



Introducing experiential legal clinics; promoting skills and fostering community partnerships

Dr Jane Richards

In this briefing, I outline an experiential legal clinic that a colleague and I designed and implemented at the University of Hong Kong. Students worked with community partners to produce advices, concurrently developing substantive knowledge of the law alongside practical legal skills. The course was well received by both students and community partner organisations; the students had the chance to reflect on what they had learnt, and this was evidenced in the growing confidence in their own skills. The subject fostered community partnerships, creating paths for ongoing collaboration and mutual learning.

Background

At the University of Hong Kong, a colleague and I introduced a new experiential legal clinic in disability law. The clinic partnered students with community partner organisations, the community partners acting as clients, and the students as advisors. The clients requested specific legal and policy advice from the students on specific areas of law. The clinic was designed to enrich students with a substantive knowledge of the law which was then applied in a practical real-world setting. The aim of experiential learning aims to erode traditional legal pedagogy barriers between doctrinal legal study and skills acquisition, at the same time, providing opportunities for students to reflect upon the responsibilities of their roles as future lawyers.¹ Students were given the opportunity to develop and put into practice a broad range of legal skills, such as taking instructions and communicating with clients, writing detailed intake reports, drafting legal research memorandum, critical legal analysis, drafting extended legal advices, advocacy campaigning, creating training manuals or briefing papers for law or policy reform, drafting case summaries, complaint letters and assessments of claims, working together, and advising clients in accordance with the client's preferred method of

¹ C Rogus and Tsoukala, "Doctrine, experiential learning, and client-centered lawyering: Teaching family law in a post-pandemic world", *Family Court Review*, (2022) 60 818.

communication methods. Of significance was that the clients came from various disabled people's organisations (DPOs), and so the students were called to adapt their communication styles beyond that usually anticipated in the law classroom. In forging community partnerships with community organisations, while the DPOs expressed gratitude at the advice received from the students, the students were greatly enriched because they found meaning in the real-world application of their legal knowledge and skills. In doing so, barriers between the academy and the DPOs were eroded, creating pathways of collaboration and mutual respect between the students and community members.

As part of assessment, students were called upon to reflect upon what they had learned in weekly logs. In these reflections, students articulated both their substantive acquisition of the law, and the skills that they had acquired. Students reflected on how the experience might guide their future career paths. Overwhelming, both students and DPO members were positive about the experience.

The other part of the assessment was drafting legal advices by the students. Before being sent to the clients, these advices were reviewed by the lecturer, and any modifications required were made by the students. This gave students the opportunity for ongoing feedback, and a chance to build upon initial attempts. In doing so, there was a demonstrable growth in the students' confidence and abilities.

Method

In designing a new experiential legal clinic, the key challenges came at the start of the process. The first step was in scoping out community partner organisations to establish interest, need, and viability of the partnerships.

The second stage was seeking approval from the Faculty of Law for the course design, and then marketing the course to students to secure sufficient enrolment to run the course.

In designing the course itself, ensuring students acquired a substantive knowledge of the law before they were 'let loose' on clients was fundamental to the success of the partnership. Thus, the first few weeks of semester involved traditional legal course method delivery. The DPOs came with pre-established broad areas of interest, and initial lectures were designed taking account of those areas. However, during these classes, the second half of the lesson was devoted to students engaging with each other, to reflect on what they had learned and how this might be applied in hypothetical advices. Students were also given the opportunity to meet and interact with the DPOs in a casual setting, to scope out the kinds of advice or policy documents that was most needed by the clients.

While acquisition of substantive knowledge of the law remained an ongoing requirement, before offering advice to clients, students were required to produce mock advices. These were marked as part of formative assessments, and only once students had passed this were they able to start working on more substantial advices for their community partners. In the pilot clinic, the DPOs were most interested in receiving briefing reports from students on specific areas of international and domestic law.

Reflections

The outcomes of the pilot were extremely affirming. The level of engagement and commitment by students was striking. While the students were interested and curious when they joined the class, by the end, their engagement and enthusiasm was outstanding. Many said it was the best subject they had done in their university careers; students came well-prepared to class and displayed a strong commitment to producing the best work that they were able to. What was especially positive from an educator's point of view was witnessing students' growing confidence in their own abilities as the semester wore on. The students were mature and reflective about what they had learnt; they demonstrated insight and were able to articulate both the limits of their knowledge, and perhaps more significantly, the skills they had acquired. The DPOs were also extremely positive about the experience; lasting partnerships were formed between the university and the community partners.

In terms of workload, perhaps surprisingly, the course did not require more labour to run than a traditional doctrinal methods course. While the greatest burden lay in the initial scoping phase, the preparation for each lesson was comparatively less than a traditional lecture-tutorial lesson; much of the time during lessons was student–DPO driven. Assessment was divided into class participation, which included leading a class discussion (20%), 2 x two page critical essays on set readings (20%), clinical project (with assigned DPO) 50%, and weekly reflection 10%. Because part of the assessment involved self-reflection and class participation, a portion was undertaken verbally during lesson time, thus reducing marking loads.

Conclusion

The clinic component of the course gave students a unique opportunity to experience how substantive law is applied in practice. By developing and then applying a comprehensive understanding of disability legal theory, students first came to understand how legal theory develops, how it evolves to become law, how law can have power to make positive change in the lives of individuals, and also the limits of what the law can achieve. This course was an exercise not only in disability law, but also in the effectiveness of law as a tool for social change, and the significance of law in society.

Experiential legal clinics could be adapted to almost any subject in law or criminology which involves client facing work. It will be useful not just for students who are preparing to practice as lawyers in the corporate, public, private or NGO spheres, but also for students who will work with clients in any context, for example in advocacy or public policy. The key limit is in finding community partner organisations who are keen to work with law students. In this sense, both core and elective subjects could be adapted. For example, students could partner with tenancy groups in property law, labour unions in employment law, human rights groups and so on. This would similarly apply in criminology, for example, working with prisoners' rights groups.

The skills acquired should not be underestimated. In addition to technical legal skills, students had the opportunity to develop soft skills, such as effective and adaptable communication, empathy, build confidence and their own inherent prejudices were challenged through the

process. The students in the pilot rose to the occasion, and their ability to apply their legal knowledge in real-world situations to provide meaningful outcomes for community partners, should not be underestimated. The community partners expressed gratitude for the advice produced, and both students and DPOs reflected that they very much enjoyed the experience. It was a pleasure to witness. It is recommended that similar experiential clinics be implemented a part of essential skills acquisition to be embedded in the law program.

Further Information

The author wishes to thank Lindsay Ernst, of The University of Hong Kong.

References

- L Bracken, "A case study on the impact of a capstone Street Law teaching project", *The Law Teacher*, (2022) 56 (2), 206.
- L Curran, *Better Law for a Better World*, Routledge, 2021.
- C Grouse, "Outcomes-Based Education One Course at a Time: My Experiment with Estates and Trusts", *Journal of Legal Education*, (2012) 62 336.
- C Rogus and P Tsoukala, "Doctrine, experiential learning, and client-centered lawyering: Teaching family law in a post-pandemic world", *Family Court Review*, (2022) 60 818.
- S Sparrow, "Teaching and Assessing Soft Skills", *J Legal Educ*, (2018) 67 553.
- B Walters, "'A part to play': the value of role play simulation in undergraduate legal education", *The Law Teacher*, (2016) 50 (2), 172.