"Think Like a Lawyer"

Using a Legal Reasoning Grid and Criterion-Referenced Assessment Rubric on IRAC (Issue, Rule, Application, Conclusion)

Kelley Burton
University of the Sunshine Coast
kburton3@usc.edu.au

Abstract

The Australian Learning and Teaching Council's Bachelor of Laws Learning and Teaching Academic Standards Statement identified "thinking skills" as one of the six threshold learning outcomes for a Bachelor of Laws Program, which reinforced the significance of learning, teaching and assessing "thinking skills" in law schools (Kift, Israel & Field, 2010). The fundamental conceptions underpinning "thinking skills" in a legal education context are "legal reasoning," "critical analysis" and "creative thinking." These conceptions shed light on what it means to "think like a lawyer" and help shape a professional legal identity. This paper identifies a number of acronyms used to teach traditional "legal reasoning," drawing particular attention to IRAC, which is commonly understood within the legal academy as Issue, Rule, Application and Conclusion. An incremental development approach to learning, teaching and assessing IRAC is recommended whereby first year law students use a legal reasoning grid to a simple problem-based question before applying IRAC to a more complicated problem-based question in the form of barrister's advice. An example of a criterion-referenced assessment rubric that breaks IRAC down into five performance standards is shared with the community of practice.

Introduction

James (2011, 2012), a leading scholar on the discipline of Law noted that some efforts have been aimed squarely at teaching thinking skills to law students and that future research in legal education could focus on how to assess "thinking skills." This paper adds to the literature in this field by demonstrating how to scaffold IRAC (issue, rule, application, and conclusion) for first year Law students and use criterion-referenced assessment to assess the application of IRAC to a problem-based question. IRAC is one of many acronyms commonly used to teach "legal reasoning" and thus teach "thinking skills," what it means "to think like a lawyer," and how to shape a professional legal identity.

Thinking Skills

"Thinking skills" are integral to the study of law. This was confirmed by their inclusion as one of six threshold learning outcomes (TLO) in Bachelor of Laws programs by the Learning and

Teaching Academic Standards Project (Kift, Israel & Field, 2010). The TLOs represent what a graduate is expected to know, understand and be able to do as a result of learning or, in the words of the Australian Qualifications Framework (AQF), the "set of knowledge, skills and the application of the knowledge and skills a person has acquired and is able to demonstrate as a result of learning (Kift, et al., 2010, p. 9). The six TLOs are:

- TLO 1: Knowledge

- TLO 2: Ethics and professional responsibility

- TLO 3: Thinking Skills

- TLO 4: Research Skills

- TLO 5: Communication and Collaboration

- TLO 6: Self-management.

While there may be some overlap between the TLOs, including TLO 3 and TLO 4, this paper focusses on TLO 3 *Thinking Skills*, which states:

Graduates of the Bachelor of Laws will be able to:

a. identify and articulate legal issues;

b. apply legal reasoning and research to generate appropriate responses to legal issues;

c. engage in critical analysis and make a reasoned choice amongst alternatives; and

d. think creatively in approaching legal issues and generating appropriate responses.

(Kift, et al., 2010, p. 17)

Interestingly, problem solving is not one of the explicit six threshold learning outcomes. At the turn of the century, Christensen and Kift (2000) had identified problem-solving skills as a cognitive skill and a necessary law graduate attribute. Problem-solving skills are critical to problem-based learning and assessment in the discipline of law. It is arguably not a threshold learning outcome in its own right because it is subsumed by TLO 3 *Thinking Skills* and TLO 4 *Research Skills*.

TLO 3 *Thinking skills* is consistent with numerous Australian and international standards on legal education that emphasise thinking skills (and problem-solving skills) including the Australian Qualifications Framework Level 7; Council of Australian Law Deans (CALD) Standards; United Kingdom Quality Assurance Agency Subject Benchmark Statement for Law; United Kingdom Joint Statement of the Law Society and the General Council of the Bar's requirement; United States MacCrate Report; Task Force on the Canadian Common Law Degree; and Scottish Accreditation Guidelines (Kift, et al., 2010).

Legal Reasoning

The key components of TLO 3 *Thinking Skills* are "legal reasoning," "critical analysis" and "thinking creatively." James (2012) drew on an abundance of literature to analyse these concepts. The definitions included those put forward in the Australian Learning and Teaching Council's Bachelor of Laws Learning and Teaching Academic Standards Statement (Kift, et al., 2010). Kift et al. (2010) conceptualised "legal reasoning" as "the practice of identifying the legal rules and processes of relevance to a particular legal issue and applying those rules and processes in order to reach a reasonable conclusion about, or to generate an appropriate response to, the issue" (p. 18).

Law students need to be able to discern factual issues, policy issues, relevant issues, irrelevant issues, legal issues and non-legal issues (Kift, et al., 2010).

Generally speaking, "legal reasoning" corresponds to "thinking like a lawyer," but many interpretations have been attributed to this latter phrase (James, 2012). For example, Sanson (2006) developed a narrow and broad definition of the phrase "to think like a lawyer." Sanson's (2006) narrow view is akin to the definition of "legal reasoning" as espoused by Kift, et al. (2010). Similarly, Stuckey et al. (2007) presented several conceptualisations of "to think like a lawyer," all of which have the common theme of structured reasoning. In contrast, broader interpretations of "to think like a lawyer" include other styles of thinking such as critical analysis, creative thinking and reflective practice (Field, et al., 2014).

According to James (2012), analysis and evaluation are the crux of "critical analysis." Further, the Australian Learning and Teaching Council's Bachelor of Laws Learning and Teaching Academic Standards Statement defines "critical analysis" as:

> … the practice of examining a text, claim or argument and identifying the hidden structures: for example, legal and non-legal issues; premises and hypothesis; factual, theoretical and ideological assumptions; undisclosed biases and prejudices; and so on. The word "critical" emphasises that analysis is a high-level, conceptually analytical activity; it does not mean simply being confrontational or negative – the outcome of critical analysis can be agreement with the text, claim or argument.

> (Kift, et al., 2010, p. 18)

The Australian Learning and Teaching Council's Bachelor of Laws Learning and Teaching Academic Standards Statement gave an insight into "creative thinking" in a legal education context (Kift, et al., 2010). In particular, creative thinking does not equate to fabrication but instead requires a law student to "determine the most appropriate response from the spectrum of available responses" including an appreciation of non-adversarial and adversarial responses (Kift, et al., 2010, p. 19). There may be a slight overlap between legal reasoning and creative thinking in the sense that they both involve deductive and inductive reasoning (Kift, et al., 2010).

This paper adopts a narrow view of "thinking like a lawyer" focussing on "legal reasoning" rather than "critical analysis" or "creative thinking." Further, it does not canvass reflective practice, which is another style of thinking incorporated in TLO 6 *Self-management*, rather than TLO 3 *Thinking Skills*.

Traditional approaches to "legal reasoning"

There is no single, universal traditional approach to the learning and teaching of "legal reasoning." A survey of the pertinent legal education literature found over 40 acronyms used in law schools to teach the traditional approaches to legal reasoning (Bentley, 1994; Field, et al., 2014, 2015; Hart, Hammer, Collins & Chardon, 2011; James, 2012; Kift, et al., 2010; Martin, 2003; Turner, 2012; Ward, 2000; Wade, 1990-1991). Table 1 illustrates these findings. Anecdotally, law students commonly apply one of these traditional approaches to legal reasoning in problem-based assignments and examinations.

Turner (2012), a legal academic from the United States, outlined the steps in "CRAC," "CRAAP" and "CRAAAP." While these three approaches contain similar steps to some of the approaches in Table 1, the legal academy should arguably steer clear of these three approaches because they do not resonate with a positive professional identity. Similarly, AFGAN (Application, Facts, Grounds, Answer, Negotiation) and KUWAIT (Konclusion, Utility, Wording, Answer, Initiation, Thoughts) sound discriminatory and should be avoided. Accordingly, these approaches have been omitted from Table 1.

Table 1.   *Examples of traditional approaches to legal reasoning (Turner, 2012)*

Approach	Details
BaRAC	Bold assertion, rule, application, conclusion
CAGONARM	Current situation, alleged problems, goals of a good system, options, necessary action to achieve options, advantages and disadvantages of each option, recommending the least detrimental alternative, monitoring and measuring the effects of the reform
CIRAC	Conclusion, issue, rule, application, conclusion
CI/REXAC	Conclusion, introductory/roadmap (issue and rule), explanation, application, conclusion
CLEO	Claim, law, evaluation, outcome
CRARC	Conclusion, rule, application, rebuttal and refutation, conclusion
CREAC	Conclusion, rule, explanation of rule, application of rule, conclusion
CREXAC	Conclusion, rule, explanation, application, conclusion
CRuPAC	Conclusion, rule, proof or explanation of rule, application, conclusion
FIRAC	Facts, issues, rules, application, conclusion
HIRAC	Heading, issue, rule, application, conclusion
IDAR	Issue, doctrine, application, result
IGPAC	Issue, general rule, precedent, application, conclusion
ILAC	Issue, law, application, conclusion
IPAAC	Issue, principle, authority, application, conclusion
IRAAC(P)	Issue, rule, apply, apply, conclusion, policy
IRAAAPC	Issue, rule, authority, application, alternative analysis, policy, conclusion
IRAAPC	Issue, rule, authority, application, policy, conclusion
IRAC	Issue, rule, application, conclusion
IRACDD	Issue, rule, analysis, conclusion, defence, damages
IRACEIP	Issue, rule, application, conclusion, explanation, illustration and policy
IRAFT	Issues, rules, application of rules to the facts, tentative conclusion
IREAC	Issue, rule, explanation of rule, application, conclusion
IREXAC	Issue, rule, explanation, application, conclusion
IRRAC	Issue, rule, reasoning, application, conclusion
IRREAC	Issue, rule, rule, application, conclusion
IRRAAC	Issue, rule, reasoning, application, alternative analysis, conclusion
ISAACS	Identify a legal issue from the facts, state the relevant law and authority for it, apply the law to the facts, come to a conclusion and repeat the steps above to the next issue, synthesise the conclusion
MIRAC	Material facts, issues, rules, arguments, conclusion
MIRAT	Material facts, issues, rules, arguments, tentative conclusion
RAFADC	Rule, authorities, facts, analogising and distinguishing, conclusion
TREAC	Topic sentence with a conclusion, rule, explanation, application, conclusion
TREACC	Topic, rule, explanation, analysis, counterarguments, conclusion
TREAT	Thesis, rule, explanation, application, thesis
TRIAccC	Topic, rule, issues, analysis (cases, conclusion), conclusion
TRRAC	Thesis, rule, rule, application, conclusion

Considering a selection of approaches highlights some of their disadvantages. For example, CIRAC (Conclusion, Issue, Rule, Application, Conclusion) starts and ends with the conclusion. Beginning with the conclusion has been recommended on the basis that this is what the client wants to know upfront (Field, et al., 2014). Thus, CIRAC represents a client-centred approach. However, reiterating the conclusion at the beginning and end hardly seems efficient, and consequently, CIRA might appear to be a better option. Ending the acronym without a conclusion would be striking difference for CIRA as most of the traditional approaches in Table 1 end with a conclusion.

Turner (2012) also highlighted "IRAC Plus" but the letters do not correlate with the steps which makes the approach confusing. The "plus" component seemed to require a comparison between the facts of the problem and the precedent as well as a connection between the facts of the problem and the expected result. Arguably, these additional steps are already canvassed in IRAC under A and C and, therefore, "IRAC Plus" is not an appealing alternative.

The MIRAT approach (Material facts, Issues, Rules, Arguments, Conclusion) has been discussed more frequently in scholarly Australian legal education discourse (Bentley, 1994; Martin, 2003; Wade, 1991, 1994; Ward, 2000; Wolff, 2003). Wade (1990-1991) listed the benefits of MIRAT as being:

- easy to remember;

- able to be used at different levels of sophistication;

- capable of use in every area of law;

- useful to define a personal or group educational goal;

- a reasonably precise method for a student to measure higher performance in any written/spoken exercise;

- a helpful method for teachers to model in chunks; and,

- a satisfying method for marking written or spoken analytical exercises as strengths and weaknesses of each stage can be so precisely identified.

It can be contended that this list of benefits is equally applicable to many of the traditional approaches to "legal reasoning" presented in Table 1.

Maclean (2010) traced IRAC back to 1976 when Brand and White (1976) made use of it in the United States in legal writing. IRAC continues to be commonly discussed and debated in current legal research and writing discourse (Turner, 2012). The benefits of IRAC are equal to the benefits of MIRAT as identified by Wade (1990-1991) a quarter of a century ago. On reflection, the author has been teaching IRAC for over 10 years and prefers it to MIRAT because IRAC is easier to remember and contains fewer steps.

Contemporary legal texts and law school survival guides promote the use of IRAC, (see, for example, Field, et al., 2014; Sanson & Anthony, 2014). IRAC offers a "'technical rational' approach to thinking and problem-solving"; a "logical linear pattern"; "an orderly and structured method of legal reasoning"; and "conceptually it makes sense" (Field, Duffy & Huggins, 2014, pp. 203-206).

Law students have given feedback to the effect that they like to use templates to structure their assignments (Hart, et al., 2011). However, Metzler (2002-2003), argued that "IRAC is much more than an organizational structure"; it is, rather, "an important mental exercise that forces an author to a deeper understanding of the legal issues at stake" (p. 501). While the same point may be made about MIRAT, law students should be encouraged to adopt a deeper approach to learning rather than a surface approach (Heath, 2011). As a couple of the key benefits of IRAC are structure and encouraging a deeper approach to learning, it is not surprising that IRAC has had a role to play in

other disciplines, for example, social sciences (Bittner, 1990).

While IRAC has benefits, it is not without critics. The key criticisms attached to the structured traditional approaches to legal reasoning including IRAC are: "formalistic"; "unnatural way … of interrogating a legal problem"; and, "oversimplifying legal reasoning and distorting the complex nature of legal problems" (Field, et al., 2014, p. 204). Taylor (2006) expressed similar sentiments. Additional drawbacks include inaccurate or unrealistic answers (Bentley, 1994); inability to determine how multiple issues should be prioritised (Wolff, 2003); and an inability to cope with diverse student learning styles. To overcome the weaknesses of IRAC, some legal educators have opted for another traditional approach to legal reasoning, primarily "to supplement the simplicity of IRAC and aim to offer a method that is more congruent with authentic legal problem solving" (Field, et al., 2014, p. 205).

Despite the criticisms associated with IRAC, it is practised in law schools in the 21st century, and is functional for first year law students. In particular, James (2011) explained:

> The prevailing view in Australia appears to be that formalistic techniques such as IRAC are useful for students new to the study of law, but as they progress through their legal studies the "scaffolding" offered by the step-by-step techniques should recede into the background in favour of a greater emphasis upon "flow" in the student's reasoning and consequent improvements in subtlety and persuasiveness. (pp. 11-12)

There is scope for legal educators to include IRAC in the first year of a law degree, for example, as part of a legal research and writing course, a substantive law course or a dedicated thinking skills course.

Using a Legal Reasoning Grid to teach and assess IRAC

A diverse range of assessment practices is available to the legal academy including "empty outlines," "categorising grids" and "defining features matrix" (Stuckey et. al, 2007, 193). First year Law students should be encouraged to apply thinking skills to a legal reasoning grid before applying thinking skills to more formal written legal advice (Steel & Fitzsimmons, 2013). A legal reasoning grid enables them to develop their thinking skills without getting embroiled in challenges associated with written communication. A legal reasoning grid also assists students to see what the final output will resemble and guide them through the process necessary to achieve that output (Steel & Fitzsimmons, 2013). Additionally, legal educators stand to benefit from a legal reasoning grid as it results in efficient marking practices (Steel & Fitzsimmons, 2013).

Steel and Fitzsimmons (2013) offered two sample legal reasoning grids, which largely follow MIRAT (see Table 1). The first grid pertains to tort law and contains the following categories: legal issues; relevant sub-section; material/relevant facts; rule: relevant case law; analogy with previous case law; and apply law to material facts (reasons for decision) (p. 87). The second grid pertains to criminal law and contains the following categories: elements of offence; relevant facts; legal facts; relevant case law/section on element scope; do the facts prove the element? (yes/no/unclear); and, reasons for decision (p. 89).

As an alternative, this paper puts forward a legal reasoning grid based on IRAC. The legal reasoning grid presented in Table 2 scaffolds the IRAC by providing a brief, introductory checklist for each step in the traditional approach to legal reasoning. While this legal reasoning grid has been designed for a first year first semester, compulsory, substantive course on criminal law and procedure, the categories are generic and could be applied to any field of law. As Law students in later years of a law degree advance and refine their ability to engage in legal reasoning, the brief, introductory checklists could be removed from the legal reasoning grid. Further, the practice of completing a legal reasoning grid might be confined to the first year law experience.

Table 2: *Legal Reasoning Grid based on IRAC*

Issue	Rule	Application	Conclusion
• Frame the legal issues in the factual problem as questions using material facts, party names and elements of the relevant rules of law.	• Break down the relevant rules of law into elements. • Include definitions from statute and case law. • Include the facts of cases that are similar to factual problem.	• Make a linkage between the elements of the law and the factual problem. • Make analogies between the factual problem and the case law. • Distinguish the factual problem from the case law. • Make assumptions clear. • Identify additional facts required.	• Reach a convincing conclusion on all of the legal issues in the factual problem based on strong support from statute and case law. • Justify why alternative conclusions were not reached.

In Semester 1 2015 and Semester 1 2016, first year law students applied the legal reasoning grid to problem-based questions in tutorials. The structure of the legal reasoning grid was intended assist in the provision of formative feedback. In particular, it was designed give structure to the dialogue between the tutor and students; and guide students through self-assessment and peer-assessment processes undertaken in their tutorials. Its use was premised on the idea that Law schools should make greater efforts to facilitate formative feedback to law students before they embark on summative assessment (Stuckey et. al, 2007).

In Semester 1 2015 and Semester 1 2016, after the law students received formative feedback on their ability to apply the IRAC approach, they then completed an individual legal reasoning grid as a 30% summative assessment task in their Week 8 tutorial (of a thirteen week semester). An example of a first year law problem-based question and legal reasoning grid has been published (Burton, 2016).

On reflection, the first year law student experience of the legal reasoning grid in Semester 1 2015 and Semester 1 2016 was valuable because the introductory checklists provided students with confidence to develop thinking skills in a new discipline in a safe and supported learning environment; reassured students that they were on track in answering problem-based questions; guided students on how to get back on track in answering problem-based questions; deepened student understanding of the rules of criminal law; helped students to identify how they could improve their ability to apply the law to a factual problem, which is arguably the hardest cognitive step in IRAC; helped students to identify if they jumped to conclusions too early; and helped students to reflect on which steps in IRAC they were strong or could improve.

The designer of the legal reasoning grid reflects on the introductory checklists in preparation for each offering of the first year law course, but the checklists have remained unchanged in 2015, 2016 and 2017 because they are detailed and practical. Using the legal reasoning grid including the introductory checklists in a first year criminal law course has proven to be a sustainable and valuable experience in 2015 and 2016, and is currently being used in Semester 1 2017.

For completeness, the law students also submitted an individual 2500 word barrister's advice as a 50% summative assessment at the end of semester. The remaining 20% was allocated to a submission to a law reform commission that did not use the legal reasoning grid. Student engagement was enhanced by summative assessment (Johnstone, Patterson & Rubenstein, 1998) and problem-based assessment (Le Brun & Johnstone, 1994; Steel & Fitzsimmons, 2013).

Criterion-referenced assessment rubric on IRAC

In contemporary legal education, criterion-referenced assessment has been widely advocated as the best practice for assessing student learning (Stuckey et. al., 2007). It places emphasis on whether a law student has achieved the learning outcomes (Stuckey et. al., 2007). Three benefits of criterion-referenced assessment are advising law students upfront what is expected of them; reliable marking and encouraging students to engage in reflective practice (Stuckey et. al., 2007). The alternative approach, norm-referenced assessment, requires the distribution of raw assessment scores on a bell-curve. Anecdotally, it makes law students competitive and has a "negative effect on student motivation and learning" (Stuckey et. al., 2007).

A criterion-referenced assessment rubric for IRAC is extracted in Figure 1. The four criteria represent the four steps in IRAC. The boundaries between the performance standards are based on the author's experience of teaching and assessing IRAC and the author's profound interest in criterion-referenced assessment (Burton, 2006, 2007, 2009, 2015a, 2015b; Burton & Cuffe, 2005; Burton & McNamara, 2009; McNamara & Burton, 2009). In Semester 1 2015, and Semester 1 2016, the criterion-referenced assessment rubric (shown as Table 3) was applied to a first year compulsory criminal law course at a regional law school with a cohort of 125 internal students. The rubric can be adapted to other fields of law by finding and replacing the word "criminal." It has been designed to assess two problem-based assessment tasks – a legal reasoning grid and a barrister's advice. In Semester 1 2017 (at time of writing), the rubric is currently being applied to the legal reasoning grid.

Criteria from the Course Outline	Fail	Pass	Credit	Distinction	High Distinction
Identifies the relevant legal issues in the factual problem	Omits to identify the relevant legal issues in the factual problem. Copies the facts.	Uses the key words in the relevant criminal law as the relevant legal issues.	Frames most of the legal issues as questions using the elements of the relevant criminal law.	Frames all of the legal issues as questions using the elements of the relevant criminal law.	Frames all of the legal issues as questions using material facts, party names and the elements of the relevant criminal law.
Explains the relevant rules of criminal law derived from statute and case law	Omits to describe the relevant law.	Writes out slabs of the relevant statutes or quotes from the relevant judgments.	Breaks down the relevant criminal law into elements. Includes the definitions of key elements derived from statute.	Breaks down the relevant criminal law into elements. Includes the definitions of key elements derived from statute and case law.	Breaks down the relevant criminal law into elements. Includes the definitions of key elements derived from statute and case law. Includes the facts of cases that are similar to the factual problem.
Applies legal reasoning to the factual problem	Omits to apply legal reasoning to the factual problem.	Makes linkages between the key elements of the relevant criminal law and the factual problem.	Makes linkages between all of the elements of the relevant criminal law and the factual problem. Make analogies between the factual problem and case law.	Makes linkages between all of the elements of the relevant criminal law and the factual problem. Makes analogies between the factual problem and case law. Distinguishes the factual problem from case law. Makes any assumptions clear.	Makes linkages between all of the elements of the relevant criminal law and the factual problem. Makes analogies between the factual problem and case law clearly stating the similarities. Distinguishes the factual problem from case law clearly stating the differences. Makes any assumptions clear. Identifies the additional facts required.
Reaches arguable conclusions	Omits conclusions.	Reaches a conclusion on most of the legal issues in the factual problem only using yes/no, or ticks and crosses; or does not justify the conclusions.	Reaches an arguable conclusion on most of the legal issues in the factual problem based on support from statute and case law.	Reaches an arguable conclusion on all of the legal issues in the factual problem based on strong support from statute and case law.	Reaches a convincing conclusion on all of the legal issues in the factual problem based on strong support from statute and case law. Justifies why alternative conclusions were not reached.

Figure 1. Criterion-referenced assessment rubric for IRAC – Example from a first year law course on criminal law (Threshold Learning Outcome 3: Thinking Skills).

Conclusion

For generations, IRAC has proven to be a useful framework for developing legal reasoning, and teaching law students how to "think like a lawyer." This journal article adds to the existing literature by sharing the design of a legal reasoning grid and criterion-referenced assessment rubric for IRAC to support the thinking skills of first year law students.

The legal reasoning grid is an introductory learning tool for scaffolding IRAC; assisting first year law students with problem-based learning and assessment; and increasing awareness of how to "think like a lawyer" and thus, the future professional legal identity. Offering first year law students an opportunity to learn IRAC through a legal reasoning grid is a valuable and sustainable stepping-stone before they tackle a more complex problem-based question and prepare a barrister's advice. After first year law students have incrementally learned the four steps in IRAC and become increasingly familiar with the introductory checklists, the legal reasoning grid could be removed. As law students progress through their degree and practise answering problem-based questions, legal reasoning and thinking like a lawyer will become more natural.

The criterion-referenced assessment rubric presented in this journal article is aligned with the four steps in IRAC and the introductory checklists in the legal reasoning grid. In doing so, the rubric echoes a traditional approach to legal reasoning and thus, thinking like a lawyer. The rubric could be applied to problem-based assessment, such as a legal reasoning grid or a barrister's advice, and adapted to other fields of law.

Designing scaffolding, such as a legal reasoning grid with introductory checklists; and a criterion-referenced assessment rubric for IRAC, to support first year law students to engage in legal reasoning, serves the law students well for thinking like a lawyer in today's legal education and thinking like a lawyer in tomorrow's legal profession.

References

Burton, K. (2006). Designing criterion-referenced assessment. *Journal of Learning Design, 1*(2), 73-82. doi:10.5204/jld.v1i2.19

Burton, K. (2007). Skills and criterion referenced assessment: Turning "LWB234 Real Property A Law" into a subject for the real world. *Journal of South Pacific Law, 11*(1), 56-63.

Burton, K. (2009). Does the summative assessment of real world learning using criterion-referenced assessment need to be discipline-specific? In *ATN Assessment Conference Proceedings*, RMIT University, Melbourne, November.

Burton, K. (2015a). A criterion-referenced assessment rubric on reflective practice designed with clinical legal education in mind. *Journal of Australasian Law Teachers Association, 8*(1&2), 3-12.

Burton, K. (2015b). Continuing my journey on designing and refining criterion-referenced assessment rubrics. *Journal of Learning Design, 8*(3), 1-13. doi:10.5204/jld.v8i3.250

Burton, K. (2016). Teaching and assessing problem solving: An example of an incremental approach to using IRAC in legal education. *Journal of University Teaching & Learning Practice*, *13*(5). Retrieved from http://ro.uow.edu.au/jutlp/vol13/iss5/20

Burton, K., & Cuffe, N. (2005). The design and implementation of criterion-referenced assessment in a first year undergraduate core law unit. *Legal Education Review, 15*(1&2), 159-175.

Burton, K., & McNamara, J. (2009). Assessing reflection skills in law using criterion-referenced assessment. *Legal Education Review, 19*(1&2), 171-188.

Bentley, D. (1994). Using structures to teach legal reasoning. *Legal Education Review, 5(2),* 129-152.

Bittner, M. (1990). The IRAC method of case study analysis. *Social Studies, 81(5),* 227-230.

Brand, N. & White, J.O. (1976). *Legal writing: The strategy of persuasion.* New York: St Martin's Press.

Christensen, S., & Kift, S. (2000). Graduate attributes and legal skills: Integration or disintegration?. *Legal Education Review, 11(2),* 207-238.

Field, R., Duffy, J., & Huggins, A. (2014). *Lawyering and positive professional identities.* Chatswood, Australia: LexisNexis.

Hart, C., Hammer, S., Collins, P., & Chardon, T. (2011). The real deal: Using authentic assessment to promote student engagement in the first and second years of a regional law program. *Legal Education Review, 12,* 97-122.

Heath, M. (2011). Assessment strategies. In S. Kift, M. Sanson, J. Cowley, & P. Watson (Eds.), *Excellence and Innovation in Legal Education* (pp. 269-294) Chatswood, Australia: LexisNexis Butterworths.

James, N. (2011). *Good practice guide (Bachelor of laws): Thinking skills (Threshold learning Outcome 3)*. Australian Learning & Teaching Council. Retrieved from http://www.lawteachnetwork.org/resources/gpg-thinking.pdf

James, N. (2012). Logical, critical and creative: Teaching "thinking skills to law students." *QUT Law and Justice Journal, 12*(1), 66-88.

Johnstone, R., Patterson, J., & Rubenstein, K. (1998). *Improving criteria & feedback in student assessment in law.* Sydney, Australia: Cavendish Publishing.

Kift, S., Israel, M., & Field, R. (2010). *Learning and Teaching Academic Standards Project: Bachelor of Laws Learning & Teaching Academic Standards Statement December 2010*, Australian Learning & Teaching Council. Retrieved from http://www.altc.edu.au/system/files/altc_standards_LAW_110211.pdf

Le Brun, M., & Johnstone, R. (1994). *The quiet (r)evolution: Improving student learning in law.* Sydney, Australia: Law Book.

Maclean, R. (2010). First-year law students' construction of professional identity through writing. *Discourse Studies, 12*(2), 177-194.

Martin, F. (2003). Teaching legal problem solving: A problem-based learning approach combined with a computerised generic problem. *Legal Education Review, 14(1),* 77 -100.

McNamara, J. & Burton, K. (2009). Assessment of online discussion forums for law students. *Journal of University Teaching and Learning Practice, 6*(2). Retrieved from http://ro.uow.edu.au/jutlp/vol6/iss2/6, 1-14

Metzler, J. (2002-2003). The importance of IRAC and legal writing. *University of Detroit Mercy Law Review, 80,* 501-504.

Sanson, M. (2006). Thinking like a lawyer. *International Bar Association Conference Newsletter*.

Sanson, M., & Anthony, T. (2014). *Connecting with law* (3rd ed.). South Melbourne, Australia: Oxford University Press.

Steel, A., & Fitzsimmons, D. (2013). Assessing problem based and experiential learning: Answering legal problem questions in a grid format. In K. Coleman, & A. Flood (Eds.), *Marking Time: Leading and Managing the Development of Assessment in Higher Education,* Champaign, ILL: Common Grounds Publishing LLC.

Stuckey, R. et al. (2007). *Best practices for legal education: A vision and a road map.* South Carolina: Clinical Legal Education Association. Retrieved from http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf

Taylor, G. (2006). Structured problem-solving: Against the "step-by-step" method. *Deakin Law Review, 11*(1), 89-101.

Turner, T. (2012). Finding consensus in legal writing discourse regarding organizational structure: A review and analysis of the use of IRAC and its progenies. *Legal Communication and Rhetoric: JALWD, 9,* 351-364.

Wade, J. H. (1990-1991). Meet MIRAT: Legal reasoning fragmented into learnable chunks. *Legal Education Review, 2*(1), 283-297.

Ward, H. (2000). The adequacy of their attention: Gender-bias and the incorporation of feminist perspectives in the Australian introductory law subject. *Legal Education Review, 9*(3), 5-6.

Wolff, L-C. (2003). Structured problem solving: German methodology from a comparative perspective. *Legal Education Review, 14*(1), 19-52.