

## **Using Interpretive Phenomenological Analysis (IPA) to understand the development of legal ethical competence through reflection in a clinical learning environment**

### **Abstract:**

This study proposes to investigate the contribution clinical legal education (CLE) can make to student learning in legal ethics. CLE (in the form of student law clinics and CLE modules) is a learning environment in which students learn from experience by providing legal advice to live or simulated clients with the support of their tutors or supervisors. Reflection has been identified as a key feature of CLE in terms of teaching legal ethics. The main impetus for this study is that reflection as a facilitator of professional learning is, however, not well understood and insufficiently explored. This study will therefore aim to fill this gap in existing research by investigating how reflection, as one of the key features of CLE, develops ethical competence in law students, using an Interpretive Phenomenological Analysis (IPA) approach. The findings of this study therefore have the potential to be an original contribution in this field, as well as having practical implications for the design of CLE modules and student law clinics in future.

### **Key words:**

Ethics, Reflection, Clinical Legal Education, Interpretive Phenomenological Analysis

## 1. Introduction

This study proposes to investigate the contribution clinical legal education (CLE) can make to student learning in legal ethics. CLE is a learning environment in which students learn from experience by providing legal advice to live or simulated clients with the support of their tutors or supervisors. In CLE: “students are confronted with real client problems and work independently and collaboratively with peers and legally qualified supervisors to solve those problems in the context of an in-house legal practice.”<sup>1</sup> It has been argued that CLE could play a key role in encouraging students into a deeper appreciation of ethical practice than those who have not experienced CLE.<sup>2</sup> Reflection has been defined as “a process to help us learn from our own or others’ experiences and to turn that learning into action”<sup>3</sup> and has been identified as a core benefit of CLE in terms of teaching legal ethics. Nicolson has argued that reflection may “enhance understanding and develop the lifelong learning skills of the reflective practitioner.”<sup>4</sup> While the term ‘reflection’ is generally used to refer to the thinking process, ‘reflective practice’ is a process that evidences reflection in the form of outputs, which may include a range of activities such as learning journals, portfolios and reflective diaries or logs.<sup>5</sup> Burton and McNamara have made a specific link between reflective practice and ethical competence, noting that reflective practice is an important skill for lawyers because it can provide the means for them to apply their knowledge and skills to new situations and to cope with the day-to-day moral, ethical and personal dilemmas that arise in legal practice.<sup>6</sup> Leering has however noted that the practical use of reflection as a learning tool within law schools has so far not been examined adequately,<sup>7</sup> which provides a sound basis for this study.

The institutional context for this study was the Legal Advice Centre (law clinic) at the University of East London (UEL), where I am the undergraduate programme leader for law. The impetus for my research therefore comes in large part from my own professional practice. The law clinic is a learning facility at UEL where law students voluntarily offer free legal advice to members of the public. Student volunteers keep a written log of their activities in which they are expected to reflect as well as record their clinic experiences. Reflection is therefore very much within the scope of the law clinic. This provides a useful context in which to explore the development of ethical competence in law students. A further impetus for this

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<sup>1</sup>Johnny Hall, “Building reflection into the clinic supervision experience: research methods for the reflective teacher” (2019) 53 *The Law Teacher* 475, 476.

<sup>2</sup>Michael Robertson, “Providing ethics learning opportunities throughout the legal curriculum” (2009) 12 *Legal Ethics* 59.

<sup>3</sup>Nick Zepke and others, *Reflection to Transformation: A Self-help Book for Teachers* (New Zealand: Dunmore Press 2003) 17.

<sup>4</sup>Donald Nicolson, “‘Education, Education, Education’: Legal, Moral and Clinical” (2008) 42 *The Law Teacher* 145, 164.

<sup>5</sup>Jenny Moon, *A Handbook of Reflective and Experiential Learning: Theory and Practice* (Oxford: Routledge, 2004)

<sup>6</sup>Kelley Burton and Judith McNamara, “Assessing reflection skills in law using criterion-referenced assessment” (2009) 19 *Legal Education Review* 171.

<sup>7</sup>Michele Leering, “Perils, pitfalls and possibilities: introducing reflective practice effectively in legal education” (2019) 53 *The Law Teacher* 431.

study is that little attention has been paid to *how* CLE develops the ethical competence of law students, as earlier studies have focused on *if* CLE can develop a sense of ethical competence in law students. In particular “reflective practice as a facilitator of professional learning... is poorly understood (and) insufficiently explored.”<sup>8</sup> This study will therefore aim to fill this gap in existing research by exploring how one of the key features of CLE – reflection – develops ethical competence, which has practical implications for the design of CLE modules in future.

## 2. Literature Review

### 2.1 Ethics

Since this is a study exploring the development of ethical competence in law students, there is a need for some explanation of legal ethical values. In a narrow sense legal ethics includes professional ethical codes e.g. the SRA Code of Conduct 2018 for solicitors (the Code), which includes core standards such as the duties to uphold the rule of law, act with integrity, act in the best interests of each client and behave in a way that maintains public trust in the legal profession. But legal ethical competence also covers values in a wider sense than the Code, to further include the “skills, personal attitudes and values that guide one’s behaviour when providing legal advice”<sup>9</sup> as well as “a sense of public obligation.”<sup>10</sup> In this context, for their development law students need exposure to ethical dilemmas, such as “who owns the client file, conflict of interest, client confidentiality and determining when to withdraw assistance,”<sup>11</sup> and need to consider duties owed to various parties other than the client, including the general public and the state.

In previously published research I identified desirable outcomes of a legal ethics curriculum based upon the relevant literature (in particular Boon’s model ethics curriculum)<sup>12</sup> as including the following: the ability for students to exercise their own professional judgment, recognise ethical challenges and dilemmas and consider legal issues from different ethical perspectives.<sup>13</sup> These outcomes were based on the sorts of ethical values mentioned in the literature, such as demonstrating respect for and communicating effectively with clients,<sup>14</sup> inspiring an

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<sup>8</sup>Ibid 433.

<sup>9</sup>Egle Dagilyte and Peter Coe, “Professionalism in Higher Education: Important Not Only for Lawyers” (2014) 48 *The Law Teacher* 33, 38.

<sup>10</sup>Paula Baron and Lillian Corbin, “Thinking like a Lawyer/Acting Like a Professional: Communities of Practice as a Means of Challenging Orthodox Legal Education” (2012) 46 *The Law Teacher* 100, 102.

<sup>11</sup>Omar Madhloom, “A normative approach to developing reflective legal practitioners: Kant and clinical legal education” (2019) 53 *The Law Teacher* 416, 422.

<sup>12</sup>Andrew Boon, “Legal Ethics at the Initial Stage: A Model Curriculum” (Law Society of England and Wales 2010) <<http://www.teachinglegalethics.org/model-ethics-curriculum>> accessed 18 October 2020.

<sup>13</sup>Anil Balan, “Addressing the challenges of teaching legal ethics to take account of the widening participation agenda” (2019) 53 *The Law Teacher* 263.

<sup>14</sup>Maxine Evers and Lesley Townsley, “The Importance of Ethics in the Law Curriculum: Essential or Incidental?” (2017) 51 *The Law Teacher* 17.

interest in ethics in students<sup>15</sup> and inculcating habits of ethical problem solving.<sup>16</sup> The common thread is that ethics is best appreciated when its principles are applied in a practical context and that the objective of an ethics curriculum is to enable students to learn about and engage in ethical decision-making in real-life situations. In terms of ethical considerations, students need to think about such issues as consent and use of client data, access to justice, maintaining impartiality and prioritising the dignity of their clients.

Perhaps equally important in terms of the outcomes of a legal ethics curriculum is the “hidden curriculum that is embodied in the way (law) schools are organized, classes are conducted and values transmitted in informal ways.”<sup>17</sup> What must in addition be communicated to students therefore is this tacit or ‘soft’ knowledge in the form of new social practices, forms of expression and “unarticulated value assumptions.”<sup>18</sup> Tacit knowledge is “implicit in our patterns of action”<sup>19</sup> and is regarded as the very essence of a great deal of professional expertise. This is knowledge that the newcomer cannot learn simply by instruction or demonstration: “It includes learning the language and unspoken conventions of the community,”<sup>20</sup> which must be integrated fully into the professional identities of students. This is particularly pertinent in the learning environment of a law clinic, where students are “entering into a new discourse community with (its own) language, conventions and culture.”<sup>21</sup>

Ethically competent lawyers are understood to be capable of reflecting on ethical principles and developing a framework in which those values apply in order to exercise their own professional judgment.<sup>22</sup> Understanding the development of ethical awareness therefore includes seeking evidence of some of the ethical values mentioned above in students but it also involves investigating whether they are engaging in critical evaluation of themselves and others. A qualitative case study approach, comprising analysis of student reflective journals and interviews with the same students, seems well suited to this task. This approach also differs from that of previous studies exploring this subject, referred to in section 2.3 below, which have been larger in scope and have relied on quantitative methods utilising questionnaires and surveys to explore the student experience of CLE.

## 2.2 CLE

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<sup>15</sup>Andrew Boon, “Ethics in Legal Education and Training: Four Reports, Three Jurisdictions and a Prospectus” (2002) 5 *Legal Ethics* 34.

<sup>16</sup>Graham Ferris, “Values Ethics and Legal Ethics: The QLD and LETR Recommendations 6, 7, 10, and 11” (2014) 48 *The Law Teacher* 20.

<sup>17</sup>Margie Rowe, Moira Murray and Fiona Westwood, “Professionalism in Pre-Practice Legal Education: An Insight into the Universal Nature of Professionalism and the Development of Professional Identity” (2012) 46 *The Law Teacher* 120, 122.

<sup>18</sup>Donald Nicolson, “‘Education, Education, Education’: Legal, Moral and Clinical” (2008) 42 *The Law Teacher* 145, 148.

<sup>19</sup>Madhloom (n 11) 419.

<sup>20</sup>Baron and Corbin (n 10) 113.

<sup>21</sup>Carol Boothby and Cath Sylvester, “Getting the fish to see the water: An investigation into students’ perceptions of learning writing skills in academic modules and in a final year real client legal clinic module” (2017) 51 *The Law Teacher* 123, 126.

<sup>22</sup>Boon (n 12).

It is vital to have a clear understanding of what are deemed to be the main benefits of CLE in terms of teaching legal ethics. Almost all law clinics use reflection, whether through discussions, presentations, journals or diaries and logs, to help them assess their students. Moon notes the “value of maintaining a learning journal alongside any major life event, in particular those that involve ongoing thought.”<sup>23</sup> Hence, students working under supervision in student law clinics and on CLE modules benefit from interaction with live clients and cases, which lead them to experience the actuality of ethical decision-making. Chapman refers to the clinical approach as providing “real or simulated opportunities in work-integrated contexts for students to provide legal advice, learning through application, practice and reflection.”<sup>24</sup> Chavkin contends that the benefit of exposing law students to real life clients is that “only when one assumes the role of a professional... do the ethical rules really have meaning.”<sup>25</sup> Cunningham and Alexander observe that the benefit of “well-taught, intensive clinical experiences”<sup>26</sup> is that the fundamental norms and expectations that make up professional expertise are taught in these situations. A previous empirical study on the ethical identity of law students suggests that students with experience of CLE are considerably more morally attentive than others and that law clinics and CLE modules appear to be associated with stronger ethical competence.<sup>27</sup> Empirical research measuring improvement of ethicality, which drew on over twenty reflective diaries submitted by students as part of their assessment for a CLE course, shows that CLE raises ethical competence, equips students to deal with ethical dilemmas and affects their behaviour and views.<sup>28</sup>

The argument that CLE provides an effective vehicle for teaching ethics is therefore convincing and backed up by the relevant literature. Many of the advantages of CLE are thought to derive from the fact that handling real clients and dilemmas can create opportunities to “critically reflect on the meaning and purpose of law, research and ethical considerations.”<sup>29</sup> However, there are disadvantages to the clinical setting for tackling ethical and moral issues. The expense of resourcing law clinics and CLE modules is considerable. CLE is also limited by the supervision ratios (typically 8:1) “that are necessary to ensure competent representation and critical reflection”<sup>30</sup> and because the main focus of activity in student law clinics is “solving the client’s legal problems rather than examining ethical questions.”<sup>31</sup> Some of the commentators who celebrate the contributions of particular clinics to teaching legal ethics provide anecdotal rather than empirical evidence to back their

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<sup>23</sup>Moon (n 5) 5.

<sup>24</sup>June Chapman, “Why Teach Legal Ethics to Undergraduates?” (2002) 5 *Legal Ethics* 68, 83.

<sup>25</sup>David Chavkin, “Experience Is the Only Teacher: Bringing Practice to the Teaching of Ethics” in Michael Robertson and others (eds), *The Ethics Project in Legal Education* (Routledge 2011) 52, 58.

<sup>26</sup>Charles Cunningham and Charles Alexander, “Developing professional judgment: law school innovations in response to the Carnegie Foundation’s critique of American legal education” in Michael Robertson and others (eds), *The Ethics Project in Legal Education* (Routledge 2011) 79, 88.

<sup>27</sup>Richard Moorhead and others, “The ethical identity of law students” (2016) 23 *International Journal of the Legal Profession* 235.

<sup>28</sup>Donald Nicolson, “Learning in Justice: Ethical Education in an Extra-Curricular Law Clinic” in Michael Robertson and others (eds), *The Ethics Project in Legal Education* (Routledge, 2011) 171.

<sup>29</sup>Juliet Turner, Alison Bone and Jeanette Ashton, “Reasons why law students should have access to learning law through a skills-based approach” (2018) 52 *The Law Teacher* 1, 4.

<sup>30</sup>Chavkin (n 25) 55.

<sup>31</sup>Cunningham and Alexander (n 26) 88.

claims, and there is not enough data available on how students actually benefit from CLE in terms of acquiring professional ethical competence.

### **2.3 Reflection**

It is useful to now consider in more detail how analysis of student reflection has been conducted in previous empirical studies. Reflection has been defined as “the procedure of turning thoughtful practice into a potential learning situation, which may modify and change approaches to practice.”<sup>32</sup> This shows that, at its most basic level, reflection can turn experience into learning through the process of students examining and understanding past performance. Reflection goes beyond mere recall – it is a “mental process with either a purpose or an outcome or both.”<sup>33</sup> Reflexive ethical capacity, which this study discusses, has been described as relating to “the readjustment of actions and attitudes in response to new knowledge about the self’s actions on others, ultimately to achieve and maintain a higher degree of ethical practice.”<sup>34</sup> Reflective practice, which has been described by Casey as the “integration of intentional thought and specific action within a professional context”<sup>35</sup> is particularly relevant here, since it can include consideration of ethical rules and norms in a given field and offer guidance for the skillful application of professional ethics. For Casey, however, reflective practice is not simply occasional review or reflection about a past professional experience, “it is the ingrained habit of constant reflection.”<sup>36</sup> An aspect of reflective practice seen as crucial by Foley and others are the reflective conversations by students with themselves and others working in law clinics – in this way the tools of reflection and collaboration can be successfully deployed to make students more comfortable with the uncertainties they face in such environments by reassuring them that others are confronting similar concerns.<sup>37</sup>

Whilst reflection is widely seen as important to CLE, there are very different views on what it is. For the purposes of this study it is useful to consider how different models of reflection have been applied previously in the context of CLE. Clinical education is not unique to law – indeed, it can be argued that it is more established and central to other professional fields such as medicine, psychology and teaching. As noted by Moon, “The work on reflection in the context of practice – reflective practice – originated in the professions of teaching and nursing.”<sup>38</sup> It is therefore instructive to consider how reflection has been utilised in these other disciplines. A popular model for reflection in medical education is Korthagen’s

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<sup>32</sup>Madhloom (n 11) 418.

<sup>33</sup>Jenny Moon, *Reflection in Learning & Professional Development: Theory & Practice* (3rd edn, Oxford: Routledge, 2004) 9.

<sup>34</sup>Lynda Crowley-Cyr, “Towards ethical literacy by enhancing reflexivity in law students” in Michael Robertson and others (eds), *The Ethics Project in Legal Education* (Routledge 2011) 142, 154.

<sup>35</sup>Timothy Casey, “Reflective Practice in Legal Education: The Stages of Reflection” (2013) 20 *Clinical Law Review* 317, 322.

<sup>36</sup>*Ibid.*

<sup>37</sup>Tony Foley and others, 'Teaching Professionalism in Legal Clinic - What New Practitioners Say Is Important' (2012) 17 *International Journal of Clinical Legal Education* 5.

<sup>38</sup>Moon (n 33) 1.

model,<sup>39</sup> which proposes a three stage process to promote reflection after experiencing a certain event: (1) looking back on the action; (2) awareness of essential aspects; (3) creating alternative methods of action. Boerboom used this model in a mixed method study to compare the effect of two feedback facilitation strategies on the quality of reflection by clinical teachers at a veterinary medicine faculty.<sup>40</sup> Working side by side with veterinarians in this clinical education setting, students learn how to deal with professional ethics and conflicting information, communicate effectively, work in a team, ensure patient safety, take account of public health aspects and work within economic constraints. The study explored levels of reflection demonstrated by clinical teachers and participants were invited to answer questions based on Korthagen's model e.g. "Which aspects of your clinical teaching practice are evaluated positively in your feedback report?", "What do these aspects mean for you as a clinical teacher?" and "What are alternative methods of action regarding these aspects?" This shows how a model of reflection can be used to guide research and interview questions.

A study that focused on the depth of reflection in the writing of pre-service teachers,<sup>41</sup> who completed reflective logs for undergraduate education programmes associated with clinical experiences, used a model for assessing reflection based on the work of Kember and others.<sup>42</sup> Kember's categories proceed from low to high levels of reflection in the following order: reproducing material without showing evidence of understanding it (Non-reflection); grasp of material without relating it to experience (Understanding); material that has been learned is related to experience (Reflection); and showing evidence of a change in perspective or behaviour (Critical Reflection). It is noteworthy that in Kember's model, in common with others considered above, critical reflection is considered especially beneficial. For Mezirow, reflection becomes critical reflection when it extends to evaluating what is being reflected upon.<sup>43</sup> A consistent feature of these studies is that this highest level of development – termed 'Reflective judgment' by Moon – is also characterized "by an awareness of, and the ability to work with, provisional or uncertain knowledge."<sup>44</sup> Langley, however, notes that critical reflection, while important, is for students "an inherently difficult skill to master"<sup>45</sup> and thus requires coaching. The effort seems worthwhile, however, given that it has been argued by Burton and McNamara that, at its highest level, reflective practice involves students or practitioners engaging in this type of critical self-reflection so that they can unpack and question the assumptions and values which underlie their judgements and actions.<sup>46</sup>

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<sup>39</sup>Fred Korthagen and Angelo Vasalos, "Levels in reflection: Core reflection as a means to enhance professional growth" (2005) 11 *Teachers and Teaching: Theory and Practice* 47.

<sup>40</sup>Tobias Boerboom and others, "Peer group reflection helps clinical teachers to critically reflect on their teaching" (2011) 33 *Medical Teacher* 615.

<sup>41</sup>Darci Harland and Joshua Wondra, "Preservice Teachers' Reflection on Clinical Experiences" (2014) 27 *Journal of Digital Learning in Teacher Education* 128.

<sup>42</sup>David Kember and others, "A four-category scheme for coding and assessing the level of reflection in written work" (2008) 33 *Assessment and Evaluation in Higher Education* 369.

<sup>43</sup>Jack Mezirow, 'On Critical Reflection' (1998) 48(3) *Adult Education Quarterly* 185.

<sup>44</sup>Moon (n 33) 6.

<sup>45</sup>Katherine Langley, "You are about to jump out of a plane..." (2019) 53 *The Law Teacher* 524, 527.

<sup>46</sup>Burton and McNamara (n 6).

Moving to law, a study by Russell<sup>47</sup> assessed the efficacy of the reflection element of a practical skills module based on student writing using a model formulated by Hatton and Smith.<sup>48</sup> This distinguishes three types of reflection: simply recording the experience (descriptive reflection), identifying, analysing and judging the experience (diagnostic reflection) and introspective critique of the experience, which is acknowledged as being pertinent to external settings (critical reflection). Russell's study involved over two hundred law students, who were requested to fill out an anonymous questionnaire that explored their attitudes towards engaging in reflection, and to hand in their written reflections for the module. The purpose of Russell's research was to investigate *if* reflection improved student learning but a quantitative approach appears less appropriate for identifying *how* reflection helps with teaching legal ethics. It seems to better suit the purposes of this study to investigate student experiences using the depth and detail that a more qualitative approach provides.

Clarifying a definition of reflection is a challenging task – having too many categories of reflection may lead to difficulties and uncertainty in analysing data, while having too few does not allow for sufficient comparison between the various types of reflection. In this respect, Kember's model may perhaps represent a happy medium, as it shares the simplicity of Hatton and Smith's model, while adding the nuance provided by the additional category of non-reflection. Kember's model, with its four categories of reflection potentially provides a useful starting point as a conceptual lens for analysing data and developing themes. Other models of reflection that have been considered can also be utilised for a deeper analysis. Whilst Critical Reflection seems to be universally regarded as the most advanced stage of reflection, it can be understood in subtly different ways: in Kember's model as changes in perspective and behaviour; in Korthagen's as creating alternative methods of action; in Hatton and Smith's as introspective critique of experience; and for Moon as the awareness of, and the ability to work with, provisional or uncertain knowledge. Although the models of reflection discussed above provide a loose thematic structure for this study, they depend on obtaining data for analysis. A potentially rich source of data on both what the students are doing to build knowledge and how they view the efficacy of their approach is through analysing their reflective journals and then interviewing them with a view to expanding on data provided in the journals. However, as noted by Moon, "perhaps the most noticeable gap in the literature is that on reflection in the process of learning."<sup>49</sup> This study is aimed at addressing this gap in the specific context of legal education.

## **2.4 Research questions**

In order to examine the development of ethical competence in CLE through reflection, the main research question on which this study will focus is: *How do law*

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<sup>47</sup>Mary-Rose Russell, "Reflections on learning: Students' insights on their learning in a legal research skills course in the core curriculum" (2011) 45 *The Law Teacher* 45.

<sup>48</sup>Neville Hatton and David Smith, "Reflection in Teacher Education: Towards Definition and Implementation" (1995) 11 *Teaching and Teacher Education* 33.

<sup>49</sup>Moon (n 33) 2.



*students use reflection in CLE to develop their ethical competence?* This main question can be sub-divided as follows:

- (1) *What is reflection in CLE?* Answering this question involves identifying examples of reflection in the law clinic, how students understand it and how supervisors explain it to them.
- (2) *What is the importance of reflection in CLE?* Answering this question involves determining the extent to which reflection is valued, and seen to be valued, by students and supervisors in CLE.
- (3) *How does reflection in CLE take place?* Answering this question will focus on what the actual role of reflection is in the law clinic, how it is incorporated and what form it takes.
- (4) *How does reflection contribute to development of ethical competence in law students?* Answering this question will involve looking for indicators of ethical competence by reference to the values discussed above, how these values have developed over time and what role the reflection process played in this.

In order to address these research questions gathering data from students is crucial and how this will be accomplished is considered below.

### **3. Methodology**

#### **3.1 Context and Sampling**

The participants in this study were undergraduate law students at UEL, specifically final year law clinic volunteers who had complete reflective journals for review. Sampling of the students was unnecessary as only six matched these requirements. To avoid further limiting this already small population, the pool of potential participants was therefore approached in its entirety. It was also necessary to get initial consent from the clinic supervisor and data protection officer (DPO) before any students were approached. In the end the supervisor, DPO and the six students included in this research all gave their consent to the use of reflective journals and participation in interviews for this study. It must be emphasized that permission to review the reflective journals for the purposes of this study was only granted by the students after they were written and not before, otherwise this might have affected the manner in which they recorded their experience.

#### **3.2 Research Design**

Analysis of the student reflective journals and interview transcripts collected for this study was conducted, guided by the models of reflection considered above. Reflection can be assessed effectively using Kember's model of Non-reflection, Understanding, Reflection and Critical Reflection. This model was useful for initiating the data analysis and identifying the initial themes, with other models discussed above such as those of Korthagen, Moon and Hatton and Smith being utilised for a deeper analysis, particularly with regard to the most advanced stage of Critical

Reflection. Data from the review of reflective logs was triangulated with answers to interviews to give a more complete picture. The reliability and completeness of qualitative data about an event can best be checked by obtaining a range of sources of data relating to the same event, although it also opens up the potential for contradictions between the various sources.<sup>50</sup> Semi-structured interviews were preferred as they allow interviewees to develop ideas and speak more broadly on the issues raised, while still allowing the interviewer to direct the discussion and control the questions.<sup>51</sup> Interview questions were directed at assessing students' understanding of the role and importance of reflection in the law clinic, the experiences and ethical dilemmas they encountered, their understanding of ethical values and how their learning within the law clinic affected their future actions.

### **3.3 Value of research**

As this was a small-scale qualitative case study I was mindful that criteria for assessing the value of the research would be quite different from the standard quantitative criteria of reliability and generalizability. Instead, I was conscious of the relevant quality criteria for qualitative research,<sup>52</sup> which include sensitivity to ethical considerations, methodological rigour and suitability, clarity of reporting and transparency of methods, and theoretical and practical impact. This was an institutional case study – where there was a detailed focus on a small number of cases in the researcher's 'home' setting, taking its individual context into account – and its findings were not intended to be statistically significant. However, generalizability was not the aim of this study; rather it was to explain and understand what was going on in the setting that was the focus of this study. In relation to the value of this research it is also relevant that case study research offers a specific type of knowledge: exemplary knowledge, which draws its value from phronesis (i.e. practical wisdom, gained in light of experience) rather than from theory or objective verification or refutation.<sup>53</sup> While it may not entail choosing a representative sample, there is therefore potentially a sound basis for any claims made as to the value of a qualitative study such as this one as long as the above considerations are borne in mind.

### **3.4 Ethics**

Appropriate steps were taken from the outset to ensure that this institutional case study followed proper ethical guidelines, appreciating that perhaps "the most dangerous and difficult place to attempt qualitative research is in a familiar institutional setting."<sup>54</sup> I was also cognisant of the dual nature of my role in this project as both a lecturer at UEL and a researcher. Full ethics clearance was obtained

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<sup>50</sup>Nick Walliman, *Social Research Methods* (London: Sage, 2006).

<sup>51</sup>Martyn Denscombe, *The Good Research Guide for Small-Scale Social Research Projects* (London: Open University Press, 2017).

<sup>52</sup>Lucy Yardley, "Dilemmas in qualitative health research" (2000) 15 *Psychology and Health*, 215.

<sup>53</sup>Gary Thomas, "The Case: Generalisation, theory and phronesis in case study" (2011) 37 *Oxford Review of Education* 21.

<sup>54</sup>Susan Malone, "Ethics at home: Informed consent in your own backyard" (2003) 16 *International Journal of Qualitative Studies in Education* 797, 812.

from the DPO and a university ethics committee before commencing any data collection. During the study all participants were notified that their involvement was completely voluntary and could be taken back at any time. Although there are limits to the extent to which consent can ever be fully informed and confidentiality guaranteed in practice, great care was taken to guard against these issues e.g. through the use of an information sheet, informed consent form and secure storage of data. To preserve participants' anonymity, I have used pseudonyms for each interviewee (Austin, Brooklyn, Chelsea, Dakota, Edina, Florence). Interviews were carried out with sensitivity and a non-judgmental stance, respecting the rights of participants throughout. Participants were also able to exercise autonomy in these situations e.g. by refusing to answer questions in interviews. Although the reflective journals used for this study were not marked as part of a formal module assessment or intended to be private, it was made clear to all participants that this study was independent of any assessment process.

### **3.5 Analysis approach**

An Interpretive Phenomenological Analysis (IPA)<sup>55</sup> approach was used for analysis of interview transcripts. Three key areas of the philosophy of knowledge influence IPA: phenomenology, hermeneutics and idiography. Phenomenology is concerned with human experience and IPA is phenomenological as it focuses on "understanding the meaning of human experience and reflecting on the significance of these experiences."<sup>56</sup> From hermeneutics, or the theory of interpretation, "IPA pays close attention to the interaction involved when people are doing research with other people,"<sup>57</sup> recognising the implications of the researcher's own perspective. Idiography is concerned with revealing the unique features of the particular case and IPA is idiographic as it is committed to making sense of phenomena at an individual level, in a specific setting. These theoretical underpinnings of IPA closely align with the area under investigation, as reflection has itself been linked with phenomenology.<sup>58</sup> Smith and others<sup>59</sup> also suggest small sample sizes for IPA studies of three to six participants – like this one – to allow for the analysis to meet the phenomenological, hermeneutic and idiographic foundations of IPA.

### **3.6 Interviews and reflective logs**

Each student law clinic volunteer completed a reflective log that, while not assessed, was compulsory. This log was a personal record of reflection completed at the end of a student's tenure in the law clinic, where they described, in brief, the skills they acquired during their time at the law clinic and what they would do

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<sup>55</sup>Jonathan Smith, Paul Flowers and Michael Larkin, *Interpretative Phenomenological Analysis: Theory, Method and Research* (London: Sage, 2009).

<sup>56</sup>Paul Fisher, Kimberley Chew and Yin Jin Leow, "Clinical psychologists' use of reflection and reflective practice within clinical work" (2015) 16 *Reflective Practice*. Routledge 731, 733.

<sup>57</sup>Ibid.

<sup>58</sup>Delia Cushway, "Reflective practice and humanistic psychology: The whole is more than the sum of the parts" in Jacqui Stedmon and Rudi Dallos (eds), *Reflective Practice in Psychotherapy and Counselling* (Berkshire: McGraw-Hill Education, 2009) 73–92.

<sup>59</sup>Smith and others (n 55).

differently next time. As such, these logs were a type of 'learning journal' in the sense defined by Moon as "essentially a vehicle for reflection."<sup>60</sup> This definition does not refer to "the descriptive diary that never goes further than describing events" but refers to "an accumulation of material that is mainly based on the writer's processes of reflection."<sup>61</sup> However, despite going beyond mere description, all of the reflective logs I looked at were very short: no more than a page or from one to two hundred words in length. This made thematic analysis of these reflective logs difficult and placed more of a focus on analysis of interview transcripts, which were naturally of much greater length and depth and a richer source of data for the purposes of this study. Each interview was recorded using a digital voice recorder and then transcribed, taking care to ensure that the written text reproduced exactly what the interviewees said, word for word as far as possible. The transcription process was itself the first stage of analysis, as transcribing the interviews gave me an in-depth knowledge of the data, which was useful when refining themes for later analysis. In the next section there will therefore be greater emphasis on how IPA was conducted in relation to the interview transcripts. The reflective logs were not abandoned for the purposes of this research, however, as they often acted as useful starting points or prompts for interview questions, and were therefore considered alongside the interview transcripts for each student.

#### 4. Data Analysis

Each transcript was analysed individually, following the IPA analytical process described by Smith and others.<sup>62</sup> The first stage of the analysis involved intensively reading each student's account several times to gain familiarity. Notes were written on the right hand side of the transcript to summarise and describe what had been said (descriptive comments), comment on the use of language (linguistic comments), and make initial interpretations (conceptual comments). The second stage of analysis involved reading over the individual narratives and the interpretative comments again to develop emerging themes that captured links between the descriptive, linguistic and conceptual comments. These initial themes were reviewed to consider how they could be clustered to form sub-themes and then main themes, which captured the essence of the students' experiences. Some emerging themes were discarded due to lack of importance or coherence with other initial themes. Once main themes were formed, quotations were found to demonstrate each theme and transcripts were read again in order to consider how well the themes accounted for the students' overall experiences. This process was repeated with each of the transcripts. The final stage involved looking for patterns across student accounts. The main themes and corresponding sub-themes of the various accounts were analysed collectively, shared experiences within the group of students were considered carefully and a structured final list of main themes assembled. Each stage of the IPA analytical process will be described in detail below, beginning with the initial stage of setting out descriptive, linguistic and conceptual comments, moving

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<sup>60</sup>Jenny Moon, *Learning Journals: A handbook for reflective practice and professional development*. (2nd edn, Oxford: Routledge, 2006) 3.

<sup>61</sup>Ibid, 4.

<sup>62</sup>Smith and others (n 55).

onto the second stage of developing themes that encapsulated connections between descriptive, linguistic and conceptual comments and ending with the final stage of looking for patterns across participants.

#### **4.1 Initial stage**

##### *4.1.1 Descriptive comments*

The reflective logs were very short but contained useful information relevant to this research and were therefore considered together with the interview transcripts for each student. All the logs were completed on the same template, which in the first column asked the student to describe, in brief, the skills they acquired during their time at the law clinic, including professional skills (without entering the client's personal details). The second column then asked them what they would do differently next time and how they would improve their skills. Although the logs (with one exception) shared a similarity in terms of how brief they were, they still varied widely in terms of how they were filled out. For example, in the first column Austin's log was more of a narrative: "The skills that I acquired during my time at the law clinic were that I gained my communication and confidence skill," while Dakota's was made up of bullet points: "Confidentiality", "Data Protection Training" and so on. Chelsea's log was a combination of the two i.e. narrative followed by bullet points. Florence's log was exceptional in that it was three times the length of the others and was broken down by month, with detailed description of the type of case dealt with. Although the reflective logs were short and lacking in detailed description and reflection (perhaps not surprisingly given the literature on this as referred to in section 3.6), the interview transcripts provided much more material for analysis. The interviews also varied widely in content despite the same questions being directed to each of the students. What follows is an outline of the descriptive comments on each student's interview. Detailed quotes appear in the subsequent sections.

Austin, Brooklyn and Chelsea all talked about their experiences working both within the law clinic as volunteers and at its Romford Autism Hub (the hub). The UEL law clinic works in partnership with the Sycamore Trust, a charity that provides services to support clients and their families that are affected by Autistic Spectrum Disorders (ADS) and/or learning difficulties to provide free legal advice to those affected with autism at the hub. It was clear from their answers that Austin, Brooklyn and Chelsea were all closely involved in their work with the clinic and were deeply affected by their experiences. Austin made a distinction between his work at the hub, where he mainly shadowed a solicitor who was providing advice, and at the clinic, where he was seeing clients himself, sometimes supervised by a solicitor and sometimes on his own. Brooklyn and Chelsea echoed this, although Chelsea expressed some frustration at the fact that there wasn't always work for them to do when they were at the hub ("I didn't really get to do anything so I just ended up always going home"), whereas she was able to deal with her own clients at the clinic ("we were handling real clients, interviewing them and you know, providing them with free legal advice that they weren't able to get somewhere else").

Dakota, Edina and Florence all performed slightly different roles within the law clinic. Dakota was a recent graduate now working as a legal assistant in the clinic, where her role was mainly to support the supervisors by for example putting client details into databases, carrying out checks to identify conflicts of interest, making sure notes are up to date and sending out post-interview letters and interim letters of advice to clients. Dakota's role was therefore not as client facing as that of Austin, Brooklyn and Chelsea. The same was the case for Florence, who also mainly performed a support role within the clinic, assisting the supervisors and other student volunteers. Edina was also a recent graduate now working as a legal assistant but in a more client-facing role. All three students did have examples of client interaction that they provided in answer to subsequent questions, although this appeared to be less a part of their roles than in the cases of Austin, Brooklyn and Chelsea, partly because Dakota, Edina and Florence had no involvement in the Romford autism hub.

All the students interviewed mentioned that they had some sort of induction or other training while they worked in the law clinic, although they all had different views on this training and seemed to get different things out of it. Edina felt that this formal training was brief and that she used her own initiative for most of what she learned. Dakota felt that law clinic volunteers did not get any formal training except with regard to data protection, although she made reference to a training manual. Florence, however, stated that she had two days' worth of training, in which she learned about the different areas of law covered by the clinic as well as data protection, client care and IT training, going into some detail. Austin, Brooklyn and Chelsea by contrast did not talk about any form of formalized induction at all, but instead all spoke at some length about on-the-job training in terms of their supervisors meeting with them after interviews to give them feedback on how to improve.

Finally, when asked what, looking back, they might have done differently, several students answered that they wished they had got involved in the law clinic at an earlier stage. Austin and Brooklyn said that they only found out about the clinic (through Chelsea) at the end of their 2nd year and started working there in their 3rd year. Brooklyn expanded on what he felt could have been gained by starting earlier:

So I think what I wish I would have done differently is just take it upon myself to interview clients at an earlier stage instead of just waiting through that period so it would have provided me a longer time to talk to clients and develop confidence and things like that.

In reply to being asked what they would do in the future all of the students interviewed stated that they would like to go into legal practice and that their experiences in the law clinic had encouraged them to do so. Some of the students have taken the opportunity to continue working in the clinic on a temporary basis as graduate legal assistants after completing their degrees.

#### *4.1.2 Linguistic comments*

A number of interesting features came across in how the students talked in their interviews and reflective logs as well as what they talked about. Despite being asked the same questions the content of the interviews differed widely in terms of the answers the students gave. Some students gave very specific and detailed examples in their answers to some of the questions (Austin, Florence), particularly those relating to the positive and challenging experiences they had in the clinic, while others spoke in more general terms (Dakota, Edina). There was generally no correlation between the length and detail in a student's reflective log compared with their interview transcript – for example, Dakota's log was fairly detailed, while her interview was the shortest one, while both Austin and Chelsea had fairly short logs but gave lengthy answers in their interviews. In the case of Florence, her log was the most detailed and hers was also the longest of the individual interviews.

The two interview questions that all of the students seemed to have the hardest time answering related to ethics and reflection. All the students needed prompting and clarification when it came to explaining what ethics meant to them and what sort of ethical values they thought it was important for lawyers to have. With the benefit of prompting and clarification, however, all the students were able to provide relevant information, often in the form of specific examples of ethical values such as confidentiality, honesty and so on. This is expanded upon in the section below relating to conceptual comments. Similarly, when it came to explaining whether and what form their reflection while working in the law clinic took, all the students needed some explanation of what this term meant. With the benefit of this explanation, students were then able to talk, often in great detail, about how they filled in reflective logs and in some cases reflected on their work while they were outside of the clinic environment.

There were also a number of striking points about the way the students talked. This was perhaps most apparent where Austin and Brooklyn referred to other students as "my colleague" or "my learned colleague", perhaps in subconscious imitation of the way in which they had heard lawyers or other professionals speak. This use of professional language was apparent in all the interviews, both in perhaps more offhand ways (e.g. the students referring to members of the public who used the law clinic as "clients") and in what seemed a more conscious effort to talk like a lawyer (e.g. when using terminology such as "client confidentiality" and "legal aid" or talking about systems and software such as "AdviserNet", "GDPR", "Code of Conduct" etc.).

#### *4.1.3 Conceptual comments*

A number of conceptual points came across in the interviews, which were then used as a foundation for developing themes in the next stage of the analytical process. These included Client Relationships, Personal and Professional Opportunities, Reflective Practice, Ethical Awareness and Role Models.

*Client Relationships.* This was a concept that all the students spoke at length about in their interviews. It was clear that most of the students were affected by their interactions with clients. Brooklyn talked about how he would reflect every day after the clinic on the clients he had helped out, but also commented: "...we can't help everyone, you do feel a little bit guilty, you do feel a little bit sympathetic."

Another of Brooklyn's challenges in dealing with clients was that initially he lacked confidence when speaking to them. Austin said that, while this was not a problem for him, more practical issues like language barriers sometimes presented difficulties. Chelsea felt that empathizing with clients was important:

So for example if someone comes in you don't want to be so hard-faced or cold-hearted... you have to be somehow be able to relate... everyone is a human being.

*Personal and Professional Opportunities.* Pertinently for the purposes of this research, all the students talked about the effect that working in the clinic had upon them personally as well as professionally. Both Brooklyn and Florence indicated that they felt they lacked confidence in dealing with people prior to working in the clinic. Florence stated that being in the clinic "... it's actually helped me come out of my comfort zone and be able to talk with other people better" and for Brooklyn: "it has provided me with confidence to talk to people... on an academic level, like professors, employers, solicitors, people like that." Austin and Chelsea talked about getting more practical benefits out of working in the clinic but also referred to confidence building. Chelsea felt that she had developed the skill of knowing what it was relevant to make notes about through attending meetings with clients and subsequently getting feedback about this from the clinic supervisor. For Austin:

I wish I had started early on because it would have boosted my confidence because we had things like oral presentations, which we could have got a higher grade on.

*Reflective Practice.* When asked about whether they reflected on their work within the law clinic and what form this reflection took, Chelsea referred to the logs, stating that they filled them out with details of:

How we felt, how do we think we've done, whether we should approve of this or that, maybe we should have researched something differently, come more prepared or do something different.

Austin also indicated that he filled out a reflective log. Interestingly, Brooklyn asked whether the question referred to self-reflection or reflection the law clinic and I replied that I wanted to hear about both. Brooklyn then indicated that, in addition to filling out a reflective log, he would also self-reflect:

I would basically think to myself I've helped out clients, I've helped out as many people as I could within the jurisdiction that the law clinic has. Even though we can't help everyone, you do feel a little bit guilty, you do feel a little bit sympathetic.

Dakota stated the opposite, however, that she only filled out a reflective log relating to clinic work and in addition was very careful about what she put in it for reasons of data protection and client confidentiality.



*Ethical Awareness.* In response to a question about what kind of ethical values it was important for lawyers to have, the students gave a variety of responses. Brooklyn mentioned client confidentiality (as did Dakota), as well as “having a very high work ethic because obviously solicitors have long hours” and “a genuine willingness to learn every single day is one of the things that makes a good lawyer.” Chelsea felt that being able to empathise with clients was important and Austin emphasised the need to have a good demeanour, particularly in terms of confidence and attentiveness, around clients as well as a sense of humour. Florence spoke in more general terms of ethics meaning how you act, how you treat clients and how you interpret the law for them, making sure you are behaving responsibly and not tricking or leading them astray. This was a question that Edina struggled with but, after prompting, she referred to the need to be open, transparent and organised in her role.

*Role Models.* The positive aspects of working with others in the law clinic were something that all of the students were keen to talk about. Austin referred to one of the benefits being working as part of a team, which helped him, especially when seeing clients. For example, Austin said that if a student volunteer was busy with coursework or had a lecture to go to, one of the other volunteers would cover part of their workload for them. Several students praised the clinic supervisors, for example Chelsea said that sometimes they would sit in on client interviews and step in when necessary if clients were talking too much and not answering questions. Other students found the clinic beneficial for the taste of working life it provided e.g. Dakota felt that she now knew how a small law firm runs on a day-to-day basis. Brooklyn found that doing legal research, facing clients, drafting letters and other such experiences provided him with an idea of what a professional lawyer potentially would be doing.

#### **4.2 Developing themes**

After familiarising myself with the data by means of a thorough reading of the reflective logs and interview transcripts, I made notes of what stood out in the data – particularly elements that might form the basis of repeated patterns such as specific acts, practices and statements on the part of the students. This stage of the analysis consisted of arranging the data into meaningful groups. In the next phase of the analysis, I started to develop themes. I already had some themes in mind when doing the initial reading, again arising from reviewing previous research. Searching for themes involved sorting the various data and considering how they could be combined to form an overall theme by looking for recurrences, changes, connections, variations and so on. After creating an initial list of themes, these needed to be reviewed in order to ensure that data within themes corresponded meaningfully, with clear and identifiable differences between them. Lastly, the themes were defined and named, with examples found to demonstrate each. Although the themes were to some extent pre-specified, drawing on my knowledge of relevant literature, they also fitted closely with the data, as illustrated below. Three main themes were developed from the literature and from my findings to account for how participants experienced and reflected upon ethics and professionalism within the law clinic: *Developing Professional Identity, Negotiating*

*Professional Challenges and Managing Professional Relationships.* As student experiences varied within each theme, both the relations and distinctions between their accounts will be described.

I examined reflection within each theme using the four-category model of Kember and others. Non-reflection involved students simply detailing their clinic experiences without showing any understanding (e.g. this was the case for virtually all of the reflective logs, with the exception of Florence). Understanding took the form of students demonstrating knowledge without relating it to their experiences (e.g. when students described ethical values in an abstract way, without relating it to what they did in the clinic). Reflection was characterized by participants thinking more carefully about their experience and evaluating or analysing it by reference to a specific issue (e.g. the students' assessment of their own performance while working in the clinic and identification of the importance of this experience). Lastly, in Critical Reflection, participants weighed up their experiences and considered them more widely, beyond the law clinic and on a more personal level or in light of their future goals and ambitions (e.g. when students talked in interviews about what they have already done or will do differently in future). Other models of reflection helped provide a deeper analysis and when it came to blurring between categories. Even though the logs largely evidenced Non-reflection, they did sometimes show both some understanding of legal practice and reflection on legal ethics, especially when students mentioned in them how they would improve, and thus could perhaps more accurately be termed Descriptive Reflection, using the terminology of Hatton and Smith. Finally, apparent differences in reflection did not seem to be due to disparities in the process of reflection itself but rather, bearing out Moon's observation, due to "differences in the way that it is used, applied or guided."<sup>63</sup>

Kember's model for assessing reflection therefore provided an invaluable conceptual framework for analysing the data but IPA also proved a useful analytical tool in developing themes. IPA explores how people make sense of their experiences and is concerned with the nature of phenomena. The phenomenological aspect of IPA helped me to focus on understanding the meaning of the experiences of participants in the study and to reflect on the importance of these experiences. The hermeneutics aspect of IPA helped me pay close attention to the interaction involved when people are doing research involving other human participants, recognising the implications of my point of view as a researcher. The idiographic aspect of IPA helped in narrowing the focus of the study to understanding phenomena at an individual level, in a specific context, in this case the law clinic. IPA also helped in developing themes by ensuring, through an in-depth reading of the data, that themes took account of linguistic and conceptual comments, as well as descriptive comments, sub-themes were identified within larger themes and that patterns were discerned across participants. The intensive approach to analysis of the data afforded by IPA was therefore intrinsic to developing the themes described below.

#### *4.2.1 Developing Professional Identity*

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<sup>63</sup>Moon (n 33) 6.

This theme is linked with the ethical curriculum outcome set out in section 2.1 regarding the ability for students to exercise their own professional judgment by reflecting on ethical principles and developing a framework in which ethical standards and responsibilities apply, and develops the conceptual comments concerning reflective practice and personal and professional opportunities noted in section 4.1.3. This is related to Boon's view that an ethics curriculum should underpin ideological components of professionalism and inculcate habits of ethical problem solving in students.<sup>64</sup> As such, this theme is made up of evidence in the reflective logs and interview transcripts that I looked at of students exhibiting some of the ethical behaviours mentioned in the preceding sections but also that those students are engaging in reflection in order to enhance their own understanding and develop their professional skills. Under this theme I also noted evidence of students facilitating awareness and management of their professional identity and future role as legal professionals in order to build their resilience. It was notable that much of the data that formed this theme was made up of student answers to the opening interview questions concerning their roles in the law clinic, reflection practice and ethical values, as well as student summaries of skills acquired at the law clinic in the logs. Sub-themes within this theme included *how students reflected on ethical principles and demonstrated ethical behaviours*, *how students engaged in reflection to develop their skills* and *how students built their resilience and sense of professional identity*. Reflection occurred at various levels within each of these sub-themes.

#### 4.2.1.1 How students reflected on ethical principles and demonstrated ethical behaviours.

Using Kember's terminology this often took the form of Non-reflection and Understanding rather than Reflection and Critical Reflection, although there were exceptions to this. Log entries such as Brooklyn's to the effect that "I have learnt about client confidentiality" were an example of Non-reflection within this sub-theme i.e. detailing experiences without any understanding. In the interviews students tended to go a step further in demonstrating Understanding, such as Brooklyn's statement that "I think an ethical characteristic that you should have is a sense of fortitude, perseverance, you know client confidentiality as well, respecting your clients" i.e. describing ethical values in an abstract way, without relating it to their experiences in the clinic. There were exceptions to this, such as in Florence's interview, where she not only talked about getting legal experience of a contract law issue but went a step further by saying that this was also helpful because it was about "writing an advice letter in the correct way." This sort of assessment of their own experience while working in the clinic and identification of its importance could potentially show evidence of Reflection by students i.e. evaluating or analysing experiences by reference to specific issues. However, it did not seem to always go further into Critical Reflection, i.e. in terms of students weighing up their experiences and considering them beyond the law clinic on a more personal level or in light of their future ambitions.

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<sup>64</sup>Boon (n 12).

#### 4.2.1.2 How students engaged in reflection to develop their skills

Here students typically referred in their interviews to filling in their reflective logs at the level of Non-reflection and Understanding. For example, Dakota stated: “We do keep reflective logs for ourselves” (and this only after prompting, having first been asked “Do you reflect on what you do in the law clinic and what form does reflection take?” being unable to answer, and then being asked “Do you keep a reflective log?”). To some extent this bears out the observation that the moment the word ‘reflection’ is mentioned “students ‘tend to panic’ and it confuses them.”<sup>65</sup> As stated above, the actual reflective logs mainly showed evidence of Non-reflection (or Descriptive Reflection) in terms of students simply detailing what they did in the clinic briefly. The real evidence of reflective practice occurring appeared to take place in the actual interviews, when students reflected on what they had done in the clinic when providing answers to the questions they were being asked that often went beyond mere description potentially into Critical Reflection. For example, while Dakota had initially struggled with the subject of self-reflection in her interview, she later talked about the importance of client confidentiality:

It keeps you more quiet about things, just to avoid that you cannot speak in more generic terms even. Data protection is now a lot, so we need to include everything we work with all the time.

This answer showed some appreciation of the wider importance of client confidentiality, beyond simply learning about it, which had not appeared at all in Dakota’s reflective log. As this answer only came after prompting in her interview, it seemed to suggest that the interview process itself aided Dakota’s reflection. This quote potentially falls within the most advanced stage of reflection as it shows the student using reflective judgment in Moon’s terms when working with new or uncertain knowledge and changing her perspective or behaviour.

#### 4.2.1.3 How students built their resilience and sense of professional identity

This was demonstrated, for example, by the many references made in section 4.1.1 in both Brooklyn and Florence’s interviews to the effect that their clinic experiences improved their confidence. Other aspects of developing a sense of professional identity were harder to discern but ultimately perhaps more revealing. One example of this was the use of professional language referred to in section 4.1.2 on linguistic comments. The repeated uses of terms like “my colleague” and “my learned colleague” by Austin and Brooklyn when referring to each other in their joint interview could perhaps have been the result of them reflecting on their experiences of shadowing professional lawyers in both the UEL law clinic and the Romford Autism hub, in an attempt to assimilate the identity of a professional role model. Equally, this might simply have been imitation without reflection and understanding of why this language was used. A subtler example of professional identity development was that all of the students were consistent in confirming their

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<sup>65</sup>Callum Thomson, Lyndsey Bengtsson and Tribe Mkwebu, “The hall of mirrors: a teaching team talking about talking about reflection” (2019) 53 *Law Teacher* 513, 516.

dedication to a career in legal practice. This often seemed to be directly tied to students reflecting on their clinic experiences at a level possibly beyond Non-reflection and Understanding, for example Austin's statements that the law clinic "made me understand what I want to do in the future" and "Now I know what I need to do, it broadened my aspect of thinking like a solicitor and what I want to be." Whilst not amounting to the highest stage of Critical Reflection, their answers show the students doing more than simply recording their experiences and instead going further in terms of identifying, analysing and to an extent judging these experiences – a type of reflection termed Diagnostic Reflection in Hatton and Smith's model.

#### 4.2.2 *Negotiating Professional Challenges*

This theme is linked with the outcome set out in section 2.1 regarding the ability for students to recognise ethical challenges and dilemmas and to engage in ethical decision-making in practice, and comes out of the conceptual point concerning ethical awareness in section 4.1.3 and some of the linguistic comments in section 4.1.2. This is related to Nicolson's view that those who teach ethics in law schools should "illuminate the tools that ethical theory and applied ethical discourse provide for the resolution of ethical dilemmas" and "illustrate the ethical dimension of legal practice by giving students experience in resolving dilemmas."<sup>66</sup> As such, this theme is made up of evidence in the data that I looked at of habits of ethical problem solving becoming automatic responses in a practical setting and theory learned by students for the resolution of ethical dilemmas actually being applied. In the interviews student answers that formed this theme tended to relate to questions expressly concerning what sort of professional challenges they had come across. Relatively little data coming under this main theme appeared in the reflective logs. An important sub-theme concerning professional challenges that came across implicitly rather than explicitly in student answers was that of tacit knowledge i.e. the 'unarticulated value assumptions' of the hidden curriculum. As with the two other main themes, reflection occurred at various levels identified by two sub-themes within the overarching theme of negotiating professional challenges.

##### 4.2.2.1 Recognising ethical challenges and dilemmas and engaging in ethical decision-making in practice

This tended to occur at the level of Non-reflection and Understanding in the student interviews. Although, as mentioned above, there were fewer examples of the sort of data that came within this sub-theme, student answers in interviews tended to be more detailed than under other themes, while rarely amounting to Reflection and Critical Reflection. To illustrate this, a typical answer to a question about what kind of ethical difficulties a student had come across in the clinic was Dakota's:

Sometimes we have clients with... matters such as violence in the household... so ethically you want to (help) even if you don't because we

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<sup>66</sup>Nicolson (n 28) 172.

cannot do it. That kind of cases we have to automatically place it with another firm because they are serious matters.

Here the student has demonstrated clear understanding of an ethical issue in terms of whether or not the clinic can act on a client's behalf without fully explaining why it is an ethical issue by relating it to either the Code or even ethical values in the wider sense of a notion of public obligation. This absence of evaluation and analysis or contextualisation is what prevented much of the data in the form of student answers to the explicit question concerning ethical challenges and dilemmas from amounting to Reflection and Critical Reflection. There were very few clear examples of ethical challenges that students gave in answer to this specific question and students also sometimes appeared to not fully understand this question. So, for example, Edina's answer when questioned about what kind of ethical difficulties she had come across in the clinic did not go beyond Non-reflection: "I enjoyed it but it was the last minute calls, it felt good." This perhaps illustrates that reflection on ethical issues is a difficult process and needs to be coached, as recognised in the literature: "it is essential... that staff have effective strategies for developing these skills within the pressurised environment of (the) clinic."<sup>67</sup> One recommendation in this regard is for educators to offer prompts to students to promote their reflection<sup>68</sup> and in essence this is what actually occurred in the interviews I conducted for this study.

#### 4.2.2.2 Awareness of the hidden curriculum

In contrast, this was displayed by students in their interviews at the higher level of Reflection and Critical Reflection within this sub-theme. For example, in the same interview where she gave the limited answer referred to in the paragraph above, Edina also several times demonstrated a deeper understanding of ethical challenges and dilemmas and of engaging in ethical decision making in practice in the form of tacit knowledge i.e. 'the language and unspoken conventions of the community' as referred to in section 2.1:

After working at the law clinic I've got more of an open mind. When I get out there now and when I apply for jobs I know what to expect. And also it's actually helped me to amend what's on the CV.

Having an 'open mind' is an important aspect of lawyer's ethics – impartiality was expressly mentioned in section 2.1 as an ethical value, as well as being part of the Code – and thus a potential part of the theme of professional identity discussed in the previous sub-section. It is however equally significant that this student recognised the value of her experiences in the clinic for their worth in career development, as well as in their own right, in the process understanding an ethical dimension of legal practice. Edina was not alone in demonstrating an appreciation of ethical challenges and decision-making as well as the tacit knowledge needed for a career in legal practice in implicit ways. Florence, for example, first talked about how "I think it's very helpful for you to work in a clinic and get experience from it because

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<sup>67</sup>Boothby and Sylvester (n 21) 130.

<sup>68</sup>Langley (n 45).

that expands your knowledge and opens your horizons” but expressly linked this with career development. Examples like this begin to evidence the highest level of Critical Reflection, or reflective judgment in Moon’s terms, in the sense of students working with uncertain knowledge and realising that there is more than one approach to handling ethical challenges and dilemmas. Creating alternative methods of action is also the most advanced category in Korthagen’s model of reflection and for Langley students formatively assessing their own work regularly in this way is an illustration of Critical Reflection.<sup>69</sup>

#### 4.2.3 *Managing Professional Relationships*

This theme is linked with the outcome set out in section 2.1 regarding the ability for students to consider legal issues from different ethical perspectives and develop an understanding of the purposes and limits of a lawyer’s role, and develops the conceptual points concerning client relationships and role models in section 4.1.3. This is related to Chavkin’s view that the values that can and should be taught to students focus on the lawyer’s relationship with clients, to other lawyers and to the professional overall and the general public.<sup>70</sup> As such, this theme is made up of evidence from the data that students have a context for discussing the difference in values between distinct situations and considering how they deal with role conflict. Under this theme I also noted evidence of students illustrating various hallmarks of professionalism in terms of how they interacted both with their fellow students and others. Three sub-themes within this main theme concerned *relationships with clients and the general public, with other lawyers, and with the legal profession overall*.

##### 4.2.3.1 Relationships with clients and the general public

Much of the data here consisted of students expressing in interviews their appreciation of the limits and limitations on a lawyer’s role, often at quite a sophisticated level of reflection. Austin, for example, commented: “we were handling real clients, interviewing them and you know, providing them with free legal advice that they weren’t able to get somewhere else.” Although this was an illustration of Understanding, rather than Reflection, as it detailed a clinic experience in general terms without relating it to knowledge of ethical values, it still showed a clear appreciation of the purposes of a lawyer’s role – in this case of a pro bono law clinic set up for the benefit of the general public. Chelsea went a step further into Reflection about client relationships, talking about how “now the law clinic is the only free legal centre within the whole of East London” and how she was affected personally by “sometimes turning away clients... because obviously we are too busy so we don’t have enough people to see them.” This showed that working in the clinic was prompting students to reflect on their interactions with clients and consider how they were affected by these interactions on a more personal level, as well as the wider implications of clinic work. Again in Chelsea’s case this seemed to prompt a level of introspection that might not otherwise have been the case had she not

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<sup>69</sup>Ibid.

<sup>70</sup>Chavkin (n 25).

worked in the clinic, particularly in terms of awareness of other people's life circumstances:

I ended up learning things about myself because I did not know anything about benefits. I've never been on benefits, I've never known anyone in my family to be on benefits, nothing, so I did not understand the process whatsoever until I then started to research for a client.

This sort of introspective critique of experience could potentially amount to the highest level of Critical Reflection in Hatton and Smith's model and, in a legal context, for Leering reflecting on issues such as the meaning of law, institutions, justice, practice and professionalism is also a hallmark of Critical Reflection.<sup>71</sup>

#### 4.2.3.2 Relationships with other lawyers

The data here tended to consist of students expressing in interviews how they regarded the other legal professionals they came across as role models in one form or another. For example, Brooklyn explained briefly that "we were just shadowing the lawyers" at the Romford autism hub, but other students went further in talking about the affect being around professional lawyers had on them and what they thought about this. Chelsea talked about how in interviews with clients where the clinic supervisors were also present, the supervisors "would kind of step in and ask the right questions" and how if "(I) ask them for help, they're very good." Whilst all of the students shared an appreciation for their supervisors and the help they provided, it was also interesting that some students held each other in almost equal regard. Edina, for example, worked closely with Dakota and was not only impressed by Dakota's abilities ("She was so empathetic; she would be going through every case and then not judging") but also reflected on how this affected and improved Edina's own work ("She would say, right, it may not go anywhere but let's just sit with the client, so it was good in that sense and I saw it from there").

#### 4.2.3.3 Relationships with the profession overall

This was the broadest of the sub-themes, as it referred to balancing different stakeholder views, including those of the university in terms of the curriculum, those of the legal regulatory bodies in the form of the Code, and those of the clients they came across in the clinic. This data also proved to be the hardest to extract from the interviews and was often implicit in student interviews rather than expressed clearly in their answers, in contrast with the other two sub-themes that have just been described. An appreciation of what lawyers can and cannot do is vital to those intending to go into legal practice, as well as a key part of the Code. This understanding was illustrated, without prompting, in Florence's interview at what could amount to a high level of Critical Reflection, in the sense of looking back to take an overview, when she was talking about her initial induction at the clinic:

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<sup>71</sup>Leering (n 7).



Within that training we learn our limitations as legal advisers because every time we meet with the clients we always have to read them our information-to-clients sheet, which basically tells us what a clinic can and can't do. So we have to make sure we are not going past our limits.

This participant seemed to stand out from the other students in terms of her potential for Critical Reflection. For example, in her interview Florence also went on to demonstrate an appreciation of the difference between the kind of work that a small pro bono clinic does: "Sometimes I feel like I'm wasting the client's time...when...I realise...I can't help them any more because it's beyond our power" compared with that of a larger law firm: "That's because I feel like the law clinic faces a lot of like limitations because it's a small clinic and you don't really have that like big high up person to cover the insurance." It was also revealing that even at this early stage in her legal career Florence was already thinking about the concept of her (and the clinic's) professional reputation.

### **4.3 Looking for patterns**

The preceding section described the process of deriving the themes and analysis process. These analysis stages are followed by integration and interpretation i.e. "generating meaning from the data and themes,"<sup>72</sup> which is discussed below. The interpretation stage included looking for patterns, noting the frequency of recurring events, making comparisons and attempting to make conceptual coherence.

In terms of looking for patterns within themes, not all of the themes were covered in the same amount of depth in all of the reflective logs and interview transcripts, but some received more attention than others in terms of being a more consistent feature throughout the data. The theme that both appeared least frequently and was the hardest to identify within the data was that of Negotiating Professional Challenges, both because very little reference to this was made in the reflective logs and because answers relating to this theme in the interviews tended to be implicit rather than explicit. In contrast, there was much more data that was easier to identify by express statements from the students in their logs and interviews under the themes of Developing Professional Identity and Managing Professional Relationships. This suggests that the students had a more immediate and natural affinity and understanding of the latter two themes rather than with notions of ethical dilemmas, challenges and decision-making, and what awareness they developed seemed to come out of and be related to their experiences in the clinic.

A significant trend that emerged from the themes I identified was a link between Critical Reflection and the length of the reflective logs and interview transcripts. There was a notable disparity in the word count between the longest log and interview – belonging to Florence – and all of the others. All of the shorter logs and interviews focused more on Non-reflection and Understanding, with comparatively less on Reflection and Critical Reflection, while the opposite was the case for those of Florence. This difference was less marked in the case of the

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<sup>72</sup>Matthew Miles and Michael Huberman, *Qualitative data analysis: an expanded sourcebook* (1994 London: Sage) 245-6.

interview transcripts than it was for the logs. Significantly, there was also a difference between the depth and quality of reflection by students in the logs compared with the interviews, with the latter being far more detailed and going well beyond mere description of clinic activities. This bears out the observation that “Writing a learning journal seems often to be particular experiences in their location.”<sup>73</sup> Whilst students were given time and prompting to assist their reflection in interviews, this difference can also perhaps be attributed to what is described as the “labile nature of emotion”<sup>74</sup> in terms of how reflective accounts written subsequently rather than contemporaneously varied and ‘slid around’.

I also identified marked variations in the quality of Critical Reflection between the students. The shorter logs featured repetitive and similar content under both headings on the log template, despite the fact that one asked for a description of the skills the student acquired during their time at the law clinic and the other asked what the student would do differently next time to improve their skills. This was not, however, the case for the longest log belonging to Florence, which featured markedly different content under both headings, which also seemed to accord more closely with what each was asking for. The longest log also seemed to be written in a more informal style than the others, in a stream of text rather than bullet points. The inference here seems to be that the longer and more detailed the log, the more likely it is to include content that amounts to the most advanced stage of reflection, and perhaps that students also need some guidance in this regard for completing their logs.

Another common issue identified was that students did not always seem to understand the concept of reflection or feel wholly comfortable with reflective practice, even though it was evident that students were able to reflect in the course of their conversation and conduct. When students reflected on their clinic experiences in the interviews their accounts were all characterized by a remarkable level of honesty, bearing in mind that these were dialogues rather than monologues, with students openly discussing their hopes, fears and perceived strengths and weaknesses in the context of legal education and practice. Students also frequently spoke about how they expected to make practical use of their experiences on the module. This bears out Moon’s views concerning the value of maintaining a learning journal alongside any major life event and also that “a person who is reflective seems to be someone who... would make decisions that are well considered.”<sup>75</sup> For these students being reflective seemed to involve taking an overview of their experiences in the clinic in order to consider and learn from them.

In summary, the analytical process described above produced three themes: Professional Identity, Professional Challenges and Professional Relationships, which corresponded closely with the data. In this section I have noted a number of interesting patterns to come out of the data: differences between the depth and quality of reflection by students in the logs compared with the interviews as well as between longer and shorter logs and transcripts, variations in the quality of Critical Reflection and differences between students’ understanding of reflection as a concept in comparison with how they demonstrated reflection through words and

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<sup>73</sup>Moon (n 33) 3.

<sup>74</sup>Ibid.

<sup>75</sup>Moon (n 33) 8.

conduct. I now go on to draw some conclusions below about this section, including the process of analysis and data interpretation in order to address the research question posed in section 2.4.

## **5. Interpretation of Findings**

It was stated in section 2.4 that in order to answer the main research question regarding how law students use reflection in CLE to develop their ethical competence, what needed to be identified were the CLE activities and teaching and learning strategies that enable students to reflect on their performance, what they are learning and how they might develop. This involved dividing this main research question into four sub-questions, outlined below, which I will now attempt to answer.

### **5.1 What is reflection in CLE?**

As mentioned in section 2.4, answering this sub-question involved identifying examples of reflection in the law clinic, how students understood it and how supervisors explained it to them. It was explained in section 2.3 that reflection involves the capability in individuals to alter their future behaviour by understanding and learning from past performances and gaining knowledge through this practice. However, there are many different forms of reflection, both generally and specifically within CLE, and this question can also be answered at different levels. It was identified above that, of the various models used to analyse student reflection the one most relevant to CLE was that of Kember and others, which proceeds from low to high levels of reflection through categories of Non-reflection, Understanding, Reflection and Critical Reflection. This four-component model for assessing reflection is especially appropriate to CLE – where students are required to reflect on their performance, what they are learning and how they might improve – and provided a useful conceptual lens for analysing the data, with reference to other models of reflection where appropriate.

Reflection can therefore take several forms in the law clinic. Students simply recording their experiences would evidence the lowest level of Non-reflection – this was characterized by many of the brief reflective log entries, e.g. Brooklyn and Dakota's entries in sections 4.2.1.1 and 4.2.1.2. The next level of Understanding is where students demonstrate grasp of material without relating it to experience – some of the shorter interview answers that did not stray beyond the abstract fell within this category, e.g. Edina's answers in section 4.2.2.1. At the higher level of Reflection students look back on what they did and analyse this in the light of this experience – students illustrating by specific examples in interviews that some of what they have learned is related to a clinic experience in some way, e.g. Austin's statements in section 4.2.1.3. The highest level of Critical Reflection is where students show evidence of a change in perspective or behaviour – interview answers that went beyond introspective critique of the experience, to recognising its applicability to other external and future contexts, e.g. Chelsea and Florence's comments in sections 4.2.3.1 and 4.2.3.3. For the purposes of answering the main research question in this study it will be necessary to sum up just how much of each

type of reflection was actually taking place in the law clinic, and why this was the case. This will be covered in the following sub-sections.

### **5.2 What is the importance of reflection in CLE?**

Answering this question involves determining the extent to which reflection is valued, and seen to be valued, by students and supervisors in CLE e.g. how far is it integrated and how much is it assessed in the law clinic? The fact that almost all the students indicated in their interviews that they received little formal training on reflective practice in the short induction period would at first seem to suggest that the value attached to reflection was neither made significant at the outset nor integrated into the law clinic experience. This was not a formally taught module and it was not assessed, other than the requirement for students to complete reflective logs. Even then completion was something that they were free to do in any manner and to any extent they chose, as demonstrated by the widely varying content of the logs. How then was reflection, particularly in relation to ethics and other aspects of professionalism, valued and seen to be valued within CLE?

From the interview transcripts it appeared that the answer to this question related closely to professional role models and relationships within the law clinic, and the exemplary knowledge that they demonstrated to students. Students expressed in interviews how they regarded the other legal professionals they came across as role models, including both the practising lawyers that they came across and their supervisors within the law clinic itself, e.g. Brooklyn and Chelsea's comments in section 4.2.3.2. Equally important was the appreciation certain students expressed towards their peers in terms of their abilities and work ethic providing an ideal to strive towards, e.g. Edina for Dakota in section 4.2.3.2. The significance of role models and learning from example is that, through CLE, law schools have the unique potential to influence professional identity development by "consistently demonstrating what it means to be a professional."<sup>76</sup> As demonstrated by several students talking in interviews about the positive effect working in the clinic had on them personally, e.g. Austin, Brooklyn and Florence in section 4.2.1.3, CLE can build confidence in response to a gap in legal education highlighted by increasing calls for resilience training for law students.<sup>77</sup> Perhaps most importantly, bearing out other findings in the relevant literature, professional role models and relationships can make express the implied understandings and assumptions of the hidden curriculum by teaching, by exemplifying those "values transmitted in informal ways"<sup>78</sup> that law students cannot simply learn in the classroom but which are often most sought after by employers.

### **5.3 How does reflection in CLE take place?**

Valuing and explaining reflection is one thing but determining whether it is actually taking place is another matter entirely. Answering this sub-research question therefore focuses on what is the actual role of reflection in the law clinic,

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<sup>76</sup>Dagilyte and Coe (n 9) 47.

<sup>77</sup>Evers and Townsley (n 14).

<sup>78</sup>Rowe, Murray and Westwood (n 17) 122.

how it is incorporated and what form it takes. A superficial answer to this question is that in this study reflection in CLE took the form of reflective logs filled out by students (and indeed this was the answer that students gave when asked this question in their interviews e.g. Dakota in section 4.2.1.2). This does not, however, mean that student reflection in CLE only took place at this low level, since the interview transcripts often showed the students going beyond this category of reflection.

It was clear that student reflection was not confined to reflective logs, both because some students clearly indicated in their answers that they were reflecting on what they did within the clinic outside of it (e.g. Brooklyn talking about how he would reflect every day after the clinic on the clients he had helped out in section 4.1.3) and in subtler ways. Students did state that they received some training on reflection and guidance from their supervisors, but in-depth reflection seemed often to be prompted by particular questions in the interviews. When asked about challenges and personal development students tended to give very detailed answers, which could be characterized as Reflection and even Critical Reflection since they related learning to experience, sometimes showing changes in behaviour or perspective as a result (e.g. Chelsea's comments about dealing with clients on benefits resulting in her own reflection on an issue she had never come across before in section 4.2.3.1).

Although given in response to interview questions, the fact that this sort of information came from students in such detail and with relatively little prompting strongly suggests that they were already reflecting upon and learning from these experiences independently. This bears out suggestions in the literature that reflection is based on experience, as it is experience that allows the testing of other types of knowledge.<sup>79</sup> It is their *experiences* in the clinic that prompted student reflection at the highest levels, and it is this reflection that in turn appeared to result in student learning.

#### **5.4 How does reflection contribute to development of ethical competence in law students?**

Answering this question involves looking at indicators of ethical competence by reference to the values discussed in section 2.1, showing how these values have developed over time and what role the reflection process played in this. Development of ethical competence in this study is perhaps best illustrated by reference to the three themes that were developed to account for how participants experienced and reflected upon ethics and professionalism within the law clinic: Developing Professional Identity, Negotiating Professional Challenges and Managing Professional Relationships.

The Professional Identity theme involved determining whether law students were able to reflect on ethical principles and exercise their own professional judgment. As such, at the lowest level of reflection (Non-reflection and Understanding, using Kember's model), there seemed to be evidence within this theme of students showing a basic awareness of professional ethics as set down in

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<sup>79</sup>Adrian Evans and others, "Reflective Practice: The essence of clinical legal education" in Adrian Evans and others (eds), *Australian Clinical Legal Education* (ANU Press, 2017) 153.

the Code, such as a solicitor's duty to act in the best interest of each client. More significantly for the purposes of this study, however, there also appeared to be evidence in the interview transcripts of students demonstrating professional values in the wider sense that goes beyond the regulations of professional bodies, and this was displayed at a higher level of reflection (Reflection and Critical Reflection, using Kember's model) through their own reflection while working in the clinic and when prompted by interview questions.

The Professional Challenges theme involved determining whether students were able to recognise ethical dilemmas and engage in ethical decision-making. Again, this theme seemed to be evidenced at various levels. At the lowest levels of Non-reflection and Understanding there appeared to be examples of students demonstrating understanding of ethical issues without fully explaining why they were ethical issues by relating them to either the Code or professional values in any wider sense. However, there were also examples of reflection potentially taking place at the higher levels of Reflection and Critical Reflection in terms of students showing an awareness of the hidden curriculum. This level of awareness was again directly tied to student experiences within the clinic environment and reflection upon these experiences. Increased exposure to these types of experiences can potentially lead to habits of ethical problem solving becoming more of an instinctive response in practical contexts, where students are able to apply what they have learned for the resolution of any ethical challenges they may face.

The theme of Professional Relationships involved determining whether students could consider legal issues from different ethical perspectives. At the most basic level, students seemed able to show a clear understanding of the purposes and limits of a lawyer's role, sometimes then demonstrating the ability to go further by also discussing the contrast in values between distinct situations and considering how they deal with role conflict, as well as the wider implications of clinic work. At a higher level, reflection by students tended to focus on this wider professional context in terms of the role of the clinic and their own position and reputation within the broad framework of legal services, legal practitioners and the legal profession overall. This level of reflection by students might not have taken place without working in the clinic, bearing out the views referred to in sections 1 and 2 that CLE provides unique opportunities for students to reflect on both legal practice and legal ethics. Also crucial to the theme of managing professional relationships is the prominence of role models in student reflection, illustrating the potentially important role of academics to lead by example and the unique opportunity to influence character development, as identified in the literature review.

Reflection in CLE by law students therefore appeared to contribute to development of their ethical competence in various ways. Their clinic experiences seemed to allow students to develop the basic awareness of ethical principles they had hitherto only learned about in a theoretical classroom setting to a higher level by reflecting on and applying those principles in a practical context, turning knowledge into skills and developing their professional judgment in the process. Reflective practice could enable students to identify ethical issues of which they might previously not have been aware, due to their hidden or unspoken nature, by tying them directly to their experiences in the environment of the clinic. Finally, through the process of reflection students could focus on professional relationships,

by exposure to role models and real life clients, and in doing so identified and applied hallmarks of professionalism such as punctuality, respect for peers, effective communication and time management. In particular, students potentially developing an awareness of other people's life circumstances, through exposure to the general public served by the clinic, is an aspect of professionalism not greatly focused on in the literature where CLE has a unique role to play. In all these cases reflection and its resulting benefits might not have occurred in the absence of the practical and experiential nature of CLE.

## 6. Conclusions and Implications of Study

### 6.1 Conclusions and limitations

In order to examine the development of ethical competence in CLE through reflection, the focus of this study was on the following main research question: *How do law students use reflection in CLE to develop their ethical competence?* Based upon the preceding discussion, tentative conclusions can begin to be drawn. Ultimately, development of ethical competence in this study was perhaps best illustrated by reference to the three themes that were developed to account for how participants experienced and reflected upon ethics and professionalism within the law clinic: Developing Professional Identity, Negotiating Professional Challenges and Managing Professional Relationships. Most tellingly, those students that developed ethical awareness and demonstrated ethical values seemed to do so explicitly through reflection on clinic experiences, bearing out the view that reflection "is the magic ingredient which converts legal experience into education."<sup>80</sup> It was particularly notable that the experiences that seemed to prompt the highest level of reflection and result in ethical development on the part of students were those that were tied specifically to experiences that could not be replicated elsewhere within the curriculum e.g. through contact with real clients, who exposed them to new perspectives and contexts, and with professional lawyers, who acted as role models of ethical professionalism. It was this exposure, and in-depth reflection on its implications, that more than anything else seemed to play a vital role in the development of ethical competence in law students within a clinic environment.

Kember's model for assessing reflection provided an invaluable conceptual framework for analysing the data but IPA also proved a useful analytical tool in developing themes. Kember's four-component model for assessing reflection was especially appropriate to CLE – where students are required to reflect on their performance, what they are learning and how they might develop – and provided a useful conceptual lens for analysing the data. IPA explores how people make sense of their experiences and helped in developing themes by ensuring, through an in-depth reading of the data, that themes took account of linguistic and conceptual comments, as well as descriptive comments, sub-themes were identified within larger themes and that patterns were discerned across participants. These analytical tools helped identify that reflection took several forms in the law clinic. At the most basic level of Non-reflection and Understanding this took the form of reflective logs

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<sup>80</sup>Georgina Ledvinka, "Reflection and assessment in clinical legal education" (2006) 9 *International Journal of Clinical Legal Education* 29, 29-30.

filled out by students, where it consisted primarily of reproduction of material without evidence of understanding. This does not, however, mean that student reflection in CLE only took place at this low level, since the interview transcripts often appeared to show the students going beyond this category of reflection. When asked about challenges and personal development students tended to give very detailed answers, which could be characterized as Reflection and even Critical Reflection since they related learning to experience, sometimes showing changes in behaviour or perspective as a result.

Bearing in mind the limitations of this study, however, the conclusions drawn above are tentative. The drawback of relying on reflective accounts as evidence of the impact of CLE on students' ethical development is that they "largely reflect merely what students say they think and feel, rather than how they actually behaved."<sup>81</sup> This limitation is mitigated somewhat by the fact that two data collection methods were used – student interviews in addition to reflective logs – and that the interviews allowed some observation to be made of how the students actually behaved through their answers to initial questions, prompting and follow-up questions. Observations of students' behaviour while actually in the clinic might have been even more fruitful as a data collection method but this was not possible for practical reasons relating to client confidentiality. There is also the potential for subconscious bias in the interpretation of the data on my part, as a researcher investigating the role of reflection in developing ethical competence in a clinical context. A larger sample might also have been helpful to provide a greater range of data on reflection. In spite of these limitations, however, to the extent that the findings of this study represent a plausible interpretation of genuine views and behaviour, they allowed useful conclusions to be drawn above about how CLE can develop the ethical competence of law students.

## ***6.2 Implications for professional practice***

Identification of how reflection in CLE contributed to development of ethical competence in this study is of wider significance in terms of exporting the potential of CLE to other contexts. It was stated at the outset that, despite its many potential benefits, there are also drawbacks to CLE in terms of the considerable expense of running law clinics and resourcing clinical modules. There are, however, low-cost possibilities for integrating the essential clinical techniques for developing the ethical competence of law students into other non-clinical settings. In much of the preceding discussion reflection on practical, interactive experiences seem to be key to students gaining the benefits of CLE – use of simulations, while not as useful as exposure to the real thing, could therefore be feasible where access to live clients is limited. Guest lectures from practising lawyers could be one way of exposing students to professional ethical role models, although given what has just been stated about the importance of interaction by students, there is perhaps more potential in internships, placements and other practical work experience.

At universities these activities are often extra-curricular but students could keep reflective journals to record their experiences and thereby utilise one of the

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<sup>81</sup>Nicolson (n 28) 175.



core aspects of CLE to enhance their professional development. The use of reflective journals is also not limited simply to practical work experience and they could equally be utilised more widely by students for non-clinical modules at little additional cost to universities. Coaching students on how to write reflectively and regular monitoring of reflective journals is crucial to exploiting the full benefits of such journals, as “reflective writing is not innate and... must be taught.”<sup>82</sup> Aronson offers tips on teaching reflection, including clearly defining what it is, providing examples, using prompts and providing regular assessment and feedback.<sup>83</sup> The above are just a few possibilities for exporting the benefits of the clinical approach to teaching legal ethics; exploring further options for taking advantage of the many possibilities of CLE seems a worthwhile endeavour for law schools in light of this study.

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<sup>82</sup>Rachel Spencer and Susan Brooks, “Reflecting on reflection: a dialogue across the hemispheres on teaching and assessing reflective practice in clinical legal education” (2019) 53 *The Law Teacher* 458, 471.

<sup>83</sup>Louise Aronson, “Twelve Tips for Teaching Reflection at All Levels of Medical Education” (2011) 33 *Medical Teacher* 200.