

Transitioning Simulated Client Interviews from Face-to-Face to Online: Still an Entrustable Professional Activity?

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Abstract

This article is an analysis of what is still a relatively new educational method in law schools, namely the use of simulated clients (SCs) for learning and assessment in legal education. We outline the method and its origins, give a brief history of it in law schools to the present, and then focus on two modalities of the method, namely the face-to-face client interview and the online client interview. We discuss two instances of SC use, namely the adaptation of the method in professional education across four provinces in Canada; and the use made of the method by one law school in the province of Ontario, Canada. We discuss the social and educational contexts of the two modalities and relate it to other literatures emerging from the experiences of pandemic learning in higher education (HE). Finally, we draw some conclusions in the light of wider considerations of simulation, digital simulation, and the future of experiential education.

Introduction

This article is an analysis of what is still a relatively new educational method in law schools, namely the use of simulated clients (SCs) in learning and assessment.¹ SCs

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¹ Our work represented here has been the outcome of many conversations and work with faculty, professional staff and regulators in Canada. At Osgoode Hall Law School Professor Shelley Kierstead's leadership and support has been invaluable. In Osgoode Professional Development (OPD), Victoria Watkins and Audrey Fried were essential to the development of the method in OPD. In the Canadian Centre for Professional Legal Education, Christine McKenzie and Kara Mitchell and the PREP consultant Janet Pierce all contributed to the heuristic's shape in the PREP programme. Professor Noel Semple also adapted the method to his course in Windsor Law School. The method has been developing since 2005. We thank Professor Clark Cunningham (Georgia State University College of Law, USA), whose early work and commitment to the method was invaluable. Without his assistance and that of Emeritus Professor Jean Ker

are people recruited and trained in the law school to do two things well: first, to embody the person of the client and enact a conversational dialogue with a lawyer or law student (typically in the discourse structure of a client interview, a client conference or some similar event); and second, to assess, either formatively or summatively, the client-facing behaviours of the lawyers or law students. Standardisation is a key element of the training processes, not to the extent that we try to create robotic clients, but so that assessment and feedback on performance can be meaningful and valid for the individual student, and reliable across the range of students or lawyers in a cohort of learners.

Below, we outline the method and its origins, give a brief history of it in law schools to the present, and then focus on two modalities of the method, namely the face-to-face client interview and the online client interview. We then discuss two instances of SC use. First we analyse the adaptation of the method in the PREP programme, which is embedded in Bar preparation by the regulators of legal services and education across Canada (in particular the provinces of Alberta, Saskatchewan, Manitoba and Nova Scotia). Second we describe and analyse the use made of the method by one law school in the province of Ontario, Canada, namely Osgoode Hall Law School. We discuss the social and educational contexts of the two modalities and relate it to other literatures emerging from the experiences of pandemic learning in higher education (HE). Finally, we draw some conclusions in light of wider considerations of simulation, digital simulation, and the future of experiential education.

Origins of the SC method

The literature on standardised clients or simulated clients is small. All commentators note their reliance upon the much more extensive literature in medical education, which has been at least half a century in the making, with its own research summaries and metareviews. Many of the issues raised by medical educators are also relevant to legal educators, so tracking that literature is helpful for those who want to learn about the method.²

(School of Medicine, University of Dundee, Scotland), the method would not have been nearly as successful as it turned out to be. Our thanks also to our international funders, the Carnegie Fund in Scotland, the then College of Law in England & Wales, and the Burge Fund (Georgia State University College of Law) for their financial assistance in setting up the early project. We are grateful to our students for taking part with such enthusiasm in a series of experiments in experiential learning in Canadian legal education. Finally we acknowledge the valuable comments of the two anonymous reviewers of the article.

² For a sample of this literature, see Adamo (2003), Bokken et al. (2009a), Bokken (2009b), Bosek et al. (2007), Gorter et al. (2000), Howley et al. (2008a), Howley et al. (2008b), Miller (2002), Miller (2004), Nestel et al. (2011), Pangaro (1997), Ragan et al. (2013), Stevens et al. (2006), Talente et al. (2003).

The possibility of a SC method in legal education was discussed by a number of commentators around the early years of the millennium.³ The first at-scale project was initiated by the Glasgow Graduate School of Law (GGSL) in 2004–5. The GGSL was a joint graduate school of the Law Schools of the University of Glasgow and Strathclyde University, operating from 1999 to 2010 and based on the latter's Glasgow city-centre campus. Among the courses held there was the Diploma in Legal Practice, a postgraduate professional legal education programme mandated by the Law Society of Scotland (LSS) and the Faculty of Advocates for those who wished to enter the legal professions in Scotland as either solicitors or advocates. At that time the course was hosted at five university centres throughout Scotland, including our own GGSL, based at Strathclyde University Law School's campus. The Society's regulatory control over the curriculum was then relatively light touch; and this enabled a degree of difference and local specification across the five programmes. The GGSL's vision for its programme was to host an innovative qualification in professional knowledge, skills, ethics and attitudes, one that focused on constant improvement in content, methods and technological platforms.

Interviewing was one of the skillsets that were prescribed by the LSS. There was no specification of sub-skills, learning outcomes, teaching methods or assessment criteria and methods. As a result, GGSL faculty constructed these for themselves. The teaching structure, which pre-2004 served around 200 students, is summarised briefly in Table 1:

Stage	Intervention	Organisation & duration
1	Foundation Course in Professional Legal Skills lecture.	One introductory 50 mins lecture, f2f
2	Foundation Course multimedia. Use of multimedia examples of good and poor interviewing techniques, with commentary	Around 45–60 mins viewing time with preparation for the workshops
3	Foundation Course workshops.	Two workshops, each 2 hours duration, f2f. Groups of 12 students divided into 3 groups of four. Interviewing student-to-student. Roles: 2 observers, 1 client, 1 lawyer, cycling roles round the group on half hour interviews. Overseen by tutor.
4	Voluntary role plays	Student-on-student, as per Foundation Course workshops.

³ See e.g. Grosberg (2006).

5	Summative assessment	Actors as clients; interview videotaped and assessed by tutors. Students allowed several attempts to pass, given feedback by tutors after each attempt.
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Table 1: Initial learning & assessment methods at the GGSL, pre-2004

As discussed in detail in Barton et al.(2006), the processes and documentation before the introduction of SCs were generally unsatisfactory. The 20-point interview assessment schedule was overly complex, drawn from the other assessment schedules, not from a proper examination of the needs of solicitors and their clients; and there were no learning outcomes that served as a basis for the schedule. Tutors were not given training in assessment, merely a set of guidelines and as a consequence their performances as assessors were variable, on occasion highly so. Students could practise voluntarily from a bank of unseen scenarios (stage 4), but in practice rarely more than 10% of the cohort took up this opportunity. The assessment, by videotaped student performance with an actor, was neither reliable across actors and tutors, nor robust or valid, while the cost of organising and paying for the interviews, actors, the assessment of the videos and the administration of collation of results over several attempts was high. As a result of these problems what should have been a high-stakes assessment turned out to be low-stakes, for students were allowed multiple opportunities to pass; and because of faculty's lack of confidence in the reliability of their methods, the standards were set correspondingly low.

While speaking at a conference in Atlanta GA, and after a visit to a simulated patient centre there organised by Clark Cunningham, Maharg made plans to attempt a similar simulation project for the GGSL, and to make of it a project researching an innovative form of experiential education (EE).⁴ With the assistance of Barton, Cunningham, Jones and particularly the mentorship of Jean Ker, then director of the Clinical Skills Unit in the Faculty of Medicine, University of Dundee, 14 SCs were recruited and trained by Barton and Maharg, and were used in formative and summative assessments. See Table 2 which summarises the revised SC regime of interviewing skills learning and assessment at the GGSL.

⁴ The doctors being assessed in the simulated patient centre were foreign-trained physicians who were seeking entry to practise in the USA, all of whom required to pass this assessment, amongst others. Atlanta was chosen as an assessment centre because the airport was a hub for international travel, and the assessment centre was situated in an office block close to the airport. Physicians would be able to fly in, take the assessment which lasted several days, and fly out again. The assessment centre comprised an entire floor of the office block, kitted out with around 15 hospital consultation rooms each with a ceiling-mounted video camera and voice recording facilities, a video hub centre where staff could have real time oversight of all the assessments, and waiting areas for participants and staff who monitored the assessments. The visit was organised by Clark Cunningham.

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4	Voluntary, formative feedback interview with SC	SC gave feedback to students directly after the interview
5	Assessment	Four-part assessment: 1. SCs assess students as clients on eight global criteria; interview videotaped and assessed by tutors only if student is borderline or fail. SCs' assessments were trusted. 2. Basic factual issues: eg did students ask for contact details, or critically-important facts relating to the case. Assessed by SCs. 3. In another room students complete within 30 mins a single page of a client file note detailing the legally relevant facts and principles arising from the interview. Assessed by tutors on a grading schedule 4. Students allowed only two attempts to pass.

Table 2: Revised learning & assessment methods at the GGSL, post-SC creation and use

Two statistics amongst many gave us a sense of the success of the SC heuristic. A key intervention in the GGSL's interviewing skills learning and assessments were the insertion of voluntary SC formative interviews and the summative, high-stakes interviews with SCs. The replacement of the voluntary practice of student-on-student interviews with a voluntary SC formative interview resulted in almost an inversion of the earlier statistics – very few students did not take up the opportunity, around only 5% of the student body. Interestingly, too, the use of SCs resulted in a higher fail rate among students: from around 2–5% for the years prior to the introduction of the method to around 8–12% for the years post-introduction. Prior to the experiment, GGSL faculty deliberately did not set a mandatory fail rate, in part because they focused on criterion-based assessment rather than grade curves. But it was noted that the increase in the fail rate at least indicated that the method in addition to being more reliable was more robust, as well as being more cost-effective. In future years, GGSL therefore dispensed with tutor assessments and relied on the SCs, using tutors only as second opinions on fails and borderline cases flagged up by SCs.⁵

In addition, the use of SCs allowed GGSL to create a much more flexible, varied and granular assessment of student skills, and in six ways:

1. *Global criteria in the assessment criteria*
The assessment schedule criteria were reduced from 20 to eight – much more memorable, and made much more granular by the use of five columns of behavioural descriptors, which formed a Likert Scale. These could be adapted to fit different occasions and different professions, and different types of assessment, e.g. formative or summative. Since they were the core of SC standardisation and training, GGSL faculty took pains to construct them robustly, using procedures derived again from medical education. The group consultations with lawyers, consumers of legal services, academics, students and trainees was invaluable in generating the data upon which to construct learning outcomes and an assessment matrix.
2. *Formative feedback interview*
SCs gave feedback to students directly after the interview, based directly on the same assessment schedule used in earlier training and in the SC summative interview.
3. *Summative assessment interview*
SCs assessed students directly after they left the room, using the Likert scale of the behavioural items across each of the eight global criteria. Comments could be added to the assessment schedule under each item.
4. *Factual criteria questions*

⁵ Project documentation on file with Maharg.

This was a list of facts to which the answer could be yes or no. For example in the domain of Private Client and Succession, SCs were asked whether or not a lawyer had asked if they already had a will. No more than seven questions were used, so that SCs could memorise these and recall them from the interview.

5. *Client interview file note*

Immediately on leaving the interview room students proceeded to another room where for 30 mins they wrote a client interview file note that summarised the key legal facts, the key legal issues, and next steps to take the client matter forward. This file note was assessed by tutors.

6. *Weighting of assessment components*

Each component of the assessment could be weighted to reflect the importance of any particular activity. Thus, in the GGSL assessment the eight global criteria were weighted at 80%, the factual criteria questions at 10%, and the client interview file at 10% - but students were required to pass all three items of the assessment.

These could be further deployed in many ways. For example, it is possible to add a reflective component to the assessment where students are asked to describe the experience from formative through to the variety of summative assessments in Table 1 above; or, even better, their experiences of the full interviewing skills learning and assessment module. Their interview could be the start of a new case file that is taken up in another course in the rest of the programme. Their work on drafting a client file note could be dovetailed with other examples of document drafting from other courses. Or the client file note, along with the interview, could be analysed by peers who give their assessments; and then compare their assessments with those of the SC and tutor. This has the advantage of giving students experience in assessing performances on video and on paper.

All of this, of course, was developed in a face-to-face (f2f) environment, where student performances were recorded by videotape for the purposes of reflection, or in case of second marking or student appeals. The focus was always upon the primacy of the f2f encounter with the client, and indeed all of the three or four day training regimes of the SCs were built upon this assumption.

The GGSL team and others conducted a correlative study of the summative assessments obtained from the three cohorts involved in the study – adjunct faculty tutors, students and SCs. Tutors and the SCs had been given training on assessing the skills set out in the assessment schedule. Summarising the results that are detailed in the original article, the standardisation of SC results was more accurate according to the standards GGSL required and, critically, the standardisation of assessment was more stable across the group of SCs than were the results across the group of tutors. As a result, since then Strathclyde University Law School uses the decisions of the SCs as trusted standardised assessment results, requiring only a second opinion from tutors as regards fails and borderline fails (and tutors generally agree with SCs). We also correlated student self assessments of their performances

against the assessments of them by SCs. The self-assessments were found to be highly variable: many considered that their performance was poor when it was assessed as above average, and vice versa. Clearly, there was work to do to clarify for students the standards expected from them in the assessments, and to give them practice at this form of self-assessment (Barton et al., 2006)

The SC project profoundly affected the assessment not only of interviewing skills in the GGSL, but of legal practice skills generally. Four points among the many arising from the study are relevant to the focus of this article:

1. As a result of the SC intervention, the 'spiral curriculum' of interviewing skills development became much more focused. The lecture, multimedia unit and student-on-student interviews were seen by students as an essential preparation for the more realistic interviews with the SCs: it made much more sense educationally, and the educational arc of interventions thus became more purposeful.
2. GGSL faculty began to appreciate more the crucial complexity of role in learning professional knowledge, attitudes, skills and values. An instance of this is the way that SCs could apparently be a client when in-role; and then snap out of that in formative feedback interviews to be themselves, talking about their experiences as the client. In a sense they were always themselves, not acting a character but *enacting themselves* as a client. However to drop that enacting and be a person talking directly about the nature of the conversation she or he has just had with the students is a powerful mode of assessment feedback.
3. The assessment regime was made much more impactful and meaningful for students. Only in advocacy workshops did students receive instantaneous feedback on performance; they almost never received it from strangers or from real people in what were felt by them to be real tasks.
4. Following on from point 3, the experience of the phenomenon of 'nearly' was a key to success. The interview was nearly real, tantalisingly both real and not-real. Feedback was also nearly now in the sense that social media is a nearly-now experience. We can comment and publish almost immediately or nearly-now on things that happen in the real world; and that almost-instantaneity is both intriguing and addictive. In the same way students' encounter with the immediate experience of interviewing a client, followed in formative feedback with an encounter with the client commenting upon their experience, can be deep and personal.

All these made the assessment a powerful experience for students.

Brief history of SCI to present

At the time of the publication of the *Clinical Law Review* article about the GGSL's work with SCs, there did not appear to be other law schools that were using the

technique. As a result of international interest in the techniques, the GGSL established a Simulated Client Initiative – a collection of centres where SCs were trained in GGSL methods, and used with a variety of students and legal professionals. Table 3 summarises the centres trained to use GGSL’s methods.

University of Strathclyde Law School (Glasgow, Scotland)	WS (Writers to the Signet) Society (Edinburgh, Scotland)
University of New Hampshire Law School (Concord, NH, USA)	The Australian National University College of Law (Canberra, Australia)
Northumbria University Law School (Newcastle, England)	Kwansei Gakuin University Law School (Osaka, Japan)
Solicitors Regulation Authority - Qualifying Lawyer Transfer Scheme (QLTS) (London, England)	Law Society of Ireland - Continuing Professional Development of Solicitors (Dublin, Ireland)
Hong Kong University Faculty of Law (Hong Kong)	National Centre for Skills in Social Care (London, England)
The Chinese University of Hong Kong Faculty of Law (Hong Kong)	Flinders Law School (Adelaide, South Australia)
Nottingham Trent University Law School, (Nottingham, England)	Osgoode Hall Law School + OPD (Toronto, ON, Canada)
Canadian Centre for Professional Legal Education PREP programme for articling students (AB, MB, SK + NS)	U of Windsor Faculty of Law (Windsor, ON, Canada)

Table 3: Centres where Simulated Persons were trained and pilot projects formed, 2006–2021.

The variety of uses to which the method has been put across the centres is indicative of the flexibility and power of the method, from law student simulated client interviews, to students pitching for corporate business to simulated *potential*

clients, to Family Law courses and Workforce Investigation courses for professional lawyers. Some centres have run pilots (ANU College of Law), while most others have run pilots and used the SCs in modules or courses with lawyers and students. The Law Faculty of the Kwansei Gakuin University in Osaka embedded the method within the wider curriculum. Some have gone further than training and using SCs, and carried out research on their use of them – a notable instance of this is the work of Wilson Chow and Michael Ng at Hong Kong University Faculty of Law (eg Chow & Ng, 2014). Regulators have been inventive in their uses of the method. The SRA used it as a key element of assessment of skills such as interviewing, negotiation and advocacy in the Qualified Lawyers Transfer Scheme (QLTS). CPLED (Canadian Centre for Professional Legal Education) has designed a pre-Bar programme called PREP (Practice Readiness Education Program), which was a joint effort of the Law Societies of Alberta, Manitoba and Saskatchewan, and the Barristers' Society of Nova Scotia. In that programme articulated students encounter SCs several times, within a spiral curriculum of skills development.⁶

In each instance the training of SCs follows the original model as closely as possible, but is always aligned to the use that SCs will be put. When successfully aligned, the feedback from SCs is invariably positive. The feedback is always exceptionally positive from students after their experience of encountering SCs. Appendix 1 is a summary of the quantitative feedback obtained from 261 students on the 1L course Legal Process on the JD programme at Osgoode Hall Law School.

Brief outline of Canadian legal education and regulation

We turn now to the Canadian use cases, but first we should briefly summarise the legal educational structure within which the method has been used. Canada has a federal governance structure: there is a central government with legislative authority over national issues, and 13 provincial/territorial governments with authority over local issues. Regulation of lawyers and other professionals is the responsibility of the provincial and territorial governments.

Although each province/territory establishes its own standards for legal education and licensing requirements, there are some consistencies among provinces/territories. All provinces/territories have a regulator, often but not always a Law Society, that mandates the following credentials for individuals to be licensed as lawyers:

- Obtain university degree in law
- Pass one or more exams

⁶ For information on QLTS, see <https://cpled.ca/students/cpled-prep/>. It is probably the case that the SRA's new Solicitors Qualifying Examination will involve the use of SCs in a similar format to the QLTS method. For information on PREP see <https://cpled.ca/students/cpled-prep/>. Maharg was involved in the design of both QLTS and PREP.

- Complete experiential training (usually articling).

Some provinces/territories also have bar admission courses. The Practice Readiness Education Program (PREP) operated by the Canadian Centre for Professional Legal Education (CPLED) discussed below is the bar admission course mandated by the Law Societies in the three provinces of Alberta, Saskatchewan and Manitoba, and by the Barristers' Society in Nova Scotia.⁷

In 2020 the Covid 19 pandemic affected Canadian Higher Education as it did the rest of the world, with lockdowns, temporary closure of campuses, social distancing, isolation and much else. The use of SCs face-to-face (f2f) could not continue, and so we planned for online interviewing of SCs. SCs were re-trained, and the administration of the formative feedback and summative assessment sessions was reviewed in order to accommodate new processes and procedures.

Online SC Interviews in CPLED's PREP

The PREP is designed to teach and assess lawyer licensing candidates in several different areas of practical lawyering skills, including legal writing, negotiation, advocacy, and client interviewing. There are four phases to the program:

1. Online modules with theoretical content, some of which deal with various lawyering skills
2. Workshops for students to practice skills with each other
3. Virtual law firm rotations to continue skills practice using simulated client files
4. Final evaluation of skills performance, called the Capstone evaluation

SCs are used for the client interviewing portions of the PREP in the virtual law firms and Capstone. PREP students complete two formative interviews with an SC during the virtual law firms. These interviews are intended to prepare the students for a summative interview that is part of the Capstone evaluation in the program. The Capstone evaluation is four consecutive days in length covering all the skills students are introduced to during PREP. The students are given different assignments each day of the Capstone. The assignments on the first day always include an online interview with an SC similar in structure to the formative interviews.

All of the Capstone assignments are graded. All of the grades allocated to each student for each assignment are analysed by a psychometrician to determine the overall score students need to achieve to pass the PREP. Passing the PREP is necessary to obtain a license to practice law in Alberta, Saskatchewan, Manitoba, and Nova Scotia.

⁷ CPLED is a private not-for-profit continuing legal education provider based in the City of Calgary, Alberta, contracted by the aforementioned law societies and barrister society to provide their bar admission course.

The original plan for the SC interviewing component of the PREP had been to hold online interviews for the virtual law firms and f2f interviews in the Capstone. However the social distancing regulations enacted as a result of the pandemic necessitated holding all SC interviews online. The interviews took place on a videoconference platform called BONGO that interfaced with a learning management system called Desire 2 Learn (D2L). The students scheduled the interviews for the virtual law firms in D2L and emailed the interview link for BONGO to the SCs. CPLED administrative staff scheduled the interviews and sent the links for the Capstone interviews.

The interviews were recorded in BONGO and uploaded to D2L. The SCs entered their grades and comments on students' performances into D2L. The SCs could not enter their evaluations into BONGO until the interview recordings were uploaded. The students required to upload the recordings manually after the recordings were processed. More time was required for BONGO to process the recordings when a large volume of interviews took place simultaneously. The SCs could annotate the video recording of the student interviews with comments about the student's performance at specific points in the interview.

Outcomes of CPLED's Online SC Interviews

Approximately 1000 students completed the three online SC interviews in the PREP from September 2020 to September 2021. The Acting Manager, Education at CPLED, Erica Green, reported that PREP students identified the SC interviews as one of the most valuable aspects of the PREP.⁸ The students felt they learned valuable skills through SC interviews to assist them in legal practice. The online nature of CPLED's SC interviews has not diminished the positive learning outcomes documented for f2f SC interviews, based on Erica Green's anecdotal feedback.

CPLED's SCs were asked to provide feedback about their experiences with the PREP on March 23, 25, and 27, 2021 during their training sessions for a Capstone interview scenario. The SCs were asked an open-ended question by their trainer, Angela Yenssen, regarding what worked well for them with the PREP and what aspects of their experiences could be improved. Forty SCs attended training in total across those dates and provided feedback. Two-thirds of the SCs had experience with f2f interviews with students enrolled in other professional programs in various organisations prior to the pandemic.

The SCs reported that students generally appreciated their suggestions for improving their interviewing skills, consistent with the information received from Erica Green. The SCs identified several challenges with using online technology for the interviews:

- All agreed that BONGO, was 'glitchy' – audio and video feeds were not a consistent quality between interviews or during the same interview

⁸ Conversation between Angela Yenssen and Erica Green, 2021, and on file with Yenssen.

- Only the students could start the recording of the interview in BONGO. SCs noted that it would have been more efficient for them to have been able to start the recording rather than trying to problem-solve recording issues with the students while they were in character as the client.
- SCs described delays in uploading the interview recordings into D2L – they reported that they had more work because they could not enter their evaluations into D2L as soon as the interviews were complete and had to log back into the system multiple times to check that the students had uploaded their interview recordings. Automatic uploading of the recordings by BONGO would have been more efficient in this respect, SCs observed.
- Navigating D2L to find the student recordings in which to enter evaluation data was described as challenging.

SCs were asked for feedback again about their experiences with the PREP on September 15, 2021 while attending training for a Capstone scenario. The feedback was again sought through an open-ended question by their trainer, Angela Yenssen. The question posed was for SCs to comment on their experiences with the Capstone interviews with students the previous week. Ten SCs attended that training session and provided feedback. The SCs at that session worked for CPLED regularly during the previous year that the PREP had been operating. Their feedback focused on the content of the Capstone scenarios and consistent gaps in the skills levels of the students.

Curiously, technology issues were not a concern for the SCs during this feedback; and yet the challenges with recordings identified by the SCs in March 2021 were not be resolved by CPLED due to limitations with BONGO and D2L. Why was this so? The SCs might have simply made peace with these flaws in the technology and did not reiterate them in their September 2021 feedback. However, the challenges with navigating BONGO and obtaining consistent audio and video feeds identified by the SCs in March 2021 might not have been mentioned in September 2021 because the SCs had learned to use the system more effectively through experience. Such a situation highlights the importance of thorough training and practice for SCs using digital platforms for student interviews prior to commencing interviews to ensure the interviews take place as smoothly as possible. It does not, of course, mitigate the need for a proprietary, dedicated system that supports the needs of SCs and students.

Use of SCs at Osgoode Hall Law School

The second case study concerns Osgoode Hall Law School ('Osgoode'), based in Toronto in the province of Ontario. Osgoode provides academic graduate degrees in law and the undergraduate degree to qualify for lawyer licensing in Canada, called the Juris Doctor (JD). Osgoode also has a professional development division which

provides graduate degrees in law oriented towards practical skills training for working domestic professionals and foreign-trained lawyers, and continuing education certificate programs and workshops accredited by the Law Society of Ontario.

Osgoode began using SCs in the Legal Process course in the first year of the JD degree in the 2018/2019 academic year. Approximately 300 first year JD students take the Legal Process course each academic year. In 2018 the course director, Professor Shelley Margot Kierstead, with the authors, designed a sim client intervention that was embedded within the course. The SC interviews occurred f2f in the 2018/2019 and the 2019/2020 academic years. The interviews shifted online for the 2020/2021 and 2021/2022 academic years due to pandemic-based regulations.

Each student in the Legal Process course completed one formative interview with an SC. When the interviews had occurred f2f, they were booked in meeting rooms at the law school. Each SC was assigned a meeting room. Students would attend a sign-in table to check in for their interview. A Research Assistant directed the students to their assigned interview rooms. Cameras provided by the university were used the first year the interviews were conducted to provide interview recordings. In the second year of interviews, recording equipment was not available through the university, and so students were given the option to record the interviews on their own devices for their future reference. We noted that few students recorded their interviews. The students were told to return to the sign-in table after their interviews where they were given a paper survey to complete about their experiences with the interviews, and which was collected anonymously.

By contrast, the online interviews used the Zoom application. An online meeting was scheduled to which all the SCs and students were sent a link. The SCs were placed into breakout rooms by a moderator at the time of their first student interview for the day. The SCs remained in the same breakout room throughout the interviews each day. The moderator moved students into the breakout rooms with the SCs when students logged into the Zoom meeting for their interviews. The SCs provided verbal feedback to each student at the end of each interview. The interviews and feedback were not recorded because at this time, ZOOM had limited recording capability in breakout rooms. The students were sent an online survey to complete at the end of the interview schedule about their experiences with the interviews.

Outcomes of SC Interviews at Osgoode

We obtained feedback from students every year in a questionnaire that asked respondents to give quantitative and qualitative feedback about their experiences. Response rates to the student survey were much higher for the two academic years the interviews occurred f2f. The response rates were approximately 85% to the paper surveys administered f2f in the 2018/2019 and 2019/2020 academic years.

The response rate was approximately 15% to the electronic survey in the 2020/2021 academic year but increased to approximately 40% in 2021/2022.

We shall discuss the quantitative results first. These achieved similar results on a comparison of f2f interviews and online interviews in terms of the authenticity and realism of the SC interview experience and the value of the experience in preparing for real client interviews.

Questionnaire item	F2F interviews %	Online interviews %
SC interview experience authentic or very authentic	95%	89%
SCs realistic or very realistic in conveying concerns	96%	92%
SC interview useful or very useful in preparing for real client interviews	96%	92%

Table 4: Student perception of authenticity of interview experiences, f2f and online.

The close results in the student feedback regarding the SC interview experience f2f and online indicate that online SC processes and environment do not compromise student learning. The value of online learning is also evident in the student responses to questions about their preferences for the SC interview format in future. The students who completed the SC interviews online in the 2020/2021 and 2021/2022 academic years were asked if they would choose online or in-person interviews if they could choose between the two modalities. In the 2020/2021 academic year, 22% of students indicated they would prefer online interviews. Thirty-five per cent of the 2021/2022 students chose online interviews.

There was also much more support from the 2021/2022 students for a hybrid interview model. Twenty-eight per cent of the comments from students in response to the question about their preferred interview modality expressed a desire for both an online and in person interview option. By contrast, only 15% of 2020/2021 student comments expressed an interest in a hybrid interview model.

There are three possible reasons for the increased percentages of students interested in online SC interviews and a hybrid interview model during the second year of online interviews. The first possible explanation relates to the increased response rate to the electronic student survey the second year that the interviews were provided online. The higher response rate might have captured a greater diversity of views among students.

The second explanation for the increased support for online interviews among the 2021/2022 cohort of students is that there was a growing comfort and acceptance with online processes in society as the pandemic entered its second year and online processes remained pervasive as a tool to decrease the spread of the COVID virus across a wide spectrum of social interactions. Many of the comments advocating for a hybrid interview model were based on the reality that legal practice in future will likely include both online and in person client interviews. This theme was much less prevalent in the comments from the 2020/2021 students who completed their SC interviews earlier in the pandemic when online processes were more of a novel, emergency measure. One theme that was consistent across the two student groups is that there was some preference for online SC interviews for the convenience of students who commuted to campus, were too ill to travel to campus but could handle an interview from home, or who found the interview experience less stressful completed from the comfort of home.

The SCs involved in the interviews in the 2020/2021 and 2021/2022 academic years reflected the same attitude as the students in those academic years: a desire for online interviews for increased flexibility and a growing acceptance of online client meetings as the new norm over time.⁹ What is curious and significant is the sophistication of student reflection on their educational experiences in the SC interview and feedback. To demonstrate we shall briefly analyse student responses to two questions in the survey administered in the 2021/2022 academic year – Q.6, ('Which aspects of this experience did you find most useful? Why?') and Q. 8 ('In previous years, the 1L student interviews with simulated clients occurred in-person on campus. Do you recommend retaining the online format in future years or resuming in-person interviews?').

On question 6, there were 105 written responses. To analyse the themes of these responses, student comments were arrayed in a frame that consisted of the following topics arising from the comments. We set these against the frequency of comments (note that some comments contained more than one topic):

	Theme	Number and % of total responses	
Positive comments			
1	Feedback from client	42	40%
2	Being online	3	2.85%
3	Opportunity to prepare for an interview	4	3.8%

⁹ The SCs met with the interview coordinator after the interviews were all completed, and answered specific questions about the interview experience. The interview coordinator was Angela Yenssen in 2020/2021 and Joan Rilling in 2021/2022. The questions asked were similar during the SC debriefs for both academic years, as befitted a semi-structured interview method.

4	Opportunity to practise in interview	31	29.52%
5	The client as Other/Stranger	18	17.14%
6	Realism of the encounter	4	3.8%
<i>Negative comments</i>			
1	Dynamics unrealistic	2	1.90%

Table 5: Qualitative responses to Q.6 in student questionnaire.

To our surprise, feedback from client was the most useful aspect of the whole experience, with the opportunity to practise an interview coming a clear second in student priorities – we had surmised that this may have been reversed. Representative comments include the following:

On the effects of feedback from client

- The feedback helped me analyse what I did and did not do well. I was able to assess my own skills first and then have that supplemented with ways to improve in the future going forward. It also solidified that I actually *did* learn something in law school.
- The client provided positive feedback to parts of the interview where I only saw a failure and provided critical feedback where I saw neutrality. Very interesting!
- I appreciated the feedback from the ‘client’ – it was detailed and thorough!

Some categories as topics also came as a surprise. Students were particularly eloquent about the client-as-Other. Representative comments, many of which were perceptive about the relationship, include:

- It was useful to go through the exercise, knowing that the stakes were low (meaning no real client, no lives on the line). I found that I was surprised at how hard it was to phrase my detailed questions in a way that did not sound adversarial. It was useful to try out different phrases, knowing that this is a part of my learning process.
- The fact that the actor [i.e. SC] was very convincing. They knew the story very well and answered all my questions seriously. I also think that it was even more convincing that the simulated person was older adult (not a young student) made the interview feel real. The power dynamic between an older adult and myself as a young 20-something lawyer creates a bit of anxiety which is a good environment to help learn how to interview someone who may be older than me.
- Most, if not all, we’ve learnt at this point has been very theoretical and a bit removed from the practice of law. I appreciated the opportunity to remind myself why I wanted to go into law school (to help people!)
- The simulated client was very convincing and encouraged you to assume character as well. The feedback conversation at the end was very insightful and interesting

- Helped open up my perspective to what clients may be feeling when attending a law office

These comments are rich in phenomenological detail. The first comment directly above, on the issue of client-as-Other, was typical of the self-reflection that can happen as a result of the SC interview: why did the student's questions sound adversarial? Was it to do with a fundamental view of what constitutes lawyerly bearing and lawyering practice? Was it a personal bias or preference in attitude that was uncovered within the professional context? Or it could have been that the first student was doing what the fourth student acknowledged happening in the interview ('the [SC] ... encouraged you to assume character') – namely, the search for a voice that was at once authentically personal and professional.

On Q.8, we drew up the following array of responses (a total of 78 comments):

	Theme	Number and % of total responses	
1	Retain online format only	27	34.61%
2	Resume in-person interviews only	22	26.92%
3	Both 1 & 2	21	28.20%
4	Doesn't matter	8	10.25%

Table 6: Student interview format preferences

Representative comments under each theme:

Retain online format

- Given the fact that society has integrated video meetings as the 'norm' it is likely that real-life client interviews will be online. Therefore practising doing interviews online could be beneficial.
- I didn't feel that I lost anything because it was online!
- Found it very convenient, and still felt authentic.

Resume in-person interviews

- I think that in person would have allowed for more comfortability and real life experience in terms of body language and social cues.
- 100% would be best in person - was more concerned with lighting, and framing and other elements that could be avoided entirely in person
- I find it's much easier to form a personal connection with a client in person!

Both 1 & 2

- I think each format has its advantages and disadvantages. If I could choose both options, I would (especially since virtual interviews are certain to become more and more prevalent, even after the pandemic).
- I personally prefer online but I think in-person interviews will be more realistic. I felt that I preferred the online system because I have a cheat

sheet next to me on my screen concerning the flow of the interview that I referred back to ensure I didn't miss anything. I do think it would probably be more useful in the future if I had prepared it for in-person interviews.

- On line and in person should honestly be the approach, this format is not going anywhere soon.

Doesn't matter

- either, I don't think the format makes a difference.
- Either in-person or online would be good. Given today's climate and how long the pandemic has endured, it is important to have the skills to be able to build connections in-person and online.
- Have an option for both, because both will be used in real life

Discussion

Given the quantitative statistics, one would expect comments to be heavily critical of the online experience. But as the thematic analysis of student responses shows, student understandings of the issues were much more sophisticated responses than the highly-constrained choice between either in-person or online would allow (Nawaz et al., 2022). There was an acknowledgment that, post-COVID lockdowns, there is a need to practise both; that the online experience actually allowed them to practise a different set of skills than the in-person context; and that the online interview was a viable, authentic, human-centred interview.

Feedback obtained from SCs gave us broadly similar results. We had gathered feedback from the SCs every year they have been included in the Legal Process course. Eleven out of twelve SCs who participated in the interviews in 2021/2022 either attended the debrief session or provided written feedback. There were 18 SCs who participated in the 2020/2021 interviews and 16 of them provided feedback in person or in writing about their experience.

The group of 2021/2022 SCs all acknowledged that online work is likely part of the new reality and completing SC interviews online is an important skill for future lawyers to learn in an emerging online world. Conversely, two SCs in the 2020/2021 SC group strongly advocated for a return to in-person interviewing. The majority of SCs in the 2020/2021 group supported a hybrid model of both online and in-person interviews, mainly due to the convenience of online interviewing that saved time for SCs by avoiding travel to the university campus. Online interviews also allowed SCs who live in other provinces to participate in the Osgoode interviews.

The less robust support for online interviews among the 2020/2021 SCs could reflect greater diversity of views in a larger group of people compared to the size of the 2021/2022 SC participants. However, the specific linkage all the SCs noted in the

2021/2022 cohort between the changing realities of virtual legal practice and online SC interviews suggested that there had been a shift in acceptance of online interviews as *necessary* training for students. Compare this to the focus on *flexibility* being the rationale for those who supported ongoing online interviews among the 2020/2021 SC cohort.

Another reason that there might have been more support for online SC interviews among the 2021/2022 first year students and the SCs is that there were fewer technological problems with the interviews in the second year of the online SC interview format. There were a few comments from the 2021/2022 students about technology issues, such as one SC's face looking white due to the camera angle; while students themselves struggled to pay attention to light, framing, and placement of their eyes online, specifically trying to look at the camera while distracted by the images of persons on the screen. However, technology problems were a much more prevalent theme among the 2020/2021 students. Those students noted issues with the Internet connection dropping and starting the meeting again, receiving the wrong link to the interview and consequently starting the interview late; while some SCs were listed on screen with their actual name instead of the client name.

The increased technological challenges in the first year of the online interviews was also reflected in the feedback from the SCs. The SCs involved in the 2021/2022 interviews had no concerns with the moderators managing the flow of students in and out of breakout rooms and had no recommendations for improving the use of the online technology. There were a couple of comments about students benefiting from coaching in positioning their cameras and there were references to occasional technical glitches. By contrast, the SCs involved in the 2020/2021 interviews had multiple complaints about the technology. There were many reports of interviews starting late or not occurring at all due to technological glitches. There were also many reports that the moderators were unresponsive to SCs trying to connect with them using the chat function in ZOOM. SCs also experienced multiple issues with students going to the breakout rooms too early or too late for their interviews.

These comments from the SCs and students suggest two enablers are needed for online learning exercises to be effective for students:

1. *Strong technological support.* There was more buy-in for online interviews from SCs and students involved in these interviews during the academic year in which there were fewer technological problems
2. *A learning and a work culture that accepts online processes as the norm.* As the pandemic continued and online processes became embedded in daily life over a long period of time, SCs and students seemed more willing to embrace those processes as inevitable and necessary. Indeed there is an alignment between educational cultures and communication cultures: our educational modalities are shifting along with the broader cultural shifts in thinking about appropriate work and communication modalities.

Comments from students in the 2020/2021 and 2021/2022 academic years who advocated for in-person interviews as the only interview modality in future offer insight into a third enabler required for learning through online SC interviews to be embraced by interview participants. Students opposed to online SC interviews expressed two dominant concerns about online interviews. First, there are challenges with building rapport online. One student summarised these issues by stating that in-person interview processes feel 'more human.' The second concern articulated by proponents of in-person interviews is the difficulty of projecting and interpreting non-verbal cues online. Students were concerned that there are nuances to in-person communication that cannot be replicated on Zoom and students need in-person SC interviews to learn those nuances.

These concerns with online interviewing were echoed by the SCs. Although all SCs involved in the student interviews in the 2021/2022 academic year embraced online interviewing as the new reality, some SCs commented that it would be very useful to have the opportunity to meet with students in person to 'read body language, feel more personal.' Furthermore, the two SCs involved in the interviews in the 2020/2021 academic year who were strongly opposed to online interviews on an ongoing basis took this view because of the nuances missed with body language in online communication..

This strong perception that interpersonal connection is missing in online processes must be addressed to eliminate the resistance to online interviewing. Both SCs and students would benefit from training in identifying and using social cues online. If that issue were addressed, the one impediment identified by both SCs and students to learning online would be eliminated. Both parties might then be able to construct online SC interviews not as a necessary evil in a new virtual world that only offers the benefit of scheduling flexibility but as a sophisticated and above all human-centred modality for work and education.

Online interviews also offer unique experiential opportunities for students to encounter issues that are fundamental to client encounters. For example, traditional legal practice techniques include checking client identification at the initial client meeting. This process can occur in a modified manner online. The regulatory body for lawyers in Ontario, the Law Society of Ontario ('LSO'), has issued a practice direction that lawyers may verify identity online if clients scan government photo identification to the lawyer using their phones and the lawyer compares the document to known characteristics of government identification to ensure the client's identification is authentic.¹⁰ The LSO also allows other forms of verifying client identity in the absence of a f2f meeting, such as reviewing the client's credit history.

¹⁰ See <https://lso.ca/lawyers/practice-supports-and-resources/topics/the-lawyer-client-relationship/virtual-verification-of-client-identity?lang=en-ca>

Another example of unique learning experiences in online interviews is assessing non-verbal communication. In f2f meetings, the lawyer can see the client's entire body to try to discern their non-verbal communication. The view of the client in online interviews is usually restricted to the face and shoulders. This restricted view offers the opportunity for students to become experts in understanding communication through facial expressions and upper body movement by focusing on only those parts of the body to discern the client's non-verbal communication. Understanding non-verbal cues online is beyond the scope of the present study but is a subject matter worthy of future research.

BONGO/D2L, Zoom and the third solution

No software is perfect in function and operation. A comparison of the CPLED and Osgoode experiences with online SC interviews reveals the challenges in finding the ideal online platform for legal interviewing learning and assessment. ZOOM has posed challenges for Osgoode through recording limitations in breakout rooms, the need for moderators to move participants around the virtual platform, and the inability to enter student evaluation information into the platform. It would be too administratively burdensome to set up a separate Zoom meeting for each student interview which is why the breakout room model is used. These limitations arise from ZOOM's main function as a meeting platform rather than as a learning platform.

The BONGO and D2L array used by CPLED is not an ideal compromise, either, for SC online interviews, although D2L is a learning management system designed for educational purposes. These systems combined are superior to ZOOM in the sense that individual meetings can be set up for students and SCs that can be recorded and the meeting participants can connect to the meetings without a third party facilitator. Evaluation information (written comments and grades) can also be entered into D2L which facilitates summative evaluation. One of the reasons Osgoode first year students do not receive summative evaluations for their SC interviews is that ZOOM does not have the capacity to record in breakout rooms or upload an evaluation template for completion.

Despite the benefits of the BONGO and D2L combination, as noted earlier the SCs struggled with the delays in uploading recordings and their inability to manage the recordings themselves. These problems detract from the student's learning experience when time must be devoted to managing any recording issues that arise during an interview. Furthermore, the BONGO platform is demanding on bandwidth and crashes readily if there are other demands on the Internet in the SC's household use of wifi besides the SC interview.

The budgetary pressures faced by learning institutions prevent them from developing their own applications to meet the needs of the SC interview process.

Yet as online processes continue in the aftermath of the pandemic, it may be that consortia of academic schools will turn their minds to address some of the challenges with online experiential learning, in order to adapt existing systems or create new systems to maximise the benefits of online simulated interviews.

There are already other models that could be useful, and which represent a third solution. Wonder.me is (at time of writing) a free social app. Users create their named spaces, within which there are bubbles where users meet and talk f2f. According to their description the app addresses the 'lack of interaction, autonomy and connection in videoconferencing'.¹¹ It is a considerable claim, and goes to the heart of the problem with the social in what is supposed to be a social application. We can see how Wonder is trying to solve at least some of these problems. Perhaps the crucial issue is one of design orientation. Both BONGO and Zoom start with the framing metaphor of a real interview transposed to an online context, and take no account of the phenomenological experience of actual meetings, and the loss of that context online. For example, Bongo and Zoom plunge us with no introduction into an intimate video situation with others: the transition is abrupt, the faces in front of us are in constant and steady gaze, the effects of gazing back at them tiring and depleting. Normal f2f communications do not function in this way: there are many more cues, small time-outs and much more agency. These require to be part of the communications matrix online. We can appreciate their crucial complexity with a simple thought experiment.

Imagine you are walking down a passageway to a meeting. You open the door to the meeting room and walk into a room of people. At that liminal moment of transition in time and space there are multiple cues that help you to ready yourself for social interactions. You hear and appraise the noise of conversation, scan faces, bodies, who you recognise or not, who you like, trust, mistrust, admire, love. You decide where you will stand or sit (a highly complex decision based on many factors), what you will say, look for welcome glances, smiles, or feel the absence of them, decide on what you might want to say to whom, prioritise some conversations over others by moving between clusters, and the like. Wonder gives us the opportunity to scan rooms in a space, enter one, join a group in that space, to dip into conversations, move between groups visually by dragging an avatar of yourself from one circle to another. Actual interaction works by mini-video conferencing at that stage; and it allows access to working files, notes and the like. It allows an overview, without the cognitive pressure of performing within a room, which is an inevitable trait of the f2f meeting, and also avoids the need in videoconferencing apps to cope with the too-intimate, fixed gaze of many others all looking at us simultaneously. It does not set out to be a *mimesis* of f2f communications – far from it. But it uses some of the contextual cues of f2f communications to enhance the online experience of meeting others.

¹¹ See Wonder Handbook. Available at: <https://handbook.wonder.me/> Accessed on 29.11.21. Currently there are templates for events, a virtual office, and education.

Wonder or some more sophisticated version of it, could perhaps be used for more intimate meetings such as a client interview. In this case the sense of a private circle is itself the metaphor for a room, and the privacy of the meeting is ensured. An app like this could be adaptable, and based much more on social protocols that exist f2f, and that we can bring to the digital meeting place. They represent the beginnings of new forms of apps that go beyond Zoom, and are more sophisticated social online environments for dialogue and conversation. They do so by paying attention to the conditions that encourage our intentions to use them, and by encouraging immersion in tasks and conversations.

Those conditions are the core of what are termed hedonic-motivation systems (HMS). Such systems are designed to facilitate users' desire in seeking positive experiences online: gaming, virtual worlds play, learning and education, digital music streaming, social networking are some examples. Designers of these systems have a powerful interest in maintaining continuance motivations of users. Under the HMS adoption model, or HMSAM, the perceived ease of use of a system increases the perceived usefulness of the system, user curiosity, user joy, and user control. In turn, this strengthens a user's intention to use the system, and the user's immersion in system use (see Figure 1 below).

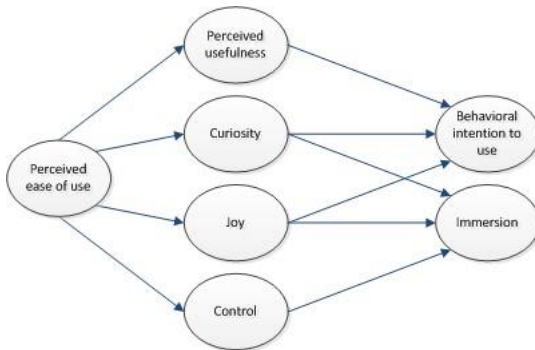


Figure 1: The hedonic motivation system adoption model (HMSAM) (Lowry et al., 2013).

The system theory, based upon a long tradition of hedonic philosophical and aesthetic analysis, describes conditions that find their place in Stoic philosophies too. As such it and similar approaches to learning, play and simulation, are part of the long and essential ethical discourse in European moral thought (Pocock 1975). Its focus on motivation allies it, too, with the ethical frameworks of Stoic philosophers. Both philosophical traditions emphasised the quality of *askesis* or self-discipline and a balancing of traits and conditions. Both would have agreed with

the utility of perceived usefulness, but would also have asked, useful to whom, and under which conditions? They would welcome curiosity, joy, control but would point out that any single quality taken to extremes would unbalance the others, including the sense of liminal immersion that is characteristic of play environments.

The theory collocates with experiential learning theories such as Engeström's CHAT theory (Engeström 1999; 2019), and diegetic learning (de Freitas and Maharg 2011). In the field of digital learning, some of us developed Engeström's and Cole's foundational CHAT framework within the domain of legal learning, where the basic dialectic of subject – mediating tool/concept – object, and the direction of that epistemological triangular logic was expanded to include other key nodes, all of which helped create the authenticity of the experience.

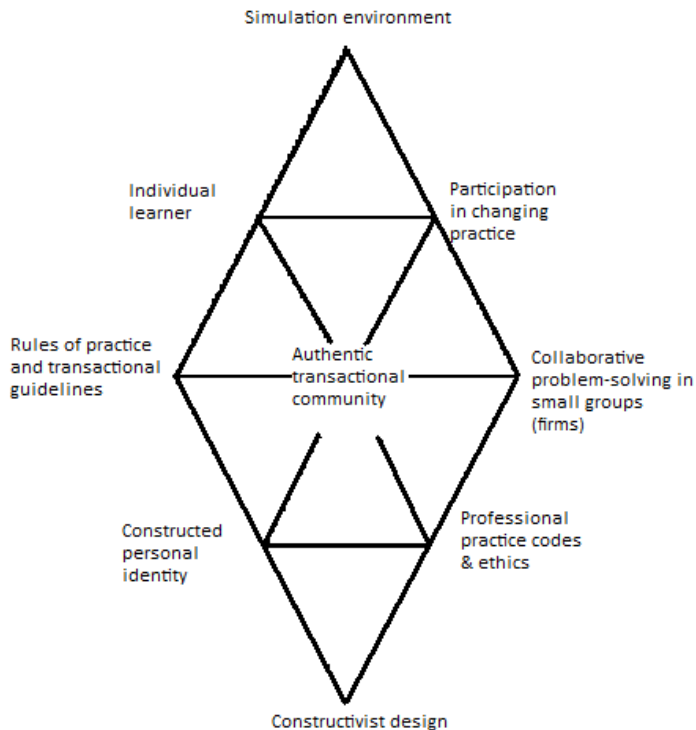


Figure 2: Development of Engeström's CHAT framework (Barton, McKellar, Maharg, 2007).

This framework for learning applies to both the f2f and the digital interviews of SCs. It describes the personal aspects of learning and development within the larger frame of legal rights and obligations with the lawyer-client situation. No theory can capture the total phenomenological experiences students undergo, but the multiple levels and dialectics of this diagram give some sense of the critical factors at play in a SC simulation. It also reveals the challenge of the method: rigorous training of SCs, time given to the method by academic faculty champions and administrators, and the need for technical support for online interviews.

Conclusion

Online interviewing with SCs is a learning modality with the potential to revolutionise experiential legal education in two ways. First, SC interviewing is a vehicle for expanding experiential education to all law school students. Experiential legal education in Canadian law schools has been largely limited to providing students with placements in practice settings. Due to the limited number of placements available for law school students, many students graduate from Canadian law schools without ever interacting with a client. As we have proved, online interviewing with SCs can be scaled up to include all law school students much more easily than finding placements for all students in practice settings. Therefore, SC interviewing is a viable learning modality to ensure every student practices client interaction skills before leaving the law school, given the findings of our research about the learning value of this experience.

A second revolution possible through online interviewing with SCs is creating learning opportunities for managing the client relationship throughout a legal matter. The CPLED and Osgoode programs evaluated in this article are based on initial client interviews. However SCs could be used for interviews throughout the progression of a client file to provide the same learning experience as working with a client throughout a legal matter in a practice setting. This approach has been trialled in a family law skills certificate program offered by Osgoode Professional Development. The preliminary anecdotal results of this approach are promising, with lawyers indicating that they are learning client relationship building and management skills through the online interview simulations. We would advocate for further use of SCs in this regard and for such use to be researched to confirm that students can experience the same learning about client management throughout a legal matter with online interviews as in a practice setting.

There are many conclusions one can draw from a study such as this. The two modalities in our study are clearly f2f and online. But we should not view this as a comparative study. Perhaps the least interesting questions and answers arise from a straightforward comparison of f2f to online interviewing, and not because the comparison itself is too constrained, or the focus of inquiry is too narrow, but because the question misses more fundamental issues. Those issues include social context, student experience, educational method, the professional mask and voice,

the role of simulation, embodiment, affect and much else in either method. We saw how on a superficial level the quantitative measures seemed to tell us that in-person interviews were preferable to students, and that the digital alternative seemed a second-best, a stop-gap for the pandemic, but not the gold standard of f2f interviews. But as we have demonstrated, the qualitative comments of the two key groups involved in the interviews, students and SCs, revealed the much more sophisticated understanding that both groups had of the relationship between digital and f2f alternatives. The digital version was appreciated not just for being a stop-gap, but for its affordances that f2f did not have. In those comments we saw students appreciate that the digital version was indeed a version that, when viewed as a dialogic event, could stand as the educational equal of f2f – no longer a stop-gap, but the occasion for information exchange and deep learning about a new mode of professional communication that we are, in truth, only beginning to understand.

Reviewing the projects, it is clear to us that the ways forward in the future must include collaboration between faculty and between Higher Education institutions. In this regard the regulators that have come together under the aegis of CPLED to develop PREP are an example of future practice. We would advocate for Higher Education institutions to collaborate much more in this respect, and for law schools to work with medical schools and others; and in the process learning to trust and learn from each other.¹²

Learning and trust, as several studies by GGSL faculty proved, are intimately connected; and we can see its operation here too (Barton and Westwood 2006; 2011). But those studies focused on the relationships between students and between students and academic faculty. One result of the digital interviewing experiments is the development of trust in our SCs. Assessment is one of the most important tasks in the law school, and as such is normally carried out by academics. It is a judgment by faculty of the worth of our students to be awarded a degree, a measure of their capabilities, and of the worth of the law school itself – all issues deeply personal for students and assessors, and high-stakes for all concerned. To entrust these activities to SCs implies our trust in our own ability to train SCs and our trust in SCs to carry out this task to high standards – this level of trust granted to a body of assessors who are not faculty is still relatively new in our law schools.

What medical educators call ‘entrustable professional activities’ (EPAs) normally apply to students who are assessed on medical knowledge or skills in order to ensure that they can be trusted to perform those activities as professionals. But SCs are also the recipients and guardians of EPAs. According to ten Cate (2005), the literature on competences indicate that competences should be ‘(a) specific, (b) comprehensive (i.e. include knowledge, attitude and skill), (c) durable, (d) trainable, (e) measurable, (f) related to professional activities and (g) connected to other

¹² There already exists a platform for the sharing of resources, developed by Maharg and others at York University, called SimShare. See <https://simshare.osgoode.yorku.ca/>

competencies' (ten Cate, 2005, 1176.¹³ He also suggests that competence has 'a legal connotation, signifying not only the ability but also the entitlement to act or judge as a professional'.¹⁴

Applied to SCs, his words are at once a caution and a challenge. Cautionary, in that the training of SCs must be rigorous, and SCs must play a key role in the faculty of the law school. This is a challenge, in that the links between competence and EPAs apply not just to student capability, but to the capabilities of SCs as well (1176). As he points out, 'EPAs and competency frameworks [...] can be viewed as interrelated in a matrix' (1176). We would argue that that matrix includes both SCs' and students' performance standards. What is entrustable involves the whole community of the law school in learning and assessment of those standards. Moreover, as our article proves, the digital domain is a powerful tool for learning and assessment of skills, for which better platforms require to be developed, and in which we should be creating innovative learning and assessment activities.

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¹³ ten Cate cites Van Merriënboer et al. (2002) approvingly on competences.

¹⁴ Olle ten Cate (2005). Entrustability of professional activities and competency-based training. *Medical Education*, 39, 1176-1177, 1176.

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Appendix 1

LEGAL PROCESS SIMULATED CLIENT INTERVIEWS SEPTEMBER/OCTOBER 2019

The following summary of the quantitative responses to our feedback questionnaire issued to students in 2019 at Osgoode Hall Law School is included here as an indicator of how positively the encounter with SCs are viewed by students. These results are generally replicated in all the SC projects internationally.

Around 288 students were registered that year on the JD programme, and 261 questionnaires were completed. All questions had the space for comment, and the comments (deleted here for space reasons) were as positive as the quantitative indicators below would suggest. The questionnaire was issued to all students directly after their interviews. It consisted of seven questions. #6 and #7 are not included here because they were comment-only. The full dataset is on file with the authors.

1. How **authentic** was the interview experience?

Not authentic	Mixed	Authentic	Very authentic
1 (0.4%)	6 (2.3%)	91 (34.9%) One person added to the Likert scale 'felt super real'	163 (62.4%)

2. How **realistic** were your clients in conveying their concerns?

Not realistic	Mixed	Realistic	Very realistic
1 (0.4%)	7.5 (2.9%) One person added to the Likert scale both 'mixed' and 'realistic' to this question – the answer was allocated as 0.5 to 'mixed' and 0.5 to 'realistic'	89 (34.1%) One person added to the Likert scale 'She was very pleasant and smiling as she told me she had an addiction problem' One person	163.5 (62.6%)

		marked an 'x' on the line dividing 'realistic' and 'very realistic' – that mark was processed as 0.5 to 'realistic' and 0.5 to 'very realistic'	
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3. How **useful** do you feel this experience was in preparing you for real client interviews

Not useful	Mixed	Useful	Very useful
0	6 (2.3%)	54 (20.7%)	201 (77%)
			One person added to the Likert scale: 'more than you know!'
			One person wrote 'AMAZING!!'

4. Do you feel that the **use of simulated clients** was more beneficial to your learning than practising only with other students? Please circle and comment:

Yes 257 (98.5%)

No 3 (1.1%)

Did Not Answer 1 (0.4%)

5. In your judgment, was this a **worthwhile learning opportunity**? Please circle and comment:

Yes 260 (99.6%)

No 0

Did Not Answer 1 (0.4%)