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Citation: Campbell, Elaine (2015) Transferring Power: a reflective exploration of authentic student-centred small group work in clinical legal education. *International Journal of Clinical Legal Education*, 22 (2). pp. 181-212. ISSN 1467-1069

Published by: Northumbria University Library

URL: <https://doi.org/10.19164/ijcle.v22i2.428> <<https://doi.org/10.19164/ijcle.v22i2.428>>

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## **TRANSFERRING POWER: A REFLECTIVE EXPLORATION OF AUTHENTIC STUDENT-CENTRED SMALL GROUP WORK IN CLINICAL LEGAL EDUCATION**

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### **ABSTRACT**

*Researchers use self-reflection and personal narrative as a lens through which to identify thoughts and feelings about lived experience. This article uses reflexivity in order to capture, critique and develop small group work practice in clinical legal education. It draws on the concept of constructivism and queries whether small group work in a clinical setting can truly be a paradigm of student-centred teaching. At its core, it argues that an authentic student-centred approach is best achieved when power is transferred to clinic students and they are given the opportunity to lead their own group work.*

### **INTRODUCTION**

The notion of deep learning associated with autonomy is almost universally recognised as the goal of educational practice in higher education. Deep learning encourages active participation, promotes autonomous learning and allows dynamic formation of knowledge and understanding. Students who deal with a task using a deep approach are interested, challenged and afforded a sense of importance.<sup>2</sup> In stark contrast, surface learning is teacher-centred and controlled. The emphasis is on

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<sup>2</sup> Biggs, J. and Tang, C. (2011) *Teaching for Quality Learning at University*. 4<sup>th</sup> edn. Society for Research into Higher Education and Open University Press, p.26.

repetition, content coverage, and a step by step approach to attainment of learning outcomes facilitated by rote learning.<sup>3</sup> This arises largely as a consequence of attempting to complete tasks quickly in order to meet course requirements.<sup>4</sup>

Deep, autonomous learning is particularly linked to Piaget<sup>5</sup>-inspired constructivist philosophies. The central tenet of constructivism is that students develop conceptual frameworks or “schemas” within which they can explore ideas and solve problems.<sup>6</sup> Educational programmes based on constructivist principles, such as clinical legal education, see students as individual learners with the ability to build their schema through experience and reflection on that experience. The student is at the centre of the learning process, and the idea is that the power is transferred to them.

Constructive pedagogies also make use of groups as a route to this type of learning. Proponents of group work argue that it gives students the opportunity to actively explore, clarify and analyse perceptions, knowledge and understanding, and that it encourages student-student interaction.<sup>7</sup> There is an assumption that groups are automatically constructivist and that the power lies with the students in that group.

It so follows that if we place group work into an experiential setting like clinical legal education, then this is inherently a model of student-centred teaching. But is this truly

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<sup>3</sup> See e.g. Stewart, M. (2004) “Learning through research: an introduction to the main theories of learning” 4 *John Moores University Learning & Teaching Press* 7; Biggs, J. and Tang, C. (2011) *Teaching for Quality Learning at University*. 4<sup>th</sup> edn. Society for Research into Higher Education and Open University Press.

<sup>4</sup> Biggs & Tang, *supra* n2, p.24.

<sup>5</sup> See e.g. Piaget, J. (1950) *The Psychology of Intelligence*. London: Routledge and Kegan Paul.

<sup>6</sup> For a useful, albeit brief, summary of the history of constructivism, see Biggs and Tang *supra* n. 2 pp 22-23. See also Perkins, D. (1999) The many faces of constructivism, *Educational Leadership*, 57(3), p.6, for an engaging exploration of the reasons for the rise in constructivism in teaching and learning.

<sup>7</sup> See Collier, K.G. (1983) *The Management of Peer-group Learning: Syndicate Methods in Higher Education*. Guildford: Society for Research into Higher Education; Johnson, D.W. and Johnson, R.T. (1990) *Learning Together and Alone: Co-operation, Competition and Individualization*. Englewood Cliffs, NJ: Prentice-Hall.

the case? In this paper, as well as drawing on the contents of a reflective journal, I use my personal voice and experiences as a clinician to critically reflect on that assumption. I argue that an authentic student-centred approach to clinical small group work (commonly known as rounds or firm meetings) is best achieved when the power that the clinician holds is transferred to the students and they are able to design and deliver sessions themselves. However, I do not pretend that this change in practice is not without its tensions. Those tensions can include the fear of relinquishing control and apprehension about student choices. Concerns as to how students (particularly those less inclined to contribute to group work) will cope with leading the group can also be anxiety-inducing. By exploring these issues, my aim is to provide a lens through which we, as clinicians, can capture, critique and develop small group work practice.

## PART 1: STUDENT LAW OFFICE: LEARNING BY DOING

The Student Law Office at Northumbria University began as a part of the Legal Methods and Institutions course in 1981. Situated in a small room in the basement of the Law School building, it comprised a handful of students and two supervisors who provided advice to students at the University. In 1992, professional rules changed and the clinic was able to open its doors to members of the public.<sup>8</sup> Today, the Student Law Office is compulsory assessed module for all final year law students undertaking

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<sup>8</sup> For a detailed history of the Student Law Office see Hall, J., Sylvester, C. and Hall, E. (2004) "Problem Based Learning and Clinical Legal Education: what can clinical educators learn from PBL?" 6 *International Journal of Clinical Legal Education* 39.

the four year M Law (Exempting) Degree<sup>9</sup> at the University. Students are divided into “firms” of six, with each firm having a designated supervisor. All supervisors are Senior Lecturers in the Law School and are practising solicitors, barristers and caseworkers. Each firm deals with a specific area of law.<sup>10</sup> In order to provide an idea as to size, in the 2013-14 academic year 176 students worked in the Student Law Office under the supervision of 24 staff, there were 767 new enquiries and the compensation recovered for clients exceeded £130,000.

Madhava Menon talks of the “beauty”<sup>11</sup> of clinical legal education as a pedagogic technique: “its focus is on the learner and the process of learning”.<sup>12</sup> University based legal clinics come in various shapes and sizes but for all of those clinics the key theme is that students are being exposed to the reality of providing legal services to members of the public. It is a combination of hands on training and the provision of access to justice, which also allows for reflection on the ethical values of the legal profession. The students take responsibility for their cases and clients; taking instructions, undertaking intense practical legal research, advising the client face to face and in writing, drafting documents, managing a client file, dealing with third parties such as other solicitors or persons with whom the client is in dispute, and, in some instances, providing representation at court. The “commitment to shifting the focus of student

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<sup>9</sup> This is an integrated Masters programme where students obtain a Masters level qualification as well as completing the Qualifying Law Degree and obtaining an exemption from the vocational Legal Practice Course.

<sup>10</sup> Business & commercial, employment, civil litigation, family, housing, welfare benefits, crime, planning.

<sup>11</sup> Madhava Menon, N.R. in Giddings, J. (2010) “Why No Clinic is an Island: The Merits and Challenges of Integrating Clinical Insights Across the Law Curriculum” 34 *Washington University of Journal of Law and Policy*, p. 267.

<sup>12</sup> *Ibid.*

learning from the classroom to the real world”<sup>13</sup> distinguishes clinic, both theoretically and practically, from traditional teaching. My view is that clinic facilitates the cognitive and emotional development of students in a way that chalk and talk education cannot provide. A student could, as Ward notes, build “an entire law school career” from “text books, occasional attendance in large lecture halls, and late semester cram sessions”.<sup>14</sup> This is the personification of a surface approach to learning. Contrast this with Giddings’ definition of clinical legal education - *an intensive experience which enables each student to receive feedback on their contributions and to take the opportunity to learn from their experiences through reflecting on matters including their interactions with the client, their colleagues and their supervisor as well as the ethical dimensions of the issues raised and the impact of the law and legal processes*<sup>15</sup> - and the benefits of the pedagogy are clear.

It is worth pausing for a moment to consider the relationship that students and clinical supervisors have. The traditional teacher/student relationship has been described as two people rowing a boat to a distant shore.<sup>16</sup> The teacher’s role is to steer, pointing out the goal and encouraging the student, but she must not take the oars. The student’s role is to row; approaches, pauses and speed are entirely in their control. Superficially, this appears to be in line with the ideals underpinning clinical teaching. However, in practice, when dealing with live client work the realities are very different. There is an inherent tension between the educational goals and the needs of

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<sup>13</sup> Bloch, F.S. (2011) *The Global Clinical Movement*, Oxford University Press, p. 271.

<sup>14</sup> Ward, J. (2009) “One student’s thoughts on law school clinics” 16 *Clinical Law Review*, p.490.

<sup>15</sup> Giddings, *supra*. n. 11, p.265.

<sup>16</sup> Tiberius, R.G. (1999) *Small Group Teaching: a trouble-shooting guide*. Kogan Page, p.100.

the client. It is not always possible to allow the student to have ultimate control over the sequence and pace of the legal advice. At times, the supervisor needs to take the oars and do more than just encourage the student, lest the client's interests are compromised. In this sense, the Student Law Office is a place of transition. A clinical supervisor is a task *and* socio-emotional leader.<sup>17</sup> She is concerned with productivity, but must also have a care for the educational life of her students. Her function encompasses teacher, assessor, role model, colleague, administrator, manager and counsellor.<sup>18</sup> Because of this students can find themselves talking to their supervisor on a "completely different level".<sup>19</sup> Students are not quite students, but they are not quite colleagues either. The goal is to make sure that the rowing boat gets to its destination; sometimes the student can take the rudder, sometimes the teacher needs to help the student to drive the oars through the water.

#### SMALL GROUP SESSIONS: "FIRM MEETINGS"

Due to the nature of live client work, the teaching programme in the Student Law Office deviates from the traditional design of lecture followed by seminar/workshop. As soon as students arrive in the Student Law Office they are introduced to their fellow firm members and their supervisor. Their supervisor then provides the student with a prospective client enquiry and they begin their journey towards assisting that

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<sup>17</sup> Hare, A (1996) "Roles and Relationships", in Hare, A., Blumberg, H., Davies, M., and Kent, M. (eds) *Small Groups: An Introduction*. Praeger, p. 87.

<sup>18</sup> McLeod, S., Romanini, J., Cohn, E.S., and Higgs, J. (1997) in McAllister, L., Lincoln, M., McLeod, S. and Maloney, D (eds) (1997) *Facilitating Learning in Clinical Settings*. Stanley Thornes (Publishers) Ltd, pp.53-59.

<sup>19</sup> Gowland, J. and McKeown, P. (2011) in Kerrigan, K. and Murray, M. (eds) *A Student Guide To Clinical Legal Education and Pro Bono*. Palgrave Macmillan, p.89.

person. Supervisors regularly communicate with the students in their firm, often on a daily basis. E-mails are exchanged and informal discussions take place in the Student Law Office or the supervisor's office.<sup>20</sup> There is an almost constant stream of formative feedback.<sup>21</sup>

The only time that students are compelled to come together with their fellow firm members is in weekly 50 minute firm meetings. They take place in one of the purpose built interview rooms in the Student Law Office. From the students' perspective, firm meetings have an additional importance compared to the seminars and workshops they may have experienced during their degree. This is because the level of student input into firm meetings is part of the Student Law Office assessment criteria.<sup>22</sup> For example, to obtain an upper second grade (60-69%) for the descriptor relating to firm meetings, a student must have demonstrated that s/he has made a "good effort to contribute to firm meetings including discussions of other people's cases and general discussions".<sup>23</sup>

Firm meetings are not mini-lectures, nor is there a set of materials or session outlines that must be followed. When supervisors join the Student Law Office, they are provided with examples of firm meeting exercises which experienced supervisors

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<sup>20</sup> I have shared an office with a number of clinical supervisors and during the course of a working day there is usually a steady stream of students who want to "pop in" for a "chat" about their client cases.

<sup>21</sup> Carol Boothby recently reflected on the hundreds of emails she exchanges with students each year, most of which have casework attached either for review (from the student) or providing feedback (from Carol): Boothby, C. and Campbell, E. (2015) *From rote to realism: The role of clinical legal education in providing best practice in assessment and feedback* [Paper delivered at Association of Law Teachers' 50th Annual Conference, St. David's Hotel, Cardiff]. 31 March.

<sup>22</sup> The assessment criteria is divided into 10 descriptors: autonomy and efficiency; knowledge and understand of the law/legal practice; strength of oral communication skills; strength of written communication skills; strength of research skills; commitment to clients and the Student Law Office; case management and strategising; organisation: time and file management; teamwork skills and contribution to firm meetings; and understanding of client care and professional conduct.

<sup>23</sup> Student Law Office Assessment Criteria for Practical Work, Northumbria University, 2014-2015.

have tried and tested but each supervisor is left to determine how they will utilise their meetings. Weekly meetings are used for a variety of purposes. Some supervisors use meetings to provide feedback on case work. Others use the time to discuss and develop concepts such as social justice and pro bono practice. Certainly, there is a sense in our clinic that supervisors are actively looking for new ideas and ways in which to engage students in those sessions. I myself have wandered into other supervisors' rooms to ask if they had "any good firm meetings". In terms of my own practice, I tend to use firm meetings as an extra opportunity to explore concepts and tease out interesting issues relating to clinic, the profession, and skills. During my time in the Student Law Office my firm meetings have dealt with office procedure and induction, letter writing skills, commercial awareness, reflections, interviewing skills, dealing with difficult clients, solicitor negligence, discrimination in the profession, the difference between clinic and private practice, finding a new patron saint of lawyers and project management skills. I also use meetings for case reviews, where students update each other on what is happening on their client cases. Other supervisors have held advocacy competitions, taken students on visits and created interactive skills and reflection-centred exercises.

## GROUP WORK AND A STUDENT-CENTRED APPROACH

In terms of learning environments, small groups are thought to be “ideal”.<sup>24</sup> Collier remarks on the “almost startling shift” from surface to deep learning when groups are formed and utilised.<sup>25</sup> Others note that the benefits of group work include heightened levels of motivation, a greater sense of satisfaction, a stronger sense of mutual obligation amongst peers and a better capacity of applying learned concepts in new situations.<sup>26</sup> Drawing on the constructivist tradition, groups are supposedly the vehicle within which students can build their own knowledge rather than simply acquiring it ready-made.<sup>27</sup> It is strongly associated with the move from teacher-centred learning to student-centred learning, the features of which are set out below.

Teacher-centred	Student-centred
Emphasis on superficial understanding	Emphasis on deep understanding
Passive student	Active student
Student not given responsibility	Student given responsibility
Creativity discouraged	Creativity encouraged
Teacher as authoritarian	Interdependence between student and teacher
Student replicates what they have been taught	Student has a reflexive approach
Low level of student choice	High level of student choice
Closed, directive questioning	Open, non-directive questioning
<i>Power primarily lies with the teacher</i>	<i>Power primarily lies with the student</i>

The student-centred approach emphasises activity, choice and responsibility, or, put simply, autonomy. The concept of autonomy in the context of learning has been explored vociferously over the decades. Benson’s excellent history of the pedagogic

<sup>24</sup> Exley, K. and Dennick, R. (2004) *Small Group Teaching: Tutorials, Seminars and Beyond*. Routledge, p. 2.

<sup>25</sup> Collier, G. (1983) “Syndicate methods placed into context” in Collier, G. (ed) *The Management of Peer-Group Learning: Syndicate Methods in Higher Education*. Society for Research into Higher Education, p.11.

<sup>26</sup> *Ibid.*, p.10

<sup>27</sup> This observation is not confined to higher education. There are numerous studies which have found that children of lower than average ability, when working in teams, gained either the same or more knowledge than more intelligent children working alone. See Aebli, H (1963) *Didactique Psychologique* Paris: Delachaux et Niestle and Oldfield, W.J (1964) Individual versus group methods in programmed instruction, both referenced in Amaria, R.P., Biran, L.A. and Leith, G.O.M. (1969) “Individual versus co-operative learning II” *Educational Research* 11.

and psychological research relating to autonomous learning - from Rousseau ("suggest problems but leave the solving of them to him"<sup>28</sup>) through to the emergence in the 1990s of the link with the notion of interdependence and the learner being responsible for his conduct in the social context<sup>29</sup> - demonstrates the depth of the theoretical framework surrounding autonomy.

There is even some speculation as to whether "autonomy" is the correct term. Candy has identified 30 different phrases, including: independent learning, learner controlled instruction, non-traditional learning, participatory learning, self-direction, self teaching and self organised learning.<sup>30</sup>

Autonomy is often explored as a capacity issue: students have the capacity to be autonomous, or not.<sup>31</sup> Whilst this seems logical, it is important to recognise that autonomy is not a personality trait. In order to develop such a capacity students need to be *allowed* to take charge of their own learning. There must be a shift in power from teacher to student. This does not mean that the student needs to have completely free rein. As Candy suggests, teachers and students occupy positions on a continuum from teacher-control at the one extreme to learner control at the other "where the deliberate surrendering of certain prerogatives by the teacher is accompanied by the

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<sup>28</sup> Boyd, W. (1956) *Emile for Today: The Emile of Jean Jacques Rousseau*. London: Heinemann in Benson, P. (2011) *Teaching and Researching Autonomy*. 2<sup>nd</sup> edn. Pearson Education Limited, p.28.

<sup>29</sup> See Kohonen, V. (1992) 'Experiential language learning: Second language learning as co-operative learner education' in D. Nunan (ed.) *Collaborative Language Learning and Teaching*. Cambridge: Cambridge University Press, pp.14-39.

<sup>30</sup> Candy, P. (1987) Evolution, revolution or devolution: increasing learner-control in the instructional setting, in Boud, D.J. and Griffin, V.R. (eds) *Appreciating Adults Learning: From the Learner's Perspective*, London: Kogan Page, pp. 159 -78.

<sup>31</sup> Holec, H. (1985) "On autonomy: Some elementary concepts" in Riley, P. (ed) *Discourse and Learning*. London: Longman, pp.173-90.

concomitant acceptance of responsibility of the learner”.<sup>32</sup> As the figure above shows, the student-centred approach requires that power lies *primarily* with the student.

Due to the notion of a transfer of power, there exists an assumption that groups are automatically constructivist and facilitate a student-centred approach to learning. This is also true of experiential learning. Therefore, the inference must be that small group sessions in a clinical context are the epitome of such an approach. This was my argument when I was working towards a professional teaching qualification<sup>33</sup>, and I was asked to evaluate my own teaching practice and that of the Student Law Office in general. Initially, I felt proud that the teaching underpinning the Student Law Office experience refrained from seeing students as empty vessels to be filled with knowledge, a feature of the much maligned behaviourist theory.<sup>34</sup> However, when reflecting in more depth about firm meetings in particular, I was struck by the lack of power that the students had. I noted the following in my reflective diary:

*I wonder whether the module, and my style of teaching, is truly an exemplar of constructivism. Are my students really the masters of their own destiny? No. The module determines that there will be weekly meetings. I decide what happens in those meetings... This is learning by way of a continual process grounded in experience, but it is a tightly controlled experience.*

In Collier’s study on group work, a student noted the change from a didactic lecture session to working in a small group. He said, “We have a leader who co-ordinates our work and guides our thinking and planning, yet the hierarchy has become blurred as

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<sup>32</sup> Candy, P. (1991) *Self-direction for Lifelong Learning*. San Francisco, CA: Jossey-Bass.

<sup>33</sup> Postgraduate Certificate in Higher Education Practice. This was assessed by way of reflective portfolio and viva voce.

<sup>34</sup> See Stewart, *supra* n. 3.

in an organic structure. We are, therefore, allowed much individual or small group autonomy... The leader interrupts this autonomy only when it is in danger of becoming erratic".<sup>35</sup> On first glance, it appears to be a positive experience for the student but the power clearly remains with the teacher.<sup>36</sup> This represents what happens in firm meetings. Therefore, I was left with this question: how can a firm meeting facilitate student-centred learning where the student is truly active, responsible, creative and has choice, if the power relating to content, format, dynamics and delivery ultimately lies with the supervisor?

#### TRANSFERRING POWER

The challenge was to tip the balance of power in the favour of the students. I started by exploring what other supervisors did in their firm meetings, primarily by way of discussion but also by attending others' meetings.

One meeting in particular had a transformative effect on the way that I approached my clinical small group work from that point. When I arrived for the meeting I was surprised to see that one student took the lead straight away. She facilitated the meeting, having decided on the topic, the structure and the exercises to be undertaken. The most striking aspect was that the firm supervisor and I were treated like members of the firm and not as authority figures. We were required to take part in the exercises (which included a test on financial and commercial matters in the United Kingdom)

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<sup>35</sup> Collier, *supra* n. 25, p.18.

<sup>36</sup> This is perhaps demonstrated by the student's insistence on referring to him as the leader.

and to give our answers like every other attendee. The student leading the session took great pride in delivering it, drawing on her own knowledge of commercial awareness. The other students all contributed to the discussion and appeared to be enjoying it. Following this positive experience, I ran similar scheme as a pilot with my students later that year. I told them that if anyone wanted to lead a firm meeting then they could do so. All they had to do was discuss it with me first. Only one student took up this opportunity.<sup>37</sup>

It was clear to me that my exploration of the concept of student led firm meetings needed greater clarity and further planning. During the summer, in readiness for the next academic year, I listed four “rules” in my reflective diary:

1. *All students must lead a firm meeting during the second semester*
2. *I provide a session planner detailing which meetings will be student led, but students complete the planner deciding who goes when*
3. *The student leading the session decides the topic and designs the session with no input from me*
4. *Students can do whatever they like - it is their one hour of learning and teaching so they decide what they want to do*

Here, the power would be primarily with the student leading the session. The element of teacher-control was reduced to deciding when a firm meeting would be student led. Due to timetabling restraints the meetings should be restricted to 50 minutes in length, but I did say that alternate arrangements could be made if required. In all other respects the students were free to do as they wished.

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<sup>37</sup> The student organised a firm trip to a local law firm to watch a presentation on charity law.

Transferring power was liberating. Each firm has 26 firm meetings during the course of the year. Six of those would now be student led. As I supervised three firms this meant that I no longer needed to be concerned about what I would do in 18 firm meetings in semester two. However, with this came a growing sense of trepidation, especially after speaking to colleagues about my plans. In my reflective diary I wrote:

*What topics will they choose to deal with? How will they structure the session? Will weaker students struggle with the task? How will I react to being part of the group rather than leading it? What if I'm failing them by not providing leadership? Will they see this as lazy teaching?*

Key concerns fell into the following categories:

- Relevance of topic
- Format
- Level of challenge
- Leadership style
- Link with learning outcomes

Table 1 in the Appendix provides a summary of the meetings each student led, briefly setting out the general theme and the activities that were carried out for each session. What follows is an analysis of those concerns, drawing on my reflective journal and my lived experience of changing my clinical practice.

*Relevance of topic*

I was anxious about the topic that the students would choose to focus their sessions on. Would students merely replicate the subject matter we had already covered? Alternatively, would they choose to focus on an issue that had little to do with the module, programme or even degree? My colleagues had great fun teasing me that the students would just go to the pub! Having implemented student led firm meetings into my teaching for two years now, I would not be troubled if students wanted to run a session in a public house – so long as the topic/activity was of relevance, and of course, there was strictly no discussion of any client-related matters.

Take for example the student led meeting which was devoted to psychometric or numeric testing (see Table 1: Student G). The student who designed that meeting downloaded tests from the internet, gave printouts to each person in the meeting and gave us all a period of time to answer the questions on the test sheet. They then marked the test sheets and as a group we discussed the answers. Superficially, this looks like something that takes very little time to prepare and has little bearing on a clinical legal education module. However, in the United Kingdom, solicitors' practices looking to employ graduates as trainee solicitors or paralegals have been increasingly moving away from standard one hour interviews. They have now embraced assessment days.<sup>38</sup> These days are made up of a selection of activities designed to test cognitive, oral communication and team work skills, and will

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<sup>38</sup> Assessment days have become so imbedded into the framework of law firms' recruitment procedures that firms and legal journals are providing advice about assessment day processes:

<http://www.eversheds.com/global/en/where/europe/uk/overview/careers/graduates/assessment-day-hints-and-tips.page>;

<http://www.sghmartineau.com/trainingcontracts/application/assessment-centre-interview-tips.asp>;

<http://l2b.thelawyer.com/careers/how-to-survive-assessment-days/1011494.article/> (accessed 12 June 2014: 8:42am)

invariably involve some form of psychometric or numeric testing (or both). The student leading the meeting effectively replicated the testing which takes place at assessment days. He said that he had thought about his own experiences attending those days and how he had been ill prepared for this type of testing. He wanted to share his experiences and help his fellow students by allowing them to practice the tests in a supportive environment.

As the table demonstrates, the majority of students chose a theme around which to base their meeting. Those themes can be grouped into the following streams:

- Skills

The MLaw Degree at Northumbria University seeks to integrate legal theory with legal practice. It was therefore not unexpected that some students would focus on practical skills such as presentations, time management and letter writing. Some students looked at skills that related specifically to the law, such as the negotiation of a legal dispute. Interestingly, despite spending three years learning about specific pieces of legislation and a plethora of cases, no-one chose to base their firm meeting on black letter law.

- Employability

This was the most popular stream. As I have alluded to with the firm meeting on psychometric/numeric testing, there was a desire to focus on activities and discussions which would help students looking for a job. Most students framed this around a legal job (a training contract to be a solicitor, for example). However,

some students did not want to join the legal profession after graduation and many sessions were designed so that the knowledge and skills acquired could be used in any number of settings. For example, one student focussed on the art of networking.

- Team building

Some students pointedly called their firm meetings “team building sessions”. I have reflected more about this below, although it is important to note at this point that these sessions had a multitude of designs and we delivered in very different ways. The students came up with a spectrum of exercises from balloon making to what your handshake says about you to a handmade board game (called “Legalopoly”) designed to test students’ knowledge of the Student Law Office and encourage reflection.

Only one meeting lacked a clear theme. The activities were well prepared but there was a lack of coherence. It followed that the learning outcomes for the session were not made explicit and there were associated consequences for the level of challenge. My immediate reaction to this firm meeting was that I had failed. Failed to prepare the student. Failed to help them succeed. Failed to give all the students in that group a good experience in that particular meeting. This goes back to the idea of the teacher as leader. After all, isn’t it the teacher’s role to make each session a valid and relevant learning experience for all? However, it would be entirely against the point of the meetings if I had asked each student to tell me what they were going to do and to

work with them to ensure a relevant topic and coherent delivery. The balance of power would have swung back and the student's level of choice, responsibility and creativity diminished.

### *Format*

I suspect that the students' choice of format for their firm meetings was influenced by the firm meetings that they had seen me lead during the first semester. Using Bligh's catalogue of group techniques<sup>39</sup>, my firm meetings tend to be a combination of control and free group discussion and brainstorming. I use activities either as a precursor to the discussion or to help move the discussion on. Therefore, it is not surprising that the majority of the students' meetings followed suit. Only one student made an effort to differentiate the format of their meeting. They invited the Chief Executive Officer of a local business to come to the meeting as a guest speaker. The guest went round the table asking all of the firm members to introduce themselves and asked them about their goals. He gave a short speech about his career and the ideals that he aligned himself with. The group then asked him questions. The student leading the session did very little: she introduced her guest and then he proceeded to speak. However, in terms of format it distinguished her firm meeting from that of others.

### *Level of challenge*

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<sup>39</sup> Bligh, D. A. (1971) *What's the use of Lectures?* London: University Teaching Methods.

A significant proportion of meetings had a low or medium degree of challenge for participants. Discussions were mainly free forming with individual members contributing when they wanted to. Only one student asked firm members to prepare materials before the session, and this was to simply bring a pre-written letter to the meeting.

The two meetings which had a high level of challenge for participants utilised exercises where we were asked to complete tasks which required a demonstration of skill in front of others. For example, Student C prepared a fictional scenario where two organisations were in dispute. He split the group into two and asked each team to prepare for a negotiation with the other. We had a short period of time to, separately, create roles for each member of the team, agree upon strategies and goals, find arguments and consider alternatives. Every person had a role to play; it would have been difficult for them to remain silent or in the background. There was a goal – both teams wanted to win – and this added an extra dimension to the meeting.

### *Leadership style*

It has been argued that the expectations for a role "are most easily met by the individual whose personality fits the role".<sup>40</sup> It is true that the majority of the students who I would have identified as socially confident did live up to this expectation when they led their meeting. They gave direct supervision and told us what we needed to do and when. Alternatively, they asked for opinions at certain times in the meeting.

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<sup>40</sup> Hare, *supra* n.17, p.83.

Firm meetings are very exposing for students who are quieter than others. In a group of six, in a small interview room, it is easy to pick out those who have not contributed during a meeting or contributed less than others. Over the years, a number of students I have supervised were clearly academically capable but sat back in firm meetings and let others speak. One of my concerns was how students who had not demonstrated leadership skills and had been less willing to contribute would deal with the experience. My colleagues also raised similar concerns: "what if it's terrible and the other students feel it is a waste of time?". My own fears were perhaps reflected in my feedback to quieter students:

*"You have the opportunity to run and lead your own firm meeting in a few weeks' time. You should think carefully about what you are going to do in that meeting as it provides an opportunity for you to show your abilities in respect of team working, communication and leadership"<sup>41</sup>.*

There was only one meeting where I had to step in. The student appeared to be unprepared. The meeting involved a general discussion but the students did not seem engaged and it came to an end after 25 minutes when the student leading the session said that they had nothing further to contribute. I facilitated the rest of the session. My experience here is a negative one. However, I also had the positive experience of watching students who had not demonstrated strong leadership or communication skills rise to the challenge. A student who had identified that he had struggled with the Student Law Office in the first semester said that he used the student led firm meeting to show what he was capable of. He went from a student who would make

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<sup>41</sup> Anonymised extract from student appraisal.

sparse contributions to firm meetings to delivering a well structured meeting with a combination of group activity, discussion and elements of traditional teaching. It had a clear theme and purpose and he engaged all members of the group. I argue that my experience shows that we should not dismiss students just because their past work has suggested that they do not have the correct temperament or level of skill for a role or activity. I mentioned earlier that I saw the Student Law Office as a place of transition. It is not just a location for the development of skills – it is a site for human transition as well. By giving students the opportunity to appreciate their human capabilities, student led firm meetings in experiential education can have a powerful effect on those who we might not see as having natural leadership potential.

### *Learning outcomes*

Half of the students made the learning outcomes for the session explicit. Most started their session by providing an explanation as to why the firm meeting was going to be about a particular topic or how they had decided on the activities that we were going to undertake. I suspect that many students did this because they wanted to (a) justify the reason they had chosen the theme/activities and (b) show how much thought they had put into it. Talking to the students, there appeared to be a competitive element to these firm meetings, with each student wanting their meeting to be “better” than others they had seen.

## RE-SETTING THE LEADERSHIP ROLE

In most small group sessions students rarely arrange themselves in the best configuration.<sup>42</sup> In the Student Law Office, the meeting room is arranged so that there is one table with three chairs on one side, three chairs on another and one chair at the top. Students naturally sit on each side of the table and the supervisor sits at the top. The interview rooms where the meetings are held are very small and just about fit the seven people in there. In my experience, students choose the same or similar seating formation each week. Most students take up a self-selected position at the start of the year. Each week they go back to that chair.

In the first student led firm meeting I attended I did not sit at the top of the table. I chose one of the six free chairs around the table, not the chair at the top. Interestingly, when the students arrived for the meeting they all seemed to avoid the chair at the top, even the person who was leading that meeting. It was a symbol of power. Over time, the students who led the meeting began to position themselves in that chair, although, as I noted in my reflective diary, the idea that I had a set place remained:

*My perceived "place" at the top of the table was emphasised today when, after she had led her meeting, a student remarked "I don't like being in your chair".*

At first, students did not want to sit in the power chair. As they came into the room they looked at it, and then quickly avoided it. However, over time the students became used to the idea that I had "joined the circle"<sup>43</sup>. In doing so, I had physically symbolised the transfer of power to the student leading the meeting.

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<sup>42</sup> Exley, K. and Dennick, R. (2004) *Small Group Teaching: Tutorials, Seminars and Beyond*. Routledge, p. 17.

<sup>43</sup> *Ibid.*

This represented a real change in my views about room configuration. Before I began the student led meetings, I had written in my diary the following thoughts:

*We sit around a table, with me, the facilitator, at the head of the table. This is naturally how the room (which is very small) is organised and how the students position themselves. Exley and Dennick<sup>44</sup> state that changing the configuration of the seating "sends a powerful message to students". What is my message? Well, I want to set out right from the beginning that the work that the students do in the Student Law Office is real live case work and that brings with it a level of responsibility. I also want to ensure that they understand that what they do reflects on me professionally - they are working under my supervision and my practising certificate. My fear is that if I represent myself as being an equal to the students in the group - which is what Exley and Dennick advocate with their call to "join the circle" - then I lose this.*

Since the commencement of student led firm meetings, at no point have I felt that there has been a decline in the students' appreciation of professional conduct issues or that they have taken the transfer of power to mean that they do not have to be responsible for the progress of their live case work. In fact, one of the consequences of my experiences of implementing student led firm meetings has been that I now join the circle right at the start of the academic year and someone else (usually on a rotating basis) sits at the top seat (which no longer is seen as such). I am now – as I alluded to earlier – fully and firmly in the boat in all aspects of clinical life.

## IMPLICATIONS

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<sup>44</sup> *Ibid.*

Once the student led firm meetings were over I noted in my reflective diary the main features of the meetings. I wrote that each student tasked with leading a meeting had the opportunity to:

- *identify their and others' learning needs*
- *plan and set the goals for the meeting*
- **choose** *when and where they did their planning*
- *create problems to tackle or find issues to discuss*
- *prepare relevant resources and materials*
- *make all of the **decisions** about the content and format of their meeting*
- *make use of or develop **creative** talent*
- **decide** *when the meeting was at an end*
- *engage in **self-assessment***

I have highlighted in bold the words that align with the characteristics of student-centred learning. In student led firm meetings the student is at the heart of the activity, responsible for all significant decisions, has a high level of choice and encouraged to be creative and reflect on their work. In simple terms, the students' behaviour changed from simply turning up to a firm meeting and engaging as much or as little as desired, to being responsible for the meeting going ahead as well as the content it covered and the way in which it was delivered. Authority, control, influence and impact sat primarily with the student, not with me.

Anecdotally, I have heard other teachers express the view that it is not for us to change students' behaviour, especially in a higher education setting. They argue that students know what they have to do and what is expected of them and that it is for them to choose whether they contribute to small group sessions or not. This falls into the trap of thinking that autonomy is a personality issue. Students cannot build their own knowledge if they are not afforded the opportunity to be in control of their and others' learning in small group sessions. In a clinical setting such as the Student Law Office, this has to go beyond students freely discussing their cases or taking part in exercises the supervisor has chosen.

The overwhelming effect of experiences of the student led firm meetings which took place that year was to force me to reflect on my own teaching practice. In all but one of the student led firm meetings, I was treated just like any other student. I had to take part in the games, complete the psychometric tests, give my opinion when asked, find an article to discuss in the meeting, be tested on my presentation skills, and answer questions about my goals, development and case work. As a participating member of the group, I was trained in presentation skills, interviewing techniques, business development and networking, educational changes, issues relating to the local economy and negotiation skills. Additionally, and perhaps more surprisingly, I was shown how to deliver a successful small group session by my students, how to use activities to engage the group and how simple materials can be utilised to facilitate teaching.

I had also underestimated the importance of team building. I presumed that my students would talk to each other outside of firm meetings whilst they got on with their work in the Student Law Office. I thought that they would build a relationship with one another, as they did with me as the year went on. However, many students began their firm meetings by saying “we don’t really know each other” or “I think we should get to know each other better”. At this point, they had been in the same group for nearly 5 months so it was surprising that they felt the need to focus their meeting around activities designed to build relationships and get to know each other. At the time, I wrote:

*At this stage in the degree, I would naturally hesitate from doing team building sessions (especially in the second semester) as I would worry that the students would perceive this as time wasting. Student feedback has always been that they have a very busy final year and they are critical of anything they think does not relate directly to their final mark.*

Team building activities included question cards and games (electronic and handmade). One student bought buzzers from the Early Learning Centre so that firm members could “buzz” to say when they had an answer to a question. There was much more laughter and a relaxed atmosphere. We learned about each others' life goals, work experience and interesting moments. This often led to further discussion. For example, one student had got his head stuck in a set of railings when the Queen visited the region in the 1990s. This prompted a discussion on local history, where students were from, and how that affected their career ambitions, all topics which could inform the reflective essays that formed part of their assessment.

Teachers may be reticent to incorporate team building activities into their small group sessions, especially in the second semester of the final year of a degree course. The fear is that students do not pay thousands of pounds to put sticky notes on their head and press colourful buzzers. My experience is that these sessions can and do facilitate greater engagement in later meetings (both student and supervisor led). You would not run a team building session every week, but a strategically placed bonding exercise where the purpose is clearly set out and which links back to an educational/assessment topic<sup>45</sup> can be more effective in the long term for group dynamics.

One of the regular comments that I receive from fellow teachers when I talk about student led small group sessions is: “Don’t we have enough to do without shoehorning in these “alternative” sessions?”. My typical response is to point out that they’re looking at it from the perspective that sessions where the tutor facilitates a discussion (but retains ultimate control) is normal and, accordingly, the right way to teach. Student led sessions should not be an alternative. They should be weaved into the programme appropriately and with proper consideration at the outset as to how they will work.

## CONCLUSION

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<sup>45</sup> I often link a team building exercise back to discussion on group work, asking questions such as: should students have to work in pairs? Are there any benefits in working with someone who has the same personality traits as you? Should you be able to choose the people who make up your team? How does group work in the Student Law Office differ from other pro bono providers or private practice law firms?

I have made visible, through reflection, the practice of small group work in a particular clinical setting. My journal entries and indeed this paper itself have allowed me to document internal processes as a supervisor when approaching weekly firm meetings.

Going back to the question that I posed at the start of this piece – is small group work in experiential legal education an inherent model of student-centred teaching? – the answer is clearly no. It is not inherent. However, we can align small group work in clinical legal education to a constructivist vision by transferring power to students in a way that provides space for those students to engage in a dialogue of their own choosing.

### **Acknowledgements**

I am very grateful to Dr Elaine Hall and the two anonymous peer-reviewers for their extremely helpful comments on earlier drafts of this paper. Finally, thanks must go to my colleague Siobhan McConnell who first introduced me to the concept of student-led firm meetings.

**Table 1: Summary of student led firm meetings (2013 -2014)**

Student	Theme	Activities
A	Skills	<p>Student A had prepared a word search. Each person had 90 seconds to do the word search in front of the others and to guess when the 90 seconds was up. Each word search was different. Student A then asked the group questions which included: Can you tell how long you're taking? Do you want to get the task finished despite the time constraints? Does it matter if you can't find all the words? This was followed by a group discussion about productivity and what can affect it. The session finished with Student A providing time management tips.</p>
B	Employability	<p>Student B put the group into pairs. The people in the pairs were up against each other for a job. Each person had to pick a card from a pile Student B had prepared. Each card had a word written on it, such as "sociable", "motivated", "ambitious", "reliable" and "talkative". Each person had to use those words in a 1 minute speech to get the job. This was followed by a general discussion about students' experiences of interviews.</p>
C	Skills	<p>The firm was asked to split in two – one group would be the claimant and the other the defendant. The group was given a mock scenario written by Student C. The groups prepared their arguments separately and then came together to negotiate a settlement. Student C was the judge.</p>
D	Employability	<p>Student D asked students to bring an article on the economy with them to the meeting. In the meeting, Student D invited each person to discuss that article. Discussions included reference to Tesco, HMV and Peter Jones' purchase of Jessops. This was followed by a round table discussion based on recent article entitled "50 reasons to do business in the North East" which Student D brought to the meeting.</p>

E	Team Building	Student E invited each member of the group to complete a numerical reasoning test. He marked the completed papers and results were given out. Student E then asked the group questions such as “what would you do if you won the lottery today?” and “what vegetable would you be?”
F	Skills	Student F showed a clip of a presentation from a teacher giving his final lecture. The teacher was terminally ill with cancer. This was followed by a discussion of good and bad presentation skills.
G	Employability	Students were asked to complete psychometric tests on patterns and shapes and then Student G provided answers.
H	Team Building	Student H created a board game called “legalopoly” with question cards about the Student Law Office. It was a combination of snakes and ladders and monopoly. All members of the group (apart from Student H) played the game. Student H read the question cards. There was a prize for the winner.
I	Employability	Student I led a discussion on the meaning of business development and why it is important. Student I had designed a number of small exercises including “what does your handshake say about you?” and provided useful tips for networking. This included recognising when to/ not to join a group at a networking event.
J	Skills	Student J asked each student to bring in a letter to a client that they had written during their time in the Student Law Office. Students were invited to discuss the feedback that they were given on that letter. Student J then gave the group an article on writing well to read in the meeting and invited discussion about that article.
K	Team Building	Student K split the firm into two teams. Each team was given a buzzer and then asked questions on the economy/financial matters. He provided prizes for the winning team.

L	Team Building	Student L asked the group to take part in a number of team building games (getting to know you, truth/lie) involving buzzers and other props such as balloons.
M	Team Building	Each person had a sticky note put on their head with the name of a company that had been in the news. They had to ask questions and guess the company. This exercise was followed by a “High/low” game in respect of certain companies’ finances.
N	Employability	Student N brought a number of articles about the changes to legal education and led a group discussion drawing on various ideas raised in those articles. This was followed by a discussion about the students’ career choices and what they want to do next.
O	Team Building	Student O prepared question cards about people’s experiences in life and the Student Law Office. Students were invited to take a card and answer the question.
P	Employability	Student P invited the CEO of a local business to attend the firm meeting and speak about his experiences. He gave an overview of his life in business and he asked the students questions about themselves and what they want to do.
Q	Employability	Led a group discussion about the benefits and challenges of pro bono legal work.
R	Employability	Psychometric testing – a verbal reasoning test. Then Student R produced a home made board game based on snakes and ladders with questions about their clinic experience, clinical legal education, and improvements they might wish to make to the clinic model.