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THE POLICY CLINIC AT NORTHUMBRIA UNIVERSITY: INFLUENCING POLICY/LAW REFORM AS AN EFFECTIVE EDUCATIONAL TOOL FOR STUDENTS

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Introduction

The Student Law Office (SLO) at Northumbria University has recently incorporated a Policy Clinic (PC) into its existing, and well established, clinical legal education (CLE) programme. There are two models of PC within the SLO; the first is a hybrid model whereby the students carry out PC work alongside live client work and the second is a stand-alone model whereby the students solely undertake PC work. In the PC, students conduct empirical legal research for external organisations and other members of academic staff, with the ultimate aim of influencing policy and/or law reform. This innovative PC model was introduced in the last academic year (2018-2019) in order to broaden the reach of the CLE programme, appealing to those students who want to focus on law reform and/or who are unsure about whether they wish to enter the legal profession. This teaching method aims to deepen a student's understanding of the law as they learn not just about the legal framework but also how

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laws are actually made and influenced². Students may also be more interested and engaged in the work as they see it ‘*may have a positive impact in generating change*’³ and thus develop a social justice ethos. Furthermore, whilst they develop professional skills and identities in the standard live client model, this is similar in the PC, but perhaps in a different way and from a different perspective. This will be explored throughout the article.

Although PCs are not a new concept in CLE,⁴ there has been little research conducted as to the pedagogical benefits of carrying out PC work alongside live client work.⁵ A pilot study was undertaken in the last academic year (2018-2019) in order to explore what pedagogical benefits the PC brings. This article therefore will firstly explain the key features of the hybrid model of PC in the SLO. The second part of the article will set out the methodology that was adopted for the pilot study. The third part of the article will set out the results of the pilot study and discuss the themes that have

² Curran, L. (2007) ‘University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients’ experiences’ *International Journal of Clinical Legal Education Volume 12*, pp.105-130.

³ Ibid pp.107-108.

⁴ There are examples of policy and law reform clinics around the world, see for example at Australian National University (ANU), Stanford Law School’s Law and Policy Lab and Whittier Law School. See Patton, W.W. (2011) ‘Getting Back to the Sandbox: Designing a legal policy clinic’ *16 International Journal of Clinical Legal Education*, p.116; Coper, M. (2007-2008) ‘Law Reform and Legal Education: Uniting Separate Worlds’ *39 University of Toledo Law Review*, p.233.

⁵ Although there is a significant amount of research on clinical legal education generally; see Cantatore, F. (2018) ‘The impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students’ *International Journal of Clinical Legal Education Volume 25*, pp.147-172; Dignan, F. (2011) ‘Bridging the Academic/Vocational Divide: The Creation of a Law Clinic in an Academic Law School’ *International Journal of Clinical Legal Education Volume 16*, pp. 75-84; Hymans, R. (2008) ‘On teaching students to “act like a lawyer”’: What sort of lawyer?’ *International Journal of Clinical Legal Education Volume 13*, pp21-32.

emerged. The final part of the article will discuss the limitations of the study and make recommendations for future research.

The PC Clinic at Northumbria University – The Hybrid Model

Students undertaking work in a PC is not a new concept. Indeed, the use of such clinics is expanding throughout university law schools as the pedagogical and community value becomes more and more recognised.⁶ Just like there are different models of CLE⁷, there are different models of PCs. For example, the model can be freestanding student society or module,⁸ or integrated into an already established law clinic.⁹ However, the authors are unaware of any other university clinic that allows the students to conduct empirical legal research for external organisations as their client.

⁶ Dunn, R. and Glancey, R. (2019) 'Using legal policy and law reform as assessment.', pp.139-163, In Bone, A. and Maharg, P. (Eds) *Critical Perspectives on the Scholarship of Assessment and Learning in Law*. ANU Press; Curran, L. (2007) 'University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients' experiences' *International Journal of Clinical Legal Education Volume 12*, pp.105-130.

⁷ For example, see Speed, A. and Bengtsson, L. (2018) 'A case study approach: Legal Outreach Clinics at Northumbria University' *International Journal of Clinical Legal Education Volume 26 No 1*, pp.179-215; Batt, C. (2015) 'A Practice Continuum: Integrating Experiential Education into the Curriculum' (2015) *Elon Law Review Volume 7*, p.119; Kerrigan, K. and Murray, V. (2011) *A Student Guide to Clinical Legal Education and Pro Bono*, Palgrave MacMillan; Bucker, A. and Woodruff, W. (2008) 'The Bologna Process and German Legal Education: Developing Professional Competence through Clinical Experiences' *German Law Journal Volume 9*, pp.575-617.

⁸ Dunn, R. and Glancey, R. (2019) 'Using legal policy and law reform as assessment.', pp.139-163, In Bone, A. and Maharg, P. (Eds) *Critical Perspectives on the Scholarship of Assessment and Learning in Law*. ANU Press

⁹ For example, please see Curran, L. (2004) 'Innovations in an Australian Clinical Legal Education Program: Students Making a Difference in Generating Positive Change' *International Journal of Clinical Legal Education, Volume 6*, pp.162-176.

The PC within the SLO at Northumbria University is incorporated into a well-established live client clinic that has been providing pro-bono legal advice to members of the public for over 20 years. In the SLO the students undertake legal work in 'firms' of up to eight, under the supervision of a solicitor, barrister or caseworker. There are 20 members of staff who supervise around 200 students each academic year.¹⁰ The SLO operates a full representation model, meaning that students provide initial legal advice and may also advise and represent clients during any court or tribunal process where appropriate. As stated above, in the PC the students are involved in empirical research for external organisation clients and members of academic staff with the ultimate aim of influencing policy or law reform. Just like the live client work, students work in firms of up to eight however, they can be supervised by any member of staff, regardless of whether they are a practising solicitor or not, with an interest in the particular research area.

The supervisor identifies what research projects the students will work on and approaches contacts in the community, academic colleagues and/or external organisations to offer the services of the PC. The suitability of a research project involves a consideration of whether it involves sufficient work for the students, together with a consideration as to whether the data collection and (ideally) the completion of the research coincides with the academic year. The PC utilises the SLO

¹⁰ Information about the Student Law Office can be accessed at: <https://www.northumbria.ac.uk/about-us/academicdepartments/northumbria-law-school/study/student-law-office/> (accessed 25th September 2019).

procedures and systems, for example, the internal electronic network and storage facility. Furthermore, any participants are anonymised and steps are taken to ensure confidentiality throughout.

Some students within the SLO conduct PC work alongside their live client work and other students work solely within the PC. The former model therefore provides a combined teaching model, engaging the students in both empirical legal research and advising clients in the clinic (a hybrid of the two). The live client work and the PC are in no way linked, meaning the students can provide advice to a client on an area of, for example, employment law, but undertake PC work in another area such as criminal law. However, this is not to suggest that in the future the PC cannot undertake empirical legal research in an area of concern raised by a client case, which has happened at other institutions.¹¹

The SLO operates as a compulsory year long module that is worth 60 credit points, which represents the expected time commitment and workload within the module. Although it is worth a high percentage of a student's overall mark, the authors were nevertheless conscious of the workload in undertaking PC work alongside live client work. It was therefore felt by the authors that those students who undertake this

¹¹ For example Carolin, J. (2014) 'When Law Reform is Not Enough: A Case Study on social Change and the Role that Lawyers and Legal Clinics Ought to Play' *Journal of Law and Social Policy* Volume 23, pp.107-135; Curran, L. (2004) 'Innovations in an Australian Clinical Legal Education Program: Students Making a Difference in Generating Positive Change' *International Journal of Clinical Legal Education*, Volume 6, pp.162-176.

hybrid model should be allocated one client case (as opposed to the usual two cases) over the course of the academic year.

In the hybrid PC students volunteer to work both in the live client clinic and the PC. They undertake a wide range of activities on behalf of their clients. The type of work the students undertake in the PC involves some, or all of, the following:

- Undertaking a literature review of the relevant area of law in order to explore the background and to appreciate the importance of the research.
- Designing the methodology for the research. The students gain an understanding of what research methods are available, the benefits and drawbacks of each method and establish what method is most appropriate for their research question.
- Drafting the ethical approval form in order to gain an understanding of the ethical issues involved in empirical research.
- Undertaking the research (for example assisting in the data collection).
- Analysing the data collected. The students gain the experience of working with raw data and deciding on how to code that data in order to report on their findings.
- Presenting their research by way of a PowerPoint presentation to fellow students and staff at the end of the academic year.
- Writing up their research findings in an evaluation report for their client which includes their recommendations for law and/or policy reform.

At the end of the module, the students are assessed by way of a portfolio and reflection. The portfolio contains all drafts of both their PC work and live client work undertaken throughout the year. The same assessment criteria are applied for both the PC work and live client work. The reflective element is assessed by way of a 10-minute reflective presentation on their experience. Reflection is a key component of the clinical programme in the SLO as the clinical supervisors aim to develop reflective practitioners and lifelong learners.¹²

Considerations underpinning the Hybrid PC

The incorporation of the hybrid PC into the SLO was underpinned by the following pedagogical, institutional and wider public considerations:

1. Firstly, enlarging the benefits of the SLO, by enabling the students to develop their professional skills in a different context and from a different perspective.

Whilst the students develop a similar skill set in the PC to that of live client work, the authors considered that their experience of undertaking both would enhance their skills and foster a deeper reflection as they could compare and contrast the two experiences. It has already been demonstrated that live client clinics can develop both hard and soft skills with students,¹³ such as analysis,

¹² Thomson, C., Bengtsson, L. and Mkwebu, T. (2019) 'The Hall of Mirrors: a teaching team talking about talking about reflection' *The Law Teacher Volume 53 Number 4*, pp.513-523; Milstein, E. (2001) 'Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations' *Journal of Legal Education Volume 51*, pp.375-380.

¹³ Dunn, R. (2017). *The knowledge, skills and attributes considered necessary to start day one training competently and whether live client clinics develop them*. Doctoral thesis, Northumbria University.

written skills, empathy, teamwork and organisation. The authors assert that the PC work can also do this, and, develop some skills differently than that of live client work some of which are only developed during PC work. For example, whilst the students develop their interviewing skills in preparing and conducting their live client advice interview, the skills utilised in the PC can bring a very different learning experience. The students may be faced with preparing for (or conducting) a focus group with a number of professionals, who may have equal knowledge about the law or the system which the students are exploring. Thus, the students must have a comprehensive knowledge of the subject matter prior to interviews taking place, including the design of them, before collecting any empirical data.

2. Secondly, the PC may provide additional career opportunities as there is more diversity of work available in the clinic. One of the key benefits of CLE is that students gain the experience and an appreciation of what it is really like to be a legal practitioner, and this helps them to decide whether this is the career that they want.¹⁴ By giving the students more choices within CLE opens up a realm of other career paths. As Curran highlights, this exposure means that students *'have more choices about the areas of law they may want to practice in and if they decide*

¹⁴ Childs, P. Firth, N. and Rijke, H.D. (2014) 'The gap between law student career aspirations and employment opportunities' *The Law Teacher Volume 48 Issue 1*, pp.51-68; Marson, J. Wilson, A. and Van Hoorebeek, M. (2005) 'The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective' *International Journal of Clinical Legal Education Volume 7*, pp. 29-43.

not to practice they realise there is a whole realm of activities that a law degree will give them opportunities in.¹⁵ As the employment market becomes more competitive (particularly in the legal sector), it becomes all the more important that students gain experience and professional skills in a way that may makes them stand out and gives them that competitive edge.¹⁶ Involvement in a PC can help students “stand out” from other graduates and enhance their employability. Ensuring that students are employable is a key part of the role of any university. Employers expect “work-ready” graduates; students expect to have the knowledge and skills necessary to enter the graduate marketplace. Saunders & Zuzel recognised that one of the main reasons students invest in a university education is to enhance their employment prospects.¹⁷ With the expansion of the Higher Education sector and 1movements in the graduate recruitment market, employability is ‘a critical issue for both government and Higher Education Institutions’.¹⁸ Equipping our students with the right employability skills is now more of an issue than ever given the Teaching Excellence and Student Outcomes Framework (TEF) and its emphasis on post-graduate employment¹⁹.

¹⁵ Curren, L. (2004) ‘Innovations in an Australian Clinical Legal Education Program: Students Making a Difference in Generating Positive Change’ *International Journal of Clinical Legal Education* Volume 6, p.174.

¹⁶ Alexander, J. and Boothby, C. (2019) ‘Stakeholder perceptions of clinical legal education within an employability context’ *International Journal of Clinical Legal Education* Volume 25 Issue 3, pp.53-84.

¹⁷ Saunders, V. and Zuzel, K. (2010) ‘Evaluating Employability Skills: Employer and Student Perceptions’, *Bioscience Education* Volume 15 Issue 1, pp.1-15.

¹⁸ Ibid, p.1

¹⁹ One of the six main metrics used to rate universities for the TEF is the proportion of graduates in employment or further study six months after graduation

3. Thirdly, a PC can give the students a transformative experience. A social justice ethos can be instilled in the students by increasing their understanding of the important role that lawyers can play in not just applying the law but also shaping the law. As MacCrimmon and Santow highlight *'while it is crucial for students to learn how to identify and apply legal rules, this should not be the sum total of their skills set.'*²⁰ The students gain first-hand experience on the laws affecting society and the crucial role a lawyer can play in recommending and influencing law reform for the greater public good. The importance of instilling this social justice ethos in our students is that, as future lawyers they may not just apply the law in a vacuum but go one step further and challenge any issues in order to influence change. Indeed, as Coper highlights *'legal education with an ethos of law reform and social justice would give a more altruistic focus to the pursuit of law as a career, and inspire more graduates to use their knowledge and skills to give something back to the society they serve.'*²¹ We don't wish to only teach our students what the law is, but how they can influence change and reform during their practice.

²⁰ McCrimmon, L. and Santow, E. (2010) 'Justice Education, Law Reform and the Clinical Method' in Bloch, F.S. (2010) *The Global Clinical Movement: Educating Lawyers for Social Justice*, Oxford University Press.

²¹ Coper, M. (2007-2008) 'Law Reform and Legal Education: Uniting Separate Worlds' *University of Toledo Law Review* Volume 39, p.247.

4. Finally, clinical supervisors in a PC do not need to be legally qualified or hold a practising certificate. Therefore, any member of academic staff who is able to supervise on research methods can be brought into the clinic environment to supervise. This also has the benefit of linking research activity with research rich learning which is becoming all the more important with REF (Research Excellence Framework) requirements and other research demands across universities globally.²² Another added benefit is that it may bridge any divide between doctrinal and clinical work in a law school, as research suggests that there is a '*conflict between theory and practice.*'²³ Integrating academic staff into the clinic will increase their understanding of the demands of clinical work and enable academic and clinical staff to come together in a way which is not previously reported. Further, it can help to encourage research, collaborating with clinical members of staff who do not traditionally engage with research.

Further to the reasons set out above, the appreciation and need for this kind of education is highlighted in various legal education reports. It was stated in the

²² For example, see Martin-Sardesai A. Tooley, S. and Guthrie, J. (2017) 'Accounting for Research: Academic Responses to Research Performance Demands in an Australian University' *Australian Accounting Review Volume 27 Issue 3*, p.329; Leathwood, C. and Read, B. (2013) 'Research policy and academic performativity: compliance, contestation and complicity' *Studies in Higher Education Volume 38 Issue 8*, p.1162; Thornton, M. (2009) 'Academic un-freedom in the new knowledge economy' in Brew, A. (ed) (2009) *Academic Research and Researchers*, McGraw-Hill Education.

²³ Bloch, F. (2004) 'The case for clinical *scholarship*' *International Journal of Clinical Legal Education Volume 4*, pp.7-21; McKeown, P. and Dunn, R. (2015) 'The European Network of Clinical Legal Education: The Spring Workshop' *International Journal of Clinical Legal Education volume 22 Issue 3*, p.312.

ORMROD Report (1971) that it is necessary to '*cultivate a critical approach to existing law, an appreciation of its social consequences, and an interest in, and positive attitude to, appropriate development and change.*'²⁴ The ACLEC Report (1996) emphasised the need for "*legal education as an all-round preparation for a wide range of occupational destinations.*"²⁵ At the time this report was published, CLE was becoming more popular in the UK and some clinics were in operation.²⁶ There were not, however, any known PCs. It was hoped that traditional education was sufficient at introducing students to law reform and policy issues, but the authors cannot be certain of this.

We argue that the PC at Northumbria, both the full or hybrid models, do just this, and prepare students for multiple occupational destinations, within the legal sphere and outside of it. ACLEC also acknowledged that legal education should develop '*intellectual integrity and independence of mind: to be able to formulate and evaluate alternative possibilities, and to give comprehensible reasons for what one is doing or saying.*'²⁷

This is something which is usually provided through legal education, when discussing and debating with students in the classroom the issues with various legal areas and how they could be improved. The PC takes this one step further, however, by enabling students to collect and analyse data to help form their opinions and put forward

²⁴ *Report of the Committee on Legal Education*, Cmnd. No. 4595 (1971), para 100

²⁵ Lord Chancellor's Advisory Committee on Legal Education and Conduct, *First Report on Legal Education and Training*, (1996) Hereinafter the ACLEC Report paragraph 2.2

²⁶ Grimes, R (1995) 'Research Reports on Legal Education, Number Two: Legal Skills and Clinical Legal Education,' *Web Journal of Current Legal Issues Volume 3*.

²⁷ *Ibid*, paragraph 2.4

alternative possibilities. These possibilities are not hypothetical, but, provided by the lived experience of the participants and what is realistic for all those operating in a particular system.

The more current legal education reports, such as the Legal Education and Training Review (LETR), do not give special emphasis to law reform work as in ORMROD or ACLEC, nor do they mention law reform as an area to develop with students. The skills that LETR advocates for in its professional competencies dimension and attribute table²⁸ are seen in the work of the PC, however. For example, applying knowledge to real world situations is one of the main functions of the PC, but it is furthered by acquiring more knowledge as to how systems and policies can be improved for the betterment of the real world. Additionally, students are required to manage their uncertainty, particularly during the data collection stage where participants can rearrange, be difficult, or bring up areas of discussion not previously identified by the research team. These are just two examples, but this kind of work feeds into affective/moral dimension of social responsibility, which the authors believe includes the ability to use empirical data and advocate for law reform, both in the court room and through other channels.

Lady Hale has recently described the importance of her work undertaken in the Law Commission, prior to her becoming a judge, as '*excellent preparation for serving on the*

²⁸ Webb, J. et al (2013) *Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales* (The Legal Education and Training Review [LETR]), p.140. Accessed at <http://letr.org.uk/the-report/index.html> (accessed 21.10.19).

*Supreme Court of the United Kingdom.*²⁹ Lady Hale provides four main lessons which make the kind of work undertaken at the Law Commission (and, the authors argue, in the PC) a good idea, including an appreciation of doctrinal and empirical research in understanding the law, how it works and the policy implications of changing it.³⁰ There need not be such a divide between doctrinal or empirical research and how the law is developed through the common law, and academic work can often influence decisions made in court. The PC allows for students to work with and foster an understanding of reliable empirical research which can influence the development of the law. There are a few ways to do this, but, collecting data or working on law reform projects is most definitely one of them.

Lastly, the QAA Benchmark for Law defines what can be expected of a law graduate by the end of their studies.³¹ Like ACLEC, the Benchmark states that a law degree will prepare students for a range of careers in, '*for example, business, finance, education, public policy, public service, social services in the UK and internationally.*'³² The PC helps students to develop the skills needed for public policy and public service particularly, and provides them with the experience needed for applications. Further, a variety of skills

²⁹ Lady Hale, President of the Supreme Court of the United Kingdom, (11th June 2019) Impact in the Courts. *Impact and Law Reform Conference 2019* (Institute of Advanced Legal Studies, London), p.1

³⁰ Ibid

³¹ The Quality Assurance Agency for Higher Education, *UK Quality Code for Higher Education, Part A: Setting and Maintaining Academic Standards – Subject Benchmark Statement: Law*, July 2015, p.1. Accessed at: <http://www.qaa.ac.uk/en/Publications/Documents/SBS-Law-15.pdf> (accessed 22nd October 2019)

³² Ibid, p.6

and qualities of mind, which are expected of a law graduate (with honours) are provided, of which many are potentially developed through PC. For example, that a law student will have demonstrated an *'ability to ask and answer cogent questions about law and legal systems... engage in critical analysis and evaluation'* and *'ability to produce a synthesis of relevant doctrinal and policy issues, presentation of a reasoned choice between alternative solutions and critical judgement of the merit of particular arguments.'*³³ These are just two examples of how the PC meets the requirements under the Benchmark, but also extends this experience in a way, which may not be possible when studying doctrinal law or working with a live client. For example, students will be able to use empirical data, analyse it and use it to form well-reasoned arguments and sensible alternative solutions. Whilst students may be encouraged to read reports which have been empirically produced during their legal education, they will most likely not have worked with actual data themselves, understanding the process of research and what makes a study robust and reliable. Thus, our PC students should not only meet the Benchmark requirements but exceed them.

It has been set out above why the PC is important, in terms of individual skills development, but also as a necessary social justice ethos and additional training for striving for change when in practice. What the authors have provided, however, is anecdotal evidence from our experience. The next part of this article will discuss the evidence we have collected and analysed as to the pedagogical benefits of the PC.

³³ Ibid, p.7

Methodology

In this pilot study, one focus group was used to examine the views of students who had undertaken work in the PC in the SLO. A sample was selected of 19 students who had worked across three different research projects and under three different clinical supervisors. Three students participated in one focus group which lasted approximately one hour. The authors appreciate a small sample size cannot be generalised and is not representative of other PCs in the world. As an explanation, the focus group was conducted after the course had finished, and some students were not able to attend. The date of the focus group has been modified for future research to engage more participants. Further, the authors do not know of other PCs operating in the UK in this way, to gather more data to compare and add to this work. The authors would like to encourage others working in this field to contact us and collaborate on future research projects. As a small sample size may be considered a problem and affects the quality of the study for some,³⁴ in some studies this cannot be helped. With CLE an emerging field in terms of reliable empirical data, small studies are inevitable, until law schools join forces to provide evidence which can be generalised. What we can argue is generalisation through contextual similarity, as explored by Larsson, also

³⁴ Marshall, B. et al (2013) 'Does Sample Size Matter in Qualitative Research?: A Review of the Qualitative Interviews in IS Research' *Journal of Computer Information Systems Volume 54 Issue 1*, p. 11

known as transferability.³⁵ It is argued that any other hybrid PCs operating in a similar way, as described above, can transfer these results to their own work.

The authors were cognisant of their status as clinical supervisors and in using students as participants, they may feel obliged to participate in the study. To eliminate this risk, the students were asked by the moderator to sign an informed consent form at the beginning of the focus group. This consent form assured anonymity and confidentiality, so, their supervisor would not know who had participated in the study. The consent form reminded them that their participation in the study was voluntary and they could withdraw at any time. They were also asked to read an information about research document, which made clear that their participation would not affect any aspect of their programme of study and was in no way linked to their grade within the SLO.

The focus group was audio recorded and subsequently transcribed. A framework of questions was used as the main tool for data collection; however, the moderator could ask questions beyond it. The authors developed the framework of questions by reading literature on policy/law reform clinics and on their potential benefits. The participants gave permission for the focus group to be recorded. The tape was transcribed by an independent third-party organisation and reviewed by the

³⁵ Larsson, S. (2009) 'A pluralist view of generalization in qualitative research' *International Journal of Research and Method in Education* Volume 32 Issue 1, p.13.

moderator to ensure that the participants' names were not mentioned before the transcript was received by the authors.

Thematic analysis was adopted for the data analysis. This method for analysis has been described as '*an independent qualitative descriptive approach*'³⁶ and '*is a method for identifying, analysing and reporting patterns (themes) with data.*'³⁷ It was considered that the results of the thematic analysis would be critical in revealing important aspects arising from the data concerning the pedagogical benefits. The authors independently conducted the thematic analysis and then met afterwards to agree the patterns that emerged in order to validate the codes, and organise the codes into themes.

A limitation of this study is that it is a small-scale pilot focus group, however, the qualitative data it gives does open a window to the students' views and the value of PC as an educational tool within a well-established legal clinic. As Barbour³⁸ and Vogt et al³⁹ highlight, the goal of focus group research is "transferability" (applicability, fittingness, meaning to others, decided to each reader for their own use) rather than statistical generalisability. We appreciate that this sample size was small, but the team

³⁶ Vaismoradi, M. Turunen, H. and Bondas, T. (2013) 'Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study' *Nursing and Health Sciences Volume 15 Issue 3*, pp. 398-400.

³⁷ Braun, V. and Clarke, V. (2006) 'Using thematic analysis in psychology' *Qualitative Research in Psychology Volume 3 issue 3*, p. 5 accessed at: http://eprints.uwe.ac.uk/11735/2/thematic_analysis_revised... (accessed 15th December 2015).

³⁸ Barbour, R.S. (2005) 'Making sense of focus groups' *Medical Journal Volume 39 No 7*, pp.742-50.

³⁹ Vogt, D. King, D.W. and King, L.A. (2004) 'Focus groups in psychological assessment: enhancing content validity by consulting members of the target population' *Psychological Assessment Volume 16 No 3*, pp.231-43.

Reviewed Article

wanted to explore the area and see if there were any themes emerging from the data which were worth pursuing. We plan for a larger, longitudinal study both qualitative (further focus groups) and quantitative (survey), and feel it is needed to provide an insight into the PC over a few years. It would also be of interest to obtain data on what employers' views are on their prospective trainees undertaking PC work during their University degree.

The next part of the article will report on the results of the pilot study, taking each theme in turn. Not all codes will be discussed within each theme, but those which raised important and consistent concepts.

Results and Discussion of the Pilot Study

The thematic analysis resulted in six major themes:

1. Skills/Attributes
2. Difference in terms of both the curriculum and the live client work.
3. Employability
4. Motivation
5. Supervisor Relationship
6. Impact

The themes and codes are displayed in the diagram:

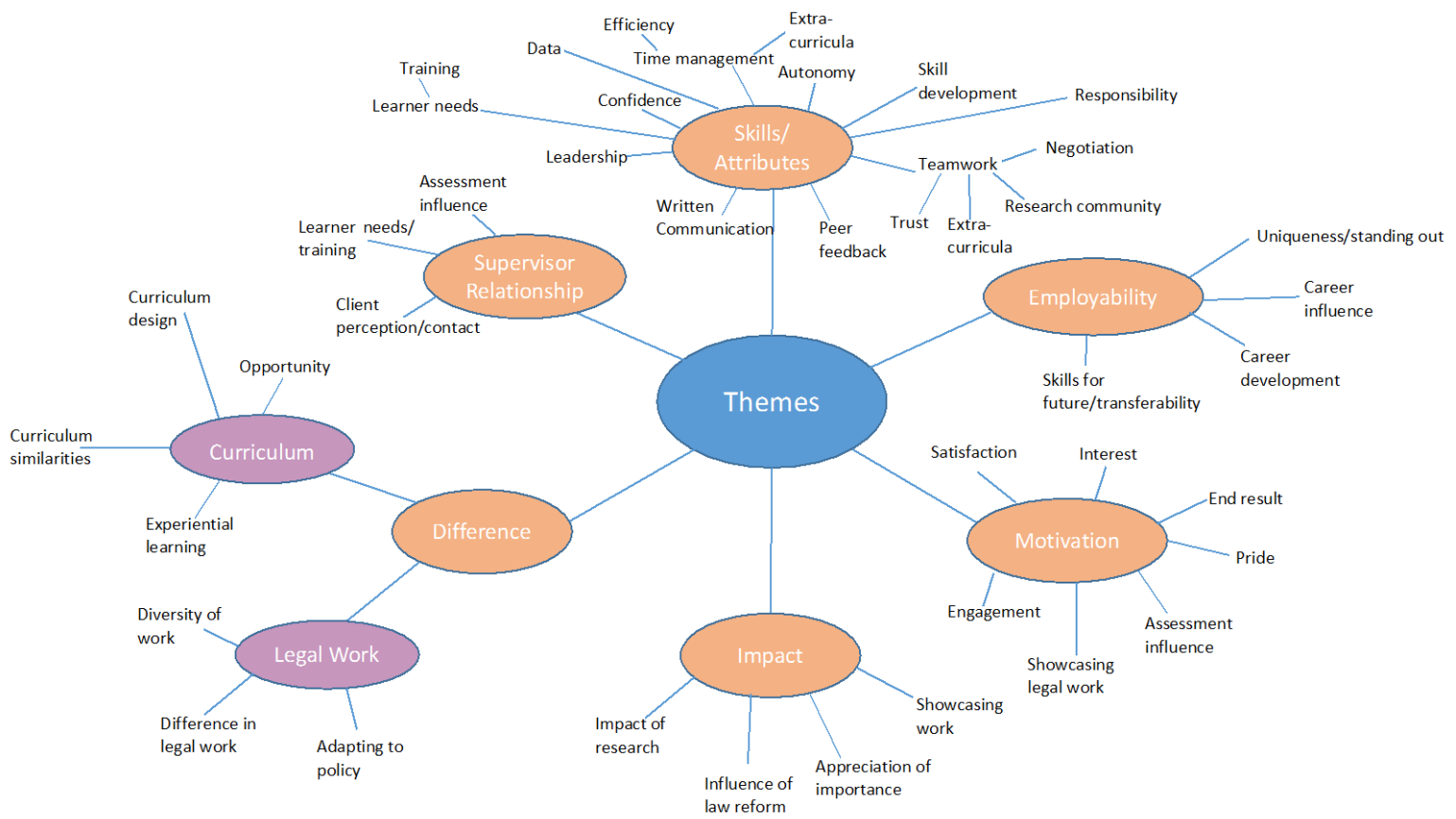


Diagram 1: Codes Organised into Themes

(a) Theme 1 “Skills/Attributes”

There was a consensus amongst the students that the PC had allowed them to develop a broad range of skills and attributes. Their experiences had led to the development of both hard and soft skills. Written communication skills had been ‘*really put to the test*’ and developed, as had their research, teamwork, time management, analytical skills and confidence that they can adapt to new situations.

The students felt very strongly that PC work had allowed them to develop their ability to work effectively as part of a team. Initially the students reported that this was the skill they most struggled with, that the PC tested one *'so much in terms of their ability to work with others.'* In the PC work there was larger group of students (six students in total) however in the client work they usually worked in pairs. By the end of the module teamwork was a skill that the students felt they had developed the most. Interestingly, it appeared that a real research community emerged whereby the students really valued the ability to work with each other and *'bounce ideas'* off one another. They supported one another and ultimately got into the *'swing of it.'* Therefore, what presented as a challenge to begin with (working with peers) ended up giving the students a valuable opportunity to develop their teamwork skills.

Working as a team in the PC led to the development of their time management, negotiation and leadership skills. The project developed their time management skills, ensuring the work was completed by each deadline. In achieving this, however, the students reported that they negotiated with the other students with regards to who did what and when. This became all the more necessary in light of the students' different working styles, their other University workload and extra-curricular activities. For one student negotiation *'was definitely key'* in the PC. There was recognition that some students stepped up to occupy more of a leadership role, taking control over the project and ensuring that the work was completed on time. Rather than question those who took this leadership role, one student commented that he had

'complete faith' in those who had stepped up. This suggests that within the group of students, there were some who developed leadership qualities including instilling confidence in the group, commitment to a task, the ability to make a decision, the ability to communicate effectively and the ability to delegate tasks to maximise efficiency. A previous study by Dunn into the skills developed during live client work highlights that leadership skills are only really developed when in practice and become more prominent as a lawyer progresses through their career.⁴⁰ Some students therefore have been given the opportunity to develop a skill in the PC that they may not have developed in live client work, providing further opportunities for our students to expand their employability skills.

Within the research community that developed, there was a general consensus that the students were eager to demonstrate to their supervisor that they were working autonomously. As one student said:

We wanted to show that we really had a grip on it. Obviously, we did communicate with her if we were really stuck or just needed some direction. But I think, yeah. We just wanted to really not rely on her.

With another adding,

Yeah, I think as well, we know that it's assessed... we know that is [autonomy] one of the marking criteria

⁴⁰ Dunn, R. (2017). *The knowledge, skills and attributes considered necessary to start day one training competently and whether live client clinics develop them*. Doctoral thesis, Northumbria University

Many of the skills discussed by the students, for example, written and oral communication, research, teamwork, efficiency and time management, are explicitly mentioned in the SLO assessment criteria, in the SLO handbook and in the module descriptor. However, it was interesting to note that certain skills which might be expected to be developed within a CLE environment were absent from the focus group discussion. Some of these are skills that students might not normally associate with CLE for example, commercial awareness and numeracy. However, the omission of some other skills, such as an understanding of ethics and ethical procedures, critical engagement/analysis, attention to detail, statutory interpretation and problem-solving, was notable.⁴¹ Not all of these skills (for example commercial awareness, numeracy and attention to detail) are explicitly mentioned in the assessment criteria or handbook but are skills that could and may be developed in a PC. It was surprising that ethics was not mentioned. Firm meetings had been used to discuss research ethics, applications for ethics clearance and associated issues. The focus on research ethics contrasts with the “usual” ethical issues encountered in live client clinics and discussed in undergraduate law degrees. Further, there was no discussion of if and how the broader concept of professionalism had been developed through the PC experience. Dagilyte and Coe consider professionalism *‘in the wider sense: as skills,*

⁴¹ In relation to the statutory interpretation and problem solving being developed through policy work see Kruse, K. (2001-2002) ‘Biting Off What They Can Chew: Strategies for Involving Students in Problem Solving Beyond Individual Client Representation’ 8 *Clinical L. Rev.*, p.405.

*personal attitudes and values that guide one's behaviour when providing legal advice'*⁴² and that professionalism is critical to being ready for employment, in the legal profession and in any other graduate role. Further, one of the key recommendations of the LETR was to '*strengthen requirements for legal education and training in legal ethics, values and professionalism.*'⁴³ Whilst it is clear that students considered themselves to be developing skills which form the building blocks for professionalism, it is of interest that there was no explicit acknowledgement by them of their development of professionalism within the PC. It appears that it would be of benefit to students for supervisors to be more explicit in their direction to students as to what skills are being developed i.e. skills specifically mentioned in the module descriptor/assessment criteria and any which fall outside of those documents.

(b) Theme 2 "Difference in terms of both the curriculum and the live client work"

Another theme that emerged was the contrast students felt between the PC work and both the curriculum and the live client work. The students initially struggled to adapt to the PC work. It was alien to them, as one student put it '*It's almost like we're not*

⁴² Dagilyte, E. and Coe, P. (2014) 'Professionalism in higher education: important not only for lawyers' *The Law Teacher Volume 48 Issue 1*, pp. 33-50

⁴³ LETR at ix

entitled to an opinion normally, and then all of a sudden we're allowed to interpret data.' This is unsurprising considering the PC is unlike anything they have ever done before. The students study law throughout their degree and are taught how to apply the legal framework to various scenarios and then *'All of a sudden the question is so broad and there isn't an answer you can just look up. You've got to look through data and find it.'* However, the students did adapt, and their perception was that it all came together by the end of the project. One student commented, *'we...don't have a clue what we're doing. But very quickly, I mean, we did adapt, and it has been really interesting...it was definitely a learning curve.'*

Students in a live client clinic develop a number of professional skills; including research, oral and written skills.⁴⁴ However, in terms of their skill development in PC and how it is different to live client work, the students felt that they have developed their professional skills in a completely different way. One student observed:

...even though it's the same sort (of skills) ...it's just completely different because you're taking it from a different angle of this person said this, and this could suggest this, and this is backed up by this. Whereas you wouldn't do that in client work.

The students really valued the diversity of doing both live client work and PC work. For one student it was *'refreshing to just be able to do different things.'* Another student commented that they have *'enjoyed that it's been two – in one module, it - it's been two*

⁴⁴ Dunn, R. (2017). *The knowledge, skills and attributes considered necessary to start day one training competently and whether live client clinics develop them.* Doctoral thesis, Northumbria University

different things.' When probed as to whether they would have chosen to do PC work if it was a stand-alone model there were mixed views. For some students they would not have chosen to do a module that focussed solely on PC work, however one student commented that he would choose to do a stand-alone PC module but only if he had already undertaken live client work during his law degree.

(c) Theme 3 "Employability"

Employability was another key theme that emerged from this research. Employability as a concept covers a range skills and attributes. Yorke stated that it is '*a set of achievements – skills, understandings and personal attributes – that makes graduates more likely to gain employment and be successful in their chosen occupations, which benefits themselves, the workforce, the community and the economy.*'⁴⁵ Whilst some of these skills are obvious to employer, employee and educator, for example, subject knowledge, other skills can be more difficult for students to develop and demonstrate. CLE (and PCs) provide another way to develop many of the skills and attributes linked to employability, in a way that both contrasts with and complements more traditional methods of teaching within Law Schools. Marson, Wilson and Van Hoorebeek note that CLE allows students to practise the skills expected of lawyers, stressing that doing

⁴⁵ Yorke, M. (2006) 'Employability in Higher Education: What it is – what it is not' *Higher Education Academy*

so at an early stage *'is likely to produce better equipped and more successful law graduates.'*⁴⁶

As noted earlier in Theme 1, there were several skills that the students thought they had developed during their clinic experience, for example, communication, teamwork, negotiation, leadership, time management and analysis⁴⁷. Such skills are commonly noted by employers as being desirable skills for any graduate, not just those who are planning to work in the legal profession.⁴⁸ As noted earlier, students may need more explicit guidance from supervisors on what relevant skills and attributes they are developing in the PC. This will enable students to put those skills into context when applying for and being interviewed for graduate roles. Small, Shadlock and Marchant⁴⁹ note that employability covers more than just the possession of knowledge, skills and attributes but also *'the capability of individuals to use and present knowledge, skills and attributes to employers'*⁵⁰. Students must be able to demonstrate their skills as well as possessing them and as legal educators, it is our role to enable students to contextualise and articulate those skills at key points of the recruitment process.

⁴⁶ Marson, J. Wilson, A. & Van Hoorebeek, M. (n 11), pp.32

⁴⁷ See Foundations for Practice, The Whole Lawyer and The Character Quotient, Institute for the Advancement of the American Legal System, 2016, for an American view of the skills, competencies and characteristics required of new lawyers.

⁴⁸ Helping the UK Thrive, CBI/Pearson Education and Skills Survey 2017. Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales 2013 (n 31)

⁴⁹ Small, L. Shacklock, K. and Marchant, T. (2018) 'Employability: a contemporary review for higher education stakeholders' *Journal of Vocational Education & Training*, p.148

⁵⁰ *Ibid*, p.150.

During the focus group, students noted the impact the PC experience would have on them in a variety of ways. Their ability to *'stand out'* from other graduates was recognised as was the impact of their work on career influence and career development. When asked how they would use the PC experience to stand out at an interview, the students identified themselves as offering something different to other applicants. One student's view was that *'we're in a really unique position...as...quasi-undergraduate students conducting qualitative research in law...everyone I've spoken to, that's unheard of'*. The same student identified how he would use the experience at an interview *'I'd be like, 'well, I've got all this experience of your traditional law student, but when all of those avenues are exhausted and there's raw data in from of me, I can get an answer from that''*. Students could clearly identify and were prepared to advocate for the *'additionality'* that the PC experience had provided. Another student again perceived the difference the PC experience would give in comparison to others, stating *'I think it does set you apart from other people because you might have the same skills as other people but you've used them in a different way. And that's so valuable.'* They even considered how an employer might view them and the different perspective they would bring. This "setting apart" from other law students and in fact from other CLE students appeared to be identified by the students as a key benefit of the PC experience.

One student noted the decline in the number of students in the Law School between first and fourth year and that so few of them would have had the PC experience – seeing it as an additional aspect that they are able to adapt to. This idea of setting

themselves apart is intrinsic to a student's development on their journey to employability. The recognition that a degree alone is not enough is the starting point and the need to offer something different is part of that journey. Tomlinson⁵¹ notes the high levels of personal investment needed to improve a student's employability with the recognition that having graduate-level credentials '*no longer warrants access to sought-after employment, if only because so many other graduates share similar educational and pre-work profiles*'⁵². Francis highlights the need for students to understand the importance of distinguishing themselves from other students, CLE being one way in which students could enhance their employability. It was clear that the students in the PC were able to see that they could use their experience to differentiate themselves from other graduates seeking employment. However, employer buy-in is needed and, as Francis notes, the value of the experience will depend on the profession's willingness to see the additional benefits CLE, and now PCs, bring.

Students were able to think about how to use the PC experience in the short-term for job applications and interviews. One student, who already has a training contract, was able to look further ahead to see how they would use the experience on qualification and when looking for post-qualification employment '*I think, well I hope*

⁵¹ Tomlinson, M. (2012) 'Graduate Employability: A Review of Conceptual and Empirical Themes.' *Higher Education Policy* Volume 25 Number 4, pp. 407–431.

⁵² Francis, A. (2015) 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' *Journal of Law and Society* 42, 2, pp.173-201

I get the opportunity within my traineeship to develop those law reform skills so that when I come to interview...I can say, "well actually started before I worked here."

Interestingly, for one student the PC was a transformative experience, realising that a career as a lawyer was no longer for him. Therefore, this research suggests that PC opens the door to alternative careers for law students. He said:

I think it's a bit of an anomaly that actually this experience has made me decide that I don't think legal practice is for me at all, that I think the law reform side of it is a lot more interesting...So in nine years' time, I hope that this is what I'll be doing entirely...I find it more personally rewarding to fix the larger problems with the law.

This is consistent with previous statements made in research, particularly by Curran who argues that PC and law reform work gives students opportunities to decide if an alternative to legal practice is more preferable and what those alternatives are.⁵³

Another student had already identified that they did not want to go into practice as a solicitor but recognised that the skills they had learnt would be of use in another role *'the actual personal skills that we manage to develop are something that obviously...you can't take away.'*

It appears that, as with "traditional" CLE work, the students in the PC were using the experience to confirm that they did not want to enter the legal profession.⁵⁴ More

⁵³ Curran, L. (2004) 'Innovations in an Australian Clinical Legal Education Program: Students Making a Difference in Generating Positive Change' *International Journal of Clinical Legal Education Volume 6*, p. 174

⁵⁴ Childs, P. Firth, N. and Rijke, H.D. (2014) 'The gap between law student career aspirations and employment opportunities' *The Law Teacher Volume 48 Issue 1*, pp. 51-68, p.60

generally, the students could also see the benefit of using the PC skills they had gained in the future and how transferable those skills might be *'I'd like to hope that some of the skills I've learned, teamwork and working and pressure and...research that...goes behind us being able to give recommendations, I hope I'll be able to do that in the future.'*

(d) Themes 4 & 5 "Motivation" and "Supervisor Relationship"

Another theme that emerged was motivation, more specifically why the students were initially motivated to work in the PC and how their motivation was maintained throughout the academic year. This linked to another theme – the student-supervisor relationship. Initially the students did not fully appreciate the importance of their work in the context of having a positive impact in generating change. Rather than being motivated by the opportunity to influence policy or law reform, the initial motivators appeared to be volunteering to work in the PC in order to "impress" their supervisor and to add work to their portfolio for assessment. The motivator of impressing the supervisor is unsurprising given that commitment and enthusiasm forms part of the assessment criteria for the SLO.⁵⁵ Therefore, although the nature of the research and its importance to the client and wider community was emphasised at the beginning of the academic year, the students appeared to be initially motivated by their assessment and final grade. However, as the module progressed the students

⁵⁵ One of the assessment criteria for the module is commitment to clients and to the SLO. For example, in order to achieve a 2:1 for this criterion the student must demonstrate a very good level of commitment and/or enthusiasm for achieving the best outcome for clients. They must also complete tasks with a very good degree of diligence and show pride in their work and a willingness to help further.

became more and more aware of the wider implications. This is consistent with previous research by Dunn, whereby at the start of the clinic students were somewhat obsessed with their final grade. This motivation did not disappear at the end of their clinical experience, but is something which was hovering in the background when considering what was important to practice and future employability.⁵⁶ It seems as though working with live clients, whether in a legal or policy setting, can shift a student's focus from the internal motivations to external motivations, but where a clinic is assessed this may always be a driving factor for students.

Linked to this realisation of the wider implications of the PC, the students spoke enthusiastically about their experience in the PC and the pride they have felt in being part of impactful research. One student commented *'I think for me, it's been a lot more rewarding than live client work. ... this is a massive problem that's affecting (society as a whole).'* The students really valued the opportunity to showcase their research in a conference setting at the end of the module to their peers, their supervisor and another member of staff. They felt that they had *'really accomplished something'* and *'it was a benefit because all of our work came together.'* Due to this, the research team have been awarded university funding, to provide a large-scale conference at the end of academic year 2019/20, for all PC students to present their work. We want all students to feel this satisfaction and sense of accomplishment, and an event to celebrate and

⁵⁶ Dunn, R. (2017). *The knowledge, skills and attributes considered necessary to start day one training competently and whether live client clinics develop them*. Doctoral thesis, Northumbria University

share their work felt necessary to the research team. This presentation will go in their portfolios and be used to assess their oral communication skills.

(e) Theme 6 "Impact"

The research suggests that the PC benefitted the students not just with skills training and helping them *'stand out'*, but also helped instil a social justice ethos and appreciation as to why this kind of work is important for society. The students highlighted that they hadn't expected what policy work would entail, but at the end had *'understood the importance of doing things like focus groups and the interviews.'* As stated above, students do not have this opportunity elsewhere on the programme to participate in empirical research, and, may not have realised what it entailed or the difference it can make without this experience. Another student affirmed this conclusion, stating that they had not thought in depth about law reform and the impact it can have, but they were *'grateful for the opportunity... because we don't, you know, get that opportunity every day.'*

Whilst we do encourage students to think about law reform during their doctrinal learning, we do not often provide an avenue of how to take that further and try to implement change. One student stated that their learning which focused on reform had been very much *'Well, this person thinks this isn't very good for this reason'* but by the end they could say *'make it better by doing this'*, and making recommendations, which amusing one joked *'I surely can't be qualified to say this.'* This work gave students a voice and the ability to understand the contribution they can make to law reform,

something which they may have felt powerless or underqualified to do prior to their policy experience. They all discussed wanting to continue this work in the future in some way, and it seems as though this experience has given them the means to do so.

The students appreciated that the issue they were working on affected many people throughout the country, and, had the very romantic notion all new researchers have, that *'This is what you can do to make their lives better.'* This is not to say that research cannot make change, but sometimes this can take time. It was refreshing that students considered the bigger picture of their research and the potential impact it can have on society. When working with a live client, students can make their client's life better, but when doing empirical research, they appreciated the wider impact it can have.

By conducting empirical research and suggesting ways in which the law can be reformed, the students appreciated the importance of the work, particularly near the end of the year when they showcased their work in a conference setting. As stated above, this made the students feel as though they had *'really accomplished something.'* They liked seeing all of their work come together.

Conclusion

PCs play a valuable role in developing a student's professional skills and preparedness for practice and also by providing a transformative and rewarding experience. PCs simultaneously play a valuable role in shaping law and policy reform, contributing to

the greater public good. This article has outlined a hybrid PC model operated by Northumbria University through CLE and has sought to provide an insight into the students' views on the pedagogical benefits that involvement in the PC brings. From a student perspective, the value of the hybrid PC lies not only in the development of professional skills and competencies from a completely different perspective but also in engaging with the mechanisms of the law and the role they can play in influencing change. The students gain an appreciation of future career paths available to them. Taking into account the themes emerging from this pilot study, together with the authors' experience in supervising in the PC, the authors would recommend further research in this area in order to create a body of work demonstrating the benefits of students undertaking a PC and best practice for those teaching in a PC.