

## **Seminar 6<sup>th</sup> June 2016 - Experiential Learning in Law – what, why, how?**

### **Dialling up the reality: experiential learning with external partners**

**Rachel Wood (UWE) and Carol Boothby (Northumbria)**

Miettinen's paper provides a detailed critique of Kolb's 4 stage learning cycle, which has come to dominate adult learning theory, and concludes that Kolb fails to provide an adequate interpretation of Dewey's concept of experience and reflective thought, and that the concept of experiential learning in the form used by Kolb is 'psychological reductionism'. Kolb focuses on the individual, Dewey on the relationship between individuals, and objects making up the external world. Miettinen suggests that; "Dewey, however, thinks that concepts and meanings are not constructed in the head alone. They are generalizations of the interactions between humans and the entities of environment, in practical activity. It is the regularities of these interactions including the properties of things involved that make the transfer of concepts from one situation to another possible."

In Miettinen's view, "Kolb's belief in an individual's capabilities and his individual experience leads us away from the analysis of cultural and social conditions of learning that are essential to any serious enterprise of fostering change and learning in real life".

This emphasis on the societal context provides the starting point for us to look at experiential learning in the contrasting contexts of simulation, and live client clinic, and the role of external partners. What do they bring to the table?

Rachel Wood will discuss **Catch the Wave –Legal Practice Simulation at UWE – the experience of bringing external partners from the outside to the inside of learning.**

Since 2011 Legal Practice Course (LPC) students at UWE have been able to take part in a voluntary simulation project, called "Catch the Wave", a simulation-based project. External partners in commercial law firms in Bristol role play alongside staff and students. The external lawyers act as partners on the simulated files, interacting with the students. The simulations run in real time and the students conduct some work face to face but also work online using e-portfolio (Pebblepad) websites to run a simple, virtual, law office. Catch the Wave Limited reflects the client narrative of a West country, surf retail company. It also reflects the potential for students to sink or swim within the simulation experience.

The learning aims of the project are broad, students are encouraged to immerse themselves in the experience of the simulation and bring together their discrete learning of knowledge and skills, developed across the Legal Practice Course, in one holistic experience.

In one sense the experience of participating in a simulation does not fit easily with Kolb or Dewey's analysis of the stages of learning or experience as described by Miettinen. The experience is often messy, usually stressful and does not specifically require or allow for specific periods of deliberate reflection until it is concluded, when all the participants meet to discuss the experience and identify what learning has occurred. Dewey's model of reflective thought and action suggests that experience is moved forward through the

need to disrupt existing habits, which are no longer providing a solution to current problems. In the simulation, and live client experience, students face problems that are deliberately new, they cannot fall back on existing habits to determine action as no habits have yet been formed. What does chime with Dewey however is that the students are deliberately situated in a place of “disturbance and uncertainty” from which they have to create flexible hypotheses on an ongoing basis in order to move forwards and continually revise these hypotheses in response to their interactions with the others.

These ‘disorientating moments’ are equally a dimension of students taking part in the live-client experience, and Carol Boothby will discuss **the in-house clinic – what value do external partners bring?**

At the heart of Northumbria’s experiential offer to students is the award-winning Student Law Office, an in-house law clinic which forms a significant credit bearing part of the current exempting law degree, which integrates LPC skills. The clinic provides a full academic year of live-client experience to around 170 students, offering a full casework model.

So do we need to engage with external partners? The clinic currently provides a model which is realistic in many respects. Carol will explore some of the current links with external partners such as Shelter, the Personal Support Unit, and local solicitors, and look at why these may add value to an already well established clinical program.

How can we best use these learning theories to support our teaching and our students? Freire describes the necessity of critical evaluation of the adult self’s relationship with society for the ongoing wellbeing of society as well as the individual self. This reflects Dewey’s view that meanings are not constructed in the head alone, but involve engagement with the environment around them. Miettinen finds that, for Dewey, “experience is not a matter of psychological state” and speaks instead of experimental thought, with the construction of knowledge through repeated iterations leading to a reformulation of a working hypothesis. However, teachers may, like Kolb himself, take an eclectic view, borrowing from sources which help students to see the basic concepts behind the ideal for example, of a reflective practitioner, whilst keeping in mind the philosophical and epistemological differences.

Perhaps the significance of working with external partners in the context of Miettinen’s critique of Kolb is to ensure that element of real world grounding, and to always retain that thread of connectivity between the learning environment and the culture it seeks to replicate, whether through simulation, or live client work, to ensure that students have a connection with reality rather than a purely cognitive experience in isolation from the culture of the real world, and the legal world. One question might be, how do we best provide that thread, and when in terms of the student journey. Further, how do we ensure that there is time space and opportunity to reflect in a meaningful way and one which brings about the type of transformative change that Dewey alludes to, where habits and norms are changed and new ones adopted.