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Trying to do the right thing: experiential learning, e-learning and employability skills in modern legal education

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ABSTRACT

This article draws upon the author's own experience of acting as e-learning and digital resource coordinator at the University of Exeter Law School in order to provide an evaluative approach to the projects undertaken, namely the Excel@Law and Virtual Board Room (VBR). In this role, the author was personally responsible for the design, development, implementation and management of a number of innovative educational projects and these form the basis of this paper. This article examines both the theoretical literature alongside the author's own experiential reflection on these projects to conclude upon the existing interrogations of legal education in the post-LETR environment.

Keywords: legal education; technology; experiential learning; e-learning; employability; reflection

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1. INTRODUCTION

Since the publication of the Legal Education and Training Review (LETR) in June 2013, the legal world is currently in a period of flux. Not because of the far-reaching consequences for undergraduate legal education, but for the profession as a whole. In fact, to legal educators at the undergraduate level the findings of the report were rather, well, underwhelming.[2]The comprehensive recommendations expected for the academic stage of legal training did not fully materialise, instead it was the profession that was in the 'dock.' However, the changes being mooted towards entry to the profession (including a complete overhaul or abolishment of the professional postgraduate qualifications[3] and the revival of post-school legal apprenticeships) poses a significant threat to the continued survival of undergraduate legal education in its present paradigm.[4] The changing market for legal services is also a cause for concern in contemporary legal education. Since 2007 and the introduction of the Legal Services Act,[5] the traditional model[6] for the delivery of legal services has been challenged by the introduction and growth of the Alternative Business Structure (ABS).[7] These innovations are both a blessing and a curse. For access to justice and the provision of legal services for all, these effectively remove the monopoly from the existing legal service providers and deliver alternative structures and organisations to offer legal advice and representation. However, this provides a new challenge to higher education. It is envisaged that the projected increase in employment for law graduates will not emerge out of the

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[2] J. Ames, *Revealed at Last: details of the Legal Education and Training Review*, Thelawyer.com – http://www.thelawyer.com/news/people/education-and-training/revealed-at-last-details-of-the-legal-education-and-training-review/3006372.article (accessed 30/5/2014)

[3] The LPC (Legal Practice Course) for Solicitors and the BPTC (Bar Professional Training Course) for Barristers.

[4] By present paradigm, I am referring to the traditional delivery of the Qualifying law degree based around the completion of the Foundations of Legal Knowledge and a number of elective, substantive legal modules. The Foundations of Legal Knowledge are the core subjects that a student must complete in order to achieve a Qualifying Law Degree (QLD) as outlined by the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB). These include Contract Law, Constitutional and Administrative Law, Criminal Law, The Law of Torts, European Union Law, Land Law, and the Law of Trusts and Equity. In contemporary legal education very little attention has traditionally been paid to the development of legal skills beyond what is expected of the student while undertaking these modules.

[5] Legal Services Act (2007) c. 29 or its full title '*An Act to make provision for the establishment of the Legal Services Board and in respect of its functions; to make provision for, and in connection with, the regulation of persons who carry on certain legal activities; to make provision for the establishment of the Office for Legal Complaints and for a scheme to consider and determine legal complaints; to make provision about claims management services and about immigration advice and immigration services; to make provision in respect of legal representation provided free of charge; to make provision about the application of the Legal Profession and Legal Aid (Scotland) Act 2007; to make provision about the Scottish legal services ombudsman; and for connected purposes.*''

[6] The traditional model here is the delivery of legal services by Solicitors and Barristers. This includes the existence of solicitors in solo practice and co-operative firms, and barristers in chambers.

[7] The Alternative Business Structure (or ABS) is An ABS is a firm where a non-lawyer: is a manager of the firm, or has an ownership-type interest in the firm. A firm may also be an ABS where another body: is a manager of the firm, or has an ownership-type interest in the firm and at least non-lawyers control 10 per cent of that body. A non-lawyer is a person who is not authorised under the Legal Services Act 2007 to carry out reserved legal activities. See generally, *The Law Society Practice Advice for Alternative Business Structures*, lawsociety.org.uk <http://www.lawsociety.org.uk/advice/practice-notes/alternative-business-structures/> accessed 30 May 2014

traditional legal markets, but from these alternative business structures.[8] Therefore, the task of the law school is to prepare graduates for this shifting delivery model and to give graduates a significant advantage in the changing legal market.

The principal issues with undergraduate legal education that were raised by LETR[9] have encouraged educators and educational theorists to consider the delivery and design of legal curricular.[10] The LETR has outlined within its recommendation that "there is strong support for properly and sensitively integrating equality and diversity training into LSET as a part of both initial and continuing education. Skills gaps in commercial awareness, legal research skills, and communication – in particular writing and drafting and, in some contexts, advocacy – were identified in respect of the initial stages of training."[11]These issues included deficiencies based around transferable employability skills, subject-specific legal skills and legal ethics.[12] Specifically, the LETR outlined how "a number of gaps and deficiencies are identified in the knowledge, skills and attributes currently developed…The centrality of professional ethics and legal values to practice across the regulated workforce is one of the clearest conclusions to be drawn from the LETR research data, and yet the treatment of professional conduct, ethics and 'professionalism' is of variable quality across the regulated professions…"[13] This has inevitably prompted renewed discussions around the more substantial incorporation of experiential learning,[14] to firmly embed employability skills in the undergraduate curriculum.[15] This has also provoked debate around the assimilation of technology in skills delivery, [16] and the author has begun to consider how technology can facilitate a more insightful and reflective approach to experiential learning in legal curricular. However, the overriding concern amongst educational technologists in the contemporary educational discipline is that technology is being incorporated to merely update

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[8] It is projected that in the next 5-10 years, co-op could be one of the most substantial legal employers. They may very well employ a significant number of law graduates but most probably not in the traditional model of solicitor services. For more information see – Co-operative Legal Services, cooperativelegalservices.co.uk,

<http://www.co-operativelegalservices.co.uk> accessed 30 May 2014

[9] Legal Education and Training Review (LETR)

[10] For a business perspective see – F. J. Hutchinson & B. Paulucy, 'Introducing Personal Transferable Skills in the Business School Curriculum Using a Personal Development Portfolio' Unedited contribution to the *HEC conference on Developing Capability on Business and Management Courses*, 1996, p. 2

[11]*Legal Education and Training Review – Executive Summary*, letr.org.uk,

 <http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014, See also - *"Recommendation 6: LSET schemes should include appropriate learning outcomes in respect of professional ethics, legal research, and the demonstration of a range of written and oral communication skills."*

[12] *Ibid*

[13] *Legal Education and Training Review – Executive Summary*, letr.org.uk,

 <http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014,

[14] D. A. Kolb, *Experiential learning: experience as the source of learning and development*. (Englewood Cliffs, N.J: Prentice-Hall, 1984)

[15] M. Yorke & P. Knight, *Embedding Employability into the Curriculum* (York: HEA, 2006), S. Fallows & C. Steven 'Building employability skills into the higher education curriculum: a university-wide initiative' (2000) 42 *Education and Training* 2, pp. 75 – 83 & D. O' Halloran 'Task-based learning: a way of promoting transferable skills in the curriculum' (2001) 53 *Journal of Vocational Education & Training* 1

[16] H. Beetham & R. Sharpe, (eds.) *Rethinking Pedagogy for a Digital Age: Designing and Delivering e-learning* (London: Routledge, 2007) p. i –

http://nashaucheba.ru/docs/19/18479/conv_1/file1.pdf

traditional, often out-dated approaches to learning and teaching in higher education.[17]As Resnick has stated, "in most places where new technologies are being used in education today, the technologies are used simply to reinforce outmoded approaches to learning."[18]This naturally raises questions around the suitability of e-learning tools and technology-enhanced curriculum delivery, but also the more holistic approaches to legal curriculum.[19]

During this article, the author will draw upon his own experience of acting as e-learning and digital resource coordinator at the University of Exeter Law School in order to provide an evaluative approach to the research that has been undertaken. This research will examine both the theoretical literature alongside the author's own experiential reflection to conclude upon the existing interrogations of legal education in the post-LETR environment. As e-learning and digital resource coordinator, the author was personally responsible for the design, development, implementation and management of a number of innovative educational projects and these will form the basis of this article.

One such project was the Excel@Law transition project. This was an innovative educational project that used social media technology and interactive resources to prepare students for university and to aid the transition to studying law. Transition has been an important issue in recent years,[20] and this project sought to enhance the student experience by giving students who had selected Exeter Law School as their firm choice through UCAS the opportunity to enhance their study skills pre-enrolment and prepare for university life.

The second project that the author was responsible for was the design and implementation of the VBR (Virtual Board Room) as a companion to the VLF (Virtual Law Firm) project. The 'virtual boardroom' is an online collaborative environment that gives students the opportunity to work together and prepare casework by researching tasks using specific legal resources and the internet. This ELGG environment allows each of our virtual law firms to collaborate online. The VBR was designed as an online collaborative space, which would act as a bridge between social media and collaborative cloud-based software. All the features that were included were related to employability skills and collaborative working, a feature of modern employment.[21]

This article will explore the realities facing legal education and advocate the importance of curriculum innovations based around experiential learning in undergraduate legal education and embedding transferable employability skills in legal curricular. It will examine how the development of skills-based syllabi can develop legal and transferable skills in our students, whilst also exploring a new conception of employability skills education for the legal sphere to challenge the existing paradigm. This research will draw upon the author's previous experience of conceptualising, developing and

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[17] G. Gibbs, *Implications of 'Dimensions of Quality'' in a Market Environment,* HEA Research Series (York: HEA, 2012) p. 31 –
<http://www.heacademy.ac.uk/assets/documents/evidence_informed_practice/HEA_Dimensions_of_Quality_2.pdf> accessed 30 May 2014
[18] M. Resnick, 'Rethinking Learning in the Digital Age' G. S. Kirkman et al, *The Global Information Technology Report 2001-2002* (Oxford: OUP, 2002) p. 32 –
<http://hasp.axesnet.com/contenido/documentos/harvard%20global%20it%20readiness.pdf#page=48> accessed 30 May 2014
[19]*Ibid*
[20] A. R. J. Briggs, J. Clark & I. Hall, 'Building bridges: understanding student transition to university' (2012) 18(1) *Quality in Higher Education* pp. 3-21
[21] *Ibid*

incorporating experiential innovations, e-learning tools and technology-enhanced programmes into legal programmes and will evaluate the success of such innovations. This article will explore how technology can align with practical 'real-world' employability skills and will advocate the importance of developing e-learning tools using a sandbox approach, to ensure that the aims and objectives of legal courses are constructively aligned to the proposed tool, interface or platform being developed to directly address the issues highlighted by Resnick in 2002.[22] Finally, this research will demonstrate how in the changing legal world, legal education needs to actively embrace experiential learning that is facilitated, even led, by more widespread engagement with technology and custom-designed e-learning tools.[23]

This article will begin by outlining experiential learning, e-learning and the notion of employability in order to establish the definitions for these concepts that will be drawn upon later. These definitions will place pertinent academic literature related to these concepts in situ to the aim and objectives of this article in order to explore these definitions in the context of contemporary legal education in England and Wales.

2. DEFINING EXPERIENTIAL LEARNING, E-LEARNING AND EMPLOYABILITY

2.1 EXPERIENTIAL LEARNING

Saddington has outlined a succinct definition of experiential learning. He outlined how "experiential learning is a process in which an experience is reflected upon and then translated into concepts which in turn become guidelines for new experiences."[24] Yet, as a definitive concept, experiential learning is difficult to define. This is especially true when the work of Jenny Moon is considered. She outlines that the definition of experiential learning can be difficult ascertain "as all learning, in effect, is learning from experience."[25] Considering Moon's assertion it is clear that simply placing a learner in a lecture theatre or library can create an experience through which they may learn. However, it is the specific construction of curriculum and the development of inventive teaching innovations, which are purposely intended to place an experiential methodology at its core that delineates the disparity between learning from experience and experiential learning.[26] It is the author's contention that the definition of experiential learning goes further and this section will define experiential learning by positioning itself within the pertinent literature of the subject, and will succinctly explain how the author views experiential learning in legal curricular.

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[22] M. Resnick, 'Rethinking Learning in the Digital Age' G. S. Kirkman et al, *The Global Information Technology Report 2001-2002*, p. 32

[23] *Ibid*

[24] T. Saddington, *The Nuts and Bolts of Experiential Learning* <https://www.academia.edu/913251/The_nuts_and_bolts_of_Experiential_Learning> accessed 24 July 2014

[25] J. A. Moon, *A handbook of reflective and experiential learning theory and practice* (London; New York: Routledge, 2006) p. 105

[26] D. Boud, R. Keogh and D. Walker, *Reflection: Turning Experience in to Learning* (London: Kogan Page, 1895)

At its simplest level, "the fact that the learner, not the educator, must be able to apply the knowledge gained from the teachings is the bottom line."[27] All learning is an experience, be it attending a lecture or seminar, preparing for class through reading recommended texts or undertaking exercises, and even attending tutorial sessions with their tutor. However, what sets apart the experience of learning is the ability to reflect upon that experience.[28] As Hutton outlined in 1989 "experiential learning is learning that is rooted in our doing and our experience. It is learning which illuminates that experience and provides direction for the making of judgments as a guide to choice and action."[29]The experience of learning can only become experiential once it is reflected upon, once it has been appreciated and lessons have been learned. In higher education this can be a symbiotic process. Both the educator and the student can reflect on the learning experience. It can inform practice and guide new experience. Saddington neatly surmised this in 1992. "Experiential learning is a process in which an experience is reflected upon and then translated into concepts which in turn become guidelines for new experiences"[30] It is this process of reflection that is vital in embedding experiential learning into legal curriculum.[31] For a teaching activity or curriculum project to be truly experiential there must be an element of reflection, but this element must go beyond the reflective stage of Kolb's learning cycle.[32] It must go beyond mere observation and include an in-depth reflection on one's practice. This is particularly important when experiential processes can be used to teach employability, skills education and professional/social responsibility (for example, legal ethics).[33]

2.2 E-LEARNING

Since the widespread accessibility to computing, the general student reliance on information technology, and the exponential growth of the internet during the last two decades, e-Learning is a phrase that has firmly established itself in the lexicon of all educators. JISC, the champions of digital media in education,[34] define e-learning as:

> …learning facilitated and supported through the use of information and communications technology'. It can cover a spectrum of activities from the use of technology to support learning as part of a 'blended' approach (a combination of traditional and e-learning approaches), to learning that is delivered entirely online. Whatever the technology, however, learning is the vital element.[35]

As this definition outlines, it can cover a broad spectrum of activities, but the phrase 'e-Learning' covers an extensive range of user behaviors, teaching methods and levels of

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[27] S. Saunders, *'Experiential learning theory: is it valid or hype?'* <http:// www.usd.edu-knorum/learningpapers/experiential.html> no longer active but cited in J. A. Moon, *A handbook of reflective and experiential learning theory and practice* (London; New York: Routledge, 2006) p. 105

[28] N. Kenny, *What is Critical Reflection?* (Centre for Open Learning and Educational Support 2010) <http://www.coles.uoguelph.ca/pdf/Critical%20Reflection.pdf > accessed 30 May 2014

[29] M. Hutton, 'Learning from action: a conceptual framework', in S. Warner Weil and M. McGill (eds) *Making Sense of Experiential Learning* (Milton Keynes: SRHE/Open University Press, 1989) p. 51

[30] J. Saddington, 'Learner experience: a rich resource for learning', in J. Mulligan and C. Griffin (eds) *Empowerment through Experiential Learning* (London: Kogan Page, 1992) pp. 37-49

[31] A. Brockbank and I. McGill, *Facilitating Reflective Learning in Higher Education* (Buckingham: SHRE/Open University Press, 1998)

[32] D. A. Kolb, *Experiential learning: experience as the source of learning and development*. (Englewood Cliffs, N.J: Prentice-Hall, 1984)

[33] D. Schon, *The Reflective Practitioner How Professionals Think in Action* (London: Avebury, 1991)

[34] JISC, 'About us' jisc.ac.uk <http://www.jisc.ac.uk/about> accessed 29 July 2014

[35] JISC, 'Introduction to e-Learning,' jiscgigitalmedia.ac.uk <http://www.jiscdigitalmedia.ac.uk/guide/introduction-to-elearning> accessed 28 July 2014

technological engagement to facilitate and expedite learning, while encouraging learner interaction. At this point in time, most e-learning tools are commonly being used to update traditional models of learning, rather than being used to develop new modes of educational practice.[36] This relates in some way to the blended approach advocated by JISC, and is evidenced by the widespread use of e-learning tools and digital resource platforms to support students, something that has become far more prevalent in the last decade. All universities now use digital platforms (sometimes referred to as Virtual Learning Environments) to host course content and encourage student engagement with educational materials.[37] However, this does vary from institution-to-institution, department-to-department and even between the lecturers themselves. These virtual learning environments are most often used as a 'dump site' for course materials, such as lecture handouts and presentation slideshows, or as a means of encouraging student engagement, such as discussion forums or wikis. This in know way attempts to divert attention away from the standards of good practice or innovative delivery of such learning exercises being undertaken by some lecturers throughout higher education, but instead highlights the main criticism with e-learning that exists in contemporary scholarship. Specifically, the lack of innovative development designed at challenging traditional educative modes of practice. Yet, these substantial changes will take time as old paradigms continue to be updated and new archetypes of digital education and engagement are developed. This was acknowledged by the Government Department for Education and Skills in their report and strategy document on e-learning in 2003. The report outlines:

> Embedding e-learning will not happen fast. This is a long-term strategy that looks ahead to years when the technology will probably have evolved further. That is all part of the strategy - how we prepare ourselves, through our education system, to cope with an ever-changing world. Most importantly, this is a unified e-learning strategy for the whole of England. There are e-learning strategies being developed at every level - in the four countries of the UK, in local authorities, institutions, agencies, and departments, as well as in private sector organisations. E-learning does not recognise these physical boundaries. Coming together to consider how best to blend e-learning with our existing systems will benefit all partners.[38]

This strategy acknowledges the developmental nature of embedding e-learning in education, something that is apparent in contemporary legal education. Other than a few poignant examples, for example the JISC SIMPLE project[39] and the work undertaken by

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[36] M. Resnick, 'Rethinking Learning in the Digital Age' G. S. Kirkman et al, *The Global Information Technology Report 2001-2002*, p. 32

[37] See generally, S-W Chou and C-H Liu, 'Learning effectiveness in a Web-based virtual learning environment: a learner control perspective' (2005) 21(1) *Journal of Computer Assisted Learning*, 65-76, G Piccoli, R Ahmad, and B Ives 'Web-based virtual learning environments: A research framework and a preliminary assessment of effectiveness in basic IT skills training' (2001) 25(4) *MIS Quarterly*, 401-426, M Dougiamas, 'Moodle: A virtual learning environment for the rest of us' (2004) 8(2) *TESL-EJ*, 1-8, TJ McGill and VJ Hobbs, 'How students and instructors using a virtual learning environment perceive the fit between technology and task' (2008) 24(3) *Journal of Computer Assisted Learning*, 191-202 and M Koskela, P Kiltti, I Vilpola, and J Tervonen, 'Suitability of a virtual learning environment for higher education' (2005) 3(1) *The Electronic Journal of e-Learning*, 21-30

[38] Department for Education and Skills, "Towards a Unified e-Learning Strategy", (Nottingham: DfES Publications, 2003), p. 6

[39] JISC, 'Simulated Professional Learning (SIMPLE)' jisc.c.uk
<http://www.jisc.ac.uk/whatwedo/programmes/elearninginnovation/simple.aspx> accessed 29 July 2014

Maharg outlined in his book *Transforming Legal Education,*[40] there has not been a substantial move to challenge the paradigm and even less of a focus on adapting the manner through which law is taught to align more with the changing nature of legal practice or the renewed effort to place skills and employability in legal education.

2.3 EMPLOYABILITY

Harvey outlined a widely accepted definition of the concept of employability in his 2003 briefing paper on the transition between higher education and work. He explains:

> Employability is not just about getting a job. Conversely, just because a student is on a vocational course does not mean that somehow employability is automatic. Employability is more than about developing attributes, techniques or experience just to enable a student to get a job, or to progress within a current career. It is about learning and the emphasis is less on 'employ' and more on 'ability'. In essence, the emphasis is on developing critical, reflective abilities, with a view to empowering and enhancing the learner.[41]

This definition demonstrates the importance of employability existing as a holistic approach to legal employability education, something that is often forgotten since the recent changes to the higher education landscape. The establishment of the £9k fee environment has added additional pressures to both law schools and students, and as a result, both have become more focused on the end product, not the degree, but the job. Institutions have become focused on employability, but in a misguided and ill-informed manner. Law schools have become more concerned with the statistical outlook, rather than the student's experience. This misguided approach can be evidenced by the on-going initiatives within law schools, which are very often based around the acquisition and development of tangible employability skills, not on developing reflection and critical personal development.[42] That is not to say that these initiatives are futile, but instead a more holistic approach to development and acquisition of skills should be utilised.[43]

Yet, even a definition of employability skills is a difficult one to outline when considered in a more rounded manner. The HEA[44] gives a general definition of employability skills as

> "a set of achievements, - skills, understandings and personal attributes – that make graduates more likely to gain employment and be successful in their

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[40] P. Maharg, *Transforming Legal Education: Learning and Teaching the Law in the Early Twenty-First Century* (Aldershot: Ashgate, 2007)

[41] L. Harvey, *Transitions from Higher Education to Work: A briefing paper,* online publication, 2003 <http://bit.ly/oeCgqW> accessed 30 May 2014, p. 3

[42] J. A. Moon, *A handbook of reflective and experiential learning theory and practice* (London: Routledge, 2006)

[43] G. Gibbs, *Implications of 'Dimensions of Quality'' in a Market Environment,* HEA Research Series (York: HEA, 2012) p. 31 –
<http://www.heacademy.ac.uk/assets/documents/evidence_informed_practice/HEA_Dimensions_of_Quality_2.pdf> accessed 30 May 2014 & The UK Quality Code for Higher Education, Part B: Assuring and enhancing academic quality, Chapter B4: Enabling student development and achievement (2013) p. 4 –
<http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/B4.pdf> accessed 1 June 2014

[44] HEA is the Higher Education Academy

chosen occupations, which benefits themselves, the workforce, the community and the economy."[45]

The author of this article contends that when examining employability skills for legal education these skills, understandings, and attributes can be categorised into three interchangeable groupings, and then can be further divided into practical skills and attitudes.[46] These groupings are:

- General Skills and Attitudes
- Subject-Specific Skills
- Collective Attitudes

This division is imperative for the categorisation of employability skills for law, and these individual groupings and the relevance of this division will now be explained.

General employability skills and attitudes are those skills and attitudes that are applicable to any sphere employment in any industry or profession. Conversely, subject-specific skills are those that are prevalent in that particular industry, profession or sphere of employment. Finally, collective attitudes are those that are beneficial to the collective existence of wider society.

This division is important in the changing legal market and the current diversifying of the profession, as lawyers will be expected to have a more substantial and varied skill set, moving beyond subject-specific skills to have a more general employability 'toolbox' from which to draw from. This has been argued by Richard Susskind in his recent work 'Tomorrow's Lawyers.'[47] In this work, it is outlined how the lawyers of the future will not only be expected to be a lawyer (and therefore possess the subject-specific legal skills) but also a technologist, an accounts manager, a marketing executive, an accountant, a project manager and more.[48] As the legal profession adapts, legal education must adapt in order to give our graduates a general skills and attitudes base to complement their subject-specific skills. That is in no way highlighting that the current training around subject-specific legal skills is in anyway adequate.

The LETR highlighted the "skills gap… at the initial stage of training"[49] recommending a reconsideration not just of general skills, such as commercial awareness, but also subject-specific skills, such as legal research, legal writing (often called drafting) and advocacy. However, it is the main thrust of this recommendation that is poignant to contemporary legal education and the author's conception of catergorising employability skills.

Another recommendation made by the LETR is the disjunction between the 'lofty' values of the profession and the 'debased' realities of legal education.[50] The LETR reported that despite "the centrality of professional ethics and legal values to practice across the regulated workforce is one of the clearest conclusions to be drawn from the LETR

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[45] A. Pegg, J. Waldock, S. Hendy-Isaac and R. Lawton, *Pedagogy for Employability,* (York: HEA, 2012) p. 3

[46] M. Murphy, *Hiring for Attitude* (New York, McGraw-Hill, 2012) pp. xii-xiii

[47] R. Susskind, *Tomorrow's Lawyers,* (Oxford: OUP, 2013)

[48] See generally, R. Susskind, *Tomorrow's Lawyers,* (Oxford: OUP, 2013)

[49] *Legal Education and Training Review – Executive Summary*, letr.org.uk, <http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014

[50] W. W. Pue and D. Sugarman, 'Introduction' in W. W. Pue and D. Sugarman, *Lawyers and Vampires: Cultural Histories of the Legal Profession* (London: Hart Publishing, 2003)

research data, and yet the treatment of professional conduct, ethics and 'professionalism' is of variable quality across the regulated professions."[51] It is clear from the findings of LETR that the legal profession highly prizes its ethics and core professional values, yet this is something that is devoid from legal education. Although there is an argument to suggest that legal ethics and professional regulation exists as a substantive subject within itself, the author contends that the subject of legal ethics also exists within the concept of employability skills. Legal ethics can fit within this concept of collective skills, attitudes or obligations due to its benefits to the workforce, the community and the economy.[52]

The importance of ethical education to the collective community is also reflected in the representation of the legal profession in popular culture. Any study of law and lawyers in popular culture or an appreciation of cultural texts that depict legal culture often reveals a less than favourable cultural perception of lawyers.[53] Lawyers are nearly always represented as morally questionable, greedy and dishonourable individuals, both in their professional pursuits and their personal existences. Popular culture has the ability to reflect and create public opinion and "although it is often individuals who create a piece of popular culture it is social groups that give meaning and definition to a piece, meanings that the original author may not have intended."[54]This continual negative representation of the lawyer in cultural sources demonstrates a public concern over the adequacy of legal services and the quality of justice in the modern era. MacNeil has outlined:

> contemporary pop culture has something important to say to and about jurisprudence, above and beyond what the mainstream legal academy has to offer…The various media… not only reach a much larger audience than standard legal texts, but potentially, and even more democratically, they also help restore topics of jurisprudential import - justice, rights, ethics - to where they belong: not with the economists, not with the sociologists, not even with the philosophers, but rather with the community at large.[55]

These public questions (and questions from within the profession itself) around the ethics of the legal profession can be addressed, and should be addressed, in light of the recent LETR recommendations.[56] However, professional (and legal) ethics should not be considered as an academic subject, but should be embedded within the legal curriculum as collective attitudes in the same way that general and subject-specific employability

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[51] *Legal Education and Training Review – Executive Summary*, letr.org.uk,
<http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014, See also - *"Recommendation 6: LSET schemes should include appropriate learning outcomes in respect of professional ethics, legal research, and the demonstration of a range of written and oral communication skills."*

[52] A. Pegg, J. Waldock, S. Hendy-Isaac and R. Lawton, *Pedagogy for Employability,* (York: HEA, 2012) p. 3

[53] M. Asimow, 'Bad Lawyers in the Movies' (2000) 24 *Nova Law Review* 533 and M. Asimow, and S. Mader, *Law and Popular Culture: A Course Book* (New York: Peter Lang, 2007)

[54] C. Mukerji, & M. Schudson, *Rethinking Popular Culture; Contemporary Perspectives in Cultural Studies*, (London: University of California Press, 1991)

[55] W. P. MacNeil, *Lex Populi: The Jurisprudence of Popular Culture*, (Stanford, California: Stanford University Press, 2007) p. 1-2

[56] *Legal Education and Training Review – Executive Summary*, letr.org.uk,
<http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014, See also - *"Recommendation 6: LSET schemes should include appropriate learning outcomes in respect of professional ethics, legal research, and the demonstration of a range of written and oral communication skills."*

skills can be.[57] The ability to highlight specific values to students, and encourage them to reflect upon these in the context of employability will assist in their own wellbeing and the further wellbeing of society.[58] In order for legal education to be fit-for-purpose in an ever-changing legal profession, embedding skills and professional, social responsibility is vital, and this integrated approach would benefit legal education and law students.[59] Yet, more importantly, it would begin to improve the public image of the profession within the social consciousness and would perhaps give popular culture a new story to tell.[60]

The manner in which these employability skills are categorised and the needs of wider society must be considered holistically when designing employability curriculum in legal education, and certainly a more substantial understanding of these intricacies where employability skills are intended to be embedded into existing curriculum. The incorporation of these skills into the undergraduate curriculum is not only important for students and their professional development, but for the profession, justice and the community more generally. As the fundamental initial stage of legal training, undergraduate students should be given a conception of legal ethics, access to justice, the quality of the legal process and professional social responsibility. Students should also be made to consider, acquire, develop and reflect[61] their own general employability skills in order for them to have a broad and general transferable skill set, alongside more subject specific skills.

This article will now consider how employability skills can be embedded into the existing undergraduate legal curriculum in the post-LETR environment using a focus on innovative curriculum design that places experiential learning at its core, facilitated by innovative development of e-learning tools. This article will then evaluate three educational innovations that the author has developed in order to critically appraise the approach taken in 'trying to do the right thing.'

3. TEACHING EMPLOYABILITY THROUGH EXPERIENCE AND E-LEARNING

Legal education in the contemporary UK has often had a conservative approach to the delivery of qualifying law degree. It is one contention that this emerged following the

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[57] See generally M. Yorke & P. Knight, *Embedding Employability into the Curriculum* (York: HEA, 2006), S. Fallows & C. Steven 'Building employability skills into the higher education curriculum: a university-wide initiative' (2000) 42 *Education and Training* 2, pp. 75 – 83 & D. O' Halloran 'Task-based learning: a way of promoting transferable skills in the curriculum' (2001) 53 *Journal of Vocational Education & Training* 1

[58] See generally T. Holmes et al, *Common Cause Handbook* (Machynlleth: PIRC, 2011) – A very interesting examination of values and trends in values. See also J. Michaelson, *Measuring Well-being" A Guide for Practitioners* (Centre for Well-Being, the New Economics Foundation NEF, 2012)

[59] Executive Summary for the Careers Education Benchmark Statement, acgas.co.uk, p. 1 <http://www.agcas.org.uk/assets/download?file=199&parent=127> accessed 1 June 2014

[60] However, R. Posner, *Law and Literature* (London: Harvard University Press, 1998) p. 22 does criticise the representation and lack of legal specialism found within the producers of cultural texts.

[61]See generally, J. A. Moon, *A handbook of reflective and experiential learning theory and practice* (London; New York: Routledge, 2006) p. 105 and J. A. Moon, *Learning journals: a handbook for reflective practice and professional development,* 2nd ed. (London: Routledge, 2006). More specifically, Hutton, M. 'Learning from action: a conceptual framework', in S. Warner Weil and M. McGill (eds) *Making Sense of Experiential Learning* (Milton Keynes: SRHE/Open University Press, 1989), pp. 50-59

findings of the Report of the Committee on Legal Education (Ormrod Report)[62] and the subsequent recommendations made, but it can be argued that it has always lacked focus on what is beneficial to the profession and, more importantly, society.[63] The Ormrod Report significantly changed the key entry route to the profession, placing the law degree as the initial stage of entry to the profession, but resulting in the compartmentalisation of legal education into academic, vocational and continuing stages.[64] The historical resistance by the legal professions to the growth of the university law school[65] and the collective monopoly on legal training that the profession has achieved throughout its evolutionary history, has led to the academic stage of training being preoccupied with the transmission of the foundations of legal knowledge, rather than practical skills, ethical understandings and wider employability needs.[66] Sherr has outlined how this compartmentalisation of legal education since the changes encouraged by the Ormrod report has been problematic for the existing educational system in England and Wales.[67]

> Legal education in England and Wales involves a mixture of both approaches and in some ways misses the advantages of each. Formal legal education cannot be as theoretical or conceptual as intended because of the bulk of legal knowledge, which seems to have to be imparted. Apprenticeship systems have been regularised and regulated in order to ensure a more standard experience of the fire, enthusiasm and wisdom transmitted from journeyman to apprentice in a different period.[68]

This has a basis in the traditions of substantive legal education[69] embodied in the history of the English legal institution, and the distinct lack of focus in more theoretical questions around justice, ethics, and professional conscience. This focus has not changed, and is evidenced by the recommendations in the LETR.[70] The desire for appropriate skills education and for a wider graduate awareness of ethical considerations has always been prevalent during any period of educational scrutiny that the profession has faced. The model for the cultivation of employability skills that is proposed above can begin to address this issue and, coupled with experiential, innovative and technologically-

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[62] Report of the Committee on Legal Education, Cmnd. 4595, 27-28 (London, 1971) (hereinafter Ormrod Report)

[63] C. J. Newbery-Jones and M. Travis, 'Clone Wars: Past, Present and Future Representations of the Law Graduate' (*Forthcoming)*

[64] A. Boon and J. Webb, 'Legal Education and Training in England and Wales: Back to the Future?' (2008) 58(1) *Journal of Legal Education*, p. 90

[65] K. Economides, 'Anglo-American Conceptions of Professional Responsibility and the Reform of Japanese Legal Education: Creating A Virtuous Circle?' (2007) 41 (2) *The Law Teacher* 155

[66] A. Sherr, 'Legal Education – Where Do We Begin? Starting Again…Again' (July 1, 2005). Australasian Law Teachers Association (ALTA) Conference
<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1883524> accessed 28 July 2014

[67] *Ibid*, p. 18

[68] *Ibid*

[69] See generally A. Boon and J. Webb, 'Legal Education and Training in England and Wales: Back to the Future?' (2008) 58(1) *Journal of Legal Education*, 79-121 – It is clear that throughout history, the professions have ensured that there was a distinct focus on professional education and substantive legal rules.

[70] *Legal Education and Training Review – Executive Summary*, letr.org.uk,
<http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014, See also - *"Recommendation 6: LSET schemes should include appropriate learning outcomes in respect of professional ethics, legal research, and the demonstration of a range of written and oral communication skills."*

informed curriculum can begin to address the current skills deficit and ethical shortfall that is so prevalent in law graduates.

This article will evaluate the author's methods of embedding these skills in the undergraduate legal curriculum and will explore the importance of innovative, experiential perspectives on employability education. The first project is the Excel@Law transition project.

3.1 EXCEL@LAW

The Excel@Law project was a multimedia platform to aid student transition between school or previous study and studying law at university. In 2012, this project (stage 1) created a blog portal that students holding a place at Exeter could access from the 14/8/13 (A-level results day). The blog included a multimedia platform, which included written, audio and visual content[71] that was released every 2 days between results day and arrivals weekend. In 2013, this project built upon this core content and introduced tasks that students were expected to complete to prepare them further for the challenges of the first year curriculum. Stage 2 focused more directly on learning skills that related to the study of law. Furthermore, the project also expanded its current sources to include focus pieces on the city, including its local business, amenities and attractions, to better prepare home, EU and international students on coming to Exeter.[72]

Although the goal of this project was not to transmit or develop employability skills, it provided thought-provoking themes of reflection and evaluation. The goal of this project was to communicate and prompt a consideration of study skills and interpersonal skills, especially considering the transitional challenges with coming to university, and to this end it achieved its aims and objectives. However, there were some distinct lessons to be learnt in regards to the incorporation of technology and the development of media tools.

While the central platform was a blog portal and engaged students using social media, the manner in which the information was communicated to the students was merely an updated approach to traditional learning. When Resnick's criticism is considered,[73] the Excel@Law project was clearly an exploitation of social media and e-learning tools to update outdated teaching methodologies. The didactic method, through which the content and core messages were delivered, was no different to the delivery of content via written handbooks or traditional learning modalities, such as lectures. This project merely drew upon established platforms for static content delivery.

Furthermore, this project did not focus sufficiently on sustaining user engagement through appealing to a variety of learning styles and methods. The unidirectional characteristics of these sources also allowed little-to-no scope for student engagement and essential personal reflection. This element of personal reflection would have supported students to evaluate their own skills and their own transition to university.

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[71] All video content was produced and edited by Elliott Richard Morgan (elliottrmorgan@googlemail.com) and was funded by the University of Exeter Technology-Enhanced Learning Fund and the University of Exeter Annual Fund.

[72] C. J. Newbery-Jones & S. Prince, HEA Social Sciences Blog (June 24, 2013) – Preparing First Year Law Students for a Changing Legal World –
http://blogs.heacademy.ac.uk/social-sciences/2013/06/24/preparing-first-year-law-students-for-a-changing-legal-world/

[73] M. Resnick, 'Rethinking Learning in the Digital Age' G. S. Kirkman et al, *The Global Information Technology Report 2001-2002*, p. 32

This element of reflection is fundamental to the process of experiential learning and, subsequently, the on-going review, development and acquisition of employability skills.

Additionally, more substantial methods for student engagement, such as interactive video pieces and specific tasks related to the static content, would have encouraged student engagement and appealed to a wider demographic of learning styles. This is closely linked to this process of reflection and in order to improve student engagement with the content, the project should have encouraged students to consider their strengths and weaknesses from previous education, employment or experience, and place these in the context alongside transition materials to university education. Interactive exercises would demonstrate and allow students to test their skills prior to arrival and provide the incoming student the opportunity to evaluate their own levels of preparedness and previous skills. This should also draw upon the development of more general and subject-specific employability skills in order to focus student consideration of skills for employment early in their university education.

These negative points of reflection in no way detracted from the transmission of the intended messages. The core intended content was broadcast and addressed the most substantial issues concerning student transition to university. 69.2% of students used Excel@Law before they arrived at the university, and specific feedback was related to assisting students in feeling 'more prepared' and 'settling pre-university nerves.' The project also appealed to students by engaging them through a form of media that they are well-acquainted, social media. The principal values of using social media to engage students in such a way is that it can seem less intimidating or overwhelming than using VLE's (Virtual Learning Environments) during this delicate process of transition. It also engages with a large student demographic in a manner that is (very rapidly) becoming a way of life. This project sought to exist alongside the existing social media habits of the contemporary law student in the twenty-first century.

This paper will now explain, reflect upon and evaluate two distinct components of an innovative experiential curriculum redesign, namely the VLF (Virtual Law Firm) and the accompanying VBR (Virtual Board Room).[74]

3.2 VIRTUAL LAW FIRMS AND THE VIRTUAL BOARD ROOM

While undertaking the role of e-learning and digital resource coordinator, the author was responsible for the design, development and implementation of the VLF project under the direction of Associate Professor Susan Prince, former Director of Education at the University of Exeter Law School.[75] The VLF project was a holistic curriculum redesign[76] of the first year of the LLB programme. The aim of this project was to embed employability skills and concepts of professional social responsibility in the first year curriculum, through an experientially informed concept. The concept behind the VLF

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[74] C. J. Newbery-Jones & S. Prince, HEA Social Sciences Blog (June 24, 2013) – Preparing First Year Law Students for a Changing Legal World – http://blogs.heacademy.ac.uk/social-sciences/2013/06/24/preparing-first-year-law-students-for-a-changing-legal-world/

[75] *Ibid*

[76] G. Gibbs, *Implications of 'Dimensions of Quality'' in a Market Environment,* HEA Research Series (York: HEA, 2012) p. 31 – <http://www.heacademy.ac.uk/assets/documents/evidence_informed_practice/HEA_Dimensions_of_Quality_2.pdf> accessed 30 May 2014

was to act as a vehicle for learning in a group, with ten students placed in each law firm, a total of thirty-one law firms in total. Each law firm had its own 'case load,' which was based on the subject matter of lectures and tutorials in each of the core foundations of legal knowledge.[77]

Due to the experiential nature of the project and the importance placed on the acquisition and development of employability skills, the focus of these was on problem-based learning (PBL). The students were given research projects, client briefings and other legal tasks in order to work together to undertake these using subject-specific skills such as legal research, legal problem solving, legal analysis, legal writing, alongside more general employability skills such as time-management, group working, task allocation and management, and presentation skills. (These are examples and not exhaustive of the type of work undertaken and skills developed.) This ensured that alongside the traditional delivery of legal knowledge a particular focus was placed on the roles and challenges of working in a professional collaboration, with additional emphasis being placed on objective-setting, organisation and timeliness. This sought to focus the groups and maintain their attention on the employability/transferable skills embedded in legal education, in order to make out students more employable, with a greater level of experience to take into the workforce. The firms were instructed on their team development day to design an identity for their firm, including a name, a tagline and overall ethos. It was the consideration of these professional values to develop a firm ethos that exposed students very early in their legal education to collective attitudes and values for legal practice, beginning the process of engagement with ethics and access to justice. This also allowed the leading staff to outline how different firms often had different client bases, business models and operating methods, and also gave staff the opportunity to instruct how different members of the group could hold different legal positions within the firm, for example communication directors, administrators, webmasters and team leaders.

The VLF project also facilitated further learning experiences and experiential opportunities through a more dynamic interaction with law staff and the local legal profession. Each of the thirty-one virtual law firms had a non-executive director who mentored their firm and each of the directors were solicitors who had volunteered from four local law firms, with a variety of experience, from trainees to partners. This exposed the students to further experience beyond the traditional delivery of the law degree, and allowed the students to engage directly with the practicalities of the profession and measure their own practise against the realities of legal practice. The students were asked to reflect upon their experience by constructing a termly report that was sent to their mentor and asked them to focus specifically on their organisation and professionalism. This allowed them to reflect on their working methods and their experience, highlighting their individual and collective strengths and weakness in comparison to the realities of the profession.

As a companion to the VLF project, the author was responsible for designing and implementing the VBR (Virtual Board Room) to allow all 'law firms' to create an identity

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[77] The Foundations of Legal Knowledge are the core subjects that a student must complete in order to achieve a Qualifying Law Degree (QLD) as outlined by the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB). These include Contract Law, Constitutional and Administrative Law, Criminal Law, The Law of Torts, European Union Law, Land Law, and the Law of Trusts and Equity. In the University of Exeter Law School the Level 1 Foundational subjects were Contract Law, Constitutional and Administrative Law and Criminal Law. The students also undertook a compulsory Introduction to Law module and an elective module in Advocacy, Negotiation or Work Experience. These were also incorporated in the VLF project.

and work together with greater ease and efficiency. The 'virtual boardroom' is an online collaborative environment that gives students the opportunity to work together and prepare caseload work by researching tasks using specific legal resources and the internet. It also gave students the opportunity to work 'smart' through workload management and reflect on their learning, while sharing relevant information and resources. The VBR was hosted on the University of Exeter's web space[78] for ease of access and was built using the ELGG social media platform. ELGG is "an award-winning open source social networking engine that provides a robust framework on which to build all kinds of social environments, from a campus wide social network for your university, school or college or an internal collaborative platform for your organization through to a brand-building communications tool for your company and its clients."[79] This platform was selected following a large amount of research into various collaborative environments, including Microsoft SharePoint and Collanos, which were found to be too complicated for students and the nature of the project. Therefore, the VBR was designed as a bridge between social media and collaborative cloud-based software and constructed by my colleague, Mike Jeffries-Harris (e-learning manager for the college of Social Science and International Studies). The rationale behind this construction was to provide a framework with which the students would be familiar and not intimidated, using a bespoke tool on a social media platform such as this seemed like the best solution. All the features that were included were related to employability and collaborative working, a feature of modern employment.[80] These included: -

- **Discussion** - Within each Firm page there was a discussion tool where students could continue conversations they may have started face-to-face and work remotely using an Adobe Connect Room to videoconference.

- **Messages** – Allowed students to communicate directly, one to one, or to all the firm members.

- **File Upload and Editor** – Students were able to upload and share important documents and resources. All the firm's members could also edit these online.

- **Bookmarks** – Allowed students to share bookmarks and relevant materials with their firm.

- **Twitter and RSS Feeds** – Appeared on the students individual dashboards to assist in them remaining up-to-date with news and social media.

- **The Wire** – Student were able to keep friends and colleagues up-to-date with what they were working on.

- **Blog** – Students could complete their own personal blog or learning journal space.

- **Answers** - Students could post questions to the whole Boardroom and receive

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[78] VBR, socialsciences.exeter.ac.uk/law, <http://socialsciences.exeter.ac.uk/law/vbr/> accessed 30 May 2014

[79] ELGG, *About Us*, elgg.org <www.elgg.org/about.php> accessed 30 May 2014

[80] C. J. Newbery-Jones & S. Prince, HEA Social Sciences Blog (June 24, 2013) – Preparing First Year Law Students for a Changing Legal World –
<http://blogs.heacademy.ac.uk/social-sciences/2013/06/24/preparing-first-year-law-students-for-a-changing-legal-world/> accessed 30 May 2014

answers.

- **Links to Team Match Software** - So students could identify their skills and maximise their roles within the firm.

In order to ensure that all students found the VBR and would engage with it, during Induction week, week 1 of term, all law firms were timetabled a session with Mike Jeffries-Harris where they were talked through setting up their profile and how the VBR worked. This included planning how best to work together, considering their roles within the firm and emphasising the importance of their presence on social media platforms. They were also instructed to consider their firm's identity and values again during this induction process. The nature of the legal profession in the 21st century means that cloud-based collaborative applications (e.g. Microsoft SharePoint) and virtual client management software are a stark reality of professional practice and the VBR was developed to provide and experiential model to introduce students to this world of online collaboration in a professional sphere. Furthermore, the online nature of legal resources and the characteristics of law as a subject, an online environment where students can share resources and information was important. The VBR also acted as a personal space for the students, as individuals and as collective firms. This took collaboration away from the tutor-led Moodle learning environment and allowed students to develop their own skills and methods within their law firms and under their own initiatives. This allowed the students to have a unique, yet bespoke experience upon which to reflect when corresponding with their non-executive director mentors. It also provided them the opportunity to allow them to consider their online presence and social media exposure. This was encouraged by the inclusion of non-executive director mentors who were invited to join the firms in the VBR and conducted meeting via the discussion forums and connect rooms.

On a more considerate and careful consideration of experiential learning, it is clear that these projects, although innovative and engaging, did not sufficiently incorporate a process of reflection. Although these projects provided the students a new and novel experience, alongside an unrivalled exposure to the legal profession, they did not encourage the students to consider their learning, their experiences and the skills acquired in sufficient depth. It is this critical reflection element that was lacking. Without this vital component, it cannot be viewed to be a truly experiential learning approach. This element of reflection needs to be made a central component of future projects. This is not to say that these projects would not have allowed students to reflect upon their practice, as all students reflect to different levels, but it would be more suitable to incorporate elements of reflection into the assessment of the foundations of legal knowledge or to align more closely departmental professional development programmes. This will be undertaken through reflective journals or study logs[81] with a clear set of learning outcomes to direct student reflection upon specific criteria.[82]

Since his time at Plymouth Law School, the author has been redesigning and updating the Dispute Resolution Module. It has recently been agreed that the students will collaborate in an online virtual environment, hosted on the SANSspace platform.[83] A key

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[81] See generally, J. A. Moon, *Learning journals: a handbook for reflective practice and professional development,* 2nd ed. (London: Routledge, 2006)
[82] J. Biggs, *Teaching for Quality Learning at University* (Buckingham: SRHE and Open University Press, 1999) p. 27
[83] SANSspace Demonstration Site, sansspace.com,
< http://www.sansspace.com> accessed 30 May 2014

competent of the assessment of this module, there will be both group and individual reflection, which will contribute to an overall assessment portfolio.[84] The author has already designed a guide to reflective writing adapted from a guide created by Natasha Bellinger[85] during her time at the University of Exeter that will be further updated and specified to this module. The author will ensure that pedagogic literature is also consulted in guiding the students in their reflection[86] and the module is also being linked more closely to the student GEAR (PDP) process in an attempt to allow these two distinct parts of the legal curriculum to act as a symbiotic process.

Finally, this article will evaluate the conclusions of these projects within the context of the pedagogic theory outlined earlier, to highlight some considerations for scholars during the on-going redesign of legal curricular in the post-LETR, technologically enhanced academic environment.

4. TRYING TO DO THE RIGHT THING: LEARNING LESSONS FROM THEORY AND PRACTICE

Following the LETR,[87] it is clear that there is a skills gap in the legal academy that needs to be addressed in modern undergraduate education. In particular, the review raised issues around deficiencies in commercial awareness, legal research skills and communication abilities.[88]It also outlined concerns around the development of particular skills, such as writing, drafting and, in some contexts, advocacy.[89] Although these skills are clearly linked to employability within the legal profession, they are evidential of a wider problem across other disciplines within the modern higher education sector. Universities, especially law schools, need to consider the skill deficiencies within their graduates and attempt to develop such skills for their future success. This is where a more substantial understanding of employability 'skills' is of vital importance, in order to remodel employability education for a changing legal world.

While these legal skills can be delivered in a traditional educational paradigm, it is far more effective to design practical, skills-based experiential curriculum that allows the students to develop their skills through transactions or problem solving, with the opportunity to reflect at appropriate points throughout the programme. The Virtual Law Firm (VLF) project provided students with the opportunity to engage in an experiential

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[84] This will be developed in accordance with the UK Quality Code for Higher Education, Part B: Assuring and enhancing academic quality, Chapter B6: Assessment of Students (2013) –
<http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/B6.pdf> accessed 1 June 2014

[85] Natasha Bellinger is a barrister at Magdalen Chambers, Exeter –
<http://www.magdalenchambers.co.uk/barrister-details/natasha-bellinger/> accessed 18 September 2014

[86] For example, J. A. Moon, *Learning journals: a handbook for reflective practice and professional development,* 2nd ed. (London: Routledge, 2006)

[87] *Legal Education and Training Review – Executive Summary*, letr.org.uk,
 <http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014, See also - *"Recommendation 6: LSET schemes should include appropriate learning outcomes in respect of professional ethics, legal research, and the demonstration of a range of written and oral communication skills."*

[88] *Ibid*

[89] *Ibid*

mode of delivery that was designed specifically to develop a large number of practical skills. To this end, the projects were successful. However, the distinct lack of guided reflection is clearly a shortcoming of this model. Students were not given adequate guidance or encouragement to conceptualise their personal and practical development, and were not encouraged to feed-forward for their future progress. It is important that the VLF sought to develop practical skills, but to return to Saddington's definition, [90] it is clear that the VLF did not provide a sufficiently reflective experiential process. To some extent, all students may undertake such reflection themselves, but to ensure that individuals and student groups truly understand the process of personal development they undergo, they must be guided and encouraged to reflect at crucial points throughout the programme. It is only through reflection can students discover, or be guided, as to the skills developed and the employability toolkit they can draw from.

The reflective elements of experiential curriculum can also encourage individual students to be critical of their own practice, which is a vital attribute for the modern workplace and a valuable skill for ethical practice. In the modern age, professional development and critical practice are a fundamental part of employment. It is upon this reflection that we can create a more substantial engagement with professional values and encourage future legal professionals to be reflective practitioners. The LETR also outlined the importance of ethics and professional values, stating "that the centrality of professional ethics and legal values to practice across the regulated workforce is one of the clearest conclusions to be drawn from the research data, and yet the treatment of professional conduct, ethics and 'professionalism' is of variable quality across the regulated professions."[91]The ability to reflect on one's individual practice, contextualise this in relation to professional guidelines and improve or adjust behaviour is a valuable skill for any employee. This is also echoed in Harvey's briefing paper on transition from university to work, who states that employability "is about learning, and the emphasis is less on 'employ' and more on 'ability'. In essence, the emphasis is on developing critical, reflective abilities, with a view to empowering and enhancing the learner."[92] Yet, more could be done to embed ethical practice and reflection of professional values in accordance with the recommendations of the LETR. This was only a minor part of the VLF, and in future projects more could be done to encourage a substantial focus on professional and ethical values in working.

Regardless of its lack of experiential focus, the VLF did encourage individual students and their 'law firms' to consider general employability skills, subject specific skills and collective attitudes, while creating situations through which to develop and contribute to their existing employability skill-set. Upon consideration of the more expansive definition of employability that was outlined earlier, the VLF gave students the ability to engage with numerous facets of employability that were outlined earlier. The time-keeping, project management, interpersonal, and group working skills that were developed amongst students, were key general skills that were of value for all spheres of employment, while the problem solving, legal research and drafting skills were specific skills encouraged for the practice of law. Finally, the ability to consider workflow and the

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[90] T. Saddington, *The Nuts and Bolts of Experiential Learning* <https://www.academia.edu/913251/The_nuts_and_bolts_of_Experiential_Learning> accessed 24 July 2014 - "experiential learning is a process in which an experience is reflected upon and then translated into concepts which in turn become guidelines for new experiences."

[91] *Legal Education and Training Review – Executive Summary*, letr.org.uk, <http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014,

[92] L. Harvey, *Transitions from Higher Education to Work: A briefing paper,* online publication, 2003 <http://bit.ly/oeCgqW> accessed 30 May 2014, p. 3

ethos of their firm encouraged, in some way, an engagement with collective attitudes for ethical and professional legal practice. The VLF can provide a model of practice to embed a full range of employability skills in the legal curricular.

These collective attitudes are important and should be paramount to all curriculum redesign in legal education. While there is no formal requirement of ethical education in the undergraduate legal academy, there is a current trend towards a more substantial consideration of ethics in education.[93] These collective attitudes are important, not only for potential lawyers, but for society in general. Issues such as access to justice, equality, diversity, theories of justice, concepts of professionalism and the importance of self-regulation are valuable for future lawyers, any potential employment sphere, while also benefitting society through a more widespread understanding of pseudo-legal themes. These are far more valuable than regulatory codes and practical professional codes of conduct. Teaching regulatory codes should be the preserve of the professional stage but any and all future curriculum redesign in England and Wales needs to position collective attitudes at the centre of their undergraduate education.

Both of the aforementioned projects used e-learning technology to reinvigorate the mode of delivery, with the intention of enhancing student engagement with legal and pedagogical concepts. However, their design and value as e-learning tools were vastly different. While both were a valuable addition to the school's education portfolio, the static delivery of the Excel@Law transition project clearly demonstrates a stumble into Resnick's trap.[94] Excel@Law merely used social media platforms to host video content, updating an outdated mode of delivery rather than reconceptualising and delivering truly innovative content. This didactic mode of delivery neither challenged the student nor encouraged engagement, which was counter-intuitive considering the medium used - social media. Although the information was deemed valuable in the user analysis, this form of static content is stark example of Resnick's statement, the cart leading the horse, technology for the sake of technology. But social media and the blog portal did provide a public forum through which to engage students that had yet to enroll and provided a place for students to feel part of the academic community before officially arriving.

Conversely, the Virtual Board Room (VBR) was a custom-designed platform that was bespoke to the learning outcomes and task required. The development team was able to create a fit-for-purpose bridge-platform[95] to facilitate student collaboration, using a social media platform and specifically chosen feature and plugins. The sandbox-nature of this design demonstrates the importance of custom-designed development of e-learning tools that are specific to the task required. While the author does acknowledge that most

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[93] *Legal Education and Training Review – Executive Summary*, letr.org.uk, <http://letr.org.uk/the-report/executive-summary/executive-summary-english/index.html> accessed 30 May 2014 – *"that the centrality of professional ethics and legal values to practice across the regulated workforce is one of the clearest conclusions to be drawn from the research data, and yet the treatment of professional conduct, ethics and 'professionalism' is of variable quality across the regulated professions."*

[94] M. Resnick, 'Rethinking Learning in the Digital Age' G. S. Kirkman et al, *The Global Information Technology Report 2001-2002* (Oxford: OUP, 2002) p. 32 – <http://hasp.axesnet.com/contenido/documentos/harvard%20global%20it%20readiness.pdf#page=48> accessed 30 May 2014 - "in most places where new technologies are being used in education today, the technologies are used simply to reinforce outmoded approaches to learning."

[95] The term Bridge-Platform refers to the VBR acting as a transition platform between social media software (to which most undergraduate students are accustomed) and cloud-based collaborative working software (such as Microsoft SharePoint). The function of this as a bridge-software was to ease the transition between familiar and unfamiliar platforms, something that the VBR did exceptionally well.

curriculum enrichment is good enrichment, especially where technology is concerned, the ideal approach is a sandbox-approach.

Finally, the VBR allowed students to develop specific employability skills in a simulated online environment, while exposing them to a model of common workplace software. In modern employment, the majority of daily tasks are completed in virtual offices using online collaborative software. Even where an individual attends a place of work daily, much of what is done is undertaken in a digital environment. The legal profession is no different, especially in a period of client management software, digital billing programmes and real-time document editing. The VBR gave students an introduction to online workplace collaboration and gave them the experience of using a new technological platform to simulate their interactions. Microsoft SharePoint is a common example of online workplace collaborative software, but this may seem intimidating to some students who lack technological experience or high digital literacy levels. Using a bridge-platform allows students to gain valuable experience on engaging with a virtual workspace and gives the individual knowledge of online collaboration, a common reality of modern employment.

5. CONCLUSION

Our students are the future of the profession, and to ensure that they are prepared legal education needs to invest in designing innovative and original curricular that embeds skills at the heart of programmes while reflecting modern legal (and business) practice through technological engagement.[96] This can be achieved through experiential learning, in conjunction with a more profound conception of employability. By understanding more fully what skills, attitudes and values that graduates will need, we are able to modify existing curricular and develop innovations in syllabus design to allow graduates to vie for opportunities in the ever-increasing competitive market place. By giving our students the opportunity to engage in experiential curriculum, we can expose our students to the challenges of clinical legal education, commercial practice and the wider collective attitudes to legal practice. This can enrich the learning experience and ensure that law students can draw from a substantial skill set with wider conceptions of justice, ethics, professionalism and access to legal services. Experiential learning can be sufficiently comprehensive if it provides learners the appropriate opportunity to reflect upon the challenges, skills and proficiencies needed for professional practice. Experiential curricular can also provide students with a familiarity to self-assessment and the ability to continually assess their own performance is vital in all spheres of employability. Furthermore, the development of digital working, cloud-based collaboration and virtual client relationships, demonstrates the importance of student engagement with digital learning tools that develop and assist in the acquisition of these vital employability skills.

The importance of bespoke e-learning tools developed using a sandbox approach is paramount to engaging fully in skills education and employability. Although technological tools, e-learning resources and social media platforms can provide an innovative manner through which to deliver content, specific tools need to be developed with the aims, objectives and learning outcomes clearly outlined from the beginning. The Excel@Law project merely conveyed traditional messages in a new medium, whereas the Virtual Board Room incorporated the learning outcomes and overall objectives of the

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[96] D. Schon, *The Reflective Practitioner How Professionals Think in Action* (London: Avebury, 1991)

learning experience into the overall design. It is this sandbox approach to development that is paramount in constructing e-learning tools that are designed specifically to enhance a student's learning experience, and in this case, their employability.

These projects have provided the author the opportunity to reflect upon the process of incorporating employability programmes within university educational practice, and this work has allowed the author the chance to position these curriculum innovations within the wider debates in legal education and the profession. This article has also allowed the author to develop a novel and unique paradigm for employability skills in legal education. This has allowed the author to ensure that the continuing redevelopment of Plymouth Law School's curriculum is undertaken with this model of employability is considered.

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