Kindergartens for civic and critical professionalism: a transformative vision for law schools

Miranda: O braue new world
That has such people in’t.

Prospero: ‘Tis new to thee.

The Tempest, V.i.215-17

Professor Paul Maharg
what do law schools do to students?

- **Stress**
  

- **Negative effect on values & motivation**
  

- **Teaching content and methods induce cynicism**
  
  McKinney, R. A. (2002) Depression and anxiety in law students: are we part of the problem and can we be part of the solution? *Journal of the Legal Writing Institute*, 8, 229-55.
  
what difference can legal education make?

- Legal education has a weak socialising affect, much weaker than the centripetal power of the job market.
  

- Legal subjects studied affect career ambitions, but had a neutral, short term or negative impact on the public service orientation of law students.
  

- A study on socio-economic & ethnic diversity in Scotland found similar results.
  
Survey of 2,500 students at U of NSW: law students demonstrated ‘comparatively low level of personal autonomy and a strong element of competitiveness compared to medical students’.


Walsh (2007) reported the findings of an empirical study at the U of Queensland where discussion of sociopolitical and social justice issues and the development of clinical practices were among some of the approaches that would make a difference to student orientation to social justice.

John Dewey (1859-1952)

At Columbia, he was involved in...

- Special Conference on Logical and Ethical Problems of Law (1922), and conducted 1925-30 jointly with Edwin Wilhite Patterson
- Student course, entitled Logical and Ethical Problems of the Law.

‘A democracy is more than a form of government; it is primarily a mode of associated living, of conjoint communicated activity.’

*Democracy and Education* (1916)
Standard classroom c.1908. Would you like to learn about measurement and volume this way?

Thanks to Mike Sharples, http://tinyurl.com/6bzdgx
...or this way?
(Dewey’s Laboratory School, U. of Chicago, 1901)

http://tinyurl.com/6onvjp
Would you like to learn about history and town planning this way?
... or by building a table-top town for a social life history project? (Dewey’s Lab School)

http://tinyurl.com/59c93q
One cannot understand the history of education in the United States in the twentieth century unless one realizes that Edward L. Thorndike won and John Dewey lost.

<table>
<thead>
<tr>
<th><strong>E.L. Thorndike</strong></th>
<th><strong>John Dewey</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Educational psychologist</td>
<td>Philosopher &amp; educationalist</td>
</tr>
<tr>
<td>2. Theoretician &amp; experimentalist</td>
<td>Theoretician and practical implementer</td>
</tr>
<tr>
<td>3. Explored the dyadic relationship between mind &amp; the world</td>
<td>Interested in the arc between experience &amp; the world</td>
</tr>
<tr>
<td>4. Adopted as precursor of a behaviourist approach to learning: assessment-led; laws of effect, recency, repetition</td>
<td>Pragmatist approach to learning: prior experience, ways of contextual knowing; democracy &amp; education</td>
</tr>
<tr>
<td>5. Emphasised teaching strategies</td>
<td>Emphasised learning ecologies</td>
</tr>
</tbody>
</table>
First kindergarten – opened 1837, Friedrich Fröbel
- Children played freely with blocks, bricks, tiles, shapes: his school was designed for designers
- Developed the idea of *freiarbeit* and the educational value of games.

Other approaches
- Montessori method
- Waldorf education
- Sudbury school
- High/Scope method
Open-plan education where spaces support activity & thinking

School as teacher

Vertical groupings, 5-11, instead of classes

Articulated a pedagogy of six selves & three I’s...

‘I am sure that teaching is an art and that teachers are artists. The teacher teaches what he is, more than what he knows, and as an artist, involved and giving of himself with love.’

George Baines
characteristics of the Eynsham school

1. Open-plan building (the ‘articulate school’)
2. Integrated day
3. Family groupings of 40 children, aged 5-9
4. Team/co-operative teaching
All learning areas divided into bays:

<table>
<thead>
<tr>
<th>Library</th>
<th>Office</th>
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</tbody>
</table>
No national curriculum, no LEA curriculum, no school curriculum

Periods are blocks of time that are flexible if required. Breaks are flexible: play and work are intertwined.

Setting out and clearing up were part of the day’s activities for both children & staff.

‘There is every effort made for the school to be a real community group and to develop skills and abilities of individuals and help them develop attitudes to enable them to be individuals yet concerned with the other individuals in their community.’

Eynsham teacher
Family groupings of 40 children, aged 5-9.

Vertically organised (so that children could take mentoring roles) + parental conferencing & teacher observation. Children from same families included in the group (unless requested out) and the group became a family that moved through time.

Teachers roles were radically altered. They:

- facilitated
- helped organise future work
- gave feedback to individuals & small groups
- reviewed progress with children
- suggested project work
- ensured principles were implemented
Teachers formed a co-operative:
- helping each other teach
- meeting regularly to plan & discuss activities and resources

All teachers recorded their practice in daily diaries, which for some became a record that fed into writing about school activities.

Teacher practice exemplified Dewey’s democratic practices: ‘associated living’ & ‘associated thinking’
### Curriculum Objectives

#### Personal
- Self-awareness
- Self-confidence
- Self-direction
- Self-discipline
- Self-criticism
- Self-esteem
- Self-realisation

#### Spiritual
- Self-consciousness
- Self-respect
- Respect for life
- Response to truth, beauty and goodness
- Togetherness
- At-one-ment
- Worship
- Religions
- Creation
- Prayer

#### Recreative
- Physical
- Mental
- Creative
- Participation
- Discrimination
- Membership
- Sportsmanship
- Hobbies
- Games
- Sports
- Clubs

#### Social
- Relationships
- Respect for others
- Participation
- Sharing
- Obligations
- Contributions
- Morality
- Law
- Politics
- Government

#### Health
- Physique
- Hygiene
- Body control
- Diet
- Safety
- Anatomy
- Disease
- Medicine

#### Experiential
- Natural materials
- Man-made materials
- Environment
- Discovery
- Success
- Failure
- Evaluation
- Communication

#### Developmental
- Learning
- Attitudes
- Aspirations
- Purposefulness
- Adaptability
- Appropriateness

---

**Prepared by:** George Baines
curriculum methods & techniques
six selves, three I’s

Six selves

Self-awareness
Self-confidence
Self-direction
Self-discipline
Self-esteem
Self-criticism

Three I’s

industry
integrity
imagination

Cf Gardner’s Five Minds – disciplined, creative, synthesizing, respectful, ethical.
http://tinyurl.com/357seww
‘Curriculum is everything that happens to a child’
signature pedagogies (Lee Shulman)

- **Surface structure**
  - Observable, behavioural features

- **Tacit structure**
  - Values and dispositions that the behaviour implicitly models

- **Deep structure**
  - Underlying intentions, rationale or theory that the behaviour models

- **Shadow structure**
  - The absent pedagogy that is, or is only weakly, engaged

transforming the pedagogy...?

**Experience of...**
- law in the world
- interdisciplinary trading zones
- creative, purposeful acts

**Ethics in...**
- an integrated curriculum
- habitual action
- reclamation of moral spaces in the curriculum

**Technology for...**
- our discipline, our curricula
- learner-centred control
- transactional learning

**Collaboration between...**
- students
- institutions
- academic & professional learning
- open-access cultures
SIMulated Professional Learning Environment enables students to engage in online simulations of professional practice. Its special pedagogy is based on transactional learning:

**active learning**
through *performance in authentic transactions*
involving *reflection in & on learning,*
depth *collaborative learning,* and
holistic or *process learning,*
with *relevant professional assessment*
that includes *ethical standards*
<table>
<thead>
<tr>
<th>Subject</th>
<th>From</th>
<th>To</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>letter to FGK re formal discharge.doc</td>
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<td>2008-Jan-17 15:43</td>
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<td>letter to pursuer re settlement.doc</td>
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<td>James McGinlay, 12.1.08.doc</td>
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<td>Findlay, Granat &amp; Kyle</td>
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<td>Findlay, Granat &amp; Kyle</td>
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<th>Email</th>
<th>Link</th>
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<tr>
<td>Alexander, Anderson &amp; Brown</td>
<td>14 Pasture Road</td>
<td>AlexanderAndersonBrown lawyerr ardcalloch</td>
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<tr>
<td>Nelson Edwards</td>
<td>41 Shaw Road, Ardcath, Ardcath</td>
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<tr>
<td>AOG Architect</td>
<td>23 Steeple Street, Renfrew Business Park, AR3 3SS</td>
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<td>David Jones Engineering</td>
<td>16 Bell St.</td>
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<tr>
<td>Department for Work And Pensions</td>
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<tr>
<td>Eugene MacDonald</td>
<td>19 Luke Lane Kirkwood</td>
<td><a href="mailto:EugeneMacDonald@e-mail.ardcath">EugeneMacDonald@e-mail.ardcath</a></td>
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<tr>
<td>Fiona Davidson</td>
<td>11 Cambridge Place, Ardcath</td>
<td><a href="mailto:fiona.davison@e-mail.ardcath">fiona.davison@e-mail.ardcath</a></td>
<td></td>
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</tbody>
</table>
map of Ardcalloch

- Town Centre
- Grey Hill
- Ardcalloch Country Park
- Ardoch
We require from each student firm a body of evidence consisting of:

- *fact-finding* – from information sources in the virtual community
- *professional legal research & comms*
- *formation of negotiation strategy* – extending range of prior learning in a curriculum spiral
- *performance of strategy* – correspondence + optional f2f meetings, recorded
### Personal Injury: Claimants Forum

#### Discussion forum guidelines
- Contributors to the forums should not post comments or remarks which are defamatory, obscene, profane, threatening or spiteful.
- GOSL reserves the right to edit contributions, to remove potentially harmful material from the forums, and not to publish unsuitable contributions.
- Please do not post any personal information (such as your address or telephone number) that you do not want to become available to other students.
- Please do not include in your contribution any links or web addresses which are not directly relevant to the topic being discussed.

#### Discussion forum etiquette
- Use clear intuitive subject headings on your message
- Be concise and relevant to the subject under discussion
- If you disagree with someone else's viewpoint, be as objective as possible when replying
- If you wish to discuss something off-topic with another contributor, exchange emails and continue your discussion outside the Forum
- Act responsibly, showing respect for fellow contributors at all times

<table>
<thead>
<tr>
<th>Subject</th>
<th>Replies</th>
<th>Posted By</th>
<th>Modified</th>
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<tr>
<td>ADeX Listings</td>
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<td>19/10/2004 19:38</td>
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<tr>
<td>University address</td>
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<td>James O'donnell</td>
<td>20/10/2004 12:55</td>
</tr>
<tr>
<td>Maps &amp; photos</td>
<td>2</td>
<td>Mairi O’callaghan</td>
<td>20/10/2004 19:38</td>
</tr>
<tr>
<td>Initial writ?</td>
<td>1</td>
<td>Heather Smith</td>
<td>21/10/2004 01:23</td>
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<td>21/10/2004 12:17</td>
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<td>inbox?</td>
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<td>James Monteforte</td>
<td>21/10/2004 15:17</td>
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<td>Further questioning of client</td>
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<td>Laura Gow</td>
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<td>Contacting the other side</td>
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<td>Mairi McCallum</td>
<td>22/10/2004 14:12</td>
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<td>Isobel Black</td>
<td>22/10/2004 15:20</td>
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<td>Viewing activity log</td>
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<td>Allyson Phillips</td>
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<td>26/10/2004 19:48</td>
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<td>Other topics/subjects esoterically unknown</td>
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<td>Kirsty delay</td>
<td>27/10/2004 11:26</td>
</tr>
</tbody>
</table>
DLP

PI Defenders: Health and Safety Executive

Post Reply | Edit Message | Delete Message | Alert Me | Go Back to Discussion Board

From:

Posted At: 17/11/2004 17:27

Subject: Health and Safety Executive

Text: I read in the FAQs that the HSE has not been informed about the accident. On the basis of having read the Executive website, it would seem that the University has breached its duty in not doing so. Are we as legal representatives under a duty to report this to the Executive? My gut feeling would say yes but I am thinking that it would not do the University any favours and may upset our client!

Created at 17/11/2004 17:27 by
Last modified at 17/11/2004 17:27 by
Health and Safety Executive

Good question.

No, you have no duty to report the accident to the HSE if the client hasn`t done so. You could always write and advise the client that they should have (why do you think they should have?) - don`t rely on their website, look at the legislation and let me know the legal basis for the obligation to report an accident like this) - Assume the client says "Fine, thanks for your advice but we are not doing it. What will happen to us if they find out - which they probably won`t." What advice would you give then?

CH
<table>
<thead>
<tr>
<th>Student</th>
<th>Comment</th>
<th>Date &amp; time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirsty</td>
<td>hey guys,</td>
<td>20 November 14:23:42</td>
</tr>
<tr>
<td>Kirsty</td>
<td>obviously i am not very good at this chat thing since i just posted a post saying hey guys and thats it!</td>
<td>20 November 14:27:33</td>
</tr>
<tr>
<td>Kirsty</td>
<td>wot i am trying to say is, i posted my first draft letter to the other firm, although i didnt know whether to tell them that we have no maintenance records, and also, i read their letter to us and they have already told us the legal basis for their claim but they havent been very specific. do u think i should leave that bit in? [name] x</td>
<td>20 November 14:29:07</td>
</tr>
<tr>
<td>Alan</td>
<td>hey guys. cant find my phone at the mo so if you text me I won't get it. If you want to phone about sending off letters I'll be at my parents and their no is [number, possibly landline]</td>
<td>21 November 09:47:17</td>
</tr>
<tr>
<td>Alan</td>
<td>Shouldnt we also clarify with the other side the date of the incident cos they said 2008 but the insurance co have confirmed that it was 2007.</td>
<td>21 November 13:49:45</td>
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1. **Information** management: how do students gather, track, archive, recall, analyze data?


3. Discussion forum as **relational space**, used as a back-channel, close to drafting & posting, and giving the firm a professional identity as a unit, when working on shared tasks.
PI project:
(some of) what students learned

- extended team working
- real legal fact-finding
- real legal research
- process thinking in the project
- setting out negotiation strategies in the context of (un)known information
- writing to specific audiences
- handling project alongside other work commitments
- structuring the argument of a case from start to finish
- keeping cool in face-to-face negotiations
- more effective delegation
- keeping files
- taking notes on the process...
key issue: simulation tempo & complexity
– GGSL curriculum map

1. Personal Injury Transaction
2. Private Client Transaction
3. Tax*
4. Conveyancing Transactions (Sale & Purchase)
5. Civil Court Action
6. Practice Management
Baines’ learning spaces = curriculum spaces...?

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</tr>
<tr>
<td>Theatre</td>
<td>Withdrawing room</td>
<td></td>
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</tbody>
</table>
Feasible...?
- Very: lots of experience out there in Strathclyde, Northumbria, Glamorgan, ANU, UNH. Once sims are created using the SIMPLE Toolset, easy to maintain.

Cost...?
- Development of sims; learning support for students
- SIMPLE is open-source and freely available
- SIMPLE blueprints & guidance documents are freely available under Creative Commons licences.

Impact...?
- on students: ethical performance, learning legal argumentation, practice of skills within professional value contexts; critique of professionalism; formative and high-stakes assessment; transactional learning


further information [websites]...

http://simplecommunity.org

http://www.simshare.org.uk
other models of legal ed kindergartens?


Kindergarten practices in other disciplines...?

- Hasok Chang: published research and writing by successive yeargroups of undergraduate students as a book.
  - ‘Directed community principle’ + ‘inheritance principle’

http://paulmaharg.com