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## Building Foundations for Success: Comprehensive Skill-Building for Higher Degree Research Students in Law

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# BUILDING FOUNDATIONS FOR SUCCESS

## COMPREHENSIVE SKILL-BUILDING FOR HIGHER DEGREE RESEARCH STUDENTS IN LAW

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*Growth in Higher Degree Research (HDR) programs and student enrolments has led to the development of university research training programs. Such training is frequently delivered by central university areas and designed for HDR students across multiple fields of education. Comprehensive legal research training programs in Australian Law Schools are uncommon and therefore examples of programs that do exist may provide valuable models. In 2023, UWA Law School piloted a training program aimed at building skills and improving the student experience to meet the specific needs of its students in the fields of law and criminology. The comprehensive HDR training package includes a suite of modules, resources and practical workshops to accommodate a range of candidates and projects. The program harnesses the wealth of knowledge, expertise and experience in the Law School by engaging research leaders through recorded modules and live sessions. The training program also brings all law and criminology HDR students together to facilitate a cohort experience and exposes students to a wider range of Law School academics beyond their supervisory team. This paper outlines the design, development and delivery of the training program, and highlights some early lessons learned that may be of benefit to other Law Schools.*

### I INTRODUCTION

Higher Degrees by Research (HDR) programs and enrolments have grown significantly since the 1990s.<sup>1</sup> The majority of Australian universities offered some form of HDR programs, commonly a Doctorate in Philosophy (PhD), but also shorter Masters by Research and professional doctorates involving a thesis component.<sup>2</sup> HDR students come from various backgrounds (professional and cultural), study in different modes (part-time, full-time and offshore), and explore research topics across many fields of education.<sup>3</sup> Commonly, HDR programs are administered through a central graduate research school or department, although students are usually physically located and supervised in subject-specific schools.

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<sup>1</sup> Tracii Ryan et al, 'How Can Universities Better Support The Mental Wellbeing Of Higher Degree Research Students? A Study Of Students' Suggestions' (2021) 41(3) *Higher Education Research & Development* 867.

<sup>2</sup> A search of online databases demonstrates multiple programs across most Australian universities: see, eg, <<https://www.phdportal.com/search/phd/australia>>; <<https://www.findaphd.com/guides/phd-study-in-australia/>>.

<sup>3</sup> Charlotte Brownlow et al, 'The Higher Degree Research Student Experience In Australian Universities: A Systematic Literature Review' (2023) 42(7) *Higher Education Research and Development* 1608.

Undoubtedly, the supervisory team for any given HDR student is vitally important, but so too are institutional supports.<sup>4</sup> Indeed, Australian education standards require that research training is guided by an institutional policy that covers matters such as rights and responsibilities, induction, monitoring progress and examination and that on completion specific and generic learning outcomes related to research can be demonstrated.<sup>5</sup> It is also well-recognised in the literature that HDR skills-based training is needed,<sup>6</sup> and central graduate research schools frequently offer such research training programs.<sup>7</sup> Although the scope and delivery of each program differs, the common elements include an induction for new students, and sessions on conducting research, research integrity and ethics, the student-supervisor relationship and co-authorship, as well as presenting, writing and publishing.<sup>8</sup>

Necessarily, because these central programs provide training for HDR students across all fields, the skills and expertise are general in nature and not discipline specific. Science, health and technology fields have offered specialised skills-based compulsory training, lectures and lab workshops for some time, yet comprehensive and effective legal research training programs (particularly involving research methods) are less common.<sup>9</sup> Often it is left to individual supervisors to provide specific theoretical and methodological knowledge and expertise, as well as training and development in legal research, critical analysis and writing. The above two matters raise several concerns. First it places a considerable burden on these academic supervisors and increases their workloads in circumstances where administrative requirements are known to have grown<sup>10</sup> and academics are experiencing burnout due to their levels of work.<sup>11</sup> Secondly, it relies upon academics having broad knowledge beyond their own narrow research areas and specific methodologies. Furthermore, supervisors are often selected because of their content knowledge and supervision experience rather than their ability to train and build skills. These academics may not be experts in theories and methodologies and/or multi-disciplinary or mixed methods relevant to the student's project. In addition, new digital research and support tools are constantly emerging and supervisors may not be fully equipped to assist HDR students in

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<sup>4</sup> Scholarship drawn from student experiences of HDR candidature supports this, see Kelsey Halbert, 'Students' Perceptions Of A 'Quality' Advisory Relationship' (2015) 21(1) *Quality in Higher Education* 26, 27.

<sup>5</sup> See *Higher Education Standards Framework (Threshold Standards) 2021* made under the *Tertiary Education Quality and Standards Agency Act 2011*.

<sup>6</sup> Philip G Altbach, 'Doctoral Education: Present Realities And Future Trends' in James JF Forest and Philip G Altbach (eds) *International Handbook of Higher Education* (Springer, 2007) 65, 66.

<sup>7</sup> See, eg, the University of Sydney <<https://www.sydney.edu.au/students/hdr-training-modules.html>>; and University of Queensland <<https://cdf.graduate-school.uq.edu.au/sessions>>.

<sup>8</sup> Some universities require enrolment in Graduate Certificate programs, although not without some criticism: Kim Beasy et al, 'Drowning In The Shallows: An Australian Study Of The PhD Experience Of Wellbeing' (2021) 26(4) *Teaching in Higher Education* 602, 610.

<sup>9</sup> This is supported by anecdotal evidence from colleagues across various law schools. Research by Lindley, Skead and Montalto highlighted that students want more training on law-specific methodologies given that these are not widely taught prior to PhD studies: Jade Lindley, Natalie Skead and Michael Montalto, 'Enhancing Institutional Support To Ensure Timely PhD Completions In Law' (2019) 29 *Legal Education Review* 1.

Hutchinson also noted that opportunities for methodology training are limited within law curriculum at the undergraduate and postgraduate levels: Terry Hutchinson, 'Developing Legal Research Skills: Expanding The Paradigm' (2008) 32 *Melbourne Law Review* 1065.

<sup>10</sup> Academy of the Social Sciences in Australia (2021), *State of the Social Sciences 2021*, 25.

<sup>11</sup> Gillian Vesty et al, 'Burnout Among University Accounting Educators In Australia And New Zealand: Determinants And Implications' (2018) 58(1) *Accounting & Finance* 255.

their use. This can result in mixed experiences for students depending on their supervisory team and highlights the need for comprehensive programs that 'level the playing field' for all students.

The lack of tailored research training leaves a gap for HDR students in law schools. Furthermore, lack of adequate training and support can exacerbate the stress of undertaking HDR studies and impact on student well-being. It is acknowledged that HDR studies can be challenging with a negative effect on student well-being.<sup>12</sup> Although a research training program cannot remove all stressors, such as family relationships, employment and finance strains and ill-health, it can have a positive effect on academic confidence, reduce feelings of isolation and facilitate supportive networks and connections with fellow students.<sup>13</sup> In this sense a training program can improve student well-being. This is evidenced by scholarship indicating that student experiences are improved where appropriate skill-building and support programs are in place,<sup>14</sup> and that HDR students value supervision that balances both 'academic and emotional support'.<sup>15</sup> This latter aspect adds to literature indicating that students do not believe quality supervision depends purely on scholarly expertise,<sup>16</sup> and that students value personal qualities in their supervisors more than specific content knowledge and research expertise.<sup>17</sup> Further valuable insights into students' perspectives are provided by Ryan et al who identify a number of matters that HDR students themselves want universities to address to support their well-being.<sup>18</sup> The analysis divided student responses into nine categories with a total of 23 themes.<sup>19</sup> Relevantly, the suggestions made by students included the following themes:

1. Fostering an inclusive and supportive departmental research culture;
2. Recognising diverse backgrounds and life pressures;
3. Promoting integration between academics and students;
4. Creating opportunities for peer engagement; and importantly
5. Integrating workshops on research skills, methods and thesis writing.<sup>20</sup>

These findings are complemented by literature exploring the perceptions of PhD students in 16 Australian law schools supporting the need for law-specific methodological training.<sup>21</sup> Students identified the most helpful aspects of their law school's PhD program as training

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<sup>12</sup> Brownlow et al (n 3) 1609.

<sup>13</sup> See Halbert (n 4) 1615–16.

<sup>14</sup> Carolyn Dickie, 'Winning The PhD Game: Evocative Playing Of Snakes And Ladders' (2011) 16(5) *Qualitative Report* 1230. See also Kirsti Lonka et al, 'Doctoral Students' Writing Profiles And Their Relations To Well-Being And Perceptions Of The Academic Environment' (2019) 77 *Higher Education* 587.

<sup>15</sup> Halbert (n 4) 31.

<sup>16</sup> Ibid 32.

<sup>17</sup> Although scholarship suggests Brownlow et al (n 3) 1613 citing Diana F Davis, 'Students' Perceptions Of Supervisory Qualities: What Do Students Want? What Do They Believe They Receive?' (2019) 14 *International Journal of Doctoral Studies* 431.

<sup>18</sup> Ryan et al (n 1).

<sup>19</sup> Ibid.

<sup>20</sup> Ibid 872.

<sup>21</sup> Lindley, Skead and Montalto (n 9) 23–4.

that enhances academic skills, opportunities for informal academic mentoring and peer bonding, and activities to improve connectedness and the overall cohort experience.<sup>22</sup> The least helpful aspects of these law school PhD programs included the generic university-wide training programs, negative law school culture and poor online support.<sup>23</sup>

It is against the backdrop of the need for law-specific HDR training that the UWA Law School developed, in house, a comprehensive tailored research program in 2023 to respond to the need for Law discipline-specific training, and to rehumanise HDR studies to enhance the student experience. This paper outlines the design and delivery of the program as a case study of how one Australian law school has sought to address student needs aligned with the literature outlined above. Both the content and scope, as well as the process of creating the training package, provides a useful case study for other law schools who might wish to build such a program. This article outlines the context and design principles for the UWA Law School program. It then explains the content and delivery of the UWA program. The final section highlights some feedback from staff and students and revisions and expansions following the first year of delivery.

## II UWA CONTEXT AND DESIGN PRINCIPLES

UWA offers a PhD and MPhil program whereby candidates are centrally enrolled in the Graduate Research School which then offers students a range of generic training workshops and well-being support services. The UWA Law School program was intended to supplement and complement, not replace or duplicate, these centralised offerings. In addition, UWA offers a Doctorate in Juridical Science (SJD) program which combines coursework units and a thesis. Students in this program are enrolled directly through the Law School as the program is administered at the school level, with the added obligation to provide a dedicated research training coursework unit for credit. This unit provided a useful vehicle through which to develop the broader HDR training program.

In keeping with other universities, the UWA Law School student cohort includes domestic and international, full time and part time, students as well as distance students located offshore. The training program had to meet the needs of this diverse group in terms of its design and delivery. In addition, UWA Law School comprises study in both law and criminology with staff and students drawn from both fields. Many of the HDR students in the Law School are not legally (or criminologically) qualified and may have backgrounds in other social sciences or engineering, science, health or technology. Although they may be undertaking legal research their projects frequently incorporate elements of related areas such as international relations, public policy, and environmental studies, for example. Therefore, the Law School attracts a greater diversity of HDR students than might otherwise

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

be expected, exploring a variety of topics utilising various theories and methodologies, and sometimes involving multi-disciplinary and mixed methods research.

UWA requires HDR research projects to be supervised by at least one level 3 supervisor, being a staff member who has supervised other students to completion.<sup>24</sup> For any given student area there might be only one or two suitable supervisors with a necessarily limited range of content knowledge and methodological expertise. Therefore, the pool of supervisors, and particularly senior supervisors, is relatively small with the likelihood that the supervisory team may not have expertise in all of the theories and methodologies any given student intends to consider in their project.

Not only did the training needs of these students need to be met in terms of legal theory and law/criminological methodology, the program also had to provide opportunities to build a cohort experience across the diverse and distributed group of students. A key aim was to overcome feelings of detachment from supervisors, schools, research communities and fellow students noted generally in PhD students and which could potentially be exacerbated by such diversity.<sup>25</sup> So the design of the training program took these factors into account and also responded to the need to expose HDR students to other staff beyond their supervisory team, and to promote engagement and connectedness between staff and students.

In summary, the project aimed to support students (1) by complementing and building upon the training program run by the central university Graduate Research School to raise the skills of all HDR students in the Law School, and (2) by enhancing well-being through whole-of-cohort engagement opportunities and stronger student-staff networks and research culture. A secondary goal was to reduce the workload for individual supervisors by providing a School-centred, training program that utilised the knowledge and expertise of all relevant academics to provide a pool of resources that could be used on an ongoing basis from year to year.

### III THE UWA PROGRAM

As noted above, UWA Law School attracts students from around the world, researching part time and full time, locally and remotely, and in the disciplines of law and criminology. These characteristics necessarily affected the design of the program which had to be flexible, accessible, and relevant to students in both fields and indeed those engaged in multi-disciplinary projects. The decision was made to provide a series of modules comprising fully online pre-recorded materials, and live (virtual and in-person) workshop sessions. The pre-recorded modules are self-paced with mini-lectures, readings, and self-test exercises, designed to build knowledge and expertise. This mode has the advantage of being accessible from anywhere and in any time zone. The modules can also be revisited multiple times

<sup>24</sup> UWA, Register of Supervisors Procedures: Supervisor Levels <<https://static.weboffice.uwa.edu.au/archive/www.postgraduate.uwa.edu.au/staff/supervisors/supervisor-register.html#levels>>.

<sup>25</sup> Halbert (n 4) 1614–15.

throughout the students' HDR journey towards thesis submission. The live classes focus on building skills by applying knowledge learnt in the online modules. In addition, these classes bring all students together and sharing challenges and reflecting on draft work with fellow HDR students helps to strengthen the cohort experience. The majority of these live sessions were held in-person with virtual participation an option for distance students.

The central UWA Graduate Research School provides an induction for all HDR students and training sessions focused on various stages of the journey (preparing a research proposal, Confirmation of Candidature and preparing for examination etc). In addition, skill-building seminars are provided on reading, note taking and academic writing, research ethics, research integrity and intellectual property. As noted above, these sessions are designed for student participation across all fields of research and are not intended to be discipline specific. Only one gap was identified in these more generic offerings. Time management has become increasingly important given growing demands for timely completion, and competing commitments, which can add to HDR student stress.<sup>26</sup> Therefore time management was identified as a focus for a generic skills module.

The Law School therefore developed tailored training to include (1) some generic skills not already provided for centrally; (2) specific theoretical and methodological knowledge and expertise; and (3) opportunities to apply and practice research, writing and analysis in a cohort context. The generic and theory/methodology materials were developed as pre-recorded online modules, and application workshops were delivered as live sessions.

To ensure a uniform level of skill-building, the generic modules were designed to be completed by all students engaged in the program. These skill-building modules were designed and recorded by various staff from across the Law School and cover:

- Time management;
- Advanced legal research;
- Designing your research project and research question;
- An introduction to methods and methodologies;
- Preparing research proposals;
- Preparing a literature review;
- Referencing and referencing software;
- Progressing and presenting your HDR research;
- Writing up your work – traditional and by-publication theses;

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<sup>26</sup> See Halbert (n 4). High workload and time pressures can lead to well-being issues where work-life balance becomes distorted, see Els van Rooij et al, 'Factors That Influence PhD Candidates' Success: The Importance Of PhD Project Characteristics' (2021) 43(1) *Studies in Continuing Education* 48, 62.

- Reviewing, editing and finalising your thesis;
- Publishing your legal and criminological research;
- Beyond the PhD – further research and study; and
- Beyond the PhD – peer reviewing journal articles.

In addition to these more general skill-building modules, specialist modules on legal and criminological theory and methodologies were developed, again drawing on the expertise of key Law School staff. It was recognised that not all of the modules would be relevant to every HDR project, and so students were encouraged to discuss with their supervisors which of these to focus upon. Nevertheless, all modules remain available to all students throughout their HDR journey, allowing flexibility for students to explore options at early stages of their research design and to learn about areas beyond their immediate project. The theory and methodology modules include:

- Research ethics in law and criminology;
- Traditions of legal theory;
- Feminist legal theory;
- Doctrinal Australian legal research;
- Empirical research methods;
- Socio-legal methods;
- Criminological methods;
- International law research methods; and
- Comparative legal methods.

The live sessions were designed to complement those delivered by the central Graduate Research School. For example, early modules extend the central induction program and whole-of-university policies by covering, for example, School-specific student-supervisor relationship and co-authorship guidelines. Later sessions focus on discussing and reflecting on research design and methodological choices. All of the sessions bring students together as a group and therefore also provide opportunities for candidates to engage with fellow HDR students. The workshops also allow for feedback beyond the student's supervisory team, and for peer learning and support in a safe and collegial environment through sharing and discussing draft work. The sessions later in the year are more heavily focused on substantive writing and engage HDR students in various stages of their research projects. The live session element includes:

- Introduction to HDR;
- Skill building needs and resources;
- Commencing your HDR project;
- Designing a research question and methodology as part of research design;
- What are the necessary ingredients of an HDR research proposal?;
- How do you move from a research proposal to writing?;
- UWA Law School mini-conference;
- Work-in-progress conference;
- 3-day writing workshop; and
- End of year reflection and planning for the next year.

As noted above, a goal was to utilise the full range of knowledge and expertise across the Law School, engaging staff as ‘owners’ and distributing the workload of developing the training program. The creation of the program therefore involved three key steps: (1) engaging relevant staff to pre-record mini-lectures; (2) curating written readings and resources; and (3) designing an inclusive student interface and scheduling the live element of the program.

By far the most challenging task was the first. Given existing teaching, research and service obligations, many staff were reluctant to assist beyond their allocated workload. However, by demonstrating the need for the training program, explaining how sharing the load was fair and equitable, and recognising the different knowledge and expertise of individual academics, three quarters of the Law School staff agreed to participate. An additional ‘carrot’ was the benefit to HDR supervisors as the training program sought to reduce the time taken to facilitate skill-building for their own students.

The second task of collating resources was relatively easy. There are many excellent books on legal research and writing,<sup>27</sup> as well as those specifically focused volumes on legal theory<sup>28</sup> and methodologies,<sup>29</sup> and undertaking a PhD including in law.<sup>30</sup> Collating materials that aligned with the pre-recorded materials largely involved scanning the existing resources and providing a range of readings to expose students to different books and resources from which they could choose the style that they preferred. This task fell to the program coordinator in

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<sup>27</sup> Legal specific texts include Terri Hutchinson, *Researching and Writing in Law* (Thomson Reuters, 4<sup>th</sup> ed, 2018). Other relevant books include Barbara Kamler and Pat Thomson, *Helping Doctoral Students Write: Pedagogies for Supervision* (Routledge, 2014); Loraine Blaxter et al, *How to Research* (McGraw-Hill Education, 2010).

<sup>28</sup> Brian Bix, *Jurisprudence: Theory and Context* (Sweet & Maxwell, 8<sup>th</sup> ed, 2019); Martin P Golding and William A Edmundson, *The Blackwell Guide to the Philosophy of Law and Legal Theory* (Wiley-Blackwell, 2008).

<sup>29</sup> Dawn Watkins (ed), *Research Methods in Law* (Routledge, 2<sup>nd</sup> ed, 2018).

<sup>30</sup> Caroline Morrise and Cian Murphy, *Getting a PhD in Law* (Bloomsbury, 2011).

combination with academic staff developing various modules – again it was a collaborative exercise.

In terms of delivery, it was important to ensure that students had access to the pre-recorded materials throughout their candidature, so all recordings and readings were uploaded onto the UWA learning management system. The vehicle chosen was the coursework research training unit that SJD students are required to complete, and access to the unit was then made more widely available to all HDR students. In addition to providing a familiar interface and simple access arrangement for students, this approach meant that the materials were centrally located and backed up in university systems and allowing them to be ‘rolled over’ and made available in subsequent years. The live workshop schedule spread sessions over a year, with the intention of repeating them annually so that students could join whichever workshops suited them at any particular stage in their HDR journey. New students, for example, gain most benefit from the sessions in the first half of the program and those more advanced in their studies are likely to be ready to participate in the writing workshops. Students were encouraged to attend workshops of relevance to them in multiple years.

## **IV FEEDBACK, RESPONSES AND FUTURE PLANS**

Independent feedback is essential evidence of the success or failure of a new program such as this, and it also provides valuable ideas about ways to refine and improve the program. Staff in the Law School were asked to provide informal feedback on the program at the end of the pilot year (ie, 2023). Staff supervising high numbers of research students noted improved academic rigour of their students and in particular the benefit of support the program had given to HDR students to develop as researchers. Similarly, those students who had engaged in the program were asked for their feedback. Comments fell into two categories: (1) the new knowledge and skills that the program had provided; and (2) the confidence and support that it had given to them. Thus, this anecdotal evidence suggested the program had served multiple purposes of building relevant skills and expertise as well as engaging a wide range of staff and students to positive effect. The decision was made to refine the program and deliver it again the next year.

A secondary benefit of engaging staff across the Law School was that several members came forward and suggested new modules and offered to prepare them. This was important as the program moved from a pilot stage to a more permanent offering, and for continual improvement and to ensure a ‘living program’. In addition, it helped to broaden the shared ownership of the program. Some additional skill-building modules that were suggested included the use (and abuse) of Artificial Intelligence (AI), advanced database and software use, and how to peer review journal articles. The first two of these relate to research and writing tools, whilst the last considers a skill that students might wish to build for future use as an academic but which also improves understanding of how their own work will be treated when submitted for publication. All of these ideas are being taken forward.

No systematic feedback was sought at the end of the pilot year, and this is another matter for consideration. When informal feedback is sought, negative comments are not often provided, and not all staff were involved and engaged in the pilot program. A whole of Law School call out for contributions – whether ideas or offers to develop and deliver modules – was suggested. In addition, it was proposed that a survey should be delivered to gather formal feedback that could be systematically analysed. Again, this suggestion is being advanced.

An issue that remains unresolved is whether the program should be compulsory. Law School administered SJD students are required to enrol in and complete a training unit. Some HDR students enrolled centrally are also admitted conditionally with a requirement to complete research training. For both of these groups, the UWA Law School training program is compulsory. For PhD students, however, the program is optional, and these students are not required to complete any formal training beyond that offered by the central Graduate Research School. No consensus has yet been reached on whether these students should be required to complete the program. Adding to student workload is not to be considered lightly, however, given the anecdotal evidence from staff and students involved, it would seem that the benefits outweigh the time and effort that engagement in the program involves. The results of a more formal survey are to be analysed before a decision is made on whether to make the program compulsory for all Law School HDR students.

Finally, there is the issue of further revisions to the program. It is evident that the focus is on supporting the student in their HDR journey and facilitating successful and timely completion of a thesis. The more generic skill-building sessions will need to constantly be revised as HDR requirements, systems and tools evolve. In addition, the list of theoretical and methodological modules is by no means complete and could be expanded much further. Yet the program does not fully equip students beyond the HDR journey, particularly as many graduates wish to become academics. Whilst some modules were suggested after the first pilot year – including how to peer review journal articles – consideration could be given to other topics that build, for example, teaching skills and awareness of university administrative processes. This additional skill-building could be completed, where relevant, towards the end of candidature.

## **V CONCLUSION**

The literature relating to HDR programs and student perceptions highlights the importance of training programs that build skills and also support student well-being. The UWA Law School responded to the need for tailored research training for HDR students in law and criminology. A comprehensive program was developed that built on matters raised by existing staff and students in addition to scholarship on HDR research training. The result is an accessible, multi-modal, and comprehensive training program that draws on the wealth of expertise in the UWA Law School.

The UWA Law School HDR training program was introduced in 2023. Students at early stages in their candidature, and commencing students, enrolled in the inaugural program. As those students are now still progressing through their degrees, it remains to be seen how they have benefited (or not) from the program. In the meantime, it was decided to continue the training program going forward, with refinements made in 2024. Further work – including empirical research and systematic analysis of student and staff experiences – is needed to explore the benefits of the program developed by the UWA Law School and how it can continue to be refined and improved. Yet even at this early stage, given the dearth of literature on legal research training for law-related HDR students, this case study may be of value to other universities seeking to design similar programs.