facilitated in a structured and integrated, whole-of-curriculum approach through learning, teaching and assessment.

The six TLOs should not be equally weighted across the degree program. For example, it is not intended that the Knowledge TLO (TLO 1) constitutes only one-sixth of the program of study for the Bachelor of Laws. A similar interpretation should be applied to the sub-paragraphs within the various TLOs, where they appear.

The TLOs are expressed as minimum standards of performance, achievement or attainment at the bachelor qualification level. While program diversity is valued, all providers of the Bachelor of Laws are expected to meet or exceed these minimum/threshold standards. Albeit in the specific (and different) context of Canadian legal education, the Task Force on the Canadian Common Law Degree referred to the legal education continuum that starts with law school and said:

It is not reasonable to expect that law schools will graduate students who are fully capable of providing competent professional services to clients in all matters. Clearly, the profession must continue to play a role in bridging the gap between law school and formal licensing of lawyers. However, through the professional legal education students receive in law school, they should acquire foundational competencies necessary for the practice of law.<sup>7</sup>

Law schools may use a variety of ways to structure the learning environment to ensure graduates achieve the knowledge and skills set out in the TLOs to the requisite minimum/threshold standard. The activities which students undertake as part of their learning will doubtless be designed by each law school in the context of their own institution’s learning and teaching mission and goals. Academic standards are not intended to lead to standardisation. Over time, law schools may also decide to require additional and/or higher level learning outcomes from their graduating students.

The TLOs are expressed in broad terms of capability and have been developed, inter alia, to align with the AQF qualification levels that specify bachelor degree qualifications (in AQF draft 30/09/10, identified as Level 7 and Level 8). As noted above (in Section 3.1), the Bachelor of Laws may be awarded with honours, usually embedded in the bachelor degree. The AQF was under constant revision over 2010 and this Standards Statement was developed in that environment. Various terms are used in the AQF to distinguish different qualification levels and dimensions. As appropriate, these terms are referred to in the Notes on the TLOs (Section 4) to assist law schools in their implementation of the TLOs to enable demonstration of the learning outcomes at the requisite qualification level.

6. Australian Qualifications Framework (AQF) (as of 30 September 2010, pending MCTEE approval – late 2010) at 82 <<http://www.aqf.edu.au/Portals/0/Documents/Australian%20Qualifications%20Framework%20-%20pending%20MCTEE%20approval%202010.pdf>> at 3 December 2010.

7. Task Force on the Canadian Common Law Degree (Canadian Task Force), *Final Report* (2009) at 28 <<http://www.flsc.ca/en/pdf/CommonLawDegreeReport.pdf>> at 3 December 2010.

The Threshold Learning Outcomes for the Bachelor of Laws are as follows:

### 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

Graduates of the Bachelor of Laws will be able to:

- (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 authors are to be congratulated for having produced something mercifully brief and coherent.

Member of University Senior Executive, 28 August 2010

I see things that I have done. [The TLOs] are like a checklist.

Final Year Student, Student Focus Group, response to D3.1, 27 September 2010

## 4. Notes on the Threshold Learning Outcomes for the Bachelor of Laws

### 4.1 The role of the Notes on the Threshold Learning Outcomes for the Bachelor of Laws

The Threshold Learning Outcomes (TLOs) for the Bachelor of Laws were drafted in consultation with a range of professional, regulatory, student and academic stakeholders (Section 2.3 above). In most cases, these consultations resulted in a broad acceptance that each TLO need not be overly detailed, as long as guidance on how to interpret the TLO was contained in accompanying Notes. The notion of accompanying materials is not unfamiliar: the drafters of the Council of Australian Law Deans (CALD) Standards<sup>8</sup> had envisaged that, like the American Bar Association (ABA) Standards<sup>9</sup> and the United Kingdom Quality Assurance Agency (QAA) Subject Benchmark Statement for Law,<sup>10</sup> the CALD Standards would be fleshed out over time through the development and inclusion of a Commentary.

In this Statement, it is intended that the Notes play a positive and constructive role by supporting greater: transparency around how the TLOs have been drafted; flexibility in allowing interpretation of the TLOs to evolve; and legitimacy by involving stakeholders in the ongoing implementation of the TLOs.

These Notes on the TLOs are intended to offer non-prescriptive guidance on how to interpret the TLOs. They should not be perceived as a more detailed articulation of the TLOs in disguise. They are intended to help stakeholders understand the meaning of the TLOs, and allow program coordinators and academics to develop and refine their curricula by stimulating ongoing discussion and reflection. While some resources organised by TLO have already been collected on the ALTC website, (see Learning and Teaching Academic Standards: Law Resources<sup>11</sup>), eventually these Notes could be supplemented by more specific examples illustrating how to implement the learning, teaching and assessment of the individual TLOs. This process of collecting examples and resources should continue once the Discipline Scholars finish their work and the Standards Statement for the Bachelor of Laws is handed over to CALD (together with the accompanying materials and website). Responsibility for this continuing development rests with the academic community – it is not the role of the LTAS project to tell law schools how they should go about the learning, teaching or assessment of their students.

In these notes, each TLO is accompanied by explanatory material organised under the following headings:

- **Background** – setting out the precedents for, and the development of, the endorsed TLO;
- **Terminology** – providing guidance on the language used in the TLO and general points that may need to be considered in designing learning, teaching and assessment approaches.

I think you have captured succinctly, but with sufficient guidance telegraphed in the notes, the essence of what we should be doing to foster legal education ... I think the final version will become a very important framework for legal educators.

Law Academic, response to D6, 20 October 2010

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8. CALD, above note 1.

9. American Bar Association (ABA), *Standards and Rules of Procedure for Approval of Law Schools* (2010-2011) <<http://www.abanet.org/legaled/standards/standards.html>> at 3 December 2010.

10. United Kingdom Quality Assurance Agency (QAA), *Subject Benchmark Statement: Law* (2007) <<http://www.qaa.ac.uk/academicinfrastructure/benchmark/statements/Law07.asp>> at 3 December 2010.

11. *Learning and Teaching Academic Standards: Law Resources*, <<http://www.altc.edu.au/standards/disciplines/law/resources>> at 3 December 2010.

No statement of general acceptance can be perfect or will ever be wholly accepted by all stakeholders. In the end, the best that one might hope to achieve is a broad consensus that the TLOs are understood by those stakeholders. In my opinion, read together with the Notes, this object has been substantially achieved by this Draft.

Senior Barrister, response to D6, 22 October 2010

I am struck by the parallels between your endeavour and recent developments in the regulation of the professions and professional services including most recently in this country, through the imminent national legal profession reforms, the legal profession and its provision of legal services.

In particular I am struck by and endorse the development of Notes to complement and support the high-level, broadly stated and purposive principles – in this case the TLOs. Principles-based regulation has a compelling logic to it, viz. that regulated entities are better placed than regulators to decide the processes and systems and ‘curricula’ they require to achieve a given regulatory objective – hence regulators should step back and define the outcomes they require but leave regulated entities free to design and implement the systems and processes best suited in their particular circumstances to achieve those outcomes. This freedom and flexibility comes at a cost, however, by devolving responsibility to regulated entities to interpret and apply the ‘rules’ – and potentially to cause them considerable uncertainty, not least that the regulators interpret the ‘rules’ similarly.

Hence the importance and desirability of the Notes – of supporting the high level principles with non-binding and continually evolving guidance in the form of practice notes and the like. Regulators and regulated entities have a mutual interest in developing this sort of guidance and building and maintaining a cooperative and engaged relationship that allows them to work together to that end. That is a hugely positive outcome in itself.

Legal Services Commissioner, response to D6, 9 November 2010

## 4.2 Notes on the Threshold Learning Outcomes for the Bachelor of Laws: Background and terminology.

### 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.

### Background:

TLO 1 develops 2.3.2 and 2.3.3 of the Council of Australian Law Deans (CALD) Standards, which have been endorsed by the Law Admissions Consultative Committee (LACC). The CALD Standards have been described by their drafters as a mixture of threshold and aspirational inputs and outcomes. As a result, the TLO does not reproduce the relevant parts of the Standards in their entirety. The CALD Standards were in turn influenced by the United Kingdom Quality Assurance Agency (QAA) Subject Benchmark Statement for Law, the United Kingdom Joint Statement of the Law Society and the General Council of the Bar,<sup>12</sup> and the American Bar Association Standards. TLO 1 has been drafted to encompass the

12. A Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree (2002) [UK Joint Statement]  
<<http://www.sra.org.uk/documents/students/academic-stage/academicjointstate.pdf>> at 3 December 2010.

current “prescribed academic areas of knowledge” known as the “Priestley 11”<sup>13</sup> and to be flexible enough to allow for subsequent developments as negotiated between CALD and the law admitting authorities. The TLO is also consistent with the CALD Standards’ promotion of a curriculum that “seeks to develop knowledge and understanding of... the principles of ethical conduct and the role and responsibility of lawyers”.<sup>14</sup> The phrase, “a coherent body of knowledge”, that is used in TLO 1 references the requirements of the Australian Qualifications Framework that graduates will have “a broad and coherent body of knowledge, with depth in the underlying principles and concepts” (Level 7, Bachelor Degree, AQF draft 30/09/10) and that graduates will have “coherent and advanced knowledge of the underlying principles and concepts” (Level 8, Bachelor Honours Degree, AQF draft 30/09/10).<sup>15</sup>

## Terminology:

*Fundamental areas of legal knowledge:* The accepted “fundamental areas of legal knowledge” are those that are from time to time prescribed by the relevant Australian law admitting authorities. The term “fundamental areas” has been chosen over alternatives such as “prescribed substantive core” and “foundational doctrinal areas” as this term is used in the CALD Standards.<sup>16</sup> The rules of statutory interpretation and the rule of law are examples of fundamental areas of legal knowledge. The “Australian legal system” can be differentiated from “fundamental areas of legal knowledge” by examples that might include: the federal nature of the Australian legal system; the legislative process; the organisation of the legal profession and adjudicative institutions; variety in dispute resolution processes; and the Australian common law process, including approaches to precedent and its absence.

*Underlying principles and concepts:* This term is intended to include: legal history, the evolution of the legal system, legal theory and jurisprudence.

*International and comparative contexts:* This phrase is not intended to mean graduates should demonstrate an understanding of international and comparative contexts across all areas of law. Nor does it mandate the separate study of international law or comparative law. It intends that graduates will have a threshold level awareness of these contexts at a general level, and a deeper knowledge in relation to selected areas of law depending on the options made available in their legal education. Comparative law could also include comparisons amongst the Australian states and territories, and between the states/territories and the Commonwealth in a federal system.

*Broader contexts:* The CALD Standards refer to the “political, social, historical, philosophical, and economic context”<sup>17</sup> as examples of the broader, pluralist context within which legal issues arise. This list can easily be extended to encompass contexts that reflect, for example: social justice; gender-related issues; Indigenous perspectives; cultural and linguistic diversity; the commercial or business environment; globalisation; public policy; moral contexts; and issues of sustainability. The United Kingdom QAA Subject Benchmark Statement for Law refers to “social, economic, political, historical, philosophical, ethical, cultural and environmental contexts”,<sup>18</sup> while the Scottish Accreditation Guidelines consider the “social, economic, moral and ethical contexts”.<sup>19</sup>

*The principles and values of justice and of ethical practice in lawyers’ roles:* The “ethical practice” component of this TLO deals with graduates’ knowledge acquisition of ethical principles and values; what graduates “need to know about the ethical nature and dimensions of the lawyer’s role”.<sup>20</sup> This would

13. LACC, above note 3.

14. CALD, above note 1, at para 2.3.3 a.

15. AQF, above note 6, at 8.

16. CALD, above note 1, at para 2.3.3 a.

17. Ibid.

18. QAA, above note 10, para 4.6 at 8.

19. The Law Society of Scotland, *Foundation Programme (Scottish Exempting Degree): Accreditation Guidelines for Applicants* (2010) at 28 <[http://www.lawscot.org.uk/media/39764/foundation\\_programme\\_guidelines\\_-\\_final.pdf](http://www.lawscot.org.uk/media/39764/foundation_programme_guidelines_-_final.pdf)> at 3 December 2010.

20. M Robertson, ‘Providing Ethics Learning Opportunities throughout the Legal Curriculum’ (2009) 12(1) *Legal Ethics* 59 at 67 <[http://eprints.usq.edu.au/6293/2/Robertson\\_LE\\_2009\\_PV.pdf](http://eprints.usq.edu.au/6293/2/Robertson_LE_2009_PV.pdf)> at 3 December 2010.



include an understanding of the professional codes of conduct, and the ethical rules and responsibilities of the legal profession. It would also embrace the wider social context in which lawyers, in their various roles, work, as well as the “history, goals [and] structure... of the legal profession and its members”.<sup>21</sup> Robertson, for example, suggests that law graduates should be able:

...to demonstrate a critical understanding of the social purposes and limitations of the lawyer’s role within legally organised society and its legal institutions, and the reasons why lawyers have a responsibility to develop an ethical practice that reflects these purposes and recognises these limitations [and] a critical understanding of the justifications for the lawyer’s office and its methodology...<sup>22</sup>

The skilled and attitudinal dimensions of ethical reasoning and legal professionalism – what graduates need to be able to do to reason ethically and exercise professional judgement – are covered by TLO 2.

The “justice” component of this TLO refers to the relationship between law and justice and the significance of each for the rule of law. As Sir Gerard Brennan has said:

We know, of course, that law and justice are not synonymous. Law is a social regulator, justice is a moral value ... It is only when the law works no injustice to individuals that we can proclaim our adherence to the rule of law.<sup>23</sup>

*Lawyers’ roles* should be understood in a broad sense to refer to the roles in which law graduates might serve including, but not limited to, roles of representation, advocacy and negotiation as barristers, solicitors, government counsel, in-house commercial counsel, community sector lawyers, academics, and legal publishers.

This TLO is sufficiently broad to avoid becoming fossilised ... and to allow different institutions to specialise.

*Member of Law AD Network, response to TLO 1, 29 September 2010*

## 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.

### Background:

TLO 2 is consistent with the Council of Australian Law Deans (CALD) Standards which promote a curriculum that “seeks to develop ... the values of ethical legal practice, professional responsibility, and community service”<sup>24</sup> and “awareness of and sensitivity to, and, so far as is practicable, internalisation of, the values that underpin the principles of ethical conduct, professional responsibility, and community service”.<sup>25</sup> The Australian Qualifications Framework Level 7 (Bachelor Degree, AQF draft 30/09/10)

21. ABA, above note 9, at Standard 302 (a)(5).

22. Robertson, above note 20, at 70.

23. G Brennan, ‘Law for All; Justice for Each’, Speech to NSW Law and Justice Foundation Justice Awards Dinner, Sydney (31 October 2007) <<http://www.lawfoundation.net.au/ljf/app/35B368B724DB0A72CA2573860001CBC9.html>> at 3 December 2010.

24. CALD, above note 1, at para 2.3.2.

25. CALD, above note 1, at para 2.3.3 d.



and Level 8 (Bachelor Honours Degree, AQF draft 30/09/10) both require that graduates apply knowledge and skills “with initiative and judgement ... in professional practice ...”.<sup>26</sup> With the support of CALD, part of the TLO (“developing ability”) is pitched below the level required for professional admission and recognises CALD’s and LACC’s view that law graduates need the support of a practical legal training (PLT) program and professional practice in order to develop further their ability to address ethical issues in professional contexts and exercise professional judgement.<sup>27</sup>

### Terminology:

*TLO 2 Heading – Ethics and professional responsibility:* The heading of this TLO reflects the related academic area of knowledge prescribed for the purposes of admission to practise.<sup>28</sup>

*Approaches to ethical decision-making:* This term is not intended to limit law schools and their curriculum to the theoretical bases of ethical decision-making. Rather, it provides scope to cover these perspectives as well as practical approaches. This element of the TLO should, therefore, not be taken as restricting how ethics might be taught.

*An ability to recognise and reflect upon:* This element of the TLO includes academic and scholarly skills of recognition and reflection that enable graduates to engage deeply with both the substantive ethical issues encountered by lawyers in a range of professional contexts and the professional responsibilities of lawyers in promoting justice and in service roles.

*A developing ability:* The ability to respond to ethical issues and exercise professional judgement is not fully formed at the law school phase on the legal education continuum but should have commenced development. Development will extend through practical legal training (PLT), and through a graduate’s professional career and continuing legal education (CLE).<sup>29</sup> “Developing” points to an early, emergent standard of ability as opposed to the potential for that ability or, alternatively, a measure of change in that ability.

*Ethical issues likely to arise in professional contexts:* Being aware of the ethical issues that arise in practice is part of the process of ethical reasoning articulated by Parker and Evans.<sup>30</sup> Such issues arise in relation to the duties owed by lawyers to the administration of justice, to the court, and to the client, and may involve conflicts of professional values.

### *Professional responsibilities of lawyers in promoting justice and in service to the community:*

This element of the TLO goes beyond knowledge of “the principles and values of justice and of ethical practice in lawyers’ roles” referred to in TLO 1 and requires graduates to recognise and reflect upon the professional responsibilities of lawyers to act in their public role. It points to lawyers’ roles in promoting justice and the values of fairness, legitimacy, efficacy, and equity in the legal system. For Professor Paul Redmond, “Justice gives content, meaning and legitimacy to law and legal practice”.<sup>31</sup> In the United States, the 1992 MacCrate Report argued that teachers of law should be concerned:

... to convey to students that the professional value of the need to ‘promote justice, fairness and morality’ is an essential ingredient of the legal profession; the practising bar should be concerned to impress on students that success in the practice of law is not measured by financial rewards alone, but by a lawyer’s commitment to a just, fair and moral society.<sup>32</sup>

26. AQF, above note 6, at 8.

27. See Law Admissions Consultative Committee (LACC), *Schedule 3: Competency Standards for Entry Level Lawyers* (2009) <[http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uid=30440C0E-1C23-CACD-2270-DFB72F6B138C&siteName=lca](http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uid=30440C0E-1C23-CACD-2270-DFB72F6B138C&siteName=lca)> at 3 December 2010.

28. LACC, above note 3.

29. K Economides and J Rogers, *Preparatory Ethics Training for Future Solicitors*, London: Law Society (2009) <[http://www.lawsociety.org.uk/secure/file/179379/e/teamsite-deployed/documents/templatedata/Internet%20Documents/Non-government%20proposals/Documents/ethics\\_training\\_apr09.pdf](http://www.lawsociety.org.uk/secure/file/179379/e/teamsite-deployed/documents/templatedata/Internet%20Documents/Non-government%20proposals/Documents/ethics_training_apr09.pdf)> at 3 December 2010.

30. C Parker and A Evans, *Inside Lawyers’ Ethics*, New York: Cambridge University Press, 2007 at 6.

31. P Redmond, ‘The Place of Justice Within Law Programs’, Document provided to ALTC Law Discipline Scholars for the purposes of this Project, at 1 <<http://www.altc.edu.au/system/files/DSJusticeandLawRedmond.pdf>> at 3 December 2010.

32. American Bar Association, Section on Legal Education and Admissions to the Bar, *Legal Education and Professional Development – An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* [‘MacCrate Report’] (1992) at 14 <<http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html>> at 3 December 2010.

The TLO also requires that graduates understand the principles and values associated with service to the wider community, an area that encompasses and extends beyond pro bono work. The National Pro Bono Task Force calls for “the active promotion of a strong pro bono culture in Australia, commencing at law school and continuing through all levels and styles of professional practice”.<sup>33</sup> This TLO includes recognition and reflection on the goal of public service and pro bono legal work as a key incident of professional responsibility,<sup>34</sup> and also as a possible “source of meaning and satisfaction in a stressful professional life”.<sup>35</sup>

While there is certainly overlap between “ethical” and “justice” issues, there are also clear differences. The inclusion of “justice” in this ethics-oriented TLO is not intended to give ethics a political complexion. The TLO deliberately leaves open a wide interpretation of “justice” to provide opportunities for diverse curricular responses by different law schools.

**Professional judgement:** This term includes the application of knowledge, skills and professional values to serve the interests of clients, justice, the profession, and the public good (after Australian Qualifications Framework, American Bar Association Standards and MacCrate Report). The 2007 Carnegie Report<sup>36</sup> refers to professional practice as “judgment in action”, in the sense that:

Skillful practice ... means involvement in situations that are necessarily indeterminate from the point of view of formal knowledge. Professional practice ... [therefore] depends on judgment in order to yield an outcome that can further the profession’s intended purposes.<sup>37</sup>

In this regard, the exercise of professional judgement includes an understanding of the consequences of professional decisions. For example, valuable assistance on what it means to exercise professional judgement in the family law context – how to apply legal knowledge and skills appropriately in the interests of clients, including children, who frequently present in stressed circumstances – is contained in the Best Practice Guidelines for lawyers doing family law work (2nd edition)<sup>38</sup> prepared by the Family Law Council and Family Law Section of the Law Council of Australia. The professional codes of conduct will also support and help inform the developing ability of a graduate to exercise professional judgement.

If these TLOs are formally approved, we will for the first time have a clear statement not only about the importance of knowledge of ethical principles and values which are deeply connected with lawyers’ roles, but also some commitment to the development of students’ skills and abilities in the vitally important area of ethical reasoning.

Head of Law School, response to D6 TLO 2, 26 October 2010

I think the principle of pointing students in the right direction, and challenging them to recognise, reflect and argue about ethics and justice is an excellent ideal. At work, graduates will have opportunities to test their ethical framework, but it is essential that they have one before they begin!

Member of Large Law Firm, response to D3.1 TLO 2, 26 October 2010

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33. National Pro Bono Task Force, *Report of the National Pro Bono Task Force*, Australian Law Reform Commission (2001) <[http://www.nationalprobono.org.au/ssl/CMS/files\\_cms/NPBRCActionPlan.pdf](http://www.nationalprobono.org.au/ssl/CMS/files_cms/NPBRCActionPlan.pdf)> at 3 December 2010; S Parker, *Why Lawyers Should Do Pro Bono Work*, in C Arup and K Laster (eds), *For the Public Good: Pro Bono and the Legal Profession in Australia*, Sydney: Federation Press, 2001.
34. D Weisbrot, response to TLOs, 2010.
35. Redmond, above note 31, at 3.
36. W M Sullivan, A Colby, J W Wegner, L Bond, and L S Shulman, *Educating Lawyers: Preparation for the Profession of Law*, San Francisco, CA: Jossey-Bass, 2007 [‘Carnegie Report’] at 9. Summary available at: <[http://www.carnegiefoundation.org/sites/default/files/publications/elibrary\\_pdf\\_632.pdf](http://www.carnegiefoundation.org/sites/default/files/publications/elibrary_pdf_632.pdf)> at 3 December 2010.
37. CD Cunningham and CS Alexander, *Developing Professional Judgment: Law School Innovations in Response to the Carnegie Foundation’s Critique of American Legal Education* in M Robertson, L Corbin, F Bartlett and K Tranter (eds), *The Ethics Project in Legal Education*, London: Routledge-Cavendish, 2010 <<http://teachinglegalethics.org/content/developing-professional-judgment>> at 2 February 2011 referring to Sullivan et al, above note 36, at 8-9.
38. Family Law Council and Family Law Section of the Law Council of Australia, *Best Practice Guidelines: for lawyers doing family law work*, 2nd edition (2010) <<http://www.familylawsection.org.au/resource/BestPracticeGuidelinesv8FINAL.pdf>> at 3 December 2010.

### 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.

#### Background:

TLO 3 is aligned with the Australian Qualifications Framework Level 7 (Bachelor Degree, AQF draft 30/09/10) requirement that graduates be able to think both creatively and critically “in identifying and solving problems with intellectual independence” and will have the “cognitive skills to critically review, analyse, consolidate and synthesise knowledge”.<sup>39</sup> Its implementation may also align with the AQF Level 8 (Bachelor Honours Degree, AQF draft 30/09/10) requirement that graduates will be able to “identify and provide solutions to complex problems with intellectual independence” and will be able to “exercise critical thinking and judgement in developing new understanding”.<sup>40</sup> It accords with the Council of Australian Law Deans (CALD) Standards’ intention that curricula develop graduates who “engage with the law in an analytical and critical way”.<sup>41</sup>

The United Kingdom QAA Subject Benchmark Statement for Law stresses the need for graduates to be able to “make a critical judgement of the merits of particular arguments”,<sup>42</sup> “critical analysis” being “recognised as a key attribute of graduates”.<sup>43</sup> Also, the QAA identified that graduates should have an ability to “present and make a reasoned choice between alternative solutions”.<sup>44</sup> This is similar to the United Kingdom Joint Statement of the Law Society and the General Council of the Bar’s requirement that graduates should be able to “recognise potential alternative conclusions for particular situations, and provide supporting reasons for them”.<sup>45</sup> The MacCrate Report in the United States recognised that graduates should “be familiar with the skills and concepts involved in identifying and formulating legal issues”.<sup>46</sup> The Task Force on the Canadian Common Law Degree recommended that entrants to a Canadian bar admission program be required to have demonstrated skills in solving legal problems that included the ability to “a. identify relevant facts; b. identify legal, practical, and policy issues and conduct the necessary research arising from those issues; c. analyse the results of research; d. apply the law to the facts; and e. identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute”.<sup>47</sup> The Scottish Accreditation Guidelines require that graduates have a basic competence in “apply[ing] knowledge and analysis... creatively to complex situations in order to provide arguable solutions to concrete problems by presenting a range of viable options from a set of facts and law” and also that they “[t]hink critically and make critical judgements on the relative and absolute merits of particular arguments and solutions”.<sup>48</sup>

#### Terminology:

**Identify and articulate legal issues:** Law graduates should be able to examine a text and/or a scenario (for example, a set of facts, a legal document, a legal narrative, a statute, a case report, or a law

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39. AQF, above note 6, at 8.

40. Ibid.

41. CALD, above note 1, at para 2.2.2.

42. QAA, above note 10, para 7.1 at 3.

43. Ibid, para 4.12 at 9.

44. Ibid, para 7.1 at 3.

45. UK Joint Statement, above note 12, Schedule One, b. General Transferable Skills ii. at 4.

46. MacCrate Report, above note 32, Skill 2.1 at Chapter 5 – B.

47. Canadian Task Force, above note 7, B Competency Requirements, 1.1 at 8.

48. The Law Society of Scotland, above note 19, at 25.

reform report), find the key issues (for example, unresolved disputes, ambiguities, or uncertainties), and articulate those issues clearly as a necessary precursor to analysing and generating appropriate responses to the issues.<sup>49</sup> This skill includes the ability to discriminate between legal and non-legal issues, and between relevant and irrelevant issues.<sup>50</sup> Graduates should know that not every issue is a legal issue, and that not every legal issue warrants a legal response.<sup>51</sup>

The emphasis in this TLO is on the application of thinking skills to legal issues. In the context of this TLO, “legal issues” should be understood as including factual and policy issues. This is because the identification and articulation of factual and policy issues are frequently necessary in order to identify and articulate legal issues accurately. TLO 4 specifically refers to factual, legal and policy issues as threshold areas of research capability.

There is some overlap between TLO 4 (“skills needed to identify ... legal ... issues”) and TLO 3. The difference lies in the demonstration of the application of integrated knowledge and skills under TLO 3, to be compared with a demonstration that a graduate has the prerequisite research skills (intellectual and practical) conventionally recognised as fundamental to the exercise of TLO 3’s Thinking skills. TLO 3 is concerned with identifying issues for the purpose of analysing and generating appropriate responses to them, while TLO 4 is concerned with identifying accurately the “key relevant issues for research and ... formulat[ing] them with clarity”.<sup>52</sup>

*Apply legal reasoning and research to generate appropriate responses to legal issues:* “Legal reasoning” is typically understood to be the practice of identifying the legal rules and processes of relevance to a particular legal issue and applying those rules and processes in order to reach a reasonable conclusion about, or to generate an appropriate response to, the issue. Students are often introduced to the practice of legal reasoning by being taught the “IRAC” or “ILAC” method: issue, rule/law, application, conclusion. The reference to “research” links this element of TLO 3 with TLO 4. Students use the research skills described in TLO 4 to locate the relevant legal sources, rules and processes required to conduct the legal reasoning described in TLO 3.

The reference to “appropriate” responses to legal issues acknowledges that not every legal issue requires a legalistic or adversarial response. Graduates should have an understanding of the full spectrum of available and appropriate responses to legal issues (for example, conciliatory, non-adversarial options, as well as adversarial, court-oriented options; and commercial as well as legal options) and be able to choose amongst them. Graduates need to be able to diagnose the specific requirements of a particular issue and determine the most appropriate response from the range of options. This ability is made explicit in TLO 3(c).

*Engage in critical analysis and make a reasoned choice amongst alternatives:* “Critical analysis” is the practice of examining a text, claim or argument and identifying the hidden structures: for example, legal and non-legal issues; premises and hypothesis; factual, theoretical and ideological assumptions; undisclosed biases and prejudices; and so on. The word “critical” emphasises that analysis is a high-level, conceptually analytical activity; it does not mean simply being confrontational or negative – the outcome of critical analysis can be agreement with the text, claim or argument.

Making a “reasoned choice among alternatives” involves critical evaluation of a text, claim, argument or response to a legal issue. It requires identification of the strengths and weaknesses, advantages and disadvantages, accuracies and flaws in a text, claim, argument or response (usually by comparing the text, claim, argument or response with one or more criteria such as truth value, doctrinal correctness, practicality, or consistency with an ideological standard such as the rule of law or social justice).

The use of the word “reasoned” emphasises that the choice must be justified, supported by evidence, and consistent with the critical analysis. Graduates must be able to explain the basis for adopting a particular point of view.<sup>53</sup>

49. QAA, above note 10, paras 4.7, 4.8, 4.11 and 4.12 at 8-10.

50. Ibid, para 4.11 at 9.

51. Weisbrot, above note 34.

52. UK Joint Statement, above note 12, Schedule One, b. General Transferable Skills iii. at 4.

53. QAA, above note 10, para 4.12 at 9.

*Think creatively in approaching legal issues and generating appropriate responses:* “Think creatively” in this context builds on a graduate’s ability to diagnose the specific requirements of a particular legal issue on its facts and determine the most appropriate response from the spectrum of available responses. It requires a capacity to think laterally and engage in transferable problem-solving; for example, conceiving new responses to old problems using accepted legal reasoning techniques. It includes an understanding of inductive and deductive reasoning. This element of the TLO, therefore, requires graduates to be familiar with a range of alternative dispute resolution processes, such as negotiation and mediation. Graduates should be able to appreciate the benefits of alternative and non-adversarial approaches, as well as formal adversarial approaches, and be able to use that appreciation to generate tailored responses to a legal issue.

The term “think creatively” does not mean that it is appropriate to ignore precedent and practice, and just “make things up”. Instead, it should be interpreted in the context of the Bachelor of Laws degree as relating to the development of “responses to legal issues”.

This is a crucial point in the curriculum where rules-bound students are distinguished from autonomous professionals ... Students need to be able to explore their new professional identity within this environment, to ‘flex their creative muscles’ and test the limits of what is permissible ...

Member of Law AD Network, response to TLO 3, 29 September 2010

#### 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.

##### Background:

TLO 4 blends the requirements of the Council of Australian Law Deans (CALD) Standards which seek to develop “the intellectual and practical skills needed to research and analyse the law”<sup>54</sup> with those of the Australian Qualifications Framework Level 7 (Bachelor Degree, AQF draft 30/09/10) that graduates have the “cognitive skills to critically review, analyse, consolidate and synthesise knowledge”.<sup>55</sup> In addition, this TLO’s implementation may align with the AQF Level 8 (Bachelor Honours Degree, AQF draft 30/09/10) requirement that graduates will have “knowledge of research principles and methods” and the “technical skills to design and use research in a project”.<sup>56</sup> It also draws on the typology of the Task Force on the Canadian Common Law Degree which requires graduates who can “identify relevant facts” and “identify legal, practical, and policy issues and conduct the necessary research arising from those issues”.<sup>57</sup> Similarly, the United Kingdom QAA Subject Benchmark Statement for Law requires graduates to demonstrate a basic ability to “identify accurately the issue(s) which require researching [and to] identify and retrieve up-to-date legal information, using paper and electronic sources”.<sup>58</sup> The QAA also recognises that graduates should demonstrate an ability to “produce a synthesis of relevant doctrinal and policy issues in relation to a topic”.<sup>59</sup>

##### Terminology:

*Intellectual and practical skills:* “Intellectual and practical skills” include information literacy skills and an expectation that graduates are able to identify the need for research, select and use appropriate information sources, and determine their authority. These skills also include the ability to read, comprehend, and paraphrase a range of legal and non-legal documents; as well as legal referencing skills; an understanding of the requirements of academic integrity; and the ability to manage, organise, and retrieve information effectively.

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54. CALD, above note 1, at para 2.3.3 b.

55. AQF, above note 6, at 8.

56. Ibid.

57. Canadian Task Force, above note 7, B Competency Requirements, 1.1 a. and b. at 8.

58. QAA, above note 10, para 6.3 at 3.

59. Ibid, para 7.1 at 3.

*Identify ... factual, legal and policy issues:* The skill of identifying and distinguishing between factual, legal and policy issues at the threshold level includes the ability to recognise both relevant and irrelevant issues, and to be able to provide reasons for that distinction. Fact identification is to be distinguished from fact finding, which is not a threshold-level skill and is more a matter of professional practice. The LTAS project's consultation with the legal profession has indicated that understanding and working with policy issues is now a regular aspect of legal practice and should be reflected in this TLO.

*Research ... factual, legal and policy issues:* Research skills include the ability to find and use (up-to-date) primary and secondary legal sources in order to locate relevant material. Graduates also need to be able to identify and retrieve appropriate sources of non-legal information to support subsequent evaluation and synthesis of relevant factual and policy issues.

*Evaluate ... factual, legal and policy issues:* An ability to evaluate at the threshold level refers to a graduate's ability to appraise carefully and assess the value of the factual, legal and policy material that is retrieved from their research activity.<sup>60</sup> In this sense, legal research is a form of problem-solving.

*Synthesise factual, legal and policy issues:* Skills as to synthesis of factual, legal and policy issues relate to a graduate's ability to recognise and isolate the key relevant elements or components of an issue from a range of sources, and link or collate them in a logical way, in order to develop a more detailed and complex understanding and treatment of those issues.

The learning outcome acknowledges that research is both an intellectual and practical activity, and the notes clearly outline the importance of thinking critically at all stages of the research process. This focus is both welcome and necessary for students and graduates who work in a complex and increasingly fast moving information environment.

Academic Law Library Manager, response to D6 TLO 4, 2 November 2010

## 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.

### Background:

TLO 5 is compatible with the Council of Australian Law Deans (CALD) Standards' requirement that curricula develop graduates' ability to communicate findings "both orally and in writing".<sup>61</sup> The requirement that graduates can communicate with "legal and non-legal audiences" is a feature of the 2002 Joint Statement of the Law Society and General Council of the Bar that graduates "should have acquired ... the ability to communicate ... appropriately to the needs of a variety of audiences",<sup>62</sup> the Scottish Accreditation Guidelines that graduates are able to "communicate information (including discussing technical and complex legal materials), ideas, advice and choices in an effective manner appropriate to the context",<sup>63</sup> the US MacCrate Report's observation that effective communication involves "assessing the perspective of the recipient of the communication",<sup>64</sup> the European Tuning Project's "ability to communicate with non-experts in the field",<sup>65</sup> as well the standards of other professional bodies in

60. Weisbrot, above note 34.

61. CALD, above note 1, at para 2.3.3 c.

62. UK Joint Statement, above note 12, Schedule One, a. Knowledge v. at 4.

63. The Law Society of Scotland, above note 19, at 26.

64. MacCrate Report, above note 32, at Chapter 5 B – Skill 5.

65. European Tuning, *Generic Competencies* 6/21 (2007) <<http://tuning.unideusto.org/tuningeu/>> at 3 December 2010.



Australia (for example, Engineers Australia Generic Competency Standards<sup>66</sup>) and the Australian Qualifications Framework Level 8 (Bachelor Honours Degree, AQF draft 30/09/10) requirement that graduates are capable of communicating “knowledge and ideas to a variety of audiences”.<sup>67</sup> ‘[E]ffective, appropriate and persuasive’ has been used instead of ‘clear’ and ‘coherent’, which are found in the Australian Qualifications Framework Level 7 (Bachelor Degree, AQF draft 30/09/10) and Level 8 (Bachelor Honours Degree, AQF draft 30/09/10).<sup>68</sup>

Requirements relating to collaboration or teamwork do not feature in the Council of Australian Law Deans (CALD) Standards but can be found in the United Kingdom QAA Subject Benchmark Statement for Law,<sup>69</sup> the Scottish Accreditation Guidelines<sup>70</sup> and the American Bar Association’s Standards.<sup>71</sup> Again, TLO 5 is compatible with the Australian Qualifications Framework Level 7 (Bachelor Degree, AQF draft 30/09/10) and Level 8 (Bachelor Honours Degree, AQF draft 30/09/10) requirement that graduates take “responsibility and accountability for ... collaboration with others”.<sup>72</sup>

### Terminology:

**Communicate:** The term “communicate” includes both oral and written communication. Communication includes an ability to understand verbal and non-verbal cues and also to engage with culturally diverse audiences; for example, through the use of active listening skills (such as questioning, summarising, and paraphrasing).

**Communicate in ways that are effective, appropriate and persuasive:** “Appropriate” communication will address the audience’s needs and the communication context. In order to ensure “effective” and “persuasive” communication, graduates must also be able to choose the *means* or *form* of communication that suits the context and respects the cultural, linguistic, and educational background of the audience. This includes a knowledge and ability to work in plain English, as well as the use of legal, specialist terms where appropriate, in both traditional forms of communication (such as letters, briefs, questioning, and oral presentations) and contemporary forms of communication (such as email, video-link, and interactive online communications). Effective written communication requires an appreciation of different genres such as letter writing, drafting, and scholarly written argument.<sup>73</sup> Effective oral communication requires an appreciation of a range of communication styles; for example, assertive, attentive, integrative, conciliatory, or problem-solving styles. An ability to use appropriate oral communication skills is critical for effective and persuasive communication; for example, through advocacy and negotiation, in both formal and informal dispute resolution contexts.

“Effective, appropriate and persuasive” communication goes beyond the mere transmission of information to a passive recipient but requires a graduate to be able to listen to, engage with, and understand the needs of their audiences. Further, to communicate persuasively, a graduate will need to be able to choose the right form of communication for the particular legal context of that communication; for example, approaches to communication that are appropriate for advocacy may not suit a context in which interviewing, negotiation or mediation communication methods are appropriate.

This TLO envisages that technology is a part of the mix of choices as to the means or mechanism of communication. The QAA acknowledges that many students are now proficient in such skills before they arrive at university.<sup>74</sup>

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66. Engineers Australia Accreditation Board, *Engineers Australia Generic Competency Standards - Stage 1 Competency Standard for Engineering Technologist* at 9 (2006) <[http://www.engineersaustralia.org.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uid=C24709A5-D5D3-406F-BC48-E409B9C3444C&siteName=ieaust](http://www.engineersaustralia.org.au/shadomx/apps/fms/fmsdownload.cfm?file_uid=C24709A5-D5D3-406F-BC48-E409B9C3444C&siteName=ieaust)> at 3 December 2010.

67. AQF, above note 6, at 8.

68. *Ibid.*

69. QAA, above note 10, para 4.20 at 10.

70. The Law Society of Scotland, above note 19, at 25.

71. ABA, above note 9, para 302 (b)(3) at 20.

72. AQF, above note 6, at 8.

73. Weisbrot, above note 34.

74. QAA, above note 10, para 4.19 at 10.

*For legal and non-legal audiences:* “Legal audiences” include, for example, legal colleagues and fellow practitioners, judges, government, law reform agencies, the community legal sector, and legal publishers. “Non-legal audiences” include clients and laypersons. This phrase is used to emphasise the need to determine the audience with whom one is communicating and tailor the communication to the needs of that audience. Graduates should be aware, and able to recognise, that clients or other stakeholders may have widely varying comprehension levels. The everyday requirement of legal practice (in the broad sense) is to ensure that the audience (who may be at any level of education, literacy, and English comprehension) understands what the lawyer is communicating.

*Collaborate effectively:* This phrase encompasses teamwork, working in groups, and working cooperatively with others. Through the LTAS consultation process, many members of the profession have emphasised these skills as critical to the modern legal workplace. Constructive approaches to collaboration include an ability to negotiate and work effectively through team disputes and problems with team dynamics.

Delighted to see collaboration with others! This is routinely difficult to develop, and we know that it leads to success professionally.

Member of Large Law Firm, response to D3.1 TLO 5, 26 October 2010

Graduates have to work in teams all the time. In small firms the team is sometimes just you and the principal. In this situation you need non-adversarial communication techniques to cope if you want to do things differently from the way they do them.

Postgraduate Student and Legal Practitioner, response to D3.1 TLO 5, 15 August 2010

## TLO 6: Self-management

Graduates of the Bachelor of Laws will be able to:

- (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.

### Background:

TLO 6 draws on the United Kingdom’s QAA Subject Benchmark Statement for Law’s depiction of autonomy and the ability to learn as including the requirement that graduates demonstrate “a basic ability to ... act independently in planning and undertaking tasks in areas of law which they have already studied ... [and] reflect on their own learning, and to seek and make use of feedback”.<sup>75</sup> The QAA considers “the ability to learn and make use of learning in an independent fashion” as “perhaps the key feature of gradueness”.<sup>76</sup> TLO 6 also meets the requirements of the Australian Qualifications Framework Level 7 (Bachelor Degree, AQF draft 30/09/10) and Level 8 (Bachelor Honours Degree, AQF draft 30/09/10) that graduates take “responsibility and accountability for [their] own learning [and] practice”.<sup>77</sup>

### Terminology:

*Learn and work independently:* Graduates who “learn and work independently” are able to direct aspects of their own learning; for example, to investigate further a point they find difficult to understand, and manage their study and time autonomously and effectively. Students need different levels of guidance during their degree to support the development of their capacity for independent learning. The extent of guidance offered depends on a student’s stage of development; for example, a final year student

75. QAA, above note 10, para 7.2 at 3.

76. Ibid, para 4.13 at 9.

77. AQF, above note 6, at 8.



should need less guidance than a first year student.<sup>78</sup> This TLO is also important in terms of the interface with subsequent phases of the legal education continuum – PLT and ongoing professional CLE.

*Reflect on and assess their own capabilities and performance:* The QAA Subject Benchmark Statement for Law requires that “A student should be able not only to learn something, but to reflect critically on the extent of their learning. At a minimum, a student should have some sense of whether they know something well enough or whether they need to learn more in order to understand a particular aspect of the law”.<sup>79</sup>

This element of TLO 6 may also encompass the affective dimensions of student learning with the intention of supporting students to become careful, efficient, concerned, and curious learners. Again, this is important in terms of the interface with PLT and professional CLE because it involves a commitment to lifelong learning and continuing education as a key aspect of legal professional competence and performance.<sup>80</sup>

Legal employers have identified a need for graduates to have emotional intelligence – the ability to perceive, use, understand, and manage emotions. The TLOs encourage the development of emotional intelligence by attending to both self awareness (TLO 6) and the need to communicate and work with others (TLO 5). In the LTAS project’s consultations with the profession, this element of the TLO was acknowledged as critical to professional practice because it incorporates a capacity for resilience through personal awareness and coping skills that might include openness to assistance in times of personal and professional need.<sup>81</sup>

*Make use of feedback as appropriate:* Graduates are expected to be receptive to, and make use of, constructive feedback (both positive and critical) to improve their performance. Students may be offered feedback by a range of people, including academics, professional staff, or practitioners. Students may also learn from feedback received from their peers.<sup>82</sup> The QAA has said that an “independent graduate should be able to take the initiative to seek support and feedback”,<sup>83</sup> though the latter is not a requirement of the TLO.

*Personal and professional development:* This TLO addresses the need for graduates to take responsibility for further developing knowledge (TLO 1) and those ethical and professional (TLO 2), thinking (TLO 3), research (TLO 4), interpersonal (TLO 5), and self-management (TLO 6) skills identified across the TLOs.

Self-management is fundamental to surviving and thriving in any type of legal practice – from policy to commercial.

Senior Executive, State-level Peak Professional Body, response to D3.1 TLO 6, 8 September 2010

Graduates should be able to work independently and reflect on and assess their own capabilities and performance

Law Student Association, response to D3.1, TLO6, 13 September 2010

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78. QAA, above note 10, para 4.14 at 9.

79. Ibid, para 4.15 at 10.

80. Weisbrot, above note 34. See also ALRC, above note 5.

81. N Kelk, G Luscombe, S Medlow, and I Hickie, *Courting the Blues: Attitudes towards depression in Australian law students and lawyers*, Brain and Mind Research Institute: University of Sydney, (2009) <<http://www.cald.asn.au/docs/Law%20Report%20Website%20version%204%20May%2009.pdf>> at 3 December 2010.

82. P Race, *How to Get a Good Degree*, 2nd ed, Maidenhead: Open University Press, 2007.

83. QAA, above note 10, para 4.14 at 9.

## Appendix 1: Terms of reference and membership of advisory panels

### The terms of reference for Expert Advisory Group (EAG):

The EAG comprised four key national and international experts. Its purpose was to provide prompt, critical and constructive input to the Discipline Scholars on the draft academic standards and the TLOs as they developed. Members of the group were asked to be prepared to respond to requests for advice and input within relatively short time frames.

### The terms of reference for Discipline Reference Group (DRG):

The DRG comprised 14 key stakeholders, with broad representation from professional, academic and student organisations. Members of the DRG were asked to comment promptly, critically and constructively on the draft academic standards and the TLOs as they developed. They were also asked to facilitate the project's communication within their own constituency and with other relevant stakeholders to obtain feedback on the progress and outcomes of the project.

### Membership of Law Expert Advisory Group

Professor Clark Cunningham	W. Lee Burge Professor of Law and Ethics, Georgia State University College of Law, United States
Professor Gary Davis	Executive Dean of Law, Business and Arts, Charles Darwin University
Professor Jill McKeough	Dean of Law, University of Technology, Sydney; incoming Chair of Council of Australian Law Deans
Professor Julian Webb	Director, United Kingdom Centre for Legal Education, United Kingdom

### Membership of Law Discipline Reference Group

Mr Richard Besley	CEO, Victorian Council of Legal Education
Associate Professor Donna Buckingham	University of Otago, New Zealand
Professor Sandford Clark	Chair, Legal Admissions Consultative Committee
Ms Fiona Cunningham (until August 1, 2010) and Ms Melissa Coade (from August 1, 2010)	Representative, the Australian Law Students' Association
Professor John Dewar	Provost, The University of Melbourne
W/Professor William Ford	Dean of Law, The University of Western Australia; Chair of Council of Australian Law Deans
Mr Liam Gaunt	Representative, the Young Lawyers Committee of the Law Council of Australia
Mr Bill Grant	Secretary-General, Law Council of Australia
Professor Michael Gunn	Pro Vice-Chancellor, University of Derby; former Chair of the United Kingdom QAA Subject Benchmark Statement Review Committee for Law, United Kingdom

## Membership of Law Discipline Reference Group ...continued

Professor Michael Lavarch	Executive Dean of Law, Queensland University of Technology; Chair, Consultative Committee to the COAG National Legal Profession Reform Taskforce
Professor Rosalind Mason	Head of Law School, Queensland University of Technology; Chair, Australasian Law Teachers' Association
Associate Professor Janine McMaster-Kirkwood (until October) and Associate Professor Allan Chay (from October):	Australasian Professional Legal Education Council
Justice Ralph Simmonds	Supreme Court of Western Australia
Professor David Weisbrot	Macquarie Law School, Macquarie University; Fellow, Australian Academy of Law

## Appendix 2: List of submissions received

This list includes the names of those who made written submissions in response to various drafts of the TLOs (primarily in response to public consultation Drafts 3 and 6). Feedback and input was also received in other ways over the course of the project, particularly via the local consultations conducted in each jurisdiction and from individual members of the judiciary, admitting authorities, legal profession, academic community and law student associations. Additionally, members of CALD, CALD's Standing Committee on Legal Education and the CALD Executive, members of the project's EAG and DRG, members of the Law AD Network, and members of many other peak professional, accrediting and student bodies provided feedback on drafts in teleconferences and face-to-face meetings. Student and recent graduate focus groups were also conducted in September 2010. The quotes contained in this Standards Statement are not necessarily drawn from the written submissions.

Written submissions received in response to drafts:

Professor Stephen Barkoczy	Law School, Monash University
Mr Jeffrey Barnes	Director, Teaching and Learning, School of Law, La Trobe University
Dr Scott Beattie	Lecturer, Victoria Law School, Victoria University
Mr Richard Besley	Victorian Council of Legal Education
Ms Celeste Black	Associate Dean (Learning and Teaching), Sydney Law School, The University of Sydney
Mr John Britton	Legal Services Commissioner, Queensland
Ms Catherine Brown	Lecturer, School of Law, Queensland University of Technology
Associate Professor Donna Buckingham	Faculty of Law, University of Otago, New Zealand
Professor Robyn Carroll	School of Law, The University of Western Australia
Associate Professor Allan Chay	Director, Legal Practice, Queensland University of Technology; Australasian Professional Legal Education Council
Professor Sandford Clark	Law Admissions Consultative Committee
Ms Britt Conidi	Institute of Koorie Education, Deakin University
Ms Donna Cooper	Senior Lecturer, School of Law, Queensland University of Technology
Ms Jill Cowley	School of Law, The University of New South Wales
Ms Cathy Crawford	Law Library Manager, Queensland University of Technology
Professor Clark Cunningham	W. Lee Burge Professor of Law and Ethics, Georgia State University College of Law, United States
Ms Sally Davidson	Lecturer, Victoria Law School, Victoria University
Professor Gary Davis	Dean of Law, Business and Arts, Charles Darwin University
Professor John Dewar	Provost, The University of Melbourne
Associate Professor Joachim Dietrich	Acting Associate Dean Teaching & Learning, Faculty of Law, Bond University

Professor Patricia Eastal	Faculty of Law, University of Canberra
Elder Law and Succession Committee	The Law Society of New South Wales
Associate Professor Adrian Evans	Law School, Monash University
Ms Maxine Evers	Lecturer, Faculty of Law, University of Technology Sydney
Ms Dannielle Ford	Student (studying Bachelor of Criminology/Bachelor of Laws, University of New England)
Associate Professor Alex Gardner	School of Law, The University of Western Australia
Professor Bee Chen Goh	School of Law and Justice, Southern Cross University
Assistant Professor Barbara Gordon	School of Law, The University of Western Australia
Ms Tahlia Gordon	Department of Justice and Attorney General, New South Wales Government
Professor Michael Gunn	Pro Vice-Chancellor, University of Derby, former Chair of the United Kingdom QAA Subject Benchmark Statement Review Committee for Law, United Kingdom
Associate Professor Mary Heath	Law School, Flinders University
Ms Anne Hewitt	Associate Dean of Learning and Teaching (UG), on behalf of Adelaide Law School, The University of Adelaide
Chief Magistrate Michael Hill	Magistrates Court, Tasmania
Dr Claire Hughes	Teaching and Educational Development Institute, The University of Queensland
Ms Philomena Humphries	Acting Manager, Law Library, The University of Western Australia
Associate Professor Nickolas James	Law School Associate Dean (Academic), TC Beirne School of Law, The University of Queensland
Professor Mary Keyes	Law School, Griffith University
Professor Michael Lavarch	Executive Dean of Law, Queensland University of Technology; Chair, Consultative Committee to the COAG National Legal Profession Reform Taskforce
Ms Hayley Leaver	Academic Librarian, University of South Australia
Ms Noela L'Estrange	Chief Executive, Queensland Law Society
Dr Claire Macken	Associate Head of School (Teaching and Learning), School of Law, Deakin University
Professor Geraldine Mackenzie	Dean of Law, Bond University
Mr Jonathan Marquet	Bradfield Mills Solicitors, Sydney
Professor Ros Mason	Head of School of Law, Queensland University of Technology; Chair, Australasian Law Teachers' Association
Ms Alex McClintock	Liaison Librarian (Law), QUT Law Library, Queensland University of Technology
Ms Vanessa McDonald	Librarian, Blake Dawson
Mr Michael McGarvie	Legal Services Commissioner, Victoria

Justice John McKechnie	Supreme Court of Western Australia
Professor Jill McKeough	Dean of Law, University of Technology Sydney
Ms Molly O'Brien	Director, Teaching and Learning, College of Law, The Australian National University
Ms Jennifer O'Farrell	Tasmanian University Law Society (TULS), University of Tasmania
Ms Bronwyn Olliffe	Associate Dean (Teaching and Learning), Faculty of Law, University of Technology Sydney
Mr John Passant	Senior Lecturer, Faculty of Law, University of Canberra
Associate Professor Moiria Paterson	Law School, Monash University
Mr Murray Paterson	Learning and Development Manager – Legal, Freehills, Melbourne
Mr Ross Pfennigwerth	Solicitor, New South Wales
Dr Jeremy Prichard	Lecturer, Faculty of Law, University of Tasmania
Professor Paul Redmond	Sir Gerard Brennan Professor, Faculty of Law, University of Technology, Sydney
Mr Ian Robertson	Senior Counsel, Commercial Chambers, South Australia
Professor Mike Robertson	Head of School of Law, University of Southern Queensland
Ms Maritsa Samios, Ms Sarah Wilson and Mr Andrew Wydmanski	The University of Queensland Law Society (UQLS Education Team), The University of Queensland
Dr Michelle Sanson	Law School, University of Western Sydney
Mr Robert Shelly	Lecturer, Faculty of Law, The University of New South Wales
Justice Ralph Simmonds	Supreme Court of Western Australia
Associate Professor Alex Steel	Associate Dean (Education), Faculty of Law, The University of New South Wales
Mr Nigel Stobbs	Senior Lecturer, School of Law, Queensland University of Technology
Professor Mark Stoney	Head of School and Ms Sophie Kennedy, Associate Head: Teaching and Learning, School of Law, Edith Cowan University
The University of Queensland Law Society	The University of Queensland
Professor Gillian Triggs	Dean of Law, The University of Sydney
Professor Prue Vines	Faculty of Law, The University of New South Wales
Associate Professor Margaret Wallace	Centre for Educational Development Innovation and Recognition, University of Wollongong
Professor Vicki Waye	Law School, University of South Australia
Professor Julian Webb	Director, United Kingdom Centre for Legal Education, United Kingdom
Professor David Weisbrot	Macquarie Law School, Macquarie University; Fellow, Australian Academy of Law
Ms Lisa Westcott	Executive Officer to the Senior Deputy Vice-Chancellor, James Cook University

## Appendix 3: National and international comparison tables

The tables in this Appendix provide a comparison of relevant learning outcomes drawn from the following national and international sources:

- Council of Australian Law Deans, *The CALD Standards for Australian Law Schools* (2009) <<http://www.cald.asn.au/docs/CALD%20-%20standards%20project%20-%20final%20-%20adopted%2017%20November%202009.pdf>> at 3 December 2010. **[CALD]**
- Australian Qualifications Framework (as of 30 September 2010, pending MCTEE approval – late 2010) <<http://www.aqf.edu.au/Portals/0/Documents/Australian%20Qualifications%20Framework%20-%20pending%20MCTEE%20approval%202010.pdf>> at 3 December 2010. **[AQF]**
- American Bar Association (ABA), *Standards and Rules of Procedure for Approval of Law Schools* (2009-2010) <<http://www.abanet.org/legaled/standards/2009-2010%20StandardsWebContent/Chapter3.pdf>> at 3 December 2010. **[ABA 2009]**
- American Bar Association (ABA), *Standards and Rules of Procedure for Approval of Law Schools* (2010-2011) <<http://www.abanet.org/legaled/standards/standards.html>> at 3 December 2010. **[ABA 2010]**
- United Kingdom Quality Assurance Agency (QAA), *Subject Benchmark Statement: Law* (2007) <<http://www.qaa.ac.uk/academicinfrastructure/benchmark/statements/Law07.asp>> at 3 December 2010. **[QAA]**
- *A Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree* (2002) <<http://www.sra.org.uk/documents/students/academic-stage/academicjointstate.pdf>> at 3 December 2010. **[Joint S]**
- American Bar Association, Section on Legal Education and Admissions to the Bar, *Legal Education and Professional Development – An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) <<http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html>> at 3 December 2010. **[MacCrate]**
- D Weisbrot, 'What lawyers need to know ... what lawyers need to be able to do: an Australian Experience'. In Association of Legal Writing Directors Conference: Erasing Lines – Integrating the Law School Curriculum, Minneapolis (2001); (2002) (1) *Journal of the Association of Legal Writing Directors* <<http://www.alwd.org/JALWD/Archives/2002/pdf%20files/Weisbrot.pdf>> at 3 December 2010. **[Weisbrot]**
- Task Force on the Canadian Common Law Degree, *Final Report* (2009) <<http://www.flsc.ca/en/pdf/CommonLawDegreeReport.pdf>> at 3 December 2010. **[Can TF]**
- The Law Society of Scotland, *Foundation Programme (Scottish Exempting Degree) Accreditation Guidelines for Applicants* (2010) <[http://www.lawscot.org.uk/media/39764/foundation\\_programme\\_guidelines\\_-\\_final.pdf](http://www.lawscot.org.uk/media/39764/foundation_programme_guidelines_-_final.pdf)> at 3 December 2010. **[Scot]**
- Latin America Tuning, *Subject Specific Competences: Law* (2007) <<http://tuning.unideusto.org/tuningal/index.php?option=content&task=view&id=235&Itemid=265>> at 3 December 2010. **[LA Tun]**
- European Tuning, *Generic Competences* (n.d.) <<http://www.tuning.unideusto.org/tuningeu/index.php?option=content&task=view&id=183&Itemid=210>> at 3 December 2010. **[European Tuning]**
- Joint Quality Initiative, Shared 'Dublin' descriptors for Short Cycle, First Cycle, Second Cycle and Third Cycle Awards (2004) <[http://www.uni-due.de/imperia/md/content/bologna/dublin\\_descriptors.pdf](http://www.uni-due.de/imperia/md/content/bologna/dublin_descriptors.pdf)> at 3 December 2010. **[Dublin Descriptors]**

<b>TLO 1:</b>	<p><b>Knowledge</b></p> <p>Graduates of the Bachelor of Laws will demonstrate an understanding of a coherent body of knowledge that includes:</p> <ul style="list-style-type: none"> <li>(a) the fundamental areas of legal knowledge, the Australian legal system, and underlying principles and concepts, including international and comparative contexts,</li> <li>(b) the broader contexts within which legal issues arise, and</li> <li>(c) the principles and values of justice and of ethical practice in lawyers' roles.</li> </ul>
<b>Source</b>	<b>Statement</b>
<b>Council of Australian Law Deans (2009)</b>	<p>2.3.2 General requirements: The curriculum seeks to develop knowledge, understanding, skills and values: knowledge of the law; understanding of legal principle and of the context within which legal issues arise; skills of research, analysis, reasoning, problem-solving, and communication; and the values of ethical legal practice, professional responsibility, and community service.</p> <p>2.3.3 In particular, the curriculum, seeks to develop –</p> <ul style="list-style-type: none"> <li>a. knowledge and understanding of: <ul style="list-style-type: none"> <li>• the fundamental doctrines, concepts, principles, and values of Australian law</li> <li>• the fundamental areas of the substantive law</li> <li>• the sources of that law and how it is made and developed, and of the institutions within which that law is administered</li> <li>• the theory, philosophy, and role of law, and the dynamics of legal change</li> <li>• the broader context within which legal issues arise, including, for example, the political, social, historical, philosophical, and economic context</li> <li>• international and comparative perspectives on Australian law and of international developments in the law</li> <li>• the principles of ethical conduct and the role and responsibility of lawyers, including, for example, their pro bono obligations.</li> </ul> </li> </ul>
<b>American Bar Association (2010-11)</b>	<p><b>Standard 302. CURRICULUM</b></p> <ul style="list-style-type: none"> <li>(a) A law school shall require that each student receive substantial instruction in: <ul style="list-style-type: none"> <li>(1) the substantive law generally regarded as necessary to effective and responsible participation in the legal profession; ...</li> <li>(5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.</li> </ul> </li> </ul>
<b>UK QAA (2007) Section 1: Text for employers and the general public</b>	<p><b>6 Subject-specific abilities</b></p> <p><b>Knowledge</b></p> <p>6.1 A student should demonstrate a basic knowledge and understanding of the principal features of the legal system(s) studied. They should be able to:</p> <ul style="list-style-type: none"> <li>• demonstrate knowledge of a substantial range of major concepts, values, principles and rules of that system</li> <li>• explain the main legal institutions and procedures of that system</li> <li>• demonstrate the study in depth and in context of some substantive areas of the legal system.</li> </ul>



Source	Statement
UK QAA (2007) Section 2: Text for law schools	<p><b>4 The subject benchmark statement</b></p> <p><b>Knowledge</b></p> <p>4.1 <b>Legal system studied:</b> This subject benchmark statement applies to the study of any legal system for which an English, Welsh or Northern Irish [Higher Education Institutions] HEI awards its degrees, even if is not in the law of that jurisdiction. The panel has not taken a view on the legitimacy of law degrees awarded by an HEI which are not in the law of a United Kingdom jurisdiction. Since validation is recognised as a legitimate activity for HEIs, then institutions may wish to validate law degrees in other jurisdictions. Should this be the case, this subject benchmark statement applies with equal force as in respect of degrees in English and Northern Irish laws.</p> <p>4.2 Questions have been raised as to whether an ability to compare the law in one jurisdiction with others should be a requirement. We believe this is desirable, but not a minimum requirement for graduation with an honours degree in every HEI.</p> <p>4.3 The law of the European Union and of the European Convention on Human Rights and Fundamental Freedoms are relevant to most European legal systems as part of their domestic law and are not specified as separate requirements here.</p> <p>4.4 <b>Principal features:</b> The subject benchmark statement requires an overview of the main features and ideas involved in a legal system, rather than requiring detailed knowledge of every major branch of law. Within such a broad framework of knowledge, students can be selective as to the areas in which they engage in detailed study.</p> <p>4.5 <b>Study in depth:</b> Unlike professional requirements, the subject benchmark statement does not require students to demonstrate depth of study in particular branches of law. This is for the student to choose within the framework established by a particular HEI.</p> <p>4.6 <b>Study in context:</b> Within different kinds of degree programme, there will be different emphases on the context of law. Each HEI would specify the kinds of context to which they would expect their students to relate their knowledge of substantive law. A student should be able to demonstrate an understanding, as appropriate, of the relevant social, economic, political, historical, philosophical, ethical, cultural and environmental contexts in which law operates, and to draw relevant comparisons with some other legal systems.</p>
UK Joint Statement issued by the Law Society and General Council of the Bar (2002)	<p><b>a. Knowledge</b></p> <p>Students should have acquired:</p> <ol style="list-style-type: none"> <li>Knowledge and understanding of the fundamental doctrines and principles which underpin the law of England and Wales particularly in the Foundations of Legal Knowledge;</li> <li>A basic knowledge of the sources of that law, and how it is made and developed; of the institutions within which that law is administered and the personnel who practice law;</li> <li>The ability to demonstrate knowledge and understanding of a wide range of legal concepts, values, principles and rules of English law and to explain the relationship between them in a number of particular areas; ...</li> </ol>

Source	Statement
<b>MacCrate Report (1992)</b>	<p><b>Fundamental Lawyering Skills</b></p> <p>Skill § 3:</p> <p>In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have:</p> <ul style="list-style-type: none"> <li>3.1 Knowledge of the Nature of Legal Rules and Institutions;</li> <li>3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;</li> <li>3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.</li> </ul>
<b>Canadian Task Force (2009)</b>	<p><b>B. Competency Requirements</b></p> <ul style="list-style-type: none"> <li>3. Substantive Legal Knowledge <ul style="list-style-type: none"> <li>The applicant must have undertaken a sufficiently comprehensive program of study to obtain an understanding of the complexity of the law and the interrelationship between different areas of legal knowledge. In the course of this program of study the applicant must have demonstrated a general understanding of the core legal concepts applicable to the practice of law in Canada, including as a minimum the following areas:</li> </ul> </li> <li>3.1 Foundations of Law <ul style="list-style-type: none"> <li>The applicant must have an understanding of the foundations of law, including, <ul style="list-style-type: none"> <li>a. principles of common law and equity;</li> <li>b. the process of statutory construction and analysis; and</li> <li>c. the administration of the law in Canada.</li> </ul> </li> </ul> </li> <li>3.2 Public Law of Canada <ul style="list-style-type: none"> <li>The applicant must have an understanding of the core principles of public law in Canada, including, <ul style="list-style-type: none"> <li>a. the constitutional law of Canada, including federalism and the distribution of legislative powers, the Charter of Rights and Freedoms, human rights principles and the rights of Aboriginal peoples of Canada;</li> <li>b. Canadian criminal law; and</li> <li>c. the principles of Canadian administrative law.</li> </ul> </li> </ul> </li> <li>3.3 Private Law Principles <ul style="list-style-type: none"> <li>The applicant must demonstrate an understanding of the foundational legal principles that apply to private relationships, including, <ul style="list-style-type: none"> <li>a. contracts, torts and property law; and</li> <li>b. legal and fiduciary concepts in commercial relationships.</li> </ul> </li> </ul> </li> </ul>
<b>European Tuning</b>	<p><b>Generic competencies</b> (all disciplines)</p> <ul style="list-style-type: none"> <li>4 Basic general knowledge in the field of study</li> <li>5 Grounding in basic knowledge of the profession in practice</li> <li>2 Understanding of cultures and customs of other countries</li> </ul>

Source	Statement
<b>Latin America Tuning (2007)</b>	<ol style="list-style-type: none"> <li>1. Knowledge of, and ability to interpret and apply the general principles of Law and the legal system.</li> <li>2. Knowledge of, and ability to interpret and apply the legislation and principles of the national and international legal system in specific cases.</li> <li>3. Commitment to justice and fairness in all situations in which the lawyer is involved.</li> <li>4. Commitment to human rights and to the social, democratic rule of law.</li> <li>7. Good understanding of political, social economic, personal and psychological phenomena (among others), taking them into consideration in interpreting and applying the Law.</li> <li>20. Capacity to understand the philosophical and theoretical fundamentals of law, relating them to their practical application.</li> <li>22. Capacity to take action legally and technically in different government or legal venues with the proper utilisation of processes, acts and procedures.</li> </ol>
<b>Scottish Accreditation Guidelines (2010)</b>	<p><b>KNOWLEDGE</b></p> <p>By the end of the Foundation Programme, a student should display a fundamental knowledge and understanding of the purpose and sources of law, and the main elements of public and private law in Scotland in the context of the UK, EU and wider international law setting through study of: the profession of law, legal systems and institutions affecting Scotland; Human Rights; freedoms and protections; persons; property; obligations; commerce; and crime, as detailed below.</p> <p>The student should communicate the following core concepts through his/her knowledge and understanding in each of these knowledge areas:</p> <ul style="list-style-type: none"> <li>• Protection of Human Rights and freedoms.</li> <li>• Sources of law, including statutory interpretation and the doctrine of precedent; relevance of law to context.</li> <li>• The structure of the court system; the role of the courts including judicial review, and (in outline) tribunals, inquiries and dispute resolution.</li> <li>• The nature, structure, standards and regulation of the legal profession in Scotland.</li> <li>• Differing roles within and [without] the legal profession; challenges to the legal profession....</li> </ul>
<b>Dublin Descriptors</b>	<p><b>All disciplines</b> (Bachelor)</p> <p>Knowledge and understanding supported by advanced text books [with] some aspects informed by knowledge at the forefront of their field of study.</p>

**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.

**Source****Statement**

**Council of Australian Law Deans (2009)**

- 2.3.2 General requirements: The curriculum seeks to develop knowledge, understanding, skills and values: knowledge of the law; understanding of legal principle and of the context within which legal issues arise; skills of research, analysis, reasoning, problem-solving, and communication; and the values of ethical legal practice, professional responsibility, and community service.
- 2.3.3 In particular, the curriculum, seeks to develop –
- ...
- d. awareness of and sensitivity to, and, so far as is practicable, internalisation of, the values that underpin the principles of ethical conduct, professional responsibility, and community service.

**American Bar Association (2010-11)**

**Standard 302. CURRICULUM**

- (a) A law school shall require that each student receive substantial instruction in:
  - ...
  - (4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and
  - (5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.
- (b) A law school shall offer substantial opportunities for:
  - (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence;
  - (2) student participation in pro bono activities;

**UK Joint Statement issued by the Law Society and General Council of the Bar (2002)**

**a. Knowledge**

Students should have acquired: ...

- ii. A basic knowledge of the sources of that law, and how it is made and developed; of the institutions within which that law is administered and the personnel who practice law;
- iii. The ability to demonstrate knowledge and understanding of a wide range of legal concepts, values, principles and rules of English law and to explain the relationship between them in a number of particular areas;

Source	Statement
<b>MacCrate Report (1992)</b>	<b>Fundamental Lawyering Skills</b>
	Skill § 10:
	In order to represent a client consistently with applicable ethical standards, a lawyer should be familiar with:
	<ul style="list-style-type: none"> <li>10.1 The Nature and Sources of Ethical Standards;</li> <li>10.2 The Means by Which Ethical Standards are Enforced;</li> <li>10.3 The Processes for Recognizing and Resolving Ethical Dilemmas.</li> </ul>
	<b>Fundamental Values of the Profession</b>
	Value § 2:
	As a member of a profession that bears special responsibilities for the quality of justice, a lawyer should be committed to the values of:
	<ul style="list-style-type: none"> <li>2.1 Promoting Justice, Fairness, and Morality in One's Own Daily Practice;</li> <li>2.2 Contributing to the Profession's Fulfillment of its Responsibility to Ensure that Adequate Legal Services Are Provided to Those Who Cannot Afford to Pay for Them;</li> <li>2.3 Contributing to the Profession's Fulfillment of its Responsibility to Enhance the Capacity of Law and Legal Institutions to Do Justice.</li> </ul>
	Value § 3:
	As a member of a self-governing profession, a lawyer should be committed to the values of:
	<ul style="list-style-type: none"> <li>3.1 Participating in Activities Designed to Improve the Profession;</li> <li>3.2 Assisting in the Training and Preparation of New Lawyers;</li> <li>3.3 Striving to Rid the Profession of Bias Based on Race, Religion, Ethnic Origin, Gender, Sexual Orientation, or Disability, and to Rectify the Effects of These Biases.</li> </ul>
<b>Canadian Task Force (2009)</b>	<b>B. Competency Requirements</b>
	<p>2. Ethics and Professionalism</p> <p>The applicant must have demonstrated an awareness and understanding of the ethical requirements for the practice of law in Canada, including,</p> <ul style="list-style-type: none"> <li>a. the duty to communicate with civility;</li> <li>b. the ability to identify and address ethical dilemmas in a legal context;</li> <li>c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada, including those related to: <ul style="list-style-type: none"> <li>i. circumstances that give rise to ethical problems;</li> <li>ii. the fiduciary nature of the lawyer's relationship with the client;</li> <li>iii. conflicts of interest;</li> <li>iv. duties to the administration of justice;</li> <li>v. duties relating to confidentiality and disclosure;</li> <li>vi. an awareness of the importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public; and</li> <li>vii. the importance and value of serving and promoting the public interest in the administration of justice.</li> </ul> </li> </ul>

Source	Statement
European Tuning	<p><b>Generic competencies</b> (all disciplines)</p> <p>28 Ethical commitment</p>
Latin America Tuning (2007)	<p>3. Commitment to justice and fairness in all situations in which the lawyer is involved.</p> <p>8. Awareness of the ethical dimension of the legal professions and of the social responsibility of Law graduates, and act accordingly.</p> <p>24. Capacity to act faithfully, diligently and transparently in defending the interests of persons represented.</p>
Scottish Accreditation Guidelines (2010)	<p><b>VALUES AND CONTEXT</b></p> <p>On completion of the Foundation Programme, a student should:</p> <p><b>Subject-specific Legal and Ethical Values</b></p> <p>Display informed knowledge and understanding of the social, economic, moral and ethical contexts in which law operates by:</p> <ul style="list-style-type: none"> <li>– demonstrating legal knowledge in association with related policy, underlying social conditions, professional ethical issues and moral issues.</li> </ul> <p>Display critical thinking about laws and their place in society by: ...</p> <ul style="list-style-type: none"> <li>– showing awareness of the ethics and standards applying to the legal profession in Scotland.</li> </ul>
Dublin Descriptors	<p><b>All disciplines</b> (Bachelor)</p> <p>Making judgements involves gathering and interpreting relevant data.</p>

**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.

**Source****Statement**

**Council of Australian Law Deans (2009)**

2.3.2 General requirements: The curriculum seeks to develop knowledge, understanding, skills and values: knowledge of the law; understanding of legal principle and of the context within which legal issues arise; skills of research, analysis, reasoning, problem-solving, and communication; and the values of ethical legal practice, professional responsibility, and community service.

2.3.3 In particular, the curriculum, seeks to develop –

...

- b. the intellectual and practical skills needed to research and analyse the law from primary sources, and to apply the findings of such work to the solution of legal problems.

**American Bar Association (2010-11)**

**Standard 302. CURRICULUM**

- (a) A law school shall require that each student receive substantial instruction in:

...

- (2) legal analysis and reasoning, legal research, problem solving, and oral communication;

**UK QAA (2007)  
Section 1: Text  
for employers  
and the general  
public**

**6 Subject-specific abilities****Application and problem-solving**

- 6.2 A student should demonstrate a basic ability to apply their knowledge to a situation of limited complexity in order to provide arguable conclusions for concrete problems (actual or hypothetical).

**7 General transferable intellectual skills****Analysis, synthesis, critical judgement and evaluation**

- 7.1 A student should demonstrate a basic ability to:

- recognise and rank items and issues in terms of relevance and importance
- bring together information and materials from a variety of different sources
- produce a synthesis of relevant doctrinal and policy issues in relation to a topic
- make a critical judgement of the merits of particular arguments
- present and make a reasoned choice between alternative solutions.

**Source****Statement**

**UK QAA (2007)  
Section 2: Text  
for law schools**

**4 The subject benchmark statement****Application and problem-solving**

- 4.7 An ability to apply knowledge and to solve problems need not be demonstrated in relation to each subject studied. It is sufficient that a student can demonstrate with sufficient frequency an ability to apply knowledge. A student might demonstrate application through moots, law clinics, tutorial work, as well as through conventional problem questions in unseen examinations.
- 4.8 One of the key features of the academic stage of legal education is to develop an ability to handle facts and apply abstract concepts to them. This is certainly one of the aspects which law schools would wish to test in the area of application.

**Analysis, synthesis, critical judgment and evaluation**

- 4.10 These general intellectual skills are likely to be demonstrated pervasively through a programme of study, particularly in the final years. The essential point is that students should be required to undertake exercises (assignments, coursework, or examinations) which enable them to demonstrate that they have such abilities.
- 4.11 The skill of analysis requires, among other things, that students be able to discriminate between the legally relevant and the irrelevant. Synthesis can be demonstrated through a variety of tasks, whether it be bringing together material studied in lectures, seminars and wider reading, or in bringing together material from different assigned reading or research.
- 4.12 Critical analysis is recognised as a key attribute of graduates. It involves the ability to identify flaws in an argument. This can be demonstrated in relation to a variety of tasks, eg commentary on a new case or article. In evaluation, ability to offer reasons for a point of view is essential, though the depth and fullness of the justification will not be very great. The panel considers it sufficient that the student can choose between the views of authors by adopting one of the perspectives with limited further justification, rather than requiring a developed personal point of view.

**Autonomy and ability to learn**

- 4.15 Ability to reflect critically: A student should be able not only to learn something, but to reflect critically on the extent of their learning. At a minimum, a student should have some sense of whether they know something well enough or whether they need to learn more in order to understand a particular aspect of the law.

**UK Joint  
Statement issued  
by the Law  
Society and  
General Council  
of the Bar  
(2002)**

**b. General transferable skills**

Students should be able:

- i. To apply knowledge to complex situations;
- ii. To recognise potential alternative conclusions for particular situations, and provide supporting reasons for them;
- iii. To select key relevant issues for research and to formulate them with clarity;
- iv. To use standard paper and electronic resources to produce up-to-date information;
- v. To make a personal and reasoned judgement based on an informed understanding of standards arguments in the areas of law in question; ...



**Source****Statement****MacCrate Report (1992)** **Fundamental Lawyering Skills****Skill § 1:**

In order to develop and evaluate strategies for solving a problem or accomplishing an objective, a lawyer should be familiar with the skills and concepts involved in:

- 1.1 Identifying and Diagnosing the Problem;
- 1.2 Generating Alternative Solutions and Strategies;
- 1.3 Developing a Plan of Action;
- 1.4 Implementing the Plan;
- 1.5 Keeping the Planning Process Open to New Information and New Ideas.

**Skill § 2:**

In order to analyze and apply legal rules and principles, a lawyer should be familiar with the skills and concepts involved in:

- 2.1 Identifying and Formulating Legal Issues;
- 2.2 Formulating Relevant Legal Theories;
- 2.3 Elaborating Legal Theory;
- 2.4 Evaluating Legal Theory;
- 2.5 Criticizing and Synthesizing Legal Argumentation.

**Skill § 7:**

In order to negotiate in either a dispute-resolution or transactional context, a lawyer should be familiar with the skills and concepts involved in:

- 7.1 Preparing for Negotiation;
- 7.2 Conducting a Negotiation Session;
- 7.3 Counseling the Client About the Terms Obtained From the Other Side in the Negotiation and Implementing the Client's Decision.

**Skill § 8:**

In order to employ - or to advise a client about - the options of litigation and alternative dispute resolution, a lawyer should understand the potential functions and consequences of these processes and should have a working knowledge of the fundamentals of:

- 8.1 Litigation at the Trial-Court Level;
- 8.2 Litigation at the Appellate Level;
- 8.3 Advocacy in Administrative and Executive Forums;
- 8.4 Proceedings in Other Dispute-Resolution Forums.

Source	Statement
<b>Canadian Task Force (2009)</b>	<p><b>B. Competency Requirements</b></p> <p>1.1 Problem-Solving</p> <p>In solving legal problems, the applicant must have demonstrated the ability to:</p> <ol style="list-style-type: none"> <li>identify relevant facts;</li> <li>identify legal, practical, and policy issues and conduct the necessary research arising from those issues;</li> <li>analyze the results of research;</li> <li>apply the law to the facts; and</li> <li>identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute.</li> </ol>
<b>European Tuning</b>	<p><b>Generic competencies</b> (all disciplines)</p> <ol style="list-style-type: none"> <li>Capacity for analysis and synthesis</li> <li>Capacity for applying knowledge in practice</li> <li>Critical and self-critical abilities</li> <li>Capacity to adapt to new situations.</li> <li>Capacity for generating new ideas (creativity)</li> <li>Problem-solving</li> <li>Decision-making</li> </ol>
<b>Latin America Tuning (2007)</b>	<ol style="list-style-type: none"> <li>Good capacity for legal reasoning and argumentation.</li> <li>Capacity to discuss and debate from a legal perspective, understanding different points of view and articulating them in order to propose reasonable solutions.</li> <li>Ability to consider the wisdom of using alternative means in resolving conflicts and disputes.</li> <li>Capacity to apply knowledge with particular effectiveness in a give [sic] area of the legal profession.</li> <li>Capacity to confront new situations and contribute to the creation of legal solutions and institutions in general and particular cases.</li> <li>Capacity to analyse a broad range of complex works concerned with Law and to summarise their arguments precisely.</li> <li>Capacity to take well-reasoned legal decisions.</li> <li>Evident critical awareness in analysing the legal system.</li> <li>Capacity to decide whether the circumstances in fact are sufficiently clear to be able to adopt a decision grounded in Law.</li> </ol>

Source	Statement
<b>Scottish Accreditation Guidelines (2010)</b>	<p><b>SKILLS</b></p> <p>On completion of the Foundation Programme, a student should have a basic competence in the following Subject-specific, General Transferable and Key Personal Skills, and should be able to use them effectively by being able to: ...</p> <p><b>General Transferable Intellectual Skills:</b></p> <p>I. Analysis, Synthesis, Critical Judgement and Evaluation</p> <p>Recognise, analyse and rank arguments and evidence in terms of relevance and importance by:</p> <ul style="list-style-type: none"> <li>– managing volume of legal sources and select key material to construct written or oral answers to a problem.</li> <li>– identifying the legal problem from information provided.</li> <li>– addressing problems by reference to relevant material.</li> <li>– bringing together and integrating information and materials from a variety of different sources.</li> <li>– acknowledging ranking of sources and relative impact in context.</li> <li>– application of the law and problem-solving in a legal context.</li> <li>– presenting arguments for and against propositions.</li> </ul> <p>Be aware that arguments require to be supported by evidence, in order to meet legal requirements of proof by:</p> <ul style="list-style-type: none"> <li>– showing awareness of the need for evidence to support arguments</li> </ul> <p>Apply knowledge and analysis</p> <ul style="list-style-type: none"> <li>– in a legal context</li> <li>– creatively to complex situations in order to provide arguable solutions to concrete problems by presenting a range of viable options from a set of facts and law.</li> </ul> <p>Think critically and make critical judgments on the relative and absolute merits of particular arguments and solutions.</p>
<b>Dublin Descriptors</b>	<p><b>All disciplines</b> (Bachelor)</p> <p>Applying knowledge and understanding through devising and sustaining arguments.</p>

**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.

**Source****Statement**

**Council of Australian Law Deans (2009)**

- 2.3.2 General requirements: The curriculum seeks to develop knowledge, understanding, skills and values: knowledge of the law; understanding of legal principle and of the context within which legal issues arise; skills of research, analysis, reasoning, problem-solving, and communication; and the values of ethical legal practice, professional responsibility, and community service.
- 2.3.3 In particular, the curriculum, seeks to develop –
- ...
- b. the intellectual and practical skills needed to research and analyse the law from primary sources, and to apply the findings of such work to the solution of legal problems.

**American Bar Association (2010-11)**

**Standard 302. CURRICULUM**

- (a) A law school shall require that each student receive substantial instruction in: ...
- (2) legal analysis and reasoning, legal research, problem solving, and oral communication;

**UK QAA (2007) Section 1: Text for employers and the general public**

**6 Subject-specific abilities****Sources and research**

- 6.3 A student should demonstrate a basic ability to:
- identify accurately the issue(s) which require researching
  - identify and retrieve up-to-date legal information, using paper and electronic sources
  - use primary and secondary legal sources relevant to the topic under study.

**7 General transferable intellectual skills****Analysis, synthesis, critical judgement and evaluation**

- 7.1 A student should demonstrate a basic ability to:
- bring together information and materials from a variety of different sources
  - recognise and rank items in terms of relevance and importance
  - produce a synthesis of relevant doctrinal and policy issues in relation to a topic
  - make a critical judgement of the merits of particular arguments
  - present and make a reasoned choice between alternative solutions.

**Autonomy and ability to learn**

- 7.2 A student should demonstrate a basic ability, with limited guidance, to: ...
- be able to undertake independent research in areas of law which they have not previously studied starting from standard legal information sources...

**Numeracy, information literacy and teamwork**

- 8.2 A student should demonstrate a basic ability: ...
- to use some electronic information retrieval systems...

Source	Statement
UK QAA (2007) Section 2: Text for law schools	<b>4 The subject benchmark statement</b> Sources and research 4.9 There are a variety of ways in which this can be demonstrated. A dissertation may well be used in some law schools whereas others will set a number of assignments or projects over the course of the degree which enable a student to demonstrate ability to use primary sources and to undertake legal research. The structure of taught modules may require students to undertake independent research for seminars, even though the final assessment is by terminal written examination. The essential point is the evidence of research activity. In particular areas, it may well be appropriate to require students to engage in research which involves non-legal sources and materials, as well as legal sources. Information technology 4.19 Given the background of many students, many aspects of performance may well have been achieved before they arrive at their HEI. The requirement is fairly limited. In terms of word-processing, the essential skills required are to be able to produce a word-processed essay or other text and to present such work in an appropriate form. Standard information retrieval systems would include electronic library catalogues and law databases.
	<b>UK Joint Statement issued by the Law Society and General Council of the Bar (2002)</b> <b>a. Knowledge</b> Students should have acquired:... iv. The intellectual and practical skills needed to research and analyse the law from primary resources on specific matters; and to apply the findings of such work to the solution of legal problems; and... <b>b. General transferable skills</b> Students should be able:... i. To apply knowledge to complex situations; ii. To recognise potential alternative conclusions for particular situations, and provide supporting reasons for them; iii. To select key relevant issues for research and to formulate them with clarity; iv. To use standard paper and electronic resources to produce up-to-date information; v. To make a personal and reasoned judgement based on an informed understanding of standards arguments in the areas of law in question; vi. To conduct efficient searches of websites to locate relevant information; to exchange documents by email and manage information exchanges by email;...

Source	Statement
<b>MacCrate Report (1992)</b>	<p><b>Fundamental Lawyering Skills</b></p> <p>Skill § 3:</p> <p>In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have:</p> <ul style="list-style-type: none"> <li>3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;</li> <li>3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.</li> </ul> <p>Skill § 4:</p> <p>In order to plan, direct, and (where applicable) participate in factual investigation, a lawyer should be familiar with the skills and concepts involved in:</p> <ul style="list-style-type: none"> <li>4.1 Determining the Need for Factual Investigation;</li> <li>4.2 Planning a Factual Investigation;</li> <li>4.3 Implementing the Investigative Strategy;</li> <li>4.4 Memorializing and Organizing Information in an Accessible Form;</li> <li>4.5 Deciding Whether to Conclude the Process of Fact-Gathering;</li> <li>4.6 Evaluating the Information That Has Been Gathered.</li> </ul>
<b>Canadian Task Force (2009)</b>	<p><b>B. Competency Requirements</b></p> <ul style="list-style-type: none"> <li>1.2 Legal Research <ul style="list-style-type: none"> <li>The applicant must have demonstrated the ability to: <ul style="list-style-type: none"> <li>a. identify legal issues;</li> <li>b. select sources and methods and conduct legal research relevant to Canadian law;</li> <li>c. use techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues;</li> <li>d. identify, interpret and apply results of research; and</li> <li>e. effectively communicate the results of research.</li> </ul> </li> </ul> </li> </ul>
<b>European Tuning</b>	<p><b>Generic competencies</b> (all disciplines)</p> <ul style="list-style-type: none"> <li>8 Elementary computing skills</li> <li>9 Research skills</li> <li>11 Information management skills (ability to retrieve and analyse information from different sources)</li> </ul>
<b>Latin America Tuning (2007)</b>	<ul style="list-style-type: none"> <li>13. Capacity to use necessary technology for information searches in the course of conducting, and keeping up to date in, a legal practice.</li> <li>14. Capacity to apply scientific research criteria in the course of professional activity.</li> </ul>

Source	Statement
<b>Scottish Accreditation Guidelines (2010)</b>	<p><b>SKILLS</b></p> <p>On completion of the Foundation Programme, a student should have a basic competence in the following Subject-specific, General Transferable and Key Personal Skills, and should be able to use them effectively by being able to:</p> <p><b>Subject specific:</b></p> <p>Sources and Research</p> <p>Differentiate between and use appropriately primary and secondary sources, and identify and retrieve up-to-date legal information using paper and electronic sources by:</p> <ul style="list-style-type: none"> <li>– using sources that are up-to-date from paper and electronic repositories.</li> <li>– using sources (primary and secondary) that are appropriate to the context.</li> <li>– using recognised methods of citation and reference.</li> <li>– using sources that are current at the point of assessment.</li> <li>– using sources to support arguments and conclusions.</li> </ul> <p>Undertake independent research (both paper-based and electronic) in areas of law which he or she has not previously studied by:</p> <ul style="list-style-type: none"> <li>– use paper and electronic repositories to research new topics without reference to a reading list.</li> </ul> <p>Identify accurately the issue(s) which require researching and formulate them clearly.</p>
<b>Dublin Descriptors</b>	<p><b>All disciplines</b> (Bachelor)</p> <p>Knowledge and understanding is supported by advanced text books [with] some aspects informed by knowledge at the forefront of their field of study.</p>



**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.

**Source****Statement**

**Council of Australian Law Deans (2009)**

- 2.3.2 General requirements: The curriculum seeks to develop knowledge, understanding, skills and values: knowledge of the law; understanding of legal principle and of the context within which legal issues arise; skills of research, analysis, reasoning, problem-solving, and communication; and the values of ethical legal practice, professional responsibility, and community service.
- 2.3.3 In particular, the curriculum, seeks to develop –
- ...
- c. the ability to communicate these findings [of legal research and analysis], both orally and in writing ...

**American Bar Association (2010-11)**

**Standard 302. CURRICULUM**

- (a) A law school shall require that each student receive substantial instruction in:
- ...
- (2) legal analysis and reasoning, legal research, problem solving, and oral communication;
  - (3) writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;
- (b) A law school shall offer substantial opportunities for:
- ...
- (3) small group work through seminars, directed research, small classes, or collaborative work.

**UK QAA (2007) Section 1: Text for employers and the general public**

**8 Key skills****Communication and Literacy.**

- 8.1 Both orally and in writing, a student should demonstrate a basic ability to:
- understand and use the English language (or, where appropriate, Welsh language) proficiently in relation to legal matters
  - present knowledge or an argument in a way which is comprehensible to others and which is directed at their concerns
  - read and discuss legal materials which are written in technical and complex language.

**Numeracy, information technology and teamwork**

- 8.2 A student should demonstrate a basic ability:
- ...
- to work in groups as a participant who contributes effectively to the group's task.

Source	Statement
UK QAA (2007) Section 2: Text for law schools	<p><b>4 The subject benchmark statement</b></p> <p>Key skills Communication and literacy</p> <p>4.16 Law students are expected to be good at both written and oral communication. Whereas written communication is assessed heavily by formal examinations, oral communication is demonstrated by a variety of compulsory and voluntary activities, eg tutorial performance or mooting.</p> <p>4.17 Law students are expected to be able to read complex primary materials and to find the key statements from them. As such the subject benchmark statement here adds little to the requirement under sources and research, but merely makes clear the broader applicability of the skills used in that activity.</p> <p>Working in teams or groups</p> <p>4.20 A variety of activities can be used to demonstrate that students can work together in teams. Group projects are a typical way in which individual students provide evidence of their teamworking skills, but team negotiations or student-led tutorials would be other alternatives. Teamwork can be demonstrated not only by activities in class, but also on work placements or student-led court visits, as well as in some extra-curricular activities.</p>
UK Joint Statement issued by the Law Society and General Council of the Bar (2002)	<p><b>a. Knowledge</b></p> <p>Students should have acquired:...</p> <p>v. The ability to communicate these [findings from legal research and analysis], both orally and in writing, appropriately to the needs of a variety of audiences.</p> <p><b>b. General transferable skills</b></p> <p>Students should be able:...</p> <p>vi. To use the English language and legal terminology with care and accuracy;...</p> <p>viii. To produce word-processed text and to present it in an appropriate form.</p>
MacCrate Report (1992)	<p><b>Fundamental Lawyering Skills</b></p> <p>Skill § 5:</p> <p>In order to communicate effectively, whether orally or in writing, a lawyer should be familiar with the skills and concepts involved in:</p> <p>5.1 Assessing the Perspective of the Recipient of the Communication;</p> <p>5.2 Using Effective Methods of Communication.</p> <p>Skill § 6:</p> <p>In order to counsel clients about decisions or courses of action, a lawyer should be familiar with the skills and concepts involved in:</p> <p>6.1 Establishing a Counseling Relationship That Respects the Nature and Bounds of a Lawyer's Role;</p> <p>6.2 Gathering Information Relevant to the Decision to Be Made;</p> <p>6.3 Analyzing the Decision to Be Made;</p> <p>6.4 Counseling the Client About the Decision to Be Made;</p> <p>6.5 Ascertaining and Implementing the Client's Decision.</p>

Source	Statement
<b>Canadian Task Force (2009)</b>	<p><b>B. Competency Requirements</b></p> <p>1.3 Oral and Written Legal Communication</p> <p>The applicant must have demonstrated the ability to,</p> <ol style="list-style-type: none"> <li>communicate clearly in the English or French language;</li> <li>identify the purpose of the proposed communication;</li> <li>use correct grammar, spelling and language suitable to the purpose of the communication and for its intended audience; and</li> <li>effectively formulate and present well reasoned and accurate legal argument, analysis, advice or submissions.</li> </ol>
<b>Weisbrot (2010)</b>	<p><i>[C]ommunications in the professional context – with all that implies in terms of communications theory and practice, genres, advocacy, power relations, and so on. High order oral and written communications (including an appreciation of different genres and contexts – legal and legislative drafting, transactional, advocacy, scholarly, etc). Listening (not typically a strength of most lawyers);</i></p>
<b>European Tuning</b>	<p><b>Generic competencies</b> (all disciplines)</p> <ol style="list-style-type: none"> <li>Oral and written communication in your native language.</li> <li>Teamwork</li> <li>Interpersonal skills</li> <li>Ability to work in an interdisciplinary team</li> <li>Ability to communicate with non-experts (in the field)</li> <li>Appreciation of diversity and multiculturality</li> <li>Ability to work in an international context.</li> </ol>
<b>Latin America Tuning (2007)</b>	<ol style="list-style-type: none"> <li>Capacity to exercise the profession as a member of a team of lawyers.</li> <li>Capacity to work in interdisciplinary teams as a legal expert, making an effective contribution to the teams' work.</li> <li>Capacity for good written and oral expression, in fluent technical language, using precise, clear legal terms.</li> </ol>

Source	Statement
<b>Scottish Accreditation Guidelines (2010)</b>	<p><b>SKILLS</b></p> <p>On completion of the Foundation Programme, a student should have a basic competence in the following Subject-specific, General Transferable and Key Personal Skills, and should be able to use them effectively by being able to:...</p> <p><b>Key personal skills:</b></p> <p>I. Communication and Literacy</p> <p>Communicate both orally and in writing (and, where appropriate, by the use of electronic means) using the English language accurately by:</p> <ul style="list-style-type: none"> <li>– creating work in a permanent format which is understandable by the intended audience</li> <li>– create documents which are analytical, descriptive and inquisitive.</li> </ul> <p>Use language proficiently in relation to legal matters by:</p> <ul style="list-style-type: none"> <li>– using appropriate legal terminology in all work.</li> <li>– using recognised methods of citation and reference.</li> </ul> <p>Communicate information (including discussing technical and complex legal materials), ideas, advice and choices in an effective manner appropriate to the context, individually or with others by:</p> <ul style="list-style-type: none"> <li>– giving face-to-face presentations which addresses the allocated question within the prescribed time frame.</li> <li>– listening and questioning effectively.</li> <li>– giving and receiving feedback and responding effectively to others.</li> <li>– ensuring that all communications (either face-to-face or in permanent form) are succinct without losing focus on key issues or information.</li> <li>– communicating in plain English, with legal terminology only as needed.</li> <li>– contributing effectively to group work.</li> </ul> <p>In all formats demonstrate an ability to address the resolution of disputes by a variety of adversarial and non-adversarial skills.</p>
<b>Dublin Descriptors</b>	<p><b>All disciplines</b> (Bachelor)</p> <p>Communication of information, ideas, problems and solutions.</p>

**TLO 6:****Self-management**

Graduates of the Bachelor of Laws will be able to:

- (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.

**Source****Statement**

**Council of Australian Law Deans (2009)**

**2.2 Curriculum design and educational methods**

- 2.2.2 The teaching and learning methods encourage students to be active participants in the learning process and to engage with the law in an analytical and critical way.

**American Bar Association (2010-11)**

**Standard 302. CURRICULUM**

- (b) A law school shall offer substantial opportunities for:
  - (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence;
  - (2) student participation in pro bono activities; and...

**UK QAA (2007) Section 1: Text for employers and the general public**

**7 General transferable intellectual skills**

*Autonomy and ability to learn*

- 7.2 A student should demonstrate a basic ability, with limited guidance, to:
- act independently in planning and undertaking tasks in areas of law which they have already studied
  - be able to undertake independent research in areas of law which they have not previously studied starting from standard legal information sources
  - reflect on their own learning, and to seek and make use of feedback.

**UK QAA (2007) Section 2: Text for law schools**

**4 The subject benchmark statement**

*Autonomy and ability to learn*

- 4.13 This is perhaps the key feature of graduateness. The ability to learn and make use of learning in an independent fashion is what is generally taken to distinguish the final-year student from the first-year student. The learning activities required by a law school should be such that students should be required to demonstrate what they can do independently, rather than just demonstrating that they have learnt what they have been told. This can be demonstrated by the structure of a particular module. For example, all students may be required to study a module without lectures and which requires them to prepare material for seminars, not all of which is directed by the teacher. This could provide a basis of evidence on whether individual students are able to learn on their own with limited guidance.
- 4.14 Limited guidance: Obviously, an independent learner will need some support and some broad structure within which to operate. The extent of guidance required will depend on a student's stage of development in the field and the complexity of the material. The independent graduate should be able to take the initiative to seek support and feedback

Source	Statement
MacCrate Report (1992)	<b>Fundamental Lawyering Skills</b> Skill § 9: In order to practice effectively, a lawyer should be familiar with the skills and concepts required for efficient management, including: <ul style="list-style-type: none"> <li>9.1 Formulating Goals and Principles for Effective Practice Management;</li> <li>9.2 Developing Systems and Procedures to Ensure that Time, Effort, and Resources Are Allocated Efficiently;</li> </ul>
	<b>Fundamental Values of the Profession</b> Value § 1: As a member of a profession dedicated to the service of clients, a lawyer should be committed to the values of: <ul style="list-style-type: none"> <li>1.1 Attaining a Level of Competence in One's Own Field of Practice;</li> <li>1.2 Maintaining a Level of Competence in One's Own Field of Practice;</li> <li>1.3 Representing Clients in a Competent Manner.</li> </ul>
	Value § 4: As a member of a learned profession, a lawyer should be committed to the values of: <ul style="list-style-type: none"> <li>4.1 Seeking Out and Taking Advantage of Opportunities to Increase His or Her Knowledge and Improve His or Her Skills;</li> <li>4.2 Selecting and Maintaining Employment That Will Allow the Lawyer to Develop As a Professional and to Pursue His or Her Professional and Personal Goals.</li> </ul>
	<b>Generic competencies</b> (all disciplines) <ul style="list-style-type: none"> <li>3 Planning and time management</li> <li>10 Capacity to learn</li> <li>12 Critical and self-critical abilities</li> <li>25 Ability to work autonomously</li> <li>26 Project design and management</li> <li>27 Initiative and entrepreneurial spirit</li> <li>29 Concern for quality</li> <li>30 Will to succeed.</li> </ul>
European Tuning	

Source	Statement
<b>Scottish Accreditation Guidelines (2010)</b>	<p><b>SKILLS</b></p> <p>On completion of the Foundation Programme, a student should have a basic competence in the following Subject-Specific, General Transferable and Key Personal Skills, and should be able to use them effectively by being able to...</p> <p>General transferable intellectual skills:</p> <p>II. Independence and ability to learn</p> <p>Act independently in planning and undertaking tasks in areas of law which he or she has already studied.</p> <p>To reflect on his or her own learning, and to seek and make use of feedback</p> <p>Key personal skills:</p> <p>II. Personal management</p> <p>Demonstrate an ability to organise and prioritise effectively the expenditure of his or her time and effort in the performance of all aspects of student work.</p>
<b>Dublin Descriptors</b>	<p><b>All disciplines</b> (Bachelor)</p> <p>[H]ave developed those [learning] skills needed to study further with a high level of autonomy.</p>



Summary national and international comparison table: Knowledge TLO

Discipline-specific knowledge	CALD	ABA 2009	ABA 2010	QAA	Joint S	MacCrate	CanTF	Scot	LA Tun
The fundamental doctrines, concepts, principles, and values of law	▲	▲	▲	▲	▲	▲	▲	▲	▲
The fundamental areas of the substantive law	▲	▲	▲	▲	▲	▲	▲	▲	▲
The sources of substantive law and how it is made and developed, and of the institutions within which that law is administered	▲	▲	▲	▲	▲	▲	▲	▲	▲
The theory, philosophy, and role of law, and the dynamics of legal change	▲								
The broader context within which legal issues arise, including, for example, the political, social, historical, philosophical, and economic context	▲	▲	▲	▲			▲	▲	▲
International and comparative perspectives on law and of international developments in the law	▲							▲	
The principles of ethical conduct and the role and responsibility of lawyers, including, for example their pro bono obligations	▲	▲	▲				▲	▲	▲

Summary national and international comparison table: Skills TLOs

Discipline-specific skills	CALD	AQF	ABA 2009	ABA 2010	QAA	Joint S	MacCrate	Weisbrot	CanTF	Scot	LA Tun
Legal reasoning and analysis	▲	▲	▲	▲	▲	▲	▲			▲	▲
Problem solving	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
Legal research	▲		▲	▲	▲	▲	▲		▲	▲	
Critical thinking		▲			▲					▲	
Independent learning		▲			▲					▲	
Communication	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
Reflection			▲	▲	▲						
Collaboration (team work)		▲	▲	▲	▲			▲		▲	
Creative skills		▲									
Negotiation and ADR							▲	▲			
Professional judgment (including ability to recognise and respond to ethical issues)	▲	▲	▲	▲		▲	▲		▲	▲	▲
<b>Additional/generic transferable skills</b>											
Numeracy					▲	▲				▲	
Information literacy					▲	▲				▲	
Project management								▲		▲	

Level	7
<b>LEVEL SUMMARY</b>	Graduates at this level will have broad and coherent knowledge and skills for professional work and/or further learning
<b>LEVEL CRITERIA</b>	
<b>Knowledge</b>	Graduates at this level will have broad and coherent theoretical and technical knowledge with depth in one or more disciplines or areas of practice
<b>Skills</b>	<p>Graduates at this level will have well developed cognitive, technical and communication skills to select and apply methods and technologies to:</p> <ul style="list-style-type: none"> <li>• analyse and evaluate information to complete a range of activities</li> <li>• analyse, generate and transmit solutions to unpredictable and sometimes complex problems</li> <li>• transfer knowledge, skills and ideas to others</li> </ul>
<b>Application of knowledge and skills</b>	<p>Graduates at this level will apply knowledge and skills to demonstrate autonomy, well developed judgement and responsibility:</p> <ul style="list-style-type: none"> <li>• in contexts that require self-directed work and learning</li> <li>• within broad parameters to provide specialist advice and functions</li> </ul>

Level	8
<b>LEVEL SUMMARY</b>	Graduates at this level will have advanced knowledge and skills for professional or highly skilled work and/or further learning
<b>LEVEL CRITERIA</b>	
<b>Knowledge</b>	Graduates at this level will have advanced theoretical and technical knowledge in one or more disciplines or areas of practice
<b>Skills</b>	<p>Graduates at this level will have advanced cognitive, technical and communication skills to select and apply methods and technologies to:</p> <ul style="list-style-type: none"> <li>• critically analyse, evaluate and transform information to complete a range of activities</li> <li>• analyse, generate and transmit solutions to complex problems</li> <li>• transfer knowledge, skills and ideas to others</li> </ul>
<b>Application of knowledge and skills</b>	Graduates at this level will apply knowledge and skills to demonstrate autonomy, well developed judgement, adaptability and responsibility as a practitioner or learner

84. AQF, above note 6, at 5.

85. *Ibid.*

<b>Qualification type</b>	<b>Bachelor Degree</b>
<b>Level</b>	<b>7</b>
<b>PURPOSE</b>	The Bachelor Degree qualifies individuals who apply a broad and coherent body of knowledge in a range of contexts to undertake professional work and as a pathway for further learning.
<b>Knowledge</b>	Graduates of a Bachelor Degree will have a broad and coherent body of knowledge, with depth in the underlying principles and concepts in one or more disciplines as a basis for independent lifelong learning.
<b>Skills</b>	<p>Graduates of a Bachelor Degree will have:</p> <ul style="list-style-type: none"> <li>• cognitive skills to critically review, analyse, consolidate and synthesise knowledge</li> <li>• cognitive and technical skills to demonstrate a broad understanding of knowledge with depth in some areas</li> <li>• cognitive and creative skills to exercise critical thinking and judgement in identifying and solving problems with intellectual independence</li> <li>• communication skills to present a clear, coherent and independent exposition of knowledge and ideas</li> </ul>
<b>Application of knowledge and skills</b>	<p>Graduates of a Bachelor Degree will demonstrate the application of knowledge and skills:</p> <ul style="list-style-type: none"> <li>• with initiative and judgement in planning, problem solving and decision making in professional practice and/or scholarship</li> <li>• to adapt knowledge and skills in diverse contexts</li> <li>• with responsibility and accountability for own learning and professional practice and in collaboration with others within broad parameters</li> </ul>
<b>Volume of learning</b>	The volume of learning of a Bachelor Degree is typically 3-4 years.

<b>Qualification type</b>	<b>Bachelor Honours Degree</b>
<b>Level</b>	<b>8</b>
<b>PURPOSE</b>	The Bachelor Honours Degree qualifies individuals who apply a body of knowledge in a specific context to undertake professional work and as a pathway for research and further learning.
<b>Knowledge</b>	Graduates of a Bachelor Honours Degree will have coherent and advanced knowledge of the underlying principles and concepts in one or more disciplines and knowledge of research principles and methods.
<b>Skills</b>	<p>Graduates of a Bachelor Honours Degree will have:</p> <ul style="list-style-type: none"> <li>• cognitive skills to review, analyse, consolidate and synthesise knowledge to identify and provide solutions to complex problems with intellectual independence</li> <li>• cognitive and technical skills to demonstrate a broad understanding of a body of knowledge and theoretical concepts with advanced understanding in some areas</li> <li>• cognitive skills to exercise critical thinking and judgement in developing new understanding</li> <li>• technical skills to design and use research in a project</li> <li>• communication skills to present a clear and coherent exposition of knowledge and ideas to a variety of audiences.</li> </ul>
<b>Application of knowledge and skills</b>	<p>Graduates of a Bachelor Honours Degree will demonstrate the application of knowledge and skills:</p> <ul style="list-style-type: none"> <li>• with initiative and judgement in professional practice and/or scholarship</li> <li>• to adapt knowledge and skills in diverse contexts</li> <li>• with responsibility and accountability for own learning and practice and in collaboration with others within broad parameters</li> <li>• to plan and execute project work and/or a piece of research and scholarship with some independence.</li> </ul>
<b>Volume of learning</b>	The volume of learning of a Bachelor Honours Degree is typically 1 year following a Bachelor Degree. A Bachelor Honours Degree may also be embedded in a Bachelor Degree, typically as an additional year.

## Appendix 4: Abbreviations

AAL	Australian Academy of Law
ABA	American Bar Association
ALSA	The Australian Law Students' Association
ALTA	The Australasian Law Teachers' Association
ALTC	Australian Learning and Teaching Council
ANZACLL	Australian and New Zealand Academic Law Librarians
APLEC	Australasian Professional Legal Education Council
AQF	Australian Qualifications Framework
CALD	Council of Australian Law Deans
Can TF	Task Force on the Canadian Common Law Degree
CLE	Continuing Legal Education
CLEA	Clinical Legal Education Association
COALA	Coalition of Australian Law Administrators
COAG	Council of Australian Governments
DRG	Discipline Reference Group
EAG	Expert Advisory Group
JD	Juris Doctor
Joint S	UK Joint Statement issued by the Law Society and the General Council of the Bar
LACC	Law Admissions Consultative Committee
Law AD Network	Law Associate and Assistant Deans (Learning and Teaching) Network
LA Tuning	Latin America Tuning
LCA	Law Council of Australia
LLB	Bachelor of Laws
LTAS	Learning and Teaching Academic Standards
MacCrate	MacCrate Report on Legal Education and Professional Development (1992)
PLT	Practical Legal Training
Priestley 11	The eleven law subjects that must be completed before admission to practise as a legal practitioner in Australia
PhD	Doctor of Philosophy
QAA	Quality Assurance Agency for Higher Education (UK)
SJD	Doctor of Juridical Science
Scot	Law Society of Scotland Accreditation Guidelines
TEQSA	Tertiary Education Quality and Standards Agency
TLO	Threshold Learning Outcome
UA	Universities Australia
UKCLE	United Kingdom Centre for Legal Education



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