

WHEN WORLDS COLLIDE: REFLECTIONS ON CASEWORK AND POLICY WORK IN LAW CLINICS AND POLICY CLINICS

Shania Essah Ceralde Aurelio, University of Exeter, United Kingdom¹

Abstract

In the United Kingdom, policy clinics are generally established as an extension of a university law clinic. Policy clinics give students the opportunity to undertake empirical research, often for the first time in their legal studies, to further investigate societal issues which impact diverse communities. The University of Exeter's Policy Clinic is no exception. As a new component of the University of Exeter's Community Law Clinic, the Policy Clinic aims to influence public policies that are relevant to the legal issues that Community Law Clinic clients collectively face.

This practice report will explore the author's first-hand experiences of working in the Community Law Clinic as a *student legal advisor* within the 'Access to Justice Clinic' undergraduate module at the University of Exeter, as a *research intern* collaborating with the Policy Clinic on a scoping project in its nascent year and, finally, as a *support officer* in a developing Policy Clinic. In the context of these three roles, this report will

¹ LLB (Hons) Exon. The author expresses her utmost gratitude to Dr Emma Marshall for her advice and guidance throughout her time at the Exeter Policy Clinic as well as the writing process for this report. She also extends her gratitude to Professor Tia Ebarb Matt, Natasha Bellinger, and Kim McDonald for their unwavering support within and beyond the Exeter Community Law Clinic. Finally, the author warmly thanks the IJCLE's editorial team and reviewers for their hard work and kind words.

discuss the differences between research practices, the extent of academic and professional involvement, client interactions, and relationships in both clinics. Despite these differences, this report concludes that working at both clinics allows for developing skills in various contexts, which leads to the constant redefinition of integral values such as *collaboration*, *trust*, and *respect*. Ultimately, working at both law clinics and policy clinics are complementary, seeing that the fascinating interplay between casework and policy work reiterates the distinction between legal theory and “*real world law*”—providing invaluable insight and experience to law students regardless of jurisdiction.

Introduction

Clinical legal education (CLE) bridges the gap between legal education and the legal profession by expanding on the doctrinal aspects of “traditional legal education”,² as the latter teaches students how to “*think like a lawyer*” whilst the former gives them the opportunity to also “*act like a lawyer*” through live client casework in law clinics.³ Law clinics are an integral practical component of CLE and are widely defined as ‘a learning environment where students identify, research and apply knowledge in a

² See Cath Sylvester, ‘Bridging the Gap? The Effect of Pro Bono Initiatives on Clinical Education in the UK’ [2003] 3 IJCLE 29 ; Jeff Giddings and Jaqueline Weinberg, ‘Experiential Legal Education – Stepping Back to See the Future’ in Catrina Denvir (ed), *Modernizing Legal Education* (CUP 2020) 38.

³ See Rebecca L Sandefur and Jeffrey Selbin, ‘The Clinic Effect’ (2009) 16(57) Clin L Rev 57.

setting which replicates, at least in part, the world where it is practised'.⁴ Policy clinics, on the other hand, are an emerging approach to CLE in the United Kingdom.⁵ Instead of live client casework, policy clinics conduct empirical research to investigate a socio-legal issue further and, with it, influence public policy and law reform.⁶ Whilst the differences between the two clinics may appear that they exist in different worlds, the incorporation of policy clinics in existing law clinics serves as a catalyst for these two worlds to collide—giving students the opportunity to examine and address the wider implications of the legal issues that they encounter in live client casework.

The 'Access to Justice Clinic' undergraduate module at the University of Exeter was first offered in 2017,⁷ coinciding with the launch of the university's Community Law Clinic.⁸ As part of the 2020-2021 cohort, I worked as a *Community Law Clinic student legal advisor* throughout the academic year. We were assigned cases in various legal

⁴ Richard Grimes, 'The Theory and Practice of Clinical Legal Education' in Julian Webb and Caroline Maughan, *Teaching Lawyers' Skills* (Butterworths 1996) 138.

⁵ Granted that policy clinics have been operating in the USA from as early as the 1980s. See Rachel Dunn and Richard Glancey, 'Using legal policy and law reform as assessment' in Alison Bone and Paul Maharg (eds), *Critical Perspectives on the Scholarship of Assessment and Learning in Law Volume 1: England* (ANU Press 2019) 142. In the United Kingdom (UK), more and more policy clinics are being established since 2018. Notable examples include Northumbria University's Policy Clinic, the Open University's Online Policy Clinic, Goldsmiths, University of London's Law and Policy Clinic, and City, University of London's Environmental Law Pro Bono Policy Clinic. See also Rachel Dunn, Lyndsey Bengtsson, and Siobhan McConnell, 'The policy clinic at Northumbria University: Influencing policy/law reform as an effective educational tool for students' (2020) 27(2) IJCLE 68.

⁶ Rachel Dunn, Lyndsey Bengtsson, and Siobhan McConnell, 'The policy clinic at Northumbria University: Influencing policy/law reform as an effective educational tool for students' (2020) 27(2) IJCLE 68.

⁷ University of Exeter Law School, 'Undergraduate Module Descriptor – LAW3167: Access to Justice Clinic – Overview' < <https://law.exeter.ac.uk/currentstudents/undergraduatemodules/2020-21/module/?moduleCode=LAW3167&ay=2020/1> > accessed 5 June 2023.

⁸ University of Exeter Law School, 'Community Law Clinic' < <https://law.exeter.ac.uk/communitylawclinic/> > accessed 5 June 2023.

areas⁹ and were given a final grade through four main assessment modalities: (1) professionalism in the clinic,¹⁰ (2) a written case study which focuses on our chosen client's issue or problem, (3) an oral presentation based on the case study, and (4) a reflective portfolio on our experiences working in the clinic.¹¹ There were also formative opportunities within the module via simulation tasks.¹²

The Policy Clinic at the University of Exeter was established to give students the opportunity to undertake socio-legal empirical research, which is vastly different from doctrinal research,¹³ to closely study the issues that Community Law Clinic clients collectively face and to help strengthen connections between the university and the local community through collaborative research projects with community partners. In 2021, I was onboarded as a *Policy Clinic research intern* for one of the clinic's early scoping projects in collaboration with one of the Community Law Clinic's community partners. In 2022, I was employed as a *Policy Clinic support officer* to assist with the further development of the Policy Clinic and help concretise the practicalities involved in the working relationship between both the Community Law Clinic and the Policy

⁹ Such as employment, housing, social welfare, criminal, and contracts. See *ibid.*

¹⁰ The constitutes live client casework which includes attendance to training sessions and meetings with clients and supervisors as well as completing tasks related to casework and case management. See University of Exeter Law School, 'Undergraduate Module Descriptor – LAW3167: Access to Justice Clinic – Assessment' < <https://law.exeter.ac.uk/currentstudents/undergraduatemodules/2020-21/module/?moduleCode=LAW3167&ay=2020/1/assessment> > accessed 5 June 2023.

¹¹ *ibid.*

¹² For example, writing an advice letter for a fictional client. See *ibid.* See also Richard Lewis, 'Clinical Legal Education Revisited' (2000) 13 *Dokkyo Intl Rev* 149 ; Elliott S Milstein, 'Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations' (2001) 51(3) *J Leg Ed* 375.

¹³ Seeing that doctrinal research forms the majority of legal research that is expected and taught in a standard Bachelor of Laws (LLB) degree in the UK. See Terry Hutchinson and Nigel Duncan, 'Defining and describing what we do: doctrinal legal research' (2012) 17(1) *Deakin L Rev* 83.

Clinic; this was primarily done by providing additional research support to the Community Law Clinic where needed. Alongside research support, I also helped to maintain the Community Law Clinic and Policy Clinic's external (i.e., community) partnerships.

CLE champions *experiential learning*, or “learning by doing”,¹⁴ providing an environment where students are ‘exposed to real or realistic legal issues and problems’ as active participants in those processes and interactions.¹⁵ Existing literature describes this learning method as *supervised skill and personal development*, which breaks experiential learning down into three main components: skills acquisition, personal development, and supervision.¹⁶ Through clinical work, students are equipped to ‘sharpen their understanding of professional responsibility and deepen their appreciation for their own values [and] those of the profession as a whole’,¹⁷ which may lead to the development of their professional identities—a ‘complex construct’ constituted by objective and subjective determinants.¹⁸

¹⁴ Richard Lewis, ‘Clinical Legal Education Revisited’ (2000) 13 *Dokkyo Intl Rev* 149, 155.

¹⁵ Richard Grimes and Jenny Gibbons, ‘Assessing experiential learning – us, them and the others’ (2016) 23(1) *IJCLE* 107 ; Kevin Kerrigan, ‘What is Clinical Legal Education and Pro Bono’ in Kevin Kerrigan and Victoria Murray (eds), *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave Macmillan 2011) 5.

¹⁶ See Carolyn Grose, ‘Beyond Skills Training, Revisited: The Clinical Education Spiral’ (2013) 19(489) *Clin L Rev* 489 ; Wes Porter, ‘When Experiential Learning Takes Center Stage – Not Yet’ (2015) 1(1) *J Experiential Learning* 1 ; Gemma Smyth and Marion Overholt, ‘Framing Supervisory Relationships in Clinical Law: The Role of Critical Pedagogy’ [2014] 23 *JLSP* 62.

¹⁷ See American Bar Association, *Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) (MacCrate Report) 238 ; Ann Thanaraj, ‘Understanding how a law clinic can contribute towards students’ development of professional responsibility’ (2016) 23(4) *IJCLE* 89.

¹⁸ These objective determinants may include professional conduct regulations, technical knowledge, and skills, whereas subjective determinants may include one’s personal identity and purpose for

Despite experiential learning being heavily associated with live client casework in law clinics,¹⁹ it is arguable that policy clinics also provide students with similar learning experiences. Both law clinics and policy clinics inherently encourage “hands-on learning” for students to actively engage with law and public policy as they function in society—diverting from their doctrinal aspects as taught in traditional legal education. Law clinics and policy clinics achieve this objective by offering similar opportunities for students: to research a *legal* or, more widely, *societal* issue further and to develop communication and interpersonal skills by interacting and forming connections with a diverse set of people—all whilst being supervised and supported by professionals in the field.

Hence, given the limited number of literature discussing ‘the pedagogical benefits of carrying out [policy clinic] work alongside live client work’,²⁰ this practice report aims to contribute to this by giving an account of my experiences working across both clinics as a way to build on existing literature on experiential learning. With reference to the similar opportunities that both clinics offer to students, this practice report will explore the facets of experiential learning in CLE by discussing (1) how ‘active learning’ is guaranteed by both clinics, (2) how working on people’s real-life

choosing their profession. See Jennifer L Whelan, ‘Grounding Inside/Out Professional Identity Formation by Developing Wholehearted Lawyers with Therapeutic Intent’ (2022) 29(1) IJCLE 32.

¹⁹ See Deborah Maranville, ‘Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning’ (2001) 51(1) JLE 51 ; Francina Cantatore, ‘Boosting Law Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects’ [2015] 25 Legal Educ Rev 147 ; Steven M Virgil, ‘The Role of Experiential Learning on a Law Student’s Sense of Professional Identity’ [2016] 51 Wake Forest L Rev 325.

²⁰ Dunn and others (n 6) 68.

experiences with law and public policy reinforces the importance of empathy in professional environments, and how learning in both clinics is facilitated by (3) reflective practice and (4) supervisor guidance. This will be followed by a discussion on the role of both clinics in reiterating (5) the importance of *collaboration, trust, and respect* as professional values—ultimately demonstrating (6) how live client casework and policy work ultimately complement each other in gaining a comprehensive understanding of how the law and the legal system behave and interact with various other factors in society.

I. On ‘active learning’ in dynamic clinical legal environments

Change is a constant in clinical legal environments. Both law clinics and policy clinics provide students with the opportunity to work and learn in real-life environments by being involved in real-life projects—may it be a live client case or an ongoing research project. Consequently, students are simultaneously exposed to different experiences at a pace that is dependent on changing contexts. As a result, students are constantly pushed outside of their comfort zone as they are forced to adapt to quickly-changing situations as well as acquire and develop skills over time—thus increasing the likelihood of them becoming agile thinkers and workers. This dynamic nature of CLE is particularly made evident by the different types of legal research and professional interactions that are expected in both clinics.

Considering that casework and policy work follow different processes, it is inevitable for both law clinics and policy clinics to employ different types of legal research.²¹ Live client casework requires practical legal research,²² which focuses on using the law as a tool to understand and solve an issue that the client is facing. Conversely, policy work requires a more academic approach to examining how the law interacts with multiple societal facets: empirical socio-legal research.²³ This can involve quantitative,²⁴ qualitative,²⁵ and literature-based research, allowing students to be directly involved in project design and data collection methods such as surveys and

²¹ On the importance of legal research in CLE, see Vicenç Feliú and Helen Frazer, 'Embedded Librarians: Teaching Legal Research as a Lawyering Skill' (2012) 61(4) J Leg Ed 540 ; Sarah Valentine, 'Legal Research as a Fundamental Skill: A Lifeboat for Students and Law Schools' (2010) 39(2) U Balt L Rev 173 ; Rebecca A Cochran, 'Legal Research and Writing Programs as Vehicles for Law Student Pro Bono Service' (1999) 8(3) B U Pub Int L J 429.

²² Which involves consulting practical legal sources and general advice provision resources to acquire information, which will be applied to the clients' legal issues. Practical legal sources include Thomson Reuters' Practical Law and LexisNexis Practice Notes, while general advice provision resources could include Citizens Advice, which is an independent third-sector organisation which primarily provides advice to people on various issues, free of charge. See Thomson Reuters Practical Law, 'UK Home | Practical Law' < [https://uk.practicallaw.thomsonreuters.com/Browse/Home/PracticalLaw?contextData=\(sc.Default\)&transitionType=Default&firstPage=true](https://uk.practicallaw.thomsonreuters.com/Browse/Home/PracticalLaw?contextData=(sc.Default)&transitionType=Default&firstPage=true) > accessed 13 June 2023 ; LexisNexis, 'Practice Notes | Legal Guidance | LexisNexis' < <https://www.lexisnexis.co.uk/legal/practice-notes/> > accessed 13 June 2023 ; Citizens Advice, 'Citizens Advice' < <https://www.citizensadvice.org.uk/> > accessed 13 June 2023.

²³ See Lisa Webley, 'The *why* and *how to* of conducting a socio-legal empirical research project' in Naomi Creutzfeldt, Marc Mason, and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2020) 58, 59.

²⁴ Quantitative research methods in empirical social science research corresponds to working with 'statistics or numbers' in order to 'numerically describe phenomena' and 'determine relationships between [...] variables'. See Daniel Stockemer, *Quantitative Methods for the Social Sciences – A Practical Introduction with Examples in SPSS and Stata* (Springer 2019) 8.

²⁵ Qualitative research methods in empirical social science research corresponds to working with text-based data in order to '[understand] the underlying social phenomenon and processes by using direct observation and communication'. See Susan McVie, 'Challenges in Socio-Legal Empirical Research' < <https://www.create.ac.uk/methods/methodological-challenges/socio-legal-empirical-research/index.html> > accessed 16 June 2023.

interviews.²⁶ Having worked in both clinics, I learned about the constituent stages within both types of research, which developed my knowledge of each method by directly applying them to my work. Seeing that the purposes of research tasks heavily depend on the type of project at hand, I was introduced to various legal systems around the world as well as disciplines outside of law,²⁷ which not only expanded my knowledge on how data is presented and prioritised across subject areas, but it also tested how well I can effectively find information from a diverse range of sources and apply them to the overall objectives.

Existing literature has demonstrated the benefits of CLE to students who are looking to develop their oral and written communication skills,²⁸ which may be brought on by the different types of professional interactions that students get to actively participate in across both clinics. From clients in the Community Law Clinic to external partners in the Policy Clinic, students explore different communication styles and learn about different group dynamics through each interaction. From my experience, the atmosphere in a Community Law Clinic interview is more client-focused, usually only comprising of the student advisors and the client.²⁹ If done well, interviews flow like a conversation, with the student advisor informing the client on how the process will

²⁶ In the case of qualitative research methods. See also Rachel Dunn and others, 'The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students' (2020) 27(2) IJCLE 68, 73.

²⁷ Such as Psychology, Sociology, Criminology, Medicine, and Health & Social Care.

²⁸ See Francina Cantatore, 'The impact of Pro Bono law clinics on employability and work readiness in law students' (2018) 25(1) IJCLE 147 ; Lydia Bleasedale and others, 'Law Clinics: What, why and how?' in Linden Thomas and Nick Johnson (eds), *The Clinical Legal Education Handbook* (UoL Press 2020) 7.

²⁹ Granted that clinical supervisors are also present during these interviews for safeguarding purposes.

move forward—which is similar to conducting interviews for data collection in the Policy Clinic. On the other hand, Policy Clinic meetings with external partners and academics resemble a group discussion, with both parties sharing ideas and expertise before collectively deciding how to move forward. Working in both clinics gives students the opportunity to *lead* conversations as interviewers or *facilitate* group discussions as team members. Whilst the format of email correspondences between clients and external partners may vary depending on the context, effective supervision in the Community Law Clinic ensures that all forms of written communication are professional, concise, and easy to follow. Working in both clinics increases the chances of meeting a diverse set of people, all having their own personalities, communication styles, and temperaments; clinic students gradually learn to work with them as time goes on.

Whether it be research practices or interpersonal relationships, there is no “one size fits all” approach in both clinics. This is perhaps why Atkinson and Castle observed the first five weeks of clinic work to have a ‘very steep’ learning curve;³⁰ during this time period, students are still learning how to make sense of—and appropriately respond to—ever-changing situations within their respective environments. Indeed, by “rolling up one’s sleeves” and learning through making and fixing mistakes,³¹

³⁰ Matthew Atkinson and Margaret Castle, ‘Blogging, Journaling and Reflective Writing: A Snapshot of Students’ Preferences & Perceptions from Two Australian Universities’ (2020) 27(2) IJCLE 155, 163.

³¹ Becky Beaupre Gillespie, ‘The Evolution of Experiential Learning’ (The University of Chicago | The Law School, 3 October 2017) < https://www.law.uchicago.edu/news/evolution-experiential-learning?utm_content=bufferff089&utm_medium=social&utm_source=twitter.com&utm_campaign=b > accessed 28 July 2023.

students gradually develop a growth mindset over time; thus becoming ‘active participants in their own learning’.³² Learning and developing skills in dynamic clinical legal environments encourage students to undertake ‘higher-level thinking’³³ as they interact with many types of people and scenarios—all of which are unpredictable in their diversity. As a result of this, students are able to adapt to different environments whilst being aware and mindful of the different expectations within those different scenarios, which can help them work more effectively in the future. This is particularly relevant vis-à-vis the sudden switch to remote working as a result of the COVID-19 pandemic, as students had to not only grasp how to use new technologies at a much faster rate,³⁴ but also learn how to develop those relationships with clients, academics, and external partners through this new medium.³⁵ That said, while it is true that actively learning in dynamic real-life situations can be beneficial in skills acquisition, it could also have emotional repercussions to students who encounter difficult issues and hardships in their work.

³² Adrian Evans and others, ‘7 Reflective practice: The essence of clinical legal education’ in Adrian Evans and others, *Australian Clinical Education: Designing and operating a best practice clinical program in an Australian law school* (ANU Press 2017) 153, 164.

³³ Alyson M Drake, ‘The Need for Experiential Legal Research Education’ (2016) 108(4) L Libr J 511. See also Gerald F Hess, ‘Principle 3: Good Practice Encourages Active Learning’ [1999] 49 J Leg Ed 401.

³⁴ See Jacqueline Weinberg and Jeff Giddings, ‘Innovative Opportunities in Technology and the Law: The Virtual Legal Clinic’ in Ann Thanaraj and Kris Gledhill (eds), *Teaching Legal Education in the Digital Age* (Routledge 2022) 47 ; Sarah Nason, ‘Holistic Legal Support for Litigants in Person: the North and Mid Wales Law Clinic Partnership’ (2022) 29(2) IJCLE 68, 97.

³⁵ See Hugh McFaul and others, ‘Taking Clinical Legal Education Online: Songs of Innocence and Experience’ (2020) 4(2) IJCLE 6 ; Tia Ebarb Matt and others, ‘The Silver Lining in the Black Cloud of COVID-19’ (2020) 4(2) IJCLE 135, 145 ; Kaye Howells, ‘Simulated and Real-World Experience - The Challenge of Adapting Practice in Clinical Legal Education in Unprecedented and Challenging Times’ (2020) 4(2) IJCLE 196, 208.

II. On empathy, professionalism, and the complexity of “law as lived”

In both legal practice and research, working with empathy and emotional intelligence is traditionally seen as a threat to the professional ideals of objectivity and impartiality.³⁶ However, considering that both casework and policy work revolve around “law as lived” by real people, in real time, with real-life consequences,³⁷ it is almost impossible to be unemotional or emotionally unaware when working in both clinics. Casework and policy work require sensitivity, empathy, and kindness — all of which must not be compromised to satisfy the traditional perception of “professionalism”.

The application process for the Access to Justice Clinic module is exclusively open to final year students who have already studied the compulsory foundational law subjects.³⁸ These subjects should equip them with a sound knowledge of domestic law

³⁶ For legal practice, see Rajvinder Samra and Emma Jones, ‘Fostering empathy in clinical teaching and learning environments: A unified approach’ (2019) 6(1) *Austl J Leg Ed* 1, 6–7. For legal research, see P Ishwara Bhat, ‘3 Objectivity, Value Neutrality, Originality, and Ethics in Legal Research’ in P Ishwara Bhat, *Idea and Methods of Legal Research* (OUP 2019) 55–57.

³⁷ Nathalie Des Rosiers, ‘Confidentiality, Human Relationships, and Law Reform’ in Christine M Koggel and others (eds), *Confidential Relationships. Psychoanalytic, Ethical, and Legal Contexts* (Rodopi 2003) 229, 230. See also Michele M Leering, ‘Enhancing the Legal Profession’s Capacity for Innovation: The Promise of Reflective Practice and Action Research for Increasing Access to Justice’ (2017) 34(1) *Windsor Access Justice* 189, 207.

³⁸ These subjects are called ‘qualifying modules’ in the UK, which pertain to the seven law modules that students must pass in order to graduate with a qualifying law degree (LLB) in England and Wales. These modules are criminal law, tort law, contract law, land/property law, equity & trusts, public law, and European Union law. See The Law Society, ‘Qualifying with a law degree | The Law Society’ < <https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/qualifying-with-a-degree/qualifying-with-a-law-degree> > accessed 18 June 2023 ; Bar Standards Board, ‘The Bar Qualification Manual | Part 2 - Academic Component of Bar Training | 2A: Foundations of legal

and how their legal system works in a doctrinal capacity in traditional legal education.³⁹ Working in both law clinics and policy clinics enriches students' theoretical legal knowledge through experiential learning, as they come face-to-face with people who have previously experienced, or are still experiencing, these legal issues first-hand. This introduces a layer of complexity in CLE, as working with people who are directly affected by law and policy inevitably invokes the need to effectively consider and respond to emotional behaviours.⁴⁰

On investigating the role of empathy and emotional intelligence in clinical client casework, Lawton et al. discuss the unprecedented 'emotional dialogue' that comes up in client interviews, where students tend to 'freeze' and rely on the safety of their pre-prepared set of questions 'without acknowledgement of the client's upsetting or difficult situation' because they are not used to accommodate this type of emotional response.⁴¹ This 'emotional dialogue' also exists in policy work, as external partners and research participants share and discuss their lived experiences of socio-legal issues and economic hardship in meetings and interviews. As previously discussed,

knowledge' < <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual-new.html?part=CC6E51DC-0FF4-45C8-A0CE31EA825C4692&q=> > accessed 18 June 2023.

³⁹ This appears to be the case in some law schools in Australia, India, and the UK. For Australia, see Atkinson and Castle (n 30) 160. For India, see K Rajashree and Sonika Bhardwaj, 'India's Law School Legal Aid Clinics: The Gaps Between Aspiration and Practice' (2021) 28(2) IJCLE 38, 57. For the UK, see Lyndsey Bengtsson and Bethany A'Court, 'The Law in the Community Model of Clinical Legal Education: Assessing the Impact on Key Stakeholders' (2023) 30(2) IJCLE 54, 60–61 ; Matt and others (n 35) 137.

⁴⁰ Mainly because people's emotional and cognitive processes are inextricably linked. See Colin James, 'Seeing Things As We Are. Emotional Intelligence and Clinical Legal Education [2005] 8 IJCLE 123, 134 ; John D Mayer and Peter Salovey, 'What is Emotional Intelligence' in Peter Salovey and David J Sluyter (eds), *Emotional Development and Emotional Intelligence: Educational Implications* (Basic Books 1997) 3.

⁴¹ Amy Lawton and others, 'Do we want a human first, and a lawyer second? Developing law student empathy through clinical legal education' (2022) 29(1) IJCLE 4, 5.

clinical work exposes students to various types of people who behave and process information differently. Having undertaken people-centric work in both clinics, one of the main things I learned is the need to be comfortable with *being* uncomfortable when ‘emotional dialogues’ start. Making sure that people feel heard and understood is paramount to establishing rapport and, consequently, a ‘relationship of confidence and trust’;⁴² this cannot be achieved without empathy and kindness.⁴³

Samra and Jones maintain that empathy should be viewed and treated ‘as an integral part of professionalism’, despite the concern that showing empathy in professional interactions is ‘traditionally [...] viewed as antithetical to the neutrality and objectivity’ associated with professional practice.⁴⁴ After all, ‘in the field of social science, knowledge is not—nor can it be—impersonal’.⁴⁵ That said, there is a fine line between actionable empathy and emotional overinvestment when working in both clinics—and students learn to tread that line with every professional interaction they have in law clinics and policy clinics. Lawton et al. recognise this, stating how important it is to ‘maintain objectivity and impartiality’, but not at the expense of the ‘authenticity of emotional empathetic connection’.⁴⁶ It is therefore unsurprising that communicating emotionally is found to be one of many skills that students develop

⁴² *ibid* 10.

⁴³ Evans et al. recognise client sensitivity and empathy as an integral ‘[aspect] of the clinical process’. See Evans and others (n 32) 154.

⁴⁴ Rajvinder Samra and Emma Jones, ‘Fostering empathy in clinical teaching and learning environments: A unified approach’ (2019) 6(1) *Austl J Leg Ed* 1, 6–7.

⁴⁵ As opposed to pure sciences, where objectivity is a ‘laboratory-made product’. See Bhat (n 36) 58.

⁴⁶ Lawton and others (n 41) 11.

in clinical environments.⁴⁷ Across both clinics, I have observed that treating people kindly and respectfully through empathy have tangible effects on clients, external partners, and research participants alike. Seeing them visibly relax and exhale as they share their experiences tells me that they feel comfortable and safe enough to open up and collaborate. By navigating more of these “uncomfortable” interactions, students can gradually improve on undertaking the balancing act of achieving the main objectives of interviews and meetings whilst also establishing and maintaining rapport with others.

Ultimately, these experiential learning opportunities in both clinics make it clear that empathy is not just a desirable competency in professional settings—it is a necessity. To be “professional” is *not* to discount kindness nor ‘cerebral’ skill.⁴⁸ The recognised importance of ‘having human skills [...] in addition to an excellent legal mind’ is particularly relevant here,⁴⁹ especially with the ‘false dichotomy’ often established between emotional awareness and ‘rational’ technical skill acquisition in legal practice and research,⁵⁰ which is reminiscent of the distinction between hard and soft skills.⁵¹ As observed from both clinics, soft skills inform how well hard skills are to be applied;

⁴⁷ See Bengtsson and A’Court (n 39) 75.

⁴⁸ On the equivalence of emotional labour to technical labour, see Ann E Juergens, ‘Practicing What We Teach: The Importance of Emotion and Community Connection in Law Work and Law Teaching’ (2005) 11(901) Clin L Rev 901, 901.

⁴⁹ Lawton and others (n 41) 9.

⁵⁰ *ibid* 10. See also Chalen Westaby and Emma Jones, ‘Empathy: an essential element of legal practice or ‘never the twain shall meet’? (2018) 25(1) IJLP 107, 108.

⁵¹ Hard skills refer to qualification-based technical knowledge, whereas soft skills refer to relational behaviours. See Jiří Balcar, ‘Is it better to invest in hard or soft skills?’ (2016) 27(4) Econ & Lab Rel Rev 453.

knowledge is nothing without effective communication, and further knowledge acquisition cannot be pursued without collaboration—both of which can be achieved through emotionally-minded connection. It is therefore reassuring to see experiential learning being recognised as capable of ‘[fostering] the notion of empathy as a positive part of professionalism’.⁵²

Undoubtedly, being exposed to real-life work can be overwhelming for students—especially for those who have primarily been learning through doctrinal methods. This is where reflective practice, an essential component of CLE, can be used to help students process what they are experiencing and, more importantly, what they are learning from those experiences.

III. On “learning how to learn” through reflective practice

In CLE, students are expected to primarily learn from their *own* experiences alongside literature and primary sources. This is very different from traditional legal education, where students learn solely from academic literature and primary legal sources such as statutes and case law. Going into this uncharted territory, therefore, could take students by surprise and overwhelm them. Reflective practice is a useful tool for students to not only remember what they have experienced, but it also puts them in the mindset of being present and mindful in their work—encouraging them to focus

⁵² Samra and Jones (n 44) 7.

on how they felt and what they think caused their actions when responding to various situations.

A well-known component of CLE,⁵³ reflective practice is ‘the magic ingredient which converts legal experience into education’.⁵⁴ Evans et al. even went as far as to describe the almost-symbiotic relationship between reflection and experiential learning: it is impossible to reflect without experience, and not reflecting on one’s experience would render the latter meaningless.⁵⁵ Ultimately, reflective practice ensures student-centric learning as students are encouraged to consider their personal thoughts on—and actions towards—their own experiences,⁵⁶ making clinics a *truly* ‘self-directed learning environment’.⁵⁷ Through my experience, I identified three main purposes of reflective practice: to think *within* oneself to look after their own wellbeing, to think *beyond* oneself to contextualise the issues witnessed through casework and policy work, and to develop one’s overall professional practice and performance of the roles they undertake.

The Access to Justice Clinic module was instrumental in developing my reflective skills. I definitely resonate with Evans et al.’s statement that students’ exposure to ‘new, strange and previously unimaginable experiences’ through CLE helps them

⁵³ Atkinson and Castle (n 30) 156 ; Kerrigan (n 15) 5.

⁵⁴ Georgina Ledvinka, ‘Reflection and assessment in clinical legal education: Do you see what I see?’ [2006] 9 IJCLE 29, 29–30.

⁵⁵ Evans and others (n 32) 158.

⁵⁶ Anthony G Amsterdam, ‘Clinical Legal Education - A 21st Century Perspective’ (1984) 34(4) J Leg Ed 612, 616.

⁵⁷ Lawton and others (n 41) 7.

realise that they can no longer ‘fall back on conventional classroom teaching’ and thus start to independently ‘develop new strategies and approaches to problem-solving’ through reflective practice.⁵⁸ As previously discussed, students gradually improve their skills and understanding over time within law clinics and policy clinics; this would be impossible without reflection. I used reflective practice to evaluate my performance—especially when I did things for the first time—and think about how I can improve for future clients and projects.⁵⁹ For example, if I thought that I unsatisfactorily responded to a client’s concern, I identified exactly *what* I did to make it unsatisfactory, figured out *why* I may have done it, and thought about *how* I can do better next time; the *how* must be realistically actionable. By focusing on my own actions *and* reactions during each interaction and task, I consistently found approaches that worked best for my personal working style.

As I was no longer a mere ‘spectator’ of a legal issue, it was easier for me to ‘feel the weight of responsibility’ when advising clients;⁶⁰ reflective practice helped me tremendously with self-regulation. Undertaking reflective practice within the Access to Justice Clinic module invited me to focus on not only what was happening around me, but also to how I was feeling before, during, and after these events. This was particularly useful during those ‘emotional dialogues’ with clients, external partners, and research participants; reflecting gave me the space to not only *feel* the emotions

⁵⁸ Evans and others (n 32) 160–161. See also Ledvinka (n 54) 34.

⁵⁹ Either during the client interview, legal research process, or drafting the advice letter.

⁶⁰ Evans and others (n 32) 161.

evoked by those interactions, but to also *think* about what brought on those emotional responses.

I definitely agree that students ‘who are taught how to reflect, and who are exposed to the benefits arising from reflection, are unlikely to stop reflecting’ after the CLE period.⁶¹ I found myself applying the same reflective practices that I have learned from the Access to Justice Clinic module to my work in the Policy Clinic and beyond; ‘genuine reflective skills’ became a habitual practice that helps me understand myself and my work better.⁶² Having learnt these skills in an educational environment, I found it easier to make the link between learning and making mistakes—helping me to reframe my thinking when I face obstacles in my work and seeing them as learning opportunities instead of reverting to relentless self-criticism caused by often impossibly high standards.

By shifting the focus from theoretical perspectives to people’s lived experiences of law, public policy, and the legal system, reflective practice enables students to ‘find meaning and context’ from their work,⁶³ re-evoking the notion of “being comfortable with the uncomfortable” but in a different way. Here, the discomfort is brought on by sobering realisations on students’ personal perceptions and beliefs. It is very easy to go into CLE thinking that everyone receives equal treatment through the rule of law.

⁶¹ *ibid* 165.

⁶² *ibid*.

⁶³ Atkinson and Castle (n 30) 157. See also Ross Hyams, ‘Assessing Insight: Grading Reflective Journals in Clinical Legal Education’ [2010] 17 *JCULR* 25, 27 ; Richard Grimes, ‘Reflections on Clinical Legal Education’ [1995] 29 *The Law Teacher* 169, 171.

However, after being exposed to the realities of law and public policy through casework and policy work, it quickly appears that it is not the case, especially for marginalised communities.⁶⁴ Through my work at both clinics, I developed a deeper understanding of the different ways in which underfunded and under-resourced public services detrimentally affect individuals and communities,⁶⁵ especially within the Policy Clinic. That said, whilst reflective practice is highly beneficial to experiential learning in CLE, the only way to ensure the effectiveness of these exercises is through careful supervision—which also provides students with more learning opportunities within clinical work.

IV. On the value of professional supervision and guidance

Professional supervision is one of the most important and distinguishable aspects of CLE, and it is present in both law clinics and policy clinics. Whilst both clinics are supervised by legal academics, practicing or otherwise, it is imperative that law clinics have accredited and regulated legal professionals such as solicitors and barristers to supervise live client casework. As experts in their respective fields, clinical supervisors provide students with invaluable insight into their professions and consistent

⁶⁴ On confronting how the law is politicised and applied to people living in poverty through CLE, for example, see Smyth and Overholt (n 16) 66.

⁶⁵ See also Evans and others (n 32) 167.

feedback opportunities in order to help enrich their skills acquisition and personal development.

Clinical legal teaching spaces utilise one-on-one or small-group sessions. This is different from their doctrinal counterparts, which typically feature medium to large classes and lectures.⁶⁶ The employment of small-group teaching in CLE facilitates experiential learning,⁶⁷ since supervisor feedback plays a significant role in enabling students to ‘learn how to learn from their experiences’.⁶⁸ Due to real-life work in law clinics and policy clinics, it is imperative for all pieces of work to be examined by clinical supervisors. Students are constantly given direct and specific feedback to improve their work, which can only be sent to clients and external partners upon supervisor approval. This aspect of CLE is greatly beneficial in my experience, as every piece of technical knowledge, advice, and feedback that I received in both clinics were unique to not only the case or research project I was working on, but also to my working style.⁶⁹ Being guaranteed feedback each time contributes to the development of a growth mindset, as there were always express indications of which aspects were done well and could be improved.

⁶⁶ Smyth and Overholt (n 16) 66.

⁶⁷ Liz Curran and Tony Foley, ‘Integrating Two Measures of Quality Practice into Clinical and Practical Legal Education Assessment: Good client interviewing and effective community legal education’ (2014) 21(1) IJCLE 69.

⁶⁸ *ibid* 70.

⁶⁹ Which is in accordance with Porter’s view that ‘students greatly benefit from [particularised] feedback on their written work product or presentation’. Porter (n 16) 90.

Clinic work is ‘a bundle of unpredictable,⁷⁰ often contradictory, facts, feeling and impulses’.⁷¹ As previously discussed, reflective practice within experiential learning in CLE establishes a link between *thinking* and *doing*, thus acting as a ‘bridge of meaning that connects one experience to the next that gives direction and impetus to growth’.⁷² Clinical supervisors heavily contribute to guiding students towards that ‘direction’, especially when students ‘find reflective writing very difficult’ because they have not done this type of learning exercise before.⁷³ In the Access to Justice Clinic module, online student-to-teacher journaling was implemented to help students practice reflective writing; we were guaranteed feedback every time, regardless of how many entries we submitted. In this type of guided reflective practice, Atkinson and Castle found that students employed ‘more casual’ language as they provided ‘easier reference to personal feelings and reactions’.⁷⁴ My experiences heavily resonate with this; given the informal nature of the exercise, I felt more comfortable writing “in my voice” as I did not feel that I needed to “say the right thing”. This exercised helped me improve my capacity to learn from my experiences, as my supervisor not only gave me direct feedback on my account, but she also asked me questions to guide my

⁷⁰ James attributes this unpredictability to the ‘built in dissonance’ of life. See James (n 40) 131.

⁷¹ Even though Evans et al. wrote this in the context of live client casework, this is easily applicable to policy work as well, as discussed in the section prior. Evans and others (n 32) 160.

⁷² Evans and others (n 32) 165. See also Carol Rodgers, ‘Defining Reflection: Another Look at John Dewey and Reflective Thinking’ (2002) 104(4) T C Rec 842, 850.

⁷³ Claire Sparrow, ‘Reflective Student Practitioner - an example integrating clinical experience into the curriculum’ (2009) 14 IJCLE 70, 74 ; Lyndsey Bengtsson and others, ‘The Law in the Community module at Northumbria University: Working in Partnership with Citizens Advice as an Effective Educational Tool’ (2021) 28(1) IJCLE 111, 123.

⁷⁴ Atkinson and Castle (n 30) 158.

reflections and think deeper. In the Policy Clinic, this exercise took the form of weekly live meetings, where my supervisor provided feedback to my work, prompted me to consider its wider impact, and encouraged me to be mindful of it moving forward—which I found just as useful. Even though these meetings were live, I still felt comfortable enough to share my thoughts and feelings with my supervisor, as I felt that the Policy Clinic promotes that same atmosphere of support and willingness to help. In both clinics, I was empowered to raise my concerns and ask questions to my supervisors without the fear of being judged.

Ultimately, small-group and one-on-one teaching within clinics makes it easier for students to develop professional working relationships with their clinical supervisors,⁷⁵ which is ‘conducive to what [students] will experience in the workplace’.⁷⁶ Having had various supervisors across both clinics,⁷⁷ I was exposed to different approaches and perspectives. During joint meetings with academics and practitioners, it was interesting to see how—despite how differently they prioritise and approach the same issues—they ultimately work together to achieve a common goal. Working in close proximity to professionals while doing real-life work also helps to develop a sense of collegiality, seeing that academics and legal practitioners are

⁷⁵ Bengtsson and others (n 73) 128.

Lyndsey Bengtsson and others, ‘The Law in the Community module at Northumbria University: Working in Partnership with Citizens Advice as an Effective Educational Tool’ (2021) 28(1) IJCLE 111, 128.

⁷⁶ Bengtsson and A’Court (n 39) 90.

⁷⁷ For a discussion on how students learn under different supervisors in the community model of CLE, see Bengtsson and A’Court (n 39), 78–79.

working with the students to achieve the best possible result by being actively involved in the clinics' advice and research cycles. This collaborative aspect emphasises the supervisor's role, which is to support but not take over. Additionally, working closely with professionals fosters the 'role model dynamic of experiential learning',⁷⁸ where students learn through observing their clinical supervisors—especially when it comes to situational decision-making and problem-solving in circumstances that they have not come across before. Arguably, learning by observing is equally important to learning by doing,⁷⁹ as the former gives students the opportunity to emulate the actions and behaviours that they wish to apply to their own practice.

Giving students the time to research and draft independently with relatively minimal check-ins demonstrates that supervisors trust their students' ability to accomplish tasks. This trust helps to foster a mutually respectful environment, as supervisors are effectively treating students as capable advisors in the same way that students respect their supervisors as experts in their respective fields. This shared responsibility is particularly important when forming a 'strong support network of academics and practitioners in CLE' which is valuable for everyone involved,⁸⁰ and policy clinics provide the opportunity for students to establish connections in the legal profession, academia, and local communities. These relationships further highlight the need for

⁷⁸ Porter (n 16) 90.

⁷⁹ See *ibid* 91.

⁸⁰ Kay Howells, 'Simulated and real-world experience – The challenge of adapting practice in clinical legal education in unprecedented and challenging times' (2020) 4(2) *IJCLE* 196, 213.

collaboration, trust, and respect—all of which are learned and developed in both clinics.

V. On the importance of *collaboration, trust, and respect* in experiential learning

As previously discussed, law clinics and policy clinics work with *lived experiences* of people from the local community,⁸¹ which holds relationship-building paramount. When forming and developing these relationships, it is important to establish *trust*, encourage *collaboration*, and maintain *respect* throughout. Whilst existing literature has highlighted the importance of collaboration in clinical environments, notably in problem solving,⁸² experiential learning makes it clear that successful collaborations cannot exist without trust and respect.⁸³ Having been exposed to different contexts and people while working in both clinics, I witnessed how collaboration, trust, and respect are woven into the clinical working framework as professional values. Experiential learning enriched my definitions for these values; it led to a more

⁸¹ Of clients at the Community Law Clinic, external partners of the Policy Clinic, and of research participants at the Policy Clinic (such as people working at third sector organisations, or clients of external partners).

⁸² See Andrea M Seielstad, 'Community Building as a Means of Teaching Creative, Cooperative, and Complex Problem Solving in Clinical Legal Education' [2002] 4 Clin L Rev 445 ; Susan R Jones, 'Current Issues in the Changing Roles and Practices of Community Economic Development Lawyers [2002] Wis L Rev 437.

⁸³ Margaret Martin Barry and others, 'Teaching Social Justice Lawyering: Systematically including Community Legal Education in Law School Clinics' (2012) 18(2) Clin L Rev 401, 458.

nuanced understanding of what they respectively involve and, more importantly, how interconnected they are.

Barry et al. recognise the importance of collaboration as a means of mutual education,⁸⁴ which is evident within the Policy Clinic. In policy work, all parties share an ultimate goal and conduct research alongside each other. In casework, however, whilst student legal advisors and clients have a shared goal of informing the latter on their legal issue and position, clients are not directly involved in the legal research process and the ultimate goal attached to that information (i.e., what will be done with the information presented in the advice letter) is up to the client. In the context of *external partner-researcher* and *advisor-client* relationships,⁸⁵ therefore, lies the distinction between *collaboration* and *cooperation*; the former signifies all parties working towards a shared goal and conducting coordinated tasks, while the latter allocates different tasks between parties without a shared purpose for the work completed. Despite this difference, it is clear that collaboration and cooperation must be *reciprocal* in a successful working relationship, in the same way that trust and respect must be *mutual*.⁸⁶ With trust and respect being traditionally seen as a value shown to the authority figure, this perception is quickly quashed in clinic work; there

⁸⁴ *ibid* 439.

⁸⁵ In this context, the 'researcher' and 'advisor' in these working relationships refer to student researchers and student legal advisors respectively.

⁸⁶ On the importance placed on the mutuality of respect, see Kathleen Kelly Janus and Dee Smythe, 'Navigating Culture in the Field: Cultural Competency Training Lessons from the International Human Rights Clinic' [2012] 56 N Y L Sch L Rev 445, 469 ; Peggy Maisel, 'The Role of U.S. Law Faculty in Developing Countries: Striving for Effective Cross-Cultural Collaboration' [2008] 14 Clin L Rev 465, 504

is no official “authority figure” in *external partner-researcher* and *advisor-client* relationships. Trust and respect are very easily learned as two-way streets in both clinics,⁸⁷ as students get to witness firsthand not only how other people trust and respect them in their capacity as legal advisors or researchers, but also pay attention to how they trust others and treat them respectfully.

Whilst collaboration and its advantages are more easily observable in both clinics (e.g., seeing a group of people working together in a room, sharing ideas, and completing tasks more efficiently), the objective indicative markers relating to the principles of trust and respect are more difficult to ascertain. Nevertheless, the way in which these professional values are integrated into clinical practices invokes students’ awareness, development, and appreciation of these values. Firstly, whilst confidentiality is widely recognised as a formality requirement to concretise legal professional obligations,⁸⁸ experiential learning helps students realise that it is much more than that, as it helps to foster trust and respect. Maintaining client confidentiality in the Community Law Clinic and data-related research ethics obligations in the Policy Clinic help to gain clients’ and research participants’ trust throughout the clinical process (especially

⁸⁷ On the importance for lawyers to be trusted by their clients as well as for them to trust their clients, see David A Santacroce, ‘Learning to Trust: Thoughts from a Law Clinic’ (2003) 82(5) Mich B J 30.

⁸⁸ On confidentiality as a professional obligation of legal practitioners, see Arts 6.3–6.5 of the Solicitors Regulation Authority Code of Conduct < <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/> > accessed 18 August 2023 ; Art CD6 of the Bar Standards Board Handbook < <https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&csrfToken=C83F50672C2FF2D12636323F4BB3363A&q=confidentiality> > accessed 18 August 2023.

during interviews),⁸⁹ as well as to reassure them that legal advisors and researchers respect their privacy. Secondly, completing tasks that you set out to do helps to gain the other party's trust and, in so doing, could lead to an increased level of respect as they realise your capability to finish the job and keep your promises.⁹⁰ Thirdly, how you communicate with, listen,⁹¹ and present information to other people show respect for their time and efforts—especially as you consider how they will best understand and use the information given to them. This helps to build trust in accommodating their needs and 'conveying legal information' as 'legitimate partners'.⁹² Finally, client autonomy and external partners' agency evoke the need to trust that they will make the best decisions for them and their circumstances, especially because you respect them as capable of acting in their best interests and as experts in their fields respectively. In the Community Law Clinic, the advice letter is the main driver for client autonomy as it explains the client's legal position and *suggested* next steps;⁹³ if a client wants to pursue something, they can do so and are more than welcome to get back in touch with the Community Law Clinic to get further support.⁹⁴ In the Policy Clinic, external partners are to take the lead when deciding what they want to achieve

⁸⁹ On confidentiality and data protection obligations of law-orientated clinics, see Gregory C Sisk and Nicholas Halbur, 'A Ticking Time Bomb - University Data Privacy Policies and Attorney-Client Confidentiality in Law School Settings' (2010) 2010(4) 1277.

⁹⁰ Alicia Lam and others, 'Integrating Social Work Within Legal Clinics: An Inter-Professional Perspective to Address Social-Legal Needs' [2022] 38 Windsor Access Justice 10, 20 ; Barry and others (n 83), 438.

⁹¹ On the importance of listening intently to clients in order to develop trust, see Matt and others (n 34), 136, 145 ; Santacrose (n 87), 30.

⁹² Barry and others (n 83), 434–438.

⁹³ On client autonomy, see Susan R Jones, 'Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice' (1998) 4(1) Clin L Rev 195, 226.

⁹⁴ For example, when going into court or contacting a government body.

for the project and when considering research models and methods that work best with their schedules, capacities, and resources. Whilst we can help by sharing information related to the research process, discussing their options with them based on their needs, and assisting with the completion of the research project, we are not to—and *cannot*—make the decisions for them.

Experiential learning in both clinics highlights the equal importance of collaboration, trust, and respect. That said, working in the Policy Clinic widened the scope of these values from the individual focus in casework to the more collaborative focus in policy work—both of which are reflected in the perspectives they give on how law and public policy affect people in society.

VI. On the complementary nature of the *individual* and the *collective*

Despite the law being ‘generally recognised [as a] potential solution’ to clients’ problems in CLE, it is also recognised as ‘part of a larger, multidisciplinary approach that includes community partners and diverse strategies’.⁹⁵ Live client casework in the Community Law Clinic gives students the opportunity to work directly with the law and with members of the community on a case-by-case basis, which is more *reactive* in nature—seeing that the issue has already materialised and students are finding ways to remedy it (i.e., a more *curative* approach focusing on the *effect* of the issue).⁹⁶ On the

⁹⁵ Smyth and Overholt (n 16) 66.

⁹⁶ Leering (n 37) 193.

other hand, policy work at the Policy Clinic gives students the opportunity to ‘better understand a problem’ and ‘create the necessary change to improve the situation as part of the research process’,⁹⁷ which is more *proactive* in the fact that the main objective of Policy Clinic research projects is to find the cause(s) of a socio-legal issue and ways to ‘create change’ by sufficiently addressing and tackling them (i.e., a more *preventive* approach focusing on the *cause* of the issue).⁹⁸ Indeed, these can be interchangeable: policy work can be *reactive* (i.e., the socio-legal issue at hand is already impacting communities, and therefore research is done to find ways in which its impact can be sufficiently addressed) and clinic work can be *proactive* (i.e., reading through a client’s employment contract and informing the client on ambiguous clauses that can cause conflict in the long run; the client can then negotiate or clarify these clauses with their employer to avoid issues that may arise later on). Simultaneously having both reactive and proactive approaches to addressing the needs of the community harbours the opportunity to meet in the middle—both approaches ‘synergistically [contributing] to a more reform-oriented and responsive legal culture and justice system’.⁹⁹

⁹⁷ *ibid* 191.

⁹⁸ *ibid* 193, 209. See also Stephen Kemmis and Robin McTaggart, ‘Participatory Action Research: Communicative Action and the Public Sphere’ in Norman K Denzin and Yvona S Lincoln (eds), *The SAGE Handbook of Qualitative Research* (3rd edn, Sage 2005) 271.

⁹⁹ Leering (n 37) 191.

More widely, working at law clinics and policy clinics helps to emphasise the meaning of “impact” in their respective rights. Through live client casework at the Community Law Clinic, students gain an insight into how the law affects their clients’ lives and are therefore invited to think about the impact of law at an individual level. Conversely, policy research work at the Policy Clinic shifts the focus from the *individual* to the *collective*—thus ‘extending the community lawyering model’¹⁰⁰—as students are now prompted to see the bigger picture, learn more about how the law affects communities, and even ‘think outside the legal system’.¹⁰¹ Policy work enriches the knowledge gained from live client casework by contextualising socio-legal issues through the intersecting relationship between law, public policy, economics, and politics,¹⁰² which is invaluable to recognising the role of law and public policy in society. Both perspectives are equally important to appreciate the law as not only a dynamic academic discipline, but also a living, breathing entity with real-life implications. This shift between the *theoretical* and the *practical* further encapsulates the notion of “learning by doing” within clinic environments, providing students with opportunities to ‘create positive change within... communities’ by working to

¹⁰⁰ Judith McNamara, Catherine Campbell, and Evan Hamman, ‘Community Projects: Extending the Community Lawyering Model’ (2014) 21(2) IJCLE 1.

¹⁰¹ Bengtsson and A’Court (n 39) 78.

¹⁰² See *ibid* 78 ; Morten Levin and Davydd J Greenwood, ‘Pragmatic Action Research and the Struggle to Transform Universities into Learning Communities’ in Peter Reason and Hilary Bradbury (eds), *Handbook of Action Research: Participative Inquiry and Practice* (Sage 2001) 103, 112.

implement 'local change and systemic responses to challenging human rights and access to justice issues' faced in the sector.¹⁰³

Conclusion

Experiential learning in law clinics and policy clinics could be compared to a story being brought to life, as it helps us to better understand socio-legal phenomenon by taking the law from doctrinal sources and making us see it in different angles through various perspectives. Overall, it emphasises that law clinics *cannot*, and *do not*, work in a vacuum. An effective law clinic not only seeks to help members of the community individually, but also seeks to understand how overarching issues can be tackled in the best way.

In a pedagogical sense, working in both law clinics and policy clinics effectively fulfil the three main components of experiential learning in CLE: students are placed in a guided and dynamic real-life learning environment which allows them to explore and discover new things—thus supporting their skill acquisition and personal development. By learning about professional values and responsibilities within legal practice and academia, they start to develop their sense of professional identity, which is integral when entering the world of work. Beyond this, students could also

¹⁰³ In the context of community-based action research, see Leering (n 37) 195.

appreciate the role of law and public policy in society, as reflective practice helps students to revisit their surface-level expectations of what these types of legal work entail.

As demonstrated in this practice report, law clinics and policy clinics are invaluable and complementary components of CLE because of the learning opportunities that they provide to students as they serve the local community. Ultimately, law clinics act as a bridge connecting legal professionals and students to the community, while policy clinics act as a bridge connecting the community to the academy. Whilst law clinics give students a glimpse of legal practice by showing them how law and policy affect individuals and families, policy clinics urge them to expand their understanding by investigating how law and public policy affect communities as a whole. Whether it be live client casework or policy research work, students can choose to work at either clinic, or both, depending on their personal interests and career aspirations.