

BEYOND DOCTRINE: WHAT ARE WE ACTUALLY TEACHING STUDENTS ABOUT BEING LAWYERS?

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The dominance of doctrine in legal education

Technical competence and doctrinal analysis dominate legal education.



Yet lawyering is much more than technical work.



The realities of contemporary legal work include: uncertainty, client vulnerability, ethical tension and cumulative emotional labour.



For these reasons, emerging lawyers need to develop a professional identity that includes emotional regulation, positive relationships and value integrity.

Doctrine is only one aspect of a law degree



Threshold Learning Outcomes (TLOs) for LLB and JD recognise much more than legal knowledge as being necessary for a competent law graduate:

TLO 1: Knowledge

TLO 2: Ethics and professional responsibility

TLO 3: Thinking Skills

TLO 4: Research Skills

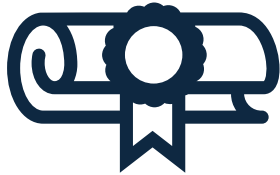
TLO 5: Communication and collaboration

TLO 6: Self-management



TLOs are *minimum* standards of performance, achievement or attainment, which all graduates would demonstrate “a broad and coherent assimilation of ... across the identified knowledge and skills”

TLO 6: Self-management and the importance of reflective practice to technical competence and wellbeing



Bachelor of Laws Graduates will be able to:

*learn and work independently, and **reflect on** and assess their own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development*



Juris Doctor Graduates will be able to:

*learn and work with a high level of autonomy, accountability and professionalism; and **reflect on** and assess their own capabilities and performance, and make use of feedback*

Practical learning and teaching strategies to support professional identity formation

Structured reflection cycles.

A large, solid blue downward-pointing arrow connects the first box to the second box.

Facilitated story-telling.

A large, solid blue downward-pointing arrow connects the second box to the third box.

Designing assessment so it situates professional judgement, empathy and self-awareness alongside doctrinal reasoning.

Structured reflection cycles



Building on problem-based scenarios that students are already familiar with but extending them beyond doctrinal analysis to including reflective analysis to reflect law in context.



Complex scenarios that resist reduction to a single correct answer as a result of contested facts, client vulnerability, incomplete information, ethical tension and interpersonal complexity.



Cognitive responses alongside affective responses.



Consideration of a problem from multiple perspectives with competing viewpoints.



Projecting forward to inform future conduct – reflecting the incremental nature of professional identity formation.



Integrating self-awareness and professional responsibility within existing doctrinal teaching.

Facilitated story-telling and narrative engagement



Situating legal problems within lived experience.



Narratives can be drawn from case-law, legal practice experience or carefully constructed scenarios.



Foregrounding challenging aspects of legal practice (such as client vulnerability, power imbalance, cultural context and emotional dimensions of legal problems) through storytelling.



Supporting students to explore how legal rules are experienced by those affected by them.



Creating space to recognise the perspectives and experiences of students in a structured way in the classroom.

Assessment design to integrate professional judgement

Signal	Signaling to students the importance of engaging meaningfully with reflection, ethics and identity formation alongside technical accuracy.
Incorporate	Incorporating structured reflective components into problem-based assessments.
Visible	Making visible the process of exercising judgement, recognising complexity and discerning ethical responses to legal problems that are contextually aware – beyond a sole focus on outcomes.
Emphasise	Emphasising the importance of empathy and client-centred thinking.
Engage	Engaging with how legal advice and decisions affect the people involved.

Implications for legal education



Recognising students as whole people in legal education.



Integrating doctrinal knowledge and competence with professional identity.



Recognising that doctrinal reasoning and rigor is situated in professional contexts and shaped by human factors.



Better preparing students for the realities of legal practice.



Supporting the development of emerging legal practitioners as thoughtful, responsible professionals.

Questions?

