Development of the transferable skill set of Irish undergraduate law students through simulated client interviews

Brónagh Heverin

N0490161

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ABSTRACT

Irish higher education policy recognises that transferable skills are key to the adaptability and flexibility required of graduates. Traditionally Irish undergraduate legal education has focused on subject or disciplinary knowledge and this focus is currently reiterated by the regulatory bodies through their admission requirements for the professions. However, the destinations of law graduates are not limited to those professions and in line with higher education policy, undergraduate legal education should equip its graduates with transferable skills required in any workplace. This research identifies those skills which are deemed most important to law graduates, and also reveals deficits in their current levels of attainment. This led to the design and development of a module that addresses those deficits. An action research methodology was adopted, with a reflective, collaborative and iterative process at its core. The first phase of action research collaborated with practitioners, academics and law graduates to determine the most important skills and their levels of attainment. Communicating orally appropriately and effectively emerged as the most important skill, which also had a deficit in attainment. Two further iterative cycles of action research followed, to inform the development and then refinement of a module which facilitates the development of this skill. The key collaborators and participants in the research were the students themselves. Experiential learning was the chosen pedagogic approach, adopting a constructivist epistemology. The module focused on the initial client interview, using reflection and standardised clients for the assessment, in alignment with this pedagogic approach. Evaluation of the module endorses its effectiveness as a replicable vehicle for transferable skill development generally, not just oral communication, as well as for the enhancement of disciplinary knowledge. Development of the reflection and self-evaluation capacities of students proved fundamental, and this is identified as an area for further research and development.

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ACKNOWLEDGEMENTS

The law, and this study as a whole, are believed to be as accurate as possible based on the sources available to me as of December 2020.

ABBREVIATIONS

CUA   Connacht Ulster Alliance

EGFSNS   Expert Group on Future Skills Needs

GGSL   Glasgow Graduate School of Law

HEA   Higher Education Authority

LPET   Legal Practitioner Education and Training

LSRA   Legal Services Regulatory Authority

LYIT   Letterkenny Institute of Technology

PPE   Periodic Programme Evaluation

NFQ   National Framework of Qualifications

QQI   Quality and Qualifications Ireland

1   CHAPTER ONE INTRODUCTION

1.1   INTRODUCTION

This research investigates the possibilities and opportunities for the explicit development of transferable skills of undergraduate law students in the Republic of Ireland.

The research originated in the changing prospects for Irish law graduates, where the traditional professional career paths (solicitors or barristers) are no longer sought nor available to many. Professional opportunities have been limited by various factors, including reduced employment, changes in regulation of legal work facilitating the provision of legal services by non-lawyers and increased competition (The Law Society of Ireland, 2002), together with potential changes in the nature of legal work, such as those described by Susskind (2008). Equally, many law graduates choose not to pursue a career in the traditional professions (Law Society of Ireland, 2018a, Higher Education Authority, 2017/18),[1] having a variety of other options as their qualification presents "a lot of career paths and opportunities for those who enjoy research, analysis and problem-solving in a fast-paced environment" (McGuire, 2020). If undergraduate legal education is to serve its learners, it must prepare them for both a traditional legal career and a range of alternative careers. In addition, the modern workplace is continuously evolving as a result of rapid technological development and applications (Overtoom, 2000, Expert Group on Future Skills Needs, 2006), changing patterns of employment[2] (Kenny et al., 2007) and the competitive global marketplace (Shoesmith, 2009) where "employers everywhere have access to a worldwide workforce" (Education and Workforce, 2008:5).[3] These changing needs of our economy and society must be reflected in our education system (Department of the Taoiseach, 2008) and necessitate development of the students' capacity for lifelong learning (Leckey and McGuigan, 1997) not just for the workplace but for participation in society as a whole

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[1] The most recent figures available from the HEA indicate that 1,234 graduated with an undergraduate honours degrees, ordinary degree, certificate or diploma in law from HEA-Funded Institutions in the Calendar Year 2017. This is not reflected in the numbers entering the professions - only 412 students enrolled in the professional practice course of the Law Society in 2017 (Director of Education in an email to the author in September 2020), and the following year the Law Society indicated that the enrolment of 448 in September 2018 was the largest course in 10 years.

[2] Examples include the introduction of part-time, short-term and fixed term contracts, job sharing, contracting out work and project work.

[3] Even though "Law is a nationally fragmented system" (Faulconbridge, 2008:7) globalisation equally has had an impact on legal services. However, the effects range from the local lawyer who advises clients from outside the jurisdiction on matters within the jurisdiction, to the lawyer who acts on behalf of clients across many jurisdictions by interpreting in their client's interest the advice of such local lawyers (Flood and Lederer, 2011).

(Expert Group on Future Skills Needs, 2006:25). This combination of factors creates a necessity for transferable skills, both within and without legal practice, for the present and for the future, which undergraduate legal education should address.

The overarching research question was, therefore, whether Irish undergraduate legal education could explicitly provide for the development of transferable skills. This created a number of subsidiary questions, which would require an iterative process to address. The subsidiary questions arising from the overarching research question were:

1. Should Irish undergraduate legal education explicitly provide for the development of transferable skills?
2. Which transferable skills are most important in undergraduate legal education?
3. What are the current perceived levels of attainment of law graduates in those skills?
4. Could a module, with a pedagogic approach that would facilitate the learning of at least one of the most important transferable skills in undergraduate legal education, be developed, and if so, how?
5. What are the perceived specific changes in transferable skill levels on completion of such a module?
6. Could the module further develop the students' transferable skill of reflection and enhance the self-evaluation capacity of students?

The overarching research question required justification, which was the purpose of the first subsidiary question. This is addressed in Chapter 2, which sets the context and conceptual framework for the research, including an exploration of current Irish undergraduate legal education and its provision for skills development. This can be viewed from three perspectives. Firstly, the Irish legal system and its legal education requirements, secondly, Irish higher education, and finally, the objectives of undergraduate legal education. Chapter 2 considers each of these. Provision for the development of skills emerged as a recurring theme, requiring exploration and definition of the term "skill" and in particular "transferable skills".

Chapter 2 establishes that Irish undergraduate legal education should provide for the development of transferable skills, and a research methodology was then required to address the remaining subsidiary questions. The nature of the knowledge sought throughout this research was not a contribution to the substantive knowledge of a discipline or technical rationality (Schön, 1995:29), but instead practice knowledge which Schön (1987:34) describes as "actionable knowledge in the form of models or

prototypes that can be carried over, by reflective transfer to new practice situations". This required a methodology that would support a rigorous enquiry and generate data that was valid and reliable in the context of a qualitative study, where practice is "a setting not only for the application of knowledge but for its generation" (Schön, 1995:29).

The setting for this research project was Letterkenny Institute of Technology ('LYIT') and its particular context is considered in Chapter 3, initially at a macro level in the context of higher education generally and the specific context of legal education, and then at a micro level moving from an overview of the law programmes to consideration of individual modules. Consideration of modules was required, because part of the actionable knowledge sought by this research was the development of a module to facilitate transferable skill attainment (see subsidiary research question 4). The final section of Chapter 3 considers the researcher as part of this context.

Action research was chosen as the appropriate methodology and Chapter 4 outlines the rationale for this choice, which was determined by the key features of action research, including collaboration, consideration of the context, links to practice, the generation of knowledge followed by action and reflective practice, which were applied throughout each cycle. This approach facilitated several spirals of learning, as three cycles of action research arose simultaneously: (1) the intended action research cycle, (2) the action researcher applying the same approach to the action research, and (3) the participants concurrently participating in their own learning cycle. This maximised the impact of the practice knowledge generated, as the beneficiaries included the researcher, the researched and fellow professionals within and beyond LYIT.
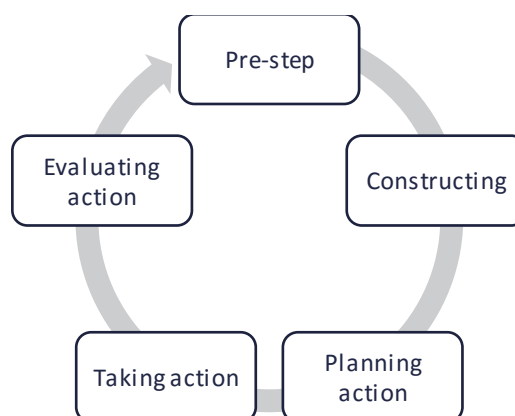
Figure 1 Phases in Action Research Cycle

Each cycle of action research followed the same trajectory (illustrated in Figure 1 Phases in Action Research Cycle above, and explained in Chapter 4) using a variety

of research methods which were determined by the subsidiary question being addressed.

Figure 2 at the end of this Chapter comprises a visual overview of the subsidiary research question(s) addressed in each cycle, the participants and the evaluation methods adopted.

Chapter 5 then describes the first cycle of action research, which addressed subsidiary research questions 2 and 3. The purpose of this action research cycle was to identify which transferable skills were most important in undergraduate legal education and their perceived levels of attainment amongst law graduates by key stakeholders. A review of the literature was undertaken to identify which transferable skills were most important in undergraduate education generally, and these were then considered in the context of legal education using a triangulation approach by corroborating the findings in the literature with data obtained from academics, past graduates and legal practitioners. The triangulation approach was also used to identify differences in current perceived level of attainment as between the three sectors.

The findings of the first cycle of action research then set the context for the next cycle, which addressed subsidiary research question 4. Chapter 6 sets out how the second cycle of action research sought to develop a module with a pedagogic approach that would facilitate the learning of transferable skills at undergraduate level in legal education. In particular, it focused on the skill of oral communication, which was identified as most important by all sectors in the previous action research cycle in answer to subsidiary research question 1. In addition to the context set out in previous Chapters, determination of an appropriate pedagogic approach required further consideration of the literature, in particular in relation to experiential learning, reflection and the use of standardised clients.

Chapter 6 concludes that the overall findings in relation to the pedagogic approach adopted for the development of transferable skills were positive. However, gaps emerged which formed the focus of the next cycle of action research.

Chapter 7 describes how the third cycle of action research sought to address these gaps by re-addressing subsidiary research question 4 and addressing subsidiary research questions 5 and 6. In re-addressing subsidiary research question 4, this cycle of action research sought to triangulate the findings of the previous action research cycle in relation to the pedagogic approach adopted. It then sought to measure specific changes in perceived transferable skill levels on completion of the

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module (subsidiary research question 5).   Finally, it sought to investigate whether the module could further develop the skill of reflection, facilitated by the pedagogic approach adopted for the module, to enhance the self-evaluation capacity of students (subsidiary research question 6).   This in turn would enhance the validity of the students' perceptions of transferable skill acquisition.

Chapter 8 is the final Chapter and consolidates all of the preceding Chapters, identifies the consequences and answers the overarching research question.   In particular, the contribution of this research to both knowledge and practice is articulated.   This is followed by recommendations for further research and a discussion of the implications of this research on policy and practice.

Action Research Cycle

Subsidiary research question(s)

Participants

Evaluation

Chapter

First
Action Research Cycle

2. Which transferable skills were most important in undergraduate legal education?
and
3. What were the current perceived levels of attainment?

Legal academics, practitioners and past graduates

Online questionnaire

Chapter 5

Second
Action Research Cycle

4. Could a module, using a pedagogic approach to facilitate the learning of the most important transferable skills in undergraduate legal education, be developed?
And, if so, how?.

Researcher and Law students

Reflections and Module evaluation questionnaire

Chapter 6

Third
Action Research Cycle

4. Re-addressed using different students.
5. What were the perceived specific changes in transferable skill levels on completion of the module?
6. Could the module further develop the students' skill of reflection and enhance their self-evaluation capacity

Law students

Module evaluation questionnaire (3 extra questions) and Online skills questionnaire

Chapter 7

Figure 2 Overview of Action Research Cycles in this research

2.1   INTRODUCTION

This Chapter establishes the context in which this research is situated, in order to address the first subsidiary research question which is whether Irish undergraduate legal education should explicitly provide for the development of transferable skills. Figure 3 Overview of Chapter 2 below provides a visual summary of this Chapter.

This research question requires clarification of what is understood by a transferable skill. This is achieved by an appraisal of the concept of a skill followed by determination of the appropriate adjective, and concludes with the definition of a transferable skill used for the purposes of this research.
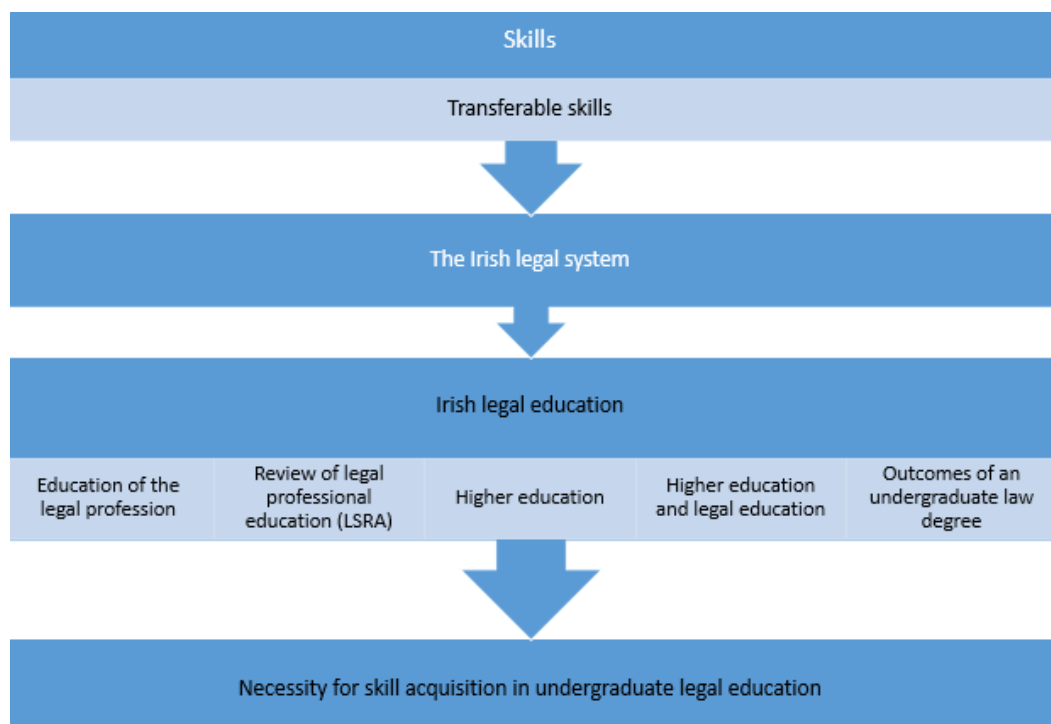
Figure 3 Overview of Chapter 2

However, the focus of this research is undergraduate legal education in Ireland, and thus the context begins with a brief description of the Irish legal system. The status quo of Irish legal education is then outlined, illustrating that the relationship between disciplinary knowledge and practice (skills) is a longstanding, recurring theme (Hepple, 1996). There are three principal contributory factors to the current situation: the requirements of the professions, higher education policy directives, and the outcomes of undergraduate legal education in general. However, as legal education in particular is currently being reviewed by the Legal Services Regulatory Authority ('LSRA') (established in 2016 to review legal services), the current status

of that review and its potential effect is also considered. As becomes evident, there is a clear direction in higher education policy to include skills. Consideration of the outcomes of undergraduate legal education for the purposes of this research reinforced the importance of skills, and while the professional bodies do not currently require skills in undergraduate legal education, the ongoing LSRA review possibly anticipates their inclusion, but as yet there is no such direction.

2.2 SKILLS

The concept of a skill, and specifically a transferable skill, is fundamental to this research and this necessitates clarification of what is understood by it in this context. There are difficulties in defining a skill, particularly as the term is often used interchangeably with similar concepts such as attributes, capabilities and competences (Barrie 2006; Green, Hammer et al. 2009). The range of terminology and variety of interpretations must inevitably create confusion both within and between institutions.[4] The term 'skill' was chosen as the appropriate focus of this research, as this term is most commonly used in Irish policy documentation (albeit not consistently as will become evident), and appears in the title of the Irish Department of Education ("Department of Education and Skills"). To proceed, a working definition of the term is required and has been determined from a review of the literature and policy.

Academic interpretations of the concept of skills reveal difficulties with terminology (Crebert, 2002, Barrie, 2006, Green et al., 2009), to the extent that it has been suggested that the term 'skill' has become so overloaded with meaning as to have become meaningless (Grugulis and Stoyanova, 2011). Various approaches have been adopted to define a skill. Price (2011) developed a hierarchy (ranging from techniques - the set of steps to achieve a particular end, to procedures - a set technique, to skills - the application of reasoning, to the exercise of judgement together with principles and perspectives to achieve a certain goal), while another possibility is the development of a taxonomy of skills (Pellegrino and Hilton, 2013). Both approaches then apply a similar classification system to the skills identified: cognitive, psychomotor, interpersonal and transferable (Price, 2011:51) or cognitive, intrapersonal and interpersonal domains (Pellegrino and Hilton, 2013). However, in

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[4] In research trying to ascertain what was understood by the phrase "generic attributes of graduates", Barrie found that there were complex and varied understandings amongst academics but hoped that highlighting the inconsistent use of terminology would pave the way for dialogue to enable or develop a common understanding. There are similar difficulties in the interpretation of the term 'competence' - in contrast to the clarity available in defining 'learning outcomes' (Kennedy *et al* 2007). Thus in all cases where such skills are to be included as an outcome of the learning provision there should first be dialogue between all the stakeholders to ensure that there is a consensus or common understanding of the terms to be used (Barrie 2006).

spite of the increasing attention, the concept of skills in higher education has remained ambiguous, and while there are a variety of definitions, they are predominantly a series of "superficially similar, but often significantly different, lists" (Drummond et al., 1998:20). These lists are not always well received - "the lists are lengthy and bring together a confused morass of personal traits, attitudes, qualities, social capital and predispositions" (Grugulis and Stoyanova, 2011:521) more akin to wish lists. In the absence of a conclusive definition in the literature, we turn to policy for guidance.

The current Irish higher education policy was set out in 2011, when the HEA prepared and published the 'National Strategy for Higher Education to 2030' ('the Hunt Report') (Report of the Strategy Group 2011). This report requires that undergraduate education explicitly facilitate the acquisition of 'generic skills'. However, the Hunt Report does not define this phrase. It is instead derived from a 2006 report by the Expert Group on Future Skills Needs ('EGFSNS'), which sought to identify the generic skills that would be required by Ireland for 2020. The 2006 report uses the phrase 'generic' interchangeably with the phrase 'employability', albeit acknowledging the issues with terminology (in paragraph 5.1) (Expert Group on Future Skills Needs, 2006), reflecting similar concerns from academics (Crebert, 2002, Barrie, 2006, Green et al., 2009).

However, rather than defining the concept of a skill, the EGFSNS opted for the development of a taxonomy, based on the definition of a skill from the National Framework of Qualifications, which defines skills as:

> "action orientated personal plans for the performance of tasks in interaction with the environment. The exercise of a skill is the performance of a task that in some way responds to or manipulates the environment of the person." (Expert Group on Future Skills Needs, 2006)**.**

The EGFSNS then created a taxonomy of essential generic skills using three sources,[5] classified in a system[6] resembling those of Price (2011) and Pellegrino and Hilton (2013). In doing so, the EGFSNS acknowledged the limitations of the taxonomy,

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[5] They considered the most widely shared elements found in various international lists in the literature (including the United States, Australia and the United Kingdom), some limited Irish studies in the area and the various frameworks devised by the OECD, the EU and the National Qualifications Authority of Ireland

[6] Basic/fundamental skills such as literacy, using numbers, using technology;
People related skills such as communication, interpersonal, team working, customer service skills;
Conceptual/thinking skills such as collecting and organising information, problem-solving, planning and organising, learning-to-learn skills, innovatively and creatively, systems thinking. (Expert Group on Future Skills Needs 2007)

noting that the terms used should be elastic and open to redefinition (Expert Group on Future Skills Needs, 2006). In subsequent research, attempting to identify the changing nature of generic skills required by 2020 and creating a taxonomy, the EGFSNS found that employees will increasingly require an expanding breadth of knowledge, a higher proportion of knowledge work and a reduced share of routine work, and rising qualification and technical skill requirements [7] (Expert Group on Future Skills Needs, 2007). This reflects many of the changes anticipated in legal services (see pages 25-27 infra). The EGFSNS also acknowledged the importance of continuing learning, significance of regulation, skills for dealing with others, ability to upskill and deskill, and dependability (Expert Group on Future Skills Needs, 2007). While no new understanding of generic skills in Irish policy documentation emerged, policy documents perpetuated the terminological difficulties by using different terms interchangeably.[8]

However, in the course of detailing the Awards Standard - Generic Higher Education and Training (which are those applicable to undergraduate legal education and are set out in Figure 4 below), Quality and Qualifications Ireland ('QQI'), (Quality and Qualifications Ireland, 2015b),[9] referenced skills explicitly in both the titles and descriptors of their learning outcomes. The QQI defined a skill as "the goal directed performance of a task in interaction with the environment" (Quality and Qualifications Ireland, 2014:12) and distinguished a skill from 'know-how'. 'Know-how' is described as procedural knowledge which underpins skill and can be measured directly or implied from performance, but a skill can only be measured by performance. The origins of the approach taken by QQI are not specified, but Price (2011) (in the context of nursing education) adopted a similar approach to the concept of skills, suggesting a concise definition of a skill as "a learned ability to practice in particular ways" (Price, 2011:51). While initially this might appear different, and less cognitively demanding, Price (2011) distinguished skills from techniques (which are a set of steps to achieve a particular end) and procedures (which are set techniques). Skills operate at a higher level, where more reasoning is required from the practitioner, including the exercise of judgment in tandem with principles and

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[7] The EGFSNS researched four different occupations and assessed changes in the skill sets required for the four occupations since 1990 and the extent to which they are likely to change further by 2020. The research made a number of common findings thus while none of the occupations were in the area of law (the report examined food-processing operatives, software engineers, laboratory technicians, and cashiers and counter clerks in financial intermediaries) in view of the consistency of the findings it is likely that they are relevant to most occupations.

[8] In 2013 policy documentation they are described as 'other soft skills' (Expert Group on Future Skill Need 2013:19) while in 2014 they are titled 'generic skills-'soft' skills' (Expert Group on Future Skill Need 2014:29) but the written descriptions of both are identical to that produced by the 2006 Report (Expert Group on Future Skill Need:2006).

[9] On 6 November 2012, the QQI was established as a new integrated agency (replacing the Further Education and Training Awards Council, the Higher Education and Training Awards Council and the National Qualifications Authority of Ireland and incorporating the functions of the Irish Universities Quality Board).

perspectives to achieve a certain goal (Price, 2011). Knowledge is a pre-requisite for the exercise of such a skill, resonating with the idea that a skill is inseparable from knowledge, without which it becomes trivial (Whitston, 1998). This understanding clearly hints at the complexity hidden behind the original concise definition and reflects the additional requirements of the QQI definition, where a skill is not just 'know-how' in the performance of a task, but is also goal-directed and situated in a particular environment.

Title	Honours Bachelor Degree
Knowledge breadth –	An understanding of the theory, concepts and methods pertaining to a field (or fields) of learning.
Knowledge kind -	Detailed knowledge and understanding in one or more specialised areas, some of it at the current boundaries of the field(s).
Know-how and skill - range	Demonstrate mastery of a complex and specialised area of skills and tools; use and modify advanced skills and tools to conduct closely guided research, professional or advanced technical activity.
Know-how and skill – selectivity	Exercise appropriate judgement in a number of complex planning, design, technical and/or management functions related to products, services, operations or processes including resourcing.
Competence context –	Use advanced skills to conduct research or advanced technical or professional activity, accepting accountability for all related decision-making; transfer and apply diagnostic and creative skills in a range of contexts.
Competence role –	Act effectively under guidance in a peer relationship with qualified practitioners; lead multiple, complex and heterogeneous groups.
Competence learning to learn -	Learn to act in variable and unfamiliar learning contexts; learn to manage learning tasks independently, professionally and ethically.
Competence insight -	Express a comprehensive, internalised, personal worldview manifesting solidarity with others.

Figure 4 Awards Standard - Generic Higher Education and Training: Honours Bachelor Degree (Quality and Qualifications Ireland 2014:5)

However, as illustrated in Figure 4 above, 'know-how and skill' is only one of the three strands of learning outcomes, the other two being 'knowledge' and

'competence'. The inclusion of knowledge is unsurprising as it reflects the traditional perception of the objectives of higher education as focused on disciplinary knowledge.

The term 'competence' is one of those terms often used interchangeably with the term skill (Barrie 2006, Green, Hammer et al. 2009) and consideration of the QQI learning outcome descriptors illustrates the difficulty in making a clear distinction. As Figure 4 outlines, there are four aspects to the competence learning outcomes, namely context, role, learning to learn and insight. There is clear overlap between this understanding of competence and the preceding learning outcome of 'know-how and skill', where selectivity is dependent on an awareness of context and role. The learning outcome of 'competence – context' references "advanced skills" implying a higher level of learning but arguably the complexity of context and role will each have a proportionate effect on the level of learning required. The learning outcome of competence is distinguishable from the preceding learning outcome by the addition of what the QQI describe as 'learning to learn' and 'insight'. This corresponds with the QQI description of competence as the necessary further learning to facilitate practical application where the "unique characteristic of competence is the effective and creative demonstration and deployment of knowledge and skill in human situations" which is "typically acquired by practice and reflection" (Quality and Qualifications Ireland, 2014:13).

The addition of 'insight', described as the enhancement of learning through reflection, or the acquisition of competence through practice and reflection, was notable and of particular relevance when planning to facilitate the acquisition of these skills in undergraduate legal education (See 6.2.4 Reflection).

Recognition of the skill of 'learning to learn' was not new, as it had been specifically included by the Expert Group on Future Skills Needs (2007)[10] in their original determination of generic skills, but it is described by the QQI (2014) as a 'competence' rather than a skill, which highlights perpetuating issues of terminology.

The term preferred for this research is 'skill', but before finalising a definition, as the concept of a skill is rarely considered in isolation, it is necessary to consider whether any further qualification is required. 'Skill' often has an adjective annexed, for example soft, generic, core, key, enabling, graduate, personal, lifelong learning or non-content related (Barrie, 2006, Chamorro-Premuzic et al., 2010). As we have seen, the emphasis in the Hunt Report is on the word generic (the specifics of which are discussed above), but this is qualified by elaborating that these skills are required

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[10] See no.6 supra.

for "effective engagement in society and the workplace". This requires the skill of 'learning to learn', acknowledging that no education could cover all possible contexts in society and the workplace. This is also acknowledged in the penultimate competence learning outcome of the QQI and described as "Learn to act in variable and unfamiliar learning contexts; learn to manage learning tasks independently professionally and ethically" (see Figure 3). In effect, this requires the skills to be effective in a variety of contexts, or transferable.

Selection of the adjective 'transferable' requires explanation and justification. In this study, 'transfer' is given its ordinary everyday meaning as defined in the Oxford Dictionary: "1 move someone or something from one place to another. 2 move to another department, job, et cetera. ...." (Oxford Languages, 2009:985).[11] The context is all important. On application of this definition to an educational context, the question is whether the learning arising in the academic setting is transferable to other academic areas, and also society and the workplace as required by the Hunt Report, noting that the presumption of transferability is often without substantiation (Whitston, 1998). Whitston suggests that the answer appears to lie in the conditions of the new setting and an acknowledgement that the transfer is a learning process - succinctly described as "all learning is relearning" (Whitston, 1998:314, Kolb and Kolb, 2005:194). Whitston (1998) based this theory on Kolb's model of experiential learning (see Figure 4), where the capacity to review and reflect allows for new learning in any given context.
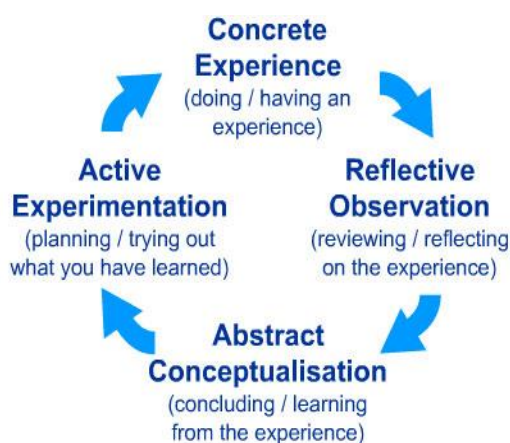
Figure 5 Kolb's (2014) model of experiential learning

This emphasis on reflection - a concept that is key to the methodology and to the module in this research project - parallels part of the distinction outlined above

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[11] And also "3 change to another place, route or means of transport during a journey. 4 pass a property right and responsibility to another person" which are not relevant here.

between skills and competence[12] in the consideration of the QQI generic award standards. There is no necessity to focus on the distinction, as all of the learning outcomes must be met, other than to note that the concept of a skill for this research is broader than that understood by the QQI standards and includes some element of the competence learning outcomes. Ultimately, and particularly for the purposes of this research, this reinforces the value of the acquisition of such skills to all undergraduate students.

In addition to the requirements of the Hunt Report, which require skills to be exercisable in a variety of contexts, the decision to select the adjective 'transferable' was further justified following consideration of the potential destinations of law graduates.

Traditionally, an undergraduate law degree was considered primarily a preparatory education for entry to the professional training of solicitors and barristers being our only professional lawyers.[13] However, as far back as 2002, the Law Society claimed that this was a very narrow construction of the legal services market.[14] While solicitors and barristers do have a monopoly on court representation of clients, there are other areas of practice where legal services can and are provided by other service providers, described by Mac Cormaic (2014) as the "liberalisation of the legal services market". Examples include a variety of legal roles beyond the two traditional professions:

> "law graduates working as in-house lawyers; economists; accountants; tax advisers, trademark attorneys; patent attorneys; accident claims consultants; credit unions; employers' organisations; trade unions; citizens advice bureaux; free legal aid centres; family mediators; banks; management consultants; operators of websites such as those relating to wills; self supply and foreign lawyers" (The Law Society of Ireland 2002:29-30).

There has been little direct deregulation of legal services in Ireland (in contrast to other jurisdictions) since, but other legislative changes have contributed to changes in legal work. For example, the increasing emphasis, both in legislation and in practice, on the use of alternative dispute resolution mechanisms, many of which do

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[12] Final part of competence learning outcome titled 'insight'.
[13] See 2.3 infra.
[14] The submission of the Law Society to the Competition Report on Legal Services completed in 2006 (The Competition Authority 2006).

not require a professional legal qualification but for which law graduates are eminently suitable.

Furthermore, the nature of legal work for the qualified professional has also been affected by the influence and application of technology. Described as "disruptive legal technologies", Susskind (2008:270) anticipates the effect of technology as a five stage process beginning with the traditional (and possibly generally considered the most prevalent current position) bespoke legal service and ultimately evolving to the fifth and final stage, namely commoditised legal services, which Susskind defines as

> "an electronic or online legal package or offering that is perceived as commonplace, a raw material that can be sourced from one of various suppliers" (Susskind 2008:32).[15]

Technology is not the only cause of commoditisation of legal services, which is also facilitated by the increasing globalisation and deregulation of legal services (Garoupa, 2014), liberalisation of the legal services market (Mac Cormaic, 2014) and the "more for less challenge" (Mac Cormaic, 2014). The producers of these packages initially master the low margin work, gradually competing for high end services, primarily affecting small firms, but increasingly affecting the big firms (Barton, 2014), albeit limited by "legal isolationism and local parochialism" which will curtail and slow down both the effects of globalisation and the outsourcing and/or commoditisation of legal services (Garoupa, 2014:84-85). Nonetheless, eventually routine legal services will become more expeditious, cost-effective and efficient and as a result cheaper, becoming more widely available to more people at lower prices (Barton, 2014:31), while bespoke or complex legal services will attract a premium, and litigation will remain the domain of lawyers (Barton, 2014:35).

This might initially appear to limit professional legal work. However, equally it could create more opportunities for law graduates. Strevens (2011) suggests that the advent of these "commoditised legal services" or "legal process outsourcing" will radically change the legal services market, with professional lawyers at one end of the continuum and a range of paralegals at the other, perhaps even creating a new legal career, which Strevens titled "legal infomediaries", who would assist clients in

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[15] The first stage is where lawyers provide a bespoke legal service. As many of these services are recurrent, in the interests of efficiency these bespoke services become standardised firstly in terms of process and then in terms of substance and this is the second stage. This standardisation is then enhanced with a variety of enabling technologies which can automate legal activities and result in the third stage where legal services become systemised. The combination of this knowledge and system inevitably lead to the fourth stage which is the packaging of legal services. Ultimately with a further subtle refinement this packaging of legal services evolves to the fifth and final stage being commoditised legal services (Susskind 2008:32).

optimising lawyer selection relative to their problem. Susskind (2008) similarly envisaged a range of lawyer types: the "expert trusted adviser" (the purveyor of bespoke legal services), the "enhanced practitioner" (legal skills and knowledge enhanced by modern techniques), the "legal knowledge engineer" (standardisation of working practice and computer systems), the "legal risk manager" (proactive legal risk management for clients/strategy consulting) and the "legal hybrid" (a multidisciplinary lawyer). In different ways, both envisage the continued necessity for legal work, where commoditisation is at the lower end of the scale and will not involve the application of higher-order cognitive capacities and skills that will be required of the work at the higher end. Lawyers at the higher end of this continuum are "learned professionals" who apply specialised knowledge and critical judgement to a novel problem, in contrast to the standardised and commoditised work of non-professionals (Epstein, 2014:66). Susskind (2008) suggests that legal services should then be analysed in terms of their added value - their unique contribution to a service which justifies their entitlement to charge accordingly (Mac Cormaic, 2014). Currell and Henderson (2014) suggest that the current professional training of lawyers would not necessarily provide the necessary skills and knowledge to oversee and control the allocation of legal work and resources in this way. If there are questions about professional lawyers having a skills deficit where the professional training courses emphasise practice and skill acquisition, there is further justification for the development of skills at undergraduate level where many of these legal services are to be provided by law graduates rather than professional lawyers.

Discipline knowledge is an inherent requirement for all of these types of lawyers and legal services, but many will require additional skills and the capacity to learn more. If a law degree is to produce flexible and adaptable law graduates having the required discipline knowledge and multiple skill sets, who are immediately capable of transferring their learning from the classroom to the workplace, the capacity to transfer is inherent. These graduate employability skills are described by Overtoom (2000:2) as "transferable core skill groups that represent essential functional and enabling knowledge, skills and attitudes required by the 21st century workplace". This will ensure the success of national economies who depend on the productivity and competitiveness of their companies which in turn is dependent on the skills of their workers (Humphries et al., 2006). However, a transferable skill set is of value both to the workplace and to society as acknowledged by The Hunt Report. Attaining a balance between the workplace and societal values of education is particularly pertinent in legal education (where the purpose can range from vocational preparation to a more liberal interpretation emphasising the importance of maintaining the rule of law and effecting social justice). These dual purposes

correspond with the description of generic graduate attributes proposed by Barrie (2004) as being "the skills, knowledge and abilities of university graduates, beyond disciplinary content knowledge, which are applicable to a range of contexts" (Barrie, 2004:262). Liptak (2011) continues this wider interpretation and defines transferable skills as "portable skills that people take from one life experience to another"(Liptak, 2011:2) stating that the recognition and development of such skills are essential to an individual's career development. This is a much broader understanding of a transferable skill, as it includes personal development in addition to the benefits for the workplace and society required by the Hunt Report.

Ultimately, use of a term requires a clear definition for the context in which it is being used (Kennedy et al., 2007). The concept of a transferable skill for the purposes of this research is broader than the concept of a skill in the QQI generic standards (as it includes elements of what they term competence) and broader than the interpretation of a generic skill in the Hunt Report. A transferable skill, for the purposes of this research, is understood as any skill that is inseparable from knowledge and includes an adaptable ability to perform proficiently in different contexts.

At this stage, having established an understanding of a transferable skill for the purposes of this research, the context will be explored to address the first subsidiary research question of whether Irish undergraduate legal education should provide for the development of such skills.

2.3 THE IRISH LEGAL SYSTEM

Irish legal education is embedded in the Irish legal system and so a brief understanding of the Irish legal system and the legal professions in Ireland is an appropriate starting point. The Irish legal system is a common law system created when the Republic of Ireland gained independence from England in 1922. It retains many similarities with the English system as pre-1922 statute and case law remain in force, provided they are consistent with the 1937 Constitution of Ireland (or Bunreacht na hÉireann).[16] There have been very limited changes to the legal

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[16] The Constitution of Ireland came into force on 29 December 1937 following a national referendum. Article 15.4 of this Constitution provides that no law can be enacted that is repugnant to it making this Constitution superior to all other law in Ireland. Thus, a new law which would be repugnant to the Constitution requires constitutional amendment by a further referendum, and if an element of an existing law is found to be repugnant, that element of the law is invalid (Article 15.4.2).

profession since 1922[17] because (unlike some other common law jurisdictions) the legal profession has remained restricted to solicitors and barristers.[18]

2.4 IRISH LEGAL EDUCATION

This limitation has been notable in the evolution of Irish legal education, including, significantly for this project, undergraduate education, where the relationship between academia and the professional bodies, and between theory and practice, or knowledge and skills, is a recurring theme. Originally, the focus of Irish legal education was knowledge. Under the Brehon Law system, Brehons (learned jurists) memorised the law for up to 21 years before they were deemed fit to practise (Herron, 2006). However, when the common law system was introduced to Ireland in the 17th century, the majority of Irish lawyers intending to use it travelled to England to acquire their education. At that stage, two legal professions were recognised, barristers (court advocates) and solicitors (who prepared a case until it was ready for hearing) including significantly for this project undergraduate education (Herron, 2006, Gee and Jackson, 1977). The education offered to them included a mix of knowledge (basic lectures on the common law and instruction in case law) and skills (attendance in court to learn their craft by observing others) (Herron, 2006). There was still no formal education for either profession (Gee and Jackson, 1977) until 1733, when licensing was introduced for solicitors. This was conditional on a five-year apprenticeship, which inherently involved practical application and the acquisition of skills. Determining the appropriate balance in the relationship between knowledge and skills was contentious from an early stage. For example, in 1846 the Select Committee on Legal Education was critical of legal education which concentrated on practice, but discouraged focus on legal doctrine (Hepple, 1996).

However, by the 19th century, the period of apprenticeship was reduced for graduates of certain universities (Herron, 2006).[19] As university courses focused upon knowledge, this reduction reinforced the value of knowledge to the professional bodies. It also initiated the role of higher education institutions in legal education for

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[17] The most significant change to the legal profession since Irish independence in 1922 has been the conferral of a right of audience on solicitors in all the superior courts pursuant to the Courts Act 1971.

[18] Note section 2 of the Legal Services Regulation Act 2015 which deals with definitions. "[L]egal practitioner" is limited to practising solicitors and barristers, and "legal services" are defined as 'legal services provided by a person, whether as a solicitor or as a barrister'. This clearly excludes all others providing legal services from the application of the Act although section 33 (which requires the authority to report on specified matters to the Minister) specifically provides for the preparation of a report on the creation of a new profession of conveyancer. Legal executives in particular, who currently have no statutory recognition, had hoped to have their role put on a statutory footing but to date the Minister has refused to do so, expressing reservations about their level of expertise and the range of functions they may cover (Hilliard, 2014).

[19] In 1821 the period of apprenticeship was reduced to three years for graduates of Oxford, Cambridge or Trinity College Dublin which was extended in 1851 to graduates from Irish University Colleges at Cork and Galway and Belfast whose apprenticeship was reduced from five to four years.

the professions. An increasing emphasis on knowledge was reiterated by the introduction of written examinations for the apprenticeship phase in 1836 (Herron, 2006) and a compulsory bar examination for barristers in 1872 (Gee and Jackson, 1977).

Significantly, in 1846 the Select Committee on Legal Education articulated the linear phases of legal education, namely academic education followed by professional training culminating in examinations (Gee and Jackson, 1977). In Ireland, the Honorable Society of King's Inns was established in 1541. While initially it had no educational role (Hosier, 2014)[20] it now claims to be "Ireland's oldest School of Law" (Quinn, 2013) and was responsible for the education of both professions until 1898 when the education of solicitors was transferred to the Incorporated Law Society of Ireland (Herron, 2006). There has been little change in this linear model of legal education in Ireland for both professions, as illustrated in Figures 6 and 7.
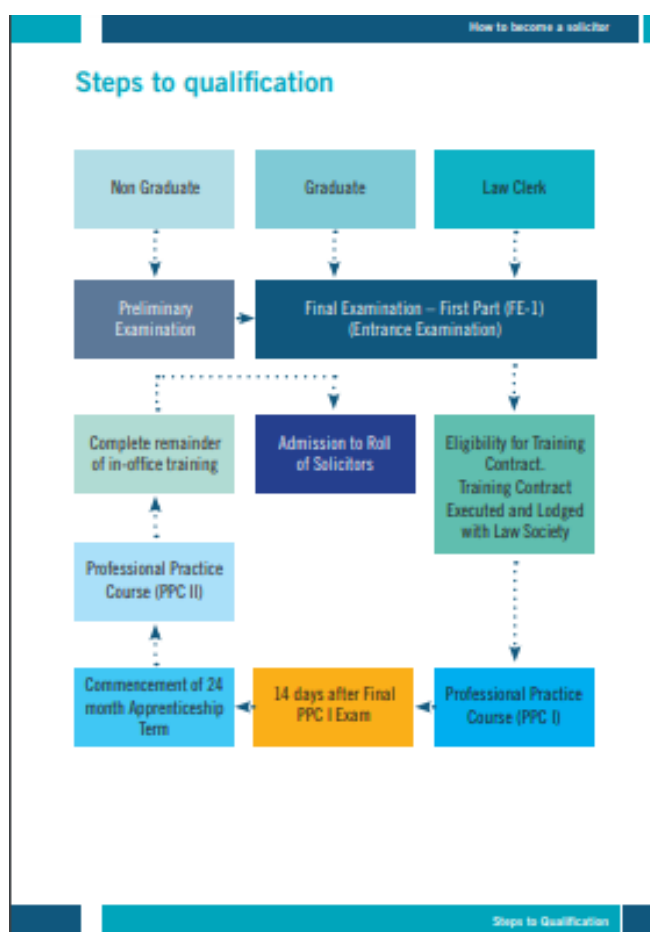
Figure 6 Becoming a solicitor in the Republic of Ireland (Law Society of Ireland)[21]

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[20] As the Statute of Jeofailles of 1542 required a person hoping to practise law in Ireland to complete a period of residency at a London Inn of Court and this requirement continued for over 300 years.
[21] Reproduced with kind permission of the Law Society of Ireland.

BECOMING A BARRISTER

| APPROVED LAW DEGREE | APPROVED NON-LAW DEGREE | MATURE APPLICANTS |

KING'S INNS DIPLOMA IN LEGAL STUDIES (2 YEARS PART-TIME)

ENTRANCE EXAMINATION

DEGREE COURSE (1 YEAR FULL-TIME OR 2 YEAR MODULAR)

CALL TO THE BAR

DEVILLING (1 YEAR)
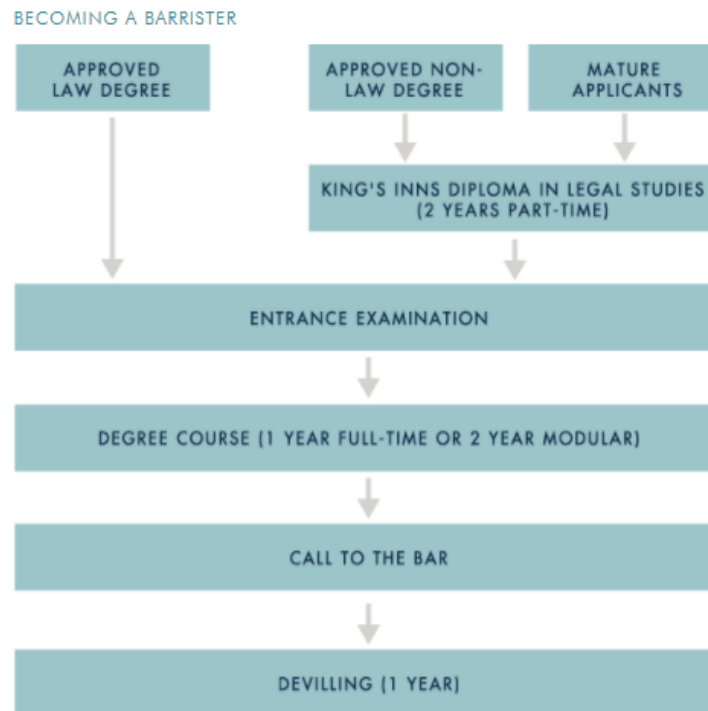
Figure 7 Becoming a barrister in the Republic of Ireland (King's Inns)[22]

As illustrated, all potential lawyers begin with the acquisition of legal knowledge (required for admission to the professional courses), usually through completion of an undergraduate law degree from a higher education institution, although each of the professions (solicitors[23] and barristers[24]) has its own requirements for determining if sufficient theoretical knowledge has been acquired to permit progression to the second phase.[25] The second phase of education for both professions are the professional practice courses, which address the transition to legal practice. These courses are delivered by the Law Society of Ireland in respect of solicitors, and the Honorable Society of the King's Inn in respect of barristers.[26]

Thus, while each of the professional bodies have their own admission requirements for their professional practice courses, these entry requirements for both focus on

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[22] Reproduced with kind permission of the King's Inns.
[23] Intending solicitors do not require a law degree but are required to sit and pass the FE1 entrance examination in each of the eight core legal areas (European Union law, equity, constitutional, company, criminal law, contract law, tort and property) as set by the Law Society of Ireland.
[24] The Honorable Society of the King's Inns requires the applicant to hold either an approved law degree (to be approved the applicant must, in the course of obtaining the qualification, have passed exams in land law (including the law of succession), equity, jurisprudence, company law, law of the European Union and administrative law) or their own postgraduate diploma, and the applicant can then sit their entrance examination which comprises five exams in the following areas: contract law, law of torts, criminal law, Irish constitutional law and law of evidence.
[25] A review of the admission policies of the legal professions by the Legal Services Regulatory Authority is currently ongoing. As part of the consultation process, submissions were sought and the inaugural report to the Minister for Justice and Equality required by section 33 of the Legal Services Regulation Act 2015 was published in June 2020. On the 16th of December 2020 a further public consultation was initiated indicating that a final report would be submitted to the Minister by 30th of April 2021.
[26] Although section 13 of the Legal Services Regulation Act 2015 does create the possibility of other providers in the future.

legal knowledge assessable by written examination. This indirectly prescribes a significant portion of the content of undergraduate legal education, illustrating how regulation can affect curricular control of undergraduate legal education, as in the United Kingdom (Webb, 2002), but also the nature of the pedagogic approach where the assessment is wholly focused on written examination. Thus, the admission requirements to the professional practice courses for both professions contain no reference nor requirement for any skills beyond those required by written examination. This might obviate the necessity for the inclusion of skills in undergraduate legal education. However, to do so fails to take account of the current review of Irish legal education and in particular the current policies affecting all Irish higher education, both of which will now be considered.

2.5 REVIEW OF IRISH LEGAL EDUCATION

There were minimal attempts to review Irish legal education[27] until 2015, when the necessity for review was recognised in the Legal Services Regulation Act 2015 ('the Act'), the relevant provisions of which were commenced in 2016.[28] Notably, the impetus for this legislation was not educational reform but a reaction to the Irish economic collapse which had been fuelled by a regulatory model with a light touch approach (Hosier, 2013). The LSRA was established on the first of October 2016[29] with a function to review and recommend changes in the regulation of Irish legal services and providers, in a context where one of the objectives of the authority in performing its functions is to encourage "an independent, strong and effective legal profession".[30]

The role of education is reflected in section 13[31] which sets out the functions of the authority in achieving its objectives. First, the LSRA is required to keep under review and make recommendations to the Minister for Justice and Equality on the admission requirements of both professions.[32] This creates a possibility for investigation into access to the professions[33] which could directly affect undergraduate education, given its current role in the admission process. Second, section 13 also requires the authority to keep under review and make recommendations to the Minister on the

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[27] Possibly because only two contentious issues have arisen and both concerned the postgraduate professional practice courses. See Appendix D of Document Two which details the issues that arose regarding i) access to and ii) provision of the solicitors' professional practice course which was the subject of a competition report finalised in 2006 (The Competition Authority 2006) which recommended new legislation, which was eventually enacted in the Legal Services Regulation Act 2015.
[28] Sections 13 and 34 contain provisions in relation to the education and training of legal practitioners and were commenced on the 19th of July 2016.
[29] By the Minister for Justice and Equality, Frances Fitzgerald, TD, by virtue of S.I. 507 of 2016.
[30] Section 13(4)(e).
[31] In particular subsection 13(2).
[32] Section 13(2)(a)(i).
[33] Currently ongoing - see no. 25 supra. This could address one of the two issues that had arisen in relation to legal education - see no. 27 supra.

availability and quality of legal professional education and training.[34] This includes "curriculum arrangements for the provision of clinical legal education and the teaching of legal ethics, negotiation skills, alternative dispute resolution and advocacy"[35], and "the methods by which, and the persons by whom, such education and training is provided".[36] While the latter clearly provides the possibility for review of the current monopoly in professional legal education,[37] the former is a potential attempt to prescribe content, with a clear move beyond disciplinary knowledge to the acquisition of skills. This statutory recognition of the importance of skills in professional legal education is of particular relevance to this research because, while it will directly affect the professional bodies, it could still indirectly affect the content of undergraduate legal education through the influence of their admission requirements.

There is no direct reference in the Act to the content of undergraduate legal education, reflecting concerns raised by higher education institutions prior to its enactment (Shatter, 2013). In response, the Minister confirmed that the Act would allow the LSRA to review in a very general sense the availability and quality of legal education, but would not provide for duplication by the LSRA of existing academic standards nor infringement of both the academic freedom and quality assurance enshrined in the Universities Act 1997 (Shatter, 2013). The reference in section 13 to "professional legal education" only, would appear to ensure the autonomy and freedom of the academy in undergraduate education.

However, there is no planned representation from academia going forward in any review of legal education, professional or otherwise, which is a concern as others might prescribe its role in professional legal education. Section 8 deals with membership of the LSRA and provides that it consists of 11 members of which five are lawyers where one each shall be nominated by the Bar Council, the Honorable Society of King's Inns and the Legal Aid Board with two being appointed by the Law Society. The balance are lay persons nominated from various other organisations. However, there is no provision for direct academic representation.[38] Academic interest in participation in the review was evidenced by their engagement in the

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[34] Section 13(2)(a)(ii).
[35] Section 13(2)(a)(ii)(I).
[36] Section 13(2)(a)(ii)(II).
[37] The Law Society and the Honorable Society of the King's Inns.
[38] In the first iteration of the Legal Services Regulatory Authority appointed in late 2016, there were two academic members albeit not appointed in that capacity, where the chair Mr Don Thornhill is from the Higher Education Authority, and the representative of the Irish Human Rights and Equality Commission, Gerry Whyte, was also a law lecturer in Trinity College Dublin. However on reconstitution of the authority in October 2020 only the previous chair remained, leaving only one member from academia and none from legal academia.

statutory public consultations. [39]   In 2018, submissions were received by five universities, two Institutes of Technology, one private college and the heads of Irish law schools (Hook et al., 2018:168), and in 2020, submissions were received from two universities, one technological university, one Institute of Technology and one private college (Legal Services Regulatory Authority, 2020). Academic interest was also evidenced by their participation in the symposium on legal education and training hosted by the LSRA in September 2019 (Legal Services Regulatory Authority, 2020). The omission of direct academic representation suggests a disjointed approach to a review of legal education. This might reflect a perception of the academy as focused on legal knowledge, with limited experience of skills development. However, their exclusion undermines an outcome potentially affecting the academy determined in their absence, and overlooks the contribution of the academy to both the formation of lawyers of the future and ensuring the preservation of academic freedom.

The first Legal Practitioner Education and Training Review is currently underway pursuant to section 34 of the Act[40] and the LSRA submitted the required report and proposals[41] to the Minister for Justice and Equality in September 2018. However, as the LSRA believed that the proposals had "the capacity to significantly affect the education and training of legal practitioners and the wider legal services sector" (Legal Services Regulatory Authority, 2018:4), a further phase of consultation was initiated. The second phase assessed the potential impact and resulted in a further report to the Minister under section 34 where the LSRA made its final recommendations and set out a proposed implementation process (Legal Services Regulatory Authority, 2020).[42] The second report endorsed the two core propositions that emerged in the first report and have recommended that the necessary statutory framework be introduced for their implementation (ibid:86-87). In the context of this research, the first core proposal (being one of two[43]) is directly relevant. This first proposal states that

> "a clear definition of the competencies and standards required to practise as either a solicitor or barrister should be developed for both

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[39] Section 34 requires the LSRA to prepare and submit reports to the Minister, following appropriate public consultation processes, in relation to various matters including education and training arrangements in the state for legal practitioners - Section 34(1)(a).

[40] Ibid

[41] The LSRA report included a research report prepared by a specialist team from Hook Tangaza consultants which set out 14 proposals for reform.

[42] The timing of this report was affected by the duration and extent of the COVID19 pandemic, but was eventually completed in September 2020 and published in November 2020.

[43] The second proposal requires a reform of the current legal education and training system, by the creation of a governance structure including a body, which they call the 'Legal Practitioner Education and Training' (LPET) committee, which would set out the statement of competence and define standards anticipating that the Quality and Qualifications Ireland ('QQI') would validate programmes and accredit providers.

solicitors and barristers" (Hook et al., 2018:21, Legal Services Regulatory Authority, 2020:86).

This is elaborated to recommend that these competence statements could clarify the skills and knowledge that prospective legal professionals will need to be able to demonstrate before they can be admitted. This recommendation is a further endorsement of the importance of skills, and not just disciplinary knowledge, in legal education that is a fundamental premise of this research.

However, as previously indicated, the primary focus of the LSRA and its review of legal education is on legal practitioner education and training. There is a potential impact on undergraduate education in the context of admission requirements, where proposals seven and eight of the first report anticipated recognition of higher education programmes duly benchmarked against the competence framework to determine admission to professional programmes (Hook et al., 2018:24) rather than the current focus on discipline knowledge assessed by examination. The final recommendations do not specifically reference higher education which instead is included in Recommendation Four which inter alia provides that existing providers of legal education and training adhere to the standards required by the competency framework on an ongoing basis (Legal Services Regulatory Authority, 2020:98). However, as yet, these are only recommendations of the LSRA, until the response of the Minister is published, any impact remains unknown.

In the interim, the status quo continues where undergraduate legal education, in the context of the professions, is required to facilitate the acquisition of discipline knowledge with no necessity for skills. However, as indicated by the Minister (Shatter, 2013), undergraduate legal education also remains subject to existing general academic standards and quality assurance which govern all higher education providers in Ireland and will now be considered.

2.6 HIGHER EDUCATION IN IRELAND

The HEA is the statutory planning and development body for higher education and research in Ireland (Higher Education Authority 2013). Current higher education policy was set out in 2011 by the HEA, in response to a report by the Irish Government which, inter alia, indicated that the Irish education system needed to reflect the changing needs of the Irish society and economy (Department of the Taoiseach 2008). The Hunt Report envisaged an Irish higher education sector that should successfully meet the many social, economic and cultural changes facing Ireland in the future. Legal education and legal practice are not excepted.

Loxley et al. (2014) argue that the Hunt Report reflects a policy of systematic state intervention in the assertion of political and economic priorities in the higher education system. This creates a higher education system dominated by a "rationale of knowledge-based economic renewal" informed by "pragmatic utilitarianism defining the value of higher education primarily in vocational and economic terms" (ibid:53). Holborow (2012) similarly identifies a human capital/skills agenda in the Hunt Report – one which she considers a deeply demeaning view of the role of education in society, which will achieve neither large numbers of high-value jobs nor address the effects of the recession by attracting investment. In contrast, she argues, it creates false expectations for graduates, or 'knowledge workers', who are likely to either be in oversupply and unemployed or in work below their ability, facing increasing competition where other factors such as class and wealth become increasingly relevant. Ultimately, Holborow (2012) argues that the primary beneficiaries of this system of 'pragmatic utilitarianism defining the value of higher education primarily in vocational and economic terms' (Loxley et al., 2014:53) are the corporations, and queried the independence of the state in formulating this policy.

In response to these criticisms, there is no doubt that the Hunt Report highlights the important role of higher education in national economic development,[44] particularly in the context of the competitive global environment, acknowledging that higher education has historically delivered the highly skilled graduates who have contributed to the economic well-being of the state. However, at a time of economic difficulty, it is difficult to see why higher education, if it can, should not ameliorate the economic position of the state and the welfare of society. Moreover, if it can do so without encroaching on academic freedom and the independence of its institutions, then it is arguable that higher education has an obligation, if not a moral responsibility, to play its part in returning the state to economic prosperity. Restoration of economic prosperity as the sole objective of higher education would be difficult, as it would impose an undue restriction on academic freedom and independence. However, to isolate this objective is to misconstrue the other objectives of the HEA and the Hunt Report. The role of the HEA to facilitate a higher education system that "maximises opportunities and ensures a high-quality experience for students" (Higher Education Authority 2013) places a clear emphasis on student centred provision. The Hunt Report articulates that this role involves broadening participation in Irish higher education and continuing to extend research quality and output, but the priority of particular relevance to this research is the development of appropriately skilled undergraduates. Even Holborow (2012) acknowledges that the Hunt Report

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[44] The section of the report on "Higher education in a changing society".

summarises the content of higher education in one word - "skills". However, the Hunt Report does not consider skills in isolation. This is illustrated by its definition of a high-quality student experience as one

> "which should equip graduates with essential generic foundation skills as adaptive, creative, rounded thinkers and citizens - in addition to a comprehensive understanding of their relevant disciplines" (Report of the Strategy Group 2011:11)

and later reiteration that

> "undergraduate education should explicitly address the generic skills required for effective engagement in society and the workplace" (Report of the Strategy Group 2011:56).

The former is a holistic view of the student, while the latter references engagement in society equally with engagement in the workplace. It is difficult to see how this complete development of the student beyond discipline knowledge is not mutually beneficial for the student and society as a whole. If skills are a requisite part of this complete education of the student, it must be incumbent on all education providers to facilitate their acquisition. Legal education is no exception, notwithstanding the current focus of both legal professional bodies on the acquisition of disciplinary knowledge alone at the undergraduate level.

Once the necessity for skills development in undergraduate education is accepted, it is then necessary to move from policy to practice. This requires consideration of the mechanisms and bodies responsible for securing the outcomes sought by the Hunt Report. The HEA is responsible for aligning public funding and developing the mechanisms necessary to facilitate delivery (Quinn, 2013) and the role of the HEA in the particular context of undergraduate legal education must be considered.

2.7 HIGHER EDUCATION AND LEGAL EDUCATION

The HEA has the authority to sanction the delivery of undergraduate legal education programmes, but it does not currently have a specific policy on legal education. Control of the content and quality is the responsibility of the QQI. Prior to 2012, there were no explicit directions in relation to legal education apart from the requirements of the Hunt Report. However, in 2012 the Higher Education and Training Awards Council (now part of QQI)[45] established two new award stems for

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[45] See no. 9 supra.

qualifications in law, namely the Honours Bachelor of Laws (LLB) and the Master of Laws (LLM).

Ordinarily, QQI would then establish standards for the newly introduced awards, prior to their introduction. However, in a context anticipating reform of the regulation of legal education arising from the then pending Legal Services Bill,[46] QQI determined it was not opportune to develop standards for law qualifications. As a result, implicit standards were determined, pending the development of explicit award standards and/or subject guidelines. In proceeding to set out the standard for the Honours Bachelor of Laws degree, QQI determined that candidates for this award shall:

1. Demonstrate attainment of all the learning outcomes contained in the National Framework of Qualifications award type descriptor for the Honours Bachelor Degree which were set out in Figure 4 Awards Standard - Generic Higher Education and Training: Honours Bachelor Degree (Quality and Qualifications Ireland 2014:5) and are summarised in Figure 8 below.
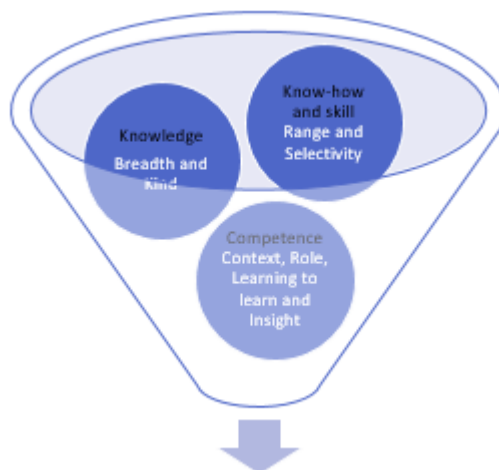
Figure 8 Learning Outcomes for Awards Standard - Generic Higher Education and Training (Quality and Qualifications Ireland 2014)

And

2. "Successfully complete a programme of education and training

- whose minimum intended learning outcomes are demonstrably comparable to those typically necessary to qualify for an undergraduate LLB degree from an Irish University

- that has been professionally accredited by a body recognised by QQI for this purpose[47]

- that has been validated by QQI or a provider to whom, under section 53 of the Qualifications and Quality Assurance (Education

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[46] The Legal Services Bill was subsequently passed as the Legal Services Regulation Act 2015.
[47] The only body so recognised to date is the Honourable Society of King's Inns.

and Training) Act 2012, authority to make an award has been delegated against the award standard implied by the three preceding requirements" (Quality and Qualifications Ireland, 2015a:2).

Thus, the impact of higher education regulation on legal education is generic through its alignment with an Honours Bachelor Degree, and then determined by the status quo of Irish universities and the professions (which has only involved the King's Inns to date) through their recognition of undergraduate qualifications.

The first criterion requires the application of the generic award standards. This has created a significant opportunity, if not obligation, for the enhancement of undergraduate legal education by broadening the focus beyond subject or discipline knowledge and including an explicit requirement for the attainment by graduates of skills and competences as required by the Hunt Report for all undergraduate education (Report of the Strategy Group 2011:11). As we have seen, this essential focus on skill acquisition has since been reiterated for professional legal education by both section 13 of the Act (whose only express reference to the content of the curriculum of legal professional education and training is focused on skill acquisition)[48] and the proposed competence statements of the LSRA, which explicitly reference skills as well as disciplinary knowledge.[49]

The effect of the second requirement, to complete a programme of education and training equivalent to the outcomes for such an award from an Irish university or recognised by a professional body, also requires consideration. In paragraph 2.4 supra the requirements of the professional bodies vis-à-vis the undergraduate law degree were considered and identified as being entirely focused on the acquisition of disciplinary knowledge. This link with the professions is reiterated by the QQI, who state that the programme leading to the award must establish "the academic foundation necessary to prepare for entry to the legal professions (e.g. solicitor or barrister)"(Quality and Qualifications Ireland, 2015a:3). This focus on disciplinary knowledge or academic foundation is a very narrow construction of undergraduate legal education, particularly where it must also comply with the provisions of the generic award standards and the Hunt Report. A closer consideration of the outcomes of an undergraduate law degree, and in this context the relevance or otherwise of skills, is required to fully appreciate this second requirement of the QQI.

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[48] See pages 32-34 supra.
[49] See pages 34-35 supra.

2.8   THE OUTCOMES FOR AN UNDERGRADUATE LAW DEGREE

As previously mentioned (see paragraphs 2.1 and 2.4), much discussion of the purpose of legal education generally has centred on the interaction of theory and practice, or education and training, or the liberal arts and professional preparation (Webb et al., 2013a:27).   At one end of this continuum, undergraduate legal education is considered liberal, where its focus is character formation, with a mission to prepare 'good citizens' or 'better persons', rather than (simply) 'good lawyers' (Burridge and Webb, 2007:3).   At the other end the primary function of undergraduate legal education is focused on employability, vocational training or is "purposely useful … in a career orientated sense" (Burridge and Webb, 2007:3).   The context of this research requires identification of the place of Irish undergraduate legal education on this continuum, recognising that there is unlikely to be a common position, as higher education institutions have significant autonomy.   A definition is a useful starting point and Huxley-Binns (2011:309) defines a law degree[50] as

> "a study of a particular literacy informed by the culture of the legal system and prevailing legal philosophy (in our context the Western common law tradition) involving sufficient understanding of doctrinal law to develop the skill to "think" like a lawyer (comprehend complex data quickly and distil principle to apply to a novel problem), to "act" like a lawyer (ethically, or at least being aware of the ethics) with "lawyerly" skills (use of language, the art of the argument, tactics for the battle, et cetera)."

In simple terms, this definition comprises discipline knowledge, the ability to think like a lawyer, to act like a lawyer and lawyerly skills, each of which, will now be considered separately.

2.8.1 'Discipline Knowledge'

Discipline knowledge is fundamental to this definition, reflecting the position taken by the QQI. The importance of discipline knowledge is not new (Herron, 2006) and was endorsed in England and Wales in the final report of the Legal Education and Training Review (Webb et al., 2013a), which supported retention of the prescriptive foundation subjects in a qualifying law degree.   The core areas prescribed could be open to debate, but the majority of respondents in their research (ibid:29) took the view that the current prescribed core subjects for England and Wales provided

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[50] In the particular context of the undergraduate qualifying law degree in England and Wales, being one which is recognised as the first stage of legal professional training by some of the legal professions.

students with a sufficient knowledge base.[51] Entry to the professional bodies in Ireland follows a similar regime,[52] and although a specific review of admissions policies has been initiated by the LSRA,[53] the submissions made to date (in the ongoing review of legal education and training by the LSRA) commented on the mandatory core subjects but focused on the possibility of duplication of examinations rather than the choice of core subjects (Hook et al., 2018).[54] This is further endorsed in their recommendation[55] to the Minister for Justice and Equality to adopt a Competency Framework for legal practitioners (Legal Services Regulatory Authority, 2020:91) which explicitly includes core knowledge. This, together with the knowledge requirements specified in the generic standards (see Figure 4), reinforce the general acceptance of the necessity for core discipline knowledge.

2.8.2 The ability 'to think like a lawyer'

However, acquisition of the required discipline knowledge must then culminate in the ability 'to think like a lawyer'. This reference to the ability to 'think like a lawyer' reflects a long-standing and popular measure of legal education - "law schools claim, above all else, that they teach students how to 'think like a lawyer'" (Rhode, 2000:198). A classic teaching method to cultivate this skill, often called a 'black-letter law' approach, is a form of legal positivism and requires the lawyer to "identify and analyse, organise and synthesise" (Hutchinson, 1999:302) the existing law to determine the correct legal position on any issue. Non-legal issues are omitted in this determination, on the basis that the law is predominantly correct. Subsequent variations of the 'black-letter law' approach include the Socratic dialogue method, the case method approach[56] (Sonsteng, 2007), case reading and interpretation, doctrinal analysis and application, and logical conceptualisation and criticism (Amsterdam, 1984). Critical analysis is not absent in the black letter law approach, but is limited to logical or technical inconsistencies within the law (Cownie, 2003, Hutchinson, 1999).

2.8.3 The ability to act like a lawyer

However, limiting undergraduate legal education to discipline knowledge and 'thinking like a lawyer', can create a technocratic approach to legal education

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[51] Note that the solicitor qualification route is set to change in England and Wales in autumn 2021, when the Solicitors Regulation Authority introduces the Solicitors Qualifying Examination.
[52] See no.s 23 and 24 supra which sets out the prescribed core subjects in Ireland which, while similar, are not the same as those in England and Wales which are described as the foundations of legal knowledge.
[53] See no. 25 supra.
[54] Concerns raised related to duplication of examination of the core subjects both in the undergraduate law degree or postgraduate law course and the entrance examinations of the Law Society and the King's Inns although acknowledging this was a lesser issue for the King's Inns which has a system of exemptions.
[55] This is one of two central recommendations made by the LSRA in their second report to the Minister following further consultations rising from the expert report in their first report.
[56] Developed by Harvard Law School Professor Christopher Langdell in the United States.

(described as "the teaching of instrumental proficiency through law-word absorption and manipulation"(D'Amato, 1990:1)). Such an approach fails to consider the complexities of the context, including the social, ethical and personal considerations of the client (Sullivan et al., 2007) and results in the exclusion of non-legal factors, possibly fostering a very cynical approach to law that is not intended (ibid). All of these in turn can create an absence of values in legal education, where students learn to ignore the moral, political or social content of the law (Cownie, 2003).

This is possibly why the definition posited by Huxley-Binns (2011) goes beyond a technocratic approach. First, it contends that a law degree should develop the capacity "to "act" like a lawyer (ethically, or at least being aware of the ethics)". The importance of ethics has been identified by both academia and the professions. In academia beyond Ireland, there has been discussion about the inclusion of values in common law legal education. Burridge and Webb (2007) contended that the liberal tradition of common law legal education inherently fails to provide a sufficient foundation for taking values seriously, through "its concentration on doctrinal mastery to the exclusion of social function or ethical implications" (Burridge and Webb, 2008:264). A liberal legal education is "an enterprise of intellectual development rather than character formation *per se*" (Burridge and Webb, 2008:264) whose insistence on moral neutrality creates a moral vacuum in the law curriculum. Burridge and Webb (2008) argue for a post liberal theory of legal education which recognises the relationship between law, justice and educational practice, whose ethos of permitted moral neutrality will allow the adoption of values.

The importance of values or ethics in legal education is reiterated in the legal services sector as evidenced by the findings of the final LETR report (Webb et al., 2013a). Legal service providers in England and Wales were surveyed on the importance of the different knowledge elements of legal education. Legal ethics and procedure were weighted as most important by the majority, where professional ethics was a critical defining feature of professional service. However, while there was support for increased coverage of legal values and ethics at an earlier stage, this did not amount to the inclusion of ethics as a separate foundation subject in the undergraduate degree (Webb et al., 2013a:35). A focus on ethics as a separate subject has risks. It could be used as a vehicle for social engineering, or fail to appreciate that the primary focus of ethics is behaviour rather than cognition, and there are further challenges arising when it is related to assessment (Ferris, 2014). Notwithstanding these risks, a central focus on legal ethics and values in undergraduate legal education provides an opportunity to positively impact "the identity and sense of self being developed by the student learner" (Ferris, 2014).

A similar question has not been asked in respect of the Irish legal services sector, although, as mentioned,[57] Hook et al. (2018), in their review of professional legal education, did indirectly consider the content of undergraduate education given its position in the admission process to both professions. Their summation of the responses did not record the omission of any particular area of knowledge, however the Law Society of Ireland (2018b) has endorsed the necessity for more legal ethics training on their professional courses which corresponds with the findings of Webb et al. (2013a). Undergraduate legal education must complement this endorsement of the inclusion of legal ethics training in the professional courses. This would not necessitate the inclusion of ethics as a separate foundation subject, but could be achieved by acknowledging the presence of values and an awareness of the moral, political and social content of the law, which will allow for the positive impact on identity and sense of self described by Ferris (2014). The enhancement of learning through reflection, identified by the QQI as the development of insight,[58] is a possible option.

There will be internal and external barriers to facilitation of a liberal legal education, which produces not only technocratically able lawyers but whole human beings (Cownie, 2008:303), including cultural factors, economic pressures and student expectations (Pue, 2008). Cownie (2008) highlights the importance of the responsibility of individual law lecturers in achieving these goals rather than their collective achievement by institutions. In contrast, Pue (2008:283-287) is not as optimistic that it is feasible to rely on individual law lecturers. However, Pue (2008:288) does endorse the recognition by Burridge and Webb (2007:89-94) of the potential of experiential learning methods or constructivist approaches to provide opportunities for integrating knowledge with experience in active learning which focuses attention on the humane and interpersonal dimensions of law and enhances contextual understanding of law. This recognition of the potential and opportunity of individual law lecturers, experiential learning and reflection is germane to this research, as they represent viable possibilities for the realisation of skill acquisition in undergraduate legal education which is the ultimate aim of this research. Indeed, as will be shown in Chapter 6, experiential learning followed by reflection was core to the design of the module.

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[57] See no. 41 supra.
[58] See Figure 4 where insight is described as the capacity "to express a comprehensive, internalised, personal worldview manifesting solidarity with others."

2.8.4 Lawyerly skills

The final component of the definition is 'lawyerly skills', described as "high order cognitive practical legal skills"(Huxley-Binns, 2011:300), which must require "legal knowledge because there are no skills that do not require knowledge" (ibid:299), as already mentioned in relation to skills generally (Whitston, 1998). Examples of such skills include finding and understanding legislation, critical legal reasoning and legal writing where students learn about the law in a "legally professional way" (ibid:303) rather than "an absolute positive approach to legal learning" (ibid:301). This requires the development of higher order cognitive capacity, which moves beyond a positive interpretation of the law and extends legal understanding to consideration of the law in a context that includes legal theories (following the inclusive idea of legal theory of Ferris (2009)), social, cultural and commercial awareness. Such lawyerly skills include, but go beyond, the second component of 'thinking like a lawyer'. More importantly, in the context of this research, these lawyerly skills meet the definition of a transferable skill determined for this research[59] through their emphasis on knowledge as a prerequisite and the capacity for application in a variety of context.

However, if this definition by Huxley-Binns (2011) of a law degree is to apply to the Irish context, as we have seen,[60] it must comply with the generic standards of an honours bachelor degree prescribed by the QQI. Comparison of the criteria in this definition with the learning outcomes of the generic standards (detailed in Figure 4) indicates a strong correlation. 'Knowledge – breadth' and 'Knowledge – kind' reflect the required disciplinary knowledge. The learning outcome of 'Know-how and skill' is considered in terms of 'range' and 'selectivity' to create the two different learning outcomes. Range is based on the premise that execution of skills uses a variety of tools, cognitive, social and physical, and these tools and the skills to use them range from 'commonplace or familiar to novel or newly invented' (Quality and Qualifications Ireland, 2014:12). Selectivity is the capacity to correctly determine the balance between demands and ability - also termed "procedural responsiveness" (Quality and Qualifications Ireland, 2014:13) acknowledging that task performance is related to recognition of the context, personal ability and limitations. The capacity 'to think like a lawyer' underpins both of these learning outcomes in terms of addressing the legal issues arising, while 'acting like a lawyer' recognises the importance of context, and the application of 'lawyerly skills' brings all together by enabling legal understanding in the context identified and consequent practical application. On this basis, the definition of Huxley-Binns (2011) meets the requirements of the first criterion of the QQI requiring application of the generic standards of an honours bachelor degree to

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[59] See page 28 supra.
[60] See pages 38-39 supra.

the discipline of law. However, in the context of this research, the definition must also meet the second requirement of the QQI, namely equivalence to a university LLB degree or a degree accredited by the Honourable Society of the Kings Inns ('an approved law degree'[61]). As the latter accreditation is attained solely through discipline knowledge,[62] the distinguishing features of a law degree per se are relevant.

In formulating a definition of a law degree, Huxley-Binns (2011) was attempting to identify those features which made a law degree unique. She had begun by considering the requirements of a qualifying law degree (namely general transferable skills, core knowledge and the seven foundation subjects), a concept similar to the approved law degree in Ireland albeit there is no Irish requirement for general transferable skills. Huxley-Binns (2011) found that not only did these requirements not make a law degree unique,[63] but instead served as limitations on the possibilities of innovative undergraduate legal education. Huxley-Binns (2011:299) argued that the concept of a qualifying law degree should remain, but should instead require minimum "intellectual professional legal skills", which are reflected in the latter part of the definition which references ethics and lawyerly skills. This reflected the then current practice in undergraduate legal education in England and Wales and should therefore be included in the requirements of a qualifying law degree and promoted as being what makes a law degree unique (Huxley-Binns, 2011).[64]

This interpretation of a law degree meets the requirements of the Hunt Report in terms of development of the law student beyond discipline knowledge, facilitating "effective engagement in society and the workplace". The focus on the workplace or the employability of graduates is contentious as already discussed, but could be particularly problematic with a law degree if it is considered primarily a preparatory education for entry to the professional training of solicitors and barristers being our only professional lawyers.[65]

Many assess the success of undergraduate legal education in England and Wales (which is comparable to the Irish position), by its popularity as the degree choice of students, or the financial returns of law graduates (notwithstanding that only a minority go on to become solicitors and barristers) and as such it is highly effective and hugely successful (Bradney, 2018:493). Any change is questionable if these are

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[61] Supra No. 24.
[62] Ibid.
[63] Including the necessity for core knowledge or the seven foundation subjects of the qualifying law degree, given many other degree programmes include development of similar legal knowledge.
[64] The concept of the 'qualifying law degree' has since changed in England and Wales.
[65] See paragraph 2.3 supra.

the only measures of success. Apart from the dangers and the risk of failing if the undergraduate curriculum becomes prescribed and focused on the professions (for example, as preparatory schools for the Solicitors Qualifying Examination), Bradney (2018) questions whether this model improves the lives of law graduates, as neither measure reflects the acquisition of that "habit of mind which is at the centre of the aims of a liberal education" (Bradney, 2018:493) nor those "intellectual professional legal skills" described by Huxley-Binns (2011:299) as making a law degree unique.

However, if the focus of a law degree follows the definition of Huxley-Binns (2011) there is an opportunity to parallel the undergraduate focus on discipline knowledge with a focus on multiple skill acquisition to create flexible and adaptable law graduates. Such an education will continue to serve both the professional lawyers of the future and those who apply their legal education elsewhere. It may be even more attractive to potential students, or conversely potential students might be more attractive as Barton (2014:31) predicts that the changing nature of legal work and services will have a direct effect on law students as only those who are genuinely interested in a legal career will apply.[66] Society will then have the benefit of those other applicants who will apply their skills elsewhere, and those who pursue legal education, whether continuing into the legal professions or not, will be happier as a result.

In summary, while a key outcome of the undergraduate law degree is the acquisition of the disciplinary knowledge required for entry to the professions, higher education policy and consideration of the outcomes of an undergraduate law degree provide several reasons why this objective should no longer dominate the undergraduate legal education system which must also facilitate transferable skill development of the kind investigated in this project.

2.9 FINDINGS AS TO SUBSIDIARY RESEARCH QUESTION 1

The objective of this Chapter was to set out the context for this research, both within Ireland and legal education generally to ascertain whether undergraduate legal education should explicitly provide for the transferable skill development. The Chapter began by defining the concept of a transferable skill before outlining the context in Ireland, beginning with a brief explanation of the nature of the Irish legal system, followed by consideration of the development of legal education in Ireland and the particular influence of the professions and higher education. There are currently no legislative provisions specifically prescribing undergraduate legal

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[66] Albeit in the American context where the costs of pursuing higher education is a significant factor in degree selection.

education in Ireland, and although entry to the professions requires specific disciplinary knowledge there is no requirement for skills. The Act has the potential to impact on undergraduate legal education going forward but currently does not. However Irish legal education is simultaneously part of the Irish higher education system, and the requirements of the Hunt Report and the QQI clearly prescribe the inclusion of skills, in particular transferable skills (notwithstanding issues with terminology across the policy provisions), and this is reinforced across several agreed outcomes for undergraduate legal education.

Facilitation of undergraduate legal education founded on discipline knowledge but producing graduates who can think and act like a lawyer using lawyerly skills is the focus for the future. Transferable skill acquisition is fundamental to this concept of undergraduate legal education. Providers of undergraduate legal education must positively provide for such transferable skill acquisition. This requires a transition from theory to practice with a view to developing opportunities for transferable skill acquisition which requires an action plan for their learning which is coordinated by the HEA through institutions such as LYIT. LYIT is the context for this research project and the capacity of this institution to facilitate transferable skill acquisition must now be considered.

3.1 INTRODUCTION

While the overarching responsibility for delivery of higher education, and therefore facilitation of skill acquisition, lies with the Higher Education Authority ('HEA') implemented through the various higher education bodies, this research is confined to one institution and one researcher. In developing opportunities for transferable skill development, the particular institution is an important part of the context. This research project takes place in LYIT and its position in higher education will now be outlined. Figure 8 provides a visual summary of this Chapter which firstly considers LYIT in terms of its position nationally in Ireland (both physically and then at a policy level) and then by reference to its current strategic objectives. Legal education in LYIT is then considered, concluding with the position of the researcher in LYIT.
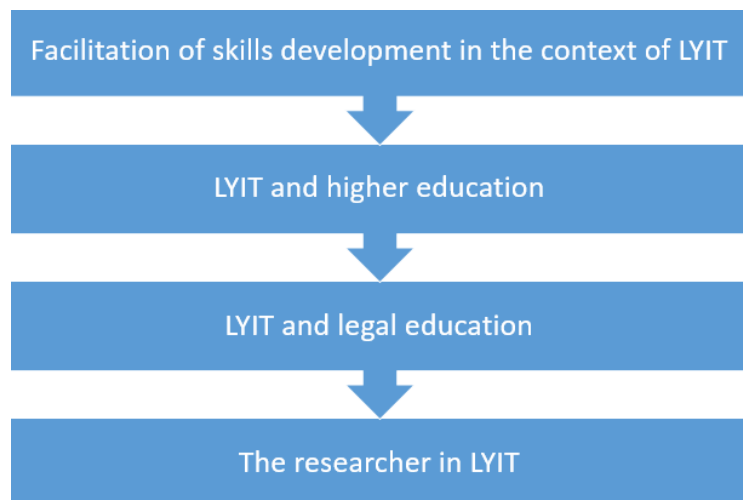
Figure 9 Overview of Chapter 3

3.2 LYIT IN THE CONTEXT OF IRISH HIGHER EDUCATION

In physical terms, LYIT is located in the North West of Ireland and is a relatively small higher education institution with over 4,000 students[67] and 342 staff.[68] The majority of students come from within the region and 24% of the student population are disadvantaged (the highest percentage in the country) which presents additional challenges (Higher Education Authority, 2019:28).   The courses available cross a range of disciplines including engineering, science, computing, nursing, health and social studies, design, business, tourism, law and humanities, and the programmes

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[67] At a meeting of the governing body of LYIT on 14th of December 2017 the following figures were given for student numbers: Part-time 884; Full-time 3,151; Total 4,035.
[68] Re LYIT Human Resources Department as of January 2018 there were 205.55 core academic staff and 136.84 core non-academic staff making a total core staff of 342.39.

offered range from level 6 to level 9[69] where there are currently 51 undergraduate programmes and over 25 postgraduate programmes available (Letterkenny Institute of Technology, 2018:28).

Higher education in Ireland is provided through universities, a Technological University, several Institutes of Technology, together with various smaller institutions[70] (Department of and Skills, 2019). It has developed in two main strands, the traditional academic education offered by its universities, and a more practical vocational and local education introduced in the late 1960s through the Institutes of Technology.[71] The capacity of the Institute of Technology sector has developed significantly over the years. Originally administered through local statutory education and training authorities with limited autonomy (Cavanagh, 2011), they became separate legal entities with increased autonomy in 1992.[72] Further reforms followed the Bologna Accord 1999[73] and, in 2004,[74] all Institutes of Technology were designated as autonomous Higher Education Authority institutions,[75] with delegated authority to grant their own awards up to level 8 subject to compliance with the QQI. This was increased to level 9 in October 2007 (Cavanagh 2011) and greater freedom is envisaged in the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 which established the Institutes of Technology as 'Designated Awarding Bodies'[76] as of the 1st January 2020. This has placed them on an equal footing with the universities by extending award making powers at all levels of the National Framework of Qualifications ("NFQ") with the exception of doctoral degrees (level 10 on the NFQ) (Oireachtas Library and Research Service, 2018). The independent and autonomous nature of the Institute of Technology sector facilitates their development of a unique and specialised suite of programmes.

LYIT was founded in 1971 as one of nine new higher education institutes of technology[77] whose focus would be on 'technical education' (Steering Committee

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[69] On the 10 level qualification framework introduced by the National Qualifications Authority of Ireland in 2003.

[70] Seven universities, one Technological University, 12 Institutes of Technology, seven colleges of education, together with various smaller, often private and specialist including law, institutions including 11 state aided institutions. Two of these state aided institutions are the Law Society of Ireland and the King's Inns.

[71] Initially through Regional Technical Colleges, renamed "Institutes of Technology" in 1998.

[72] Regional Technical Colleges Act 1992

[73] The Qualifications Education and Training Act 1999 established the National Qualifications Authority of Ireland, the Higher Education and Training Awards Council (HETAC) and the Further Education and Training Awards Council - which were introduced with a view to standardising qualifications across all institutions.

[74] Following an OECD review in 2003 (Organisation for Economic Co-operation and Development 2004),

[75] This Act terminated the link with the statutory education and training authority (County Donegal Vocational Education Committee) /Department of Education and Science.

[76] These powers have been granted following the commencement of section 36 of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 on 1 January 2020 by the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 (Commencement) (No.2) Order 2019 (SI No. 540 of 2019).

[77] There are now 14 Institutes of Technology.

Report 1967 (Cavanagh 2011)). Section 5 of the Regional Technical Colleges Act 1992 affirmed the focus on the provision of vocational and technical education on a regional basis.[78] This very specific remit has generally served to distinguish the courses provided from those on offer at universities. During the course of this research LYIT has confirmed this continuing objective to "encourage strong academic learning and the great practical experience that employers need" (Letterkenny Institute of Technology, 2017:8, Letterkenny Institute of, 2013:9). LYIT is now also part of the Connacht Ulster Alliance ("CUA") which is a strategic partnership aiming to amalgamate three Institutes of Technology[79] to create a Technological University (Higher Education Authority 2013:25). The CUA will be an awarding body up to level 10 that will retain the current regional focus but allow for greater collaboration and ensure greater national and international recognition for graduates. This process is at an advanced stage[80] where the consortium is currently securing compliance with the criteria required for submission of an application as required by section 29 of the Technological Universities Act 2018. Compliance with the criteria include the need to ensure that the teaching, learning and curriculum development has a particular focus on

> "curriculum development focused on knowledge, skills and competencies developed in conjunction with business, professional organisations and workforce, student and occupational organisations;
>
> curricula that imbed the full range of generic attributes linked to employability and citizenship;
>
> curricula that embed engagement in the workplace as part of its programmes;
>
> research-informed and practice-led teaching, learning and assessment that uses problem-oriented, practice-based and is community engaged"
>
> (Higher Education Authority 2012: paragraph 5 of Appendix A Criteria for a Technological University).

This is a clear direction to extend undergraduate education beyond the acquisition of disciplinary knowledge and was reflected in the revision of the LYIT objectives as articulated in an interim review of the Institute's Strategic Plan in January 2012. The revised objectives for teaching and learning required the design of programmes to develop learners' core skills, based on deeper and broader disciplinary foundations

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[78] Section 5 of the Regional Technical Colleges Act 1992 defines the function of the colleges as: "to provide vocational and technical education and training for the economic, technological, scientific, commercial, industrial, social and cultural development of the State with particular reference to the region served by the college".

[79] Galway-Mayo Institute of Technology and the Institute of Technology, Sligo being the other two.

[80] If compliance with the criteria is achieved, submission of the application for designation is anticipated in the academic year 2020/21 - re Dr Sean Duffy LYIT CUA Project Manager reporting to LYIT Academic Council on 6 December 2019.

while nurturing the skills required for continual engagement with learning and encouraging a greater variety, and more innovative, teaching approaches and assessment methods. From a learner's perspective, the revised objectives required emphasis on the "development of generic skills, especially those required for the workplace and for active citizenship" (Letterkenny Institute of Technology 2010). The current strategic plan (Letterkenny Institute of Technology, 2019) continues this emphasis while highlighting the necessity for flexibility to ensure alliance with the rapid technological innovation and change. The adaptability sought requires a transferable skill set, and aligns with the national policies of the Hunt Report and the QQI, and agreed outcomes for an undergraduate law degree as concluded in Chapter 2.

3.3 LYIT AND LEGAL EDUCATION

Legal education with a practical orientation has always formed an important part of LYIT in line with its original remit and restated in Section 5.[81] The legal offering began with a National Certificate in Legal Studies which has evolved over the years following a Periodic Programme Evaluation ("PPE") every five years. The Department of Law and Humanities now offers a three-year LLB in law and a degree in Law and Criminal Justice (which is available at level 7 over three years with the option of an extension for a further year to gain an honours degree at level 8). Both programmes were developed following the PPE in the academic year 2011/12 which facilitated implementation of the recommendations of the Hunt Report (Report of the Strategy Group 2011) particularly regarding the obligations of higher education providers and skills education. At departmental level, the PPE process[82] effected a comprehensive review and revision of all legal programmes in the Department of Law and Humanities and the supporting documentation reiterated the overarching objectives of both section 5 and the Hunt Report. This process concluded that the introduction of clinical legal education modules requiring practical application of the law would best address these objectives. Four new programmes were validated,[83] and three are now

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[81] The Regional Technical Colleges Act 1992 – see no. 78 supra.

[82] This process, overseen by the programme board, included consultation with key stakeholder groups, the completion of a series of internal workshops by academic staff, consideration of similar programmes in other higher education institutions and acknowledgement of the requirements of the legal professional bodies.

[83] LLB ab initio: this is a three-year honours law degree – a level 8 programme which combines the study of all core areas of law together with opportunities to study a selection of emerging areas of legal study such as alternative dispute resolution.
BA in Law with Criminal Justice: this is a three years' law degree - a level 7 programme which combines the study of the core areas of law, together with the study of criminal justice. The Criminal Justice element includes subjects such as criminology, victimology, conflict studies and restorative justice through which students explore the concepts of deviance and criminality.
BA in Law with French/Spanish/German: this is a three years' law degree - a level 7 programme which combines the study of the core areas of law together with the study of the target language, including the opportunity to spend a semester studying abroad or on work placement.

operative.[84] The real change effected by the PPE centred on the introduction of the new modules, with particular focus on the development of clinical modules requiring practical application of the law. The new modules included 'Alternative Dispute Resolution', 'Law Reform Project', 'Professional Practice', 'Workplace Learning' and 'Civic Engagement', and 'Law in Action' as a capstone module in the final semester of all programmes. The rationale common to all of these modules was the movement from independent consideration of discipline knowledge to the integration of disciplinary knowledge in a variety of settings requiring the acquisition and development of transferable skills.

The capstone module 'Law in Action' is a form of problem based learning project, using standardised clients, and requiring the application of legal research skills and tools, together with transferable skills in interpersonal communication, client care, case management, negotiation and collaboration, to an advanced level. The module was intended to facilitate development of the standards specified in the framework for an Honours Bachelor Degree by the QQI (see paragraph 2.7 supra) (Quality and Qualifications Ireland 2014:5) while also meeting the requirements of the Hunt report. This module is the focus of this research.

3.4 THE RESEARCHER

As indicated, legal education with a practical orientation has been an integral part of LYIT and this is reflected in the nature of the lecturing staff in the Department of Law and Humanities where over 50% of the current staff were recruited directly from practice. As a former practitioner, the experience and perspective of the researcher formed an important part of the context. The personal experience of practice provided a greater understanding of the nature of skills and their acquisition. The potential bias in this perspective required acknowledgement and analysis where presented to ensure it was mitigated. However, the researcher's initial qualification as a teacher before embarking on legal practice and then returning to lecture law, was relatively unusual in academia where many do not hold, nor are required to hold, a formal educational qualification. This background in education and legal practice experience provided both the impetus for this project and a solid base from which to initiate pedagogical change.

BA in Legal Studies and Practice - this is a three years' law degree - a level 7 programme which combines the study of the core areas of law together with an emphasis on those subjects of relevance to legal practice such as conveyancing, court practice and procedure.

[84] The BA in Legal Studies and Practice has yet to commence. However, both of the other level 7 programmes commenced in the academic year 2012/13 while the LLB commenced in the academic year 2013/14.

This opportunity was not without limitations. As an insider, it was important to acknowledge possible bias and influence, and to ensure that these were mitigated in the chosen research methods. Furthermore, as the research necessarily involved students, it was essential to ensure any potential ethical issues arising from the research method were addressed.

The PPE process had created a unique opportunity. Many of the modules included a focus on practice, but the optimum pedagogic approach had yet to be determined given their novelty. This space facilitated the innovation and development of new (to this context but with the benefit of established schools of educational theory in other disciplines and courses) teaching models to enable explicit development and learning of the required transferable skills. In acknowledging that there would be no easy or quick solution, this development was progressive, requiring review and refinement following each iteration of the module. An iterative approach also ensured the relevance of the module to law graduates and their prospects, recognising that the transferable skills sought might change over time. The research method chosen needed to allow for this recurring module development and refinement process.

3.5 CONCLUSION

Chapter 2 recognised the necessity for transferable skill acquisition in undergraduate legal education, following consideration of the Hunt Report, the requirements of the QQI, the outcomes for undergraduate legal education and the potential review of legal education by the LSRA. This Chapter confirmed the potential of LYIT and this researcher to research and effect a pedagogic plan which could facilitate the required transferable skill development in undergraduate law students.

Determination of the appropriate research methodology to do so was then required.

4.1   INTRODUCTION

The purpose of this research, as set out in the previous Chapters, was to investigate the possibilities for explicit provision of transferable skill development in undergraduate legal education in the Republic of Ireland, and particularly in LYIT. Research requires a systematic and rigorous inquiry or investigation which can enable understanding of a problem or phenomena, and can include actions that attempt to resolve the problem or phenomena under investigation (Stringer, 2007).   The conclusive nature of quantitative research was appealing – particularly in the context of legal education which is largely reliant on legal positivism.   However, the potential to extend the research beyond information, to encompass both understanding and action (which can achieve resolution or at least improvement of the situation), or "actionable knowledge" (Schön, 1987:34)[85] were key to this research.

The pursuit of understanding, predicated on information and to plan action, reflected the subjective ontological and constructivist epistemological position of the researcher.   This position recognised that an individual's perception of reality is framed and interpreted by their personal narratives and experiences, and this perception and interpretation is then central to the creation of knowledge (Allison and Pomeroy, 2000:93).   Application of this approach requires identification of both information and the meaning that individuals and groups make of it, where knowledge will be constructed differently for each individual as it is determined by the meaning they make of their world (ibid:93).   The findings are therefore conditional, creating "a specific perspective on a specific situation" (ibid:95) which may not be of universal application, but can create an opportunity for further research (Tekin and Kotaman, 2013) or the actionable knowledge and possibility for reflective transfer to new practice situations described by Schön (1995).[86]

Determination of an appropriate research strategy, being "a general orientation to the conduct of social research" (Bryman, 2008:698) and methodology, being "the process of generating theoretical understandings through research" (McNiff, 2014:152) was then required.   Research can be quantitative or qualitative.   However, as the research focus was the experience and perception of individuals, the adoption of a qualitative approach was preferred, acknowledging, consistently with the researcher's ontological and epistemological position, that one cannot be positive about claims to knowledge of humans.   This approach acknowledges the complexity

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[85] See Chapter 1.
[86] Ibid.

of social matters and interactions and uses a methodology that aims to understand social phenomena as holistically as possible, rather than the one-dimensional cause and effect approach of positivism (Tekin and Kotaman, 2013). An outcomes-based approach, using a single research question, such as "does it work?", (arguably an impossible question to answer in any event (Allison and Pomeroy, 2000:96)), fails to appreciate the complexity and subtlety of the situation (ibid:93). In a qualitative approach, this is replaced by questions that seek to understand what is happening, by gathering data from many sources, acknowledging the many variables (including the researcher and the researched). Collection of data from multiple sources may necessitate the use of positive research techniques, but this approach seeks "insight rather than statistical perceptions of the world" (Bell, 2006:7), recognising that individual views and depth of detail are beyond numerical measurement where participants are collaborators in the research, rather than a "subject for study" (Allison and Pomeroy, 2000:97).

The knowledge generated through constructivist enquiry reflects the complexity and fluidity of the variables considered in its creation. A research methodology which was participatory, considered all of the variables, accepted the transitory nature of the knowledge gained and allowed for further iterations was required. Action research was chosen and this Chapter outlines the rationale for this decision, beginning with consideration of a definition, followed by recognition of the key features of action research, particularly in the context of this research, and concluding with the chosen model or design framework for the implementation of action research in this project.

4.2 ACTION RESEARCH

Formulation of a clear definition of what is understood by action research is required from the outset. Many consider Lewin (1948) to be the initiator of this term through his approach to research enquiry (Bargal, 2006, Reason and Bradbury, 2001, Stringer, 2007), while others believe action research has multiple origins, many of which predate Lewin and used different terminology (Reason and Bradbury, 2001, Greenwood, 2012). In any event, while Lewin may not have fully developed this approach, he did acknowledge the importance of researchers being open to new research paradigms if they are to go beyond existing knowledge (Lewin, 1948), paving the way for the recognition of new approaches to qualitative research. There have been many attempts at definition, albeit no consensus on a universal definition (Altrichter et al., 2002), but suggested definitions have recurring features in common. Consideration of these key features enabled understanding of this research methodology and created parameters for defining the concept for this project, subject

to the caveat that adherence to any narrow restrictive definition is to be eschewed, as it would be likely to inhibit useful conceptual development (Altrichter et al., 2002). These parameters then laid the foundation for identification of a model of practice for the purposes of this research.

4.3 KEY FEATURES OF ACTION RESEARCH

4.3.1 Collaboration

The first key feature of action research is collaboration between the researcher and the researched (Berg and Lune, 2012:269) (in this research, the author and their students), where it is said to involve "collaborative communicative processes" (Greenwood and Levin, 2005:105), or described as a "collaborative approach to enquiry or investigation" (Stringer, 2007:17). Berg and Lune (2012) highlight the importance of the active engagement of subjects which 'requires researchers to work with practitioners' (Huang, 2010:93) and consequently it is typically participative (Dick, 1997). The collaboration is dialogic, where all seek to improve their learning for practice improvement and then, using feedback from one another, assess the validity of emergent knowledge claims (McNiff, 2016:23). In this research, the action research cycles used a variety of research methods (including surveys, questionnaires and accounts of practice) and contributors, to gain the benefit of extensive and varied dialogic feedback. The students were the primary contributors but this research also involved collaboration with academic colleagues and legal practitioners. The inclusion of a variety of perspectives supported the validity of the research findings (Tekin and Kotaman, 2013). This pluralist approach valued all contributions equally, where diversity was acknowledged as providing an opportunity to enrich the research and action process (Greenwood and Levin, 2005:105). The action researcher acknowledges that they are not the expert at a remove from others (Coghlan and Brannick, 2009:9), reflecting the post positivist nature of this research method. The democratic and equitable (Stringer, 2007) nature of the collaborative communicative process enhanced the validity of the findings which, being potentially mutually beneficial to both the researcher and the researched, also encouraged participation.

4.3.2 Context

Secondly, the context of the issue is as important as the issue itself in researching a solution (Bargal, 2006). This has since been aptly described as "action researchers privilege the context of practice over disembodied theory" (Huang, 2010:93) and clearly resonates with the nature of a professional doctorate whose objective is to contribute to the advancement of professional practice (Philips and Pugh, 2010). The

importance of context was part of Lewin's approach, and according to Bargal (2006:374-375) was founded in his meta-theoretical principles of field theory which were:

1. an emphasis on the total situation;
2. the psychological approach which required the explanation of all psychological phenomena in psychological terms;
3. the constructive versus the classificatory approach, which focuses on relation concepts, that is "the representation of an individual case with the help of a few elements", which he interpreted as favouring "the method that preserves the uniqueness of a phenomenon but remains applicable to other instances which are similar to it";
4. the present time versus historical concepts of causation which Bargal describes as "past events count in the chain of causation only if they exert influence in the present time"; and
5. the dynamic approach where "individual or group behaviour is analysed in the context of the forces which enhance efforts to achieve goals while there are inhibiting conditions which prevent it".

These principles reflect the constructivist emphasis on the total situation which is continuously evolving and dynamic. Application of these principles create the context at a point in time, thus any conclusions must be conditional and temporary while still revealing valuable insights and creating actionable knowledge.

These principles were applied when setting out the context for this research in Chapter 2 where the link to practice emerged as a key theme. This link to practice is also a key feature of action research and has been since the outset, when Lewin developed this research process in an attempt to address real problems with minority groups, where he very clearly identified that "research that provides nothing but books will not suffice" (Lewin, 1948:203). It continues to be a recurring theme:

> "action research is a form of enquiry that enables practitioners in every
> job and walk of life to investigate and evaluate their work." (McNiff and
> Whitehead, 2011:7)

This research objective of a link to practice has significant resonance in the context of a professional doctorate. The overarching aim of the research is to make a contribution to practice, through actionable knowledge which has the potential to effect real and positive change in the opportunities for skill development of law graduates. The benefits of such research, therefore, are not limited to the researcher. Realisation of the practical benefits of the research to the researched

(the students) was as important, and possibly more important, than the potential benefit to the researcher. This contribution to the practice, and therefore knowledge, of the researcher and the researched also presented an opportunity through dissemination to contribute to the development of this field of academic professional practice.

4.3.3 Contribution to knowledge

The importance of context and the link to practice directly leads to the third feature of action research, which is knowledge generation or contribution to knowledge. The nature of the knowledge generated is intrinsically related to the two preceding features.

The collaborative nature of the research means that knowledge for the action researcher reflects their ontological position, where all people are considered equal, with the same rights and entitlements (McNiff, 2013:27). This is not to say that all people are the same. The action researcher recognises that they are value laden (McNiff and Whitehead, 2011:29) and aims to act in accordance with these values, while recognising the values of others. This creates potential for conflict where the values of the action researcher may be in conflict with the values of others. This disagreement could extend to the knowledge generated and explains why action research cannot undertake to improve others (McNiff, 2016). However, in action research "differences of opinion are understood to be the basis for creative engagement" (McNiff and Whitehead, 2011:30). The action researcher accepts the validity and entitlement of those others to make their own claims to knowledge and welcome their creative engagement to test their rationale. However, the action researcher ensures personal accountability by pursuing a purposeful morally committed practice (praxis) (McNiff and Whitehead, 2011:29) where the credibility of their knowledge claims will be determined by their authentic evidence (McNiff, 2016:13) produced, as they generate personal theories from practice (McNiff, 2016:14).

In addition, the knowledge generated through action research extends beyond theoretical knowledge through its link to practice. McNiff describes action research as "evaluating your practice to check whether it is as good as you would like it to be, identifying any areas that you feel need improving, and finding ways to improve them" (McNiff, 2016:9) and so the research is woven through practice. The contribution to knowledge includes evaluation and suggests action ('actionable knowledge'), but does not make it an imperative. Huang (2010:93) goes further, claiming the purpose of action research is not limited to knowledge generation, but

must culminate in action whose purpose is to effect change. This emphasis on effecting change reiterates the original objectives of Lewin to address the limitations of traditional research methods, where the primary objective was knowledge of the situation, but excluded follow up action intended to effect change. This has been described as "social action" (Greenwood and Levin, 2005:5) or "action to bring about some change in some community or organisation or program" (Dick, 1993:4), and the foundation in research ensures "systematic action to resolve specific problems" (Stringer, 2007:17, Berg and Lune, 2012:269). However, the requirement for action and change emerging from an action research project is not absolute. Berg and Lune (2012) indicate that while it is arguable that all research requires action and that action research in particular is clearly action orientated, on completion of the research, a decision would have to be made as to whether to pursue further action or not and in either event would constitute action (Berg and Lune, 2012). This argument would apply equally to the necessity to make any change. Thus, while it was anticipated that the application of this methodology to this project would prompt and initiate action, action was not mandatory and would be determined by the research itself.

This focus on practice and the possibility of effecting action and perhaps change could create a limited perception of action research, where it is considered a problem-solving strategy. However, the knowledge generated has its own value independent of any action or change. This is supported by McNiff (2013:35) who describes the knowledge arising from gathering and interpreting data from all participants as equally important and it facilitates the realisation of human potential. McNiff (ibid) describes this as accounting for professionalism, where professionals recognise their responsibility to realise their capacities for creative living for one another's benefits. Action research is, therefore, about praxis where "praxis is informed committed action that gives rise to knowledge as well as successful action" (McNiff, 2016:20). This combination distinguishes action research from professional practice, which may not include reflective practice (which is a further key feature of action research and is discussed in more detail later in this Chapter).

The issue then arises as to the nature of the knowledge generated. The knowledge generated by action research has been variously described as:
  i.   the construction of new meanings (Greenwood and Levin, 2005:105);
  ii.   the development of "practical knowing" (Reason and Bradbury, 2001:1); or
  iii. the creation of increased understanding by "the researcher or the client or both (and often some wider community)" (Dick, 1993:4);

where the research attempts to resolve real life problems where "the credibility/validity of action research knowledge is measured according to whether actions that arise from it solve problems (workability) and increase participants control over their own situation" (Greenwood and Levin, 2005:105).

All of these are valuable, but the participatory nature of action research can also result in mutual benefits, described as "the flourishing of individual persons and their communities" (Reason and Bradbury, 2001:1). Thus, the knowledge generated facilitates empowerment of both the researcher and the researched, by increasing "participants control over their own situation" (Greenwood and Levin, 2005:105), which can be liberating and life enhancing (Stringer, 2007). The nature of this knowledge was key to the selection of action research as the appropriate research strategy for this research, as it complemented a key personal value of the researcher requiring the research to potentially benefit both the researcher and the researched.

However, the value of action research goes beyond the benefits to the researcher and the researched. As mentioned, the legitimacy of the contribution to knowledge arising from action research has been questioned on the grounds it is not based on the scientific or experimental method which generates knowledge that is objective, generalizable, reliable and valid (Stringer, 2007). These methods may be suitable in researching the physical world, however they do not acknowledge the "unstable and dynamic construction" that is the social world as a result of human behaviour and its unpredictable nature (Stringer, 2007:193). Action research goes further than the scientific method. Action research begins by using all available qualitative and quantitative data (the collection of data will produce evidence to substantiate the claims made of practice (McNiff, 2013:35)), which is then subject to "the interactive deliberation between differing interpretations of the information collaboratively gathered" to construct new meanings (Levin and Greenwood, 2001:105), which then faces the ultimate test – real-life application. While the research outputs may not be directly transferable (acknowledging the limitations of research in the social world) the contribution to knowledge of action research is to "share your knowledge so that others can learn from it and develop it" (McNiff, 2014:248). In this way, while the knowledge may not be of universal application, it can be of universal value where, as indicated above, the knowledge gained can inspire further research (Tekin and Kotaman, 2013) or the reflective transfer of the knowledge to a new situation by others (Schön, 1995).

4.3.4 Reflective practice

The final feature of action research provides the connection between practice and knowledge creation, namely reflective engagement from all participants. This reinforces the feature of collaboration, as it is a process of "collective self-reflective enquiry undertaken by participants in social relationship with one another in order to improve some condition or situation with which they are involved" (Berg and Lune, 2012:265). Reflection and reflective practice are considered in more detail in Chapter 6 in the context of the student learning[87] which is similar to the learning effected by the use of reflection in action research. Reflective practice in this context is what Boud et al. (1985) (drawing on the work of Dewey (1933)) described as reflection in learning, where reflection turns experience into learning. The timing of the reflection is also significant and Schön (1995) discusses two possibilities. "Reflection-in-action" happens within "a stretch of time within which it is still possible to make a difference to the outcomes of action" (Schön, 1995:30) while "reflection on action" is "the ability to reflect on such a process, reflecting on reflection-in-action" (Schön, 1995:30). The former, contemporaneous, reflection is inherently more challenging as it requires

> "one to think yet be aware of one's thinking at the same time and to experience and yet be aware of how and what one is experiencing at the same time" (Rogers, 2001:54).

This requirement for simultaneously thinking and experiencing while reflecting on both, is ultimately desirable but requires fluency in reflection. Boud et al. (1985:9-10) also suggest phases of reflective action in any activity, where the first reflective activity is in preparing for the activity, the second continues through execution of the activity and the third and final phase is the post execution reflection. The use of reflection in both preparation and evaluation corresponds to the use of reflection in action research. Thus, the focus in this project is on the reflective action arising in the preparatory and post execution stages, that is reflection for action and on action (rather than reflection in action) as these are appropriate to action research model adopted.[88]

Much of this reflection might occur intuitively. However, it can also be formalized, particularly in educational settings. Boud et al. (1985:11) describe this as "goal-directed critical reflection" which can facilitate the development of self-organised learning, noting that the learner is in total control of the reflective process which is a

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complex process involving both cognitive and affective dimensions. Huang (2010:98) and Elliott (1991:38) maintain that this reflective practice either requires or implies reflexivity or self-awareness being an "enquiry by the self into the self, with others acting as co-researchers and critical learning partners" (McNiff, 2013:23). This examination of oneself by the action researcher acknowledges that evaluation and improvement of their own practice is a prerequisite to attending to the practice of others (McNiff, 2013:28). Engagement in such critical self-reflection will provide evidence of good practice, highlight any deficiencies in practice and provide opportunities to take action to improve or change practice.[89]

4.4   ACTION RESEARCH IN THE CONTEXT OF THIS RESEARCH

Aggregation of these key common features created a definition of action research which was applied in this research. Thus, action research, for this research, was a collaborative and reflective review of practice in context with a view to action, optimally effecting positive change, but at a minimum enabling understanding, and so generating knowledge. The inclusive nature of this research reflects the importance placed on the contribution of context and other people, and while the process intended to benefit those involved, the knowledge generated might be transferable to others in similar situations. The overarching motivation in undertaking this research was to benefit the students by optimising any potential for skill acquisition. Action research is the ideal methodology for several reasons. Firstly, it has the capacity to effect change, not just create theory. The focus on action is central and multidimensional - action research is "research in action on action for action" (McNiff, 2014:9) and directly reflected the epistemological beliefs of the researcher. Secondly, the collaborative and democratic approach ensures that the research and outputs are informed and measured by values beyond the researcher, and, in particular, those of the researched. Thirdly, action research is an evolving form of research, recognising that there are unlikely to be finite answers (particularly as the context is continually changing), but that there is merit in continuously striving for improvement.

Once action research was chosen as the preferred methodology, it was then necessary to consider how it would apply in practice. This required consideration of the various models or design frameworks for action research and selection of the model most appropriate to this context.

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[89] See paragraph 6.2 where the same technique is used to effect student learning.

4.5   THE ACTION RESEARCH MODEL

McNiff (2013:54) describes the world of action research today as wide and diverse which is illustrated by the range of approaches to action research identified by Coghlan and Brannick (2009), such as classical or traditional action research, participatory action research, action learning, action science, developmental action enquiry, cooperative enquiry, clinical enquiry appreciative enquiry, learning history, reflective practice and evaluative enquiry. Classical action research was adopted for the purposes of this research, where the researcher and researched are involved in collaborative cycles of planning, taking action and evaluating, intending to both address an issue and generate new knowledge (Coghlan and Brannick, 2010:44). However, all approaches require the adoption of a model or design framework which is then effected through a "methodological framework" (McNiff, 2016:116) for practical implementation. Initiation of an action research project must therefore begin by adopting or developing a model for practice.

Consideration of the literature provided some ideas for this model. The following eight principles of action research developed by Bargal (2006), were a useful starting point in determining what the appropriate model might entail:

1. a systematic study, sometimes experimental, of a social problem and the attempts to solve it;
2. a spiral process of data collection to identify goals, the action to address and assessment of so doing;
3. feedback regarding the results of the action to all parties involved in the research;
4. continuous cooperation between researchers and practitioners;
5. recognition of the importance of participation of small groups in both decision-making and achieving change in people;
6. consideration of values, objectives and power needs of the parties involved;
7. creation of knowledge, used to inform principles of intervention followed by evaluation; and
8. support for the parties involved, in particular those activating the research.

These principles reinforce many of the key features of action research already identified with the addition of two other factors that also appear in other design frameworks, namely systematic (Rowan, 2001, Stringer, 2007, Berg and Lune, 2012) and spiral (Lewin, 1948, Berg and Lune, 2012) or cyclical (Dick, 1997, Zuber-Skerritt, 2003, Coghlan and Brannick, 2010, Huang, 2010). Thus, the model adopted must include the key features of action research already identified while being a system that is cyclical or spiral.

If action research is to be systematic, it must have a plan for collecting data. The plan does not need to be "complicated or elaborate to be rigorous or effective" (Berg and Lune, 2012:267). Many systems, which ranged from the simple and informal[90] to detailed and formal,[91] were considered before making a selection. Following a review of the options, the model suggested by Rowan (2001)[92] was appealing because of its detail, clarity and the chronological approach. However, another system, developed by Coghlan and Brannick (2010), was preferred because it is concise yet comprehensive, and incorporates each of the five features already identified as integral to this action research, namely collaboration, context, link to practice, knowledge generation and reflection. This model uses accessible labels which succinctly describe what is involved for each of the four stages, which enabled it's realisation in practice. Application of this process, developed by Coghlan and Brannick (2010:9), begins with the "Pre-step" which seeks to understand the context and why the project is necessary - in terms of the overarching research question, this was addressed in Chapter 2. The action research cycle then proceeds as follows:

I.   Constructing[93] the action researcher and relevant others are engaged in the process of constructing or identifying what the issues are for which action will be planned and taken.

II.   Planning action - again with a focus on collaboration.

III. Taking action - implementation of the plan.

IV.   Evaluating action - where the outcomes both intended and unintended are examined.

Stage IV of this framework requires modification to include the necessity for communication or dissemination of the action research findings. Subject to this addition, this framework was the systematic approach applied to this research and is described accordingly in the Chapters that follow.

This addressed the requirement for a systematic study. This system and the other possible models considered comprised progressive stages and therefore could be visualised as linear models. However, another feature common to all was their continuous or evolving nature, creating a spiral or cyclical model. This reflects the

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[90] Examples include "look, think, act" (Stringer 2007:8), or "intention or planning precedes action, and critique or review follows" (Dick1993:5) or "Unfreezing Moving Refreezing" (Bargal 2006).

[91] For example, the CRASP model "critical (and self-critical) collaborative enquiry by reflective practitioners being accountable and making the results of their enquiry public; self-evaluating their practice and engaged in participative problem solving and continuing professional development" (Zuber-Skerritt and Fletcher 2007).

[92] The stages in this model were described as: Just being, Problem/opportunity arising, Thinking, Project, Encounter, Make Sense, and Communication.

[93] Previously termed "diagnosis" which assumed there is a complex system to be diagnosed and an intervention applied towards a desired outcome of improvement or transformation. Eschewing this term in favour of constructing views the first stage as a dialogic activity, recognising the views of all stakeholders to the project and that there are multiple meanings rather than a single truth to be discovered (Coghlan and Brannick 2010).

nature of the knowledge generated through action research where action researchers accept that they are not seeking a fixed outcome of universal application,[94] but instead are producing "personal theories to show what they are learning, and invite others to learn with them" (McNiff and Whitehead, 2011:32). Lewin recognised that this process was very similar to the typical problem-solving approach, which "proceeds in a spiral of steps, each of which is composed of a circle of planning, action and fact finding about the results of the action" (Bargal, 2006:206). On completion of one cycle of action research, the cycle begins again, but the importance of collaboration and democracy, context, action, knowledge generation and reflection is maintained throughout, duly adapted to reflect the outcome of the previous cycle of action research. These revisions or refinement of the next cycle of action research ensure that the research is both flexible and current, described by Dick (2000) as responsive and emergent, in addition to the usual characteristics of action research (participative, qualitative and reflective). This flexibility will allow subsequent cycles of action research to account for any variations in context, one of which will always be the cohort of students, and should ensure the outputs reflect and respond to these variations.

During each action research cycle, two further cycles ran concurrently, for the researcher "a reflection cycle which is an action research cycle about the action research cycle" (Coghlan and Brannick, 2009:19) and for the researched: "cycles within cycles within cycles" (Dick, 2002). The researcher engaged in the first concurrent action research as they must simultaneously reflect and consider the action research framework or model. This comprehensive monitoring uses the same cyclical process of diagnosis, planning action, taking action, evaluating action through critical reflection, and communication or publication, described by Coghlan and Brannick (2009) as learning about learning, or 'meta-learning'. Fletcher and Zuber-Skerritt (2008) have used the term meta-action research to describe this action research on action research which they have described as "the highest level of conceptualising abstract and generalising the action research results through self-critical reflection" (Fletcher and Zuber-Skerritt, 2008:76). The researched engaged in the second concurrent action research cycle where their participation in the module and collaboration with the research through their feedback required their reflective engagement facilitating a similar learning loop or concurrent meta-learning cycle for participants.[95]

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[94] Acknowledging the unstable and dynamic nature of the social world – see page 60 supra.
[95] See paragraph 6.2 infra and the necessity for conscious reflection to effect experiential learning.

However, while there were several learning or action research cycles or spirals running contemporaneously, they were not identical. Some cycles of action research were shorter both in time and concept,[96] and differed even between the three concurrent cycles (the primary action research cycle and the meta-learning cycle of the researcher and the researched) each of which had their own "spontaneous self-recreating system of enquiry" (McNiff, 2013:67). Nor did all of these spirals run sequentially or rationally (McNiff, 2013), as at any stage and at any level the researcher or the researched could initiate a tangential loop where "the spirals of action reflection unfold from themselves and fall back into themselves" (McNiff, 2013:67) creating the responsive and emergent process as described by Dick (2000). If the extent of this activity appears unwieldy or unmanageable, McNiff (2013) asserts that it is possible for action research to address multiple issues while still maintaining a focus on one. In addition to the reasons previously identified for the selection of action research as an appropriate methodology,[97] this capacity for several levels of knowledge creation again highlighted the mutually beneficial nature of this research for both the researcher and the researched.

4.6 CONCLUSION

Action research, as a collaborative and reflective review of practice in context with a view to action optimally affecting positive change but minimally enabling understanding and in either event generating knowledge on several levels, was the chosen methodology for this research. Application in practice required the selection of a systematic and cyclical model and the model of Coghlan and Brannick (2010:9) as shown in Figure 1 Phases in Action Research Cycle was adopted for this research. Chapters 5 to 7 detail the implementation of the action research cycles using this model to address the subsidiary research questions.

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[96] For example, the first action research cycle set out in Chapter 5 was significantly longer in terms of concept yet shorter in terms of time than the second and third cycles set out in Chapters 6 and 7 respectively.
[97] See paragraph 4.3 supra.

5.1   PRE-STEP

The pre-step sets the context and establishes the necessity for the action research cycle. Chapter 2 addressed the first subsidiary research question and established that the requirements of the Hunt Report and the QQI, together with the objectives of undergraduate legal education, necessitated development of the transferable skill set of undergraduate law students. Chapter 2 therefore created the context for subsidiary research questions 2 and 3, which required identification of those transferable skills for which there was both a need and a deficit in law graduates (which would be a prerequisite to facilitation of their development[98]) and so established the necessity for this first action research cycle. The necessary collaborators "who have ownership or need to have ownership" (Coghlan and Brannick, 2010:8) of these subsidiary research question are academics, past graduates[99] and legal practitioners as employers of law graduates.

Figure 2 at the end of Chapter I provided a visual overview of each of the action research cycles in this research while Figure 10 below summarises this cycle.
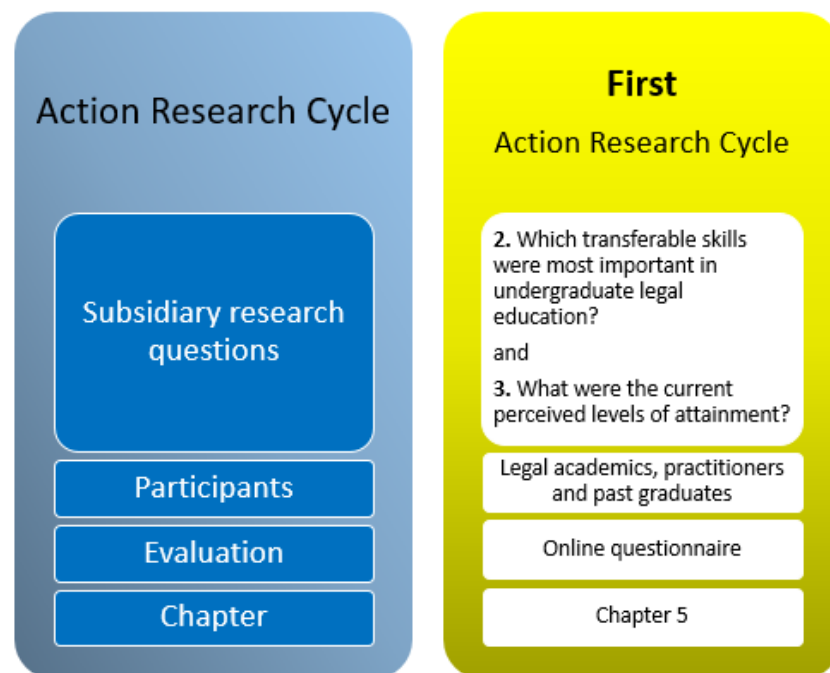
Figure 10 First Action Research Cycle

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[98] The findings of this first cycle of action research formed part of the pre-step of the next cycle of action research (detailed in Chapter 7), which focused on the development of an intervention that would facilitate acquisition of the skills identified.

[99] Current students were the collaborators in subsequent cycles but graduates were preferred for this cycle given their work and life experience which it was anticipated would enable an objective review of their skill needs and levels on graduation.

5.2 CONSTRUCTING

The constructing phase identifies the issue(s) for which action will be planned and taken. The purpose of this first cycle of action research was to identify which transferable skills were deemed most important in undergraduate legal education (subsidiary research question 2) and what were their current levels of attainment amongst law graduates (subsidiary research question 3). Analysis of the findings would identify the important transferable skills and then those with deficient levels of graduate attainment which would inform the pre-step for the next cycle of action research which sought to address subsidiary research question 4 (whether a module could be developed to facilitate the learning of at least one of the transferable skills deemed most important).

5.3 PLANNING ACTION

The planned action moved from the definition of a transferable skill reached in Chapter 2[100] to address the second and third subsidiary research questions.

Identification of the most important transferable skills in undergraduate legal education (subsidiary research question 2) began with consideration of Section 17 of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62) which contained a list of skills with a view to ascertaining employers views on the importance of these skills and whether or not they were held by graduates (a copy of section 17 is contained in Appendix A). This action research cycle planned to review this list in the context of the literature in relation to lists of skills, particularly in legal education, and so create a taxonomy of skills for law graduates.

Assessment of the importance (subsidiary research question 2) and levels of attainment (subsidiary research question 3) of the skills in the taxonomy created then required a research method which could cater for a significant number of concepts and also maximise participation of the collaborators in a manageable way, both in terms of time, cost and analysis of findings. Questionnaires, while predominantly used in quantitative research, are useful in researching the frequency of occurrence of opinions, attitudes, experiences and behaviours (Rowley, 2014:309) while the literature review undertaken in the creation of the taxonomy[101] created a sound knowledge base permitting the formulation of meaningful questions (Rowley, 2014:310). Questionnaires facilitate the surveying and profiling of a situation to

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[100] A transferable skill was defined on page 28 of Chapter 2 as any skill that is inseparable from knowledge and includes an adaptable ability to perform proficiently in different contexts.
[101] See paragraph 5.4 infra.

develop overall patterns (Rowley, 2014:310) between different groups or categories of people (Denscombe, 2010:12). This latter feature was significant. As no one sector could conclusively determine which skills were most important and/or their level of attainment, collaboration with representatives from three sectors (legal practitioners as employers, past graduates [102] and legal academics) using the triangulation approach taken by Rosenberg et al. (2012) addressed all of these concerns and operated as a system of checks and balances. This approach also aligned with the collaborative and participatory nature of action research.

Selection of an appropriate questionnaire followed. A self-completion questionnaire was selected as it is cheap and quick to administer, there are no interviewer effects or variability and it is convenient for respondents (Bryman, 2008:233). Online completion allows further advantages including lower cost, faster response, more attractive formats, fewer unanswered questions, better responses to open questions and better data accuracy (Bryman, 2008:677). Possible limitations of an on-line self-completion questionnaire include the absence of a facility for prompting or probing the respondents or obtaining additional data, the necessity to ensure its relevance to respondents and thus maximise response rates, difficulties in question order, identity of respondents, and limited length to avoid respondent fatigue and incomplete responses (Bryman, 2008:235). These limitations were addressed by including an open ended question towards the end to allow the respondents to volunteer any additional information they thought relevant; highlighting the value of the information sought in the reform of undergraduate legal education in the covering note/introduction; keeping the questions as succinct and logical as possible; anonymising the respondents; including a progress indicator to minimise abandonment; and keeping the questionnaire short. The link to the researcher's own practice is an integral part of action research and brings with it the risk of researcher bias. However, the foundation of the questionnaire in the literature review followed by piloting, and the online and anonymous nature of participation, reduced any possible researcher bias.

Further issues can arise where it is an online questionnaire, such as multiple replies from the one person, restrictions to online populations, confidentiality and anonymity issues, and as low response rates and poor motivation to participate (Bryman, 2008:677). Multiple replies from one person were reduced by restricting completion of the questionnaire to once per computer and inviting participation by email only. Electronic addresses were publicly available for two categories of respondents, namely academics and legal practitioners, while past graduates were accessible

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[102] See no. 99 supra.

through LYIT subject to their consent which addressed the issue of restricted access to an online population. Confidentiality and anonymity were guaranteed as no identifying information was sought thus these issues did not arise. Highlighting the benefits of the research and follow-up reminders were used to motivate respondents and maximise the response rate. This approach was effective as the response rates recorded for both past graduates (57%)[103] and practitioners (41%)[104] exceeded the mean rate of 38.9% reported by Baruch and Holtom (2008) in their analysis of the response rates in 463 academic studies. There were a similar number of responses from academics (where the overall response rate was not determinable).[105] These higher response rates validate the findings as they are likely to be representative of the populations (Baruch and Holtom, 2008) and reduce the possibility of statistical bias (Saunders, 2012).

5.4 TAKING ACTION

The action phase of the action research cycle began with the creation of the online questionnaire. The list of skills in Section 17 of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012) was, with the consent of the authors, used as a starting point (see Appendix A). The objective of that research had been to ascertain employers' views on the quality of graduates from Irish higher education institutions, part of which assessed employers' views on basic skills and the development of employability skills in graduates (McGann and Anderson, 2012:23). This list was reviewed and adapted for the purposes of this project to take account of the review of the generic skills described in policy (Expert Group on Future Skills Needs, 2006) and the literature regarding skills in undergraduate legal education reported in Chapter 2. A draft online questionnaire was then drafted and piloted amongst fellow academics. The feedback received following the pilot was constructive and practical, including requests for clarification of wording, terminology and instructions. Revisions were made in line with the feedback received and using further literature (Kift, 2002, Expert Group on Future Skills Needs, 2006, Chamorro-Premuzic et al., 2010, Saunders and Zuzel, 2010, Department of Education and Skills, 2011, Pellegrino and Hilton, 2013, Webb et al., 2013a). By then the original national survey had been revised and reissued (Harmon and O'Regan, 2015) and the final online questionnaire took account of the changes made.

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[103] 31 responses were received from the 54 successfully delivered invitations.
[104] 31 responses were received from the 75 successfully delivered invitations.
[105] The online questionnaire was successfully delivered to the Heads of 13 Departments delivering legal undergraduate degrees in the Republic of Ireland who were asked to forward it to relevant academics within their department. The number to whom it was successfully forwarded was not sought. 27 responses were received.

The focus of the final online questionnaire comprised a list of 23 workplace skills and 13 personal skills. Table 1 evidences the selection and refinement of the skill list for the purposes of this project, where column one is the original list and column two is the final list.[106]

Subject or discipline knowledge was the first of these skills and while some may not perceive this as a skill, it was retained for several reasons. Firstly, its inclusion in the original list of skills arose following a comprehensive review of the literature (McGann and Anderson, 2012:19).[107] Secondly, the focus of the Hunt Report on essential generic foundation skills was in addition to "a comprehensive understanding of their relevant disciplines" (Report of the Strategy Group, 2011:11). Subject and disciplinary knowledge were also fundamental to the definition of a law degree,[108] thus the inclusion of skills cannot be at its expense. Finally, subject and discipline knowledge was retained as a skill in the context of this research which recognises the symbiotic relationship between knowledge and skills, described by Huxley-Binns (2011:305) as "knowledge is static without skill and there is no skill without knowledge."

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Final list of skills used in Questionnaire *and source of amendment*
Knowledge and skills	**Workplace skills -** National Employer Survey 2015 – (Harmon and O'Regan, 2015)
Subject or discipline knowledge	Subject or discipline knowledge
Computing and information technology/Basic IT skills	Basic computing and information technology skills
	Advanced computing and information technology skills
Literacy	Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media and digital media) - *Pilot*
Numeracy/processing and interpreting numerical data	Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social settings) - *Pilot*
	Case management- *Literature*
	Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving) - *Literature*
Fluent in a foreign language	Foreign language capability - *2015 survey*.

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[106] The source of all changes made is detailed in italics following the revised skill/skill description - Table 8 contained in Appendix B details the specific changes and sources of these changes following each of these reviews.
[107] It was not however included in the revised version (Harmon and O'Regan 2015).
[108] See paragraph 2.8 supra.

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Final list of skills used in Questionnaire and source of amendment
Workplace skills	**Further workplace skills - 2015 survey**
Communicating verbally appropriately and effectively	Communicating orally, appropriately and effectively - Pilot
Communicating in writing appropriately and effectively	Communicating in writing, appropriately and effectively - Pilot
	Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively – Pilot and Literature
Ability to apply professional and/or technical knowledge in the workplace	Ability to apply professional and/or technical knowledge in the workplace
	Identifying and understanding problems - Literature
	Common sense - Literature
Working effectively with others (e.g. team and interpersonal skills)	Working effectively with others (for example team and interpersonal skills)
Working effectively on their own (e.g. personal organization, commitment and time management)	Working effectively on their own (for example personal organisation, commitment and time management)
Concern for quality and detail	Concern for quality and detail
Business acumen or awareness	Business acumen or awareness
Entrepreneurial skills	Entrepreneurial skills
Thinking critically and analytically (e.g. problem-solving and innovation)	Thinking critically and analytically (for example, problem solving and innovation)
Leadership/Leading others	Leadership/leading others
	Client focused service skills - Literature
	Appreciation of diversity and an inclusive perspective - Literature
Attitude	**Personal skills or attitudes - 2015 survey**
	Self-presentation and appearance - Literature
Self-motivation	Self-motivation
Openness to change	
	Self-management: physical and mental health - Literature
	Reliability – 2015 Survey
Taking responsibility	Taking responsibility
	Professionalism and work ethic – 2015 Survey
Ability to cope with work pressure	Ability to cope with work pressure
Capacity to be flexible and adaptable	Adaptability and flexibility – 2015 Survey
	Integrity and ethics - Literature
	Social/civic responsibility - Literature
	Reflection and self-evaluation - Literature

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Final list of skills used in Questionnaire *and source of amendment*
	Appreciation of personal limitations - *Literature*
	Commitment to keeping knowledge up to date - *Literature*
	Lifelong interest in continuous/adaptive learning - *Literature*
	Personal commitment – *2015 Survey*
	Positive attitude and energy – *2015 Survey*

Table 1 Summary of the selection and refinement of the skill list for the purposes of this project

This taxonomy of skills became the core of the questionnaire to identify which transferable skills were most important in undergraduate legal education (subsidiary research question 2) and their current levels of attainment amongst law graduates (subsidiary research question 3). A Likert scale was used for responses which was developed in the same way as the list of skills[109] (Table 8 contained in Appendix B details the specific changes and sources of these changes following each of these reviews). Respondents used the following five-point Likert scale to determine the importance of the various skills and ranged as follows:

"Very important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant"

Satisfaction with the acquisition by graduates of the various skills was measured collectively i.e. as a group and used the following six-point Likert scale:

" All Satisfactory	75% Satisfactory	50% Satisfactory	25% Satisfactory	None Satisfactory	Don't know/ Not applicable"

The questionnaire was finalised by the inclusion of demographic questions at the outset to distinguish the respondents (who could be from one of three sectors), the inclusion of an open question allowing respondents to reference any other skills inadvertently omitted and concluding with a question particular to each group.[110] Ethical approval was sought and granted on the 13th of January 2015 by the Professional Doctorate Research Ethics Committee of Nottingham Trent University.

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[109] The rating scale to determine importance/satisfaction also began with Section 17 of the National Survey of Employers Views of Irish Higher Education Outcomes and was subject to the same process of consideration in the context of the literature followed by piloting and further review in the context of the revised National Survey.

[110] Academics were asked whether they thought it was the responsibility of higher education institutions to facilitate the acquisitions of these skills in their graduates. Practitioners were asked if they had recruited a law graduate from LYIT. Graduates were asked what they had been doing since graduation.

Copies of the final version of all three questionnaires are contained in Appendix C. The questionnaire was then issued to the three categories of respondents.

5.5 EVALUATING ACTION

Evaluation of this cycle of action research required consideration of the level of engagement with the online questionnaire and the findings emerging from their responses.
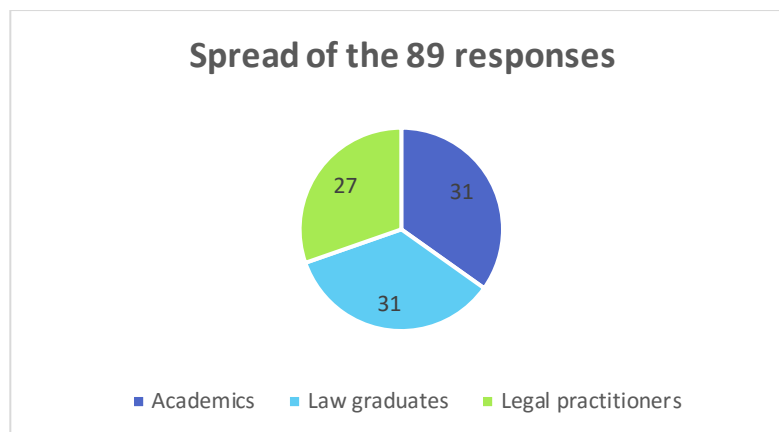
Figure 11 Engagement in the online questionnaire (N=89)

In relation to engagement, as is evident from Figure 11 above and detailed on page 70, there was a good number and range of respondents which enhanced the validity of the findings. There were a similar number of responses from each sector.[111] This was important to ensure the validity of the triangulation approach where "credibility of a study is enhanced when multiple sources of information are incorporated" (Stringer, 2007:58). There was also a variety of respondents within each sector. For example, the academic responses were split evenly between the University and the Institute of Technology sectors. The responses were anonymous, which did not allow for a comparison of the University and Institute of Technology responses, which would have been useful to ascertain if their responses reflected their distinctive agenda and in particular the more practical vocational objectives of the Institute of Technology sector (see paragraph 3.2).

The online questionnaire firstly sought to identify which skills were considered most important (subsidiary research question 2) and in what order of priority, and then sought to identify perceived levels of attainment of these skills (subsidiary research question 3). In both cases, the skills were grouped as workplace skills and personal

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[111] Past graduates of LYIT, from whom there were 31 responses; legal academics, from whom there were 27 responses; and legal practitioners in County Donegal, from whom there were 31 responses.

skills/attitudes and the findings in respect of each group are collated and presented in this Chapter in charts in the same order.

Firstly, in relation to the list of skills used, no graduates indicated any other skills should have been included. The majority of both practitioners and academics agreed, but there were some singular suggestions from each of these groups. One respondent from each group highlighted basic writing skills. Additional skills suggested by academics included influencing policy and networking skills, while those suggested by practitioners included more practical vocational skills, time management and soft skills. One academic respondent queried the use of "umbrella concepts which would mean vastly different things to each respondent" which is consistent with the issues of terminology in relation to the term skill itself as discussed and identified above in Chapter 2. However, the development of the questionnaire through a review of the literature and piloting minimised any potential confusion.

5.5.1 Important Workplace Skills

Consideration of the results will firstly focus on workplace skills and the areas of consensus. There was general agreement across all three sectors as to the 10 most important of the 23 skills, and from those there was a clear top four with one in particular standing out as most important. The top four skills, which over 80% of each of the three groups of respondents deemed very important, were, in descending order of importance, the skills of oral communication, common sense, written communication and working effectively on their own. Oral communication stood out as it attained the highest average rating across all three groups where 96% of all respondents rated it as very important. As Figure 12 illustrates there were then small variations in rating as between the three groups for the other three of the top four skills.

The remaining six skills of the top 10, which over 60% of all three groups deemed very important were basic computing and information technology skills, literacy, ability to apply professional and/or technical knowledge, identifying and understanding problems, working effectively with others, and concern for quality and detail.
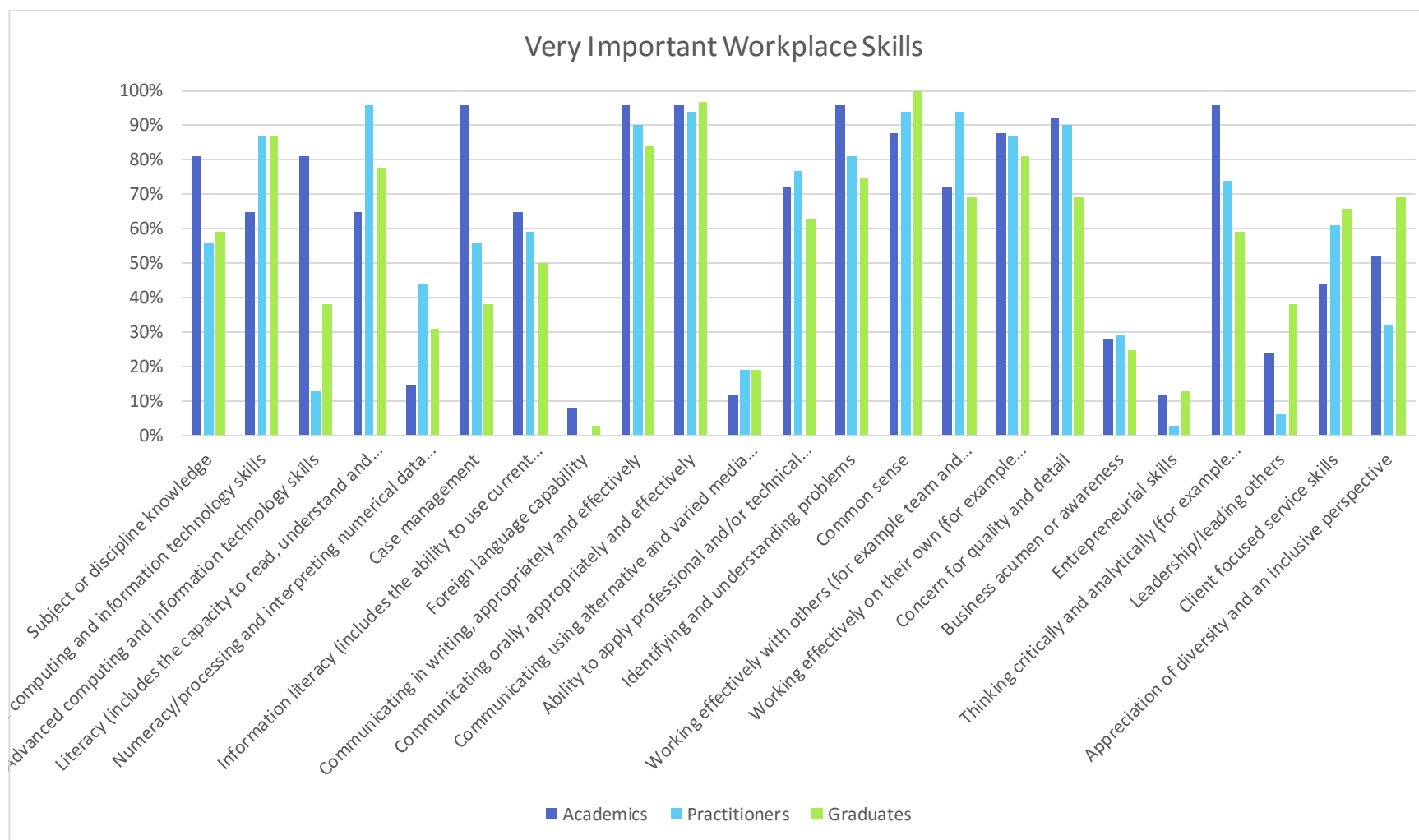
Figure 12 Very Important Workplace skills (N=89)

There are two significant points arising from the selection of these 10 skills as the most important across all three sectors. Firstly, all but two of these skills originated in the generic list of skills in the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62) used as the starting point to create the taxonomy of skills (the two that were added as a result of the review of the literature in relation to creating a taxonomy of legal skills were common sense and identifying and understanding problems). This is a clear endorsement by academics, practitioners and graduates of the explicit requirement in the Hunt Report for the attainment by all undergraduates of skills. Furthermore, as eight of the top 10 skills originated in the list of generic skills, they are not exclusive to law graduates and as such are skills transferable from one discipline to another. While this project sought to develop the transferable skill set of law graduates, it was anticipated that some of those skills would be skills exclusive to law graduates. This is not supported by these findings which endorse national policy requiring development of generic rather than discipline specific skills.

Secondly, subject or discipline knowledge was not included in this top 10. The lack of emphasis on subject or discipline knowledge across the board is significant given its emphasis in both the Hunt report, the definition of a law degree and skills generally.[112] For example, even though academics gave it a higher rating of importance than either practitioners or graduates, academics themselves rated eight other workplace skills more important. The data also highlighted a key difference in responses between the academics and the other respondents. Subject or discipline knowledge was one of three skills which academics rated much more important than either of the other two sectors (the others being identifying and understanding problems and thinking critically and analytically). These three skills are also coincidentally key features of the black letter law approach discussed in paragraph 2.8.2 and considered a narrow construction of the purposes of a law degree. This raises the possibility that many academics consider discipline knowledge and this ability 'to think like a lawyer' the overriding objective of a law degree.

This possibility receives further endorsement when the skills that academics deemed most important are identified. Academics identified five skills as being equally most important and these were literacy, oral communication, written communication, identifying and understanding problems, and thinking critically and analytically. The addition of literacy, oral and written communication are arguably integral to the black letter law approach and thus the skills most valued by academics endorse a black letter law approach. One might have thought that there would have been a difference between the responses from each

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[112]See Chapter 2.

of the academic sectors, given their different statutory remits (see paragraph 3.2) but this was not the case as over 96% of all academics were agreed on the five most important skills.[113]

In contrast, there was a clear hierarchy amongst the top five skills identified by graduates as most important. Common sense formed the apex, with oral communication underneath, basic computing and information technology skills below that, written communication below that again and the skill of working effectively on their own at the base. The inclusion of oral and written communication reflected the findings of academics, however the balance of the skills originated in the generic list where no skills exclusive to legal education are included.

The most important five skills for practitioners also included oral and written communication. However, otherwise they were notably different from either of the other two sectors. In particular, literacy alone was deemed most important, which was followed jointly by the skills of oral communication, common sense and working effectively with others, which were followed jointly by basic computing and information technology skills, written communication and concern for quality and detail. In common with graduates, all of these skills were drawn from the list of generic skills. Furthermore, there is a clear emphasis on fundamental or basic skills, this raises the issue that practitioners feel such skills are currently insufficiently developed in graduates. This was also supported by the suggestion of basic writing skills as an additional skill that could have been included in the questionnaire.[114]

Practitioners are not consistently alone in these views and the results also showed interesting alignments between the different groups. Examples include:

- over 87% of practitioners and graduates deemed basic computing and information technology skills very important in contrast to academics whose rating was just over 65%;
- over 90% of academics and practitioners deemed concern for quality and detail very important in contrast to graduates (less than 70%); and
- over 90% of practitioners considered working effectively with others important in contrast to approximately 70% of academics and graduates.

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[113] Although the data did not distinguish responses from each sector, there must have been responses from both sectors and if so, no appreciable difference was apparent.
[114] See paragraph 5.5 supra.

The first of these alignments raised an anomaly in relation to technology related skills. Academics rated advanced computing and information technology skills, and to a slightly lesser extent case management skills far higher than either of the other sectors. Academics also rated information literacy more important than the two other sectors (though not to the same degree of difference), both of whom rated basic computing and information technology skills most important of these skills. This contrast in finding raises questions for the technology related skills. Both practitioners, who are at the coalface and aware of the importance of such skills in reality, and graduates, who tend to be perceived as more technologically proficient and biased in favour of such skills, deemed a basic level sufficient, whereas academics required a far higher standard across several related skills. This approach by academics may reflect their ambition to prepare graduates for the effect of "disruptive legal technologies", while the focus of practitioners and graduates on a foundation of the basics, could reflect either a belief that these skills are sufficiently acquired elsewhere or a possible belief that basic skills combined with flexibility or adaptability is the appropriate preparation.

Finally, there was also consensus amongst the three groups in relation to the workplace skills deemed the least important which was led by the skill of foreign language capability[115] followed closely by entrepreneurial skills. The two skills of communicating using alternative and varied media, and business acumen or awareness, were deemed only marginally more important than these two skills.

5.5.2 Important Personal skills

The questionnaire then moved to personal skills/attitudes[116] and, again, consideration of the results (see Figure 13) will firstly focus on the areas of consensus. There were 16 skills in total and there was a much higher degree of consensus across all three sectors in relation to these skills than the workplace skills. There was little difference across all three sectors as to the five most important of these skills, which were reliability, taking responsibility, professionalism and work ethic, ability to cope with pressure and integrity and ethics. Over 80% of all three groups of respondents deemed these personal skills very important.

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[115] The respondent practitioners were all general practices focused on local populations where arguably language skills would be less important.
[116] See Table 1 Summary of the selection and refinement of the skill list for the purposes of this project.
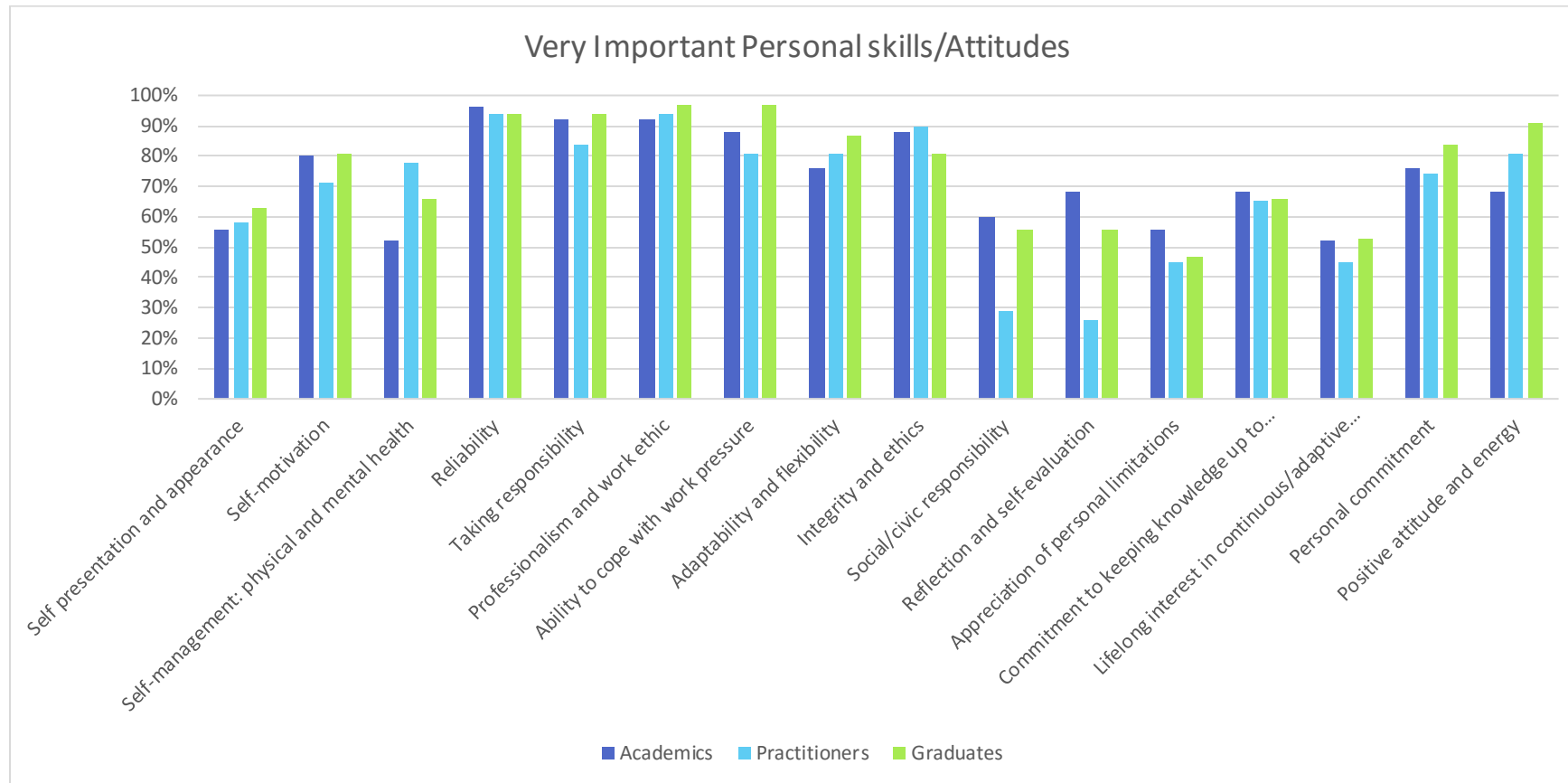
Figure 13 Very important personal skills/attitudes (N=89)

There were then five skills which over 60% of all three groups deemed very important, namely self-motivation, adaptability and flexibility, commitment to keeping knowledge up-to-date, personal commitment, and positive attitude and energy. All sectors gave lower ratings for the balance of these personal skills as evidenced by Figure 13 noting that practitioners rated the two skills of social and civic responsibility, and reflection and self-evaluation significantly lower than both of the other two groups.

Importantly in the context of this research, the majority (all but two, integrity and ethics, and commitment to keeping knowledge up to date) of the 10 personal skills selected as the most important across all three sectors originated in the generic lists of skills in the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012, Harmon and O'Regan, 2015) (where the McGann and Anderson (2012:61-62) list was the starting point for the creation of the taxonomy of skills for this research). This is a further endorsement by academics, practitioners and graduates of the explicit requirement in the Hunt Report for the attainment by all undergraduates of transferable rather than discipline specific skills.

5.5.3 Findings as to Subsidiary Research Question 2

Firstly, as Figures 12 and 13 illustrate, there was a considerable degree of consensus regarding a number of both workplace and personal skills at each end of the scale. The top eight workplace skills and the top nine personal skills are all from the generic list of skills in the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62), which as indicated, are an endorsement of the policy provisions in the Hunt report, the QQI and outcomes for an undergraduate law degree. In addition, as all of these skills are generic they must be transferable. However, these findings may cast doubt on the claim that a law degree is unique,[117] which is worthy of further research. In particular, the low rating of importance given to the predictable content of undergraduate education, for example subject or discipline knowledge, makes it very clear that provision for this alone is insufficient. This also supports the contention of Huxley-Binns (2011) that the focus on core knowledge or the seven foundation subjects of a qualifying law degree are not the features of a law degree which make it unique.[118]

A further point worthy of note is that there was only one workplace skill which over 90% of all three categories deemed very important, namely communicating orally.

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[117] See page 45 supra.
[118] Ibid.

Communication skills were consistently recognised as essential in the review of the list of skills literature (Kift, 1997, Expert Group on Future Skills Needs, 2006, Chamorro-Premuzic et al., 2010, Saunders and Zuzel, 2010, McGann and Anderson, 2012, Pellegrino and Hilton, 2013, Webb et al., 2013a, Harmon and O'Regan, 2015), and these findings endorse the particular importance of oral communication for law graduates. It was not included as part of the general transferable skill requirement of the qualifying law degree discussed by Huxley-Binns (2011) which raises the possibility that it is more important for law graduates and may be among the minimum intellectual professional legal skills. However, over 90% of all three categories agreed that the personal skills of reliability, and professionalism and work ethic, were very important and these do come within the understanding of intellectual professional legal skills suggested by Huxley-Binns (2011) as required to act like a lawyer with lawyerly skills.

5.5.4 Attainment of workplace skills

The next part of the questionnaire addressed levels of attainment of these skills by law graduates (subsidiary research question 3). Here, respondents were asked to rate their level of satisfaction (on a scale ranging from all satisfactory to not applicable - see paragraph 5.4) with graduates collectively, as they related to the various attributes. In assessing the responses, it is important at the outset to acknowledge that the questionnaire had limitations. Firstly, it required respondents to know a cohort of graduates (not an issue for graduates or past graduates). Secondly, knowledge of any given cohort of graduates would not necessarily include an opportunity for assessment of many of the skills covered by the questionnaire. Thirdly, it must be acknowledged that the higher rating for some skills could be attributable to a variety of reasons and not simply inclusion or exclusion in the curriculum for undergraduate legal education. For example, each respondent could be basing their findings on a different cohort of graduates. The triangulation approach adopted was intended to mitigate the effect of these limitations. The findings in relation to satisfaction regarding skill attainment levels will be considered in general first, before focusing on those skills deemed more important by the respondents.

Figures 14, 15 and 16 chart these findings in relation to workplace skills, noting that the workplace skills deemed the least important by all three sectors[119] were removed

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[119] Foreign language capability, Entrepreneurial skills, Communicating using alternative and varied media, and Business acumen or awareness.

from these charts, firstly because of their perceived irrelevance (see Figure 12 Very Important Workplace skills) and secondly, which is presumably a natural consequence of their relevance, their levels of attainment were predictably lowest. The dark blue line on each Figure reflects those skills for which the respondents believed all graduates had obtained satisfactory levels. The position of this line is almost identical for both academics and practitioners with a minimal number of responses indicating an attainment level of 100% for most of the skills, apart from subject or discipline knowledge and basic computing and information technology (where the latter scores more highly). This is in stark contrast to the findings of graduates, who consistently indicated higher levels of attainment across all skills and for a range of skills (which excluded subject or discipline knowledge but included basic computing and information technology skills, common sense, working effectively with others, working effectively on their own, and concern for quality and detail), over 60% of respondents indicated that all graduates had attained a satisfactory level. Overall, this suggests that most academics and practitioners are not satisfied that the vast majority of workplace skills are acquired by all graduates, but that graduates themselves may not appreciate this.

The light blue line on each of Figures 14, 15 and 16 reflects those skills where the respondents believed 75% of graduates had attained a satisfactory level, while the green line indicates a rating that 50% or less of all graduates had done so. While the position of the light blue line is higher than the dark blue line for academics and practitioners, in general the highest line for each is the green line, indicating that neither sector believes that at least 50% of all graduates have obtained these skills to a satisfactory level. Again, this is markedly different to the graduate responses, where each of the three lines follow a similar trajectory and, in contrast to academics and practitioners, in general the green line is the lowest line. Overall, therefore, graduates responded indicating a far higher satisfaction rating with all workplace skills.
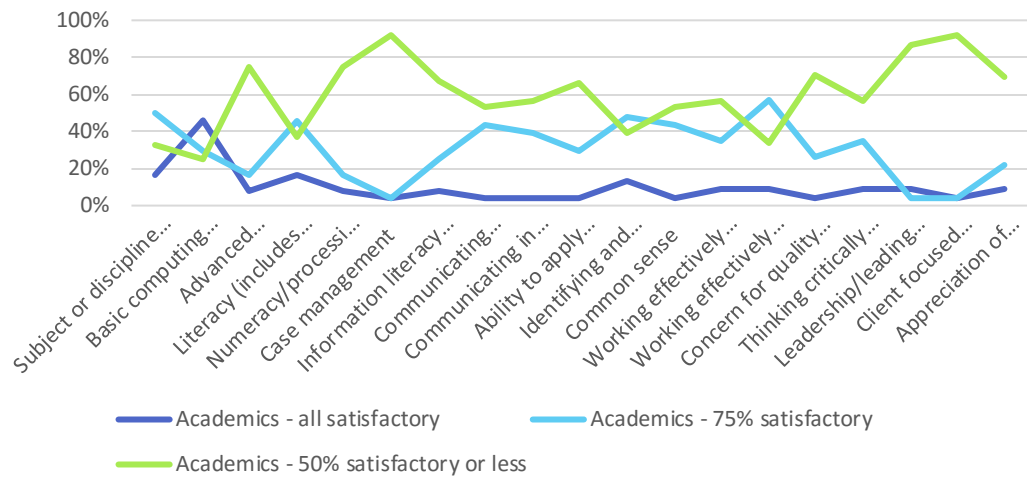
Figure 14 Academic satisfaction levels with workplace skills (N=27)
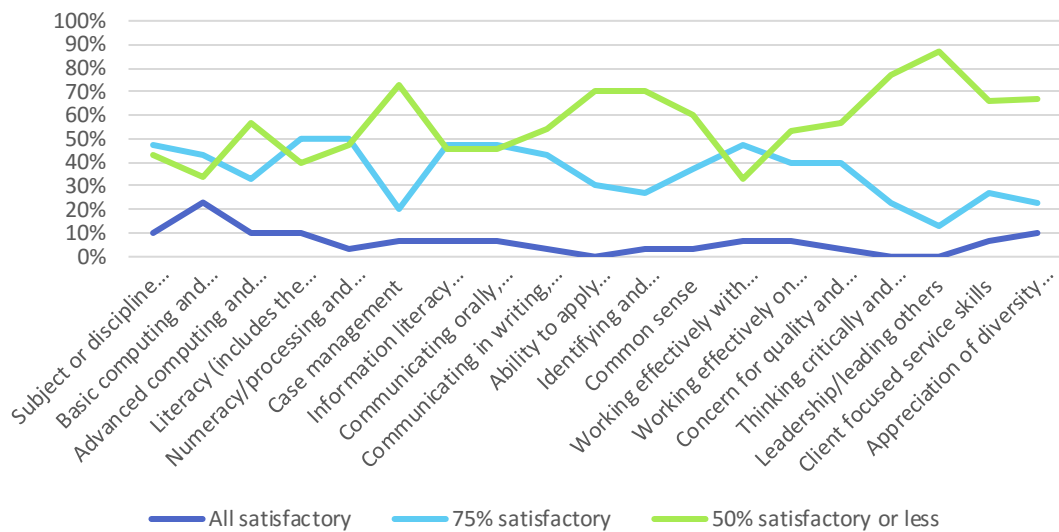
Figure 15 Practitioner satisfaction levels with workplace skills (N=31)
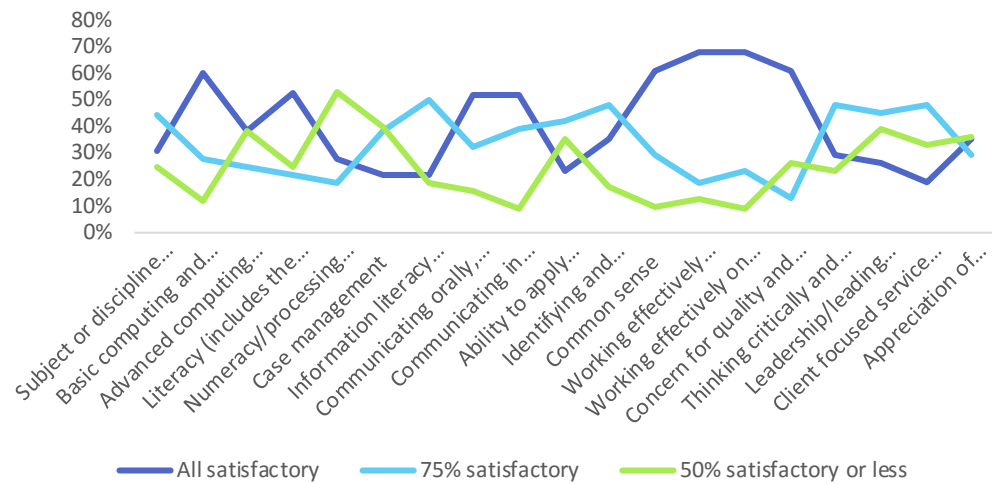
Figure 16 Graduate satisfaction levels with workplace skills (N=31)

5.5.5 Attainment of personal skills

In relation to personal skills, Figures 17, 18 and 19 chart the findings, and while academics were least satisfied, the ratings of practitioners were higher than those for workplace skills and again graduates were most positive.
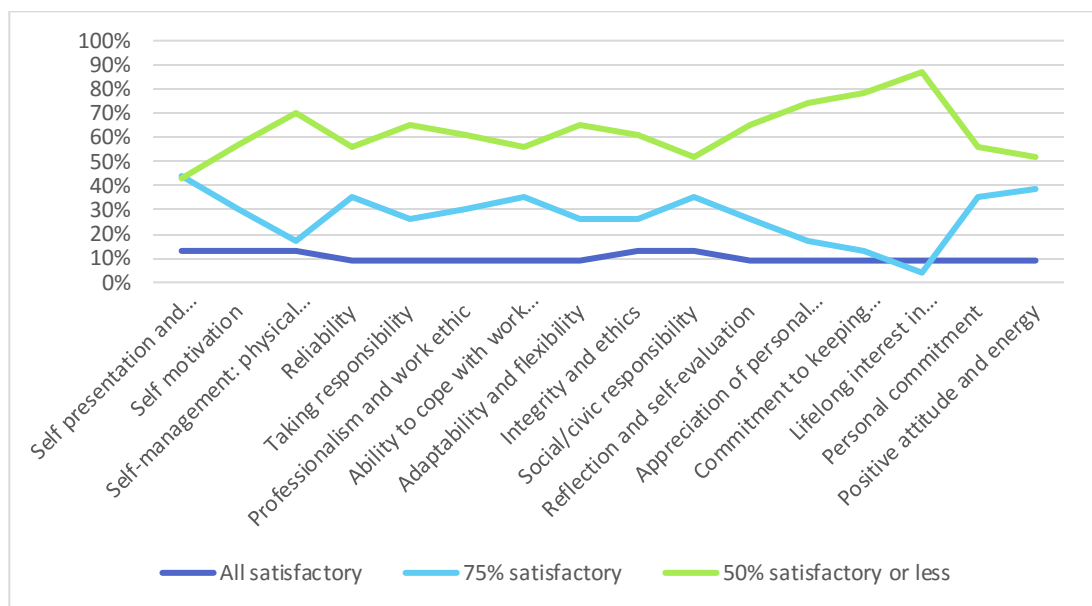
Figure 17 Academic satisfaction levels with Personal Skills (N=27)
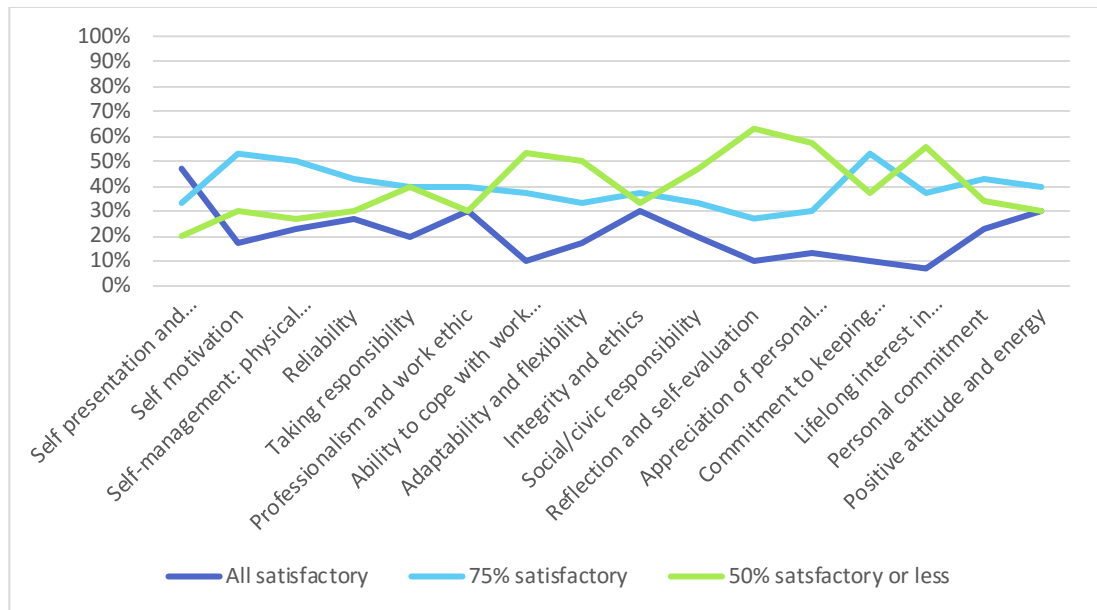
Figure 18 Practitioner satisfaction levels with Personal Skills (N=31)
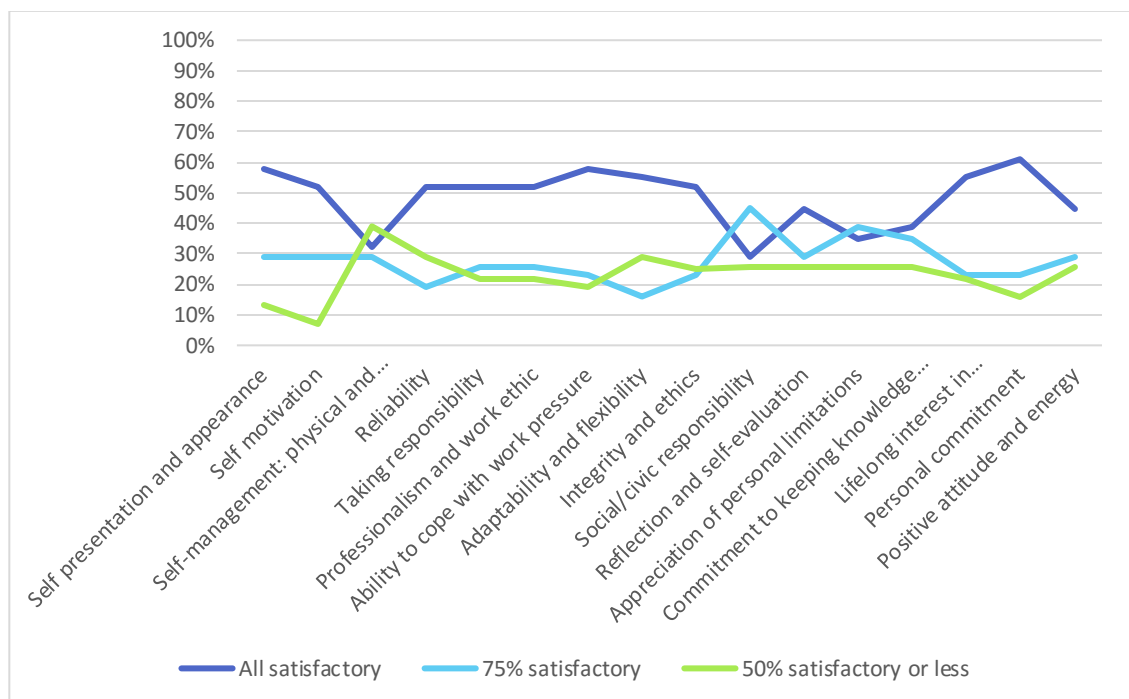
Figure 19 Graduate satisfaction levels with Personal Skills (N=31)

The consistent disparity in satisfaction levels as between academics and practitioners on the one hand, and graduates on the other is an issue. However, one of the personal skills is reflection and self-evaluation and the findings in relation to it might explain this disparity – see Figure 20. As Figure 20 illustrates, the perceptions of

academics and practitioners are nearly identical, holding that few graduates have the required level of this skill, while graduates take the opposite view. This highlights two potential issues for graduates in determining skill attainment. Firstly, if their self-evaluation skills are weaker than required then they will be challenged in identifying any skill deficits. Secondly, the issue arises as to whether graduates are consistently over-estimating their skill level because they do not appreciate the required levels of attainment. In relation to the former, a deficit in this skill will also limit the students' capacity to meet the first requirement of the QQI as set out in Figure 4 Awards Standard - Generic Higher Education and Training: Honours Bachelor Degree (Quality and Qualifications Ireland 2014:5). A key component of the competence requirements is the capacity for transfer of skills and continuous learning. Insight, described by the QQI as the enhancement of learning through reflection, is core to the development of these capacities and, as identified in paragraph 2.8.3, also provides an opportunity to impact the student's identity and sense of self.
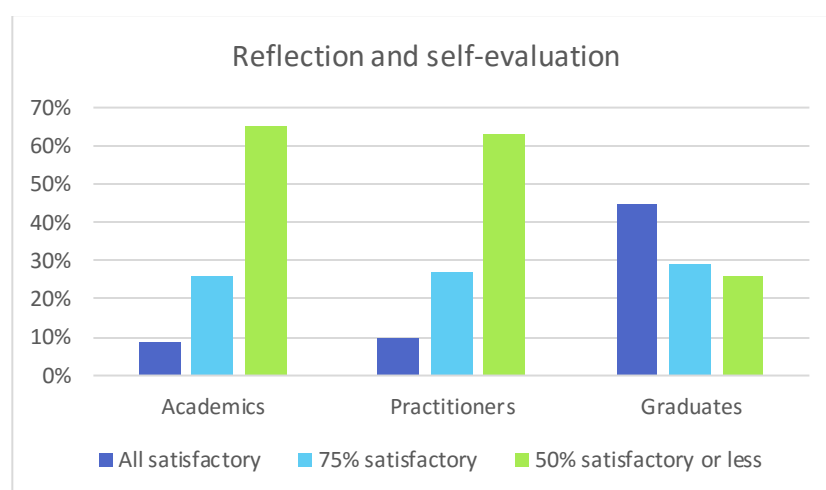
Figure 20 Satisfaction levels regarding the skill of reflection and self-evaluation (N=89)

This finding has important implications for this research, as it demonstrates that facilitation of skill development of graduates must also provide for development of their self-evaluation skills. This was acknowledged in the design and development of the module in the next action research cycle, as outlined in Chapter 6.

5.5.6 Findings as to Subsidiary Research Question 3
Ultimately, the data generated regarding perceived levels of attainment indicated that all skills required improvement, albeit in a context where greater overall

satisfaction with the levels of attainment of personal skills compared to workplace skills was identified.

However, the focus of this research is on those transferable skills deemed most important and their levels of attainment. As evidenced, the workplace skill of communicating orally appropriately and effectively, and the personal skills of reliability, and professionalism and work ethic, were deemed most important across academics, practitioners and graduates. It was then necessary to identify the specific levels of attainment for each of these three skills, to ascertain whether there was any gap in provision. Figures 21, 22 and 23 illustrate the reported levels of attainment for each of these three skills.
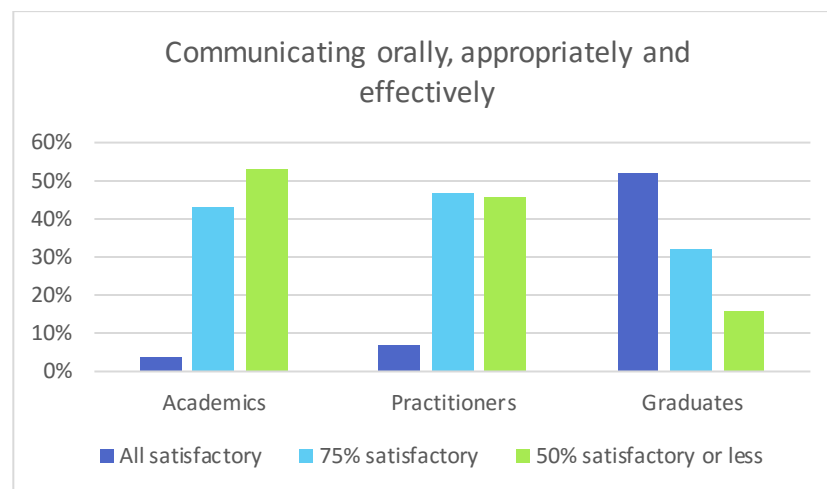
Figure 21 Satisfaction levels regarding the skill of Communicating orally, appropriately and effectively (N=89)

Figure 22 Satisfaction levels regarding the skill of Professionalism and work ethic (N=89)
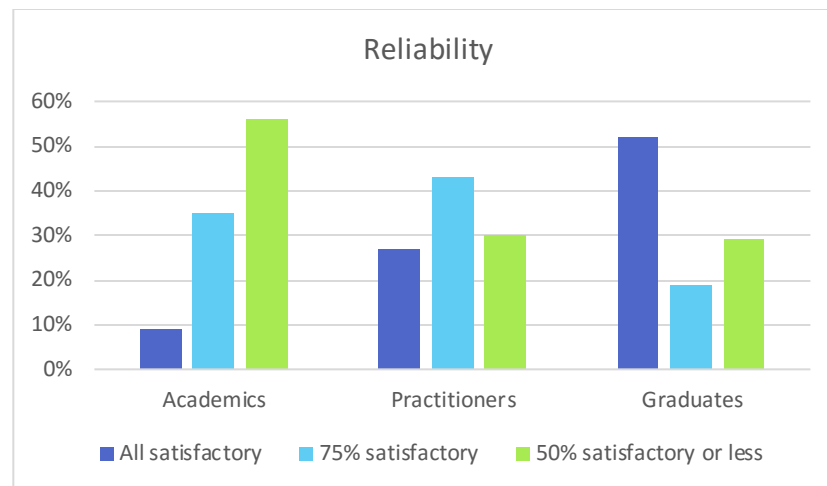
Figure 23 Satisfaction levels regarding the skill of Reliability (N=89)

As Figures 21, 22 and 23 illustrate, the findings in respect of these individual skills are similar to the general findings. Firstly, there is a significant differential between the perceptions of academics and practitioners and those of graduates, where graduates are consistently, across all three skills, more confident of their acquisition. Secondly, this differential is highest in relation to the workplace skill (communicating orally appropriately and effectively) in comparison to the two personal skills (professionalism and work ethic, and reliability). These findings also reiterate the potential implications for this research in relation to the self-evaluation skills of graduates, mentioned above, which had to be addressed when facilitating skill development in the module that is the subject of this research.

5.6 PRE-STEP FOR NEXT ACTION RESEARCH CYCLE

This cycle of action research identified a deficit in workplace and personal skill attainment by law graduates. Themes emerged from the data both in relation to the importance of the various workplace and personal skills and their perceived levels of attainment which is worthy of in-depth analysis and further research beyond the scope of this project. The data indicates that many workplace and personal skills are considered more important than subject or disciplinary knowledge. Furthermore, the skills deemed most important were dominated by transferable skills, generic to all disciplines, rather than those exclusive to legal education, endorsing both the policy provisions of the Hunt Report and envisaging a law degree beyond disciplinary knowledge coupled with thinking like a lawyer. It is beyond the scope of any one study to focus on all skills, but this research has shown a clear consensus from all three sectors on the skill deemed most important, namely communicating orally, appropriately and effectively. The personal skills of reliability, professionalism and

work ethic were also deemed most important by all three sectors. However, their ratings were not as high as the workplace skill of communicating orally, appropriately and effectively. As a result, these skills were not chosen for the next cycle of action research. However, had they been chosen, the issue as to whether these can, or should, be effectively taught in higher education would have to be addressed. This concern could equally be raised regarding facilitation of skills generally in higher education. While this has been addressed by the policy provisions set out in Chapter 2 which not only endorse but require such facilitation, the final question of the online questionnaire to academics asked the same question, and the responses were overwhelmingly positive with one exception. Some responses indicated that it was a responsibility to be shared with both second level and professional training, while another warned against creating a trade school rather than an academic enterprise to 'develop a clear academic identity for the discipline' currently lacking.

Thus, any response to this imperative from policy and academia to facilitate the acquisition of transferable skills, and in particular the transferable skill of oral communication, of law undergraduates in the next action research cycle needed to be cognisant of both the importance of the preservation of the academic identity of the discipline or the unique features of a law degree, and the difference in perception of skill attainment as between academics and practitioners and graduates. The reasons for the latter may be that graduates have difficulties in assessing their skill performance levels due to poor self-evaluation capacity or alternatively that academics and practitioners are requiring too high a standard. In any event, the persistently higher satisfaction ratings recorded by graduates required positive action and monitoring (as effected in the next action research cycle) to address the difference in perceptions.

In conclusion, this action research cycle set out to address the second and third subsidiary research questions by creating a taxonomy of skills which were then reviewed by past law graduates, legal academics and legal practitioners to determine which skills were most important, and the levels attained in those skills by law undergraduates. All three sectors approved the emphasis on transferable skill development in undergraduate programmes [120] and acknowledged the role of undergraduate legal education in providing an appropriate learning environment to facilitate improved graduate transferable skill attainment levels.

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[120] As required by the Hunt Report, the QQI and the objectives of undergraduate legal education - see paragraph 2.9.

In answer to the second subsidiary research question, the transferable skills identified as most important in undergraduate legal education were those skills generic to all disciplines further endorsing the policy provisions of the Hunt Report. The skill of communicating orally, appropriately and effectively was deemed most important by all three sectors. The third subsidiary question then sought to ascertain the current perceived levels of attainment of law graduates in those skills and, while it was not expected that all graduates would attain a satisfactory level in all skills, the current standards as determined by all three sectors fell well below satisfactory creating a clear deficit. The skill of communicating orally, appropriately and effectively was no exception.

This cycle of action research therefore reinforced the necessity for the explicit inclusion of transferable skills at undergraduate level, in particular those skills identified as most important. The skill of communicating orally, appropriately and effectively was deemed most important but also had a deficit in acquisition. This finding justified the development of a model or framework for the development of this skill. However, while the skill of reflection and self-evaluation was not amongst the skills deemed most important, the deficit in attainment recorded had the potential to adversely affect student learning and perception of their attainment of all skills. Any model or framework developed must factor in this finding. The development of this model or framework was the subject of subsidiary research question 4 and the next cycle of action research.

6.1 PRE-STEP

The purpose of the second cycle of action research was to develop a module with a pedagogic approach that would facilitate the learning of transferable skills at undergraduate level in legal education (subsidiary research question 4). Recognising that it would be impossible to facilitate the development of all transferable skills, the module focused on the transferable skill deemed most important by all sectors in the first cycle, namely communicating orally, appropriately and effectively,[121] which the first cycle also found had a clear deficit in attainment (see Figure 21 Satisfaction levels regarding the skill of Communicating orally, appropriately and effectively). The module developed also sought to address the deficit in the skill of reflection and self-evaluation (to enable student learning and perception of their attainment of all skills) and maximise the potential for development of the further transferable skills deemed important in the first action research cycle.[122] Figure 2 at the end of Chapter 1 provided a visual overview of each of the action research cycles in this research while Figure 24 below provides a visual summary of this cycle.
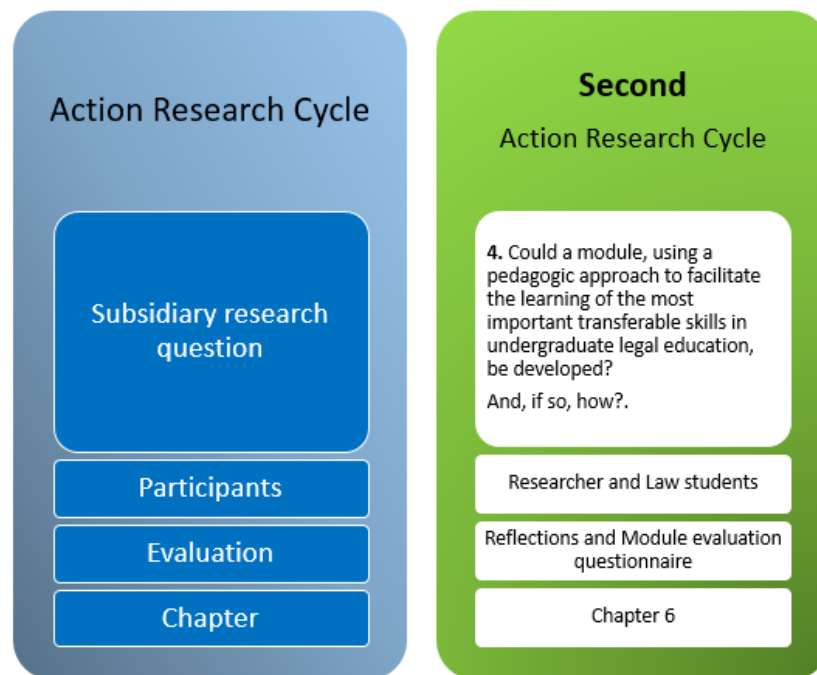
Figure 24 Second Action Research Cycle

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[121] See Figure 12 Very Important Workplace skills and paragraph 5.5.1 supra where this skill attained the highest rating - over 96% of all respondents rated it as very important.

[122] The top four workplace skills were oral communication (deemed most important) common sense, written communication and working effectively on their own while the top five personal skills were reliability, taking responsibility, professionalism and work ethic, ability to cope with pressure, and integrity and ethics.

6.2 CONSTRUCTING

The PPE process undertaken by the Department of Law and Humanities in LYIT in 2012 (described in Chapter 2) followed a 'dialogic activity' model (Coghlan and Brannick, 2010) with relevant stakeholders, and resulted in a re-emphasis on the traditional focus on practice as part of the pedagogic approach in LYIT in the context of the Hunt Report and the QQI standards. This culminated in the introduction of several new modules requiring practical application of the law described in Chapter 3.[123] The focus on practice also provided a potential opportunity for students to learn how to act like a lawyer with lawyerly skills as cited in the definition of a law degree by Huxley-Binns (2011:309), not simply to facilitate the pursuit of entry to the traditional legal professions but to experience those features of a law degree that make it unique. In the context of this cycle of action research, Grimes (2002) had identified the potential of practice in legal education not just to provide opportunities to apply knowledge of law and legal process but also opportunities for the development of the skills implicit in legal study. However, the first cycle of action research had established that the skills of most importance to law graduates, academics and practitioners are transferable skills (in line with the Hunt report and the QQI standards) and not skills exclusive to law. Following the findings of Canning (2011) that the use of contextualised practices was effective in teaching core skills, where multiple and collective experiences are used to help the student with the necessary connections and insight in order to learn, the use of practice presented a potential pedagogic approach to facilitate transferable skill acquisition.

6.2.1 Constructivist and transformative learning

A pedagogic approach incorporating practice recognised that learners engage with their studies and learn more effectively if they are actively involved in the educational process, in contrast to "those who sit passively and listen to the wise words of their 'olders and betters'" (Grimes, 2017:xvi). This is a constructivist approach to the learning process where learning is effected "by fitting new understanding and knowledge into and with, extending and supplanting, old understanding and knowledge" (Fry et al., 2008:10). The traditional view of legal learning as the accumulation of facts or learning (discipline knowledge),[124] is replaced, and instead learners construct their learning by the development of previous understandings, either by the addition of further concepts or understandings, or the alteration of current or pre-existing understanding. Learning effects change in the learner and so

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[123] See paragraph 3.3.
[124] See Chapter 2.

is potentially transformative (Mezirow, 1997). This approach requires the educator to function "as a facilitator and provocateur rather than as an authority on subject matter" (Mezirow, 1997:11). Information or disciplinary knowledge is a resource in this process, but learning becomes an active process which incorporates this knowledge "into an already well-developed symbolic frame of reference" (Mezirow, 1997:10) resulting in learning of a higher order, such as enhanced understanding or retention of facts for the longer term (Fry et al., 2003).

6.2.2 Universal Design for Learning

This approach to learning adopted in the design of this module differs from the traditional didactic approach in law and facilitates the application of the theory of universal design for learning (Rose and Meyer, 2002, Edyburn, 2010)[125] which acknowledges that

1. there should be multiple means of representing course content,
2. students should be assessed in a variety of ways, and
3. there should be a variety of teaching strategies and means of interaction with the course material, which is appropriate to ensure a more inclusive paradigms of teaching and learning to facilitate all learners (Ashford and Guth, 2016:139).

Application of the theory of universal design for learning is particularly apposite in LYIT given the disparate nature of the student cohort.[126] Individual involvement is central to this process in terms of what the learner brings to the process and how they react to the challenges, both of which will determine the learning achieved (Fry et al., 2003).

The idea of learning through practice or by doing, that is, experiential learning, is not new: "I hear and I forget, I see and I remember, I do and I understand" (attributed to Confucius, 551 B.C.). However, and notably in the context of formulating a pedagogic approach, experiential learning is not simply providing experiences to learners from which they can learn (Kolb and Kolb, 2005:193). Learning is "the process whereby knowledge is created through the transformation of experience. Knowledge results from the combination of grasping and transforming experience" (Kolb, 1984:41), or transformative learning (Mezirow, 1997).

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[125] Edyburn (2010:33) maintains that while the origin of the term universal design for learning is generally attributed to David Rose, Anne Meyer, and colleagues at the Center for Applied Special Technology (CAST), this overlooks development of UDL principles following the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA).
[126] See paragraph 3.2 supra.

6.2.3 Experiential Learning

Adoption of experiential learning and the application of the constructivist approach to legal education in this module required reassessment of the traditional pedagogic approaches. Teaching and assessment methods were required which would facilitate practical or experiential learning activities which are "learner-centered, participatory, and interactive" (Mezirow, 1997:10) and maximise learner opportunities for engagement and learning of key transferable skills. Kolb and Kolb (2005:194) describe six propositions shared by experiential learning theorists[127] which were applied in the development of the pedagogic approach for the module. There is a clear overlap between these six propositions (the first two focus on the continuous nature of the learning while the next three emphasise the different interactive aspects of the learning and the final proposition uses all of the previous propositions to construct the learning) as illustrated by their consideration below. Furthermore, many of these propositions also reflect the key features of action research which as we have seen adopts a holistic and dynamic approach to knowledge creation acknowledging the importance of context and the personalised nature of the knowledge generated.[128]

Firstly, "learning is best conceived as a process, and not in terms of outcome" (Kolb and Kolb, 2005:194). Dewey (1897:79) described this as a 'continuing reconstruction of experience' where the process and outcomes of education are the same, in the sense that the process of learning is the outcome. This cultivates the idea of learning as an ongoing life-long process. Surface learning or strategic learning will be challenged by this approach which will encourage deeper learning[129](Fry et al., 2008:29-30).

Secondly, "all learning is relearning" (Kolb and Kolb, 2005:194). Previous learning is valued and forms the foundation for new learning or relearning if new ideas result. The absence of a finite conception of learning reiterates the focus on process rather than outcome.

Thirdly, "learning requires the resolution of conflict between dialectically opposed modes of adaptation to the world" (Kolb and Kolb, 2005:194), and the movement between these opposing forces drives the learning process. Thus learning should be

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[127] John Dewey, Kurt Lewin, Jean Piaget, William James, Carl Jung, Paulo Freire, Carl Rogers and others.
[128] See Chapter 4 supra.
[129] Deeper learning seeks the integration of new conceptual understandings into existing knowledge whereas surface learning is typically rote learning of material for reproduction in another context. The strategic learner selects whichever of these they believe will maximise their grade.

considered in an integrative rather than an additive way – this can require curriculum review to allow learners to freely move "back and forth between understanding and enactment, experience and analysis"(Sullivan et al., 2007).

Fourthly, "learning is a holistic process of adaptation to the world" (Kolb and Kolb, 2005:194), not just cognitively but the integration of the total person in the learning process. This is required for transformative learning where learning is the process of effecting change in an individual's frame of reference (their "body of experience — associations, concepts, values, feelings, conditioned responses") which is both cognitive and emotional (Mezirow, 1997:5). The importance of individual involvement to learning (Fry et al., 2003) is emphasised and the learners benefit by gaining both insight and encouragement (Turner and Boylan-Kemp, 2012). Participation at a personal level affects student motivation and effects formation of identity.

Fifthly, "learning results from synergetic transactions between the person and the environment"(Kolb and Kolb, 2005:194), arising from the interaction of new and past experiences with new and past concepts. As a result, the learning is both socially and culturally constructed, and influenced by the socio-emotional context in which it occurs (Dick et al., 2002:11). Furthermore, if the enactment/experience is set in a realistic and social setting, Hyams et al. (2014) found that the increased participation by learners through such a teaching or learning method improved comprehension and retention of legal concept. These findings endorse those of Canning (2011) regarding the use of contextualised practices to facilitate transferable skill acquisition mentioned earlier.[130] Learners will not be limited to knowledge of the law but will also understand "how, why and when to implement it" (Hyams et al., 2014:2) which will optimise the potential for the later transfer of this learning from the academic to the real world.

And, finally, "learning is the process of creating knowledge" (Kolb and Kolb, 2005:194). "Learners actively construct their own experience" (Dick et al., 2002:10) to create knowledge. Conscious reflection is imperative to effect the learning, which is a process separate from the experience (Evans, 1999:5) and reaffirms the proposition that provision of experience alone is insufficient. The pedagogic approach adopted must therefore include opportunities for both appropriate experiences and

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[130] See paragraph 6.2 supra.

conscious reflection to enable learners to identify and assess (or self-evaluate) their learning. If reflection is part of the pedagogic approach, it requires definition.

6.2.4 Reflection

In the absence of a universally accepted definition, multiple terms are used by researchers to describe reflection and reflective processes (Rogers, 2001, Lockyer et al., 2004). In determining the definition for this research, the common sense definition of Moon (2004:82) was an appropriate starting point:

> "Reflection is a form of mental processing - like a form of thinking - that we may use to fulfil a purpose or to achieve some anticipated outcome or we may simply 'be reflective' and then an outcome can be unexpected."

However in the context of education, Boud et al. (1985:19) directly link reflection to the conversion of experience into learning, describing reflection as

> "an important human activity in which people recapture their experience, think about it, mull it over and evaluate it. It is this working with experience that is important in learning."

Lockyer et al. (2004:50) interpret this understanding of reflection, where individuals explore their experiences to lead to new understandings and appreciations, as "the engine that shifts surface learning to deep learning", similarly described by Biggs (1988:190) as the conversion of lower order inputs to higher order knowledge. Hinett (2002) considered this deep learning or higher order knowledge in the context of legal education, and identified the effects on the learner through the use of reflection as multidimensional, to include:

i.   individual - each learner starts from their own position of knowledge and experience, which reflection helps them understand;

ii. contextual - each learner is enabled to make the connection between the context in which they learn and what they learn, and so identify what they need to know in order to advance their understanding;

iii. relational - learners are enabled to make the connection between new information and feedback in the context of existing knowledge and experiences; and

iv. developmental - learners can then make informed choices for further learning having made sense of and integrated the new information.

Each of these dimensions corresponds with one or more of the propositions founding experiential learning, for example the focus on the individual is reflected in the fourth proposition (that "learning is a holistic process of adaptation to the world" (Kolb and Kolb, 2005:194)), while the contextual and developmental dimensions are reflected in the fifth proposition ("learning results from synergetic transactions between the person and the environment" (ibid)). Reflection in this way becomes part of the constructivist and active process referenced earlier[131] through which disciplinary knowledge is incorporated into the learners existing frame of reference, requiring the learners to sort out a mixture of knowledge, ideas, emotions and self-awareness to achieve learning of a higher order, if only that they require further input or reflection (Moon, 2004:187). This active and integrated process of learning promotes autonomous learning, where learners develop a capacity to learn from their own experiences, or self-evaluate, which is critical to maintaining lifelong competence. Thus, the objective of the use of reflection in this module was for the purposes of enabling these individual, contextual, relational and developmental effects on their experiences and in this way cultivate the students' self-evaluative and learning capacities.

Reflection in academic learning is broadly similar to the common sense interpretation of reflection described above. However, there are some distinctions. Firstly, reflection in academic learning is structured and

> "...... likely to involve a conscious and stated purpose for the reflection, with an outcome specified in terms of learning, action or clarification. It may be preceded by a description of the purpose and/or the subject matter of the reflection" (Moon, 2004:83).

As part of the structured approach, the use of reflection in academic learning requires the production of evidence of the reflections (Hinett, 2002:2). There is no single formula for a reflective piece of work, but the "process and outcome of reflective work are most likely to be in a represented (e.g. written) form" (Moon, 2004:83). Examples include the use of a learning log, diary, personal development portfolio, critical incident journal, video diary or E portfolio. This evidence is then likely to be assessed (Moon, 2004:83). This ensures the status of the reflections is in line with other academic work, signifying its value and importance to students (Hinett, 2002:39).

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[131] See paragraph 6.2.1 supra.

Finally, the non-academic use of reflection is personal and private whereas in academic learning it is dialogic, or "likely to be seen by others" (Moon, 2004:83). This dialogue operates in several directions including between students and their peers, students and their tutors, and student and external mentors (Hinett, 2002:2). When this dialogue forms part of the structured approach to the use of reflection, it can "contribute positively to learning processes and provide a useful medium to link theory and practice" (Gallagher et al., 2017:13).[132]

As discussed in Chapter 4,[133] the timing of the reflection is important. The challenges of reflection-in-action (Schön, 1995) are equally if not more applicable to students who may have limited prior experience of reflection. The focus in this module is therefore the development of reflection through reflection on action. This accords with the findings of Rogers (2001) who reviewed the literature and found that most of the methods intending to foster reflection in higher education focus on retrospective reflection, that is reflection on action. Furthermore, educators and people in general are better at retrospective reflection and "much of the knowledge base of any given field is the result of scholars reflecting after the fact" (Rogers, 2001:54).

Leering posits that reflective practice should be a core competence of legal professional education which would aspire to create

> "an integrated reflective practitioner who is self-aware and critically reflects on practice and theory as a self-directed lifelong learner, reflects collectively and in community and takes action to improve his or her practice. Reflective practice becomes "a way of being"" (Leering, 2014:84).

While this echoes the reflective practitioner espoused by Schön (1987) in respect of professions generally, both relate to professional education. However, Leering (2014:105) also concludes that the concept of reflective practice should be introduced and its development supported from the beginning of the law school experience.[134] Therefore, the objective of creating a self-directed lifelong learner could begin earlier and in this instance, in Irish undergraduate legal education, particularly as doing so could address the issues regarding graduate self-evaluative

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[132] This study focused on the use of group reflection sessions.
[133] See paragraph 4.3.4 supra.
[134] Noting that while the law degree is an undergraduate degree programme, a prior undergraduate degree is required for entry.

capacities identified in the previous action research cycle.[135] This focus on reflection could yield many other benefits including the potential to engage students in their learning in more dynamic ways (Leering, 2014:106), but the necessity for engagement presents its own challenges.

6.2.5 Engagement

Development of a pedagogic approach through application and integration of the six propositions grounding experiential learning, none of which are mutually exclusive, was hypothesised by the researcher to enable the acquisition by students of the transformative and transferable learning sought. There are challenges in this approach, in particular the necessity for holistic learner engagement and participation. Learners have a variety of motivations and objectives. Fry et al. (2008) describe these as ranging from intrinsic, extrinsic and achievement motivation, which in turn impact the students' approach to studying where much research has been on the distinction between deep, surface and strategic approaches to studying, noting that there was "surprisingly little evidence as to the behaviour associated with different motives" (Fry et al., 2008:29). While this might appear to minimise the challenge for the designer, it may be because the assessments did not reward the intrinsic motivation valued by lecturers (Fry et al., 2003), or possible connections with learner confidence (Pintrich and Schunk, 2002) and perceived proficiency (Cassidy and Eachus, 2000) where "students' self-perceptions play a role in the motivation–learning strategy–achievement relationship"(Fry et al., 2008:30). These findings are of relevance to this cycle of action research, given that the first cycle of action research highlighted potential weaknesses in graduates' reflection and self-evaluation skills. The inclusion of conscious reflection in experiential learning has the potential to develop these skills, but is dependent on individual engagement. Thus, while the pedagogic approach of experiential learning may be ideal for the learning of skills, there is an inherent challenge in achieving the engagement of and learning for all.

6.3 PLANNING ACTION

This required the development of a module with a pedagogic approach applying this constructivist approach to learning which had the potential to develop the transferable skill set of students, particularly, as described above, the skill of oral communication. Adoption of experiential learning as the pedagogic approach also reflected broader developments in tertiary education globally, where work integrated

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[135] See paragraph 5.5.5 supra.

learning and capstone experiences have been linked to the development of graduate attributes and employability skills, ultimately facilitating the transition from education into work and professional life (Evans et al., 2017:24). Methods of experiential learning in higher education have included laboratory experiments, case studies including problem-based learning, micro-teaching, projects and simulations (Beaty, 2003). These methods have been developed in legal education to include advice and representation clinics, work placements, Street Law, simulation and pro bono activities (Kerrigan and Murray, 2011:1-3) described as forms of clinical legal education which is "learning through participation in real or realistic legal interactions coupled with reflection on this experience" (Kerrigan and Murray, 2011:5).

The module that was the subject of this research project and this action research cycle was one of the new clinical modules arising from the PPE process, titled 'Law in Action',[136] (the title intending to encapsulate the practical nature of the module[137]). The module was a capstone module designed to effect transferable skill development generally through the use of a simulated client interview intending to consolidate the learners' prior learning in a context approaching reality. Client interviewing was chosen as it would explicitly focus on the skill of oral communication, but is also both a fundamental (Cerniglia, 2017:137) and crucially important skill (Kerrigan and Murray, 2011:124) which, notwithstanding this importance, can be left to the professional training courses unless undertaken in continuing professional development or informally learned through practice (Ching, 2015:176). Inclusion of the skill at undergraduate level would therefore particularly benefit those who choose not to pursue a career in the legal professions.

The module focused on the initial client interview as it is common to all legal services, and can provide an opportunity to shape the client's perception of the lawyer, define the service to be provided, and for client education (Barton et al., 2006:8). In terms of skills, the primary focus is communication skills, and oral communication in particular, but an initial client interview also provides an opportunity for the development of several related transferable skills required to meet its particular functions which include

- the establishment of an interpersonal relationship between lawyer and client;

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[136] Described on paragraph 3.3 as "a form of problem based learning project using standardised clients requiring the application of legal research skills and tools together with skills in interpersonal communication, client care, case management, negotiation and collaboration to an advanced level."
[137] No connection to the use of the term 'law in action' in legal realism/science.

- identification of the client issues and receipt of sufficient detailed information;
- determination of the client's objectives and possibly furnishing advice; and
- preparation for further action on behalf of the client (Maughan and Webb, 2005:110).

The resultant learning emerges from the interactive process between application of the student's disciplinary knowledge to the experience of the client interview. Provision of the interview alone is insufficient, it must be followed by an opportunity for conscious reflection to enable students to develop their own system for learning from experience, and so develop lifelong learning skills, including effective self-evaluation. Moreover, as interviewing is a skill which requires "a lifetime of study and practice" (Cerniglia, 2017:139) and there is always potential for improvement (Kerrigan and Murray, 2011:125), it was appropriate as the central experience of the module.

The lead for the development and design of the module was taken from a very successful project undertaken at Glasgow Graduate School of Law (GGSL), where effective lawyer client communication was assessed through a simulated interviewing exercise assessed by standardised clients (Barton et al., 2006). Key features of the pedagogic approach included simulation, the use of experiential and potentially transformative learning applied to a transaction (transactional learning), and the use of standardised clients for assessment and reflection, each of which will now be considered.

6.3.1 Simulation

Maharg (2012:2) defines simulation as "the creation of an environment where students simulate and explore aspects of a discipline's intellectual thought, work and culture". In legal education, Maharg (2012) describes it as a shadow structure, akin to clinical legal education, where it does not have the authority of a signature pedagogy. Although it does not yet have the status of simulation in other areas (such as flight simulation or case studies in business or medical education) because in legal education it is "largely restricted to highly constrained hypotheticals" (Maharg, 2012:2), Maharg recognised the potential of simulation as a bridge. At a micro-level, this bridge can be from theory to practice in an experiment, or at a macro level, where the collective learning from a programme of study is transferred to a client interview, which is an ideal fit for a capstone module such as the LYIT module.

The potential of simulation for the development and transfer of skills also provided a potential bridge from the academic setting to reality as sought by this research.

6.3.2 Transactional learning

The second key feature, 'transactional learning' (originally Dewey's phrase (Maharg, 2012:5)) ensures the simulation is not simply an imitation of reality. Table 2 below summarises the six propositions of experiential learning described above, and the key components of transactional learning.

Six propositions shared by experiential learning theorists Kolb and Kolb (2005:194)	Key components of transactional learning (Maharg, 2012:5)
Learning is • best conceived as a process, not an outcome • relearning • the resolution of conflict between dialectically opposed modes of adaptation to the world • a holistic process of adaptation to the world • results from synergetic transactions between the person and their environments, and • the process of creating knowledge through conscious reflection.	Transactional learning is • active learning • through performance in authentic transactions • involving reflection in and on learning, • deep collaborative learning, and • holistic process learning, • with relevant professional assessment • that includes ethical standards.

Table 2 Summary of the six propositions of experiential learning and the key components of transactional learning

All of the features of experiential learning are present in transactional learning which has an added emphasis on an authentic transaction - in the case of the LYIT module, a client interview - with relevant professional assessment that includes ethical standards. These additions in transactional learning ground experiential learning in disciplinary praxis, creating a process where students learn about learning in a constructivist environment (Maharg, 2012:5).

The use of an initial client interview as the simulated transaction inherently requires the client to present with a problem. Problem-based learning, which Grimes (Strevens et al., 2016) describes as a method of learning where students lead the enquiry into the legal and related positions of all potentially interested parties in a given scenario, is another experiential learning approach. However, the focus in this module is the transaction - the interview - rather than the client's problem, reflecting the first proposition of experiential learning where the focus is the interviewing process rather than the solution of the problem as the outcome.

6.3.3 Standardised clients

The third feature was the use of 'standardised clients' to provide the relevant professional assessment. Standardised clients are "lay people who are trained to act as if they are clients for the purposes of enabling students to learn legal communication and client centred skills" (Barton et al., 2012:2) and were the interviewees and assessors for the summative module assessment interview. The use of standardised clients in this way, together with development of the appropriate assessment method, was designed and tested as part of a project in the GGSL for assessing candidates for their law licence, adapting a methodology previously developed for standardised patients in medical education (Barton et al 2006). The purpose of the GGSL project was not simply to record subjective client satisfaction, but also to value and measure interviewing competence with a view to replacing the video reviews then used by tutors at GGSL to grade the mandatory interviewing assessment.

The GGSL project found that "using standardised clients for the interviewing examination is as valid and reliable as tutor assessment" (Barton et al 2006:42) and confirmed this belief by replacing the video reviews by tutors with assessment by standardised clients from the academic year 2006-7. The GGSL project also suggested that the use of standardised clients could have greater validity and reliability than the previous video reviews by tutors because the standardised clients might be available for more intensive training, and as non-lawyers they are more likely to relate to the role of a client. Following the initial pilot project, the GGSL continues to rely on the standardised client for assessment purposes, and in 2012 the Law Society of Ireland adopted the method in assessing communication skills on its professional practice courses for prospective solicitors (O'Boyle, 2016:78). The standardised client assessment criteria which were used and endorsed in the GGSL project have been made freely available under a Creative Commons Licence (see copy in Appendix D). A valid and reliable form of assessment was essential in this context, where the module was introducing a novel pedagogy to LYIT and undergraduate legal education in Ireland. The endorsement of this form of assessment by both the GGSL project and Irish professional legal education would assure the credibility of the module amongst learners and fellow academics.

6.3.4 Reflection

The key features of the GGSL project (simulation, the pedagogy of transactional learning and the use of standardised clients for assessment) were adopted to

facilitate experiential learning. However, as stated above, provision of experience alone was insufficient. The six propositions of experiential learning require personal interaction with the experience through reflection which is key to enabling the learning from the experience.[138] Through reflection[139] learners construct their own experience to develop their knowledge and transferable skills, which inherently will include their skills of reflection and self-evaluation.

6.3.5 Module Design

The final part of the planning action comprised the design and drafting of the module syllabus. In the absence of any comparable precedent, the syllabus was written ab initio with the assistance of Professor Paul Maharg (who had been extensively involved in the GGSL project) and a copy of the final module syllabus is included in Appendix F.[140] The learning outcomes in the syllabus specified that on completion of the module, learners would:

1. Understand by personal experience how the law works in practice.
2. Demonstrate an ethical understanding of the ethical context in which law operates.
3. Enhance and apply their knowledge and understanding of particular areas of law.
4. Develop analytical thinking skills.
5. Integrate their theoretical knowledge and problem-solving skills in a simulated standardised client interactive role-play.
6. Take a more active and reflective role in their learning.

Use of terminology such as practice, operates, apply, integrate, active and reflective in these learning outcomes emphasised the focus of the module on experiential learning and practice, and the intended development of the students' transferable skills. Notably, however, there was no explicit reference to transferable skills. This was intentional, recognising the difficulty in creating a finite list of transferable skills which would endure. The implicit references to transferable skills would ensure the currency of the module while allowing for flexibility and adaptability for each delivery to each particular cohort to ensure the module best met their skill development needs. However, for the purposes of this research, the module focused on i) the transferable skill deemed most important in the previous action research cycle,

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[138] See paragraph 6.2.4 supra.
[139] The focus on experience and reflection was also reflected in the module assessment, 50% of which was attributable to reflective writings and 50% to the client interview.
[140] The module syllabus completed the external validation process in May 2012 without any change.

communicating orally appropriately and effectively and ii) the skill of reflection and self-evaluation which was fundamental to experiential learning and had also emerged as a deficit in the previous cycle.

The client interview also provided the opportunity for development of the learners' transferable skills generally, including those skills identified in the previous cycle of action research as most important. Chapter 5 had confirmed that the top four workplace skills were oral communication (deemed most important and therefore the focus of the module), common sense, written communication and working effectively on their own while the top five personal skills were reliability, taking responsibility, professionalism and work ethic, ability to cope with pressure, and integrity and ethics. Disciplinary legal knowledge provided the context as the interview was focused on a legal scenario, but the module was not limited to specific legal areas. As in reality, the standardised client in the final assessment could present any legal issue. The client interview would also provide an opportunity for development of these skills.

6.4 TAKING ACTION

The use of experiential learning and in particular simulation and standardised clients for assessment was entirely new to the LYIT law faculty. Thus, the first phase of taking action was staff education - acknowledging resistance to change and the argument as to proof of concept as two of the barriers in the use of simulation in legal education[141] (Maharg, 2012:2). Professor Maharg delivered a workshop to all academic law staff to enable understanding and confirm the validity of this pedagogic approach.

The second phase of taking action was the delivery of the module to the students. The educator's role for this module was to provide content through opportunities for experience and reflection. As transferable skills were the focus of the content rather than disciplinary knowledge, determination of the content was required. While there are other client interviewing modules in law, the researcher found no information publicly available on the actual content and methods of delivery. Thus, modules from medicine and healthcare using standardised patients were used for guidance in this project. The indicative content was identified and described in the module syllabus under the following headings:

- development of general transferable and applied skills;

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[141] The perceived high cost of simulation being cited as the other barrier to the use of simulation in legal education.

- integration of professional and personal ethics and values;
- client interaction;
- case progression; and
- evaluation and reflection.

All modules in LYIT are delivered over a 12 week period (which was followed by a two week assessment period for this module). Each learner had five contact hours each week which comprised two hours of lectures for the entire group and a three hour workshop in smaller groups. The Virtual Learning Environment of 'Blackboard' was used as a repository for all relevant learning material and resources. Table 3 sets out the breakdown of the indicative content delivered.

Week	Content
1	Introduction to module, oral communication and reflection.
2	Personality theories and communication.
3	Competent and responsible communication in a legal context, revision of general research skills and cognitive skills.
4	Speaking skills, review of reflective writings.
5	Listening skills.
6	Ethics.
7	Initial client interview overview, introduction to role-play and feedback.
8	Interview role-play with peers/tutors with focus on introduction and delivery of essential information.
9	Standardised client assessment criteria and marking scheme, continuation of role-play interview practice.
10	Case specific checklist and continuation of role-play practice.
11	Awareness and use of legal knowledge, continuation of role-play interview practice.
12	Student revision and continuation of role-play interview practice - no lecturer contact. Training and preparation of standardised clients.[142]
13	Final assessment - completion of initial interview with standardised client.
14	Submission of final reflective writing and letter to client.

Table 3 Indicative content of the Law in Action module

The objectives of each lecture were to cover content, but in line with the pedagogic approach of experiential learning, these were as interactive as possible. The workshops followed the lectures and used simulations and experiential learning to put the content into practice and so provide the opportunity for transferable skill development. As is evident from Table 3, delivery of the module facilitated

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[142] Each standardised client is intensively trained to ensure their performance and evaluation is consistent, accurate and fair, both across all students and as between standardised clients.

development of the transferable skills identified in the first cycle of action research[143] with a particular focus on oral communication (on the skill rated most important) and reflection (integral to experiential learning and accurate self-evaluation skills). Tables 4 and 5 are examples of the nature of the experiences used throughout the module.

Activities following Introduction to listening

Activity 1: Introduction to listening

Preparation:
In groups of 2, each person is assigned A or B. Each gets a role card which they do not show to each other. Activity:
Then instruct all that the exercise involves person A talking for two minutes and person B listening followed by a group discussion.
Observe the group as they participate. At the end of two minutes initiate discussion on the activity - do the A's know the B's were not listening? How did this feel? et cetera.
Role card A: you are going to talk to your partner while your partner listens. You have two minutes to talk about your favourite movie of all time or your favourite actor/actress.
Role card B: your partner is going to do the talking and expects you to listen. Pretend to listen but clearly show that you are not really interested in listening to what your partner has to say.

Activity 2: What does good listening look like?
Preparation:
Write the word listening at the top of a chart/whiteboard and label the left side of the chart 'looks like' and the right side 'sounds like'.
Activity:
To reinforce student awareness of what good listening looks like they are going to help build a T chart.
Ask the students to brainstorm examples for each side and write them down.
This can be done individually or in pairs before doing as a group.
Discuss the findings.

Activity 3: Listening for facts and feelings
Preparation:
In groups of 3, each person is assigned A, B or C.
Each person selects a topic they feel strongly about and briefly write down three key points they wish to make when they are given an opportunity to speak for two minutes.
Activity:
A is to speak for 2 minutes on their chosen subject they Before speaking, A will have written down 3 key points they wish to make. Before they begin A folds the paper over and gives it to B.
While A is speaking, B listens to the facts of what A is saying and C listens to the feelings.
B then writes down the 3 main facts and gives feedback on their understanding of the facts, folds the paper over and gives it to C.
C then writes down his/her 3 main points relating to A's feelings and gives feedback on the feelings.
A responds on their accuracy.
Repeat with B speaking and then C so that each has a turn in each role.
Conclude with a group discussion on the activity

Table 4 Activities following the Introduction to listening

Initial exercise to introduce the initial client interview.
Preparation: All students are asked to prepare to participate in a role-play of the introduction to the initial interview. The purpose of this simulation is simply to cover the greeting followed by questioning to identify the clients issue(s). The issue for all clients is the making of a Will however, the client circumstances vary - each student can invent their own circumstances in their in their role as a client. **Activity:** Three of the students are then cast in the role-play as client and three as lawyers. The lawyer's task was to focus on their introduction followed by questioning the client to ascertain their issue. The role plays are performed consecutively before all of the group members without any feedback. Typically the performances improve with each iteration and as all have prepared for both roles they can relate to the challenges arising. The role players are commended for their participation but no personalised feedback is furnished. The group as a whole then use these performances and brainstorm to develop potential approaches for conducting such an interview together with a list of the necessary information required to draft the required Will which includes: • Name • Address • Contact details and preferred form of contact • Family status • Family details • Details of any dependents • Details of all assets - house land cars shares insurance policies bank accounts chattels • Details of all liabilities • Intended beneficiaries • Executor • Law - need to be aware of concepts such as testamentary freedom, legal right share, section 111 claim of children, rules for distribution on intestacy

Table 5 Initial exercise to introduce the initial client interview

Part of these activities in week one focused on reflection which was then developed through application for the balance of the module, consistent with the importance of reflection to enable learning from experience and enhance self-evaluation skills. At the end of each week, the students were issued with a reflective writing task focused on a particular aspect of the content and their experiences that week. The aspects were chosen by the tutor to encourage engagement with all of the learning outcomes. As the students had limited previous reflective learning experience, this assessment was scaffolded by furnishing weekly formative and summative feedback which also acknowledged the necessity for timely feedback to again enable the required learning. The importance of these reflections to learning was reiterated in the assessment schedule where 45% of the overall grade was attributable to the weekly reflective writings - see Table 6 setting out the assessment schedule for the module.

Assessment method	Percentage of overall grade	Detail of assessment
Eight weekly reflections	40% (5% each)	Written reflections directed towards a particular aspect of their learning. Details of the first writing issued in week two, was due for submission in week three and was returned to the student with both summative and formative feedback in week three. The second writing was due in week three and it and all subsequent writings followed a similar timeline in respect of submission and return
Initial client interview	50%	A simulated interview with a standardised client. This was assessed by the standardised client (25%) and by the lecturer (25%) using a video recording and the same criteria.
Final reflection	5%	
Letter to client	5%	

Table 6 Summative Assessment schedule for the Law in Action module

The initial client interview with the standardised client formed the balance of the assessment – see Table 6 above - and took place in week 13 of the module. The assessment rubric developed for the interview was originally developed by the GGSL project[144] and comprised two parts: the first part assessed interviewing skills (80%) and the second part comprised a 'Case Specific Checklist' (20%).[145] The first part assessed interviewing skills using the following eight headings:

1. The greeting and introduction by the student lawyer was appropriate.
2. I felt the student lawyer listened to me.
3. The student lawyer's approach to questioning was helpful.
4. The student lawyer accurately summarised my situation.
5. I understood what the lawyer student lawyer was saying.
6. I felt comfortable with the student lawyer.
7. I would feel confident with the student lawyer dealing with my situation.
8. If I had a new legal problem I would come back to this student lawyer.

This rubric was chosen for its strong emphasis on oral communication - the first five items are direct measures of oral communicative competence - and while the remaining three items are more general (in particular the last, which attempts to

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[144] The standardised client assessment criteria which were used and endorsed in the GGSL project, have been made freely available under a Creative Commons Licence (see copy in Appendix D).
[145] The Interviewing Assessment Marking Sheet was adapted by the modification of the case specific checklist to suit the particular client scenario (see copy in Appendix E).

measure simple client satisfaction), they indirectly offered the potential to measure both oral communication and many of the other transferable skills deemed important in the previous cycle of action research.[146] The marking sheet is brief, but the accompanying notes are very comprehensive[147] (Barton et al 2006:30) and provide a benchmark for the development of the students' self-evaluation skills.

The second part of the rubric (worth 20%) focused on disciplinary legal knowledge through a 'Case Specific Checklist', which assesses whether the student sought certain specific and essential items of information required to analyse the particular legal issues presented by the client (the marking sheet for this part is marked on a yes or no basis).

The GGSL assessment rubric was adopted in its entirety, but as a safeguard against any issues that might arise with the standardised client,[148] the tutor also graded a video recording of the interview using the same rubrics, and the final result for the interview was an average of both scores.

6.5 EVALUATING ACTION

The objective of this cycle of action research was to develop a module with a pedagogic approach which would facilitate the learning of transferable skills at undergraduate level in legal education. The focus of the evaluation was therefore to review the module development and delivery to ascertain if it met these objectives, where the findings would inform future iterations of the module in line with the action research methodology adopted. This required a holistic and wide-ranging evaluation of the module, rather than a focus on a particular aspect of the module, such as an in-depth review of the effect of the module on a particular skill. The first source of evaluation was the researcher's own reflections on the action research cycle as it progressed - the 'meta-learning' cycle (Coghlan and Brannick, 2009)[149] which were recorded concurrently with delivery of the module.

As collaboration is also key to the action research methodology, the students who had completed the module were also invited to contribute to the evaluation and

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[146] As listed in no. 122 supra.
[147] Each of the eight criteria is followed by a plain language summary describing the desired behaviour and the standardised clients are required to assess the student interviewer on a grading scale of 1 to 5 where each number on the scale is accompanied by a further description of the behaviour appropriate to that level. See copy in Appendix D.
[148] Each standardised client participated in the required training however as this was the first iteration of this approach, there were risks in relation to the use of standardised client with no previous exposure thus second marking by the tutor would safeguard the reliability and validity of the standardised clients.
[149] See paragraph 4.5 supra.

review. It will have been noted that a conclusion of the first action research cycle was that the graduates, by comparison with the academics and practitioners, appeared to overestimate their own level of attainment. This indicated a potential deficit in self-evaluation skills which was explicitly addressed in the module by designing in learning outcomes, feedback and benchmarks which clearly set out the expected level of performance. The embedded use of reflection throughout the module required students to engage with their own and their peers' level of performance as assessed by tutors and standardised clients and their own evaluation of their strengths and weaknesses. This not only enhanced their self-evaluation skills, the deficit noted in the first cycle, but also means that their reporting of the levels of attainment in cycles two and three, is more informed, and hence more reliable than the graduate data from the first action research cycle.

An online self-completion questionnaire was chosen as the research method to ascertain student views, for the same reasons this research method was adopted in the previous action research cycle.[150] There were two significant features in the self-completion questionnaire used for this cycle of action research. Firstly, several themes had emerged from the researcher's own reflections (Information and understanding pre-commencement of the module; Achievement of learning outcomes; Course content; Teaching methodology; Organization; Assessment; and General conclusions) and these were used to structure the sections of the questionnaire. Secondly, acknowledging the smaller cohort of potential respondents in this cycle, the majority of questions were open, intending to encourage detailed qualitative responses, and where closed questions were used, they were typically followed by an open question seeking elaboration. Several questions used a four point Likert scale to avoid neutral answers and included an opportunity to add additional commentary. A copy of the self-completion questionnaire is attached in Appendix G and for ease of reference, will be called the 'module evaluation questionnaire'. The module was offered as an elective to 46 students (six of whom were Erasmus students, none of whom chose this elective). Sixteen students chose to undertake the module, all were invited to participate voluntarily in the module review and the sample comprised those six learners who agreed. A high response rate from a wide representation of the entire population under study is required for dependable, valid, and reliable results (Baruch, 1999:422). At 37.5% this is below the average response rate of 52.7% identified by Baruch and Holtom (2008:1150) in respect of studies that utilise data collected from individuals but well within their

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[150] As set out in paragraph 5.3.

standard deviation of 20.4. All questionnaires completed were usable and contained lengthy responses. The length of the questionnaire may have deterred other respondents, but the depth of data obtained counteracted the lower than average response rate.

The findings of particular relevance to subsidiary research question 4 (whether a module could be developed to facilitate the learning of at least one of the most important transferable skills and if so how), are now discussed using the themes identified to structure the questionnaire.

6.5.1 Information and understanding pre-commencement of the module

The module was new both in terms of content, pedagogy and nature of assessment. It was denominated a capstone module in the PPE process, which endorsed the importance of the module, but it was agreed not to make it mandatory, so students had a choice whether or not to take the module. Prior to election all students were invited to a presentation on each of the electives where they were furnished with a copy of the module specifications and given an opportunity to ask any questions. The researcher's reflections surfaced a personal bias in favour of the value of the module and a concern that students were not sufficiently informed to appreciate this value. Researcher concerns on the pre-election information available included:

- the content, pedagogy and assessment was novel and therefore unknown to students,
- the title of the module was open to interpretation and so may have been helpful or distracting,
- the endorsement as a capstone module (in itself a term that may not have been fully understood by students) could have been read as both valuable or challenging,

all creating a general concern regarding the clarity of information furnished to students to facilitate their election.

There were mixed responses to this question, most students concurring that their election was not determined by the pre-election information while some students made their election strategically on the absence of a formal exam. In response to whether further information should be furnished, again there was a range of responses. However, notably some students indicated that further information might deter potential students - where the focus on self-development could be perceived as unduly onerous relative to other 'easier' electives. 'Easier' in this context was not

specified, but could have referenced a number of features of the module, including the continuous assessment requirements, the necessity for individual engagement or the cognitive demands of experiential learning. These are all elements of the focus of experiential learning on process not outcomes requiring a sustained commitment which surface or strategic learners may be either unable or unwilling to make.[151]

6.5.2 Achievement of learning outcomes

As described above, there were six learning outcomes[152] in the module and a direct measure of whether the pedagogic approach was successful would be whether the learners felt the learning outcomes had been met, and this was the rationale for this section of the questionnaire. The preceding section confirmed that the students' decision to take the module was not based on the pre-election information, suggesting a limited awareness, interest in or understanding of the learning outcomes at the outset. However, the questionnaire was issued after their completion of the module when they were perfectly positioned to assess whether the learning outcomes for the module had been achieved. Figures 25 to 30 below summarise the responses and confirm that, in relation to all six learning outcomes all students were either satisfied or very satisfied that the learning outcomes had been achieved. In relation to five of the learning outcomes, four of the six students were, in fact, very satisfied that the learning outcomes were achieved.

Learning outcome 1: Understand by personal experience how the law works in practice.

■ Very dissatisfied   ■ Dissatisfied   ■ Satisfied   ■ Very satisfied
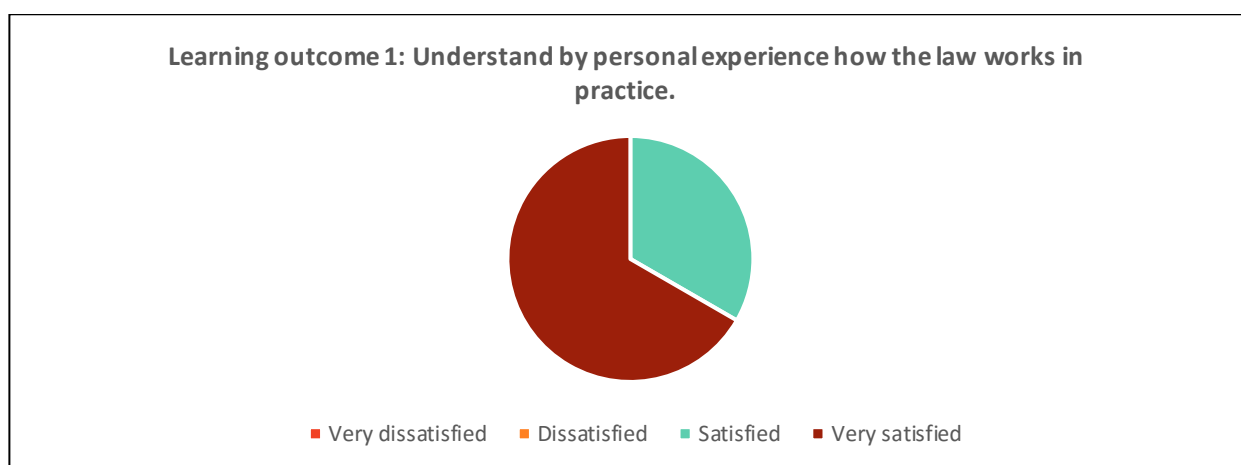
Figure 25 Achievement of Learning Outcome 1 (N=6)

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[151] See paragraph 6.2.5 re learner engagement (motivation).
[152] See paragraph 6.3.5 supra.

Learning outcome 2: Demonstrate an ethical understanding of the ethical context in which law operates.

Very dissatisfied ▪ Dissatisfied ▪ Satisfied ▪ Very satisfied
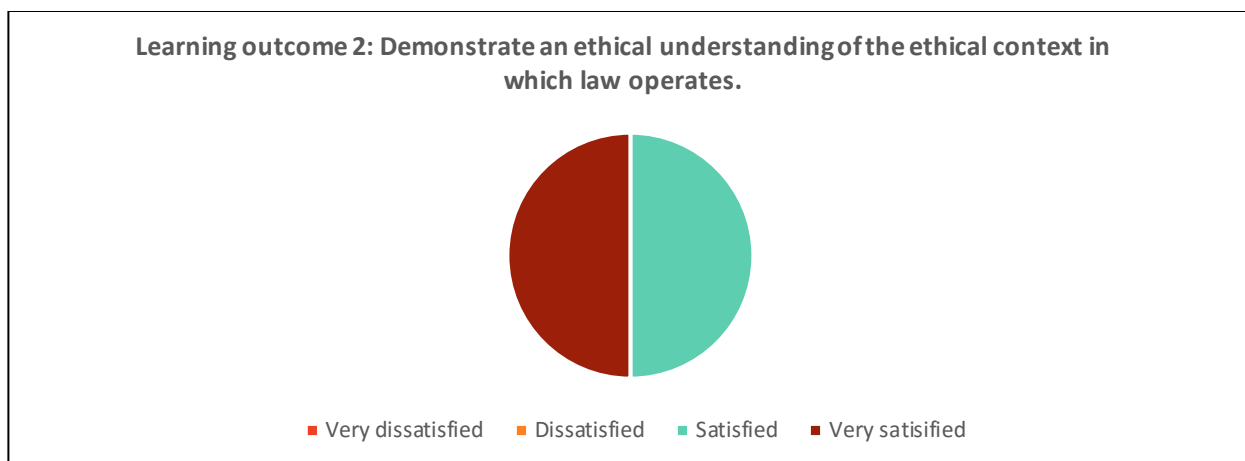
Figure 26 Achievement of Learning Outcome 2 (N=6) `

Learning outcome 3: Enhance and apply their knowledge and understanding of particular areas of law.

Very dissatisfied ▪ Dissatisfied ▪ Satisfied ▪ Very satisfied
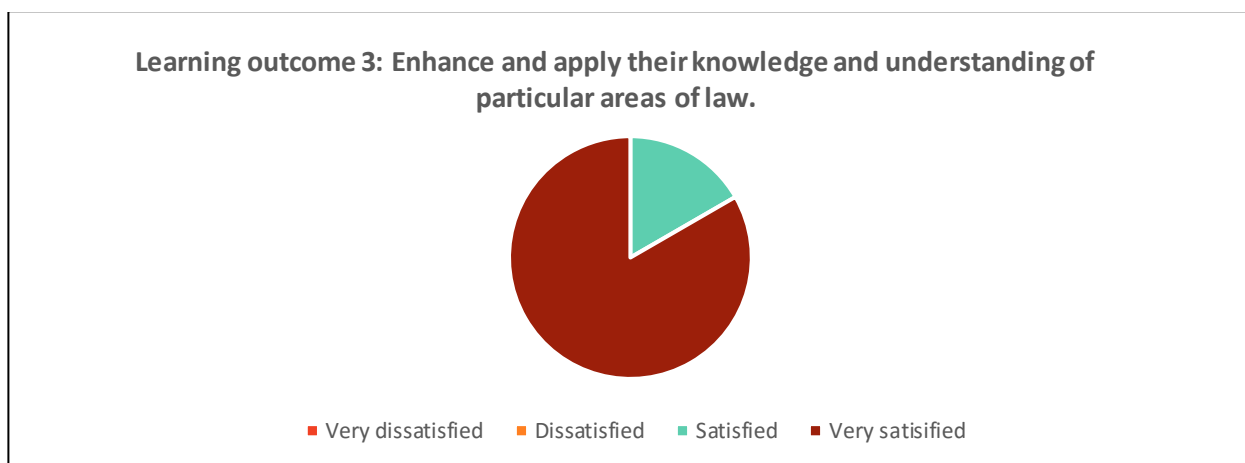
Figure 27 Achievement of Learning Outcome 3 (N=6)

Learning outcome 4: Develop analytical thinking skills.

Very dissatisfied ▪ Dissatisfied ▪ Satisfied ▪ Very satisfied
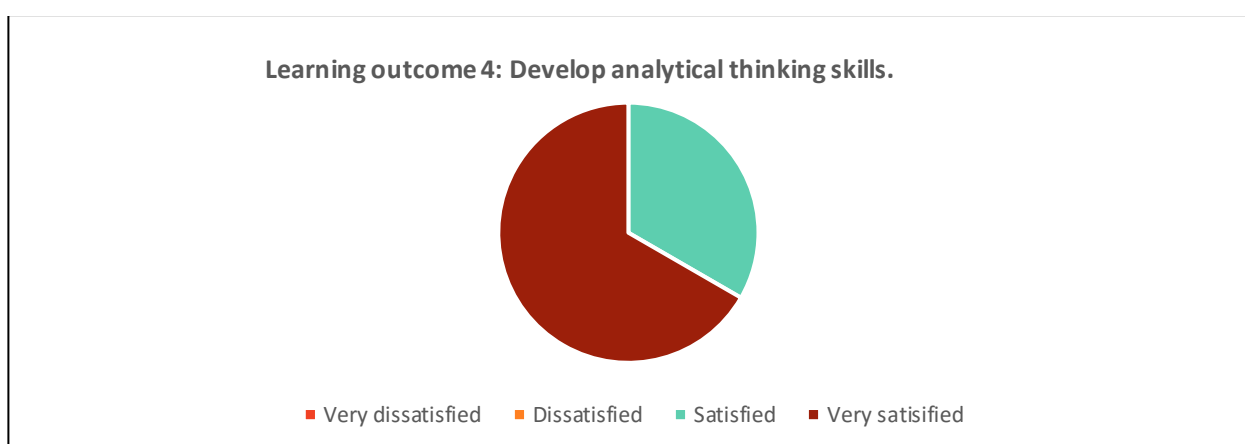
Figure 28 Achievement of Learning Outcome 4 (N=6)

Learning outcome 5: Integrate their theoretical knowledge and problem-solving skills in a simulated standardised client interactive roleplay.

■ Very dissatisfied   ■ Dissatisfied   ■ Satisfied   ■ Very satisfied
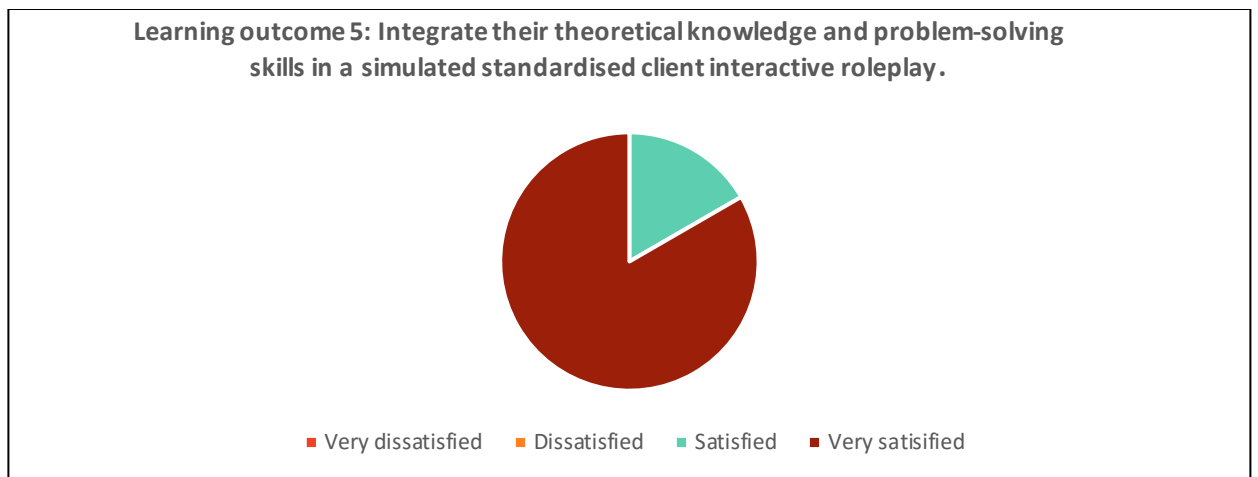
Figure 29 Achievement of Learning Outcome 5 (N=6)

Learning outcome 6: Take a more active and reflective role in their learning.

■ Very dissatisfied   ■ Dissatisfied   ■ Satisfied   ■ Very satisfied
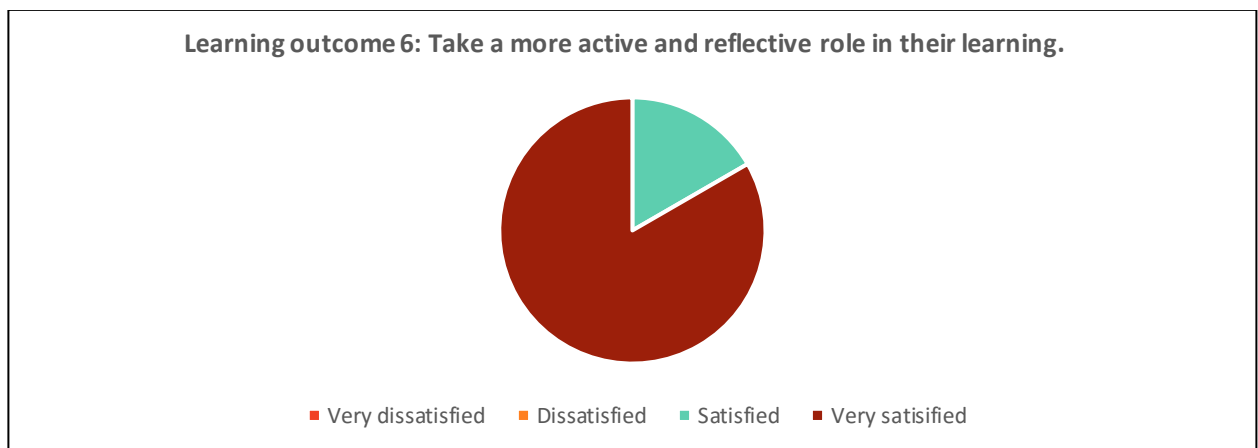
Figure 30 Achievement of Learning Outcome 6 (N=6)

These high satisfaction ratings reflect a strong endorsement of the pedagogic approach taken. The satisfaction ratings were highest (five of the six students) in respect of attainment of learning outcomes three, five and six which focus on application, integration, simulation, active and reflective learning. As these learning outcomes reflected the focus of experiential learning on process not outcome, this supports a conclusion that the achievement of these learning outcomes is attributable to the experiential learning pedagogy. Attainment of Learning Outcomes One and Four had slightly lower achievement ratings (four of the six students). The lower rating for Learning Outcome One may reflect the learners' limited prior experience of legal practice, while the lower rating for Learning Outcome Four could indicate that more complex client issues were required, a point relevant to future iterations of the module.

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Learning Outcome Two in relation to ethics had the lowest overall satisfaction ratings. The reasons why are worthy of further investigation. The researcher's reflections had identified that students found the absence of a single definitive solution to ethical dilemmas challenging. This could explain the lower ratings but could also indicate a gap in the learners' knowledge base and justify greater coverage of ethics - either within a disciplinary knowledge module, possibly an ethics module, or further coverage in this module.

The learning outcomes had, for the reasons given above, intentionally omitted specific and explicit reference to transferable skills.[153] However, an evaluation of the module by reference to learning outcomes which contained no reference to the desired improvement in transferable skills was a limitation. The module had intended to focus on the transferable skill deemed most important by all sectors in the first cycle, namely communicating orally appropriately and effectively,[154] while also facilitating the potential for development of their reflection and self-evaluation skills and the further transferable skills deemed important in the first action research cycle.[155] Ascertaining the attainment or not of the learning outcomes would not evaluate the changes, if any, effected by the module in these skills which was a shortcoming of the evaluation. While Learning Outcome Six did reference reflection, and the majority indicated that this learning outcome had been achieved, this finding likely referenced the increase in practice of this skill facilitated by the module rather than the level of attainment. A key part of the next action research cycle therefore needed to include an explicit and comprehensive evaluation of the perceived changes in transferable skill development and acquisition of the learners.

6.5.3 Course content

As indicated in paragraph 6.4, much of the content (duly adapted to a legal scenario) was generated from similar modules for the health professions and its suitability to legal education was an important component of this evaluation. No student indicated any content to be less than relevant nor did they suggest any additional content that ought to be included. While it was clearly reassuring that all content was considered relevant, the absence of suggestions for additional content possibly reflected the inexperience of learners in the area and thus the content still merits ongoing review and further research. In light of these responses however, the degree of relevance

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[153] See paragraph 6.3.5 supra.
[154] See Figure 12 Very Important Workplace skills and paragraph 5.5.1 supra where this skill attained the highest rating - over 96% of all respondents rated it as very important.
[155] See no. 122 supra.

was therefore the focus of the evaluation. An indicative content had been set out in the module (see paragraph 6.4 and Appendix F). However to effect delivery the content was broken down as follows and will be evaluated in the same order:

- Communication skills to include listening, speaking and questioning;
- Research and information skills
- Cognitive skills
- Group work skills
- Problem solving skills
- Time management skills; and
- Ethics.

Communication skills formed a central part of the content and five of the students found activities regarding listening, speaking and questioning to be very relevant, achieving the highest ratings for content relevance overall. In the context of this research, this was a very important finding for several reasons. Firstly, it resonated with the finding of the first cycle of action research that oral communication was the most important of the transferable skills. It was reassuring that undergraduate students shared this view, given it should correlate to higher engagement in activities that would facilitate their acquisition and improvement of the skill. This was also however an unexpected finding and did not correspond with the researcher's reflections, which noted that students tended to be dismissive of the necessity for communication skills training, particularly at the initial stages of the module. This attitude did diminish as the module progressed and in hindsight the students were more appreciative of the value of this content. This was also an important finding in the context of the data generated through this cycle of action research. At the start of the module the students' perceptions of their skill attainment were equivalent to the past graduates in the previous cycle (both having limited explicit opportunity for development of their reflective and self-evaluative skills). However, this finding indicates that, through participation in the module, the students' self-evaluative skills improved making their data more reliable than that of past graduates in the previous cycle (notwithstanding their additional life experience).

Secondly, the fact that students rated this content as most important suggests that they had now identified it as a gap in their learning. This is particularly significant in the context of the consistent finding in the previous action research cycle where past graduates had ranked their attainment levels of all skills, [156] including oral

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[156] See Figures 16 and 19 supra.

communication,[157] higher than either academics or practitioners. This research found that undergraduates undertaking the new module were not in this position, instead recognising the need for further learning of the skill. Possible explanations for this could be that undergraduates are simply not as confident as past graduates and are wary of overestimating their skill level. This did not correspond with the researcher's reflections, where students undervalued the importance of these communication skills and, possibly because of their inexperience, aimed for an unacceptably low level of competence (although as indicated above this did change as the module progressed). Alternatively, as mentioned in the preceding paragraph, the students currently undertaking the module are more proficient in assessing their own skill levels. This could be because they are still in the education system where regular review and evaluation are an intrinsic part of the process, or alternatively the focus on reflection, explicitly a part of this module, was achieving the desired result of improved self-evaluation skills. On the basis of these findings, the module was effective in teaching the learners the importance of transferable skills with the potential to close the gaps in perception of ability as between the learners (who will become past graduates) and academics and practitioners which emerged in the first cycle of action research. If this was achieved by inculcating the value of self-evaluation skills to effect lifelong learning in the refinement and development of their transferable skill set, then this also facilitates the development of the lifelong learning skills at undergraduate level as required by the Hunt Report. Further research is required to substantiate the nature of a link between the module and improved self-evaluation skills.

Thirdly, the content in relation to communication skills and the other content headings described above may have been considered elementary, or at a minimum already well covered in the course of a law degree, for a final year capstone module. One might have expected a requirement for higher order skills in order to draw together the learners' cumulative knowledge and experience. However, the endorsement of this content reasserts the importance of the continued improvement of what might be considered basic skills and conforms with the findings of the first action research cycle and the Hunt Report. All of these endorse the necessity for the competent acquisition of the basic skills but also, given the range of levels in such skills, that there are always possibilities for further development, refinement and relearning which the learners themselves will have the capacity to identify if their

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[157] See Figure 21 supra.

reflection and self-evaluation skills are developed simultaneously through the pedagogic approach of experiential learning.

Cognitive skills, problem-solving and group work skills received the next highest ratings of relevance, where four of the students found each of these skills to be very relevant. Rating the higher order skills less important than the basic skills is again consistent with the first cycle of action research, where the transferable and predominantly generic skills were deemed most important.[158]

However, only three of the students found time management skills to be very relevant, while only two of the students found research and information skills and ethics to be very relevant. The latter two findings in particular are of concern. Proficiency in accessing accurate research and information is a prerequisite to addressing a legal issue, whether as a professional lawyer or not, but the perceived lack of relevance raises questions as to the learners' fundamental understanding of the discipline of law. While there may be a ready explanation - for example by their final year, learners might consider themselves already expert at legal research - this finding does merit further enquiry. A similar perception of the ethics content contradicts their earlier indication of satisfaction ratings with attainment of the learning outcome relating to ethics.[159] It is hard to see how their difficulty with attainment of this learning outcome would not have heightened the perceived relevance of the content. Conversely, if the learners consider the ethical content less relevant, this will likely affect their motivation to learn it, and so it becomes arguably impossible for them to "demonstrate an ethical understanding of the ethical context in which law operates" (Learning Outcome Two). Again, there may be a ready explanation - for example, lack of prior exposure to ethical content might mean they cannot appreciate its relevance, or it may be considered irrelevant to individual learners who do not intend to become a legal professional. Again, this finding does merit further enquiry but is beyond the focus of this research.

When asked how satisfied they were with the course material, all six respondents confirmed high satisfaction and that the content was consistent with the learning outcomes. When asked to highlight the most useful content, three respondents explicitly cited communication skills, two others referenced the interview practice and preparation which gave them the opportunity to apply the communication skills, while the sixth could not decide:

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[158]See paragraph 5.5.1 supra.
[159] See Figure 25 and paragraph 6.5.2 supra.

"Honestly it is difficult to decide, as I found all of the learning outcomes and content useful for various reasons. Everything we covered in this module has helped me and made me more aware of my interactions with others, for instance, my verbal and non-verbal communication skills and listening skills. This module showed me my lack of skills in some instances and in turn has helped me work on and improve certain skills through my participation in the module."

No respondent could identify any other content area that should have been covered. In the context of the focus of this cycle of action research, these findings reflect a positive endorsement by the learners of the constructive alignment of the content to the learning outcomes.

6.5.4 Teaching methodology

However, notwithstanding the relevance of the content, its successful delivery to the learner depended on the pedagogic approach adopted. As outlined previously, the pedagogic approach involved cycles of experiential learning followed by in-depth and considered personal reflection. Using this approach meant engagement was essential to effect the learning, but engagement is also demanding, particularly when this was the first exposure for students to the use of experiential learning. The researcher's reflections had anticipated that the novel and ongoing nature of this approach might be considered unduly onerous by the students, given the continuous and personal engagement required in contrast to the traditional pedagogic approach in law but hoped that ultimately the benefits would outweigh the effort required. However, the use of experiential learning and reflection was unanimously endorsed by the students where all felt that the combination of 'real' action followed by reflection was the ideal approach for teaching this module and that it guaranteed learning. For example, responses described it as "an interesting and valuable break from the usual way law subjects are taught", "the most rewarding of all the modules throughout the four years" and "we definitely learned by doing". For example, one student commented:

"I loved the role-plays, although the first couple made me nervous it boosted my confidence massively. I hated the nerves, the first time we had to stand in front of the class and speak for two minutes about a topic that we were given on a sheet was awful, my voice was squeaky and I was just so nervous but by the end my confidence had grown so much that that wouldn't have been a problem on the last week."

There were few suggestions for improvement - most acknowledging that any reservations they had initially waned as the module progressed and they reaped the benefits, for example, through several opportunities for peer and video feedback followed by reflection as evidenced by the following responses:

> "I think that this is the only way to learn interview techniques. The critique straight after the interview allows you to learn from your mistakes. Furthermore the observations of other interviews allowed us to pick up tips. The reflection part is by no way easy but it certainly makes you evaluate your performance and therefore improve on it for the next one."

> "We could only improve our speaking, listening, verbal and non-verbal communication skills by completing the tasks assigned. It was only after I reflected on certain tasks I completed in class that I realised I was lacking and could improve personal skills such as my non-verbal communication with others. I would have been unaware of this without having to complete tasks in class and then reflect on them."

Both of these responses endorsed the value of experience followed by conscious reflection, thereby endorsing the use of experiential learning as the appropriate pedagogic approach.

Highlights for the students included an increased awareness of their skills and their capacity through reflection to improve, working with real people, the realistic contexts, the camaraderie which developed as they enabled each other to improve, and mastering the challenges presented to move outside their comfort zone. Three of the respondents specifically referenced the boost in confidence which resulted, which one respondent described in this way:

> "I liked that it challenged me to go outside of my comfort zone. I liked that it gave me a sense of how the law works in practice. My participation in this module has given me more confidence in my ability to work in the legal world"

and another as:

> "I thought this module was great, a little nerve wracking at times but it definitely boosted my confidence. It has provided me with

experiences which will benefit me in the future both personally and professionally. It was very different from other modules I completed over the four years and definitely one of my favourites."

Overall, the responses recorded a strong endorsement of the pedagogic approach, however, this finding must be qualified by the likely fact that all of the respondents were learners possessing high engagement levels. Unfortunately, the less engaged learner is unlikely to have voluntarily engaged in the module review, which is disappointing as their views would have had particular relevance in evaluating the pedagogic approach. Accessing such learners represents a challenge for the future.

6.5.5 Organisation

The feedback from the students in relation to the organisation of the module was universally positive, all agreeing that it was well structured, delivered at the right pace, the lecturers were appropriately knowledgeable and there was an appropriate communication between the lecturers as a team, and the lecturers and students. Two of the students suggested that the module should run over two semesters to allow time for further refinement and improvement. This suggests their appreciation of experiential learning as focused on process rather than outcome and the necessity for repeated practice to develop skills. However, all the others agreed it was the right length, one considered response being:

> "I believe this is going to be one of the most important modules we as students will have done. I mean this is what happens in the big bad world - we have to think on our feet, listen ask questions, apply the law et cetera… There is so much to learn from this. However the last thing you do not want to do is drag a module out, so no I think it was the right length."

The only other suggestion arising from this part of the evaluation was for a better set up for the interview practice recordings. These were completed using cameras in the classroom and possibly reflected the lack of experience of the lecturers in this area for whom this pedagogic approach was also new or perhaps comparison with another discipline within LYIT which has purposefully designed consultation rooms with external video facilities.

The inexperience of the lecturers also surfaced in the organisational demands of the module. While it was anticipated that the students might find the use of experiential learning unduly onerous, the organisational demands placed on the lecturer through

the use of this pedagogy were not anticipated. A traditional law lecture simply requires the academic lecturer, appropriately learned, and a lecture theatre or space. In contrast, this module requires appropriately qualified staff - both academic, practical and technical - and in sufficient numbers to facilitate small-group learning, more and suitable rooms, and technological resources to run the module. This presented significant management and organisational challenges, these were amplified for the assessment which also required the provision of training for the standardised clients.[160] This raises the question as to whether there are alternative methods of planning and organisation which may be necessary to ensure the sustainability of this pedagogic approach to the module.

6.5.6 Assessment

Details of the assessment are set out in Table 6 Summative Assessment schedule for the Law in Action module and it was designed to mirror the key features of the pedagogic approach of experiential learning and so comprised experience/practice followed by conscious reflection. This would ensure constructive alignment between the learning outcomes, module content and the assessment, and potentially address any issues with learner engagement that might arise from adoption of a new pedagogic approach as discussed above.[161] While it was anticipated that the experiential learning approach would intrinsically motivate learners, formal acknowledgment of the required engagement (by including it as part of the ultimate summative assessment) valued this participation from the outset and maximised the potential engagement of learners, particularly strategic learners whose usual approach focused on outcomes rather than process. Students were supported in coping with the onerous nature of the continuous assessment by regular formative and summative feedback. Sherr (2000) highlighted the necessity for feedback and guidance in adopting the pedagogic approach of experiential learning where "learners need to be taught and encouraged how to use experience as an instructional tool and so develop their own systems for learning from experience in later life" (Sherr, 2000:4). The educator's role was not simply to provide content and facilitate a variety of relevant experiences with opportunities for reflection, but also had "a key

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[160] The assessment involved:
- the reservation of eight rooms simultaneously including two holding rooms and six interview rooms each with a standardised client;
- invigilators for the holding rooms and the corridors outside the interview room;
- video recording equipment in each interview room with the appropriate technician on standby; and
- extensive administration to ensure the smooth transition of the students from the holding room to the interview room to the waiting room to exit.
[161] See paragraph 6.2.5 supra.

role in developing real perceptions of experience" (Sherr, 2000:4), that is the reflection and self-evaluation skills of the learner. The constructivist approach to learning has been criticised for its minimal guidance, Kirschner et al. (2006) claiming that "not only is unguided instruction normally less effective; there is also evidence that it may have negative results when students acquire misconceptions or incomplete or disorganised knowledge" (Kirschner et al., 2006:84). The provision of regular formative and summative feedback was intended to allay these concerns.

The researcher's reflections, given the high level of engagement required, and similar to the pedagogic approach of experiential learning, anticipated a negative response from students to the assessment process but that ultimately this would be outweighed by the resultant learning. On the whole, this was reflected in the student evaluations.

The students were firstly asked if they felt the assessment was a reliable measure of their achievement of the learning outcomes. In hindsight, the phrasing of this question may have been inappropriate as the students are unlikely to have understood the meaning of 'reliable' in the context of research and therefore their answers can only be read in the context of its normal literal meaning. In that context, five of the six students agreed, one of these responding: "Yes completely, it provided for an equal split some people would do better in the logs and some in the interview. Would not change the marking at all."

The sixth expressed concerns regarding the weighting in respect of the reflective writings as they were "hard to complete well especially ever over the first few weeks", but equally appreciating that it had provided an opportunity "to gradually build up our marks". Concern in relation to the reflective aspect of the assessment was the most common theme in the balance of their evaluations - but again the students still recognised their value: "the written logs at times were monotonous yet having completed them I do see the benefit". The following responses illustrated student concerns with the first assessed reflective writing preferring more explicit directions in advance:

> "At the beginning I did not like the logs as I found that they were difficult to complete, at the beginning I was always looking for the "right" answer."

> "Lack of example for the structure of weekly logs at the start of the process may have yielded better early log results."

"I was unaware the first week that we had to use references in a reflective log. It most likely was communicated to us but I think it should be highlighted as an important part of the log. I thought the reflective log was more like a diary of how you felt it went but soon realised that it entails research as to how you intend to improve your performance."

The use of regular feedback was intended to support the students in this regard and as the following comments illustrate it was effective:

"I loved the feedback each week, without that the logs may never have improved."

"I thought that the reflective logs allowed you to improve each week with continuous feedback"

These comments confirmed that the students simultaneously acknowledged the overall value of reflections and that it was only by reflecting and receiving feedback that their reflective and self-evaluative habits improved. This endorsed the benefit to skill acquisition of repeated practice.

These comments reflected the researcher's concerns regarding the assessment of reflection where it was important to ensure that the instructions were not overly prescriptive which could result in formulaic criteria driven reflections rather than the learners' honest appraisal. The underlying purpose of the reflections was to facilitate achievement of the final learning outcome with the students taking an active and reflective role in their learning, which should inherently enhance their reflection and self-evaluation skills. The researcher's reflections highlighted further issues, including confusion as to what constitutes reflection, the use of informal writing styles, integration of theory, student fear of honest reflection, subjective/objective grading, bona fide reflections and the use or abuse of the assessment criteria. Cumulatively these issues might suggest that the effect of assessment of reflection is to inhibit rather than develop the student's reflective skills. All of these issues warrant further research to ensure that the assessment of reflection is aligned with the learning outcome.

Overall, however, as indicated above, the student evaluation of the assessment of the module was positive. The use of the standardised client was highlighted ("I like that the client was given the chance to mark us as how we came across to them is a

huge part."), with students indicating that the anonymity of the client made them feel more relaxed as did the absence of a third party in the room (in contrast to their practice where others were present). The use of group work for practice and feedback, but not for assessment, was also commended:

> "I also loved that it was all our own mark, it still allowed the model to involve teamwork but that didn't affect our mark. I didn't like having to rely on other people giving a hundred percent in our final year. In other modules it felt like some people were giving little effort but still getting a good mark and in the final year it should be based on each person individually. This module provided this and yet still made us work in teams and enhance our team working skills."

Suggestions for improvement included assigning a part of the overall grade to the preparatory work and facilitating a graded mock interview with a standardised client.

6.5.7 General findings as to Subsidiary Research Question 4

In line with the preceding feedback in relation to specific aspects of the module, the students' concluding evaluative comments were again very positive. All confirmed that it met their expectations, with four confirming that it exceeded or surpassed expectations. The following comment captured their overall sense of the module:

> "It is an excellent module which has the potential to have a highly beneficial impact on students who fully engage in it".

When asked to identify what aspects of the module were most useful, two students endorsed the module as a whole while four others were more specific, two choosing the development of their communication skills and interviewing techniques, while the remaining two chose self-reflection skills and the use of continuous feedback from peers and lecturers respectively. All students liked and enjoyed the module and unanimously agreed that the knowledge, skills, experience and learning gained would benefit both their future employment and personal life. This finding confirmed the transferable nature of the learning where the focus on reflection and self-evaluation in particular provided the tools necessary for transfer and lifelong learning. Recognition of this by the student was particularly important and is evidenced by the following response:

> "Regarding self-reflection, I have already applied to other aspects of my life such as the ……. I address where I went wrong or where I can

improve, discuss how I can improve, make a plan to meet this goal and then follow through. This module showed me the true value of reflection."

The final question asked whether students would recommend the module to other students. There was unanimous consensus that they would, and the following two responses indicate their sense of achievement through the module:

"I would recommend this module to all law students. While it might appear challenging to some students who lack confidence, its benefits far outweigh any short-term feelings of discomfort."

"I would have no hesitation in recommending this module. I found this module highly beneficial for any future career or academic studies. We covered a majority of highly relevant skills not only for our potential professional career but also for day-to-day interactions. It was a very practical "hands-on" module and very different from any previous modules."

The module was identified as a challenge, but one that gave a great sense of achievement on completion, which confirmed the suitability of the pedagogic approach to a capstone module, as anticipated by Evans et al. (2017).

6.6   PRE-STEP FOR NEXT ACTION RESEARCH CYCLE

In the context of this research, this cycle of action research had intended to develop a module with a pedagogic approach that would facilitate the learning of transferable skills (subsidiary research question 4), with a particular focus on the skill of communicating orally appropriately and effectively, at undergraduate level in legal education. Student feedback confirmed the suitability of the pedagogic approach (experiential learning through simulation of a transaction), attainment of the learning outcomes and that the module had facilitated improvement in their transferable skill set. The endorsement by the students of the value of the module is reflected in the following concluding comment from one of the students:

"Overall this module was extremely beneficial and different to what I have been comfortably used to for the last four years. For me, it was a completely "self-improvement" module, which has and will continue to benefit me in every aspect of my communication with others. I believe it will aid me in my personal but also professional development

in the future. I decided to do this module as I knew it was out of my comfort zone, and I do not regret doing it for one minute. The module involved a lot of participation in comparison with other modules, which at times had been difficult but I believe was overall, very effective and will undoubtedly benefit me in the future."

However, notwithstanding this positive review, there were gaps in the knowledge generated through this action research cycle. A review of the module by reference to learning outcomes which contained no measure of the desired improvement in transferable skills generally, or any changes in the specific skills of communicating orally appropriately and effectively,[162] and the other transferable skills deemed important in the first action research cycle,[163] was a shortcoming in the evaluation. Subsidiary research question 5 (addressed in the next action research cycle described in Chapter 7) sought to address this limitation through an explicit and comprehensive evaluation of the change, if any, in transferable skill development and acquisition of the learners.

While the researcher's reflections reported equally positive findings, albeit acknowledging the significant organisational and technical demands required to deliver the module which could affect future sustainability, this cycle also raised further questions which the next cycle could address. Firstly, while the students had some reservations in relation to the weekly reflections, the researcher had several concerns in relation to the use and development of the student reflective skills through the module. These reservations were relevant to the divergence between perception and performance previously identified in the first cycle of action research (where graduates consistently perceived their standards of performance to be higher than the perceptions of either academics or practitioners), which could resurface as an issue when students were asked to evaluate their transferable skill development and acquisition. The inclusion of the process of reflection on action both as a learning tool and a form of assessment had been intended to foster the development of the students' self-evaluation skills. Subsidiary research question 6, which was also addressed in the next cycle of action research, sought to identify whether the module developed the students' capacity for reflection and enabled improved self-evaluation which would contribute to transferable skill attainment in the context of this module.

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[162] See Figure 12 and paragraph 5.5.1 supra where this skill attained the highest rating of importance - over 96% of all respondents rated it as very important.
[163] See no. 122 supra.

7.1 PRE-STEP.

As with the two previous action research cycles, the pre-step sets the context and establishes the necessity for the next action research cycle. Both of these were determined by the findings of the two preceding action research cycles. Both cycles generated several findings worthy of further exploration, but the focus of this next cycle and this research is on those findings which are relevant to the explicit development of transferable skills in undergraduate law students.

The first cycle of action research (set out in Chapter 5) addressed subsidiary research questions 2 and 3 and confirmed the necessity for transferable skill development in undergraduate legal education. This cycle also identified the skill of communicating orally appropriately and effectively to be most important, followed by the personal skills of reliability, professionalism and work ethic, although it will be recalled that there were significant variations between the sectors in terms of their satisfaction with the attainment by graduates of these skills.

The second cycle of action research (set out in Chapter 6) addressed subsidiary research question 4 and sought to develop a model or framework for the development of transferable skills generally, with a specific focus on the skill of oral communication, while also maximising the potential for development of their reflection and self-evaluation skills and the further transferable skills deemed important in the first action research cycle,[164] in an undergraduate law programme in LYIT. The 'Law in Action' module was used for the development of these skills employing the pedagogic approach of experiential learning. The evaluation by students was overwhelmingly positive. Gaps nonetheless emerged through these two cycles of action research, and those of particular relevance to this research project were the subject of subsidiary research questions 4, 5 and 6 and this final cycle of action research.

Figure 2 at the end of Chapter I provided a visual overview of each of the action research cycles in this research while Figure 31 below provides a visual summary of this cycle.

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[164] The top four workplace skills were oral communication (deemed most important) common sense, written communication and working effectively on their own while the top five personal skills were reliability, taking responsibility, professionalism and work ethic, ability to cope with pressure, and integrity and ethics.
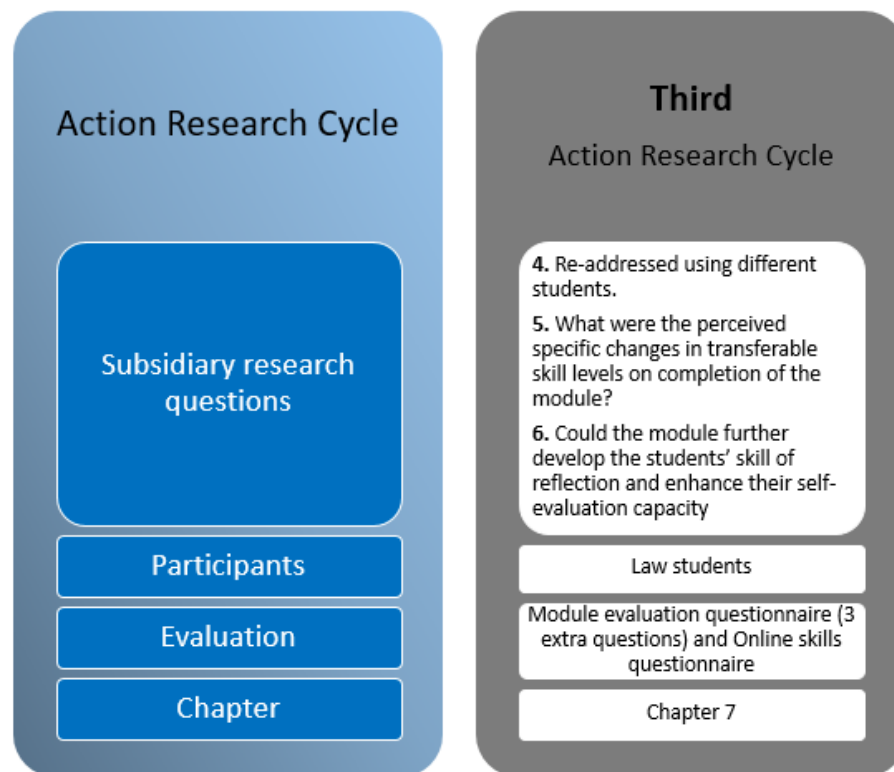
Figure 31 Third Action Research Cycle

7.2 CONSTRUCTING

This cycle of action research set out to address the following subsidiary research questions.

Firstly, notwithstanding the strong endorsement by the students of the pedagogic approach adopted in the Law in Action module to facilitate the learning of transferable skills at undergraduate level legal education, these findings were limited as they related to one cohort of students alone. The first subsidiary research question for this cycle addressed subsidiary research question 4 again with a different cohort of students. This triangulation would either corroborate or provide a different perspective on the general evaluation of the module in the previous cycle.

Secondly, while the student evaluation of the module in the second cycle of action research recorded high attainment of the learning outcomes, there was no explicit reference to transferable skill development or attainment in the learning outcomes. Subsidiary research question 5 sought to specifically measure the students perceived skill attainment or improvement. This question intended to address both the skill of oral communicating orally, appropriately and effectively and the skill of reflection and

self-evaluation together with the learners' transferable skill set generally, especially those skills which the module might simultaneously develop.[165]

As both of the previous questions are reliant on student perception (whether it be the evaluation of the module or skill attainment or improvement), if these perceptions are to be valid, they must be well founded. However, reliance on student perception was potentially problematic as the positive evaluation by students recorded in the second cycle of action research (Chapter 6) was qualified by the findings of the first cycle (Chapter 5), where law graduates were consistently more positive than either practitioners or academics in assessing the attainment of skills by law graduates. Although this related to law graduates (rather than the undergraduates participating in the second and third action research cycles), and there are several possible explanations (such as differing expectation levels), the possibilities also include inadequacies in the measure of attainment of these skills by the graduates themselves.

The module developed in the previous action research cycle adopted the pedagogical approach of experiential learning, which recognises that provision of experience alone is insufficient but must also include "conscious reflection to enable learners to identify and assess their learning".[166] This reflection on action was integral to the module and the development of the students' transferable skills, in particular their self-evaluation skills. This was mirrored in the assessment of the module.[167] The findings recorded student recognition of the benefits of reflection and self-evaluation to their learning and development,[168] but also identified challenges for the students particularly regarding the use of reflection in the assessment.[169]

The final subsidiary research question (6) of this action research cycle sought to explore the further development of the students' reflection skills in this context, by clarifying those challenges and how they might be addressed with a view to further supporting the students in its use and to enhance their development of self-evaluation skills. This would enable them to accurately evaluate their skill performance levels and so enhance their learning both within and beyond the module.

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[165] As detailed in the preceding footnote.
[166] See paragraphs 6.2.3 and 6.2.4 supra.
[167] See Table 6 Summative Assessment schedule for the Law in Action module.
[168] See paragraph 6.5.4 supra.
[169] See paragraph 6.5.6 supra.

7.3 PLANNING ACTION

In the constructing phase, three issues had been identified for which action was planned. In line with the collaborative approach of action research, as the student was central to all issues, their participation was central to the actions taken.

Readdressing subsidiary re-search question 4 required a further general evaluation of the Law in Action module and its use of experiential learning intending to facilitate transferable skill development. In the previous action research cycle, self-completion of the module evaluation questionnaire[170] by students had generated rich data. The success of this data collection method determined that this method was also adopted for this further evaluation.

Subsidiary research question 5 required specific measurement of transferable skill attainment or improvement by the students. Skill attainment or improvement had already been measured in the first cycle of action research through an online self-completion questionnaire. The list of skills (generated following a review of the literature) and the use of Likert scales in that online self-completion questionnaire formed the basis of the second questionnaire used in this cycle, which for ease of reference, will be called the 'skills questionnaire'. The questionnaire included the same set of skills, however acknowledging that the respondents were now students (rather than graduates, practitioners or academics), their order and some of the terminology was simplified, following further review and piloting. The students were asked to rate their ability in these skills, both before and after participation in the Law in Action module, using the Likert scale below:

"Poor/Non-Existent   Satisfactory   Good   Very Good   Excellent"

This questionnaire was completed through SurveyMonkey and additional short questions were also included - a copy of the final version of the online skills questionnaire is contained in Appendix H. It was anticipated that more students might complete this (as it primarily required respondents to check boxes or very short answers, and so would be easier and quicker to complete) rather than the module evaluation questionnaire described above, thus in addition to measuring skill attainment and improvement, the short questions were intended to gain an understanding of their general sense of the module.

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[170] See paragraph 6.5 supra.

Subsidiary research question 6 required investigation into the facilitation of development of reflection skills through the module, the student perception of its development through participation in the module and in particular the challenges faced by the students in the use of reflection and its relationship with assessment, with a view to supporting the use of reflection in student learning. Reflection and self-evaluation was one of the transferable skills included in the skills questionnaire and thus the data generated from it would record the students' perceived attainment or improvement in this skill. In addition, part of the module evaluation questionnaire, referenced above, had been extended (in the assessment section) by the addition of the following further questions regarding the development of reflection:

1. Reflection is an important part of the assessment. If you found it challenging, what were those challenges?
2. What might have made the reflective writings easier to do?
3. Can you suggest any support or assistance that could be put in place to facilitate the assessment of this module?

The responses to these questions provided the data for subsidiary research question 6.

7.4 TAKING ACTION

In the last week of teaching, the students were told of the research, emphasising its importance to development of the module and the experience of future students, and highlighting the value of their input as collaboration was a key feature of the action research methodology. An invitation to participate in this research was issued by email to the entire cohort of students who had taken the Law in Action module[171] after the LYIT release of academic results for the year. The timing was chosen firstly, to avoid any actual or perceived effect of participation on the students' performance in the module, secondly, to allow time for their mature reflection on the module, and thirdly, their grades would then provide a benchmark to inform the self-evaluation required by the questionnaire. These reasons were deemed more important than the possible adverse effects on participation (issuing after the end of the academic year when students may be disengaged), and the risk that high or low results in the assessment would affect their perception of the module. The email included the required information about the research, an invitation to complete the skills questionnaire on SurveyMonkey (link included in the email), and a request to

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[171] The module was offered as an elective to 43 students (six of whom were Erasmus students, none of whom chose this elective), 10 students elected this module two of whom did not complete the semester.

complete the module evaluation questionnaire (which was issued to each respondent directly on receipt of their agreement).

7.5 EVALUATING ACTION

Evaluation of this cycle of action research firstly required consideration of the level of engagement with the various research tools. There were eight students in the cohort, seven of whom completed the skills questionnaire and six of whom completed the module evaluation questionnaire and consented to the use of their reflective writings. As responses were anonymous, it is unknown whether the same students completed both but the number of responses confirm considerable overlap. The response rates were proportionately higher than those of the second action research cycle[172] and the average response rate for studies utilising data collected from individuals (Baruch and Holtom, 2008).[173] The advance notification and information provided to students regarding the research, its value and the value of their contributions (mentioned above), may have affected the increased response rate, though equally it may be attributable to the smaller size of the total cohort. As with the previous action research cycle, all questionnaires that were returned were complete with no missing data and therefore usable (Baruch, 1999:424).

The findings in respect of the three questions for this cycle of action research will now be discussed separately, noting that there are areas of overlap.

7.5.1 Findings as to Subsidiary Research Question 4: Module Evaluation.

The first objective was to triangulate the findings of the previous action research cycle by having a second cohort of students evaluate the module using the module evaluation questionnaire. Their findings would either corroborate the original findings or introduce a different perspective. The evaluation sought to determine whether the pedagogic approach of experiential learning had facilitated the learning of transferable skills in undergraduate legal education. As in the second action research cycle, the module evaluation questionnaire prompted detailed responses generating a large amount of data. The findings are summarised as follows.

As described previously, there were six learning outcomes[174] in the module and a direct measure of whether the pedagogic approach was successful would be whether the students believed learning outcomes for the module had been achieved. Figures

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[172] The response rates of 87.5% and 75% respectively were well above the response rate of 37.5% in the second action research cycle.
[173] 52.7% - see paragraph 6.5 supra.
[174] See paragraph 6.3.5 supra.

32 to 37 below summarise the responses and confirm that, in relation to four of the six learning outcomes all students were either satisfied or very satisfied that the learning outcomes had been achieved. In relation to five of the learning outcomes, most students were, in fact, very satisfied that the learning outcomes were achieved. These findings correspond with the findings in the previous action research cycle but there are three differences of note.

Learning outcome 1: Understand by personal experience how the law works in practice.

■ Very dissatisfied   ■ Dissatisfied   ■ Satisfied   ■ Very satisfied
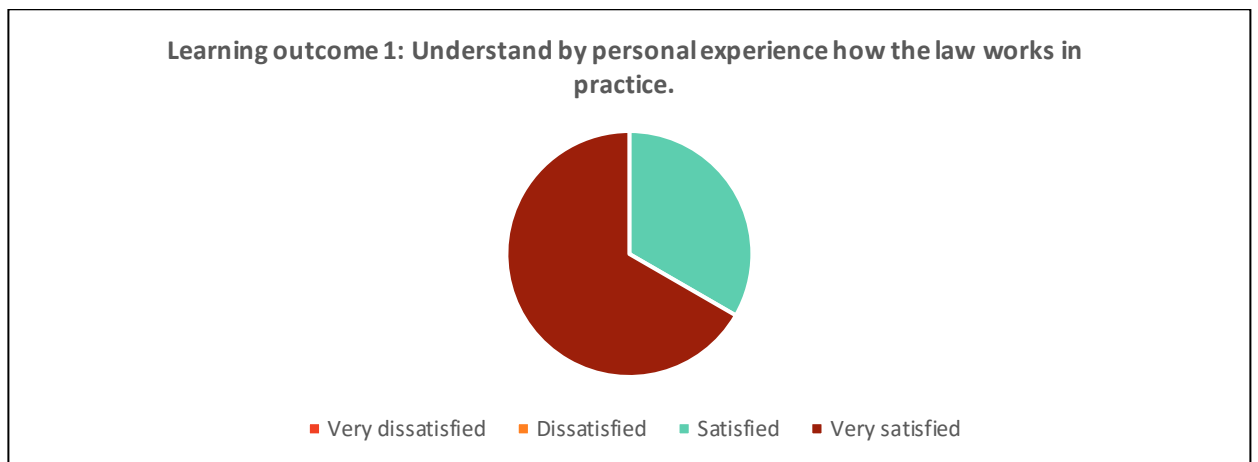
Figure 32 Achievement of Learning Outcome 1 (N=6)

Learning outcome 2: Demonstrate an ethical understanding of the ethical context in which law operates.

■ Very dissatisfied   ■ Dissatisfied   ■ Satisfied   ■ Very satisified
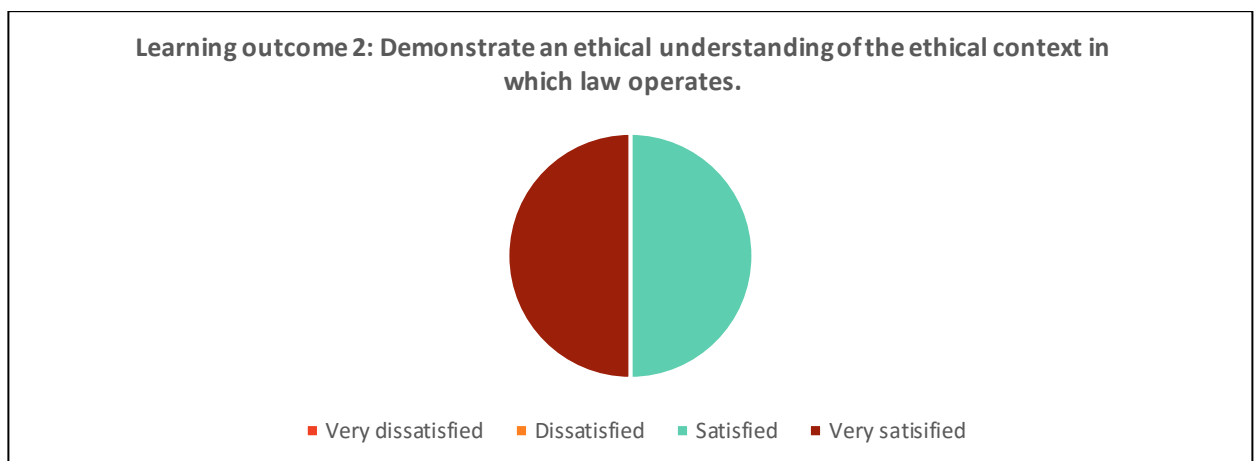
Figure 33 Achievement of Learning Outcome 2 (N=6)

Learning outcome 3: Enhance and apply their knowledge and understanding of particular areas of law.

Very dissatisfied ▪ Dissatisfied ▪ Satisfied ▪ Very satisfied
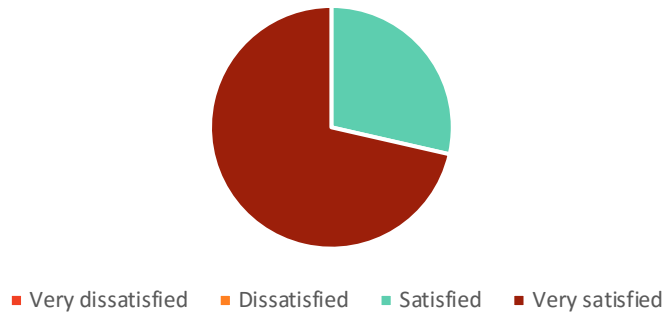
Figure 34 Achievement of Learning Outcome 3 (N=6)

Learning outcome 4: Develop analytical thinking skills.

Very dissatisfied ▪ Dissatisfied ▪ Satisfied ▪ Very satisfied
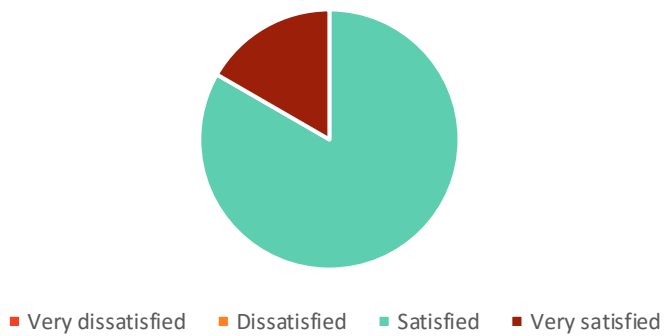
Figure 35 Achievement of Learning Outcome 4 (N=6)

Learning outcome 5: Integrate their theoretical knowledge and problem-solving skills in a simulated standardised client interactive roleplay.

Very dissatisfied ▪ Dissatisfied ▪ Satisfied ▪ Very satisfied
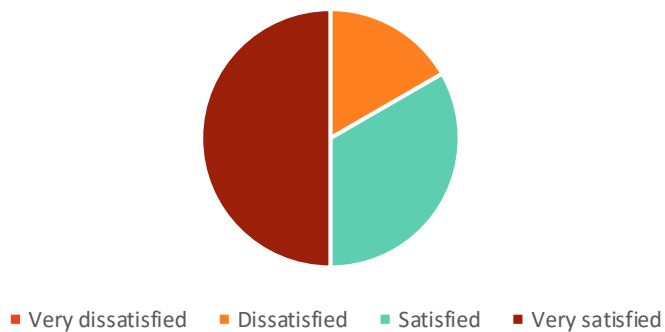
Figure 36 Achievement of Learning Outcome 5 (N=6)
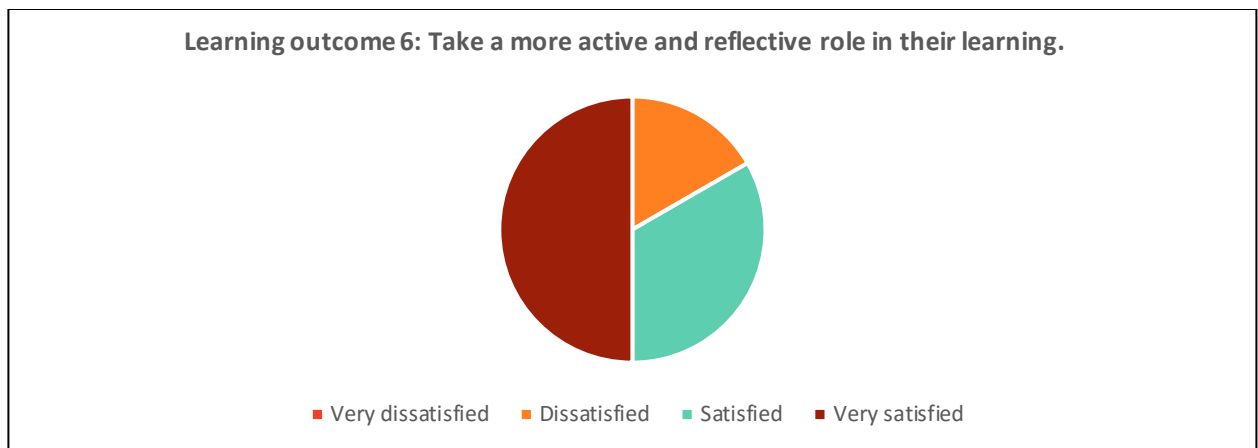
Figure 37 Achievement of Learning Outcome 6 (N=6)

The differences of note were as follows. Firstly, the overall satisfaction ratings were higher in the previous action research cycle.

Secondly, the satisfaction rating in relation to the fourth learning outcome (Develop analytical thinking skills) was different, where more respondents were 'satisfied' than 'very satisfied' in this action research cycle, in contrast to the previous cycle where the ratio was two to four in favour of 'very satisfied'. The rating for Learning Outcome Four had been one of the two lowest ratings in the previous cycle,[175] when it was suggested that more complex client issues were required. However, the findings of this cycle instead indicated that participation in the module had highlighted to the students the need to further enhance their analytical thinking skills as illustrated by the following responses:

> "The scenarios were not easy and required lots of thinking about the questions we needed to ask the client."

> "Before learning the extent of analytical thinking, I would have considered myself a critical thinker. However since completing this module I am now more inclined to listen to others before concluding on something…. I now look at the bigger picture in order to fully understand or grasp what is being asked of me."

Thirdly, in the previous action research cycle, no student was dissatisfied with the attainment of any learning outcomes. However a single student was dissatisfied in

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[175] The other lowest rating had been for Learning Outcome One.

this action research cycle in relation to the attainment of Learning Outcomes Five and Six. While this outlier is difficult to reconcile with the responses regarding the other learning outcomes, the following comment from the student in relation to Learning Outcome Five[176] highlights the challenge of role-play for them:

> "I found this part of the module most difficult. I found the role-play stressful because of the constant criticism we were given in front of the class and it did not help build my confidence in this area."

At the outset, procuring the required engagement from students to participate and review role-plays with their peers was recognised as a potential challenge[177] but typically the benefits of this engagement ultimately outweighed the initial challenge, as reflected in the following comment (which also endorsed the benefit of repeated practise to skill acquisition) from another respondent regarding the same learning outcome:

> "….. As the weeks passed by I could see myself improving with each interview. It helped me to push harder out of my comfort zone and to give me the confidence of completing the task assigned. Honestly, I found it distracting conducting such interviews each week with my classmates as they were my peers. I felt that we never took it serious enough, not until the actual graded one. The idea of interviewing a stranger made the matter all that more serious and we have to put our game faces on. Overall, I would happily and confidently conduct another interview as I now have the appropriate skills and manner to do so, no matter who the client was."

Both of these comments highlight the significance of formative feedback, peers and the resultant impact on confidence of the student. The first student found the experience stressful while the second used their developing capacity to self-evaluate and recognised their progressive improvement through the process. If this pedagogic approach of experiential learning is to succeed for all students, it will be important to protect and support the students more vulnerable to formative feedback and peer review throughout the experience to ensure a positive effect on confidence.

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[176] Integrate their theoretical knowledge and problem solving skills in a simulated standardised client interactive role-play.
[177] See paragraph 6.2.5 supra.

The first student had been dissatisfied with Learning Outcome Six, and again their comment explained why: "I found the reflective journal is confusing as they required research and referencing. All the previous reflective writings we did for other modules did not require references or research." This requirement had been specified in the instructions for the reflective writings, and while it may have been different from their previous experiences of reflective writings, in the final stages of their degree students are generally very cognisant of the importance of assessment instructions. Nonetheless, it served as a useful reminder of the importance of ensuring student awareness of assessment instructions.

Overall, the high satisfaction ratings were a further endorsement of the suitability of the pedagogic approach. The satisfaction ratings were highest in respect of attainment of learning outcomes one and three, which focus on practice and application, recognising the key features and benefits of the experiential learning pedagogic approach.[178]

The responses in relation to Learning Outcome Two in relation to ethics were identical to those in the previous cycle, reinforcing those comments and the necessity for further investigation.[179]

Achievement of learning outcomes had also been included as a question in the skills questionnaire. As both surveys were anonymous, it is unknown whether they were completed by the same or different students but in any event the responses were broadly similar. Firstly, as with the previous action research cycle, all students were either satisfied or very satisfied with the achievement of all learning outcomes (noting no student was dissatisfied unlike the findings above). Secondly, there was a particularly strong endorsement of the achievement of Learning Outcome Five, where five of the seven students were very satisfied it had been achieved. This corresponds with the findings of the previous cycle, and although the findings above were not as strong (half very satisfied and 1/3 satisfied and one dissatisfied as mentioned above) as indicated the findings in this cycle were lower across the board.

The next section of the module evaluation questionnaire related to course content. As in the previous action research cycle, the content deemed most relevant by the students was communication skills. In this cycle, this skill had been broken down into listening, speaking and questioning skills and all students found the content in

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[178] See paragraph 6.2.3 supra.
[179] See Figure 20 and paragraph 6.5.2 supra.

relation to listening and speaking skills very relevant with all but one of the six students also finding questioning skills very relevant (the other finding it relevant). These findings endorse the findings of the first cycle and the comments made continue to apply.[180] In relation to the balance of the content, the students found all either very relevant or relevant, with the exception of group work skills. These findings were a stronger endorsement of the content than in the first action research cycle. In this cycle, five of the six students found time management skills very relevant, one finding it relevant, where the ratio of very relevant to relevant for cognitive skills problem-solving skills ethics and reflective skills was four to two, and three to three for research and information skills. These views were different from the previous action research cycle where students had a low perception of the relevance of time management skills, research and information skills, and ethics.[181] As it was the second iteration of the module, this is may be attributable to improved delivery of the content by the lecturer in making the necessary connection between the content and the learning outcomes. This reinforces the value of the iterative nature of this research but does not explain why the findings in respect of the learning outcomes were lower across the board in this action research cycle as mentioned at the end of the preceding paragraph.

The only content deemed less important in this cycle of action research was group work skills, where three found it very relevant, one relevant and two irrelevant. This appears significant given the importance of collaboration and shared experience to the pedagogic approach adopted. However, the following comment from one of the students who deemed group work irrelevant might explain the concerns raised, as it recognised the importance of group work, but that the priority was self-development:

> "I found that group work, although helpful, irrelevant in some instances. This module is about self-improvement. The only time group work was helpful or enjoyable was the improv exercises and helping each other independently."

Only one other student deemed group work irrelevant and their rationale was related indicating that students

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[180] See paragraph 6.5.3 supra.
[181] Ibid.

"do not have the same ability to give constructive criticism as the lecturers do and I believe this criticism is necessary to improve".

However, these students were in a minority where one of the remaining four students deemed group work relevant and the balance deemed it very relevant recognising that

"the use of group work was very beneficial to us. It helped us to lower the workload whilst also building our co-operation, listening, speaking, team-building skills."

As in the previous action research cycle, all six respondents were satisfied overall with the course material, finding the material in relation to communication skills most useful. The respondents in the second action research cycle gave a stronger endorsement of the relevance of the content, but this may have been due to an added emphasis by the lecturer on the relevance of the content during delivery, following the learning from the previous cycle.

The module evaluation questionnaire then sought the respondent's view on suitability of the pedagogic approach of experiential learning and the respondents were unanimous that it was suitable, their views being illustrated by the following responses:

"I agree with the learning by doing…."

"This module helped me gain a better understanding of modules previously completed."

"I do think this approach was appropriate because this is a practical module, you can only learn so much from theory in this module. The reflection was a necessary part of the model as it helped students realise where they were going wrong and what they needed to improve upon."

The last response above also identified the benefit to self-evaluation arising from reflective practice however four of the six students identified challenges in the use of reflection, which is one of the key features of experiential learning.[182] These challenges had also been identified in the previous action research cycle and were

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[182] See paragraph 6.2.3 supra.

considered in subsidiary research question 6 of this cycle.[183] The only suggestions for improvement were more class time and preparation for the reflections, which possibly could be said of all module coursework, and that the peer review of their practice was not critical or constructive enough at times (which as mentioned above also arose in the context of group work). The latter suggestion indicates that some students were more critical of themselves than their peers, and is in direct contrast to the student who found role plays challenging because of the peer assessment.[184] This might explain the lower finding of the importance of group work skills in the content of the module referenced above. This could indicate a possible change in perception of competence standards following participation in the module. If the module enhances the students' perception of skill attainment, this could address the differential in perceived levels of competence as between practitioners, academics and graduates found in the first action research cycle where those graduates had not completed this module. This could be attributable to either enhanced self-evaluation capacities in the student or a heightened awareness of the various skills as a result of participation in the module. If as it seems, this change is limited to the student themselves and not others, then improved self-evaluation skills may ground this finding however this will be revisited when considering the findings of subsidiary research question 6.

Organisation was the next section of the module evaluation questionnaire and the responses were universally positive. This again reflects the iterative nature of the development of the module and does not require further discussion for this cycle.

Assessment and the use of reflection were the next section of the module evaluation questionnaire which are considered in more detail in paragraph 7.5.3 as the third objective of this cycle of action research.

The conclusions of the module evaluation questionnaire again corresponded with those of the first cycle for five of the six respondents who were very positive making comments such as

> "Challenging, but an overall rewarding experience. I feel that I have greatly improved both professionally and personally".

The sixth student had clearly been challenged by the pedagogic approach stating that

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[183] See paragraph 7.5.3 infra.
[184] See second quote overleaf.

"I didn't enjoy this module as much as I wanted to, I found it very stressful and uncomfortable at times. It dented my confidence when we did role-plays."

This experience was directly at odds with the other respondents, three of whom specifically mentioned the positive effect on their confidence through participation in the module.   However, the views of this student are important, particularly in the context of an approach incorporating a universal design for learning.   This was the same respondent who had not been satisfied with attainment of learning outcomes five and six, and, as indicated above it will be necessary to ensure such students are adequately supported to minimise the stress and discomfort.   Determining these supports is beyond the scope of this research but represents an opportunity for further research.   However, notwithstanding this response, all of the students were unanimous in recommending the module to other students.

Thus, overall, the module evaluation questionnaire confirmed the findings of the previous action research cycle and was a further positive response to subsidiary research question 4, endorsing the module as developed to facilitate the learning of transferable skills in undergraduate legal education.

7.5.2 Findings as to Subsidiary Research Question 5: Transferable skill development.

However, the module evaluation questionnaire had not included any review or measure of transferable skill development or their acquisition by the learners as a result of their participation in this Law in Action module.   The skills questionnaire was intended to address this gap, which it will be recalled also arose in the previous action research cycle. The skills questionnaire was administered through SurveyMonkey and all seven responses were usable.   As in the first action research cycle, the skills were grouped as personal skills or workplace skills. The students were asked to rate their ability in both sets of skills before and again after the module.   Without exception, all students reported that all of the skills improved through participation in the module. In the context of this research, this is a very important finding, endorsing as it does the use of this module for the explicit development of the transferable skill set of students.   This finding is subject to the limitation that the students were evaluating themselves, making it a subjective, rather than an objective, measurement which is dependent on their self-evaluation skills, noting that the module did specifically set out to enhance these skills through the use of reflection.   Two points must be made in relation to this limitation.

Firstly, although this measurement is necessarily subjective, it is subjective at both ends of the scale, in the sense that the student assessed their skill level both before and again after the module and their perception of a change in skill level is of value. These findings are therefore distinguishable from those of the first action research cycle, where respondents were asked to rate skills in terms of a specific level of attainment rather than improvement. Secondly, an objective assessment of skill acquisition and development requires an independent observer, possibly a tutor or peer, but these also have limitations regarding independence and the requisite experience. Use of the standardised client for the assessment provided independent assessment, but was not appropriate for measurement of specific transferable skills, as their assessment criteria focused on the cumulative skills of the interviewee rather than individual transferable skills. Moreover, they were not in a position to assess how far a student had developed a skill over the course of the module as they had no prior experience of the interviewees and thus no starting point for comparative purposes. Comparison with summative results was similarly inappropriate as it did not include any measurement of individual skills. Use of an objective measure of skill attainment (before and after completion of the module to indicate development) is a possibility for further iterations, but collaboration is central to the action research approach. This recognises the value of the students' perceptions of their changing skill levels effected through participation in the module notwithstanding the limitations. The third question for this cycle of action research acknowledges that the validity of the student perceptions is directly related to their self-evaluation and reflection skills, but this serves to qualify rather than negate the value of their views.

In addition to the finding of all students that their skills improved through participation in the module, closer consideration of the data generated identified those transferable skills which the students believed benefited most through participation in the module. The data can be considered from two perspectives - the attainment levels, that is which skills did they believe were strongest overall, and secondly the extent of the improvement believed by the student to be effected - and each will now be considered.

The skill attainment levels will be considered from two perspectives, before and after completion of the module. Table 7 records the five personal and workplace skills

indicating the highest and lowest levels of attainment before and after completion of the module.[185]

Prior to completion of the module	Personal Skills	Workplace Skills
Skills noting the highest level of attainment (from the highest down)	1. Taking responsibility. 2. Reliability. 3. Professionalism and work ethic. 4. Five skills at the same level of attainment.	1. Common sense. 2. Working effectively with others (team and interpersonal skills). 3. Working effectively on their own; Basic computing and information technology skills; Number processing and interpreting numerical data
Skills noting the lowest level of attainment (from the lowest up)	1. Reflection and self-evaluation.[186] 2. Self-motivation; Integrity and ethics. 4. Self-presentation. 5. Lifelong interest in continuous/adaptive learning.	1. Foreign language; 2. Subject or discipline knowledge; [187] Capacity to understand and critically appreciate various forms of oral communication;[188] 4. Entrepreneurial skills; Client focused service skills.
After completion of the module	Personal Skills	Workplace Skills
Skills noting the highest level of attainment (from the highest down)	1.Professionalism and work ethic; Ability to cope with work pressure. 3. Taking responsibility. 4. Reliability. 5. Six skills at the same level.	1. Client focused service skills. 2. Identifying and understanding problems; Working effectively with others (team and interpersonal skills). 4. Oral communication; [189] Common sense; Thinking critically and analytically (for example problem solving and innovation)
Skills noting the lowest level of attainment (from the lowest up)	1. Self-management of your physical and mental health. 2. Reflection and self-evaluation.[190] 3. Positive attitude and energy. 4. Appreciation of personal limitations; Commitment to keeping knowledge up to date.	1. Foreign language; 2. Entrepreneurial skills; numbers - processing and interpreting numerical data. 4. Case management. 5. Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving).

Table 7 Skill attainment levels - which skills were respectively strongest and weakest before and after the module

In a context where students had already confirmed that all skills improved through participation in the module, the first point to note is that the top five personal skills remained the same other than some movement of position, in particular where the skill of 'ability to cope with work pressure' moved into joint top position. There was

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[185] Note that the data for both was collected after completion of the module.
[186] See Figure 44.
[187] See Figure 39.
[188] See Figure 43.
[189] See Figure 42.
[190] See Figure 44.

greater variation in the skills recording the lowest level of attainment where the only skill that remained in the bottom five was that of reflection and self-evaluation. This is a concern given the explicit focus on this particular skill in the module but corresponds with the finding in the previous action research that the students found this aspect of the module challenging which led to the third objective of this action research cycle. However, the position of the skills in Table 7 need to be considered in the context of the extent of improvement. Figure 38 below illustrates the 14 skills recording the greatest improvement after the module.
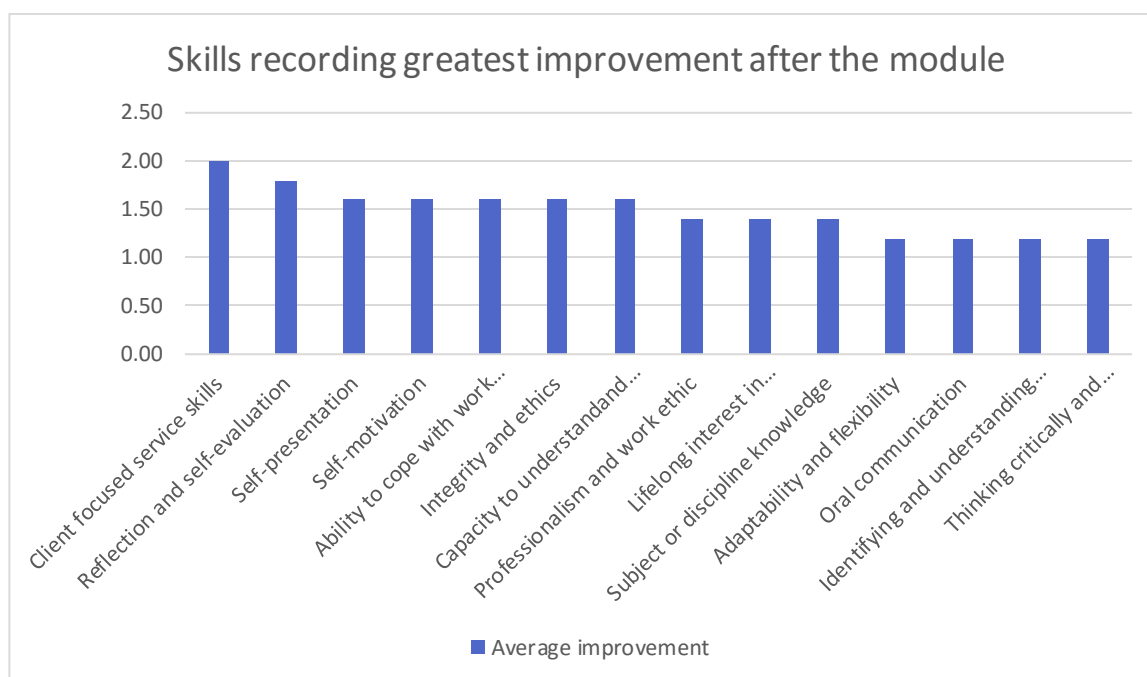
Figure 38 Skills recording greatest improvement after the module (N=7)

As Figure 38 indicates, of these 14 skills recording the greatest improvement after the module, eight are personal skills and six are workplace skills, indicating a balanced improvement across the range of skills. More importantly these skills reflect the skills sought by the learning outcomes for the module, thus this finding strongly supports the effectiveness of the module as a vehicle for their development. The workplace skill of client focused service skills recorded the highest average improvement across all students after completion of the module (four students reported this skill level to be excellent, one rated this skill as very good and the balance rated it as good after completion of the module), which might be expected given the focus of the module on the initial client interview. However, the personal skill of reflection and self-evaluation recorded the next highest average improvement across all students. Although this skill started from the lowest base, this finding

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confirms that the module did effect a significant improvement in skill level (notwithstanding its relatively low position as recorded in Table 7 after the module).

In relation to the levels of attainment of workplace skills, as Table 7 shows there was a greater variation in the skills at either end of the scale after the module. While two of these skills remained in the top five after the module (common sense, and working effectively with others (team and interpersonal skills)), their positions changed, and the other three top placed skills were displaced by client focused service skills, oral communication, and thinking critically and analytically (for example, problem solving and innovation). As we have seen, the greatest improvement was recorded for client focused service skills, which moved from being the fourth weakest skill to the top skill following the module. However, apart from common sense, these top five skills directly reflect the skills sought by the learning outcomes for the module, and this finding is an endorsement of the module in effecting their development. This finding also corroborates the finding of the module evaluation questionnaire that the learning outcomes had been achieved.[191]

There was greater variation in the workplace skills showing lowest level of attainment (reflecting similar findings for personal skills above) after the module with only foreign language and entrepreneurial skills (neither of which were covered by the learning outcomes of the module so this finding was expected), remaining in the five lowest workplace skills. A surprising finding in relation to the workplace skills was the position of subject or discipline knowledge prior to completion of the module, as one of two skills showing the second lowest attainment level. Participation in the module did effect a positive transformation in this skill, as illustrated in Figure 35 below, but the low attainment levels at the start of the module is a concern given the focus on subject or discipline knowledge in the pre-entry requirements of both professional bodies[192] and the accepted inclusion of discipline knowledge in the definition of a law degree.[193] Adoption of a broader definition of an undergraduate law degree for the purposes of this research,[194] to include the incorporation of skill development, had a significant positive effect on disciplinary knowledge. Review of the literature in Chapter 2 indicated that all skills require knowledge (Whitston, 1998, Huxley-Binns, 2011)[195] whereas this finding suggests a mutually beneficial

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[191] See paragraph 7.5.1 supra.
[192] See paragraph 2.4 supra.
[193] See paragraph 2.8.1 supra.
[194] See paragraph 2.8 supra.
[195] See paragraph 2.8.4 supra.

relationship. This has implications for the traditional pedagogic approach to the teaching and learning of disciplinary knowledge.
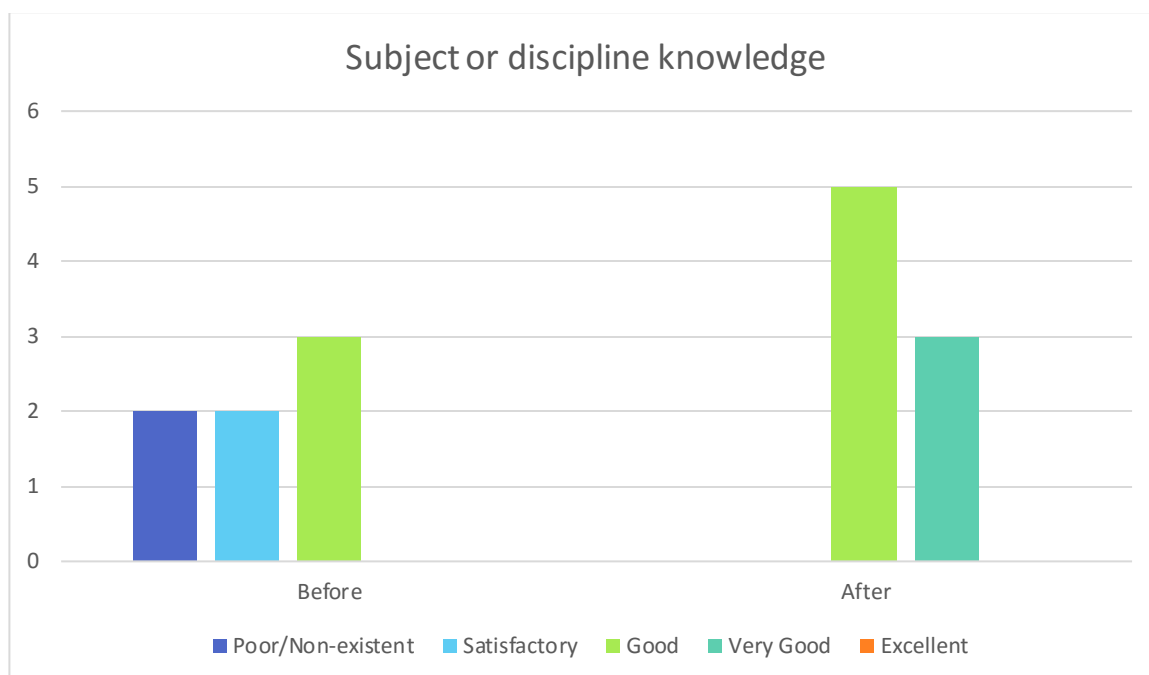
Figure 39 Attainment of subject or discipline knowledge - before and after the module (N=7)

As figure 39 illustrates, notwithstanding the focus on the acquisition of subject or discipline knowledge in undergraduate education, students did not rate their ability highly – three students rated their disciplinary knowledge as good with two either satisfactory or poor/non-existent. The effect of the module was notable, where after completion of the module, which required application of their knowledge, students rated their ability much higher, and the rating of four students was now good and the remaining three very good. No students by then rated their subject or discipline knowledge as satisfactory or lesser. The content of the module did not introduce any new subject or discipline knowledge, thus the higher levels arising after completion of the module are attributable to the nature of the use of knowledge in the module, that is the pedagogic approach of experiential learning and practical application. Canning (2011) had identified that the use of contextualised practice is effective in teaching skills[196] but this finding goes further and demonstrates that contextualised practice is also effective in teaching subject or discipline knowledge.

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[196] See paragraph 6.2 supra.

This Chapter has considered the strongest and weakest skills before and after the module, and those showing the greatest improvement. These findings must now be considered in the context of the levels of perceived attainment by the students. Prior to consideration of these findings, it will be recalled that the first action research cycle highlighted differences in perceptions of skill level as between graduates and academics and practitioners, where graduates consistently rated their skill levels higher. These findings must therefore be read in that context but noting that this effect was reduced in this action research cycle on several grounds. Firstly, the measurement of skill competence was determined by the students' perceptions of skill competence at both ends of the scale. Secondly, this module explicitly provided for the development of the students' transferable skills, including reflection and self-evaluation skills. As a result, students should have had an improved understanding of both the skills and desired competence levels which enhanced the reliability of their measurements.

No students considered their ability to be excellent in any of the personal or workplace skills prior to completion of the module. The data does not reveal whether this is due to a perceived lack of competence or lack of confidence, but the effect of the module is clear - on completion of the module, excellence was recorded for a number of both personal and workplace skills by a number of students. This is illustrated by considering the attainment levels of the strongest personal and workplace skills.
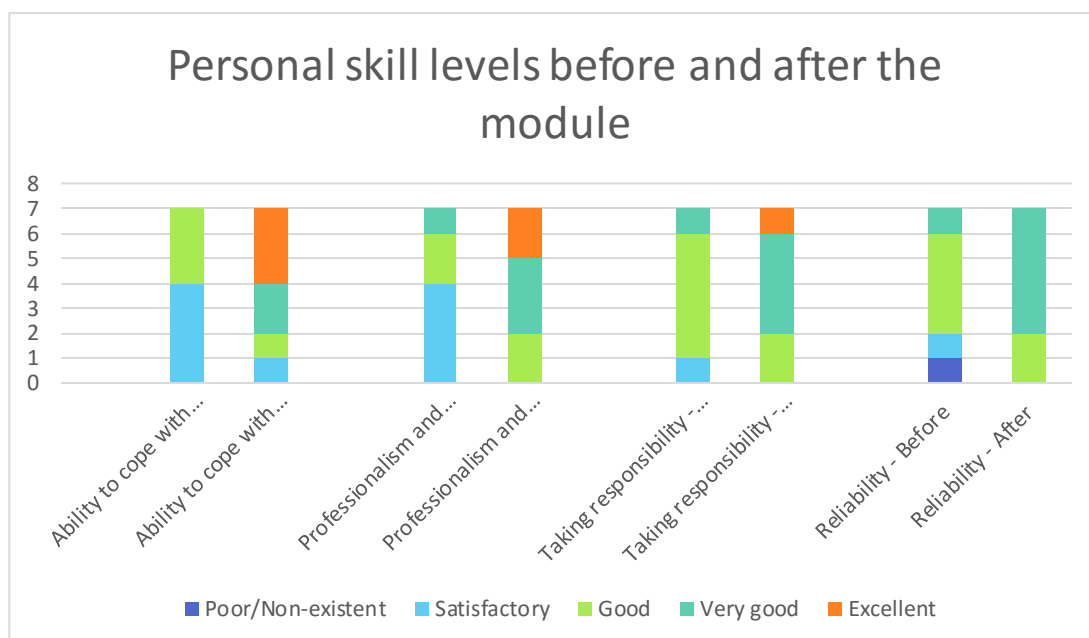
Figure 40 Personal skills showing highest average levels of attainment following the module (N=7)

Figure 40 above outlines the position in relation to the strongest personal skills. The skill of ability to cope with work pressure and the skill of professionalism and work ethic recorded the highest average levels of attainment. These personal skills were followed by the skill of taking responsibility, and then reliability. Notably for each of these personal skills, at least five of the seven students rated themselves as very good or excellent. These were followed by a group of personal skills recording similar attainment averages.[197]

In relation to workplace skills, as with personal skills no students had rated their ability as excellent prior to completion of the module apart from one in relation to common sense, however excellence was recorded in 15 of the 25 skills by a number of students after completion of the module. Figure 41 illustrates the highest average levels of attainment for workplace skills after the module and shows stronger levels for workplace skill than those shown for personal skills in Figure 36 above.
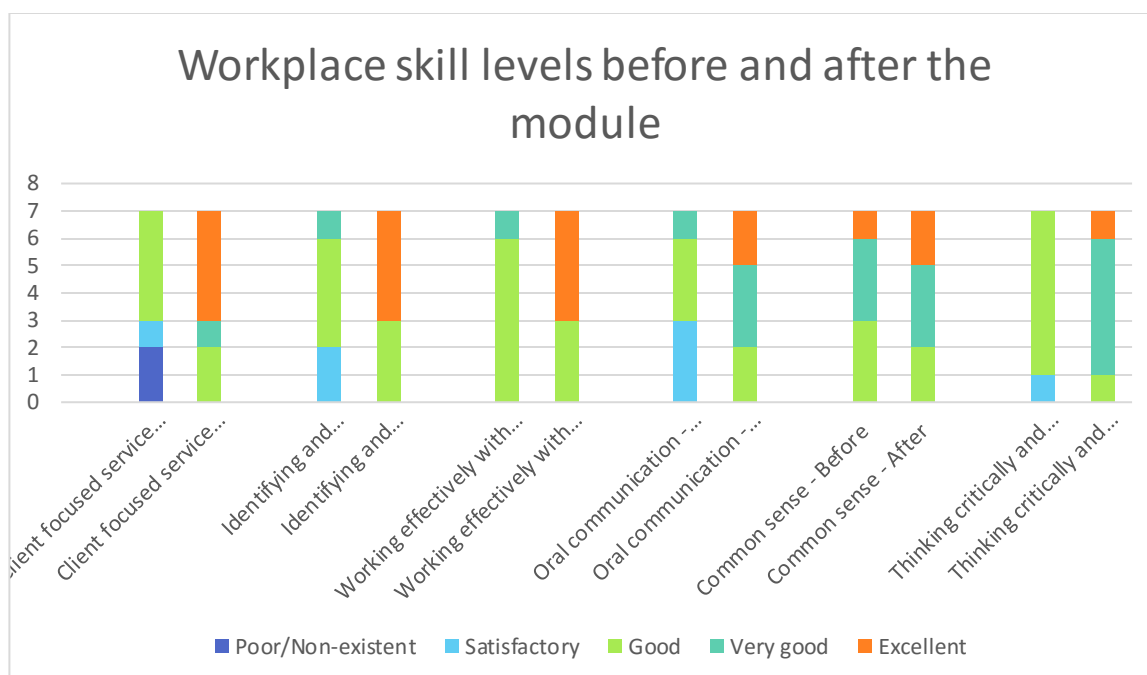
Figure 41 Workplace skills showing highest average levels of attainment following the module (N=7)

The findings in relation to the workplace skill of client focused service skills correspond with the earlier findings in relation to improvement where four of the students reported this skill level to be excellent on completion of the module. The second highest average level of attainment after the module was attained by two

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[197] These were self-presentation and appearance, self-motivation, adaptability and flexibility, integrity and ethics, lifelong interest in continuous/adaptive learning, personal commitment, and positive attitude and energy.

workplace skills namely, identifying and understanding problems and working effectively with others. Three skills then had the third highest average level of attainment after the module, namely oral communication, common sense and thinking critically and analytically (for example problem solving and innovation).

Figure 41 also highlights that for all of these workplace skills, after completion of the module, no student rated themselves as less than good, with the majority rating their skill level to be very good or excellent.

These results support the finding that participation in the module promotes a high standard of personal and workplace skill level from the student perspective. When this finding is considered in the context of the earlier findings recording those skills showing the greatest improvement through participation in the module, it confirms that not only does participation in the module effect improvement in skills but that this improvement is effected to the highest levels. This finding is qualified by the fact it is reliant on the student perspective and the lack of objectivity as discussed earlier, but this qualification was diminished by the student participation in the module in the context of its learning outcomes, assessment criteria, formative feedback and development of self-evaluation skills. There is also value in the sense of perceived improvement of the students.

However, the true measure of the effectiveness of the module is whether it achieved the learning outcomes.[198] We saw earlier[199] when considering the attainment levels of the various skills that these confirmed achievement of the learning outcomes. Consideration of the improvement in skills effected by the module provides further corroboration of this finding. The skills featuring in Figure 38 above, which are those showing the most improvement through participation in the module, are those sought by the learning outcomes. For example, the achievement of Learning Outcome Five (integrate their theoretical knowledge and problem solving skills in a simulated standardised client interactive role-play) is directly reflected in the improvement in client focused service skills, while Learning Outcome Six (take a more active and reflective role in their learning) is reflected in the skill of reflection and self-evaluation.

However, while the objectives of the module were to develop the learners' transferable skills generally, the module also aimed to provide a particular

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[198] See paragraph 7.5.1 supra.
[199] See discussions following Figure 38 supra.

opportunity to develop the skill identified in the first cycle of action research as most important, the skill of communicating orally appropriately and effectively. This skill is included in Figure 38, which records those skills showing most improvement after completion of the module. Oral communication is also featuring in Figure 41 which recorded the six workplace skills with the highest average levels of attainment after the module. Although oral communication was recorded amongst those skills showing the most improvement and those showing the highest attainment levels, it was not the top skill in either Figure and a closer look at the level of attainment and improvement effected through the module is required.

The findings in relation to the skill of oral communication are illustrated in Figures 42 and 43 below (noting that although a five-point Likert scale was used, no students indicated that these skills were poor or non-existent either before or after the module).
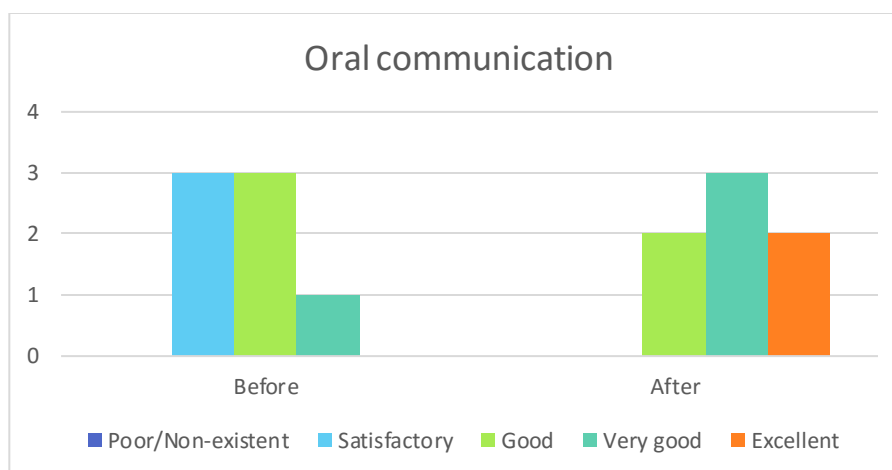
Figure 42 Attainment of oral communication skills - before and after the module (N=7)

As is evident from Figure 42 an equal number of students (three) rated their oral communication skills as satisfactory or good, with one student rating these skills as excellent, before completion of the module. Many of the other skills started from a much lower base which arguably would facilitate greater improvement which might explain the position of oral communication in Figure 38. The module effected a significant change (possibly not for all students but more students rated their ability higher). After the module no students rated their oral communications as satisfactory, two were good, three very good and two excellent. These findings

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represent very high levels of attainment, notwithstanding that oral communication was in joint fourth position in terms of overall attainment level after the module.[200]

Oral communication was also part of what was described as information literacy in the original action research cycle but in this cycle was broken down into the component parts of oral, written and visual in this questionnaire thus these findings are relevant.
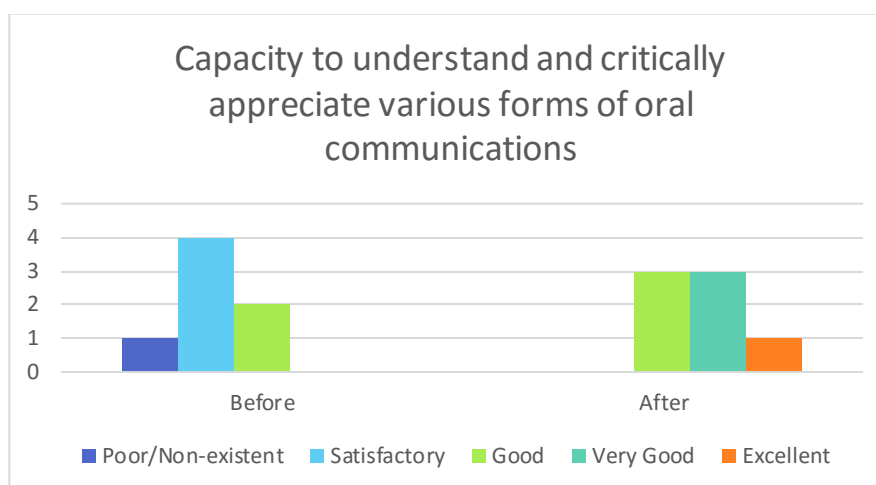
Figure 43 Attainment of skill of capacity to understand and critically appreciate various forms of oral communications - before and after the module (N=7)

As illustrated in Figure 43 above, the findings in relation to this skill are similar in that the module effected a significant change. Prior to the module the vast majority (four students) rated their ability as satisfactory whereas after the module no students rated this oral skill as satisfactory, the minimum rating was good with an equal number (three) rating the skill as either good or very good, and the balance excellent. Again, this is a solid endorsement of the effectiveness of the pedagogic approach adopted for the module to effect the required transferable skill development from the students' perspective.

The module also aimed to provide an opportunity to develop some of the other skills deemed next most important.[201] Figure 38 recording those skills showing most improvement after completion of the module confirms the effect of the module in relation to several of these personal skills (where all appear apart from reliability and

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[200] See Figure 41.

[201] The top four workplace skills were oral communication (deemed most important) common sense, written communication and working effectively on their own while the top five personal skills were reliability, taking responsibility, professionalism and work ethic, ability to cope with pressure, and integrity and ethics (Chapter 5 supra).

taking responsibility) but does not include any of the other workplace skills. Common sense does appear with oral communication in Figure 41 (which recorded the six workplace skills with the highest average levels of attainment after the module) and the personal skills also appear in Figure 42 recording the highest levels of attainment apart from professionalism and work ethic, and integrity and ethics. These exceptions make sense. The workplace skills of written communication and working effectively on their own were not central to the module where the focus was on oral communication and group work. The personal skills of reliability and taking responsibility are general skills in which one would expect final year students to have high pre-existing levels of attainment leaving little scope for improvement (in that context) which would explain their exclusion from Figure 38. In contrast, the skills of professionalism and work ethic, and integrity and ethics were likely new to most students, who would then have low pre-existing levels of attainment leaving scope for improvement but unlikely to attain high levels of attainment through one module.

7.5.3 Findings as to Subsidiary Research Question 6: Further development of the students' reflection and self-evaluation skills.

The third question for this action research cycle was an investigation into the development of the students' transferable skill of reflection, and the possible consequential enhancement of their self-evaluation capacity. This question arose from the challenges identified by students in the use of reflection in the previous action research cycle, and as indicated earlier when reviewing the pedagogic approach adopted for the module,[202] the majority of students in this action research cycle also identified challenges in reflection while acknowledging the benefits.

The investigation into the use and development of reflection began with consideration of its role in the assessment of the module. Reflection comprised 50% of the assessment of the module (see Table 6 Summative Assessment schedule for the Law in Action module) which was intended to endorse the pedagogic approach of experiential learning which comprised experience followed by conscious reflection. The students were firstly asked if they felt the assessment was an accurate measure of their achievement of the learning outcomes. All students responded in the affirmative, but four of the six students thought the proportions should be changed to reduce the percentage attributable to the reflections. Comparison of these findings with those in the previous action research confirmed similar results. However only one student in the previous cycle suggested changing the proportions. When asked

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[202] See paragraph 7.5.1 supra.

to suggest alternative modes of assessment, there were only two proposals, each made by just one student, the first being a presentation to showcase the required oral communication skills and the second being a debate to showcase their oral communication skills including listening. While these suggestions reiterate the emphasis on oral communication throughout the module, they provide limited, if any, opportunity for development of reflection. This together with the absence of any alternative suggestions from the majority endorsed the current assessment model.

In identifying which aspects of the assessment appealed to them, the students cited either the interactive nature of the interview, and the opportunities for repeated practice and feedback or both. In contrast, all but one of the students identified the reflections as the least appealing part of the module. However, in line with the findings in relation to the previous action research cycle, the students acknowledged the improvement resulting as the module progressed described by one student as follows:

> "I found it difficult to actually sit down and make myself think of what I did what I could do better and what I would change however the more we did reflective writing the easier I found this to be and my marks reflected that."

In the previous action research cycle the students had also indicated that they would have preferred more direction in relation as to what was required in the reflective writing. This resurfaced as a common theme in this action research cycle illustrated by the following comments from students:

> "Understanding what was expected was my biggest challenge…"

> "The main challenges with the reflective writing were not understanding what we were being asked to write about and referencing as we were not used to referencing reflections."

> "My only issue was with the reflective writings, once they were handed up and they explained what they expected it made sense but by that time it was too late and when the next writings were given they were not the same as the previous ones and therefore we felt we were back at square one all over again "

As in the previous action research cycle the students acknowledged the benefits of feedback in improving the reflective writing, described by one student as the weekly feedback "made me work that bit harder to improve it".

This section concluded by asking the students for suggestions as to support or assistance that could help prepare them for the assessment of the module. One student suggested changing the apportionment as between the interview and the reflections (which had also risen in response to earlier questions as mentioned above), another endorsed retention of the weekly reflections, two students suggested the addition of further workshops or classes in reflection (which corresponds with the suggestions made when reviewing the pedagogic approach to the module[203]) while the other students made no suggestions.

Three additional questions had been added to the module evaluation questionnaire to ascertain whether the module could further develop the students' transferable skill of reflection and enhance their self-evaluation capacity.

The first question sought further detail on the challenges encountered by students. In response, three of the six students identified failure to understand what was expected as the biggest challenge. The topics for the reflections were not always covered specifically in class and one student found this a challenge, acknowledging the rationale for such writings, but the fact that it was part of the assessment added unnecessary stress. Another student found the balance between the move from formal academic writing to a less formal writing style, yet retaining the need for referencing, challenging. Another acknowledged that there were challenges initially but the reflections became easier as the module progressed.

The second question sought suggestions as to support or assistance that could help prepare them for the reflections required in the module. In response, four of the students suggested further workshops on reflection, another suggested more peer review of reflections, while the sixth suggested rewriting the assessments to specifically include the requirement for research. In relation to workshops, the module as delivered allowed for two workshops on reflection. The first in week one[204] focused on theories of reflection using the practical exercises developed by Moon (2004). The second in week four was a review of reflective writings, where students were asked to use the marking criteria and marking sheet to mark their own, blind mark the writing of another student before the tutor returned the same writing to

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[203] Ibid.
[204] See Table 3 Indicative content of the Law in Action module supra.

them duly marked. In addition, the students received weekly summative and formative feedback. On the basis of the student feedback, these supports and workshops appear insufficient, suggesting the necessity for inclusion of further workshops, particularly to assist students in identifying what was being asked which was the most common challenge indicated. The inclusion of further workshops, however, also presents a risk that it might result in formulaic or prescriptive reflections.

Finally, the third question sought to ascertain if there were any challenges in meeting the additional workload created by the continuous nature of the assessment of reflection throughout the semester. While one student identified no challenges, three others confirmed the continuous nature made the assessment easier and manageable, particularly as it was structured. The last confirmed that while they were not over worked, the grading of these writings made them struggle or feel stressed at times.

These findings correlate very strongly with the findings of the previous action research cycle as discussed in Chapter 6.[205] It was anticipated that the further questions included in this action research cycle might elicit potential solutions. However, the suggested solution of further workshops only serves to reinforce the concerns which arose in relation to the previous action research cycle as it could result in reflections that are overly directive and prescriptive. Both action research cycles identified a challenge in achieving the appropriate balance in developing the skill of reflection in students without being overly directive/prescriptive. Further exposure to the use of reflection as students progress through their degree, and perhaps from an earlier stage as suggested by Leering (2014),[206] might appear to provide a potential solution. However, reflection is included as part of the assessment in at least one module each year for the law students in LYIT. There is however no coordination as to how it is used, developed or assessed which suggests that perhaps more coordination and consistency in the use of reflection could provide the required solution. This is a challenge which will require further in-depth research.

However, the focus on reflection as an essential feature of experiential learning was intended to facilitate learning by development of their self-evaluation skills. This would enable them accurately to perceive and evaluate their skill performance levels,

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205 See paragraph 6.5.6.
206 See paragraph 6.2.4 supra.

which in turn would enable their lifelong learning skills. This requires consideration of the change effected in these skill levels following participation in the module.

As we have seen in Figure 38, the finding from the skills questionnaire indicated that the students' reflective and self-evaluation skills recorded the second greatest improvement after the module. This endorsed the capacity of the module to foster the development of these skills. Figure 44, which references this skill alone, and details the effect of the module on the student perceptions of the levels of attainment of this skill, highlights the low level of attainment on entry to the module and the improvement effected through participation in the module.

Figure 44 Attainment of reflection and self-evaluation skills - before and after the module (N=7)

Several comments from the students provided further endorsement for these findings:

"I could see myself improving with each interview."

"The module is about self-improvement."

"The reflection was a necessary part of the module as it helped
students realise where they were going wrong and what they needed
to improve upon."

These findings also indicate student recognition of the link between reflection and self-evaluation. However, while these acknowledgements and the skill improvement recorded is positive, the ultimate attainment level for the skill is low - see Table 7 Skill attainment levels - which skills were respectively strongest and weakest before

and after the module, confirming this was one of the five personal skills noting the lowest level of attainment both before and again after the module. Therefore, notwithstanding the improvement, there is clearly scope for further improvement of this skill, which reinforces the necessity to support the development of the reflective and self-evaluation skills of the students through the module and the necessity of further research to identify these supports.

7.6 PRE-STEP FOR NEXT ACTION RESEARCH CYCLE

This cycle of action research set out to address three subsidiary research questions.

The cycle firstly addressed subsidiary research question 4 again with a different cohort of students. This triangulation provided strong corroboration of the findings of the general evaluation of the module in the previous cycle, endorsing the pedagogic approach adopted in the Law in Action module to facilitate the learning of transferable skills in undergraduate legal education.

Secondly, subsidiary research question 5 sought to specifically measure the students perceived transferable skill attainment or improvement, with a particular focus on the skill of oral communication which had been identified in the first action research cycle as most important. This question had arisen from subsidiary research question 4 as there was no explicit reference to transferable skill development or attainment in the learning outcomes it had evaluated. The findings provided a strong endorsement of the capacity of the module to develop transferable skills as all students reported improvement in all transferable skills following participation in the module. The findings also recorded a significant improvement in oral communication skills, and those workplace and personal skills particularly required by the learning outcomes of the module. Issues in relation to the subjective nature of the student perceptions were noted in the context of the findings of the first action research cycle but the reliability of the student perceptions were enhanced by particular features of the module including the learning outcomes, the assessment criteria, the use of formative feedback and facilitation of the development of reflection and self-evaluation skills which would not have been available to the graduates in the first action research cycle. Notwithstanding these mitigating factors, development of an independent or objective evaluation of transferable skills in undergraduate legal education is an opportunity for further research.

Finally, this action research cycle sought to address subsidiary research question 6, to investigate whether the module could further develop the students' reflection and

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self-evaluation skills. The findings in relation to improvement confirmed that these skills show the second highest extent of improvement following participation in the module. This is a significant finding given the role of reflection in the pedagogic approach of experiential learning. However, the skill level on entry to the module was at a very low base therefore notwithstanding the improvement there is room for further improvement. This answered subsidiary research question 6, but the responses received did not yield a solution other than a further acknowledgement by the students of the challenges and a request for further direction and training. Addressing this question therefore requires further research to determine an appropriate balance between direction, training and opportunities for organic development to facilitate enhancement in the skills of reflection and self-evaluation without detracting from the quality of the reflections.

8   CHAPTER EIGHT THE END OF THE BEGINNING

8.1   INTRODUCTION

This research project investigated the possibilities and opportunities for the explicit development of transferable skills of undergraduate law students in the Republic of Ireland, and in particular, addressed the overarching research question: whether Irish undergraduate legal education could explicitly provide for the development of the learners' transferable skills. This generated a number of subsidiary research questions which required an iterative process to address. In addressing all of these questions, the researcher adopted a subjective ontology, which informed a constructivist epistemology that perceived learning as individual and actively self-created by doing and reflecting, rather than receiving, and as an ongoing life project for the development of the individual. This epistemology was reflected in both the research methodology and the design of the module. Action research was chosen as the research methodology, while the design of the module was founded on experiential and reflective learning. Reflection was a key feature of both, and also emerged as a key theme in evaluating student learning.

8.2   SUMMARY OF FINDINGS

As indicated, the overarching research question was addressed through a series of subsidiary questions as follows.

1. Should Irish undergraduate legal education explicitly provide for the development of transferable skills?

This subsidiary research question was addressed in Chapter 2. Consideration of the Irish legal system, Irish legal education and the influence of the professions determined that there are currently no legislative provisions prescribing the content of undergraduate legal education. However, the content is indirectly prescribed by the admission requirements of the legal professions which requires specific disciplinary content. The legal professions do not explicitly require skills, albeit noting that all skills require knowledge (Whitston, 1998, Huxley-Binns, 2011). In contrast, higher education policy [207] prescribes the inclusion of skills in all undergraduate education. Legal education is currently under review by the LSRA who are encouraging an independent, strong and effective legal profession, which arguably

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[207] As determined by the Hunt Report and the requirements of the QQI.

requires an education beyond disciplinary knowledge. This is further endorsed in their recommendation [208] to the Minister for Justice and Equality to adopt a Competency Framework for legal practitioners (Legal Services Regulatory Authority, 2020:91) which explicitly includes skills. Chapter 2 also reviewed the outcomes for an undergraduate law degree identifying limitations in a law degree which focuses on the acquisition of disciplinary knowledge required for entry to the professions, and concluded that a more comprehensive definition should be preferred. The latter envisages a law degree that is founded on disciplinary knowledge, but includes skill development to produce graduates who can think and act like a lawyer, using skills which are transferable, to equip graduates for a career within or without the legal professions. This understanding of a law degree meets the entry requirements for the professions and higher education policy, while providing a greater breadth of experience for graduates and consequently a greater variety of opportunities following graduation in the ever-changing workplace.

Acquisition of skills was integral to this understanding of a law degree and the definition of 'skill' used in this research was a transferable skill, being one that is inseparable from knowledge and including an adaptable ability to perform proficiently in different contexts.

The investigation of subsidiary research question 1 therefore concluded that Irish undergraduate legal education should explicitly provide for the development of transferable skills, which endorsed the overarching research question. The remaining subsidiary research questions, then, focused on how this could be achieved.

Action research was the most appropriate methodology, as it facilitated the development of a personal theory of practice for the benefit of the researcher and the researched, but also for the benefit of others through communication of the knowledge gained. Its iterative nature allowed the research questions to be addressed incrementally. Three cycles of action research followed, each following the same trajectory[209] but focusing upon different subsidiary questions so that the findings of each formed part of the pre-step for the subsequent cycles. Adherence to this trajectory provided a structure which simultaneously facilitated the key features of action research (collaboration, consideration of the context, links to

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[208] This is one of two central recommendations made by the LSRA in their second report to the Minister following further consultations rising from the expert report in their first report.
[209] See Figure 1 Phases in Action Research Cycle.

practice, the generation of knowledge followed by action and reflection) and maintained the focus on the relevant subsidiary research questions.

The first action research cycle addressed subsidiary research questions 2 and 3.

2. Which transferable skills are most important in undergraduate legal education?

3. What are the current perceived levels of attainment of law graduates in those skills?

This first action research cycle is set out in Chapter 5. A taxonomy of skills was created following a review of the literature. This taxonomy was then reviewed for importance and levels of attainment in undergraduate legal education, using a triangulation approach by collaborating with academics, past graduates and legal practitioners. The findings showed that the skills deemed most important were dominated by transferable skills, which endorsed the higher education policy provisions and the chosen definition of a law degree. Many of these transferable skills were deemed more important than subject or disciplinary knowledge.

This action research cycle also investigated the levels of attainment of the transferable skills amongst law graduates. There were two findings of particular consequence and relevance to this research.

Firstly, all three sectors determined that all skills required improvement, which was a strong endorsement of the necessity to pursue higher education policy and the interpretation of a law degree of Huxley-Binns (2011) preferred for this research. It also reinforced the value of this research project in developing a pedagogic approach which could meet these requirements. However, the findings also revealed a significant difference in the perceptions of attainment amongst the sectors, where past graduates consistently indicated higher attainment levels in comparison to academics and practitioners, who were broadly similar. This finding was also reflected in relation to the perceived attainment levels for the personal skill of reflection and self-evaluation, which therefore provided a possible explanation for the differential, as it questioned the self-evaluative capacities of graduates. As the data gathered in subsequent cycles of this action research project would rely upon evaluation by students, a pedagogic approach which would facilitate development of self-evaluative capacity would be required to ensure that the data could be relied upon.

Secondly, all three sectors agreed that the transferable skill deemed most important was communicating orally, appropriately and effectively. A pedagogic approach which would facilitate development of this skill in particular became the subject of the next action research cycle.

4. Could a module be developed to facilitate the attainment of at least one of the most important transferable skills, and if so, how?

The second cycle of action research is set out in Chapter 6 and sought to develop a module with a pedagogic approach that would facilitate the development of transferable skills at undergraduate level in legal education, with particular focus on the skill of communicating orally, appropriately and effectively. A new module titled 'Law in Action'[210] was developed using a pedagogy of experiential learning followed by conscious reflection on action. The experience comprised simulation of a transaction (an initial client interview) followed by written reflections, and the assessment was constructively aligned with this pedagogic approach. On completion of the module and the assessments, the module was evaluated by both the researcher and the researched. This evaluation was institutional and generic, with a particular focus on attainment of the learning outcomes.

Overall, the findings provided a strong endorsement of the suitability of the pedagogic approach in effecting transferable skill development of the students. The learning outcomes were generally deemed by the students to be met, the course content was relevant (in particular oral communication skills), and the pedagogic approach adopted was unanimously endorsed by all students participating in the research. There were challenges for the module team in the organisation and delivery of the module, but not for the students. The assessment methods were positively received by students and staff, and although there were some initial concerns in relation to the reflections, these were allayed by the regular provision of summative and formative feedback and ultimately outweighed by the benefits.

However, the findings of the second cycle of action research also identified some issues and the third action research cycle sought to address these and corroborate the findings of the previous cycle. Chapter 7 sets out the third action research cycle, which sought to re-address subsidiary research question 4 together with subsidiary research questions 5 and 6.

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[210] A capstone module – see paragraph 3.3 supra.

4. Could a module be developed to facilitate the attainment of at least one of the most important transferable skills, and if so, how?

5. What are the perceived specific changes in transferable skill levels on completion of such a module?

6. Could the module further develop the students' transferable skill of reflection and enhance the self-evaluation capacity of students?

This cycle firstly sought to triangulate the findings of the second cycle with a different cohort of students. The findings provided strong corroboration and were therefore a further endorsement of the pedagogic approach adopted in the Law in Action module to facilitate the learning of transferable skills in undergraduate legal education.

However, the findings of the second cycle had focused on achievement of the learning outcomes, rather than transferable skill development. Subsidiary research question 5, therefore, investigated the changes perceived by students in their attainment levels for each transferable skill following participation in the module. The research found that all students reported improvement in all transferable skills following participation in the module, including a significant improvement in oral communication skills, and those workplace and personal skills particularly required by the learning outcomes of the module. Questions had been raised regarding the self-evaluation skills of graduates in the first action research cycle which could undermine these findings. However, the explicit emphasis through the module on the development of reflection and self-evaluation enhanced the reliability of these findings in this cycle.

The effect of the module in realising improvement in reflection and self-evaluation was recorded in the findings in response to subsidiary research questions 5 and 6, which found that participation in the module recorded the second highest (of all skills) extent of improvement, noting that the attainment level for this skill level on entry to the module was the lowest of all skills.

Further research, seeking possible supports to further develop these skills, confirmed the challenges, but was inconclusive in identifying how further development might be facilitated.

8.3 CONTRIBUTION TO KNOWLEDGE AND TO PRACTICE

The findings for the first subsidiary research question confirmed that Irish undergraduate legal education should explicitly provide for the development of students' transferable skills. The second subsidiary research question identified the transferable skills most important to undergraduate legal education, that there was a deficit in attainment and a disparity in perception levels as between academics and practitioners and past graduates. These findings contribute to the legal education knowledge base, as this had not previously been explored in the context of Irish undergraduate legal education.

A further contribution to the legal education knowledge base emerged from the findings in relation to subject or discipline knowledge. This research found that subject or discipline knowledge was not one of the skills deemed most important by academic, practitioners and graduates. Historically, Irish undergraduate legal education has primarily focused on disciplinary knowledge. However, the first action research cycle found that subject or discipline knowledge was not included in the top 10 most important skills, albeit academics deemed it more important than either practitioners or graduates. These findings were not anticipated and have implications for the emphasis on subject or discipline knowledge in both current law degree offerings and the admission requirements for the professional bodies which are currently under review.[211] However, the second and third action research cycle then found that the pedagogic approach of experiential learning enhanced the assimilation of previous subject or discipline knowledge. This symbiotic effect of the module on the development of both subject or discipline knowledge and transferable skills provides further endorsement of the pedagogic approach and an important contribution to the knowledge and practice of Irish undergraduate legal education.

However, from the outset, the nature of the knowledge sought by this research was practice or actionable knowledge (Schön, 1987) in the form of a model that can be transferred to other practice situations, both inside and outside Ireland. Through the progressive and iterative cycles of action research, an innovative module, unique to undergraduate legal education in Ireland, was designed, delivered and evaluated, to facilitate the explicit development of the transferable skills, in particular oral communication, of undergraduate law students. The findings of this research provided a strong endorsement by the students of the suitability of the pedagogic

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[211] See no. 25 supra.

approach in effecting the transferable skill development of the student and in particular the skill of oral communication.

This knowledge is a contribution to the practice of teaching and learning in undergraduate legal education by providing a model for practice which can be transferred to new practice situations and enable other higher education institutions to adopt this new pedagogic approach. While the knowledge was generated from research of personal practice and has contributed to the knowledge of the researcher and the researched, the dissemination of the knowledge gained to fellow professionals is also a contribution to the development of this field of academic professional practice.

In Ireland, the knowledge gained will enable other providers of undergraduate legal education to comply with the requirements of the Hunt Report, the QQI, the ideal outcomes of a law degree and the potential requirements arising from a review of the admission requirements for the legal professions, by explicitly providing for the facilitation of transferable skill development by their students. Furthermore, notwithstanding the variety of national policies and regulatory provisions applicable to undergraduate legal education in other jurisdictions, this research has developed a pedagogic model capable of replication in other higher education institutions seeking to enhance transferable skill development of their students, and through further dissemination will enhance international academic practice in relation to legal education.

8.4 RECOMMENDATIONS FOR FURTHER RESEARCH

This research generated many other areas worthy of further investigation, but beyond the remit of this project. Consideration of the transferable skills most relevant to an undergraduate law degree, and their respective levels of attainment, generated significant data which is worthy of further in-depth analysis. Potential further analysis could include a comparative study with the concurrent versions of the National Survey of Employers Views of Irish Higher Education Outcomes, or consideration of provision for development of the many skills which were not covered by this research. The current focus of undergraduate legal education on subject or discipline knowledge acquisition was questioned by this research, both in terms of its position of importance relative to the other skills, and the effect of the pedagogic approach on the development of subject or discipline knowledge, and merits further research.

In addition, notwithstanding the distinctive remit of the Institute of Technology sector in Ireland,[212] no differentiation was made in the data received in the first cycle as between graduates from the University and Institute of Technology sectors. A differentiated analysis of the data could provide insights into whether this difference in context would support or negate adoption of a novel pedagogic approach, such as that implemented in this research, within certain sectors.

Oral communication was unanimously identified as the most important skill, and the module proved effective as a vehicle for development of this transferable skill. However, the next most important skills were the personal skills of reliability, and professionalism and work ethic. Facilitation of development of personal skills such as these represents an additional challenge, both in terms of an appropriate pedagogic approach and the issue as to whether such skills should or can be taught at any level, including higher education.

The evaluation of the course content used in the development and delivery of the module, while positive, was conducted by students with minimal experience of the transferable skills required for legal practice, the workplace generally and lifelong learning. As much of the content was sourced from the health professions, an independent review by those with the requisite experience, such as past graduates, could provide a valuable perspective. Responses to particular parts of the content also merit further enquiry, for example in the second action research cycle, research and information skills, and ethics were deemed least relevant. It was not clear why, and given their importance to any future career, and in particular the legal profession, this merits further research.

The pedagogic approach adopted required engagement from the students. While the participants were anonymous, it is highly likely that those who engaged well in the module were also those who participated in the evaluation. Research which would access the views of the less engaged students would give a very valuable perspective on the evaluation and challenges of the module, and inform the pedagogic approach to ensure a universal design for learning.

In the final action research cycle, the students rated their skills before and after participation in the module. Application of the skills only arose in simulation, so a follow-up study when these graduates were in the workplace could generate important data. Such research would provide an opportunity to ascertain which skills

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[212] See paragraph 3.2 supra.

they then deemed most important and their levels of attainment. Comparison of these findings with the undergraduate data would yield insights into the transferable skills anticipated as being important in the workplace and those actually found to be important in the workplace, and the levels of attainment required for the work place vis-à-vis the perceived levels of attainment of undergraduates.

In addition, the first cycle of action research had identified differences in perception of attainment levels as between academics and practitioners and graduates (who recorded persistently higher attainment levels). The development of reflection and self-evaluation skills through participation in the module was intended to enhance the reliability of student perceptions. However, an objective assessment of the skill levels following participation in the module, and an independent or objective evaluation of transferable skill attainment, and to what level, generally in undergraduate legal education, requires further research.

Finally, the value of experiential learning is dependent on effective reflection and self-evaluation skills. While this research confirmed the effectiveness of the module in improving these skills, students continued to identify it as a challenge. Further research is required to address those challenges and enhance and support the development of these skills.

8.5 IMPLICATIONS FOR POLICY

Subsidiary research question 1 found that that Irish undergraduate legal education should explicitly provide for the development of transferable skills which has implications for higher education and legal education policy.

While this emphasis on the development of transferable skills is already endorsed in higher education policy, this research also identified a deficit in attainment levels of these skills in current graduates. This highlights a gap between policy and practice. The module developed provides a solution. However, replication of the module in other disciplines and institutions will require support beyond policy provisions. For example, there are likely to be resource limitations on the capacity of higher education institutions to adapt and facilitate the required transferable skill development in addition to disciplinary knowledge. Furthermore, this pedagogic approach requires engagement from students. Infrastructure, guidance and support will be required for both academics and students to develop the necessary academic

expertise and resources to adopt this new pedagogic approach and procure student engagement to facilitate the development of transferable skills.

Furthermore while the emphasis on transferable skills is endorsed by higher education, it is not explicitly endorsed by the legal professions, and in turn their regulators, who only require disciplinary knowledge in the undergraduate law degree. The current review of legal education being conducted by the LSRA has recommended adoption of a Competency Framework which would

> "define the core knowledge, skills and aptitudes required by competent legal practitioners, the specific tasks they should be capable of performing and the standard at which such tasks should be performed" (Legal Services Regulatory Authority, 2020:91).

This requires development of a clear definition of the competence and standards for legal practitioners,[213] where a competency is the ability to perform (requiring activities, attributes and skills), to a standard (to indicate levels or quality) (Hook et al., 2018:43). Core knowledge and skills are expressly included in this framework. While the LSRA is focused on professional legal education, this presents an opportunity for undergraduate legal education to continue to retain its relevance to legal education generally by providing the appropriate foundations for the legal professions, by facilitating development of skills in addition to subject or disciplinary knowledge.

The inclusion of skills in undergraduate legal education may become inevitable in any event as the admission requirements of the legal professions are also under review by the LSRA.[214] The current admission requirements indirectly prescribe the content of legal education and necessitate development of subject or disciplinary knowledge. While it is as yet unknown, if the admission requirements were revised in the context of the competency framework, skills may be added to the admission requirements. The inclusion of skills would presumably create the same cascading effect on the content of undergraduate legal education and would require engagement from higher education institutions with the competency framework, and in particular skills, once realised.

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[213] See paragraph 2.5 supra.
[214] See no. 25 supra.

While the net effect of the LSRA reviews remains unknown, adoption of the module developed by this research presents an opportunity for higher education providers to enhance the preparation of those students who wish to enter the professions, while simultaneously equipping graduates for alternative career options.

This research also highlighted the lack of representation from academia in the membership of the LSRA. This is perpetuated by the proposed constitution of the Legal Practitioner Education and Training committee of seven members, one of whom is a lay member and the remaining six appointed by the Minister but all members "should be able to demonstrate independence from all of the providers of legal education and training" (Legal Services Regulatory Authority, 2020:89) which would appear to exclude those involved in undergraduate legal education. The exclusion of legal academia from both of these bodies is difficult to comprehend, particularly as a co-ordinated approach, resulting in a more coherent system of legal education will require communication between higher education, professional legal education and legal regulation.

In its absence, providers of undergraduate education remain responsible for compliance with the requirements of the Hunt Report and the legal regulators, and achievement of the outcomes of a law degree. As we have seen, such provision should expressly provide for the development of transferable skills, and the outputs of this research provides the actionable knowledge to enable them to do so.

8.6 THE END OF THE BEGINNING

Notwithstanding the challenges, failure to facilitate the transferable skill acquisition of undergraduate law students is to fail our law students. Success in facilitating the transferable skill acquisition of undergraduate law students, alongside subject and discipline knowledge, will ensure that a law degree retains its unique attributes. Implementation of a new pedagogic approach was a challenge for the students and improvement of practice requires educators to address similar challenges. In this research, the students overwhelmingly found the benefits to outweigh the challenge. The sense of achievement experienced by students on completion of the module is likely to be emulated by educators who similarly take on the challenge. This positivity is captured by the following quotation from one of the students in the second action research cycle and should inspire other educators:

> "I loved it. It was by far my favourite module and the most rewarding.
> It is the module that will stand out the most to me and won't be the
> one I forget about."

At the outset, it was acknowledged that the knowledge generated through action research or constructivist enquiry is transitory as it reflects the complexity and fluidity of the variables considered in its creation. As the variables change, the knowledge gained also continuously requires reconsideration, thus there is no end for action research. This does not undermine the value of the learning which provides the impetus to continue learning. The positivity of the students in response to the learning serves to reinforce the value of the iterative and dynamic approach of action research, which recognises there is no end, as one cycle is the pre-step for the next. This research project may have concluded, but the learning begins again. This sense of perpetual beginnings and new learning inspired this research and continues. As such, this conclusion is not the end, but rather the end of the beginning, which is aptly captured by the following poetic excerpt:

"Though we live in a world that dreams of ending

that always seems about to give in

something that will not acknowledge conclusion

insists that we forever begin" (Kennelly, 2011).

9 APPENDICES

9.1 APPENDIX A

9.1.1 Section 17 of the National Survey of Employers Views of Irish Higher Education Outcomes

(McGann and Anderson, 2012)

SECTION THREE: SATISFACTION WITH IRISH HIGHER EDUCATION INSTITUTIONS' GRADUATE SKILLS

17.We would like you to rate each skill under two headings as follows:

   (a) How **important** is it that graduates your organisation recruited in the past 2 years have these skills upon recruitment?
   (b) How **satisfied** are you that graduates your organisation recruited in the past 2 years have these skills upon recruitment?

Employability skills	How important					How satisfied				
	Very Important	Important	Unimportant	Very unimportant	Not applicable	Very satisfied	Satisfied	Dissatisfied	Very dissatisfied	Not applicable
Knowledge and skills										
Subject or discipline knowledge										
Computing and information technology/Basic IT skills										
Literacy										
Numeracy/ Processing and interpreting numerical data										
Fluent in a foreign language										
Workplace skills										
Communicating verbally appropriately and effectively										
Communicating in writing appropriately and effectively										
Ability to apply professional and/or technical knowledge in the workplace										
Working effectively with others (e.g. team and interpersonal skills)										
Working effectively on their own (e.g. personal organisation, commitment and time management)										
Concern for quality and detail										

Business acumen/ awareness									
Entrepreneurial skills									
Thinking critically and analytically (e.g. problem solving and innovation)									
Leadership/Leading Others									
Attitude									
Self motivation									
Openness to change									
Taking responsibility									
Ability to cope with work pressure									
Capacity to be flexible and adaptable									

9.2   APPENDIX B

9.2.1   Table 8: Expanded detail of Table 1 Summary of the selection and refinement of the skill list for the purposes of this project

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) *The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.*	Final list of skills used in Questionnaire
Knowledge and skills Subject or discipline knowledge; Computing and information technology/Basic IT skills; Literacy; Numeracy/processing and interpreting numerical data;	Information literacy (Expert Group on Future Skills Needs, 2006, Pellegrino and Hilton, 2013, Webb et al., 2013b:37 and 140);	Literacy redefined as "the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media and digital media" (Department of Education and Skills, 2011:8).	'Fluent in a foreign language' changed to 'foreign language capability'; Several skills were removed in the National Survey but retained in this questionnaire including: Literacy	**Workplace skills** Subject or discipline knowledge; Basic computing and information technology skills; Advanced computing and information technology skills; Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media and digital media); Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) *The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.*	Final list of skills used in Questionnaire
Fluent in a foreign language.		Numeracy redefined as "the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social settings" (Department of Education and Skills, 2011:8). Information literacy redescribed as the ability "to use current technologies and effective strategies for the retrieval, evaluation and creative use of relevant information"(Kift, 2002:7).		and skills to solve problems and meet the demands of day-to-day living in complex social settings); Case management; Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving); Foreign language capability.

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) *The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.*	Final list of skills used in Questionnaire
		'fluency in a foreign language' replaced 'fluent in a foreign language';		
Workplace skills Communicating verbally appropriately and effectively; Communicating in writing appropriately and effectively; Ability to apply professional and/or technical knowledge in the workplace; Working effectively with others (e.g. team	Client focused service skills (Expert Group on Future Skills Needs, 2006, Pellegrino and Hilton, 2013, Webb et al., 2013b:37 and 140); Communicating electronically appropriately and effectively(Webb et al., 2013b:37 and 140);	'communicating orally appropriately and effectively' replaced 'communicating verbally appropriately and effectively'; and 'communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively' replaced 'communicating electronically	Skills removed in the National Survey but retained in this questionnaire: Thinking critically and analytically(for example problem solving and innovation); Leadership/leading others;	**Further workplace skills** Communicating orally, appropriately and effectively; Communicating in writing, appropriately and effectively; Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively; Ability to apply professional and/or technical knowledge in the workplace; Identifying and understanding problems; Common sense;

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) *The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.*	Final list of skills used in Questionnaire
and interpersonal skills); Working effectively on their own (e.g. personal organization, commitment and time management); Concern for quality and detail; Business acumen/awareness; Entrepreneurial skills; Thinking critically and analytically (e.g. problem-solving and innovation);	Identifying and understanding problems (Pellegrino and Hilton, 2013, Webb et al., 2013b:37 and 140); Common sense (Webb et al., 2013b:37); appreciation of diversity and an inclusive perspective (Kift, 2002)	appropriately and effectively'.		Working effectively with others (for example team and interpersonal skills); Working effectively on their own (for example personal organisation, commitment and time management); Concern for quality and detail; Business acumen or awareness; Entrepreneurial skills; Thinking critically and analytically (for example problem solving and innovation); Leadership/leading others; Client focused service skills; Appreciation of diversity and an inclusive perspective.

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) *The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.*	Final list of skills used in Questionnaire
Leadership/Leading others.				
Attitude Self-motivation; Openness to change; Taking responsibility; Ability to cope with work pressure; Capacity to be flexible and adaptable.	Social/civic responsibility (Expert Group on Future Skills Needs, 2006, Pellegrino and Hilton, 2013, Webb et al., 2013b:37 and 140); Personal awareness to include the skills of self-presentation, physical and psychological health and appreciation of personal limitations (Pellegrino and		'work ethic' was changed to 'professionalism and work ethic'. The following additional skills were added: 'positive attitude and energy'; 'reliability'; 'personal commitment'. Skills removed in the National Survey but retained in this questionnaire:	**Personal skills or attitudes** Self-presentation and appearance; Self-motivation; Self-management: physical and mental health; Reliability; Taking responsibility; Professionalism and work ethic; Ability to cope with work pressure; Adaptability and flexibility; Integrity and ethics;

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) *The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.*	Final list of skills used in Questionnaire
	Hilton, 2013, Webb et al., 2013b:37 and 140); Integrity/ethics (Pellegrino and Hilton, 2013, Webb et al., 2013b:37); Continuous and adaptive learning(Expert Group on Future Skills Needs, 2006, Pellegrino and Hilton, 2013, Webb et al., 2013b:140); work ethic, commitment to keeping knowledge up to date (Saunders and Zuzel, 2010);		Openness to change; Taking responsibility; and Self-motivation.	Social/civic responsibility; Reflection and self-evaluation; Appreciation of personal limitations; Commitment to keeping knowledge up to date; Lifelong interest in continuous/adaptive learning; Personal commitment; Positive attitude and energy.

List of skills of the National Survey of Employers Views of Irish Higher Education Outcomes (McGann and Anderson, 2012:61-62)	Additional skills added following the Literature Review undertaken in Document Two	Amendments made following the pilot	Amendments made following National Employer Survey 2015 – (Harmon and O'Regan, 2015) The sections of skills were retitled 'Workplace skills', 'Further workplace skills' and 'Personal skills or attitudes'.	Final list of skills used in Questionnaire
	reflective practice (Kift, 2002) and self-management (Chamorro-Premuzic et al., 2010).			

Table 8 Expanded detail of Table 1 Summary of the selection and refinement of the skill list for the purposes of this project

9.3 APPENDIX C

The final version of all three questionnaires used in the First Action Research Cycle.

9.3.1 Legal Academic online questionnaire re skills

Academic view of Graduate Skills

Welcome to my Survey on the Skills of Law Graduates

There are 2 purposes to this research:

Firstly I am hoping to identify the skills that should be held by law graduates on graduation to improve their 'employability".

Secondly I hope to ascertain to what extent law graduates possess these skills.

In this context my definition of a law graduate is broad and includes all forms of law degree including a mixed degree provided they majored in law.

To answer these questions I have listed skills which I would like you to rate in terms of importance, and then using the same list I will be asking you to assess how satisfied you are that law graduates hold these skills. There will be an opportunity at the end of the survey questions for you to offer further skills.

I am seeking your views as an academic involved in the provision of undergraduate legal education. Ultimately this information could be used to improve the current composition of our law degrees.

The survey should only take 5-10 minutes, and all responses are completely anonymous.

Please answer all questions.

If you have any questions about the survey, please email me: bronagh.heverin@lyit.ie.

Thank you for your participation which is much appreciated.

Brónagh

1. Please confirm which of the following best describes your institution.

○ An Irish University

○ An Irish Institute of Technology

○ Another Irish higher education provider

Other (please specify)

[   ]

Academic view of Graduate Skills

Rating the importance of skills

* 2. How important is it that law graduates have the following workplace skills on graduation?

	Very Important	Somewhat Important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Subject or discipline knowledge	○	○	○	○	○
Basic computing and information technology skills	○	○	○	○	○
Advanced computing and information technology skills	○	○	○	○	○
Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media)	○	○	○	○	○
Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social settings)	○	○	○	○	○
Case management	○	○	○	○	○
Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving)	○	○	○	○	○
Foreign language capability	○	○	○	○	○

Rating the importance of skills

* 3. How important is it that law graduates have the following further workplace skills on graduation?

	Very Important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Communicating orally, appropriately and effectively	☐	☐	☐	☐	☐
Communicating in writing, appropriately and effectively	☐	☐	☐	☐	☐
Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively	☐	☐	☐	☐	☐
Ability to apply professional and/or technical knowledge in the workplace	☐	☐	☐	☐	☐
Identifying and understanding problems	☐	☐	☐	☐	☐
Common sense	☐	☐	☐	☐	☐
Working effectively with others (for example team and interpersonal skills)	☐	☐	☐	☐	☐
Working effectively on their own (for example personal organisation, commitment and time management)	☐	☐	☐	☐	☐
Concern for quality and detail	☐	☐	☐	☐	☐
Business acumen or awareness	☐	☐	☐	☐	☐
Entrepreneurial skills	☐	☐	☐	☐	☐
Thinking critically and analytically (for example problem-solving and innovation)	☐	☐	☐	☐	☐

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	Very Important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Leadership/leading others	☐	☐	☐	☐	☐
Client focused service skills	☐	☐	☐	☐	☐
Appreciation of diversity and an inclusive perspective	☐	☐	☐	☐	☐

Rating the importance of skills

* 4. How important is it that law graduates have the following personal skills or attitudes on graduation?

	Very Important	Somewhat important	Neither important not unimportant	Somewhat unimportant	Very unimportant
Self presentation and appearance	○	○	○	○	○
Self motivation	○	○	○	○	○
Self management: physical and mental health	○	○	○	○	○
Reliability	○	○	○	○	○
Taking responsibility	○	○	○	○	○
Professionalism and work ethic	○	○	○	○	○
Ability to cope with work pressure	○	○	○	○	○
Adaptability and flexibility	○	○	○	○	○
Integrity and ethics	○	○	○	○	○
Social/civic responsibility	○	○	○	○	○
Reflection and self evaluation	○	○	○	○	○
Appreciation of personal limitations	○	○	○	○	○
Commitment to keeping knowledge up to date	○	○	○	○	○
Lifelong interest in continuous/adaptive learning	○	○	○	○	○
Personal commitment	○	○	○	○	○
Positive attitude and energy	○	○	○	○	○

Academic view of Graduate Skills
Skill satisfaction rating

* 5. Please rate your level of satisfaction on the acquisition by law graduates of the following **workplace skills** on graduation. In your assessment please rate the graduates collectively, i.e. as a group.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Subject or discipline knowledge	○	○	○	○	○	○
Basic computing and information technology skills	○	○	○	○	○	○
Advanced computing and information technology skills	○	○	○	○	○	○
Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media)	○	○	○	○	○	○
Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social se	○	○	○	○	○	○
Case management	○	○	○	○	○	○
Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving)	○	○	○	○	○	○
Foreign language capability	○	○	○	○	○	○

Skill satisfaction rating

* 6. Please rate your level of satisfaction on the acquisition by law graduates of the following further workplace skills on graduation. In your assessment please rate the graduates collectively, i.e. as a group.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Communicating orally, appropriately and effectively	☐	☐	☐	☐	☐	☐
Communicating in writing, appropriately and effectively	☐	☐	☐	☐	☐	☐
Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively	☐	☐	☐	☐	☐	☐
Ability to apply professional and/or technical knowledge in the workplace	☐	☐	☐	☐	☐	☐
Identifying and understanding problems	☐	☐	☐	☐	☐	☐
Common sense	☐	☐	☐	☐	☐	☐
Working effectively with others (for example team and interpersonal skills)	☐	☐	☐	☐	☐	☐
Working effectively on their own (for example personal organisation, commitment and time management)	☐	☐	☐	☐	☐	☐
Concern for quality and detail	☐	☐	☐	☐	☐	☐
Business acumen or awareness	☐	☐	☐	☐	☐	☐
Entrepreneurial skills	☐	☐	☐	☐	☐	☐
Thinking critically and analytically (for example problem-solving and innovation)	☐	☐	☐	☐	☐	☐

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	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Leadership/leading others	☐	☐	☐	☐	☐	☐
Client focused service skills	☐	☐	☐	☐	☐	☐
Appreciation of diversity and an inclusive perspective	☐	☐	☐	☐	☐	☐

Skill satisfaction rating

* 7. Please rate your level of satisfaction on the acquisition by law graduates of the following personal skills or attitudes on graduation. In your assessment please rate the graduates collectively, i.e. as a group.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Not applicable
Self presentation and appearance	○	○	○	○	○	○
Self motivation	○	○	○	○	○	○
Self management: physical and mental health	○	○	○	○	○	○
Reliability	○	○	○	○	○	○
Taking responsibility	○	○	○	○	○	○
Professionalism and work ethic	○	○	○	○	○	○
Ability to cope with work pressure	○	○	○	○	○	○
Adaptability and flexibility	○	○	○	○	○	○
Integrity and ethics	○	○	○	○	○	○
Social/civic responsibility	○	○	○	○	○	○
Reflection and self evaluation	○	○	○	○	○	○
Appreciation of personal limitations	○	○	○	○	○	○
Commitment to keeping knowledge up to date	○	○	○	○	○	○
Lifelong interest in continuous/adaptive learning	○	○	○	○	○	○
Personal commitment	○	○	○	○	○	○
Positive attitude and energy	○	○	○	○	○	○

Final questions

8. If there any other skills which have not been mentioned and you believe are important to law graduates, can you please list these here and indicate whether you think current law graduates have acquired these skills.

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9. Finally do you agree that it is the responsibility of third level institutions to facilitate the acquisition of these skills by their graduates?

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│                                         │
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Thank you for taking the time to complete this survey, I really appreciate your contribution to my research.

9.3.2 Legal Practitioner online questionnaire re skills

Practitioner view of Graduate Skills

Welcome to my Survey on the Skills of Law Graduates

There are 2 purposes to this research:

Firstly I am hoping to identify the skills that should be held by law graduates on graduation to improve their 'employability".

Secondly I hope to ascertain to what extent law graduates possess these skills.

In this context my definition of a law graduate is broad and includes all forms of law degree including a mixed degree provided they majored in law.

To answer these questions I have listed skills which I would like you to rate in terms of importance, and then using the same list I will be asking you to assess how satisfied you are that law graduates hold these skills. There will be an opportunity at the end of the survey questions for you to offer further skills.

I am seeking your views as a legal practitioner, colleague and possibly also an employer. Ultimately this information could be used to improve the current composition of our law degrees.

The survey should only take 5-10 minutes, and all responses are completely anonymous.

Please answer all questions.

If you have any questions about the survey, please email me: bronagh.heverin@lyit.ie.

Thank you for your participation which is much appreciated.

Brónagh

1. When did you or your firm last recruit a law graduate either as a member of your office staff or as a trainee solicitor?

- ( ) In the last 5 years
- ( ) In the last 5-10 years
- ( ) Over 10 years ago

Other (please specify)

[   ]

Rating the importance of skills

* 2. How important is it that law graduates have the following workplace skills on graduation?

	Very Important	Somewhat Important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Subject or discipline knowledge	○	○	○	○	○
Basic computing and information technology skills	○	○	○	○	○
Advanced computing and information technology skills	○	○	○	○	○
Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media)	○	○	○	○	○
Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social settings)	○	○	○	○	○
Case management	○	○	○	○	○
Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving)	○	○	○	○	○
Foreign language capability	○	○	○	○	○

Rating the importance of skills

* 3. How important is it that law graduates have the following further workplace skills on graduation?

	Very Important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Communicating orally, appropriately and effectively	☐	☐	☐	☐	☐
Communicating in writing, appropriately and effectively	☐	☐	☐	☐	☐
Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively	☐	☐	☐	☐	☐
Ability to apply professional and/or technical knowledge in the workplace	☐	☐	☐	☐	☐
Identifying and understanding problems	☐	☐	☐	☐	☐
Common sense	☐	☐	☐	☐	☐
Working effectively with others (for example team and interpersonal skills)	☐	☐	☐	☐	☐
Working effectively on their own (for example personal organisation, commitment and time management)	☐	☐	☐	☐	☐
Concern for quality and detail	☐	☐	☐	☐	☐
Business acumen or awareness	☐	☐	☐	☐	☐
Entrepreneurial skills	☐	☐	☐	☐	☐
Thinking critically and analytically (for example problem-solving and innovation)	☐	☐	☐	☐	☐

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	Very Important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Leadership/leading others	☐	☐	☐	☐	☐
Client focused service skills	☐	☐	☐	☐	☐
Appreciation of diversity and an inclusive perspective	☐	☐	☐	☐	☐

Rating the importance of skills

* 4. How important is it that law graduates have the following personal skills or attitudes on graduation?

	Very Important	Somewhat important	Neither important not unimportant	Somewhat unimportant	Very unimportant
Self presentation and appearance	○	○	○	○	○
Self motivation	○	○	○	○	○
Self management: physical and mental health	○	○	○	○	○
Reliability	○	○	○	○	○
Taking responsibility	○	○	○	○	○
Professionalism and work ethic	○	○	○	○	○
Ability to cope with work pressure	○	○	○	○	○
Adaptability and flexibility	○	○	○	○	○
Integrity and ethics	○	○	○	○	○
Social/civic responsibility	○	○	○	○	○
Reflection and self evaluation	○	○	○	○	○
Appreciation of personal limitations	○	○	○	○	○
Commitment to keeping knowledge up to date	○	○	○	○	○
Lifelong interest in continuous/adaptive learning	○	○	○	○	○
Personal commitment	○	○	○	○	○
Positive attitude and energy	○	○	○	○	○

Practitioner view of Graduate Skills
Skill satisfaction rating

* 5. Please rate your level of satisfaction on the acquisition by law graduates of the following **workplace skills** on graduation (and in particular before they undertake any professional training). In your assessment please rate the graduates collectively, i.e. as a group.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Subject or discipline knowledge	○	○	○	○	○	○
Basic computing and information technology skills	○	○	○	○	○	○
Advanced computing and information technology skills	○	○	○	○	○	○
Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media)	○	○	○	○	○	○
Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social se	○	○	○	○	○	○
Case management	○	○	○	○	○	○
Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving)	○	○	○	○	○	○
Foreign language capability	○	○	○	○	○	○

Practitioner view of Graduate Skills

Skill satisfaction rating

* 6. Please rate your level of satisfaction on the acquisition by law graduates of the following further workplace skills on graduation (and in particular before they undertake any professional training). In your assessment please rate the graduates collectively, i.e. as a group.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Communicating orally, appropriately and effectively	☐	☐	☐	☐	☐	☐
Communicating in writing, appropriately and effectively	☐	☐	☐	☐	☐	☐
Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively	☐	☐	☐	☐	☐	☐
Ability to apply professional and/or technical knowledge in the workplace	☐	☐	☐	☐	☐	☐
Identifying and understanding problems	☐	☐	☐	☐	☐	☐
Common sense	☐	☐	☐	☐	☐	☐
Working effectively with others (for example team and interpersonal skills)	☐	☐	☐	☐	☐	☐
Working effectively on their own (for example personal organisation, commitment and time management)	☐	☐	☐	☐	☐	☐
Concern for quality and detail	☐	☐	☐	☐	☐	☐
Business acumen or awareness	☐	☐	☐	☐	☐	☐
Entrepreneurial skills	☐	☐	☐	☐	☐	☐

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Thinking critically and analytically (for example problem-solving and innovation)	☐	☐	☐	☐	☐	☐
Leadership/leading others	☐	☐	☐	☐	☐	☐
Client focused service skills	☐	☐	☐	☐	☐	☐
Appreciation of diversity and an inclusive perspective	☐	☐	☐	☐	☐	☐

Skill satisfaction rating

* 7. Please rate your level of satisfaction on the acquisition by law graduates of the following personal skills or attitudes on graduation (and in particular before they undertake any professional training). In your assessment please rate the graduates collectively, i.e. as a group.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Not applicable
Self presentation and appearance	○	○	○	○	○	○
Self motivation	○	○	○	○	○	○
Self management: physical and mental health	○	○	○	○	○	○
Reliability	○	○	○	○	○	○
Taking responsibility	○	○	○	○	○	○
Professionalism and work ethic	○	○	○	○	○	○
Ability to cope with work pressure	○	○	○	○	○	○
Adaptability and flexibility	○	○	○	○	○	○
Integrity and ethics	○	○	○	○	○	○
Social/civic responsibility	○	○	○	○	○	○
Reflection and self evaluation	○	○	○	○	○	○
Appreciation of personal limitations	○	○	○	○	○	○
Commitment to keeping knowledge up to date	○	○	○	○	○	○
Lifelong interest in continuous/adaptive learning	○	○	○	○	○	○
Personal commitment	○	○	○	○	○	○
Positive attitude and energy	○	○	○	○	○	○

Final questions

8. If there any other skills which have not been mentioned and you believe are important to law graduates, can you please list these here and indicate whether you think current law graduates have acquired these skills.

9. Have you or your firm ever recruited a law graduate from Letterkenny Institute of Technology?

- ○ Yes between 1 and 3
- ○ Yes between 4 and 6
- ○ Yes 7 or more.
- ○ No

Thank you for taking the time to complete this survey, I really appreciate your contribution to my research.

9.3.3 Past Law Graduate online questionnaire re skills

Graduate Skills Survey

Welcome to my Survey on the Skills of Law Graduates

There are 2 purposes to this research:

Firstly I am hoping to identify the skills that should be held by law graduates on graduation to improve their 'employability".

Secondly I hope to ascertain to what extent law graduates possess these skills.

To answer these questions I have listed skills which I would like you to rate in terms of importance, and then using the same list I will be asking you to assess how satisfied you are that law graduates hold these skills. There will be an opportunity at the end of the survey questions for you to offer further skills.

I am seeking your views as a law graduate. Ultimately this information could be used to improve the current composition of our law degrees.

The survey should only take 5-10 minutes, and all responses are completely anonymous.

Please answer all questions.

If you have any questions about the survey, please email me: bronagh.heverin@lyit.ie.

Thank you for your participation which is much appreciated.

Brónagh

1. When did you graduate from Letterkenny Institute of Technology?

○ 2014

○ 2013

○ 2012

○ 2011

○ 2010

○ 2009

Rating the importance of skills

* 2. How important is it that law graduates have the following workplace skills on graduation?

	Very Important	Somewhat Important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Subject or discipline knowledge	○	○	○	○	○
Basic computing and information technology skills	○	○	○	○	○
Advanced computing and information technology skills	○	○	○	○	○
Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media)	○	○	○	○	○
Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social settings)	○	○	○	○	○
Case management	○	○	○	○	○
Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving)	○	○	○	○	○
Foreign language capability	○	○	○	○	○

Graduate Skills Survey

Rating the importance of skills

* 3. How important is it that law graduates have the following further workplace skills on graduation?

	Very Important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Communicating orally, appropriately and effectively	☐	☐	☐	☐	☐
Communicating in writing, appropriately and effectively	☐	☐	☐	☐	☐
Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively	☐	☐	☐	☐	☐
Ability to apply professional and/or technical knowledge in the workplace	☐	☐	☐	☐	☐
Identifying and understanding problems	☐	☐	☐	☐	☐
Common sense	☐	☐	☐	☐	☐
Working effectively with others (for example team and interpersonal skills)	☐	☐	☐	☐	☐
Working effectively on their own (for example personal organisation, commitment and time management)	☐	☐	☐	☐	☐
Concern for quality and detail	☐	☐	☐	☐	☐
Business acumen or awareness	☐	☐	☐	☐	☐
Entrepreneurial skills	☐	☐	☐	☐	☐
Thinking critically and analytically (for example problem-solving and innovation)	☐	☐	☐	☐	☐
Leadership/leading others	☐	☐	☐	☐	☐

	Very Important	Somewhat important	Neither important nor unimportant	Somewhat unimportant	Very unimportant
Client focused service skills	☐	☐	☐	☐	☐
Appreciation of diversity and an inclusive perspective	☐	☐	☐	☐	☐

Graduate Skills Survey

Rating the importance of skills

* 4. How important is it that law graduates have the following personal skills or attitudes on graduation?

	Very Important	Somewhat important	Neither important not unimportant	Somewhat unimportant	Very unimportant
Self presentation and appearance	○	○	○	○	○
Self motivation	○	○	○	○	○
Self management: physical and mental health	○	○	○	○	○
Reliability	○	○	○	○	○
Taking responsibility	○	○	○	○	○
Professionalism and work ethic	○	○	○	○	○
Ability to cope with work pressure	○	○	○	○	○
Adaptability and flexibility	○	○	○	○	○
Integrity and ethics	○	○	○	○	○
Social/civic responsibility	○	○	○	○	○
Reflection and self evaluation	○	○	○	○	○
Appreciation of personal limitations	○	○	○	○	○
Commitment to keeping knowledge up to date	○	○	○	○	○
Lifelong interest in continuous/adaptive learning	○	○	○	○	○
Personal commitment	○	○	○	○	○
Positive attitude and energy	○	○	○	○	○

Graduate Skills Survey

Skill satisfaction rating

* 5. Please rate your level of satisfaction on the acquisition by your cohort of law graduates of the following **workplace skills** on graduation.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Subject or discipline knowledge	○	○	○	○	○	○
Basic computing and information technology skills	○	○	○	○	○	○
Advanced computing and information technology skills	○	○	○	○	○	○
Literacy (includes the capacity to read, understand and critically appreciate various forms of communication including spoken language, printed text, broadcast media, and digital media)	○	○	○	○	○	○
Numeracy/processing and interpreting numerical data (includes the ability to use mathematical understanding and skills to solve problems and meet the demands of day-to-day living in complex social se	○	○	○	○	○	○
Case management	○	○	○	○	○	○
Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem-solving)	○	○	○	○	○	○
Foreign language capability	○	○	○	○	○	○

Graduate Skills Survey

Skill satisfaction rating

* 6. Please rate your level of satisfaction on the acquisition by your cohort of law graduates of the following further **workplace skills** on graduation.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Communicating orally, appropriately and effectively	☐	☐	☐	☐	☐	☐
Communicating in writing, appropriately and effectively	☐	☐	☐	☐	☐	☐
Communicating using alternative and varied media, including social, broadcast and digital media, appropriately and effectively	☐	☐	☐	☐	☐	☐
Ability to apply professional and/or technical knowledge in the workplace	☐	☐	☐	☐	☐	☐
Identifying and understanding problems	☐	☐	☐	☐	☐	☐
Common sense	☐	☐	☐	☐	☐	☐
Working effectively with others (for example team and interpersonal skills)	☐	☐	☐	☐	☐	☐
Working effectively on their own (for example personal organisation, commitment and time management)	☐	☐	☐	☐	☐	☐
Concern for quality and detail	☐	☐	☐	☐	☐	☐
Business acumen or awareness	☐	☐	☐	☐	☐	☐
Entrepreneurial skills	☐	☐	☐	☐	☐	☐
Thinking critically and analytically (for example problem-solving and innovation)	☐	☐	☐	☐	☐	☐

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	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Don't know/Not applicable
Leadership/leading others	☐	☐	☐	☐	☐	☐
Client focused service skills	☐	☐	☐	☐	☐	☐
Appreciation of diversity and an inclusive perspective	☐	☐	☐	☐	☐	☐

Skill satisfaction rating

* 7. Please rate your level of satisfaction on the acquisition by your cohort of law graduates of the following **personal skills or attitudes** on graduation.

	All satisfactory	75% satisfactory	50% satisfactory	25% satisfactory	None satisfactory	Not applicable
Self presentation and appearance	◯	◯	◯	◯	◯	◯
Self motivation	◯	◯	◯	◯	◯	◯
Self management: physical and mental health	◯	◯	◯	◯	◯	◯
Reliability	◯	◯	◯	◯	◯	◯
Taking responsibility	◯	◯	◯	◯	◯	◯
Professionalism and work ethic	◯	◯	◯	◯	◯	◯
Ability to cope with work pressure	◯	◯	◯	◯	◯	◯
Adaptability and flexibility	◯	◯	◯	◯	◯	◯
Integrity and ethics	◯	◯	◯	◯	◯	◯
Social/civic responsibility	◯	◯	◯	◯	◯	◯
Reflection and self evaluation	◯	◯	◯	◯	◯	◯
Appreciation of personal limitations	◯	◯	◯	◯	◯	◯
Commitment to keeping knowledge up to date	◯	◯	◯	◯	◯	◯
Lifelong interest in continuous/adaptive learning	◯	◯	◯	◯	◯	◯
Personal commitment	◯	◯	◯	◯	◯	◯
Positive attitude and energy	◯	◯	◯	◯	◯	◯

Final questions

8. If there any other skills which have not been mentioned and you believe are important to law graduates, can you please list these here and indicate whether you think current law graduates have acquired these skills.

9. Finally, what have you been doing since you graduated?

- [ ] Undertaking further education
- [ ] Employment in a law firm
- [ ] Other employment
- [ ] Other (please specify)

Thank you for taking the time to complete this survey, I really appreciate your contribution to my research.

9.4   APPENDIX D

9.4.1 Standardised client assessment criteria

1.   The greeting and introduction by the student lawyer was appropriate

This item is designed to assess the degree to which the lawyer can set you at ease in the first few minutes of the interview. There should be an appropriate attempt to make conversation with you, set you at ease, and then a smooth movement to the matter in hand.

1	2	3	4	5
No attempt to meet & greet you; plunges straight into matter. Inappropriate remarks made.	Offered time of day, then straight to matter. Does not seem really interested in you. Little or limited recognition of client situation.	Friendly greeting and recognition of client situation.	Included appropriate small talk in greeting; greeting was appropriate in tone and manner to client's situation. Good transition to client's narrative.	Fluent and confident greeting; very effective use of small talk in context; made you feel at home from the start. Very smooth transition to client narrative. Instant rapport established.

2.   I felt the student lawyer listened to me.

This item is designed to assess the degree to which the lawyer can listen carefully to you. This criteria focuses especially on the early part of the meeting when the client should be encouraged to tell their story and concerns in their own words. This entails *active* listening – where it is necessary for the interview structure or the lawyer's understanding of your narrative. The lawyer will not interrupt, cut you off, talk over you or rush you in conversation. The lawyer reacts to your responses appropriately. The lawyer may take notes where appropriate, but if the lawyer does so, the lawyer should not lose much eye contact with you. To some extent in this item we are concerned with what the lawyer does *not* do that facilitates the interview.

1	2	3	4	5
Lawyer prevents you from talking by interrupting, cutting off, talking over, rushing you. Takes over the conversation prematurely as if the lawyer already knows all the answers.	Lawyer limits your opportunity to talk by interrupting, cutting you off, etc. You are allowed to answer specific questions but are not allowed to expand on topics.	Lawyer rarely interrupts or cuts off or rushes you. The lawyer reacts to your responses appropriately in order to allow you to tell your story. More interested in notes taken than in eye-contact with you.	The lawyer is clearly listening closely to you. If the lawyer interrupts, it is only to assist you in telling the story more effectively. Lawyer provides opportunities for you to lead the discussion where appropriate. Good eye contact and non-verbal clues.	The lawyer is an excellent listener and speaks only when it is clearly helpful to your telling your story. Lawyer uses silence and other non-verbal facilitators to give you an opportunity to expand. Excellent eye contact and non-verbal cues.

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3.   The student lawyer approach to questioning was helpful

This item is designed to assess the degree to which the lawyer can use both open and closed questions to elicit information from you. Effective questions often incorporate what the client has previously said and "frame" the question with a brief explanation of why the question is being asked. The use of such questions should vary according to topic, stage in the interview and many other interpersonal factors, and the lawyer should show awareness of when it is appropriate to use one approach rather than another. This criteria is also designed to assess the degree to which the lawyer can identify which facts are germane to the legal scenario and your interests, and which you do not have. You may of course have these facts, but in the course of the interview the facts do not become apparent, either because you have forgotten to mention them, or because the lawyer did not pursue the matter sufficiently during the interview.

1	2	3	4	5
Lawyer ignores your cues or misses obvious facts that require questioning; lawyer uses closed questions where open would be better, or *vice versa*. No attempt by lawyer to identify relevant facts required; no attempt to pursue in questions; no statement to you about the need for further information	Lawyer uses questions rather aimlessly; does not seem to know what he or she is looking for. Does not preview sets of closed questions Overuses closed questions. Some attempt by lawyer to identify relevant facts; no attempt to pursue in questions; no statement to you about the need for further information	Lawyer cab question systematically. Effective follow up questions enable the lawyer to identify the basic relevant facts.	Lawyer identifies most of the relevant facts; pursues further facts required in questions; informs you about the need for further specific information. Lawyer can appreciate when to use open & closed questions; can question systematically and extensively; can pursue facts and legally relevant information. Good use of follow-up questions for clarification in logical sequence.	Excellent use of a wide variety of questions. Questions fluently embedded in the interview. Confident use of questioning to create a sense of a narrative building within the interview; gives you confidence in his/her ability to obtain and use information. All relevant facts required are identified by the lawyer; thorough questioning to determine extent of information required.

4.   The student lawyer accurately summarised my situation

This item is designed to assess the degree to which the lawyer communicates with the client to confirm his or her understanding of the client's narrative. This can be demonstrated by mini-summaries in which the lawyer feeds back an understanding of parts of the client's narrative to the client. It can also take the shape of a larger summary towards the end of the interview. It should include acknowledgement of the concerns raised by the client, whatever form these concerns may take.

1	2	3	4	5
No confirmation of client narrative and issues. Lawyer insensitive to or dismissive of client concerns	Attempted summary of client narrative, but awkwardly presented (facts only) and incomplete. No or very little communication over client concerns.	Summary of client narrative captures most important elements of client's story and clearly identifies main concern(s).	Very good summary. Lawyer checks accuracy and completeness with client and supplements summary if need be. Lawyer shows clear sensitivity regarding client's concerns.	Excellent summary of client narrative. Links to future action. Lawyer takes account of client's emotions, concerns, wishes, etc in the narrative, and shows the client he or she is taking account of this in the summary.

5.   I understood what the student lawyer was saying

This item is designed to assess the degree to which the lawyer is able to communicate in a clear and helpful way, including avoiding the use of legal jargon. The key criterion here of course is the level of your understanding as the client. What can be jargon to a client is perfectly acceptable use to another lawyer; and what is jargon to one client may be understandable to another client.

1	2	3	4	5
Lawyer uses jargon repeatedly, and takes no account of your level of understanding. When you ask for explanations, he or she makes no attempt to respond, or alter jargon used. Rambling, confusing explanations.	Lawyer uses some jargon and has to explain to you what this means, generally not doing this well. When you ask for explanations he or she gives poor or disjointed or ambiguous explanations, and does not shift register in the rest of the interview.	Lawyer either only uses plain language that you understand or if uses terms that have special legal meaning, lawyer explains that meaning to you.	Lawyer is very effective in explaining necessary legal concepts and terms to you in ways you can understand and remember. The lawyer checks to make sure you understand.	Explanations are clear, simple, elegant. If the lawyer uses a special legal term, you understand why the lawyer is doing so and fully understand what the lawyer is saying. The lawyer makes sure you understand.

6.   I felt comfortable with the student lawyer

This item is designed to assess the degree to which the lawyer can connect at many levels with you so that you feel comfortable telling the lawyer everything important, even on uncomfortable topics. The lawyer should seem interested in you as a person and not treat you as a routine task or problem to be solved. Of course you will give a 1 or 2 if the lawyer speaks to you in a disrespectful way. Key aspects to look for: attentive, polite, comfortable, pleasant, interested, connection

1	2	3	4	5
Lawyer was bored, uninterested, rude, unpleasant, cold, or obviously insincere. Used inappropriate remarks. No empathy.	Lawyer was mechanical, distracted, nervous, or lacking in empathy. Slightly distant and unsympathetic. Little empathy.	Lawyer was courteous to you and encouraged you to confide in him or her. You felt reasonably comfortable with the lawyer.	Lawyer was very attentive to and interested in you. You felt confident to confide in him/her. Good empathy between you.	Lawyer showed a genuine and sincere interest in you. There was a real sense of empathy and connection between you and the lawyer.

7. I would feel confident with the student lawyer dealing with my situation

This item is designed to assess the degree to which the lawyer can gain the client's confidence in his or her ability to handle the client's case. Signs include attempts to gain client confidence, structuring the legal matter, sensitivity to client issues, allowing the client space to talk and explain while maintaining a structure to the interview, and making the client feel as secure as possible in the world of legal matters.

1	2	3	4	5
No confidence that lawyer will help you. Lawyer is insensitive to client issues; or lawyer dominates interview and client; no apparent structure to meeting. A lack of certainty and direction from the lawyer.	Not sure that lawyer will help you. Lawyer is distant or domineering, but some attempt to be sensitive to client concerns. Or little attempt to structure the interview. Not sure where the lawyer is going with questions.	There is some structure to the interview. The lawyer understands what is most important to you and you feel fairly confident that the lawyer will be able to help you.	Feel very secure in the lawyer's ability to help you. Good structure, manner is helpful and lawyer is sensitive to client issues. Transitions clear and lawyer attempts to reassure client where necessary, and tries to structure the legal matter.	Feel totally secure in lawyer's ability to help you. Excellent manner, with good transitions, well structured interview. Lawyer actively provides focus and direction, but no domineering attitude; pleasant and confident.

8. If I had a new legal problem I would come back to this student lawyer

It is possible that a lawyer could do quite well on most of the above items, but one or more critical problems would make you feel like you would not use this lawyer again. Likewise a lawyer might have lower scores on some of the above items, but overall does the kind of job that would make you want to use them again. This item is designed to capture this "hard to measure" but all important aspect of effective interviewing but it is not intended to be a cumulative "grade" for the interview.

1	2	3	4	5
No, you are not happy with this choice of lawyer and you will not be returning to this lawyer	You might return	You would seriously consider returning to this lawyer	You would return to this lawyer	You would definitely return to this lawyer.

9.5.1 Interviewing Assessment Marking Sheet

Name of assessor: _____

Name of student lawyer: _____

Registration number: _____

PART A: Global Rating

The greeting and introduction by the student lawyer was appropriate   1   2   3   4   5

Comments   _____

_____

I felt the student lawyer listened to me   1   2   3   4   5

Comments   _____

_____

The student lawyer approach to questioning was helpful   1   2   3   4   5

Comments   _____

_____

The student lawyer accurately summarised my situation   1   2   3   4   5

Comments   _____

_____

I understood what the student lawyer was saying   1   2   3   4   5

Comments   _____

_____

I felt comfortable with the student lawyer   1   2   3   4   5

Comments _____

_____

I would feel confident with the student lawyer dealing with my situation   1   2   3   4   5

Comments _____

_____

If I had a new legal problem I would come back to this student lawyer   1   2   3   4   5

Comments _____

_____

Total (out of 80%)   ☐

PART B: Case Specific Checklist

	YES	NO
Asked for your full name		
Asked for your full address		
Asked for		
Asked for		
Asked for		
Asked for		
Asked if		

Total (out of 20%):   ☐

TOTAL (out of 100):   ☐
(Part A + B)

9.6 APPENDIX F

9.6.1 The final 'Law in Action' module syllabus

4.24 Module Title: Law in Action

Hours per Week	
Lectures	2
Tutorials	
Lab/Studio/Practicals	3
Independent Learning	8
Total	13

Module Code:
Credits: 10
Credit Level: 8
Prerequisite Modules: None

Description:

The purpose of this model is to introduce the student to a realistic experience and understanding of how the law works in practice by participation in realistic simulated case studies. It will involve the application of their accumulated problem solving skills in a scenario using standardized clients.

Module Learning Outcomes:

On successful completion of this module the learner will be able to:

1. Understand by personal experience how the law works in practice.
2. Demonstrate an ethical understanding of the ethical context in which law operates
3. Enhance and apply their knowledge and understanding of particular areas of law.
4. Develop analytical thinking skills
5. Integrate their theoretical knowledge and problem-solving skills in a simulated standardised client interactive roleplay
6. Take a more active and reflective role in their learning.

Indicative Content:

1. **Providing a realistic context in which students can practice their general transferable and applied skills.**
   - Communication skills
   - Time management skills
   - Research and information skills
   - Cognitive skills
   - Group work skills
   - Problem solving skills

2. **Integrating professional (and perhaps personal) ethics and values.**
   - Ethics in society
   - The ethical influences in our legal structures.
   - Ethics and the lawyer
   - Integrating professional (and perhaps personal) ethics and values into the practice of law

3.   **Client interaction**
- Demonstrate the ability to plan a client conference on known facts based on available case materials.
- Accurately identify a client's objectives during a client interview.
- Advise the client showing an ability to understand and empathise with the client's position and by the application of their legal problem solving skills

4.   **Case progression**
- Draft any required correspondence.
- Assess and identify relevant material.
- Construct a case.
- Apply the legal formalities required to progress the case.
- Interaction with the opposing party including potential negotiation.
- Periodic review of the case followed by the required corrective actions as necessary.

5.   **Evaluation and Reflection**
- Critical analysis of the experience both personally and at a group level.
- Facilitate learning from the experience.

Module Assessment:

Coursework	100%
End of Semester Final Exam	

This module will be assessed by a variety of means including participation in a case study including interaction with a standardised client including appropriate preparation and follow up, preparation of a written report, a learning log/journal, various presentations throughout and observation and evaluation of the learner's performance in the simulated case study performance and group work.

Learning Outcome	Addressed by	
	Coursework	**End of Semester Final Exam**
1	x	
2	x	
3	x	
4	x	
5	x	
6	x	

Resources:

Note: Learning resources will also be available on Blackboard.

Essential Reading				
Author	**Year**	**Title**	**Publisher**	**ISBN**
Maharg, Paul	2007	Transforming Legal Education	Ashgate	978-0754649700
Kerrigan, Kevin and Murray, Victoria	2011	A Student Guide to Clinical Legal Education and Pro Bono	Palgrave Macmillan	9780230249639
Supplementary Reading:				
Blake, Susan	2009	A Practical Approach to Effective Litigation, Seventh Edition	Oxford University Press	9780199550302
Brayne, Hugh, Duncan, Nigel and Grimes, Richard.	1998	Clinical Legal Education	Blackstone Press Limited	1854318314

Other Resources

9.7 APPENDIX G

9.7.1 Module evaluation questionnaire

Re   Professional Doctor of Legal Practice.

Nottingham Trent University.

Module titled 'Law in action' delivered in Letterkenny Institute of Technology in semester 2 of academic year 2014/15.

<div align="center">

Evaluation form.

</div>

This evaluation form comprises a series of questions most of which are open ended. Please feel free to volunteer as much information as possible in your responses - as this is a Word document there is no limit on the length of your answers - and clearly the more information received will better inform future iterations of this module. In particular any suggestions for improvement would be very welcome.

Note:

- Your responses are completely confidential and anonymous;
- You can edit your responses until you return the questionnaire to me; and
- Your responses will feed into this research project and any useful information received may be used in the thesis and related publications.

Information and understanding pre-commencement of the module

1. Prior to commencement of the module how much information and understanding did you have in relation to its content and objectives?

2. Inasmuch as you did have information and understanding identify the source of this information and understanding.

3. Could you have or would you have preferred more information and understanding prior to commencement of the module and if so how would you suggest this should be furnished to future students?

Achievement of learning outcomes

There were six learning outcomes for this module which are listed below. In respect of each please

- rate on the scale (by underlining) whether you feel that these outcomes were met, and
- furnish your reasons for your rating in the comments section in respect of each

At the end of the module the learner should:

7.   Understand by personal experience how the law works in practice.

   Very Dissatisfied   Dissatisfied   Satisfied   Very satisfied

Comment:

8.   Demonstrate an ethical understanding of the ethical context in which law operates

   Very Dissatisfied Dissatisfied   Satisfied   Very satisfied

Comment:

9.   Enhance and apply their knowledge and understanding of particular areas of law.

   Very Dissatisfied Dissatisfied   Satisfied   Very satisfied

Comment:

10.   Develop analytical thinking skills

   Very Dissatisfied   Dissatisfied   Satisfied   Very satisfied

Comment:

11.   Integrate their theoretical knowledge and problem-solving skills in a simulated standardised client interactive role-play

   Very Dissatisfied   Dissatisfied   Satisfied   Very satisfied
Comment:

12.   Take a more active and reflective role in their learning.

Very Dissatisfied   Dissatisfied   Satisfied   Very satisfied

Comment:

Course content

Content was furnished directly in respect of the following skill areas. Please rate the relevance to you of this content and in the comment section indicate the reasons for your rating together with any suggestions for improvements.

1. Communication skills

Listening skills

Very Irrelevant   Irrelevant   Relevant   Very Relevant

Speaking skills

Very Irrelevant   Irrelevant   Relevant   Very Relevant

Questioning skills

Very Irrelevant   Irrelevant   Relevant   Very Relevant

Comment:

2. Research and information skills

Very Irrelevant   Irrelevant   Relevant   Very Relevant

Comment:

3. Cognitive skills

Very Irrelevant	Irrelevant	Relevant	Very Relevant

Comment:

4. Group work skills

Very Irrelevant	Irrelevant	Relevant	Very Relevant

Comment:

5. Problem solving skills

Very Irrelevant	Irrelevant	Relevant	Very Relevant

Comment:

6. Time management skills

Very Irrelevant	Irrelevant	Relevant	Very Relevant

Comment:

7. Ethics

Very Irrelevant	Irrelevant	Relevant	Very Relevant

Comment:

Also in relation to the content:

1. How satisfied were you with the course materials?

2. Did you feel that the content was consistent with the learning outcomes?

3. In your view what content was most useful?

4. In your view what content was least useful?

5. Were there any other content areas that you felt should have been covered?

Teaching methodology

The teaching methodology adopted for this module was a cycle of experiential learning (learning by doing) followed by in depth and considered personal reflection.

1. Do you think this approach was appropriate for this module?
   If not why not.

   If so why.

2. Do you think that there might be a better approach and if so what do you suggest? Feel free to consider this module in comparison with the various other modules you have studied over the past four years.

3. This module by its nature is very interactive. Interaction of this nature is generally both challenging and rewarding. Highlight three aspects of this

interaction that appealed to you and also describe three aspects of this interaction that you did not like.

Organisation

1. Please comment on the organisation of the module, that is was it sufficiently or insufficiently structured?

2. Did you feel that the module was the right length?

3. Did you feel that the module was delivered at the right pace?
   If at times it felt too slow or alternatively at times too fast, or a combination of both, please specify.

4. Did you feel that the lecturers were knowledgeable in the content area? If there are areas of deficiency please identify.

5. Were the lecturers in a position to clarify content in response to questions?

6. Were you happy with the level of communication between the lecturers and you the students?

7. As the module was delivered by a team of lecturers, were you happy with the level of communication between the lecturers?

8. Was the content delivered at a level appropriate to you the target audience?

9. Were you happy that the facilities (rooms, Blackboard support, et cetera) for delivery of this module were adequate and appropriate for each of the sessions?

The assessment of the module

The assessment for this module comprised a reflective log over the module which constituted 50% of the overall mark together with an interview with a standardised client (comprising the balance of 50% of the overall mark).

1. Do you feel that this assessment was a reliable measure of your achievement of the learning outcomes?

2. Are there any other forms of assessment which you feel might be more appropriate/accurate?

3. Name three aspects of the assessment that appealed to you and name three aspects of the assessment that you did not like.

<u>Conclusion</u>

1. What was your overall assessment of the module?

2. Did the module meet your expectations?

3. Which topics or aspects of the module did you find most useful and why?

4. Which topics or aspects of the module did you find least useful and why?

5. Do you think the knowledge and experience gained from participation in the module will be useful or applicable to future your future employment?

6. Do you think the knowledge and experience gained from participation in the module will be useful or applicable to you personally in the future?

7. Did you like and enjoy the module?

8. Would you recommend this module to other students?

Any other comments and suggestions (including activities or initiatives that you think would add to the module in the future)

Again thank you very much for your participation and I hope that I can make good use of your responses to improve this module in the future.

Brónagh Heverin.

9.8 APPENDIX H

9.8.1 Skills questionnaire

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1. Law in Action 2017 LYIT

Instructions:

Firstly this is not a test. This is a tool so that I can get get a sense of your experience of the Law in Action module, and particularly any skills you may have developed having completed the Law In action module.
There is:
- **a short question;**
- **then there are 2 lists of skills (the first list relates to personal skills and the second relates to workplace skills) for which you will be asked to rate your ability both before doing the module and again having completed the module;**
- **followed by a question in relation to the learning outcomes for the module;**
- **and the survey then finishes with a few further short questions.**

This Survey is entirely anonymous so please answer honestly - it will only be used for my professional doctorate and related publications and ultimately to help make the Law in Action experience better for future students - and clients!!

* 1. Based on your experience of the Law in Action module, list 3 words that best describe this experience.

1	
2	
3	

2. Law in Action LYIT 2017

* 2. Prior to your participation in the Law in Action module, you held a variety of **personal skills**, some of these skills are listed below. The purpose of this question is to identify any change in these skills that may have been effected by your participation in the module.

To do this you will now be asked to rate your ability in these skills both before and after your participation in the Law in Action module. The rating scale is the same for both and ranges from poor or nonexistent through to excellent.

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
1. Self presentation and appearance - before	○	○	○	○	○
1. Self presentation and appearance - after	○	○	○	○	○
2. Self-motivation - before	○	○	○	○	○
2. Self-motivation - after	○	○	○	○	○
3. Self-management of your physical and mental health - before	○	○	○	○	○
3. Self-management of your physical and mental health - after	○	○	○	○	○
4. Reliability - before	○	○	○	○	○
4. Reliability - after	○	○	○	○	○
5. Taking responsibility - before	○	○	○	○	○
5. Taking responsibility - after	○	○	○	○	○
6. Professionalism and work ethic - before	○	○	○	○	○
6. Professionalism and work ethic - after	○	○	○	○	○
7. Ability to cope with work pressure - before	○	○	○	○	○
7. Ability to cope with work pressure - after	○	○	○	○	○
8. Adaptability and flexibility - before	○	○	○	○	○
8. Adaptability and flexibility - after	○	○	○	○	○

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
9. Integrity and ethics - before	○	○	○	○	○
9. Integrity and ethics - after	○	○	○	○	○
10. Social/civic responsibility - before	○	○	○	○	○
10. Social/civic responsibility - after	○	○	○	○	○
11. Reflection and self-evaluation - before	○	○	○	○	○
11. Reflection and self-evaluation - after	○	○	○	○	○
12. Appreciation of personal limitations - before	○	○	○	○	○
12. Appreciation of personal limitations - after	○	○	○	○	○
13. Commitment to keeping knowledge up-to-date - before	○	○	○	○	○
13. Commitment to keeping knowledge up-to-date - after	○	○	○	○	○
14. Lifelong interest in continuous/adaptive learning - before	○	○	○	○	○
14. Lifelong interest in continuous/adaptive learning - after	○	○	○	○	○
15. Personal commitment - before	○	○	○	○	○
15. Personal commitment - after	○	○	○	○	○
16. Positive attitude and energy - before	○	○	○	○	○
16. Positive attitude and energy - after	○	○	○	○	○

3. Law in Action LYIT 2017

* 3. Prior to your participation in the Law in Action module, you held a variety of **workplace skills**, some of these skills are listed below. The purpose of this question is to identify any change in these skills that may have been effected by your participation in the module.

To do this you will now be asked to rate your ability in these skills both before and after your participation in the Law in Action module. The rating scale is the same for both and ranges from poor or nonexistent through to excellent.

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
1. Subject or discipline knowledge - before	○	○	○	○	○
1. Subject or discipline knowledge - after	○	○	○	○	○
2. Basic computing and information technology skills - before	○	○	○	○	○
2. Basic computing and information technology skills - after	○	○	○	○	○
3. Advanced computing and information technology skills - before	○	○	○	○	○
3. Advanced computing and information technology skills - after	○	○	○	○	○
4. Capacity to understand and critically appreciate various forms of oral communications - before	○	○	○	○	○
4. Capacity to understand and critically appreciate various forms of oral communications - after	○	○	○	○	○
5. Capacity to read, understand and appreciate various forms of written communications - before	○	○	○	○	○

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
5. Capacity to read, understand and appreciate various forms of written communications - after	◯	◯	◯	◯	◯
6. Capacity to understand and critically appreciate various forms of visual communications including broadcast media and digital media - before	◯	◯	◯	◯	◯
6. Capacity to understand and critically appreciate various forms of visual communications including broadcast media and digital media - after	◯	◯	◯	◯	◯
7. Numbers - processing and interpreting numerical data - before	◯	◯	◯	◯	◯
7. Numbers - processing and interpreting numerical data - after	◯	◯	◯	◯	◯
8. Case management - before	◯	◯	◯	◯	◯
8. Case management - after	◯	◯	◯	◯	◯
9. Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem solving) - before	◯	◯	◯	◯	◯
9. Information literacy (includes the ability to use current technologies and effective strategies for the extraction, selection, interpretation and creative use of relevant information for problem solving) - after	◯	◯	◯	◯	◯

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
10. Foreign language capability - before	◯	◯	◯	◯	◯
10. Foreign language capability - after	◯	◯	◯	◯	◯
11. Oral communication - before	◯	◯	◯	◯	◯
11. Oral communication - after	◯	◯	◯	◯	◯
12. Written communication - before	◯	◯	◯	◯	◯
12. Written communication - after	◯	◯	◯	◯	◯
13. Communicating using further and alternative media, for example social, broadcast and digital media - before	◯	◯	◯	◯	◯
13. Communicating using further and alternative media, for example social, broadcast and digital media - after	◯	◯	◯	◯	◯
14. Ability to apply professional/technical knowledge in the workplace - before	◯	◯	◯	◯	◯
14. Ability to apply professional/technical knowledge in the workplace - after	◯	◯	◯	◯	◯
15. Identifying and understanding problems - before	◯	◯	◯	◯	◯
15. Identifying and understanding problems - after	◯	◯	◯	◯	◯
16. Common sense - before	◯	◯	◯	◯	◯
16. Common sense - after	◯	◯	◯	◯	◯
17. Working effectively with others (team and interpersonal skills) - before	◯	◯	◯	◯	◯

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
17. Working effectively with others (team and interpersonal skills) - after	◯	◯	◯	◯	◯
18. Working effectively on your own (showing personal organisation, commitment and time management skills) - before	◯	◯	◯	◯	◯
18. Working effectively on your own (showing personal organisation, commitment and time management skills) - after	◯	◯	◯	◯	◯
19. Concern for quality and detail - before	◯	◯	◯	◯	◯
19. Concern for quality and detail - after	◯	◯	◯	◯	◯
20. Business acumen or awareness - before	◯	◯	◯	◯	◯
20. Business acumen or awareness - after	◯	◯	◯	◯	◯
21. Entrepreneurial skills - before	◯	◯	◯	◯	◯
21. Entrepreneurial skills - after	◯	◯	◯	◯	◯
22. Thinking critically and analytically (for example problem-solving and innovation) - before	◯	◯	◯	◯	◯
22. Thinking critically and analytically (for example problem-solving and innovation) - after	◯	◯	◯	◯	◯
23. Leadership/leading others - before	◯	◯	◯	◯	◯
23. Leadership/leading others - after	◯	◯	◯	◯	◯
24. Client focused service skills - before	◯	◯	◯	◯	◯
24. Client focused service skills - after	◯	◯	◯	◯	◯

	Poor/Non-existent	Satisfactory	Good	Very good	Excellent
25. Appreciation of diversity and an inclusive perspective - before	◯	◯	◯	◯	◯
25. Appreciation of diversity and an inclusive perspective - after	◯	◯	◯	◯	◯

4. Law in Action LYIT 2017

* 4. There were six learning outcomes for this module which are listed below. In respect of each please rate on the scale (ranging from very dissatisfied to very satisfied) whether you believe these outcomes were satisfied for you

	Very dissatisfied	Dissatisfied	Satisfied	Very satisfied
At the end of this module the learner should understand by personal experience how the law works in practice.	◯	◯	◯	◯
At the end of this module the learner should demonstrate an ethical understanding of the ethical context in which the law operates.	◯	◯	◯	◯
At the end of this module the learner should have enhanced and applied their knowledge and understanding of particular areas of law.	◯	◯	◯	◯
At the end of this module the learner should have developed analytical thinking skills.	◯	◯	◯	◯
At the end of this module the learner should have integrated their theoretical knowledge and problem-solving skills in a simulated standardised client interactive role-play.	◯	◯	◯	◯
At the end of this module the learner should take a more active and reflective role in their learning.	◯	◯	◯	◯

5. Final questions

* 5. What has been your most valuable and least valuable experience in the Law in Action module?

| Most valuable experience | |
| Least valuable experience | |

* 6. If you were designing a law degree what are the top five skills (including or excluding any of the skills already mentioned in this survey) you think all law students should have on completion?

1	
2	
3	
4	
5	
Why did you choose these as your top 5 skills?	

* 7. The assessment of this module is 100% Continuous Assessment so attendance is important. Which of the following best reflects your attendance record for Law in Action?

( ) I attended 90-100% of the Law in Action module

( ) I attended 60-90% of the Law in Action module

( ) I attended 30-60% of the Law in Action module

( ) I attended less than 30% of the Law in Action module

8. Finally, do you have any other comments, questions, or concerns regarding skill acquisition through the Law in Action module?

6. Thank You

Again thank you for your participation in the Law in Action module and for taking the time to complete this survey. I hope that you have enjoyed the Law in action module and that you find that the experience benefits you in your future career.

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