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## Editorial

Welcome to the first edition of the *International Journal of Clinical Legal Education* (IJCLE) for 2025. This edition features a diverse range of contributions, including two thought-provoking research articles, an insightful practice report and a comprehensive book review. Each contribution offers fascinating insights from a range of international scholars and projects which advance our understanding of clinical legal education, its formation, delivery and impact. In this regard, this edition provides the perfect start to a New Year, especially for any reader perhaps considering establishing a clinical legal education programme or developing an existing project.

We begin the edition with the contribution by Doris Bozin and Allison J Ballard, along with Vicki de Prazer and Jenny Weekes from the University of Canberra, who present *Thinking Outside the Disciplinary Box: Building Better Lawyers to Solve Wicked Problems*. This article advocates for an interdisciplinary pedagogical approach within clinical legal education, exemplified by the University of Canberra's Health Justice Legal Advice Clinic. The clinic integrates legal and health professionals to address complex client issues, emphasising the development of interprofessional teamwork, resilience, and confidence among law students. The paper argues that such interdisciplinary models are crucial for preparing students to tackle 'wicked problems'—complex social issues that transcend traditional disciplinary boundaries. This approach not only enhances student competencies but also contributes to more holistic and effective legal service delivery.

Continuing our articles section, *Effecting Change and Addressing Inequalities through Community-Based Research: Opportunities and Challenges* by Zanele Nyoni-Wood, Kathryn Saban, Sadie Whittam, and Eleanor Belshire from Lancaster University examines a community outreach clinic project in Blackpool, one of the UK's most deprived areas. The article highlights the dual role of community-based legal clinics in providing essential legal services and generating empirical research to inform policy and practice. The authors discuss the practical challenges and opportunities encountered in establishing the clinic, emphasising the importance of partnerships with local organisations, such as public libraries, to enhance access to justice. The project not only benefited the community by addressing unmet legal needs but also provided law students with invaluable experiential learning opportunities, fostering a deeper understanding of social justice issues and professional identity.

The journal then turns to our Practice Report section where in *Perspectives on Performance: The Value of Introducing Two-Way Appraisals in Law Clinics to Create an Authentic Learning Experience*, Kathryn Saban and Sadie Whittam from Lancaster University explore the implementation of a 'two-way' appraisal process in clinical legal education modules. This innovative approach enhances the authenticity of the student learning experience by integrating formative feedback mechanisms that benefit both students and tutors. The report provides practical guidance on establishing appraisal systems and reflects on student feedback from a small-scale survey, underscoring the appraisals' role in boosting employability and reflective practice. The findings emphasise the dual benefits of appraisals: improving educational outcomes and fostering a culture of continuous improvement within law clinics.

Finally, we conclude this edition with Paul Tremblay and Margaret Maisel's thorough review of *How to Set Up and Run a Law Clinic: Principles and Practice* by Donald Nicolson, JoNel Newman, and Richard Grimes. As advanced by Tremblay and Maisel, this book serves as an essential resource for anyone involved in experiential legal education, offering a global perspective on establishing and managing law clinics. The authors discuss critical aspects such as setting clinic goals, organisational design, service delivery models, and sustainability. Notably, the book introduces the EO (Educationally Oriented) vs. SJO (Social Justice

Oriented) clinic model, providing a valuable framework for evaluating clinic priorities. The review highlights the book's practical utility, not just for new clinicians but also for seasoned educators seeking to refine their practice and reassess foundational assumptions.

This edition of the IJCLE underscores the dynamic and evolving nature of clinical legal education, showcasing innovative practices and research that contribute to the field's growth. From interdisciplinary approaches and reflective practice to community engagement and sustainability, the contributions in this issue reflect the diverse ways in which clinical legal education continues to adapt and respond to contemporary challenges.

We hope you find this edition both informative and inspiring, and we look forward to your continued engagement with the journal with the next edition in the Spring.

Enjoy reading!

James Marson



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## **Article**

# **Thinking Outside the Disciplinary Box: Building Better Lawyers to Solve Wicked Problems**

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### **Abstract**

The paper aims to bridge a gap in the Australian law curriculum by presenting an interdisciplinary pedagogical approach designed to improve students' transition to post-university life. Implemented within a university pro-bono health-justice legal clinic affiliated with the University of Canberra Medical and Counselling Centre, this experiential design has a dual purpose. It not only brings together lawyers, health professionals, and students to achieve optimal outcomes for patients and clients, but also focuses on enhancing students' competencies, confidence, and interprofessional collaborative skills through three key initiatives:

- a. client interviews – engaging students in client-interview role-plays and actual client interviews to concentrate on developing essential lawyering skills;
- b. a well-being program – under the guidance of an in-house psychologist using a coaching and performance psychology framework to foster students' confidence and resilience by providing crucial support for their transition from academic to professional environments; and
- c. interprofessional teamwork immersion – providing opportunities for students to observe, reflect, and actively assist lawyers and health professionals in a real-world team environment.

This paper discusses the teaching methods used in an interdisciplinary law clinic to help students improve their competencies, confidence, and interprofessional collaborative skills. It also demonstrates that such an approach better equips students for professional environments, enhances their social justice awareness, and improves their capacity to deal with complex and wicked problems. This innovative methodology offers both professional and personal development opportunities which other law schools seeking to improve educational outcomes could easily replicate.

**Keywords:** Interdisciplinary Pedagogy; Performance Psychology; Well-Being

### **I. Introduction**

Many Australian law academics consider that justice education is in crisis. Legal educators are constantly being asked to do things differently and to do more with less. Systemic change has been implemented across Australian universities, often with minimal consultation, lead

time, or support and academic positions and status have increasingly come under threat. The global pandemic not only saw the numbers of international students at Australian universities plummet,<sup>1</sup> but also an urgent need to quickly move legal education online, at least in the short term.<sup>2</sup> Additionally, artificial intelligence is revolutionising the legal industry by using advanced algorithms to create legal templates and provide guidance at low cost.<sup>3</sup> Undoubtedly, legal education is undergoing, and will continue to undergo, significant change.

Menkel-Meadow's comments of 2013 are now even more pressing: '[If] the goal of the legal profession is to include solving human problems and producing both peace and justice, then we need to realign, reimagine, and innovate new methods of legal service delivery.'<sup>4</sup> Her words were prophetic and highlighted the need to innovate and rethink how and what is taught in law degrees. Inspired by Menkel-Meadow's vision, the authors embarked on a journey to rethink our approach to legal education.

The purpose of this paper is to share the teaching methods used in an interdisciplinary clinic designed to help students improve their competencies, confidence, and interprofessional collaborative skills. Additionally, the paper highlights how interdisciplinary awareness and interprofessional teamwork<sup>5</sup> can lead to 'new methods of legal service delivery,'<sup>6</sup> inspire students to think about the sorts of problems they may aspire to solve when they graduate, and better prepare them for professional environments.

## II. Background to the Interdisciplinary Clinic

In 2017, the authors established the University of Canberra Health Justice Legal Advice Clinic (the Clinic), a unique initiative aimed at redefining traditional university law school clinics.<sup>7</sup> Located on-campus and integrated with the University of Canberra Medical & Counselling Centre, the Clinic facilitated a seamless collaboration between lawyers, health professionals and law students aspiring to achieve optimal outcomes for patient-clients.<sup>8</sup>

The Clinic was established with two main goals: to provide comprehensive services to clients<sup>9</sup> through a collaboration between legal and health professionals, with support from law students,<sup>10</sup> and to enhance the learning experiences of law students by offering access to a dedicated interdisciplinary teaching team.<sup>11</sup> The objective of the teaching team was to improve the competencies, confidence, and inter-professional teamwork (collaborative) skills of law students, allowing them to navigate complex patient-client issues within a safe and supportive environment. This hands-on experience was also intended to better prepare students for a variety of professional careers and equip them to tackle the complex and 'wicked' problems and challenges they would encounter post-university. 'Wicked' problems are defined here as those that cannot be addressed through a single, straightforward solution: as complexity arises from interdependencies, solving one aspect of a problem may create or reveal other

<sup>1</sup> Naaman Zhou, 'Pandemic Halves New International Student University Enrolments in Australia' *The Guardian* (online, 6 May 2021) <<https://www.theguardian.com/australia-news/2021/may/06/pandemic-halves-new-international-student-university-enrolments-in-australia>>.

<sup>2</sup> Erika Smith and Ece Kaya, 'Online University Teaching at the Time of COVID-19 (2020): An Australian Perspective' (2021) 9 *Special Issue: Covid-19 Education Response to Pandemic*, 2.

<sup>3</sup> Serhii Leleko and Roman Chupryna 'How Artificial Intelligence Transforms Legal Services in 2024', *SPD Technology* (online, 24 May 2024) <<https://spd.tech/artificial-intelligence/how-artificial-intelligence-transforms-legal-services-in-2024/>>.

<sup>4</sup> Carrie Menkel-Meadow, 'Doing Good Instead of Doing Well? What Lawyers Could be Doing in a World of 'Too Many' Lawyers' (2013) 3 (3) *Onati Socio-Legal Series*, 378.

<sup>5</sup> Werner Schäfke, Juan A Mayoral Diaz-Asensio and Martine Stagelund Hvidt 'Socialisation to Interdisciplinary Legal Education: An Empirical Assessment' (2018) 52 (3) *The Law Teacher*, 365.

<sup>6</sup> Menkel-Meadow (n 4) 379.

<sup>7</sup> The Clinic is located on-campus at the University of Canberra, in Canberra, the capital of Australia.

<sup>8</sup> The University of Canberra Medical & Counselling Centre is a medical practice with 17 general medical practitioners, seven psychologists, one psychiatrist, and four registered nurses.

<sup>9</sup> The clients of the Clinic are typically (but not always) patients of the University of Canberra Medical & Counselling Centre.

<sup>10</sup> The students who participated in the Clinic were enrolled in law elective subjects: either a Law & Justice Internship or a Legal Advice Clinic unit.

<sup>11</sup> The initial teaching team consisted of three professionals: two law academics (one tenured and one sessional) who were also legal practitioners who taught/supervised at the Clinic one day per week during the semester, and a counselling psychologist employed at the University of Canberra Medical & Counselling Centre who contributed 3-4 hours per week during the semester.

issues. The wicked problem concept was first introduced by Rittel and Webber<sup>12</sup> who identified ten defining characteristics of such problems within the realm of social planning. The term has since been expanded to encompass challenges in other fields, with examples of 'wicked' problems including climate change, poverty, mental health, and domestic violence.

Since its inception in 2017, the Clinic has undergone three iterations, each offering unique learning experiences for students while providing a pro-bono legal service to the community. The first iteration involved an informal collaboration between the University of Canberra's Medical & Counselling Centre, the Canberra Law School, and a sole practitioner law firm. During the second iteration, from mid-2019, the Clinic operated as a partnership between Legal Aid ACT, the University of Canberra Medical & Counselling Centre, and The Canberra Law School.<sup>13</sup> The research for this paper was conducted during this second iteration.<sup>14</sup>

In early 2022, the third iteration of the Clinic commenced by way of a formal partnership between the University of Canberra Medical & Counselling Centre and the sole practitioner law firm involved in the first iteration.<sup>15</sup>

Throughout all iterations, the Clinic has continued to maintain its commitment to interdisciplinary collaboration, student education, pastoral care and support, and access to justice for vulnerable patient-clients.

### III. Interdisciplinary education and interdisciplinary teaching

In the contemporary world, an interdisciplinary or interprofessional approach<sup>16</sup> to problem-solving is highly valued as governments, organizations, and individuals strive to tackle complex or 'wicked' problems. Often, addressing these issues requires drawing on expertise from various professions, a strategy long practised by the health profession.<sup>17</sup>

As Klein notes, interdisciplinarity is the 'process of answering a question, solving a problem, or addressing a topic, that is too broad or complex to be dealt with adequately by a single discipline or profession.'<sup>18</sup>

The significance of interprofessional collaboration is underscored by reports emphasising the skills essential for future workplaces, with many organisations and employers seeking individuals who engage in interdisciplinary thinking and have an ability to work in interprofessional teams. The skills required for future workplaces include problem-solving, self-management, teamwork, and technological proficiency.<sup>19</sup> Recognising a gap between these skills and current educational practices, a recent OECD report advocated for the integration of real-world applications into learning experiences. It also emphasised the

<sup>12</sup> Horst Rittel and Melbin Webber, 'Dilemma in General Theory of Planning' (1973) 4(2) *Policy Sciences* 156.

<sup>13</sup> Legal Aid ACT is a government-funded body which provides legal assistance to socially and economically disadvantaged people living within the Australian Capital Territory (the ACT) which is one of Australia's two jurisdictions which retain Australian Commonwealth oversight. Canberra, the capital of Australia, is in the ACT. Each of the five Australian States and two Territories has its own Legal Aid office.

<sup>14</sup> The research was conducted over three semesters: Semester 2, 2019, Summer Semester 2019-2020, and Semester 1, 2020. The Clinic was temporarily discontinued from mid-2020 due to the onset of the global pandemic.

<sup>15</sup> The third iteration of the Clinic commenced in February 2022.

<sup>16</sup> In this paper, the terms *interdisciplinary* and *interprofessional collaboration* are used interchangeably, reflecting the dual engagement of students in both contexts. In educational settings, *interdisciplinary collaborative work* typically refers to the integration of different academic disciplines to address complex problems. In contrast, *interprofessional teamwork* involves professional environments with individuals from diverse professional backgrounds working collaboratively to provide services or solve complex issues. See also Elizabeth McLaney et al, 'A Framework for Interprofessional Team Collaboration in Hospital Setting: Advancing Team Competencies and Behaviours' (2022) 35 (2) *Health Manage Forum* 112.

<sup>17</sup> Brennan Bosch and Holly Mansell, 'Interprofessional Collaboration in Health Care' (2015) 148 (4) *Canadian Pharmacy Journal* 176; and Susan Nancarrow et al, 'Ten Principles of Good Interdisciplinary Teamwork' (2013) 11 *Human Resources for Health*, 19.

<sup>18</sup> Julie Thompson Klein, 'Mapping Interdisciplinary Studies' in Jerry Gaff (eds), *The Academy in Transition* (Association of American Colleges and Universities, 1999).

<sup>19</sup> Kate Whiting, 'These Are the Top 10 Job Skills of Tomorrow – And How Long It Takes To Learn Them', *World Economic Forum* (World Education Forum - Education and Skills, 21 October 2020) < <https://www.weforum.org/agenda/2020/10/top-10-work-skills-of-tomorrow-how-long-it-takes-to-learn-them/>.



importance of providing interdisciplinary and collaborative learning alongside discipline-based knowledge to meet the demands of a modern workforce.<sup>20</sup>

At universities, interdisciplinary education remains a modern educational strategy.<sup>21</sup> Australia, the United Kingdom, and the United States have increasingly adopted interdisciplinary approaches, integrating them into courses, joint degree programs, specific subjects and research centres to prepare students for complex problem-solving in various professional environments.<sup>22</sup> Educators have also embraced interdisciplinary approaches, incorporating cross-disciplinary expertise, co-teaching, and project-based units into electives. Some universities offer interdisciplinary elective choices, such as legal clinical programs in law schools, which collaborate with disciplines such as medicine, social work, and counselling, creating interdisciplinary teams to holistically address complex client issues.<sup>23</sup>

Yet, the term 'interdisciplinary' is often used loosely in education, referring to a generalist education rather than specific interdisciplinary methodologies. This leads to a focus on the outcome instead of the process and often results in a superficial approach to teaching multiple disciplines without fostering a deep understanding of their interconnectedness or the intricate process of integration.<sup>24</sup>

There are several reasons for this. Interdisciplinary education requires time, additional resources, specific expertise, and support from faculty and universities.<sup>25</sup> Assessing interdisciplinary learning outcomes can also be complex,<sup>26</sup> and there is a lack of teaching pedagogy for interdisciplinary approaches.<sup>27</sup>

In 1999, Klein highlighted the lack of unique, interdisciplinary pedagogical approaches which are active, student-centred, and 'promote dialogue and community, higher order critical thinking, and problem-solving'.<sup>28</sup> In 2020, Bosch noted that there was still 'a lack of a unique set of pedagogies to support interdisciplinary teaching'.<sup>29</sup>

It is challenging to integrate interdisciplinary approaches into the Australian law school curriculum because of its focus on legal doctrine and skills in isolation from other subjects and disciplines. There are also limited opportunities for interdisciplinary learning in law elective subjects. However, the changing professional landscape necessitates a re-evaluation of the skills required of future lawyers.

Much scholarly work focuses on the gaps in the law curriculum. In Australia, reports discuss the need for changes to legal education in light of the evolving nature of legal work, technological advancements, and disruptions in legal services.<sup>30</sup> They also highlight the additional skills and competencies required by law graduates, including interdisciplinary experiences and approaches that should be incorporated in the law curriculum.<sup>31</sup>

<sup>20</sup> Organisation for Economic Co-operation and Development, *The Future of Education and Skills Education 2030* (Report, 5 April 2018) <[https://www.oecd.org/content/dam/oecd/en/publications/reports/2018/06/the-future-of-education-and-skills\\_5424dd26/54ac7020-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2018/06/the-future-of-education-and-skills_5424dd26/54ac7020-en.pdf)>.

<sup>21</sup> Research shows that interdisciplinary teaching has numerous educational benefits for students. In *The Oxford Handbook of Interdisciplinarity* by Robert Frodeman, Julie Klein and Robert Pacheco (Oxford University Press, 2017) various interdisciplinary competencies are discussed, including higher level of communication and collaboration, critical and creative thinking, systems thinking, synthesis and integration, flexibility and adaptability, and ethical and social awareness.

<sup>22</sup> Lyria Bennett Moses 'The Need for Lawyers' (2018) *UNSW Law Research Paper* no. 18-46.

<sup>23</sup> By way of example: Co-Health Legal Clinic at Monash University (online, 20 May 2024) <<https://www.monash.edu/law/home/cle/archive/clinics/CoHealth-Monash-Legal-Assistance-Clinic>>.

<sup>24</sup> Loy Hui Chieh, 'Interdisciplinarity in Teaching: What It Is and How to Make it Work' (*Times Higher Education*, 27 April 2024) <<https://www.timeshighereducation.com/campus/interdisciplinarity-teaching-what-it-and-how-make-it-work>>.

<sup>25</sup> Greta S Bosch, 'De-Constructing Myths about Interdisciplinary: Is Now the Time to Rethink Interdisciplinarity in Legal Education?' (2020) 1(1) *European Journal of Legal Education*, 30.

<sup>26</sup> Michelle Rhodes, 'Issues and Challenges in Interdisciplinary Course and Program Transfer in BC' (*BC Council on Admission & Transfer*, January 2019) <<https://files.eric.ed.gov/fulltext/ED596470.pdf>>. This paper emphasises that each discipline has its own methods, theories and professional norms, thus making it difficult to integrate curriculums, particularly if academic disciplinary experts have specific or limited knowledge.

<sup>27</sup> Bosch (n 26) 37.

<sup>28</sup> Klein (n 19) 50.

<sup>29</sup> Bosch (n 26) 37.

<sup>30</sup> Council of Australian Law Deans, *Reimagining the Professional Regulation of Australian Legal Education* (Report, 21 December 2021) <[https://cald.asn.au/wp-content/uploads/2024/04/Reimagining-KiftNakano\\_FINAL.pdf](https://cald.asn.au/wp-content/uploads/2024/04/Reimagining-KiftNakano_FINAL.pdf)>.

<sup>31</sup> Law Society of New South Wales, *The Future of Law and Innovation in the Profession* (Report, 2017) <<https://www.lawsociety.com.au/sites/default/files/2018-03/1272952.pdf>>.

Australian research<sup>32</sup> and anecdotal evidence suggest that law schools are failing to adequately prepare graduates for practice and other professional careers. It demonstrates that the skills being taught are not keeping up with what is required in modern-day environments.<sup>33</sup> New law graduates and final-year law students have also expressed concerns about being insufficiently prepared for professional roles.<sup>34</sup>

Ideally, law graduates should be well-prepared to pursue a wide range of professional careers, working across different jurisdictions, and in various professional contexts beyond traditional legal practice.<sup>35</sup> An interdisciplinary approach fosters a better understanding of the connections between law and society and allows for participation in interdisciplinary or inter-professional teams working on complex real-world problems.<sup>36</sup> Interdisciplinary education, as described by Newell, addresses complex questions, solves problems, or tackles topics that cannot be managed by a single discipline.<sup>37</sup> This method leverages insights from various disciplinary perspectives to achieve a comprehensive understanding of issues.

Research has identified essential principles for an effective interdisciplinary teaching framework. These include ensuring students are able to think critically, embrace ambiguity, recognise biases, and analyse ethical concerns.<sup>38</sup> A successful framework incorporates these principles with specific objectives, then selects the relevant disciplines; designs an integrated or co-integrated curriculum; and implements collaborative, team-based learning, problem-based learning, and role-plays. At the same time, we think interdisciplinary education should create a supportive environment where students feel safe to express ideas, ask questions, and reflect on their learning and offer assessment methods which reinforce the interdisciplinary nature of the content.<sup>39</sup>

Interdisciplinary teaching pedagogy is lacking, particularly in the law school curriculum. Some elective subjects are found in the law curriculum, and some legal clinics adopt interdisciplinary approaches in their teaching and learning,<sup>40</sup> but these are exceptions, often dependent on resources and university and faculty support. Unfortunately, the current law curriculum is typically taught within disciplinary silos, limiting students' opportunities to engage in interdisciplinary or interprofessional teamwork.<sup>41</sup>

In the field of health education, there is an effective approach for integrating interdisciplinary teaching into the curriculum. The health disciplines utilise an interprofessional teamwork competency framework specifically designed for health professions.<sup>42</sup> This framework is integrated into the teaching model and covers competencies such as understanding roles, ethical practice, conflict resolution, communication, and teamwork.<sup>43</sup>

<sup>32</sup> For example, Queensland Law Society, *The Job Readiness of Law Graduates and Entry Level Solicitors in Private Practice* (Final Report, 1 December 2022) <<https://www.qls.com.au/getattachment/d6f794fa-7f09-4010-82c2-849974fbd3a3/qls-job-readiness-report-final-1-12-22-complete-version-.pdf>>.

<sup>33</sup> Ibid.

<sup>34</sup> Stefanie Costi, 'I'm A Law Graduate, But My Uni Didn't Prepare Me For The Real World' (*Australian Financial Review*, 23 April 2023) <<https://www.afr.com/work-and-careers/education/i-m-a-law-graduate-but-my-uni-didn-t-prepare-me-for-the-real-world-20230420-p5d1wd>>.

<sup>35</sup> Research and anecdotal information suggest that less than 50% of law graduates enter traditional legal practice. See the College of Law, 'Submission in Relation to Proposed Admission Laws to the National Uniform Law Legal Services Council Admissions Committee (January 2015).

<sup>36</sup> Rittel and Webber (n 13) 156.

<sup>37</sup> William Newell, 'The State of the Field: Interdisciplinary Theory' (2013) 31 (22) *Issues in Interdisciplinary Studies* 43.

<sup>38</sup> Ibid.

<sup>39</sup> Newell (n 38) 43.

<sup>40</sup> Janet Weinstein et al, 'Teaching Teamwork to Law Students' (2013) 63 (1) *Journal of Legal Education* 37-39.

<sup>41</sup> Anita Weinberg and Carol Harding 'Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come' (2014) 13 (1) *Legal Education Digest*, 6.

<sup>42</sup> Christie van Diggele et al, 'Interprofessional Education: Tips for Design and Implementation' 20 (2) (2020) *Peer Teacher Training in Health Professional Education* <<https://bmcomeduc.biomedcentral.com/articles/10.1186/s12909-020-02286-z>> accessed 24 May 2024.

<sup>43</sup> Elizabeth McLaney, et al, 'A Framework for Interprofessional Team Collaboration in a Hospital Setting: Advancing Team Competencies and Behaviours, (2022) 35(2) *Healthcare Management Forum*, 112 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8873279/>>.

#### IV. Our interdisciplinary teaching framework and approach

When developing our interdisciplinary teaching framework for the Clinic, our primary objective was to provide students with a valuable learning experience to facilitate their transition from university to professional life. We identified three key competencies as essential for law students: legal competencies, confidence, and inter-professional teamwork (or collaborative) skills which emphasise students' understanding of their role. Our framework aimed to enhance these core skills while simultaneously fostering a safe, nurturing, and collaborative teaching environment.<sup>44</sup>

We opted for a scaffolded teaching approach. Students honed their legal competencies both through role-playing client interviews and involvement in real-life client interactions. A dedicated well-being program was designed to strengthen students' confidence and resilience in the context of the Clinic workplace.<sup>45</sup> Interprofessional teamwork skills were cultivated through immersive experiences and a series of seminars from practitioners across a range of disciplines.

Below is an overview of our reasoning for adopting these three initiatives with reference to relevant literature.

##### (1) Role-plays

Role-play simulations are used as part of a range of experiential learning opportunities to bridge the theoretical and practical gap between legal (academic) knowledge and skills.<sup>46</sup> Client interviews are an integral component of a lawyer's work and are often simulated by way of a client interview role-play.<sup>47</sup> Through the process of undertaking a role-play client interview, students gain legal practical skills, including for example effective communication skills and the ability to deal with client issues sensitively.<sup>48</sup>

Role-play client interviews at law schools have been shown to 'simultaneously create opportunities to delve into critical thought and reflect on the meaning and purpose of law, and ethical considerations.'<sup>49</sup> Other benefits include motivating students to learn,<sup>50</sup> promoting deep learning of the course material,<sup>51</sup> and improving students' overall confidence,<sup>52</sup> personal engagement and sense of belonging,<sup>53</sup> and well-being.<sup>54</sup>

Rarely are client interviewing skills embedded within the core curriculum, leaving many law graduates to learn about them post-graduation. In contrast, health education, such as medical or psychological training, embeds client interviewing throughout the course, ensuring comprehensive skills development. In our view, the fragmented approach in legal education hinders many students' ability to integrate their legal knowledge and skills effectively prior to graduating.

<sup>44</sup> Richard Ryan and Edward Deci, *Self-Determination Theory: Basic Psychological Needs in Motivation, Development and Wellness* (New York: Guilford Press, 2017).

<sup>45</sup> Toon Taris and Wilmar Schaufeli, 'Individual Well-Being and Performance At Work' in Cary Cooper (eds) *Current Issues in Work and Organisational Psychology* (Routledge, 2018).

<sup>46</sup> Other experiential learning opportunities include internships, legal clinics, placements, work-based learning, and project-based work. David Kolb, *Experiential Learning, Experience as Source of Learning and Development* (Upper Saddle River, Prentice Hall, 1984).

<sup>47</sup> Jill Howieson and Shane Rogers, 'Rethinking the Lawyer-Client Interview: Taking a Relational Approach' (2019) 26(4) *Psychiatry, Psychology and Law* 659.

<sup>48</sup> Adrian Evans et al, *Best Practices Australian Clinical Legal Education* (Office for Learning and Teaching, September 2012) <<https://cald.asn.au/wp-content/uploads/2023/11/Best-Practices-Australian-Clinical-Legal-Education-Sept-2012.pdf>>.

<sup>49</sup> Julie Turner, Alison Bone and Jeanette Ashton, 'Reasons Why Law Students Should Have Access to Learning Law Through a Skills-Based Approach' (2018) 52 (1) *The Law Teacher* 4.

<sup>50</sup> Cleo Cherryholmes 'Some Current Research on Effectiveness of Educational Simulations: Implications for Alternative Strategies' (1966) 10 *American Behavioural Scientist* 4-7.

<sup>51</sup> Ben Waters, 'A Part to Play: The Value of Role-Play Simulation in Undergraduate Legal Education' (2016) 50 *The Law Teacher*; and Jane Mikkelsen, Marit Reime and Anette Harris, 'Nursing Students' Learning of Managing Cross-Infections: Scenario-Based Simulation Training Versus Research Groups' (2008) 28 *Nurse Education Today*.

<sup>52</sup> *Ibid.*

<sup>53</sup> Riette Du Plessis, *Clinical Legal Education: Law Clinic Design and Assessment Tools* (Juta, 2016) 47.

<sup>54</sup> *Ibid.*



## (2) Well-being

Research shows that law students at university often experience high levels of psychological distress, which negatively impacts their well-being.<sup>55</sup> This distress may be caused by factors such as the law curriculum,<sup>56</sup> law students' perfectionist type personalities,<sup>57</sup> the emphasis on thinking like a lawyer,<sup>58</sup> and the significant workload and culture in law schools.<sup>59</sup>

In Australia, there is an increasing emphasis on wellness within the legal profession<sup>60</sup> and legal education system,<sup>61</sup> with many stakeholders committed to 'making wellness core business.'<sup>62</sup> Australian law schools are actively contributing to the understanding and practice of promoting the well-being of law students<sup>63</sup> through various approaches. These include applying a range of theoretical perspectives, such as socio-legal, psychological and ethical lenses<sup>64</sup>, conducting empirical research that informs the teaching of well-being education,<sup>65</sup> and implementing specific teaching and educational strategies.<sup>66</sup>

Significant efforts have been undertaken by law schools and academics to assist law students to improve their resilience, confidence and overall well-being, particularly focusing on first-year law students. However, there has been limited support for students in later years who face different challenges as they transition out of university.<sup>67</sup>

<sup>55</sup> See for example, International Bar Association, *Mental Wellbeing in the Legal Profession (A Global Study, October 2021)* <<https://www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study>>.

<sup>56</sup> Molly Townes O'Brien, Stephen Tang and Kath Hall, 'No Time to Lose: Negative Impact on Law Student Wellbeing May Begin in Law School in Year One' (2011) 2 (2) *The International Journal of the First Year in Higher Education*; and Lloyd England 'Buttercup Sues Her Law School – Tertiary Legal Education Providers Liability in the Tort of Negligence not to Cause Pure Mental Harm: Breach of Duty' (National Wellness Forum, 8 November 2022).

<sup>57</sup> Susan Daicoff, 'Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism' (1997) 46 *The American University Law Review*.

<sup>58</sup> Rachael Field, *Stimulating Strategic Change in Legal Education to Address High Levels of Psychological Distress in Law Students* (Final Report, ALTC Fellowship, 2014); Elizabeth Mertz, *The Language of Law School: Learning to 'Think Like a Lawyer'* (Oxford University Press, and Stephen Halpern, 'On the Politics and Pathology of Legal Education' (1982) *Journal of Legal Studies Education* 32, 383.

<sup>59</sup> Margaret Thornton 'Law Student Wellbeing: A Neoliberal Conundrum' (2016) 58 (2) *Australian Universities Review* 42.

<sup>60</sup> See for example, Victorian Legal Services Board + Commissioner, *VLSB + C Lawyer Wellbeing Project* (2019) <<https://lsbc.vic.gov.au/sites/default/files/2024-08/Lawyer%20Wellbeing%20report.pdf>>; and Norm Kelk, et al, 'Court the Blues: Attitudes Towards Depression Law Students and Lawyers' (*Report, Brain and Mind Institute, University of Sydney, 2009*).

<sup>61</sup> *Ibid*.

<sup>62</sup> The phrase 'making wellness core business' originates from Adiva Sifris and Judith Marychurch's book, *Wellness for Law: Making Wellness Core Business* (LexisNexis, 2019). By way of example, the work of the Law Council of Australia in this area includes significant resources for lawyers under the heading *Mental Health and Well-being in the Legal Profession Information* <<https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/mental-health-and-well-being-in-the-legal-profession>>.

<sup>63</sup> See for example Anna Huggins, 'Autonomy Supportive Curriculum Design: A Salient Factor in Promoting Law Student's Well-being' (2012) 35(3) *UNSW Law Journal* 684; Helen Stallman, 'Embedding Resilience within the Tertiary Curriculum: A Feasibility Research' (2011) 30(2) *Higher Education Research and Development* 121; and Nigel Duncan, Caroline Strevens and Rachael Field, 'Resilience and Student Well-being in Higher Education: A Theoretical Basis for Establishing Law School Responsibilities for Helping our Students to Thrive' (2020) 1 (1) *European Journal of Legal Education*.

<sup>64</sup> Caroline Strevens and Rachael Field *Educating for Well-Being in Law: Positive Professional Identifies and Practice* (eds) (Routledge, 2020).

<sup>65</sup> See for example Rachael Field, James Duffy and Anna Huggins, 'Teaching Independent Learning Skills in the First Year: A Positive Psychological Strategy for Promoting Law Student Well-Being' (2015) 8 (2) *Journal of Learning Design* 2; Rachael Field, James Duffy, Anna Huggins, 'Supporting Transition to Law School and Student Well-Being: The Role of Professional Legal Identity' (2013) *The International Journal of the First Year in Higher Education*, 4; and Anna Huggins 'The Threshold Learning Outcome on Self-Management for the Bachelor of Laws Degree: A Proposed Focus for Teaching Strategies in the First Year Law Curriculum' (2011) 2(2) *The International Journal of the First Year in Higher Education*.

<sup>66</sup> See for example Huggins (n 64); Duncan et al; (n 64); Sally Kift, Karen Nelson and John Clarke, 'Transition Pedagogy: A Third Generation Approach to FYE: A Case Research of Policy and Practice for the Higher Education Sector' (2010) 1 (1) *The International Journal of First Year in Higher Education*; Colin James, 'Balance and Context: Law Student Well-Being and Lessons from Positive Psychology' in Rachael Field, James Duffy and Anna Huggins (eds), *Promoting Law Student and Lawyer Well-being in Australia and Beyond* (Ashgate, 2015); Rachael Field and Sally Kift, 'Addressing the High Levels of Psychological Distress in Law Students through Intentional Assessment and Feedback Design in the First Year Law Curriculum' (2010) 1 *The International Journal of the First Year in Higher Education* 65; and Wendy Larcombe and Ian Malkin, 'The JD First Year Experience: Design Issues and Strategies' (2011) 1 *Legal Education Review*.

<sup>67</sup> Sally Kift et al, Office for Learning and Teaching, Australia Government, *Curriculum Renewal in Legal Education: Final Report* (Report, 2013); and Des Butler et al, 'Embodying Life-Long Learning: Transition and Capstone Experiences' (2017) 1 *Oxford Review of Education* 5.

Some university programs have used performance psychology frameworks to assist students in identifying skill gaps and have then worked to address the gap.<sup>68</sup> These interventions have been shown to have a positive impact on students and improve their overall performance within the classroom environment.<sup>69</sup>

Traditionally, performance psychology has been used to enhance athletic performance and well-being.<sup>70</sup> Factors such as motivation, self-confidence, competitive anxiety, cohesion, and the development of sport-specific psychometrics have been explored, along with psychological interventions such as imagery, relaxation, and goal setting to enhance athletes' performance.<sup>71</sup>

### (3) Cultivating interdisciplinary, interprofessional teams

Understanding interprofessional teamwork requires an appreciation of the distinct theoretical frameworks that differentiate two types of teamwork: traditional teamwork<sup>72</sup> and interdisciplinary teamwork.<sup>73</sup> Traditional teamwork follows a more uniform structure, centred on discipline-specific objectives, and is characterized by similar communication styles. Interdisciplinary teamwork is inherently diverse, targeting broader and more complex goals. This type of teamwork demands a more nuanced communication strategy to integrate varied professional perspectives and expertise. It requires a deep comprehension of each professional's unique roles and responsibilities, areas of expertise, and the scope of the issue or project at hand.<sup>74</sup>

Interprofessional framework competencies, especially those designed for health professionals, assist us in understanding these nuances. These competencies underscore the importance of seamless integration of diverse professional insights, fostering collaboration that transcends traditional disciplinary boundaries.<sup>75</sup> These interprofessional frameworks are being used in education to assist health students in understanding the competencies required to work in interprofessional teams.

Understanding one's role and responsibilities is crucial in the context of interprofessional teams. In practice, interprofessional teams challenge traditional professional boundaries. All individuals need to understand their role, scope, and expertise to facilitate effective collaboration. In the context of healthcare, clarity of role responsibilities is essential to improving patient care and interprofessional success.<sup>76</sup>

In this context, our goal was that students be autonomous and competent to participate effectively in interprofessional teams. It was also important to create a nurturing and supportive environment.<sup>77</sup> The project on which this research is based is therefore underpinned by the theoretical framework of self-determination theory. This approach allowed students to reflect on their professional needs with psychological support, thereby promoting both competence and autonomy. In addition, by learning about, observing, and participating in interprofessional teams, students developed effective collaboration skills, ultimately leading to optimal client outcomes.

<sup>68</sup> See James B Barker et al, 'Using Sport and Performance Psychology in the Management of Change', (2016) 16 (1) *Journal of Change Management*; and Akiho Suzuki, Stephanie Pitts 'Toward Effective Performance Psychology Interventions in Tertiary Music Education: An Exploration of Students' Experiences, Attitudes, and Preferences (2023) 52 (4) *Psychology of Music*.

<sup>69</sup> Rainer Martens, Damon Burton, Robin Vealey, L. A Bump, and Tom Greer Smith, 'Development and Validation of the Competitive State Anxiety Inventory-2 (CSAI-2)' in Rainer Martens, Robin Vealey, Damien Burton (eds) *Competitive Anxiety in Sport, Human Kinetics*, (Champaign, 1990).

<sup>70</sup> Ibid.

<sup>71</sup> Barker, et al (n 69) 40.

<sup>72</sup> Diggele et al (n 43). In response to the need for promoting interprofessional teamwork in health disciplines, universities are increasingly adopting these frameworks to support students' learning.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Nancarrow et al (n 18) 19.

<sup>76</sup> Callie Bittner, 'The Importance of Role Clarity for Development of Interprofessional Teams' (2018) 49 (8) *Journal of Continuing Education Nursing* < <https://pubmed.ncbi.nlm.nih.gov/30053304/>>.

<sup>77</sup> Ryan and Deci (n 45) 23.

## V. Rationale and context for the Interdisciplinary Teaching Project

Between 2019 and 2020, we undertook a research project to evaluate our interdisciplinary teaching framework and approach. We were inspired by the collaborative model utilised in healthcare environments, particularly at the University of Canberra Medical & Counselling Centre. This model emphasises interdisciplinary teamwork to provide support to patients, and these principles served as the basis for the educational, teaching, and well-being initiatives at the Clinic.

The primary goal of the project was to address a gap in the law curriculum by introducing and evaluating an interdisciplinary teaching method. This method aims to assist students in enhancing their transition from university to professional environments by fostering interprofessional teamwork skills which are crucial in modern workplaces. Additionally, this approach is intended to bolster students' legal competence and confidence.

The interdisciplinary teaching method included three initiatives: role-play client interviews; a well-being program; and interprofessional teamwork immersion (with accompanying seminars).

### (1) Role-play client interviews: Enhancing skills

Students participated in two role-play client interviews: one at the beginning of the semester and another at the end. The initial interview served as a baseline assessment of the students' skill levels, while the concluding interview evaluated their progress. Each role-play involved three participants: the student lawyer, a fictitious client, and an observer. The students faced these interviews without prior preparation, simulating a real-life experience.

The aim of the role-play client interviews was to simulate real-life scenarios, incorporating legal issues and requiring input from other professionals. It was designed to help students develop interdisciplinary awareness and reflect on the role of lawyers. The role-play was based on four interdisciplinary principles tailored to the client interview. It required students to think critically, recognise biases, tackle ambiguity, and appreciate ethical concerns.<sup>78</sup>

Following the initial interviews, students received immediate feedback based on a rubric evaluating their interview conduct and client assistance. This feedback highlighted their strengths, areas needing improvement, and strategies for skill enhancement.

At the end of the role-play client interviews, a seminar was held with legal and health professionals to highlight how combining legal and health perspectives could enhance client outcomes.

### (2) Well-being program: Enhancing student confidence, resilience and professionalism

Psychological assessments were conducted at the beginning of the semester to establish a baseline for students' well-being, with personalized feedback sessions provided by a psychologist. These assessments included the Connor-Davidson Resilience Scale;<sup>79</sup>

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<sup>78</sup> Vincent Kavaloski 'Interdisciplinary Education and Humanistic Aspiration: A Critical Reflection' (1979) in J. Kockelmans (eds), *Interdisciplinarity and Higher Education* (University Park, 1979) 224-244. William Newell 'Interdisciplinary Curriculum Development' (1990) 8 *Issues in Integrative Studies*. Michael Field et al, 'Assessing Interdisciplinary Learning' (1994) 58 *New Directions in Teaching and Learning* 69. Allan Repko, 'Assessing Interdisciplinary Learning Outcomes' (2008) *Academic Exchange Quarterly* 51. Deborah Vess and Sherry Linkon, 'Navigating the Interdisciplinary Archipelago: The Scholarship of Interdisciplinary Teaching and Learning' in Mary Huber and Sherwyn Morreale (eds), *Disciplinary Styles in the Scholarship of Teaching and Learning: Exploring Common Ground* (Routledge, 2002) 87.

<sup>79</sup> The Connor-Davidson Resilience Scale (CD-RISC) is a tool that measures individuals' psychological resilience or their ability to thrive. See CD-RISC, 'Connor-Davidson Resilience Scale' (Web Page, 23 June 2023) <<http://www.connordavidson-resiliencescale.com>>

Emotional and Social Competence Inventory;<sup>80</sup> VIA Character Strengths and Weaknesses;<sup>81</sup> and DASS – Measure of Depression, Anxiety and Stress.<sup>82</sup>

The well-being program was designed, delivered, and evaluated by the in-house psychologist<sup>83</sup> with a view to building students' confidence and resilience within a professional framework. The program employed two primary approaches:

- Group sessions led by the psychologist which encouraged students to reflect on their values, biases, insights, and challenges experienced in the clinic, discussing and debriefing these with fellow students. Discussions focussed on transitioning from student to professional, while maintaining their well-being in both their professional and personal lives.
- One-on-one personalised coaching sessions reviewed students' individual psychological profiles, and the identified skills gap observed in the role-play client interviews. A performance psychology framework<sup>84</sup> was used to help students optimize their skills by addressing barriers that limited or distorted their performance. For example, if a student needed to be more confident or more assertive, the psychologist would explore what was limiting confidence or preventing assertiveness and why there was a deficit. The goal was to shift, change, and grow students' mindsets to help them become professionals by identifying and overcoming these barriers.

### (3) Cultivating and working in interprofessional teams

The seminars focused on three aspects: debriefing sessions with the interprofessional team; the theory of teamwork and interprofessional teamwork competencies; and guest speakers sharing real-life scenarios and their work with other professionals.

At the end of the Clinic day, or at other convenient times, a debriefing session took place with an interprofessional team to analyse and address the various challenges encountered. These sessions often involved discussions about balancing legal issues and patient welfare. For example, they examined cases within the Clinic, where a medical practitioner issued long-term medical certificates to a client facing criminal charges. This practice allowed students to observe and reflect on how interdisciplinary work facilitates cross-pollination of ideas, promotes critical thinking, and encourages synergy among team members.<sup>85</sup>

The seminars focused on exploring the differences between teamwork and interprofessional teamwork and then delved into interprofessional frameworks and

<sup>80</sup> The Emotional and Social Competence Inventory is a survey that measures individuals' emotional and social intelligence, through measuring 12 competencies. See Consortium for Research on Emotional Intelligence 'Emotional and Social Competency Inventory' (Web Page, 23 June 2023) <[https://www.eiconsortium.org/measures/eci\\_360.html](https://www.eiconsortium.org/measures/eci_360.html)>.

<sup>81</sup> The Values in Action (VIA) character strengths are the set of natural abilities that individuals possess. The VIA assessment is a self-report questionnaire that measures individual strengths. See Institute on Character, VIA Character Strengths and Weaknesses (Web Page, 23 June 2023) <<https://www.viacharacter.org/character-strengths>>.

<sup>82</sup> The Depression, Anxiety and Stress Scale (DASS -21) is a 21 item self-reporting questionnaire that measures individuals' levels of depression, anxiety and stress. See Psychology Foundation of Australia 'Depression, Anxiety and Stress Scales (DASS)' (Web Page, 23 June 2023) <<http://www2.psy.unsw.edu.au/dass/>>.

<sup>83</sup> The psychologist on the teaching team was an expert in performance psychology and had previously worked with the Australian Olympic team. She applied this practical approach with athletes to enhance their performance, making her highly knowledgeable about the practical applications of the framework.

<sup>84</sup> Initially used to improve performance in sports, the principles of performance psychology have been used in various professions to enhance performance. See Judy Van Raalte and Britton Brewer, *Exploring Sport and Exercise Psychology* (American Psychological Association, 2019). Performance psychology draws from various theories and approaches, including cognitive behaviour techniques, positive psychology and mindfulness practices. It aims to enhance individuals' resilience, self-regulation, and overall well-being, improving performance outcomes. See Stewart Cotterill, *Performance Psychology: Theory and Practice* (Routledge, 2017).

<sup>85</sup> National Academy of Engineering, and Institute of Medicine 'Facilitating Interdisciplinary Research' (The National Academies Press, 2005) <<https://doi.org/10.17226/11153>>.



competencies. The main focus was to understand the differences between teams<sup>86</sup> (which are more homogenous and focus on specific discipline goals and similar communication styles) and interprofessional teams<sup>87</sup> (which are heterogeneous and focus on broader, multifaceted goals with different communication styles).

The seminars emphasised the importance of understanding these differences. In practice, interprofessional teams challenge traditional professional boundaries, and it is therefore important to understand your role, the scope of the problem, and the expertise you bring to the interprofessional team to facilitate effective collaboration. For example, in the context of healthcare, clarity of role responsibilities is essential to improving patient care and interprofessional success. In the seminars, we emphasized the importance of role clarification – understanding your role, your expertise, and the scope of the problem that the interprofessional team is trying to address.<sup>88</sup>

Finally, a series of guest speakers talked about real-life scenarios underscoring the critical importance of effective interprofessional teamwork in legal and health contexts, which provided practical insights into navigating complex client issues, emphasising the synergy required between legal and medical professionals for optimal outcomes.

## VI. Research Aim, Methodology and Approach

### (1) Research aim

The aim of the research project was to evaluate the interdisciplinary teaching methods used the second 2019-2020 iteration of the Clinic and to consider the extent to which it supported students in transitioning to professional roles.

### (2) Methodology

We conducted a small-scale research project with students who participated in the Clinic over three semesters during 2019 and 2020 (semester 2, 2019; summer semester 2020; and semester 1, 2020). A total of 20 law students participated in the research, of whom 60% (n=12) were female and 40% (n=8) were male. Among the participants, 85% (n=17) were Bachelor of Laws (LLB) students, and 5% (n=3) were Juris Doctor students. The students involved were in their final or penultimate year of studies and were enrolled in the University of Canberra legal clinic or law and justice internship units. Prior ethical approval was obtained, and all students were informed about the purpose of the research, that participation was optional, and that any information collected would be anonymous.<sup>89</sup> All 20 students agreed to participate in the research.

### (3) Research approach

The research employed a mixed-methods approach, integrating focus groups and survey instruments to gain a comprehensive understanding of students' experiences within the Clinic and their perceptions of the interdisciplinary teaching approach.<sup>90</sup>

<sup>86</sup> Bruce Tuckman and Mary Ann Jensen, 'Stages of Small Group Development' (1977) 419 *Group and Organisational Studies*. Weinstein et al (n 41).

<sup>87</sup> Nancarrow et al (n 18) 19.

<sup>88</sup> Bittner (n 77) 78.

<sup>89</sup> HREC (No.2123)

<sup>90</sup> This research can be appropriately characterized as action research. It systematically identifies a problem, develops and plans a series of interventions, implements these interventions, and subsequently observes, evaluates, and reflects on the outcomes. See Lin Norton, *Action Research in Teaching and Learning: A Practical Guide to Conducting Pedagogical Research in Universities* (Taylor & Francis Group, 2018)

<[https://www.westernsydney.edu.au/\\_data/assets/pdf\\_file/0009/1942578/Chapter\\_5\\_-\\_Where\\_do\\_you\\_start\\_a\\_pedagogical\\_action\\_research\\_study.pdf](https://www.westernsydney.edu.au/_data/assets/pdf_file/0009/1942578/Chapter_5_-_Where_do_you_start_a_pedagogical_action_research_study.pdf)>; and Martyn Denscombe, *The Good Research Guide for Small-Scale Social Research Projects* (Maidenhead, Open University Press, 2007).



To capture students' subjective perspectives and experiences,<sup>91</sup> focus group sessions were conducted at the end of each semester for approximately 60 minutes each. These sessions aimed to explore whether students felt better prepared for professional roles having completed the module, and to understand the factors influencing their views.<sup>92</sup> Data from the focus groups was collected, transcribed, and analysed using a comparative thematic approach to uncover patterns and themes, thereby seeking to understand the 'complexities, nuances and contextual factors that shape their views'.<sup>93</sup>

To gather more detailed and insightful written responses from students, we asked them to fill out a survey. Our goal was to uncover students' individual experiences and reflections. We collected and analysed the survey data using a comparative thematic approach to identify patterns and themes. The findings were illustrated using quotes from student participants representative of their views.<sup>94</sup> To ensure the reliability and validity of the data, the survey questions were aligned with the research objectives and administered in person, with clear instructions provided to the students.<sup>95</sup>

The mixed-methods approach sought to comprehensively explore students' subjective viewpoints and experiences of the Clinic setting and of the interdisciplinary teaching method. By integrating qualitative data from focus groups and surveys, the research aimed to unravel complex perspectives not fully captured by each process alone.<sup>96</sup>

## VII. Findings

### (1) Themes arising from focus group sessions

The focus group sessions revealed several key themes based on three questions asked of student participants:

*Question 1: Do you now have enough knowledge and skills to transition to a professional career?*

- *Collaboration, connections, and interprofessional teamwork:* In discussion, students noted that the Clinic fostered collaborations and friendships, which were less common during regular academic studies. All students reported that interprofessional teamwork was particularly beneficial, offering nuanced and rewarding ways to address problems beyond the discipline of law. This realisation was profoundly rewarding as students saw the potential for diverse career paths utilising their law degrees.
- *Interdisciplinary learning and soft skills:* Students praised the interdisciplinary approach to holistic problem-solving, emphasising its importance in viewing issues from different perspectives and considering alternatives to the traditional legal education approach. This approach was described by one student participant as '*transformative*' and '*eye-opening*'.<sup>97</sup> Students also said it was empowering to be able to apply soft skills, such as active listening, which are not emphasised in the law curriculum, but which they know are important.
- *Practical knowledge gaps:* Students highlighted the limited hands-on experience and real-world scenarios in their law curriculum. They emphasised the need for more practical exposure to complement their academic learning. Additionally, many students

<sup>91</sup> Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3 *Qualitative Research in Psychology*; and Lorelli S Nowell et al, 'Thematic Analysis: Striving to Meet the Trustworthiness Criteria' (2017) 16(1) *International Journal of Qualitative Methods*.

<sup>92</sup> Norman Denzin and Yvonna Lincoln, *The Sage Handbook of Qualitative Research* (Sage Publications, 5<sup>th</sup> ed, 2017).

<sup>93</sup> Ibid.

<sup>94</sup> Angela O'Donnell, *The International Handbook of Collaborative Learning* (Routledge, 2013).

<sup>95</sup> Earl Babbie, *The Practice of Social Research* (Cengage Learning, 2016).

<sup>96</sup> Braun and Clarke (n 105) 17. Nowell et al (n 105) 256.

<sup>97</sup> Student participant no. 16.

noted, with disappointment, that prior to their Clinic experience they had not participated in a client interview and had limited advocacy experience.

*Question 2: Has the well-being program assisted you?*

- *Building confidence and empowerment:* Students said that the well-being program was valuable in boosting students' confidence, making them feel empowered both personally and professionally. Despite the challenging performance psychology framework, students found it extremely beneficial for identifying skills gaps, focusing on root causes.
- *Supportive and nurturing environment:* Students reported feeling nurtured and supported and appreciated being able to debrief and interact with peers and professionals. The performance psychological framework was highlighted as especially helpful in improving students' skills and building their confidence. Students enjoyed collaborating, considering a holistic approach to helping clients rather than simply finding legal problems and going to court. This approach differed from their law curriculum and was seen as a valuable addition to their education.

*Question 3: As you near the end of your degree, what are the concerns or pressure points you expect to face?*

- The discussion revealed a diverse array of topics concerning students' futures, including finding a job, managing debt, apprehensions about transitioning from university to the workplace, coping with job stress associated with legal roles, supporting their families, and the evolving landscape of legal work over the next decade.
- Overall, the students enjoyed the Clinic experience, which significantly boosted their confidence and feeling that they could more easily transition to professional roles. Importantly, students enjoyed collaborating and working out how to solve problems. One student said that she enjoyed *'thinking outside the box [about] options that were not just bound by legal services, to make a significant difference to someone. This was transformative.'*<sup>98</sup>

## (2) Survey findings

The survey aimed to uncover the reasons behind students feeling that they were prepared for professional roles, and their elevated understanding of a lawyer's role from their unique perspective.<sup>99</sup>

The survey encompassed four closed questions, each followed by an open-ended question designed to elicit detailed written responses on specific topics. Additionally, a fifth question with various components addressed students' overall experience in the Clinic. The survey instrument was distributed to students at the end of each of the three semesters, covered by the project and was completed and returned in one process. In total, 20 students responded to the survey instrument over the three semesters. Our objective was to delve into students' opinions, experiences and reflections<sup>100</sup>, encouraging them to contemplate deeply the role of a lawyer within an interdisciplinary Clinic setting.<sup>101</sup>

Below follows a consideration of the survey questions and the responses provided by the participating students.

### 1. Objective – Thinking Outside the Legal Framework

<sup>98</sup> Student participant no. 12.

<sup>99</sup> Denscombe (n 104) 165. O'Donnell (n 108) 54.

<sup>100</sup> Babbie (n 109) 22.

<sup>101</sup> Julie Klein, *Interdisciplinarity: History, Theory and Practice*, (Wayne State University Press, 2010); and Allen Repko, Rick Szostak and Michelle Buchberger, *Introduction to Interdisciplinary Studies* (Oxford University Press, 2010).

- a. *The Clinic, through the first role-play and second role-play client interview provided you with opportunity to think critically outside the legal framework. Do you:*
- Strongly agree
  - Agree
  - Neither Agree/Nor disagree
  - Strongly disagree
- b. *Did you notice any improvement in your skills level, confidence or anything else?*

Responses:

100% (n=20) of students strongly agreed that their skills in critical thinking outside the legal framework had improved. In free text comments, 85% (n=3) of students stated that their confidence had improved in conducting client interviews, distinguishing the legal issue from the problem, and realizing that not all problems have legal solutions. Fifteen percent of students did not answer this question.

2. *Objective: Implicit Bias – The importance of understanding yourself, to be a better problem solver for your client*
- a. *The first and second role play provided you with the opportunity to identify potential biases, assumptions and preconceived ideas during interactions. Do you:*
- Strongly agree
  - Agree
  - Neither Agree/Nor disagree
  - Strongly disagree
- b. *We understand that role play client interviews are often not enjoyed by students but putting that aside, did you believe that your experience of the roles had any impact on your client interview/style/techniques?*

Responses:

85% (n=17) of students strongly agreed that they understood how implicit bias could impact the client interview, while 15% (n=3) agreed. All students indicated in their free text responses that the role-play allowed them to explore the true nature of a lawyer's work in terms of the role and its boundaries. Respondents emphasized that they had learned the significance of soft skills such as effective listening, building rapport, and communicating.

3. *Objective – People often present with complex problems with ambiguous information. Within this context it is important for legal practitioners to have role clarity, so that they know what their role is.*
- a. *The first and second role play client interview provided you with opportunity to consider the complexity of problems along with ambiguous information by the client. Did you understand your role?*
- Strongly agree
  - Agree
  - Neither Agree/Nor disagree
  - Strongly disagree
- b. *If you consider that you assisted your client during the role-plays, please tell us about it.*

Responses:

100% (n=20) of all students stated that the role-play client interviews helped them understand the lawyer's role in a client interview. Three quarters (n=15) of the students who responded to the question indicated that they did not know how to assist a client if the problem they presented with was not legal. However, after participating in the Clinic, they felt more confident about their capabilities, the role and boundaries of a lawyer, and how collaborating with other professionals could aid clients. 25% (n=5) of students did not respond to this question.

*4. Objective: Ethical and professional issues arise in legal practice and extend beyond the professional requirements of a legal practitioner. It is important to know how to handle these situations.*

*a. Did you understand and appreciate the ethical and professional issues that you had to deal with in assisting your client in the first and second role-play client interview?*

- Yes
- No
- Not Sure

*b. Can you explain your answer in more detail?*

Responses:

85% (n=17) of students strongly agreed that they understood how ethical issues can arise in role-play client interviews, while 15% (n=3) agreed.

75% (n=15) of students found navigating ethical and professional issues difficult. However, they also felt that they gained more confidence in knowing how to approach these issues.

*Question 5.*

*a. Did participating in this Clinic provide you with better insight into interdisciplinary practice and interprofessional teamwork?*

*b. How confident do you feel about managing people and complex problems in a legal environment?*

*c. Overall, do you feel you have a better understanding of the role of a lawyer and if so why?*

*d. Please describe your overall experience and value in participating in the Clinic.*

Responding to the final series of free text questions, 85% (n=17) of students reported that the Clinic environment enabled them to understand how interdisciplinary practice and interprofessional teamwork can solve complex problems.

75% (n=15) of students said that it was invaluable to learn how to assist clients who not only had legal issues, but multifaceted problems. Additionally, all students emphasised the critical importance of comprehending the role of a lawyer and maintaining professional boundaries.

100% (n=20) of students reported that they valued the approach used in performance psychology to improve their skills. This approach, they said, significantly helped them address and refine their skills. Students reported that the one-on-one coaching sessions and group activities provided a secure and supportive environment, fostering confidence in their practical legal abilities and facilitating their transition to future professional roles.

70% (n=14) of students felt that there was insufficient attention and guidance given on addressing interprofessional conflict, and how that would impact on clients.<sup>102</sup>

## VIII. Discussion and teaching team observations

### (1) Role-play client interviews and real-client interviews

Students highlighted the benefits of Clinic participation, including improved collaboration, emotional support, interdisciplinary learning, and skills empowerment. They also highlighted that throughout their law degree they had had limited exposure to practical skills and real-life scenarios. They saw this as a problem.

The teaching team observed that students' legal competency skills had improved significantly: it is likely attributable to their participation in a legal clinic program, which inherently supports skills development through practical experience.

### (2) Well-being program

Students reported that they found the performance psychology framework particularly rewarding, despite its challenges, and that they would use it beyond university, reporting that it allowed them to identify skills gaps (based on the role-play client interviews) and to work with the psychologist to improve specific skills.

Students reported that the whole well-being program was instrumental in boosting their confidence and personal growth.

The psychologist evaluated 20 students who willingly completed psychological assessments as part of the clinic module. The evaluations revealed a significant prevalence of elevated stress levels, anxiety, and general unwellness among a substantial portion of the student group (75%, n=15), with a smaller portion exhibiting moderate to high levels of these conditions (25%, n=5). Although students did not complete the psychological assessments at the end of the semester, the psychologist observed through group sessions and one-on-one coaching sessions that students appeared more confident in dealing with interprofessional team members and were optimistic about their future. This observation seems to reflect the students' own observations relating to their confidence and growth.

### (3) Interdisciplinary and interprofessional teamwork

Student participants reported that they had gained significant insight from participating in an interprofessional team. One participant said, *'It was a new way of applying legal knowledge and skills, but in a way that wasn't about just identifying a legal problem and going to court, but about helping the client holistically and working together'*.<sup>103</sup>

The teaching team observed all students were highly engaged, which was evident through active participation in clinic work, interdisciplinary activities, and discussions. They also showed a strong commitment to learning from and working with professionals from various fields.

Through the survey, students acknowledged that their awareness of the complexity of problems had improved significantly. They understood that problems are rarely one-dimensional and may require input from other disciplines or professionals. Importantly, the survey revealed that student participants identified that role-play client interviews helped them understand the role of a lawyer and their boundaries in dealing with clients and their complex problems.

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<sup>102</sup> In the third iteration of the Clinic, a component of the seminars addresses interprofessional conflict through examples and includes student discussions on how to resolve interprofessional conflict in teams.

<sup>103</sup> Student participant no. 17.



The following statements from student participants provide a valuable insight into the benefits of being involved in the Clinic for students:

*'For perhaps the first time in my undergraduate degree, I was confronted with the emotional, health and mental strains of legal clients. The value of this unit to me has been immense'.<sup>104</sup>*

*'As a final year law student, I have felt inadequate underprepared and as an imposter when faced with my future career. This unit has alleviated many of these failings'.<sup>105</sup>*

Overall, the research uncovered that students highly valued the opportunity to develop their legal practice skills, the provision of a supportive environment, and the chance to forge collaborative connections with peers, professionals, and teachers. They also highly rated input from the in-house psychologist to enhance their professional well-being. Most importantly, the research, through students' views and reflections, showed that students felt empowered to transition from university to professional careers.

Students highly rated a holistic approach to client problem-solving, which gave them a better understanding of the value that lawyers can bring in addressing real human issues. One student participant's comment, *'Now I know what lawyers do'*<sup>106</sup>, resonated with other student participants.

## IX. Potential for adaptation and implementation

Although the three initiatives detailed in this article were time-consuming and resource-intensive, students reported, and we observed, that they provided significant benefits to students.

The initiatives discussed in this paper can be adapted and implemented by educational institutions. For example, in the field of law, the role-play client interview, a crucial aspect of traditional legal work, proved to be effective in identifying students' strengths and areas needing improvement, and in helping them develop their skills. By using a baseline, students and the teaching team could see how much the students had improved from the beginning to the end of the semester. Similarly, the performance psychology framework could be used by academics to identify students' skill gaps at the beginning of the semester and then scaffold learning to improve those skills. Ideally, a psychologist would develop such a program, but educators could utilise a less comprehensive performance psychology technique to deliver this themselves. Additionally, the interprofessional competency framework used by health professionals could be adapted for the discipline of law and used as a template for interdisciplinary teams to work on real-world projects.

## X. Limitations

The limitations of this project include the potential for inconsistency in results due to different observers being present in the first and second role-play client interviews; the lack of psychological instruments completed at the end of the semester; and the potential need for survey questions to be simplified, as this may have been the reason for some students not completing all the surveys.

From a practical perspective, the interprofessional teamwork immersion did not address strategies for resolving conflict in the team, especially when balancing legal and patient care. Although this issue did not arise in the Clinic, some guidance, strategies, and

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<sup>104</sup> Student participant no. 9.

<sup>105</sup> Student participant no. 5.

<sup>106</sup> Student participant no. 12.

information to students about tension and conflict that can arise in an interprofessional team would have been beneficial.

Additionally, the small size of the student group raises questions about the research findings' general applicability to law students.<sup>107</sup> Whilst the findings cannot be generalised across the law student population as a whole, the focus groups and survey reveal through students' experiences and reflections that they value teaching that improves their legal competency, confidence, and interprofessional skills in dealing with real-life scenarios. Students also reflected, and we observed, that their competency, confidence and interprofessional skills were enhanced by being involved in the Clinic.

There is no doubt that this research paper and previous studies have highlighted the improvement of students' practical skills in a legal Clinic setting.<sup>108</sup> Further, this research, along with other research, shows the importance of creating a positive culture to enhance students' education in law school environments.<sup>109</sup> The present research stands out by incorporating performance psychology techniques facilitated by a psychologist to boost students' confidence and skills. This approach not only aids in their immediate professional development but also equips them with tools that can be applied to other aspects of their lives and future careers.

Furthermore, the research integrates interprofessional teamwork using an interprofessional health framework<sup>110</sup> tailored for law students. This framework allows students to deeply engage with the role of a lawyer and understand their value in an interprofessional team. This interdisciplinary approach fosters a holistic view of legal practice, urging students to recognise the broader impact of their work within diverse professional settings.

## XI. Conclusion

In summary, based on student feedback and our observations, three key teaching initiatives have improved students' legal competency, confidence, and interprofessional collaborative skills. These enhancements aim to better prepare students for post-university life, including legal practice and diverse careers.

Our overarching goal was to inspire students to think beyond conventional career paths and consider the broader possibilities of what they can achieve with a law degree. Through the Clinic, we encouraged students to explore new ways of legal and human problem-solving,<sup>111</sup> with the aspiration of inspiring them to rethink and redefine what it means to be a future lawyer.

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<sup>107</sup> Denscombe (n 92) 178.

<sup>108</sup> Evans et al (n 49) 21.

<sup>109</sup> Huggins (n 64); Duncan et al (n 64).

<sup>110</sup> Nancarrow et al (n 18) 19.

<sup>111</sup> Menkel-Meadow (n 4) 379.



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## Article

# Effecting Change and Addressing Inequalities through Community Based Research: Opportunities and Challenges

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## Abstract

Access to legal services and pro bono community outreach projects have become embedded in the languages of policymaking and academia over the last few years, and community-based law clinics are beneficial in terms of ensuring ease of access to legal advice and consequent expansion of the number of clients served. The advantage of community justice initiatives is well established in literature and research suggests that they should be participatory, allowing people experiencing problems to play an active role in constructing the solutions. This makes it more likely that individuals will obtain the help they need for the problems they are experiencing, it increases empowerment and encourages them to take preventative action and seek help from competent sources.

In February 2024, a team of students and solicitors from Lancaster University's Law Clinic ran an outreach clinic in Blackpool, which is one of the most deprived areas in the UK. The outreach clinic aimed to reach those most marginalised and disconnected from legal advice and assistance while seeking to understand and identify approaches to bridging the access to justice gap. This paper explores the results of this project, the opportunities, challenges experienced and how they may be overcome in future projects.

## I. Introduction

Across the country, many universities have undertaken community outreach legal projects which play an important role in ensuring accessibility to legal advice and assistance but they have other benefits such as: advancing social justice for under-represented groups;<sup>1</sup> providing an educational environment in which student advisors can engage with communities and problems to which they potentially have never been exposed; and creating an opportunity for a bottom-up approach to research.<sup>2</sup>

Community Based Research 'is a partnership of students, faculty, and community members who collaboratively engage in research with the purpose of solving a pressing community problem or effecting social change.'<sup>3</sup> The "community" may be local, regional, or national, however, in every case the community is comprised of the 'oppressed, powerless, economically deprived or disenfranchised [...] who are disadvantaged by existing social,

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<sup>1</sup> Katie Boyle et al. The Practitioner Perspective on Access to Justice for Social Rights: Addressing the Accountability Gap. (Nuffield Foundation 2022) <https://www.nuffieldfoundation.org/project/access-to-justice-for-social-rights-addressing-the-accountability-gap> accessed 22 April 2024.

<sup>2</sup> Law Works and CLEO (Clinical Legal Education Organisation), Law School Pro Bono and Clinic Report (2020) <https://www.lawworks.org.uk/solicitors-and-volunteers/resources/lawworks-law-school-pro-bono-and-clinics-report-2020> accessed 22 April 2024.

<sup>3</sup> Linda F. Smith, 'Community Based Research: Introducing Students to the Lawyer's Public Citizen Role' (2017) 9 *Elon L Rev* 67, 68.

political or economic arrangements.<sup>4</sup> In 2019, the Indices of Multiple Deprivation ranked Blackpool as the most deprived of 317 Local Authority areas in England with many people living below the poverty line,<sup>5</sup> and it has been described as having ‘the greatest concentration of deprivation in England, with an influx of high numbers of low-income and vulnerable people’.<sup>6</sup> In 2023, the Law Society found that there are significant legal advice deserts across large areas of England and Wales where people are unable to access legal aid or afford private legal.<sup>7</sup> Blackpool has been identified as one of the areas where the reduction in legal aid funding has had a negative impact on the community. This project was piloted as a response to these findings.

## II. Project goals

In addition to providing legal advice, the aim of the Blackpool project was to investigate the specific challenges individuals are facing when attempting to access legal advice and other related services. By achieving a better understanding of the barriers people are presented with, Lancaster University Law Clinic can consider a targeted approach to dealing with unmet legal needs in the community. The project had five key aims:

- 1) To provide legal advice for the residents of Blackpool.
- 2) To document the number of clients that attended for legal advice and to identify in which legal area most of the advice is sought.
- 3) To identify the specific challenges the community may face in accessing legal services.
- 4) To better understand how to target unmet legal needs in communities.
- 5) To use the findings from the project to inform future initiatives that have the potential to enhance not just academic research on access to justice, but also the evidence base for policy makers in identifying best practice and possible solutions to improving legal advice for disadvantaged communities.

Furthermore, the aims were intended to inform future initiatives developed by the Law Clinic, and to help identify areas for improvement in the design, development and delivery of legal outreach projects.

## III. The establishment of the Blackpool Outreach Clinic

From the outset, it was important to embed the project within a deprived area such as Blackpool, as it is well known that ‘the social and financial vulnerability experienced by individuals also has a bearing on their response to legal problems, not just the acquisition of those problems.’<sup>8</sup> In order for the project to be a success, it was imperative to place a strong emphasis on ‘collaborations and connections with the community.’<sup>9</sup> This has enabled us to

<sup>4</sup> Linda F. Smith, ‘Community Based Research: Introducing Students to the Lawyer’s Public Citizen Role’ (2017) 9 *Elon L Rev* 67, 68.

<sup>5</sup> Ministry of Housing, Communities and Local Government (2019) *English Indices of Deprivation* <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019> accessed 23 April 2024. Also see: Joint Strategic Needs Assessment Blackpool <https://www.blackpooljsna.org.uk/Home.aspx> accessed 23 April 2024.

<sup>6</sup> Blackpool Council, Blackpool Town Prospectus 2024-2023 (2024) < <https://www.blackpool.gov.uk/Your-Council/Creating-a-better-Blackpool/Regeneration/Documents/Blackpool-Town-Prospectus-2024-2030-Accessible.pdf> > accessed 6 July 2024.

<sup>7</sup> <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts#:~:text=In%20large%20areas%20of%20England,England%20and%20Wales%2C%20October%202023> accessed 6 July 2024.

<sup>8</sup> Orla Drummond and Grainne McKeever, ‘Access to Justice through University Law Clinics’ (2016) [https://www.ulster.ac.uk/\\_data/assets/pdf\\_file/0003/132654/Access-to-Justice-through-Uni-Law-Clinics-November-2015.pdf](https://www.ulster.ac.uk/_data/assets/pdf_file/0003/132654/Access-to-Justice-through-Uni-Law-Clinics-November-2015.pdf) accessed 1st July 2024, 9

<sup>9</sup> Sarah Butler, ‘The View from Here: Access to Justice and Community Legal Clinics’ (2012) 63 *University of New Brunswick Law Journal*, 442

build an ongoing partnership with Blackpool Library Services, a partnership that will be built on to tailor community specific projects going forward. Libraries often operate as community hubs and the only free community space where people can gather. Through this partnership public library staff become better equipped to help close the justice gap in their communities by connecting people in need of legal assistance to reliable information, resources, and services. Research by the Engaging Libraries programme found that public libraries partnering with universities to deliver a range of public engagement activities can make a significant positive impact on communities and creates an opportunity for knowledge exchange.<sup>10</sup> This mirrors the discussion within literature that law clinics must not operate in a vacuum, but rather as part of a wider ecosystem.<sup>11</sup> Finally, as Lancaster University's law clinic is usually held on the University campus, which is around a 45-minute drive from Blackpool, the services offered would be inaccessible to those without the means to travel to the campus, thus the central location of the library provided easy access for the target audience.

#### IV. Setting up the Blackpool Outreach Clinic

To prepare for the outreach clinic, we published a call for volunteer student advisers. The project was voluntary for postgraduate and third year undergraduate law students, already involved in the campus-based law clinic. In terms of advertising to the public, this was done both online and offline, to take account of potential data and digital poverty in the area.<sup>12</sup> Contact was made with local newspapers in Blackpool, the Citizens Advice Bureau, local charities and the local MP to make sure the project was advertised as actively as possible. The participants for this study were recruited upon initial contact with the Law Clinic Manager to make an appointment. During this initial contact, the client's case was assessed to ensure suitability for the clinic. It was important, due to restrictions on supervision and Solicitors Regulation Authority requirements, that the enquiry related to one of the following areas: private family issues; contract disputes; consumer disputes; education law; neighbour disputes; wills; small claims; or property law.

Prior to the outreach clinic, the student advisers were organised into pairs, with each pair being assigned a specific case. In preparation, they conducted preliminary legal research based on the information provided by the client in their initial enquiry. In some instances, this information was comprehensive, enabling the students to conduct detailed research ahead of the meeting. However, at times, the information lacked critical details, requiring the students to adapt quickly and respond appropriately when additional issues were presented during the client interview. The student advisers met the client for the first time in Blackpool and conducted a fact-finding interview where the giving of advice was strictly prohibited. Both in person and virtual appointments were conducted to ensure we could provide a service to all prospective clients, regardless of any limitations preventing them from attending in person. After the interview, the students carried out further legal research and drafted a letter of advice to be sent to the client. This letter was supervised by a qualified solicitor either within the Law Clinic or from a local law firm, before being sent to the client.

Prior to each appointment, clients were asked if they would be willing to complete a survey on their experience of accessing legal services. They were informed when making the appointment and on the Participant Information Sheet that if they do not wish to participate, this would not affect their access to the outreach clinic. Those who were willing to participate were given simple background information. The information explained why the Law Clinic team believe the issue of access to justice is important; the project aims, information about how their data will be used and assurance was given concerning confidentiality during and after their appointment. After the appointment, the clients were asked to complete the survey

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<sup>10</sup> Carnegie UK, *Engaging the Public with Research: A Toolkit for Higher Education and Library Partnerships* [www.carnegieuktrust.org.uk](http://www.carnegieuktrust.org.uk) accessed 1 July 2024.

<sup>11</sup> Ab Currie, 'The Community Being Helped Is the Resource That is Needed' (2020) *Canadian Forum on Civil Justice*, 7.

<sup>12</sup> Patricia Lucas, Rosa Robinson and Lizzy Treacy, *What is Data Poverty?* (Nesta 2020) Data poverty refers to the not being able to afford sufficient access to broadband or mobile data, while digital poverty refers to not having access to digital devices.



to obtain information about their experiences of, and barriers faced, in accessing legal services.

The outreach clinic was largely based on the current Lancaster University Law Clinic model which operates on an appointment only basis. However, due to the nature of the outreach clinic, we did accommodate some drop-in clients. Typically, drop-in appointments are not permitted because of the diverse legal areas handled at the clinic and the need to ensure accurate legal advice and a high-quality service. Nonetheless, it was deemed appropriate on the day for the students to conduct meetings with two drop-in clients, to ensure access to legal services was not prevented.

The risks of having drop-in clients were mitigated by the clinic team speaking to the client to assess their suitability for the clinic. It was decided, after giving the students a short amount of time to conduct some initial research, that it was appropriate for them to run a meeting with the drop-in client, to 'prioritise community engagement over educational development and endeavour to address the unmet legal need which has arisen'.<sup>13</sup> It was explained to the client before the meeting that no advice would be given in the meeting. This ensured the drop-in clients received the same level of service and assistance as the prebooked clients, whilst 'exposing students to people from all walks of life, including disadvantaged and vulnerable communities'.<sup>14</sup>

## V. The survey and findings

Clients were surveyed after the initial interview to gain a better understanding of their experiences and needs. Information was gathered as to the demographics of the client, types of problems they experienced, whether they had previously sought advice for the problem and whether it was helpful. A total sample of eight clients were surveyed. This number was no less than the number of clients served during a campus-based law clinic, but it was lower than expected. Questions included gender, age, income level, areas of need, whether they had previously sought legal advice for the problem, the help they received, and if this had been helpful.

In terms of age and gender, 50 percent of clients were aged between 55-64 years, 25 percent between 18-34 years, and the remainder between 35-54 years. Gender distribution was equal at 50 percent male and female. Regarding employment status, the majority of clients were retired, while the others were either full time, part time or self-employed. Only one client reported they were unemployed due to ill health. The survey included a question to gauge awareness of legal advice providers and whether they had accessed any of these services in the past. The results found that over 60 percent of clients had previously obtained advice from a free legal advice organisation or a solicitor, however, the issue could not be resolved following the advice. Of those who did not seek legal advice from other sources, the key reasons were:

- The problem was not perceived as important enough to seek legal advice.
- Uncertainty about where or how to obtain advice.
- Concerns about the financial cost of obtaining legal advice.

Pleasence and Balmer observe that people may not recognise their circumstances as problematic, and even if they are recognised as so, they may not take steps to address them. Furthermore, the characterisation of a problem influences resolution behaviour, meaning that those who experience a legal issue may not seek advice as the problem is perceived as trivial or that taking action would not make a difference; not knowing what to do or where to go for assistance; or uncertainty about their rights.<sup>15</sup>

<sup>13</sup> Lyndsey Bengtsson and Ana Kate Speed, 'A Case Study Approach: Legal Outreach Clinics at Northumbria University' (2019) 26(1) *International Journal of Clinical Legal Education*, 185.

<sup>14</sup> Lyndsey Bengtsson and Ana Kate Speed, 'A Case Study Approach: Legal Outreach Clinics at Northumbria University' (2019) 26(1) *International Journal of Clinical Legal Education*, 185.

<sup>15</sup> Pascoe Pleasence and Nigel J. Balmer, *How People Resolve 'Legal' Problems*, (Legal Services Board, 2014).

The survey found that 50 per cent of clients had used the internet to obtain legal advice but they found the information overwhelming and difficult to understand. Furthermore, it was difficult to identify what information was relevant, which options would best be suited for the problem, and what steps they needed to take to implement the advice. Literature on legal advice-seeking highlights that the complex nature of legal processes and terminology means it can be difficult to evaluate online information without legal training. Consequently, many people do not recognise legal aspects of issues and are uncertain about what to do, and whether affordable help is available.<sup>16</sup> Those who did not consult the internet reported that they did not have a smart phone, or they did not consider it necessary to search the internet due to having an appointment with the outreach clinic. The complexity and inaccessibility of legal information and terminology can create a substantial barrier to locating appropriate advice. According to Murray, those who do seek help online are more likely to be those who have a degree of comfort with using technology and navigating legal information.<sup>17</sup> Furthermore:

comfort, confidence, and ability to go online for legal help varies by legal issue and according to dynamics of advantage and disadvantage – including those related to income and generational and educational opportunities, as well as housing stability, literacy, language, (dis)ability [...]<sup>18</sup>

The main areas of law in which advice was sought were family issues (splitting up, division of assets, child arrangements); wills (making a will and disputes about a will); small claims (court proceedings, poor service); and property law (landlord and tenant disputes). Given that each area of law represented 25 percent, there cannot be any conclusions drawn about the order of prevalence. Finally, 72 percent of clients never applied for legal aid and 14 percent respectively did not know what legal aid was or they had applied for and received legal aid in the last three years.

The survey achieved the aim of identifying challenges individuals face in looking to access legal advice and related services, and it provided insight on the barriers experienced. However, the survey highlighted that there are opportunities for additional research, and future initiatives could benefit from lessons learned from this project. For example, although the clinic was widely advertised by Lancaster University Law Clinic and Blackpool Library Services via social media platform, the university website and the Blackpool Gazette, we had not anticipated a low participation rate, thus the result was a small sample size of clients for the survey. This raises questions as to the effectiveness of these mediums in reaching the targeted audience and whether different approaches merit consideration. Furthermore, there was limited representation from those unemployed or seeking employment, so their legal experiences are still not understood. With that said, the results still offer some helpful insights that will assist with finding ways to meet the needs of disadvantaged communities while better understanding how services are sought and used.

## VI. Opportunities we identified

Students who participated in the Blackpool outreach law clinic gained all the benefits traditionally associated with clinical legal education. For example, students had the opportunity to put theory into practice in a real-world setting and develop key skills, such as interviewing and conducting practical legal research.<sup>19</sup> Skill development and practical experience enhances the employability of students who work in law clinics. As demonstrated

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<sup>16</sup> Orla Drummond and Gráinne McKeever, *Access to Justice through University Law Clinics* (Ulster University Law School, 2015).

<sup>17</sup> Kate M. Murray, *Achieving Digital Equity in Access to Justice* (Law Services Society BC, 2021) 17.

<sup>18</sup> Kate M. Murray, *Achieving Digital Equity in Access to Justice* (Law Services Society BC, 2021) 16.

<sup>19</sup> Christopher King and David Jones, 'Cui pro bono? Working on Partnership: A Possible Blueprint for the Future of Clinical Legal Education' in Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds) 'Reimagining Clinical Legal Education' (Hart Publishing, 2018) 37.

by Alexander's research into clinical legal education and employability, participation in a law clinic has several employability-enhancing benefits, including increased confidence in graduate job applications and during the transition from education to the workplace.<sup>20</sup> In addition, exposure to authentic experiences in a law clinic setting can instil in students a newfound sense of professional identity.<sup>21</sup>

Alongside the pedagogical and employability benefits, one of the main advantages of outreach initiatives is that they can expose students to the issues that are prevalent in the communities that they serve.<sup>22</sup> The Law Clinic team decided to hold an outreach clinic in Blackpool because it is geographically proximate to Lancaster and is one of the poorest communities in the UK. By holding the outreach clinic in an area of high deprivation, students supported unmet legal need and gained insight into social and personal issues affecting a local community that they might not otherwise be exposed to.<sup>23</sup> As Lancaster University's law clinic is usually held on campus, for clients based in the Blackpool area who do not have transport, accessing the campus-based University law clinic could be a barrier. To ameliorate potential access issues, the law clinic offers remote (via Teams) and telephone appointments. However, these services are not accessible for all clients, such as those who do not have access to the required technology. In addition, as Bengtsson and Speed observe, clients from deprived areas may be less likely to seek legal advice because of a distrust of legal advisors or intimidation by the legal process.<sup>24</sup> The Law Clinic team therefore agreed that organising an outreach clinic in the heart of the local community, at a local library which will be familiar to many residents, had the potential to enhance engagement and maximise impact.

Another often overlooked benefit of outreach law clinics is that they can generate empirical research which can be used to inform policy making and practice.<sup>25</sup> In the Blackpool outreach law clinic, we conducted research to investigate the challenges that clients face in accessing legal advice. This empirical research will be used to produce scholarship providing important insights on social policy issues. Research into the barriers that might prevent clients from a deprived area seeking legal support is particularly important considering the cuts to legal aid brought about by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ('LASPO'). Since LASPO, legal aid casework volumes for non-criminal matters have reduced by around 75%.<sup>26</sup> In addition, the England and Wales Civil and Social Justice Panel Survey reported that while around a third of the population experience legal issues, only 10% will access legal advice or support.<sup>27</sup> To ensure that we do not have a two-tier justice system in the UK, where legal advice is only available to the well-off, it is essential that high quality research is conducted into the challenges that clients in deprived communities face when trying to access legal services. Insights into barriers to accessing legal advice can be a gateway to effecting meaningful societal change.

Another opportunity presented by outreach law clinics is that they can develop a professional commitment to public interest lawyering.<sup>28</sup> As Wizner states, working with clients in deprived areas can help students gain an understanding that legal representation is just as vital in the resolution of the complex legal problems of the poor as it is to those of the wealthy.<sup>29</sup> In addition, working in a law clinic can increase student understanding of the legal system as

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<sup>20</sup> Jill Alexander, 'Modelling employability through clinical legal education: building confidence and professional identity' (2023) 57(2) *The Law Teacher* 135, 148

<sup>21</sup> *ibid* 149.

<sup>22</sup> Scott Cummings, 'Beyond the Beltway: The Paradox of Community: A View from the Prismatic Metropolis' (2003) 13(1) *Journal of Affordable Housing and Community Development Law* 208, 211.

<sup>23</sup> Lyndsey Bengtsson and Ana Kate Speed, 'A Case Study Approach: Legal Outreach Clinics at Northumbria University' (2019) 26(1) *International Journal of Clinical Legal Education* 179, 212.

<sup>24</sup> *Ibid* 180.

<sup>25</sup> Scott Cummings, 'Beyond the Beltway: The Paradox of Community: A View from the Prismatic Metropolis' (2003) 13(1) *Journal of Affordable Housing and Community Development Law* 208, 211.

<sup>26</sup> James Sandbach and Clare Johnson, 'Impacting Justice: The Contribution of Clinical Legal Education And Law School Clinics To Pro Bono And Access To Justice In England And Wales' (2019) [Impacting-Justice-Paper-IJCLE-ENfCLEpdf.pdf](https://www.lawworks.org.uk) ([lawworks.org.uk](https://www.lawworks.org.uk)) 2.

<sup>27</sup> *Ibid* 2.

<sup>28</sup> Robert Greenwald, 'The Role of Community-Based Clinical Legal Education in Supporting Public Interest Lawyering' (2007) 42(2) *Harvard Civil Rights - Civil Liberties Law Review* 569, 569.

<sup>29</sup> Stephen Wizner, 'The Law School Clinic: Legal Education in the Interests of Justice' (2002) 70(5) *Fordham Law Review* 1929, 1935.

a tool through which social change can be affected, and simultaneously develop an appreciation of the limits of the law in resolving individual and social barriers.<sup>30</sup> Anecdotally, many of our Law Clinic alumni have described their passion for clinical legal education and their commitment to public interest lawyering, regardless of the legal specialism that they subsequently practise in.

## VII. Challenges we encountered

Whilst community outreach law clinics boast a wealth of benefits for both students and clients alike, it is important to recognise that there are also challenges and hurdles with setting up a project of this nature.

### (1) Identifying a partner

Our Law Clinic team did not have any pre-existing relationships with organisations in Blackpool. Knowing that the project's aim was to organise an in-person, in-community Law Clinic, the first challenge was to identify a suitable partner organisation who could host the Clinic.

Four key requirements were identified:

- a) **Location:** for the Blackpool Law Clinic to be effective, it had to be appropriately located and connected with target clients and their support agencies.<sup>31</sup> The venue needed to be easy for clients to find and physically accessible, both in terms of transport links and in terms of accommodating any clients with disabilities.<sup>32</sup>
- b) **Facilities:** From a practical perspective, confidential spaces to hold client interviews, a waiting room for clients, and an area for students to work on their cases were needed.
- c) **Technology:** Onsite and secure Wi-Fi was required so that students and staff could access the Law Clinic systems remotely, ensuring work on cases could be conducted throughout the day.
- d) **A Shared Ethos & Time Commitment:** It was preferable that any partner organisation would share the Law Clinic's ethos of helping and supporting the community. Our partner organisation needed to be willing to commit their time on a voluntary basis, to plan and promote the venture, and to assist the Law Clinic clients, staff and students with any logistical requirements on the day of the Clinic's operation.<sup>33</sup>

Identifying a suitable partner became a more complex administrative task than anticipated. A large amount of time was spent conducting web-based research to identify potential partners. This was followed by 'cold-calling' organisations to build links. A library setting stood out in terms of being accessible to the local community and the Law Clinic team were extremely grateful to Blackpool Central Library for their commitment to the project. Research suggests that for outreach to be successful, clients need to be familiar with, and trust, the provider organisation.<sup>34</sup> Public libraries play a significant role in society and are an appropriate place for outreach services due to their 'expertise, resources, spaces, services and outreach to meet present and future community needs'.<sup>35</sup>

<sup>30</sup> Ibid 1935.

<sup>31</sup> Lyndsey Bengtsson and Ana Kate Speed, 'A Case Study Approach: Legal Outreach Clinics at Northumbria University' (2019) 26(1) *International Journal of Clinical Legal Education* 179, 190.

<sup>32</sup> Suzie Forell and Abigail Gray, 'Outreach Legal Services to People With Complex Needs: What Works?' (2019) Law and Justice Foundation Justice Issues Paper 12

<sup>33</sup> For a list of factors that need to be considered when offering outreach services to people with complex needs, see: Suzie Forell and Abigail Gray (2019) 'Outreach legal services to people with complex needs: what works?' Law and Justice Foundation Justice Issues Paper 12

<sup>34</sup> Ibid, 9

<sup>35</sup> Kristian Møhler Sørensen, 'Where's The Value? The Worth of Public Libraries: A Systematic Review Of Findings, Methods And Research Gaps' (2021) 43 (1) *Library & Information Science Research*, 1010 <https://doi.org/10.1016/j.lisr.2020.1010.67>

## **(2) More work for the same reward?**

Having identified a suitable partner organisation, there were additional time-consuming administrative duties in respect of the planning and implementation of the outreach clinic, for both the Law Clinic team and for the staff at Blackpool Central Library.

Given that we chose a community that was a 45-minute drive away from our university campus, time was used sourcing funding at departmental level to organise a coach for our students to travel. When organising community-based projects there are often additional costs that unless university departments are willing to pay, organisers may need to seek alternative forms of funding, such as from alumni or via research grants.<sup>36</sup>

As with any off-campus event, risk assessments needed to be updated to include a 'community-based pop-up' clinic. Additional safety checks were made. For example, checks were made as to whether the student advisors had any medical conditions that were impacted by working off campus and when travelling, and whether any students needed any reasonable adjustments due to the change in learning environment. Emergency contact details were taken from the students in case of any problems on the day. Blackpool Central Library also spent time ensuring that the student advisors were well versed in their fire procedures, evacuation plans and accessibility measures.

Eight clients attended the clinic in Blackpool. This is comparable with the number of clients Lancaster University's Law Clinic would usually advise in one day at our campus-based clinic. Therefore, despite the additional time and resources used to organise the Blackpool Law Clinic we did not assist more clients than usual. When establishing a community-based project, the time and resource commitment for academics is an important consideration, weighed up against the number of clients advised.

## **(3) Is the Clinic reaching the 'right' clients, and does it even matter?**

To raise awareness and visibility of the Blackpool clinic, marketing had been conducted through the University's and Library's social media channels and advertised in local newspapers. Marketing posters had also been sent to a local foodbank.

Research has found that 'hard to reach' clients tend not to approach services with which they are unfamiliar, and therefore marketing through trusted avenues of support and support groups that clients are already engaged with is imperative.<sup>37</sup> Forell and Gray note that any successful community based project has to link in with 'problem noticers' who are '...staff from other agencies and community members who may notice a client has a legal problem and may refer them to the outreach legal service'.<sup>38</sup>

When establishing the Blackpool clinic, it was hoped that the service would assist clients who had not been able to access legal advice or who were 'marginalised or socially excluded' thereby making seeking legal advice more difficult. The survey results discussed earlier, however, suggests that overall, the Clinic attracted clients who *had* previously received legal advice about their legal problem from another provider, albeit the matter remained unresolved (over half of the clients had received advice from elsewhere). In addition, arguably the Clinic may not have been sufficiently visible to those who could be described as 'marginalised or socially excluded'. Forell and Gray defines factors that contribute to social exclusion as '...homelessness, disability, unresolved mental health issues [...] severe financial hardship [and] unemployment'.<sup>39</sup> Over half of the clients that were surveyed had not experienced any perceived 'problems' with income, employment, health or additional caring responsibilities in the 3 years prior to attending the Blackpool outreach clinic. This could

<sup>36</sup> See Lyndsey Bengtsson, Callum Thomson and Bethany A'Court 'The Law in the Community Module at Northumbria University working in partnership with Citizens Advice as an effective teaching tool' (2021) 28 (1) *International Journal of Clinical Legal Education* 112 where alumnus funding was sought to support a community-based CLE module delivered in conjunction with Citizen's Advice.

<sup>37</sup> Suzie Forell and Abigail Gray (2019) 'Outreach legal services to people with complex needs: what works?' *Law and Justice Foundation Justice Issues Paper* 12, 10

<sup>38</sup> *Ibid*, 9

<sup>39</sup> *Ibid*, 1



suggest that our marketing strategy did not do enough to build links with community groups, support groups and other legal advice providers in the area who could act as referrers and who could, potentially, reach the clients who had not received advice or were 'marginalised' in society.

That said, whilst the Law Clinic team placed pedagogical value in our students being more aware of social justice and the underrepresentation of minority interests in the legal process,<sup>40</sup> this did not deter who could, and should, receive legal advice. McKeown and Hall advise that clinicians should be mindful not to impose their '...own moral perspective on students but to provide students with the framework to critique the world in which they live and strive to develop their own moral position'.<sup>41</sup> In addition, Weinberg acknowledges that students have their own reasons for participating in experiential learning, noting that some students 'may wish to help the vulnerable and impoverished' and others may wish to gain legal experience 'to pursue careers in corporate law, providing legal services to the privileged'.<sup>42</sup> In this sense, as long as a person had a legal problem that was within the Clinic's area of specialism and was suitable for a student advisor to work on, irrespective of whether advice had been given before, the Clinic was willing to advise.

### VIII. Lessons for the future and conclusions

Reflecting on our lessons learned and the five aims of the Blackpool outreach clinic, it can be concluded that the first two aims were accomplished, namely providing legal advice to the residents of Blackpool, documenting the number of clients that attended the clinic and identifying the legal areas in which advice was sought. To some extent, we were able to identify some of the challenges the community may face in accessing legal services, but more data is needed to develop a clearer picture. To fully achieve the intended aims, a future initiative would require the following steps to be successful:

#### (1) Building better community relationships

Disadvantage usually comes in many forms; thus, to reach the most marginalised in the community we need to consider how clients will find out about the outreach clinic and be encouraged to use it. This may require a blend of approaches and involve building better links with voluntary and community organisations, who can help to reach and engage potential clients, and become a source of referrals to the clinic.

#### (2) Scaling up

A feature of effective outreach legal services is that they reach clients who otherwise would not have received legal assistance. The Blackpool outreach clinic was delivered over a single day, so this imposed limitations in on the number of clients served. To expand the impact of the project the service may be provided over multiple days to serve more clients.

#### (3) Targeted marketing

While the partnership with Blackpool Library is important as the connector with the community, the project highlighted the need to not only market the outreach clinic to the target community

<sup>40</sup> For a discussion about social justice in Clinical Legal Education, see: Jacqueline Weinberg 'Preparing Students For 21st Century Practice: Enhancing Social Justice Teaching in Clinical Legal Education' (2021) 28 (1) *International Journal of Clinical Legal Education* 5-67. Also see: Julia Lawton, 'The Imposition of Social Justice Morality in Legal Education' (2016) 4 *Indiana Journal of Law and Social Equality* 57.

<sup>41</sup> Paul McKeown and Elaine Hall, 'If We Could Instil Social Justice Values Through CL, Should We?' (2018) 5(1) *Journal of International and Comparative Law* 143.

<sup>42</sup> Jacqueline Weinberg 'Preparing Students For 21st Century Practice: Enhancing Social Justice Teaching in Clinical Legal Education' (2021) 17.

in a more focused way, but also to front-line organisations who support them, for example food banks, homeless shelters, churches and GP surgeries.



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## Practice Report

# Perspectives on Performance: The Value of Introducing Two-Way Appraisals in Law Clinics to Create an Authentic Learning Experience

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### Abstract

In the practice of law, appraisals are recognised as an important part of the performance management process. In this practice report, we discuss the introduction of a ‘two-way’ appraisal process in our clinical legal education (“CLE”) modules. This paper argues that an appraisal process can provide a valuable opportunity for tutors to offer students formative feedback, whilst also acting as a forum for tutors to receive invaluable feedback from students about their experience of working in a University Law Clinic. We argue that in addition to being a rich source of feedback for both students and supervisors, ‘two-way’ appraisals increase the authenticity of the student learning experience and can develop student employability. Drawing on the authors’ experience of introducing an appraisal process in Lancaster University’s Law Clinic, this practice report provides practical tips to introduce an appraisal process in CLE modules and a discussion of both the benefits and the limitations. The authors also reflect on the student view of participating in an appraisal by considering the results of a small-scale ethically approved survey with third year and postgraduate Law Clinic students.

**Keywords:** appraisals, authentic learning, employability, feedback

### I. Introduction

Appraisals are a key tool in legal practice, and they frequently serve multiple purposes, including to motivate employees, identify areas where further training or professional development is required, and communicate organisational priorities.<sup>1</sup> In this article, the authors reflect on their experience of introducing an appraisal process in Lancaster University’s Law Clinic. As is common in appraisals in the world of work, the appraisal includes both a developmental and an evaluative element.<sup>2</sup> As well as being asked to evaluate their performance in the Law Clinic at the half-way point of the course and set future goals, students are also encouraged to focus on experiences and skills to develop throughout the remainder of their time working in the Law Clinic. However, the appraisal is a two-way process, and students are also asked to provide feedback to their tutors about how they can improve and further develop the Law Clinic.

Drawing on the authors’ experience of introducing an appraisal process, the authors argue that the introduction of an appraisal process in clinical legal education (‘CLE’) modules provides rich formative feedback for students and invaluable information for tutors regarding the future development of the Clinic. In addition, the use of an appraisal process in Clinic is

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<sup>1</sup> Ellen Rubin and Amani Edwards, ‘The performance of performance appraisal systems: understanding the linkage between appraisal structure and appraisal discrimination complaints’ (2018) 31(15) *The International Journal of Human Resource Management* 1938.

<sup>2</sup> Patrick Kampkotter, ‘Performance appraisals and job satisfaction’ (2016) 28(5) *The International Journal of Human Resource Management* 750.

an authentic learning experience that can help prepare students for the world of work and develop their skillset. In this paper, the authors also reflect on student feedback from a small-scale ethically approved survey, which indicates that students find the appraisal process to be employability-enhancing and a beneficial touchstone to both give and receive feedback at the mid-way point of the module.

## II. The clinical context at Lancaster University

We have introduced an appraisal process into all the Law Clinic modules at Lancaster University's Law School. The Law Clinic modules are studied by approximately 40 third year undergraduate and postgraduate law students and the appraisals are formative in nature. The Law Clinic modules are assessed by way of participation (such as client interviewing skills and contribution in workshops and to casework), a portfolio of work (legal research and legal letter writing) and a reflective journal. The appraisal is designed to act as a learning tool to allow students to work on their own performance<sup>3</sup>, and therefore do not form a direct part of the assessment process.

The Law Clinic modules are designed to simulate legal practice, making the learning experience as authentic as possible to working in a law firm. In the Law Clinic, students interview members of the public about their legal problems. Before conducting client interviews with members of the public, students embark on a rigorous training programme. Students receive training on access to justice, professional conduct, legal letter writing, legal research skills (including using practitioner research databases), using a case management system<sup>4</sup> and client interviewing skills.

The Law Clinic offers advice on a range of legal areas, including education law, family law, contract disputes, consumer rights, property matters, wills and probate and employment law. This means that students are exposed to a broad spectrum of legal problems. Client interviews are conducted by way of face to face, telephone, or virtual appointment. In the client appointment, the student advisors will conduct a fact-finding interview to elicit key dates, issues, and relevant details. After the appointment with the client, students research the legal issue and draft a written letter of advice. The advice given is 'one-off' in nature, and the students are not expected to conduct full casework or representation for the client. A supervising practitioner observes client interviews and supervises all written work.

In general, before working in the Law Clinic, the students have not had any opportunity to interview members of the public or draft legal advice letters. It is therefore important to monitor student performance, allowing for feedback and guidance, to ensure that the Law Clinic provides a high standard of service to members of the public and to ensure that students feel supported.

## III. The practicalities of the appraisal process

Lancaster University's Law Clinic runs over two terms (20 weeks). The authors decided to hold the student appraisals during week 10, which is the mid-way point of the module. The timing of the appraisal meeting is a strategic decision, because by the time students are asked to engage with the process and reflect on their experiences, they have completed their 4 weeks of Law Clinic training and have gained six weeks of experience of working with clients.

### The appraisal form

To help structure the appraisal process, we designed an appraisal form that is broadly based on the appraisal forms that students might be asked to complete while in graduate employment. For reference, a copy of our appraisal form is attached in Appendix A.

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<sup>3</sup> Michael Bennett, 'Assessment to Promote Learning' (2000) 34 *The Law Teacher* 167, 168.

<sup>4</sup> Clio Case Management is currently used.

Students complete their appraisal form in advance of their appraisal meeting, which takes place in the last week of term one (week 10). While the contents of an appraisal form can be modified depending on its purpose, for an appraisal to be effective it is essential that the process considers both an appraisal of performance, alongside guidance on future areas of development.<sup>5</sup> An appraisal can be used as an avenue to celebrate student achievement and to work with students to identify areas for development. The appraisal form we designed aligns with this model.

The appraisal form is split into two sections. Section one is for the students to complete, allowing them to reflect on their performance, and section two is for the students to receive feedback from their tutors.

### Section one – the student's perspective

Section one of the form focuses on four key elements: (1) student successes; (2) student challenges; (3) future objectives and (4) student feedback.

Firstly, students are asked to highlight any key achievements and identify key areas that they have worked on during their time in the Law Clinic (e.g. a contract law case, a family law case, etc). The number of cases that each student has worked on at this stage will differ, however when the appraisal takes place, it is usual for all students to have conducted one or two 'real' client appointments. Research suggests that in a well conducted appraisal, there should be a celebration of achievement where good performance is identified.<sup>6</sup> This is especially important in CLE modules. Students are completing essential work for their community by offering free legal advice, and therefore it is important that the value of their work is acknowledged and celebrated. The Law Clinic collects client feedback, and this is shared with the students as part of the appraisal process so that they can see the impact of the work they are completing. The celebration of success and good performance is also intended to build student confidence and encourage self-esteem,<sup>7</sup> which is particularly important as CLE is a new and unfamiliar way of learning for the students.

Secondly, students are asked to identify any challenges faced during their clinical work to date. The purpose behind this is two-fold. It allows students to identify any areas they would like to develop, while highlighting to tutors whether amendments are needed to our training programme, or a higher level of support is required. Both the recognised areas of development, along with the identified training needs, can then be addressed in the second term of Clinic. In the past, because of student feedback gathered from the appraisal process, we have introduced more drop-in sessions for students to discuss their Law Clinic work. In addition, often students will highlight in the appraisal process that they would like to work on a particular area of law. If the Law Clinic receives a case that corresponds with the student's request, we can try, as far as possible, to accommodate this.

Thirdly, students are asked to draft future objectives for their second term of work in Clinic and explain why they are setting these objectives. For example, if there is a particular skill that students feel they would like to develop further, they can note this on their appraisal form. We discuss these objectives with students in the appraisal meeting, and students are encouraged to update their objectives as appropriate following discussion with their tutor. It is important for students to take responsibility and ownership over the areas of skill development that they would like to work on. Academic literature suggests that the ideal feedback process is one which facilitates student self-assessment and reflection in learning<sup>8</sup>, as 'when self-selected objectives are set, students take ownership of these and strive towards their achievement.'<sup>9</sup>

<sup>5</sup> Pat Feast, 'Appraisal as an effective means of assessing student performance in clinical legal education at the University of Portsmouth' (2018) 25(1) *International Journal of Clinical Legal Education*, 196, 203

<sup>6</sup> Feast (n5) 203.

<sup>7</sup> Carol Withy, 'Feedback engagement: forcing feed-forward amongst law students' (2013) 47(3) *The Law Teacher* 319, 321

<sup>8</sup> Withy (n7) 321

<sup>9</sup> Feast (n5) 207



Finally, the students are asked for their feedback about working in the Law Clinic, including whether they are receiving appropriate feedback. By seeking student feedback about the clinic, this ensures that the process becomes 'two-way'. This has several benefits, as discussed further in Section IV of this practice report.

## Section two – the tutor's observations

Students submit their appraisal form one week before the appraisal meeting. Tutors then complete section two of the appraisal form, which provides an assessment of the student's performance at the interim stage of the module and outlines additional areas for development. Tutors consider the student performance against the Law Clinic learning outcomes; for example, we provide feedback on the student's technical skills, including their legal research and drafting, and their business skills, including their client focus, problem solving and communication. At the appraisal meeting – which lasts around 20 minutes – we discuss the student's feedback, their future objectives, and the tutor's assessment of the student's performance. All appraisal meetings are held with the students on a one-to-one basis.

### IV. Rationale for introducing an appraisal process

#### Enhancing the authenticity of the student learning experience

We decided to introduce an appraisal process in the Law Clinic to provide students with an authentic learning experience. 'Authentic learning' is a term that is commonly used in Higher Education pedagogy, but there is no unanimous consensus regarding the meaning of the term. To avoid authenticity becoming another education buzzword, we need to ensure that we set a clear definition of authentic learning. We use Arnold's definition of authenticity, which states that learning and assessment might be deemed 'authentic' if it has one or more of the following features:

- it is relevant to the student's future employment;
- it has relevance for the advancement of the discipline;
- it is relevant to our collective future (for example, the assessment might invite students to grapple with some of the big issues in the world, such as climate change or access to justice); and/or
- it is relevant to the student's individual aspiration.<sup>10</sup>

The introduction of appraisals in the Law Clinic might be deemed an authentic learning experience because it is both relevant to the student's future employment (as appraisals are a feature of many graduate roles) and relevant to the student's individual aspiration (for example, by encouraging students to reflect on their learning to date and set future learning goals).

Engaging students with authentic learning experiences such as an appraisal process has several benefits. First, it can enhance student employability, as students participate in realistic, complex tasks.<sup>11</sup> Authentic learning experiences such as appraisals can also develop key employability skills such as communication skills and critical thinking.<sup>12</sup>

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<sup>10</sup> Lydia Arnold, 'Expanded assessment Top Trumps' (2022) <https://lydia-arnold.com/2022/11/14/expanded-assessment-top-trumps/>

<sup>11</sup> Popi Sotiriadou et al, 'The role of authentic assessment to preserve academic integrity and promote skill development and employability' (2020) 45 (11) *Studies in Higher Education* 2132, 2134.

<sup>12</sup> Parmjit Singh, Roslind Thambusamy and Mohd Ramly, 'Fit or Unfit? Perspectives of Employers and University Instructors of Graduates' Generic Skills' (2014) 123 *Social and Behavioral Sciences* 315.

The introduction of authentic tasks can also enhance inclusivity. Although University students have access to a myriad of employability-enhancing extracurricular activities, the only opportunities that we can be certain are available to all students equally are those that are embedded into the curriculum.<sup>13</sup> For example, it might not be possible for students with caring responsibilities or who work alongside study to engage with employability-boosting out of hours extracurricular opportunities such as mooting or sitting on the executive of a student-led society. However, by exposing students to authentic learning opportunities in the curriculum, this can act as a proxy for work experience and/or extracurricular activities, which is a powerful tool to enhance accessibility.

### Providing an opportunity for formative feedback

The value of formative feedback in Higher Education is well-documented, with many authors arguing that providing students with opportunities to receive formative feedback is the single most beneficial measure to improve student learning.<sup>14</sup> Gould and Day note that effective feedback provides a foundation to develop learner autonomy, along with setting a framework for high achievement.<sup>15</sup>

Formative feedback is the process of monitoring the development of student learning, whilst also offering support for that learning.<sup>16</sup> Formative feedback allows students to identify their strengths and areas to develop, while concurrently providing a forum for tutors to consider the areas where students are struggling with their learning, allowing them to address any training needs.<sup>17</sup> Academic literature contends that feedback should be a 'process' in which students are actively involved,<sup>18</sup> and Bols and Wicklow note that '*...it is only by engaging in real dialogue that students will truly reflect on, and accelerate their learning.*'<sup>19</sup> By asking students to complete the appraisal form, identify their objectives and attend an appraisal meeting to discuss progress, we have ensured that student participation and interaction is at the heart of the feedback process.

When appraising a student's performance in the Law Clinic, the authors carefully considered how to maximise the impact and effectiveness of the feedback provided. Randall and Mirador note that effective formative feedback must be developmental in nature.<sup>20</sup> Similarly, Glover and Brown state:

For feedback to be formative it should involve not only identification by the learner of the gap between the desired goal and present state, but also provide the information needed to close the gap with sufficient explanation to enable students to use this information.<sup>21</sup>

<sup>13</sup> 'Authentic assessment' <<https://staff.sussex.ac.uk/teaching/enhancement/support/assessment-design/authentic>>

<sup>14</sup> Alastair Irons, *Enhancing Learning through Formative Assessment and Feedback*. (Routledge: New York, 2007). See also: John Hattie and Helen Timperley, 'The Power of Feedback' (2007) 77 (1) *Review of Educational Research* 81–112, and Graham Gibbs and Claire Simpson, 'Conditions under which assessment supports students' learning' (2004) 1(1) *Learning and Teaching in Higher Education* 3-31.

<sup>15</sup> Jill Gould and Pat Day, 'Hearing you loud and clear: Student perspectives of audio feedback in higher education'. (2013) 38 (5) *Assessment and Evaluation in Higher Education* 554-566.

<sup>16</sup> Paul Black and Dylan William, 'Assessment and classroom learning'. (1998) 5(1) *Assessment in Education: Principles, Policy and Practice* 7-74

<sup>17</sup> Josh McCarthy, 'Enhancing feedback in higher education: Students' attitudes towards online and in-class formative assessment feedback model'. (2017) 18 (2) *Active Learning in Higher Education* 127-141, 127

<sup>18</sup> Carol Withey, 'Feedback engagement: forcing feed-forward amongst law students' (2013) 47 (3) *The Law Teacher* 319, 321

<sup>19</sup> Alex Bols and Kate Wicklow, 'Feedback – what students want' in Stephen Merry, Margaret Price, David Carless and Maddalena Taras (eds) *Reconceptualising Feedback in Higher Education: Developing dialogue with students*. (Routledge, 2013) 21

<sup>20</sup> Mick Randall and Jo Mirador, 'How well am I doing? Using a Corpus-based analysis to Investigate Tutor and Institutional Messages in Comment Sheets' (2003) 28(5) *Assessment & Evaluation in Higher Education*, 516, 523

<sup>21</sup> Chris Glover & Evelyn Brown, 'Written Feedback for Students: too much, too detailed or too incomprehensible to be effective?' (2006) 7 (1) *Bioscience Education* 1, 15

Gibbs and Simpson stipulate that effective feedback must be frequent, timely, sufficient and detailed, and should focus on learning (rather than marks) by explicitly relating the feedback to future tasks.<sup>22</sup> Nicol and MacFarland-Dick argue that effective feedback should relate to performance objectives, criteria and expected standards.<sup>23</sup> It was therefore important for us to design the appraisal form in a way that ensures that the feedback given is effective, clear, detailed and focused on development and future learning. When introducing the appraisal process, we also carefully considered the timing of the appraisal. By holding an appraisal at the mid-way point in the module, we can provide students with detailed formative feedback that they can then act on in advance of their next term working in Clinic and the submission of their summative assessment for the module. Through the appraisal, we can have an honest and open conversation with students about how their Law Clinic experience is progressing, enabling them to refine and improve their practice in the following term. As Feast argues, *'giving feedback on a regular basis via the appraisal system motivates the students to strive for improvement and helps them to meet the challenges of achieving excellence.'*<sup>24</sup>

Any feedback given during the appraisal process therefore 'feeds-forward' into the student's future work and future assessment. It is well-recognised in academic literature that formative feedback will only be effective if students have the opportunity to act upon it to improve their future work and learning.<sup>25</sup> There must also be opportunities for students to close any gap between their current skills and their desired performance in the Law Clinic.<sup>26</sup> We therefore decided not to hold the appraisal as a summative exercise, as this would not give students the opportunity to act upon the feedback given or have time to work on any areas of development identified. Glover and Brown acknowledge that when feedback is summative it does not assist learners in acting to close any learning gap.<sup>27</sup> As one of the purposes of our appraisal process is to act as a learning tool for student development, the mid-point appraisal timing and its formative nature is fundamental.

### **Appraisals as a two-way process: the importance of receiving student feedback**

As the appraisal process is 'two-way,' it allows students to provide the Law Clinic tutors with feedback at the mid-point stage of the module. The appraisal meetings are an invaluable sounding board for tutors to gain insight into the student experience and receive feedback directly from students.

Accessing this rich source of student feedback is invaluable when determining the future development of CLE modules. For example, we ask students to tell us about their training needs and whether there are any further areas of support they require. This is essential to continually monitor the effectiveness of our training programme and adapt if necessary. Additionally, we ask students to comment on whether they are receiving sufficient feedback from supervisors. This is vital, as we use a wide range of both in-house and external supervisors, so we want to monitor the consistency and the richness of the feedback provided to students and ensure that if there are any problems or inconsistencies with feedback, these can be addressed. Finally, we ask students to provide us with feedback and to suggest possible areas of improvement, to ensure that the appraisal is truly 'two-way'.

Again, the timing of the collection of student feedback is deliberate. Brookfield argues that *'unless you have information about how students are learning and which activities are helping*

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<sup>22</sup> Gibbs and Simpson (n14).

<sup>23</sup> David Nicol and Debra MacFarlane-Dick 'Formative assessment and self-regulated learning: A model and seven principles of good feedback practice' (2006) 31 (2) *Studies in Higher Education* 199-218

<sup>24</sup> Feast (n5) 196.

<sup>25</sup> Gibbs and Simpson (n14)

<sup>26</sup> Nicol and McFarlane-Dick, 'Formative Assessment and Self-Regulated Learning: A Model and Seven Principles of Good Feedback Practice' (2006) 31 (2) *Studies in Higher Education*, 199, 205-213

<sup>27</sup> Gibbs and Simpson (n14).

them learn, you can't make good choices about what to do next in class.'<sup>28</sup> If feedback was only collected at the end of the module, this would not allow us to act on the feedback given. Whilst end of module feedback might help our *future* cohort of Law Clinic students, it would not have the same benefit for the current cohort.<sup>29</sup> Conducting an appraisal process has therefore enabled us to identify any problems early on and resolve these, thereby enhancing the student experience.

## V. The student view

We conducted a small-scale ethically approved survey with our Law Clinic undergraduate and postgraduate students regarding their experience of participating in the Clinic's appraisal process. We asked students to answer a series of questions and provide responses using a 5-point Likert scale ('strongly agree', 'agree', 'neither agree nor disagree', 'disagree' and 'strongly disagree'). All students participating in a Law Clinic module were invited to complete the survey (invitations to participate in the research were sent to approximately 40 students). Students were advised that the completion of the survey was optional and had no bearing on their studies or grades. In total, the survey drew 10 student responses. Due to the small size and self-selecting nature of the student responses, we acknowledge that we cannot draw any determinative conclusions regarding the student view of engaging in authentic tasks via an appraisal process. However, the survey data highlighted in this paper provides a foundation for discussion and further study into the introduction of appraisals and work-based learning exercises in CLE modules.

The student responses to the questionnaire were overall very positive in respect of using appraisals in CLE modules. Students agreed that the appraisal process is a useful way of receiving feedback from tutors (90% 'strongly agree': 10% 'neither agree nor disagree'). It was evident from the responses that students felt that there was a need to receive formative feedback from their Law Clinic tutors (90% 'strongly agree': 10% 'agree'). Students acknowledged that it is important for tutors to identify areas of performance development in the Law Clinic (90% 'strongly agree': 10% 'agree'), and that it is important to receive feedback about strengths (80% 'strongly agree': 20% 'agree').

Qualitative feedback from students also provides insight into the student experience. For example, one student noted: '*The appraisal process increased my awareness of my strengths and weaknesses, whilst providing feedback on how my skillset could be improved in the future*'. Similarly, another confirmed that: '*the appraisal process beneficially allowed me to discuss my progress, become more aware of what I need to do in future to improve my practical skillset and allowed me to reflect on my experiences within the Law Clinic*'.

In our survey, we probed students regarding the link (if any) between engagement in an appraisal process and skills development. Previous research suggests that appraisals are effective in encouraging students to focus on self-development'.<sup>30</sup> Our preliminary research supports this view, as 90% of the students who completed the questionnaire confirmed that they 'strongly agreed' that the appraisal process allowed them to review the skills they had gained from working in the Law Clinic. The students noted that the appraisal process had helped them learn from their experiences (80% 'strongly agree': 20% 'agree'), enabled them to identify key areas for development (70% 'strongly agree': 30% 'agree'), and supported them in reflecting on what they had learned in the Law Clinic (70% 'strongly agree': 30% 'agree'). For example, one student reflected: '*The appraisal process has helped me identify areas that I need to develop; it made me more comfortable speaking about my performance and has given me confidence in my abilities and skills*'.

<sup>28</sup> Stephen Brookfield *Becoming a Critically Reflective Teacher* (Jossey-Bass, 2<sup>nd</sup> Ed. 2017) 99

<sup>29</sup> Brookfield (n28) 98

<sup>30</sup> Feast (n7) 207.

Interestingly, when asked whether the appraisal process helped students with other aspects of their Law degree, there were mixed results (40% 'strongly agree': 30% 'somewhat agree': 30% 'neither agree nor disagree'). From this, it appears that the students may not currently consider that the skills developed through participating in an appraisal are transferable to the learning required in other modules. This was an interesting insight, and on reflection, it might be that the Law Clinic tutors should spend more time discussing with students the transferable skills developed through the appraisal process, making explicit connections with other aspects of learning on the Law degree.

### **Developing student employability and professionalism**

By introducing appraisals in our Law Clinic modules, our students are also given experience of practice, which enhances employability and professionalism. The introduction of appraisals has increased our students' exposure to the operation of law in practice, and it is another way that we ensure that the Law Clinic is an effective transition for our students from university to the world of work. The students surveyed acknowledged that the Law Clinic appraisal process will assist them in preparing for their future careers (90% 'strongly agree': 10% 'agree'). For example, one of the students confirmed: *'The Law Clinic appraisal process has enhanced my employability because appraisals are so commonly used by employers, so I know what to expect in the future'*. Another noted that the appraisal was *'...thoughtful as to my progress and future potential'*, and a third reflected that the appraisal has *'given me real life practise of what I will face when I'm employed'*. This supports the existing literature which confirms that engagement in authentic learning tasks such as an appraisal process can enhance student employability and be used a proxy for work experience.<sup>31</sup>

## **VI. Appraising the limitations**

### **Time and Resources**

Whilst this practice report aims to promote the benefits of introducing appraisals in CLE modules, we acknowledge that there are some challenges when introducing the process. First, developing an appraisal form that works takes time (although we have provided our example appraisal form as an exemplar in the Appendix to this practice report). Scheduling and running the appraisal process also requires time commitment. This can be challenging, as academics have multiple competing commitments on their time. For example, the Law Clinic staff team at Lancaster University also convene and teach across the law degree curriculum and develop and run other clinical and public legal education initiatives. Introducing and running authentic learning activities such as appraisals therefore may adversely affect the time available for legal research and scholarship, which is still often the 'coin of the realm' when considering career progression.<sup>32</sup> As with the introduction of any time-intensive authentic learning task, there therefore needs to be sufficient resource planning and support to ensure that the implementation runs smoothly.

### **Candour of the student feedback**

One of the benefits of our appraisal process is that it promotes a 'two-way' dialogue with students. As previously discussed, student feedback is invaluable, as it helps shape the delivery of the Law Clinic modules. However, one concern is how candid the students felt they

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<sup>31</sup> Sotiriadou et al (n11) 2134.

<sup>32</sup> Andrea Curcio, 'Assessing Differently and Using Empirical Studies to See if it Makes a Difference: Can Law Schools Do it Better?' (2009) 27 *Quinnipiac Law Review* 899, 904.



could be in their feedback about the module, especially because any feedback offered is identifiable.

Positively, 100% of the students surveyed felt that their feedback would be acted upon by their tutors, and the responses confirmed that students felt comfortable providing feedback (90% 'strongly agree: 10% 'agree'). One student noted that: *'The appraisal process was straightforward, in a relaxed environment, where I could share my achievements and my concerns comfortably'*. Similarly, another reflected that the appraisal meeting was: *'Very useful and calm. Not stressful.'*

However, despite the positive responses from the students, we are aware that not all students may feel comfortable providing identifiable feedback and not all students completed the survey. We therefore also implement other methods of receiving feedback from students to maximise the quantity and depth of the feedback received. These methods include the use of anonymous exit tickets after training workshops, an open-door policy so that students can approach us on a one-to-one basis at any time throughout the course, informal discussions with students after all client interviews and an end of module survey which asks students to reflect on their experience in the Law Clinic. We also ensure that we discuss the appraisal process in the initial student training, making clear that this is very much a two-way, collaborative process between academic and student.

## VII. Conclusions

Despite the possible limitations, a two-way appraisal process has numerous benefits for students and staff alike. An appraisal process is an effective way of offering students formative feedback, celebrating their successes, whilst providing an opportunity for tutors to give guidance on how students can improve their performance in the Law Clinic. Ensuring that the appraisal process is a 'two-way' conversation also allows tutors to receive invaluable feedback from students about their experiences of working in the Law Clinic.

For the appraisal to be an effective formative exercise, the timing of the appraisal is key. There must be time for students, and tutors, to act upon the feedback given. As a result, the 'mid-point' of a module works well for using an appraisal as a method of formative feedback.

Introducing appraisals in CLE modules can enhance the authenticity of the students' clinical experience because appraisals are used in many graduate roles and their use encourages students to focus on their individual aspirations and future goals. The introduction of authentic tasks such as appraisals can increase student employability and augment skill development.

Although there are limitations to introducing an appraisal process – predominantly surrounding time and resource commitments – the authors' small-scale survey indicates that students consider that participating in an appraisal process in CLE modules is beneficial, employability-enhancing and an effective method of both giving and receiving feedback.

**VIII. Appendix: The appraisal form**

Student Appraisal Form	
<b>Student name:</b>	
<b>Appraising Supervisor(s)</b>	
<b>Period covered by review:</b>	

**SECTION 1 – STUDENT TO COMPLETE**

*This section should be completed by the student in advance of the Appraisal Meeting and should form a basis for discussion during the Appraisal Meeting.*

*You should focus on the cases that you have worked on to date and highlight any key achievements made or challenges faced. You may wish to identify key things that you have learnt to date from your work in the Law Clinic, whether there are any areas where you performed better or worse than expected and whether you have received appropriate feedback. Please ensure that you provide specific examples. Please also use this as an opportunity to provide your feedback about how the Law Clinic operates, or any training needs you have.*

**Overall comments**

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**Key cases**

**Future objectives**

*Think about why you are setting these objectives. For example, are there particular skills that you think you need to develop further?*

**You should discuss these objectives with your supervisor and update or amend as appropriate.**

Signed .....(Student)

Date .....

**SECTION 2: SUPERVISOR TO COMPLETE**

**Overall comments on student's performance**

*Please provide an overall assessment of the student's performance at the interim stage and outline any additional areas for development.*

*Please consider the student's performance in relation to the following technical skills: legal research, application of the law and drafting.*

*Please consider the student's performance in relation to the following business skills: client focus, problem solving, communication, leading and managing and relationship building.*

Signed ..... (Supervisor)

Date .....



Published date: 11 March 2025

## Book Review

# How to Set Up and Run a Law Clinic

Peggy Maisel *Boston University, Clinical Professor of Law Emerita*

Paul R. Tremblay *Boston College, Clinical Professor and Dean's Distinguished Scholar*

### I. Introduction

A wide audience can benefit greatly from the ideas and insights in a recently published book, *How to Set Up and Run a Law Clinic: Principles and Practice*.<sup>1</sup> This collaboration of three authors, two from the United Kingdom and one from the United States, results in a broad perspective and understanding of how law school clinics around the world can be effective working under different legal systems and with different constraints.

The authors bring an impressive breadth of knowledge, savvy, and experience to the critical topics addressed in this book. Donald Nicolson is a professor and the Director of the Essex Law Clinic at the University of Essex in England. JoNel Newman is a professor and the Director of the Health Rights Clinic at the University of Miami School of Law. Richard Grimes, a solicitor in England and Wales, has worked on developing clinical legal education in more than 40 countries worldwide. Collectively, this trio knows most of what there is to know about experiential education for law students, and they share their wisdom in this book in an approachable fashion.

The book title implies that it is meant to help anyone starting a new law clinic, and, indeed, it is a godsend for a university or law school that has not yet set up a clinic. Particularly outside the US, there is a substantial audience in the start-from-scratch category. There is a global movement to expand clinical education<sup>2</sup> and this is a welcome resource for law schools creating clinics for the first time. But at least in the United States, who fits that category? Every U.S. law school has at least one clinic, and almost all have multiple clinics, and no one starts them out of whole cloth, so who really needs a book like this?

The answer to that question is, well, everybody engaged in experiential learning with law students. In that respect the above question is misleading. There are frequently new clinicians and new clinics at every law school. This book is useful for anyone who is *teaching* a clinic, not just those who are starting clinics, because it raises questions and organizes information that every clinical teacher needs to understand. It is also valuable for those of us who have been teaching for decades, because it questions baseline assumptions, suggests ways to do our work better, and offers new perspectives.

This book answers many questions for those tasked with deciding whether and how to fund a law school clinic. It also provides metrics by which to evaluate the operations of a clinic. And finally, this book addresses not just how best to run a clinic, but in many ways how best to deliver legal services to a community in great need of legal help, whether through a law school program or in the neighborhood. It answers questions every legal aid office in the world with limited resources must answer: how to choose clients, how to decide which services the clients will receive, and from whom, and how to deliver those legal services.

This review essay will proceed as follows. It explores the major themes of each chapter, and how these ideas may be useful to a wide audience. The review attempts to guide

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<sup>1</sup> DONALD NICOLSON, JONEL NEWMAN & RICHARD GRIMES, *HOW TO SET UP AND RUN A LAW CLINIC: PRINCIPLES AND PRACTICE* (Edward Elgar Publishing 2023).

<sup>2</sup> See, e.g., *THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE* (Oxford University Press, Frank S. Bloch, Ed., 2011).



its reader to those chapters that will be most helpful for those who do not have time to read everything, and it suggests avenues to explore ideas further.

## II. Overview and Organization

The book consists of eight chapters. After an introduction to the history and purpose of law clinics, the following seven chapters each identifies an issue and the related decisions that a law school must make in creating and running a successful clinic. We know from our experience that if you do not think through the issues raised in these chapters, it is easy to miss opportunities that can make your clinic successful or a failure. The book's last chapter provides a helpful thirty-item checklist that summarizes these decisions.

Chapter 2 covers the crucial step of setting and prioritizing clinic goals. It describes the importance of prioritizing different goals, in light of their (sometimes competing) benefits to different constituencies, including the law school, the wider university, the students and, of course, the community members in need of legal help. In this chapter, the authors introduce the concept of a continuum between clinics that prioritize the education of students (Educationally Oriented, or "EO," clinics) and those that prioritize meeting community social justice needs (Social Justice Oriented, or "SJO," clinics). This distinction is a great heuristic, and the authors use it throughout the book.

The EO versus SJO idea is insightful and intriguing. Programs whose primary goal is education might differ in many aspects from those whose primary ambition is serving the needs of clients. In the end, though, we fear that the concept is a bit of a straw person, especially as it implies or argues that SJO programs have less educational value. In addition, it is implausible to imply or argue that EO clinics might sacrifice SJO, given that the programs with a primary attention to education will still provide valuable legal services to clients in need. There *might* be a few corporate clinics where students working for multinational companies have less reason to think of social justice, but that is remarkably rare.<sup>3</sup> Virtually all transactional clinics have significant social justice contributions and trigger conversations and insights about race, class, privilege, power, and community economic development.<sup>4</sup>

The authors make the essential point here that the crux of sustaining clinics is being able to establish, document, and communicate clinic goals to parties who fund experiential education, and to those on the law faculties who may fear clinical education because it is new, costs money, or educates students differently from traditional law school classes. Clearly articulating law clinic goals should help in reaching people who may not understand or are threatened by experiential education.

Chapters 3 to 5 represent the heart of the book. Together, they comprehensively describe the choices that need to be made in starting, expanding, or changing clinics. Chapter 3 focuses on organizational design choices; Chapter 4 explores the types of legal services to be delivered; and Chapter 5 how those legal services are delivered.

Chapter 3 homes in on law school clinic design, and the necessary, inevitable decisions founders must face, such as whether a program will serve clients in-house or through external field placements, and whether to educate students through live client or simulated client representation. The strength of this chapter is its ability to capture, with elegance and concision, the host of variations that are possible so that founders can make decisions knowing all the options and their different benefits. Like so many experienced clinical teachers, we are limited from our own legal education and established practices in realizing the array of possibilities in educating students and providing clients with legal services.

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<sup>3</sup> The most prominent example, and perhaps the only example, of such a program was the Transactional Corporate Lab at the University of Michigan Law School, founded by Michael Bloom. For a discussion of Professor Bloom's innovative (but now closed) program, see Susan R. Jones, Jacqueline Lainez & Debbie Lovinsky, *Viewing Value Creation by Business Lawyers Through the Lens of Transactional Legal Clinics*, 15 U.C. DAVIS BUS. L.J. 49, 80 (2014) (quoting Professor Bloom's course description as "primarily [working] with for-profit, Fortune 500 companies (e.g., Microsoft, JPMorgan Chase, IBM)").

<sup>4</sup> For one example of this point, see Alina S. Ball, *Disruptive Pedagogy: Incorporating Critical Theory in Business Law Clinics*, 22 CLINICAL L. REV. 1 (2015).

Chapter 4 proceeds with an overview of the inevitable and at times painful legal services choices that clinics must make in deciding how to target resources and employ them wisely and efficiently. Many lawyers may be unfamiliar with, or at least need a refresher about, the myriad of possible ways of providing legal assistance to vulnerable populations amid a general scarcity of affordable legal services.<sup>5</sup> These choices include full representation of individual or group clients; offering more limited scope, “unbundled” legal services; engaging in impact litigation or cause lawyering; conducting policy advocacy; offering public legal education (referred to by these authors as “Street Law”); among other services a program might choose to provide. A program also must select between what the authors refer to as “remedial” representation (i.e., litigation and dispute resolution), or transactional lawyering with an eye to community economic development and client empowerment. In addition to those factors and considerations, the authors note that a clinic could be “generalist,” and provide help in several areas, or “specialist,” with the faculty and students focusing on a discrete area of the law.

Chapter 4 remarkably distills those sundry concerns and choices in an accessible, organized, and complete fashion, all in a meager 40 or so pages. Given that hundreds of law review articles and entire books have been written on these many complex considerations, the authors have accomplished a minor miracle in capturing the landscape so elegantly and thoughtfully.

Chapter 4 also explores the constraints that may push clinics to offer one type of service and not another. For example, particularly in many countries outside the United States, some bar associations will not allow students or clinics to provide full client representation, and for founders in those settings, public education or individual advice may be the only choice.

As noted above, this chapter also touches on the choice between in-house clinics versus field placements (also known as external placements or externships). Externships in the U.S. are growing at most law schools as experiential learning requirements increase and the American Bar Association has allowed for paid externships.<sup>6</sup> In other countries, field placements are often the primary method of clinical education. The book provides useful references for information about placements but does not go into detail on the central issues about externships as a mode of experiential learning, such as how to make them educationally effective, whether placements should be only social justice-focused or more general including private law firms, and whether they should be paid or unpaid. These considerations remain for a different book.

This chapter also does not explore in depth the problem of how available funding limits choices in clinic design and sustainability, particularly the problem of using soft money or grants to fund clinics. A pressing issue for many innovative programs is how to continue a law clinic when grants or other soft funding ends. This is a challenge that needs more exploration and solutions.

Finally, Chapter 4 explores, in a thoughtful way, the pros and cons of efforts to provide holistic or what the authors call “wraparound” services that involve collaborations with non-legal professionals such as social workers and health professions in clinics such as medical-legal partnerships. In the U.S., a growing number of law school clinics have established such partnerships, and they benefit students and clients by offering professionals in different disciplines an opportunity to learn to work together to solve problems. The authors note, however, the difficulties in managing the collaborations.

Chapter 5 addresses service delivery models. The authors catalogue the decisions to be made on how, when, where and who will deliver the legal services to the clinic’s clients. For example, the chapter identifies the advantages but also the costs of offering a law school

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<sup>5</sup> For one example in a wide collection of commentary about the need for affordable legal services, see Anthony V. Alfieri, *Things Fall Apart: Hard Choices in Public Interest Law*, 31 GEO. J. LEGAL ETHICS 335, 341–44 (2018) (describing legal services organizations’ triage practices generally).

<sup>6</sup> In 2016, the ABA removed its long-standing prohibition against law students receiving compensation for work in externship settings as part of a law school course. For a discussion of that development, see Carolyn Young Larmore, *Just Compensation: An Empirical Examination of the Success of Legal Externships for Pay and Credit*, 70 DRAKE L. REV. 145 (2022).

clinic from a neighborhood setting, apart from the campus. It explores timing questions, including the always-tricky challenge of addressing client matters during summer months or school breaks, when the students are not enrolled in a clinic. The chapter discusses the use of technology, videoconferencing, and online services that have changed service models. In this latter context, the authors' insights are useful not just to law school programs, but to pro bono legal services organizations generally.

Chapter 5 also addresses the critical but often overlooked question about *who* delivers the legal services. Of course, the standing model for clinical legal education holds that students serve as lead counsel and provide the legal help to the clients. Indeed, that is the primary justification for offering live-client clinics. The authors agree with that model, but they recognize that in some settings, in some countries and under some models the lawyer-supervisors will need to interact with the clients and practice law directly. The discussion here helps readers discern when that adaptation might be necessary or make sense.

Chapter 6, entitled "Delivering Quality Clinical Education and Services," is the book's longest chapter and very comprehensive in discussing the keys to quality student education, including teaching methods, supervision, and assessment. Here, the authors canvass critical concepts founders and teachers must confront in their efforts to provide quality to the students and the clients. For the educational component of a clinic—and again, even SJO-focused clinics have an educational mission—the chapter identifies knowledge, skills, and values as separable areas of interest, and separable goals of any program. The chapter proceeds to unpack difficult questions of when to offer various modes of instructions; how to teach, including reflection and feedback and collaboration; and how to supervise effectively. The authors share and appreciate the dominant commitment to non-directive supervision, while recognizing the inherent tensions in that method, given the goal of providing to clients the highest quality lawyering services.

Chapter 6 also delves into the challenging issues of case and project management. Clinics that represent clients need to respond to the inexorable demand for their (usually free) services, the reality that students need careful case and project assignments, and the possible tensions arising from collaboration among students on projects. Like with the other chapters, the authors here grapple with insight and wisdom about the real issues faced by every clinic that offers live-client lawyering experiences to students.

Chapter 7 is entitled "Setting up an Effective and Sustainable Clinic." This serves as a most important chapter because it covers many key issues in growing and sustaining clinics, issues that need addressing when a clinic is established for it to survive and thrive. For example, the chapter offers suggestions about how to address the difficulty and time that is required to establish strong relationships with non-clinical faculty members, the university, the private bar, NGO's and government. These relationships, perhaps easy to overlook, are crucial to the success of any program, and the book helps one think about their breadth and importance.

Chapter 7 also notes the importance of hiring and retaining clinical faculty who can accomplish all the tasks the book outlines for running a successful clinic. The authors note the high turnover of clinical faculty in every country, often because there are other opportunities that offer more job security, compensation, and benefits. Interestingly, however, the book does not address one of the most central questions arising from clinical legal education—the status of the faculty/supervisors, and especially the role of scholarship as part of the status question. Given the comprehensive understanding the book offers of just about all the tensions inherent in offering experiential education, and especially through live-client clinics, it is a bit surprising that the authors elided, for now, the nagging question about how effectively clinical faculty can achieve status parity with "podium" faculty either without, or while, producing scholarship.<sup>7</sup>

### III. Conclusions

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<sup>7</sup> For a thoughtful discussion of the role of scholarship within clinical legal education, see Wendy A. Bach & Sameer M. Ashar, *Critical Theory and Clinical Stance*, 26 CLINICAL L. REV. 81 (2019).

This short review cannot do justice to the remarkable accomplishments of this readable, enjoyable book. In addition to the direct contributions of the experienced authors, the many references the book offers throughout each chapter are invaluable to readers who want to explore a topic in more depth. The footnotes synthesize thirty years of vast global clinical scholarship. We learned about less familiar literature on clinical legal education, particularly from the United Kingdom, Australia and Poland, while being reminded of the wealth of important writing from within the U.S. about the struggles and the successes of clinical legal education.

This book fills an important gap in the literature. New law clinics and clinical education continue to grow throughout the world. This book provides a roadmap for all the important organizational and complex decisions that clinical faculty, universities, other law faculty and students must make in establishing a strong clinical program. This book will help anyone involved in this endeavor to see all the possibilities and avoid mistakes.

This road map is especially important because law clinics, while established by people who believe in the pedagogy of clinical education and the desire for greater social justice, are often not expert on how to set up and run a clinic. We make mistakes and overlook possibilities that this book might help us avoid. In the U.S., most clinicians now were once in a law clinic as a student or graduate fellow. However, our vision may be too narrow if it is based only on the law school clinic we attended. In other countries, people are often establishing clinics who have no experience because law school clinics have not existed.

This is a book we wish we had owned over the past forty years as we established, taught in, directed, and consulted with law clinics. It offers an opportunity to reflect on why establishing some clinics went well, and on opportunities missed. The book provides new ideas on how to make existing clinics better. Any reader should be a more successful clinical faculty member, clinic director, experiential dean, or clinic consultant using this book's information and ideas. Universities, law schools and the legal profession will benefit from learning how to start and make law clinics better.