

## **Pro Bono Develops Pericles and Plumbers: the roles of clinical legal education in contemporary European law schools**

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### **Abstract**

Legal education is often thought of as divided between the ‘clinical’/‘functional’/‘vocational’ and the ‘liberal’/‘holistic’, or even ‘formalist’/‘positivist’. Drawing on original data from students participating in pro bono work in a fairly typical European law clinic, we show that students do not appear to think such distinctions are particularly significant to their university learning journeys or their future career aspirations. Such distinctions may make sense at an *institutional* level, but at the level of *an individual student and their learning experience*, clinical/functional/vocational elements are not perceived as distinct from curricular learning in a liberal/holistic or even formalist/positivist mode.

Keywords: clinical legal education; liberal legal education; pro bono; roles of law schools.

### **Introduction**

The first School of Law that appears in written history is Beirut University’s Centre for the Study of Roman Law, mentioned in writings in the third century CE.<sup>1</sup> In Europe, the earliest universities were founded to teach the teaching of law.<sup>2</sup> But, in general, university legal education is relatively new as a

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<sup>1</sup> Andrew Lawler, ‘Rebuilding Beirut’ 64 (4) *Archaeology: The Journal of the Archaeological Institute of America* 2011 [http://archive.archaeology.org/1107/features/beirut\\_lebanon\\_urban\\_archaeology.html](http://archive.archaeology.org/1107/features/beirut_lebanon_urban_archaeology.html): ‘By the third century AD Beirut was the centre for the teaching of Roman Law, according to Gregory Thaumaturgus, a Christian writer of the time. ... Within a century the chronicler Libalius praised the city as “mother of the laws”’.

<sup>2</sup> The doctorate was simply a qualification for a Guild, that of teaching law. Doctorate flows from the Latin *docere*, meaning to teach, and a doctorate was a license to teach. The medieval universities Padua and Bologna only granted doctorates, and to begin with they

phenomenon. Until quite recently, most legal education happened as apprenticeship.<sup>3</sup>

The (apparent) tension between functional legal education (based on an apprenticeship model) and liberal or holistic legal education (based on the notion of a university degree) is neatly encapsulated in William Twining's metaphors of Pericles and the plumber. Is legal education about learning to become 'the law-giver, the enlightened policy-maker, the wise judge'?<sup>4</sup> In other words, is it about understanding the *principles* underlying a body of law;<sup>5</sup> about 'legal science', in a formalist or positivist sense? Or is it about mastering specialist knowledge ('the law') and technical skills of applying the law in practical situations, as a 'vocational' learning experience?<sup>6</sup>

In this article, we contribute to this broader discussion on the nature and purpose(s) of law schools with a reflection on clinical legal education, and in particular pro bono work, in the context of contemporary European law schools. Instinctively, clinical legal education seems to fit closely with the idea of functional or vocational legal education. Rather than abstract, formalist, or theoretical legal learning, university law clinics (often, though not always, associated with pro bono work) offer learning through engaging with real-life, concrete legal problems, as experienced by real human beings or legal persons.

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only granted doctorates in law. <http://www.britannica.com/topic/degree-education#ref178086>; John C. Moore *A Brief History of Universities* (1st edn, Springer, 2019) p 9-18.

<sup>3</sup> Steve Sheppard, 'Introduction to the Oxford edition' in Karl Llewellyn, *The Bramble Bush: The Classic Lectures on Law and the Law School* (Oxford edition OUP 2008) p XIII.

<sup>4</sup> William Twining, 'Pericles and the Plumber' An inaugural lecture delivered before The Queen's University of Belfast on 18<sup>th</sup> January 1967. See also Craig Collins, 'Pericles was a Plumber: Towards resolving the liberal and vocational dichotomy in legal education' in Ian Morley and Mira Crouch, eds, *Knowledge as Value: Illumination through critical prisms* (Rodopi, 2008).

<sup>5</sup> Justice, *Lawyers and the Legal System. A Critique of Legal Services in England and Wales*. (Cambridge: Justice Educational and Research Trust, 1997).

<sup>6</sup> Legal Education and Training Review (2013) Literature Review: 2. Legal Education, Professional Standards and Education, para 31. John Bell, 'Legal Education' in Peter Cane and Mark Tushnet, eds, *The Oxford Handbook of Legal Studies* (OUP 2003); Carel Stolker, *Rethinking the Law School* (CUP 2014); Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (OUP 2013); Hilary Sommerlad et al, eds, *The Futures of Legal Education and the Legal Profession* (Hart 2015); David Howarth, *Law as Engineering: Thinking about what lawyers do* (Edward Elgar 2013).

Some have seen Western Europe (excluding the UK and Ireland) as laggards in a global movement towards clinical legal education.<sup>7</sup> But others point out a longer history in Western Europe, including late 19th century examples,<sup>8</sup> noting that clinical legal education in that context is perhaps less embedded in legal education than in other parts of the world.<sup>9</sup> Central and Eastern Europe has been a site for flourishing clinical legal education since the late 1990s, kick-started by international donor initiatives.<sup>10</sup> We are not able to conduct a comprehensive review of the literature on clinical legal education across Europe: we are not aware that such a review exists.<sup>11</sup> A 2015 literature review undertaken as part of an EU Commission funded project,<sup>12</sup> (ICT Law Incubators Network) found only two results<sup>13</sup> relating to European clinical legal education. A 2016 report,<sup>14</sup> commissioned and funded by MEP Cécile Kashetu Kyenge, found over 100 examples of clinical legal education across

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<sup>7</sup> Richard Wilson, 'Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Legal Education' (2009) 10 *German Law Journal* 823.

<sup>8</sup> Alberto Alemanno and Lamin Khadar, 'Introduction' in Alberto Alemanno and Lamin Khadar, eds, *Reinventing Legal Education: How Clinical Education is reforming law teaching and practice in Europe* (Cambridge University Press 2018), p 1-30; Maria Concetta Romano, 'A History of Legal Clinics in the US, Europe and around the world', Appendix A, in Clelia Bartoli, *Legal clinics in Europe: for a commitment of higher education in social justice*, Special issue of *Diritto & Questioni Pubbliche*, May 2016, available in translation from [https://www.academia.edu/34398554/Legal\\_clinics\\_in\\_Europe\\_for\\_a\\_commitment\\_of\\_higher\\_education\\_in\\_social\\_justice](https://www.academia.edu/34398554/Legal_clinics_in_Europe_for_a_commitment_of_higher_education_in_social_justice) (The Bartoli report).

<sup>9</sup> Maxim Tomosek, 'Legal Clinics and Social Justice in Post-Communist Countries' in Chris Ashford and Paul McKeown, eds, *Social Justice and Legal Education*, (Cambridge Scholars Publishing 2018) 218-236.

<sup>10</sup> Richard Wilson, 'Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Legal Education' (2009) 10 *German Law Journal* 823; Paul McKeown and Elaine Hall, 'If we could instill social justice values through Clinical Legal Education should we?' (2018) 5(1) *Journal of International and Comparative Law* 145-179, 151-152; Maxim Tomosek, supra n 9; Maxim Tomoszek, 'The Growth of Legal Clinics in Europe—Faith and Hope, or Evidence and Hard Work?' 21(1) *International Journal of Clinical Legal Education* (2014), 96; Philip M Genty, 'Reflections on US Involvement in the Promotion of Clinical Legal Education in Europe, in Alemanno and Khadar, supra n 8, p 31-45.

<sup>11</sup> A 2017 article describing a systematic review of clinical legal education literature in Europe does not list the literature found, see Rachel Dunn, 'A Systematic Review of the Literature in Europe Relating to Clinical Legal Education (2017) 2 *International Journal of Clinical Legal Education* 81-117.

<sup>12</sup> Ronan Fahy and Mireille van Eechoud, *Clinical Legal Education: A Review of the Literature* (ICT Law Incubators Network, 2015).

<sup>13</sup> Lawrence Donnelly, 'Clinical Legal Education in Ireland: Some Transatlantic Musings' (2010) 4 *Phoenix Law Review* 7; Wilson, supra n 10.

<sup>14</sup> The Bartoli report, supra n 8.

26 European countries. The European Network for Clinical Legal Education,<sup>15</sup> established in 2012, has held several conferences,<sup>16</sup> but does not publish its full conference proceedings. More recent book-length works include significant numbers of examples from Central and Eastern Europe, Western (continental) Europe, and the UK and Ireland.<sup>17</sup> One estimated over 50 new law clinics in Western (continental) Europe which were not operating 10 or even 5 years ago.<sup>18</sup> Many European law schools' clinics focus on domestic law, but some specifically concentrate on European law, and some arguably embody a distinctively 'European' identity.<sup>19</sup> We begin with an outline of the contours of clinical legal education, drawing on some published studies covering European jurisdictions, and locating them in the context of literatures on clinical and pro bono legal education globally. Perhaps predictably, we have been able to find significantly more published information about clinical legal education in England and Wales than in any other European jurisdiction. However, where possible, we highlight features of clinical legal education elsewhere in Europe.

Following a brief discussion of methods, the article then proceeds by presenting an analysis of an original dataset from a medium sized law school situated in the north of England. Sheffield Law School's clinical legal education offering, carried out through its voluntary pro bono schemes and a credit-bearing module on pro bono legal education, is, we argue, as far as we have been able to discern from the literature, in many respects illustrative of what is entailed where European law schools offer such a learning mode. Drawing from that analysis, in the contexts of broader European legal education, we present our conclusions about the nature and role(s) of pro bono

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<sup>15</sup> <http://www.enclle.org/>. Only six papers are available from the 2019 conference, which apparently attracted over 140 participants. Only two of those papers concern non-UK European clinical legal education (a paper on the significant impediments to clinical legal education in Hungary and one on the contemporary challenges to clinical legal education in Poland) see <https://www.northumbria.ac.uk/about-us/news-events/events/2019/07/ijcle-2019/ijcle-papers/>.

<sup>16</sup> See Ulrich Stege, 'Introduction', in the Bartoli Report, *supra* n 8, p 10.

<sup>17</sup> Alemanno and Khadar, *supra* n 8; Ashford and McKeown, *supra* n 9; Richard Grimes, ed, *Re-thinking Legal Education under the Civil and Common Law: A Road Map for Constructive Change* (Routledge 2018).

<sup>18</sup> Alberto Alemanno and Lamin Khadar, 'Introduction', in Alemanno and Khadar, *supra* n 8, p 10. The first Italian law clinic was established in 2009, see Marzia Barbera, 'The emergence of an Italian Clinical Legal Education movement: The University of Brescia Law Clinic', in Alemanno and Khadar, *supra* n 8, 57-72.

<sup>19</sup> Alberto Alemanno and Lamin Khadar, 'Conclusion' in Alemanno and Khadar, *supra* n 8, 320-321.

education in Europe, what they reveal about what (European) law schools are for, and suggest some directions for future research.

Our argument is, in brief, that, while such distinctions may make sense at an *institutional* level, at the level of *an individual student and their learning experience*, distinctions found in the literature between ‘clinical’/‘functional’/‘vocational’ and ‘liberal’/‘holistic’, or even ‘formalist’/‘positivist’, legal education do not bear much weight. Moreover, students themselves do not appear to think such distinctions are particularly significant to their university learning journeys or their future career aspirations.

### **Pro bono and clinical legal education**

According to the European Parliament and Council,<sup>20</sup> all young people in Europe should experience education that allows them to develop key competences, equipping them for further learning and for their working life as adults. Young people on European law degrees, therefore, should experience legal education that meets those criteria. One way to achieve this objective would be to provide clinical legal education experience. However, although the *conversation* about the relationship between legal education and practice may have been opened up by the Bologna process,<sup>21</sup> as far as we are aware, no European jurisdiction *requires* clinical or pro bono legal education as part of the university stage of legal learning. By contrast, law schools in the USA approved by the American Bar Association require students to undertake a minimum number of hours of pro bono work in order to graduate,<sup>22</sup> and the New York State Bar requires applicants for admission to have carried out a minimum of 50 hours pro bono service prior to filing an application for

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<sup>20</sup> Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning OJ L 394, 30.12.2006, p10-19. See also the Bologna Process, which encourages European higher education institutions to ensure students acquire not only knowledge, but also ‘skills and competences’ fitting to their futures, see European Commission *The European Higher Education Area in 2018: Bologna Process Implementation Report* (European Commission 2018), 47-92.

<sup>21</sup> Alberto Alemanno and Lamin Khadar, ‘Introduction’, in Alemanno and Khadar, *supra* n 8, p 27-28.

<sup>22</sup> Rachael Field et al, ‘Reconsidering Pro Bono: A comparative analysis of protocols in Australia, the United States, the United Kingdom and Singapore’ (2014) 37(3) UNSWLJ 1164, 1180.

admission.<sup>23</sup> In Europe, pro bono and clinical legal education is optional, not compulsory.

A very wide range of learning experiences fall within the broad umbrella of pro bono and clinical legal education.<sup>24</sup> A critical distinction is between clinical legal education, which is ‘for-credit’, that is to say, it counts towards the requirements for successful completion of the university degree or diploma<sup>25</sup>; and ‘not-for-credit’ pro bono legal learning, which is carried out by students alongside their formal studies<sup>26</sup>. Either can involve paid or voluntary work, although ‘pro bono’ usually means that the students offer their labour for free, and often, although not always, also means free labour from those supervising the students’ work. In many instances where law firms offer free labour for such schemes, it is part of their ‘corporate social responsibility’ portfolio.<sup>27</sup>

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<sup>23</sup> S 520.16 Pro Bono Requirement for Bar Admission, Part 520 Rules of the Court of Appeals State of New York for the Admission of Attorneys and Counselors at Law.

<sup>24</sup> See, eg, the Bartoli report, supra n 8, which maps over 100 law clinics. See, in the English context, the work of the LawWorks Clinics Network, which has carried out a number of very useful analyses of pro bono legal advice being done across its membership network, describing what clinics do. See eg Frank Dignan et al, ‘Pro Bono and Clinical Work in Law Schools: Summary and Analysis’ (2017) 4(1) *Asian Journal of Legal Education* 1, commenting on Damian Carney, et al, *The LawWorks Law School Pro Bono and Clinic Report* (2014); LawWorks Clinics Network Report April 2015-March 2016, (2016).

<sup>25</sup> 47% of the examples in the Bartoli report, supra n 8, p 50, are credit-bearing. See for example the credit-bearing nature of the ‘Special Project: Pro Bono’ module at The University of Sheffield, available at

<https://www.sheffield.ac.uk/programmeregulationsfinder/unit?code=LAW3049&org=SHEFFIELD&start=06-Feb-2017&loc=SHEFFIELD&cal=SPR%20SEM&year=2019> (last accessed 4th March 2020).

<sup>26</sup> See for example the law clinic offered at HHU Düsseldorf - where the law clinic is not credit bearing, ‘Als freiwilliger Teil des Studiums’ translating to ‘as a voluntary part of [their] studies’ <http://www.jura.hhu.de/rechtsberatung-durch-jurastudierende/law-clinic-rechtsberatung-durch-jurastudierende.html> (last accessed 4th March 2020) contrast this with the HU Berlin law clinic, focussed on constitutional rights conferred on the individual, and human rights more broadly, counts towards the law qualifying exams (Staatsexamen) and the MA in Gender Studies, overseen by the German Constitutional Court (BvFG) justice, Professor Baer <https://www.rewi.hu-berlin.de/de/lf/l/bae/humboldt-law-clinic/konzept/index.html> (last accessed 4th March 2020).

<sup>27</sup> See for example Allen and Overy and DLA Piper offering a pro bono law service for children - <https://www.lawsociety.org.uk/support-services/practice-management/pro-bono/case-studies/childrens-pro-bono-legal-service/> (last accessed 4th March 2020).

In European contexts, like in Asia<sup>28</sup>, but unlike in North America, or Africa<sup>29</sup>, universities provide legal education at both undergraduate and postgraduate levels. Pro bono legal education can therefore take place at either level. This means that students may be participating in pro bono schemes from quite a young age, even before reaching their 20s.

European law schools differ significantly in their scale. The largest European law schools have thousands of students, the smallest a few dozen. Obviously the scale of a law school determines the absolute numbers of students who can, at least in theory, experience pro bono or clinical legal education in that law school, but the scale of participation in such education also depends on its resourcing (especially staffing resource) relative to the student body<sup>30</sup>. Almost all examples of pro bono and clinical legal education that we were able to discover involve relatively small scale student participation.<sup>31</sup> Indeed some, such as Jeff Giddings,<sup>32</sup> define clinical legal education by reference to scale: ‘an intensive *small group or solo learning experience* in which each student takes responsibility for legal or law related work for a client (whether real or simulated) in collaboration with a supervisor<sup>33</sup> (italics added). It is rare to find examples of pro bono or clinical legal education schemes with student numbers in the hundreds,<sup>34</sup> and we know of none with student numbers in the thousands.

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<sup>28</sup> Gary Bell et al, ‘Legal Education in Asia’ (2006) 1(9) Asian Journal of Comparative Law, ii, 4.

<sup>29</sup> David McQuoid-Mason et al ‘Clinical Legal Education in Africa: Legal Education and Community Service’ in Frank S Bloch, ed, *The Global Clinical Movement: Educating Lawyers for Social Justice* (1st edn., OUP, 2010) 23.

<sup>30</sup> See for example the concerns expressed in Lawrence Donnelly, ‘Irish Legal Education *Ab Initio* : Challenges and Opportunities’ (2008) 13 International Journal of Clinical Legal Education, 56, 83; the Bartoli report, supra n 8, p 48-50; for an example where national resourcing contributed to the scale of law clinics, see Katarzyna Ważyńska-Finck, ‘Poland as the Success Story of Clinical Legal Education in Central and Eastern Europe. Achievements, Setbacks and Ongoing Challenges’, in Alemanno and Khadar supra n 8; for an earlier discussion of Poland see Izabela Krasnicka, ‘Legal Education and Clinical Legal Education in Poland’, (2008) 12 International Journal of Clinical Legal Education 47-55.

<sup>31</sup> See for example Richard Lewis, ‘Clinical Education Revisited’, available online at <http://orca.cf.ac.uk/27655/1/CLINICED.pdf> (last accessed 27<sup>th</sup> February 2020) 4, Roger Burridge et al, ‘The First Wave of Modern Clinical Legal Education The United States, Britain, Canada and Australia’ in Frank S Bloch, ed, *The Global Clinical Movement: Educating Lawyers for Social Justice* (1st edn., OUP, 2010) 6.

<sup>32</sup> Jeff Giddings, *Promoting Justice through Clinical Legal Education* (1st edn. Justice Press , 2013).

<sup>33</sup> Giddings, supra n 32, 14.

<sup>34</sup> One example is the Student Law Office in Northumbria Law School, UK, with 198 students in 2014-15, see Elaine Campbell, ‘Taking Care of Business: Challenging the Traditional Conceptualization of Social Justice in Clinical Legal Education, in Ashford

In Europe, pro bono and clinical legal education involves small scale cohorts: 60% of the clinics in the Bartoli report have 30 or fewer students participating per year.<sup>35</sup>

Pro bono schemes vary in terms of the scope of what is being offered to clients. There is obviously variation in scope of the substantive areas of law in which pro bono schemes operate. It would appear that the areas of law offered are generally at least in part determined by the interests of the founding academics, since in many smaller law schools, they are established by individuals rather than schools or universities themselves.<sup>36</sup> In the UK, most commonly pro bono services are provided in employment, family and social security law clinics.<sup>37</sup> Across all of Europe, human rights, migration, discrimination, criminal and consumer protection law are a common focus for clinics.<sup>38</sup> For example, German universities have proliferated law clinics to assist incoming asylum seekers in the wake of the increase in migration<sup>39</sup> from the Middle East and North Africa.<sup>40</sup>

Legal advice outside of the context of litigation seems to be the most common service offered,<sup>41</sup> but this is only one aspect of a range of approaches. At least arguably, at one end of the scale, legal education can involve virtual clinics, where clients are not real human beings or legal entities.<sup>42</sup> Similarly, clinical

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and McKeown, supra n 9, p 169-184. Some law clinics in Poland operate with student numbers over 150, such as Opole and Lublin in 2018/19, see <http://www.fupp.org.pl/kliniki-prawa/publikacje/raporty>, and discussion in Tomoszek supra n 9, p 224.

<sup>35</sup> The Bartoli report, 2016, supra n 8, p 50.

<sup>36</sup> See for example the discussion in Dubravka Aksamovic and Phillip Genty, 'Challenges, Successes and Setbacks for Clinical Legal Education in Eastern Europe' (2014) 20(1) *International Journal of Clinical Legal Education* 427.

<sup>37</sup> Dignan et al, supra n 24, 5.

<sup>38</sup> See the Bartoli report, supra n 8, p 53; Alemanno and Khadar supra n 8; for migration examples, see, eg, Carlo Caprioglio, *Rethinking Legal Education In Times Of Crisis*, 2019 <http://romatrepress.uniroma3.it/wp-content/uploads/2019/12/RETHINKING-LEGAL-EDUCATION-IN-TIMES-OF-CRISIS-Some-remarks-from-the-case-of-the-Roma-Tre-Migration-and-Citizenship-Law-Clinic.pdf> (last accessed 20 April 2020) .

<sup>39</sup> See Heaven Crawley et al., *Unravelling Europe's 'Migration Crisis': Journeys Over Land and Sea* (1<sup>st</sup> edn. Policy Press, 2018).

<sup>40</sup> Georg Dietlein and Jan-Gero Alexander Hannemann, 'The Development of Refugee Law Clinics in Germany in View of the Refugee Crisis in Europe' (2018) 25(2) *International Journal of Clinical Legal Education* 160. See also Caprioglio, supra n 38.

<sup>41</sup> See the Bartoli report, supra n 8, p 54.

<sup>42</sup> See for instance, Francine Ryan, 'A virtual law clinic: a realist evaluation of what works for whom, why, how and in what circumstances?' (2019) *The Law Teacher*, 4; and see the discussion in Romano, in the Bartoli report, supra n 8, pp 35-36.



legal education can include where students respond to live legal issues, such as ongoing group litigation in the form of amicus briefs, or governmental consultations about law reform, where there is no interaction between the student and a live client. At the other end of the scale, students on pro bono schemes would take on and run either or both of transactional or litigation work for a human being or legal person client, as if the student were a qualified legal professional.<sup>43</sup> In between those two extremes there is scope for many variations. Students may give advice without offering representation or transaction management. Students may support legal work without giving legal advice, for instance by offering research services. Students may simply observe legal work, perhaps taking notes for files.<sup>44</sup> And so on. Most European pro bono legal education sits somewhere in the middle of the range of possibilities in terms of the scope of provision to clients, inasmuch as we are able to describe such a position.

Likewise, there is variation in the extent of the responsibility that students take. This variation in experience would appear to have been present from the very genesis of clinical legal education.<sup>45</sup> At one extreme, students appear in courts and tribunals on behalf of a client. In some instances, pro bono legal learning takes place through student-led structures such as through a student union society.<sup>46</sup> At the other extreme, students merely sit in on advice being given by others, and potentially take notes. Within that range, there are models where legally qualified professionals work within a law school clinic, and students

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<sup>43</sup> We have not found examples of that model in its pure form in the UK context. Even Nottingham Law School Legal Advice Centre which was the first ‘teaching firm’ is largely advisory rather than transactional or representational. It will prepare documents and will offer representation for small claims but this is a long way short of the full service that a traditional firm would offer. However, we have been unable to review clinics across the whole of Europe, and, as noted above the literature offers only an incomplete review.

<sup>44</sup> A role that merely involves observing the actions of others falls outside some definitions of clinical legal education as it lacks the ‘learning by doing’ elements of a student’s own action and, following reflection and conceptualisation, experimentation in the real world, see David A Kolb, *‘Experiential Learning: Experience as the source of learning and development’*, Englewood Cliff, NJ, Prentice Hall. See in particular the ENCLE definition of a legal clinic as requiring experiential learning: <http://encle.eu/about-encle/definition-of-a-legal-clinic>, (last accessed 31 March 2020). However, it may permit exposure to a wider choice of legal areas, variety of skills and greater exposure to professional ethics than a University-based clinic; see Romano, *supra* n 8.

<sup>45</sup> See Burridge et al, *supra* n 31, 8 see also Aidan Evans et al, *Australian Clinical Legal Education* (1st edn, ANU Press, 2017) 63 et seq.

<sup>46</sup> Durham University Pro Bono Society appears to be an example, although the website refers to the law firms CMS Cameron McKenna Nabarro Olswang and Clifford Chance, <https://www.dur.ac.uk/law/undergraduate/societies/dups/> (last accessed 6th March 2020).

become involved in one or more parts of that work<sup>47</sup> (such as preparing letters with legal advice), or where cases are pre-vetted by staff before they reach students<sup>48</sup>, or where an appointments system is used to filter clients before students take on responsibilities, or where there is an open drop-in system for clients, and students have to do the filtering, for instance if clients present with legal problems in areas which cannot be supported by the clinic for regulatory or capacity reasons, or if there is a conflict of interest (especially in the case of a student or staff member seeking to bring a legal claim against the university). There are obvious variations in terms of how much time students spend on pro bono work.<sup>49</sup>

All pro bono schemes within European university law faculties<sup>50</sup>, and elsewhere, involve students fostering skills of self-reflection<sup>51</sup>, associated with professionalism.<sup>52</sup> Equally, pro bono schemes also include elements of learning designed to help students to develop ethical awareness.<sup>53</sup>

A different type of ethical element of pro bono schemes associated with clinical legal education involves the provision of legal services to those who otherwise

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<sup>47</sup> An interesting example in a European context is ECAS' EU Rights Clinic - in collaboration with the University of Kent, where PG students work on EU law queries from individuals with the aid of lawyers - see <https://ecas.org/focus-areas/eu-rights/eu-rights-clinic/> (last accessed 5th March 2020).

<sup>48</sup> Sarah Blandy, 'Enhancing Employability through Student Engagement in Pro Bono Projects' (2019) 29(1) *International Journal of Legal Education* 1, 12.

<sup>49</sup> The Bartoli report, *supra* n 8, p 51, notes up to 450 hours of study and training,

<sup>50</sup> See, eg, the Bartoli report, *supra* n 8, p 52; Barbera, in Alemanno and Khadar, *supra* n 17; Kamil Mamek et al, 'The Past, Present and Future of Clinical Legal Education in Poland' (2018) 25(2) *International Journal of Clinical Legal Education* 89, Dubravka Aksamovic and Phillip Genty, 'Challenges, Successes and Setbacks for Clinical Legal Education in Eastern Europe' (2014) 20(1) *International Journal of Clinical Legal Education* 427, Burrige et al, *supra* n 31, 5.

<sup>51</sup> Richard Lewis, 'Clinical Education Revisited', available online at <http://orca.cf.ac.uk/27655/1/CLINICED.pdf> (last accessed 27<sup>th</sup> February 2020).

<sup>52</sup> Donald Schön: *The Reflective Practitioner: How Professionals Think in Action*. (1st edn. Basic Books, 1984); Timothy Casey 'Reflective Practice in Legal Education: The Stages of Reflection' (2014) 20 *Clinical Law Review* 317; Karen Hinett (2002) *Developing Reflective Practice in Legal Education* (UK Centre for Legal Education).

<sup>53</sup> Jonathan Herring begins his textbook with the observation that it is 'astonishing that a student can go through his or her training with little or no understanding of professional ethics' Jonathan Herring, *Legal Ethics* (OUP 2014), v. This observation obviously pertains to the legal education system in England and Wales; other jurisdictions take different approaches to professional ethics education of lawyers. See further Julian Webb and Donald Nicolson 'Institutionalising Trust: Ethics and the Responsive Regulation of the Legal Profession' (1999) 2(2) *Legal Ethics* 148, Allan Hutchinson, *Fighting Fair: Legal Ethics in an Adversarial Age* (1st edn. CUP, 2015).

would not be able to access justice. Access to justice (which even at its narrowest, means the securing of vested rights through courts and tribunals<sup>54</sup>) is enshrined in Article 6 of the European Convention on Human Rights. Further, law clinics have been associated with social justice more broadly defined as fairness in terms of access to public goods, such as health, housing, welfare or education.<sup>55</sup> The social and economic value of pro bono work is a key aspect of the USA context<sup>56</sup>, where legal aid and access to justice irrespective of socio-economic class as understood in Europe has never been part of the professional legal landscape. In England and Wales, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 increased the need for this kind of contribution of university law schools to their local communities, as an ethical and civic duty.<sup>57</sup> The social justice aspects of clinical legal education are a key motivator across European jurisdictions.<sup>58</sup>

Finally, some clinical legal education and pro bono schemes emphasise the specifically *legal* skills that students are developing. Others will focus more on *generic* aspects of the work entailed: team working, time management, information gathering, communications skills and so on.<sup>59</sup> Relatedly, the content of pro bono and clinical work may be connected to the substantive legal

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<sup>54</sup> Janneke H Gerards and Lize R. Glas, 'Access to Justice in the European Convention on Human Rights System' (2017) 35(1) *Netherlands Quarterly on Human Rights*, 11, 13.

<sup>55</sup> See, eg Jeremy Cooper and Louise Trubek, eds, *Educating for Justice: Social Values and Legal Education*, (Dartmouth, 1997); David McQuoid Mason, 'Teaching Social Justice to Law Students through Community Service' in *Transforming South African Universities - Capacity Building for Historically Black Universities* (Philip F. Iya, Nasila S. Rembe, & J.Balorodo eds 1999) 89; Frank Bloch, ed, *The Global Clinical Movement Educating Lawyers for Social Justice* (Oxford University Press, 2010); Donald Nicholson, 'Our Roots Began in (South) Africa: Modeling Law Clinics to Maximise Social Justice Ends' (2016) 23 *International Journal of Clinical Legal Education*, 87-136; Ashford and McKeown, eds, supra n 9.

<sup>56</sup> Deborah L. Rhode, 'Cultures of Commitment: Pro Bono for Lawyers and Law Students', (1999) 67 *Fordham Law Review* 2415 . Also Alpheran Babacan and Hurriyet Babacan, 'Enhancing Civic Consciousness through student pro bono in legal education', (2017) 22(6) *Teaching in Higher Education*, 672.

<sup>57</sup> See Mavis Maclean and John Eekelaar 'The Student Contribution: Clinical Legal Education' in M Maclean and J Eekelaar, *After the Act: Access to Family Justice after LASPO* (1<sup>st</sup> edn, Bloomsbury, 2019) 118; Elaine Campbell and Victoria Murray, 'Mind the Gap: Clinic and the Access to Justice Dilemma', (2015) 2(3) *International Journal of Legal and Social Studies* 94, 100; Elaine Campbell, 'Recognising the Social and Economic Value of Transactional Law Clinics: A View from the United Kingdom' (2016) 65 *Journal of Legal Education*, 580.

<sup>58</sup> See, eg, Ashford and McKeown, eds, supra n 9; Alemanno and Khadar, supra n 8.

<sup>59</sup> See Dignan et al, supra n 24; Babacan and Babacan, supra n 56, 676.

topics that students have already studied or are studying alongside, or it may be entirely disconnected from that substantive legal learning.

In short, ‘clinical legal education’ and ‘pro bono legal learning’ take a very wide variety of forms. However, whatever the form, it would seem that such aspects of European legal education place those law schools which offer them very much in the ‘clinical’/‘functional’/‘vocational’ approach to legal education, rather than a ‘liberal’/‘holistic’ or ‘formalist’/‘positivist’ approach. In the remainder of this article, we explore this assumption by moving the focus away from what *law schools* are ‘for’, and onto how *students* experience their legal education. To do so, we combine analysis of data from a small pilot project with broader reflection on the landscape of clinical and pro bono legal learning in Europe, as reported in the extant literature.

## **Method**

In order to investigate student experiences and perceptions of pro bono legal education, we designed and implemented a small pilot study involving an on-line questionnaire.<sup>60</sup> The questionnaire is found in the Appendix. Rather than beginning with a formal hypothesis, we began with a series of questions about the nature of pro bono legal education, and its relationships with both university education as ‘liberal’ legal education, and with professional formation, or the ‘functional’ legal education mode. We operationalized our questions into two broad categories of investigation: how students perceived the relationship between their pro bono work and (i) curricular learning on the law degree on which they were enrolled; and (ii) the ‘competences’ of a newly qualified solicitor, as articulated by the Solicitors Regulation Authority (the regulatory body for the solicitors’ profession in England and Wales) in the context of the competence statement (comprising a statement of solicitor competence, the relevant threshold standard and a statement of legal knowledge) that defines the continuing competences required of all solicitors. The latter data is not the subject of this article, and will be discussed in a later publication. Here, we

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<sup>60</sup> The project was ethically approved by Sheffield Law School’s ethics review procedure. The University of Sheffield’s Research Ethics Committee monitors the application and delivery of the University’s Ethics Review Procedure across the University. On questionnaire design in general, see Alan Bryman, *Social Research Methods*, (5th edn, Oxford University Press, 2015) 159-206.

focus on the former. In the context of a ‘Russell Group’<sup>61</sup> law school like Sheffield, the curricular content of law degrees at undergraduate level, and to some extent at postgraduate level,<sup>62</sup> is understood as falling squarely within the ‘liberal’ mode of legal education. Our data also includes responses from students on the postgraduate ‘Legal Practice Course’, which is the vocational stage of training for students who want to become solicitors in England and Wales. The inclusion of this data in our dataset compromises the extent to which we are able to make claims about the relationships with ‘liberal’ modes of legal education. However, this deficiency in the dataset was unavoidable as, in order to be able to maintain anonymity with the small numbers involved, we could not ask for details of the programme on which each respondent was enrolled.

In terms of questionnaire design, the questions concerning ‘competences’ used the wording of the Solicitors Regulation Authority’s ‘day one’ competence statement but there was obviously no direct equivalent for the questions on relationships to curricular learning. The Quality Assurance Agency (QAA), the external body responsible for overseeing quality in Higher Education provision in England, sets out the ‘skills and qualities of mind’ of law graduates, but this provides only loose guidance. Therefore, some of the questions on relationships between pro bono and curricular learning were developed from data supplied by the students themselves. In their applications to join the pro bono schemes, students were asked *inter alia*, to explain what they hoped to gain from the experience. The questions on students’ objectives in taking part in pro bono work drew from the wording used by the students in those letters of application, in an inductive and thematic approach. The questions in the section in the questionnaire about pro bono work and students’ curricular learning were developed from QAA standards as articulated in Sheffield Law School’s programmes’ curricular content. They were articulated through a loose mapping of themes in the curricular assessment criteria and learning objectives applicable to the School’s taught programmes. These criteria are, obviously, shared with students, so will have been familiar to our respondents.

The questions asked sought to elicit indications of students’ perceptions of the relationships between pro bono learning and the ‘liberal’ legal education they

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<sup>61</sup> The *Russell Group* is a self-appointed group of 24 research-intensive, UK universities, mostly located in major urban settlements, see <https://russellgroup.ac.uk/about/our-universities/> (last accessed 4th March 2020).

<sup>62</sup> Although not on the Legal Practice Course.

were experiencing in the rest of their studies. By asking about a range of aspects related to the broad concept in which we are interested, we increased the data's reliability, although obviously in a pilot study there is a limit to how reliable the data is through time, with different cohorts of students experiencing the same pro bono schemes. However, the reliability of the themes emerging is also strengthened by the similarity with themes emerging from an earlier study seeking to determine links between pro bono engagement and employability.<sup>63</sup>

Further, we acknowledge that reliability is compromised by the nature of the research design involving a student survey. Students, who by definition have not yet graduated from the programme they are on, and are far from being experts in the learning objectives of the degrees or diplomas which they are following, are unlikely to be the best judges of whether being exposed to a pro bono experience will allow them to develop skills or legal knowledge that is being assessed as part of their degree or diploma. In other words, putting it in the words of the Johari window,<sup>64</sup> our student respondents do not know what they do not know. We seek to minimise the effects of this inevitable limitation of our method by focusing our analysis on *student perceptions* of their learning, rather than objective or positivist claims about student learning. A more holistic study would include comparative data on students' academic attainment (represented in their examination results) pre- and post-pro bono experience, and data from academic staff.

A simple 3 or 5 point Likert scale was used to gather responses. To compensate for the limitations of quantitative data alone, as a measure of the social, as opposed to the natural, world,<sup>65</sup> free text boxes were included to allow respondents to elaborate on their answers or introduce new factors, or both. This introduces a qualitative element to the research design.

The questionnaire was administered through 'google forms' to around 200 students enrolled in Sheffield Law School's various pro bono schemes (outlined further below), between 14 April and 14 June 2018. Students were contacted through their university email accounts, with a hyperlink to the questionnaire included in the email. Reminder emails were sent to encourage

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<sup>63</sup> Blandy, *supra* n 48.

<sup>64</sup> Joseph Luft et al, 'The Johari window, a graphic model of interpersonal awareness' (1955) *Proceedings of the Western Training Laboratory in Group Development*.

<sup>65</sup> Alfred Schutz, *Collected Papers I: The Problem of Social Reality*. (Martinus Nijhof, 1962), cited in Bryman, *supra* n 60, 30.

responses. Responses were anonymous and could not be linked to the student respondent or their email account. The student body in Sheffield Law School totals around 1200 students, which includes around 830 undergraduate students enrolled on seven ‘Qualifying Law Degrees’; around 300 students on LLM programmes and two postgraduate programmes which are ‘conversion’ options for students with another degree who want to become lawyers; and around 70 students on the ‘Legal Practice Course’. The 200 students to whom the questionnaire was sent thus represent around 16% of the whole student body. The questionnaire response rate was 30%, relatively low for questionnaires, but nonetheless yielding 60 responses which form our modest pilot dataset.

Obviously in a pilot study of this nature we have not been able to randomly generate a probability sample of students experiencing learning through pro bono schemes in law schools across European jurisdictions. Rather, we seek to make tentative claims about the generalizability of our data in our ‘convenience sample’,<sup>66</sup> by reference to the extent to which Sheffield Law School’s pro bono schemes represent, in many respects, a median point in the various ranges of approach that can be offered by law schools’ pro bono schemes, as indicated in the literature discussed above.

## **Analysis**

### *Sheffield Law School’s pro bono schemes*

The six pro bono schemes in Sheffield Law School reflected in the data<sup>67</sup> include some internal to the Law School; and some with external partners. The schemes have grown organically and to some extent opportunistically, so do not follow a particularly logical structure. Internal schemes are the general legal clinic, *FreeLaw*; a specialist commercial law clinic, *CommLaw*; and the *Miscarriages of Justice Review Centre*. *FreeLaw* and *CommLaw* operate on a shared model, which involves drop-in or pre-booked appointments sessions with members of the public (including, but not limited to, university staff and students). Each client meets with a group of students, without a member of staff present. Students are responsible for filtering out clients whose needs they cannot meet, for instance because a legal claim is time-critical, or there is a conflict of interest. Students issue a client care letter and privacy statement, ask

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<sup>66</sup> Bryman, *supra* n 60, 201-202.

<sup>67</sup> There were a further five pro bono schemes with external partners at the time the data was gathered, but the data does not represent these examples.

questions, and take notes of the discussion. Immediately following the meeting, students prepare a formal attendance note and write a letter to the client, with further client care information, but also setting out the legal issues that the students intend to review. There is an opportunity for the client to confirm or refine those legal issues. That letter and the meeting note are reviewed by a qualified solicitor employed by Sheffield Law School for this purpose (as part or all of their contract of employment). Within 14 days, students must research and prepare a letter of advice on the law, have it approved by the qualified solicitor, who also reviews their research, and send it to the client. This model does not involve the immersive experience of responsibility for a client entailed in legal professional practice. But otherwise, in some senses, it is close to such practice. In particular, for these students, it is the first time that they have applied their learning to a real-life client and taken some responsibility in relation to that application.

In the *Miscarriages of Justice Review Centre*, students act on cases where a convicted prisoner maintains their innocence. The students review and compile evidence that could be put in a letter to the Criminal Cases Review Commission in an attempt to satisfy the statutory test for referral of the case to the Court of Appeal<sup>68</sup>. The work is supervised by two qualified lawyers in the School. The *Criminal Justice Initiative* is the external version of the *Miscarriages of Justice Review Centre*. A coordinator within Sheffield Law School liaises with a specialist firm of solicitors, who supervise the students' work.

The pro bono immigration appeals work with the external partner *South Yorkshire Refugee Law and Justice* operates in a similar way. It provides legal advice to individuals who need help to support their claim for asylum and who are unable to use the services of a solicitor. Students also carry out research into the country a person has fled from, to explain to the appropriate tribunal why they cannot return, to support an asylum claim<sup>69</sup>.

The sixth pro bono scheme involving external partners on which our data reports is *Support through Court*. *Support through Court* is a charity that supports people facing court proceedings without a solicitor to advise and

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<sup>68</sup> Section 13, Criminal Appeals Act (1995).

<sup>69</sup> See Rule 353 of the Immigration Rules, <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-12-procedure-and-rights-of-appeal> (last accessed 4th March 2020) cited in *R (on the application of ZO (Somalia) and others) v Secretary of State for the Home Department* [2010] UKSC 36 [20] (Lord Kerr).



represent them. The charity does not offer legal advice. Instead, it offers emotional support, help with form-filling, and procedural advice (where this does not constitute giving legal advice (such as, for instance, in the case of a choice of which form to fill in)). This example is thus the furthest from experience of the responsibilities entailed in legal practice, although it does involve students engaging directly in the court system.

All undergraduate students who are participating or have participated in any of the School's internal or external pro bono schemes are eligible to choose a final year 20 credit *pro bono module*, as part of the 120 credits required in each year of their degree programme. Around 30 students elect to follow this module each year. The module involves lectures and seminars on the theory and practice of pro bono work, and is assessed by three components: a standard academic essay, the overriding theme of which must concern pro bono advice and/or issues relating to access to justice, and which critically analyses either the context, regulatory environment or relevance of professional ethics and values to pro bono work; a presentation on skills developed through the student's pro bono work; and a self-reflective portfolio on that work. Although the questionnaire does not explicitly ask about experience on this module, it represents part of the suite of pro bono learning available for (some) students in Sheffield Law School.

To summarise, Sheffield's pro bono schemes all involve around 4 hours a week, in term time, of 'not-for-credit' voluntary work from both undergraduate and postgraduate students. Some supervision on the schemes is offered on a pro bono basis, but mostly supervision is undertaken by paid staff, either in the university, or in one of the external partner organisations. In the case of the partner law firms, the work is pro bono for the firm, although the individual supervisor is a salaried member of staff. Other external partners are charities. Some credit-bearing student learning takes place on the pro bono module. Sheffield Law School represents a medium-sized law school by European standards. The scale of its pro bono schemes is small, as is generally the case, with around 200 students engaged across 11 schemes, so an average of just under 20 students on each scheme. In terms of the scope of what is done for or with clients, Sheffield's position is in the middle of the range of possibilities: Sheffield students give advice on the law in the context of a real client's circumstances, but this does not usually result in representation or transaction management for them. In the case of *Support through Court*, which represents 12.1% of the questionnaire data, no legal advice is given. In terms of the range

of responsibilities taken by students, the Sheffield Law School clinics are student-led. Students are organised into groups led by a student with more experience. They engage with clients largely without direct staff involvement, although specialist staff are available to students at their request. All correspondence with clients is supervised by someone who is legally trained.

The pro bono work in Sheffield Law School represented in this data<sup>70</sup> does *not* include court representation; amicus work for courts or quasi-judicial bodies such as international human rights organisations; responses to governmental inquiries or law reform proposals; virtual clinic experience; ‘street law’ legal education activities, such as in community centres or schools<sup>71</sup>; work experience with legal entities of various sorts, including law firms, the police, or local government; or working with other disciplines such as architecture, education, health and medicine to offer holistic advice. This is obviously a non-exhaustive list of types of pro bono work that take place in European contexts, but draws on the data available to us to the best of our abilities.

Nonetheless, the types of pro bono work undertaken in Sheffield Law School, seen in the context of the review of literature on pro bono and clinical legal education, suggest that the dataset from our pilot could, to some extent at least, be conceptualised as representing a ‘median’ or, maybe, even in some senses ‘typical’ European law school offering pro bono legal education. It is from that position that we draw our more general analytical conclusions.

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<sup>70</sup> Sheffield Law School does have one scheme where students are being trained to represent clients in court: an external scheme with *Advice Sheffield* (formally, the Citizens Advice Bureau) with Personal Independence Payment appeals under the *Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013/381* but this scheme is not represented in the data.

<sup>71</sup> Street Law is a phenomenon with origins linked to Georgetown University, Washington, see Suraya Rostami et al, ‘Promoting Citizen Rights through Street Law Projects’ (2014) 10(4) *Asian Social Science*, 273-278, and indeed the clinic still functions today - see <https://www.law.georgetown.edu/experiential-learning/clinics/dc-street-law-program/law-student-faq/>.

Students in street law clinics give on the street advice in the truest sense, but the practice has spread all over the world. See, for instance, Tereza Krupova and Marek Zima, ‘Street Law and Legal Clinics as Civic Projects: Situation in the Czech Republic’ (2017) 7(8) *Onati Socio-Legal Series*, 1647-1660; David McQuoid-Mason ‘Street Law as a Clinical Program’ (2008) 17 *Griffith Law Review*, 27-51. A fuller review of its principles and its practice can be found in David McQuoid-Mason et al ‘Street Law and Social Justice Education’ in Frank S Bloch, ed, *The Global Clinical Movement: Educating Lawyers for Social Justice* (1st edn., OUP, 2010) 226.

*The questionnaire results: respondents' objectives*

The questionnaire data comprises 60 responses. The response rates for each scheme are shown in Table 1.

*Table 1: Response rates for each pro bono scheme*

<b>Scheme</b>	<b>All respondents (N=60)</b>	<b>Total number of students on scheme in 2017-18</b>
General legal clinic	17 (29.3%)	84 (20.2% responded)
Miscarriages of Justice work	13 (22.4%)	38 (34.2% responded)
Specialist commercial clinic	12 (20.7%)	33 (36.4% responded)
Court-based work*	8 (13.3%)	14 (57.1% responded)
Miscarriages of Justice work (external supervisor)	7 (11.6%)	7 (100% responded)
Immigration appeals work*	3 (5.2%)	6 (50% responded)

These show a relatively even spread between the School's internal pro bono schemes, and smaller response rates for the externally supported pro bono schemes. The Immigration appeals work is an outlier at just over 5% of the total sample, and just three responses. Obviously, to reiterate, the small numbers of responses in this pilot study must be taken into account when drawing any general analytical conclusions (see further above).

Of the respondents, 66.6% (40 out of the 60) had been involved for one academic year or less. The remaining 33.3% (20 out of the 60) had been involved in pro bono for more than one academic year. 14 were in a team leader or student manager position: students tend to stay in the same scheme and attain seniority, though a small number may change schemes.<sup>72</sup> Among the potential respondents to the survey (206), some 61 were 'returners' from the previous year, or from the year before that (because they had been on a year abroad). Thus 29.6% of our 206 students were, potentially, students whose experience of pro bono was disproportionately positive (in that they chose to return to pro bono work for a second year), and could potentially skew our results. However, the difference between 33.3% and 29.6% is not particularly significant.

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<sup>72</sup> For example, in the academic year in which the data was obtained, of our potential sample of 206 students, three students are known to have moved from one scheme to another and two further students were involved in two schemes although this is not formally permitted.

The first set of questions focused on students' objectives in taking part in a pro bono scheme. This section of the questionnaire was designed to seek to discover what students felt that they had hoped to learn when they began taking part in pro bono work. Students were asked this question around 6 months or 18 months after they had originally applied to the pro bono schemes, so there is some scope for students' memories to skew the results<sup>73</sup>, as compared to what they might have answered had we asked them before they began their pro bono work. As explained above, the questionnaire asked about a list of possible reasons that students may have had when they applied for pro bono work, based on the students' own applications from autumn 2017. Students were also given an opportunity to add their own reasons, if they did not see them listed.

*Table 2: Objectives in taking part in a pro bono scheme*

	Very important	Quite important	Neutral	Less important	Least important
Help others	39 (65%)	15 (25%)	4 (6.6%)	0	2 (3.3%)
Improve my CV/employability	41 (68.3%)	16 (26.6%)	0	1 (1.6%)	2 (3.3%)
Develop my professional ethics	29 (48.3%)	22 (36.6%)	5 (8.3%)	2 (3.3%)	2 (3.3%)
Learn more about a particular area of law or legal practice	26 (43.3%)	17 (28.3%)	12 (20%)	4 (6.6%)	1 (1.6%)
Develop my legal skills through practical experience	50 (83.3%)	5 (8.3%)	3 (5%)	0	2 (3.3%)
Other objective <sup>‡</sup>					

<sup>73</sup> See Geoffrey and Elizabeth Loftus, *Human Memory: The Processing of Information* (1st edn. Psychology Press, 1976; 5th edn. 2019), Jackie Andrade, ed, *Working Memory in Perspective* (1st edn., Psychology Press, 2001).

<sup>‡</sup> 7 responses to this question.

A very high proportion of students (90%) felt that, in engaging with a pro bono scheme, the aim of helping others was important. Professional ethics development also scored highly (85%) as an important aim. Neither of these relate to the development of skills or knowledge associated with learning in the 'liberal' or 'holistic' mode of legal education, although learning about legal ethics in a broader sense<sup>74</sup> could be said to be part of such legal education. Only seven respondents added their own objectives (several of these added more than one objective). Two of these additions referred to the networking opportunities associated with pro bono work, and generic skills development. Another suggested that pro bono work was an opportunity to discover whether a legal career is really of interest to the respondent. A fourth wanted to 'give back' what they had learned in the previous year of engagement with pro bono schemes, and a fifth sought greater meaningful responsibilities. Again, none of these relate to 'liberal'/'holistic' legal learning.

However, all of the other aims at least potentially relate to those types of learning. Learning more about a particular area of law or legal practice (important to nearly three quarters of the respondents (71.6%)) may (although need not necessarily) relate to university studies in the 'liberal'/'holistic' education mode. As a good degree is key to employability, the importance of the aim of improving CVs and students' prospects of employment (95%) also potentially relates to 'liberal' or 'holistic' legal learning. The aim most students felt to be of the highest importance (83.3%, with a further 8.3% responding it was of some importance, a total of 91.6%) - develop my legal skills through practical experience - can also be interpreted to be related to both 'liberal'/'holistic' legal education and 'clinical'/'functional'/'vocational' aspects of legal education. Although the objective refers to 'practical experience', which suggests the latter type of legal education, 'legal skills' are also associated strongly with the former.

Recall, moreover, that these objectives were drawn from the students' own application data. Students' accounts of their aims in engaging in clinical legal education through pro bono schemes, as expressed in their applications to those schemes, did not distinguish sharply between different aspects or types of legal education. This insight is further reflected in the small number of responses in

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<sup>74</sup> See Julian Webb and Donald Nicolson 'Institutionalising Trust: Ethics and the Responsive Regulation of the Legal Profession' (1999) 2(2) *Legal Ethics* 148, Allan Hutchinson, *Fighting Fair: Legal Ethics in an Adversarial Age* (1st edn. CUP, 2015).

the ‘other objective’ category in the questionnaire, which included ‘honing linguistic skills’ and ‘developing legal skills’. These objectives also relate to both types or modes of legal education. Even generic skills development (such as team working, organisation, time management and professional style of communication) at least arguably relate to the skills associated with good university law school learning in a non-vocational sense.

*Table 3: Objectives met through taking part in a pro bono scheme*

	Definitely achieved	Achieved	Neutral/ don't know	Not achieved	Definitely not achieved
Help others	28 (46.6%)	19 (31.6%)	7(11.6%)	5 (8.3%)	1 (1.6%)
Improve my CV/employability	37 (61.6%)	18 (30%)	3 (5%)	0	2 (3.3%)
Develop my professional ethics	25 (41.6%)	26 (54.3%)	7 (11.6%)	0	2 (3.3%)
Learn more about a particular area of law or legal practice	30 (50%)	22 (36.6%)	6 (10%)	1 (1.6%)	1 (1.6%)
Develop my legal skills through practical experience	39 (65%)	14 (23.3%)	3 (5%)	3 (5%)	1 (1.6%)
Other objective <sup>±±</sup>	4 (23.5%)	4(23.5%)	8(47%)	0	1 (5.8%)

In general, the vast majority of students felt that all objectives we asked about in the first set of questions had been achieved, with only 10% of students reporting that they felt ‘helping others’ had not been achieved; 6.6% that they felt they had not developed their legal skills through practice experience; 3.3% that they felt improving their CV and/or employability had not been achieved (perhaps reflecting a very specific career goal, such as securing a ‘training contract’, the next stage of their legal qualification journey); and the same percentage felt that they had not developed their professional ethics, or learned

<sup>±±</sup> N is not 60 because only 17 responses to this question.

more about a particular area of law or legal practice. As we noted above, several of these objectives are associated with both ‘liberal’/‘holistic’ legal education and with ‘clinical’/‘vocational’ legal education, and the students whose views we report here feel that pro bono clinical legal education helped them to achieve these objectives.

The free text responses give some qualitative insights into the reasons behind the students’ beliefs about the effects of the learning that they experienced in the pro bono schemes in Sheffield Law School. Some border on the altruistic, explaining how students feel about notions of the responsibilities of a civic university to its local communities:

[...] many of the people we help ... are vulnerable and disadvantaged. I am an international student and this position allows me to give back to the community which has been very nice to me since I moved here.

Many of these free text responses refer to generic graduate and professional skills, such as timekeeping, communication (one specifically mentions ‘answering the telephone’, perhaps reflecting an awareness of a generational gap in terms of comfort with different types of communication), teamwork, presentational skills, and leadership. Others refer to specifically legal professional skills, such as client interviewing, form filling and understanding of court processes. But several refer to skills associated with ‘liberal’ legal learning, especially legal research and legal analytical skills. Some respondents draw a distinction between the ‘practical’ learning in the pro bono context and the more ‘abstract’ learning associated with their ‘liberal’/‘holistic’ legal education:

[...] I learned more about efficient legal research and the practical implications of legal decisions than I have in my traditional modules.

In many instances, respondents see a *uni-directional* relationship between their ‘university’ (‘for-credit’) learning, and what they are able to offer to the pro bono scheme:

Essentially, I have been able to apply my studies of law directly to my judgement on how to advise clients, catering for my understanding of that topic.

To be placed in a position of real life scenarios, in real court rooms with judges who are giving judgements on real life cases. I have learnt so much and also put what I have learnt before into play.

It has shown me how to work within a legal team for real life clients, allowing me to apply what I have learnt theoretically to real life situations.

These responses suggest that students feel that there is a direct, but one-way, relationship between the knowledge, understanding, skills and competences they have gained through their 'liberal' or 'holistic' learning on their law degrees, and the knowledge, understanding, skills and competences associated with 'vocational' or 'functional' legal training. The students who responded to our questionnaire do not experience the distinction between those different modes of legal education in as strong a form as some of the literature discussed above implies.

Furthermore, in some instances, respondents see a *mutually reinforcing* learning process, where their learning as part of their 'liberal' or 'holistic' legal education supports their contribution to the service they are able to offer clients pro bono, but *at the same time* the learning on the pro bono scheme reinforces their credit-bearing learning as part of their degree programmes:

[...] helped me to understand how to research areas of law that I have not studied and has helped me with my law [degree] work.

Asked what would have improved their experience, many respondents could not think of anything, several wanted more clients and greater marketing or advertising efforts along with extended opening hours of the clinic to secure those, and several suggested greater law school resourcing, either in terms of equipment, physical space, or staff time, or all three. However, one respondent suggested that a better link to 'credit-bearing' learning would be an improvement, and noted that they intended to follow the optional pro bono module the following academic year.

Although 17 respondents reported in response to this question that they had another objective in mind, of those only seven had reported that objective in the free text space, in response to the earlier question. All of those seven



reported that their objective had been achieved. It is not possible, however, to draw further conclusions from the other 10 respondents who reported another objective, of whom one felt their other objective(s) had been achieved, one felt that/those objective(s) had definitely not been achieved, and the rest were neutral/don't know. Learning from this pilot, in future iterations therefore, the questionnaire needs to be adjusted so that only those respondents who give details of one or more other objectives are able to report on whether that/those objectives have been met.

*The questionnaire results: pro bono work and curricular learning*

The second set of questions sought to elicit respondents' views on whether involvement in pro bono work had helped respondents to become 'better learners' on their degree programmes. We asked whether respondents felt that pro bono work had had any effect on their ability to carry out a range of tasks and skills associated with law degree programmes, and their learning objectives and assessment criteria.

*Table 4: Pro bono work and your curricular learning*

	Increased my ability	No effect	Decreased my ability
Develop your understanding of complex issues	48 (80%)	12 (20%)	0
Apply law to facts	51 (85%)	9 (15%)	0
Carry out accurate and well organised research	49 (81.6%)	11 (18.3%)	0
Use a range of legal material	45 (75%)	15 (25%)	0
Structure and develop an argument	30 (50%)	30 (50%)	0
Develop your writing style	36 (60%)	24 (40%)	0

The most striking aspect of this part of the dataset is the fact that no respondents felt that their pro bono work had had a *detrimental* effect on their curricular learning, and most respondents felt that it had had a positive effect on almost all aspects of that learning. A very high proportion of respondents felt that their

engagement with one of the School's pro bono schemes had had a positive effect on their ability to apply law to facts (85%); to carry out accurate and well organised research (81.6%); and in the development of their understanding of complex issues (80%). All of these are qualities associated with 'liberal' or 'holistic' legal education. That said, some are problematised in that context: in particular, the distinction between 'law' and 'facts';<sup>75</sup> and the nature of 'legal research'.<sup>76</sup> In particular, there is an ongoing discussion across European law faculties and schools about the extent to which legal research is only a descriptive and expository pursuit, sometimes denoted 'legal science', or the extent to which legal research includes empirical and theoretical/conceptual scholarship. In the former mode, university scholarship involves describing what the law is, and systematising that account.<sup>77</sup> In some jurisdictions, those 'academic' accounts in effect take on the quality of law, as in the case of authoritative commentaries on civil or criminal codes. Clinic work, particularly a drop-in clinic, certainly exposes students to the expository aspects of legal research: students will be faced with clients presenting with legal problems in areas of law which students have not studied in class, and of which they have no prior knowledge. Examples in Sheffield Law School's clinics include complex regulatory issues such as food safety and vehicle recall on safety grounds. Students must use general disciplinary research skills in terms of discerning and finding the correct 'black letter' law without the 'handrails' of lecture notes or even textbooks to support their applied learning.

On the application of law to facts and development of understanding of complex issues, we may be seeing that students perceive mutually reinforcing learning processes between pro bono and curricular work, or a process by which pro bono learning helps curricular learning. Small group learning and assessments in English law schools typically include 'problem questions' to which students must provide a legal response. But these are carefully edited and crafted fictitious scenarios, designed to elicit a response on predictable legal topics, usually with some moot points included.<sup>78</sup> These sanitized

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<sup>75</sup> See, eg William Twining, 'Taking Facts Seriously' in Neil Gold, ed, *Essays on Legal Education* (Butterworths 1982) 51-76; Karl Llewellyn, *The Bramble Bush: The Classic Lectures on Law and the Law School* (1st edn, OUP, 2008) 34-36.

<sup>76</sup> See, eg, Jan Smits, *The Mind and Method of the Legal Academic* (Edward Elgar, 2012).

<sup>77</sup> Smits, *supra* n 76, p 13, 15-16, 17 cites the examples of the *Münchener Kommentar zum Bürgerlichen Gesetzbuch*; or Eduard Meijers (1903) Dutch Civil Code; or Peter Birks' (1985) description of the English law of restitution.

<sup>78</sup> For a description, see Emily Finch and Stefan Fafinski, *Legal Skills* (5th edn. OUP 2015), Chapter 15: Answering problem questions; Sharon Hanson, *Learning Legal Skills*

learning spaces are far from the way a client in a law clinic explains their situation, in a way that makes sense and highlights what is important to them. Such lay explanations may include information on which the client her/him/themselves is confused, has misunderstood, or is legally speaking irrelevant. The information may be given by a combination of written and oral communication. In a law clinic, the student must unravel, question, assess and sift this information to arrive at an understanding of the situation to which they subsequently attempt to discover the relevant legal or practice point, and then apply it sensibly, to give clear advice. Returning to the less ‘messy’ world of curricular ‘problem question’ scenarios is almost inevitably going to seem easier than before the pro bono learning experience, hence the perception that pro bono work increases respondents’ ability to apply law to facts and understand complex issues in their curricular work.

By testing and stretching these skills at the unstructured edges that pro bono work involves, we would expect a student to understand that they have an advantage when transferring them to the ‘tidied up’ examples found in decided cases, textbook accounts, and simulated facts of their curricular learning and assessments. This is what our dataset suggests.

It is also notable that half the respondents to our questionnaire felt that there had been no effect on their ability to structure and develop an argument. Legal argumentation is claimed to be a distinctive feature of legal education, in both its ‘liberal’ and its ‘vocational’ modes.<sup>79</sup> This is therefore an instance where we would expect to see mutually reinforcing learning loops between pro bono clinical learning and curricular learning on a university law degree in a ‘liberal’ or ‘holistic’ context. However, if that mutual reinforcement is taking place, the respondents to our questionnaire have not reported that they are aware that this is the case.

It may be that our respondents see a distinction between different *types* or *forms* of legal argument, some of which are valued in the ‘liberal’ legal education context, and others of which are valued in clinical legal education contexts and

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*and Reasoning* (4th edn. Routledge, 2016), Chapter 22.; Nicholas J. McBride, *Letters to a Law Student* (4th edn. Pearson International, 2018) 281

<sup>79</sup> See, eg, Karl Llewellyn, *The Bramble Bush: The Classic Lectures on Law and the Law School* (1st edn, OUP, 2008), 42-52; Emily Finch and Stefan Fafinsky, *Legal Skills* (9th edn. OUP, 2019) 253-271 ; James Holland and Julian Webb, *Learning Legal Rules: A Students’ Guide to Legal Method and Reasoning* (10th edn, OUP, 2019) 109; Sharon Hanson, *Learning Legal Skills and Reasoning* (Routledge 2016).

indeed in legal practice. This interpretation would explain the relatively low numbers of respondents seeing improvement in their abilities to structure or develop an argument *in the context of what they perceive to be valued as legal argumentation in their university studies and assessments*. Particularly in the case of written legal argument, in the context of an institution like Sheffield Law School, emphasis is placed within marking criteria and assessment feedback on students developing what they may perceive as an ‘academic’ writing style. This perception would therefore explain why our respondents may not perceive learning to write in a simpler and more direct, lay client-friendly style as helpful in their academic development, or vice versa.

Finally, we asked respondents whether their involvement in the School’s pro bono schemes had had any effect on their *interest* in their curricular learning. This question was based on the sense that an enhanced interest in curricular learning would have a positive effect on that learning, as enthusiastic learners are more successful learners. We asked respondents to consider their answer in relation to their studies overall, rather than focusing on any particular substantive module that they might be studying or have studied, such as company or family law. This focus was to seek to elicit *general* effects on enthusiasm for curricular learning in Sheffield Law School, rather than any more specific effect.

*Table 5: Effect on your interest in subjects you are studying on your law degree*

Effect	Increased my interest	No effect	Reduced my interest
	45 (75%)	13 (21.6%)	2 (3.3%)

Three quarters of respondents felt that their pro bono engagement had increased their interest in their curricular studies. Only 2 (3.3%) reported a reduced interest. This latter might be explained by respondents discovering through the experience of pro bono engagement that they do not wish to become lawyers, and so their interest in a law degree dwindles; or discovering an interest in, say, criminal law, and then experiencing decreased interest in civil or commercial law subjects; or discovering an interest in an area of law that is not available to study on their programme, such as immigration law, or any other area of law not offered in Sheffield Law School’s taught programmes that emerged in the all-service clinic.

Unfortunately, although there is a section at the end of the questionnaire for any further comments respondents may wish to make, there is no free-text section that specifically asks for respondents to reflect on the questions concerning interactions between pro bono and curricular learning. Learning from this pilot, in future iterations therefore, the questionnaire needs to be adjusted so that respondents are invited to reflect on these questions, which would generate further qualitative data allowing insights into the reasons that sit behind student perceptions on relationships between pro bono and curricular learning.

## **Conclusions**

There is obviously significant scope for future research on European clinical legal education. While the literature on clinical legal education is well-developed in North America and in Australasia, an important starting point in European contexts would be a comprehensive mapping exercise of clinical and pro bono legal education in European law schools. Which European law schools offer such education? What forms does it take? Are there countries in which it is not on offer at all? To what extent, and if so how, does clinical and pro bono legal education differ between common and civil law jurisdictions? Are there differences between Nordic states, Central and Eastern European states, southern European states? Who is leading the field? Where is research taking place on the effects, strengths and weaknesses of clinical legal education in Europe?

While further studies would be necessary to test our conclusions, what emerges from the data from our pilot project, which has been gathered in a context that is typical in many respects of European clinical and pro bono legal education, includes the following observations. Students join pro bono schemes for a range of reasons, not only related to professional legal practice aspirations. Some of these reasons are related to curricular learning in a 'liberal'/'holistic' legal education sense. While some students see a uni-directional development from their learning in the safe, structured context of their university studies to the messy realities of a law clinic, others, in common with the authors of this paper, perceive mutually reinforcing learning processes between the two types or sites of legal education. To put this a different way, it seems that, while some do, many students do not understand at least some aspects of the links between learning in the context of law clinics and learning in a liberal, research-led law

school. This lack of understanding seems to be the case particularly in terms of learning research skills, legal argumentation and especially legal writing.

Further, we suggest that, even if students are not conscious of the links, the increased interest in their 'liberal' curricular studies that students experience once they have engaged in pro bono schemes is explained by the deep links between the different types of learning that are noted in some of the literature on clinical legal education. Noting the mutual reinforcement loops of the types of learning, and that each may be more effective at fostering certain types of learning associated with effective law graduates and legal professionals, we are tempted to go further, and make a more normative argument both for clinic in so-called 'liberal' legal education environments and liberal legal education in so-called 'clinical' law schools.

In general, however, probably our most important conclusion is that students do not articulate the two different types of learning as strongly differentiated or demarcated one from the other. At the level of an individual student, the distinction between 'liberal' and 'clinical' legal education simply does not hold water. Although we did not directly ask our respondents this question, we would tentatively argue that the data we have discussed above suggests that students themselves do not think in terms of a distinction between 'liberal'/'holistic' legal education and 'functional'/'clinical'/'vocational' legal education, or, if they do, that distinction is not particularly significant to the way in which they understand their learning and how it is developing them for future legal professional practice.

To return to the Pericles versus a plumber debate, with which we began, we would agree with Craig Collins<sup>80</sup> that legal education is (obviously) neither solely about teaching students to be masters of theories of law and justice nor solely about creating legal technicians. Rather, over time, technical legal proficiency and the skills of an enlightened judge, administrator or policy-maker, involving engagement with legal principles and values, become entwined in any given individual (successful) law student. Our analysis of the developing self-awareness of a group of contemporary students in a European law school suggests that not only does pro bono experience help students with future career aspirations in law (the 'functional', 'clinical' or 'vocational' approach to legal education), which one would expect, but also that it also helps

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<sup>80</sup> Collins, *supra* n 4.

students with their broader academic skills development (the ‘liberal’ or ‘holistic’ approach to legal education). Although our data does not involve a law school where much teaching is in the ‘formalist’ or ‘positivist’ mode, we infer that clinical legal education would help with skills associated with those types of legal education too. We agree with those like Neil Gold who have found (in the Canadian context) that clinical legal education involves much broader learning than a narrow ‘vocational’ approach implies;<sup>81</sup> with those like Lucy Yeatman who argue (in a UK context) that clinical legal education can (and should) be brought into the heart of liberal law degrees;<sup>82</sup> with those like Carlo Caprioglio who argue (in an Italian context) that, while law schools may advertise clinic as ‘vocational’, what is happening with student learning is better understood as ‘liberal’ or ‘holistic’ legal education;<sup>83</sup> and with those like Alberto Alemanno and Lamin Khadar (across the European context) who see clinical legal education as fundamental to the relevance of contemporary holistic legal education in a Europe of repeated crises.<sup>84</sup> Most fundamentally, our data suggests that students do not see the distinction between ‘theory’ and ‘practice’ in as stark a way as some narratives about clinical legal education imply: we recognised that this is far from a new insight into the purposes of legal education,<sup>85</sup> but it is worth reiterating that *students* share this insight.

It follows that law schools that may be worried that offering clinical legal education will be perceived as diluting their commitment to legal science or doctrine as a ‘pure’ academic pursuit, or to law schools as a place for theoretical or conceptual learning (and associated research) need not be concerned about such perceptions *from students*. (How academics might perceive clinical legal education in European contexts is a different question altogether.) In short, pro bono schemes, like those on offer in Sheffield Law School, allow students to develop as both Pericles and plumbers.

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<sup>81</sup> Neil Gold, ‘Clinic is the basis for a Complete Legal Education: Quality Assurance, Learning Outcomes and the Clinical Method’ (2015), 22 *International Journal of Clinical Legal Education* 1.

<sup>82</sup> Lucy Yeatman, ‘Law in the Community and Access to Justice: Linking Theory and Practice’ in Chris Ashford and Paul McKeown, eds, *Social Justice and Legal Education*, (Cambridge Scholars Publishing 2018), 128-140.

<sup>83</sup> Caprioglio, *supra* n 38, 335, 336 and 338.

<sup>84</sup> Alemanno and Khadar, *supra* n 8, p 24.

<sup>85</sup> Jerome Frank, ‘A Plea for Lawyer Schools’ *Yale Law Journal* 56 (1947) 1321.

## **Appendix**

### *Assessing the impact of pro bono work on students' development as learners and as potential future professionals*

#### Information about the project

You are being invited to take part in a research project. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

Thank you for reading this.

The project aims to investigate whether participation in an extra-curricular University pro bono project enables participating students to develop certain skills and attributes, including:

1. A sense of professional ethics and awareness of professional relationships such as the solicitor-client relationship.
2. 'Core' learning skills such as critical analysis, research skills, understanding of the law and ability to apply that law to given facts.
3. Attributes that the Solicitors Regulation Authority has identified as being necessary to qualification as a solicitor.

You have been selected to be invited to take part in this survey because you currently volunteer for a pro bono project that is either run by the University of Sheffield Law School or by an external agency that recruits volunteers through the Law School.

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep (and be asked to sign a consent form) and you can still withdraw at any time without it affecting any benefits that you are entitled to in any way. You do not have to give a reason.

Whilst there are no immediate benefits for those people participating in the project, it is hoped that this work will enable the Law School to gain a better understanding of the benefits, challenges and opportunities of pro bono work for our students and their development. This information will be used for an article on learning and



teaching and may be used in the future for similar research projects. We also hope to use the information to assess and improve the learning experience for students of taking part in such pro bono projects.

All the information that we collect about you during the course of the research will be kept strictly confidential. You will not be able to be identified in any reports or publications.

This project has been ethically approved the Law School's ethics review procedure. The University's Research Ethics Committee monitors the application and delivery of the University's Ethics Review Procedure across the University.

### Consent Form

4. I confirm that I have read and understand the information about the project explaining the above research project and I have had the opportunity to ask questions about the project.
5. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.
6. I understand that my responses will be kept strictly confidential. I give permission for members of the research team to have access to my anonymised responses. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
7. I agree for the anonymised data collected from me to be used in future research
8. I agree to take part in the above research project.

I give my consent to the 5 points above.

### About you

1. How long have you been involved in pro bono work?
  - a. One academic year or less
  - b. More than one academic year
2. Which pro bono group are you involved in?
  - a. Freelaw
  - b. Miscarriage of Justice Review Centre
  - c. Criminal Justice Initiative
  - d. CommLaw
  - e. Personal Support Unit

- f. Citizen's Advice Bureau
  - g. South Yorkshire Refugee Law and Justice Centre
  - h. Witness Service
  - i. Victim Support
  - j. Other
3. Are you in a position of responsibility in your pro bono group (eg group leader, student manager etc)
- a. Yes
  - b. No

Your objective in taking part in pro bono work

This section is designed to find out what you hoped to learn when you started taking part in pro bono work. We have set out below a list of possible reasons that you may have had when you applied for pro bono work. It is based on students' applications for pro bono work in Autumn 2017. There is also an opportunity to add your own reason, if you do not see this listed below.

1. Please categorise the reasons below from 1 to 5 with 1 being the most important to you and 5 being the least important to you:
  - a. Help others
  - b. Improve my CV/employability
  - c. Develop my professional ethics
  - d. Learn more about a particular area of law or legal practice
  - e. Develop my legal skills through practical experience
  - f. Other objective (if applicable)
2. If you have answered 'other objective' above, please give details
3. Have your initial objectives been achieved?
4. Please give an answer for all the objectives set out, including those that are less important to you than others.
5. Please categorise your achievements below from 1 to 5 with 1 being definitely achieved and 5 being definitely not achieved.
  - a. Help others
  - b. Improve my CV/employability
  - c. Develop my professional ethics
  - d. Learn more about a particular area of law or legal practice
  - e. Develop my legal skills through practical experience
  - f. Other objective (if applicable)

We are interested in your thoughts here. It would be helpful to have a sentence or two or short paragraph giving your thoughts on the questions below.

6. Which part of your pro bono work has most helped you to achieve your learning objectives?
7. Which part of your pro bono work has been least helpful to you in achieving your learning objectives?
8. Do you have any suggestions for how pro bono work can be improved to help you meet your objectives?

#### Pro bono work and your curricular learning

In this section we would like your views on whether your involvement in pro bono work has helped you to become a ‘better learner’ on your degree.

1. Has pro bono work had any effect on your ability to carry out the following tasks:
  - a. Develop your understanding of complex issues
  - b. Apply law to facts
  - c. Carry out accurate and well organised research
  - d. Use a range of legal material
  - e. Structure and develop an argument
  - f. Develop your writing style
2. Options: Increased my ability/ No effect/ Reduced my ability
3. Has your involvement had any effect on your interest in the subjects that you are studying on your law degree? Please consider this in relation to your subjects overall.
4. Options: Increased my interest/ No effect/ Reduced my interest
5. Has your involvement had any effect on your ability to set and achieve your own learning objectives, independently of Law School staff?
6. Options: Increased my independence/ No effect/ Reduced my independence

#### Pro Bono and Qualification as a Solicitor

The Solicitors Regulation Authority (SRA) propose that from September 2020, persons who wish to qualify as a solicitor must (amongst other things) complete a period of qualifying work experience of not less than two years. Qualifying work experience must give the candidate the opportunity to develop various competences. The SRA propose to allow time spent in a University legal clinic to qualify for the period of qualifying work experience. In this section, we hope to understand how many of the competences you believe that you have been exposed to in your experience of pro bono work. In practice, the SRA will test whether a candidate has in fact developed the competences through an

assessment, which will be known as the Solicitors Qualifying Exam Stage 2 Assessment.

Please note that the question that you are being asked is whether you have been given the OPPORTUNITY to develop the relevant competence, and not whether you have ACTUALLY developed the competence.

Options: Yes, a lot/Yes, a little/ Don't know/ No, not much/ No, not at all

1. Has your pro bono work exposed you to:
  - a. The way a solicitor works in practice?
  - b. Clients?
  - c. Ethical problems?

#### A Ethics, professionalism and judgement

2. Has your pro bono work given you the ability to develop the following competences?
  - a. Act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Handbook and Code of Conduct
  - b. Maintain the level of competence and legal knowledge needed to practise effectively, taking in account changes in your role and/or practice context and developments in the law.
  - c. Work within the limits of your competence with the supervision which you need.
  - d. Draw on a sufficient detailed knowledge and understanding of your field(s) of work and role in order to practise effectively.
  - e. Apply understanding, critical thinking and analysis to solve problems

#### B Technical legal practice

3. Has your pro bono work given you the ability to develop the following competences?
  - a. Obtain relevant facts
  - b. Undertake legal research
  - c. Develop and advise on relevant options, strategies and solutions
  - d. Draft documents which are legally effective and accurately reflect the client's instructions
  - e. Undertake effective spoken and written advocacy
  - f. Negotiate solutions to clients' issues
  - g. Plan, manage and progress legal cases and transactions

C Working with other people

4. Has your pro bono work given you the ability to develop the following competences?
  - a. Communicate clearly and effectively, orally and in writing
  - b. Establish and maintain effective and professional relations with clients
  - c. Establish and maintain effective and professional relations with other people

D Managing yourself and your own work

5. Has your pro bono work given you the ability to develop the following competences?
  - a. Initiate, plan, prioritise and manage work activities and projects to ensure that they are completed efficiently, on time and to an appropriate standard, both in relation to your own work and work that you lead or supervise
  - b. Keep, use and maintain accurate, complete and clear records
  - c. Apply good business practice

Further comments

If you have any further comments on your pro bono experience, please add them here.