From Legal Material to Legal Education Content: Designing Effective PLT Learning Content Guidelines

Author: Talia Braue
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Contact
Contact: Professor Donald Feaver
Leo Cussen Centre for Law
d.feaver@leocussen.edu.au

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From Legal Material to Legal Education Content: Designing Effective PLT Learning Content Guidelines

Talia Braue

Abstract

This article argues that legal material becomes effective legal education content only when it is deliberately selected, adapted, scaffolded and assessed for risk against a defined learning purpose. Focusing on practical legal training (PLT), it distinguishes professionally authentic source material from teaching objects designed for novice practitioners. It proposes a five-part conversion framework—purpose, suitability, conversion, risk and approval—to guide educators in choosing, shaping and authorising content. An Anti-Money Laundering and Counter-Terrorism Financing case study illustrates how legislation, regulatory guidance and professional resources can be transformed into accessible, practice-focused learning activities. The article contends that authenticity should not be treated as self-justifying: material may be legally accurate yet educationally unsuitable if it creates unnecessary cognitive load, obscures the task, models unsafe practice or exposes learners to avoidable harm. Clear content guidelines therefore strengthen constructive alignment, learner safety, professional judgement and quality assurance across PLT course design and delivery in Australia.

1. Introduction

Legal education scholarship focuses largely on curriculum, assessment, classroom learning and clinical education, including the ways in which each may facilitate legal skill and professional identity formation. Comparatively less attention has been paid to the prior design decision of selecting and adapting legal material so that it supports learners' educational and professional needs. A court decision, statute, pleading, affidavit or other legal document may accurately convey legal proceedings, but suitability for educational use requires something more. Legal material becomes legal education content once it is chosen, converted, scaffolded and risk-assessed for a defined learning purpose.[1]

[1] Adrian Evans et al, *Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School* (ANU Press, 2017); Paul Maharg and Emma Nicol, 'Simulation and Technology in Legal Education: A Systematic Review' in Caroline Strevens, Richard Grimes and Edward Phillips (eds), *Legal Education: Simulation in Theory and Practice* (Ashgate, 2014) 17; Sarah M Buhler, '"I Am Not a Caped Crusader": Clinical Legal Education and Professional Identity Formation' (2016) 49 *University of British Columbia Law Review* 105.

This article has two related objectives. First, it argues that legal education content is not just legal material included in a course. It is legal material that has been deliberately converted into a teaching object capable of supporting novice professional capability formation. That distinction is especially important in PLT, where learners are expected to translate legal knowledge into professional judgement, responsible practice, and demonstrable competence. Second, it explains the purpose and function of content guidelines that govern the selection of material for law courses. Rather than restrict choice, the guidelines aim to strengthen teaching and learning materials by avoiding the range of issues discussed further below.

The focus of this article is the teaching object itself: the extract, scenario, pleading, affidavit, judgment, or statute that students encounter whilst learning. Its core claim is that legal material may be resonant and professionally authentic but is educationally unsuitable if pitched to an audience disparate to that of the PLT learner – or entry-level lawyer. For example, legal material that involves legal, professional, or ethical complexity which is not adequately addressed, framed, and taught is unsuitable for de facto placement within a course.

The guidelines described in this article inform that process of conversion and adaptation. If legal capability is developed through field, task, skill, workflow, and evidence,[2] legal education content should be deliberately aligned with each of these elements. Poorly selected material can obscure legal issues, complicate tasks, overwhelm learners, disrupt workflows, and weaken opportunities to demonstrate and evidence performance. The aim is not to remove complexity entirely, but to reduce unnecessary cognitive load, create accessible materials, and promote engagement with complexity in a deliberate and safe way that supports a defined learning objective.

Legal material also carries risks that are not usually present in generic higher education content. It may contain allegations, trauma, reputational harm, confidential information, cultural harm, unsafe professional modelling, or misleading legal advice. Lengthy, poorly contextualised, or highly technical legal material may hinder, rather than help the achievement of specified educational outcomes. As such, legal material must be selected and approved according to guidelines that promote learner engagement, accessibility, inclusion, and professional development.

PLT courses often incorporate authentic legal material to support learning and the development of practical legal skills. It exposes learners to the language, structure, and ambiguity of legal documents and cases, allowing them to explore the associated legal

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[2] Donald Feaver and Shirley Southgate, 'Lifting PLT from Practical to Professional within a Coordinated Legal Education Pathway' (2026) 52 *Monash University Law Review* 3, 1–18; Donald Feaver, 'From Competence to Capability: Standards Design Across the Lawyer Formation Pathway' (2026) 50 *University of New South Wales Law Review* (forthcoming).

and practical implications in a supportive environment. By curating a case extract, developing a scenario, or including an assessable task, a legal education provider shapes how learners engage with the material, reason through problems, and understand the standards of responsible legal practice. However, in the absence of disciplined selection, legal material may overwhelm, confuse, or misdirect learners. As such, to be pedagogically effective, authenticity must be balanced with other considerations as set out in the guidelines.

Accordingly, this article is structured around this central distinction. It explains why foundational legal material must be transformed before it can operate effectively as legal education content. It then identifies the requirements that should govern that transformation, illustrates the relevant process through a case study on Anti-Money Laundering and Counter-Terrorism Financing teaching materials, and outlines a set of practical guidelines organised around: purpose, suitability, conversion, risk, and approval. It aims to provide a clearer account of how legal educators can select and shape legal material so that it remains legally accurate and professionally authentic whilst also being accessible, safe, and capable of supporting the entry-level lawyer's development of legal judgement, ethical awareness, and professional capability.

2. The need to transform foundational legal material

This article is based on new content guidelines that have been developed by Leo Cussen to support is teaching and learning quality assurance requirements. The guidelines are directed to course designers, facilitators, operators, and others working with Leo Cussen courses to help guide their design choices, in particular as they relate to legal content selection. They underscore uniformity, coherency, and justified decision-making in relation to legal material, with the goal of optimising its educational value.

The guidelines distinguish between 'legal material' and 'legal education content' and capture a process according to which the former is transformed into the latter. They require foundational legal material, which may, to the novice learner, appear to be highly technical or insufficiently explained or contextualised, to be shaped and presented in a way that meets the learner's educational and professional needs.

'Legal material' includes legislation, rules, regulations, court decisions, legal commentary, and the content of textbooks, academic journals, and government reports. These are sub-categorised as primary or secondary resources. Legal material is accessed through the internet, including on specialised legal databases, or at the library. It is directed at legal practitioners, judges, policymakers, or the public. Legal material is often treated as self-evidently educational because it is legally relevant.

In contrast, 'legal education content' is legal material that has been selected and curated to serve an educational purpose. In PLT courses, legal material may be adapted for use in simulated scenarios, assessments, or to support the professional actions of advice,

litigation, negotiation, or advocacy. Legal education occurs within a regulated framework and is informed by teaching and learning theories such as cognitivism, constructivism, and behaviourism, which focus on information comprehension and application. PLT should respond to the needs of the novice learner; promote that learner's engagement, and help cultivate their professional identity.

The AQF 8 learner is not a blank slate.[3] They are taught at the AQF 7 level to read, analyse and interpret court decisions, which follow an intrinsic flow, structure, and process of reasoning. Similarly, legislation is well sequenced. However, in either case legal material may be complex, inadequately defined, or situated in a technical legal context that assumes prior knowledge and experienced application. Legal documents are often lengthy or procedure-focused, include cross-references between statute, common law, ethics, and/or legal principle and draw on complex legislative updates. Context can be understood through explanatory memoranda, reports, and other authoritative guidance, but this should be adapted and contextualised within the PLT course itself.

Shaping and scaffolding legal material may increase learners' confidence by providing them with a clearer learning path and allowing them to develop schemas and better understand the connections between legal concepts. Schemas, in the field of psychology, refer to the 'cognitive structures' that allows learners to understand and respond to a 'problem state'[4] and are built through specific skills, tasks, and application of legal material.[5] Careful selection and structuring of legal material can embed learning objectives within course content and design, facilitating the development of learning schemas that support legal judgement and application.

Another concern relating to unadapted legal material is that it may include sensitive content, describing in detail real occurrences of assault, suicide, death, racism, cultural harm, or inappropriate portrayals of individuals or communities. This may cause distress, friction in learning, and unnecessary cognitive load for learners who are 'triggered' by or feel isolated from the teaching material. The guidelines outline ways to manage and mitigate the adverse effects of sensitive content.

A separate set of guidelines should be developed for learning contexts where sensitive content is required to be used as a teaching resource. This may occur, for example, at the AQF 9 level where 'researching', 'analysing' and 'critically reflecting' on the law is

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[3] The Level 8 learner under the Australian Qualifications Framework is expected to apply 'advanced cognitive, technical and communication skills' in demonstrating 'autonomy, well-developed judgement, adaptability and responsibility as a practitioner or learner'. This is generally achieved through content that is real and applied in nature, such as fact scenarios and simulated exercises.

[4] John Sweller, 'Cognitive Load During Problem Solving: Effects on Learning' (1988) 12(2) *Cognitive Science* 257, 259.

[5] Craig Collins, Donald Feaver and Shirley Southgate, 'What Are Legal Skills? Legal Capability, Professional Formation and the Public Assurance of Competence' (Working Paper No 8, Leo Cussen Centre for Law, 2026)

required, including in relation to sensitive topics. In these contexts, supplementary resources, trauma-informed teaching practices and a higher degree of instructor guidance is required. In contrast, the PLT-level learner's task is directed to skill acquisition. As such, PLT materials should be aligned to first exposure and day-to-day learning.

Another requirement for properly formulated legal education content is that it emphasises fairness, substantive equality, and tolerance towards others. These matters may not be sufficiently identified in foundational legal material. Teaching material should mirror the entry-level lawyer's emerging professionalism. For example, whilst a high profile disciplinary case that was reported in the media may serve a valuable educational purpose, it must be anonymised and extracted so that the material illustrates the ethical issues without exposing sensitive or personally identifiable information, thereby impressing on learners the same sensitivity that must be adopted in legal practice.

The PLT learner has a tripartite task to sort knowledge, manage a specific cognitive load, and attain the required legal capabilities. They must be supported throughout this process, and that support is achieved in part through guidelines that make entry level legal education content purposeful, professionally responsible, and suitable for the regulated PLT environment.

3. The requirements for legal education content

The purposes of legal education are numerous, varied, interdependent, and complex. Maxwell describes them as including to impart an understanding of the law's normative function, promoting critical awareness, and providing a more fulsome understanding of professional obligations.[6] Learners' cognitive efforts should be directed to these purposes.

This necessitates structured exposure to complexity. Legal education content should be framed in the context of a broader process of reasoning, with information gradually being taught, accumulated, and built upon. This is not adequately conveyed through a standalone, foundational legal document or precedent. Providing relevant context in legal education content may help explain the reasons for legal or factual complexity and teach learners how they should approach it. Taken as a whole, educational materials should facilitate increased legal detail and reduced cognitive load.[7] The guidelines permit these two concepts, which may appear to be irreconcilable, to run in parallel.

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[6] Lucy Maxwell, 'How to Develop Law Students' Critical Awareness? Change the Language of Legal Education' (2012) 22(1) *Legal Education Review* 99, 101.

[7] Inbar Levy, 'Simplifying Legal Decisions: Factor Overload in Civil Procedure Rules' (2017) 41(2) *Melbourne University Law Review* 727, 729.

PLT learners, occupy a distinct position. They are not undergraduate students, but they are also not experienced practitioners. They need content that develops professional perception and judgement and meets the AQF 8 requirements.

Some may suggest that robust legal education content can be formulated though legal material being applied to existing and generally applicable frameworks, such as the Universal Design for Learning Guidelines, which support learner heterogeneity, multiple means of engagement, representation, action and expression, and reduction of unnecessary barriers to learning.

Similarly, the Australian Government Style Manual (including its designated page on Legal material) and the Web Content Accessibility Guidelines (WCAG) 2.2 provide guidance for developing accessible and inclusive content. Other guidelines, such as the Cognitive Theory of Multimedia Learning require reducing extraneous load, sequencing, ensuring coherence, providing worked examples, and careful use of multimedia.

Whilst these principles are invaluable in informing content design generally, law, which is idiosyncratic and professional by nature, demands its own guidelines to ensure that legal education content serves a clear teaching purpose.

Standards do exist, but they are largely directed at the outcome sought to be achieved.[8] There is comparatively little guidance relating to the teaching object itself – whether that is a case extract, pleading, video, affidavit, or scenario – that the learner encounters. These objects are applied to simulated client interviewing, legal drafting, advocacy, or file management, which have been termed the 'vehicles through which advanced capability is demonstrated'.[9] This indicates that the curation of legal material has a direct influence on capability. Others, such as Bugden et al reiterate that course design should practically assist learners to 'develop strategies and skills to manage expectations, set guidelines, and communicate effectively'.[10]

The guidelines incorporate the notion of constructive alignment, which is a student-centred'[11] approach that focuses on the quality of teaching design and learning outcomes. It requires first, that knowledge is constructed through the activities of the learner, and second, that teaching and assessment are aligned to intended learning

8 See, for example: Law Admissions Consultative Committee, Practical Legal Training Competency Standards for Entry-Level Lawyers (at October 2017).

[9] Donald Feaver and Shirley Southgate, 'Lifting PLT from Practical to Professional within a Coordinated Legal Education Pathway' (2026) 52 Monash University Law Review 3, 1–18.

[10] Lisa Bugden, P. Redmond, J. Greaney, 'Online collaboration as a pedagogical approach to learning and teaching undergraduate legal education' (2018) 52(1) *The Law Teacher* 85, 98.

[11] John Biggs, 'Constructive Alignment in University Teaching' (2014) 1 *HERDSA Review of Higher Education* 5, 15.

outcomes.[12] The learner's needs are prioritised with guidelines that mandate relevant and high-quality educational materials.

Case Study: Selecting legal material to provide structured understanding

An example of selecting, scaffolding, and providing staggered complexity in legal education content is seen in our approach to teaching Australia's Anti-Money Laundering and Counter-Terrorism Financing framework, including the newly effective obligations of legal practitioners when providing 'designated' services such as facilitating a property sale or transfer, appointing a company director, or creating a trust.

The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 ('AML/CTF Act'), the primary legislation, is a logical starting point. But this law should be integrated into content that describe the legal changes in detail, including when they came into effect, as well as the broader framework and the lawyer's role within it. This should be supported by clear and authoritative explanations of the technical law and processes.

The framing of legal material is key. For example, the Law Society of New South Wales's AML/CTF Implementation Guide: for medium and large practices may be informative to a law practice owner, or to learners with foundational AML/CTF knowledge who wish to understand the legal obligations from a different perspective.

However, scaffolding for the novice learner should point to explanations of the law that are directly relevant to their learning. Simplified, authoritative materials may reduce cognitive overload by making clear the purpose of the subject being taught. For example, the Australian Transaction Reports and Analysis Centre provides clear and accessible explanations of the AML/CTF Act and legal practitioner's obligations on its website (AUSTRAC - Your obligations). In addition to the law and rules, such guidance may provide a foundation and structure for learning and be suitably integrated into an educational course.

Legal education content should be carefully chosen to be free from ambiguity that may cause misinterpretation. For example, adopting a case study in the PLT context of an accountant failing to meet their AML/CTF obligations may confuse the teaching purpose despite accountants having a similar role to legal practitioners as providers of 'professional services' under the legislation. Instead, the lawyer's obligations should be contextualised within legal practice and their professional and ethical duties. In a similar vein, detailed descriptions of the law of a foreign country should not be provided if they go beyond explaining the concept of a 'foreign politically exposed person' in a way that is appropriate to the level of knowledge required by a PLT learner.

Here, the raw legal material includes the AML/CTF Act, the Rules, AUSTRAC guidance and professional guidance issued by law societies. The learner problem is that novice PLT

[12] Biggs (n 11) 9.

learners may not yet understand the regulatory framework, the legal practitioner's role, designated services or risk-based compliance. The conversion decision is therefore to select authoritative but accessible guidance, remove unnecessary detail, and connect the content to legal practice obligations.

The capability focus is not simply that learners remember the existence of AML/CTF obligations. It is that they can identify when obligations arise, recognise risk, know what to do next and understand the professional responsibility attached to compliance. The resulting legal education content may therefore include an explainer, a short scenario, a checklist, a worked example and an applied practice task. In that form, the material becomes usable for capability formation rather than merely accurate legal information.

4. The Guidelines

The five organising standards should be understood as a content conversion framework. Each standard asks a practical question about what must happen before legal material is ready to become legal education content:

Stage	Core question
Purpose	What legal capability or learning outcome does this material support?
Suitability	Is it appropriate for the learner's stage, knowledge and professional role?
Conversion	What must be excerpted, anonymised, simplified, scaffolded or contextualised?
Risk	What legal, ethical, emotional, cultural or professional risks does it carry?
Approval	Who must review and authorise its use before learners encounter it?

The guidelines apply to all stages of legal content development, from sourcing, to incorporation, to scaffolding, and finally, approval.

The guiding principle is that legal material may only be used in cases where it meets a clearly defined educational purpose and has first been assessed for suitability in accordance with the guidelines.

4.1 Purpose

This requires that content is only included where it directly supports a defined learning outcome, professional capability, skill, assessment task, or practice activity. The factual drama of the source should not overshadow the legal learning task.

The person who is reviewing foundational legal material should ask: 'what does this material teach?'; 'what does the learner need to do with it?'; and 'why is this material better than material has been simplified, fictionalised or otherwise differently framed?'.

This requires assessment of legal material on its merits, whilst providing a conceptual framework to ensure that the learning objective, the legal education content, and the learner's interaction with the content are mutually reinforcing.

4.2 Suitability

Entry-level legal learners are not members of the general public, but they are still novice professionals. They may understand legal doctrine but have limited experience handling legal documents, professional judgement, evidentiary status, litigation strategy, client risk, and procedural context. Content must therefore match to learner stage.

PLT learners should engage with simulated matters, practice documents, client communications, ethical problems, and procedural workflows as is suitable to the AQF 8 level. In contrast, full judgments, complex pleadings, expert reports, and specialist reports should not be used, or, if necessary for a teaching purpose, be appropriately scaffolded, key terms within them defined, and legal and procedural context provided and explained.

Including in educational material prompts that direct learners' attention to legally relevant features, common error warnings, feedback, model answers, and assessment criteria is invaluable in guiding that learner, reducing their cognitive load, and connecting the material to learning outcomes. Other methods to increase the suitability of material includes providing headings, a glossary, or giving learners a 'what to look for' guide.

Once framed in terms of its relevance to novice learners, legal material may better support skill acquisition and build durable memory and schemas whilst reducing unnecessary cognitive load.

4.3 Conversion

The guidelines frame legal content as requiring an assessment of purpose, suitability and risk. Underpinning this is the notion that legal material must be converted or transformed in some way before use, because real legal documents are produced for legal purposes, not teaching purposes.

The guidelines provide practical guidance for understanding various forms of legal content, the stages it passes through, and based on such development, whether it is ready for educational use.

Specifically, the guidelines require that before it is used, legal material is excerpted, anonymised, fictionalised, simplified, annotated, or converted into a simulation.

This should be understood in the context of other parts of the guidelines, including the steps that attach to content with varying levels of risk.

4.4 Risk

PLT learners are required to handle a greater degree of legal and emotional complexity. Whilst, in practice, legal practitioners may be exposed to sensitive or upsetting content, this is flagged for PLT learners through 'content warnings' in educational materials. The simulated PLT environment does not necessitate a complete replication of the

complexities of practice. However, it does require PLT learners to reflect on how they handle stress, both personally and in relation to clients.

The guidelines propose an approach that is more nuanced than a simple content warning. The principle is that sensitive material ‘should only be included where necessary to the learning outcome’ and otherwise excerpted or removed.

Risk should be assessed across four dimensions. Legal risk includes inaccuracy, outdated law, misleading authority and confidentiality. Professional risk includes unsafe modelling of lawyer conduct, poor ethics and bad file practices. Learner risk includes distress, overload, exclusion and inaccessible complexity. Pedagogic risk arises where material is interesting but distracts from the intended task. This taxonomy makes the approval process more robust because it requires reviewers to ask not only whether the material is sensitive, but how it may affect legal accuracy, professional modelling, learner safety and educational focus.

All material should display respectful language, be culturally and identity safe, procedurally accurate, and supported by facilitator guidance. If legal material demonstrates unsafe advice-giving, prejudicial assumptions, overclaiming legal certainty, or disrespectful treatment of parties to legal proceedings, it must not be used.

The exceptional case is where an excerpt of such material is used as a tool for analysis, deconstruction, or to suggest alternative safe actions and is clearly signposted as such. This contributes to the education of learners, who can grapple with complex legal, ethical, and sensitive topics in a supported environment.

Scaffolded exposure to complexity supports 'emotional awareness, cultural competence and leadership ability',[13] which ultimately serves to improve client outcomes and interactions. In this way, content design is connected to professional capability formation.

4.5 Approval

The guidelines require each item of content to be assessed against 11 separate criteria. The criteria include but are not limited to:

- Educational purpose,
- Learner suitability,
- Scaffolding and cognitive load,
- Legal accuracy,
- Ethical and professional safety, and
- Sensitivity, inclusion, and learner safety.

[13] Bugden et al (n 10) 88.

Each criterion is attached to an approval question. The item of content is also given a risk rating (low, medium, or high) for each of the 11 criteria.

No.	Criterion	Approval question	Risk rating
1	Educational purpose	Is the content necessary to a defined learning outcome, professional capability or assessment task?	Low / Medium / High

The guidelines, separately, outline examples of legal material that is by its nature low, medium, or high risk, as well as the approvals that each category necessitates before the material is used in legal education content.

The categories are summarised as follows:

Low risk material

- Includes fictional problem questions, anonymised client scenarios, simple procedural examples, and short extracts from judgments.
- Content that has a low risk overall may be approved by a subject matter expert ('SME'), such as a facilitator or instructor within the organisation.

Medium risk

- Includes disciplinary decisions, complex proceedings, public regulatory decisions, and emotionally challenging but non-graphic material.
- May be approved by a SME but also requires review by the course lead.
- Medium risk content may be used where educational value is clear and controls are in place, including through techniques such as framing and scaffolding.

High risk

- Includes highly sensitive material such as sexual assault allegations, suicide, self-harm or family violence, live or recently concluded public controversies, or graphic criminal facts.
- Requires SME and course lead approval and additionally, legal or academic governance review.
- High risk content should be exceptional and must be justified.
- High risk content must not be used unless the educational purpose cannot reasonably be achieved through a fictionalised, anonymised, or excerpted alternative.

5. Guidelines that are cognisant of the learner's needs

The literature provides a broad understanding of the techniques that facilitate learner comprehension, engagement, and professional formation in legal education settings, as well as the desired attributes of a PLT learner.

Ezeani, for instance, describes that learner as an 'autonomous thinker' who is 'able to 'learn, explore, and be able to evaluate on their own'.[14] In this sense, properly framed legal education content provides learners with the necessary information to create and understand meaning, whilst directing them to a correct legal, ethical, or professional position. Cognitive load, as previously discussed, is reduced through eliminating biased, unbalanced, or unnecessarily complex material.

Others, like Ryan, suggest that 'giving students problems that are open to multiple interpretations may support the development of 'meaningful and practical skills'.[15] In this sense, legal education content may facilitate both the learner's personal transformation, and their objective acquisition of meaning. The guidelines recognise that such learning may occur through consolidated base material being applied to the 'active' components of discussion, problem solving, and collaboration. This better promotes transferable skills[16] in different contexts, including in more complex legal and factual contexts post-PLT.

The guidelines find their roots in cognitive studies which find that learners are more likely to engage with learning materials when they feel that those materials are relevant to them.[17] The objective is to reconcile legal complexity with simplified cognitive load and facilitate learner engagement. This subtlety is missing from a model that merely focuses on the regulatory requirements for professional formation without explaining how this is supported by course design and materials.

6. Conclusion

This article argued that content guidelines are necessary to assist with the transformation of legal material into legal education content that is clear, safe, scaffolded, accessible, unambiguous and purposeful.

Requiring content to be selected and justified in accordance with clear teaching purposes and intended learning outcomes enables the PLT learner's professional, ethical, and legal skill development to be placed at the forefront whilst facilitating their improved engagement, learning and professional capability. Acting as a roadmap, the

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[14] Elimma C. Ezeani (2024) Measuring teaching effectiveness: transformative learning in legal education, *The Law Teacher*, 58:4, 469, 477.
[15] Philippa Ryan, 'Teaching collaborative problem-solving skills to law students' (2017) 51(2) *The Law Teacher* 138, 142.
[16] Ezeani (n 14) 483.
[17] Anna Huggins, Sally M. Kift, and Rachel Field, 'Implementing the Self-Management Threshold Learning Outcome for Law: Some Intentional Design Strategies from the Current Curriculum Toolbox' (2011) 21(2) *Legal Education Review 183, 193*.

guidelines include criteria, processes, and frameworks for content selection which are cumulative and helpful, both for guiding decisions at the content design stage and providing a framework for review and continual improvement of courses. They promote efficacy and quality assurance in both course design and learning.

The guidelines are innovative in that they frame legal understanding as based on purpose and justification, rather than mere complexity. They capture a symbiosis between legal knowledge and legal skill, creating the conditions for learners to develop schemas that will assist them in structuring and solving legal problems at both the PLT and post-PLT stage.

The breadth of legal material available on the internet necessitates careful consideration of its intended purpose and use for educational settings. The guidelines identify that legal material is integral to the novice learner's level but must be appropriately framed to meet their needs. Stakeholder input and ongoing review may result in further amendments to the guidelines. However, in their current form, they can be seen to meet their purpose and demonstrate a strong foundation for uniform, practical, and effective guidance.

Appendix A

Legal Education Content Best Practice Guidelines

1. Purpose

These Guidelines set minimum standards for developing and approving entry-level legal education content.

The purpose of the Guidelines is to ensure that content is:

- suitable for novice and entry-level legal learners;
- current, accurate and professionally defensible;
- scaffolded to support legal skill development;
- accessible and inclusive;
- respectful of sensitive subject matter;
- aligned with entry-level legal capability; and
- suitable for delivery in a regulated education environment.

2. Standards informing these Guidelines

The Guidelines draw on the following recognised sources and standards.

Source area	Source used	Relevance to these Guidelines
Higher education quality and learning standards	• Higher Education Standards Framework (Threshold Standards) 2021 • Guidance notes published by the Tertiary Education Quality and Standards Agency ('TEQSA')	Supports alignments between learning materials, learning outcomes, assessment, course level and quality assurance.
Entry-level legal capability	• Law Admissions Consultative Committee's Practical Legal Training Competency Standards for Entry-Level Lawyers	Supports alignment with observable entry-level legal capability, professional responsibility, work management, ethics and communication.
Professional conduct and ethical risk	• Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015	Creates bright-line principles relating to professional integrity and duties to the court, clients and other persons.
Editorial and plain	• Australian Government Style Manual	Supports clear, consistent and user-centred writing.

language standards		
Accessibility	• Web Content Accessibility Guidelines (WCAG) 2.2	Supports accessible content design across specific content principles.
Inclusive learning design	• Universal Design for Learning Guidelines • Australian Government Style Manual Accessible and inclusive content guidance	Supports learner variability, multiple means of engagement, expression, and reduction of unnecessary barriers to learning.
Cognitive load and multimedia learning	• Mayer's 12 Cognitive Theory of Multimedia Learning and 12 Principles	Supports reducing extraneous load, sequencing, coherence, worked examples and careful use of multimedia.
Instructional design framework	• ADDIE model • Merrill's First Principles of Instruction • Bloom's Taxonomy	Supports deliberate learning design, problem-centred instruction, and alignment of learning outcomes, activities, and assessment with appropriate cognitive complexity.
Trauma-informed teaching	• Higher education trauma-informed teaching resources and literature	Supports content warnings, learner safety, careful use of sensitive content, choice, predictability and avoidance of unnecessary exposure to traumatic detail.

3. Core principles

Principle 1: Learning purpose governs content selection

Legal material should be included only where it directly supports a defined learning outcome. It should not be used merely because it is interesting, famous, controversial, current, or publicly available.

Before using a:

- court decision;
- pleading;
- affidavit;
- transcript;
- media article; or
- other, real legal document;

The content developer should be able to answer:

- What does this material teach?
- What does the learner need to do with it?

- Why is this material better than a simpler, fictionalised or anonymised alternative?
- What evidence will show that learning has occurred?
- What educational, legal, ethical or other risks does it introduce?

Principle 2: Content must suit entry-level lawyers

PLT learners understand legal doctrine but have limited experience with legal documents, professional judgement, evidentiary status, litigation strategy, client risk and procedural context.

Content should therefore be matched to learner stage.

Learner stage	Suitable content
Introductory	Short hypotheticals, simple worked examples, guided issue spotting
intermediate	Structured excerpts, annotated legal documents, guided drafting or analysis tasks
PLT / entry-level lawyer	Simulated matters, client communications, ethical problems and procedural workflows
Advanced	Full judgments, complex pleadings, affidavits, expert reports, contested factual records and specialist materials

Principle 3: Complexity must be scaffolded

Learners should not be dropped into complex legal material without guidance. Appropriate scaffolding may include:

- the learning objective
- a short statement of legal context
- key terms and assumed knowledge
- worked examples
- prompts directing attention to legally relevant features
- common error warnings
- practice opportunities
- feedback, model answers or performance criteria.

For example, a raw statement of claim should not simply be uploaded and assigned. It should be framed:

‘Read paragraphs 1–12 only. Identify the parties, the pleaded publication and the material facts. Do not assess whether the allegations are true. Your task is to identify how the pleading is structured.’

Principle 4: Cognitive load must be actively managed

Legal content often combines doctrine, procedure, facts, policy, emotion, strategy and professional risk. This can cause cognitive overload.

Content design should distinguish between:

- **Necessary complexity** – what the learner must engage with to meet the outcome
- **Unnecessary complexity** – factual, procedural or emotional detail that distracts from the task
- **Productive effort** – effort directed toward legal understanding, skill development, or professional judgement

Practical techniques include:

- using excerpts rather than whole documents
- removing unnecessary factual detail
- sequencing tasks from observation to application
- using headings and signposting
- providing a glossary
- giving learners a 'what to look for' guide.

Principle 5: Real legal materials require educational conversion

Real legal documents are produced for legal purposes, not teaching purposes. Public availability does not make a document teaching-ready.

Before using real legal materials, consider whether the material should be treated differently. This may include:

Treatment	When to use
Excerpt	The full document is too long, complex or distracting
Annotate	Learners need help noticing legally relevant features
Anonymise	Real names are unnecessary
Fictionalise	The legal structure matters more than the real facts
Summarise	Detail would create overload, distress or reputational risk
Sequence	Learners need staged exposure
Replace	Risk outweighs educational value
Facilitator only use	The source helps instructors but is unsuitable for learners
Advanced extension	Suitable only for optional or advanced learners

Principle 6: Sensitive content must be necessary, minimised and supported

Sensitive content is classified as 'high risk' content. Its use should be exceptional, must be justified, and involves the highest level of review.

Sensitive content includes material involving:

- sexual assault
- family violence
- child abuse
- suicide or self-harm
- death or serious injury
- racism, discrimination or vilification
- cultural, racial, religious or identity-based harm
- Aboriginal and Torres Strait Islander peoples, communities, culture or institutional harm
- disability, gender, sexuality, age, migration status or other protected attributes;
- mental illness
- graphic criminal facts
- reputationally damaging allegations
- identifiable real people
- live, unresolved or highly public controversies.

It **must not be used** unless the educational purpose cannot reasonably be achieved through a fictionalised, anonymised, or excerpted alternative.

A content warning should always be used where material includes sensitive subject matter that learners may reasonably find distressing, personal or confronting.

A good content warning should be:

- brief;
- specific;
- neutral;
- placed before the material;
- connected to the learning purpose; and
- linked to learner choice or support where appropriate.

Principle 7: Legal and procedural status must be preserved

Educational commentary must preserve the procedural status of the source.

For example:

- A pleading is not a finding.
- An affidavit is not necessarily accepted evidence.
- A submission is not a judgment.
- A media report is not a legal determination.

Use language such as:

- ‘the applicant alleges’

- ‘the pleading asserts’
- ‘the respondent contends’
- ‘the evidence was accepted’
- ‘the court found’
- ‘the issue for determination was’.

Avoid language such as:

- ‘what happened was’
- ‘the defendant did’
- ‘the victim was’
- ‘the offender committed’
- ‘the case proves’.

Principle 8: Professional responsibility must be embedded

Entry-level legal education should model professional conduct, not merely explain legal doctrine.

Content should avoid:

- casual treatment of confidential information
- unsafe advice-giving
- misleading summaries
- prejudicial assumptions
- overclaiming legal certainty
- disrespectful treatment of parties, witnesses, clients or courts

Content should reinforce:

- duties to the court
- duties to clients
- confidentiality
- candour
- competence
- supervision
- file note and record-making practices
- professional courtesy
- defensible decision-making.

Principle 9: Content must be accessible, inclusive and clear

Content should be designed for diverse learners from the beginning.

Minimum expectations include:

- plain language where possible

- clear headings
- short paragraphs
- defined acronyms
- descriptive links
- readable tables
- captions or transcripts for video and audio
- accessible downloadable formats
- inclusive examples and respectful language.

Plain language does not mean simplistic law. It means making the learner's task easier to understand without distorting legal complexity.

Principle 10: Content must be accurate, current and defensible

Legal education materials must be legally accurate, jurisdictionally correct, current and properly sourced.

Content should avoid:

- inaccurate statements of law
- outdated legal rules or links
- unsupported legal claims
- unsafe legal advice
- copyright infringement
- misuse of third-party materials
- breach of confidentiality
- misleading summaries
- unnecessary reputational or privacy risks.

The provider should be able to justify the use of the material to a learner, regulator, employer, professional body, court or affected person.

4. Risk classification model

Low-risk content

Low-risk content is generally suitable for **ordinary subject-matter expert (SME) and editorial review.**

Examples include:

- fictional problem questions
- anonymised client scenarios
- simple procedural examples
- short extracts from judgments
- neutral contract clauses
- generic correspondence examples.

Medium-risk content

Medium-risk content may be used where educational value is clear and controls are in place. It requires **SME, editor and course lead review.**

Examples include:

- real judgments involving sensitive facts
- disciplinary decisions
- complex pleadings
- public regulatory decisions
- emotionally challenging but non-graphic material
- named parties where identification is educationally relevant.

High-risk content

High-risk content should be exceptional and must be justified. It requires **SME, editor, course lead and legal or academic governance review.**

Examples include:

- sexual assault allegations
- suicide, self-harm or family violence
- unproven allegations about identifiable people
- live or recently concluded public controversies
- politically charged proceedings
- graphic criminal facts
- material involving vulnerable persons

5. Using real cases and court documents

The following rules apply to real legal cases and court documents.

Legal Material Type	When to use
Judgments	• May only be used where legally relevant and appropriately scaffolded. • Sensitive factual material should be excerpted or summarised where the detail is not necessary.
Pleadings	• Are considered ‘high-risk’ as they contain allegations, not findings. • Should only be used where the learning outcome requires pleading analysis and is accompanied by a content note.
Affidavits and witness statements	• Should be used cautiously, especially where they contain disputed, personal, traumatic or reputationally damaging material.

Media reports	• Should only be used where the learning outcome concerns media law, public communication, reputation, defamation or legal journalism.
Live or current matters	• Should generally be avoided in entry-level content unless there is a strong educational justification and legal review.

6. Approval criteria for legal education content

Each item of content should be assessed using the following 11 criteria.

No.	Criterion	Approval question	Risk rating
1	Educational purpose	Is the content necessary to a defined learning outcome, professional capability or assessment task?	Low / Medium / High
2	Learner suitability	Is it appropriate for the learner's stage, prior knowledge and professional maturity?	Low / Medium / High
3	Scaffolding and cognitive load	Does it guide learners through complexity without unnecessary distraction or overload?	Low / Medium / High
4	Professional capability alignment	Does it build an observable entry-level legal skill, judgement or professional capability?	Low / Medium / High
5	Legal accuracy	Is the law current, jurisdictionally correct and properly qualified?	Low / Medium / High
6	Source integrity and permissions	Are sources reliable, attributed and used consistently with copyright, licence and confidentiality limits?	Low / Medium / High
7	Ethical and professional safety	Does it model responsible legal conduct and avoid unsafe professional messages?	Low / Medium / High
8	Sensitivity, inclusion and learner safety	Does it avoid unnecessary trauma, discrimination, exclusion or cultural unsafety, with controls where needed?	Low / Medium / High
9	Procedural and editorial accuracy	Are allegations, evidence, submissions, findings and commentary clearly distinguished?	Low / Medium / High
10	Privacy, reputational and legal risk	Does it avoid unnecessary identification, republication of damaging allegations or organisational exposure?	Low / Medium / High
11	Accessibility and usability	Is it clear, accessible, inclusive, plain-language and suitable for the delivery mode?	Low / Medium / High

7. Conclusion

These Guidelines provide a basis for choosing and approving legal education content. egal material should serve a clear learning purpose and suit the needs of entry-level lawyers, including teaching them professional responsibility. Approval should reflect the material's educational value and risk. As such, the guidelines support learning that is purposeful, inclusive and professionally defensible.