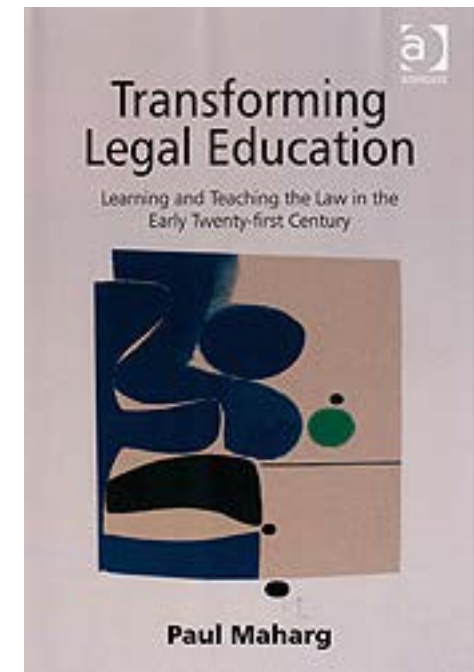


Simulation and professional learning: three case studies

Professor Paul Maharg
Glasgow Graduate School of Law

Transforming Legal Education: four key themes



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.

1

the past deficits: Law Society

- ▶ 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?



1

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



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what's being proposed by the Society re PEAT 1?

- ▶ 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

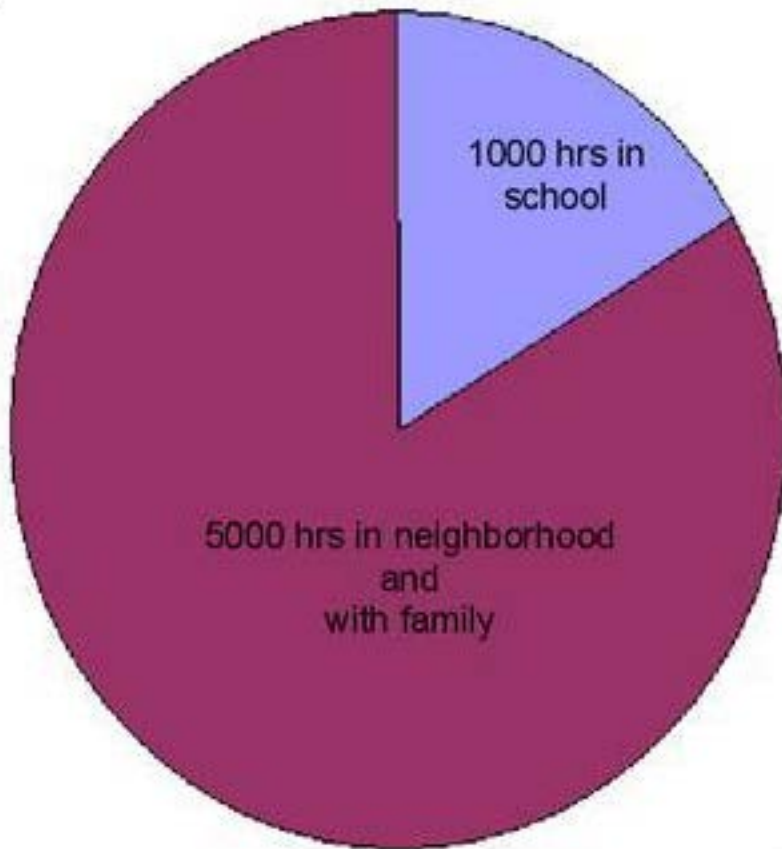


- ▶ Knowledge, skills, values, attitudes need embedded in a context if students are to understand & practice, but...

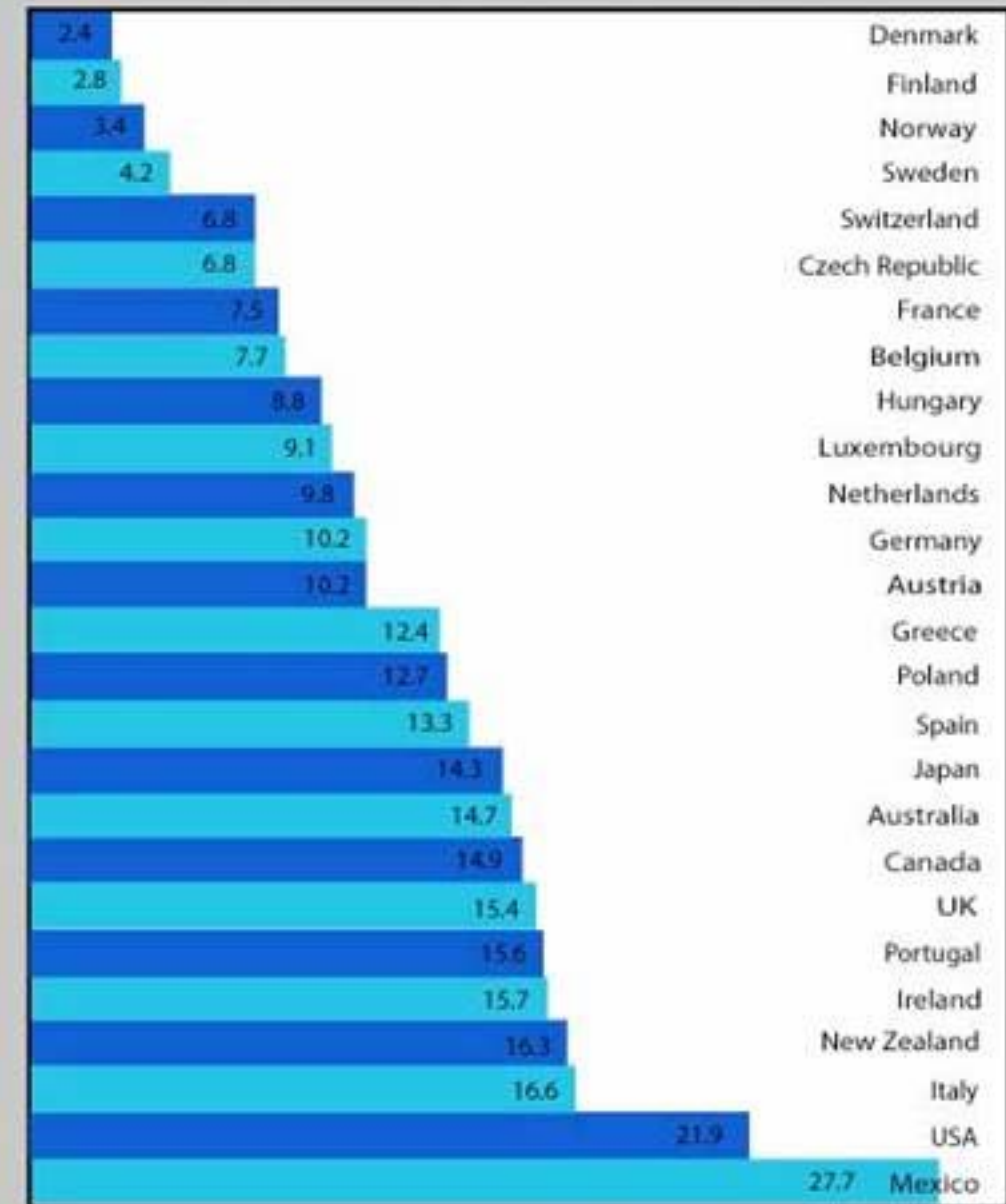
Inside-school reform needs to begin with outside-school reform

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

poverty & school education in the USA




Childhood poverty rates in rich countries
(Innocenti Foundation, UNICEF 2005)



Berliner, D.C. (2006) Our impoverished view of educational reform.
Teachers College Record,
<http://www.tcrecord.org/Content.asp?ContentID=12106>

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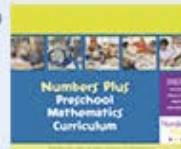
[click here for more details.](#)

What's New?

- International Conference 2009
- Education Through Movement: 25th Anniversary Celebration
- Real Science Workshop Offered
- Summer Training Opportunities
- HighScope and Early Math
- NEW - Ideas From the Field posted on eTools' Forums

Featured Product

Available Now!
An exciting way to teach children math throughout the program day. [MORE >](#)



[MORE NEW PRODUCTS >](#)

1

1. core professionalism values



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**

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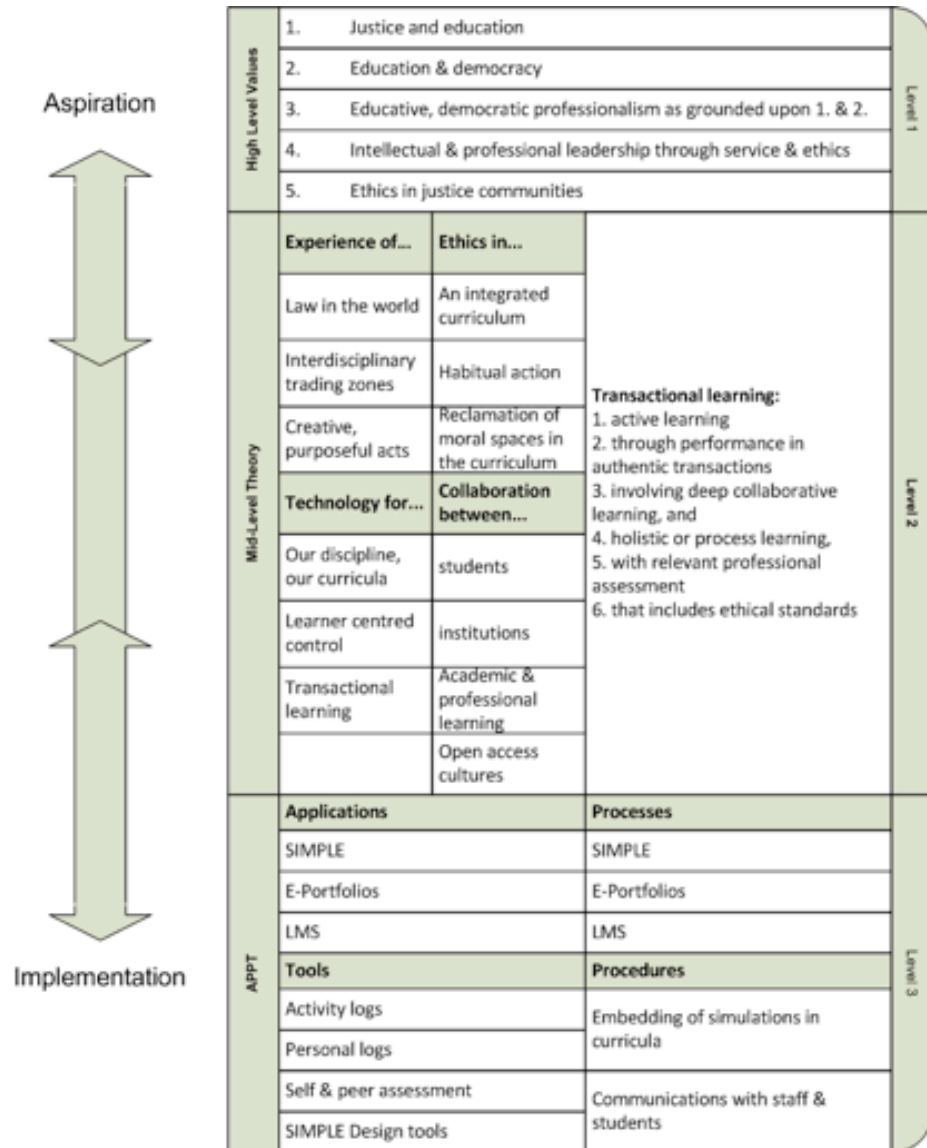
sample Professionalism learning outcome

Outcome	Positive indicator	Negative indicator
5. Personal integrity and civility towards colleagues, clients and the courts	Is honest with all others on the course; relates to colleagues on the programme with civility; treats tutors, administrative staff and others with respect.	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.

1

1. core professionalism values

From aspiration to implementation



Transactional learning:

active learning

through **performance in authentic transactions**

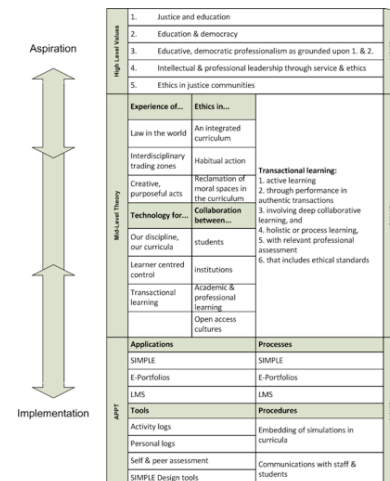
involving **reflection in & on learning,**

deep **collaborative learning,** and

holistic or **process learning,**

with **relevant professional assessment**

that includes **ethical standards**



1

evidence on professionalism from medical education

'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'.

Papadakis, M. *et al* (2004) Unprofessional behaviour in medical school is associated with subsequent disciplinary action by a state medical board, *Academic Medicine*, 79, 244-79



1

new tools and curriculum models

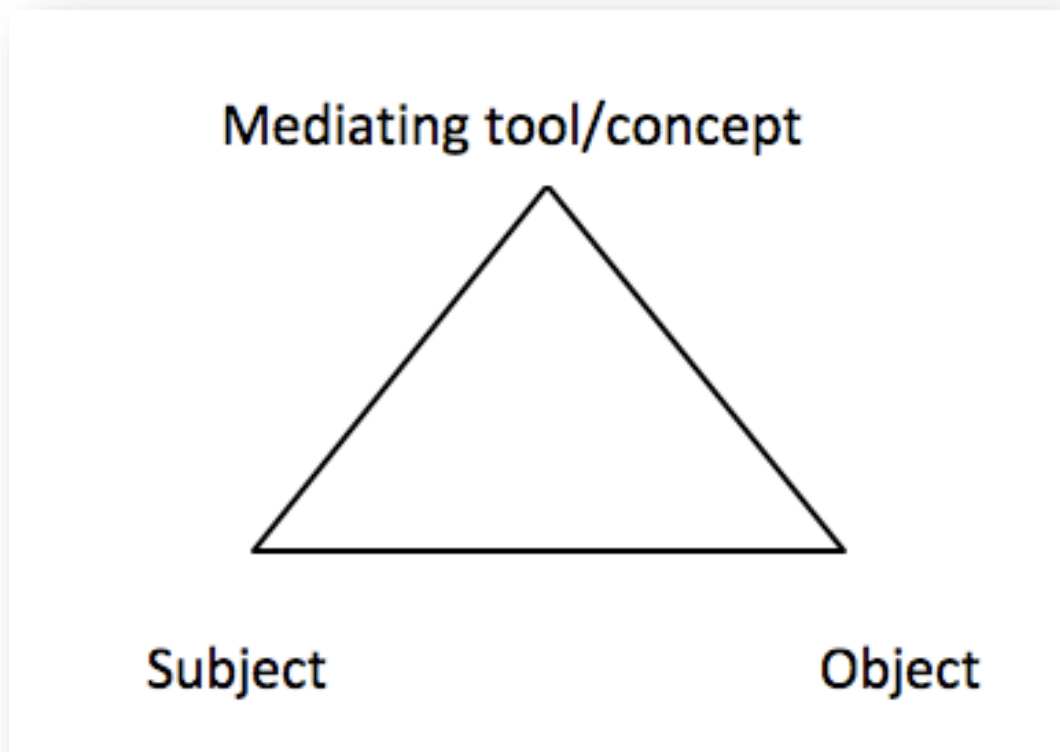
- ▶ We need new models, new approaches, new curricula that enable students to prepare for the professional life by starting to live it.

- ▶ Examples:
 1. The learning / trust matrix
 2. Standardised Client Initiative
 3. The CHAT framework

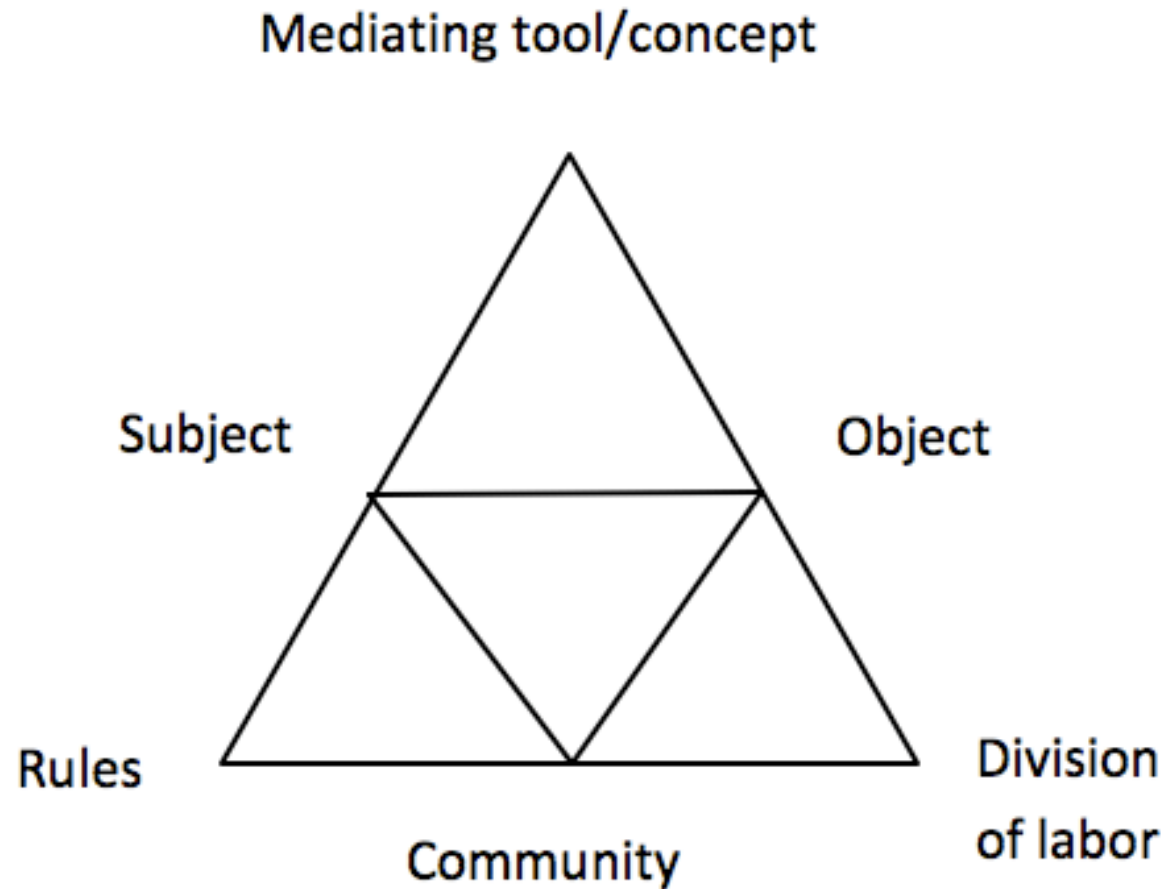


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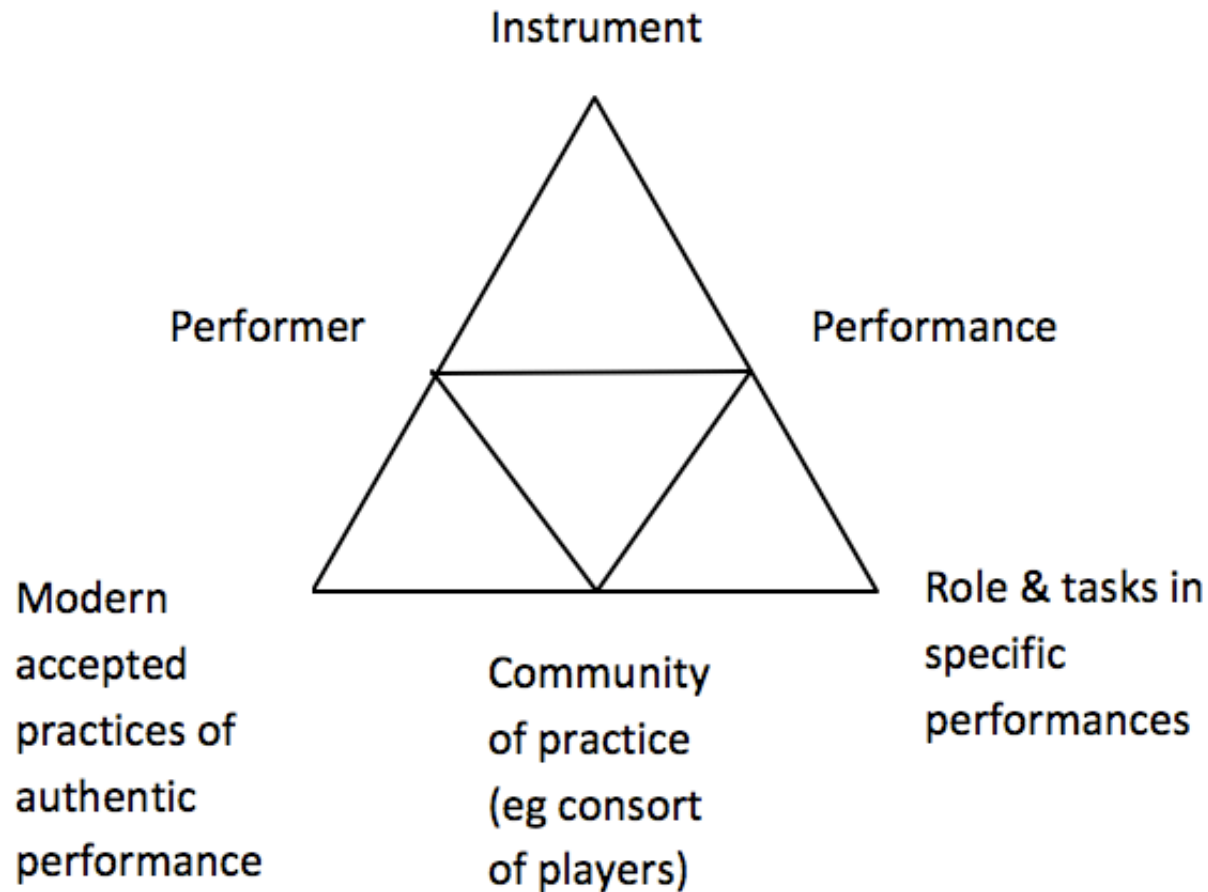
tools for teaching Professionalism: the CHAT framework



Basic mediational triangle (after Engerström)

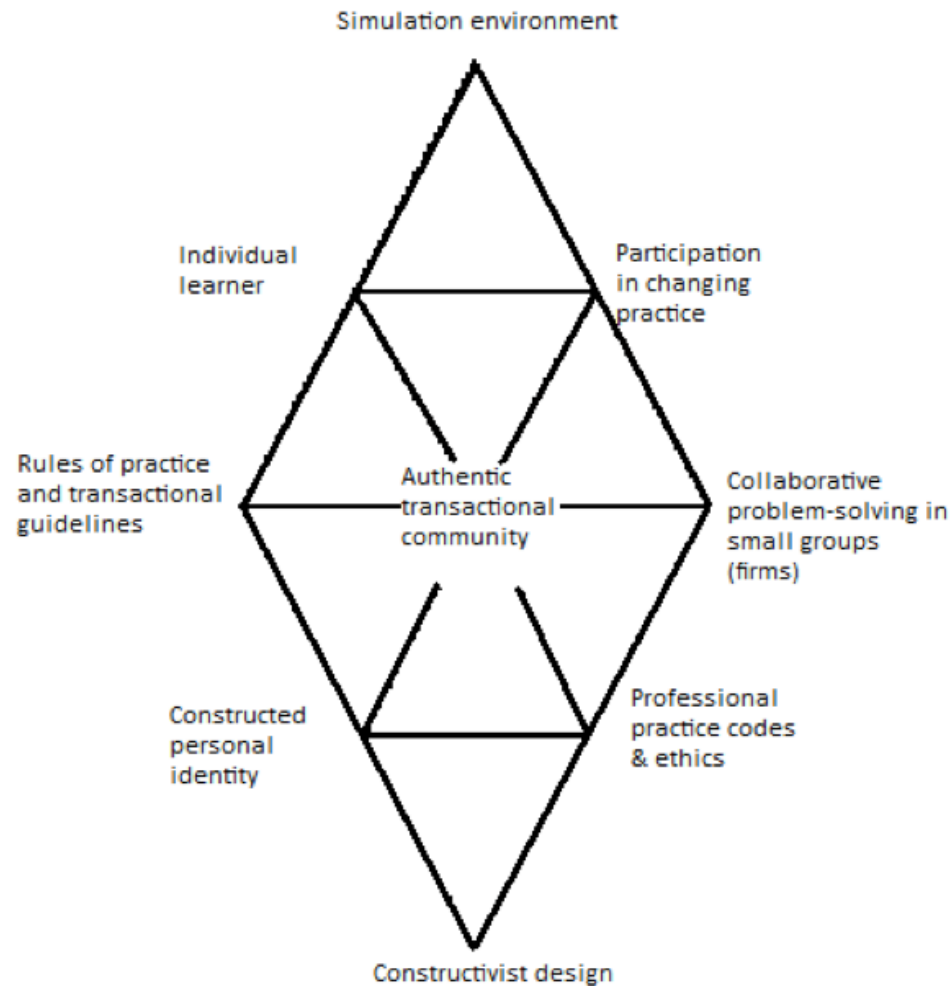


Engeström's social model of mediational activity



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:

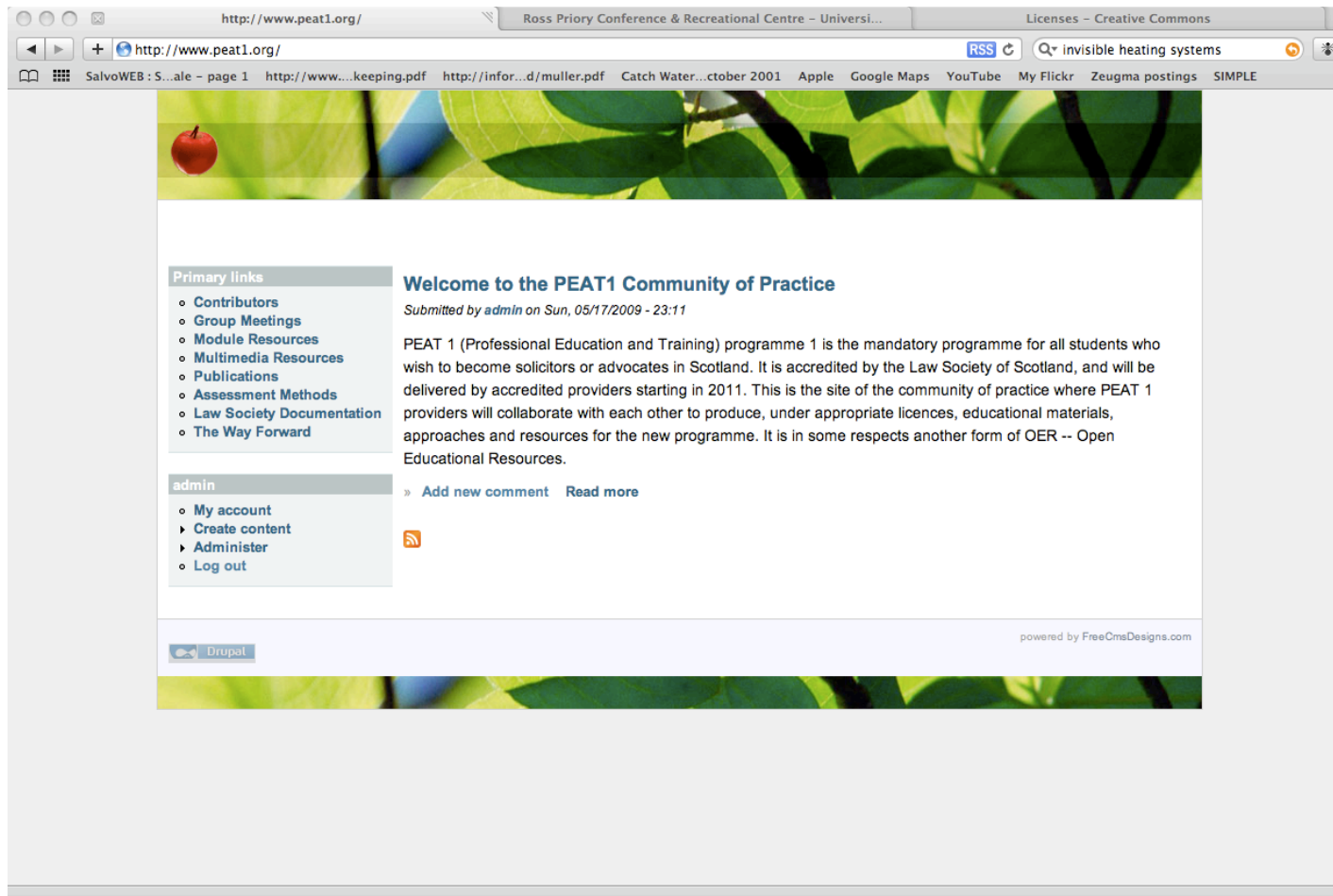
- ▶ We create materials for the community
- ▶ We plan processes, content, common structures, common deadlines, licence structures
- ▶ We share electives or swap them

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.

... starting with ...

- ▶ Today!
- ▶ Our community of practice website: **www.peat1.org**



- ▶ Eg Law Institute of Victoria, Australia
 - ▶ <http://www.cpd.liv.asn.au/pdf/specialists/2009PropertyAppGuidelines.pdf>
- ▶ 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):

- ▶ 1 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

3

final years, JD – Bar exam exemption

- ▶ 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://>

Email addresses: paul.maharg@strath.ac.uk

