

## **CLIENT NEWSLETTERS WITHIN CLINICAL LEGAL EDUCATION AND THEIR VALUE TO THE STUDENT PARTICIPANTS**

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### **Abstract**

*The employment law client newsletter project (the Project) runs during each academic year within the Student Law Office (SLO) at Northumbria University. Under the supervision of their clinical supervisor the students research and design a newsletter for distribution to HR professionals employed by an external organisation. The students participate in the Project alongside their live client work. The aim of the Project is to enrich the students' clinical experience and develop their skills whilst at the same time update and educate the client recipient. Through a pilot study the value of participating in the Project is explored. The findings of the study suggest that the students develop their professional skills from a different perspective, increase their employment law knowledge, gain the commercial awareness of the importance of a well drafted newsletter in practice, and really value the experience.*

**Key Words:** Client Newsletter, Employment Law Updates, Clinical Legal Education, Legal Education

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## ***Introduction***

Client newsletters are often used by law firms to attract clients and retain existing ones by going that extra mile and show that they provide that added value service.<sup>2</sup> Recently, an employment law client newsletter project (the Project) has been introduced into the employment law clinic within the well-established Student Law Office (SLO) at Northumbria University. The SLO provides full representation assistance to members of the public, giving students the ideal opportunity to develop their professional skills and preparedness for practice.<sup>3</sup> The Project was introduced with the dual aim of enriching a law student's educational experience whilst simultaneously updating and educating the client recipient of the newsletter with topical and up to date areas of employment law. The students, under supervision, conduct the research and write a monthly newsletter for distribution to a third-party client organisation. In doing this, the students are exposed to key changes in employment law and they develop an understanding of how to tailor a newsletter, so it is relevant to the recipient and offers practical guidance on legal compliance.

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<sup>2</sup> Zwicker, M.W. (1987) 'Successful Law Firm Newsletters' *Legal Economics Vol 13* p.56; Pribek, J. (2011) 'The Firm: Law firm newsletters still alive and kicking' accessed at the webpage <http://www.legalnews.com/ingham/908264> (accessed 18th September 2019).

<sup>3</sup> Sylvester, C. Hall, J. and Hall, E. (2014) 'Problem-based learning and clinical legal education: What can clinical educators learn from PBL?' *International Journal of Clinical Legal Education Vol 4*, p.39; Dunn, R. (2017). 'The knowledge, skills and attributes considered necessary to start day one training competently and whether live client clinics develop them' Doctoral thesis, Northumbria University; Cantatore, F. (2018) 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' *International Journal of Clinical Legal Education, Vol 25, No 1*, p.147.

## *Reviewed Article*

A pilot empirical study was undertaken in the academic year (2018-2019) in order to explore the pedagogical value of the Project to the students. Firstly, this article will provide background, including the considerations underpinning the Project and explain how it was introduced as part of a clinical legal education (CLE) module. Secondly, this article will set out the methodology that was adopted to explore the educational value to the students. Thirdly, this article will present findings from the study. Finally, this article will discuss the lessons learnt from the Project.

## ***Background***

### *The Student Law Office*

All students enrolled on the four-year M Law Exempting law degree<sup>4</sup> at Northumbria University undertake a year long assessed clinical module in the SLO. In the SLO they provide free legal advice to members of the public. The SLO has been providing pro-bono legal advice to members of the public for over 20 years and has secured over £1 million in compensation for clients in this time.<sup>5</sup>

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<sup>4</sup> This is a programme which combines the undergraduate law degree with the requirements of the Legal Practice Course or Bar Practitioner Training Course.

<sup>5</sup> Information about the Student Law Office can be accessed at:

<https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/> (accessed 21<sup>st</sup> July 2019).

All work is carried out under the supervision of qualified practitioners and around 200 students work in the clinic each academic year. Students are allocated to a group of around eight, referred to as 'firms'. Students specialise in their supervisor's area of expertise, such as employment law, family law, housing law, welfare benefits and civil litigation. Each year sixteen students undertake clinical work in employment law under the author's supervision, offering a range of advice and assistance to both employers and employees. Typical employment law enquiries include requests for advice concerning the fairness of a dismissal, non-payment of wages, discrimination and drafting contracts of employment. The work ranges from initial advice to full representation at an employment tribunal hearing.

The SLO continually looks for ways in which the students clinical experience can be enhanced. For example, blog articles have been successfully introduced in the SLO<sup>6</sup> and an innovative Policy Clinic has been incorporated.<sup>7</sup> In order to enrich the student's experience within the employment law firms, the Project was introduced in autumn 2017. The Project was incorporated in addition to their live client casework and utilises the SLO procedures and systems, for example the storage facility and electronic networks.

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<sup>6</sup> See Roper, V. (2018) 'Blogs as Teaching Tool and Method of Public Legal Education: A Case Study' *International Journal of Public Legal Education* Vol 2, No1, p. 46.

<sup>7</sup> In the Policy Clinic, the students undertake empirical research under the supervision of their supervisor and for a third-party client with the ultimate aim of contributing to law and policy reform. The Policy Clinic is designed to develop the students' skills in an alternative way, and from a different perspective to that of the live client model.

*Client Newsletters in CLE*

Although there is extensive literature on the educational value of the use of CLE,<sup>8</sup> there is a dearth of literature on the use of client newsletters in CLE. There is some literature, which sets out the educational benefit and marketing advantage of newsletters to law firms and businesses more generally.<sup>9</sup> There are also online examples of law firm newsletters, which are available to the public.<sup>10</sup> As Bitas comments 'legal training must bear a relationship to legal practice....as the contours of the latter change, so, too must the former.'<sup>11</sup> Therefore, if law firms are using newsletters as a means of connecting with their clients and educating the public; then law students are likely to find themselves, one day, contributing to their firm's newsletter. By gaining

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<sup>8</sup> Alexander, J. and Boothby, C. (2019) 'Stakeholder perceptions of clinical legal education within an employability context' *International Journal of Clinical Legal Education* Vol 25, No 3 p. 53; Thanaraj, A. (2016) 'Understanding how a law clinic can contribute towards students' development of professional responsibility' *International Journal of Clinical Legal Education* Vol 23, No 4 p. 89; Hall, J. and Kerrigan, K. (2011) 'Clinic and the Wider Law Curriculum' *International Journal of Clinical Legal Education*, Vol 15, pp.25; Giddings, J. (2008) 'Contemplating the future of Clinical Legal Education' *Griffith Law Review* Vol 17, Issue 1, pp.1; Marson, J. Wilson, A. and Hoorebeek, M.V. (2005) 'The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective' *International Journal of Clinical Legal Education*, Vol 29, No 7, p.29; Grimes, R. (1995) 'Legal Skills and Clinical Legal Education' *Web Journal of Current Legal Issues*, Vol 3.

<sup>9</sup> Zwicker, M.W. (1987) 'Successful Law Firm Newsletters' Volume 13 *Legal Economics*, p.57; Pribek, J (2011) 'The Firm: Law firm newsletters still alive and kicking' accessed at the webpage <http://www.legalnews.com/ingham/908264> (accessed 18th September 2019); Thomas, A. Darroch, J. and Galvin, W. (1999) 'Client Newsletter Use by New Zealand Law Firms' *Journal of Professional Services Marketing* Vol 19, Issue 2, p.51.

<sup>10</sup> See, for example, there are Brexit updates provided by law firm Womble Bond Dickinson accessed at the website <https://www.womblebonddickinson.com/uk/insights/timelines/brexit-countdown> (accessed 24th September 2019). Burges Salmon provide employment law updates for employers, HR professionals and in-house lawyers on their website <https://www.burges-salmon.com/news-and-insight/legal-updates/employment-law-updates/> (accessed 24<sup>th</sup> September 2019).

<sup>11</sup> Bitas, B. (2012) 'Comparative Law and 21st Century Legal Practice – An Evolving Nexus' *The Singapore Academy of Law Journal* Vol 24, p.319, p.331.

### *Reviewed Article*

experience of preparing newsletters for clients in the clinical environment, they are therefore developing legal research and writing skills in this context and are better prepared for similar tasks they may face in practice. They are also being equipped with the commercial awareness of the importance of newsletters. From the author's own experience of legal practice, law firms frequently use client newsletters and client feedback was that they found them helpful in understanding a particular area of law. The client newsletters also kept the law firm in the forefront of their minds should they ever need legal assistance again in the future.

It is acknowledged that not all law students wish to enter legal practice. However, by being involved in the Project it is hoped that the students nevertheless develop the professional skills that they will need for the world of work (teamwork and written communication to name a couple).

### *The Project*

During the first year of the Project, there were 14 participating students and in the second year this number increased to 16. The newsletters are produced by the students for circulation to an HR department of an external organisation. The author approached this external organisation to offer the service of the Project before it began. The author considered that HR advisors were ideal client recipients as their day-to-day role involves understanding and applying employment law in respect of a wide range of key issues such as managing disciplinary action, grievances and employee

health issues. They must keep up to date with the law and ensure that their employer organisation is legally compliant. The author was also conscious that many enquiries into the SLO are from employees, therefore giving the students the experience of doing newsletters from an employer viewpoint would offer them a different client perspective. The newsletters were read by a total of 20 HR and Senior Managers within the external organisation during the 2018/2019 academic year. Given the SLO advises many employees, the author was concerned of the need to identify potential conflicts of interest in producing the newsletters. To alleviate this concern, an email was sent to all SLO supervisors to inform them of the Project and to request that they notify the author to discuss all enquiries against this third-party organisation. This would ensure that any potential conflicts are identified by the SLO team.

The students are the content creators; therefore, they write the newsletters with the intention of them being read by the HR individuals external to the university. The students are divided into small groups of three or four and each group of students produces one newsletter between the months of November to April. Consequently at least four newsletters are produced throughout the academic year. The remaining two newsletters during this time period are created by student volunteers from within the employment law firms. Each student therefore has the opportunity to contribute to at least one newsletter.

In line with the constructivism theory that students learn best when they are given the opportunity to build their knowledge,<sup>12</sup> the students are asked to decide on the topics of each newsletter and to write the newsletter without any significant guidance from their supervisor. Therefore, they act on their own initiative without their supervisor suggesting what topics to cover. The supervisor then approves the draft of the newsletter by ensuring that the legal content is correct and more generally that the written communication is clear and free from spelling and grammatical errors. Before the students begin their newsletter, they are informed (by their supervisor) that they should tailor the content to suit the recipient's needs and to avoid legalese. In order to avoid duplication of content and ensure sufficient variety, each group circulates a list to the other students of what they will cover in their newsletter at the beginning of the month and a final version of the newsletter at the end.

Client newsletters are a flexible tool and can be easily adapted to suit the recipient's requirements. Topics students have chosen to write about include the following: what constitutes a reasonable adjustment for disabled workers,<sup>13</sup> managing long and short-

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<sup>12</sup> Exley, K. and Dennick, R. (2004) *Small Group Teaching: Tutorials, Seminars and Beyond*, London, Routledge, p.5.

<sup>13</sup> The students gave guidance on the duty under the Equality Act 2010 upon employers to make reasonable adjustments for employees who have a disability and factors to consider when assessing if a potential adjustment is reasonable or not.



term sickness absence,<sup>14</sup> legal obligations in respect of breastfeeding mothers<sup>15</sup> and the Government's Good Work Plan.<sup>16</sup> Each newsletter typically covers around four to five updates on different topics. As well as covering legal updates, students also include talks and seminars that are being held at Northumbria University which may be of interest to the recipients. The newsletters summarise legal developments and provide some practical guidance on how to ensure legal compliance. The newsletters also signpost readers to sources of reliable online guidance they can look to for further information.

Being mindful that the newsletters could not (and should not) be a substitute for advice from a qualified legal professional, each newsletter contains a statement confirming that it is intended for general information only and that legal advice must be obtained. The client value in the newsletters lies in providing legal updates, informing recipients on legal responsibilities, and more generally, identifying issues that may need considering further either by way of further research or by obtaining bespoke legal advice.

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<sup>14</sup> The students explained the decision of a recent European case and set out what this decision meant in respect of carrying out risk assessments for breastfeeding workers.

<sup>15</sup> The students summarised the legal position of employees who may be absent or current whereabouts are unknown and gave general guidance on how to deal practically with such a situation.

<sup>16</sup> The students set out the policy and legislative changes from the Government paper published in December 2018, focussing on areas that would most benefit the recipient such as the additional obligations placed upon employers.

At the end of the module, the newsletter forms part of their assessment. In the SLO the students are assessed on a wide range of activities undertaken throughout the year (including written communication, teamwork and personal contribution to the SLO and to their clients). Their practical work is evidenced by a portfolio and accounts for 70% of their overall mark.<sup>17</sup> Their contribution to the newsletter forms part of their portfolio and this mark. The students are also assessed on two reflective<sup>18</sup> essays worth 30% of their overall mark.<sup>19</sup> On introducing the Project, the author hoped that it would also assist in their reflection of the module as they could compare and contrast their different experiences of live client work and employment law newsletters. The usefulness of the Project for assessment may also expand to the students reflecting from their peers' experiences given that they all take turns to produce a newsletter.

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<sup>17</sup> The assessment criteria for the portfolio is divided into 10 descriptors: autonomy and efficiency, knowledge and understanding of the law/legal practice, oral communication skills, written communication skills, research skills, commitment to clients and the Student Law Office, case management and strategising, time and case management, teamwork and contribution to firm meetings and understanding of client care and professional conduct. However, in the current academic year this has changed to 9 descriptors as the students are no longer directly assessed on autonomy and efficiency. Although autonomy and efficiency does permeate throughout the other grade descriptors.

<sup>18</sup> Reflection is a tool that clinicians use to help students learn how to learn from their clinic experience. See Ogilvy, J. P., and Stuckey, R. T. (2007). *Best Practices for Legal Education: A Vision and a Road Map*, Clinical Legal Education Association.

<sup>19</sup> In the current academic year this has changed to a reflective presentation to encourage deeper reflection. See Thomson, C. and Others (2019) 'The hall of mirrors: a teaching team talking about talking about reflection' *The Law Teacher Vol 43 Issue 4*, p.513.

*Considerations underpinning the Project*

The incorporation of the Project was underpinned by the following considerations. Firstly, the author hoped that it would have pedagogic value by developing the students professional skills. The Project could encourage the development of hard skills and soft skills.<sup>20</sup> For example the students work as a team in order to carry out the legal research and analyse and interpret case law and legislation. The students gain the opportunity to enhance their research skills because they are exposed to not just to an area of law from the viewpoint of a single client, but a holistic viewpoint of all recent developments in employment law. They can identify recent developments and practical implications, areas of law that in the day-to-day role of HR may be problematic and more generally, what legal changes are on the horizon. It may also drive their appreciation of the need to keep developing their knowledge of the law in future practice. The interaction between the casework and the Project also improves their general performance in the SLO, as it leads to an increase in their legal knowledge and engages the student in the wider operation of the legal system.<sup>21</sup>

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<sup>20</sup> Soft skills are growing in importance for legal professionals. See Kiser, R. (2017) *Soft skills for the effective lawyer* Cambridge University Press; Future of Law Blog (2015) 'Taking soft skills seriously' accessed at the webpage <https://www.lexisnexis.co.uk/blog/future-of-law/taking-soft-skills-seriously> (accessed 18th September 2019).

<sup>21</sup> Liz Curran has noted the positive results in respect of the interaction between policy clinic and casework and the general student performance, see Curran, L. (2007) 'University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients' experiences' *International Journal of Clinical Legal Education*, Vol 12, pp.107-108.

The skills the LETR (Legal Education and Training Review) sets out in its professional competencies dimension and attribute table,<sup>22</sup> would be developed in the Project. The LETR sets out the importance of commercial awareness.<sup>23</sup> Commercial awareness is described in the LETR as a 'composite concept'<sup>24</sup> and includes an appreciation of marketing and networking within a law firm. Like every other aspect of pro bono work, the newsletter promotes the image of not just the students but also Northumbria University and the legal profession as a whole.<sup>25</sup> By tailoring the newsletter to fit the audience, the students would gain an appreciation of the commercial importance of maintaining a good image that a well drafted newsletter would bring and the role it can play in marketing when entering the world of work.<sup>26</sup> Linked to this, the student's gain the appreciation of what it is really like to be a legal practitioner, as contributing to newsletters may be part of their role in practice.<sup>27</sup> As highlighted, it is the author's own experience as a solicitor that newsletters are often used in legal practice, particularly with a focus on employment law as this area of law constantly changes.

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<sup>22</sup> Webb, J., *et al.*, (2013) 'Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales' *The Legal Education and Training Review (LETR)* (2013), p.140. Available at: <http://letr.org.uk/the-report/index.html> (accessed 21.10.19).

<sup>23</sup> *Ibid*, p.35.

<sup>24</sup> *Ibid*.

<sup>25</sup> Parker, S. (2001) 'Why Lawyers Should Do Pro Bono Work' *Law in Context: A Socio Legal Journal*, Vol 19, p.5.

<sup>26</sup> Pribek, J. (2011) 'The Firm: Law firm newsletters still alive and kicking' *Wisconsin Law Journal Blogs*, accessed at the webpage <http://www.legalnews.com/ingham/908264> (accessed 18th September 2019); Thomas, A. Darroch, J. and Galvin, W. (1999) 'Client Newsletter Use by New Zealand Law Firms' *Journal of Professional Services Marketing*, Vol 19(2), p. 51.

<sup>27</sup> Indeed, this was part of the author's role as solicitor in a local law firm.

Secondly, the author hoped that the newsletter would provide general information to third party recipients on employment law issues. Newsletters can easily be tailored to intended recipients. Therefore, for example, they can be adapted to suit the educational and occupational needs of HR advisors, those in the legal profession and to particular clients including employers or employees.<sup>28</sup> By identifying HR advisors (and their employer organisation) as the target audience, the newsletter could meet their needs and specialised information could be provided which should be of more educational and occupational benefit.

At the end of the Project, all of the recipient feedback has been positive. One recipient commented as follows:

*May I express our appreciation of the very helpful updates provided by your students and yourself in these newsletters. They are always very relevant and apposite in addressing the sorts of employment law issues we often encounter in practice and the level of information provided is at the perfect level for busy practitioners, explaining the case law and providing helpful comment on its practical application. You clearly have a cohort of articulate and astute lawyers to be. I hope also that this is a helpful exercise for your students – it certainly is a valuable service to us.*

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<sup>28</sup> For example the Law Society produces a number of regular newsletters including a monthly update on international legal news and developments and a junior lawyers update see website <https://www.lawsociety.org.uk/news/newsletters/> (accessed 13<sup>th</sup> September 2019).

Another recipient added:

*The newsletter is a most helpful contribution to professionals keeping up to date with latest case law and developments*

The next part of this article will discuss the methodology that was adopted in the research.

### ***Methodology***

One focus group was used to examine the views of students who had participated in the Project. All students (sixteen in total) who were involved in the Project in the academic year 2018-2019 were invited to attend the focus group. Ten students attended the focus group which lasted approximately one hour. The focus group was recorded and subsequently transcribed. A topic guide, prepared by the author, was used by an independent moderator in the focus group. The aim of this topic guide was to give the focus group some structure to explore the key research area of skill development to facilitate discussion.<sup>29</sup> However, the moderator could ask questions beyond this list of questions.

The author was cognisant of her status as a clinical supervisor using students as participants and that they may feel obliged to take part in the focus group. To

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<sup>29</sup> The topic guide had a general question asking the students about how they felt about their experience of doing the newsletters and their skill development.

eliminate this risk, the students were asked by the moderator to sign an informed consent form at the beginning of the focus group, which assured anonymity and confidentiality.<sup>30</sup> The consent form reminded them that their participation was voluntary and they could withdraw at any time. The students were also asked to read an information document before they agreed to participate. In this document, the purpose of the focus group was explained, and the author made clear that their participation would not affect any aspect of their programme of study and was in no way linked to their grade within the SLO. The document also explained that the focus group would be independently moderated so that there was no tutor influence and the author would not know who had taken part in the study. The moderator running the focus group was active in ensuring that all participants voiced their comments. The participants each gave permission for the focus group to be recorded. The transcript was transcribed by an independent third-party organisation and reviewed by the moderator to ensure that the participants' names were not mentioned before being received by the author. The tape recording (and consent forms) were securely retained by the moderator.

Once the transcript was received by the author, the data was then analysed. Thematic analysis was adopted for the data analysis. This has been described as '*an independent*

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<sup>30</sup> They were assured therefore that their supervisor would not know who had participated in this study and no names would be mentioned in the focus group transcription.

*qualitative descriptive approach*<sup>31</sup> which 'is a method for identifying, analysing and reporting patterns (themes) with data.'<sup>32</sup> It was considered the results of the thematic analysis would be important in revealing key aspects arising from the qualitative data concerning the pedagogical benefits to the students.

It is acknowledged that this is a small-scale study; however, the data does provide an insight into the students' views and the educational value of client newsletters to the participants in an established legal clinic. A larger, longitudinal qualitative and quantitative study is needed to provide an insight into the Project over a number of years from both a student and recipient perspective. To obtain data concerning the educational and occupational value to the recipients an online questionnaire will be used.<sup>33</sup> Online questionnaires are regarded as an appropriate method to test people's attitudes, views and opinions in relation to a particular topic.<sup>34</sup> The benefit of using an online questionnaire is that it will be quick and relatively simple to design.<sup>35</sup> However,

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<sup>31</sup> Vaismoradi, M. Turunen, H. and Bondas, T. (2013) 'Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study' *Nursing and Health Sciences Vol 15, Issue 3*, pp.398-400.

<sup>32</sup> Braun, V. and Clarke, V. (2006) 'Using thematic analysis in psychology' *Qualitative Research in Psychology*, Vol 3, p.77 accessed at the website [http://eprints.uwe.ac.uk/11735/2/thematic\\_analysis\\_revised...](http://eprints.uwe.ac.uk/11735/2/thematic_analysis_revised...) (accessed 15th December 2015).

<sup>33</sup> The questionnaire will be free to design although a subscription is paid to Bristol Online's services by Northumbria University. Bristol Online also assists with the data analysis as it can report responses to statistical software packages such as SAS and SPSS. The questionnaire will be sent to the entire research population and therefore the data has the potential to be representative of the project recipients.

<sup>34</sup> McConville, M. and Chui, W. (2007) *Research Methods for Law*, Edinburgh University Press.

<sup>35</sup> Wright, K.B. (2005) 'Researching Internet – Based Populations: Advantages and Disadvantages of Online Survey Research, Online Questionnaire Authoring Software Packages and Web Survey Services'



there are drawbacks of using this method. Notably, a low response rate and a lack of detail regarding why a respondent has a particular view are risks associated with this method.<sup>36</sup>

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

### ***Results and Discussion***

The thematic analysis of the focus group data resulted in the following themes:

- Skill development
- Increase in knowledge of employment law and legal practice
- Comparison with live client work
- Impact of the Project
- Satisfaction

#### *Skill development*

The development of legal skills was a key theme that emerged from the study. Whilst the students develop an array of skills in their live client work (for example research,

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*Journal of Computer Mediated Communication*, Vol 10, Issue 3 accessed at the website <https://doi.org/10.1111/j.1083-6101.2005.tb00259.x> (accessed 19th September 2019).

<sup>36</sup> Denscombe, M. (2011) *The Good Research Guide for Small Scale Social Research Projects*: 4th edition, Open University Press.

oral, written and time management),<sup>37</sup> the students felt that the Project allowed them to develop their skillset from a different perspective and with a different purpose. The different perspective being the viewpoint of the employer, in light of the fact that the participants in the study often had employee clients in the live client clinic. The different purpose being to update the recipients on topical employment law issues that may be relevant to them and giving practical guidance on legal compliance, as opposed to applying the law to the facts of a client's case. One student commented:

*I think it's good as well because you're doing it for HR people.... you're considering the practical implications of it, rather than just writing up the legal side of it because you've got to consider how it would affect them. So, I think it does expand your knowledge a lot more that way as well.*

The students acknowledged that they had developed both hard and soft skills throughout the Project (including teamwork, research, written communication, confidence, time management and autonomy). The students felt that their research skills improved, as they had to focus on areas of employment law of relevance to the particular recipient and in doing so they were required to consider a wide variety of sources, not just legal databases. One student highlighted:

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<sup>37</sup> Grimes, R. (1995) 'Legal Skills and Clinical Legal Education' *Web Journal of Current Legal Issues* Vol. 3; Hall, J. and Kerrigan, K. (2011) 'Clinic and the Wider Law Curriculum' *International Journal of Clinical Legal Education*, Vol.15.

*It gets you to look at other sources as well, it is not just cases and legislation, you go on government reports, and I think that helps look at how it has actually been put into practice.*

The students relished the opportunity to do research for themselves, finding the topics without prompts by their supervisor and choosing what they wished to focus on. The students discussed how the Project enabled them to be more independent, by coming up with ideas on what to include in the newsletter and making the decision as to what is most appropriate for the recipient. This was, for some, not something they had been able to demonstrate in their live client file work as the urgent timescales that come with employment law prevented them from feeling that they could fully showcase their autonomy. The student perception on autonomy in casework supports the point that it is not always possible to allow the student to have ultimate control over the sequence and pace of the legal advice, leading to the supervisor often needing to *'take the oars and do more than just encourage the student, lest the client's interests are compromised.'*<sup>38</sup>

When asked whether they would feel comfortable picking topics for newsletters in the future, the multiple response was that they would. The experience has therefore made

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<sup>38</sup> Campbell, E. (2015) 'Transferring Power: a reflective exploration of authentic student-centred small group work in clinical legal education' *International Journal of Clinical Legal Education*, Vol 22, No 2, p.1, at p.6.

them more confident in their own abilities. A positive response was received by multiple students that they would now feel more comfortable in the workplace if they were asked to do a newsletter or anything similar. One student compared the newsletter to an internal memo that she would send a manager in order to update them on legal or other developments. In doing this, she explained how the Project has developed her confidence that she can utilise her transferable skills in such a situation.

With regards to how newsletters should be written, the students felt that they had learnt how to strike the right balance between ensuring the newsletter was concise (given the newsletter was often around 4-6 pages long) but also covering each topic in sufficient detail to effectively explain the update and the implications for the organisation. A theme in the SLO is that the students experience difficulties in adjusting their written communication so that it is clear and free from legalese.<sup>39</sup> The Project gave them a valuable stepping-stone in honing this skill. One student explained:

*I think you develop skills in terms of making your own communication quite concise, because you had...it was quite a short newsletter, so you had to keep your articles fairly short. So, it was a lot about picking what is relevant and making it concise and clear.*

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<sup>39</sup> Roper, V. (2018) 'Blogs as Teaching Tool and Method of Public Legal Education: A Case Study' 2(1) *International Journal of Public Legal Education*, p. 46.

During the focus group, the students spoke of the way in which they effectively established a collaborative working environment, working as a team in order to ensure that the newsletter was prepared by the deadline set by their supervisor. They all had live client work alongside their newsletter; however, some had cases that were more active, and the students had different exam commitments throughout the year. For one student '*to relieve the pressure on the people*' who had a heavier workload, they did more of the initial legal research into potential topics. They also felt the Project allowed them to further demonstrate their time management skills to their supervisor, given that the Project was in addition to their live client work.

In order to improve the Project going forward, the students felt that it would be useful to not just circulate the newsletter but also give a presentation on the contents. This presentation could be to the recipients or even to the rest of their SLO firm. It was felt that this could further develop their oral communication skills:

*And not to make more work for us in the SLO because especially in the employment (firm) we don't really need it, but if we'd had maybe the opportunity to present on the information that we found, afterwards, it would probably have demonstrated a different skill*

The students explained that if they were given the opportunity to present the information and allow the other students to ask questions afterwards, this would reinforce their knowledge and learning. The added level of responsibility that comes

with presenting to the recipients or to their peers, and answering questions, would provide them with a sound understanding of the issues. It would also benefit the recipients and other students listening to the presentation, as they learn a topic in greater depth than a client newsletter would inevitably bring and allow them to explore the issues in more detail through their questioning.

*Increase in knowledge of employment law and legal practice*

There was a consensus that the Project gave the students a broader knowledge of employment law and practice. They came across topics that they did not expect before they entered the SLO, with one student commenting:

*I think it's a really good way of looking into different areas that you might not encounter in the SLO as well, because I know when I was doing the newsletter for the month that we did it, I ended up writing three different articles, so I was looking into three different areas. So, it really like expanded my knowledge beyond the types of cases that we'd see in the SLO.*

When asked whether the Project helped them become aware of topical employment law issues, the multiple response was that it had done. One student commented '*I've definitely learnt more than anticipated.*' Another student commented:

*I think as well you became more aware of wider topical issues. Like more than what you were doing in the SLO... So, I think in the workplace when we go into practice, we'll be more aware of seeing if things are wrong or how they could be improved based on research for the newsletter.*

The students felt that this experience also taught them how to keep up to date with employment law and the importance of doing so. They learnt how quickly employment law can change and how regular research is a significant part of their continuing professional development. One student explained that *'It kept you up to date with the law as well, like it was learning as you were going, it wasn't just like using precedents that we're taught in a module.'*

#### *Comparison with live client work*

Another theme that emerged was the comparison with the live client work. During the course of the academic year, the students in the employment law firms usually gain the opportunity to advise two clients. The client can be either an employer or an employee, depending on the nature of the enquiries that come into the SLO. However, in the author's experience, enquiries from employees are more frequent. The students welcomed the Project from the viewpoint of giving them that different perspective and they commented how the Project gave them a more diverse experience of work. For those students who had employee clients and advised them on how to bring claims to the employment tribunal, it was refreshing for them to be able to work from

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an employer viewpoint and consider things that are important for employers to consider in order to avoid and minimise the risk of facing employment tribunal claims.

One student explained:

*I think I sort of came in and expected to just be working with obviously employees that they've had unfair dismissal or discrimination or whatever, and I think that the newsletters help you to provide that other perspective, like looking at it from an employer's point of view as well.*

The students also made the point that the diversity of work helped them with their endpoint reflection assessment. By giving them the newsletters in addition to their live client work one student highlighted that it gave her '*another perspective*' when it came to her reflection on legal writing. Another student added:

*So, in terms of looking at it from the wider [perspective], like trying to get the grade and to do all the reflections, it's another thing to add and a different way that you're writing.*

### *Impact of the Project*

During the focus group, the students noted the Project impact in a variety of ways. The students appreciated the importance of a well-drafted and professional newsletter and the impact of this. They understood that this would impact upon not just their



reputation but also upon their supervisor, future students and the University as a whole. One student commented that *'It is our reputation at the end of the day...it is more than just our good grade for our assessment.'* There was a consensus that if the newsletter included incorrect information or grammatical errors then it would not *'sell'* the SLO as a legal clinic and recipients would not come back for any future assistance. Thinking about the other students they were keen to ensure that this *'...opportunity carries on further for the next year and the year after that.'* One student felt that, for a law firm, the newsletter is *'really key to their client relationships'* and maintaining the solicitor client relationship. The students acknowledged that a badly drafted newsletter could lead to the firm losing clients given how unprofessional it would look. It is clear therefore that the students felt that the Project developed their awareness of commercial awareness and professionalism, thereby supporting a key recommendation of the Legal Education and Training Review.<sup>40</sup>

The students also appreciated the positive impact of the Project from a public legal education viewpoint. There was a consensus that reading the newsletter may save the recipients time in researching employment law updates and would educate them on areas that they may need to take legal advice on and more generally, increase their understanding on when they should use legal services. They therefore felt that the

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<sup>40</sup> Legal Education and Training Review. (2013) 'Setting Standards. The Future of Legal Services Education and Training Regulation in England and Wales' accessed at the website <http://letr.org.uk/wp-content/uploads/LETR-Report.pdf> (accessed 26th September 2019).

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work they were doing was of value to the recipients. One student described it as *'massively important'* as it *'forms the foundation of someone's knowledge behind a topic.'* Therefore, in view of the educational importance one student explained *'you better make sure that you get it right first time.'*

However, one student did not fully appreciate the importance of the newsletter until the end of the module. She would have liked more emphasis at the outset on the implications of the newsletter to the target audience. A further improvement suggested was for future students to dedicate more time to coming up with topics for inclusion in the newsletter and to aid this, a teaching session where the whole group brainstorm the type of issues that the recipients could face in their day to day work. Therefore, a teaching session covering both the implications on the newsletter and brainstorming potential topics would help them appreciate the areas that could be covered. However, such a teaching session would need to be very careful not to intrude upon the student's autonomy in choosing his or her own topic.

### *Satisfaction*

Finally, the positive way in which the students spoke about their experience and the appreciation they felt of being given the opportunity was evident. The students really valued the opportunity to be able to contribute to the Project and this in turn, enhanced their experience. The students felt it was a *'really good way'* of looking into

different areas of employment law and another felt '*fortunate enough to do more than one.*' One student described her experience in the following way:

*And also you want to make sure that the opportunity carries on further for the next year and the year after that... and if... there's just silly mistakes and errors, and it doesn't look professional, and there might be errors in the law, then ultimately they're just going to stop coming to us and they'll go elsewhere, or they'll just do it themselves... but the fact that we get the opportunity to do it is brilliant.*

### ***Lessons Learnt from the Project***

#### *Not giving the students an opportunity to present*

This study identified that the students would have welcomed the opportunity to present the contents of their newsletter to either the recipients or their peers. As highlighted above, this would develop their oral communication skills and reinforce their knowledge and learning. Going forward, a presentation to student peers can easily be incorporated into the Project. As the students attend 50-minute weekly firm meetings<sup>41</sup> with the author and the rest of their firm members, the presentations can be scheduled to take place at any point after the research has been undertaken. Following the presentation, the author can then provide one to one formative feedback to each presenter.

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<sup>41</sup> These weekly firm meetings are used for a variety of purposes, such as discussing the students cases or as an opportunity to develop a particular skill.

Presentations to the recipients will also be explored in future years, however this will inevitably be more difficult to organise around the availability of all the students and recipients. The benefit of this is that the students would have the opportunity to meet the HR Advisors and establish professional networks, which would be excellent preparation for working life. From a student perspective, this may bring additional significance to the presentation if external individuals are present.

*Assistance on the content*

In the author's experience, many students did well to identify areas for research and topics for inclusion in the newsletter however there were some students who struggled to identify a topic. As highlighted by the students, a teaching session would assist them in brainstorming ideas going forward. However, the level of assistance should be limited to general areas of law (such as disability discrimination) rather than more specific topics to enable the students to take charge of their Project and promote autonomous learning. A brief document would also be helpful to circulate which introduces the Project and its aims, provides an outline of the type of work the HR Advisors undertake within the external organisation and what format the newsletter should take.

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#### *More clarity on the importance of the newsletter*

A further lesson learnt from the Project was that there should be more emphasis at the outset of the module on the importance of the newsletter. This can be done by asking an HR professional to give a talk to the students and/or incorporating into a firm meeting a discussion on the value of the newsletters. Hearing directly from the HR professionals on the benefits to them personally, and to the organisation as a whole, would be valuable.

#### *Incorporation of a Research Report*

From the author's experience in supervising this Project, it would be beneficial for the students to produce a document that sets out their thought process in choosing the topics. In particular:

- Why they felt an area to be relevant to their external recipient and any areas of employment law they considered but discarded for the newsletter and why.
- Any area of law they come across during their research that they feel is an area for future law reform.

These points could all be incorporated into a research report before they embark upon drafting the newsletter. Although this would inevitably increase the time involved (for both the author and students), the benefits of the Project would be enlarged. Firstly, in identifying why they felt an area to be relevant or not, this would demonstrate to the author that they understand the vital context in which they are

providing the newsletter and the importance of their topic to their recipient. This would provide the opportunity for the author to provide feedback on whether the areas are appropriate or not, with a full understanding of the students' reasons. Secondly, in identifying any areas of future law reform, the students are exploring the employment law framework in the context of what changes needs to be made.<sup>42</sup> The Project therefore would require the students to not just apply the law but also go further and challenge any issues they come across in their research in order highlight areas for change. As Coper highlights '*legal education with an ethos of law reform and social justice would give a more altruistic focus to the pursuit of law as a career...*'<sup>43</sup> Finally, the author would be able to see from the report what sources the students have relied upon in their research for the newsletter and be able to provide feedback on the strength of their research skills.

### ***Conclusions***

This pilot study demonstrates that the use of employment law newsletters provides pedagogic value to the student and enhances the student experience in CLE. By complimenting their live client work, the Project developed the students' professional skills and they gained a broader knowledge of law and practice. The enthusiasm that

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<sup>42</sup> The assessment in the SLO has also now changed to incorporate a 3,500 report critically analysing an area of legal practice. The incorporation of this research report exploring the wider context of legal reform may also assist them in their ideas for this report.

<sup>43</sup> Coper, M. (2007-2008) 'Law Reform and Legal Education: Uniting Separate Worlds' *University of Toledo Law review* Vol 39, p.247.

the students have for the Project is evident and they clearly value the experience. The knowledge gained as to how to research topical legal issues and more generally, keeping up to date with the law is crucial when going into practice. The Project gives the students a different client perspective and purpose, which diversifies the work. It also equips the students with the commercial awareness and awareness of professionalism that comes with a client newsletter in the world of work. The newsletters have received positive feedback by the recipients and given the results of this pilot study, there is clearly potential for the Project to expand further (including the incorporation of other areas of law) for other client recipients to benefit. For example, family law updates to a mediation service or charity, landlord and tenant updates for a Citizens Advice Bureau and criminal procedure for police forces.

Moving forward, this study has provided some learning points to take forward into future academic years. Notably, the suggestion that presentations would be valued by the students. This will be incorporated into next year's Project and the students will deliver a short presentation to their peers and/or recipients on the contents of their newsletter. This will help develop their oral communication skills and would reinforce their knowledge and learning. Finally, the importance of the newsletters to the recipients will be emphasised more from the outset. The value of newsletters in the world of work should also be made more explicit to students and they should not be

underestimated. As Thomas, Darroch and Galvin have noted, *'the newsletter along with other marketing activities is seen as an important factor in legal firms' long term survival.'*<sup>44</sup>

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<sup>44</sup> Thomas, A. Darroch, J and Galvin, W. (1999) 'Client Newsletter Use by New Zealand Law Firms' *Journal of Professional Services Marketing* Vol 19, Issue 2, p.70.