

USING EXEMPLARS IN AN INTERDISCIPLINARY LAW UNIT: LISTENING TO THE STUDENTS' VOICES

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ABSTRACT

Students in interdisciplinary law units are expected to attain competence in skills specific to the discipline of law in order to satisfy assessment requirements. The answering of legal hypothetical problems, a common form of assessment in interdisciplinary law units, requires a specific methodology in answering a problem question, quite different from many students' previous or concurrent experiences in other non-law units.

Literature supports the idea of exemplars as a means of transmitting knowledge of criteria and standards, and of transmitting tacit knowledge of discipline-specific skills. There appears to be an absence of documented evidence that exemplars have been used in a systematic fashion in interdisciplinary law units.

This paper reports on a project conducted with the Introduction to Business Law unit offered at the University of Western Sydney, which aimed to introduce exemplars in a systematic fashion to students in order to assist with their understanding of assessment requirements concerning legal problem solving. Students were surveyed twice as to their perceptions on the use of exemplars, both at the beginning and end of the semester. Changes in student perceptions of statistical significance between the two surveys were observed and reported.

A picture shows me at a glance what it takes dozens of pages of a book to expound.

Ivan Turgenev, *Fathers and Sons* (1862)

I. INTRODUCTION AND BACKGROUND

As a law clerk many years ago, one of the research team received two explanations of conveyancing practice from two partners of the employing law firm. The first explanation, from the senior partner, was long, complicated, entirely verbal, and full of legal terminology alien to the novice clerk. There were references to old system, indefeasibility of title, common property and title by registration. The second explanation, from the more junior partner, involved taking a conveyancing file from the shelf and demonstrating the steps involved. There was a strata plan and a certificate of title, a contract for the sale of land, letters to the client and certificates from a surveyor, the water authority and local council. This second explanation succeeded in imparting a great deal of information along with the beginnings of a skill set in carrying out a conveyancing transaction. The 'picture' – a concrete and tangible file – was decidedly a more successful educational tool than the 'thousand words' verbal explanation.

II. A SURVEY ON STUDENT PERCEPTIONS OF THE USE OF EXEMPLARS IN ASSESSMENT

The research project which is the subject of this paper examines whether students in an interdisciplinary law subject found a 'picture', in the form of exemplars, to be of value in decoding the 'thousand words' of the standards they were expected to attain in an item of assessment.

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III. CONNECTION WITH PRIOR RESEARCH PROJECT

The authors undertook a research project in 2008 on the reliability of marking of assessments.¹ A recurring theme in the assessment literature reported on from that project was the use of exemplars to improve reliability in the assessment process.² This paper explores a different aspect of the use of exemplars, examining student perceptions of exemplars as a tool to improve the validity of an assessment task. There remains an opportunity for a future research project to investigate the use of exemplars in improving the reliability of the marking process.³

IV. WHAT IS AN EXEMPLAR?

For the purposes of this study, the term ‘exemplar’ refers to sample papers from a written examination, each paper being submitted by a volunteer member of a previous cohort of students in the subject. Exemplars representing each possible grade (fail, pass, credit, distinction, high distinction) were included, with each paper extensively annotated to explain why the grade was allocated. Annotations reflected the extent to which published criteria and standards for the assessment task were attained in each sample paper.

D Royce Sadler defines exemplars as ‘key examples of products or processes chosen so as to be typical of designated levels of quality or competence’.⁴ The term ‘exemplar’ is also described by various institutions and literature as ‘annotated assignments’,⁵ ‘model papers’⁶ and ‘model answers’.⁷

There are multiple potential benefits to providing examples of work at the lower end of the grade spectrum, in addition to providing examples of high-achieving work. Such examples are a form of feedback to students to explain the marking process and the allocation of a particular grade; for example, to explain why a pass rather than credit was attained. Current assessment literature places a high value on the provision of timely and useable feedback to students.⁸

- 1 David Newlyn and Liesel Spencer, ‘Intertester Reliability: Reporting on Assessment Methods in Interdisciplinary Units’ (2008) 1 *Journal of the Australasian Law Teachers Association* 255.
- 2 D Royce Sadler, ‘Interpretations of Criteria-based Assessment and Grading in Higher Education’ (2005) 30(2) *Assessment and Evaluation in Higher Education* 175, 192; Catherine Taylor, ‘Assessment for Measurement or Standards: The Peril and Promise of Large-scale Assessment Reform’ (1994) 31(2) *American Educational Research Journal* 231, 243; Richard James, Craig McInnis and Marcia Devlin, *Assessing Learning in Australian Universities* (2002) 35; Berry O’Donovan, Margaret Price and Chris Rust, ‘Know What I Mean? Enhancing Student Understanding of Assessment Standards and Criteria’ (2004) 9(3) *Teaching in Higher Education* 325, 332.
- 3 For an example of an exemplar project geared to both improved teacher judgements in marking and improved student performance, see Phil Coogan and Anne Alkema, ‘The New Zealand English Exemplar Project’ (2003) 11(1) *Literacy Learning: The Middle Years* 26, 26.
- 4 Sadler, above n 2, 192.
- 5 See, eg, the online support material provided by Monash University for Commercial Law students: *Commercial Law Assignment*, Monash University, Language and Learning Online <<http://www.monash.edu.au/lis/lonline/writing/business-economics/commercial-law/index.xml>> at 14 October 2009.
- 6 Grant Wiggins, ‘The Case for Authentic Assessment’ (1990) 2(2) *Practical Assessment, Research and Evaluation* 4.
- 7 Mark Huxham, ‘Fast and Effective Feedback: Are Model Answers the Answer?’ (2007) 32(6) *Assessment and Evaluation in Higher Education* 601, 603.
- 8 Ibid 602, citing James Hartley and Kathryn Chesworth, ‘Qualitative and Quantitative Methods in Research on Essay Writing: No One Way’ (2000) 24(1) *Journal of Further and Higher Education* 15, Sally Brown and Peter Knight, *Assessing Learners in Higher Education* (1994) and Mantz Yorke and Bernard Longden, ‘The Vital First Year’ (2006) 4 *Academy Exchange* 16; Dannelle D Stevens and Antonia Levi, *Introduction to Rubrics* (2005) 17; Graham Gibbs and Claire Simpson, ‘Conditions under which Assessment Supports Students’ Learning’ (2004–05) 1 *Learning and Teaching in Higher Education* 3, 18.

Further, an unfortunate reality of the present tertiary education environment is the increasing litigiousness of students dissatisfied with their grades.⁹ Exemplars provided in advance of the assessment task, at each grade level, provide a further defence of, and justification for, the assessment process. Exemplars can also be used as a form of feedback to students after the task, either used by the student alone to compare their work to the exemplar or in consultation with their lecturer when undertaking a 'post-mortem' on a piece of assessment.

V. PURPOSES AND QUALITIES OF GOOD ASSESSMENT PRACTICE

Good assessment practice possesses qualities of reliability and validity.¹⁰ When measuring the validity of an assessment task, the purpose of the exercise and the extent to which that purpose is achieved are foremost considerations.¹¹ The purpose of valid assessment is not just the allocation of a mark or grade. Valid assessment should also involve the acquisition of skills and knowledge.¹² Looking at the bigger picture, the skills and knowledge acquired should produce an employable graduate, or at least a graduate possessing the attributes claimed by the tertiary institution as products of the particular degree program.¹³

Thus, exemplars are of utility in increasing the validity of assessment if the exemplars enable or increase the acquisition of skills and knowledge relevant to the student's course of study and desired outcomes (i.e. graduate attributes).

VI. APPRENTICESHIP AND MASTERY OF SKILLS – TACIT VERSUS EXPLICIT KNOWLEDGE

Berry O'Donovan, Margaret Price and Chris Rust define 'explicit knowledge' as that which is codifiable, clear, unambiguous and able to be put into words.¹⁴ This is contrasted with 'tacit knowledge' which is experience-based, such as the wine-taster's judgement of quality.¹⁵ In the exam used as the material for this research project, an example of the explicit knowledge that students were expected to grasp was the requirement to 'answer all parts of all questions'. The more elusive tacit knowledge required of students was reflected, for example, in the criteria which called for 'structure, coherence and clarity of arguments'.

How, then, is an apprentice (the student) to be initiated into tacit knowledge? Ikujiro Nonaka and Hirotaka Takeuchi's model calls for a process of observation, imitation and practice rather than mere transmission of knowledge.¹⁶ Simply providing descriptions of criteria and standards will not alone enable a student to observe, imitate and practice the desired set of skills (in this study, for example, legal problem solving which evidences 'structure, coherence and clarity of arguments'). Exemplars are a means of transferring tacit knowledge prior to the submission of student work (eg. students can observe a structured, coherent and clear effort at legal problem solving and imitate this skill in practice exam responses).¹⁷

In concerning oneself with improving the validity of assessment, as indicated above, it is desirable to have as a valid purpose the students' acquisition of skills (as opposed to the students'

9 Mantz Yorke, 'The Management of Assessment in Higher Education' (1998) 23(2) *Assessment and Evaluation in Higher Education* 101, 101; Harvey Woolf, 'Assessment Criteria: Reflections on Current Practices' (2004) 29(4) *Assessment and Evaluation in Higher Education* 479, 490.

10 Wiggins, above n 6, 2.

11 Effie Maclellan, 'Authenticity in Assessment Tasks: A Heuristic Exploration of Academics' Perceptions' (2004) 23(1) *Higher Education Research and Development* 19, 20.

12 Maclellan, above n 11, 23.

13 Sharon Christensen and Sally Kift, 'Graduate Attributes and Legal Skills: Integration or Disintegration?' (2000) 11 *Legal Education Review* 207, 208, 213.

14 O'Donovan, Price and Rust, above n 2, 328.

15 Ibid 328.

16 Ikujiro Nonaka and Hirotaka Takeuchi, *The Knowledge Creating Company* (1991) 63–9.

17 Sadler, above n 2, 193; O'Donovan, Price and Rust, above n 2, 331–2.

acquisition of a grade).¹⁸ These skills can be ranked according to level of sophistication and also according to the level of relevance to the desired outcomes of the subject and degree program. An unnecessarily high proportion of student time dedicated to a particular assessment task can potentially be absorbed grappling with ‘lower-order’ skills, such as matters of format and presentation.¹⁹ This reduces the time available for the acquisition of ‘higher-order’ skills, such as writing analytically. Exemplars can be a ‘stepladder’ to increasing student focus on higher-order skills, by modelling lower-order skills. By examining exemplars, students can observe, imitate and practice lower-order skills without wasting time on trying to guess at academics’ expectations on matters such as footnoting or the proper headings for paragraphs. Time is freed for the selection and application of relevant law.

The reality of larger class sizes and reduced staff-to-student ratios makes the one-on-one model for the apprentice/mentor relationship unrealistic.²⁰ Exemplars provide an observable demonstration of skills by proxy. Whilst one-on-one mentoring might be more desirable, demonstration by proxy of the expected standards is better than no demonstration at all.

VII. COMMUNICATING STANDARDS AND CRITERIA

Formal standards and criteria, if not already universal assessment practice in higher education, will soon become common practice.²¹ This has generated concerns over whether those standards and criteria are actually being communicated effectively to students.²² O’Donovan, Price and Rust’s five-year research project concluded on this point; that ‘despite our best efforts, on their own, the explicit assessment criteria and grade descriptors failed to transfer meaningful knowledge on assessment standards and criteria to students’.²³ The most carefully worded documents, the ‘thousand words’ of the proverb indicated at the outset of this paper, are not sufficient to communicate what is expected.

Well-intentioned efforts to use more words to clarify the expected standards can make things worse.²⁴ The use of language to communicate standards results in what Sadler describes as unavoidable ‘fuzzy standards’, for example the subjectivity implicit in the expression ‘highly original’.²⁵ The terms used are relative; the language often punctuated with academic jargon. O’Donovan, Price and Rust note the inherent difficulties in using more language in an effort to explain the language of standards and criteria: ‘in practice, we found that a single-minded concentration on the construction of ever more comprehensive and precise anchor definitions quickly became self-defeating’.²⁶ David Carless observed, from interview data with students, that ‘overall, assessment criteria and the unpacking of its discourse seemed to represent a barrier

18 Maclellan, above n 11, 24.

19 Alan J Penny and Christine Grover, ‘An Analysis of Student Grade Expectations and Marker Consistency’ (1996) 21(2) *Assessment and Evaluation in Higher Education* 173, 177.

20 Huxham, above n 7, 602; Mark Saunders and Susan Davis, ‘The Use of Assessment Criteria to Ensure Consistency of Marking: Some Implications for Good Practice’ (1998) 6 *Quality Assurance in Education* 162, 166.

21 Sadler, above n 2, 175; Maclellan, above n 11.

22 O’Donovan, Price and Rust, above n 2; David Smith and Ross Brooker, ‘The Literature-based Essay as an Instrument for Assessing Undergraduates – Potent or Problematic?’ (Paper presented at the annual conference of the Australian Association for Research in Education, Hobart, 26–30 November 1995) <<http://www.aare.edu.au/95pap/smitd95096.txt>> at 14 October 2009; Woolf, above n 9, 480; Sadler, above n 2, 181.

23 O’Donovan, Price and Rust, above n 2, 327.

24 Sadler, above n 2, 181.

25 D Royce Sadler, ‘Specifying and Promulgating Achievement Standards’ (1987) 13 *Oxford Review of Education* 191, 202.

26 O’Donovan, Price and Rust, above n 2, 327.

USING EXEMPLARS IN AN INTERDISCIPLINARY LAW UNIT: LISTENING TO THE STUDENTS' VOICES to student understanding of required standards'.²⁷ Sadler puts it more plainly: 'a fuzzy standard cannot ... be defined into existence'.²⁸

Exemplars are an alternative to descriptions as a way to communicate expectations,²⁹ and make standards real, 'concrete and tangible'.³⁰ Exemplars are an 'anchor point' for communicating standards expressed in relative, subjective terminology³¹ – a means of 'unpacking the discourse' of assessment practice.

VIII. USE OF EXEMPLARS IN AN INTERDISCIPLINARY LAW UNIT, 'INTRODUCTION TO BUSINESS LAW'

Introduction to Business Law (IBL) is a designated first-year introductory law subject for students not enrolled in a law degree, which has been offered at the University of Western Sydney (UWS) since 2001. IBL is an introductory law unit designed to introduce the fundamentals of law in a commercial context and assist students to develop skills and competencies to assist them with legal problems they may face in their future careers. Students enrolled in IBL come from a very diverse range of courses; over 19 degree structures have IBL as a compulsory core unit. Students therefore are not necessarily primarily from only a commerce or accountancy degree program. They come from a diverse range of degrees/majors including tourism, hospitality, management and engineering.

Whilst IBL is offered during both of the main semesters (Autumn and Spring), it regularly operates over a shortened Summer session. Over the course of a year, IBL regularly attracts upwards of 2500 students. Assessment in IBL consists of three items: an online multiple-choice quiz, a take-home assignment and a formal examination.³² This research project examines student perceptions of the use of exemplars to assist students in the completion of the final examination. The use of exemplars to demonstrate to students the requirements of the assessment item became compulsory for all first- and final-year units offered by UWS from Autumn semester 2009. It will become compulsory for all other units from 2010.

Principally, the final examination papers that students undertake in IBL consist of problem questions designed to test the students' knowledge of how legal principles they have mastered can be applied to actual situations. This is, of course, very similar to the method used in many law degree courses in order to prepare those students for their future careers as lawyers.

A significant proportion of students enrolling in IBL identify themselves on intake surveys as 'first in family' students; that is the first representative of their immediate family to attend university.³³ For a significant number of students in this subject, then, there is no-one at home to explain what a university assignment or examination should look like or offer guidance as to how to complete practice exam papers – this knowledge is not part of the culture and background

27 David Carless, 'Differing Perceptions in the Feedback Process' (2006) 31(2) *Studies in Higher Education* 219, 227.

28 Sadler, above n 2, 204.

29 Chris Rust, 'Towards a Scholarship of Assessment' (2007) 32(2) *Assessment and Evaluation in Higher Education* 229, 230.

30 Taylor, above n 2, 243.

31 Sadler, above n 2, 202.

32 During the semester in which this research project operated, the online multiple-choice quiz constituted 20 per cent of the final mark, the assignment 20 per cent and the final exam constituted 60 per cent. There is no stated requirement that students are required to pass or achieve a threshold mark in any one of these items in order to pass the unit. To pass the unit they need only achieve a mark of at least 50 per cent overall from their three assessment items.

33 As the most recent figures from Autumn 2009 indicate, 447 (40 per cent) of 1097 students responding to this student intake survey question indicated that they identified as 'first in family' university attendees: email from Rob McPaul Browne, Senior Business Analyst (Student Systems), Office of the Academic Registrar, University of Western Sydney to Liesel Spencer, 24 June 2009.

of the family unit. Mentoring and apprenticeship in the skills needed to successfully negotiate university are not available at home.

As ‘non-law’ or ‘interdisciplinary law’ students, the IBL cohort are unlikely to have previously encountered the legal problem-solving format specific to the discipline of law.³⁴ In IBL, students are taught to use four logical and sequential steps to solve any legal hypothetical, being the identification of legal issues, identification of relevant law, application of relevant law to the facts in order to resolve the legal issue, and a conclusion or advice to the client.

Students enrolled in law degrees have repeated opportunities to learn to ‘think like lawyers’, sifting the legally relevant from the irrelevant and then reasoning through a problem scenario in this practised format. Undertaking IBL, however, exposes students to an alien mode of thinking, requiring acquisition and mastery of this mode of thinking in order to perform well in assessment tasks in a very short period of time. Exemplars are one method by which it is sought to impart and clarify law-specific skills (what Mark Huxham refers to as ‘the professional assumptions and requirements ... of a particular subject’).³⁵ When accompanied by an exemplar, the criteria and standards, it is hoped, makes more sense. Harvey Woolf, comparing criteria in business and history subjects, found that ‘subject-specific skills’ were not specifically articulated in the criteria, which focused on ‘general academic and intellectual skills’.³⁶ Woolf describes the subject-specific knowledge as being ‘assumed rather than fully and explicitly articulated’³⁷ – a parallel with the contrast between tacit and explicit knowledge discussed above. The only criterion in IBL which could be said to be subject-specific is the requirement of ‘referencing of cases and other evidence’. Exemplars are potentially a bridge between generalised criteria (eg, ‘structure, coherence and clarity of arguments’) and unspoken, subject-specific assumptions (eg, the use of the legal problem-solving format to structure answers). The problem-based format of the exam questions in IBL are perhaps more easily modelled by exemplars than long, literature-based essay assessments.³⁸

IX. SIMILAR RESEARCH PROJECTS CARRIED OUT IN THIS AREA

Paul Orsmond, Stephen Merry and Kevin Reiling³⁹ conducted a study in which groups of students constructed their own marking criteria for an undergraduate biology assignment, using exemplars as a catalyst for discussion and a reference point for constructing criteria. The Orsmond, Merry and Reiling study measured the efficacy of communicating standards and also student perceptions of that efficacy. The study which is the subject of this paper measures only student perceptions of the usefulness of exemplars, although it is noted that a second stage of the research is planned to measure the effect of the provision of exemplars on student performance in assessment.

Huxham’s⁴⁰ study compared student preferences for two types of feedback provided for a formative assessment: model answers (exemplars) and personalised comments. The study also compared student performance in summative assessment. That is, student preference for model answers versus personalised feedback comments was measured for task A, then the effect on performance of model answers versus personalised feedback was measured for task B. Interestingly, the study concluded that whilst students preferred personalised feedback, model answers (exemplars) had a better effect on performance in the summative assessment task.

34 For examples of the format, see Bobette Wolski, *Legal Skills: A Practical Guide for Students* (2006) 137; Catriona Cooke, et al, *Laying Down the Law* (7th ed, 2009) 418.

35 Huxham, above n 7, 602.

36 Woolf, above n 9, 485.

37 Ibid 485.

38 Smith and Brooker, above n 22; Huxham, above n 7, 603.

39 Paul Orsmond, Stephen Merry and Kevin Reiling, ‘The Use of Exemplars and Formative Feedback when Using Student Derived Marking Criteria in Peer and Self-assessment’ (2002) 27(4) *Assessment and Evaluation in Higher Education* 309.

40 Huxham, above n 7.

Huxham's study measured both student perceptions and student performance, whereas, as noted above, the study the subject of this paper looks only at student perceptions. As a further point of difference Huxham elicited both quantitative and qualitative responses, whereas this study uses only quantitative data. In Huxham's study the 'model answers' (exemplars) were defined as 'ideal responses, which would receive 100 per cent of the marks, generated by the tutor'⁴¹ whereas this study used actual students' exam scripts at each grade level, annotated by the research team.

O'Donovan, Price and Rust conducted a study based on 'marking workshops', offered on a voluntary basis, in which students could opt to mark two exemplar papers, one at each end of the grade spectrum, by reference to the criteria and standards for the task. Students then engaged in small group discussions with a tutor, and were finally provided with the two exemplar papers as annotated and marked by the tutor. The study examined the effect on student performance of the workshops. The findings of this study, repeated over three years, showed an improvement in student performance for those students opting in to the workshops.

X. PROJECT METHODOLOGY⁴²

After the conclusion of the Summer session operation of IBL in 2007–08, students were invited to make their completed final exam scripts available for use as exemplars for future students in IBL. Of the 110 students who completed IBL in Summer 2007–08, 42 consented to the potential use of their completed exam scripts. From those 42 scripts, the research team selected examples of papers from the F, P, C, D and HD range of marks awarded. Our aim was to find examples which clearly represented the learning objectives and marking criteria as stated to students in their unit outlines. Ultimately, just one example of each grade was chosen to be annotated and included as an example for future IBL students.

Over a period of several months, the research team took considerable time to put these exam scripts into an accessible and useable format for future use as exemplars. This process consisted of scanning and placing all of the examples into one document, which also included a copy of the final exam and some introductory comments. The exam scripts were annotated with very specific comments, both negative and positive, which linked directly back to the criteria used for assessment, but which also reflected matters such as basic spelling, sentence structure and grammar where such problems were evident. Very specific and direct comments were included. Specific examples included 'There is no attempt to define the relevant issue(s) (STEP 1 of the problem solving methodology) for the question in any systematic fashion' and 'The student needs to provide a primary source for their assertion'.

The final created exemplar document was 34 pages in length. In no way were the completed exam scripts edited, thus the final documentation which would be presented to future IBL students truly represented students' examples rather than any type of teacher-modelled answer.

The final exemplar document was presented to students on the first day of their attendance for the Summer session of 2008–09. At that time, students were asked to complete the survey (survey 1) which was designed to measure their views on the value they placed upon exemplars and their previous experiences with exemplars.⁴³ On the last day of the semester, and before the students sat their final exam, students were asked to complete a similar survey (survey 2).

41 Ibid 603.

42 Ethics approval for this study was obtained from the University of Western Sydney Human Research Ethics Committee.

43 The survey used for this project was based upon the survey used for a similar project conducted with LLB students for a core introductory law unit at UWS. Further details of this can be found in Susan Armstrong, Graham Hendry and Nikki Bromberger, 'Constructive Guidance and Feedback for Learning: The Usefulness of Exemplars, Marking Sheets and Different Types of Feedback in a 1st Year Law Subject' (Paper presented at the 64th Australian Law Teachers Association (ALTA) Conference, University of Western Sydney, Sydney, Australia, 6–9 July 2009).

The second survey would be used to measure any changes in attitude that occurred during the semester as a result of being exposed to the exemplars.

XI. SURVEY

The surveys that the students were asked to complete were designed to gather quantitative data based upon their views of exemplars. In particular, the research team was interested not only in the experiences that students had previously had with exemplars and their view of the value of exemplars, but also what changes of view might take place during a semester as a result of being exposed to the prepared exemplars. The survey consisted of 22 items based on a traditional Likert scale. Items were anchored ‘strongly disagree’, ‘disagree’, ‘neutral’, ‘agree’ and ‘strongly agree’. As is consistent with the use of this type of survey, and quite deliberately to ensure consistency of data, a number of the questions used in the survey were asked more than once, but in a slightly different manner. For example, question numbers 7 and 17 were both designed to examine a student’s perception of whether they thought the use of exemplars was linked to how well they might score in the unit/final exam.

The following table lists those 22 items presented to students:⁴⁴

Question number	Question
1.	I expect this unit to be difficult.
2.	I expect to get a high mark in this unit.
3.	I expect to pass this unit.
4.	I know what an annotated example is.
5.	Other subjects have used annotated examples.
6.	In the past I have learned what is required for assessment items from the use of annotated examples.
7.	My marks will improve by studying the annotated examples.
8.	Annotated examples will not provide me with any benefit.
9.	I think that annotated examples will help me to understand what is required in the assessment item.
10.	Teacher constructed/provided model examples are the same as examples provided from previous students.
11.	Annotated examples are of no benefit unless they are fully explained by the teacher.
12.	Exemplars increase the level of certainty I have over what is expected of me.
13.	Exemplars provide consistency for all students.
14.	Exemplars provide me with guidance of how to answer a legal question.
15.	Exemplars ensure that all students’ answers are marked consistently.
16.	Exemplars limit my creative ability.
17.	Exemplars would improve my performance in examinations.
18.	Exemplars should not be provided to students until after the assessment item has been marked.
19.	I find it difficult to know what markers expect to see in an answer.
20.	Exemplars limit my own ability to think.
21.	Availability of exemplars implies more transparency in assessment processes.
22.	I would use any available exemplars as part of my exam preparation.

Table 1. List of survey items

⁴⁴ Attention is drawn to the fact that some questions use the term ‘annotated example’ whilst other questions use the term ‘exemplars’. At the time of conducting of the surveys, students were briefed about the purpose of the research project and the survey they would complete, and both of these terms were explained to have the same meaning within the context of the survey they would complete.

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On the first day of the semester, 146 students were issued with a pre-assignment survey. 121 students were issued with the second post-assignment survey at the end of the semester.⁴⁵ The following table displays the characteristics, including the survey response rates, of those who completed each of the two surveys.

	Pre-assignment Survey	Post-assignment Survey
Gender:		
Male	69	55
Female	51	40
Total	120	95
Age:		
18-25	98	78
25-35	20	16
35+	2	1
Total	120	95
Response rate	82%	79%

Table 2. Characteristics of participants who completed the surveys

The very high response rates can be attributed to the fact that the surveys were conducted within class and by the fact that the survey was conducted within a Summer session unit, where attendances tend to be significantly higher than during a regular semester due to the intensive nature of the semester.

All data collected remained anonymous.

XII. RESULTS

The mean and the standard deviation for each of the 22 survey items have been calculated for both survey one and two. The t-test significance between these two sets of values has also been calculated in order to measure changes in perceptions between the two surveys.

The following charts reveal these details:

⁴⁵ Summer sessions at UWS are typically half the regular length of a regular semester, although the same number of face-to-face hours are included in this time frame.

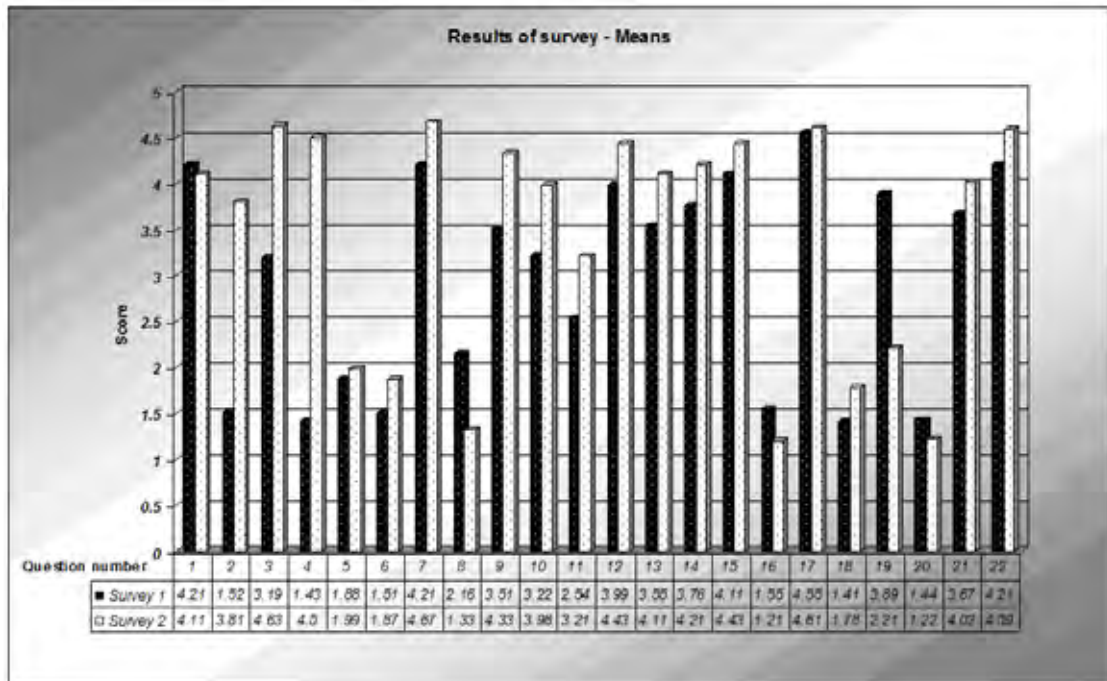


Chart 1. Mean of survey items

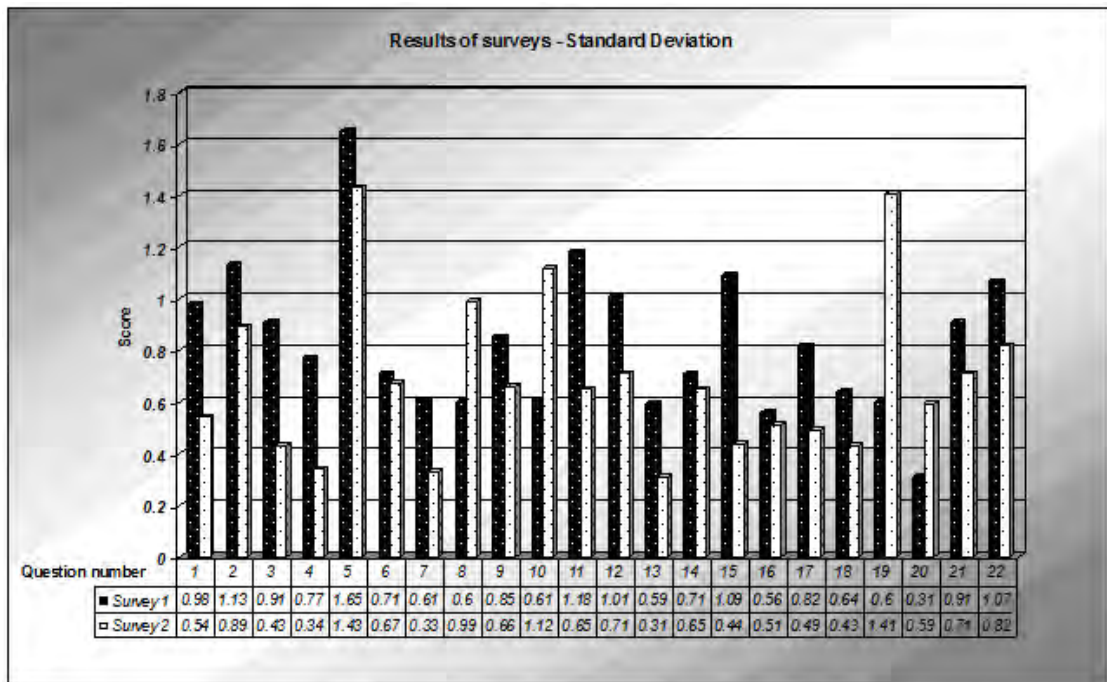


Chart 2. Standard deviation of survey items

Statically, as independent samples, the t-test assesses whether the means of two groups are *statistically* different from each other.⁴⁶ This analysis is appropriate whenever you want to compare the means of two groups.⁴⁷ Demonstrating changes in attitude between survey 1 and survey 2, t-test significant scores of $p < 0.0001$ were recorded for 16 of the 22 survey items, these being item numbers 2 to 4, 6 to 14, 16, and 18 to 20. p scores of < 0.01 were recorded for 3 of the 22 items, consisting of item numbers 15, 21 and 22. No survey item returned a p score of < 0.05 . p scores of > 0.05 were recorded for 3 of the 22 items, these consisting of item numbers 1, 5 and 17.

As can be seen from these charts and t-test results, a significant amount of quantitative data has been generated from these 22 survey items asked in the two surveys conducted over the course of the semester. As much of the data is self-evident from the charts displayed, it is not the intention of this paper to comment upon the mean, standard deviation or t-test significant value of every single survey item. Rather, the focus is upon a statement of some of the most significant results from the surveys and the impacts they may have upon the notion of the usefulness of exemplars, at least from a student's perspective.

Take, for example, survey item number 4 which had an initial mean of 1.43 and a standard deviation of 0.77 in survey 1 and corresponding values of 4.50 and 0.34 in survey 2. This item was designed to be compared to survey item number 5, which revealed a mean of 1.88 for survey 1 and a mean of 1.99 for survey 2. Standard deviation figures of 1.65 and 1.43 were also recorded. With a t-test significance value in the extreme range for item 4, and there being no significance associated with item number 5, it would appear quite evident that students have gained a significant understanding of annotated exemplars during Summer session from an initially limited understanding. This must of course be placed in the context that during Summer session many students undertake only one or two units of study, thus limiting their potential exposure to other exemplars during this time. Both survey item numbers 4 and 5 were part of a wider grouping of survey questions which were designed to measure the previous exposure of students to exemplars. Other questions in this same grouping included item number 6, 10 and 11, all three of which recorded t-test extremely statistically significant changes between surveys 1 and 2.

Survey item numbers which were designed to explicitly measure a student's individual view of the value of exemplars included item numbers 7 to 9, and 12 to 22. Of these 14 item numbers, all but one (item 17) recorded at least very statistically significant changes between surveys 1 and 2. For example, item number 7 shows a very high initial average of 4.21 for survey 1, and this increased very significantly to 4.67 for survey number 2. In conjunction with survey item number 9, for example, where the mean went from 3.51 to 4.33, there seems to be some very clear evidence of the high value that students place on exemplars. Although item 17 does not experience any sort of statistically significant change, the mean was already quite high in survey 1, at 4.55, and this increased even further in survey 2, to 4.61.

The remaining questions, 1 to 3, were grouped together to judge a student's perceived view of the relative difficulty of the unit and their expected result. Of this grouping, questions 2 and 3 recorded an extremely significant change between surveys, from initial averages and standard deviations for question 2 of 1.52 and 1.13 to 3.81 and 0.89, and for question 3 of 3.19 and 0.91

46 For further information regarding t-tests and their statistical significance, see particularly Barbara G Tabachnick and Linda S Fidell, *Using Multivariate Statistics* (3rd ed, 1996) and Thomas Black, *Doing Quantitative Research in the Social Sciences: An Integrated Approach to Research Design, Measurement and Statistics* (1999). Also see Quantitative Methods in Social Sciences e-Lessons, *The T-Test*

<http://ccnmtl.columbia.edu/projects/qmss/the_ttest/introduction_2.html> at 14 October 2009.

47 In this study, a two-tailed t-test is being employed. Where a p score < 0.0001 indicates that a result is extremely statistically significant, a p score < 0.01 indicates a result which is very significant, a p score < 0.05 indicates a significant result whilst a p score > 0.05 indicates a result which is not considered to be statistically significant.

to 4.62 and 0.43. We can see that there seems to be a very significant increase in the confidence of students that they will pass the unit and, hopefully, do a lot better than just pass. Note that although question 1 did not have any type of statistically significant change, it did have quite a high initial average in survey 1 of 4.21; this decreased slightly in survey 2 to 4.11. This would indicate that even with the substantial exposure to exemplars in this unit during the semester, students still felt the course was quite difficult.

XIII. CONCLUSIONS

The basis of this primary research project conducted with the IBL unit offered at UWS aimed to introduce exemplars in a systematic fashion to students in order to assist with their understanding of assessment requirements concerning legal problem solving in their final exam for the unit.

There seems clear evidence from the literature to support the idea of exemplars being an effective method of transmitting knowledge of criteria and standards, and of transmitting tacit knowledge of discipline-specific skills. There was no apparent documented evidence that exemplars have been used in a systematic fashion in interdisciplinary law units. The literature also suggested that exemplars are a means of accelerating students' acquisition of lower-order skills (explicit knowledge) and thus allowing increased focus on higher-order academic skills.

Many students external to the discipline of law find the concepts in the course difficult and have no experience with the problem-solving methodology focused upon both in the course and in the final written examination. The metalanguage of law is unfamiliar to many students, making the course and its key concepts more challenging for interdisciplinary students. Therefore the trialling of the use of annotated exemplars has been a student-focused project, aimed at supporting student understanding of both legal problem-solving methodology, and also the use of legal metalanguage in extended writing on legal problems.

The aim of this project was, from a student's perspective, to measure the benefits of being exposed to annotated exemplars. There seems to be very clear evidence from the 22 survey items presented to students both at the beginning of the course and at the conclusion of the course that exemplars are valued by students in an interdisciplinary law unit. Quite importantly, 19 of the 22 items recorded at least a very statistically significant change from survey 1 to 2, with 16 of the 22 recording an extremely statistically significant change.

We have shown that, from a student's perspective, exemplars serve a number of very valuable purposes. In particular, exemplars have been used to demonstrate the often subtle differences between grade levels. However, they also help students understand the expectations of a writing task at a specified grade level.

We do note that both of the surveys were conducted before students were provided with any results for their final examination in the unit, although survey 2 was conducted after students had received their results for their interim items of assessment within the unit. Thus there may be a suggestion that very different results would have occurred if the second survey had been conducted after final exam results were issued. Evidently, a further research question emerges, as to whether the annotated exemplars did have a material impact upon the marks which students achieved this semester compared to previous semesters where no exemplars were used. A future research project will examine this question of the impact of the provision of exemplars upon student performance in assessment.

The development of quality exemplars that provide meaningful explanations of marking standards is a complex process requiring not only careful selection of sample responses, but a deep understanding of the marking guidelines by the author of the annotations. This is a significant commitment of time and resources that needs to be balanced against the potential benefits for student understanding of assessment standards, and potential for improved student performance as a result of this understanding. The impact of student results is yet to be measured and may not be possible as changes between cohorts of students may render the data inaccurate.

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The data from this project indicates that students believe that exemplars are of use when preparing for formal written examinations. This could be a factual statement or a reflection of past experiences using exemplars in other courses and during their secondary education, whereby students have come to expect exemplars as part of their examination preparation.⁴⁸

48 See, eg, the use of exemplars to provide 60 000 New South Wales HSC candidates with subject-specific examples and lists of marking criteria for the exams which they will undertake: New South Wales Board of Studies, *HSC Exam Papers* (2008) Educational Resources – Board of Studies NSW <http://www.boardofstudies.nsw.edu.au/hsc_exams/> at 14 October 2009.