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"Bush Law 101": Realising place and conscious pedagogy in the Law Curriculum

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Keywords

bush, law, pedagogy, curriculum, 101, realising, place, conscious

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Pedagogy of Place, Law Curriculum, Rural, Regional, Legal education

Cover Page Footnote

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Introduction

For more than a decade concerns have been raised about the declining numbers of professionals (including doctors and allied health workers, teachers and legal professionals) in rural and regional Australia (Miles, Marshall, Rolfe & Noonan 2006; Lee & Mackenzie 2003). In particular, there has been a steady decline in the past 20 years in the proportion of lawyers practising in rural and regional areas relative to those in the cities (Urbis Pty Ltd 2012; Forrell, Cain & Gray 2010; Mundy 2009). A national survey conducted in 2009 by the Law Council of Australia, a peak national body representing the Australian legal profession, revealed that 43% of law-firm principals in rural, regional and remote areas believed they had insufficient staff to serve their existing clientele, and experienced difficulties in filling vacancies (Law Council of Australia 2009). The survey results also forecast that the rate of retirement by experienced legal practitioners would exacerbate these problems, as 42% of current practitioners indicated they would retire within five to 10 years. Of the younger survey participants who practised in rural, regional and remote areas, 30% indicated they would stay in those areas for about two years before considering employment options in larger and metropolitan centres.

While attraction and retention are clearly part of a bigger picture, including the realities of population and economic decline confronting some rural and regional communities (Cain, Mascourt & Muherin, 2014), addressing the challenges associated with attracting and retaining lawyers in these areas is important because of the adverse impact it will have on the adequacy of legal services and access to justice in rural and regional Australia (Mundy 2012; Rice 2011; Law Council of Australia 2009; Legal and Constitutional Affairs References Committee 2009). To the extent that the level of available services is impeded by these declining proportions, the capacity for choice is effectively negated and conflicts of interest become a possibility (Rice 2011, p.24). Moreover, social inclusion within these communities will be adversely affected because lawyers in rural and regional areas contribute considerable levels of Legal Aid, pro bono and voluntary community work (Mundy 2012; Law Council of Australia 2009; Mundy 2008).

This decline is surprising given that “[m]ore than 12,000 lawyers are graduating from law every year, into a profession that currently stands at around 60,000 members” (Saville 2014). Thirty-seven out of 39 Australian universities offer law degrees¹ – and according to Mezran (2013), “Sydney graduates are facing the greatest competitive pressure.” There is a clear imbalance here: positions are available for graduates in rural and regional areas given the decline in the proportion of rural practitioners, and yet new graduates compete for fewer and fewer positions in the cities, with the consequence that many of these new, talented, metro-centric graduates are ultimately disappointed and lost to the profession completely. These various concerns suggest that an important part of addressing attraction and retention issues lies in tackling the willingness and readiness of future law students to take up practice in rural and regional areas.

Mundy’s research (2013; 2012) into the attitudes and perceptions of final-year law students suggests that an interest in rural and regional practice as a career option is motivated by a range of personal and professional factors, including family considerations, a desire for a small-firm and/or broad-practice environment, the ability to develop closer relationships with clients and community and an interest in facilitating rural access to justice. Conversely, those with little or no interest in rural or regional practice are more likely to prefer a larger-firm experience; express concern about actual or perceived social conservatism within the rural and regional context; and

¹ Charles Sturt University and the Federation University currently do not provide a degree qualification for legal practice.

consider that these areas are boring, lack sufficient amenities, are fraught with conflicts of interest and are professionally isolating. It is also apparent that students' own geographical background can play a complex role in how they perceive rural legal practice (Mundy 2013; 2012). Students with a regional or rural background may be more likely to frame their career decisions in terms of their professional interests and the potential job itself, while those without a rural or regional background may tend to focus on their imagined conception of rural/regional communities and the anticipated practice experience that flows from this (Mundy 2013; 2012).

The factors revealed by Mundy's work highlight the need for law schools to give students the opportunity to learn about working in rural and regional contexts and to help them examine some of the fears and concerns underlying career decision-making, in order to promote rural and regional practice as a potentially positive experience and a credible career destination. Critically, however, Mundy's research (Mundy 2012) points to both an absence and "othering" of rural and regional contexts within the law-school experience, suggesting that there is an "urban-centric" bias in legal education and a failure to adequately expose students to rural and regional practice contexts that will positively shape their imagined experience. She argues that law schools must take up the challenge of rural inclusiveness by integrating a sense of "place-consciousness" into the law curriculum.

These types of concerns prompted a team of academics from six Australian universities to investigate how tertiary education could improve the recruitment and retention of lawyers in rural and regional areas. Drawing on research in other disciplines – and in particular, the field of teacher education (White & Kline 2012; Reid et al. 2010; Lock et al. 2009; White et al. 2008) – the team developed Rethinking Law Curriculum (RLC)², a customisable curriculum package for the undergraduate law curriculum that introduces students to the distinct rural and regional professional employment context, and supports the development of the necessary skills to work and live in this environment. To account for the metro-centric standpoint typical of the law-school curriculum (Economides 2012; Mundy 2012), the team embedded a place-conscious perspective (Gruenewald 2003) within the package to sensitise students to the realities of the rural and regional legal-practice context, and to improve their capacity to undertake a rural or regional professional career. The package was designed as a stand-alone unit but with components that could be embedded within existing units of study.

Since its release, three of the law schools involved in the project have implemented the RLC package within their programs, two in the form of a stand-alone undergraduate law elective unit, and the other by integrating components from the package into the learning resources for its law and paralegal placement programs. The three of us had participated in the RLC project, and our face-to-face interactions as part of that group had built a strong "culture of trust" that fostered our interest and ability to pursue further collaborations (Beck et al. 2006). Thus, although each school worked independently with the RLC package, the three of us were keen to analyse and reflect on our respective schools' experiences to develop insights that we could share with our peers and colleagues on how to use the RLC package effectively. To achieve this, we adopted a process of peer observation and collaborative reflection (Martin & Double 1998), which had the benefit of allowing each of us to receive feedback that was "focused and context specific", increase our

² The curriculum package was created under grant from the Office of Teaching and Learning. See *Rethinking law curriculum: developing strategies to prepare law graduates for practice in rural and regional Australia*, 2011, Project reference: ID11-2010, available at <http://www.olt.gov.au/project-rethinking-law-curriculum-developing-strategies-prepare-law-graduates-practice-rural-and-reg>, and Kennedy, A et al. 2014, Educating Law Students for Rural and Regional Legal Practice: Embedding Place Consciousness in Law Curricula, *Legal Education Review*, vol. 24, no. 7. The project was supported by the University of New England, Deakin University, La Trobe University, Southern Cross University, University of Southern Queensland and University of Wollongong.

ability to “define and identify attributes that promote a quality experience for the students” and develop our “interpersonal skills” and “collegiate approach to professional practice” (Martin & Double 1998, p.161). As we are each based at different institutions, we necessarily adapted the process of peer observation by pursuing collaborative reflection on our respective curriculum, teaching and learning design, and our observations of student engagement, assessments and formal and informal student feedback.

This article reports on our collaborative reflections to offer insights on how to adapt and integrate the RLC package within the law-school curriculum, with a particular focus on the importance of sensitising students to place. The first section puts the discussion in context by explaining the significance of the pedagogy of place to the student experience and gives a brief overview and description of the curriculum package. It then explains the three distinct teaching and learning contexts in which the package was implemented, with reflections on the process of adapting the RLC materials to each distinct context. The second section provides our reflections about our success in applying the RLC package in response to three key objectives: promoting a consciousness of place by exposing and sensitising students to the rural and regional context; our success in preparing students for the realities of rural and regional legal practice; and finally, an analysis of the package’s potential to contribute to student preparedness to pursue legal work in rural and regional areas.

The Teaching and Learning Context

The significance of place consciousness

The benefits of place-conscious pedagogies for rural and regional schools and communities are well known in education research (Budge 2006; Gruenewald 2003a & 2003b; Haas & Nachtigal 1998; Theobald 1997). As Gruenewald succinctly states, place is the centre of experience, as

places teach us about how the world works and how our lives fit into the spaces we occupy. Further, places make us: As occupants of particular places with particular attributes, our identity and our possibilities are shaped (2003b, p.621).

Gruenewald explains that consciousness of place in education extends “our notions of pedagogy and accountability outward” so that “pedagogy becomes more relevant to the lived experience of students and teachers, and accountability is reconceptualised so that places matter to educators, students, and citizens in tangible ways” (2003b, p.620). The aim of place-conscious education, then, is to work to counter the isolation of the “placeless institution of schooling” from the “living world outside” (2003b, p.620). It aims to do so by enlisting students and their teachers first-hand in the experience of “local life and in the political process of understanding and shaping what happens there” (2003b, p.620).

It is important that the law discipline prepares students “for the complex demands of professional work – to think, to perform, and to conduct themselves like professionals” (Carnegie Foundation Report, cited in Johnstone 2011, pp.8-9). However, as already noted, Australian legal education tends to reflect an urban-centric bias that implicitly denies the rural and regional context as a legitimate place of legal practice (Economides 2012; Mundy 2012; O’Brien, Harrison & Muddagouni 2010). Following the lead taken in other disciplines, the Rethinking Law Curriculum project team recognised that universities *do* have a role to play in better attuning students to and

preparing them for rural and regional legal careers³. However, the team also recognised that the rural and regional context is both diverse and complex, such that it would not be practical to comprehensively cover individual areas and issues within legal practice. Accordingly, the team designed a curriculum package that would expose and “sensitise” (Giddings & Thomas, 2002) students to rural and regional places, prepare them for the realities of practice in rural and regional areas and interest them in more-diverse career pathways.

Rethinking Law Curriculum': the package

The Rethinking Law Curriculum project produced an open educational-resource package in the form of an eight-module learning resource (the RLC Package) that was intentionally designed to be either implemented as a stand-alone unit (of 12 weeks' duration) or readily customised and embedded as discrete components within existing units (Kennedy et al. 2014)⁴. It was designed to support students' development of the skills to manage challenges and opportunities arising in the rural and regional context and to sensitise (Giddings & Thomas 2002) them to place through exposing them to the rural and regional practice context.

At its heart, the RLC package situates lawyers and their legal knowledge within the community in which they live and work. This was realised within the package by developing modules to support learning on key themes relevant to rural and regional legal practice: the need to be aware of the diversity within and between rural and regional communities, and how this shapes clients' legal and personal needs; the effect of the rural or regional setting on expectations of the lawyer's role; the fact that rural and regional environments often gave rise to unique ethical issues, particularly in situations where the lawyer became more visible within the community; that certain skills were critical in rural and regional practice, including a broad range of communication skills, as well as independence and self-management; and finally, that the rural and regional lawyer's role was often accompanied by an entrepreneurial role, as well as opportunities for innovation. The completed curriculum package contains the following modules:

Module 1	<i>The Rural Context for Legal Practice</i>
	Introduces students to the model of “rural social space” to better enable them to understand rural and regional communities. Explores the uniqueness of the rural and regional context and how this affects the nature of legal practice in these areas. Discusses the importance of relationships – professional and social – in the rural and regional context.
Module 2	<i>The Rural and Regional Lawyer</i>
	Delves into the concept of the lawyer in rural and regional areas, encouraging students to challenge the rhetoric surrounding the rural and regional lawyer's role, and to consider more-recent evidence of the “lived experience” of the rural and regional legal professional.
Module 3	<i>Rural and Regional Practice</i>
	Delves further into the concept of the lawyer in rural and regional areas, encouraging students to challenge the rhetoric surrounding the rural and regional lawyer's role,

³ Notably, the Bradley Review indicates that higher-education providers make “essential contributions” to “developing and maintaining a just, civil and sustainable society”, including by “helping develop and maintain regions and communities” (2008 pp.5-6).

⁴ The package can be accessed through the Rural and Regional Legal Education Network, an online space that enables connections and a community of practice between law students, legal educators and the legal profession, as well as other stakeholders. The RRLEN website is available at <http://www.rrlen.net.au>.

	and to consider more-recent evidence of the “lived experience” of the rural and regional legal professional.
Module 4	<i>Rural Client Care</i>
	Builds student awareness that clients within rural and regional communities have diverse legal needs, which may be affected by a range of social and economic factors. Explores the influence of this upon both the professional knowledge and interpersonal skills required.
Module 5	<i>Ethics and the Rural and Regional Lawyer</i>
	Introduces students to the distinct ethical dimensions of legal practice in rural and regional areas, as well as common ethical issues to which the rural and regional context gives a distinct flavor. Attention is given not only to the professional rules governing lawyer conduct, but also to the influence of an individual’s moral habits and inclinations within their legal practice, and how living and working in a rural and regional community may affect this.
Module 6	<i>Innovation and Entrepreneurship in Rural and Regional Legal Practice</i>
	Introduces students to some of the key business management skills required in rural and regional legal practice. Practice in rural and regional environments has been described as “entrepreneurial”, in contrast to the “institutional” structure of urban practice. Understanding that rural and regional legal practice is a ‘business’ is critical. Opportunities for innovation are also explored, particularly with respect to information technology, and the creation of networks.
Module 7	<i>Professional and Interpersonal Skills for Rural and Regional Legal Practice</i>
	Equips students with a “rural-skills lens” through which they can begin to identify how professional and interpersonal skills for lawyers generally are given a distinct character in rural and regional settings. The importance of communication, collaboration and the ability to work independently are examined against the backdrop of rural and regional practice. Strategies for dealing with some of the particular challenges of rural and regional practice are also canvassed, including conflict management and negotiation, coping with stress and improving emotional intelligence.
Module 8	<i>Career Planning and Development in the Rural and Regional Legal Profession</i>
	Aims to position rural and regional career trajectories as a viable pathway for students’ consideration. Equips students with the tools to learn more about their own personalities and what influences their career development, and encourages them to become more aware of “self” and external opportunities.

Applying the package: three stories of adaptation

In 2013, three of the law schools that participated in the Rethinking Law Curriculum project applied the RLC package to offer law students the opportunity to learn about the context of rural and regional practice. Notably, all three schools – the University of New England (UNE), the University of Wollongong (UOW) and Southern Cross University (SCU) – are located in regional New South Wales (Armidale, Wollongong and Lismore respectively), with other campuses or satellite centres at a number of other rural locations (UNE – Tamworth Centre; UOW – Southern Highlands, South Coast and Far South Coast; SCU – Grafton and Coffs Harbour). These schools

have all been established for 20 years or more (School of Law, UNE – 1993;⁵ School of Law, UOW – 1990; and School of Law and Justice, SCU – 1995), and each offers the Bachelor of Laws as a stand-alone degree and in combination with other degree programs; SCU also offers two paralegal education programs – the Associate Degree in Law (Paralegal Studies) and the Bachelor of Legal and Justice Studies. These three schools offer their programs through on-campus study at their main campus locations; UNE and SCU also have large distance-education programs. Each school embeds various online teaching technologies and platforms within their teaching praxis.

The student profile at these three law schools tends to sit in contrast to the enrolment profiles typically found at metropolitan-based schools. As reported by the Bradley Review, students from a low SES background are poorly represented in the law discipline (2008, pp.7, 32), and rural students are an underrepresented group in higher education (2008, p.28). The Bradley Report confirmed that our three universities demonstrated particularly high rates of access by low-SES students, while SCU and UNE also demonstrated high rates of access by rural and regional students (this rate at UOW was also relatively high at 20%; 2008, p.34).

These schools applied the RLC package through three different adaptations. At UNE, the package was used to found LS389 *Legal Practice in Rural and Regional Communities* as an elective unit offered to students who have completed at least 48 credit points in law. In 2013, it was offered as a stand-alone unit in off-campus mode only in Trimester 3 (which runs from late October to early February). The unit's construction mirrored the curriculum package (as outlined above), there were no class-attendance requirements and all materials for the unit were delivered online. They included a brief introductory video from the lecturer for each module, a series of lecture notes set out in as an online e-book with embedded links and rich media, prescribed readings and learning activities for each module and online discussion forums for each module to allow students to discuss concepts further. The assessment for the subject comprised written responses to short scenarios (20%), an interview with a rural or regional practitioner or preparation of a report on an episode of *The Circuit* (30%) and writing a reflective journal (50%).

The unit LLB 350 *Law, Lawyering & Legal Practice in Rural and Regional Communities* was offered at UOW in 2013 as an elective subject to LLB students approaching their penultimate or final year of study. Students were required to attend a two-hour seminar each week for 13 weeks, and were required to complete prescribed readings and tasks before each seminar. A set of course materials was compiled based on key readings drawn from the RLC package. Lecture notes, other resources and activities also drawn from the curriculum formed the basis of seminar content. When the subject was delivered as a stand-alone unit, the weekly topics followed the module sequencing set out above. The assessment regime involved three key tasks: participating in class (15%), conducting an interview with a rural or regional practitioner (35%) and writing a research paper (50%). These tasks sought to harness three key modes of learning: active engagement through in-class discussion, personal engagement with the rural and regional legal profession and exposure to areas of law, policy and practice that are distinctive to the rural and regional context.

SCU applied the RLC package differently, drawing on its components to develop learning resources for its clinical legal education units – two electives offered in the School's paralegal programs and its LLB. Both units specifically involve an internship placement and are offered only by distance education; through engaging students in a practical placement, both unit units aim

⁵ The School of Law, founded in 1993, is one of Australia's largest non-metropolitan law schools, and was one of the first to adopt innovative online teaching methods, accessible to both on-and off-campus students, to deliver its course programs. Many units offer a range of online resources, including audio and visual lecture recordings, lecture notes, real-time online tutorials and online quizzes and tests. SCU's law school was founded in 1993 through UNE and became independent in 1995.

to help them gain insights into the role of legal practitioners and paralegals and to support their transition into law-related work environments. For LLB students, LAW00123 *Law Placement* – a mid-degree elective unit – requires students to undertake a 15-day placement under the supervision of a qualified legal practitioner. As well as having to achieve a satisfactory assessment in their placement, students must engage in an online blog (40%) through which they share observations on their experiences in practice (subject to the constraints imposed by their duty of client confidentiality), and submit a reflective journal (60%) in which they evaluate their placement experiences to discern what they have learnt about legal professional responsibilities and the role of the legal practitioner. The second unit, LAW20001 *Paralegal Placement*, was offered in 2013 as a pilot program. It was modelled on the LLB unit, in that it required students to engage in a 10-day work placement and an online blog (again subject to duties related to confidentiality) (40%), but had a distinct final assessment in the form of a work portfolio that documented their achievements in education, competencies and workplace experiences (60%).

Each unit attracted a credible number of student enrolments, so that overall a total of 222 students were exposed to the RLC materials. The UNE unit attracted the largest group, with 149 students – a significant enrolment for an elective subject of this nature. Though the numbers at UOW and SCU were lower – 28 at UOW and 33 (*Law Placement*) and 12 (*Paralegal Placement*) at SCU – each of the three schools observed that many enrolled students had some existing connection to and/or had grown up in a rural or regional community. This was the case for approximately one-third of the UOW students. Whilst no formal survey of student location was undertaken at UNE, a considerable number of students enrolled in the unit indicated through discussion postings that they were either currently located in rural or regional areas or had some previous experience of living or working in a rural or regional community. Notably, most students enrolled in the SCU units were based in rural or regional locations; of the 33 who undertook *Law Placement*, 61% undertook placements in legal work environments based in a rural or regional area (20 in country New South Wales and Queensland, four in the Gold Coast, which is classified as a “major city”⁶, and the remaining nine in metropolitan Sydney, Brisbane or Canberra). In *Paralegal Placement*, all of the 12 students completed their placements in rural or regional locations.

Capturing the curriculum – the adaptability of the package

Given that the materials were originally designed with an online offering in mind, they were naturally suited to the online delivery mode employed at UNE; incorporation of the content was relatively straightforward. The online learning platform Moodle was used to deliver the content, and the various lecture notes in the RLC were incorporated as “pages” in a Moodle Book for each module. Links to readings were embedded in these notes. Some new content was created for the 2013 offering: a series of video mini-lectures to introduce students to the key concepts in each module and led into the module’s book, and video narrative vignettes incorporating both animation and still images to simulate scenarios for the first assessment task.

Student feedback indicated that the materials were well structured, and that links to prescribed readings and additional readings were clear. Students in general remarked that they appreciated being able to access all content in one place, without needing to cross-reference with text books or locate journal articles themselves. With several students indicating that they had travel commitments over the specific trimester (which spanned the Christmas and New Year break), the subject materials were portable and accessible from any location with an internet connection.

⁶ ABS, ‘Glossary of Statistical Geography Terminology’, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1217.0.55.001#PARALINK11>.

At UNE students appeared to be very positive about the overall content provided through the RLC package. They indicated that they appreciated that the package's learning materials focused on the positive, as well as the more commonly discussed negative, aspects of rural and regional legal practice. The materials were described as engaging, thought-provoking and providing a context for the legal issues they had encountered in other subjects. They praised the opportunity to challenge perceptions and misconceptions of rural and regional legal practice. A few students expressed concern at the abundance of materials relating to experiences in the USA, but nonetheless accepted that there is a dearth of material on rural and regional legal practice in Australia, and that reflections from abroad were helpful.

Though this indicates that the RLC package is well designed for online delivery, some difficulties were experienced at UOW in adapting the materials for a two-hour on-campus seminar format. This was despite the intent to design the RLC package so that a lecturer delivering the content through more-traditional methods could use it as a basis for a weekly lecture. It was observed that the breadth of materials proved challenging in terms of providing focus for students. While key resources were compiled into a book of readings, many resources were only accessible on-line and/or could not feasibly be reproduced into a hard-copy collection. This meant that, at times, it was difficult to meaningfully capture the breadth of issues explored in the RLC package. Feedback from some students suggested that too much of the focus was given to the challenges associated with rural and regional practice, rather than a more balanced consideration of some of the opportunities involved. It is therefore recommended that a face-to-face format should ensure that the material incorporates a range of on-line resources as part of the pre-reading or preparation requirements.

Given that the full RLC package was implemented at both UNE and UOW, both schools adopted the learning outcomes recommended by the RLC package within their respective units:

1. *Define and describe the diverse legal practice contexts distinctive to rural and regional communities;*
2. *Identify ethically sound strategies to respond to rural and regional legal practice;*
3. *Demonstrate an awareness of the rural and regional legal career opportunities and identify strategies to live and work in a rural context; and*
4. *Formulate and identify commercial and managerial skills required for an innovative and dynamic rural and regional legal practice (Kennedy et al. 2014).*

The experience at both schools indicates that these objectives worked well, as they were clearly linked to the themes defined within the package's learning materials. The experience in each unit also suggests that the package's proposed assessments offer a valuable model from which teachers can devise an assessment regime that enables students to demonstrate achievement of these learning outcomes.

As already noted, the application of the RLC package at SCU was quite different. The new unit, *Paralegal Placement*, was implemented as a pilot offering in 2013 to provide students with the opportunity to learn skills relevant to professional practice, including interpersonal, communication and teamwork skills, and to help them develop an understanding of the processes of a legal office, while establishing and documenting their professional work history. As these matters are covered (at least in some way) within the RLC package, it proved extremely valuable to inform development of the unit's learning resources. Accordingly, components of the RLC

package were adapted and integrated into a distance-study guide (Cowley 2013).⁷ The specific material was drawn from Module 3: Rural and Regional Practice, Module 5: Ethics and the Rural and Regional Lawyer, Module 7: Professional and Interpersonal Skills for Rural and Regional Legal Practice and Module 8: Career Planning and Development in the Rural and Regional Legal Profession. The intention of the materials developed at SCU was to assist students by explaining the professional expectations that would apply within the environments in which they were working, and to help them reflect on their personal strengths and areas for growth, skill development and career aspirations. Additionally, the specific rural and regional material would allow all students to view their experience more accurately through a “rural lens” – this was particularly important for those students placed in a rural or regional legal practice context.

The RLC package’s materials proved to be readily adaptable for this purpose. For instance, the study guide included a topic on the legal-ethics considerations about which students should be conscious during their placement: client confidentiality, conflict of interest and duty of care. Material from Module 5 was incorporated into this topic as a specific section, headed “Ethics and rural and regional practice”, that acknowledged that the “the issues faced by [legal] practitioners extend[ed] to all the staff who work in rural and regional law offices”; it also reiterated throughout the discussion that the duties of diligence and competence, maintaining client confidentiality and avoiding conflicts of interest “remain the same for all who work in rural and regional law offices – including law clerks and paralegals” (Cowley 2013, pp.22-23). Thus after explicitly grounding the discussion’s application to paralegal workers, the discussion could then appropriately focus on the distinct ethical issues raised by the “rural lens”.

A similar approach was taken to integrating components from Modules 3 and 7. In addition, the material used from Topic 8 was just as easily integrated into the study guide and offered a valuable resource to students by guiding learning on career planning and development to help inform and support work on their portfolios.

Those parts of the study guide that engaged explicitly with the rural context were shared with students enrolled in *Law Placement*, to recognise that a significant proportion of the students in that unit were placed in legal-practice environments in rural or regional locations. In that unit, the application of the learning package within the delivery of the program was much more limited: primarily, students were offered a resource to encourage reflection on the significance of place as part of their evaluation of their placement experiences in their reflective learning journals. However, as discussed below, this application had only limited success.

In addition to testing the usability of the RLC package, we were keen to evaluate its ability to support curricula to achieve the project aims. Accordingly, we were mindful that the primary objectives of the RLC package were to sensitise students to rural and regional contexts and improve their capacity to undertake legal careers in these areas. Drawing then from Grunewald’s pedagogy of place and Giddings and Thomas’s concern to sensitise students to context, we used the following themes to assess the success of our application of the package:

- *expose* students to the rural and regional (by sensitising them to place),
- *prepare student capacity* to undertake legal careers in rural and regional communities by exposing them to the realities of rural and regional practice; and

⁷ Jennifer [add last name] acknowledges the work of her colleague, Jill Cowley, who developed these materials for the SCU offerings and was the Unit Assessor for LAW20001 *Paralegal Placement*.

- *inspire* their interest or preparedness to consider and pursue careers in rural and regional contexts.

In the next section, we report on our evaluations of our experiences in response to these three themes.

Learning from Our Experiences

Exposing students to the rural and regional – developing consciousness of place

As noted earlier, it is significant that place-consciousness offers the potential to move beyond the placeless institution by taking students into the “living world outside” (Gruenewald, 2003b, p.620). The RLC package enables this through offering a curriculum that engages with questions about how the world works in rural and regional places and how lawyers’ lives – at both a professional and personal level – fit in rural and regional places, and by acknowledging that the particulars of rural and regional places shape lawyers’ identity and opportunities (Gruenewald 2003b, p.621). Here we discuss what our different applications of the RLC package have taught us about implementing pedagogy of place. Where useful, we have drawn on student feedback to illuminate particular points. Where students have consented for us to do so, we have used their direct quotations drawn from unit evaluations and individual email feedback given directly to unit coordinators. Outside of this, in keeping with the process of peer observation, we have sought to convey the overall sentiment expressed by the student.

To begin, it is noteworthy that the institutional place was itself different among the three teaching contexts: at UNE, engagement through distance learning; at UOW, engagement within on-campus classes; and at SCU, institutional engagement through distance learning while students were located “on place” (in placement).

At UNE, one of the key challenges lay in engaging distance students to participate in active discussion of the subject matter, and thus engaging with issues of place. This was partly achieved through the discussion forums, as well as chat rooms that students could use to interact in real time with one another. However, many students reported that the practitioner-interview task provided them with the richest opportunity to discuss issues relating to rural and regional practice because they were able to engage with someone who was “at the coalface”. Moreover, the reflective journal task – which some students found challenging – also provided the space to think critically about the nature of rural and regional legal practice.

In fact, a common thread in our units was the implementation of reflective learning strategies to promote consciousness of place. At UOW, reflective practice was used to give students ongoing opportunity to explore, challenge and extend their ideas about and perceptions of rural and regional places; this was particularly critical to achieving the unit’s learning outcomes. Reflective practice was integrated in all areas of the unit, including key assessment tasks (such as class participation that encouraged continual oral reflection and the interviewing of a rural/regional practitioner and the preparation of a reflective report based on that interview), and was also formally integrated into each seminar through explicit tasks and activities.

Similarly, reflective learning was applied within both SCU units as a key teaching and assessment strategy to facilitate engagement with the learning objectives and, especially given the location of

so many student placements⁸, to open the potential for engagement with rural and regional issues. This potential was augmented by the fact that the students based in rural or regional areas worked across a number of legal work environments including a local court, barristers' chambers, an in-house counsel's office with a local council, a community-based legal centre and a variety of private firms, including those run by sole practitioners.

Students in both units were required to participate in reflective activity through involvement in an online blog (public to all students enrolled in the unit) to share their reflections and observations on placement experiences. The paralegal students were explicitly prompted by their lecturer to introduce themselves and specify whether they were located in a rural or a metropolitan location; though all responded that they were located in rural or regional practice locations, only six (50%) subsequently posted blogs that related uniquely to or engaged with rural or regional issues (as 12 separate blog posts – approximately 10% of all entries)⁹. We think it significant that all of these students were undertaking their placements in a rural or regional location. By comparison, the LLB students were directed to the study-guide materials (built from the RLC package), with advice that these materials would be useful to guide their reflections, but were not prompted explicitly (as a group) to reflect and comment on rural and regional issues. Perhaps unsurprisingly, they made little reference to rural and regional issues in their blogs, with only eight students posting entries specifically on this topic (approximately 2% of all entries)¹⁰. Additionally, only four of the 20 students located in a rural and regional placement included reflections based on rural or regional issues in their reflective journals; of these, only two had also referred to these issues in their blog posts. Thus, only 10 of the 33 students (30%) engaged in some way with rural and regional issues. Thus the experience gained at SCU was that location in a rural and regional context does not of itself result in students developing place consciousness; instead, students must be explicitly prompted and engaged to achieve this.

Preparing students for the realities of the rural and regional

The important second objective of the RLC package was to help prepare students for legal practice in the rural and regional context by exposing them to the realities of this practice context. The package supports this objective by providing insights into the professional knowledge, values and skills that professionals need in rural and regional contexts.

The experience gained across all of the four units was that reflective learning not only was well suited to promoting place consciousness, but also encouraged deep learning that suggested students were becoming sensitised to the realities of the rural and regional context. For instance, students' observations on rural and regional place in their blogs, journals and practitioner interviews did reflect the type of outcomes Gruenewald predicted (2003b, p.621): observations on "how the world works" in rural and regional places. Many students observed unique legal or practice issues that arise in the rural place (particularly in relation to property matters, such as deeds of title for property under old system title or the place of the family farm in the context of family law). They made observations about how lawyers' lives – at both a professional and personal level – fit in rural and regional places by way of references to a firm's or an individual legal practitioner's close connection to the local community (the significance of reputation in a rural community and access to "town gossip") or experiences with "old country ways" or "dying country traditions" (such as having morning tea with the magistrate during local court sittings).

⁸ As noted above, all of those enrolled in the paralegal unit and about 60% of those in the LLB unit were involved in placements in rural and regional areas.

⁹ Students in this unit contributed approximately 125 posts to the online blog.

¹⁰ Students in this unit contributed approximately 490 posts to the online blog.

They acknowledged how the particulars of rural and regional places shape a lawyer's identity and opportunities through references to career issues that are specific to or connected to a rural or regional location (including the lack of corporate legal work environments, the difficulties of working in isolation, the comparative lack of firm resources, the limitations on options to specialise in a particular practice fields and the breadth of experience to be gained along with the potentially restricted promotional opportunities).

Equally, many of the students commented on the diverse range of skills and knowledge that would be needed to operate in small rural locations, and the reduced opportunity to specialise. Many students made observations on the isolation that may be involved in work in small country firms, and on the likelihood that they would encounter conflicts of interest in these settings, thus increasing the need to ensure that they protected their professional reputation.

Another common strategy to expose students to rural and regional realities that was applied across all four units was to harness the involvement of rural and regional legal practitioners within the unit delivery. At SCU, this happened as a matter of course in that practitioners were involved as supervisors for both law and paralegal students undertaking placements within rural and regional communities. UNE and UOW achieved this more deliberately through the involvement of rural and regional legal practitioners. At UOW, this was realised by involving rural and regional legal practitioners as guest speakers in the delivery of the units; at both UOW and UNE, a specific assessment task was included that required students to interview a rural or regional practitioner about their role and professional context. At UNE, additional online video and audio resources were included that contained the reflections of rural and regional practitioners (including a local magistrate).

At UOW, two rural and regional lawyers were invited to attend seminars as guest presenters/speakers to share their particular experiences of legal practice in rural and regional communities. This was done not only to enhance overall delivery and interest, but also to expose students to as many professional exemplars and contexts as possible. Given the high proportion of Indigenous people living in rural and regional Australia, and the particular access to justice issues facing Indigenous communities, the opportunity to invite an Indigenous lawyer was seen as particularly important. To this end, in Week 9 of the unit, Indigenous lawyer, scholar and UOW alumni Virginia Marshall attended a two-hour seminar to share her valuable insights into practising in rural and regional communities in Australia and, more particularly, within Indigenous communities. Similarly, in Week 7, rural practitioner and scholar Helen McGowan also shared her experience of practising as a lawyer in rural Victoria. She was also able to speak about her doctoral research in the area of conflicts of interest in rural communities, bringing to life the many real and contemporary issues facing lawyers and communities in the rural and regional practice context.

At both UOW and UNE, one of the key assessment tasks involved students conducting an interview with a rural or regional practitioner. This task was designed to promote student reflection on the diversity of rural and regional practice, its opportunities and challenges; the ethical dimensions of practice; and, crucially, the impact of community upon the rural and regional lawyer's role. Students were required to locate and approach a practitioner of their choosing¹¹ and were encouraged to consider any particular location or practice context of interest to them in their

¹¹ At UOW, ethics approval was required for this particular assessment task. Potential interviewees were provided with an Information Sheet detailing the research task and given assurances about confidentiality of the assignment produced. Students were also provided with a script to use when approaching a potential interviewee.

career or professional development. Students who experienced difficulty in locating a practitioner were given assistance to locate an interviewee; at UNE, they were also given the option of choosing an alternative assessment task.

The interview with a rural or regional practitioner was generally well received by students, many of whom commented on the way this assessment shaped their learning and increased their appreciation for the unique interrelationship of the professional and personal in the rural context. It was also a particularly successful vehicle for student interaction with professional exemplars. When asked to identify positive aspects of their studies, a number of students cited this particular assessment task as a highlight, expressing particular appreciation for the opportunity to interact with a "real-life" rural practitioner and to make professional contacts. Many felt that it allowed them to re-envision what being a practising lawyer can be. For another student, it led to an offer of employment post-graduation. This task indicated that connecting students to a community of practice can help them experience and learn about the professional role within a broader context. Evaluation and feedback also suggests that this involvement has been beneficial in furthering students' professional development and broadening the models of professionalism to which students are exposed.

Promoting interest and aspirations – preparedness to pursue rural and regional practice

A key purpose of the RLC package was to investigate how tertiary education could improve recruitment and retention of lawyers in rural and regional areas. Similar projects in teacher and medical education suggest that increasing students' sensitivity and preparedness for rural and regional practice could benefit attraction and retention. Teacher reflection and student feedback (both formal and informal) following delivery of the units point to the capacity of the curriculum to support and further this goal in two key ways: first, by helping students move beyond stereotypes of rural and regional practice and, second, by providing opportunities to make professional contacts. The way each of these two goals was achieved across the four units is briefly canvassed below.

Moving beyond stereotypes

At UOW, the most urban/metropolitan-based campus of the three universities to implement the curriculum, attitudinal change was particularly evident. Teacher reflection throughout the course points to students' shifting ideas and perceptions about rural and regional practice. For example, more than one student reported that the subject allowed them to move beyond stereotypical ideas of rural and regional practice and to challenge what they saw as the big-city law firm perspective offered in legal education. For others, the unit affirmed rural and regional practice as a meaningful and viable option. In the words of one student:

I'm sure I don't need to tell you that law students who don't desire to practice in a top-tier commercial law firm are made to feel like lepers around the time to apply for clerkships. As such, knowing that there are in fact other viable options for people with a law degree (god-forbid practising in a RRR [rural, regional and remote] community) is important.
[Extracted from an unsolicited email comment]

Comments such as these suggest that the curriculum can offer the opportunity to extend the arguably urban-centric nature of legal education and help to positively shape students imagined

experience of rural and regional practice. Even at UNE, where many students are already rurally and regionally based, it was evident that engagement with the curriculum was influential in changing or confirming career intentions. For example, one student reported that the subject made them reconsider their career path, while another commented that it had completely changed their study and career plans.

Similarly, feedback on the SCU placement units confirmed that students found the units valuable and important in helping them develop and refine their career aspirations. Those SCU students who reflected specifically on rural and regional issues also evaluated the pros and cons of rural practice in light of their personal and professional aspirations. In particular, several of the SCU students reported favourably on the shared blog as a valuable resource of informed insight on the diverse range of practice settings; for some, it confirmed their choice to work (and live) in a rural and regional location, while others – including those located in a metropolitan setting – were prompted to look explicitly at rural and regional areas as a valid and vibrant career setting.

Opportunities for professional contacts

Law school is said to foster a highly competitive environment, have an unhealthy separation of the personal and professional, deliver a curriculum experience that is disproportionately focused on adversarialism and privilege images of the “elite” professional, all of which leave students with a narrow and unsustainable view of what it means to be a lawyer (Hall et al. 2010). Further, Alexander (2011) has argued that the key to professional-identity formation is through interaction with mentors and professional exemplars as they provide opportunities for students to interact with them, and to reflect on the models of professionalism that they encounter.

Notably, then, all of the units provided students with the opportunity to make professional contacts. Indeed, these contacts are quite significant in the legal profession, as they virtually “unlock” local networks – and at each school, students were able to establish professional networks, particularly for the purposes of seeking graduate employment in rural and regional locations.

Several students from UOW and UNE reported that, following the interview assessment task, they were offered employment and/or a Practical Legal Training (PLT) placement opportunity with the rural and regional practitioner. Many of the UNE students expressed that they had enjoyed the opportunity to interview a rural or regional practitioner. In some cases, the students noted that they had established a great professional contact. Being placement units, the SCU units naturally enabled students to establish professional contacts. Those placed in rural and regional locations almost invariably undertook their placement in the town or region in which they lived. Just as at UNE and UOW, a number secured employment with their host firm or organisation as a consequence of their placement; for the LLB students, this included offers to undertake the work experience component for PLT with the firm or organisation, and in some cases longer-term offers of employment when the student had qualified for admission.

This suggests that involving the profession in the delivery of the course and in the assessment regime can help to positively address attraction and retention challenges through such exposure and opportunities.

Feeling prepared – professional development

The RLC package deliberately included a curriculum to support students to focus on their own career development. In the final week of the unit, students at both UNE and UOW were given space to explore their own career goals, values and skills. This was achieved by deploying a number of personal and professional career-development tools and activities contained within the RLC package.

At UOW, the School of Law's careers consultant, Michele Kenworthy, was invited to run this particular seminar. As a careers consultant, Michele worked with students to explore their personal career aspirations, encouraging them to consider their own values, qualities and skills and how these might sit with rural and regional practice as a career option. Students were invited to individually follow up with Michele for further discussion and support if they wished. Many students found this session very helpful, particularly in highlighting the links between the personal and professional. One student commented:

I found it rather ironic that my last ever university class was actually the most seemingly useful class I've ever had. I think that it is generally underestimated by the academic staff and students ourselves, just how much stress and anxiety is brought upon us by being penultimate and final year students, particularly given the current law graduate market.

Although this class came slightly too late for me, I still got a lot out of it and I expect that students in that class that are going to be in my position next year would have benefited from it greatly. I only wish that I had been given that lesson in 1st, 2nd or 3rd year (or even every year!). Michelle's frankness about the job market, expectations and reflection on our own personality traits, etc. was invaluable.

Following this feedback, opportunities for linking students to the faculty careers consultant earlier in the LLB curriculum are being explored, beginning in particular with the lawyering and professional-responsibilities unit, *Lawyers and Australian Society*, offered in the first year. For others already intending to pursue a career in rural or regional practice, the unit affirmed this career path and helped them to feel better prepared, with comments to the effect that the unit had helped them better appreciate what they needed to consider as they progressed towards their goal of practising law in a rural and regional environment, and gave them insight into exactly what rural and regional practice is all about. Other students found the unit pleasingly practical and extremely helpful in planning their future career path, finding the content interesting and relevant to their future plans to practice in a rural and regional community.

Conclusions

The 2008 Bradley Review stated that a "quality student experience in higher education" includes access "to well-designed and engaging courses that lead to good vocational outcomes" (p.79). Likewise, Macken suggests that one of the keys to effective student engagement in higher education is effort to "prepare students for their future careers" (2011, p.319). Our experience with the RLC package confirms its capability to do so, preparing students for future careers by filtering the law curriculum through a rural lens to expose students to work-related knowledge, incorporating real-world legal issues into their learning, promoting skill development that is directly applicable to legal practice and broadening their exposure to "ethical and justice-related

issues” (Macken 2011, p.328). It also broadens their exposure to a different career pathway, changing mind-sets and presenting alternative opportunities for future careers.

A key outcome from these three stories of adaptation and their focus on place has been the way the RLC package has supported students’ professional development and helped shape a more rounded professional identity. It is clear that legal education has a significant role to play in the development of students’ professional (and ethical) identity. Thus, the RLC package and the focus on place go some way in addressing legal-education scholars’ concern that law school generally fails to foster an environment in which students might develop a healthy and diverse conception of that role.

Our experience also verifies that the package can be used in different ways, including deploying components of the package within a unit with other specific objectives. On this, though, it is important to recognise that the experience at SCU confirms that students must be prompted to explicitly explore the rural and regional context as place. While students in those two placement units did at points explore the significance of rural and regional place, (unsurprisingly) their learning was far more directed towards their engagement with the professional identity of lawyer or paralegal. Moreover, given the extent to which students were located in a rural and regional place, to some extent its influence was perhaps too obvious to be seen – that is, both units could have included more prompting on a specific dialogue to contrast the rural and regional to the metropolis. Particularly in the LLB unit (in which students were located in both places), this could have led to a thorough examination of place through the diverse contexts within which law is practised.

For the legal profession, the decline in numbers of rural and regional legal practitioners is a real and ongoing concern; it should also be of concern to the 37 universities in Australia that offer legal education, and to the many thousands of law graduates from these institutions, only a small fraction of whom will be absorbed into city or metropolitan practices. To date almost all Australian legal education has tended to reflect an urban-centric bias that implicitly denies rural and regional areas as a legitimate place of legal practice. Understanding and being exposed to rural and regional place and the opportunities offered by rural and regional legal practice is a clear alternative.

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