

Renewing the Law School Curriculum: The Benefits of a Strategic Approach

By:

Dr. Anthony J. Connolly

Australian National University College of Law, Australia

The Law School of the Australian National University was founded in 1960. It celebrated its 50th anniversary last year as one of Australia's top law schools. Coincidentally, it also commenced last year a process of renewal of its flagship educational program, the Bachelor of Laws (or LLB). I have been privileged to have led that process and in this paper I want to articulate a number of reflections arising out of my involvement in it which may be of value to those in other law schools engaged in or contemplating significant educational redevelopment. It is important that I clarify here that the process at stake in the discussion to follow is one of program renewal rather than curriculum reform, traditionally understood. I prefer the former terminology because it connotes a process of educational design that goes beyond tinkering with the content and sequencing of courses, to encompass the enhancement of all aspects of the student learning experience, including issues of student well-being and extra-curricular self-development. In order, though, to better align my comments with the language and themes of the conference, I will use the two terms interchangeably.

Throughout Australia, the Bachelor of Laws is by far the most popular degree for those seeking both accreditation for legal practice and a sound general understanding of law and legal systems. It is an undergraduate degree, typically of four years duration, comprising a number of compulsory subjects required by state accrediting authorities (criminal law, contracts, torts, and the like), as well as a range of elective subjects designed to enhance the expertise and satisfy the particular interests of students.

The ANU LLB was originally designed over 50 years ago in the traditional Anglo-American style. By this I mean that the content of the degree was oriented predominantly towards preparing students for legal practice and that the education provided by the degree was conceived of largely in terms of the transmission of information from lecturers to students. It provided a mainly knowledge-based and teacher-focused educational experience with little in the way of systematic skills development, theoretical or clinical perspectives on law, or opportunities for the development and exercise of student autonomy in relation to their own learning. In this regard, the ANU Law School was no different from most of the great law schools of the common law world.

Since 1960, a number of reforms of the original LLB curriculum have been implemented. New courses, as well as new kinds of courses have been added to meet evolving student and employer demands; previously year-long compulsory courses have been semesterised as a result of university restructuring; formulae for entry to and grading in the honours stream have been devised and amended and amended again in response to shifting staff and student concerns about the numbers and quality of students awarded honours. By virtue of these occasional reforms the ANU Law School has attempted to maintain the quality and prestige of its LLB degree within a dynamic educational and professional environment. There is no doubt that - to date, at least - it has largely succeeded in this regard. High quality student demand, graduate employability indicators, and international benchmarking continue to provide evidence that the program retains much of the quality and prestige it has traditionally enjoyed. This is the case notwithstanding that the present curriculum is in many important respects similar in its content, structure and pedagogy to that originally offered in 1960.

One might think that in light of this continuing success, the ANU Law School would be wise to leave well enough alone in relation to its LLB. However, the problem with leaving well enough alone is that too much has changed over the past few years in relation to the nature of legal practice, the mindset of law students, the expectations of government, and in our very understanding of what constitutes effective legal education for that to remain a viable approach to curriculum design. Such, at least, is the view that I and a number of my colleagues have come to over the past two years or so - that our LLB degree is a strong one *in spite of* rather than because of the style of curriculum reform pursued to date and that the ad hoc, largely reactive, and narrowly focused approach of past efforts at reform can no longer ensure the quality and prestige we and the other stakeholders in the LLB have come to expect.

We have come to the view that something new is called for in our approach to curriculum development – something more fundamental in its conception, more holistic in its concerns, more systematic in its methodology, and, by virtue of these things, more challenging and, potentially, more transformative in its outcomes than the approach previously engaged in. For us, that something is a strategic approach to curriculum renewal and this is the path we have taken since late 2009. Adopting this approach has generated a radical shift in our thinking about educational design. It has required us to eschew curriculum renewal as a form of crisis management in order to pursue a comprehensive reconsideration of the rationale of our LLB program and its mode of operation in order to better anticipate and deal with – indeed, harness – the constantly changing forces of crisis that persistently confront us.

One of the things I mean by a strategic approach to curriculum renewal is pursuing the improvement of the LLB program in a manner informed by the burgeoning research and literature on organizational strategic planning and change management. At the heart of this discourse lies the demand that the program's key stakeholders (most importantly its students and its teachers, but also, ideally, the employers of its graduates, the university, as well as the government and wider public who substantially fund the enterprise) collectively identify the purpose and objectives of the program, clarify its guiding values, and devise the means by which to ensure that those objectives are realized by the program in accordance with those values. Important too here is the need to recognize the limits of the Law School's resources for implementing change and, in light of these limitations, to acknowledge the imperative to prioritize our objectives and to stage and sequence the specific changes required to realize these. Likewise, effective strategic renewal requires the establishment of mechanisms by which the progress of the renewal process and the health of the program at large can be evaluated and responded to. And at the heart of this, lies a commitment to effectively communicating to stakeholders the nature and progress of the renewal process.

For decades the most successful organizations in the world - in business, in government, even in tertiary education - have been identifying their missions, articulating and prioritizing their goals, and devising strategies for effectively realizing these things in accordance with the clear, relatively simple, and empirically tested methodology of strategic planning and organizational change. My university and, indeed, my law school have adopted this approach in relation to upper level institutional management for a number of years now. However, it is only under this latest iteration of curriculum renewal that the basic principles and practices of strategic planning and change management have been applied within the context not of an organization – a university, a law school – but an educational program. In this context, the LLB may be conceived of as an institutional entity of sorts with its own distinctive mission, goals, values and processes for realizing these.

This new framework for program renewal has been in operation in our Law School for about a year now. The benefits of adopting it have been many and significant. Some of these benefits are yet to come to light, I suspect. I can only briefly note a few of them here in the hope of giving you a sense of their nature and value.

One of the most important things adopting a strategic approach caused us to do was to consider freshly and carefully the aims of the program. What was it we were actually trying to achieve with our LLB degree? As an institution, we had, I believe, taken for granted that we knew the answer to this question. But it wasn't so clear to me that - collectively, at least - we did any longer. We needed to start again and our 'getting strategic' provided us with an opportunity to do so. Rather than rely on vague and innocuous statements of intent such as 'we strive to provide a quality legal education' or the like (which are, at the end of the day, of very limited utility when it gets down to putting in place mechanisms to effectively realize change), we relied on a detailed set of graduate attributes which we had collectively and collaboratively work shopped. The advantages of elaborating the objectives of the program in terms of the attributes – the kinds of knowledge, the types of skills and the other qualities – we intended our graduates to possess as a result of their participation in the program were numerous, and some of them quite unexpected.

For example, the legitimacy of the renewal process was enhanced as a result of orienting the process around the realization of a set of program objectives which staff and students had participated in designing. Both the program and its renewal served a purpose they agreed with and owned to a significant extent. This paid great dividends in motivating staff and students to participate in the process of renewal – not an easy task given the competing demands operating upon them. This last point picks up another important element of strategic planning which is to ensure that information about both the plan for organizational change as well as the details of the implementation of that plan are effectively communicated to stakeholders. Communication here not only assists in the ongoing legitimating of the process (with all the benefits for implementation which that entails) but also optimizes the expertise brought to bear on the process by allowing staff and students to identify problems in the planning or implementation or to offer suggestions for improving the process.

Another important dividend is that the articulation of program ends has given an enhanced direction and meaning to each of the component parts of the program. Each course, each class, each assessment task, can all be seen more clearly as contributing to a greater good. As a profoundly holistic framework for thought and action, the strategic approach has called upon individual teachers to leave the silos of their own courses and teaching practice and take account of and engage with the purposes of the program as a whole. Each of us has been reminded, by virtue of this new way of doing things, that we are a team. There is great potential for improvement in this alone. One of the key messages in the strategic planning literature is that limited resources mean that not all of the various things that need doing in order to make an organization the best it can be at what it does can be done all at once. Choices need to be made about what things need doing immediately and what things can or should wait. One of the hardest things about strategic renewal is postponing the reform of undoubtedly important elements of the curriculum until some time in the future when resources are available or other factors are in place.

In our case, for the period 2010-2011 we have prioritized skills development, improvement of our assessment regimes, enhancing our inter-disciplinary offerings, and establishing best practice quality assurance mechanisms for the program. Having an important but limited set of priorities to work with, rather than a vast set of things or an undifferentiated 'make the curriculum great' task has been both empowering and motivating for the staff and students involved in the renewal task – especially those of us managing it. We know that there are other things that needed doing if our

program is to meet its objectives and educate graduates with the attributes we think important – enhancing flexible learning within the program, internationalizing the curriculum, and educating for the values we aspire to, for example – but we also recognize that these can wait until our most important current priorities have been bedded down.

Picking up on a point made earlier about the holistic dimension of strategic renewal, on this approach each component of the program is recognized as integral to the whole. No part is reformed without attention to the effects of such reform on the other parts. Likewise, each reform initiative is conceived of and executed within the context of a clear set of goals and values. Hence, the risk of opportunistic but dysfunctional reform is mitigated. The threat of the local problem subsuming and undermining the holistic good is curbed. And, of course, it is clear that such an approach optimizes the structured development of student learning (for example, integrated skills development) over the duration of the degree.

There is much more I could say about the benefits on offer here for our Law School in adopting a strategic approach to program renewal - for example, the interesting synergies that exist between strategic renewal and the constructive alignment of specific courses; the accountability dividends vis a vis the renewal process itself and the program at large; and the potential for an opening up of conversation with other organizations within the university sector and outside it in relation to improving our processes of organizational renewal. I will be happy to talk about these at the conference itself. As our renewal process proceeds into 2011 and beyond, I look forward to discovering more benefits and watching our LLB program flower not only into the program we who teach in it want it to be but that which a changing world demands it should be.