

Building an Accessible Law School The Early Years: 1990-1996

Jim Jackson*

In 1993 a Law Faculty was established at what is now Southern Cross University. The Law School was quite different from traditional law schools in Australia and in most other countries. Its mission was much wider, it was not to concentrate only on Bachelor of Laws students, but was to develop a very extensive paralegal programme for students previously ignored in universities in Australia. The School also had very strong connections to the New South Wales Department of Correctives Services and these were to also prove significant in the access, equity and articulation pathways that apply across all its programmes

Early developments and ethos

Jails and convicts have played a significant part in the development of this country but few realise how corrections also played an important role in the building of the Law School at Southern Cross University. In 1990 UNE-Northern Rivers together with the New South Wales Department of Corrective Services were successful in their bid for a grant of \$1.3m from the NSW Training and Education Foundation to develop training programmes for New South Wales correctional officers. While very little of this money was spent on the Law School the grant developed other infrastructure on the campus, including much of the UNE-Northern Rivers expertise in the writing and delivery of quality distance programmes, which was to prove vital for the law school in 1994 when it first developed its external courses.

The correctional courses required a home and an administrative structure. A partnership between the Department's training academy and the University was created, known as the Centre for Professional Development — Corrective Services. The courses were developed through the University's commercial arm, Noresearch Ltd, and on the establishment of the Faculty of Law and

* Dean, School of Law and Justice, Southern Cross University, Lismore, New South Wales.

Criminal Justice in January 1993 transferred to that Faculty. The presence of the corrections courses was also represented in the name of the new Faculty. It was to be not merely a Faculty of Law but one of Law and Criminal Justice.¹

This was paralleled by another key development: In 1989 the University had commenced curriculum design on its paralegal courses. Borrowing heavily from two year associate degree paralegal courses in the United States, UNE Northern Rivers developed an Associate Diploma in Business (Paralegal Studies). The course was offered through the Faculty of Business and Computing, where the first three legal academics were located and became the first law programme offered by the University.² On the establishment of the Faculty of Law and Criminal Justice the paralegal courses transferred to it.

Though this may not have been appreciated fully at the time, the paralegal and correctional courses became very influential in what was to follow. This was because they set in place the ethos of the law school. It was to become a school of opportunity for those to whom this may have been denied, either because of poor schooling, rural background, gender, or particularly in the case of Indigenous people, race. The School which would develop from these very humble beginnings was not one dependent on private or selected state schools, tertiary entrance ranks of 98, or students only enrolled in law degrees to the exclusion of all others. The paralegal courses became valuable not only in their own right but also because students who had performed at credit level were able to gain entry into the law degree on graduation. Ultimately about 25% of the yearly intake of students into the LLB were to come from this source. The majority of students doing the paralegal courses were female and this in turn had a significant influence on the gender breakdown in the

¹ In the restructure which occurred in 1996 the Faculty became a School and the word "Criminal" was deleted from the name. This reflected a widespread view in the School that justice (and injustice) could equally occur in a criminal or civil context. In the meantime the criminal justice courses and staff in the School had grown considerably.

² It should be noted that business law subjects had been offered for many years in the Faculty of Business and Computing.

LLB, which in 1996 had the highest percentage (64.6%) of female students of any of the Law degrees in Australia.³

Accordingly in 1994 the School developed its mission statement.

The Mission of the School of Law and Justice

The School aims to:

- produce graduates at all award levels from Associate Degree to Doctorate who will have achieved excellence in their fields;
- reach out into the regional and wider legal community and investigate, be responsive to and report on issues of concern to it;
- carry out legal research which generates a national and international reputation for the Faculty;
- provide opportunities for the study of law at various award levels to those who are currently unable to gain entry to a law degree;
- provide a focus for legal education and practice on the North Coast;
- produce its own legal monograph series and other publications.⁴

The Law Advisory Committee

To oversee the establishment of a law degree and the paralegal awards the University established an external evaluation committee, the Law Advisory Committee. The Committee was chaired by Mr Andrew Rogers QC (formerly Chief Judge of the Commercial Division of the Supreme Court of New South Wales) from its inception to mid 1997. Justice Margaret Renaud of the Family Court in Newcastle is the second judicial representative. In addition to its judicial representation, the Committee contains a number of local and city based practitioners, law academics

³ *The Australasian Legal Education Yearbook 1996*, Centre for Legal Education, 1997, p 30.

⁴ *Towards the Next Millennium: University Plan Southern Cross University*, 1995.

(including one present law dean and two former deans) and a staff representative.

In 1994 Andrew Rogers became Chancellor of Southern Cross University. Mr Justice Giles, the present Chief Judge of the Commercial Division of the Supreme Court of New South Wales has succeeded Mr Rogers to the Chair of the Law Advisory Committee.

This Committee remains in place as a visiting committee to oversee the implementation and operation of the Faculty's awards. All major curriculum changes have been discussed at the Law Advisory Committee, however the Committee has played an especially critical role in curriculum development in the Bachelor of Laws and the Bachelor of Legal and Justice Studies degrees.

The undergraduate curriculum

The Associate Degree in Correctional Administration

One of the School's very strong links with the profession and industry is the Centre for Professional Development in Corrective Services, a joint venture between the University and the Corrective Services Academy in Eastwood, Sydney. Three courses are offered through the Centre for Professional Development which culminate in the Associate Degree in Correctional Administration, available to all departmental prison officers in New South Wales.

These programmes represent a major investment of resources by the University, the Department of Corrective Services and the Education Training Foundation. The first awards at the Certificate Level were conferred in April, 1993 and the first Associate Degree awarded in 1997. The University has a major commitment to such joint industry awards and the School recognises this venture as being critical to the professional development of personnel in correctional centres in New South Wales.

The Associate Degree in Law (Paralegal Studies)

The University introduced its initial paralegal Associate Diploma in 1990. The first students completed their studies at the end of 1991. This course is now being offered internally at the Lismore campus and was offered externally for the first time in 1994. It was offered

internally at the Coffs Harbour Campus from 1992 to 1996. Growth in student numbers has been very high particularly in the external course, as can be seen in Table 2 (below). This reflects the School's commitment to access for people for whose occupation, family commitments or distance has meant isolation from more traditional forms of education. The distance course also allows the University to meet its regional commitments to people on the North Coast of NSW.

The paralegal courses have been very important to the School's profile and to legal education in Australia. There are many people who are working within the law who neither have nor want admission as a barrister or solicitor. In the past there have been few university courses available to these people.

Students who complete and achieve excellence in the paralegal courses can apply to do the Law degree. In this way students who have shown a high level of aptitude in their study of law can access a law degree regardless of their Higher School Certificate grade. This also opens up the study of law to a wider section of the community, and in particular to the regional community on the North Coast served by this University.

Women have also been major beneficiaries. The paralegal course has always had many more women than men enrolled, and because it also articulates into the law degree we have significantly more women than men in that degree. As stated above, as many as 25% of the students enrolled in the law degree have entered via the associate degree articulation pathways. Table 1 demonstrates the significant impact this school is having in improving access by women to the study of law in all courses.

	Assoc Dip in Bus (Paralegal)		Assoc Dip in Law (Paralegal)		Assoc Degree in Law (Paralegal)		Graduate Bachelor of Laws		Graduate Diploma in Law		Combined Law Degree		Total
	F	M	F	M	F	M	F	M	F	M	F	M	
1991	25	6											31
1992	63	15											78
1993			101	25			25	32					183
1994					169	66	48	41					324
1995					384	129	72	60					645
1996					505	179	76	42	32	19	19	10	882

Table 1: Enrolments from 1991 to 1996 by course – Female/Male

The Associate Degree in Law (Aboriginal Paralegal Studies)

Southern Cross University has an ongoing commitment to Aboriginal and Islander education. It aims to increase the access and participation of Indigenous people in tertiary education and to give Aboriginal and Islander culture a voice in this process. In order to achieve these aims Southern Cross University established the Gungil Jindibah Centre (now the College of Indigenous Australian Peoples) on January 1, 1991. The College's role is to design and run relevant programmes that meet the needs of Aboriginal and Islander communities in employment and further education.

Consultation with graduates in various tertiary programmes, people working in Aboriginal Organisations (Aboriginal Legal Services, NSW Aboriginal Land Councils), Government bodies (ATSIC, Legal Aid Commission, DEETYA, Human Rights and Equal Opportunity Commission), other legal bodies (Law Foundation, Law Society) and Aboriginal and Islander communities indicated the need for an accredited paralegal course for Aboriginal and Islander people. As a result of this work the Faculty of Law and Criminal Justice and the Gungil Jindibah Centre introduced a two year Associate Degree in Law (Aboriginal Paralegal Studies) in 1993.⁵

The Bachelor of Legal and Justice Studies

This degree owes its existence to our paralegal students, and in particular those at Coffs Harbour. The School received many requests from its students undertaking the Associate Degree in Law (Paralegal Studies) to introduce a bachelors degree. These requests were considered by the Faculty and its Curriculum Committee for over a year prior to making a decision to establish the degree.

Unlike the paralegal course, the Curriculum Committee had no paralegal model from the United States to follow. This time the Faculty had to pioneer rather than adapt curriculum. There are justice studies degrees in Australia but it was decided that this degree was to have a much

⁵ Full responsibility for the Associate Degree was assumed by the College of Indigenous Australian Peoples on its establishment in 1997.

wide vocational base. The decision to develop this award was modelled on Bachelor of Business degrees containing the concept of a core of discipline knowledge surrounded by majors representing specialist vocational fields. The fields chosen were influenced by the career paths of our graduates and present employment of part time students.

Accordingly students are able to complement their paralegal training of two years with a third year specialisation in one of the nine major areas of study, namely:

1. Commerce
2. Practice Management
3. Criminal Justice
4. Dispute Resolution
5. Indigenous Australians
6. Employment and Industrial Relations
7. Local Government
8. Social Justice
9. Licensed Conveyancing

Double majors are also possible. Each major includes an indigenous law unit offered by the College of Indigenous Australian Peoples.

The course is open to school leavers and was offered for the first time in 1997 having passed through University Committees in 1996. The name for the degree was originally the Bachelor of Legal Studies, however this was controversial and likely to be confused with the Macquarie University external law degree which had the same name. After discussion in the Law Advisory Committee the recommended name was changed to *Bachelor of Legal and Justice Studies*.

Graduate Diploma in Law

This course was not designed as a post-graduate course for law graduates. Rather it was conceived as a programme for graduates in all disciplines. The course assumes no prior knowledge of law and allows students to select units consistent with their interests or career needs such as

high school teachers, mediators, or other graduates who need some legal knowledge to better meet their career objectives. As Table 2 below reveals most students are enrolled on a distance basis, and a significant majority (63%) are female.

The Law Degree

The challenge of establishing a rural law school and degree was one which required a degree of lateral thinking. What hope would its first students have emerging from an unknown Faculty in an equally unknown university?⁶

The commitment to a quality programme was very strong, as indeed was the determination to demonstrate that Australia's newest University could offer an excellent LLB programme despite facing obstacles not encountered in metropolitan law schools.

It was clear to staff that a rural and new law school should not simply copy teaching methodologies or curriculum of the old and established law faculties. To do so would mean that the school and its students would be competing on their terms and would always run a distant last. Their terms would mean the school would always be smaller, have fewer and less qualified staff and poorer library facilities.

In September 1991 a Centre of Law and Criminal Justice was established in the Business Faculty with a staff of 3. At that time the brief was to have the LLB curriculum designed, accredited and implemented for teaching from the beginning of 1993. A decision to commence teaching in January rather than March reduced the time available by two months. It was critical that full time staff be appointed urgently and three new staff joined the Centre in February 1993. Whilst the Faculty would attract excellent staff, many of these would be at a reasonably junior level, and for some this would be their first teaching appointment.

⁶ Southern Cross University was established at the beginning of 1994 from the Lismore and Coffs Harbour Campuses of the former UNE networked university.

A major concern was how to obtain costly expertise but at an affordable price. The Faculty had a strong belief that its teachers should include lawyers and others who were very well known, were good teachers and who could rightly claim the label of "expert". This was part of a bigger issue: our students should not feel remote even if they were located in a rural area. They should be able to claim that they had the benefit of being educated by the best. The students would be isolated from metropolitan teaching resources: good libraries, the senior courts and houses of parliament. It was hardly likely that these could be brought to Lismore, might it be possible to take the students to them?

University lecturers and students are largely timetable driven. A lecturer's capacity to take her Evidence and Procedure group to court to observe a trial is going to be met by her colleague's anxiety to have some or all of those students in the lecture hall for their 10.00 am Equity lecture. A major difficulty is that the timetable limits innovation and good pedagogical practice. It is very difficult to change once implemented and as a consequence there are things academics would all like to try but cannot.

One effect of this is that even the metropolitan law schools can become remote. How often are law students in the old law schools taken off campus? Apart from getting students to court to write up a court report, when do lecturers attend court with students and subsequently debrief them as to what they saw? In evidence courses do lecturers have students sit in on a trial? When students are taught about the passage of legislation through Parliament do they ever go along to watch the process even if the Parliament is very close? One result is that some of the topics in the curricula which should be the most interesting become the most boring, or are simply left out.

A radical timetable

Faced with these challenges, it was obvious that this School had to be different. These differences would not come from the curricula per se. The newest University in the country did not have the political sway nor the time to have a radical curricula accredited. However, a number of other more radical decisions were taken:

1. Initially the School would only admit graduate students into a three year graduate LLB, though an exception was made for the better students who had completed one of the Associate Degrees offered by or through the Faculty: the *Associate Diploma in Law (Paralegal Studies)* or *Associate Diploma in Law (Aboriginal Paralegal Studies)* or the *Associate Degree in Correctional Administration*.⁷
2. In years one and two of the degree the academic year would commence in January, and teaching but *not* the academic year would conclude at the end of July. The academic year would conclude in mid September with the submission of major research assignments. This early start was designed to get our students out of class by the end of July and into placements in the legal industry by early August. The third year would commence in March. In this way our students would have the opportunity to obtain twelve months industry experience prior to graduation. ⁸
3. Teaching in the first two years would occur in blocks rather than the standard four subjects at once. In the first and second years students would complete four full year equivalent subjects and a one semester equivalent subject. In the third year of the degree the programme would revert to the four at a time model.
4. The first two years of the degree would contain the compulsory core, and the third year would consist of 5 core units and 3 electives.

The first year of the degree consisted of the following subjects:

1. Introduction to Law
2. Constitutional and Administrative Law
3. Torts

⁷ Provision was made for students to apply after two years of a degree at Southern Cross but an Austudy ruling prevented us from admitting under that category.

⁸ The School's experience with the "sandwich" approach to legal education will form the basis of a future paper.

4. Contracts

5. Skills I

Face to face teaching in the first four of these units took place between 16 to 20 hours per week over a 6 week period. This was a little more class contact than occurs over two 14 week terms at three hours per week = 84 hours or if 4 hours per week = 112 Hours. The one semester equivalent unit Skills 1 was taught for 3 weeks at 16 hours per week.

Generally examinations followed 6 weeks after the conclusion of the unit. For example, the examination in Introduction to Law was held just prior to the Easter break and the examination in Torts was held prior to the commencement of Skills 1. In 1993 all assignments were due for submission in mid-September. Thus the assignments were submitted some time after students had completed their examinations. A similar structure was put into place for the second year of the degree where the subjects were Property and Equity, Family and the Law, Evidence and Procedure, Criminal Law and Procedure, and Skills II.

While the initial intake of 54 students expressed general support for block teaching, they had reservations about the volume of reading, timing of examinations and the intensity of the programme. The latter is not so much a criticism of block teaching, but rather the absence of breaks from it. The academic year was as long as other universities in terms of the number of teaching weeks, however most universities have a reasonable break in the middle of the year and a mid semester break. The timetable did not allow this. To some extent this is countered by the fact that assignments could be completed after teaching concludes.

Students responded very well to other consequences of the model, in particular the more extensive time which could be spent with visitors. We used a significant number of outside academics, practitioners and judges for intensive periods in the course. These ranged from a few hours to a three week period. It is highly unlikely that such benefits could have been obtained under the traditional model without radical timetable surgery.

Block teaching was quite stressful on staff, particularly where units were being taught for the first time. On the other hand, academics found that time tabling freedom allowed more flexibility in what is done inside and outside the class. Some of the stress on teaching was eventually reduced by using staff in tandem and rotating topics. This was better than the initial approach of splitting the group into two with one lecturer assigned to each group which had resulted in both staff members being in class for up to 16 hours per week. On that model each of these hours was a new hour and classes were not repeated. It also meant that each lecturer had to prepare identical subject material. The model was resource intensive and exceptionally demanding on staff.

Other variations also occurred, for example, in Property and Equity the lecturers opted in some topics to give a series of lectures over a number of days with no small groups, followed by a series of morning and afternoon seminar/tutorials where there were no lectures.

It was important to evaluate how well students learnt under this model. The Southern Cross University Teaching and Learning Unit has completed a study on this. The full report will be published in the future, but in comparison to the standard four at a time semester model the study found that:

“in the block system student learning was more dependent on and directed by the lecturer whereas in the semester system learning was more student directed...Block learning was more ‘continuous’ whereas concurrent learning in the semester system took place in a more ‘segmented’ manner... The block method while a high risk strategy had beneficial outcomes in terms of fostering deep approaches and in particular learning which was focused and structured.”⁹

⁹ Saenger, H, *An Evaluation of a Six Week Teaching Model adopted in Years 1 and 2 of a Graduate Law Degree at Southern Cross University*, Teaching and Learning Unit, Southern Cross University, 1996, pp 23-24.

Remoteness

One of the objectives of the block teaching model was to ensure that law students in a rural environment were not left feeling isolated. In Introduction to Law students were required to travel to Canberra with their lecturer to observe the High Court and Parliament. These visits were timed to coincide with sittings of both. After a day and a half in court students spent time in debriefing sessions with their lecturers.

Students also visited Parliament, observed question time, participated in a 'Bill becomes Act' class simulation organised by Parliamentary education officers and had a detailed tour of Parliament. Some subjects lend themselves to this kind of activity. Evidence and Procedure, Family Law and Criminal Law are good examples and in all these subjects students spent time in local, district or Brisbane courts with their lecturers.

The early start and completion allowed students to seek work placements at the end of teaching in the first and second years. This was a deliberate strategy enabling them to obtain up to 12 months work experience prior to graduation. Another profound effect was that it addressed the remoteness issue in a very practical way. The majority of students had to leave the region to get this experience. This proved beneficial to them not only in developing confidence and legal skills but also in ultimately obtaining full time employment.¹⁰

Other block teaching issues

A further matter requiring more research is whether our students lost anything by not having classes in four subjects at once. It can be hypothesised that knowledge learnt in one subject will assist student learning in another. On the other hand, is that planned for in the structure of degrees or do academics assume it happens without too much thought?

¹⁰ The Graduate Destination Survey for the first graduating group of LLB students showed high employment and the lowest number of all Southern Cross University students available for full time employment. Graduate Careers Council of Australia, *Graduate Destination Survey 1996*, p 112.

One significant advantage of block teaching is that the prerequisite knowledge difficulty, particularly acute in the first semester of first year, is overcome. In the traditional model students commence four subjects. If they are attempting a non-joint law degree these may be four law subjects. Students can be studying up to three substantive subjects without the basic building blocks the introductory subject should provide. The counter argument is that those other subjects reinforce the former and vice versa. That is a more sink or swim approach.

Another matter that was very obvious was the social effect of putting all students together so closely for such intense periods of time. This was also a function of a small LLB programme. The group dynamics were very interesting to observe, but they can also be quite cruel. Staff and students are more vulnerable in this system. Every mood swing, every sickness, every aggressive comment, any little paranoia, is there for the class to see.

What happened to block teaching?

Pressures were growing in 1994 and 1995 to offer the law degree to undergraduate students. These pressures came from other Faculties, central administration and from within the Law School itself. A law degree at an Australian university attracts high quality school leavers and this group of potential students from the North Coast of New South Wales were being denied local access to many professional qualifications, including law. Accordingly the decision was made to introduce combined degrees with most other Faculties. Additional student load was not allocated to the Faculty for this. The result was that the school leavers and the graduate law students would have to share classes. In addition these students were enrolled in a range of other degrees. The practical outcome was that the Law degree would have to run on a conventional timetable and be taught in a more traditional manner. However block teaching was not abandoned. In those areas where most value had been gained, Evidence and Procedure, Family and Criminal Law, it remained. This was done by creating a semester when no non law units were to be offered.

In 1996 the first combined degree students commenced their study. The school had also revised the curriculum in the graduate degree, to lower the level of compulsion,

thereby allowing the introduction of more electives. A core unit in the Philosophy of Law was introduced, but units in Family Law and Environmental Law remained as core. Final year students would now have the option of completing their degree externally thereby gaining up to a year in practical experience prior to graduation. No longer did the year commence in January, but the original aim of this, the opportunity to gain significant practical experience at the end of each academic year was being met in a new and potentially more effective way. Students are now able to study the final year on a distance basis, and may also complete two placement units, thereby gaining up to 12 months work experience prior to graduation.

Growth in student numbers

The following table indicates the dramatic growth in student numbers in the Law School. This growth has occurred in areas where the courses offered are unique, namely the paralegal programmes. New enrolments in the Bachelor of Laws degree have remained reasonably constant, and the growth in this course reflects (and will reflect) the pipeline of second, third, and in the case of the combined degree students, fourth and final year students. The law degree has the smallest enrolment in Australia, and the paralegal course the largest.

The School has not been dependent on entry numbers into its law degree to maintain its overall student quota. At times it has transferred its student funded load from the law degree to the paralegal courses which have shown high student demand especially for external study. Consequently the School has been able to maintain very high entry standards into the graduate LLB and the combined law degrees at levels at least consistent with metropolitan law schools.

	Assoc Dip in Bus (Paralegal)		Assoc Dip in Law (Paralegal)		Assoc Degree in Law (Paralegal)		Graduate Bachelor of Laws		Graduate Diploma in Law		Combined Law Degree		Total
	Int	Ext	Int	Ext	Int	Ext	Int	Ext	Int	Ext	Int	Ext	
1991	31												31
1992	78												78
1993			126				57						183
1994					235		89						324
1995					253	260	132						645
1996					191	493	118		1	50	29		882

Table 2: Enrolments 1991-1996 by Course: Internal/External

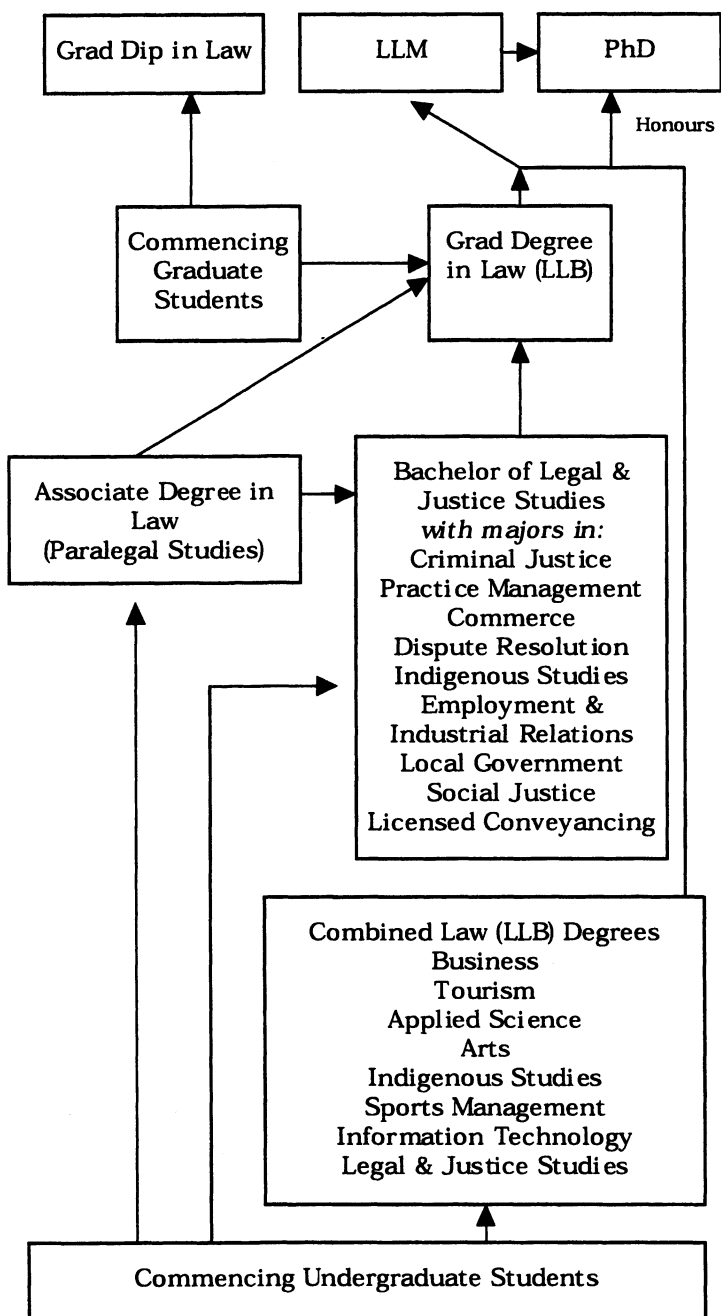
The table indicates very high growth in student numbers in the School. The table indicates very high growth in student numbers in the School. From 1991 to 1995, the total number of students doubled each year except one. Numbers in the law degree (once the course had been taught up to and including its final year) have remained constant and reflect steady demand and a consistent policy to hold entry standards high. The most significant effect has been the introduction of the external paralegal programme which has caused dramatic growth in 1995, and 1996, but also saw a reduction in internal demand for that course in 1996.

Articulation links

Central to this School's philosophy has been the opening of the study of law to all those who can demonstrate they have the aptitude for it. The diagram below shows the pathways that are available to students in the school. Not all pathways are automatic, for example associate degree students must achieve at least credit average to move into the Bachelor of Law degree.

Conclusions

This brief review of the curriculum of the Southern Cross programmes reveals a very different type of Australian Law School. Law students do not make up the majority of its students, it offers law and paralegal programmes in a single school where the courses rank equally in value. This model of law and paralegal education is unique in Australia and very uncommon in the United States where a rigid line is usually drawn between these two types of programme. This combination and the articulation links that run between the courses allow us to meet our mission of access in this region and Australia more generally, through the development of distance programmes since 1994.



**Table 3: Articulation Pathways
Southern Cross University School of Law and Justice**