access to legal work:
the experiential learning dimension

paul maharg
research into ethnic & social diversity in Scottish legal education (2002)

- The views of school leavers
  Choice of course is strongly influenced by subjects enjoyed at school (putting law at a relative disadvantage). … Those most likely to actually apply are those interested in arts subjects, those who know lawyers and those from private schools. It is clear, however, that many potential applicants know little about legal education or the legal profession, and there is a widespread misconception that higher grades are needed to study law than is actually the case. This is especially true of pupils from lower socio-economic groups. Images of law, and of what lawyers do, are largely court-based and often drawn from American TV programmes. The legal profession in general is seen as high pressured and stressful, with long hours. There is a perception that lawyers need to be very 'brainy', articulate, confident, good at arguing and able to think on their feet - a rather daunting set of criteria - especially among pupils from less affluent backgrounds. There is also a more negative set of perceptions of the 'typical lawyer': money-oriented, arrogant, overly-ambitious, 'hard' and willing to lie on behalf of clients. The image of the profession among school-leavers in Scotland remains one dominated by the white, privately educated, middle class. In this context, it is clear that many young people simply do not feel that the subject or the profession is for 'people like me'.

http://www.scotland.gov.uk/Publications/2003/03/16713/19581
1. types of experiential learning?
   - PBL
   - Simulation
   - Clinic

2. what deepens student thinking about the profession?
Law’s signature pedagogy

rewriting the signature

Jacob’s ladder of professional learning...
Transactional learning:

**active learning**

through *performance in authentic transactions*

involving *reflection in & on learning,*

deep *collaborative learning*, and

holistic or *process learning*,

with *relevant professional assessment*

that includes *ethical standards*
the SIMPLE platform

• personalized learning in a professional environment

• collaborative learning

• use of simulation spaces in programmes of study, and the relation between simulation spaces and other learning spaces on a programme, including paper-based and online resources, face-to-face classes, and administration

• use of rich media in online simulations – video, graphics, text, comms., etc.

• authenticity in the design of simulation tasks, and effective assessment of professional learning
platform
### DIRECTORY LISTING

<table>
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<th>Name</th>
<th>Address</th>
<th>Email</th>
<th>Link</th>
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virtual town
example: personal injury negotiation project

Administration:

• 272 students, 68 firms, 8 anonymous information sources – PI mentors

• 68 document sets, 34 transactions

• Each scenario has embedded variables, called from a document server, making it similar, but also unique in critical ways

• students have 12 weeks to achieve settlement

• introductory & feedback lectures

• discussion forums

• FAQs & transaction guideline flowcharts
PI project: assessment criteria

We require from each student firm a body of evidence consisting of:

- **fact-finding** – from information sources in the virtual community

- **professional legal research** – using WestLaw + paperworld sources

- **formation of negotiation strategy** – extending range of Foundation Course learning

- **performance of strategy** – correspondence + optional f2f meeting, recorded
### Discussion forum guidelines

- Contributors to the forums should not post comments or remarks which are defamatory, obscene, profane, threatening or seditious.
- GGSL reserves the right to edit contributions, to remove potentially harmful material from the forums, and not to publish unsuitable contributions.
- Please do not post on the 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
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!
Post Reply | Edit Message | Delete Message | Alert Me | Go Back to Discussion Board

From: Pltutor8
Posted At: 18/11/2004 17:52
Subject: Health and Safety Executive
Text:
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

Created at 18/11/2004 17:52 by Pltutor8
Last modified at 18/11/2004 17:52 by Pltutor8
Total correspondence 2000/2001 sent by all firms
Statistics

Settlement amounts
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
‘In tackling this project I think that our group made two main mistakes. The first mistake we made was in approaching the task as law students as opposed to Lawyers. By this I mean we tried to find the answer and work our way back. Immediately we were thinking about claims and quantum and blame. I don't think we actually initiated a claim until a week before the final settlement. I think the phrase "like a bull in a china shop" would aptly describe the way we approached the problem. […] Our group knew what area of law and tests to apply yet we ended up often being ahead of ourselves and having to back-pedal.

The second mistake we made was estimating how long it would take to gather information. We started our project quite late on and began to run out of time towards the end. None of us appreciated the length of time it would take to gather information and on top of this we would often have to write two or three letters to the same person as the initial letter would not ask the right question.’
'At the beginning we thought we perhaps lost sight of the fact that we had a client whom we had a duty to advise and inform. On reflection we should have issued terms of engagement and advised the client better in monetary terms what the likely outcome was going to be.'

'[...] unlike other group projects I was involved in at undergraduate level I feel that I derived genuine benefit from this exercise in several ways:

1. reinforcing letter-writing, negotiation, time-management and IT skills

2. conducting legal research into issues of quantum

3. working effectively in a group as a group - not delegating tasks at the first meeting and then putting together pieces of work at the second meeting.'
PI project: tempo & complexity

- Personal Injury Transaction
- Private Client Transaction
- Tax*
- Conveyancing Transactions (Sale & Purchase)
- Civil Court Action
- Practice Management

* Christmas Holiday
Multimedia used to support TL…

- used as exemplars of good/poor practice
- support for high-stakes assessment
- deep-linked to spiral curriculum
web/podcasts + sims

• used to replace large group teaching -- well-liked by students

• surgery model of large-group interaction developed by staff

• dovetailed into conventional & innovative T&L+self-assessment

• interactive and portable into the profession
simulation, f2f or web

• Standardised Client, supported by video annotation software + flexible cool e-portfolio that’s completely in student control

• web-based sim, eg SIMPLE

• ... and currently being extended into Open Educational Resources (OER)
Educators sharing simulations, role plays and case studies

Recently Published
UKCLE Website testing Simulation (25th Feb 2010)

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UKCLE Website testing Simulation (25th Feb 2010)

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UKCLE Website testing Simulation (3 downloads)

Welcome to the Simulation OER Project
questions, comments, issues...?