

Seminar 6th June 2016 - Experiential Learning in Law – what, why, how?
Designing an experiential curriculum – moving away from safety?

Cath Sylvester (Northumbria) and Claire McGourlay (University of Sheffield)

The current review of the undergraduate law curriculum and routes to qualification by the professional bodies is both unsettling and invigorating. In the absence of any certainty of what is to come and an apparent lack of urgency to resolve this, University Law Schools can approach the design of a new undergraduate law curriculum from a wider perspective than predominantly as a process of evidencing the attainment of core knowledge components. There is no doubt that curricula in HE are changing. Barnettⁱ describes this as a move towards 'performativity' in order to prepare students for the demands of a 'supercomplex world', something law programmes cannot ignore in the current legal employment market.

Nevertheless, the attributes we would like to develop in our students are often not articulated or tracked in the curriculum. Barnett (2000, pp.255-265) refers to the 'elusive quality' of curricula 'their actual dimensions and elements are tacit'. In law this may well be a result of a lack of consensus about what a modern law degree should equip students for, but the growth of experiential learning through embedded clinical modules, mooting and enquiry and problem based learning would suggest an acknowledgement of the importance of skills, both professional and academic. This was confirmed in 2015 by the new QAA Law Subject Benchmark, which acknowledged a deliberate move from standards described in terms of 'subject knowledge and understanding' to those set out as 'law students skills and qualities of mind'. It remains to be seen how this will be evidenced.

Curricula is frequently divided into three components; written, taught and experienced, with only the first component attracting scrutiny during the University validation process. Professor Miettinen's analysis enables us to review the elements of the experiential curriculum through a more fine-grained lens and provides us with the tools to make our outcomes explicit.

In this paper Cath Sylvester will consider the challenges of the integrated curriculum in law. The new written curriculum at Northumbria does not adopt an entirely problem-based approach but introduces a strand of experiential learning across the levels and encourages a context orientated delivery in core subjects. In year 3 (currently delivered at level 7), all students will participate in real legal practice through the Student Law Office module. The SLO module is both enriched and constrained by the reality of being a real legal practice in terms of opportunities for experimentation.

These experiential modules and the SLO are not required to adopt a particular formula or 'cycle' of experiential learning but in some modules the seven step Maastricht model for problem based learning has been adopted or adapted for use by module tutors. Experiential learning is considered as being essential for the effective integration of skills and knowledge and also for the development of the thinking and use of knowledge skills. It can also serve as an apprenticeship to some elements of legal professional practice and identity.

There are conflicting curricula requirements when committing to the experiential curriculum – to what extent should we provide students with a template for learning in this way (and what would such a template/s look like)? and if we do, does it matter that the model will, as a matter of necessity, have to be adapted for use in different settings in the integrated degree.

The quasi-empirical process of developing and testing hypotheses developed in Dewey's model may be helpful in the PBL classroom but may give way to a more abstract and grounded approach in the SLO practice, where Kolb's learning cycle has served well to open up discussion around the requirements of the professional duty to a client and the development of an emerging professional identity through self-awareness of strengths and weaknesses. She will argue that there is a place for both cycles of experiential (Kolb) and experimental (Dewey) learning and reflective thought in the law curriculum and that neither are diminished by using them for different outcomes.

On a macro level the process of aligning the curriculum across modules, levels and programmes has been constructed with structured cycles of experiential learning embedded and identified. As an element of the written curriculum this anchors the experiential approach throughout the programme and ensures that all students are exposed to it but it also confines the process to scheduled activities. A much more complex problem is to ensure a taught curriculum which facilitates development of individual learning and reflective skills by providing opportunities to engage with the reflective process. Professor Miettinen's analysis is helpful in clarifying and distinguishing the elements of Kolb's and Dewey's reflective models and adds a new dimension to aligning the taught curriculum.

The risk of focussing on the experience (in the sense of Kolb) in the experiential curriculum is that it may detract from the construction of knowledge (as set out in Dewey's model) or vice versa. Following his analysis, we have more detailed questions to ask about our taught curriculum including questions around the existence of disturbance or liminality in the curriculum and allowing the space for an iterative approach whereby students can formulate and articulate hypotheses and then revise and reconfigure them. We are also provided with alternatives within the experiential methodology.

ⁱ Barnett, R., 2000. Supercomplexity and the Curriculum, *Studies in Higher Education*, 25:3, pp.255-265