

**EVALUATING THE ACADEMIC BENEFITS OF CLINICAL LEGAL EDUCATION: AN ANALYSIS OF THE FINAL AVERAGE MARKS OF FIVE COHORTS OF LSBU LLB GRADUATING STUDENTS, 2011-2015**

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**Abstract**

This article seeks to contribute to the ongoing pedagogic debate about the aims and benefits of clinical legal education and to do so using a quantitative methodology.

It is the result of a collaborative project within the School of Law & Social Sciences at LSBU, researching whether placements in our Legal Advice Clinic have had any positive impact on Law students' academic performance. We have analysed the academic results<sup>2</sup> of five cohorts of LLB full-time undergraduates, those graduating from 2011 to 2015,<sup>3</sup> to see whether students who volunteered in our Legal Advice Clinic achieved better grades than those who didn't. Generally, they do. However, given the fact that places at the clinic are limited and recruitment is selective and to

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<sup>2</sup> We would like to thank Dr Bond's Post-graduate student, Joshua Freeman-Birch, who undertook the long hours of data entry to code the results of five cohorts of LLB law students results, to allow the research to be conducted.

<sup>3</sup> Unfortunately, writing up our research has taken longer than we hoped. Conducting the data analysis and the impact of COVID are the two main reasons.

try and eliminate the possibility that the most academically successful students are the most likely to volunteer and be selected, we have controlled for first year average results. Even so, it appears that students who achieve similar grades in their first year are likely to get slightly better final grades, just under 2% better, if they volunteer in our Legal Advice Clinic in their second year.

## **Introduction**

This article seeks to contribute to the ongoing pedagogic debate about the aims and benefits of clinical legal education and to do so using a quantitative methodology. The research originates in discussion of anecdotal evidence that clinical legal education is of academic benefit for law students, as well as benefiting the development of their legal skills, their employment prospects, and individual members of our local community in need of legal advice. Members of the Legal Advice Clinic team observed how rapidly students' self-confidence and ability to summarise clients' initial statements develop over the period of a semester (usually up to 8 half day sessions in the LAC) and we speculated on the likely benefits for their studies on the LLB. At the same time, Professor Elaine Hall, Professor of Legal Education Research at Northumbria University<sup>4</sup> and the then editor of the *International Journal of Clinical Legal Education*, was advocating greater use of quantitative methods in legal education research.<sup>5</sup> We decided to research the comparative performance of our LLB

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<sup>4</sup> See - <https://www.northumbria.ac.uk/about-us/our-staff/h/elaine-hall/> (accessed 2<sup>nd</sup> September, 2023).

<sup>5</sup> IJCLE Conference, Northumbria March 21<sup>st</sup> & 22<sup>nd</sup>, 2016.

students and sought expert help from our colleague in the Division of Social Sciences, Dr Matthew Bond. The result is an analysis of 5 years' worth of data that appears to show modest academic benefits, alongside the usual justifications for clinical legal educations such as skills, employability and social justice. We have analysed the academic results of five cohorts of LLB full-time undergraduates, those graduating from 2011 to 2015, to see whether students who volunteered in our Legal Advice Clinic achieved better grades than those who didn't. Generally, they do. However, given the fact that places at the clinic are limited and recruitment is selective and to try and eliminate the possibility that the most academically successful students are the most likely to volunteer and be selected, we have controlled for first year average results. Even so, it appears that students who achieve similar grades in their first year are likely to get slightly better final grades, just under 2% better, if they volunteer in our Legal Advice Clinic. We will now explain the context in which the Legal Advice Clinic operates and how it works, and how law student volunteers are recruited, before discussing the research itself.

### **Context, operation, and impact of the LSBU Legal Advice Clinic**

When we opened the LSBU Legal Advice Clinic in September 2011, our principal aims were to: (1) establish a social welfare legal advice service which would deliver a tangible benefit to the local community; (2) develop students' practical knowledge of the law in context to enhance their confidence, skills and employability; (3) provide a basis for developing a teaching and learning resource for other universities.

LSBU has an exceptionally diverse cohort of UG law students. A comprehensive survey completed shortly before we opened the Clinic found that prior to entering university: 25% UG law students lived locally in southeast London; 57% were female; 65% over 21; 70% non-white with black African the largest single ethnic group (27%); 52% FT students were in paid employment during term time with 80% working 9 hours a week or more; 17% were looking after at least one school age child.<sup>6</sup> As a result of this demographic, our students were (and still are) less likely to have links to the legal profession, less likely to have family members who can find them work experience and much less likely to be able to afford to take up unpaid work placements and volunteering opportunities. It is for this reason that we have developed a core module in the second year of the LLB, called Working in the Law, which focuses on professional skills and career development and encourages and supports students to find internship and volunteering placements. The Legal Advice Clinic was developed to create such placement opportunities alongside those we could find in our local legal community (supported by the South London Law Society<sup>7</sup>).

There is an extensive body of research on the significance of the provision of timely social welfare law (SWL) advice in the UK (housing, family, debt, immigration, employment, education, welfare benefits). Research findings include: the tendency of

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<sup>6</sup> James C, Koo, J and Rodney M, 'Mismatches between student expectations and reality: a problem for student engagement', paper given at Learning in Law conference 28-29 January 2011.

<sup>7</sup> See <https://southlondonlawsociety.com/> (accessed 2<sup>nd</sup> September, 2023).

SWL problems to 'cluster'; the importance of early intervention to solve SWL problems in order to avoid increased social and economic costs down the line; the links between unresolved SWL problems and health and well-being; and the problem of 'referral fatigue' which sees a proportion of people giving up each time they are not offered help by an agency they approach for help with a SWL problem, but instead are referred or signposted on elsewhere.<sup>8</sup>

LSBU's campus is in the heart of the London Borough of Southwark, one of the most deprived local districts in England, ranking in the bottom quartile of local authorities in England.<sup>9</sup> Demand for SWL in our locality is consequently enormous, whereas supply is extremely limited.

The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO), which came into force in April 2013, has drastically reduced the Legal Help scheme, which had previously funded a network of pre-action SWL advice for people on low incomes in England and Wales, delivered by solicitors and other legal advice providers. Welfare benefits and employment advice was taken out of scope altogether; housing, debt, education, and family advice was severely restricted. The Legal Advice Clinic

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<sup>8</sup> See, for example: Genn, H. (1999) *Paths to Justice: What People Do and Think About Going to Law*. Oxford: Hart Publishing; Balmer, N. (2013) *Summary Findings of Wave 2 of the English and Welsh Civil and Social Justice Panel Survey*, Legal Services Commission; Pleasance, P. & Balmer, N. (2014) *How People Resolve 'Legal' Problems: Report to the Legal Services Board*.

<sup>9</sup> *Indices of Deprivation 2019*. Southwark's Joint Strategic Needs Assessment (JSNA). Southwark Council: London. 2019. Deprivation scores are based on 39 indicators, organised around 7 domains of deprivation: income, employment, health, education skills & training, crime, barriers to housing & services, living environment. These are combined and weighted to form an overall score. See <https://www.southwark.gov.uk/health-and-wellbeing/public-health/health-and-wellbeing-in-southwark-jsna/southwark-profile> > last accessed 13 March 2023

delivers free, on the spot, face-to-face social welfare law advice to the general public, i.e., advice in precisely those areas of law targeted by LASPO.

The Clinic is staffed by undergraduate 2nd and 3rd year law students and some postgraduate students. The student legal advisors are supervised by university-employed lawyers with current practising certificates who between them have decades' experience of practice in social welfare law.

At the period under study (2011-2015) we were open one and a half days a week for drop-in face to face legal advice: Tuesday mornings, Wednesdays all day.<sup>10</sup> For each drop-in session we have 2 advice teams, each comprising two students and one supervising lawyer. Another student works as a receptionist, taking clients' basic details, allocating them to an advice team and managing the queue. Reception duties are rotated. Typically, each student team would deal with 2 or 3 drop-in clients a session. The Clinic is open throughout the academic year.

The process in the interview room is as follows. First, we take instructions: find out what the problem is, gather all the relevant information and identify what the client wants to achieve. Second, the interview is paused briefly and the client waits while we go to our back office and research the issue, using resources including Advice Guide<sup>11</sup> (a publicly available web resource maintained by Citizen's Advice),

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<sup>10</sup> We have subsequently expanded our service and are now open five days a week: all day Tuesday, all day Wednesday and Friday mornings for face-to-face drop in SWL advice; Monday afternoon and Thursday afternoon for online SWL advice.

<sup>11</sup> See <https://www.citizensadvice.org.uk/> (accessed 2<sup>nd</sup> September, 2023).

Advisernet<sup>12</sup> (a subscription resource also maintained by Citizen's Advice and comprising the most comprehensive social welfare law resource available in the UK), Advice Now<sup>13</sup> (an authoritative and reliable 'aggregator' SWL information and advice resource), and key practitioner books published by Child Poverty Action Group,<sup>14</sup> Disability Rights UK,<sup>15</sup> and Legal Action Group<sup>16</sup>. Third, we return and feed back to the client the advice we have researched. Fourth and finally, we write up a succinct advice note once the client has left. If the client requires written confirmation of our advice, they can wait and take a copy of our advice record away with them. We generally take a maximum of approximately an hour and a half for the whole process.

At the drop-in sessions we can provide basic information on any legal topic, give generalist advice on all SWL matters (apart from immigration and asylum – for regulatory reasons), and, if we think clients need more help than we can offer, signpost and refer them to appropriate local legal advice agencies and law firms, or to the Clinic's own evening sessions. At the Clinic's weekly Thursday evening sessions, the students shadow pro bono solicitors from four large local private Legal Aid law firms who provide specialist legal advice in family and housing. Clients can only access the evening sessions via the daytime drop-in.

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<sup>12</sup> See <https://www.citizensadvice.org.uk/about-us/adviser-resources/advisernet-information-system/> (accessed 2<sup>nd</sup> September, 2023).

<sup>13</sup> See <https://www.advicenow.org.uk/> (accessed 2<sup>nd</sup> September, 2023).

<sup>14</sup> See <https://cpag.org.uk/> (accessed 2<sup>nd</sup> September, 2023).

<sup>15</sup> See <https://www.disabilityrightsuk.org/> (accessed 2<sup>nd</sup> September, 2023).

<sup>16</sup> See <https://www.lag.org.uk/> (accessed 2<sup>nd</sup> September, 2023).

Since opening, we have advised more than 4,000 clients and trained more than 350 law student volunteers.

In 2013, we published a 70-page open access drop-in manual via the HEA and LawWorks<sup>17</sup> for use by other universities who may wish to adopt our face-to-face advice method. It has been adopted by Law Clinics at the University of Portsmouth and the University of Worcester and has informed the development of other clinics such as the University of Hertfordshire.

To better understand what the student volunteers do in the Clinic, and the service provided to our clients, it may be helpful to compare our service to that typically offered by a Citizens Advice Bureau (CAB). If a client visits a CAB in the UK, they will typically get a 10 minute triage appointment with a “gateway assessor” who will see if they can resolve the enquiry by the provision of some basic information, often by giving the client a leaflet or a factsheet, or in some other way taking them through standardised information which is not tailored to them as an individual. If the 10 minute “gateway assessor” appointment cannot resolve the enquiry, then the client will go through to a full generalist advice appointment, typically one hour long; the advisor is now dealing with the client as an individual, tailoring advice to their circumstances. As a result of the experience and qualifications of our supervisors, our student advisors are commonly able to deliver legal advice that goes beyond that

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<sup>17</sup> See Sample Drop-In University Clinic Handbook: <https://www.lawworks.org.uk/solicitors-and-volunteers/resources/sample-drop-university-clinic-handbook> (accessed 23/6/23).

provided at a full generalist appointment at the CAB. It means we are in fact often able to give what could be more properly characterised as specialist rather than generalist level SWL advice at the drop-in sessions, particularly in relation to housing, homelessness, and employment. This reflects the specialisms of our current supervisors, all of whom are also experienced in delivering generalist level SWL advice in other subject areas.

### **Recruitment, training and supervision in the LSBU Legal Advice Clinic**

Although the recruitment of students for the Clinic is a competitive process, the majority of students are successful. Around 90% to 95% of students who apply are offered a place in the clinic as we want to give all of our students the opportunity of a placement. Students are selected on merit following an equal opportunities process where prior knowledge of the student is discounted. The students complete a five-page application and are interviewed face-to-face by Clinic supervisors. In the interview all candidates are asked the same questions and are marked against the following six criteria:

1. Reliability and commitment;
2. Good interpersonal and communication skills, including oral, written and numeracy skills;
3. Good IT and keyboard skills;

4. Good organisational and administrative skills, including the ability to manage time effectively;
5. Ability and willingness to work as part of a team and to learn new skills to carry out the role; and
6. Willingness and ability to be flexible, open minded and non-judgmental regarding clients and their problems.

The method of selecting students mirrors a recruitment assessment process; only the interview and application form are taken into account. Other information such as academic ability is not considered although we are cautious about accepting students who are struggling academically as it may not be in their best interests to volunteer in the Clinic, which requires a substantial time commitment of three hours or more, every week for a semester. During the period under study, 2011-15, placements in the Clinic were not directly credit bearing, although 2nd year undergraduate students would generally choose to utilise their experience in the Legal Advice Clinic as the basis for an assessed self-reflective log for the Working in Law module described above. The recruitment procedure is time consuming but over the years it has thrown up very few problems. The rigour of the process means we can provide detailed feedback to any student whose application is unsuccessful, which has always resolved any concerns raised by students.

Before advising, the student volunteers are provided with two days of training by the Clinic's supervising solicitors covering interviews, research, advice and record keeping skills and the Clinic's policies and procedures, including confidentiality and anti-discrimination. Role play is used to allow the students to practice the required skills in a controlled environment. The bulk of the training continues throughout the placement and is delivered by close supervision.

The drop-in advice session model requires highly experienced supervisors and a high ratio of supervisors to students: generally two students to one supervisor.

The experience of the supervisors is crucial to providing high quality experiential learning without compromising on the service to the client. The busy and sometimes hectic drop-in advice sessions plunge students into the deep end of service delivery. Before the interview the students do not have a detailed account of the client's problem. In a very short space of time, the students have to build a relationship with the client, identify the problem and obtain sufficient information to give advice. This demands competent interviewing skills: active listening, swift factual analysis, empathy and effective verbal and non-verbal communication. When advising, the students learn how to explain complex legal concepts and procedures clearly and succinctly. Within the fixed times of the drop-in session the students have to complete accurate, clear and concise case records. This hones their writing skills, typing and ability to work under pressure.

Close supervision is pivotal to the success of this model: the students are closely supervised at each of the four stages of the advice process as described above. The supervisor sits in with the students' as they take instructions, do their research, give advice and write up the attendance record of the instructions and advice given. The supervisors' role is to allow the students to exercise autonomy but to provide support when appropriate. The students are encouraged to take the lead from the first interview but, if necessary, the supervisor will step in and work collaboratively to develop the students' skills and confidence. The close supervision means that accurate, detailed, and effective feedback can be given to students. The needs and interests of the client are protected throughout by the close supervision model.

Reflection is built into the supervision design. At the beginning of the advice sessions the supervisors encourage the students to reflect on their experience. Reflection is widely recognised as a fundamental feature of legal education. Leering, for example, argues that

*“disciplined reflection improves student learning; it develops metacognition, reflective judgement, capacity for critique and higher order thinking, all of which support the goals of legal education, and is essential for developing an ethical stance and building professional knowledge, skills, attributes and values.”<sup>18</sup>*

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<sup>18</sup> Michele M. Leering, 'Perils, pitfalls and possibilities: introducing reflective practice effectively in legal education' (2019) 53 (4) *The Law Teacher* 431

Although we launched the Legal Advice Clinic before we encountered Dreyfus and Dreyfus,<sup>19</sup> our supervision practice, based on our experience of working in UK Law Centres, aligns well with their model of directed skill acquisition<sup>20</sup>:

*“Anyone who wishes to acquire a new skill is immediately faced with two options. He can, like a baby, pick it up by imitation and floundering trial and error, or he can seek the aid of an instructor or instructional manual. The latter approach is far more efficient, and in the case of dangerous activities, such as aircraft piloting [and we would say providing legal advice], essential”<sup>21</sup>*

Their model identifies five stages of skills mastery: novice, competence, proficiency, expertise and mastery where learning is aided by an instructor. In the first stage, novices are provided with a decomposed context-free environment so they can recognise the composition of the requisite skills. For our students, this stage takes place in the training sessions with extensive use of role play and at the start of the placement, when the supervisor helps the students deconstruct the interview process and identify key skills. In the second stage, competence, with more experience of the real-world context and assisted by the instructor the learner develops an

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<sup>19</sup> Dreyfus S, Dreyfus H. A five stage model of the mental activities involved in directed skill acquisition. California University Berkeley Operations Research Center [monograph on the Internet]; 1980. <[https://www.academia.edu/30981679/A\\_Five\\_Stage\\_Model\\_of\\_the\\_Mental\\_Activities\\_Involved\\_in\\_Directed\\_Skill\\_Acquisition](https://www.academia.edu/30981679/A_Five_Stage_Model_of_the_Mental_Activities_Involved_in_Directed_Skill_Acquisition)> accessed 19 August 2021

<sup>20</sup> See Alan Russell, ‘University based drop-in legal advice services in the UK; widening access to justice and tackling poverty’ Group Access to Justice and Poverty’ <[https://openresearch.lsbu.ac.uk/download/0b38b9a08a3a9549e755429330beb8b6c9d39be110579f351ee36b88ee854511/520478/ASAP%20Brazil%20Conference%202016\\_Access%20to%20Justice%20and%20Poverty%20Group\\_Final%20Paper\\_LSBU\\_Alan%20Russell\\_04%20August%20%202016.pdf](https://openresearch.lsbu.ac.uk/download/0b38b9a08a3a9549e755429330beb8b6c9d39be110579f351ee36b88ee854511/520478/ASAP%20Brazil%20Conference%202016_Access%20to%20Justice%20and%20Poverty%20Group_Final%20Paper_LSBU_Alan%20Russell_04%20August%20%202016.pdf)> accessed 19 August 2021

<sup>21</sup> Dreyfus & Dreyfus, Skills acquisition (n 9), p1

understanding of situational features. In the Legal Advice Clinic, as the students progress, supported by their supervisor, they start to recognise key features of advice giving in the relevant context. Dreyfus and Dreyfus describe the importance of being conscious of the developmental stage of the learner and tailoring the training to the appropriate stage.

*“The training implications of this taxonomy are obvious. The designer of training aids and courses must at all times be aware of the developmental stage of the student, so as to facilitate the trainee’s advancement to the next stage, and to avoid the temptation to introduce intricate and sophisticated aids which, although they might improve performance at a particular level, would impede advancement to a higher stage, or even encourage regression to a lower one.”<sup>22</sup>*

The close supervision method in the Clinic enables the supervisor to assess the development stage of the student and tailor the training to the needs and level of student following the Dreyfus and Dreyfus model. In the course of a semester, even students without any relevant prior experience of advice work progress for being novices to competence and some demonstrate proficiency, making active decisions in live client interviews, based on analytical thinking rather than simple rule following. While students will only later, through extended professional practice, achieve the stages of Expertise and Mastery in their legal professional skills, it seems to us that the clinic students made significant progress in acquiring skills that are relevant to academic study as well as legal practice, particularly client interviewing and

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<sup>22</sup> Dreyfus & Dreyfus, Skills acquisition (n 9), p16

attendance note taking, legal analysis, legal research and legal writing.<sup>23</sup> One key observation was the rapid progress that students made in being able to write effective summaries of the client's case from their interview notes. Our observations were backed up by student feedback, such as the following:

*"It is an experience that I believe will stay with me throughout my career. Being able to provide advice in-person to genuine clients with genuine needs, whilst still studying, has been at times exhilarating, at times nerve-wracking, and always rewarding."* (LAC Student Advisor 1).

*"This experience is so rewarding and beneficial. We are providing a great service to our local community whilst learning a great deal ourselves. I have been taught so many new skills from the experienced solicitors that supervise us - the training we receive is of an exceptionally high standard. No other legal work experience I have done has given me this level of responsibility and client contact. Working at the clinic has really boosted my confidence. It is helping steer me towards becoming the type of lawyer I would like to be."* (LAC Student Advisor 2)

*"The workplace has always been so daunting for me, and one in which I did not think I would thrive in. But working in the LAC has changed that – thank you for your support and encouragement, which has developed my confidence further and has given me courage to step outside my comfort zone. In fact, I have you ... to thank for the job offer I received from a firm*

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<sup>23</sup> To adopt the language of the England & Wales Solicitors Regulation Authority, SQE 2 Assessment Specification, see <https://sqa.sra.org.uk/exam-arrangements/assessment-information/sqe2-assessment-specification> (accessed 23/06/23)

*that specialises in Trade Mark Law last summer, where I did 3-weeks of work experience...."*

(LAC Student Advisor 3)

It is in this context, observing significant improvements in students' legal skills and receiving positive feedback about the impact of the experience on their confidence and engagement, that we began to wonder if volunteering in the Legal Advice Clinic might have a positive impact on students' academic grades, particularly in their final year of study. The question was how to try and measure this and so we turned to our colleague Matthew Bond, a quantitative sociologist, for help.

## **Methodology**

The sample for the research were five cohorts including all graduating Law students starting from the 2010-11 to 2014-15 academic years. The total size of the sample was 603 students, but the analyses only included 586 students because of missing data on first year marks for 17 students.

Data were collected for three variables: 1) the dependent variable: final year mean mark which was a continuous variable, 2) the independent variable: participation in the clinic which was a dichotomous dummy and 3) a control variable: first year mean mark which was a continuous variable. Analyses included bivariate and multivariate linear regression and independent sample t-tests (not included in paper). The study was observational with no manipulation of the independent variable.

To assess the impact of participation on student’s grades their mean marks in their third year were compared across those who participated in the clinics and those who did not. Because the study was observational, there was the potential that differences between the two groups could be a spurious outcome of more able and motivated students applying for and being selected to participate in the clinics. To control for this, average module marks at Level 4 (first year) were included in the model as a control. The effect was to compare students with similar grades at the end of Level 4 to see if the Clinic students achieved better (similar, or worse) grades on graduation, at the end of Level 6.

**Summary of Analysis**

**Coefficients<sup>a</sup>**

Model		Unstandardized		Standardized		
		Coefficients		Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	56.255	.383		147.064	.000
	Participated	7.088	.892	.312	7.948	.000
2	(Constant)	28.848	1.946		14.823	.000
	Participated	<b>1.975</b>	.848	.087	2.331	.020

Year 1 Average	.537	.038	.533	14.289	.000
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a. Dependent Variable: Year 3 Average

The results of the analysis of all cohorts are largely consistent across the five cohorts. Clinic participants have higher third year average marks for all cohorts. When we control for 1<sup>st</sup> year average marks, the difference is only statistically significant in the 12-13 cohort and not in the other cohorts. However, when we analyse the results all together, the difference is statistically significant. Overall, the evidence supports the claim that students who participate in the clinic do better than those who do not but only by a modest amount (approximately 2 points higher). We recognise that our sample is relatively small and that further research by us in relation to later cohorts and by other university law clinics in relation to their students is required to see if these results can be replicated and to try and identify and test alternative explanations. Another limitation is that our research does not help to identify which aspects of the clinical legal education experience are most beneficial, although we suspect that the close supervision relationship and increased student self-confidence are important candidates. Clearly, further research is needed and we agree with Mkwebu who concludes, in *Research on Clinical Education: Unpacking the Evidence*,<sup>24</sup> that research on the effects and benefits of Clinical Legal Education is underdeveloped across a

<sup>24</sup> See Mkwebu T, *Research on Clinical Legal Education: Unpacking the Evidence*, Chapter 5.7, in Thomas L and Johnson N, *The Clinical Legal Education Handbook*, University of London Press (2020) - <https://www.jstor.org/stable/j.ctvk8w167.9> (accessed 2nd September, 2023).

range of topics, including wellbeing and the mental health needs of clinic students and staff; reflection and assessment; skills development and student employability; social justice and regulation. The need for further research is urgent, given the continuous need to justify the place of clinical legal education in mainstream legal education, especially at a time when University budgets are in crisis.<sup>25</sup>

### **Next Steps: More Empirical Research into Legal Pedagogy**

Our research also had a wider goal, that of seeking to develop a reliable method for testing whether our pedagogic practice achieves the outcomes that we aim for. We quickly realised, as we set out to prove, if possible, that ‘clinic is good for you’, how unprepared we were and how difficult was the task we had taken on. Even with expert help from our colleague Dr Matthew Bond, we can see that our first effort is quite basic and crude in its attempt to measure whether volunteering in the Legal Advice Clinic contributes to better academic grades. As someone said when we first presented the results, at least we appear to have proved that clinic does not detract from academic achievement. Nonetheless, we are pleased with our first attempt and happy to have added a measure of quantitative evaluation to our pedagogic storytelling and qualitative analysis. We hope that colleagues will be encouraged to follow suit.

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<sup>25</sup> See, for example - <https://www.theguardian.com/education/2023/may/31/funding-model-for-uk-higher-education-is-broken-say-university-vcs> (accessed 2nd September, 2023).

A positive upshot of our project, is that we have now joined Professor Caroline Strevens<sup>26</sup> and other colleagues in a new qualitative study of law teachers' perceptions of the effect of teaching in clinic modules, exploring a hypothesis that law staff and law student wellbeing might be enhanced because CLE assists motivation through the satisfaction of basic psychological needs from the perspective of Self Determination Theory.<sup>27</sup> A wider aim of the project is to improve our qualitative research skills and to encourage and support wider use of empirical methods in legal education research.<sup>28</sup>

## Conclusion

Over the years, different explanations and justifications for clinical legal education have been offered, including the development of professional legal skills, providing access to justice and employability.<sup>29</sup> In 1933, Jerome Frank famously recommended that 'the law schools should once more get in intimate contact with what clients need

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<sup>26</sup> Professor of Legal Education, Portsmouth University – see <https://www.port.ac.uk/about-us/structure-and-governance/our-people/our-staff/caroline-strevens> (accessed 2nd September, 2023).

<sup>27</sup> Self-determination theory suggests that human growth and development requires the satisfaction of three basic psychology needs; autonomy, competence and relatedness. For an example of Professor's Strevens work see Duncan N, Strevens C and Field R, Resilience and student wellbeing in Higher Education: A theoretical basis for establishing law school responsibilities for helping our students to thrive, *European Journal of Legal Education*, Vol. 1, No. 1, May2020, 83–115 - <https://ejle.eu/index.php/EJLE/article/view/10/10> (accessed 2nd September, 2023).

<sup>28</sup> We made an initial presentation on the project at the Association of Law Teachers Conference at University of Manchester Law School, 11<sup>th</sup>-12<sup>th</sup> April, 2022 - Clinical Legal Education and social responsibility: measuring outcomes

<sup>29</sup> See further, Brayne H, Duncan N & Grimes G, *Clinical Legal Education: Active Learning in Your Law School*, Blackstone Press Ltd (1998).

and with what courts and lawyers actually do<sup>30</sup>. In the 1960s and 1970s, legal clinics were established in Law Schools, particularly but not exclusively in the Common Law jurisdictions, to support access to justice and social change. From the 1980s and 1990s onwards, the justificatory focus has shifted back to skills, employability and student satisfaction as a response to new measures of quality assurance associated with the expansion of higher education.<sup>31</sup> The result of our research exercise has confirmed our view that these are not contradictory goals and that neither is there any necessary tension between liberal and professional education, a view that is supported by Guth and Ashford,<sup>32</sup> who argue for ‘a more nuanced understanding of liberal legal education: one which does not oppose the teaching or exploration of practice relevant subjects or the learning of professional knowledge and skills; but one where these are acquired, if indeed they are, because they facilitate or come with the wider learning that constitutes a liberal education’. The central aim of our research has been to explore whether clinical legal education makes a measurable contribution to the traditional academic goals of law schools and law students (as reflected by academic grades) or is just a distraction. We conclude that clinical legal education can support and improve academic outcomes and is certainly not a distraction from or dilution of those goals. For the purpose of this article, we treat the skills and employment benefits of clinical

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<sup>30</sup> Jerome Frank, *Why Not a Clinical Lawyer-School?*, 81 U.Pa.L.Rev. 907 (1933)

<sup>31</sup> See, for example, Jeff Giddings, Roger Burrige, Shelley A. M. Gavigan and Catherine F. Klein, Chapter 1, *The First Wave of Modern Clinical Legal Education, The United States, Britain, Canada and Australia* in Frank S Bloch (ed), *The Global Clinical Movement, Educating Lawyers for Social Justice*, OUP, 2011

<sup>32</sup> Guth, J. and Ashford, C. (2014). *The legal education and training review: regulating socio-legal and liberal legal education?* *The Law Teacher*, 48(1), 5–19.

legal education as self-evident but for an argument in support from an employer's perspective, see Tony King<sup>33</sup> in *Reimagining Clinical Legal Education*,<sup>34</sup> where he argues that 'the skills and knowledge the students gain from CLE can be of use in any legal environment, whatever the nature of the work done there – in law firms, in-house legal departments, chambers and so on, whether focusing on private client or commercial work.<sup>35</sup> The results have encouraged us, particularly in the face of the challenges posed by the new Solicitors Qualifying Examination<sup>36</sup>, to seek to mainstream experiential learning in our current law degree, with additional opportunities to take part in clinics and simulations embedded in new modules.<sup>37</sup>

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<sup>33</sup> Former Chair of the Education & Training Committee of the Law Society of England & Wales.

<sup>34</sup> King T, Chapter 6, *Clinical Legal Education: A view from Practice* in Thomas L, Vaughan S, Malkani M and Lynch T (Eds), *Reimagining Legal Education*, Hart Publishing (2018).

<sup>35</sup> *Ibid.*, p 186.

<sup>36</sup> See Unger A, Chap 1, *Legal education future(s) – the changing relationship between law schools and the legal profession*, in Jones E and Cownie A (Eds), *Key Directions in Legal Education: National & International Perspectives*, Routledge (2020), <https://doi.org/10.4324/9780429448065>

<sup>37</sup> We have created a new clinic module (optional), a new negligence case simulation (core) and developed new Family Law, International Human Rights Law and Business Law (Solutionise) Clinics.