

Thinking Like Entrepreneurs: Qlegal's Experience of Teaching Law Students to have an Entrepreneurial Mindset

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Abstract

To advise a client you need to understand what they *do*. To provide truly innovative, client-centred advice, you also need to understand how they *think*. These observations are especially true when working with entrepreneurs who may be otherwise inclined to move forward with their business with or without legal guidance.

Entrepreneurs are distinguished by their growth mindset and resilience, appetite for innovation and comfort with taking risks and doing things themselves. As the legal marketplace in the UK becomes increasingly competitive (due to legal technology and the growing number of alternative legal service providers), law students need to adopt an entrepreneurial mindset themselves, both to navigate the legal marketplace

for their own careers and to provide commercially aware legal services to their clients. Law schools need to teach law students to think like entrepreneurs, and commercial law clinics provide the natural setting.

This paper adopts a qualitative case study approach to examine how qLegal, the pro bono commercial law clinic within the Centre for Commercial Law Studies ("CCLS") at Queen Mary, University of London ("QMUL") teaches students to develop an entrepreneurial mindset. We reflect on the importance of students learning about and developing this mindset, for their own professional development and to service the unmet legal needs of the start-up community. This paper will also highlight the challenges faced by qLegal staff, including our own legal training and experience, our obligations to real clients and our students' expectations. We conclude by sharing examples of how we are currently teaching our students to have an entrepreneurial mindset and our ideas for overcoming our institutional challenges and improving our offering even more.

1. Thinking like Entrepreneurs: qLegal's Experience of Teaching Law Students to Have an Entrepreneurial Mindset

Entrepreneurs are distinguished by their growth mindset¹ and resilience, appetite for innovation and comfort with taking risks and doing things themselves.² As the legal marketplace in the UK becomes increasingly competitive, due to legal technology and the growing number of alternative legal service providers, law students need to adopt an entrepreneurial mindset themselves, both to navigate the legal marketplace for their own careers and to provide commercially aware legal services to their clients. Law schools need to teach law students to think like entrepreneurs, and commercial law clinics provide the natural setting.

This paper adopts a qualitative case study approach to examine how qLegal, the pro bono commercial law clinic within the Centre for Commercial Law Studies ("CCLS") at Queen Mary, University of London ("QMUL") teaches students to develop an entrepreneurial mindset. We reflect on the importance of students learning about and developing this mindset, for their own professional development and to service the unmet legal needs of the start-up community. This paper will also highlight the challenges faced by qLegal staff, including our own legal training and experience, our obligations to real clients and our students' expectations. We conclude by sharing

¹ Dweck, C., Who will the 21st-century learners be? *Knowledge Quest*, vol. 38, no. 2, Nov.-Dec. 2009, pp. 8+.

² See generally Robinson, P.B., and Gough, V., The Right Stuff: Defining and Influencing the Entrepreneurial Mindset, in *Journal of Entrepreneurship Education*, Vol. 23, Issue 2, 2020.

examples of how we are currently teaching our students to have an entrepreneurial mindset and our ideas for overcoming our institutional challenges and improving our offering even more.

2. An Entrepreneurial Mindset

To be clear, when we refer to an entrepreneurial mindset, we are not talking about the equally important lawyering skill of commercial awareness. Lawyers who are commercially aware understand the practical realities and wider business context of their clients' businesses and prepare advice and solutions that reflect these realities. While commercial awareness is another skill sought by legal employers and taught and practised in commercial law clinics, including at qLegal, it is distinct from the skill of having an entrepreneurial mindset or thinking like an entrepreneur.

A person with an entrepreneurial mindset is generally accepted to have the ability to "capitalize on opportunities, change course when needed, and view mistakes as an opportunity to learn and improve."³ Similarly, someone who think likes an entrepreneur, "recognizes an otherwise overlooked opportunity, develops the confidence to take a risk, communicates their ideas clearly, and is able to adjust to and learn from setbacks."⁴

³ Gillett A. and Kelterborn, K, How to Inspire Entrepreneurial Thinking in Your Students: Whether or Not They're Actually Studying Entrepreneurship, Harvard Business Publishing Education, Feb. 2022.

⁴ NFTE 2020 whitepaper, Entrepreneurial Mindset on Ramp to Opportunity, available at <<https://www.nfte.com/wp-content/uploads/2020/04/NFTE-Whitepaper-Entrepreneurial-Mindset-On-Ramp-to-Opportunity-December-2017.pdf>>._See also, Robinson, P.B., and Gough, V., The Rights Stuff:

Pedagogy scholars have identified seven teachable attributes of entrepreneurial thinking:

(1) problem solving, (2) tolerance for ambiguity, (3) failing forward, (4) empathy, (5) creativity with limited resources, (6) responding to critical feedback, and (7) teamwork approach.⁵

We will return to these seven attributes when we discuss the ways that qLegal teaches students to think like entrepreneurs and the challenges that we face.

3. Advising Entrepreneurial Clients

qLegal offers postgraduate law students studying for their one-year law Masters (“LLM”) or PhD, experiential learning opportunities working with start-ups and entrepreneurs across four main extra-curricular programmes:

- **Legal advisory programme:** the traditional 1:1 legal advice clinic;

Defining and Influencing the Entrepreneurial Mindset, *Journal of Entrepreneurship Education*, Robinson (Vol. 23, Issue 2) (2020) (explaining that mindset is a set of attitudes that causes a person to “perceive and behave, act and react” in a certain way; referring to the Entrepreneurial Attitude Orientation defined by Robinson in 1987 to measure the way that entrepreneurs think versus non-entrepreneurs using these four scales: (1) concrete results associated with the start-up and growth of a business, (2) perceiving and acting upon business activities in new and unique ways, (3) a perception of control and influence over one’s business and (4) self-confidence and perceived competency regarding one’s business affairs.)

⁵ Peschl, H., Deng, C., and Larson, N., Entrepreneurial thinking: A signature pedagogy for an uncertain 21st century, *International Journal of Management Education*, 2020 100427, at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7539060/>.

- **Public legal education programme:** preparing resources and delivering workshops to budding entrepreneurs and start-ups;
- **Externship programme:** a placement one day a week for six months within a start-up to help spot legal issues and conduct research; and
- **Innovation projects programme:** producing innovative solutions to meet a client's brief using Design Thinking.

We also offer 24 students a place on our credit-bearing, Entrepreneurship Law Clinic Module.

When we opened our doors as a commercial law clinic in 2013, the focus was on providing legal and regulatory advisory services to early-stage, start-up companies, primarily in the Information and Communication Technologies ("ICTs") sector, specialising in addressing a range of challenging intellectual property ("IP") management issues.⁶ In the intervening nine years, qLegal's client base has expanded to meet changing market needs, and now includes entrepreneurs across a wide variety of industries, including education, sustainable fashion, financial services and the arts, although the vast majority of our clients utilise, and depend upon, ICTs in the provision of their products and services.

While the areas of legal support provided to our clients have also expanded to cover a wider range of legal topics relevant to the start-up ecosystem, there are three main

⁶ <<https://www.qmul.ac.uk/law/research/funded/qlegal/>>.

areas where advice is generally requested. First, concerning the nature of the business, i.e. what are we?, helping clients move from an unincorporated form, such as a sole trader, to an incorporated form, such as a limited company or a community interest company. Second, IP issues, ensuring that clients are able to protect the intangible assets that generally comprise the majority of the business. IP advice will range from non-disclosure agreements (“NDAs”), to protect the disclosure of ideas when working with others, to the registration of trade marks and patents. Third, for many online businesses the collection and processing of personal data as a revenue source means compliance with data protection laws can be a critical area of concern.

The nature of and need for legal advice sought by entrepreneurs varies based on a range of factors, but four key issues are particularly relevant to the nature of entrepreneurship. First, as noted above, entrepreneurs are prepared to take risks to succeed. Such risk taking often extends to their view of legal matters. To be engaged, they will need to be convinced that the advice is necessary for the business to progress and that the risks from not addressing the issue are greater than the costs, especially when existential. Second, it is also important to understand how the type of legal support varies on the entrepreneurial journey from start-up to scale-up, such as the shift from borrowing money from family and friends to seeking investment from venture capitalists. Typically, the legal advice given to a start-up needs to cover their current legal needs *and* anticipate their future legal needs. Third, an awareness of what the entrepreneur is hoping to achieve is also critical, i.e. what success would

look like. For some, the creativity of building is the main driver; for some, it is about bringing about change; while for others, it is all about the money! Does the client want to be the next Google or are they looking to be bought by Google? Finally, notwithstanding the long-term value of legal advice, convincing start-ups to invest resource in obtaining legal advice can be challenging. While pro bono advice clinics remove the financial barrier to accessing legal advice, entrepreneurs can still struggle to find the time to capitalise on the opportunities offered.

As of 1 January 2021, there were 5.3 million private sector micro-businesses in the UK, accounting for 95% of all UK businesses.⁷ Over one third of UK businesses are in London and the South East of England.⁸ This is unsurprising given London's recent ranking (alongside New York) as the world's number two start-up hub, second only to Silicon Valley.⁹ qLegal's physical proximity to the Silicon Roundabout and the King's Cross tech hub¹⁰ means it is well placed to support these local entrepreneurs.

⁷ "Micro-businesses" have 0-9 employees and "businesses" includes all legal forms, including self-employed, sole traders and multinationals". See Companies House Official Statistics – Companies register activities: 2022 to 2021, published 24 June 2021, page 12 and page 5 respectively, available at: <<https://www.gov.uk/government/statistics/companies-register-activities-statistical-release-2020-to-2021/companies-register-activities-2020-to-2021>>.

⁸ See Companies House Official Statistics – Companies register activities: 2022 to 2021, published 24 June 2021, page 14.

⁹ The Global Startup Ecosystem Report – GSER 2022, Global Entrepreneurship Network, undated 2022, available at <<https://startupgenome.com/report/gser2022>>.

¹⁰ "Silicon Roundabout" is the widely adopted nickname for the East London Tech City, a cluster of high-tech companies in East London. In recent years, the area around King's Cross and St Pancras train stations have become a hub for tech giants such as Google UK and Facebook, along with innovative start-ups such as BenevolentAI (with whom qLegal regularly partner on the externship programme).

In the 2021-22 academic year, qLegal students provided legal advice, support and education to over 150 start-ups and entrepreneurs,¹¹ of which 69 received tailored individual advice. Of the clinic enquiries received, 55% were from start-ups in the development stage and/or with no turnover, and 64% had not received any funding. The vast majority worked alone. With limited financial and human resources, it is unsurprising that 69.8% reported that they do not usually obtain legal advice for their business.¹²

This last figure also reflects the position at a national level. The Legal Services Board concluded in April 2022 that “only a quarter of small businesses used professional help in response to legal issues”, with the legal system viewed by small businesses as “unaffordable and tilted against those lacking financial resources”. Where small businesses do seek professional help, free sources of advice, such as business law clinics like qLegal, “play an important role [representing] 25% of the main provider used”.¹³ However, the availability of such free advice services is limited and

¹¹ This level of output was impressive given the post-pandemic climate and limited resources. However, our legal advice clinic was only able to support around 35% of the entrepreneurs who contacted qLegal for advice. This was primarily due to the limitations of the practice areas we cover and the number of appointments available.

¹² At qLegal, we often hear of clients seeking free legal advice/support from within their network, or entrepreneurs conducting their own research. Where start-ups can afford to pay for some legal support, this is often in the form of a legal subscription service (for example, SeedLegals) or from their accountants. Law firms are increasingly aware of the demand from start-ups that legal advice is proportionate in cost and value, with many offering legal membership, fixed-fee legal services and/or flexible legal packages options.

¹³ Legal Services Board, Small business legal needs - Wave four survey 2021, April 2022 <<https://legalservicesboard.org.uk/wp-content/uploads/2022/05/20220406-Small-business-legal-needs-FINAL.pdf>> page (7).

consequently, in the “vast majority of cases where small businesses have a legal need requiring professional support, this need is not met.”¹⁴

These commercial constraints and lack of affordable legal support mean that entrepreneurs at the beginning of their start-up journey are often forced to be agile, self-sufficient, jack-of-all-trades characters, who take risks to ensure that their business idea succeeds.

4. Thinking like an Entrepreneur

There are many reasons why clinic students should be taught to think like their entrepreneur clients. We focus on what we consider to be the top three reasons, viewed from the perspective of balancing the demands of clients and the expectations of students, within an evolving legal environment: quality of service delivery, student employability and changes in the legal services market.

4.1 Service Delivery

Entrepreneurs are busy people, juggling multiple priorities. They are often impatient and do not want to wait for advice before launching their business or adopting a new business practice. They want legal advice quickly and clearly, communicated in non-legalese language.

¹⁴ Legal Services Board, Small business legal needs - Wave four survey 2021, April 2022 <<https://legalservicesboard.org.uk/wp-content/uploads/2022/05/20220406-Small-business-legal-needs-FINAL.pdf>> page (i).

Understanding the level of support the client wants is a vital first step for students when preparing their advice letter, workshop materials or project prototype. Whether an entrepreneur is still formalising their business idea or has developed a minimum viable product, they are often hampered by similar business issues. What differentiates them is the outcome they expect from their lawyers: from passenger along for the ride, to driver, to full-on map maker.

To enable students to provide client-centred services, it should be made clear from the students' brief what level of support their client is expecting and the role the students should play. For example:

- Some clients are simply looking for approval of their decisions. Here, students need to ensure clients understand the practical and legal consequences of adopting their chosen course of action. (Lawyer as passenger along for the ride).
- A second category of client will have a rough idea of what they need to do, as a result of their own research, but need support implementing their plan in compliance with the law. (Lawyer as driver).
- Other entrepreneurs want support to help them shape their business at the start of the journey. They want help building the legal infrastructure that will allow them to grow. (Lawyer as map maker).

At all times, students must communicate with their clients in a clear, empathetic and timely manner: “[e]ffective lawyer-client communication is not only an essential component of client representation but also the most important thing many clients want from their lawyers.”¹⁵ Law students advising live clients must respect the client’s desire for good communication. To help students deliver the level of service clients expect, students will need to have good soft skills, including active listening, stakeholder management and professional, non-legalese communication.

Students can raise awareness of particular legal issues affecting entrepreneurs by delivering targeted legal education information sessions at venues servicing start-up communities. Interest and engagement is then channelled into 1:1 advice clinics, where clients can receive tailored written advice, or directed to self-serve publicly available resources. The hope is that start-ups using these services will subsequently thrive to such an extent that they will benefit from regular legal support.

By understanding the various levels of support entrepreneurs expect on their journey from start-up to scale-up, students will be better placed to spot new opportunities to serve their future clients. We must teach students the importance of recognising these new opportunities and having the conviction to act upon them: to disrupt the

¹⁵ What do Clients Want from their Lawyers? 2013 J. Disp. Resol. 143 (2013).

legal market for the purposes of delivering better client care, and to be entrepreneurial in the way they approach their professional responsibilities.

4.2 Student Employability

Keeping abreast of what recruiters are looking for from graduates is an essential part of enhancing student employability. By doing so, we can ensure that the skills we teach our students are relevant to the legal market and students are set up to succeed in it. The “entrepreneurial instinct” is something that legal recruiters are increasingly looking for from candidates.¹⁶

In the 2020-21 academic year, 40% of students participating in qLegal on an extra-curricular basis wanted to practise law in the UK following graduation. Traditionally, graduates wanting to practise law in England needed to complete a legal practice course exam, followed by a two-year training contract (work placement) within a law firm.¹⁷ The limited number of training contracts available mean that securing one is an extremely competitive process, with as few as 2% of applicants being successful.¹⁸

¹⁶ <<https://targetjobs.co.uk/careers-advice/law/what-skills-do-law-firms-look-when-recruiting-graduates-trainee-solicitor-jobs>>.

¹⁷ For foreign students without a qualifying law degree, the GDL or QLTS will need to be taken first.

¹⁸ The 82 firms listed in Chambers Student Guide’s 2020 edition, received a total of more than 70,000 applications for 1,357 training contracts. See How competitive is the law? Chambers: Students, available at <<https://www.chambersstudent.co.uk/where-to-start/commercial-awareness-info/our-newsletter/how-competitive-is-the-law>>.

In September 2021, the Solicitors Regulation Authority of England and Wales introduced an alternative route to qualify as a solicitor: the Solicitors Qualifying Examination (“SQE”). This allows law graduates to complete two exams testing legal knowledge and skills, in addition to two years’ qualifying work experience (“QWE”). The aim of the SQE was to “open up new and diverse routes to qualification” while providing “assurance that all aspiring solicitors meet consistent, high standards.”¹⁹ Subject to meeting certain criteria, the client-facing work students undertake within a clinical setting can count towards their QWE for the purposes of SQE.²⁰ This new regime blurs the traditional boundaries of the academic, vocational and practical stages of the qualification process for solicitors.

The competitive, evolving legal market can be difficult for graduates to navigate and especially for international students, who may be used to an entirely different qualification process in their home country. A large part of qLegal’s student body comprises international students. They have a year, while studying for their LLM, to familiarise themselves with the London legal market, and what recruiters will be

¹⁹ Green light for new solicitor exam, Solicitors Regulation Authority, 28 October 2020: <<https://www.sra.org.uk/sra/news/press/2020-press-release-archive/sqe-approved-lsb/>>. The cost of the SQE1 exam is £1,622 and SQE2 exam is £2,493. Whereas, the cost of the LPC at BPP is upwards of £13,038. See <<https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/solicitors-qualifying-examination-sqe/requirements-and-cost>> and <<https://www.bpp.com/courses/law/postgraduate/lpc-legal-practice-course>>.

²⁰ QWE must involve providing legal services to real life clients: simulated legal services do not count. See Qualifying work experience for candidates, Solicitors Regulation Authority, 5 April 2022: <<https://www.sra.org.uk/become-solicitor/sqe/qualifying-work-experience-candidates/>>.

looking for in successful candidates, as well as the time offered by the post-study work visa.

When they join qLegal, many students have an outdated view of what it takes to succeed as a lawyer, adopting the traditional view that they should be specialists in a single area and possess deep technical legal knowledge. However, “modern day legal professionals need to learn, practice and embed different skillsets so they can partner with their clients and help them solve [their] problems”²¹: they need to be ‘O-shaped’²²

O-shaped lawyers are encouraged to be openminded, optimistic, opportunistic, original and take ownership of their work. There is much overlap between these characteristics and possessing an entrepreneurial mindset. A vital part of our role when preparing students for future practice, is encouraging students to recognise the importance of developing these soft skills and to shift their perception of what it takes to succeed as a lawyer.

²¹ <<https://www.oshapedlawyer.com/>>.

²² The “O Shaped Lawyer” programme is a “cross-industry movement whose aim is to drive positive change” and encourage “a fundamental re-think on the delivery of legal training and development for future lawyers and those already within the profession”. See The O Shaped Lawyer: Putting people at the heart of Legal Services, The O Shaped Lawyer, 2020, available at: <<https://www.briefing.co.uk/wp-content/uploads/2020/11/Briefing-5P-Clara-Garfield-updated-slides.pdf>> and Transforming the Training & Development of Lawyers, O Shaped Lawyer, Aspirant, February 2020, page 2 available at: <<https://static1.squarespace.com/static/5e73266f0be3ab3148757f25/t/5e736114824c026bd67da1e1/1584619820423/O+Shaped+Lawyer+-+In-House+Report+%28February+2020%29.pdf>>.

We are not alone in thinking that creating an entrepreneurial mindset is a critical employability skill:

- “Today’s law students do not just want to represent entrepreneurs. They need to be entrepreneurs, regardless of whether they pursue solo, small firm, Big Law, or other legal services careers.”²³
- “The law students who are best able to capitalize on our fast-moving economy are those who have intellectual curiosity, embrace technology, think broadly about ethics, stakeholders and the rule of law.”²⁴

Teaching students to understand and embrace the opportunities generated by legal technologies is another important part of preparing our students for an entrepreneurial mindset. As well as qLegal using technologies to deliver its advice services, such as the Clio online case management system,²⁵ CCLS also offers an LLM module in Legal Tech, which has proved hugely popular.²⁶ Tech-enabled lawyers are not simply lawyers who can use technology, they also need to be agile, collaborative, innovative, resilient and possess a growth mindset, i.e. they need to possess an

²³ Dangel S. and Madison M., *Innovators Esq.: Training the Next Generation of Lawyer Social Entrepreneurs*, Dangel S. and Madison M. 83 UMKC L. Rev. 967 at 971-72 (2015).

²⁴ Professor Erika Buell, Director of the Law and Entrepreneurship Program at Duke Law, in *Why Every LL.M. Student Needs Entrepreneurial Thinking*, LLM Guide, Masters of Laws Programs Worldwide, at: <<https://llm-guide.com/articles/why-every-llm-student-needs-entrepreneurial-thinking>>.

²⁵ Clio is a cloud-based case management system that is available free of charge to university law clinics. See <www.clio.com>.

²⁶ <<https://www.qmul.ac.uk/law/postgraduate/courses/llm/modules/llm/items/solm273-legal-tech-c21.html>>.

entrepreneurial mindset.²⁷ Students who understand (and can demonstrate) that thinking like an entrepreneur is at the heart of being O-shaped and tech-enabled lawyers will be well placed to deliver client-centred lawyering, making them attractive candidates to legal recruiters.

4.3 Changes in the Legal Services Market

Just as there are now alternative routes to qualifying as a lawyer in England and Wales, there are also multiple different types of career opportunities available within the legal profession. While traditionally, lawyers either worked in private practice, or in-house, the spectrum of legal roles available is increasingly diverse, as a result of the changing legal landscape in response to client demands.

Law is a business, like any other commercial enterprise. It is subject to the pressures placed on it by demanding clients and must constantly innovate to remain competitive and, ultimately, survive. Law firms have recognised that clients are looking for cost-effective legal solutions and are willing to perform an element of self-service to achieve a corresponding cost reduction.

To deliver this hybrid service that clients expect, law firms need to better align their resources with the peaks and troughs of the workload: scaling up or down when

²⁷ The Tech-Enabled Lawyer: the evolution of the legal function, LexisNexis, 2021, page 14, available at: <<https://www.lexisnexis.co.uk/research-and-reports/in-house/the-tech-enabled-lawyer.html>>.

required and ensuring the costs ultimately borne by the client are proportionate.²⁸

They can achieve this, for example, by:

- Leveraging legal technology, such as electronic disclosure systems, automated document review processes and client portals offering real-time project management and costs updates.
- Using flexible (or project-based) lawyers “to tap into new markets and deliver bespoke services by matching required specialist expertise with lawyers outside the firm.”²⁹
- Building multi-disciplinary legal teams that have a mix of specialist, operational and technical expertise to improve their overall effectiveness.³⁰ Law firms and in-house teams consider legal project managers “crucial if lawyers are to add value by controlling budgets...and manage time.”³¹ Further, Gartner predicts that 33% of legal departments will have a dedicated legal technology expert in-use by 2023.³²
- Adopting alternative business models. 10% of UK law firms now operate under an “alternative business structure (“ABS”) licence”, where the law firm is owned

²⁸ <<https://www.lexisnexis.co.uk/blog/future-of-law/how-has-the-rise-of-flexible-lawyers-benefitted-pinsent-masons-llp>>.

²⁹ <<https://www.lexisnexis.co.uk/blog/future-of-law/how-has-the-rise-of-flexible-lawyers-benefitted-pinsent-masons-llp>>.

³⁰ The Tech-Enabled Lawyer: the evolution of the legal function, LexisNexis, 2021, page 2, available at: <<https://www.lexisnexis.co.uk/research-and-reports/in-house/the-tech-enabled-lawyer.html>>.

³¹ <<https://www.brownejacobson.com/about-us/news-and-media/published-articles/2022/08/role-of-legal-project-management-in-public-sector-projects>>.

³² The Tech-Enabled Lawyer: the evolution of the legal function, LexisNexis, 2021, page 11, available at: <https://www.lexisnexis.co.uk/research-and-reports/in-house/the-tech-enabled-lawyer.html>

and/or managed by non-lawyers. There are a “broad range of ABSs now operating in England and Wales. These include listed companies (for example Gateley, DWF) ... online platforms (Legal Zoom) ... alternative providers (Farewill) ... and multidisciplinary practices mixing law and other professions.”³³

Against this backdrop, where law firms must innovate or risk being left behind, agile lawyers with the ability to think creatively and be opportunistic are in demand.

“The growing influence of disruptive technology and the emergence of customer-centric law companies suggests that the next generation of lawyers will be entering a profession that looks very different to the current one.”³⁴ As clinicians training the next generation, we must teach students the importance of possessing an entrepreneurial mindset, and being agile, creative thinkers, who take advantage of opportunities presented to them. Possessing these skills, graduates will be well placed to thrive in the modern legal profession.

³³ “Alternative business structures (ABS) were introduced as part of the Legal Services Act 2007 reforms aimed at creating a liberalised legal market while still protecting customers of legal services”. There are a “broad range of ABSs now operating in England and Wales. These include listed companies (for example Gateley, DWF)...online platforms (Legal Zoom)...alternative providers (Farewill)...and multidisciplinary practices mixing law and other professions”.

<<https://www.lawgazette.co.uk/features/flexing-the-abs/5112032.article>>.

³⁴ Transforming the Training & Development of Lawyers, O Shaped Lawyer, Aspirant, February 2020, page 3 available at:

<<https://static1.squarespace.com/static/5e73266f0be3ab3148757f25/t/5e736114824c026bd67da1e1/1584619820423/O+Shaped+Lawyer+-+In-House+Report+%28February+2020%29.pdf>>.

However, we recognise that not all qLegal students want, or indeed will, go on to be lawyers after they graduate. Some may go on to be entrepreneurs, or even Legal Tech entrepreneurs themselves: using their understanding of the law to create legal products that help entrepreneurs. Indeed, two students who participated in qLegal's first Legal Design project were so inspired by their qLegal experience, that they went on to establish Legal Design consultancies in their home countries.

5. How does qLegal Teach Law Students to Think like Entrepreneurs?

As mentioned earlier, scholars have identified seven attributes of entrepreneurial thinking:

(1) problem solving, (2) tolerance for ambiguity, (3) failing forward (or the ability to learn from failure), (4) empathy, (5) creativity with limited resources, (6) responding to critical feedback, and (7) teamwork approach.³⁵

How do we give our postgraduate law students the opportunity to learn these competencies? Teaching students the attributes of problem solving, empathy for clients, responding to critical feedback and engaging in a teamwork approach lies at the heart of all clinical legal education offerings. qLegal stresses the importance of each of these four skills in our up-front training, where we engage in problem-

³⁵ Entrepreneurial thinking: A signature pedagogy for an uncertain 21st century, Peschl, H., Deng, C., and Larson, N., International Journal of Management Education, 2020 100427, at: <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7539060/>>.

solving exercises and role play client-centred lawyering, active listening, commercial awareness, having a growth mindset and working well as a team.

Students across our four programmes also practise and develop each of these four skills in their client work and reflect on the challenges related to these skills in case rounds. We emphasise that our advice letters, public legal education resources, externship research and innovation projects work product must be written directly to the client, must focus on the issues and business needs named by the client and must include practical details and links that will most help the client. We will not spend additional time here describing the ways that we teach our students problem solving, empathy, responding to critical feedback and engaging in teamwork as we do not think our teaching in these areas is unique.

Perhaps the more interesting challenge and the question that we will focus on below is how can we design our programmes to help our students develop the remaining, three teachable attributes of an entrepreneurial mindset: tolerance for ambiguity, failing forward and creativity with limited resources? We start by describing the ways we are developing these three skills at present and then shift to a discussion of the obstacles we face and our ideas for how to overcome these obstacles.

5.1 Teaching Students to Tolerate Ambiguity

Few of us lawyers enjoy uncertainty and ambiguity. That is not why we went to law school. And yet an ability to navigate uncertainty and ambiguity are traits that clients and employers look for and are also attributes that will serve our graduates well as they navigate our constantly changing world.³⁶ How do we create situations for our students that are uncertain and ambiguous? How do we let them practise and develop a tolerance for ambiguity?

Perhaps one of the best ways to teach students about the entrepreneurial mindset and specifically the ability to handle uncertainty and ambiguity is to place them into regular, meaningful contact with entrepreneurs. qLegal does this through our externship programme which places students into start-ups one day a week for six months. The externship programme staff at qLegal have regular check-ins with both externship hosts and externs, facilitate fortnightly reflections for extern students and provide extern students with additional business and legal skills training based on common questions that arise within the start-ups. But students are primarily left to themselves to navigate the requests made of them by their start-up host. Students can feel the fast-paced, exhilarating and sometimes even chaotic nature of trying to get a new venture off the ground with limited support. This experience is likely a

³⁶ The law training report: what skills do firms expect new entrants to possess in the post SQE era? BPP University Law Schools (2018) at page 17 (firms want to know 'how new entrants cope emotionally with pressure, the fast pace of legal work, or unexpected or difficult situations in the workplace', and 'how quickly they adapt to different supervisors or cope with unexpected changes to instructions').

world away from the students' structured legal studies and past legal work experience and arguably the closest we at qLegal get to putting our students in situations where they must develop a tolerance for ambiguity.

Here is a reflection from one of our recent externship programme students: "I have learned that, instead of being ashamed about something that I don't know and feel that I am not capable enough, I can shift my energy to learn and understand it. I have also overcome my deep fear of public speaking that I have had since I was a kid, which is something that will be very useful for me in the future." Anissa Bianca Latu, 2022 Externship programme student.

Another example comes from the interactive elements of our public legal education workshops. Commercially aware, client-centred lawyering means recognising that the audience for the workshop has a lot to contribute and arrives with relevant, prior knowledge and perhaps even knowledge that we as lawyers do not have. Rather than preparing a lengthy set of slides for a one-way lecture on corporate structures, students need to get comfortable with open engagement with the audience, hearing what the audience already knows about the topic and learning where the audience's remaining questions and confusion lie. This shift from teacher-student to co-participants and co-learners is most likely new for students, especially for postgraduate law students who have spent many years being passive learners in

lectures. It also might be uncomfortable because of the uncertainty and lack of control that it introduces.

Our public legal education students dive into researching new areas of law, but they find it hard to let go of the lecturer role. Moving them from lecturer to facilitator, listener and discussant is not easy. Perhaps the most important way to teach this competency is to remind students how they themselves enjoy learning about the law. Do they prefer sitting in a classroom and taking notes, or do they prefer participating in qLegal? If the latter, why is that? If it is because they are actively engaged in their own learning, then they need to realise that the same is true of their workshop audiences. Once we do get our students to let go of all the control and open the workshop up to discussion with the audience, students can practise handling and tolerating uncertainty.

5.2 Teaching Students to Fail Forward

The ability to fail forward, also referred to as resilience, is a skill that law firms have noted is lacking in junior lawyers.³⁷ Students who can evidence experience developing a growth mindset and learning from failure will be attractive to

³⁷ The law training report: what skills do firms expect new entrants to possess in the post SQE era? BPP University Law Schools (2018) at page 17 (firms want to know about applicants, 'how good they are at receiving, or giving, constructive criticism', and 'how quickly they adapt to different supervisors or cope with unexpected changes to instructions'.)

employers and will have an easier time navigating today's difficult, competitive legal jobs market.

We spend considerable time in our initial training discussing the importance of having a growth mindset, learning from mistakes and being resilient. We train our students on receiving and giving constructive feedback and engaging in honest self-reflection. We have a pre-recorded video entitled "Nobody Gives You Stars" and a written "Student Journey Guide" that emphasise the need to keep track of your own successes and skills development, to market yourself as you navigate your career and to be an entrepreneur when it comes to finding jobs, succeeding at jobs, branding yourself and designing a rewarding career. We conduct weekly and fortnightly case rounds within each programme where students are asked to share what is going well and what is not going well. We stress that case rounds are a safe space within which to discuss failure and struggles with others. We also require students to attend and give feedback at each other's workshop dress rehearsals.

While we discuss and name the skill of failing forward and ask students to share their experiences with us in case rounds, dress rehearsal and reflection sessions, it is hard in a live client clinic to give students practical experience with failing because of our ethical and moral obligations to our clients and our other stakeholders, including our practising UK solicitor partners. That said, students may feel that they have failed if their first draft receives lots of feedback, their workshop audience is non-responsive

or asks questions the students can't answer, their innovation projects client doesn't like their prototype or their externship host doesn't take up their research ideas or doesn't like a first draft they have prepared.

In situations where students feel they have failed, it is important to give them an opportunity to discuss how they feel and encourage them to learn from those feelings and from the experience. Part of that discussion must be a reminder of the importance of developing a thick skin and valuing constructive feedback and the opportunity to fail forward. Take for example the externship student whose host provides lots of direct, specific, at times harsh feedback on a draft NDA. The student who can lean into and through this feedback will not only grow as a lawyer and professional but will also have specific evidence of failing forward to share with recruiters when asked for instances of resilience.

Another way to help our students to fail forward is to discuss what success looks like with our client work. Is success delivering a "perfect" legal advice letter, public legal education workshop, innovation projects deliverable or externship host presentation? Or is success getting your audience to engage with what you are saying, to start connecting dots and to realise that they may need to engage the services of a lawyer to help them with some parts of their business? Broadening our shared definition of success may help move our high-achieving students away from the elusive search for

“perfect” and thereby open them up to taking risks, including the risk of failing forward.

5.3 Teaching Students to Practise Creativity with Limited Resources

Here again, it is our externship programme that offers students the chance to practise creativity with limited resources. The start-up hosts are short on all kinds of resources and certainly short on legal resources. They don't have inside counsel or counsel at an outside law firm to whom they can turn with their legal questions. They often turn to our qLegal externs, even though we make clear at the start that the students are not yet UK lawyers and are not allowed to give legal advice. But the qLegal students can and do help spot legal issues, brainstorm legal solutions, conduct legal research, review documents and even do some initial drafting, all while making clear that proper legal advice from a practising UK solicitor is advised.

The other programme that offers students the opportunity to practise creativity with limited resources is our innovation projects programme. Students get trained in and serve their clients using Design Thinking methodology, which involves empathising with the client, defining the problem, ideating, coming up with a prototype and testing the prototype with the client. Now in its third year, the programme sees teams of students use Design Thinking to produce innovative solutions to meet a client's brief. The client may itself be a start-up; or its own clients, or 'end-users' in Design Thinking terms, may be entrepreneurs. Either way, students are given tools to

help them empathise with the entrepreneurs, so the students understand pain points and motivations.

Projects have included the design of a child-friendly privacy notice for a social enterprise; exploring a user-friendly way for creative entrepreneurs to engage with the law; and improving a platform that links start-ups with legal advisers. Students on this programme now work in interdisciplinary teams to better reflect life outside law school. The process of Design Thinking requires practitioners to spend time and resources going deep with a project to fully understand the problem that the client faces, before tackling the solutions. As a result, the students are left with limited time to craft a solution, especially given the time constraints of the academic schedule.

6. Challenges in Teaching Students to Develop an Entrepreneurial Mindset

6.1 We Think like Lawyers

Arguably the biggest challenge is that those of us trained and practised in law think first and foremost like lawyers! As mentioned above, we want our work product to be excellent, for ourselves, our clients and our various stakeholders. We spend considerable time designing our programmes so that our students are set up for success. We pre-screen clients, prepare briefs, provide templates and deliver practical training. We, and our partner law firms, provide lots of detailed feedback, with an eye to making the content more accurate and the communication style more user-friendly and consistent.

Are we being too prescriptive? It may be better to let the students interview the clients and workshop hosts without an initial case summary or brief and determine from the interview both what the challenge is and how to best support the client. Are we wrong to provide template letters and template scripts? We emphasise the importance of being commercially aware, practical and client-centred, so we could let the students decide for themselves what that looks like. Would introducing such uncertainty, inconsistency and ambiguity harm the relationship between qLegal and its law firm partners? Embracing a creative work product from students, rather than the more traditional and familiar legal advice letter, may better reflect the needs of entrepreneurial clients, which arguably benefits all stakeholders.

6.1.1 What are we doing to overcome this obstacle?

Fortunately, we believe that an entrepreneurial mindset can be taught and learned, but we must start by admitting where we are ourselves as programme designers and educators. From there, we can intentionally develop ourselves and our offering.

The qLegal staff meets daily to share what we are working on in our respective programmes including the challenges we are each facing. Two of our recurring questions as a staff are: “are we being innovative enough with our services?” and “how can we teach our students to think less like lawyers?” To answer these questions, we conduct market research to learn what other people are providing in

terms of legal services, follow newsletters and blogs put out by incubators that support start-ups, attend and speak at relevant events including London Tech Week, clinical legal education conferences, and the Legal Geek Conference and write papers like this one.

It might be helpful to share our internal qLegal strategy and processes with our students to demonstrate how qLegal as an innovative legal services provider seeks regular feedback from our stakeholders, alters its programmes accordingly and tries to stay current and nimble.

In our public legal education programme, we will try being more hands-off with some of the work done by our students, asking them to identify the unmet legal needs of start-ups and entrepreneurs themselves and design resources to help meet those needs. The only guidance will be a requirement that every student participate, that the work be done in teams of at least two students, that the areas of law be restricted to the areas of commercial law that we are insured to cover (corporate, commercial, data protection, employment and IP) and that the work be finished by the end of classes, prior to exams. Given that our public legal education student cohort includes at least two students who are themselves entrepreneurs and one very talented graphic artist, maybe we will be surprised by what the students produce when we give them the freedom to take control.

It is important to note that two of our staff are entrepreneurs. Clemence Tanzi, who leads on our externship programme, graduated from CCLS and then joined qLegal as a staff member back when it was truly a start-up. Clemence also has her own coaching business which she runs in addition to her position with qLegal. One of the authors, Emily, who leads on our legal advice clinic programme, was a solicitor in private practice for ten years before leaving to start her own business.

6.2 Reconciling Teaching Substantive Law Versus Entrepreneurial Thinking

One of the initial reasons for setting up clinical legal education and one of its key selling points is that it gives students the chance to reinforce their legal knowledge. Writing a practical, commercially aware advice letter for a start-up is an excellent way to test whether you really understand IP law or corporate law. Similarly, standing in front of an audience for an hour and a half speaking with them about IP law or data privacy and how it applies to their start-ups, or sixth-form college class assignment, is a great way to see whether you really understand these areas of law yourself.

We don't want to take away this important part of how students benefit from clinical legal education. Instead, we want to teach our students to think like a lawyer *and* to think like an entrepreneur. After all, both qualities are sought by clients and by the legal marketplace. But fitting in time for both competencies is easier said than done, and the goal of teaching law students to think like a lawyer can come into direct conflict with the goal of teaching law students to think like entrepreneurs.

For example, while we want students to get comfortable with failing forward in order to think more like an entrepreneur, we do not want to withhold our feedback and support for their letter or their workshop, and we have a professional and ethical obligation to our clients and our other stakeholders (including workshop hosts and law firms) to produce high quality work. How do we stop ourselves from teaching and explaining and aiming for “perfection”, in order to let a student learn by failing? And is it ethical for a law clinic to allow mistakes to go forward in a legal advice letter or a legal education workshop?

6.2.1 What are we doing to overcome this obstacle?

One way that we can and do allow our public legal education students to “fail forward” is the interactive, question and answer part of their workshops, during which the audience is likely to ask questions that stump our students. We train our students to prepare for these questions and to get comfortable with saying “That’s a great question. I don’t know the answer to that question. I would be happy to do some additional research and add some more information to the slides before I share them with you.” Or “That’s a great question. I suggest you apply for qLegal’s legal advice clinic.” We also spend time in dress rehearsal mooted potential questions. However, no matter how much we prepare, the audience in the actual workshop, whether sixth form college students or start-ups, almost always asks questions that make the students realise that they don’t yet fully understand every aspect of the

legal material they are teaching. We deliberately design our workshops so that the law students manage the presentation and question and answer session by themselves, with qLegal staff in the background only and the supervising UK solicitors not in attendance. Students faced with questions they cannot answer and in possession of growth mindsets leave the workshop determined to learn the subject matter better next time and learn from their mistakes.

6.3 Meetings with Entrepreneurial Clients

One of the authors, Eliza, looks back on her 15 years of clinical teaching and reflects that the client work that most developed her own entrepreneurial mindset, and that of her students, involved substantial face-to-face contact with clients with different lived experiences, in unfamiliar settings, where it became clear that the client had a much larger appetite for risk than the legal team.

For example, meeting a small business owner client in his place of business (a small trailer located in a parking lot in an industrial part of town) to advise him on employment law and hearing through his questions that he was not interested in bringing on new staff as employees (versus contractors) as that involved too many taxes and too much paperwork. It became clear that our next counselling session needed to cover the risks were our client to proceed in hiring his staff as contractors, specifically the risk of being audited and the associated fines. Settings like that one

provided an excellent opportunity to develop a tolerance for ambiguity, learn to fail forward and practise creativity with limited resources.

However, entrepreneurs are busy people, often juggling day jobs while they start their business or simply busy running a start-up with many unknowns. How do we design our programmes so that those same individuals spend more face-to-face time with our students? It's not easy. For example, one of our public legal education projects this semester is to design corporate law and IP law legal education videos for a London charity that supports small business owners. While it is helpful to meet with and hear from the head of the charity and staff members, it would be hugely valuable for the law students to take the brief directly from small business owners and receive feedback from small business owners prior to final production. Similarly, our workshop hosts (staff of incubators, university professors and sixth-form college teachers) meet with qLegal staff and with qLegal students explaining their expectations for the workshops and providing feedback after the workshop is delivered. But it would be even better if we could take the initial brief from the actual audience members and get feedback directly from our audience.

Arguably the best way to develop excellent public legal education resources and simultaneously to teach students to have an entrepreneurial mindset is to engage in Design Thinking with our public legal education audiences, as we do with our

innovation projects clients. But this model would require a much larger time commitment from our audiences than we currently demand.

6.3.1 What are we doing to overcome this obstacle?

Perhaps we simply need to demand more contact time with our clients in exchange for our excellent, free services. In the US, the live client clinic model is quite different from the UK: the commercial law clinics typically represent start-ups and entrepreneurs and work with them for an extended period (a full semester or even multiple semesters) to set up their corporate structures, register their IP, prepare their policies and commercial contracts, etc. Students in those clinics get to meet with and counsel their clients in person multiple times over the course of the semester and get a sense for what does and doesn't work with their clients in terms of communication and counselling styles, including the challenge of turning around legal advice for fast-moving clients. Entrepreneurs in the US are equally busy to entrepreneurs in the UK. The solution for many clinics in the US is to make it clear in the engagement letter that clients are required to meet with the clinic multiple times and must stay in frequent, timely contact with the clinic.

7. Conclusion

Teaching law students to have an entrepreneurial mindset, as well as general commercial awareness, is a worthwhile goal for all the reasons discussed above: it improves the work product delivered to entrepreneur clients, it gives students

valuable skills for the workplace making them more employable and it teaches students how to navigate the changing legal services marketplace.

In many ways, teaching students to have an entrepreneurial mindset is a natural fit with commercial law clinics where our clients are themselves start-ups and entrepreneurs and can model their mindsets for us. Our interactions with our clients teach us that they are comfortable with ambiguity and risk, that they are not afraid to fail forward and that they are creative with limited resources. However, at the same time, the do-it-themselves, busy, action-oriented nature of entrepreneurs might make them less available than other clients to meet with us and our students and, ironically, might make us more inclined to think like lawyers to counterbalance their impulsive, risk-comfortable behaviours. Thinking through the obstacles and opportunities for teaching the entrepreneurial mindset in commercial law clinics is a worthwhile exercise to improve the opportunities we provide our students.