

***“CLOCK As A Transformative Methodology; Exploring How the CLOCK Initiative has Transformed Theory and Practice in Legal Education”, Association of Law Teachers Conference, Keele University, (March 2018).***

CLOCK Academic Leads:

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**Ben Waters, Canterbury Christ Church University**

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**Dr Richard Owen, Swansea**

**Dr Paul McConnell, Leicester**

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With contributions from **Rachel Stalker, Liverpool John Moores** and **Jess Mant, Cardiff University**

In this panel we will consider how CLOCK has reimagined the traditional clinical legal education model, centring community legal needs within a collaborative outreach model. CLOCK was initiated at a time of crisis, when community legal needs are rising, the legal profession has limited public funding for family and social welfare law, and the regulatory framework for supervision within legal education is being revised.

CLOCK applies a rights based ‘transformative methodology’<sup>1</sup> to develop a distinct and active ‘three-dimensional’ community legal strategy: activated through three strands of the CLOCK strategy

- ‘Clock-in’, community legal education,
- ‘Clock-works’ community legal services, and
- ‘Clock-wise’<sup>2</sup> community legal research,

The first section CLOCK In – activates community legal education, drawing upon perspectives on ‘Teaching social justice lawyering: systematically including community legal education in law school clinics’<sup>3</sup>, to embed their analysis of community legal education within Paulo Freire’s critique that when “people develop their power to perceive critically the way they exist in the world with which

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<sup>1</sup> Jane Krishnadas, Rights as the Intersections: Rebuilding Cultural, Material and Spatial Spheres- A Transformative Methodology’, in Rohee Dasgupta (ed) *‘Cultural Practices and Political Possibilities’*, (Cambridge Scholars Publishing, 2008)

<sup>2</sup> ‘About CLOCK’, <https://clock.uk.net/Pages/About>

<sup>3</sup> Barry, Camp, Johnson, Klein and Martin, ‘Teaching social justice lawyering: systematically including community legal education in law school clinics’ (2012) *Clinical Law Review*

and in which they find themselves; they come to see the world not as a static reality, but as a reality in process, in transformation'.<sup>4</sup>

'CLOCK-Works' activates the second strand of the transformative methodology, to re-value legal needs in relation to the capacity of legal actors, training law students to assist the community in accessing their respective legal services on a legal aid, affordable fixed fee or charitable basis, and where these services are not available, to act within the remit of the McKenzie Friend; to assist filling in forms, arranging case papers, accompanying in court and taking notes. The Community Legal Companion acts as an agent of change at the intersection of the community, legal profession, courts and charitable sector, to build capacity across a range of interrelated and intersecting legal needs in family, housing and social welfare law.

Finally, 'CLOCK-Wise', builds upon the third strand of the transformative methodology, to 'mobilise' rights, to build bridges from the standpoint of the often isolated and vulnerable legal subject across the array of legal actors, to transform social and legal policy. CLOCK is currently being cascaded in England and Wales, through the first and only direct access web portal.

Each of the academic leads will contribute how their engagement with CLOCK furthers innovations in their teaching theory and practice, regarding the:

*"The importance of teaching and learning of Law in Context, which includes elements of socio-legal education and practical/experiential skills-based learning strategies' (Waters and Ashton);*

*'How we use the student-led nature of the Project to emphasise not only non-legal skills, but also project management/organisation skills in order to enhance employability, looking at areas like peer mentoring, and working between year groups. (McConnell);*

*"the importance of CLOCK as an online setting to meet the increasing emphasis on digitalisation in the justice system (Jones) and how CLOCK and the model of CLOCK has been really inspirational in terms of making research impactful (Mant);*

And, *"the importance of social justice in legal education and research"* (Moscati, Owen).

The implications of our findings for legal education are to demonstrate how collaborative approaches of University Law Schools, courts, legal professionals and the charitable sector may create critical innovations in teaching and learning to meet the changing landscape of legal education and practice.

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<sup>4</sup> Paulo Freire, *Pedagogy of the Oppressed* 83 (1970), cited in Barry et al, (2012)

## The Importance of Teaching and Learning of Law in Context

### Importance - Socio-legal Education (Ben Waters)

- Research project into the perceived benefits - *socio-legal* experiential learning opportunities valuable for legal skills acquisition.
- Should we consider the mandatory inclusion of socio-legalism within undergraduate legal education in the UK (otherwise little appreciation of *law in context*)?
- **Ormrod Review 1971** concerned the objectives of the academic stage of legal education (training).  
Recommendation - should be an understanding “**of the relationship of law to the social and economic environment in which it operates**”. .....  
Committee suggested that an element of *socio-legal studies* should be made compulsory in some shape or form. Clearly this aspiration never became a reality!
- **An awareness of the changing (social) landscape** is debatably fundamental for Law students, even for those not intending to practise law, as it places the teaching of subjects such as dispute resolution as an academic subject and its socio-legal importance into justifiable and explicable *legal context*.
- **Representative of the world of employment**, which our students will be entering upon graduation.
- **Changing approaches to resolving civil disputes**, with an increased focus on alternative dispute resolution (ADR), coupled with the reduction in legal aid, CCCU degree embeds socio-legalism.

Law students at CCCU study a curriculum emphasising ‘*the learning of law in context*’; includes elements of *socio-legal education* and practical/experiential skills-based learning strategies.

CLOCK (being a socio-legal project) links in with this curriculum approach very neatly.

### The value of such socio-legal education approaches

it presents a ‘real life’ view of the world of legal practice. Those students entering the legal and other professions will be better prepared.

*“One feature of [the curriculum] that I found to be excellent was the inclusion and focus on documents and rules that a qualified legal professional would encounter. Whether it helps acclimatize a student to the requirements and the role of a lawyer or if it helps a student realise that practising law is not for them, the inclusion of*

*these features greatly aids a student both now and in the future". (LLB student 2016).*

- The rise in the small claims limit to £10,000 and the availability of the small claims mediation scheme suggest that ADR will be used more widely in the future and therefore the need for ADR and especially mediation has arguably never been greater.
- To support our law students' needs and enhance their learning journey, our Mediation Clinic (est. in 2007), through which students have 'real world' experiential opportunities. This project cross-refers with the CLOCK project.

The Brighton/Canterbury Study reveals that students recognise the importance of the role in placing their studies in context;

#### Linking theory to practice

Some Companions' thoughts (taken from the research undertaken by Waters and Ashton 2016/17).

*"Currently I am studying family law...and have found that a lot of family cases have been assisted by the CLOCK scheme. This has allowed me to view the theoretical teachings of this module in practice"*

*"[Being a Companion] has provided me with knowledge of some of the legal paperwork which I will be dealing with as a solicitor, which I would not have become familiar with through the study of my degree alone."*

*"I think it will provide me with valuable experience in terms of what to expect when it comes to dealing with real life disputes as well as understanding the legal environment."*

*"I have already found that I have used skills that I learned from the dispute resolution module, such as filling out an N1 Claim Form has been useful. It is an opportunity to apply some of the knowledge I have learned to real experiences."*

Cuts to Legal have meant that the lower socio-economic groups do not now have the availability of legal advice for many areas traditionally covered by Legal Aid. Lawyers do very little 'poor law' nowadays (Sanders 2015), there are fewer legal advice centres and LASPO has meant that lawyers do even less of this type of work than before.

CLOCK plugs a significant gap!

#### **Legal Skills Acquisition**

The CLC needs to be organised, professional, able to react quickly and calmly under pressure, and to utilise key communication skills such as listening and empathy in order to build a good rapport with the litigant.

It is arguable that the CLC role is just as powerful in terms of experience of the real context in which law operates. Students immerse themselves in the court environment and have 'hands on' contact with court procedure and the operation of court process as a means of dispute resolution. The students are not directly supervised when at court, they have to think for themselves, respond to situations as they arise and take initiative as well as responsibility for their actions. In so doing these law students acquire valuable transferable skills.

The role requires recognition of a CLC's ethical boundaries in not providing advice. Students assist service users without consultation which otherwise would be the case in a formal advice clinic environment.

### Key Skills

Interpersonal skills - are acquired by CLCs through participation in the CLOCK initiative and the authors' study reveals that students generally consider their skills are enhanced.

*"[Being a Companion has] helped me to apply skills I already have and to use them in a novel situation e.g. when a litigant comes into the room, you have no advance notice of what s/he will need help with, and it's essential to be calm, inspire confidence, listen and fully grasp the issues before jumping in."*

All the students responding felt that volunteering as CLCs had helped them develop key skills, including empathy; the ability to communicate with a range of people; and how to deal with unexpected situations. This was alongside gaining greater insight into the court process such as court forms and the various types of hearings.

### Key skills development

These included empathy; dealing with people; time management; professionalism; communication skills; listening skills; and coping well under pressure.

Identifiable skills acquisition:

- Experience of 'real world' legal environment (commercial awareness of the court system);
- Legal practice awareness (law in operation - court process);
- Assimilation of information;
- Listening and communication;
- Problem-solving;
- Teamwork/collaboration;
- Showing initiative.