Simulation and professional learning: three case studies

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Transforming Legal Education: four key themes

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
Three case studies:
1. The Law Society of Scotland: development of professionalism in legal education
2. Specialist accreditation, Scottish solicitors, Edinburgh, Scotland.
3. Daniel Webster Scholars Honours programme, Franklin Pierce Law School, New Hampshire, US.
Little effective consideration of:
- what professional education is
- what other professions are doing
- what other jurisdictions were doing

there are no learning outcomes for DLP
DLP curriculum has become a puzzling amalgam of topics
there is no clear concept of linkage between LLB, DLP, traineeship, CPD

No linkage of professional standards on DLP to Society’s professional standards, except where developed locally
Regulatory relationship is still fuzzy. Which model will be adopted? Top-down, detailed monitoring, as per SRA in England & Wales? An alternative? If so, what?
the past deficits: DLP providers

- Little effective consideration of:
  - what professional education is
  - what other professions are doing
  - what other jurisdictions were doing
- Unacceptable variation in teaching, learning, assessment standards between DLP providers
- DLP curriculum was made sense of locally by providers, who were, historically, given wide latitude by the Society; but there was almost no educational planning across providers
- Little sharing of resources, no sense of effective practice across centres, no agreed performance standards
- Little linkage with LLB or traineeship
- Relationship with Society unclear
New curriculum structure, with a fresh approach to teaching, learning, assessment that:

1. has *professionalism* as its core
2. is much more *flexible*
3. constantly *learns* from other professions & jurisdictions
4. Builds *local* strength on *jurisdictional* knowledge,
5. Constructs a *national community* and *community standards*:
   a. based around transactional learning,
   b. with the concept of professionalism at the core,
   c. founded on the values of ethical practice as defined by the profession, & as analysed by profession and schools,
   d. and aligned with, yet critical of, legal practice in the field

what’s being proposed by the Society re PEAT 1?
Knowledge, skills, values, attitudes need embedded in a context if students are to understand & practice, but...

*Inside-school reform needs to begin with outside-school reform*

- PEAT 1 cannot succeed unless the context of the programme is changed
  - A radical example: US school education...
poverty & school education in the USA

long-term educational tracking
1. core professionalism values

Professionalism
- Interests of justice & democracy
- Effective legal services
- CPD
- Diversity & public service
- Personal integrity & civility

Professional relationships

Professional communications
Throughout the programme a student should demonstrate a commitment to:

1. The interests of justice and democracy in society
2. Effective and competent legal services on behalf of a client
3. Continuing professional education and personal development
4. Diversity and public service
5. **Personal integrity and civility towards colleagues, clients and the courts**
<table>
<thead>
<tr>
<th>Outcome</th>
<th>Positive indicator</th>
<th>Negative indicator</th>
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<tr>
<td>5. Personal integrity and civility towards colleagues, clients and the courts</td>
<td>Is honest with all others on the course; relates to colleagues on the programme with civility; treats tutors, administrative staff and others with respect.</td>
<td>Exhibits traits of arrogance, intemperate behaviour, mismanagement of own affairs; lies to colleagues or programme personnel; plagiarises work; adopts the work of others as own work; is abusive or contemptuous towards colleagues or programme personnel.</td>
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1. core professionalism values

From aspiration to implementation
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**
‘We found that UCSF, School of Medicine students who received comments regarding unprofessional behaviour were more than twice as likely to be disciplined by the Medical Board of California when they become practicing physicians than were students without such comments. The more traditional measures of medical school performance, such as grades and passing scores on national standardized tests, did not identify students who later had disciplinary problems as practicing physicians’.

We need new models, new approaches, new curricula that enable students to prepare for the professional life by starting to live it.

Examples:
1. The learning / trust matrix
2. Standardised Client Initiative
3. The CHAT framework
tools for teaching Professionalism: the CHAT framework

Basic mediational triangle (after Engerström)
Tools for teaching Professionalism: the CHAT framework

Engeström’s social model of mediational activity
Tools for teaching Professionalism: the CHAT framework

Authentic performance in early music
Tools for teaching Professionalism: the CHAT framework

Mediational activity in transactional learning, using simulation (after Engerström)
1. Re Society...
   - Hosting annual workshop / conference on legal education (Foundation, PEAT 1, 2, CPD)
   - Donating small funds for development of innovation

1. Re PEAT 1 community of practice...
   - Peer review through enhanced external examiner scheme (no new level of bureaucracy)
   - Web dissemination of good practice
   - Partnering in funding bids for innovative practice
   - Disseminating internationally the work of PEAT 1 providers
3. Re PEAT 1 materials creation:
   - We create materials for the community
   - We plan processes, content, common structures, common deadlines, licence structures
   - We share electives or swap them

3. Re sharing PEAT 1 resources:
   - We share unilaterally where we can
   - We charge maintenance fees where we must
   - We maintain common standards of outcomes via shared experiences in Exam Boards & workshops.
Today!

- Our community of practice website: **www.peat1.org**
Specialist accreditation

- Eg Law Institute of Victoria, Australia
- Eg Signet Accreditation, Scotland
  - http://www.thewssociety.co.uk/accreditation/index.asp?cat=Home
"... proficiently..."

The word signifies "Level 4 - Proficient" in the following model of competence devised by Dreyfus and Dreyfus (1986):

- Level 1 - Novice
- Level 2 - Advanced Beginner
- Level 3 - Competent
- Level 4 - Proficient
  - See situations holistically rather than in terms of aspects
  - See what is most important in a situation
  - Perceive deviations from the normal pattern
  - Effect less laboured decision-making
  - Use maxims for guidance, whose meaning varies according to the situation.
- Level 5 - Expert
Daniel Webster Scholars Honours programme, Franklin Pierce Law School, New Hampshire, US.

- Replaces Bar Exam with a capstone course.
- Capstone course could be extended into qualification
contact details

SIMPLE: http://simplecommunity.org

These slides & resources at: http://

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