

Impact of clinical education on employability (0092)

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Part 1: Abstract

The employability imperative in legal education is part of the more general landscape in the UK where Higher Education Institutions (HEIs) are placing increasing emphasis on the employability agenda and the “skills” that can be transferred from degree-level study into the workplace. Certainly, current political and business discourse has very firmly positioned the responsibility for employability with HEIs. They place great emphasis on “employability” though make no attempt to describe what that might be or how it can be achieved. This paper outlines findings from a qualitative study into perceptions of the role clinical education plays in influencing employability. The context of this research is focused on law students operating within a Law Clinic where we consider how clinic is perceived by employers, alumni, staff and students and whether students are clearly articulating the opportunities and perhaps limitations of clinic when applying for graduate employment.

Part 2 Paper Outline

As a result of a combination of factors which include government and business pressures to help students become “job-ready” and thus contribute to economic growth as well as the introduction of student fees, Higher Education Institutions (HEIs) have been paying increasing attention to the “employability” of their graduates. The introduction of the Teaching Excellence Framework (TEF) will add a further incentive to HEIs to continue to improve their employability offering as the TEF’s proposed use of DLHE as one of the metrics to judge teaching excellence will forge that link, however imperfectly aligned that link appears to be.

There is a large body of literature around the definition of “employability” and the role of skills but very little that interrogates the impact of clinical legal education on graduate employability. Research in America (Yackee 2015, Kuehn 2015, Findley 2015, Conklin 2015) on the issue of whether experiential learning improves

employment outcomes has sparked much academic debate and highlighted the need to conduct more research in this area before strong conclusions can be drawn.

At Northumbria University, clinical legal education in the form of the award winning Student Law Office has been the capstone of the 4 years integrated qualifying law degree. With an average of around 180 students each year taking part in clinic, supervised by a team of academic staff with current practising certificates, the Student Law Office provides pro bono advice in a range of legal areas. Without doubt, teaching through a live client clinic is a highly engaging form of pedagogy, and student feedback both at module and NSS level confirms student enthusiasm for this form of experiential learning. However, according to Susskind, we can anticipate “greater changes in law over the next two decades than we have seen in the last two centuries” (Susskind, 2013). As the legal environment changes, how far is the law clinic providing what employers are looking for?

The purpose of this research is to get a fuller insight into perceptions of clinical legal education to interrogate participants’ experiences as employers, alumni, students and clinical teaching staff to gain a better understanding of what employability skills can and perhaps cannot be gained from clinic in its current form. This study follows a subjectivist approach to studying social phenomena and used qualitative analysis from focus groups and semi-structured interviews. The research was inductive and interpretive and drew out themes from the data collected (Dewey 1933). In our analysis we were conscious of moving back and forth between a more naïve and inductive content analysis and deductive testing of our own preconceived ideas and by using a participatory and open ended data collection tool we were able to collect phenomenological and experiential insights into the participants’ perceptions. To aid this process research associates contributed to the collection and inductive analysis of this data.

In this study, 4 focus groups were used to examine the views of local employers, alumni, current students and clinical teaching staff. Two sets of competencies were shown to the focus groups, the CBI/NUS model of employability, and the Solicitor Regulation Authority Statement of Competence which defines the standards

expected of solicitors at the point of qualification and the steps they need to take to maintain these standards. The focus groups were asked to comment on these in the context of the Student Law Office. We were cognisant of our “insider” status as lecturers undertaking research using alumni, peers and students as participants and were reflexive in our approach to analysing the data. While one of the researchers played a major role in the law clinic, the other did not and that separation along with our recognition of potential bias from the “insider” positioning created an environment which enabled us to consider the data through a critical lens.

Themes arising from these focus group discussions included the differing views of employers and students as regards the value of the law clinic experience on their employability. The impact of the clinical experience was clear from the alumni group, who were overwhelmingly positive about their experience in the law clinic and spoke with great affection of this and how they continue to reflect on what they have learned there. The diversity of experiences on entering the legal profession was also highlighted by this group, including differing levels of support and supervision.

For the employers group, perhaps not surprisingly, business awareness figured strongly, together with skills such as communication and self-management, although employers emphasised communication beyond conventional written and oral skills, to include interpersonal skills as being key. Some employers did not feel they could differentiate between those who came to them having had experience in the law clinic, and those who haven't, although amongst the alumni, this experience was clearly greatly valued, a finding which merits further consideration. Alumni did, however, highlight the importance of contextualising the clinic experience, for example, by showing employers that they had an awareness of the ways in which clinic was not the same as legal practice, in terms of volume, speed, and level of supervision and feedback; it was important to avoid oversell as undersell.

It was clear that, for the students' focus group, in a clinic which is assessed for academic credit, assessment is the 'currency', whereas for employers, time is money, and new recruits had to make a rapid transition once in practice. Clinical supervisors were well aware of this need for this aspect of business awareness, but also saw the law clinic experience as providing intensive feedback and mentoring

that would enable students to be resilient enough to maintain their independence and autonomy.

Francis, in his research on legal work experience, has explored a view of legal employability as a 'negotiated, situated process', highlighting the social and cultural patterns which limit social mobility, and access to appropriate work experience (Francis, 2015). For those students in post-92 universities such as Northumbria, experiences in an in-house law clinic may have the potential to bridge this gap at least in part – but only if students are able to 'frame' this experience appropriately. This paper looks at the role of clinical legal education in enabling students to become 'work ready', and examines some of the complexities of the employability agenda. This research provides a contribution to a greater understanding of the impact of clinic on employability in the context of law students both in the UK and in other countries, such as America where clinical legal education has a long history as well as Australia, South Africa, Poland, Holland and many others where the concept of clinical education has been more recently embraced. More broadly at a time where there is increasing interest in experiential learning and "clinic" type pedagogy, the link between that approach and employability could provide valuable insights in a variety of contexts.

References

- Condlin, R.J. (2015) *Assessing Experiential Learning, Jobs and All: A Response to the Three Professors*, Uni. of Maryland Legal Studies Research Paper No. 2015-24 65.
- Dewey, J. (1933) *How we think*. Buffalo, NY: Prometheus Books.
- Findley, K.A. (2015) *Assessing Experiential Legal Education: A Response to Professor Yackee*, Univ. Of Wisconsin Legal Studies Research Paper No. 1348 627.
- Francis, A. (2015) Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience. *Journal of Law and Society* 42(2), pp. 173-201.
- Fulfilling our potential: Teaching Excellence, Social Mobility and Student Choice*, Department for Business, Innovation & Skills November 2015.
- Inspiring growth*, Confederation of British Industry/Pearson Education and Skills Survey 2015.
- Kuehn, R.R. (2015) *Measuring Clinical Legal Education's Employment Outcomes*, Legal Studies Research Paper Series Paper No. 15-12-01.
- Marson, J., Wilson A. and Van Hoorebeek M. (2005) *The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective*, 7 *International Journal of Clinical Legal Education*, 29.

Mercer, J. 2007. The challenges of insider research in educational institutions:

Wielding a double-edged sword and resolving delicate dilemmas. *Oxford Review of*

Education 33,no. 1: 1–17.

Russel, J. (2011) *Enhancing employability for LLB law graduates - initiatives with ILEX and Clinic at London South Bank University*, 45 *The Law Teacher* 64.

Susskind, R. (2011) *Tomorrow's Lawyers; An Introduction to Your Future*, (2013) Oxford University Press, USA.

Tymon, A. (2013) The student perspective on employability, *Studies in Higher Education*, 38:6, 841-856.

Working Towards your future: making the most of your time in higher education (2011), Confederation of British Industry and national Union of Students.

Yackee, J.W. (2015) *Does Experiential Learning Improve JD Employment Outcomes?* Univ. Of Wisconsin Legal Studies Research Paper Series Paper No. 1343.

Yorke, M. (2006) *Employability in higher education: What it is - what it is not.* Learning and Employability Series One, Higher Education Academy.