Assessment, skills and outcomes: The changing approaches of Australian property law teachers

Article

Assessment, skills and outcomes: The changing approaches of Australian property law teachers

Penny Carruthers, Kate Galloway† and Natalie Skead‡*

This is the second of two articles reporting on a longitudinal study of property law teaching in Australia. The focus of this article is the changing approaches of property law teachers to assessment, skills and outcomes. As a general observation, property law teachers appear to want to move beyond the traditionally doctrinal focus of the curriculum. They recognise the importance of ensuring students are equipped with the practical skills needed to work in a profession with a strong transactional focus. Several respondents also expressed a wish to adapt the skills and learning outcomes in their property law units so as to embed a more critical socio-legal approach to the role of property law in shaping an increasingly uncertain future. The ideas presented in this article for how this might be achieved arguably extend beyond property law to legal education more broadly, thus presenting frameworks for adapting skills and learning outcomes that are truly future-oriented.

I Introduction

Over the last several decades tertiary education has gone through a period of significant transformation. Increasingly Australian universities and, relevantly for this article, law schools, have embraced the development of not only discipline knowledge, but also of skills and outcomes as an integral part of student learning. Hand-in-hand with this development has been an increased focus on the importance of assessment in higher education. Indeed, it has been stated that '[r]enewal of assessment practices is at the forefront of efforts to improve teaching and learning in Australian higher education'.[1]

In 2011, in a survey of property law teachers ('2011 study'), the authors sought to understand the landscape of the property law curricula as taught in Australian law schools.[2] The 2011 survey responses provided 'rich empirical

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1 Richard James, Craig McInnis and Marcia Devlin, *Assessing Learning in Australian Universities: Ideas, Strategies and Resources for Quality in Student Assessment* (Centre for the Study of Higher Education, 2002) 3.

2 The term 'property law' is used as a generic term covering all those aspects of property law that are prescribed by the Law Council of Australia including property concepts, land law and personal property. Property law is one of the 11 subject areas, formerly known as the 'Priestley 11', which the Law Council has identified as a prescribed area of knowledge that a student must cover in order to be admitted to legal practice. For further discussion regarding the recent changes to the prescribed areas of knowledge see the Legal Services

data'[3] of the practices of property law teachers and the analysis of the data was published in three articles dealing broadly with unit content,[4] assessment,[5] and teaching methods, outcomes and skills.[6] In 2019, the authors followed up with a further survey ('2019 study') using substantially the same questions as in the 2011 study, to examine property law teaching practices 8 years on from the first survey. In the article, 'Teaching Property Law in a Changing World: A Longitudinal Study 2011–19' ('Teaching Property Law in a Changing World'), the authors provided a longitudinal analysis of the changing nature of the property law curricula in terms of teaching format, content, desired changes and barriers to implementing changes.[7] The 2011 and 2019 survey responses also provided rich data on the skills, outcomes and assessment practices in the teaching of property law in Australian law schools. This article focuses on the survey responses in these three areas.

Part II briefly discusses the survey method and response rate before reporting and analysing the survey responses. Part III contextualises the data in light of current academic thinking on these important aspects of teaching property law and on legal education more broadly.

II Skills, outcomes, assessment: A 2011–19 comparison

A Method and response rate

The survey of property law teachers undertaken in the 2011 and 2019 studies complied with the National Health and Research Council of Australia's National Statement on Ethical Conduct in Human Research. Both the University of Western Australia and Bond University provided ethics approval for the survey. In carrying out the 2019 study, the authors adopted the same method of data collection as was adopted for the 2011 study. Property law teachers from all Australian law schools were identified and were invited to participate in a voluntary, anonymous online survey.[8] The survey dealt with a broad range of questions on the teaching of property law at the respondent's

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Council website, <https://www.legalservicescouncil.org.au/Pages/about-us/law-admissions-consultative-committee.aspx>.

3 Cathy Sherry, 'Teaching Land Law — An Essay' (2016) 25(2) *Australian Property Law Journal* 129.

4 Penny Carruthers, Natalie Skead and Kate Galloway, 'Teaching Property Law in Australia in the Twenty-First Century: What We Do Now, What Should We Do in the Future?' (2012) 21(1) *Australian Property Law Journal* 57.

5 Kate Galloway, Penny Carruthers and Natalie Skead, 'Assessment in the Law School: Contemporary Approaches of Australian Property Law Teachers' (2012) 5(1–2) *Journal of Australasian Law Teachers Association* 1.

6 Penny Carruthers, Natalie Skead and Kate Galloway, 'Teaching, Skills and Outcomes in Australian Property Law Units: A Survey of Current Approaches' (2012) 12(2) *Queensland University of Technology Law and Justice Journal* 66 ('Teaching, Skills and Outcomes in Australian Property Law Units').

7 Penny Carruthers, Kate Galloway and Natalie Skead, 'Teaching Property Law in a Changing World: A Longitudinal Study 2011–19' (2020) 28(3) *Australian Property Law Journal* 123 ('Teaching Property Law in a Changing World').

8 Property law teachers were identified via a search of law school websites, authorship in the property law field and from the authors' general knowledge of property teachers around Australia.

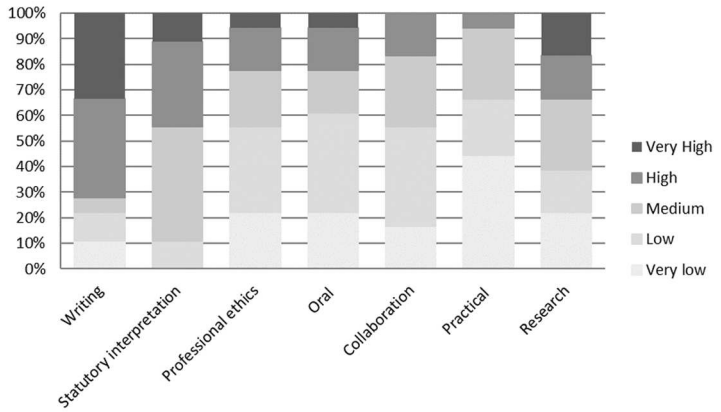
university. The survey also included open-ended questions inviting respondents to comment further on what they wished to change in the content, teaching methods, and assessment in the unit and the challenges they faced in implementing these changes. In 2011, a total of 16 responses were received from 14 different law schools. In 2019, the response rate increased with 23 respondents from 16 law schools.[9]

B Results and analysis

1 Skills

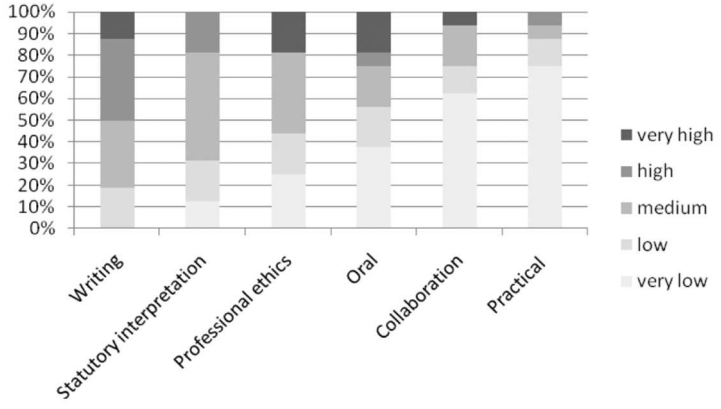
In relation to the development of skills in the property law unit, both the 2011 and 2019 surveys asked respondents to rate from 'very low' to 'very high' the emphasis placed in the unit on developing the specific skills of: writing; statutory interpretation; professional ethics; oral communication; collaboration; and practical conveyancing skills. In analysing the responses from the 2011 survey, the authors recognised they had omitted to include a specific question regarding the development of research skills in the unit. This omission was corrected in the 2019 survey which added a question regarding research skills. The results from the 2019 and 2011 surveys appear below at Figure 1 and Figure 2.

Figure 1: 2019 — Emphasis placed on developing skills in the unit



9 All Australian jurisdictions, except Tasmania and the Northern Territory, and six of the Go8 universities were represented in the responses. The number of respondents per jurisdiction is as follows: Queensland — six; New South Wales — six; South Australia — four; Western Australia — three; Australian Capital Territory — two; and Victoria — two.

Figure 2: 2011 — Emphasis placed on developing skills in the unit



Broadly speaking, it seems that property law teachers placed more emphasis on the development of skills in 2019 than was the case in 2011. Once again, the greatest emphasis was placed on the development of statutory interpretation and writing skills. The emphasis on statutory interpretation increased in the 2019 survey with 88% of respondents reporting a 'medium' to 'very high' emphasis on this skill compared to 70% of respondents in the 2011 survey. In relation to developing writing skills, the emphasis remained fairly constant with 78% of respondents in the 2019 survey compared to 80% in the 2011 survey reporting a 'medium' to 'very high' emphasis on developing writing skills.

In 2011, these were followed by the development of professional ethics and oral communication skills. This was largely mirrored in the 2019 survey, although, interestingly the emphasis on collaboration, which had a relatively low rating in 2011 with only 25% of respondents reporting a 'medium' to 'very high' emphasis, increased significantly in 2019 with 45% of respondents reporting a 'medium' to 'high'[10] emphasis on collaboration. As with the 2011 survey responses, the development of practical conveyancing skills was the skill that is emphasised the least by property law teachers. However, in 2019 there were significantly more respondents reporting a 'medium' or 'high' emphasis on conveyancing skills than in the 2011 survey: from 12% in 2011 to 33% of respondents in the 2019 survey. Due to the omission to include research skills in the 2011 survey, it is not possible to provide a longitudinal comparison in this regard. It is worth noting, however, that in the 2019 survey, a relatively high emphasis was placed on developing research skills with 61% of respondents reporting a 'medium' to 'very high' emphasis on these skills.

In summary, with two relatively minor exceptions,[11] there has been an increase in the overall emphasis on developing skills in the property unit. This

10 No respondents in the 2019 survey reported a 'very high' emphasis on collaboration in the unit.

11 In the 2019 survey, there was slightly less emphasis placed on the development of writing and oral communication skills than what was reported in the 2011 survey.

is particularly significant with regards statutory interpretation, collaboration, and practical conveyancing skills. Notably, in 2019, research is the skill that is the most emphasised after statutory interpretation and writing skills.

Several observations may be made regarding the survey results on skills development in property law teaching. First, the increasing emphasis placed on developing statutory interpretation skills is both pleasing and expected given the number of statutes that impact on property law.[12] As noted in relation to the 2011 study, '[t]he importance of statutory interpretation as an essential outcome for law graduates has been the subject of increased focus over the past decade'.[13] This focus continues to grow and has been 'actively championed'[14] by a number of High Court justices who seek 'to push for more systematic teaching of statutory interpretation in law schools'.[15] For example, in 2011 Chief Justice Robert French (as he then was), commented that: 'Any course that fails to introduce students to the principles and techniques of statutory interpretation fails to equip them with tools that are essential in legal practice and indeed in most other law jobs'.[16] In 2014, his Honour made it plain that the responsibility for providing law students with statutory interpretation skills lies with law teachers: 'Competence in using the techniques of statutory interpretation is essential to legal practice today. To provide a basic grounding for the development of that competence is a responsibility of legal educators'.[17] In 2016, the Law Admissions Consultative Committee in its Statement on Statutory Interpretation added statutory interpretation to the nationally prescribed list of knowledge and skills areas required of a law graduate to be admitted to legal practice.[18] Statutory interpretation is now a pre-requisite to the accreditation of a law course in Australia. The increased emphasis on statutory interpretation in the 2019 survey responses, is understandable against this background.

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12 One of the questions in the 2019 survey asked respondents to identify the five most important statutes that should be covered in the property unit. The top two statutes were the Torrens statutes and the general property law statutes. These were followed by statutes dealing with strata title, native title, residential tenancy and retail tenancy. Other statutes were also mentioned including environmental planning and personal property securities legislation. For further discussion of these survey results, see Carruthers, Galloway and Skead, 'Teaching Property Law in a Changing World' (n 7) 142–3.

13 Carruthers, Skead and Galloway, 'Teaching, Skills and Outcomes in Australian Property Law Units' (n 6) 74.

14 Patricia Lane, 'Statutory Interpretation: Caught in the Act!' (Research Paper No 17/65, University of Sydney Law School, 16 August 2017) 3 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3019646>.

15 Ibid 2.

16 Chief Justice Robert French, 'Legal Education in Australia — A Never Ending Story' (Speech, Australasian Law Teachers' Association Conference, 4 July 2011) 2 <https://cdn.hcourt.gov.au/assets/publications/speeches/current-justices/frenchcj/frenchcj04july11.pdf>.

17 Chief Justice Robert French, 'Bending Words — The Fine Art of Interpretation' (Guest Lecture Series, University of Western Australia, Faculty of Law, 20 March 2014) 17 <https://cdn.hcourt.gov.au/assets/publications/speeches/current-justices/frenchcj/frenchcj20Mar14.pdf>.

18 Jeffrey Barnes et al, *The Council of Australian Law Deans Good Practice Guide to Teaching Statutory Interpretation* (Guide, June 2015) <https://cald.asn.au/wp-content/uploads/2017/11/Council-of-Australian-Law-Deans-Good-Practice-Guide-to-Teaching-Statutory-Interpretation.pdf>.

Second, although collaboration and practical conveyancing skills continue to be among the least emphasised skills, in each case the emphasis on these skills has increased since the 2011 survey. Once again, as with statutory interpretation, this is a pleasing development. Collaboration is an important skill for law students to master and, along with communication, is identified as one of the six Threshold Learning Outcomes ('TLOs') for the discipline of law.[19] In 2011, the authors commented that the very low emphasis on collaboration in the 2011 survey responses may be due to the time-consuming nature of collaborative exercises and the content-heavy focus in the traditional property law unit.[20] The authors suggested that a possible solution to this was to develop collaborative skills in an online environment.[21] As discussed further below in relation to Figures 3 and 4, it appears that the online solution has been adopted and provides at least a partial explanation as to how property law teachers have managed to increase the emphasis on collaboration without reducing the coverage of content in the unit.[22]

In relation to the increased emphasis on practical property conveyancing, the authors commend this development. Although the overall emphasis on this skill is still relatively low, this is possibly explained by the fact that practical conveyancing skills may be covered in a professional practice unit within the law degree, or alternatively, practical conveyancing skills may be removed from the academic degree altogether and dealt with, post-degree, in a practical legal training program.[23] Curiously and somewhat inconsistently, in answering survey questions on the content of their property law unit, no respondents reported teaching e-conveyancing and only two indicated that while they do not currently teach e-conveyancing they would like to do so. Further, only one respondent considered the *Electronic Conveyancing National Law (ECNL)* — which establishes a national system for the electronic lodgement of registry instruments — to be one the five most important statutes in the property law curriculum, this despite the ECNL first coming into operation pursuant to the *Electronic Conveyancing (Adoption of National Law) Act 2012* (NSW) and then being adopted across Australia through application or corresponding legislation.[24]

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19 Sally Kift, Mark Israel and Rachael Field, 'Learning and Teaching Academic Standards Project: Bachelor of Laws Learning and Teaching Academic Standards Statement' (Australian Learning and Teaching Council, December 2010). See the notes on TLO 5 'Communication and collaboration': at 20–2 <https://cald.asn.au/wp-content/uploads/2017/11/KiftetalLTASStandardsStatement2010.pdf>.

20 Carruthers, Skead and Galloway, 'Teaching, Skills and Outcomes in Australian Property Law Units' (n 6) 76.

21 Ibid 77.

22 The longitudinal study provides the mean hours of tuition for specified topics in the property unit as reported by the 2011 and 2019 respondents. It is apparent from the results that, if anything, the coverage of property topics has increased between 2011 and 2019: Carruthers, Galloway and Skead, 'Teaching Property Law in a Changing World' (n 7) 136.

23 An illustration of this is the College of Law's compulsory 'Property Law Practice' subject that deals with the transfer of land; leasing; mortgaging and planning and revenue: see, <https://www.collaw.edu.au/learn-with-us/our-programs/practical-legal-training-programs/coursework/property-practice>.

24 *Electronic Conveyancing (National Uniform Legislation) Act 2013* (NT); *Electronic Conveyancing National Law (Queensland) Act 2013* (Qld); *Electronic Conveyancing National Law (South Australia) Act 2013* (SA); *Electronic Conveyancing (Adoption of*

Interestingly, the views of the respondents in the 2019 survey on the incorporation of practical conveyancing skills were somewhat mixed. The final question in the 2019 survey asked: 'Do you have any other comments regarding the teaching of property law?' In answering this question, a number of respondents supported the inclusion of property conveyancing skills in the unit:

> We should be released from the Priestley requirements to facilitate student engagement in the diverse aspects of property. This would greatly enliven the course, offer potential to integrate diverse statutes and transactions which form the foundation of property in practice.
>
> Property law suffers from adherence to traditional notions of what 'ought' to be taught, instead of focussing on what modern legal practitioners need to know.
>
> I think the introduction of e-conveyancing is something Property teachers may need to grapple with — though whether this ought to be taught in a unit that focuses on the principles of Property is another matter.

Other respondents, however, emphasised the importance of the foundational theoretical concepts and the heavy content-load that property covers. In the view of one respondent, the difficult theoretical concepts should be covered in the academic degree with the practical skills to picked up later on in legal practice:

> Property Law is a crucial, pivotal unit in the law curriculum. In Property Law students learn much of the vocabulary of law, for example. Most of the concepts, doctrines and principles of Property Law cannot be picked up easily on the run. Law School is the place where students have the opportunity to master these difficult concepts, doctrines and principles. With these concepts, doctrines and principles in place, most aspects of legal practice are not difficult to learn in the Grad Dip of Legal Practice and the early years of legal practice (if they even enter legal practice). My experience of legal practice is that students are helped more in their careers by mastering what is really challenging.

While recognising the diversity of views regarding the incorporation of practical conveyancing skills into the unit, the authors suggest that it is worthwhile developing some level of practical competence within the unit. As noted at the time of the 2011 survey: 'Providing such an authentic setting enhances student learning through contextualisation of content and theory.'[25]

To obtain a deeper understanding about the acquisition of skills in the property unit, the survey asked respondents a further question on the way in which skills were incorporated into the unit. Several alternative methods of incorporation were suggested including online activities; assignments; exams;

National Law) Act 2013 (Tas); *Electronic Conveyancing (Adoption of National Law) Act 2013* (Vic); *Electronic Conveyancing Act 2014* (WA).

25 Carruthers, Skead and Galloway, 'Teaching, Skills and Outcomes in Australian Property Law Units' (n 6) 75–6. See, for eg, Sally Kift's reference to 'authentic' learning settings, that is 'as authentically work-like as possible' in Sally Kift, 'Transforming the First Year Experience: A New Pedagogy to Enable Transition' (Conference Paper, Enhancing Student Success Conference, Central Coast Campuses, 11 April 2005) 14 ('Transforming the First Year Experience'); Sally Kift, 'Lawyering Skills: Finding Their Place in Legal Education' (1997) 8(1) *Legal Education Review* 43.

small group classes; lectures and, in 2019, other specific methods were included for certain skills. The responses from the 2019 and 2011 surveys appear in Figure 3 and Figure 4.

Figure 3: 2019 — Methods adopted to incorporate skills development into the unit

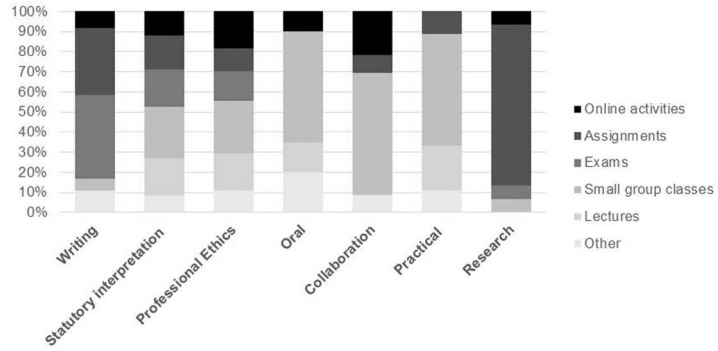
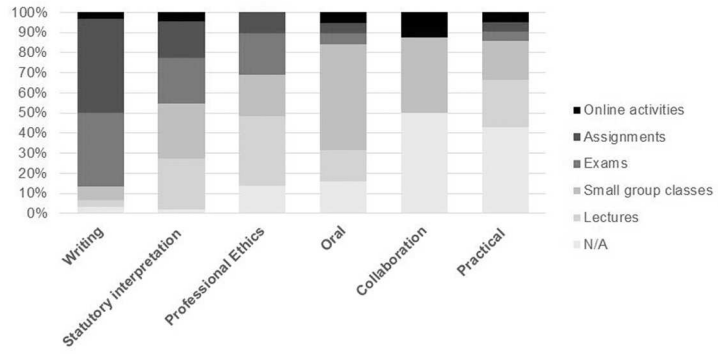


Figure 4: 2011 — Methods adopted to incorporate skills development into the unit



Perhaps the most striking difference between the 2019 and 2011 responses is the significantly increased take-up of using online activities as a method for incorporating skill development into the property unit. The increased reliance on online activities is seen across all skill areas except for practical conveyancing skills.[26] At the time of discussing the 2011 survey responses, the

26 In 2011, the use of online activities for incorporating practical skills was very low (less than 5%). This dropped to 0% in the 2019 survey. However, a specific question was asked in the 2019 survey that was not included in the 2011 survey — whether role-plays/simulations were used to incorporate practical skills. There was one respondent in 2019 who incorporated practical skills via role-plays/simulations. The authors fully support the use of role-plays and/or simulations as a highly effective way to incorporate skills and authenticate the learning experience. See further, Kift, 'Transforming the First Year Experience' (n 25).

authors noted the minimal adoption of online activities in teaching property law, commenting that:

> If class time is freed up by the use of online activities, this will provide valuable additional class time which may be used to ... develop the various skills that currently receive minimal or no attention in the property unit.[27]

As foreshadowed above, it appears that the adoption of online activities has enabled a greater incorporation of skills into the unit without sacrificing content.[28]

The use of online activities is most prominent in the development of professional ethics and collaboration skills. In hindsight, especially given the increased use of online activities, it would have been of interest to know the precise nature of the online activities that have been adopted by respondents to develop different skills. Neither the 2019 nor the 2011 survey included this further question, however, some possibilities may include: short answer or true/false quizzes; drafting exercises; or group activities. Apart from the observations regarding online activities, the responses included in Figures 3 and 4 are, for the most part, self-explanatory. It is to be anticipated that writing skills are developed through assignments and exams; oral communication, collaboration and practical skills via small group classes; and that research skills are developed through assignments.

As noted, in the 2019 survey the authors sought information as to whether other specific methods were adopted for the development of certain skills. So, for example, in developing oral communication skills, the 2019 survey asked whether this skill was incorporated via moots and/or oral presentations. Table 1 below summarises the responses.

Table 1: Other specific methods of incorporating skills development

Skill	Other specific method
Writing	Legal drafting (11%)
Statutory interpretation	Drafting exercises (3.5%), Research tasks (5%)
Professional ethics	Structured reflection (11%)
Oral communication	Moot (5%), Oral presentation (5%)
Collaboration	Group assignment (8.7%)
Practical conveyancing	Role-plays/simulations (11%)
Research	No specific information provided

2 Learning outcomes

Identifying and articulating unit learning outcomes has become an integral part of learning and teaching practice in Australian universities. Respondents were therefore asked to identify the specific learning outcomes for their

27 See Carruthers, Skead and Galloway, 'Teaching, Skills and Outcomes in Australian Property Law Units' (n 6) 78.

28 See (n 22) and associated text.

property law unit and to identify the relevant level of achievement; that is, whether the learning outcome was achieved at an advanced, intermediate, or introductory level. As with the 2011 survey, the responses to these questions were wide-ranging.[29]

In some cases, the responses were brief:

> [D]isciplinary expertise and problem solving. Intermediate. Assessed primarily through problem-solving in exams.[30]

> [K]nowledge, communication, collaboration, research skills, and critical analysis are required at a high level.[31]

> Content knowledge and application Drafting skills Written communication.[32]

> The research assessment (a critical review of 3 journal articles) places a high premium on research skills, critical analysis and legal analysis and writing. The end of semester exam is broader in its spectrum Intermediate-Advanced.[33]

> Sem 1: Knowledge, Legal problem solving, Application, Communication (introductory). All are tested in exam. Problem solving and communication are tested in assignment. Sem 2: Legal problem solving, knowledge, critical analysis and evaluation (intermediate). Mid-term exam tests problem solving and knowledge. Portfolio tests all learning outcomes.[34]

In another case, the respondent is critical of both the lack of alignment between learning outcomes and assessment and the lack of provision of learning materials:

> Alignment between learning outcomes and assessment is very low. Assessment is 100% exam (30% mid-sem exam + 70% final). Learning outcomes are essentially doctrinal knowledge and possible problem solving, but there is no learning material provided concerning problem solving as a skill in itself, nor are exemplar problem solutions provided.[35]

In most other cases, the responses were more detailed and included information about learning outcomes (including skills), achievement level and assessment. The diversity in the range of responses is illustrated in Table 2 which summarises the responses from two respondents — Respondent A and Respondent F.

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29 Due to the wide-ranging nature of the responses in both the 2011 and 2019 surveys, this article focuses on the 2019 responses. Discussion of the 2011 results may be found in Carruthers, Skead and Galloway, 'Teaching, Skills and Outcomes in Australian Property Law Units' (n 6) 80–3.

30 Respondent O.

31 Respondent P.

32 Respondent G.

33 Respondent H.

34 Respondent K.

35 Respondent N.

Table 2: Survey responses — Learning outcome, Achievement level, Assessment

Learning outcome (including skills) Respondent A	**Achievement level**	**Assessment**
Knowledge of (a) creation, acquisition and transfer of real and personal property; (b) importance of possession — finding law and adverse possession; (c) Native Title; (d) co-ownership; (e) Torrens system; (f) mortgages; (g) leases; (h) easements	Torrens — advanced, Others — intermediate	Assignments and exams
Oral and written communication skills	Written — intermediate, Oral — introductory	Written — exams and assignments, Oral — tutorial participation
Ethical perspectives	Introductory	Not specifically assessed
Independent learning	Intermediate	Assignment and exams
Self-reflection of submitted work	Intermediate	Assignment
Learning outcome (including skills) Respondent F	**Achievement level**	**Assessment**
Property 1: 1) Appraise property as a contested concept in Western legal thought. 2) Critically assess theories justifying Western property rights. 3) Critical self-reflection as socially and ethically responsible lawyers. 4) Understand the historical origins of Australian property law. 5) Apply property law doctrines covered in the course. 6) Respect cultural diversity and understand the colonial context of Native Title. 7) Critically assess the 'public/private divide' in property. 8) Communicate property theory and concepts to others.	Intermediate	Reflective journal and exam

Property 2: 1) Appreciate the complex relationship between state regulation, Torrens bureaucracy and private property rights. 2) Understand the Torrens system of land law and its doctrines and procedures. 3) Understand a number of key areas of property law doctrine including co-ownership, easements, freehold covenants, leases and mortgages. 4) Apply land law doctrine and principles to problem solving. 5) Independently learn more about land law and solve problems related to land law. 6) Recognise and exercise professional ethics in disputes involving land.	Intermediate	Quizzes and exam

There are several similarities in the articulation of the learning outcomes by Respondent A and Respondent F. Both identify similar content for the knowledge learning outcome including the Torrens system, Native Title, mortgages, leases, easements and co-ownership. Both also identify professional ethics and independent learning as relevant outcomes. However, apart from these similarities, there is a stark contrast in the identification and articulation of critical, theoretical, social and historical perspectives in the learning outcomes for their respective property law units. The outcomes identified by Respondent F are replete with references to these different perspectives, for example: having the ability to 'critically assess theories justifying Western property rights'; being able to 'communicate property theory and concepts to others'; and having an understanding of 'the historical origins of Australian property law'. The absence of these perspectives in Respondent A's learning outcomes does not necessarily mean that these outcomes are not developed in the unit — rather, it may relate to the way the question was drafted or, more simply, that Respondent A did not think to include these other aspects or chose not to provide extensive detail in answering this question. As another respondent noted, 'I would prefer not to answer this. Too detailed'.[36] However, despite these possible explanations, there is no doubt that the learning outcomes for Respondent F, particularly for Property 1, include broader and more contextualised perspectives of property law which serve to enrich the learning outcomes for property students.

In similar vein, another respondent, Respondent J, identified broader perspectives including policy, socio-legal and law reform issues as learning

36 Respondent I.

outcomes for their property law unit:

> [D]emonstrate an ability to analyse policy underlying rules relating to personal and real property; [B]e conversant with: current socio-legal issues about land based resources, theoretical perspectives and likely directions of law reform; some of the international comparative perspectives on real property law and the contributions they could make to law reform; law reform proposals relating to personal and real property.

Perhaps in contrast to Respondents F and J, is Respondent L who emphasised the need for a property student to obtain the fundamentals of property law and who is 'on their way to being a competent land lawyer':

> Could I answer this without the university jargon? ... I want them to graduate understanding the basics of land law eg that we have a Torrens register and what it does; that Torrens titles originate in deposited or strata plans; that interests in land are typically acquired via contracts and then registration; what an ordinary easement is and what a novel easement is, and why someone would want to create one; how leases function in the real world ... what a freehold covenant is and why they are used ... I want them to understand that land law is not a muddle of incomprehensible doctrine. Like most modern law, it is primarily statute-based and those statutes were written to produce commercially and socially sensible outcomes in relation to people and land. ... The achievement level in terms of content is introductory to intermediate, but in terms of understanding, it is advanced. I want students to understand the basics of land law properly.

As seen from this discussion, the open-ended nature of the learning outcomes question gave rise to wide-ranging and diverse responses. However, notwithstanding the variety of responses, some broad trends can be identified. So, for example, respondents reported certain specific learning outcomes commonly achieved at an intermediate-advanced level including discipline knowledge, written communication and problem solving. Respondents also identified other learning outcomes multiple times, including: critical evaluation; oral communication; statutory interpretation; ethical perspectives; self-reflection; independent learning; research; and practical skills. The achievement level for these outcomes was generally noted to be either at an introductory-intermediate level or the achievement level was not indicated.

One final point to note regarding learning outcomes relates to the very limited identification of collaboration, group work or teamwork as an outcome for property students. Only three of the respondents mentioned this outcome: Respondents C and P briefly referred to 'collaboration', while Respondent M provided a more detailed explanation of what this outcome entailed for their students:

> Work co-operatively and communicate effectively as part of a team. ... Exercise appropriate professional judgment and interact appropriately with peers in group work undertaken in an academic environment. ... Reflect on individual capacity to effectively undertake work as a member of a team, and use feedback to improve teamwork and other skills.

The limited reference by respondents to collaboration as a learning outcome is consistent with the earlier discussion in the Skills section of this article where it was reported that collaboration was one of the least emphasised skills in the property unit. Although there has been a notable increase in the

development of collaboration between the 2011 and 2019 surveys, property law teachers are encouraged to consider other innovative ways for incorporating collaboration as a learning outcome in their units. Not only is collaboration and communication one of the six TLOs for law, but also, as discussed recently by Rogers and Nehme, 'a growing body of research is establishing the positive links between group work and a range of benefits, including achievement, critical thinking, problem-solving ability, creativity, wellbeing and satisfaction'.[37]

3 Assessment

As in the 2011 survey, in 2019 the authors sought details of respondents' assessment practices in property law units. The survey provided respondents with a range of assessment types from which to select: final exam; written assignments; in-class tests; class participation; practical component; and oral presentations. These options cover the dominant traditional modes of assessment.

In 2011 the principal forms of assessment in property law units at respondent law schools were a final exam (all respondents) and a written assignment (81% of respondents). Amongst the 2011 respondents, the mean percentage weighting of the final exam was 60%, with written assignments weighted 30% of the total marks in the unit. In-class tests, class participation, a practical component and oral presentations, bore between 10 and 25% of the total marks.

The 2019 data is reflected in Figure 5 and indicates one key difference from the 2011 data. As noted, in 2011 all respondents indicated that their unit assessed students via a final exam. In 2019, 27% of respondents across semester one and two did not have a final exam. For those assessing by way of a final exam, the most common weighting of the exam in 2019 was 60% of the final mark (39% of respondents across semester one and two). The greatest weighting attached to the final exam was 80% in semester one and 70% in semester two. As with 2011, Figure 6 indicates that the majority of questions comprising the final exam were problem style questions, in both semesters one and two.

37 Justine Rogers and Marina Nehme, 'Motivated to Collaborate: A Self-Determination Framework to Improve Group-Based Learning' (2019) 29(1) *Legal Education Review* 185.

Figure 5: Type and weighting of assessments — 2019

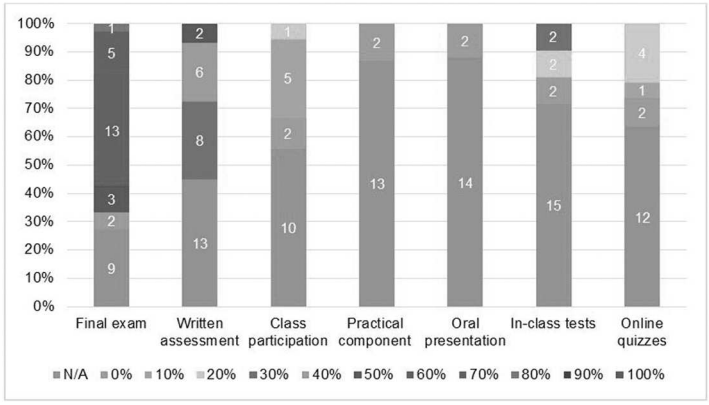
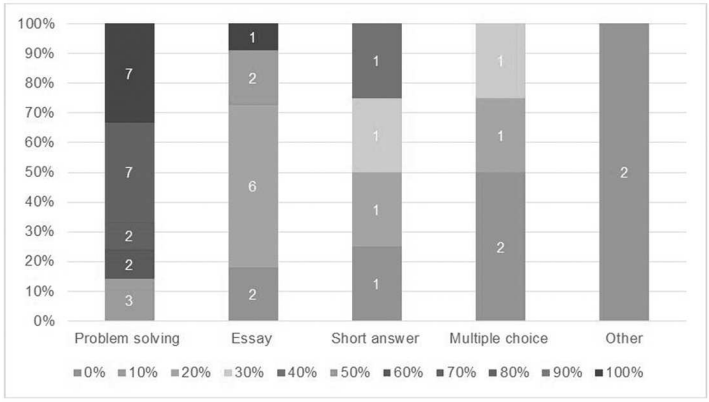


Figure 6: Proportion of types of question on final exam — 2019



After the final exam, the next most common form of assessment, and that with the next highest weighting, was a written assignment, with 55% of respondents assessing this way across semesters one and two — a drop from the 75% of respondents who assessed this way in 2011. As with the 2011 responses, generally the written assignment is worth 30%, although one respondent in each semester weighted it at 50% of the total marks. This perhaps aligns with the moderate emphasis ('very low', 'low', and 'medium') on research as a skill developed in the property law unit (Figure 1).

The 2019 survey asked respondents how they would prefer to assess. Seventy-five per cent expressed a preference for change. In an open-ended question, 50% of respondents seeking change indicated they would prefer to assess by way of oral presentations or oral examinations. There were also single responses preferring short answer questions, an in-depth research project, a drafting exercise, a reflection, and proctored online exams. These

responses were not greatly different from the responses in 2011, and the perceived barriers to implementing change were also similar — no time; no human resources; and no funding.

One respondent observed that given the 'practical nature' of their property law unit, assessments focussing on research and critical thinking were unlikely to be well received. This sentiment presents somewhat of a paradox within property law teaching in Australia. On the one hand, there has been a reported increase in emphasis on practical skills (such as conveyancing) since 2011. On the other hand, is the obvious priority reflected in the dominant method of assessment across the respondent law schools through legal problem solving in final exams. While problem solving might be perceived to be somewhat practical — relative to abstract theoretical argument — it represents a more traditional doctrinal mode of legal education that omits a range of work-ready skills.[38] The approach to the teaching of property law, reflected in the results of the 2019 survey, speaks to broader questions about the role and purpose of legal education in the university context.

III Discussion

Following the 2019 survey the world was hit by a global pandemic. Along with so many other organisations, Australian universities switched their operations very quickly from face-to-face, to fully online. While online teaching is a highly evolved part of the education sector,[39] many academics accustomed to face-to-face teaching and modes of assessment were forced to adapt rapidly. Recent global analyses of the higher education sector suggest that, even with a full return to campus, the pandemic is likely to have wrought permanent change in the way that we teach and assess.[40] In the wake of mass redundancies across the sector,[41] there is additional pressure on universities to meet the challenge of these changes while the sector is in a state of flux. In addition, following announcements during 2020, Commonwealth government funding for higher education will be increasingly dependent upon demonstrating embedded support for 'enhanced [student] engagement with

38 See, eg, Francina Cantatore, Kate Galloway and Louise Parsons, 'Integrating Technology to Increase Graduate Employability Skills: A Blockchain Case Study in Property Law Teaching' (2021) 31(1) *Legal Education Review* 1.

39 Margot Bell et al, 'Universities Online: A Survey of Online Education and Services in Australia' (Occasional Paper Series 02-A, Commonwealth Department of Education Science and Training, March 2002); Asleena Helmi, 'An Analysis of the Impetus of Online Education: Curtin University of Technology, Western Australia' (2001) 4(3–4) *The Internet and Higher Education* 243; Stephen Colbran and Anthony Gilding, 'E-Learning in Australian Law Schools' (2003) 23(1) *Legal Education Review* 201.

40 Rajan Gurukkal, 'Will COVID 19 Turn Higher Education into Another Mode?' (2020) 7(2) *Higher Education for the Future* 89; Lee-Ann Ewing, 'Rethinking Higher Education Post COVID-19' in Jungwoo Lee and Spring H Han (eds) *The Future of Service Post-COVID-19 Pandemic: Rapid Adoption of Digital Service Technology* (Springer, 2021) vol 1, 37.

41 See, eg, Robert Bolton, 'Second Wave of University Job Cuts Coming Next Year', *Australian Financial Review* (online, 17 September 2020) <https://www.afr.com/work-and-careers/education/second-wave-of-university-job-cuts-coming-next-year-20200917-p55wg2>.

providers and industry to produce job-ready graduates'.[42] This will involve increased attention to 'job-ready' skills, the way that these skills are taught, and likely also the way that they are assessed. These two converging contexts signal a potentially significant and necessary shift in legal education and property law teaching in Australia and place an interesting ex-post lens on the interpretation and analysis of the results of the 2019 survey.

On the face of it, it may appear that the skills, assessment and learning outcomes of Australian property law units changed little between 2011 and 2019. Along with the predominant emphasis on property law doctrine and the case law and legislation that supports it,[43] the overarching preference for heavily weighted final exams based mostly on problem-style questions fits neatly with a traditional conception of an academic approach to learning and teaching property law. These preferences largely reflect the findings of the 2011 survey, signalling the likely reinforcement of curriculum that is strongly aligned with the longstanding Priestley 11 knowledge domains, and of pedagogies familiar to generations of law graduates.

The 2019 survey data does evidence, however, a subtle shift from 2011 in the learning outcomes and associated assessments within property law units as well as a discernible willingness amongst Australian property law teachers to change. An emphasis on additional outcomes and skills emerged in the 2019 survey — most notably in relation to the practical application of property law including, specifically, conveyancing processes. Although there was variation in the way respondents expressed their units' learning outcomes, there was increased depth and breadth of intended learning beyond doctrine alone and that extends in a more targeted way to a range of skills, such as oral and written communication, statutory interpretation and critical reflection. This was reinforced by the general comments to the open-ended questions, that themselves reflected a common appreciation — perhaps unsurprisingly — of the centrality of property law within the discipline of law broadly as well as in practice.

Two specific features emerging from the responses to the 2019 survey highlight the disconnect between the skills, learning outcomes and assessments used in teaching property law on the one hand, and the content that respondents teach or would like to teach in their property law units on the other.[44] The first of these is the practical skills associated with the practice of property law, and the second is the socio-economic, historical and political contexts of property and how this manifests and is embedded in the unit.

A Practical skills

According to Cheshire, 'the main object of embarking upon the study of the law of real property is not to satisfy a purely intellectual desire, but to fit oneself for the art and practice of conveyancing'.[45] Nearly 80 years later, legal education has shifted from a practice-oriented degree to an academic one.

42 Department of Education, Skills and Employment, *NPILF Pilot (2022-24) Guidance Document* (Guide, 17 February 2021) 3.

43 Carruthers, Galloway and Skead, 'Teaching Property Law in a Changing World' (n 7).

44 Ibid.

45 Geoffrey C Cheshire, *The Modern Law of Real Property* (Butterworth & Co, 5th ed, 1944) 3.

Despite this, the contemporary context of graduate employability and work integrated learning provides a new impetus for practice-ready skills. While there was distinct support amongst the respondents for a 'practice oriented' approach to property law, including mention of conveyancing, this commitment sits alongside an obvious intellectual component — including developing research skills — and a particular focus on dispute resolution. All of these are reflected in the reported skills, learning outcomes and assessments.

While one respondent incorporated dispute resolution as a distinct skill, learning outcome and assessment focus (respectively) in their unit, the skill of resolving property disputes is implied in the emphasis on 'problem solving' in all responses. Although the term is not explained further in the survey responses, it is likely that it represents a universal use amongst law academics of 'hypotheticals' or 'problems' in teaching and assessing law, involving applying legal doctrine and rules to solve a dispute — rather than, say, solving problems through drafting documents, creating legal relationships between parties and so on. This latter aspect of law is transactional, rather than dispute oriented.

Returning to Cheshire's observations and the broad — but not universal — tenor of the 2019 survey results, the specific 'practical skill' commonly associated with property law is conveyancing. Conveyancing is inherently transactional. Yet what can be observed from the survey responses is the expression of a desire to teach practical property law skills, but a demonstrated emphasis on solving problems involving disputes as a dominant teaching method and assessment focus. Within the broader dispute-oriented law degree, teaching conveyancing or its component skills, such as drafting and interpreting statutes and instruments in the context of agreement-making and creation and transfer of property interests, appears to be an outlier. This is at odds with the reality of legal practice in Australia.

1 Legal practice in Australia

While the data is somewhat dated, it remains clear that a significant proportion of legal practice in Australia is transactional. Table 3 summarises four reports of lawyers' practice areas. Because each report uses different methods, measurements, and populations, and span almost 20 years, they cannot be compared directly and, consequently, there are some limitations in interpreting the data. For this reason, the data cited are illustrative not determinative.

Table 3: Summary of reports on fields of practice by practice area

	ABS 2001–02[46] % of income	ABS 2007–08[47] % of income	NSWLS 2016[48] % of lawyers	Thomson 2018[49] % of hours worked
Property law (conveyancing + construction)	21%	18.9%	39.8%	21%
Commercial law/corporate /business	24.7%	33.6%	63%	23%
Banking and Finance	6.3%	*Not measured*	8.8%	9%
Wills & Estates	3.6%	3.6%	26.1%	*Not measured*
Civil litigation/ dispute resolution	*Not specified*		28.6%	20%
General litigation			20.1%	*Not differentiated*
Personal injuries	15.6%	21.7%	9.5%	*Not measured*
Criminal law	1.7%[50]	12%	14.2%	*Not measured*
Family law	5.8%	6%	17.7%	

The Australian Bureau of Statistics ('ABS') reports indicate discrete practice areas including: property law — comprising conveyancing, native title, and building and construction;[51] commercial law — being 'legal work concerned with commercial transactions between businesses, and the fulfilment of

46 Australian Bureau of Statistics, *Legal Practices, Australia, 2001–02* (Catalogue No 8667.0, 25 June 2003) ('ABS 2001').

47 Australian Bureau of Statistics, *Legal Practices, Australia, 2007–08* (Catalogue No 8667.0, 24 June 2009) ('ABS 2008').

48 Alison Wallace, Caroline Tomiczek and Diane Fase, *New South Wales Profile of Solicitors 2016 Final Report* (Report, 19 July 2017) ('NSW Report').

49 Melbourne Law School and Thomson Reuters Peer Monitor, *2018 Australia: State of the Legal Market Report* (Report, 26 September 2018) ('State of the Legal Market').

50 ABS 2001 (n 46) 16. The note in the Report indicates a standard error of between 10% and 25%, and that this figure should be used with caution.

51 Ibid 44.

contracts';[52] banking and finance — being 'legal work concerned with financial transactions and matters, and the banking industry';[53] and wills and estates — involving 'preparation and administration of wills, estates and inheritances'.[54] Importantly these categories do not rule out litigation in these fields.[55] Indeed, as there is no category of general or commercial litigation in the ABS statistics, the percentage of income for these categories cannot be considered to describe purely transactional work. It is likely they include some litigation. Other fields, such as family, criminal law, environmental law, and personal injury, are taken to involve primarily litigation.

The ABS statistics show fields of practice as a percentage of solicitors' income. A bespoke matter will be more lucrative than a run of the mill matter, muddying the relative proportions of practice. Further, some matters may be fixed fee while others billed based on time costing, making comparisons difficult in terms of the volume of work performed. The volume of work will also depend on various economic cycles. Some years will involve a greater amount of property law work than others. Other fields such as personal injury may be less prone to market variations. This means that the data would ordinarily need to be adjusted for market variations, to give any meaningful support for an argument about the prevalence of a particular type of work undertaken in legal practice.

The New South Wales (NSW) Report relies on an annual survey of NSW practitioners including information about their practice areas. Unlike the ABS statistics, this data is represented as a proportion of total lawyers practising in a particular field. It differentiates practice areas significantly more than the ABS reports, incorporating conveyancing and real property law, commercial law, corporate law, small business, taxation, and wills and estates.[56] Because there are separate categories for general litigation and commercial litigation it is assumed that the other categories involve transactional law rather than disputes. However, the data reflects that lawyers may practice in more than one area.

The Thomson Reuters Report focuses only on 16 major law firms,[57] and to the extent it reports on fields of practice, it measures hours of work. It differentiates dispute resolution from the fields of real estate, corporate law, mergers and acquisitions, construction and banking and finance.[58] Because of this explicit differentiation, the non-dispute fields are taken to represent transactional law.

2 An enhanced focus for transactional processes in property law?

Despite the diversity of approaches in collating the data presented in Table 3, it does provide insight into the likely volume of transactional work undertaken by practising lawyers that does not involve litigation or other forms of dispute

52 Ibid 40.
53 Ibid.
54 ABS 2001 (n 46) 46.
55 '[L]itigation, arbitration and mediation services are included in the relevant fields of law': ABS 2001 (n 46) 42.
56 NSW Report (n 48) 30.
57 State of the Legal Market (n 49) 3.
58 Ibid Chart 3, 6.

resolution. Relevant to the teaching of property law, in real property law, wills and estate planning, company law, and commercial law (which broadly speaking comprises drafting agreements and other documents, and compliance), practitioners will commonly be involved in creating or protecting their clients' property interests through drafting, negotiation and finalising documentation and transactions that comply with primary and secondary legislation, and fulfilling legislated and administrative requirements. In many cases this will involve interpreting the meaning of relevant statutory provisions that have not been declared by the courts.

It is a well-rehearsed argument that Australian law students are exposed to a legal education in which superior court decisions dominate the curriculum at the expense of non-adversarial legal encounters.[59] If, as the data suggests, it is accepted that a significant proportion of legal work involves transactions rather than disputes (whether adversarial or not) then undue emphasis in law school on superior court deliberations and dispute resolution does not necessarily reflect the way in which law is practised in Australia.

This is not to say that superior court decisions are not relevant — or even central — to the learning or understanding of law and the ability to perform transactional legal work competently. However, accepting that legal practice occurs to a large extent beyond the bar and the bench of the courtroom or around the mediation table highlights the need for graduate skills that complement the existing litigation and dispute resolution focus of legal education. In property law, this would include conveyancing practice, negotiating and drafting instruments, and reading and interpreting statutes and instruments.

Given the current emphasis in higher education on work integrated learning and work-ready skills, together with a professed commitment amongst property law teachers to teach practical skills, there is clearly scope for an enhanced focus on transactional law processes and contexts in teaching property law. Such a shift may resolve the apparent disconnect between a desire to teach practical skills in property law units, and the way in which this manifests in the curriculum.

B Property law in context

A second notable feature of the 2019 survey data is the widespread commitment to teaching socio-legal and critical contexts of property law, including critical thinking. Contextual approaches to teaching property law might be embedded in the teaching of any of the well-recognised traditional topic areas — the Torrens system, easements, mortgages, etc. Indeed, a critical and contextual approach to these areas forms the basis of a more critical engagement with the role of the law in society. However, of note, the leading

59 See, eg, James Duffy and Rachael Field, 'Why ADR Must be a Mandatory Subject in the Law Degree: A Cheat Sheet for the Willing and a Primer for the Non-Believer' (2014) 25(1) *Australasian Dispute Resolution Journal* 9; Kathy Douglas, 'Shaping the Future: The Discourses of ADR and Legal Education' (2008) 8(1) *Queensland University of Technology Law and Justice Journal* 118; Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-Minded, Sweet-Eyed Hope' (2012) 23(3) *Australasian Dispute Resolution Journal* 195.

property law texts offer a more doctrinal approach to these topics, suggesting a tendency towards fulfilling the (doctrinal) Priestley requirements. It may be, therefore, that additional topics identified by respondents, such as 'Indigenous content' and 'environmental stewardship of property', might offer an immediately identifiable socio-legal context.[60]

Given the significant current, and rapidly increasing, knowledge of the science of climate change, including its relevance to law,[61] the absence in the 2019 survey responses of learning outcomes expressly dealing with this critical aspect of property law is somewhat surprising. As the authors reported earlier, there was a small number of respondents in the 2011 survey who sought to teach more about the environmental impacts on property.[62] This theme featured strongly again in the respondents' general comments in the 2019 survey. For example:

> [W]e also need to situate that doctrine within society and environment so that we train the next generation of barristers, judges, politicians, bureaucrats, policy-makers, and activists.[63]

> If we can teach property law in a way that clearly communicates to students that property law is the area of law regulating all of that space ...[64]

> This would give law graduates a greater capacity to connect their expertise to matters of import in socio-economic and environmental decision-making ...[65]

These general comments seem to reflect respondents' desired outcomes for teaching property law, yet there is no evidence in the reported outcomes that they are made explicit in the unit design or curriculum. While not interrogated further, there is also no evidence that problem solving questions — the principal focus of assessments — deal with problems beyond doctrine per se and extend to environmental related problems such as climate change, the ongoing deployment of property interests in the dispossession of First Nations,[66] and the role played by private property and marketable interests in land in the degradation of land and water.[67]

Several possible skills and learning outcomes might give expression to the respondents' desire to teach property law to promote justice for both First Nations and the Earth. Barnett, for example, advocates for an 'ecological

60 2019 survey responses; Carruthers, Galloway and Skead, 'Teaching Property Law in a Changing World' (n 7) 143–5. See also, Nicole Graham and Kate Galloway, 'Unlearning Real Property Law' in Prue Vines and Helen Gibbon (eds), *Critical Legal Education as a Subversive Activity* (Routledge, forthcoming).

61 See, eg, Nicole Graham, 'Learning Sacrifice: Legal Education in the Anthropocene' in Kirsten Anker et al (eds), *From Environmental to Ecological Law* (Routledge, 2020).

62 Carruthers, Galloway and Skead, 'Teaching Property Law in a Changing World' (n 7) 143.

63 Respondent D.

64 Respondent I.

65 Respondent J.

66 See, eg, Kate Galloway, 'Indigenous Dispossession in the 21st Century: The Northern Frontier' (2015) 40(1) *Alternative Law Journal* 28; Kate Galloway, 'A Legal Lacuna: Between Cultural Heritage and Native Title' (2020) 35(4) *Australian Environment Review* 110.

67 Nicole Graham, 'Dephysicalised Property and Shadow Places' in Robyn Bartel and Jennifer Carter (eds) *Handbook of Space, Place and Law* (Edward Elgar, 2021) 281.

university':[68] 'a university that takes seriously both the world's interconnectedness and the university's interconnectedness with the world'.[69] On this premise, curricula (amongst other dimensions of the university's operations) should promote graduates' capabilities as global citizens with a clear values-based approach to life for the better good. In the true sense of 'ecological', such values extend beyond benefits to humans alone. Such an approach requires a deeply contextual and critical examination of the role of law in inhibiting or promoting a better world. For property law education, a commitment to the ecological university would promote outcomes beyond those emerging from the survey responses. It would include, for example, the ability to analyse complex problems and to formulate solutions for society's complex and uncertain future.[70]

In a similar vein and recognising the imperative of a versatile and collaborative approach to problem solving, including problems concerning land and the rights attaching to it, 'integrative thinking' involves interweaving multi-disciplinary knowledge and skills including 'theoretical, practical, self-regulative and sociocultural knowledge'.[71] An integrative approach to teaching aims to develop graduates' capability to work in high-functioning multi-disciplinary teams who pool their skills and knowledge to solve complex — indeed, super-complex[72]— problems.

These two approaches are simply illustrative of contemporary approaches to teaching for outcomes beyond knowledge of discipline content beloved of traditional universities, and law schools. They are noted, by way of contrast, as suggested ways to embrace the kinds of learning outcomes that emerge from the 2019 survey. For property law teachers who are committed to transforming the traditional approach to teaching the core curriculum, such approaches offer guidance in recalibrating unit learning outcomes, re-evaluating the skills to be developed within the unit — including thinking skills — and designing assessment that does away with the overwhelming emphasis on doctrinal disputes.

IV Conclusion

On the face of it, the 2019 survey data might suggest that little has changed since 2011 in relation to the skills, learning outcomes and assessment practices

68 Ronald Barnett, *The Ecological University: A Feasible Utopia* (Routledge, 2017).

69 Ronald Barnett, 'The Coming of the Ecological University' (2011) 37(4) *Oxford Review of Education* 439, 451.

70 See generally, Ronald Barnett, 'Learning for an Unknown Future' (2012) 31(1) *Higher Education Research and Development* 65; Ronald Barnett and Susan Hallam, 'Teaching for Supercomplexity: A Pedagogy for Higher Education' in Peter Mortimore (ed), *Understanding Pedagogy And Its Impact on Learning* (SAGE Publications Ltd, 1999) 137; Ronald Barnett, *Realizing the University in an Age of Supercomplexity* (Open University Press 2000).

71 Päivi Tynjälä and David Gijbels, 'Changing the World: Changing Pedagogy' in P Tynjälä et al (eds), *Transitions and Transformations in Learning and Education* (Springer, 2012) 205, 209 <https://link.springer.com/chapter/10.1007/978-94-007-2312-2_13>.

72 Barnett and Hallam (n 70).

in property law units taught in Australian law schools. But the responses to the open-ended questions and respondents' final general comments reveal a more nuanced reality.

As a general observation, property law teachers appear to want to move beyond the traditionally doctrinal focus of the curriculum. They recognise the importance of ensuring students are equipped with the practical skills needed to work in a profession with a strong transactional focus. Moreover, several respondents expressed a wish to adapt the skills and learning outcomes in their property law units so as to embed a more critical socio-legal approach to the role of property law in shaping an increasingly uncertain future. The ideas presented in this article for how this might be achieved arguably extend beyond property law to legal education more broadly, thus presenting frameworks for adapting skills and learning outcomes that are truly future-oriented.