

Re-inventing the Wheel: Using Kolb's Learning Cycle and Dewey's Model of Reflective Thought to Classify Experiential Learning in the Law curriculum (0299)

Cath Sylvester

Northumbria University, UK

The current review of the undergraduate law curriculum and routes to qualification by the law professional is both unsettling and invigorating. In the absence of any certainty of what is to come and an apparent lack of urgency to resolve this, University Law Schools can approach the design of new undergraduate law curriculum from a wider perspective than predominantly as a process of evidencing the attainment of core knowledge components. There is no doubt that curricula in HE are changing. Barnett¹ describes this as a move towards 'performativity' in order to prepare students for the demands of a 'supercomplex world', something law programmes cannot ignore in the current legal employment market. Nevertheless, the attributes we would like to develop in our students are often not articulated or tracked in the curriculum. Barnett (2000, pp.255-265) refers to the 'elusive quality' of curricula 'their actual dimensions and elements are tacit'. In law this may well be a result of a lack of consensus about what a modern law degree should equip students for, but the growth of experiential learning through embedded clinical modules, mooted and enquiry and problem based learning would suggest an acknowledgement by the majority of Law Schools of the importance of both professional and academic skills. This was confirmed in 2015 by the new QAA Law Subject Benchmark which acknowledged a deliberate move from standards described in terms of 'subject knowledge and understanding' to those set out as 'Law students skills and qualities of mind' some of which were 'intrinsic to the subject which being no less transferable'.

Extensive claims are made for experiential modules in the law curriculum, both in terms of delivering legal reasoning and problem solving skills, but also through its reflective and transformative approach it can begin to foster the development of professional identity and values. In his article Miettinen (2000) urges those adopting experiential learning to re-engage with John Dewey's cycle of reflective thought and action and to avoid the 'psychological reductionism' of Kolb's Learning cycle. In critiquing the two learning cycles Miettinen provides us with a framework to review the elements of the experiential curriculum.

The new integrated law curriculum at Northumbria does not adopt an entirely problem based approach but introduces a strand of experiential learning across the levels and encourages a context orientated delivery in core subjects. In year 3 all students will participate in real legal practice through the Student Law Office (SLO) module in which student's advise and represent members of the public with legal problems under the supervision of qualified staff. These experiential modules and the SLO are not required to adopt a particular formula or 'cycle' of experiential learning but in some modules the seven step Maastricht model for problem based learning has been adopted or adapted for use by module tutors. Experiential learning is considered as being essential for the effective integration of skills and knowledge and also for the development of the thinking and use of knowledge skills. It can also serve as an apprenticeship to some elements of legal professional practice and identity. The extent to which Dewey's cycle of constructivist learning or Kolb's learning

cycle form the basis for the methodology for the experiential modules is not specified in module documentation and the two are often referred to interchangeably.

This research considered experiential learning incidences in the new law curriculum in the light of the two learning cycles and considered whether they aligned more to a Dewey or Kolb's learning cycles. For example the normal starting point of the learning cycles is an experience. For Dewey this 'disturbance' was a 'fork in the road moment' and it is used to orchestrate the 'student's exploration of their lived world'. Subject matter must link to the learners' dominant interests. Dewey accepts the need for scaffolding and curriculum as a way of structuring knowledge. He argues that learners must have knowledge to draw on when resolving the 'disturbance'. An example of this type of disturbance in the law curriculum might be the Student Law Office module where students advise real clients. Students are engaged by the responsibility of acting for a real client with a real problem and draw on their prior substantive law knowledge in resolving the problem .

In contrast Kolb's 'concrete experience' is more detached and may not be scaffolded by prior experience. An example of this in the law curriculum occurs in semester 1, year 1 when students are asked to visit and observe a real court and write a report. This is often the first time they have been to court and the impact of the totally new experience is intended to raise wider issues about how justice is delivered and seen to be delivered in England and Wales.

Similarly the quasi - empirical process of developing and testing hypotheses developed in Dewey's model may be helpful in the formal problem based learning classroom but is not appropriate to be used on real clients where a professional duty is owed. In contrast in the SLO a more abstract and grounded approach is taken in relation to the development of professional legal skills such as client interviewing and Kolb's learning cycle has served well to open up discussion around the requirements of the professional duty to a client and the development of an emerging professional identity though self awareness of strengths and weaknesses.

This paper contends that Dewey's cycle of reflective thought and Kolb's learning cycle are different types of experiential learning and that both are of value in professional legal education. Professor Miettinen's analysis is helpful in clarifying and distinguishing the elements of Kolb's and Dewey's reflective models and adds a new dimension to aligning the taught the curriculum. It also enables us to classify experiential modules so that we can ensure that the appropriate methodology is aligned to the intended module outcomes and that experiential modules are situated and supported appropriately in the wider curriculum.

References:

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