

## Reasons why law students should have access to learning law through a skills-based approach

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# Reasons why law students should have access to learning law through a skills-based approach.

## Abstract:

The Legal Education and Training Review<sup>1</sup> identified gaps in law students' key skills development and this paper considers how skills training in three key areas of mooting, negotiation and client interviewing can be maximised so that law students have a sense of themselves as lawyer as well as law student from the beginning of their legal education. The research identifies numerous benefits to learning law through skills-based activities, but also discovers some possible apprehensions about participating from a student perspective.

This paper draws on data taken from students who engaged in short term optional courses in client interviewing, negotiation and/or mooting and considers the responses to a survey conducted prior to participation, a reflective survey post-completion and a focus group exercise. In total 64 students responded to the questionnaire. The research explores the expected and actual benefits of participating in the courses, discusses how these impact on students' perceptions of their employability and the types of activities considered most valuable. The article considers how, in light of the research, experiential learning can be put to best use within the law curriculum.

## Introduction

This paper explores *inter alia* students' motivation for participating in short term optional skills courses, their perceptions of the value of them particularly in relation to skills development, employability and professional practice and considers the implications for the wider law curriculum. In particular, it examines the responses to two surveys and a focus group carried out amongst law students who took part in experiential learning activities, namely client interviewing, negotiation and/or mooting.

We argue that opportunities to interview, negotiate and moot can contribute to redressing the gaps in communication skills and commercial awareness highlighted in the Legal Education and Training Review<sup>2</sup> (LETR). In addition the QAA Subject Benchmark for Law (2015) defines what can be expected of a graduate, in terms of what they might know, do and understand at the end of their studies with communication skills once again being identified as key and this paper would argue that short term experiential activities can play a

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<sup>1</sup> J.Webb, J.Ching, P. Maharg and A. Sherr, Legal Education and Training Review (LETR), *Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales* (London: Legal Education and Training review, 2013).

<sup>2</sup> Ibid.

role in achieving this goal<sup>3</sup>. The research uncovered some apprehensions about participating from a student perspective, which need to be considered when designing skills-based activities.

## Employability and Professionalism in Legal Education

Recent trends in the discourse on legal education suggest that the need to focus on employability and professionalism<sup>4</sup> is more pressing now than ever before.

The concept of employability is open to different interpretations<sup>5</sup>, however most tend to point to the skills and attributes that make graduates more likely to gain employment. Research has shown that a number of factors make it easier to achieve this employability and pursue a legal career, namely work experience, networking and skills development activities<sup>6</sup>, whilst inhibiting factors have been noted as competition for jobs and difficulty in finding work experience<sup>7</sup>.

Similarly a definition of professionalism has proved elusive<sup>8</sup>, but can be described to encompass shared norms, high standards of competency, conduct and public obligation<sup>9</sup>. Arguably it goes beyond technical competence to include attributes such as autonomy, a fiduciary duty to the court<sup>10</sup> and the ability to manage ambiguous problems, tolerate uncertainty, and make decisions with limited information<sup>11</sup>. Much of the debate has been around how to design courses that enable students to begin to acquire and develop professional values before they enter the legal profession<sup>12</sup>, on the basis that almost all such skills are transferable, regardless of their final career<sup>13</sup>.

The relationship between professionalism and employability can be seen in the research by Dagilyte and Coe, who argue that given the changing legal services landscape, “the challenge for legal educators is to adapt to this transition in a way that continues to deliver

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<sup>3</sup> QAA Subject Benchmark Statement: Law July 2015 UK quality Code for Higher Education Part A: Setting and maintaining academic standards: <http://www.qaa.ac.uk/en/Publications/Documents/SBS-Law-15.pdf> accessed 4 March 2016

<sup>4</sup> E.Dagilyte and P. Coe, “Professionalism in higher education: important not only for lawyers” (2014) 48(1) *Law Teacher* 33-50; P. Baron and L. Corbin, “Thinking like a lawyer/acting like a professional: communities of practice as a means of challenging orthodox legal education” (2012) 46(2) *Law Teacher* 100.

<sup>5</sup> D. Rigg, “Embedding employability in assessment: searching for the balance between academic learning and skills development in law: a case study” (2013) 47(3) *Law Teacher* 404, at p.406.

<sup>6</sup> P.Childs, N.Firth and H. de Rijke, “The gap between law student career aspirations and employment opportunities” (2014) 48(1) *Law Teacher* 51-68, at p.58.

<sup>7</sup> *Ibid.*, pg.61

<sup>8</sup> Dagilyte and Coe, *supra* n.4, p.35.

<sup>9</sup> Baron and Corbin, *supra* n.4, p.108.

<sup>10</sup> M.Rowe, M.Murray and F.Westwood, “Professionalism in pre-practice legal education: an insight into the universal nature of professionalism and the development of professional identity” (2012) 46(2) *Law Teacher* 120, at p.121.

<sup>11</sup> Dagilyte and Coe, *supra* n.4, p35.

<sup>12</sup> Rowe, Murray and Westwood, *supra* n.10, p.122.

<sup>13</sup> QAA Subject Benchmark Statement: Law (2015) <http://www.qaa.ac.uk/en/Publications/Documents/SBS-Law-15.pdf> (accessed 11 February 2016)

effective legal education, by producing employment-ready graduates...at the very heart of being employment-ready, in any industry, is the notion of professionalism”<sup>14</sup>.

Closely linked to employability and professional practice, is an increasing spotlight on oral communication skills. Studies have noted that when recruiting new graduates a high value is attached by employers to communication skills<sup>15</sup>.

The law curriculum needs to combine the learning of substantive law with the experience of practice to enhance employability, professionalism and communication skills. Hall and Kerrigan have argued persuasively for the need to “synthesise the doctrinal study of law with an exposure to the practical realities of the law”<sup>16</sup>. This approach argues for opportunities for students to have increased exposure to the operation of law in practice and to develop learning opportunities throughout the degree which facilitate contextualised experience of the law.

Experiential learning, whereby learners learn through direct participation in the area concerned, rather than through more passive traditional teaching methods, arguably enables the law curriculum to meet these goals of experiencing practice. Kolb states “When learning is conceived as a holistic adaptive process, it provides conceptual bridges across life situations such as school and work, portraying learning as a continuous, lifelong process”<sup>17</sup>. Maranville finds Kolb’s model of knowledge transformation through experiential learning particularly relevant for legal education and makes a strong case for the integration of experiential learning into the curriculum from the outset<sup>18</sup>, submitting that it can generate passion among students and enrich learning by placing it in context<sup>19</sup>. She argues that the “trade-off” between traditional content and increased experiential learning is worth it as the latter type of learning leads to better knowledge retention than that of content which is often lost after assessment. Tokarz *et al*, whilst acknowledging the value of simulated exercises, call for “expanded practice-based experiential education” which they argue “will provide foundational learning for the successful transition from law student to law practice”<sup>20</sup>.

Many academics are reporting the benefits achieved through adopting experiential learning as a teaching tool. Higgins, Dewhurst and Watkins’ research identified the effectiveness of field trips as short-term experiential learning activities in legal education<sup>21</sup>, whilst Campbell

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<sup>14</sup> Dagilyte and Coe, *supra* n.4, p.34.

<sup>15</sup> Rigg, *supra* n.5, p.405.

<sup>16</sup> J.Hall and K.Kerrigan, “Clinic and the wider law curriculum” (2011) 15 *International Journal of Clinical Legal Education* 25.

<sup>17</sup> D. Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (New Jersey, PTR Prentice-Hall, 1984), at p.33.

<sup>18</sup> D. Maranville, “Infusing Passion and Context into the Traditional Curriculum through Experiential Learning” (2001) 51(1) *Journal of Legal Education* 51.

<sup>19</sup> *Ibid.*, p.52.

<sup>20</sup> K. Tokarz, A. Sedillo Lopez, P. Maisel and R. Seibel “Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!” (2014) 43 *Washington University Journal of Law and Policy* 11, at p.14.

<sup>21</sup> N.Higgins, E.Dewhurst and L.Watkins, “Field trips as short-term experiential learning activities in legal education” (2012) 46(2) *Law Teacher* 165

has argued that business clinic can allow students to experience complex commercial practices<sup>22</sup>.

For over a decade writers examining legal education have also been using Dewey's educational theory to promote the view of student moving from "spectator to participant in legal education"<sup>23</sup>. Maharg<sup>24</sup> argues that games, simulation and role-plays can be used from the first day of legal education.

However, there is no agreement as to the extent to which law programmes should be pursuing the employability and professional practice agenda<sup>25</sup> through experiential learning or any other means. Arguably a liberal legal education (one which does not focus on education for a particular purpose other than education itself<sup>26</sup>) would focus attention instead on knowledge for knowledge's sake and developing skills of research, critical thought and debate<sup>27</sup> rather than employability, professional practice and communication skills. In fact Guth and Ashford have forewarned that if foundation subjects are driven by the legal profession, the foundation subjects will be "less concerned with what is fundamental to the study of law but instead focus on what is currently considered as important in legal practice. Students will therefore be robbed of the opportunity to engage with the rich socio-legal writing on a wide variety of topics"<sup>28</sup>. Rigg notes this challenge in terms of the "dual function of providing a liberal legal education while facilitating student and external expectations of employability"<sup>29</sup>.

Such arguments date back to the changing perceptions of the functions of higher education which in turn led to the endorsement given to legal and generic skills by the Marre report<sup>30</sup>. As Boon<sup>31</sup> states "the recommendations made for higher education in the Dearing report, that disciplines should be contextualised, that students should become familiar with work and encouraged to reflect on that experience and that they should develop key generic and

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<sup>22</sup> E.Campbell "A dangerous method? Defending the rise of business law clinics in the UK" (2015) 49(2) *Law Teacher* 165 at p. 172

<sup>23</sup> J. Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York, The Macmillan Company, 1916); P.Maharg, *Transforming Legal Education: Learning and Teaching Law in the early Twenty-first Century* (Aldershot, Ashgate, 2007) p.156. Others applying Dewey to legal education include G. Johnstone "Liberal Ideals and Vocational Aims in University Legal Education" (1999) 3 *Web Journal of Current Legal Issues*.

<sup>24</sup> *Ibid.*, p.61.

<sup>25</sup> J. Guth and C. Ashford, "The Legal Education and Training review: regulating socio-legal and liberal legal education?" (2014) 48(1) *Law Teacher* 5 at p.6: when describing a liberal legal education "it is not aimed at preparing students for a particular job or profession and is not concerned with notions of employability".

<sup>26</sup> *Ibid.*, p.6.

<sup>27</sup> *Ibid.*, p.6.

<sup>28</sup> *Ibid.*, p.13.

<sup>29</sup> Rigg, *supra* n.5, p.404-405.

<sup>30</sup> *A Time for Change: Report of the Committee on the Future of the Legal Profession* [1988] Ch. 12 (The Marre report) referred to by A.Boon, "History is Past Politics: A Critique of the Legal Skills Movement in England and Wales" (1998) 25(1) *Journal of Law and Society* 151, at p.157.

<sup>31</sup> *Ibid.*, p. 158.

subject specific skills, is a continuation of what has now become a well established theme”<sup>32</sup>.

This paper, based on quantitative and qualitative research, shows that experiential learning in areas such as client interviewing, negotiation and mooting (typically associated with employability and professional skills development) can simultaneously create opportunities to delve into critical thought and reflect on the meaning and purpose of law, research and ethical considerations (more usually associated with a liberal legal education). We therefore argue that experiential based teaching and learning methods can meet the needs/views of both those advocating an increasingly employability centred law education and those pursuing a liberal legal education.

## **Client interviewing, negotiation and mooting**

Students at both undergraduate and postgraduate levels were given the option of taking part in client interviewing, negotiation and mooting short courses. Undergraduate students came from the LLB Law with Business and LLB Law with Criminology, which are three year degrees (four years with a placement).

The short courses lasted on average two hours weekly over a month and used a workshop format, drawing upon a range of approaches including lecture input and role-play activities. In client interviewing, for example, students worked in pairs to devise realistic legal problems and then acted as clients for their ‘solicitor’ peers who utilised a range of listening and questioning techniques to obtain information about the legal problem and then give legal and non-legal advice. In the mooting course, students were asked to prepare a variety of cases and act as senior and junior counsel for each party. A collaborative approach was used to develop relationships between the students, the university and professional practice, which involved professional solicitors/barristers supporting the workshops to bring a practical insight from experienced practitioners. Both the client interviewing and negotiation held an internal final, judged by an external panel of solicitors. The short courses were sponsored by solicitors’ firms, many of whom provided students with work experience.

The courses culminated in the students entering various regional and national competitions. Students were encouraged to maximise the learning opportunity by blogging about their experiences on edublog (the University blogging site).

A possible ethical issue in running these short optional courses is that comparatively few of the students may go on to train as a barristers or solicitor and a key consideration is how we manage students’ expectations on this issue. Firstly, the courses are promoted to students as, for example, ‘a negotiation short course’ and are not specifically promoted as an aid for becoming a solicitor or barrister and so student expectations are managed by a very clear description of the aims of the course. Secondly, we would contend that the research

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<sup>32</sup> *Higher Education in the Learning Society: Report of the National Committee* (1997) ch.9

suggests that the skills gained during the courses, such as communication skills, research skills and professional experience are applicable throughout every level of the legal profession (and of course, beyond the legal profession).

## Research methodology

The authors invited students to participate in a small-scale survey to gain an understanding of their motivations for taking part in the courses and post-event to reflect on their experiences of taking part. Ethical clearance for this research project was obtained prior to embarking on the study, with copies of proposed questionnaires given to the institution's Ethics Committee. Students were informed that taking part in the study was optional (and anonymous) and to what use we intended to put the data received.

A mixed method, purposive sampling approach was utilised for the study<sup>33</sup>. Students participating in the courses were given a questionnaire before the first workshop. In total 64 questionnaires were returned (out of a total of 80). Whilst this represents a relatively small sample size (and is thus a limitation of the research findings), the feedback was detailed and provides useful guidance as to students' perceptions of these types of learning opportunities.

Students were asked about their motivation for participating; perceived benefits; anticipated skills development; career aspirations and any possible concerns in taking part.

The second survey was distributed after students had taken part in the workshops. Students on this occasion were able to hand them in at the time of the workshop or fill in at a later time. The response rate fell to 20 for the follow up survey and it may be that it would have been preferable to have asked students to fill in the questionnaire during the final workshop. The survey was a reflective piece asking students to consider their views of the experiential learning activities post event. They were questioned about the actual benefits of the course; their skills development and asked to rank workshop activities.

A focus group took place in February 2015, after completion of the courses. There were two facilitators and six student participators. The aim of the focus group was to further explore the data from the questionnaires and any other issues arising<sup>34</sup>. An acknowledged limitation of the study is that the students who participated were likely to be the most motivated of their cohort and therefore the question arises as to generalizability and transferability<sup>35</sup> to law students generally.

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<sup>33</sup> *The Oxford Handbook of Empirical Legal Research*, eds Cane and Kritzer (Oxford University Press 2010) 39 Nielsen 'The Need for Multi-Method Approaches' p955.

<sup>34</sup> M. Denscombe, *The Good Research Guide for small-scale social research projects* (Oxford, Oxford University Press, 2007) pp 178-183.

<sup>35</sup> *Ibid.*, p.299.

## Findings from the pre-short course survey

Initial data was collected on students' courses. The vast majority (nearly 70%) were undergraduate, whilst the remaining participants were postgraduate CPE students. The survey asked respondents to consider the expected benefits of taking part and the results are shown in Table 1.



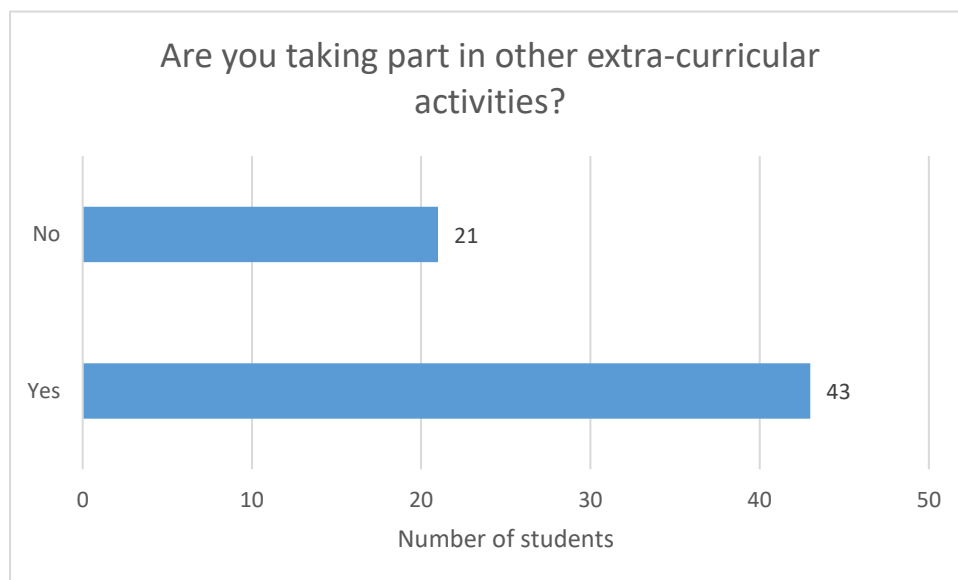
Table 1. Expected benefits of taking part (responses were unprompted and not ranked in order)

Student expectation	Client interviewing	Negotiation	Mooting
Skills development	<p>Interviewing skills</p> <p>Planning</p> <p>Communication skills - Listening - Speaking</p> <p>Problem solving</p> <p>Teamwork</p> <p>Improve English</p> <p>Practical skills</p> <p>Ability to pick out important information</p> <p>Pay attention to detail</p> <p>Speaking with clients in a way which instils confidence</p> <p>Advising</p>	<p>Negotiation</p> <p>Planning</p> <p>Communication skills – Listening-Speaking</p> <p>Problem solving</p> <p>Teamwork</p> <p>Improve English</p> <p>Practical skills</p>	<p>Public speaking</p> <p>Research skills</p> <p>Communication skills</p> <p>Problem solving</p> <p>Presentation skills</p> <p>Developing a legal argument</p> <p>Thinking quickly under pressure</p> <p>Persuasive skills</p>
Other	<p>Employability – CV – help with my upcoming interviews- networking</p> <p>Confidence</p> <p>Realistic insight into legal profession</p> <p>Commercial awareness</p> <p>Keeping calm when asked questions on the spot</p> <p>Hands on approach alongside lectures</p> <p>Gain more knowledge</p> <p>Assist with obtaining facts of a case</p> <p>Help me with real-life situations</p>	<p>Employability – CV</p> <p>Confidence</p> <p>Realistic insight into legal profession</p>	<p>Employability – CV</p> <p>Confidence</p> <p>Experience securing pupillage</p> <p>Better understanding of the law and court process</p> <p>Thinking like a lawyer</p>

As shown in Table 1, many of the areas of learning expected by the students taking part, revolved around communication. This correlates with the research mentioned above which identified communication skills as a key issue for potential employers and was also highlighted by the LETR. For the mooting course, additional learning areas were identified including developing a legal argument and thinking quickly under pressure. Other expected benefits focused on employability and developing CVs.

The focus group also mentioned their perception of the improvement in their employability as a motivation for participating in the course; suggesting that it would improve their chances of an internship, it was relevant for the CV, it would assist with applying for training contracts, and that it would provide an opportunity to “gain experience without being in a law firm”. The participants also felt that the courses were an opportunity to raise their commercial awareness.

**Figure 1. Analysis of activities undertaken**



A large number of those students attending one of the optional short courses were also attending another experiential learning event. This percentage was higher than expected as it was anticipated that students would choose only one of the courses on offer due to time constraints.

## Supporting the degree course

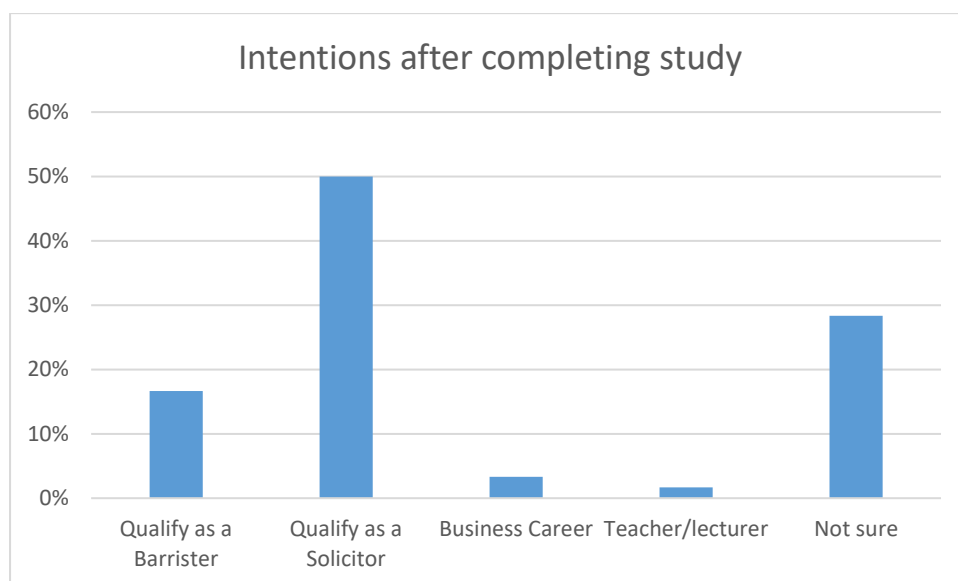
Students were asked in what way they envisaged the courses supporting their overall degree. Students made a very strong link between the short courses and perceived employability. For example, the feedback suggests that students hoped that it would be “CV enhancing”; that it would create “supplementary skills for career prospects”; it would create an opportunity to “understand what it is like to be a solicitor”; “learn increased knowledge and confidence”; and that it “should help me to interview effectively”.

The responses suggest that this perception of improved employability would be achieved by developing their professional practice by giving a more practical and realistic view of the legal profession. Students commented that it would give a “real life context to the course”; “essential client-facing experience”; offering an opportunity to experience “law in practice”; giving a “practical application to academic skills”; a “practical insight in to the law” and an overall ability to “think like a lawyer”.

The responses also suggest that it was envisaged that the course would feed directly back into their degree, in that it was suggested it would help with “understanding some new approaches to problem questions”; and “will reinforce what I learn in lectures”.

Those on the mooting module specifically noted that their perception was that the course would assist them in “understanding more legal concepts”; “adding depth to my knowledge”; developing their research and analysis skills – with the point made that the research skills would be transferable. Arguably therefore the courses are not stand-alone events linked solely to employability, but instead can play a role in a liberal education by giving an opportunity to really think about the implications of the material discussed in lectures and support the ability to research and question the law.

**Figure 2. Intentions after completing study.**

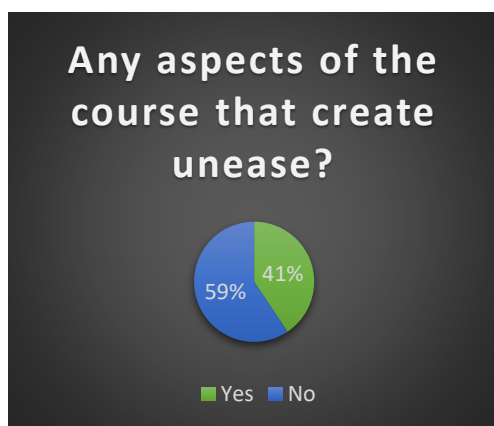


As previous studies by Bone<sup>36</sup> have discovered, more aspire to a career as a solicitor than a barrister, although the figures of those wishing to pursue a legal career (67%) was higher than previous studies (55%)<sup>37</sup>. The transferable nature of the skills learnt was noted “regardless of career choice, disputes will always arise e.g. HR”.

### Aspects of the course that have the potential to create unease

The survey explored some of the issues that may cause apprehension for students taking part.

Figure 3. Aspects of the course that create unease.



The response to this question was quite surprising. The research discovered that just under half the students felt some unease about aspects of the course they were about to embark on and this is a useful reminder to short course designers about the concerns of students participating in these types of experiential learning activities.

<sup>36</sup> A.Bone, “The twenty-first century law student” (2009) 43(3) *The Law Teacher* 222-245.

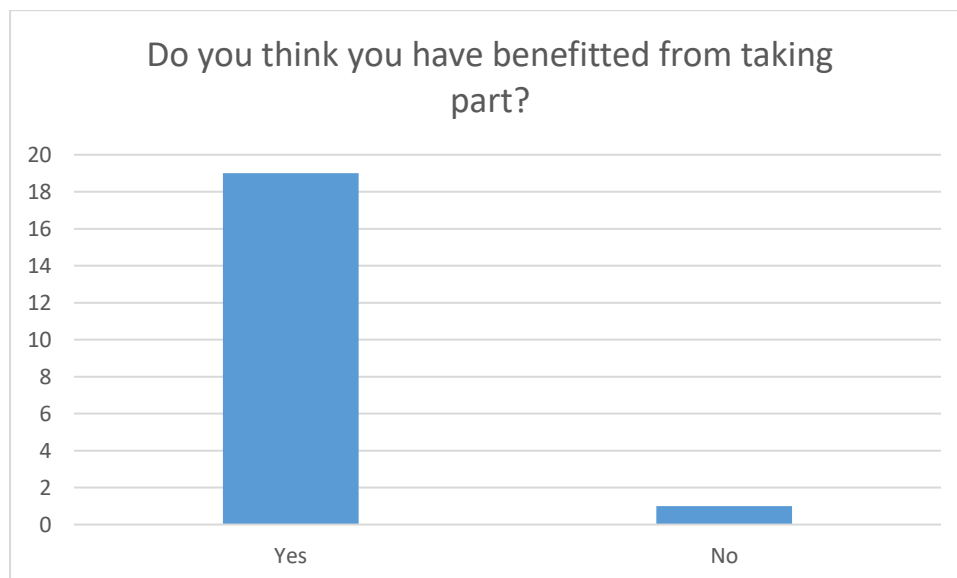
<sup>37</sup> *Ibid.*, p.227.

For those on the negotiation course the worries centred around how to handle difficult situations, such as possible anger/shouting; confidence; interacting with new people; managing silence and in particular “public speaking and thinking on my feet while under pressure”. In the client interviewing sessions, students felt uneasy about public speaking, for example comments included “speaking in front of real lawyers”; “speaking fluently in public”; “other people listening and [me] accidentally saying something stupid”. Other possible issues included the competitive nature of the courses; and being “put on the spot and maintaining composure”. In mootings, issues cited included public speaking and “answering questions on the spot”, but also research skills: “building legal arguments and researching”, “knowing the law thoroughly”, “preparing and finding material”.

## Findings from the post-course survey

Students were invited to reflect on their experiences, with a follow up survey and twenty students did so. The initial questions asked respondents if they felt they had benefitted from taking part and if so, in what ways.

Figure 4. Number of students benefitting from taking part.



## Table 2. Student reflections of participation.

Table 2 demonstrates the range of benefits experienced. The data suggests that whilst students cite perceived improved employability/professional practice and communication skills as key benefits, they also highlight areas typically associated with a more liberal legal education such as the consideration of ethics and development in research abilities. In this way, professional skills development can be seen as contributing to a wider legal education and supports the view that variety is key<sup>38</sup> and that ultimately participating in these types of courses can give a deeper meaning to the substantive learning.

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<sup>38</sup> Hall and Kerrigan, *supra* n.16.

	<b>Student reflections (responses are not ranked in order)</b>
Employability and professional practice	<p>A fun way to get some professional experience</p> <p>It is very useful as it enables us to actually act as professionals and gives us useful tips and confidence which we can use not only in the interview but also in our daily life</p> <p>It has given me an insight into life as a solicitor</p> <p>Adhering to the professional rules</p> <p>I now feel I have an insight into the actual work a solicitor does and an idea of the soft skills needed</p> <p>Useful to understand the law from a more practical perspective</p> <p>It's given me a much better idea as to what sort of career I might like to pursue and what I can look forward to enjoying</p> <p>Develop CV</p> <p>Improve my CV</p> <p>Very helpful insight into real-life negotiation, as anticipated an better</p>
Communication skills	<p>Improving my public speaking skills</p> <p>Listening skills</p> <p>Communication skills – speaking, listening and articulating</p>
Other	<p>Learned a skill that is not on my course</p> <p>Lots of skills were developed and refined and put into practice</p> <p>Even the short practice has taught me a lot</p> <p>Despite being a beginner, I felt I improved during the sessions</p> <p>Useful re negotiation</p> <p>How to think of different outcomes</p> <p>It has really placed me out of my comfort zone and it's very transferable</p> <p>Developing research skills</p> <p>Getting feedback on how to improve – especially the in-house competition. I became more familiar with court etiquette</p> <p>I have gained an appreciation of establishing the ground rules at the beginning, understanding the different types of client and their needs and learning the importance of ethics.</p>

The focus group confirmed these findings by highlighting the students' perceptions of improved future employability as a key benefit of having taken part. Students commented: "I had an interview – I was asked about it – the first thing they said. Separates us from other law students – really relevant. Useful for application forms – what makes you stand out. I've had a job at a law firm since taking part". Students also reported gaining a "broader understanding of the world of law in which we are trying to become a part of". There was some feeling that university life is "very good at preparing students to be academics, all of us can certainly tick-box the requirements for writing an essay, or answering a problem question, but whilst these skills are necessary, they don't appear to be what will be required of us in the real world".

### Figure 5. Students' learning styles: what workshop activity suited them best?

Previous studies<sup>39</sup> have shown that a vast majority of students think that lectures are the most important part of their learning experience at university and seminars are an effective means of improving understanding. Those same studies indicate that students' learning is deemed to be driven by assessment. So, it was interesting to understand students' views on the courses in terms of preferred workshop activities.

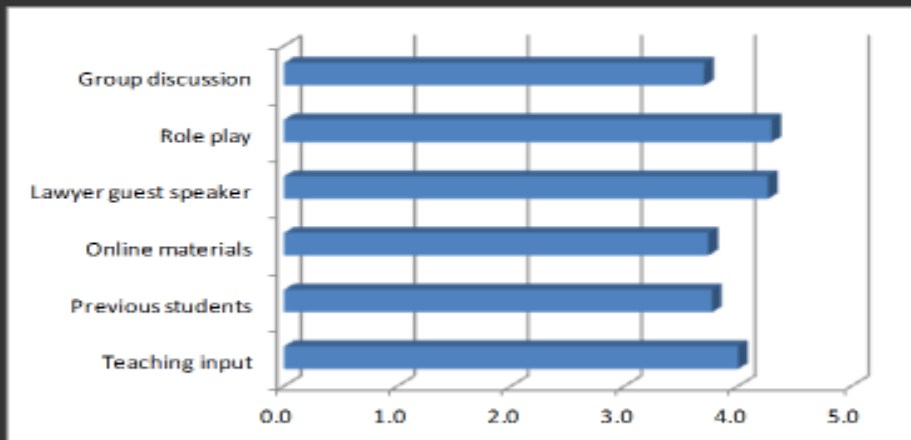
The survey asked respondents to rate each activity on a scale of 1 to 5, with 1 not being very useful and 5 being very useful. The data below suggests a more even distribution than perhaps anticipated by the authors. Whilst role play and professional guest speakers were the most valuable, equally group discussions, teaching input, hearing from previous students and utilising online materials scored relatively well.

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<sup>39</sup> Bone, *supra* n.36, p.232.



## PREFERRED WORKSHOP ACTIVITIES



The chart above reflects the average score across the respondents on a scale of 1 to 5, with 1 being not useful/enjoyable and 5 being very useful/enjoyable

Students particularly enjoyed working with those already in practice: “Professionals coming in made me feel like a professional myself” and participants noted that it assisted with networking: “Professionals coming in for workshops and judging is a softer way to network”. The lecturer facilitators saw this networking taking place during the workshops and internal competitions where the students were able to meet with practitioners.

### Assistance with academic studies

Respondents were asked if they thought the short course would assist with their academic studies going forward. The data shows that the participants closely linked having taken part with future employability. Beyond this the feedback suggests students also felt that the courses had been useful for dealing with “problematic issues” and for learning how to “envisage applying our legal knowledge to practical situations”.

A number of students made a direct link with communication skills, commenting “It will certainly help with group work, seminars and presentation. I think about my communication skills more when doing these activities now” and “I am more confident and think I can handle presentation and other oral assessments better”.

Participating had also encouraged wider reading around subjects: “Helped encourage me to read outside of the course curriculum which is always a plus” and helped to develop research skills/ability to formulate a legal argument.

## Employability

The next question delved deeper into exactly what about the short optional course supported future employability. Respondents commented that the course had been useful for “applying for jobs”, the skills gained were “transferable – help you to stand out”, having participated “shows I have gone beyond my course” and that it was perceived that “employers want these vital skills”. The data indicates a potential link with interviews with comments such as “it will show I am pro-active and gives me something to talk about in interview”, “it shows an enthusiasm to learn more about the subject”, “possibly as it shows I was involved in extra-curricular activities which progressed skills such as public speaking and this may impress prospective employers”.

Students also reflected that it would improve employability because it had encouraged them to be confident speakers. The data suggests that students see this type of short course as part of a wider legal education, commenting “It has made me aware that legal knowledge is not the only important skill in getting a job. Soft skills are just as important but in many ways harder to develop”. Those participating in mooting noted that the course had developed their advocacy and research skills.

## Should the course be integrated within modules?

The researchers in this project are interested as to whether skills courses should be embedded within modules or stand-alone units. There was a mixed response to this in the survey, with some advocating that the courses should be embedded within the curriculum, others preferring it to be a stand-alone optional activity (commenting that it was “not for everybody” and “I think perhaps keeping this as an extra-curricular option is ideal at the moment, as not all those who study law do so in order to become solicitors or barristers”) and others not sure. Whether embedded or not, students saw these short courses as part of a more general theme of entrepreneurship and commercial awareness:

“It should be part of a wider approach to entrepreneurship and commercial awareness. It is what you are asked about at interview. The changing legal market; changing areas of law”.

## Last thoughts?

Participants were asked if they had any further comments on their experience. On the whole students were glad to have taken part, would recommend it to other students, and found it worthwhile. In terms of possible areas for improvement, students noted that they can find it challenging working with students from different degree courses. In some cases students were placed into teams where they did not know their partner and this had caused problems: “It is difficult if you disagree with what your partner is doing – it is how to manage that”. It would therefore seem prudent to build this issue into the discussions prior to the role play.

## Discussion

The research indicates that experiential learning courses that enable students to engage with practitioners, gain work experience and develop their employability skills play an important role in the law curriculum. Students put employability and professional practice high on the agenda and they, like the LETR, place a high value on developing their communication skills and commercial awareness. We argue that the data collected in this study supports that of previous studies that experiential learning activities such as these can enrich the student learning experience<sup>40</sup>. This study discovered that students' perceive a positive impact on their future employability – it would be interesting to conduct further research to assess the impact of these activities on actual employability, which would require a longitudinal study.

Academics<sup>41</sup> have encouraged the incorporation of experiential learning opportunities within modules and suggested that these types of activities should not be seen as purely a skills-based agenda but instead “be seen as part of the core teaching programme”<sup>42</sup>. A slightly different interpretation of this view could be that whilst the benefits of incorporating experiential learning into modules have been clearly stated, this research would suggest that there is also a place for learning to take place as short, optional courses. Unlike Maranville<sup>43</sup>, these short courses need not be seen as a “relegation” and instead as a valuable part of the curriculum - giving students' choice over which areas they wish to delve deeper into and offering lecturers a new way to engage with students outside set contact teaching time.<sup>44</sup> Perhaps an avoidance of the terminology “extra-curricular” which can give the misleading view that the learning achieved is somehow outside of the curriculum, would help? It is possible to argue that adopting a mixed approach of utilising experiential learning within modules (court visits, negotiation assessments built into family law modules, separate mooting modules and law clinics<sup>45</sup>) whilst also running short optional courses (in client interviewing, negotiation, mooting, innocence projects and so forth) maximises students' experience and choice within the curriculum.

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<sup>40</sup> Hall and Kerrigan, *supra* n.16, p.27 - argued (in relation to clinical methodology generally) that it “has the potential to make the student learning experience more engaging, more challenging and ultimately more valuable”. Higgins, Dewhurst and Watkins, *supra* n.21, at p.177 noted the benefits to be gained from short-term experiential learning techniques in terms of motivation, contextualising legal theory and the development of skills, including improved confidence.

<sup>41</sup> Maranville, *supra* n.18, p.52 “experiential learning should be integrated into the traditional curriculum, rather than being relegated to separate clinical courses”; Hall and Kerrigan, *supra* n.16.

<sup>42</sup> Hall and Kerrigan, *supra* n.16, p.33.

<sup>43</sup> Maranville, *supra* n.18

<sup>44</sup> F.White and L. Crowley, “The international summer school experience: a worthwhile challenge” (2015) 49(1) *Law Teacher* 39, at p.40 note the value to students who study a topic over a relatively short period of time (in relation to intensive teaching in summer schools) and to lecturers who can experience “a novel platform to teach and engage”

<sup>45</sup> Campbell, *supra* n.22, presents an interesting piece on the rights of business law clinics to be part of the clinical legal education movement.

We submit that experiential learning opportunities like these need not be considered outside the remit of a liberal legal education. Guth and Ashford describe a liberal legal education as “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”<sup>46</sup>. We argue that these experiential learning activities can come within that definition as facilitating wider learning – the data suggests participants gained deeper learning about ethics, research and analysis alongside developing skills aimed at employability. Students did not see these as a dual purpose in any way, but as part of the same educational experience.

This research suggests that short term optional courses like these can contribute to meeting a number of the skills and qualities of mind outlined in the QAA Subject Benchmark Statement: they can support the development of communication skills, qualities such as self-management (these short courses are optional, run later in the evening and require a great deal of self-management alongside other academic commitments), awareness of ethics (in negotiation ethical issues are discussed in detail with students and form part of the marking guidelines) and finally the ability to work with a range of data including numerical and statistical (in negotiation, for example, students deal with scenarios that contain numerical and statistical data which they have to use effectively to reach a successful negotiated settlement).

It is possible to take steps to maximise the effectiveness of experiential learning optional short courses. Specifically, it seems important when designing activities to link with key stakeholders such as leading firms, to sponsor the events; participate in the workshops and provide work experience thus contributing to the development of professional practice. These links with professional firms also provide students with what they consider to be a “softer way to network”.

Another aspect is the need to provide plenty of opportunity for feedback. Students were provided with ongoing feedback from academic staff, which was supplemented by feedback from professional firms.

Student engagement during workshops was supported through the use of a problem-based learning approach. In negotiation for example, students were “drawing upon scenarios resembling the complexity and novelty of real-world situations”<sup>47</sup>. This approach was considered to be a successful way in which to promote motivation and engagement in the workshops and support the development of key skills including the ability to work with a range of data, to recognise ambiguity and deal with uncertainty and understand that there may be a variety of alternative solutions.<sup>48</sup>

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<sup>46</sup> Guth and Ashford, *supra* n.25, p.7.

<sup>47</sup> J.Clough and G Shorter, “Evaluating the effectiveness of problem-based learning as a method of engaging year one law students”(2015) 49 *Law Teacher* 3, at p. 279.

<sup>48</sup> QAA Benchmark Statement, *supra* n.3.

Students were also encouraged to use the courses to share and promote their learning experiences through the law school's edublog and through the school's law network via social media. We feel that enabling students to feel part of a community of practice will become increasingly important in a changing legal services market<sup>49</sup>.

## Conclusion

The objective of this article has been to analyse a sample of student surveys prior to and post participation in optional short courses (in client interviewing, negotiation and mooting) to assess the perceived impact these initiatives had on meeting the gaps in communication and commercial skills identified in the LETR and identified as important benchmarks in the QAA. The goal has been to gain an insight into the educational benefits of taking part, the possible feelings of apprehension students experience in taking part and the implications this has for the law curriculum. Whilst it is recognised that the sample size is relatively limited, a number of conclusions can be drawn from this research.

First, short optional courses in client interviewing, negotiation and mooting have a valuable role to play in developing numerous skills identified as important in the LETR and the QAA Benchmarks. The most important benefits, from a student perspective, are the improved communication skills, commercial awareness and a perception of enhanced employability and professionalism.

Secondly, the research found that participants can experience apprehension while taking part. Anxieties included possible conflict situations, feelings of lack of confidence and concerns about speaking fluently in public. Those involved with designing experiential learning opportunities for students would benefit from being mindful of these concerns. It would be interesting to identify the barriers to taking part by interviewing students who choose not to participate in the short optional courses and in this regard, more research would be beneficial.

Third, this article submits that not all experiential learning should be embedded into modules and that there continues to be a role for short optional courses. It is suggested that a multi-layered strategic approach to experiential learning should be adopted that evolves during the students' period of study and comprises some activities embedded within the curriculum and others run as short term optional activities to create a package of opportunities.

In terms of delivering short-term experiential learning activities, the research indicates that students enjoyed a range of workshop activities including role play, lawyer guest speakers, teaching input, group discussion, hearing from previous students and online materials.

The research also suggests that experiential learning in areas such as client interviewing, negotiation and mooting (typically associated with skills development), may also create opportunities to delve into critical thought about the meaning and purpose of the law

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<sup>49</sup> Baron and Corbin, *supra* n.4.

(usually more associated with a liberal legal education). In the surveys students reported improved research skills and “learning the importance of ethics”, whilst in the focus group discussion students felt that they had gained a “broader understanding of the world of law”. This would suggest that short term optional courses have a role to play in both the employability agenda and meeting the needs of a liberal legal education.

Finally, the lecturers delivering these activities reflected that there seems to be something unique about short, intensive courses with a limited number of students from different courses and year groups<sup>50</sup> that creates the buzz which Maranville referred to as “infusing passion and context”<sup>51</sup>.

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<sup>50</sup> Higgins, Dewhurst and Watkins, *supra* n.21, at p. 178 noted that short-term experiential learning activities (in this case field trips) can be a very important bonding experience with other students whom they had not had an opportunity to meet during the term

<sup>51</sup> Maranville, *supra* n.18.