

Editorial

Locating clinic and ourselves within it

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In this edition we return to a key theme for this journal, mapping our clinical practice. Why is this process of mapping so important? I'd like to advance the argument that mapping in academic practice can be seen as a mindfulness technique, enabling us to evaluate the past, to dream of and plan for the future and most crucially to experience the present. This awareness of where we are now allows us to be engaged actors, rather than the cranky passive consumers that John Brehm describes:

*... we'd still be waiting for
the next thing to happen in Heaven,
the next violin concerto or cotton candy
festival or breathtaking vista to open
beneath our feet, and thinking this place
isn't quite what it's cracked up to be,
and why in hell does everybody
want to get here? We'd still be
waiting for someone else to come
and make us happy, staring
through whatever's in front of us,
cursing the light that never seems to change.*

This time we use a number of lenses: geographically, in terms of partnerships and pedagogy and also theoretically.

Adrian Evans and Ross Hyams' paper is particularly useful as an aid to future travel, since they give us the benefit of a range of perspectives: they provide a large scale map of externship practice in Australian clinical legal education, then swoop down to street level to give a case example of externship partnerships at Monash University before gaining reflective distance on externships as a phenomenon, offering an analysis of strengths and weaknesses.

Clelia Bartoli from Palermo reports from the field not just on the development of separate clinics across Italy but also on the sense that a movement is growing, suggesting that like-minded (she specifies philosophical and speculative as leading characteristics) law teachers have identified clinic as a vehicle for a larger social and pedagogic project.

Elaine Campbell's reflexive exploration of her practice as a clinical supervisor takes us further down this road, focusing on the internal tensions for the supervisor of ceding power to the student and the uncertainty that comes from disrupting the relational expectations. The eventual rewards are significant for (most) students and this is a telling account of a particular voyage.

Finally, Rachel Lofthouse reviews *Learning in Landscapes of Practice*, a book that helps us to locate our work theoretically but not in a scary way! Rather, she found it "a

genuine invitation into other lives and ideas... thought-provoking, evocative and illustrative". If as Clelia Bartoli suggests, we are inherently philosophical, we would do well to engage with the ideas in this book so as to be able to link our work into wider networks, across disciplines and into different maps.

As usual, before signing off I would like to draw your attention to a series of upcoming events in the CLE world. Late this year, ENCLE will host their 3rd Conference: '(R)evolution of clinics in Europe'. It will be held on 26 and 27 October 2015 at the Faculty of Law, ELTE University, Budapest. The call for papers closed on 15th July and it promises to be a vibrant and exciting meeting, please see the ENCLE site for updates www.enclle.eu.

Looking further ahead, there are two events scheduled (relatively) near to one another in time and space next July. We are delighted to be able to give you early notice that for 2016 the IJCLE conference with the Association for Canadian Clinical Legal Education (ACCLE) Conference will be hosted by the University of Toronto. The conference, entitled *The Risks and Rewards of Clinic* encourages participants to reflect on the balance between risk and reward for all the stakeholders in clinic. In particular, we would like to encourage participants to include student and other partners' voices in their presentations, ideally through collaborative writing and presentation in person or through video calling or recordings.



This will be followed by the International Legal Ethics Conference VII (ILEC VII), which Fordham Law School will host in New York City on July 14-16, 2016 focusing on legal education, ethics, technology, regulation, globalization and rule of law (www.law.fordham.edu/ilec2016). I hope many colleagues will be able to come to both events, since two papers for one lot of travel can be sold as good value to budget committees!

Please send me news of clinical events for our November edition as well as your papers from GAJE, IJCLE and ENCLE. Don't stick them in a drawer when you get home, get them on the map.

John Brehm, fragment from *Getting Where We're Going*, Poetry, January 2008 downloaded from <http://www.poetryfoundation.org/poetrymagazine/poem/180547>

Reviewed Article: Teaching and Learning in Clinic

SPECIALIST LEGAL CLINICS:

THEIR PEDAGOGY, RISKS AND PAYOFFS AS EXTERNSHIPS

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INTRODUCTION

Within clinical legal education there is a great deal of discussion at the moment about externships. Part of the motivation for all this conversation is the desire of law schools to get in on the clinical 'act' as inexpensively as possible. Some law Deans have the view that they can outsource clinics to firms and agencies and achieve reputable clinical outcomes with little or no expenditure. We beg to differ and in this article we explain why law school management of an externship experience is resource intensive and nearly as complicated as an in-house clinic. It may be less expensive, but an externship can never be set and forgotten.

¹ Adrian Evans is Professor of Law and Ross Hyams is Senior Lecturer in Law and Convenor of Law Faculty Legal Practice Programs at Monash University

We also discuss the peculiarities of specialist externships, since many externship sites are in fact specialist legal practices. In fact, the attraction of an externship is the access it provides for students to participate in a specialised area of law, while overseen by specialist lawyers. We set out in detail the advantages and disadvantages of operating such placements and connect these to the recent Australian *Best Practices* in clinical legal education. To begin with however, we need to define some terms as they are used in an Australian clinical setting.

DEFINITIONS OF CLINICS IN AN AUSTRALIAN CONTEXT

Between 2010 and 2012 an Australian study of clinical practices in over 30 law schools (the *Best Practices*²) came to the very definite conclusion that specialist clinics are clinics, even though there may be no conventional client or there is a research task. What is important is that students work on real-life projects rather than simulations. The best practices recommended by the Australian study were unanimously adopted by the *Council of Australian Law Deans* (CALD) in late 2012.

They defined and described clinics as follows:

² See Adrian Evans, Anna Cody, Anna Copeland, Jeff Giddings, Mary Anne Noone and Simon Rice, *Best Practices: Australian Clinical Legal Education*, Australian Government, Canberra, 2013, 'Definitions', at p 20. In the United States, similar best practices for externship clinics can be found in Roy Stuckey and others, *Best Practices for Legal Education: A Vision and a Road Map (US Best Practices*)*, Clinical Legal Education Association, USA, 2007, Section D. United Kingdom scholars or clinics have not thus far sought to identify and establish best practices for externships. See Philip Plowden (ed), *Model standards for live-client clinics (UK Model Standards)*, Clinical Legal Education Organisation, United Kingdom, 2007.

What is 'Clinic'?

'Clinic' or clinical legal education (CLE) is a significant experiential method of learning and teaching. CLE places law students in close contact with the realities, demands and compromises of legal practice. In so doing, CLE provides students with real-life reference points for learning the law. CLE also invites students to see the wider context and everyday realities of accessing an imperfect legal system. Clinical pedagogy involves a system of self-critique and supervisory feedback so that law students may learn how to learn from their experiences of simulated environments, observation and, at its most effective level, personal responsibility for real clients and their legal problems. CLE is, in summary, a learning methodology for law students that compels them, through a constant reality check, to integrate their learning of substantive law with the justice or otherwise of its practical operation.

What is 'live client'?

Live-client CLE is intensive, essentially one-on-one in nature, with an implicit expectation that (mostly) self-selecting students will do well as they apply legal theory, develop lawyering skills and build their confidence in solving the legal problems of real clients for whom they are responsible, under supervision. Live-client CLE entails a high staff-student ratio and collaborative learning environments so each student is motivated to improve and perform at their best. Students are so motivated because of the personal responsibility of working with

and being accountable to clients, as opposed to software or other simulated accountability structures.

Clinic Type	Definition	Australian Example
Wholly law school funded in-house live-client clinic	On campus, wholly funded and controlled by law school for student education	University of South Australia Legal Advice Clinic
In-house live-client clinic (some external funding)	Substantially funded, substantially controlled by university, for student learning and client service	Kingsford Legal Centre, UNSW
External* live-client clinic ('agency clinic')	University students placed in an agency, under substantial supervision of agency, assessed by university, with input from placement	Springvale Monash Legal Service, Monash University
Externships* (includes 'internships' and 'placements')	University students placed in an agency, under supervision of agency, assessed by university, with input from placement	Griffith University Semester in Practice. ³

Any of these clinic types can accommodate specialised legal service delivery, as we describe further below. In practice, it tends to be the externships (as above*) in the Australian setting that provide a natural fit for specialised delivery, because the external agencies have most often been established to offer such specialised services. But it is important that we first emphasise something which the *Best*

³ Ibid.

Practices' research underlined: that the nature of *supervision* is the key linking ingredient between all types of clinic and the main reason why a 'set and forget' approach to externships (be they general practice or specialised) cannot be tolerated.

The *Best Practices* contain a number of specific practices that deal with this key requirement for a successful externship: the quality of supervision.

Supervision

The agreed principles of supervision include several which frame the ideal relationship between an external supervisor and their students:

- Supervision arrangements are designed to assist students to link theory and practice and to work collaboratively with supervisors in addressing clients' needs.
- Supervision is structured, with ground rules and clear learning objectives. As a system, it ensures students' right to supervision and feedback, together with support and respect for both supervisees and supervisors.
- Supervisors meet with each student on a regular basis as well as have the capacity to respond to unpredictable events.
- Development of a strong supervision relationship relies on supervisors as role models.⁴

⁴ Evans *et al*, n 6, p 55.

Externship supervisors, just as much as their in-house colleagues, need these attributes, according to the *Best Practices*:

Supervisors also need to have particular personal attributes. They should -

- be able, both as teachers and practitioners;
- model constructive work relationships;
- provide feedback and constructive criticism (see 'feedback' below);
- be available, in that they are co-located with the students or are able to meaningfully interact through use of technology;
- be approachable;
- be adaptable and flexible in maintaining a constructive and student-focused approach;
- communicate effectively; and
- self-evaluate and accept evaluation by supervisees and peers.⁵

Furthermore, external supervisors are asked to be accountable for their supervision in the same way as in-house supervisors. This list of best practices goes on to make it obvious that an externship is not a cheap dumping ground for students who cannot be housed in an in-house clinic.

All supervisors, including short-term, locum and agency-employed supervisors, must be trained in the process of supervision and provided with the time and resources to fulfil their responsibilities. Supervisors must also be able to participate in specific supervision training courses and skills development

⁵ Ibid.

processes. Universities should be able to give ongoing commitment to the professional development of supervisors.⁶

In agency clinics and externships the training is provided to supervisors by the law school in conjunction with the agency. Training addresses the ways in which the dual purposes of client service and student learning can be advanced together. There is a shared commitment to meaningful liaison between academic staff and externship agency staff.

Training includes a clear understanding of:

- the learning outcomes of the externship;
- the role of the supervisor in supporting the student learning; and
- how the assessment from the agency staff feeds into the students' academic progress.

Law schools and their clinical courses provide to supervisors:

- structures to effectively support junior and sessional supervisors;
- a supervisor manual;
- access to other clinical supervisors for mentoring purposes;
- sufficient time to develop supervision skills before a full supervision load is required of them; and
- sufficient time and resources to ensure their professional development – in both clinical teaching and the areas of law in which they are practising.

⁶ For a general discussion of the importance of all supervisory issues in the Australian context, see Jeff Giddings, *Promoting Justice Through Clinical Legal Education*, Justice Press, Melbourne, 2013.

In agency clinics and externships, supervisors receive an induction into clinical methodology and some training in supervision. This training addresses the provision of feedback to students. Supervisors are sufficiently accessible to deal promptly with unexpected critical incidents. Supervisors also enable the student to incrementally develop the understandings and skills identified by the clinic as important. In externships, supervision arrangements, including regular meetings, are discussed and established collaboratively by the student, the supervisor and the clinical academic responsible for the course.

The constructive provision of feedback is central to student supervision. Feedback is clear and is focused on enabling the student to build on good performance and develop their skills and understandings. It must also be provided in a timely manner so as to enable the student to address and build on the feedback. Further students need to undergo training to constructively receive feedback. In an agency clinic, the nature and timeliness of feedback is planned collaboratively between university and externship agency.⁷

If supervision must meet these standards in a general externship setting, can they be any less rigorous in a specialised setting? In principle, the answer is no.

In the next section, we describe in more detail the nature of a specialist clinic and its relationship to the externship setting, in an effort to demonstrate why clinical externships that deliver specialised legal services must be treated with the same

⁷ Evans, *et al*, op cit, p 57.

respect as in-house clinics if quality educational outcomes are to be achieved for law students placed there.

DESCRIBING AND EXPLAINING SPECIALIST (OR SPECIALISED?) CLINICS

Specialised clinical legal education commenced in Australia in 1995, with a sexual assault clinic at Monash Law Faculty. This description of that inaugural clinic, which was located inside the then Springvale Legal Service Inc. (SLS), was written a year later:

“In conjunction with the South Eastern Centre Against Sexual Assault (SECASA) and Monash Medical Centre (MMC), SLS has commenced a pilot joint clinical legal service to assist victims of sexual assault. This is the first of a number of specialised options to be made progressively available to law students over the next few years. A steering committee of SLS and SECASA selects as possible ‘staff’, students who have performed competently and demonstrated a developed feminist analysis during their placement at the legal service. Those selected have been invited to volunteer for the pilot clinic and all have done so.

The pilot process is limited to three or four students, each with a maximum of three clients referred from SECASA. Initial interviews will be conducted jointly with the referring SECASA counsellor. Clinical services will concentrate on crimes compensation applications, civil actions for damages (if appropriate), emergency housing relocation and police-victim liaison (in the event of criminal proceedings commencing).

Professional and educational acceptance of this innovation depends on demonstrating that the low file load and high supervision ratio (four students

supervised by two volunteer, experienced community lawyers) can ensure both quality clinical education and - because the students will work in conjunction with SECASA counsellors and have more time available per file than private practitioners - far better than average professional services.

Specialised clinical experience of this sort is designed to consolidate and deepen a student's perception of a range of professional issues, including drafting, advocacy, multi-disciplinary approaches and 'client care'. Sexual assault is only one example of this potential.⁸

In 1995, the Monash Law Faculty already had a 20 year history of running a general practice clinic at SLS. SLS was then and is now an externship site, with its own community elected Board of Directors and its own client service and law reform agendas. But the peculiar history of SLS⁹ meant that its director had always been a legal academic¹⁰ and this person had come to understand that there were advantages for an advanced approach to teaching a specific area of law and serving a particular type of clients to a higher standard than was feasible in a general practice clinic.

Specialisation has since become commonplace in Australian clinical programs.

These clinics have thrived not only because they mimic the way in which most

⁸ Adrian Evans, 'Specialised clinical legal education begins in Australia' (1996) 21 *Alternative Law Journal* 79.

⁹ See generally, Kerry Greenwood, *It Seemed Like a Good Idea at the Time*, Springvale Legal Service Inc., 1994.

¹⁰ As of 2014, the leadership of SMLS has been divided between an Academic Director (a Law Faculty academic) and an Executive Director, a lawyer employed by SMLS.

law is practised in the private profession,¹¹ but because they make pedagogical sense, particularly when they develop organically from earlier general practice clinics.

Specialised clinical students who come out of best practice approaches to legal education are, we assert, likely to be among the most proficient and balanced of any clinical graduates. Where a law school has embraced good law teaching wholeheartedly, it will have invested in good skills simulation, critical awareness of access to justice issues and general practice clinical environments. Students entering a specialised clinic with such a background will automatically build on the skills and attitudes they have already acquired in previous simulated and clinical experiences.

From excitement to contribution.

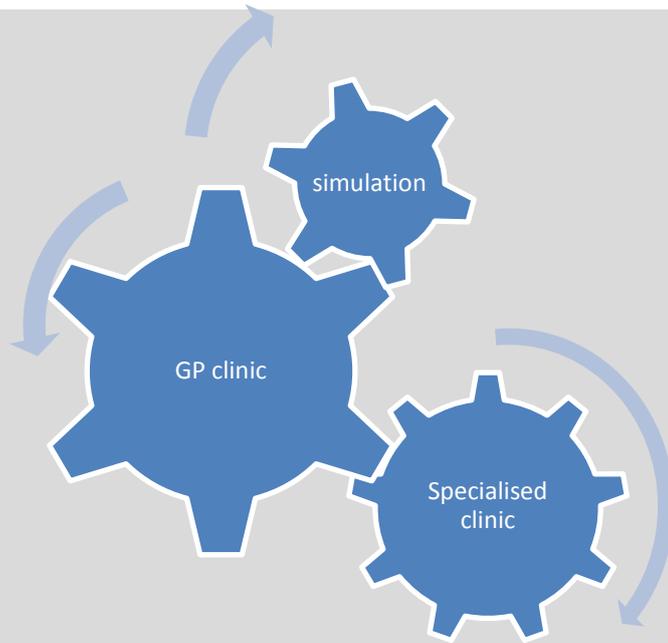
So what is the pedagogical and developmental value of a specialised clinic? What can it provide over and above that of a generalist in-house clinical experience? The first and most obvious advantage is the consolidation and refinement of primary professional skills and legal knowledge. These are both made more acute because of the narrower legal content of the specialisation and the greater similarity of presenting client problems, allowing students (and their supervisors) to acquire a greater depth of experience in the available time.

¹¹ See for example, Adrian Evans and Clark Cunningham, 'Speciality Certification as an Incentive for Increased Professionalism: Lessons from Other Disciplines and Countries' (2003) 54(4) *South Carolina Law Review* 987-1009.

It is not the case that a general practice clinic automatically offers an inadequate preparation for the realities of legal practice. Far from it. Many graduates of such clinics have made profound contributions to the law and to wider society. A significant general practice experience is central to translating simulations into dealing with real clients (see Figure 1 below). But specialised clinics take the experiential process to its logical conclusion: the emulation of all aspects of private specialised lawyering, save that of billing.

Specialisations 'speak' directly to the burgeoning particular interests of individual students and can generate an even greater degree of energy for the specialisation than they experienced in the general practice clinic. If general practice students suddenly find themselves becoming *passionate* about legal practice, specialised students become *committed*. The general practice flush of excitement becomes the specialist's vocation. They suddenly recognise the opportunity to link personal passion with the chance to develop long term expertise – and for some, realising that they actually have a sense of ambition about a particular workplace environment and career path.

Figure 1:
... from
simulation to
specialised
clinic – GP
clinics are
central to the
progression.



Despite these profound connections, there are occasional queries about the legitimacy of describing a specialised clinic as a ‘clinic’.

The following case studies from Monash University tease out the difficulty of achieving externship best practice in concrete, specialised settings.

CASE STUDY – THE MONASH FACULTY OF LAW SUITE OF CLINICAL OFFERINGS

Currently, Monash Law offers a suite of seven ‘specialist’ clinics which operate as externships inside a ‘shell’ unit known as *Clinical Externship*, in addition to the original and primary clinical unit, *Professional Practice*.

In some of these specialist clinics, a student who seeks entry and who has satisfactorily completed *Professional Practice* will receive priority consideration over other equally credentialed students who have not completed *Professional Practice*.

The priority entry process is intended to emphasise and incentivise the sequential nature of clinical methods for Monash Law students in the manner outlined above.

The published outcomes for these specialist clinics identify that at the completion of the unit students should:

- a. *have further developed the personal and communication skills acquired in Professional Practice to a higher level of sophistication*
- b. *have a good understanding of the principles of law in their chosen area*
- c. *have an understanding of the practical application of the law in their chosen area*
- d. *be able to assess the effectiveness of the law and applicable legal remedies in their chosen area*
- e. *have further developed their ability to work jointly with a professional in another discipline*
- f. *graduate with highly developed skills and recognised expertise in their chosen field.*

The seven specialist clinics are:

1. Sexual Assault Clinic¹² - in conjunction with the South Eastern Centre Against Sexual Assault (SECASA) at Springvale Monash Legal Service (4 places, three times per year) - legal services to victims of sexual assault.
2. Human Rights Clinic - in conjunction with the Castan Centre for Human Rights at Holding Redlich, Solicitors (2 places, twice a year) - litigation involving human rights in the broadest sense - everything from compensation for workplace injuries and discrimination to assisting asylum seekers and elderly victims of fraud and predatory lending. Immediate casework supervision is provided by the law firm and academic coordination by a member of the clinical staff.
3. Family Violence Clinic - assisting victims of Family Violence (2 places, three times per year) - assisting victims of family violence by attending the court on family violence list days and assisting the duty lawyer to help clients make victims of crime applications to the Victims of Crime Tribunal (Victoria).
4. JobWatch clinic - Students are based at *JobWatch*, in central Melbourne (2 places, twice a year). Students receive extensive training and support to give advice on the telephone advice line in relation to various employment law issues, and assist with legal education materials.
5. Monash/Ashurst Corporate Governance and Responsibility Clinic - (4 places, twice a year) This clinic is open to students who have completed *Corporations Law*. Students participating in this clinic work with faculty members,

¹² This is the original Monash specialist clinic referred to above, n2

practitioners and corporations to provide advice on corporate governance and social responsibility issues to not-for-profits and/or ASX listed companies.

6. Supreme Court clinic (2 places, twice a year). Students participating in this clinic work with judges and other judicial staff members of the Court. Students are required to assist judges and other judicial staff in Judges' Chambers at the Court in drafting speeches, preparing case summaries and undertaking complex legal research. They also assist Judges' Associates in other legal and administrative duties in Chambers and Court. As part of their assessment, students are required to prepare an oral presentation of 20 minutes on a topic approved by their court mentor in consultation with clinical legal education staff. The presentation is assessed jointly by a Judge of the Supreme Court of Victoria and a member of the clinical teaching staff of the Faculty.
7. Victorian Civil and Administrative Tribunal (VCAT) Self Help Centre (10 students, twice a year). Students attend VCAT for one full day each week over a 12 week period, providing unrepresented parties with information about VCAT's practices and procedures that will help parties make or defend claims in diverse areas such as planning and environmental, tenancy, consumer, guardianship, mental health, equal opportunity and building and property law.

These clinics generally follow the same assessment regime, however alterations to this format are made in discussion with the hosting body, depending on the

nature of the tasks being performed at the clinic and the educational objectives of the clinic:

Assessment Task	Value
1. Casework at Clinic (the actual criteria change, according to the work of the clinic)	80%
2. Research paper (1000-1500 words)	20%

The following section provides a detailed description of one of the most recent Monash specialist clinics:

Objectives, operation and reality in the Corporate Social Responsibility clinic

This clinic was created because we realised we had a gap in clinical offerings. There was nothing to appeal to students who had a more commercial leaning and we saw no reason why students with a strong interest should not receive a clinical experience. Students participating in this clinic work with faculty members, practitioners and corporations to prepare corporate governance reports for ASX listed companies. Students work alone, or in pairs or groups of up to four on a report under the supervision of a faculty and/or practitioner mentor.

There is some debate among Monash clinicians as to whether this new Ashurst clinic can truly be considered a clinic, considering the 'client' is a corporation and

the social justice routes of the Monash program. In fact, the clinic has a high-order social justice agenda and teaches very practical skills and these two aspects appear sufficient for it to be considered a clinical externship, rather than just 'work experience', work integrated learning or an observational placement.

Casework inside the CSR clinic is divided up as follows:

SKILL AREA	MARK
Ability to accept responsibility, exercise initiative, respond to feedback, collaborate with others and work effectively as part of a team	out of 25
Ability to communicate effectively with clients and colleagues and act in an ethical and professional manner	out of 25
Ability to research, understand and analyse the relevant law, and the relevant factual and commercial context, and apply the law in a practical manner	out of 25
Ability to write clearly and succinctly, in an appropriate style, and with a logical structure	out of 25
TOTAL	/100

The CSR clinic has provoked excellent feedback from students:

My experience with the clinic was overwhelmingly positive, largely due to the support, enthusiasm and guidance of Bruce and Corey [the Ashurst partners], and also the really lovely team dynamic we developed amongst our little group of students.

I think the best aspects of the unit were the chance to experience life at Ashurst, our ability to drive our own research and divide work amongst ourselves, the chance to work for and meet a real client, and the in-depth understanding we gained of a very specialised area of corporate law (although I picked up a lot of general knowledge about the financial world as well).

I also really appreciated Bruce and Corey's efforts in making us feel at home - we had security passes, meeting rooms booked, were introduced to many staff members and were invited to several functions. I think we all felt very included, and that Bruce was really proud of the project which was nice.

This sort of feedback emphasises how important it is to have 'buy in' from the firm!

WHY OPERATE SPECIALIST CLINICS AS EXTERNSHIPS?

Specialist clinics are and can be both in-house and external, without loss of pedagogical value and there is no imperative to operate a specialised externship clinic (SEC). However there are several reasons why they make sense. First, the externship site will itself often be engaged in precisely the specialised area of service delivery that a law school considers attractive or offers a good fit to the law school's priorities. Well-known in-house clinical 'norms' of practice, for example, human rights and some types of criminal practice can be standard bearers and encourage more recent specialisations (such as corporate social responsibility). If the same specialisation were to be offered in-house, the law school might face considerable logistical and recruiting problems, attempting to find suitable staff and develop the sort of profile and reputation that specialist clients would consider appropriate. All this takes a lot of time. So a law school

will typically prefer to bypass many of these difficulties by going straight to an established and reputable NGO or law firm and begin to talk about the potential externship clinic.

Second and for similar reasons, the SEC is potentially more affordable than an in-house equivalent. Specialised externships can be cost neutral or lower cost to the law school because the external agency or firm can often be persuaded to fund the cost of the supervision itself, in return for the labour and commitment of the allocated students.

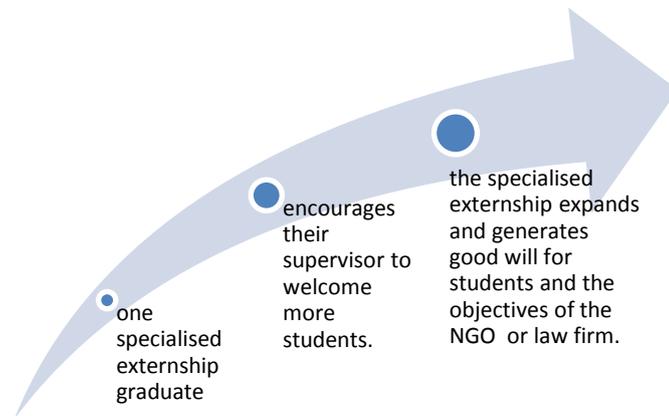
Third, a SEC offers complete alignment with the growing recognition that 'work integrated learning' (WIL) concepts are central to all educational approaches.¹³ The SEC is 'real' and foreshadows the experience students will require in that *specialised* practice area. While Law and Medicine (for example) have always understood the importance of integrating academic learning with its application in the workplace, much wider service sector recognition has now reached the point that many NGOs and niche law firms find it unsurprising that a law school would propose a specialised externship.

Fourth, the external clinic can reduce the insular nature of some law school environments. Reliance on external skills and expertise means the potential within

¹³ See for example the February 2014 agreement between Universities Australia, the Australian Chamber of Commerce and Industry and the Business Council of Australia, at <http://theconversation.com/universities-australia-deal-to-get-students-work-ready-23719>.

an in-house clinic for internal exclusivity or narrowness of competence and attitudes is reduced.

Finally, a SEC is also a very good way to harness the goodwill of clinical alumni. Connections with these graduates can be developed to locate externship sites and potential supervisors at those sites can be carefully nurtured, benefiting both those professionals by allowing them the chance to give back to their law school and the SEC students, by connecting them with possible future employers. The process completes an alumnus-student-alumnus loop that may be both expanding and self-sustaining within a few cycles. Firms led by alumni recruit from trusted current students, who become the next group of employers and so on:



A SEC can operate without a primary (general practice) clinical experience preceding it, provided the externship itself is carefully and thoroughly set up – but it's not as seamless or productive in the educational outcome sense as the preferred, progressive GP>Specialisation model advocated here, simply because there is less time for students to develop in their understanding of practice. The

stand-alone SEC may also be educationally deficient because students entering a SEC as their first clinic are not necessarily doing so with full knowledge of their own attributes, learning styles and learning needs.

Taken as a whole, the specialised externship does best when it follows a significant in-house GP experience, but even in this context, these clinics must be organised and set up carefully if they are to avoid some well-known traps.

WHAT ARE THE PITFALLS OF SPECIALISED EXTERNSHIPS?

The principal issue in setting up a secure and stable externship is not the area of specialisation, but the quality of the externship set up *per se*. A number of factors are in play here:

No control over the day-to-day experience of students

To a large extent, the quality of day-to-day student experience is a leap of faith. Clinicians have to be confident in the educative abilities of externship partners and rely on them to provide the students with educationally useful and valuable activities.

Reliance is also placed on the students being adult, independent and autonomous individuals who will report back any dissatisfaction with the quality of the experience.

Monash tries to deal with this via a mid-semester visit to all externships to speak with a firm representative and students independently, in order to gauge whether expectations (on both sides) are being fulfilled.

Quality control of mentors.

Legal education is being delivered by non-University staff and practitioners do not necessarily make good teachers. As such, the University cannot control what is being taught and how. The quality varies widely. Experience has demonstrated that the firms who are interested in offering clinical placements are keen and enthusiastic and that there is usually a 'champion' who is not only a good practitioner, but also a good teacher.

However, students do sometimes complain that, apart from the 'champion', other members of the placement firm were uninterested or even hostile. This is very hard to control. Part of the way of resolving this is to ensure that assessments in all externships are finalised by clinical staff. Accordingly, the host firm will assess the 'casework' aspect and sometimes provide a mark for the written work, but the program convenor will always second mark and second check the assessments and sign off on all final marks.

Student expectations and the reality of practice

Part of having successful external placements is the management of student expectations. Students need to have a good (and realistic) idea of what they will

and won't be doing as part of the externship experience. Sometimes they have an idealised concept of practice in which they are very important and lauded for their intelligent insights. The reality very rarely matches this expectation. Efforts are therefore made to be very clear to students about what they'll be doing in the externship, where they will be on the 'totem pole' (usually, the lowest of the low) and what they should expect to get out of the experience.

Maintaining student interest

Getting the word out to the student body about the suite of externships available is the hardest thing to do and takes the most effort. In a large law school in a very large University with many different double degree combinations and choices of electives, word of mouth is nowhere near as effective as might be thought. The adage of "build it and they will come" does not necessarily apply here.

The mantra therefore is promote, promote, promote.

Global emails and printed advertisements are a given, but scheduled information sessions where members of the hosting body come to speak to students are more effective. However, such visits are incredibly time consuming and administratively demanding. The difficulty is that if the program convenor does not have the appropriate students to provide for a particular externship, momentum is lost within the host firm, or worse their ire is incurred, as they are relying on their positions to be filled semester after semester.

Dealing with and managing external interests – time consuming!

Management of the externship relationship is probably the most significant issue with specialist clinic placements. The program convenor requires considerable patience and time in order to deal with externship personnel.

Their expectations of the relationship (kudos, free labour, fulfilling their *pro bono* requirements) must be juggled so that law school interests in appropriate work for students and professional on-site supervision are not compromised.

The relationship cannot be maintained entirely by email or telephone and requires regular site visits, plus the willingness to go and meet externship supervisors at the site when a particular problem arises. Considerable negotiation is always required to come to a reasonable conclusion regarding student hours of work, the type of work, the avoidance of entirely junior supervisors of students and the assessment regime and other similar matters. As the *Best Practices* make clear, it's important to agree on a Memorandum of Understanding before the first group of students commences, so that everyone is in agreement with these basic matters.¹⁴

The on-going externship relationship also requires a lot of work. Contacting each externship before each group of students starts to ensure they are preparing for the next group can never be neglected. This is not a role for an introvert. At least one site visit during a placement period is also a good idea, to demonstrate the law school's investment and involvement to both students and the firm.

¹⁴ *Best Practices, op cit*, n 6, Infrastructure, Best Practice #3, p 65.

Ideological and educational disparities

Law firms tend to point out the difference between conventional law school learning and the 'real world'. Part of the large law firm mentality is the focus on time sheets, profits and efficiency. This is important for students to learn, but a mature understanding of clinical process requires a social justice agenda, the promotion of best practices and ethical interaction with clients.¹⁵

There may be a disparity between clinical legal education core beliefs and a pragmatic, big firm mentality. It is important to ensure that externship students are pre-equipped to deal with and discuss the large firm mentality in the interests of strengthening their understanding of the importance of a strong social justice priority in their own professional futures.

This, again, is very hard to control. However, differing practice cultures can be managed in a number of ways:

- a) Acceptance of pedagogy - in establishing the clinical externship, it is essential to ensure that those in authority at the externship site and the people who are dealing with students day-to-day understand the philosophical and ethical position of the clinical program, and particularly its social justice agenda.

¹⁵ *Op cit*, 'Law in Context in a Clinical Setting', p 53

- b) Counselling students regularly - students should be de-briefed during the externship period in order to draw out these issues and the clashes the students might be experiencing between the clinic's lawyering objectives and that of the firm.
- c) Reflective journaling – This requires students to formally write up confronting issues and submit them for discussion. Journaling forces students to unpick issues and incidents which may go unnoticed and undiscussed. These journals can be readily assessed.¹⁶
- d) Moral and ethical preparation – increasingly, it is necessary to prepare students to encounter 'real world' profit priorities in some externship sites by checking to see that their law school ethics curricula are not just focussed on rote learning of local professional conduct rules, but are underpinned by a more substantial understanding of general morality¹⁷ and legal ethical types.¹⁸

Experience suggests that a student who has reflected on the deeper issues of access to justice via these frameworks will manage some big firm cultures with a

¹⁶ See for example, Michele Leering, 'Encouraging Reflective Practice: Conceptualizing Reflective Practice for Legal Professionals', (2014) 23 *Journal of Law and Social Policy* 83; Hyams, R "Assessing Insight: Grading Reflective Journals in Clinical Legal Education" (2010) 17 *James Cook University Law Review* 25

¹⁷ See for example, Hyams, *et al*, *Practical Legal Skills*, 4th edn, OUP, Port Melbourne, 2014, Ch 4 'Keeping Out of Trouble'; Evans A, *The Good Lawyer*, Cambridge University Press, Port Melbourne, 2014.

¹⁸ See for example, Christine Parker and Adrian Evans, *Inside Lawyers' Ethics*, 2nd edn, CUP, South Melbourne, 2014, Chs 2 and 3 and Appendix.

stronger capacity to engage confidently in justice discussions inside the externship and subsequently.

ROOM FOR IMPROVEMENT

There remain several areas where improvements can be achieved in the management of clinical externships.

Expansion – more clinics or more students per clinic?

The problem with expansion is the danger of 'over extension'. There is no point having dozens of clinics and no students to participate. However, the wider the range of clinics available, the wider the appeal to a greater pool of students.

Part of the difficulty of expansion is that programs tend to draw on a limited pool of students who understand the value of a clinical experience. There will always be a hard core of 'commercially driven' students who cannot see any value in a clinical experience and thus will not expose themselves to a clinic, even if that specialist clinic focuses on an area of law (such as small business) that they envisage themselves working in, in the future. Clinical programs can rarely draw from the entire student body and this will limit the number of potential applicants to fill all the places in all the clinics provided. The other problem is that clinics take a lot of administrative work for small numbers of participating students. More clinics amounts to more administrative time. If the clinical convenor cannot absorb that work, someone else has to.

For the public face of the law school, these clinics have to be efficiently managed. The more there are, the harder it is for one person to administer them. So, specialist clinics ought only to expand with caution. It is essential to ensure that the program has the administrative infrastructure and the sheer student numbers to support expansions, not just Faculty goodwill.

Developing understanding of benefits of clinical pedagogy amongst students and faculty colleagues

Clinical method can be introduced early to students in the curriculum in various ways and when this occurs, the long-term development of clinical benefits is more likely. This can be done by:

- Observation and placement assignments in foundation years – Students are able to observe, shadow &/or ‘buddy’ students¹⁹ in the later-year clinics for a period of time and write a ‘content of the law’, reflective or ‘access to justice’ assignment.
- Continuous ‘awareness training’ – staff should constantly remind students of how to test doctrine being learnt in law school against the reality of practice, by participation in a clinical unit or by volunteering in appropriate NGOs or externship sites.

¹⁹ See Hyams, R ‘Clinical Buddies: Jumping the Fact-Law Chasm’ in Naylor B and Hyams R (Eds) Innovation in Clinical Legal Education: Educating Future Lawyers – Monograph No 1(2007) *Alternative Law Journal*

It may be a little more difficult with faculty staff, who often have very entrenched views of the (perceived lack of) value of clinical experience. The best way to work with this limitation is by being very proactive by, for example, providing presentations at staff teaching seminars of educational approaches occurring in the clinics (such as reflective writing/skills and other exercises such as simulations and role plays) which may have relevance to mainstream units. It also adds credibility if clinical staff engage in presentations at staff research seminars of outcomes of clinical research, in relation either to pedagogy or “legal content” issues.

Clinical teachers need to engage with mainstream staff in academic environments to demonstrate the validity of clinical pedagogy and thus make it more relevant and less confronting for mainstream academic staff.

Developing a deeper understanding of pedagogical aims amongst ‘host’ placement firms.

Again, encouraging the acceptance of pedagogical objectives is an evolutionary, long term process. It is a matter of being very focussed on why a clinic is being established and maintained with a placement firm and an agreed set of goals.

The firm needs to see and deeply accept the difference between ‘observation’ or ‘work experience’ on one hand and clinical experience on the other.²⁰ The first two questions that should always be asked when an externship is suggested is:

²⁰ See further, *Best Practices, op cit*, Introduction, pp 10-11.

1. What are the aims of the clinic (i.e. student learning outcomes)? **and**
2. What will the students actually do?

The firm needs to be reminded about what benefit the students are receiving from participating in the clinic. They need to understand that students are not merely a source of free labour or that the firm can expect low-cost kudos from its association with a university. This means that the program convenor overseeing the externships must be very clear about their purpose and communicate that clearly and consistently to the host firms.

Deeper links between the profession and the Faculty through externship pedagogy.

The aim is mutual benefit from the relationship. It is very useful to have strong, wealthy and influential allies in the profession, if there is ever any threat to the clinical program from within the university. If the clinical program has a review, it is very powerful to have external, powerful firms speaking on its behalf and extolling its virtues. Many of these firms will also draw employees from students who have completed clinical placements, thus further strengthening the ties.

Law firms will also provide feedback to the law school about the sorts of skills and knowledge they are looking for in potential employees, which may influence the faculty's curriculum development directions.

At the least, that conversation provides a conduit for a useful discussion in this area. It is also possible in the long term that they may donate funds for the ongoing work of the clinics.

Opportunity for multidisciplinary work.

The future of clinical work may well be in multidisciplinary partnerships. This model reflects the reality of practice and is a very fertile learning environment for law students.²¹ Placements into 'non/quasi' legal environments are an opportunity for students to experience this collaborative agenda first hand. There is room for expansion to non-legal environments such as

- a) Family Relationship Centres in Australia – working alongside mediators and social workers in family law matters.
- b) Business and accounting firms – working with accountants and financial counsellors.
- c) Medical suites and hospitals – participation in medico-legal specialisations, writing wills for terminally-ill patients, etc.
- d) Small business clinics – working with finance and tax professionals.

The multidisciplinary pedagogy is also a fertile area for research for clinical teachers.

²¹ See Hyams R, Brown G and Foster R (2013) "The Benefits of Multidisciplinary Learning in Clinical Practice for Law, Finance, and Social Work Students: An Australian Experience" 33 (2) *Journal of Teaching in Social Work* 159; Hyams R "Multidisciplinary Clinical Legal Education: The Future of the Profession" (2012) 37 (2) *Alt LJ* 103; Hyams R & Gertner F "Multidisciplinary Clinics - Broadening the Outlook of Clinical Learning" (2012) 17 *International Journal of Clinical Legal Education* 23.

CONCLUSION

It should never be assumed that creating and sustaining clinical externships are easy because they are cheap and the supervisory work is outsourced to willing (and competent) partners. It is important that the objectives of the clinic are very clear in both faculty and the external partners' minds and that pedagogical aims are clearly defined before a clinic gets underway. Further, the faculty must satisfy itself that educational and ethical standards are being upheld. There are definitely a number of practical limitations and barriers which need to be negotiated in creating, operating and sustaining clinical externships. There are also some exciting pedagogical opportunities and positive consequences for law faculties in forging stronger bonds with the practising profession, all of which makes the effort worthwhile.

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

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ABSTRACT

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

INTRODUCTION

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

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

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

Deep, autonomous learning is particularly linked to Piaget⁵-inspired constructivist philosophies. The central tenet of constructivism is that students develop conceptual frameworks or “schemas” within which they can explore ideas and solve problems.⁶ Educational programmes based on constructivist principles, such as clinical legal education, see students as individual learners with the ability to build their schema through experience and reflection on that experience. The student is at the centre of the learning process, and the idea is that the power is transferred to them.

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

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

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

⁴ Biggs & Tang, *supra* n2, p.24.

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

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

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

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

PART 1: STUDENT LAW OFFICE: LEARNING BY DOING

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

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

the four year M Law (Exempting) Degree⁹ at the University. Students are divided into “firms” of six, with each firm having a designated supervisor. All supervisors are Senior Lecturers in the Law School and are practising solicitors, barristers and caseworkers. Each firm deals with a specific area of law.¹⁰ In order to provide an idea as to size, in the 2013-14 academic year 176 students worked in the Student Law Office under the supervision of 24 staff, there were 767 new enquiries and the compensation recovered for clients exceeded £130,000.

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

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

¹⁰ Business & commercial, employment, civil litigation, family, housing, welfare benefits, crime, planning.

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

¹² *Ibid.*

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

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

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

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

¹⁵ Giddings, *supra*. n. 11, p.265.

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

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

SMALL GROUP SESSIONS: "FIRM MEETINGS"

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

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

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

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

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

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

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

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

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

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

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

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

GROUP WORK AND A STUDENT-CENTRED APPROACH

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

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

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

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

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

²⁶ *Ibid.*, p.10

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

and psychological research relating to autonomous learning - from Rousseau ("suggest problems but leave the solving of them to him"²⁸) through to the emergence in the 1990s of the link with the notion of interdependence and the learner being responsible for his conduct in the social context²⁹ - demonstrates the depth of the theoretical framework surrounding autonomy.

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

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

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

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

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

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

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

Due to the notion of a transfer of power, there exists an assumption that groups are automatically constructivist and facilitate a student-centred approach to learning. This is also true of experiential learning. Therefore, the inference must be that small group sessions in a clinical context are the epitome of such an approach. This was my argument when I was working towards a professional teaching qualification³³, and I was asked to evaluate my own teaching practice and that of the Student Law Office in general. Initially, I felt proud that the teaching underpinning the Student Law Office experience refrained from seeing students as empty vessels to be filled with knowledge, a feature of the much maligned behaviourist theory.³⁴ However, when reflecting in more depth about firm meetings in particular, I was struck by the lack of power that the students had. I noted the following in my reflective diary:

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

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

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

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

³⁴ See Stewart, *supra* n. 3.

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

TRANSFERRING POWER

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

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

³⁵ Collier, *supra* n. 25, p.18.

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

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

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

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

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

³⁷ The student organised a firm trip to a local law firm to watch a presentation on charity law.

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

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

Key concerns fell into the following categories:

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

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

Relevance of topic

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

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

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

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

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

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

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

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

- Skills

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

- Employability

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

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

- Team building

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

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

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

Format

I suspect that the students' choice of format for their firm meetings was influenced by the firm meetings that they had seen me lead during the first semester. Using Bligh's catalogue of group techniques³⁹, my firm meetings tend to be a combination of control and free group discussion and brainstorming. I use activities either as a precursor to the discussion or to help move the discussion on. Therefore, it is not surprising that the majority of the students' meetings followed suit. Only one student made an effort to differentiate the format of their meeting. They invited the Chief Executive Officer of a local business to come to the meeting as a guest speaker. The guest went round the table asking all of the firm members to introduce themselves and asked them about their goals. He gave a short speech about his career and the ideals that he aligned himself with. The group then asked him questions. The student leading the session did very little: she introduced her guest and then he proceeded to speak. However, in terms of format it distinguished her firm meeting from that of others.

Level of challenge

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

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

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

Leadership style

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

⁴⁰ Hare, *supra* n.17, p.83.

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

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

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

⁴¹ Anonymised extract from student appraisal.

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

Learning outcomes

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

RE-SETTING THE LEADERSHIP ROLE

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

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

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

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

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

⁴³ *Ibid.*

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

We sit around a table, with me, the facilitator, at the head of the table. This is naturally how the room (which is very small) is organised and how the students position themselves. Exley and Dennick⁴⁴ state that changing the configuration of the seating "sends a powerful message to students". What is my message? Well, I want to set out right from the beginning that the work that the students do in the Student Law Office is real live case work and that brings with it a level of responsibility. I also want to ensure that they understand that what they do reflects on me professionally - they are working under my supervision and my practising certificate. My fear is that if I represent myself as being an equal to the students in the group - which is what Exley and Dennick advocate with their call to "join the circle" - then I lose this.

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

IMPLICATIONS

⁴⁴ *Ibid.*

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

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

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

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

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

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

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

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

Teachers may be reticent to incorporate team building activities into their small group sessions, especially in the second semester of the final year of a degree course. The fear is that students do not pay thousands of pounds to put sticky notes on their head and press colourful buzzers. My experience is that these sessions can and do facilitate greater engagement in later meetings (both student and supervisor led). You would not run a team building session every week, but a strategically placed bonding exercise where the purpose is clearly set out and which links back to an educational/assessment topic⁴⁵ can be more effective in the long term for group dynamics.

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

CONCLUSION

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

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

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

Acknowledgements

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

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

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

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

From the Field

The Italian legal clinics movement: Data and prospects

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1. THE INQUIRY

It is not more than 5 years since legal clinics were founded in Italian Universities: a very recent history indeed and similar to that of other Western European countries ¹. I will try to explain this through some data collected by an inquiry that I ran in order to have a more detailed map of this phenomena and to conjecture its future evolution².

The survey I submitted to the Italian clinics is composed mainly of multiple choice questions with some open-ended questions. It is divided into six sections: a) general description of the clinic; b) economic profile; c) the educational issue; d) areas of interventions and types of clients; e) the network; f) its social impact.

The survey was sent to all directors of Italian Law Departments with a letter where they were requested to readdress it to the head of the legal clinic, where these existed. 21 clinics, placed in 13 different towns, have completed the survey: among them are both established and fledgling clinics (fig. 1-2-3). There may be some facts that escaped my enquiry. However, I believe that I can offer a suitable overview of the situation in the country³. Anyway we must consider this as a state of affairs in ferment, which is highly changeable.

¹ U. Stege, *Evidence of Successes and Challenges in Clinical Legal Education in Europe*, in press.

² I would thank Marzia Casolari and Ulrich Stege very much for their important support and wise suggestions. This research is part of a larger inquiry on European Legal Clinics, conducted with the ENCLE collaboration. It has been required and sponsored by Cécile Kyenge, member of the European Parliament and former Italian Minister for Integration.

³ Last updating: May 2015. As far as I know what remains outside of my inquiry is: a) the branch of "L'altro diritto" in Emilia Romagna, but its answers would be almost the same as the Tuscany headquarters and b) a legal clinic with six different specializations in "Università Cattolica di Milano" started at the end of 2014, it is hosted in a private university unlike the others I recorded. Not all agree to define that a clinic because it proposes mainly simulations based on real cases already closed, so the students do not come in contact with live clients; c) I am also informed the law departments of Bologna and Catania are planning to open new clinics.

In the following paragraphs I will present the data inquiry and I will try to explain the process of establishing the Italian movement for legal education, its options and challenges.

It is worth pointing out why I use the term “movement”. What is going on in Italy, and I think elsewhere, is not simply the proliferation of single clinics, but the emergence of a new wave in academia. On the basis of the clinician idea and history, Italian scholars involved in this process are formulating a different way to teach law, and a different view of law too. I think it is not by chance that many of the pioneers of clinical education have a philosophical background or a highly speculative approach.

It would seem strange that such a practical teaching style is promoted by the most theoretical part of the law faculty staff. The reason for this is probably that the clinician approach needs a paradigm shift through a more realistic, critical and socially committed conception of law.

2. THE ITALIAN CLINICS

Clinics at least four-years-old are located in a few towns (Brescia, Roma, Torino). In Bergamo, Teramo, Perugia and Verona clinics have existed for two or three years.

We have to note the particular case of “L’altro diritto”. This is an association founded in the University of Florence about twenty years ago and, even though it never called itself a “legal clinic” it has always performed in a similar way. At the beginning, the students were involved in providing legal aid for the detainees of some Tuscan prisons. In addition, over time, “L’altro diritto” has developed a large number of activities and projects in favour of migrants, refugees, Romas and every kind of exploited and excluded people in different towns of Central Italy, where hundreds of law students and other volunteers are engaged. This association is also a documentation centre, legislation observatory and it produces drafts for social policies. Recently it has opened a Sicilian branch connected with the Human Rights PhD of the University of Palermo. After many years of informal clinician work, “L’altro diritto” has decided to give to a part of its pursuits the status of legal clinic. I have chosen to enclose this association in my survey, not only because

“L’altro diritto” was acting as a law clinic, but because it plays an important role in the Italian movement for clinical education thanks to its experience and extent.

Fig. 1 – Established clinics

Name	age	University department	Staff
<i>L’Altro Diritto: Centro di documentazione carcere, devianza e marginalità</i>	19	Dipartimento di Scienze Giuridiche, Firenze	100
<i>Clinica Legale, Univ. di Brescia</i>	5	Univ. degli Studi di Brescia Dipartimento di Giurisprudenza	30
<i>Clinica legale I e II, Univ. di Brescia</i>	5	Univ. degli Studi di Brescia Dipartimento di Giurisprudenza	15
<i>Clinica del diritto dell’immigrazione e della cittadinanza</i>	5	Dipartimento di Giurisprudenza, Università Roma TRE	10
<i>Human Rights and Migration Law Clinic</i>	4	International University College of Turin, DG dell’Università di Torino, Università del Piemonte orientale	15
<i>Clinica legale in diritto dei minori</i>	3	Dipartimento di Giurisprudenza, Univ. Roma TRE	6
<i>Clinica Legale di Diritto del lavoro</i>	3	Università degli studi di Teramo	4
<i>Diritto ambientale</i>	3	Università degli studi di Bergamo	2
<i>Clinica legale penitenziaria</i>	3	Università di Perugia, Dipartimento di Giurisprudenza	15
<i>Clinica legale in diritto dei risparmiatori</i>	2	Dipartimento di Giurisprudenza, Univ. Roma TRE	2
<i>Salute, ambiente e territorio</i>	2	Dipartimento di Giurisprudenza, Univ. di Perugia	9
<i>Clinica Legale Verona</i>	2	Diparti. di Scienze Giuridiche, Università di Verona	8
<i>Carcere e diritti</i>	2	Dipartimento di Giurisprudenza, Univ. di Torino	6
<i>Persone e famiglia</i>	1	Dipartimento di Giurisprudenza, Univ. di Torino	1

Fig. 2 – Fledgeling clinics

Name	University department	Staff
<i>Clinica Legale per i diritti umani</i>	DIGISPO Palermo	10
<i>Spazi violenti. L’empowerment e accesso al diritto delle persone svantaggiate</i>	Dipartimento di Giurisprudenza, Università di Torino	5
<i>Clinica legale di diritto penale</i>	Dip. Cesare Beccaria - sezione di scienze penalistiche. Università di Milano	8
<i>Da definire</i>	Dipartimento Jonico di Studi Giuridici ed Economici	30
<i>Clinica legale “Federico II”</i>	Dipartimento di Giurisprudenza, Federico II, Napoli	--
<i>Accesso alla giustizia</i>	Dipartimento di Giurisprudenza dell’Università di Sassari	--
<i>Da definire</i>	Dipartimento di sc. sociali e politiche, Univ. di Milano	5

As can be seen from the map (fig. 3), the concentration of clinics is more in the Centre and in the North of Italy, but some clinician projects are growing in the South too.

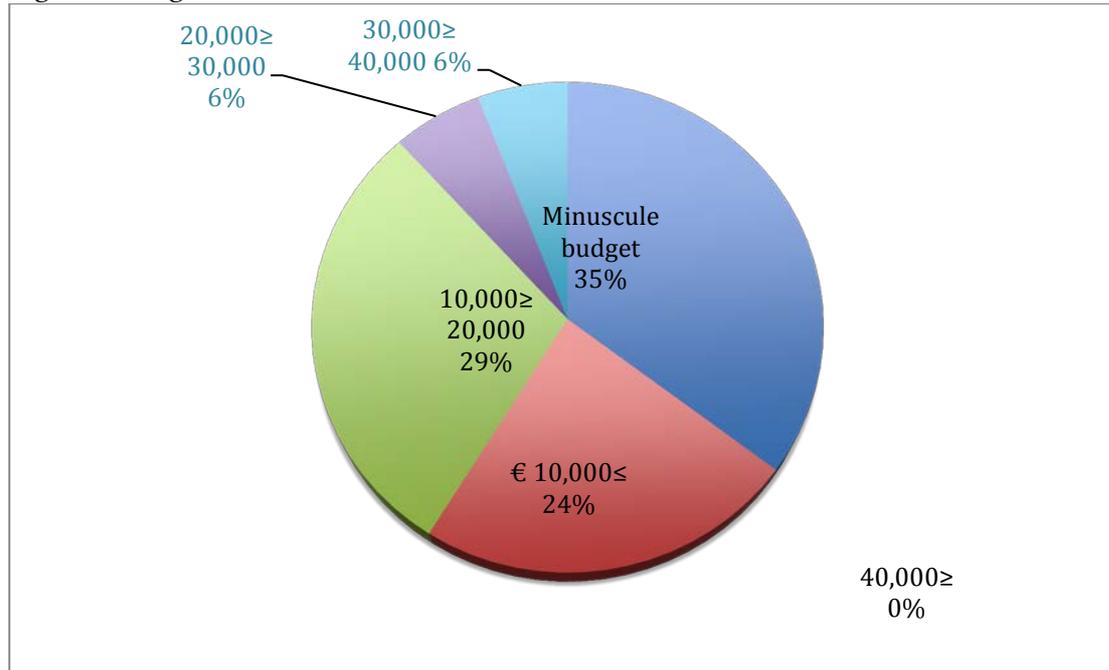
Fig. 3 –Territorial distribution



3. ECONOMIC PROFILES

Money is not the brightest aspect of this story. Italian clinics work with extremely low budgets. 35% of them assert that their coffers are empty (of course among these there are the fledgling clinics seeking grants to start), 24% have an annual income under 10,000 €. The remaining 29% have a budget around 15,000 € or a little more, and in any case there is not a clinic performing with 40,000 € or more per year (fig. 4).

Fig. 4 – Budget



In contrast with the United States, but in common with most of Europe, in Italy a clinical teacher does not have a peculiar professional profile and there is not an allocated budget of Law Faculties. In this respect it is very interesting to consider the explanation given by Ulrich Stege: «In contrast with continental Europe, legal clinics in the U.S. system of legal education traditionally play an important role. Clinical methodology is deeply rooted in a teaching philosophy based on “learning by doing.” If we add to that the fact that legal education in U.S. law school lasts for three years and that in this short period of time students have to learn both theory and practice because there is no mandatory apprenticeship during which they prepare for practice, it is quite understandable why clinics play such an important role in the U.S. system of legal education and why they are still marginal in a number of continental European countries».⁴

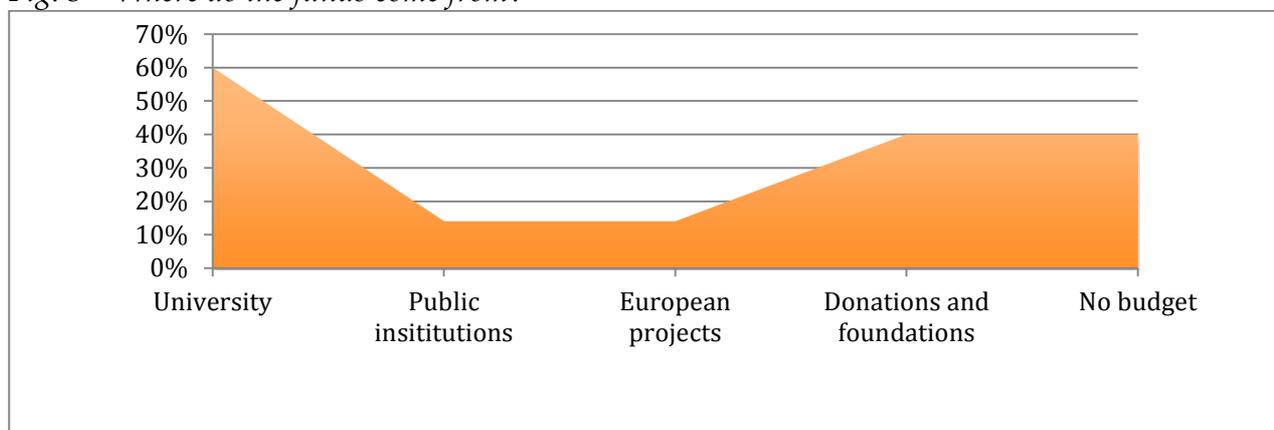
Moreover, cuts in Education, the really low level of public and private investment for research and the debt exposure of many Universities in Italy make the daily survival of these clinics more difficult. The scholars who work at a law clinic offer an additional service, generally without any economic bonus. It is not uncommon for the professor to use funds earmarked for his or her research to allow a clinic to survive. The precarious

⁴ U. Stege, *Evidence of Successes and Challenges in Clinical Legal Education in Europe*, quoted.

staff involved in academic jobs, meaning with a short contract or even without one at all, often work in the clinic for no pay.

Those who have funds for their activities generally utilize the University's money. 8 clinics out of 21 integrate their budget with donations from private foundations and institutions, mainly Open Society, but this is not the only one (fig. 5). The other forms of income are residuals, but it could also be promising to compete for European and international grants, also because this promotes supranational networking.

Fig. 5 – Where do the funds come from?



Nearly all the respondents wish to compete for European Union grants with a project related with clinical education. But most of them did not find the right call. 7 clinics out of 21 applied but only 3 were successful (fig. 6). Although until now, few clinical projects with a European partnership were approved, going forward we can expect an improvement in the economic situation if the Italian clinics enhance their fundraising skills, identify the most appropriate measures among Union projects and join in a more proactive national and international network able to plan and achieve more ambitious goals.

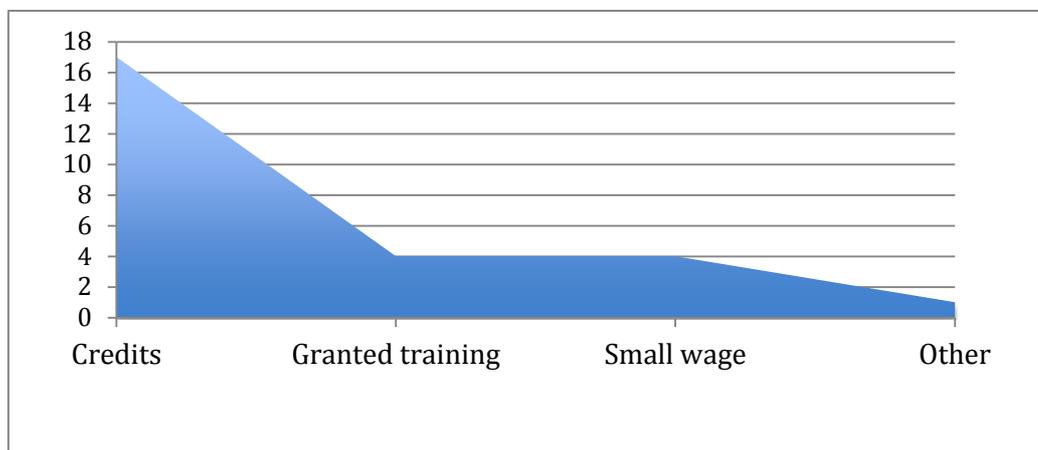
4. EDUCATIONAL ASPECTS

The relatively “senior” clinics involve a good quantity of youth in training, the vast majority are law students, but there is a significant number enrolled in other faculties, furthermore graduates, PhD students and post-docs participate in clinical activities too.

This would seem to suggest a capability both to face the clients' situation with an interdisciplinary approach and also to gain and keep students after their degree.

Clinical legal education in Italy is lacking institutionalization, therefore each project must find its own *modus operandi* and its peculiar solution to stay in the official curricula. So, clinical experience assumes many forms in the different universities, it can be: a) a short seminary with credits; b) one of the optional classes required to complete the path for the degree; c) a way to fulfil the compulsory training or a part of the internship period required to become a lawyer⁵; d) a post-degree course; e) voluntary work (fig. 7).

Fig. 7 – Benefit for students enrolled into clinical activities

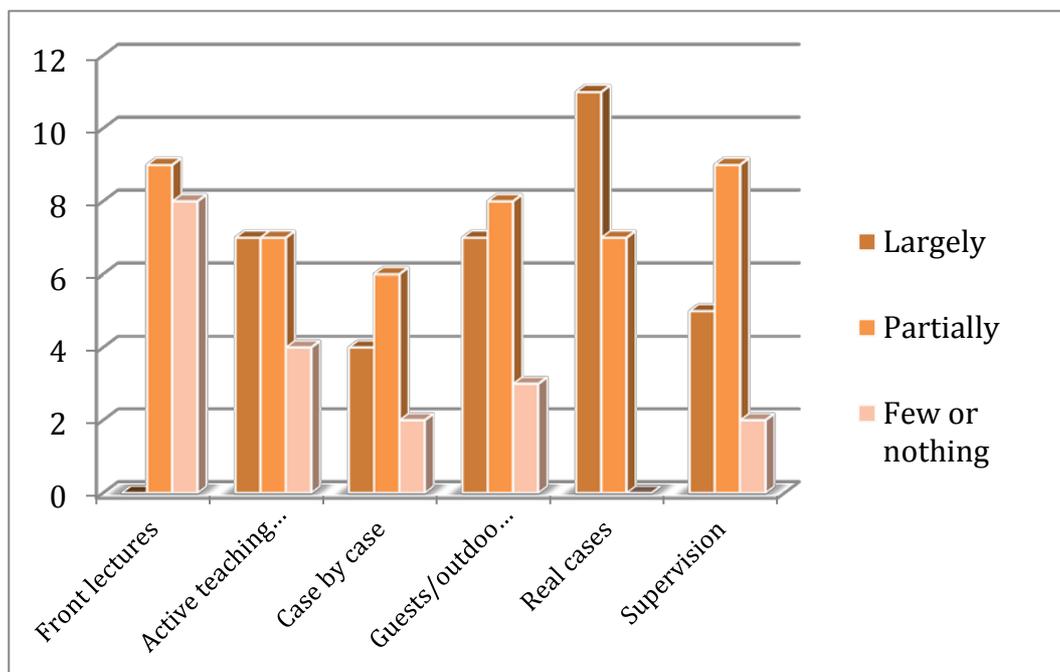


Due to the variety of ways in which clinical education is offered in the different Universities, the number of credits and the required hours differ a lot: we start with a short course of only 10 hours to a long term one of 300 hours. Anyway, the average is 40/50 hours corresponding to some 6 credits. Of course the time officially scheduled is usually less than the real time taken up in the clinical work. So the credits normally underestimate students' and teachers' commitment. For this reason participating in a legal clinic needs a strong motivation and it is never compelled. It is also worth mentioning that 4 clinics give a small wage or scholarships to the students more engaged in the law clinic's management.

⁵ The law n. 247 of 31st December 2012, Title IV, c. I ("professional training"), art. 40 establishes that law faculties, in partnership with the bar, have to offer students the opportunity to do 6 months out of 18 of the compelled internship before the degree. Usually the student does the internship in law firm without any Academic relation, but in some Universities the clinical experience is considered valid as pre-degree internship.

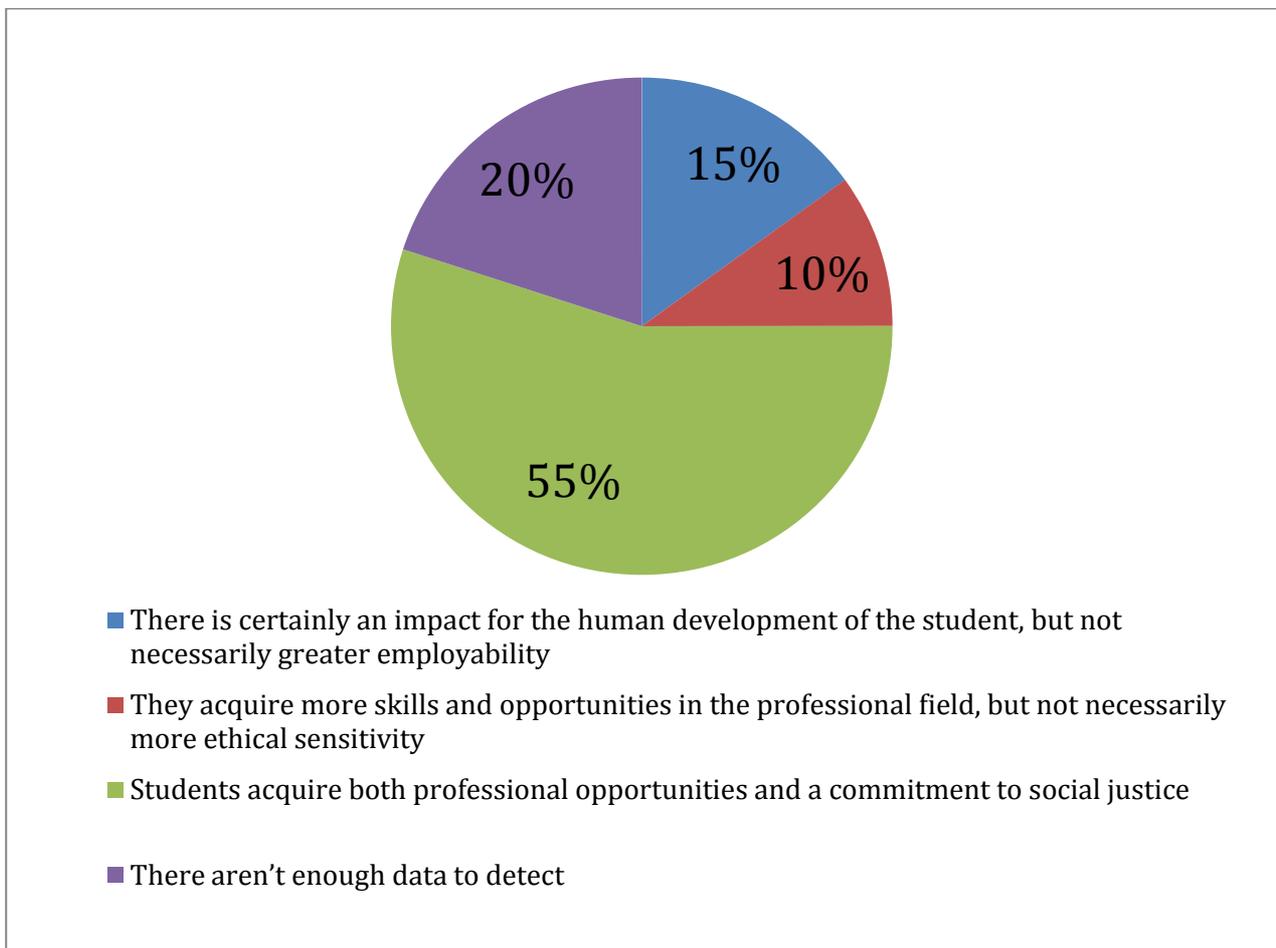
Probably there is an overabundance of clinical education paths, because this is a very new phenomenon, there is an absence of funds, standards and norms ruling this sector of legal training, it lacks a settled habit or a strengthened model to follow. On the other hand the Italian clinics show a high level of creativity and experimentation. Each work team – although it has to tackle many obstacles and the tight budgetary situation – builds operative models focusing on the local specificity and optimising the staff’s competences. It needs to be pointed out that, despite the variety of organizational patterns, the educational methodology is what is shared among all the Italian law clinics. The directors of the older clinics like the spokespersons for the fledgling ones aim to give precedence to an interactive teaching. In fact, none utilize initial lectures largely, but instead they use more activities such as role-playing games, brainstorming, case by case, videos, meetings with the protagonists of the issues addressed, lessons in contexts outside the university, and of course above all participation in the resolution of real cases in collaboration with lawyers (fig. 8).

Fig. 8 – Learning experiences proposed



In this section, the last question aimed to gauge points of view about the impact on students of the involvement in clinical activities. More than half of respondents were shown to be very optimistic, asserting that this experience grew both professional chances and ethical responsiveness. Four clinics admitted that they could not foretell the implications on students' life due to a lack of data. 15% believed this form of education definitely permits human development, but because of the dramatic unemployment crisis of the country they cannot assume a rise of professional opportunities. Only two clinics trust in a greater employability, without a certain moral development. It is no accident that one of those is the only clinic specialized in company and banking law. That is certainly the only one not committed to the social justice mission. As in some American law schools, it sees the clinical activity more as an effective teaching method rather than an opportunity to aid vulnerable people and to act in the public interest.

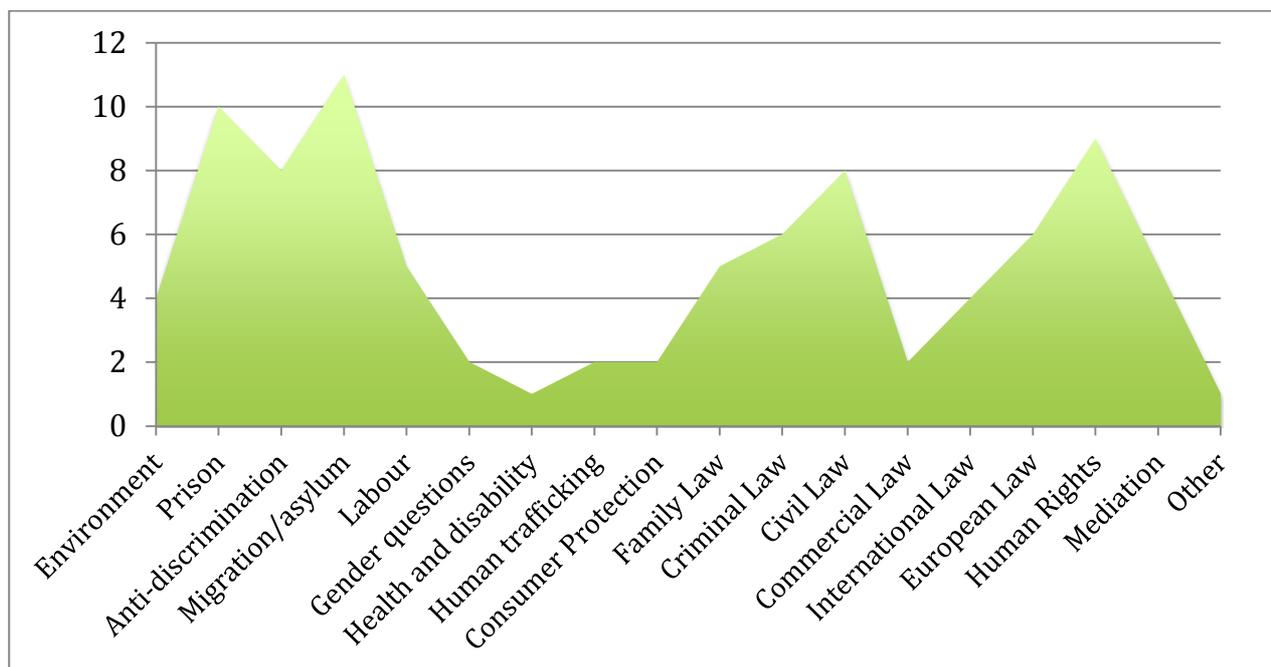
Fig. 9 – Opinions on the impact of clinical experience for the students



5. AREAS OF INTERVENTION AND TYPES OF "CLIENTS"

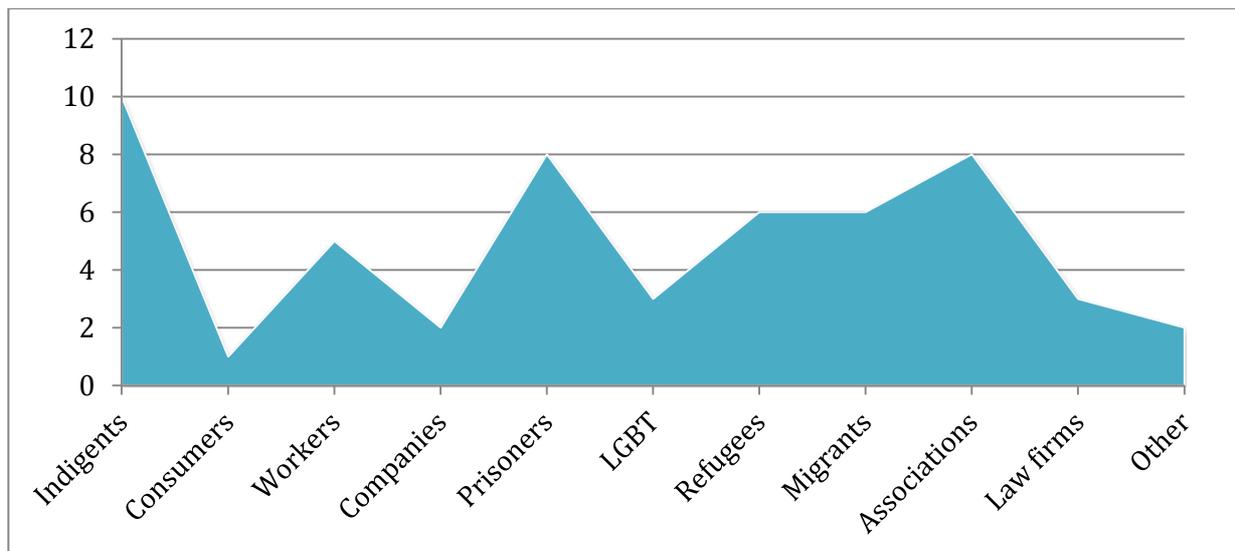
As I warned with the results of the last question in the previous paragraph – monitoring the areas of intervention and the types of clients – it is evident that almost all the Italian clinics have a strong vocation for social justice. In fact they propose a legal training through the methodology of *learning by doing*, but also they aim to deconstruct the University as an aseptic fortress, an ivory tower of "navel-gazing" theory afraid to engage with harsh reality. Scholars who decide to become involved in a legal clinic generally undergo the alienation and the feeling of uselessness that can sometimes go with academic work. For this reason they consider essential a civic commitment of cultural institutions. So, it is no wonder that areas of intervention where the Italian clinics are more dynamic are: migration and asylum, detention, antidiscrimination and human rights (fig. 9).

Fig. 9 – Areas of intervention



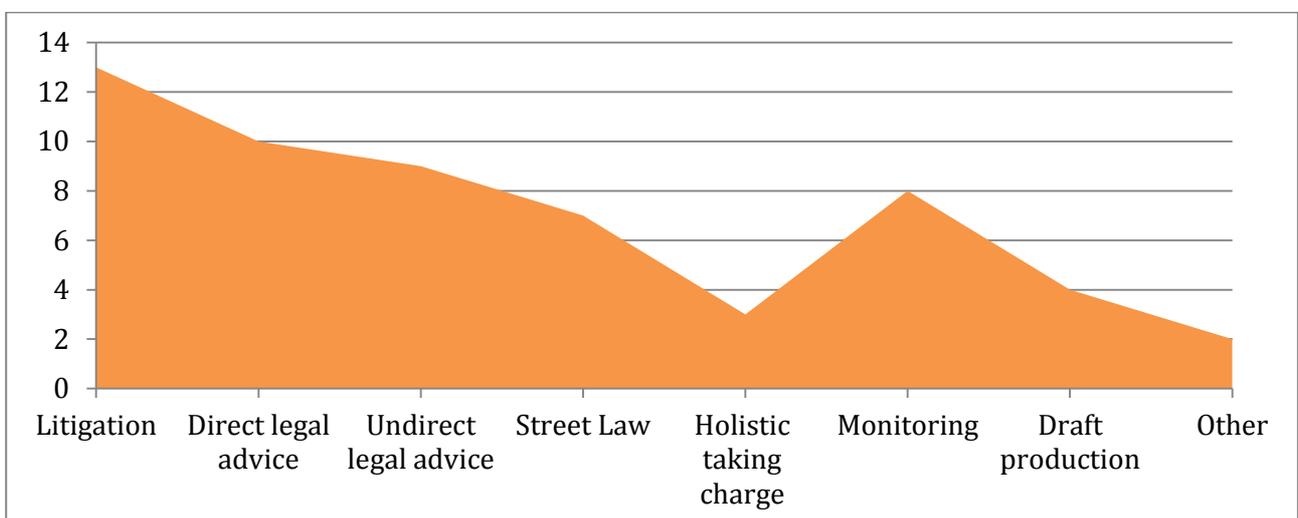
Consistent with the declared areas of intervention, the clients belong to different vulnerable categories such as: indigents and marginalised persons, prisoners, migrants, Romas, asylum seekers and refugees, but also associations working for human rights and environment (*Save the Children, Caritas, Asgi, WWF, etc.*) (fig. 10).

Fig. 10 – Clients



The main activity that Italian clinics propose to students is litigation in collaboration with lawyers. At the same time, delivering legal advice in-house to live-clients is very frequent too, both directly for persons in need and indirectly via associations, insitutions and law firms. 8 clinics have carried out monitoring projects and 7 declare doing street law. Although only 4 clinics attend to production of law drafts, reviewing of regulations and design of innovative policy (fig. 11) I believe that is a very promising pursuit. In this case, in fact, the clinic performs as a think tank specialized in law for social justice, the peculiar research capacity of the Academy is acknowledged and optimized and it makes the jurist’s role wider and his commitment more proactive.

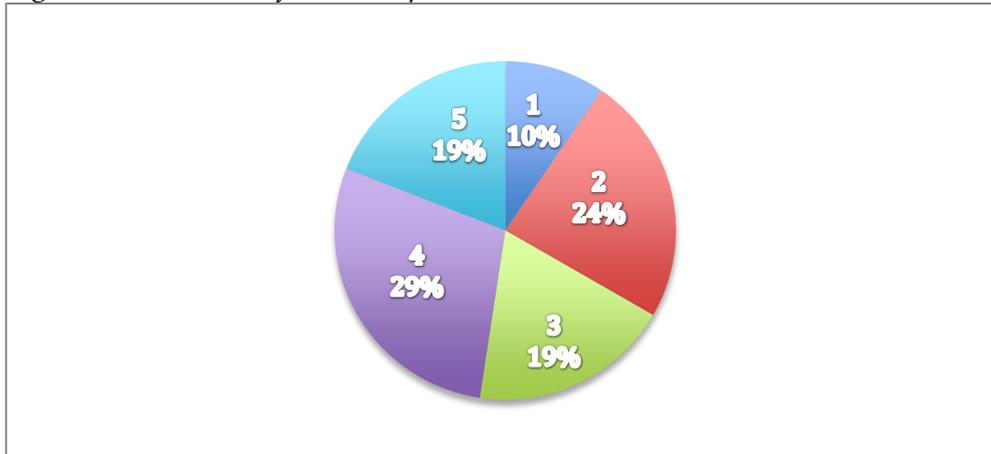
Fig. 11 – Activities



6. EUROPEAN RELEVANCE

The relevance of European Law in the Italian clinics' daily work is significant, even if it could be more propelled: it results low for 34%; medium for 19% and high for 48% (fig. 13).

Fig. 12 – Relevance of the European Law in the clinical activities on a scale of 1 to 5



Lamin Kadhar, in a good paper titled *Why the EU should take note of Europe's newest legal clinics*, says: "studies consistently show that people residing in the EU (especially members of marginalized groups) face considerable obstacles in accessing their EU law rights. There seems to be both a knowledge gap and skills gap separating the people of Europe and their EU law rights. [...] The knowledge gap amongst individual rights-holders is exacerbated by a skills gap within the legal profession. Although there are increasingly more EU law specialists, their services are expensive and they are often unwilling to take on unprofitable, simple and run-of-the-mill EU law queries. Beyond this group of specialists, most domestic lawyers avoid the vast and seemingly exponentially increasing body of EU law".⁶ After this analysis the author presents the movement for clinical education as a good opportunity to improve human rights in Europe, through the training of a new generation of lawyers more socially conscious and more skilled in EU law.

⁶ L. Kadhar, *Why the EU should take note of Europe's newest legal clinics*, in www.encl.eu, 2014.

Developing a vision of the possible role of clinical education on the European stage is particularly important and urgent in an on-going process of institutionalization and definition of standards, where the mission is partially still open.

Starting from and expanding Khadar's proposal, in the survey I have suggested five potential impacts of the clinics in the EU context on human rights protection: a) to contribute to the formation of a new generation of attorneys/lawyers who are EU law experts; b) to enhance the access of disadvantaged people to rights guaranteed by EU legislation by providing opportunities for pro bono legal advice given by clinics; c) to produce advanced and authoritative case law/doctrines, thanks to research carried out in universities, which will push institutions and European justice towards a growing commitment to human rights protection; d) to collaborate on the production of draft regulations and policies to implement the protection of fundamental rights at the European and international level; e) to create a venue which provides free legal advice outside courts for marginalised people.

They are entirely approved by almost all the respondents.

7. NETWORK AND MOVEMENT

One of the most relevant aspects of legal education is being open to the external world, developing collaborations with subjects out of the academic orbit. So, in order to have a more comprehensive overview, it has been necessary inquiring clinics' partnership.

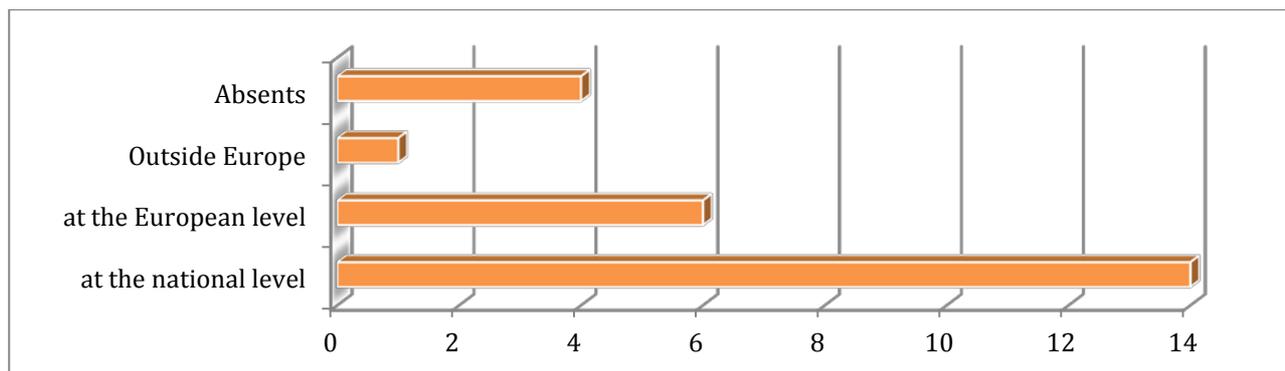
The data indicates that all clinics have formal or informal relationships with lawyers and law firms. With the Bar association 5 clinics are said to be on good terms, 6 act fully independently, while the others do not respond or state that they should improve the relation.

75% of clinics (all the established ones plus some in the pilot phase) collaborate with institutions, mostly by memoranda of understanding or similar formal agreements. Among these there are prison admins, courts, job advisers, and so on.

12 clinics are said to be in relationship with organizations of civil society at the national level and 6 of these have developed connections with associations and NGOs at European level. Among these we find Unions, NGOs working in international cooperation, groups that uphold the rights of migrants, children, prisoners and the environment (such as: Antigone, L'Altro diritto, Ciss, Asgi, Caritas, Teatro e società, Save the Children, Cospes, CGIL Torino, CUB, USB, Gruppo Abele, WWF).

With few exceptions, the network among clinics is generally good. 14 clinics declare that they are linked with other Italian clinics and 6 with European ones (fig. 11). Although in my opinion this result underestimates the actual reality, because – in the months after the collection of survey data – a brisk improvement of the national network is taking place and opening more chances of dialogue with ENCLE too.

Fig. 11 – Relationships with other clinics



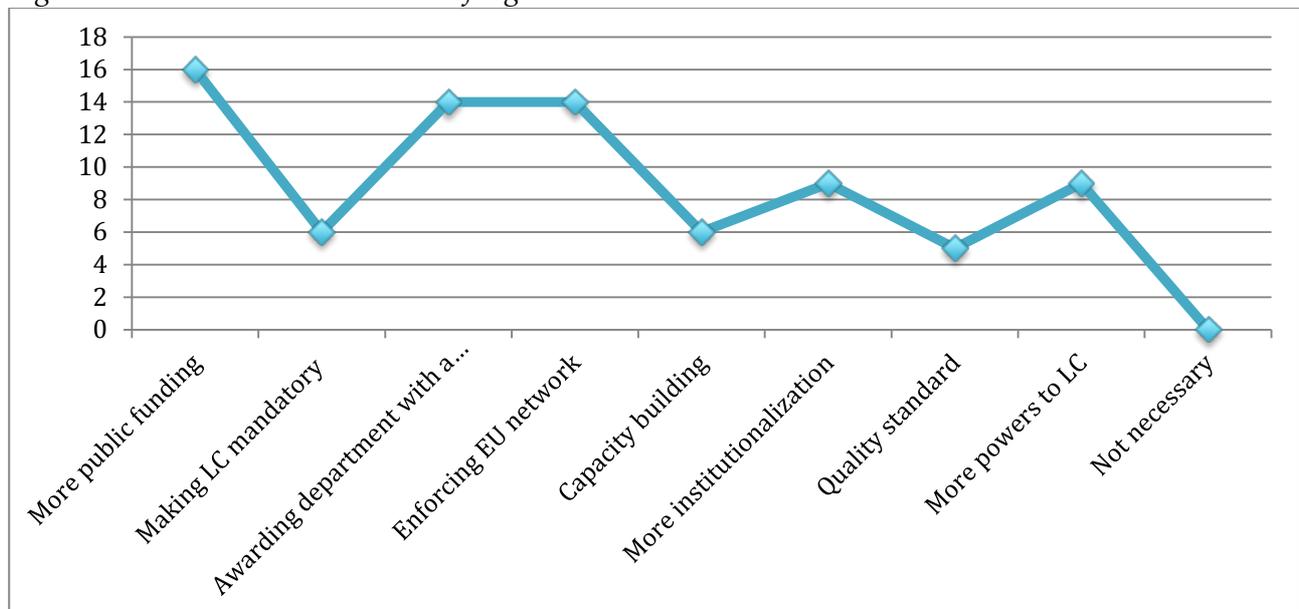
These observations seem to indicate the birth of a movement of Italian legal clinics, in fact a movement – differently from a simple network – promotes not only specific actions but its members share a vision. The impetus to enforce the connections is sprung by the pioneer clinicians in Italy, among them: Marzia Barbera of Università di Brescia, Ulrich Stege of the International University College of Turin and ENCLE, Emilio Santoro for L'altro diritto and the Università di Firenze and Enrica Rigo for Università di Rome Tre. But they were also able to involve the younger and fledgling projects. In fact at each network meeting the number of participants increases.

People acting within the University in the social justice field and with an approach similar to clinicians are joining in this young movement, even if they do not yet have the proper status of a clinic. They manifest a civic and, in a broader sense, political attitude, they often feel like a minority in their faculty, needing recognition in a larger group, that gives name and acknowledgment to their idea of legal education and the jurist's role in society.

The issues most discussed are the definition of the identity profile of a legal clinic and its mandate, the ways to enforce clinical education ensuring more institutionalization and a broader recognition within the University curricula, and evaluation of possible strategies to guarantee the sustainability of the related projects.

In this respect I asked which policies could empower the clinics. All the respondents have stressed the need to improve funding, many consider important strengthening networking and exchange between clinics, also a good number believe it is important to reward the universities that activate legal clinics. 6 out of 21 consider it a good idea to make legal education mandatory within law faculties and only 5 think it useful to establish quality standards (fig. 14).

Fig. 12 – How to enhance the role of legal clinics



Despite the variety of opinions, all the participants in this movement wish to keep the pedagogic mission and the pursuit of social justice together. In fact to the question about mission only one clinic has answered that its only commitment is professional training,

without any necessary involvement with ethics or social work. But this clinic acts independently without participating in the network meetings and discussions.

At present, the movement does not have any formal status. But I have to mention the recent birth of an inter-departmental centre with the goal of creating a legal clinic in any associated department, if there is not one already, and developing a synergy among all the members. This Centre connects the Universities of Bari, Turin, Salerno, Naples, Cosenza, Palermo, Pisa, Rome and Florence and is specialized in human rights, migration, marginality and detention.

The emergence of such a movement could influence the professional culture of Italian lawyers. The students enrolled in the clinics' activities have the opportunity to experiment with the law in action, to use their legal competence for rights, equity and public interest; they meet people who rarely arrive in a law firm due to their economic or social condition. So, they usually declare that they have been very affected by clinical experience and claim to have acquired more awareness and even a different sensitivity.

Of course these young people are much less than the totality of law students, and the scholars involved are a very small part of the faculty staff, but they can play what Serge Moscovici calls the minority influence⁷: "Our results support the notion that majority and minority influence are different processes, the former producing mostly public submissiveness without private acceptance, and the latter producing primarily changes in private responses. These processes, called compliance and conversion, are mutually exclusive and to a certain extent, opposite"⁸. This means that the Italian movement probably cannot become mainstream and enrol the mass of students and scholars, but it can nonetheless have a deeper effect through changing a little the vision and also the attitude of those jurists who will never become clinicians.

⁷ S. Moscovici, *Social influence and social change*, Academic Press, London, 1976.

⁸ S. Moscovici, B. Personnaz, *Minority influence and Conversion Behaviour in a Perceptual Task*, in «Journal of experimental social psychology», n. 16, (1980) p. 280.

Book Review

LEARNING IN LANDSCAPES OF PRACTICE: BOUNDARIES, IDENTITY, AND KNOWLEDGEABILITY IN PRACTICE-BASED LEARNING

edited by Etienne Wenger-Trayner, Mark Fenton-O'Creevy, Steven Hutchinson, Chris Kubiak, Beverly Wenger-Trayner

I came to this book familiar with (but not wholly well-versed in) the work of Etienne Wenger and therefore curious about the developments in his previously proposed themes of communities of practice and social learning through this new multi-editor text. As a teacher educator and researcher in the field of professional learning the book offered an opportunity to extend my knowledge base and reflect on the conceptualisations of learning by other practitioners through their own and other's eyes. It also felt like a genuine invitation into other lives and ideas. The illustrative elements of the book provide windows into the worlds of teachers, social workers, academics, arts practitioners, leaders, health and medical practitioners, child-minders, business-people and students amongst others. These are real examples, gathered by the authors through participant engagement in research and professional development structures.

Without doubt the book fascinates. There is substantial space given to stories of learning in practice. Even without engaging at a theoretical level with the conceptual frameworks and lenses offered the stories create reflections on experience which are

thought-provoking, evocative and illustrative. Their contexts and subjects are diverse. They focus on learners and those who create and manage learning opportunities. They include narratives which interrogate the relationships between individuals and systems. While sharp and interesting contrasts emerge in lives of learners, the stories have a common denominator in the central significance of learners' practices and the landscapes in which they are located. As would be expected the relationships between work and learning and the nature of practice that forges these relationships is explored. Even the practices underpinning the writing of the book are reflected upon - offering the reader another layer of insight into an often opaque academic practice of combined and collected scholarship.

The stories are framed in the theory building process underpinning the book. The metaphor of landscapes for contexts of practice is introduced, sustained and developed. As a former geography teacher I found this metaphor to be vibrant and intellectually engaging. The sense of movement or journeys across landscapes, the fact that landscapes themselves evolve and are influenced by local and more distant forces makes sense. Extending the construct to boundaries between landscapes builds the theory and allows the conceptualisation of boundary objects and brokering in practice-based learning to be explored. At times the reader may need to engage with a degree of imagination, reading between the lines to create meaning as the ideas come thick and fast. This depth and richness however offers huge potential for re-visiting the book. Taking ideas and relating them to one's own cases of practice, framing and re-framing learning experiences, hurdles and destinations.

The authors provide new means through which knowledge and knowledgeability can be conceptualised. While they offer stories the book is not whimsical or simply documentary. It does not offer a theoretical certainty, these ideas remain in formation, other metaphors may in future be developed and the conditions and nature of contemporary work and practice will continue to evolve. The book does however offer a genuine antidote to a conceptualisation of training, trainees and trainers which dominates so much of the discourse in the disciplines and fields illustrated in the chapters. Through the patchwork of chapters the authors deal with complexity in a way that makes that complexity a compelling and alluring aspect of the landscape of practice which we inhabit and through which we learn. It explores critical concepts in practice-based learning such as identity forming, accountability and the competing and sometimes conflicting voices in the landscape. The book will resonate with readers interested in professional and practice-based learning, for those dealing with issues of learning through boundary crossing and participation in communities of practice. It will engage new scholars and practitioners in this field as well as re-engage those of us who have been around this landscape a few times in the past.

Dr Rachel Lofthouse,

Head of Teacher Learning and Development, Newcastle University, UK.