

# TRANSITION FROM LEGAL EDUCATION TO PRACTICE: EXTRA-CURRICULAR COMPETITIONS OFFER THE MISSING LINK

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## I INTRODUCTION

The capacity for Australian legal education curricula to equip graduates with practical skills and appropriate workplace expectations has become a prevalent topic of debate within universities and the legal profession. Evaluating current legal education curricula is particularly important given the ongoing trend of entry-level practitioners exiting the profession in high numbers. For students aspiring to join the legal profession, extra-curricular legal competitions conducted within universities continue to gain interest and popularity. These competitions encourage students to develop and practise practical legal skills through role-play and mock simulations using hypothetical legal examples. Many student-run law organisations within Australian universities run these competitions as a non-compulsory extra-curricular activity for students. Such competitions include mootings, client interviews, and negotiations, each focusing on a different area of legal practice. These

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<sup>1</sup> Melissa Castan et al, 'Early Optimism: First-Year Law Students' Work Expectations and Aspirations' (2010) 1 *Legal Education Review* 20; Law Society of Western Australia and Women Lawyers of Western Australia, 'Report on the Retention of Legal Practitioners' (1999) <[http://wlwa.asn.au/index.php?option=com\\_content&view=article&id=266:report-on-the-retention-of-legal-practitioners-march-1999&catid=22:history-articles&Itemid=116](http://wlwa.asn.au/index.php?option=com_content&view=article&id=266:report-on-the-retention-of-legal-practitioners-march-1999&catid=22:history-articles&Itemid=116)>

competitions serve as a potential opportunity to gain the practical lawyering skills required by the legal profession. The current study sought to investigate the influence of these competitions for law students, specifically focusing on the possible contribution of legal competitions to key graduate skills, which would in turn suggest these competitions contribute to preparing students for the legal profession.

### *A The Status Quo in Legal Education in Australia*

Legal education in Australia tends to follow a traditional model including weekly lectures and tutorials with large class numbers. A common outcome of these large class sizes is the encouragement of a passive student role.<sup>2</sup> Students are predominantly required to commit material to memory and recall it during an exam, or solve artificial vignettes with a prescribed correct 'answer'.<sup>3</sup> There are fewer opportunities in university course curricula to adopt a problem-solving, process-focused approach, or practise the application of such legal knowledge in the manner required by the legal profession. Many Australian law schools have attempted to increase their focus on teaching practical lawyering skills through implementing smaller class sizes and training in clinical settings.<sup>4</sup> However, high resource costs have sharply limited student access to such opportunities.<sup>5</sup> Thus the focus of legal education continues to be learning legal doctrine (what lawyers need to know in the way of substantive law) rather than acquiring practical lawyering skills to apply such legal theory (what lawyers need to be able to do).<sup>6</sup> This lack of practical lawyering skills may contribute to entry-level practitioners feeling unprepared and unwilling to enter or remain in what is generally considered a high stress and demanding profession dominated by human interaction.<sup>7</sup> Insufficient practical skills may also contribute to the ongoing trend of entry-level practitioners exiting the profession in high numbers.<sup>8</sup>

<sup>2</sup> Mary Keyes and Richard Johnstone, 'Changing legal education: Rhetoric, reality, and prospects for the future' (2004) 26(4) *Sydney Law Review* 537.

<sup>3</sup> Des Butler, 'Second Life machinima enhancing the learning of law: Lessons from successful endeavours' (2012) 28 *Australasian Journal of Educational Technology* 383.

<sup>4</sup> Richard Johnstone and Sumitra Vignaendra, 'Learning outcomes and curriculum development in law' (Australian Government Publishing Service, 2003)

<sup>5</sup> Margaret Castles, 'Challenges to the academy: Reflections on the teaching of legal ethics in Australia' (2001) 12 *Legal Education Review* 81

<sup>6</sup> Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System* (2000) <http://www.alrc.gov.au/report-89>, 2.21.

<sup>7</sup> *Ibid* at 2.23.

<sup>8</sup> Law Society of Western Australia and Women Lawyers of Western Australia, above n 1.

The fact that law students may be graduating without practical skills is a serious shortcoming, particularly given it has been argued that the fundamental purpose of law schools is to develop student judgment and legal reasoning capacity, communication capacity and comprehension of professional norms and responsibilities.<sup>9</sup> The Law Teaching and Learning Outcomes (TLOs)<sup>10</sup> and legal curricula guidelines of individual universities<sup>11</sup> outline threshold standards for the attainment of knowledge and skills within a legal degree. There are similar but slightly different TLOs for the LLB and JD, reflecting the fact that the JD is a postgraduate degree. The TLOs were originally drafted in consultation with a range of professional, student and academic stakeholders to ensure the implementation and standardisation of legal skill development. Law schools across Australia differ in the way they structure the student learning environment, yet are required to ensure these threshold standards are met. Specifically, the practical skills outlined by the TLOs include legal knowledge, compliance with ethical standards, critical and analytical thinking, problem solving, research, communication, teamwork and self-management skills. In an attempt to promote practical skills in graduating law students, universities are increasingly integrating practical course components. These include the use of different learning styles, such as collaboration<sup>12</sup> and Peer Assisted Learning (PAL),<sup>13</sup> as well as the introduction of skill-based units.<sup>14</sup> It has also been argued that students need to be given opportunities to participate directly in activities that uncover and engage their values and oblige them to confront some degree of interpersonal value conflict.<sup>15</sup> Such experiences serve as important preparation for the duties and responsibilities of a practising lawyer, and it is thought that more genuine engagement with such issues is likely to develop

<sup>9</sup> Bethany Henderson, 'Asking the lost question: what is the purpose of law school' (2003) 53 *Journal of Legal Education* 48

<sup>10</sup> Sally Kift, Mark Israel and Rachael Field, 'Bachelor of Laws Learning and Teaching Academic Standards Statement' (Australian Learning and Teaching Council, 2010) <[http://www.altc.edu.au/system/files/altc\\_standards\\_LAW\\_110211.pdf](http://www.altc.edu.au/system/files/altc_standards_LAW_110211.pdf)>.

<sup>11</sup> See eg Macquarie University Learning and Teaching Centre, *Graduate Capabilities and Curriculum Map* (18 May 2012) <[http://staff.mq.edu.au/teaching/curriculum\\_development/graduate\\_capabilities/gradcaps\\_faqs/](http://staff.mq.edu.au/teaching/curriculum_development/graduate_capabilities/gradcaps_faqs/)>.

<sup>12</sup> Nickolas James, 'Why has Vocationalism Propagated so Successfully within Australian Law Schools?' (2004) 6 *University of Notre Dame Australia Law Review* 41

<sup>13</sup> See eg Macquarie University Faculty of Arts, *PASS/PAL — Peer Assisted Study Sessions/ Peer Assisted Learning* (2013) Macquarie University [http://www.arts.mq.edu.au/current\\_students/undergraduate/peer\\_assisted\\_study\\_session](http://www.arts.mq.edu.au/current_students/undergraduate/peer_assisted_study_session) >.

<sup>14</sup> Celia Hammond, 'Teaching Note; Teaching Practical Legal Problem Solving Skills: Preparing Law Students for the Realities of Legal Life' (1999) 10 *Legal Education Review* 191

<sup>15</sup> Roger Burrige and Julian Webb, 'The Values of Common Law Legal Education: Rethinking Rules, Responsibilities, Relationships and Roles in the Law School' (2007) 10 *Legal Ethics* 72

from active law competitions rather than individual work or written assignments.

### B Mooting (an Example) and Existing Research

Illustratively, the practice of mooting has gained momentum. Mooting requires teams of students to argue a point of law from a hypothetical case before a simulated court.<sup>16</sup> It provides the opportunity to develop vital practical skills including communication, problem solving, legal analysis and reasoning, legal research, teamwork and time management,<sup>17</sup> and there are limited opportunities to master these in a classroom setting. Student involvement in mooting competitions further promotes interaction with a broader range of legal material. This engagement enhances an understanding of substantive law and the development of conceptual links between legal areas, which are typically taught as discrete subjects.<sup>18</sup> Students are also provided with the opportunity to develop greater awareness of professional conduct and responsibility.<sup>19</sup> Consequently, mooting may help bridge the gap between skills developed in legal education and those required in legal practice.

Australian universities are increasingly acknowledging this. Mooting is now compulsory for some students (for example at La Trobe University in Victoria<sup>20</sup> and Griffith University in Queensland),<sup>21</sup> and available as an elective or extra-curricular activity at most other institutions. Macquarie University recognises participation in the Jessup International Law Moot by awarding course credit, as do other universities.<sup>22</sup> Macquarie also, like many others, offers a range of extra-curricular internal, external and international mooting competitions to all students. Mooting exercises have gained such traction in current legal education that they have even been made available online. Studies have found that online mooting leads to the

<sup>16</sup> Alisdair Gillespie, 'Mooting for Learning' (2007) 5 *Journal of Commonwealth Law and Legal Education* 19, 20.

<sup>17</sup> Bobette Wolski, 'Beyond Mooting: Designing an Advocacy, Ethics and Values Matrix for the Law School Curriculum' (2009) 19 *Legal Education Review* 41, 46-7.

<sup>18</sup> Andrew Lynch, 'Packing them in the Aisles: Making use of Moots as Part of Course Delivery' (1999) 10 *Legal Education Review* 83, 88.

<sup>19</sup> Frank Bloch, 'The Andragogical Basis of Clinical Legal Education' (1982) 35 *Vanderbilt Law Review* 321, 323; Paula Gerber and Melissa Castan, 'Practice Meets Theory: Using Moots as a Tool to Teach Human Rights Law' (2012) 62 *Journal of Legal Education* 298

<sup>20</sup> La Trobe University, *La Trobe Law School — Graduate Entry* (2013) <<http://www.latrobe.edu.au/law/graduate-entry>>.

<sup>21</sup> Andrew Lynch, 'Why do we Moot? Exploring the Role of Mooting in Legal Education' (1996) 7 *Legal Education Review* 67, 72; Griffith University, *Course Outline 4011LAW Advanced Civil Obligations I* (2013) <[http://www.griffith.edu.au/courseoutlines/OLD/law/2002/s1/4011LAW\\_GC.doc](http://www.griffith.edu.au/courseoutlines/OLD/law/2002/s1/4011LAW_GC.doc)>.

<sup>22</sup> See Jessup Archives for Australian University International Grand finalists <<http://www.ilsa.org/jessuphome/jessup-archives>>.

involvement of a larger number of students, further development of student forensic skills, and confidence using new technology.<sup>23</sup>

While legal publications postulate the benefits of law competitions, and universities are increasingly receptive to this view, limited empirical studies have been conducted. At Bond University Law School in Australia, a study found that integration of experiential education into course curricula met the gap between analytical and practical knowledge for legal students.<sup>24</sup> Specifically, the course was titled Mooting, Appellate Advocacy and Legal Practice (MAALP), and included compulsory role-plays and skills exercises that sought to emulate work in a law firm. Such exercises were completed in a similar fashion to assessment tasks, rather than assuming a competitive format, yet the authors found the course was of significant value in preparing students for work in a legal setting. In a 2002 study conducted in South Africa, Watson and Klarren used surveys to determine the educational impact of mooting, concluding that the experience was enjoyed by students and beneficial for their skill development.<sup>25</sup> Similarly, Gillespie in 2007 found that the most commonly cited advantages of mooting were those relating to the development of specific skills, such as research, communication, critical thinking and teamwork.<sup>26</sup> Comparatively, Hammond in 1999 explored the impact of a one-week intensive 'Legal Problem Solving Course', which facilitated the learning of practical skills and was received positively by students.<sup>27</sup> In 2010 Bernard suggested that the foundational skills gained from practicing alternative dispute resolution scenarios could substantially raise the performance of practicing lawyers.<sup>28</sup> She proposed that clients in modern society prefer conflict resolution, thus listening and problem solving skills are of increased value and more frequently relied upon in addition to specific knowledge. Many other forms of legal competitions, however, such as client interviewing, trial advocacy and negotiating, are less frequently acknowledged in contemporary research. A recent

<sup>23</sup> See eg Jennifer Yule, Judith McNamara and Mark Thomas, 'Reality Bytes: Using Technology in Mooting' (2012) 12 *QUT Law and Justice Journal* 89; Jennifer Yule, Judith McNamara and Mark Thomas, 'Mooting and Technology: To What Extent Does Using Technology Improve the Mooting Experience for Students?' (2010) 20 *Legal Education Review* 137; Jennifer Yule, Judith McNamara and Mark Thomas 'Virtual mooting: using technology to enhance the mooting experience' (2009) 2 *Journal of the Australasian Law Teachers Association* 231.

<sup>24</sup> Joel Butler and Rachel Mansted, 'The student as apprentice: Bridging the gap between education, skills and practice' (2008) 807 *Clinical Law Review* 811.

<sup>25</sup> Pam Watson and Jonathan Klarren, 'An Exploratory Investigation into the Impact of Learning in Moot Court in the Legal Education Curriculum' (2002) 119 *South African Law Journal* 548.

<sup>26</sup> Gillespie, above n 16.

<sup>27</sup> Hammond, above n 14.

<sup>28</sup> Phyllis E Bernard, 'Lawyer's Mind: Why a Twenty-First Century Legal Practice Will Not Thrive Using Nineteenth Century Thinking (with Thanks to George Lakoff)' (2010) 25 *Ohio State Journal on Dispute Resolution* 165.

paper by Wolski in 2009 evaluated a skills program that integrated modules on advocacy, legal research and analysis, writing and drafting, negotiation and dispute resolution and client interviewing within substantive law courses. Based on the positive feedback from participating students, Wolski emphasises her view that theory and practice are complementary and, therefore, most effectively learned together, and suggests that such a program should be used in place of traditional moots.<sup>29</sup>

## II THE CURRENT STUDY

The current study expands on earlier research by investigating a broader range of legal competitions. It explores student perceptions of the capacity of such competitions to influence student engagement and develop graduate capabilities as specified by the TLOs. The study contributes uniquely by investigating the development of key competencies that are competition-specific and utilises both qualitative and quantitative data.

The aim of the study is to investigate empirically the extent to which extracurricular law competitions at Macquarie University facilitate the development of law-related practical skills from the perspective of the students themselves. Specific to Macquarie University, law competitions are available to students enrolled in a law degree as a voluntary extra-curricular activity, completed as an adjunct to their studies. Macquarie University Law Society (MULS) is a student-run university organisation which annually co-ordinates each competition. A central purpose of MULS competitions is to foster the skill development of students. Thus adjudicators and judges are encouraged to provide detailed feedback at the end of each round, explaining the reasons for their decision and providing recommendations for improvement. Within this format, competitors are encouraged to adopt these recommendations in the next round in the competition. The majority of competitions operate in a round-robin fashion; thus all teams compete in several rounds and those with the highest scores progress to subsequent semi-finals and finals rounds. Based on anecdotal reports from prior Macquarie University competitors and MULS, of further interest is whether these competitions have an impact on student engagement with university studies and peers more generally. The five competitions run by MULS that were investigated by the present study were as follows

*Mooting*, as outlined above, which involves arguing a point of law in a hypothetical case before a simulated court. MULS offers three types of mooting competitions: first year mooting for first year

<sup>29</sup> Wolski, above n 17, 57.

law students, junior mooted for second and third year students, and senior mooted for fourth and fifth year students.

*Client interviewing*, which involves a pair of students conducting a hypothetical interview with a new client, using interpersonal skills to gather information relevant to the legal arguments that will need to be developed.

*Trial advocacy*, which requires an individual student to present an opening statement, conduct an examination in chief, conduct a cross-examination and present a closing statement in a simulated criminal or civil trial against one other student.

*Negotiation*, which involves two pairs of students conducting a hypothetical negotiation with each other, each aiming to secure the optimal outcome for their client.

*Letter writing*, which requires students to write a succinct response to a client's concerns.

It was hypothesised that students would view their participation in MULS law competitions as contributing to the development of their own practical legal skills, as specified by the TLOs and Macquarie University Graduate Capabilities framework.<sup>30</sup> It was also hypothesised that participation would increase student engagement with the law school and peers. Finally, it was hypothesised that specific law competitions would be better suited to the development of particular skills. The present study sought to ascertain which competitions best facilitated which skills.

## A Method

### *Subjects and Design*

The study employed a within-subjects quasi-experimental design using online self-report questionnaires. The participants were 266 LLB<sup>31</sup> students at Macquarie University. Participants were divided into control (non-competing students) and experimental groups (competing students), predetermined by their self-selected involvement in one of the seven legal competitions run by MULS. Incentive for participation in the study took the form of entry into a draw to win one of ten Westfield shopping vouchers valued at \$100.

### *2 Measures and Procedure*

The self-report questionnaire was specifically designed to measure the perceived development of practical legal skills, based on the TLOs<sup>32</sup> and Macquarie University's Graduate Capabilities Framework.<sup>33</sup> Participants were asked to rate their level of competency

<sup>30</sup> Macquarie *Graduate Capabilities and Curriculum Map*, above n 11.

<sup>31</sup> Bachelor of Laws.

<sup>32</sup> Kift, Israel, and Field, above n 10.

<sup>33</sup> Macquarie *Graduate Capabilities and Curriculum Map*, above n 11.

for each skill on a 10-point Likert scale at three time points across the competition. As an additional variable, degree of engagement with peers and the law school was included in the questionnaire based on anecdotal reports from prior competing participants and MULS executive (see skills outline in Table 1). Ethics approval for the project was granted from Macquarie University Human Research Ethics Committee (HREC).

**Table 1: Questionnaire Items and their Sources**

Legal Skill	Referenced from	
	ALTC's TLO	Macquarie Uni Grad Capabilities
1. Legal knowledge	◆	
2. Comply with ethical standards		◆
3. Critical and analytical thinking	◆	
4. Problem solving skills		
5. Research skills		◆
6. Oral communication skills	◆	
7. Written communication skills		◆
8. Teamwork skills	◆	
9. Self-management skills	◆	
10. Engagement with the law school and peers		

Participants accessed the online questionnaires via email and social networking sites. They commenced the study once informed consent was provided, with the knowledge that their student number would be used to identify their responses across the three time points.

The first baseline questionnaire was completed one week prior to the commencement of the first round in each competition (see Appendix A). This questionnaire collected basic demographic information (name, age, gender, enrolled course and prior experience competing), as well as the Likert scale rankings to indicate levels of self-perceived ability in specific skill areas. In addition, participants were asked a series of open-ended short answer questions to investigate reasons for competing, anticipated benefits and links between competitions and courses.

The second questionnaire was completed by participants mid-way through the competition (after three preliminary rounds) and

contained the same set of Likert scale questions presented in the first questionnaire (see Appendix B).

The third questionnaire was completed at the conclusion of the competition and again included the Likert scaled questions (see Appendix C). In addition, a series of short answer questions encouraged reflection on the participant's overall experience. These investigated: the perceived benefits gained; whether participants would encourage others to compete; the extent of engagement with peers and the law school; the impact on academic performance; and whether such benefits could be gained in other ways.

As the Letter of Advice competition did not involve progressive rounds, only two questionnaires were completed: at baseline and the end of the competition. These questionnaires replicated the first and third questionnaires outlined above.

The competition season ran approximately the length of the semester (13 weeks), with different competitions on offer in different semesters. The study was therefore conducted across two semesters, with participants only able to complete the questionnaires in relation to one competition (in the event they competed in multiple competitions).

## B Results

### *Data Analysis — Demographic Variables*

Participants were divided into two groups, predetermined by their self-nominated involvement in a legal competition run by MULS during semester (experimental group N = 230) or lack of involvement (control group N = 36). Ages within the sample ranged from 17 to 31, with a median age of 20 ( $SD = 2.91$ , see Table 2). More participants were female (N = 136) than male (N = 110), and 20 did not disclose their gender. In 2005, 68 per cent of law graduates responding to the Graduate Destination Survey were women.<sup>34</sup> In the current study, females formed 57–66 per cent of the total sample population. Thus the current sample's gender bias may be interpreted as reflective of the broader population bias in Australian law students.

<sup>34</sup> Graduate Careers Australia, *GradStats Number 10* (December 2005) <<http://www.gradcareers.com.au/wp-content/uploads/2012/01/gca001221.pdf>>.

**Table 2: Participant Number and Age Demographics for each Law Competition**

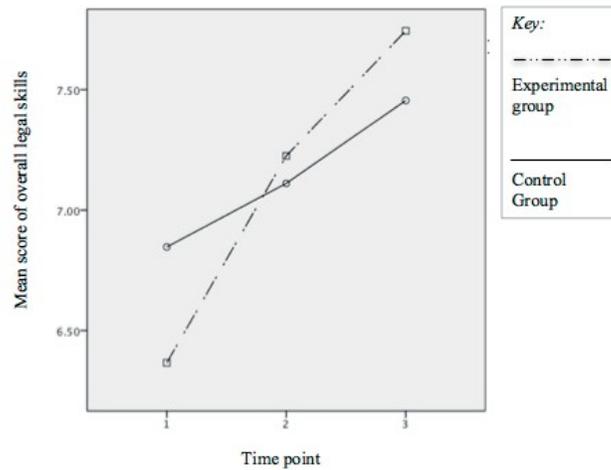
Competition	Number of Participants	Age Range	Median Age	Standard Deviation
First year mooting	47	17–22	18.73	1.15
Junior mooting	29	17–22	18.47	4.50
Senior mooting	29	20–25	22.21	1.48
Client interview	43	17–26	20.68	2.53
Trial advocacy	11	19–25	21.50	2.33
Negotiations	58	18–27	21.39	2.17
Letter of advice	13	19–27	21.44	2.79
Control group	36	17–31	20.00	3.29
Total	266	17–31	20.00	2.93

## 2 Data Analysis — Quantitative

Collected data were analysed using IBM SPSS® Statistics Version 19 software. Given that a limited sample of participants completed each of the three questionnaires ( $N = 54$ ), a case study was conducted on these participants to measure their change in perceived skill throughout the competition. The control ( $N = 19$ ) and experimental ( $N = 35$ ) groups were compared using General Linear Modelling across the three time points. Assumptions of normality and homogeneity were met, and while the skills of both groups improved, the  $F$ -statistic indicated that the experimental group experienced a statistically significant difference in their perceived improvement compared to the control,  $F(2,104) = 4.03$ ,  $p = .02$ . This indicated that overall, participants who engaged in a MULS competition thought they developed more advanced legal skills (see Table 1) than participants who did not compete while studying a law degree (see Figure 1). However, given the limited sample size, statistical power was moderate ( $\beta = 0.64$ ) so these results, while statistically significant, need to be interpreted with caution. It is possible that an increased sample size may uncover an even greater perceived improvement in legal skills.

While there was no statistically significant difference in the scores between conditions at Time 1 ( $p = 0.1$ ), from Figure 1 it may be possible that competition participation is particularly beneficial for students with lower self-perceived legal skills.

**Figure 1: Legal Skill Development in Experimental and Control Groups**



While data collected across all competitions indicated that participants noted an improvement in their overall skill development, two competitions demonstrated a statistically significant improvement in the experimental group when compared to the control. These were first year mooting  $F(2,22) = 40.67, p < .005$ , and junior mooting  $F(2,106) = 31.74, p < .005$ . No other competitions were found to have statistically significant increases in perceived skill development, but that was primarily due to the limited sample size.

The differences between each self-reported skill area within each competition were also examined. While all legal skills were reported to have increased over time for the experimental group, different skills increased at different rates within each competition. The mean difference between such time points was calculated, and overall the majority of skills improved across each competition. Specifically, mean differences greater than 2.5 points on the 10-point Likert scale were interpreted as indicative of a meaningful change. Overall, legal knowledge, compliance with ethical standards and engagement with the law school and peers were the most common skills to have been perceived as improving across all competitions (See Table 3).

**Table 3: Skills that Meaningfully Increased Between Time-Point 1 and 3 for each Competition**

Competition	Legal Skill	Mean Difference	Standard Deviation
First year mooting	Legal knowledge	4.57	2.06
	Comply with ethical standards	3.93	2.56
	Engagement with law school & peers	5.31	2.84
Junior mooting	Comply with ethical standards	2.60	1.81
	Engagement with law school & peers	3.20	3.77
Client interview	Legal knowledge	2.25	4.79
	Comply with ethical standards	2.75	3.20
	Engagement with law school & peers	2.25	2.50
Trial advocacy	Legal knowledge	3.67	3.06
	Comply with ethical standards	3.67	4.04
	Problem solving skills	2.00	3.05
Letter of advice	Legal knowledge	3.50	3.54

### 3 Data Analysis — Qualitative

Within the experimental group, qualitative data were also collected to better understand the participant's expectations and overall experience of competing. Qualitative data were collected during the first questionnaire (completed by N = 110) and the third questionnaire (completed by N = 89). Participant qualitative data were analysed by identifying and coding major recurring themes based on key words.

In the first questionnaire, participants were required to outline their reasons for partaking in a MULS competition. The most commonly

cited reasons were: to gain practical experience (mentioned by 50 per cent of participants); to develop new skills (41 per cent); for fun (18 per cent); to meet new people (15 per cent); and to consolidate and increase legal knowledge (12 per cent). Participants commented on wanting a 'hands-on experience' and recognised competitions as a means to be better equipped for legal practice.<sup>35</sup>

Additional questions were asked in the third questionnaire. When reporting on the perceived benefits of competing, those most frequently singled out by respondents were: improved research skills (mentioned by 24 per cent of participants); made new friends (20 per cent); enhanced legal knowledge (17 per cent); increased confidence (16 per cent); and gained a greater understanding of the procedural aspects of lawyering (14 per cent). Participants spoke of 'developing practical skills that are overlooked within the degree' and 'experiencing the practical reality of the legal profession'. Without exception, all respondents were able to cite a positive benefit of their involvement.

The influence of competitions on engagement was also assessed. The majority of participants reported experiencing an increased affiliation toward their legal subjects, MULS and/or other peers (95 per cent). A small minority of participants did not feel competitions improved their engagement with peers or the law school in any way (5 per cent). Common themes across responses included: opportunities to meet new people and make new friends; the opportunity to work with existing friends; and enhancement of teamwork skills.

Participants also commented on how competitions impacted on their academic performance. The majority of participants found that competing enhanced their understanding and appreciation of the law (mentioned by 25 per cent of participants), as well as enabling them to more readily apply the law to hypothetical problems (12 per cent). Participants reflected that competitions 'acted as an integrated method of studying which was more engaging' and 'competing and my degree are interlinked in my education.'

### *C Discussion*

As hypothesised, participation in MULS law competitions improved the student's self-reported ratings of practical legal skills, as specified by the TLOs and Macquarie University Graduate Capabilities framework. This improvement was significantly higher than a comparative control group of non-competing law students. Existing literature has suggested that student participation in law-related competitions may improve their development of

<sup>35</sup> One participant did not cite a positive reason for participating, stating instead that he or she competed because he or she was 'bored'.

practical legal skills.<sup>36</sup> Congruously, the present research provides empirical evidence suggesting that competing students perceive an improvement in their own skill development as a consequence of their participation.

Before discussing the obtained results, it is important to note several limitations within the current study. First, there was a strong likelihood of selection bias occurring within the sample population. Random allocation could not be utilised, given that competition participation was optional and predetermined by the students themselves. Thus the types of students who self-nominate to compete may systematically differ from students who do not elect to participate. It may be hypothesised that the former are 'better' students insofar as they are inherently more engaged, competent and confident. Furthermore the competing students who elected to participate in the present study may also systematically differ from those who did not. It may be postulated that students who were not confident of their skills may have not elected to participate in the study.

Secondly, not all participants completed the three questionnaires. Although the experimental design attempted to optimise participation retention (emailing questionnaires to students directly, constructing short questionnaires and providing an incentive), the experimental group suffered from a high drop-out rate, significantly more so than the control group. The reasons for this drop-out pattern are unclear, but a potential explanation may be that emails were overlooked during busier periods of the semester, particularly for competing student who had higher demands on their time. A second explanation may be that students who felt their skills were not developing optimally across the semester may have been more likely to withdraw from the study. As a result, the present results are based on a case study sample of the participants (N = 54) who completed all three questionnaires. Future research would benefit from significantly larger sample sizes, which would enable comparisons of perceived skill development between each competition.

These issues of self-selection bias and a high drop-out rate may hold implications for the validity of the present findings. The study used a within-subjects design, focusing on individual improvement, in an attempt to reduce this self-selection bias. However, it was unclear if the students who completed all three questionnaires significantly differed from those who dropped out. High drop-out rates for online studies are not uncommon, due to the ease with which participants may leave the study at any time and not be held accountable.<sup>37</sup>

<sup>36</sup> Gillespie, above n 16; Hammond, above n 14; Watson and Klarren, above n 25.

<sup>37</sup> Andrea Frick, Marie-Therese Bächtiger, and Ulf-Dietrich Reips, 'Financial incentives, personal information and drop-out rate in online studies' in U-D Reips and M Bosnjak (eds), *Dimensions of Internet Science* (Pabst, 2001).

In addition, the questions had low face validity, meaning participants may have been able to identify the hypothesis of the study, and been encouraged to provide socially desirable response patterns. Moreover, the self-report format requires advanced skill in reflective thought, which relies on a degree of personal insight.<sup>38</sup> Self-report data are susceptible to distortion by egocentric bias, and participants may tend to view themselves in a more positive light.<sup>39</sup> Alternatively, given that research consistently indicates that law students are highly self-critical,<sup>40</sup> the self-report questionnaires actually may be an underestimation of true skill development.<sup>41</sup>

While acknowledging these methodological limitations, the present research makes an interesting contribution to existing legal education literature in Australia. The results demonstrated a significantly higher improvement in the competing student's perceived legal skills as compared with control students who completed a usual semester of their LLB. Of note, while participants across all competitions reported an increase in their own perceived skill development, two competitions in particular demonstrated a significant improvement in all ten skills measured. These competitions were first year and junior mooting. It must be acknowledged that a significantly reduced sample size for the other competitions may have influenced their statistical power and may explain their lack of statistical significance. However, a potential explanation for this pattern may be that younger and competition-inexperienced students felt they derived greater benefit from such competitions, compared with older, possibly more experienced participants. Thus targeting competition involvement toward younger and more inexperienced students may result in the greatest benefit.

Support was also found for the second hypothesis, that participation in competitions increased student engagement with legal subjects, MULS and peers. This was a significantly greater improvement in comparison with control group students who did not compete during their law studies. Notably, engagement was one of the three areas that consistently and significantly improved across time within all legal competitions. Furthermore, participant responses to the qualitative questions indicated that participation

<sup>38</sup> Nancy Falchikov and David Boud, 'Student Self-Assessment in Higher Education: A Meta-Analysis' (1989) 59 *Review of Educational Research* 395

<sup>39</sup> See eg Oliver P John and Richard W Robins, 'Accuracy and bias in self-perception: individual differences in self-enhancement and the role of narcissism' (1994) *Journal of personality and social psychology* 66, 206.

<sup>40</sup> See eg Matthew M Dammeyer and Narina Nunez, 'Anxiety and depression among law students: Current knowledge and future directions' (1999) *Law and Human Behavior* 23, 55 and Nancy J Soonpaa, 'Stress in Law Students: A Comparative Study of First-Year, Second-Year, and Third-Year Students' (2003) *Connecticut Law Review* 36, 353.

<sup>41</sup> R G Pearce, 'MacCrate's Missed Opportunity: The MacCrate Report's Failure to Advance Professional Values' (2002) 23 *Pace Law Review* 575

in MULS law competitions increased engagement in the majority of cases. Intuitively, these results reflect the social and interactive nature of such competitions, which involve teamwork, competing against students across other year groups, interacting with MULS committee members, and receiving feedback from judges of various qualifications and backgrounds.

This potentially explains the consistent finding of prior research that students received competitions positively.<sup>42</sup> Engagement is likely to correspond with enjoyment in that the opportunity to collaborate and interact with new and existing friends nurtures feelings of connectedness and creates a positive experience. To this end, a large proportion of participants cited ‘having fun’ and enjoyment as key motivators to participate.

Finally, the present study also sought to isolate the contributions made by those competitions which best facilitated the development of which skills. Three skills consistently improved at a significantly higher rate for the participants who competed compared to those who did not. These were legal knowledge, compliance with ethical standards and, as previously stated, engagement with the law school and peers. Interestingly, these three skills differed from those reported by Gillespie;<sup>43</sup> however, his findings related to student-perceived advantages of mooting, whereas the present study drew from empirical data across multiple competitions. Further, the skills were categorised in slightly different ways in the two studies; for example the present study had two measures of communication skills: oral and written. It should also be noted that the skills identified by Gillespie did increase in the present study — but this improvement was not to the same extent as legal knowledge, compliance with ethical standards and engagement.

It is necessary to address the fact that legal knowledge could be considered the least capable of being described as a ‘practical skill’ of all those assessed in this study, especially as responses indicate that participants took ‘legal knowledge’ to mean an understanding of substantive law. This suggests that competitions also contribute to the development and consolidation of doctrinal knowledge as well as building important practical skills.

The link between an increase in student self-ratings of competence in complying with ethical standards and participation in law competitions was evident for those involved in first year and junior mooting, client interview and trial advocacy. This pattern suggests that competitions offer a valuable opportunity to practise following ethical guidelines. O’Shea argued in 2004 that students need to be taught an integration of both theory and ethics, which

<sup>42</sup> Hammond, above n 14; Watson and Klarren, above n 25.

<sup>43</sup> Gillespie, above n 16.

is best achieved through an examination of law in context.<sup>44</sup> Law competitions arguably provide this context through a hypothetical scenario, which teaches an understanding of relationships between ethical rules and philosophical foundations such as those embedded in theories of social justice. Furthermore, Weisbrot suggested in 2004 that many professional complaints made in New South Wales against practising lawyers were not about poor understanding of doctrinal law but rather concerned lawyering skills and professional behaviour — especially communication with clients, management of client relations and files and proper handling of funds under trust.<sup>45</sup> Given this pattern, the present study suggests that law competitions are capable of making a valuable contribution to the quality and professionalism of future lawyers.

Thus, overall, the results of the present study indicate that there are many valuable benefits to participation in university-based legal competitions. In particular, the capacity of competitions to foster the development of practical legal skills could assist in the transition between legal education and practice by helping to fill the widely recognised gap. This will, arguably, better prepare students for the profession as well as providing appropriate workplace expectations. The implication is that universities should increase access to, and engage more students in, high quality legal competitions. This may be possible through inclusion of competitions in the compulsory legal curricula or by increased funding and support to the extra-curricular activities of societies such as MULS. Importantly, as different competitions have been shown to differentially foster the development of particular skills, offering access to multiple legal competitions is ideal, as it will allow students to develop varying skills required in the future and in accordance with their career aspirations.

Given that the current study demonstrated a link between competition involvement and student-perceived skill development, the present results suggest that treating law competitions as components of substantive law courses will be of benefit to students. It would be of interest to investigate the contribution that external competitions make over and above similar exercises completed as a component of a substantive course — for example a moot during tutorials. It would also be of interest to further investigate the impact of including law competitions as a compulsory component of legal curricula. Issues that may potentially arise include the negative impact of competitiveness on learning, or a decrease in confidence for students who are unwilling to participate. Including an independent

<sup>44</sup> Paul O'Shea, 'The Complete Law School: Avoiding production of half-lawyers' (2004) 83 *Alternative Law Journal* 272

<sup>45</sup> David Weisbrot, 'Taking Skills Seriously: Reforming Australian Legal Education' (2004) 29 *Alternative Law Journal* 266

measure of skill development, such as university grades or later career success, would also build on the validity of the current self-report findings. In addition, only Macquarie University law students were involved in the present study; future research could attempt to generate results from other universities so that the conclusions are more reliably generalisable.

The present study has demonstrated promising results regarding the benefits to competing in university legal competitions. Further areas for future research may be to assess the impact of competing on academic performance, particularly given the positive feedback obtained from qualitative data. The long-term implications of such competitions for students throughout their degree and upon entering the workplace would also be of great interest. Finally, future studies could also explore the impacts of making competitions compulsory, particularly in relation to engaging reluctant students.

APPENDIX A: CONTENT OF QUESTIONNAIRE No 1

Name:	Student Number
Age:	Gender:
Please include subjects that you are completing this semester (include name and unit code)	
Competition Participation for 2011 (please circle): Semester One: Mooting Junior Mooting Senior Client Interview Semester Two: First Year Moot Trial Advocacy Negotiations	
Have you had any experience in competing? Please list past competitions and any placements.	

1. What are your reasons for participating in competitions in 2011?
2. In what ways do you think competing with benefit you?
3. Do you see competing as separate from your degree?

For the following questions, focus on the competition you are currently competing in and answer based on how you feel at this stage in the competition (Answers will not affect your involvement in the competition, thus please be as honest as possible):

Less competent More competent  
 2 3 4 5 6 7 8 9 10

1. How competent is your legal knowledge at this stage of the competition?
2. How competent are you dealing with legal issues according to the ethical standards required of the profession?
3. How competent are you in critical and analytical thinking?
4. How competent are your problem solving skills?
5. How competent are your research skills?
6. How competent are your oral communication skills?
7. How competent are your written communication skills?
8. How competent are your teamwork skills?
9. How competent are your self-management skills? \*ie coping with stress, managing conflicting priorities, time management, self-care\*
10. How engaged do you feel with the law school and peers?

## APPENDIX B: CONTENT OF QUESTIONNAIRE No 2

Name:	Student Number
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For the following questions, focus on the competition you are currently competing in and answer based on how you feel at this stage in the competition. (Answers will not affect your involvement in the competition, thus please be as honest as possible):

Less competent	More competent
1    2    3    4    5    6    7	8    9    10

1. How competent is your legal knowledge at this stage of the competition?
2. How competent are you dealing with legal issues according to the ethical standards required of the profession?
3. How competent are you in critical and analytical thinking?
4. How competent are your problem solving skills?
5. How competent are your research skills?
6. How competent are your oral communication skills?
7. How competent are your written communication skills?
8. How competent are your teamwork skills?
9. How competent are your self-management skills? \*ie coping with stress, managing conflicting priorities, time management, self-care\*
10. How much has competing contributed to your engagement with peers/ law school? \*not much/a lot\*

APPENDIX C: CONTENT OF QUESTIONNAIRE No 3

Name:	Student Number
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For the following questions, focus on the competition you are currently competing in and answer based on how you feel at this stage in the competition. (Answers will not affect your involvement in the competition, thus please be as honest as possible):

Less competent More competent  
 1    2    3    4    5    6    7    8    9    10

1. How competent is your legal knowledge at this stage of the competition?
  2. How competent are you dealing with legal issues according to the ethical standards required of the profession?
  3. How competent are you in critical and analytical thinking?
  4. How competent are your problem solving skills?
  5. How competent are your research skills?
  6. How competent are your oral communication skills?
  7. How competent are your written communication skills?
  8. How competent are your teamwork skills?
  9. How competent are your self-management skills? \*ie coping with stress, managing conflicting priorities, time management, self care\*
  10. How much has competing contributed to your engagement with peers/ law school? \*not much/a lot\*
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1. List some of the benefits you feel you have gained from competing.
  2. Based on your own experience, would you encourage others to compete?
  3. Did competing increase your liking for studying law? Do you feel a greater affiliation towards the subject, your peers or MULS?
  4. Do you feel competing has impacted on your academic performance and understanding of the law? How?
  5. In general, did you agree with judge's feedback and decisions?
  6. Do you think the benefits of competing could be gained in another way/elsewhere?