

Seminar 6th June 2016 – Experiential Learning in Law – what, why how?
All in this together? Teamwork and student process in experiential learning

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In his article 'The concept of experiential learning and John Dewey's theory of reflective thought and action', Reijo Miettinen (2000) advocates that practitioners and teachers working with and developing experiential learning models need to re-engage with the studies into experience and reflection that were undertaken by the philosophical pragmatist John Dewey. He sees this as an important step to avoid the 'psychological reductionism' that he associates with the formulaic adoption of the four-step model found in *Experiential Learning* by David Kolb (1984).

In this paper we take as our starting point the following quotation from Miettinen's article (p61) to explore how the seminal work of John Dewey, with its focus on 'learning by doing', provides some useful concepts for our discussion of innovative teaching practice in our respective law schools:

"John Dewey resolved the relationship and tension between experience and reflection by taking, as the basic point of departure, practical, material life activity. He regarded non-reflective experience based on habits as a dominant form of experience. The reflective experience, mediated by intelligence and knowledge grows out from the inadequacy and contradictions of the habitual experience and ways of action."

Jenny Gibbons will discuss how the design of an employment law module at the University of York was influenced by recent developments in the sociology of knowledge, including the theory of social realism and the concept of powerful knowledge. She will explore the workplace as an example of a social reality and review how the traditional approach to law teaching, which has too little emphasis on the "inadequacy and contradictions of the habitual experience" of employees, employers and lawyers has a potentially negative impact on the development of students understanding of contemporary issues in employment law. She will propose that by engaging in a process of collaboration with legal practitioners and academics from other disciplines in advance of module delivery, and a focus on simulated activities and reflective dialogue with students during the teaching term, an optional module can be used as a way to enhance students access to, and use of, powerful knowledge.

Zoe Swan will discuss how students in their first year of university, were encouraged, to develop a range of skills to scaffold their study of law and transition into higher education using a flipped learning pedagogy. This pedagogy was used to support the introduction of team-based learning in the law in practice module, which provided opportunities during core contact time, for students to experience working as part of a team for both learning and assessment processes, using a structured team based learning approach.

Zoe will share how the design of the module, activities and both formative and summative assessment moved away from the traditional transmission of knowledge and the 'sage on the stage' approach, to providing opportunities to support students in working with

knowledge gained prior to contact time, while simultaneously developing and broadening existing and new skill sets. As a result of this students were exposed to and created new learning experiences, which challenged previously held perceptions of teamwork and the study of law.

It will be concluded that law teachers who are willing to engage with a deeper understanding of the pedagogical underpinnings of experiential learning, including a greater appreciation of the work of Dewey, Kolb and Miettinen, are well placed to be innovative in their practice and transform the educational experience of law students in contemporary society.