LESSONS LEARNED FROM REMOTE DELIVERY: SUPERVISION AND THE STUDENT EXPERIENCE

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Introduction

This article considers the effect of the shift to virtual delivery of clinical legal education (CLE) that was necessitated by the Coronavirus Disease 2019 (COVID-19) pandemic on students and the lessons learned from students' perspectives, especially regarding supervision, for clinical best practice going forward. Much of the recent scholarship on the effects of the pandemic has focused on the clients of clinical programs and the challenges of responding to heightened client service needs at a time of economic dislocation and widespread movement restrictions.[1] This was a particular issue in the city of Melbourne, Australia, where residents faced some of the longest and most onerous lockdowns in the world.

This article focuses on students of clinical programs and the role of supervision practices in facilitating students' learning during this challenging period. In this article, we show that effective, intentional and explicit clinical supervision practices

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[1] Jeff Giddings, 'Clinic in the times of COVID-19', (2020) 11(2) *Jindal Global Law Review* 229–249, Deborah Archer et al., 'Clinicians Reflect on COVID-19: Lessons Learned and Looking beyond' (2021) 28(1) *Clinical Law Review* 15.

are central to providing students with productive learning experiences. We argue that students respond positively to effective supervision but even more so to intentional and explicit supervision. This argument is informed by our experiences of the Monash Clinical Program (MCP) in which the supervisors used a clinical best-practices framework to supervise, mentor and guide students during the very challenging COVID-19 period.[2] During this time, we conducted research on the MCP to better understand how students experienced the changes and how clinicians pivoted their supervision and practice during the pandemic, particularly in response to heightened wellbeing concerns and the pressures placed on all parties (i.e., clients, students, staff and others). We present our analysis of the data we gathered to examine students' perspectives on remote delivery during the pandemic. In doing so, we show how the data on students' experiences continues to inform best practice in clinical delivery and to add value to educating students for their future roles as legal practitioners.

This research was undertaken at one Australian clinic program; however, we anticipate that it will resonate with clinical teachers elsewhere and have global relevance. The findings are intended to inform new, more productive approaches to CLE in Australia and internationally, contributing to improved clinical learning outcomes.

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[2] Jeff Giddings, 'Clinic for All' in Matthew Atkinson & Ben Livings (eds.), Contemporary Challenges in Clinical Legal Education: Role, Function and Future Directions (2023) 1st ed, Routledge, Abingdon UK.

Adapting Traditional CLE Models

Traditionally, legal clinics and other forms of experiential legal education have sought to maintain dual areas of focus on the students they teach and the clients they serve. On any given day, students undertaking clinical units may find themselves providing legal advice to a variety of clients with diverse and pressing needs. The client service spectrum is broad; however, the underlying pedagogical principles remain focused on strong clinical supervision, student awareness of social justice and engagement in ethical and reflective legal practice. Before the onset of the COVID-19 pandemic, clinical units were typically delivered onsite, with students attending law clinic sites in person and interacting with their fellow students and supervisors face to face. However, during the COVID-19 pandemic, restrictions prevented students from attending law clinics onsite. Consequently, clinical programs had to be redesigned, developed and implemented in ways that continued to ensure best practices in supervision through fully remote delivery.

Evans et al. suggest that 'in Australia, "CLE" generally refers to law school experiential learning that places students in the role of lawyers representing clients with legal issues and problems'.[3] This is one of the key strengths of CLE, as 'the personal responsibility of working with and being accountable to clients motivates students to perform to the best of their ability'.[4] CLE is understood in similar terms in

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[3] Adrian Evans et al, *Australian Clinical Legal Education, Designing and Operating a Best Practice Clinical Program in an Australian Law School* (ANU Press, 2017) 51.
[4] Ibid.

other countries, recognising the potential for CLE to combine student learning and client service.

Models of CLE delivery have long placed a strong emphasis on service and access to justice. Students engage with real-life clients and manage their matters, developing their professional identity and practical legal skills under the supervision of qualified legal practitioners ('clinical supervisors').[5] In addition, students learn about the various technical, ethical and procedural obligations lawyers must meet. The most clearly recognised model of CLE, known as the 'live-client' clinic model, involves working with real clients.[6] The opportunities and complexities of working with real clients need to be acknowledged; such opportunities can take students beyond their previous experiences of the law and enable them to deepen understandings previously developed elsewhere in the curriculum.[7] The 'live-client' clinic model has long been recognised for its usefulness in developing key understandings and skills (e.g., structuring and conducting interviews, preparing to negotiate and reflecting on personal performance) and enabling students to later extrapolate and generalise from these experiences.[8]

The COVID-19 pandemic reinforced the potential for the development of hybrid clinical models that vary the traditional model and can be tailored to suit

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[5] Ibid.

[6] Monash University has adopted such a clinical model with three key sites, at Monash Law Clinics in the Melbourne CBD and at Clayton (previously Monash Oakleigh Legal Service) and South East Monash Legal Service (previously Springvale Monash Legal Service).)

[7] See Amanda Levendowski, Teaching Doctrine for Justice Readiness, 29 (2022) *Clinical Law Review* 111, Jeff Giddings,'It's More than a Site: Supporting Social Justice Through Student Supervision Practices' in Chris Ashford and Paul McKeown (eds), *Social Justice and Legal Education* (2018) Cambridge Scholars Publishing, 43-64

[8] Ibid 79.

particular circumstances and contexts. In particular, the pandemic necessitated an exploration of ways to work with clients and students offsite. It became necessary to explore ways in which the embedded clinical pedagogy could be re-thought, re-designed and re-modelled to be transferred online. The aim was to retain and build on the principles underpinning the existing model to create a 'renewed model' that re-examined and re-thought what it means to be 'best practitioners'. As with clinical programs around the globe, COVID-19 compelled the MCP to harness technology expanding the scope for remote delivery while retaining the distinctive nature of clinic work and enabling student learning while serving communities that would otherwise miss out on services.[9]

Responding to COVID-19

In March 2020, all Monash clinical student and clients and many staff members were unable to attend campus due to the COVID-19 pandemic. This presented the MCP with the challenge of moving the legal service and clinical program offsite and online. In doing this, not only did the needs of clients have to be considered but a clinical program also had to be designed that ensured best practice in clinical delivery using remote technology.

Our previous experience in establishing a virtual legal clinic (VLC) in 2017 and developing technology-enabled international clinical collaborations facilitated a

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[9] See Bryan Horrigan, Designing and Implementing an Enhanced Clinical Program in the Age of Disruption: Part Two: Clinical Activities, 27 *International Journal of Clinical Legal Education* 204 (2020)

smooth transition. We knew how to provide legal services to clients who could not attend community services in person because they live in regional or remote areas or because of disadvantage and marginalisation.[10] The VLC was established using technological platforms, such as Zoom and Teams, as well as telephone services, to provide clients with legal assistance. Additionally, the VLC provided opportunities for law students undertaking clinical placements to learn the skills needed to make the law available to people who would otherwise have no affordable sources of legal help.[11] The use of these technologies facilitated client access to legal assistance and user-focused services to address the needs of clients who would otherwise not be able to access justice.[12] Our team members tailored their communication to the situation and context of each client as part of a client-centred approach.[13] In particular, they communicated in ways that enhanced their relationships with clients, using clarity to build trust where face-to-face interactions were not possible.[14] The VLC, which offered a range of virtual forms of service delivery, enabled the clinical program to move to

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[10] Jacqueline Weinberg (2020, September). 'The Virtual Legal Clinic at Monash Law – providing online access to justice since 2017'. https://acjiblog.wordpress.com/2020/09/23/the-virtual-legal-clinic-at-monash-law-providing-online-access-to-justice-since-2017/

[11] See Jacqueline Weinberg and Jeffrey 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). See also Jacqueline Weinberg,'Preparing students for 21st-century practice: Enhancing social justice teaching in clinical legal education' (2021) 1 *International Journal of Clinical Legal Education* 1 Wizner, S. (2002). The law school clinic: Legal education in the interests of justice. *Fordham Law Review*, *70*(5), 1929–1937. Evans et al (2017). *Australian clinical legal education: Designing and operating a best practice clinical program in an Australian law school*. ANU Press.

[12] Anna Cody & Schatz, B. (2011). Community law clinics: Teaching students, working with disadvantaged communities. In F. S. Bloch (Ed.), *The global clinical movement*: *Educating lawyers for social justice* (pp. 167–182). Oxford University Press.

[13] Tania Sourdin (2015). Justice and Technological Innovation. *Journal of Judicial Administration*, *25*(2), 96–105.

[14] Richard Susskind & David Susskind, (2015). *The future of the professions: How technology will transform the work of human experts*. Oxford University Press 114.

remote forms of client service and student learning that did not involve face-to-face engagement.

Research

The re-design of the traditional method of onsite delivery of CLE presented opportunities to conduct research on clinical best practice and to consider how the lessons learned from remote unit delivery could be effectively used when returning onsite. This research sought to address how the cornerstones of best practice in CLE, especially supervision, might ensure the effective remote delivery of our clinical program. It also considered how remote delivery might present unique opportunities for increasing the scope of experiential legal education to bring excellence to client service while educating students on accessible justice.

Survey of the Student Experience

To better understand the students' perspectives on how they were experiencing the changes in the delivery of the clinics, we launched an online survey during the pandemic experience. We invited current undergraduate and postgraduate students enrolled in the clinical program to complete the survey. Due to COVID-19 restrictions, these students were working online in their homes as the basis for their clinical experience.

The online survey was conducted using the Qualtrics Insight Platform (a Monash University licensed software program).[15] The survey was open from September 2020 to October 2021, and 91 responses were received. The survey comprised 15 questions and took 20–30 minutes to complete. Students' participation in the study was entirely voluntary, confidential and anonymous and based on sufficient information and an adequate understanding of the proposed objectives of the research. Students could choose not to answer any of the survey questions or withdraw from completing the survey at any time. There were no consequences if the students chose to withdraw from the survey.[16]

The primary focus of the survey was to gain information about and an understanding of the effectiveness of remote unit delivery in terms of the student experience. It was intended that the findings would inform future pedagogical strategy development for clinical programs. The data collected on students' attitudes to their remote clinic experience were analysed. Some focal questions included:

- Did students find the overall delivery of the remote clinic beneficial to their learning?

- Did technology enable closer connection with their peers and supervisors?

- Did students develop skills for communication via technology?

- Were students able to interact easily with their supervisor and fellow students?

- Did students feel that the remote clinic equipped them for future legal practice?

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[15] See: https://www.qualtrics.com/au/
[16] Monash University Human Research Ethics approval for the project involving data collection via surveys was granted in July 2020 (project number 25028).

The survey revealed that the student participants regarded the overall delivery of the remote clinic unit as positive (97%); no students regarded it as negative. The findings were grouped into key themes, including (i) connection with supervisor, (ii) peer communication and (iii) how the use of technology affects supervision and the student experience.

Connection with Supervisor

Due to pandemic restrictions, clients, students and supervisors had to stay at home and could only engage through online platforms. Students interviewed clients on the telephone from their own homes, which meant that supervisors needed to do more to support student autonomy.

To ensure that students interviewing clients felt supported and not isolated, supervisors and other students listened in on the interview, either on conference call, MS Teams or Zoom. In response to the survey question asking whether they were able to interact easily with their supervisor, 79 of the 91 students responded positively, of whom 53 indicated that they 'strongly agreed' (58.24%) and 26 indicated that they 'agreed' (28.57%) with the statement. Specifically, some of the students noted that 'the use of Zoom and MS Teams and Google calendar invites enabled us to schedule meetings with ease', the 'video calls with the student team and the supervisor were of great help' and their 'supervisor regularly checked on [us] and gave [us] feedback and helped attune the outcome as per the expectations'. The student interviewers appreciated this support. One student noted:

> While we were interviewing clients, our supervisor was paged in on the telephone call or listening on Zoom or MS Teams [and] this gave us guidance and support to be confident whilst giving us the tools to improve our communication skills.

Students also reported that their supervisors were 'approachable and contactable'. Another student stated that the supervisor was 'available with a Zoom link being open at all times, so it was easy to access [my] supervisor who was always there'. One student stated that 'having the supervisor available on Teams was a positive way of feeling connected to [her], even as [I] couldn't see her all day'. Another student stated that they felt supported, commenting that 'my supervisor was able to hear me and be present for the entirety of the client interview and provide feedback'.

Another student stated that they felt supported because 'the supervisor was listening into the interview on Teams and so was be [sic] present for the entirety of the client interview and afterwards, provide constructive feedback on how to talk to clients on the phone'. One student noted that:

> this experience was different to face-to-face interaction and [they] were glad to have the opportunity to learn and improve in a very collaborative learning environment, where [they] were always invited to share their thoughts and ideas and reflect at the end of each day.

Overall, students reported that their supervisors were 'approachable', 'willing to answer questions and support [us] when needed', 'helpful and considerate' and 'available for interaction and able to answer questions'. Students valued supervisors

being 'easily contactable' and 'encouraging students to take initiative' and appreciated that their supervisors were 'very understanding of personal circumstances whilst also always pushing [me] and my groupmates to achieve our best' and 'promoting a very collaborative learning environment, where we were always invited to share our thoughts and ideas and reflect at the end of each seminar or client interview'.

Client Communication

Students reported that engaging with clients through technology necessitated a more 'centred and focused approach to clients and [required them] to work on recognising their own biases, assumptions and privileges'. As one student stated, 'The telephone interviews were very beneficial in the way I learned to engage with clients, [I] became much more confident with each call and learned to deal with clients at both professional and personal levels'. Another student observed that:

> although the interviews were hard to conduct as social cues were hard to discern, as I did more interviews, and after discussing my issues with my supervisor, I was able to stick to the questions I wanted an answer to.

As the client interviews were conducted on the telephone, telephone interpreters were often needed to enable clients with little or no English to communicate with the students. A student described this as a 'learning experience', stating, 'I needed to learn communication skills to enable this service to take place'. Another student reported that:

the use of interpreters over the phone, and communicating with elderly clients remotely when they preferred face to face, took time to really develop; however, I feel that I learned better communication skills through the use of these different forums.

Other students stated, 'I had to learn to communicate in different ways by only being able to talk to clients over the phone'; 'the telephone interviews were very beneficial in that I became much more confident throughout the course of each call and learned to deal with clients at both a professional and personal level'; and 'in conducting all client interviews by phone, I was able to factor in technology in learning how to communicate with clients in the first place, which was incredibly helpful, given the changing legal landscape'. Other students noted that 'communicating online is different to communicating face to face due to the lack of body language and facial expression'. Another student stated, 'There was no choice but to learn to adapt to the use of technology when communicating with clients. You learn to adjust the tone and speed accordingly'.

Peer Communication

In response to the survey question on whether they were able to interact easily with their fellow students, 40 of the 91 survey respondents 'strongly agreed' (43.96%) and 36 'agreed' (39.56%) that they could interact easily with their student peers. A student reported that while some students were 'apprehensive about going into this placement [that was] being run fully remote[ly] …there was a consistent effort in

getting to know one another, and [we] all tried our best to develop a professional and amicable relationship, which led to a collaborative and fun work environment'. Another student noted this was 'likely due to not just one individual's efforts, but the efforts made by all of us in the group'. Students recognised that the technology platforms facilitated the interaction. As one student reported, 'Teams made this happen'. Another student observed that 'without Teams I think it would not have been so good, especially for students who were shy to ask questions'.

Students emphasised the role that their supervisors played in providing opportunities for interaction between the students. As one student stated, 'My supervisor created a few ways which promoted interactions between everyone, for instance, the Monday morning meetings, mock interviews, private chat room and encouraging us to ask each other for help'. Another student reported that they felt 'supported by their peers' and focused on the support provided during the interviews, adding, 'I felt especially supported when we ran interviews together over Teams with one student conducting the interview and another buddying up and taking notes'. Another student appreciated their supervisor, who 'went above and beyond with connecting with our team, getting to know each of us individually, and promoting teamwork and team bonding'.

Students reported developing a collaborative mindset, significantly distinctive to other aspects of their law studies. As one student stated, 'The teamwork was different to how we have worked before in our studies; we asked each other for help when preparing for the interviews and the supervisor fostering this collegiality'.

Another student reported that they 'were all committed to helping each other, with debriefs at the end of the day, sharing experiences of our clients and staying connected on platforms'.

Using Technology to Enable Closer Connection

In response to the survey question on whether engaging in the clinic online enabled them to establish closer connections with other students and their supervisors, 32 of the 91 survey respondents 'strongly agreed' (35.16%) and 47 'agreed' with this statement (51.65%). One student reported that 'while initially, [I] felt hesitant and apprehensive about doing this placement online, meetings with [my] group and supervisor three times a week enabled [me] to communicate efficiently and develop an amicable and cooperative relationship with the other students'. Another student reported that 'even though I was working remotely, I was able to reach out to other students via emails or Teams whenever needed, and I received quick responses'. Another student found that 'the use of Zoom was great as I was able to schedule a meeting with [my] supervisor when [I] had an urgent matter to discuss'. One student reported that they 'developed that skill of using Sharepoint[17] which made [them] more confident in using online cloud database systems for file work'. Another student noted her supervisor's support in guiding her with suggestions for communicating with her client , 'My supervisor was so generous with her time, she patiently took me through

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[17] See https://www.microsoft.com/en-us/microsoft-365/sharepoint/collaboration

the questions and I was able to develop my abilities in understanding how to best communicate with certain clients in different capacities online'.

Another student commented that 'having all the sessions online, with the need to interact solely through technology, definitely assisted me in developing my skills for online communication'. A student added, 'In conducting all client interviews by phone, I was able to factor in technology in learning how to communicate with clients in the first place, which was incredibly helpful, given the changing legal landscape'.

Overall, the students reported that the need to become familiar with technology to communicate with their fellow students and supervisors enhanced their learning. One student stated, 'I became more confident with using these platforms and realised the benefits of doing so when face-to-face interaction was not possible'. Another student commented:

> the clinic placement involved learning to communicate with clients, other parties, organisations, supervisors and colleagues via phone, email or letters, without the option of face-to-face interaction; I was placed in a position where my communication skills had to improve to communicate effectively via the means available. The whole placement was centred around communicating via technology. All phone calls were done through an online database and instant messaging other colleagues.

In response to the survey question on whether engaging in a remote unit had equipped them for future legal practice, 35 of the 91 survey respondents 'strongly agreed' (38.46%) and 42 'agreed' (46.15%) that engaging in a remote unit had

equipped them for future legal practice. One student stated that 'learning how to use technology effectively is important for future legal practice as our society is moving rapidly towards a more digital era'. Another student reported:

> I learned many other skills which you otherwise wouldn't even think about if physically in an office. For example, conversing with clients over the phone, managing online files and that working on an online forum demands a high level of organisation.

Scaffolded Supervision

One of the key threads that emerged from the survey findings on students' perspectives centred on the interactions and relationships established between the students and supervisors, which were facilitated by technology platforms when face-to-face interactions were not possible.

When the supervisors and students were compelled to engage online, the supervisors reshaped their understanding of the supervisory relationship, and the need to remodel supervision in best practice became increasingly important. The supervisors had to overcome technological barriers that were not apparent in traditional face-to-face supervision and strive to intentionally engage with students to ensure a constructive relationship was established.

Using Technology

The need for supervisors to embrace technology in their supervision of students is emphasised by Boonin and Herrera, who focus on the intersection of technology and clinical pedagogy, positing that 'the thoughtful integration of technology within any clinic can reinforce the teaching goals and values that are the hallmark of clinical practice'.[18] They further note that technology 'can also implicate personal boundaries and student wellbeing'.[19]

The responses to our survey indicate that remote engagement assisted the students to explore the effects of technology on their multiple identities.[20] With their supervisors' assistance, the students felt better prepared for an ongoing process of personal and professional redefinition in the digital age.[21] The students' use of technology to provide their clients with legal advice enabled them to explore issues of unequal access to technology and how innovation transforms clients' experiences with legal information and processes for better or worse.[22] The students discovered that technology can be disruptive, is ever-changing and is not always reliable.[23] Boonin and

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[18] Sarah R. Boonin and Luz E. Herrera, 'From Pandemic to Pedagogy: Teaching the Technology of Lawyering in Law Clinics' 2022 (1) 68, *Washington University Journal of Law and Policy* at 26

[19] Ibid. See also Long, L.K. and P.A Meglich, 'Preparing Students to Collaborate in the Virtual Work World (2013) 3(1), *Higher Education, Skills and Work-based Learning* 6–16.

[20] See Jacqueline Weinberg and Ross Hyams, 'The Law Tech Clinic: Leading the Way in Entrepreneurial Law Clinics' 2023 (1), *International Journal Of Clinical Legal Education*

[21] Boonin n 18. See also Francina Cantatore et al, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students through Pro Bono Law Clinics' (2021) *Law Teacher* 55(3) 315, Long, L.K. and P.A Meglich, 'Preparing Students to Collaborate in the Virtual Work World (2013) 3(1), *Higher Education, Skills and Work-based Learning*, 6–16.

[22] See Francina Cantatore, 'New Frontiers in Clinical Legal Education: Harnessing Technology to Prepare Students for Practice and Facilitate Access to Justice' (2019) 5(1) *Australian Journal for Clinical Education* 1, James E. Cabral et al, 'Using Technology to Enhance Access to Justice' (2012) (1) 26 *Harvard Journal of Law & Technology* 241–324.

[23] See Sarah R. Boonin and Luz E. Herrera, 'From Pandemic to Pedagogy: Teaching the Technology of Lawyering in Law Clinics' 2022 (1) 68, *Washington University Journal of Law and Policy* at 26, Ann Thanaraj, 'The Proficient

Herrera encourage supervisors to view this as an educational opportunity, where 'the technology of lawyering can be leveraged by clinicians to teach problem solving, flexibility and adaptation in real-life applications'.[24] These authors encourage clinicians to help students prepare for uncertainty and equip them to provide direction to clients who experience technical failures or face barriers to accessing technology'.[25] Making appropriate use of new technologies is also important in diversifying and deepening the student experience.[26]

Students' learning to engage with their supervisor or fellow students via technology necessitated the usual 'modes of human interaction to be radically transformed'.[27] By using technology in practice, students had to learn new ways of making connections with clients, supervisors and others.[28] Supervisors engaged in reflective discussions with students both in groups and one to one, which helped them to reflect on how and why technology facilitates and hampers client relationships,

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Lawyer: Identifying students' perspectives on learning gained from working in a virtual law clinic' (2017) *14*(3) *US-China Law Review*, 137–167.

[24] Boonin and Herrera n 18.

[25] Ibid. See also Jacqueline Weinberg and Jeff Giddings 'Innovative opportunities in technology and the law: The Virtual Legal Clinic' in A. Thanaraj & K. Gledhill (Eds), *Teaching Legal Education in the Digital Age* (Routledge 2022), Ann Thanraj, Paul Durston, and Sam Elkington, 'A Blueprint for Designing Creativity into Learning Design' in Ann Thanaraj and Kris Gledhill (Eds), *Teaching Legal Education in the Digital Age* (Routledge 2022).

[26] Jacqueline Weinberg, 'Preparing Students for 21st-Century Practice: Enhancing Social Justice Teaching in Clinical Legal Education' (2021) *International Journal of Clinical Legal Education*; Stephen Wizner, 'Is Social Justice Still Relevant' (2012) 32(2) *Boston College Journal of Law & Social Justice* 345, Stephen Wizner and Jane Aiken, 'Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice' (2004–2005) 73 *Fordham Law Review* 997.

[27] Boonin et al n 18, 28.

[28] See Jacqueline Weinberg and Ross Hyams, *The Law Tech Clinic: Leading the Way in Entrepreneurial Law Clinics* 2023 (1), *International Journal of Clinical Legal Education*, Jeff Giddings, 'It's More Than a Site: Supporting Social Justice Through Student Supervision Practices' in Chris Ashford and Paul Mckeown (eds), *Social Justice and Legal Education* (Cambridge Scholars, 2018).

thereby offering new insights into client-centeredness and cultural competency.[29] By helping the students centre their perspectives and experiences of clients within technology, supervisors assisted students to recognise their own biases, assumptions and privileges.[30]

Disorientation

It is well recognised that clinical settings can enable students to learn through disorienting events.[31] The pandemic generated new forms of disorientation; the well-established notion of the necessity of supporting students during disorienting moments was prevalent. Supervisors assumed a critical role in guiding students to understand 'the ramifications of the "disorienting moments" they encountered when a social justice-oriented clinical experience challenged their understandings, particularly the impact of laws on marginalised people'.[32]

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[29] See Jacqueline Weinberg, 'Preparing students for 21st-century practice: Enhancing Social Justice Teaching in Clinical Legal Education' (2021) *International Journal of Clinical Legal Education,* Stephen Wizner and Jane Aiken, 'Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice' (2004) 73 *Fordham Law Review* 997.

[30] See Michele Leering, 'Encouraging Reflective Practice: Conceptualising Reflective Practice for Legal Professionals' (2014) 23 *Journal of Law and Social Policy* 83, Rachel Spencer, 'Holding up the Mirror: A Theoretical and Practical Analysis of the Role of Reflection in Clinical Legal Education' (2012) 17 *International Journal of Clinical Legal Education* 181.

[31] See Jeremy Cooper and Louise Trubek (eds), *Educating for Justice: Social Values and Legal Education* (Ashgate 1997); Stephen Wizner and Jane Aiken, 'Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice' (2004) 73 *Fordham Law Review* 997; Allyson Davys and Liz Beddoe, 'The Context of Professional Supervision' in Allyson Davys and Liz Beddoe (eds), *Best Practice in Professional Supervision: A Guide for the Helping Professions* (Jessica Kingsley, 2010) 18.

[32] See Amanda Levendowski, Teaching Doctrine for Justice Readiness, 29 Clinical L. Rev. 111 (2022), Jane Aiken, 'The Clinical Mission of Justice Readiness' (2012) 32 *Boston College Journal of Law & Social Justice* 233. See also Jane Aiken, 'Provocateurs for Justice' (2001) 7 *Clinical Law Review* 294, Fran Quigley, 'Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law Clinics' (1995) 37 *Clinical Law Review* 2; Susan Brooks, 'Using a Communication Perspective to Teach Relational Lawyering' (2015) 15 *Nevada Law Journal* 477.

Taylor and Elias's definition of disorienting dilemmas can be extended to the disorientation occurring for students at this time, as 'experiences [that] illuminate and challenge heretofore invisible and unquestioned assumptions that determine how we know ourselves and the world around us', never clearer than during the pandemic.[33] The students, who may not have otherwise experienced these types of disorienting dilemmas directly, encountered vulnerable clients whose lives were affected by severe hardship and barriers with the added overlay of the impact of the pandemic.[34] The students felt disorientated and experienced self-doubt, as they found their understanding of these clients' circumstances inadequate.[35] It was difficult for these students to resolve such dilemmas simply by acquiring more information or enhancing their problem-solving skills.[36] Rather, they required a scaffolded learning process, supported by their supervisors, to transition from an 'unexamined way of thinking to a more critically reflective way of thinking'.[37]

Students reported engaging in critical reflection with their supervisors and fellow students, which enabled them to acquire an understanding of the harsh effects of the circumstances of vulnerable clients.[38] In turn, students used this critical

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[33] Edward W Taylor, 'The Theory and Practice of Transformative Learning' (1998) *A Critical Review* 5. See also Stevenson-Graf, Lindsey, 'Clinical Programs, Social Justice and Transformation through Student Learning' (2019) 44(3) *Alternative Law Journal,* Jack Mezirow et al, *Fostering Critical Reflection in Adulthood* (Jossey-Bass, 1990), Jack Mezirow, *Transformative Dimensions of Adult Learning* (Jossey-Bass, 1st ed, 1991).

[34] See Stevenson-Graf, Lindsey, 'Clinical Programs, Social Justice and Transformation through Student Learning' (2019) 44(3) *Alternative Law Journal*

[35] Ibid.

[36] Ibid.

[37] See Michael Christie et al, 'Jack Mezirow's Conceptualisation of Adult Transformative Learning: A Review' (2014) 20(1) *Journal of Adult and Continuing Education* 129.

[38] See Stevenson-Graf, Lindsey, 'Clinical Programs, Social Justice and Transformation through Student Learning' (2019) 44(3) *Alternative Law Journal*

[38] Ibid.

reflection to understand the disorienting dilemmas in light of their preconceived notions.[39] Supervisors encouraged the students to engage in such critical reflection by exploring and reflecting on the content of a problem or the premise upon which it was predicated.[40] Additionally, supervisors assisted students to realise that they were a source of knowledge and authority.[41] By engaging in this transformative process, students were able to better adopt their own values, meanings and purposes rather than to act uncritically on those of others.[42] The students' perspectives were transformed when they became aware of how and why their presuppositions had come to constrain the way they perceive, understand and feel about their world.[43]

Giddings suggests that clinical supervision needs to be 'sufficient without being excessive, safeguarding the client while enabling the student to take responsibility for their actions and encouraging the student to reflect on and learn from their experience'.[44] During the pandemic, without clear guidance and support, students would have struggled to appreciate the complexities and practicalities of the environment in which they were working.[45] This was accentuated by the students having to deal with particularly challenging matters in their own homes and not in

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[39] Ibid.

[40] Ibid 4-5.

[41] See Jane Aiken, 'The Clinical Mission of Justice Readiness' (2012) 32 *Boston College Journal of Law & Social Justice* 233.

[42] Ibid. See also Jack Mezirow, 'Transformative Learning: Theory to Practice' in Patricia Cranton (ed), Transformative Learning in Action: Insights from Practice (Jossey-Bass, 1997) 5.

[43] Ibid. See also Jack Mezirow, *Fostering Critical Reflection in Adulthood* (Jossey-Bass 1990).

[44] Jeff Giddings, 'It's More than a Site: Supporting Social Justice Through Student Supervision Practices' in Chris Ashford and Paul McKeown (eds), *Social Justice and Legal Education* (Cambridge Scholars, 2018).

[45] See Ross Hyams, Susan Campbell and Adrian Evans, *Practical Legal Skills* (Oxford University Press, 4th ed, 2014).

the usual supportive environment of the legal service.[46] The students became more aware that the clients might suffer if they failed to gather key information and address all the legal issues.[47] Clear and supportive supervision, with a substantial emphasis on feedback and demonstrating reflective practices, encouraged students to realise the value of becoming reflective practitioners who focus on their own self-fulfilment and wellbeing.[48]

Self-Fulfilment and Wellbeing

An in-depth discussion on Deci and Ryan's Self-Determination Theory (SDT) is beyond the scope of this article; however, it is important to note that Deci and Ryan emphasise a focus on students' wellbeing and psychological health in enabling students' self-determination. Deci and Ryan describe three basic psychological needs (i.e., autonomy, competence and relatedness) as 'innate, essential and universal' to this.[49] SDT treats these as necessary for 'ongoing psychological growth, integrity and well-being'.[50]

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[46] Jeff Giddings and Michael McNamara, 'Preparing Future Generations of Lawyers for Legal Practice: What's Supervision Got To Do With It?' (2014) 37(3) *University of New South Wales Law Journal* 1242.

[47] See Margaret Barry,'Reflections on Identifying and Mapping Learning Competencies and Outcomes: What Do We Want Law Students to Learn?' (2017) 62(1) *New York School Law Review* 131.

[48] Jeff Giddings and Michael McNamara, 'Preparing Future Generations of Lawyers for Legal Practice: What's Supervision Got To Do With It?' (2014) 37(3) *University of New South Wales Law Journal* 1242.

[49] Ibid 74.

[50] Edward L Deci and Richard M Ryan, 'The "What" and "Why" of Goal Pursuits: Human Needs and Self-Determination of Behavior' (2000) 11(4) *Psychological Inquiry* 227, 236 ('Human Needs and Self-Determination of Behavior') 229.

Autonomy, where 'behaviour … is owned, enacted in a choiceful way and reflectively self-endorsed', has been described as a fundamental concept of SDT.[51] It is considered 'critical' for facilitating intrinsic motivation or internalising extrinsic motivation and sustaining psychological health.[52] *Competence* involves people feeling capable and effective at what they do within their relevant environment social context.[53] People are likely to experience feelings of competence if they have the freedom to develop their skills and are less likely to experience feelings of competence if they have less control within a particular situation.[54] *Relatedness* describes the feeling of having close and meaningful connections with other people and of relating and belonging.[55] This psychological need is associated with a 'willingness to trust and rely on others'.[56]

Since Deci and Ryan's earlier research on SDT, it has been expanded and applied in a number of contexts. Notably, it has been used to understand and address student wellbeing and psychological health.[57] In the context of CLE, Evans et al. emphasise that the confidence that builds from being effectively supported and

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[51] Ibid 170.

[52] Ibid 185.

[53] Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory' 2007 33(6) *Personality and Social Psychology Bulletin* 883, 885 ('Understanding the Negative Effects of Legal Education on Law Students').

[54] Christopher P Niemiec, Richard M Ryan and Edward L Deci, 'Self-Determination Theory and the Relation of Autonomy to Self-Regulatory Processes and Personality Development' in Rick H Hoyle (ed), *Handbook of Personality and Self-Regulation* (Blackwell Publishing, 2010) 169, 176.

[55] Sheldon and Krieger, 'Understanding the Negative Effects of Legal Education on Law Students' (n 53) 885.

[56] Niemiec, Ryan and Deci (n 54) 176.

[57] Ibid 12. See also Kennon M Sheldon and Lawrence S Krieger, 'Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being' (2004) 22 *Behavioural Sciences and the Law* 261 ('Evaluating Changes in Motivation, Values and Well-Being'); Molly Townes O'Brien, Stephen Tang and Kath Hall (2011) 21(2) *Changing Our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum* 149.

appropriately challenged is also critical for clinic students' wellbeing and psychological health.[58] From a SDT perspective, Evans et al. hypothesise that 'clinic-based experiences' in legal education have the propensity to enhance the psychological wellbeing of law students because they are *autonomy supportive* environments that focus on teaching and mentoring (rather than controlling) students.[59] Specifically, Evans et al. argue that the 'developmental focus and emphasis on supervision and collaboration of clinical legal education has real potential to positively impact on student wellbeing'.[60]

Supervisors can enhance students' self-determination by encouraging students to reflect on the issues apparent in their clients' matters that may be challenging for students to empathise with and understand.[61] These supervisor/student interactions may include discussions on social justice issues that could affect clients' options for dispute resolution, such as societal concerns, equity, self-determination and social responsibility.[62] Other considerations might include the clients' socio-economic circumstances and whether the clients are literate, speak English as a first language or require special communication methods, all of which will develop students'

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[58] Adrian Evans et al, *Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School* (Australian National University Press, 2017).

[59] Ibid 29.

[60] Ibid 29.

[61] See Efron, Yael, What Is Learned in Clinical Learning? 29 (2023) *Clinical Law Review*, 259, Julia Lawton, 'The Imposition of Social Justice Morality in Legal Education' (2016) 4 *Indiana Journal of Law and Social Equality* 57.

[62] Gary Bellow and Jeanne Kettleson, 'From Ethics to Politics: Confronting Scarcity and Fairness in Public Interest Practice in Lawyer's Ethics and the Pursuit of Social Justice' in Susan D Carle (ed), *Lawyers Ethics and The Pursuit of Social Justice* (New York University Press, 2005)*.* See also Michelle S Jacobs, 'Pro Bono Work and Access to Justice for the Poor: Real Change or Imagined Change'? 48 *Florida Law Review* 509.

awareness of their clients' lack of access to justice and social inequality.[63] Overall, supervisors may engage with students on a level beyond skills training in discussions on the inequality of resources and encourage a sense of responsibility for using the law to challenge injustice and to provide options for their clients to access justice.[64] In so doing, supervisors provide students with a sound foundation for their learning and insights into values, including fairness, self-determination and neutrality, in preparation for their future as 21st-Century legal practitioners.[65]

Where to from Here? A Framework for Supervision

The Best Practices Report, compiled by leading clinical legal educators in Australia to provide best-practice protocols for teaching in clinical settings, confirms that the strength of the supervision provided is a key indicator of the success of a clinic:

The effectiveness of a clinic will depend on the strength and sensitivity of the supervision provided. Clinical supervisors require a combination of legal practice backgrounds, a concern for improving access to justice and a deep interest in student learning.[66]

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[63] Daniel Solorzano and Tara Yosso, 'Maintaining Social Justice Hopes within Academic Realities: A Freirean Approach to Critical Race/LatCrit Pedagogy' (2000) 78(4) *Denver University Law Review* 595.

[64] Jacqueline Weinberg, 'Preparing students for 21st century practice- Enhancing ADR teaching and social justice learning in clinical legal education' (2021) *International Journal of Clinical Legal Education*, 1

[65] Ibid.

[66] Adrian Evans et al, *Best Practices: Australian Clinical Legal Education* (Report for Office of Teaching and Learning, 2013). It was later published as a reference book for clinical teachers, law school leaders and legal professionals with an interest in CLE: Adrian Evans et al, *Australian Clinical Legal Education, Designing and Operating a Best Practice Clinical Program in an Australian Law School* (ANU Press, 2017).

The Report highlighted three key areas of proficiency that clinic supervisors need to maintain to not only ensure the best teaching outcomes for students and the highest standards for clients but also to safeguard the supervisors' own ongoing wellbeing in the demanding CLE context. The Report states that clinic supervisors should have:

> extensive current general technical legal skills and knowledge of legal practice, expertise across the access to justice and social justice landscapes and a working knowledge of the large and complex body of higher education teaching and learning practice and research, locally, nationally and internationally.[67]

Evans et al. stress that for supervisors to provide students with clear guidance, they need to be aware of the best methods for teaching particular skills and strategies.[68] The Best Practices Report provides a useful framework for this, including a comprehensive set of best-practice standards that can be used to guide the development of experiential learning opportunities.[69] Clinical pedagogy encourages clinical educators to focus on promoting those learning opportunities that are particularly well suited to clinical contexts, including ethics and values, skills development, legal problem-solving and reflective practice.[70] To promote structured learning, the clinical learning framework emphasises the importance of program design, particularly the

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[67] Ibid.
[68] Ibid 124.
[69] Ibid 127.
[70] Ibid.

articulation of clear objectives and assessment criteria, along with the effective

provision of feedback.[71]

Effective, Explicit, Intentional Supervision

Clinical best practice has long recognised the importance of 'effective' supervision to

address the particular objectives of the clinical experience.[72] Our research findings

make it clearer that 'effective' supervision can be expanded to include 'explicit' and

'intentional' supervision. The concept of 'explicit, intentional supervision' echoes

Hyams' focus on the need to explicitly teach lawyering skills, such as professionalism,

in the clinic.[73] Hyams suggests that many clinical teachers have an intrinsic belief that

students will learn certain skills, including how to act professionally, merely by seeing

real clients with legal problems and then having to find solutions to those problems

'on the run'.[74] Hyams believes that many students can learn in this manner but warns

that the concept of 'learning by osmosis' must be tested because it is not necessarily

the best way to learn skills.[75] As Hyams suggests, this 'hit-or-miss' aspect of clinical

work does not guarantee that skills will be acquired.[76] Instead, Hyams advocates for

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[71] Ibid.

[72] Ibid.

[73] Ross Hyams, 'On Teaching Students to 'Act Like a Lawyer': What Sort of Lawyer?' (2008) 13 *International Journal Clinical Legal Education* 25. See also Ross Hyams, Susan Campbell and Adrian Evans, *Practical Legal Skills* (Oxford University Press, 4th ed, 2014).

[74] See also Sylvester et al, 'Problem-Based Learning and Clinical Legal Education: What Can Clinical Educators Learn from PBL?' (2004) 4 *International Journal of Clinical Legal Education* 39; Stuckey et al (n 24) ch 5.

[75] Ross Hyams, 'The Teaching of Skills: Rebuilding, Not Just Tinkering around the Edges' (1995) 13(1) *Journal of Professional Legal Education* 21. See also A Evans and R Hyams, 'Independent Evaluations of Clinical Legal Education Programs: Appropriate Objectives and Processes in an Australian Setting' (2008) *Griffith Law Review* 52.

[76] Ross Hyams, 'The Teaching of Skills: Rebuilding, Not Just Tinkering around the Edges' (1995) 13(1) *Journal of Professional Legal Education* 21.

clinicians to explicitly provide students with a pedagogical basis for tackling issues more formally.[77] As Hyams further notes, 'In this way students are exposed to these issues in a pervasive and explicit way, rather than just hoping that students will simply absorb the important lessons of how to behave in a professional, ethical and responsible fashion'.[78]

Similarly, Evans et al. stress that recognising the importance of quality supervision needs to be matched 'by a greater focus on what that means and how it can be fostered'.[79] These authors further posit that supervisors may require their own supervision and support and that 'such supervision should include training in education theories and skills as well as ongoing professional development in their area of law'.[80] In this way, not only will supervision be 'effective', but it will be 'explicit and intentional', supported by the design and implementation of objectives within the clinical program of what constitutes effective supervision. [81]

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[77] Ibid 25.

[78] Ibid.

[79] Ibid 132. See also Fran Quigley, 'Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law Clinics' (1995) 2 *Clinical Law Review* 37.

[80] Adrian Evans et al, *Australian Clinical Legal Education, Designing and Operating a Best Practice Clinical Program in an Australian Law School* (ANU Press, 2017) 140, especially refer to discussion: 'guidance for supervisors'. See also Robert Schehr, 'The Lord Speaks through Me: Moving beyond Conventional Law School Pedagogy and the Reasons for Doing So' (2009) 14 *International Journal of Clinical Legal Education* 23; Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?' (2006) 9 *International Journal of Clinical Legal Education* 36.

[81] See also Jennifer Lyman, 'Getting Personal in Supervision: Looking for that Fine Line' (1995) 2 *Clinical Law Review* 211; Jenifer Gundlach, 'This is a Courtroom, Not a Classroom: So What Is the Role of the Clinical Supervisor?' (2006) 13 *Clinical Law Review* 279; Carolyn Grose, 'Flies on the Wall or in the Ointment—Some Thoughts on the Role of Clinic Supervisors at Initial Client Interviews' (2008) 14 *Clinical Law Review* 415.

Training in Supervision

It follows that if supervisors in clinical settings are going to be responsible for students' social justice learning, they may require more understanding of the processes and appropriate supervision techniques.[82] Student awareness of social justice concerns is shaped by the subject matter, the clinic or placement site and the supervisor.[83] Sensitive supervision is critical to revealing inequities and challenges encountered in a wide range of legal work.[84] Supervision relies on trust and can create a relationship that is both intense and valuable, especially if it is well understood by each participant and effectively directed to achieving the desired objectives.[85] Those objectives often include a focus on revealing the social justice dimensions of the legal work being done.[86]

Giddings and McNamara contend that legal supervision can usefully be informed by professions like social work and psychotherapy, where supervision is so important that it has emerged 'as a distinct area of study'.[87] They further argue that rather than 'being moulded by external factors, supervision needs to be restored to its

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[82] Jeff Giddings, 'It's More than a Site: Supporting Social Justice Through Student Supervision Practices' in Chris Ashford and Paul McKeown (eds), *Social Justice and Legal Education* (Cambridge Scholars, 2018).

[83] Ibid.

[84] Ibid.

[85] Ibid. 1243.

[86] Ibid.

[87] Jeff Giddings and Michael McNamara, 'Preparing Future Generations of Lawyers for Legal Practice: What's Supervision Got To Do With It?' (2014) 37(3) *University of New South Wales Law Journal* 1242. See also Kenneth Kreiling, 'Clinical Education and Lawyer Competency: The Process of Learning to Learn from Experience Through Properly Structured Clinical Supervision' (1981) 40 *Maryland Law Review* 284.

rightful place as an interpersonal endeavour. At the very core of the supervisory process is a relationship between two legal practitioners'.[88]

A starting point for improving supervisors' fostering of student awareness of social justice is to ensure that they appreciate their central role in helping students learn in a clinic or placement environment and in explaining the limitations of law and legal processes.[89] This may be facilitated by training workshops that place effective supervision at the forefront of experiential learning for supervisors and are a valuable opportunity for building relationships between law schools and the supervisors involved in their clinical and placement programs.[90] Such workshops challenge assumptions about the quality of supervision and emphasise the importance of effectively preparing students for the supervision relationship.[91]

Giddings and McNamara go further to add that due to the complexity of the supervisory process, the development of 'an accreditation scheme for supervisors, as a means for fostering effective supervision practices, is a matter worthy of future debate'.[92] These authors focus on the supervisory training process in the legal profession; however, similar requirements for ongoing training in this area for clinical supervisors would foster effective practices.[93]

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[88] Jeff Giddings and Michael McNamara, 'Preparing Future Generations of Lawyers for Legal Practice: What's Supervision Got To Do With It?' (2014) 37(3).
[89] Ibid 63.
[90] Ibid 64.
[91] Ibid.
[92] Ibid.
[93] Ibid.

In her work on psychology supervision, Falender echoes these sentiments and suggests that supervision should be acknowledged as 'a distinct professional competence that requires specific education and training'.[94] However, Falender warns that too often, supervision is 'inadequately addressed or an entirely missing ingredient'.[95] Falender further emphasises the need for clinical supervision training following the shift to the competence movement that has occurred in psychology education, training and regulation generally and the need to embrace a systematic and intentional competence model.[96] In the United States of America, Falender designed a competencies framework as part of an intensive effort to upgrade supervision to a core professional activity. This framework consisted of knowledge (e.g., understanding supervision models and research), skills (e.g., the ability to give feedback effectively) and values (e.g., a respectful and empowering relationship). These were supported by attention to the social context of supervision (e.g., the ethical and legal issues), training in developing these competencies and the related competence assessment options (e.g., supervisee feedback).[97]

Similarly, Brooks et al. call for a competency-based approach to the supervision of law students in clinics and externships.[98] Echoing Falender, these researchers draw significant guidance from the field of psychology, where there is an established track

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[94] Carol Falender, Clinical Supervision-The Missing Ingredient, *American Psychologist*, 2018, Vol. 73, No. 9, 1240–1250. See also Carol Falender and Shafranske, Edward P. Competency-based Clinical Supervision: Status, Opportunities, Tensions, and the Future, *Australian Psychologist*, 2017, Vol.52 (2), p.86-93.

[95] Carol Falender n 94 1247.

[96] Ibid.

[97] Ibid 1248.

[98] Susan L. Brooks, Marjorie A. Silver, Sarah Fishel & Kellie Wiltsie,'Moving Towards A Competency-Base Model For Fostering Law Students' Relational Skills' *Clinical law Review* Vol 28 Number 2 (2022).

record of using a competency-based approach to supervise trainees.[99] Brooks et al. suggest that a focus on the importance of relational competencies in legal education will more effectively promote wellbeing among students, their current and future clients and the culture of the legal profession.[100] Ultimately, Brooks et al. call for a 'more holistic approach to legal professionals' licensing and ongoing supervision'.[101]

Clinical legal scholarship consistently demonstrates an increased interest in supervising law students around issues beyond the legal and factual analysis of legal matters or the performance of technical skills. However, Brooks et al. note the need for a relationally centred competency-based approach that adopts a more systematic approach to the supervision of clinical law students in relation to the knowledge, skills and values connected to relational competencies.[102] The goal of this approach would be to encourage a more meaningful and intentional progression of personal growth on the part of the student, and rather than the supervisor playing an active role, both the student and supervisor would move towards a phase of co-equal collaboration to finally arrive at a stage at which the student could work without close supervision. According to Brooks et al., this approach would have widespread positive effects, including:

> establishing a shared understanding of the identification and importance of relational competencies, developing greater consistency and quality control

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[99] Ibid.
[100] Ibid 369.
[101] Ibid 370.
[102] Ibid.

around supervision in clinics and externships, and expanding the usage and usefulness of learning outcomes to include a greater focus on positive professional identity formation.[103]

Through the use of competency benchmarks and specific illustrations from the field of psychology, clinical legal educators will have a solid guide for the supervision of law students in terms of the relational competencies that also builds on the well-established foundations and movements within legal scholarship identified earlier, including TJ, reflective practice, cross-cultural lawyering, trauma-informed practice, wellbeing, self-care and mindfulness.[104]

Brooks et al. call for the legal profession to construct a comprehensive list of relational competencies to educate students through clinical legal supervision.[105] This competency-based model of professional training would focus on the supervised practice experiences already provided by every law school via externships and clinics with a heavy emphasis on teaching and assessing the relational competencies needed for effective lawyering. Brooks et al.'s work on relational lawyering, which uses the three fields of transformation (i.e., personal, interpersonal and systemic transformation) as organising categories, provides a useful starting point.[106] Law schools would need additional resources to support these colleagues to adopt a more systematic and comprehensive approach to 'relational supervision'. However, Brooks

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[103] Ibid 372.
[104] Ibid 399.
[105] Ibid.
[106] Ibid. See also Susan Brooks, 'Mindful Engagement and Relational Lawyering', *South Western University Law Review*, (2019) 267.

et al. posit that these efforts would ensure 'a healthier and happier legal profession, and one that provides better care for the wellbeing of its clients'.[107]

In addition to supportive workshops and training, other clinicians have called for recognition that supervisors require support for a team environment. As Sage-Jacobson et al. suggest, 'navigating the professional exchanges that occur between students, teacher/supervisors, the supporting institution, and other legal professionals in a clinic can be highly complex and demanding'.[108] This is particularly so for supervisors, where all interactions with students and, just as crucially, between supervisors themselves may be viewed by students as role modelling appropriate behaviour between legal professionals.[109] Students benefit as they observe the positive professional relationships and teamwork integral to effective working environments.[110] Supervisors should treat the development of a shared framework as a collaborative endeavour that is tailored to the context of their clinical program.

Sage-Jacobson et al. argue that the ontological value of this learning can pose challenges to supervisors, as they recognise their responsibilities as teachers of and models for student interns.[111] Regularly reflecting on and evaluating the nature of clinical supervision and the operation of supervisory teams is particularly important given the multi-layered nature of clinical education.[112]

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[107] Ibid 409.
[108] Susannah Sage-Jacobson & Tania Leiman, Identifying Teaching and Learning Opportunities within Professional Relationships between Clinic Supervisors, 24 Legal Educ. Rev. 159 (2014).
[109] Ibid.
[110] Ibid.
[111] Ibid.
[112] Ibid.

Conclusion

In a law clinic within a university, students enrolled in clinical programs deepen their understanding of what lawyers do in practise and build frameworks for professional work.[113] Clinical students are provided with the opportunity to gain practical legal experience working on real legal matters and putting their academic preparation into practice. If this is the aim of CLE, then it is important to ensure that clinical educators implement effective supervision to enable students to make the most of the learning opportunities presented by clinic-based experiences.[114]

Our research findings support the notion that students rely not only on effective supervision but also on an intentional and explicit supervisory approach to enable them to make the most of the learning opportunities presented by clinic-based experiences.[115] Giddings posits that effective supervision is 'integral to harnessing the rich learning potential of clinic experiences and as such plays a valuable role in providing students with a deeper understanding of social justice concepts and the complex nature of public policy debates'.[116] Clinics are particularly well suited to

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[113] Jeff Giddings and Jacqueline Weinberg 'Experiential legal education: Stepping Back to see the Future. In C. Denvir (Ed.), *Modernising legal education* (pp. 38–56) (Cambridge University Press 2020).

[114] See Adrian Evans et al, *Australian Clinical Legal Education, Designing and Operating a Best Practice Clinical Program in an Australian Law School* (ANU Press, 2017) 123. See also Jeff Giddings, 'The Assumption of Responsibility: Supervision Practices in Experimental Legal Education' in Mutaz Qafisheh and Stephen Rosenbaum (eds), *Global Legal Education Approaches: Special Reference to the Middle East* (Cambridge Scholars, 2012).

[115] See Adrian Evans et al, *Australian Clinical Legal Education, Designing and Operating a Best Practice Clinical Program in an Australian Law School* (ANU Press, 2017) 123.

[116] Jeff Giddings, 'It's More Than a Site: Supporting Social Justice Through Student Supervision Practices' in Chris Ashford and Paul Mckeown (eds), *Social Justice and Legal Education* (Cambridge Scholars, 2018).

generating discussions relating to concepts such as fairness, justice, due process and ethical awareness.[117] Supervisors should make the most of this 'rich clinic environment to reveal the content and complexity of a range of concepts, linking them to the student's other studies'.[118] Supervisors have a critical role in guiding students to understand 'the ramifications of the "disorienting moments" they encounter where a social justice-oriented clinical experience challenges student understandings, particularly the impact of laws on marginalised people'.[119] As Davys and Beddoe posit, there is a need to focus on supervision as a 'reflective learning process rather than one of direction and audit'.[120] For them, supervision should involve a process of 'teaching a way of thinking rather than teaching a set of techniques'.[121] Supervisors can use frameworks that recognise and address the social justice dimensions of both their supervisory role and the legal work in which they engage.[122]

Well-defined principles for design informed by the student experience will support the supervision relationship. To ensure best practice in supervision, supervisors need to ensure certainty regarding their priorities focused on the missions of CLE; that is, social justice and education. This requires an intentional approach to the supervisor/student relationship working within a framework for responding to

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[117] Ibid.

[118] Ibid 43.

[119] Ibid. See also Fran Quigley, 'Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law Clinics' (1995) 37 *Clinical Law Review* 2; Susan Brooks, 'Using a Communication Perspective to Teach Relational Lawyering' (2015) 15 *Nevada Law Journal* 477.

[120] Allyson Davys and Liz Beddoe, 'The Context of Professional Supervision' in Allyson Davys and Liz Beddoe (eds), *Best Practice in Professional Supervision: A Guide for the Helping Professions* (Jessica Kingsley, 2010) 18.

[121] Ibid 20.

[122] Ibid.

externalities, prioritising the wellbeing of participants, including students, while recognising that this is essential to an enhanced student/supervisor relationship and reflective practice.

Our research showed that during the pandemic, students not only benefitted but appreciated their supervisors taking the time to provide them with the guidance and support they required at this extremely uncertain time. With many clinical programs now returning to onsite delivery, it is important to ensure that the supervisory process remains effective, intentional and explicit, empowering both clinicians and students to gain insights into their relationships and experiences. Doing so will ensure that supervision remains a valued and vitalising catalyst for a pedagogical relationship of integrity, steeped in best practice from the student perspective and leading to an exploration of further possibilities for future successful practice.

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