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## **Building reflection into the clinic supervision experience, research methods for the reflective teacher.**

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### **Abstract**

Clinical Legal Education is a Self-Directed Learning environment in which students learn from experience with the support of the design of the environment and the teacher (supervisor). There is emergent research concerning the response of individual students and groups of students in these environments but our understanding of how these environments are shaped and responded to remains at the exploratory stage. As part of my doctoral research I am undertaking a reflective inquiry into the experience of my students and my own teaching practice to inquire further into this phenomenon. This article provides a reflexive personal context for the research that I am currently undertaking in terms of how I came to the research, its purpose and design. I intend reporting the results of the research in a future publication. At the time of writing, I have completed collection of the data for my research and am in the process of analysing the results and writing up my research.

### **Keywords**

Dewey, Self-Directed Learning, Clinical Legal Education, Reflective Inquiry

### **Introduction**

This article concerns a reflective inquiry that has its roots in my early schooling and has continued throughout my professional teaching life culminating in a systematic reflective inquiry as part of my study for an Education Doctorate. It stems from my coming to a realisation of my fundamental belief in two propositions that are encapsulated in John Dewey's statement (my numbering): 'The belief that [1] all genuine education comes about through experience [2] does not mean that all experiences are genuinely or equally educative.'<sup>1</sup>

If one accepts that education comes through experience, the question becomes what is the role of the teacher in organising those experiences in such a way that learning occurs. At the heart of my reflective inquiry lies crucial questions as to the student's learning experience in the environment and the design and support of that environment. In this paper, I provide an account of the context, rationale and design of the research but do not seek to report on its results.

### **Context**

Since 1998 I have worked in the Student Law Office, a clinical legal education (CLE) environment at Northumbria University. I am one of the most experienced supervisors of CLE in the UK. Through my experience I have become aware of the success of this programme in many respects – building student confidence; enabling students who do not traditionally perform as well to demonstrate good or

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<sup>1</sup> John Dewey *Experience and Education* (New York: Kappa Delta Pi Lecture Reprint, Touchstone, Touchstone Edition, 1997)

excellent achievement of learning outcomes<sup>2</sup> and preparation of students for professional life to name a few. However, while I am aware of these benefits, much of the ways in which the experience enables students to learn and develop are under-researched.

CLE can be described as a self-directed learning environment (SDL)<sup>3</sup> in which students are confronted with real client problems and work independently and collaboratively with peers and legally qualified supervisors to solve those problems in the context of an in-house legal practice. Students work in pairs, interviewing the client to elicit the problem, discussing the problem in a firm of six to eight students with the supervisor and identifying their own research objectives, carrying out research into the problem and meeting again to review their findings, decide upon actions, advice and further research objectives as a result, while reflecting upon the experience. The students are assessed against a variety of learning outcomes forming almost 50% of their final year grade. The process requires a high degree of SDL because the students are not taught about the legal and procedural issues that may arise in the case.

### **Teacher as Researcher**

I teach in the Student Law Office and my inquiry is prompted by my experience - closely connected with my role and actions as a teacher in that experience. In the field of educational research Lawrence Stenhouse advocated teacher as researcher for the following reasons:

From the point of view of the experimentalist, classrooms are the ideal laboratories for the testing of educational theory. From the point of view of the researcher whose interest lies in naturalistic observation, the teacher is a potential participant observer in classrooms and schools. From whatever standpoint we view research, we must find it difficult to deny that the teacher is surrounded by rich research opportunities. Moreover, there is in the research field of education little theory which could be relied upon by the teacher without testing it.<sup>4</sup>

Following on from Stenhouse's work, two broad conceptions have emerged of teacher as researcher. One being the reflective practitioner in which teachers come to a better understanding of their own context through a process of reflective inquiry; and the second being that which sees teacher research as productive of pedagogical knowledge beyond the teacher's own context that is more readily generally disseminated.<sup>5</sup> As Fordham indicates,<sup>6</sup> the two are not mutually exclusive. Menter and others<sup>7</sup> conversely describe reflective teaching as involving the first of these definitions: an active concern with aims and consequences as well as means and practical competence in methods of classroom inquiry to support teaching competence. They describe practitioner research as going one stage further than reflective teaching with the notion of teacher as researcher including dissemination and influence beyond the immediate context and the capacity to change practice beyond that context. As I carry out my inquiry, I see both goals as possible, desirable and necessary.

### **Locating myself in the research**

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<sup>2</sup> Sylvester, C., O'Boyle, R and Hall, E. 'Data Wombling: what re-analysis of naturally occurring student data can tell us' (2018) *Journal of International Comparative Law*, 5:1, 111.

<sup>3</sup> Further described below

<sup>4</sup> Lawrence Stenhouse, 'What Counts as Research?' (1981) Vol. 29, No. 2 *British Journal of Educational Studies*, 103, 109-110

<sup>5</sup> Michael Fordham, 'Realising and extending Stenhouse's vision of teacher research: the case of English history teachers' (2016) Vol.42, No.1, February 2016, *British Education Research Journal*, 135

<sup>6</sup> Ibid.

<sup>7</sup> Ian Menter and others, *A Guide to Practitioner Research in Education* (Sage 2011)

Mann<sup>8</sup> suggests that in carrying out any form of social research, the researcher must develop reflexivity, a self-awareness that recognises that the research affects the researcher and the researcher affects the research – an ‘ongoing, mutually shaping interaction between the researcher and the research’<sup>9</sup>. This is the case even in the case of the observer.<sup>10</sup> Of course, in the position where in fact the teacher is the researcher, this concept of self-awareness, becomes even more critical as the researcher is also a full participant. While distinctions between reflection and reflexivity are fuzzy, reflexivity focuses upon the researcher’s self-awareness and conscious reference to herself in the research<sup>11</sup>. So, while I see this research as a reflective inquiry (prompted by my experiences as an educator), I aim to adopt a reflexive approach to my research. Etherington<sup>12</sup> poses four questions to enable the researcher to develop reflexive perspective, the first being: How has my personal history led me to my interest in this area?

### **How has my personal history led to my interest in this area?**

In this paper I will explore my reflective journey exploring what attracts me to SDL environments, what has been problematic and what I will argue have been cycles of reflective inquiry taking place intermittently over two decades culminating in this research project consisting of a more in-depth and systematic reflective inquiry.

It is September 1976, I am turning 8 years old and I have just entered my first year in Junior School. In common with most primary schools at the time, we had one class teacher who took us all day for all of our lessons. She was a drama specialist and throughout that year while some lessons were quite traditional in approach (learning times tables, time spent listening to our teacher read at the end of the day) whole days (and even the odd week) would be spent immersed in living out projects where the lessons including art, history, science and geography merged into one. We spent days living as Saxon villagers or forming teams to prepare journeys to the moon; designing our spacecraft and moon landing vehicles. Not only did the boundaries between subjects merge but decisions about what and when we would study sometimes opened up too – over 40 years later I can still remember our teacher announcing to the class that we could choose to continue with our role play if we agreed that the following week we would need to spend a day doing maths.

After a hiatus in the following year where a much older teacher returned our days to the drab march of country dancing, Maths and English lessons, on entering the final year we were informed that the whole year group had 3 classrooms and a hall that were open to all of us. We were required to complete maths, English and art projects alongside other work (which for me included several days in a small group role-playing an inquiry into a mock planning decision by the City Council to build a major road down my leafy street). When we completed the majority of our work was entirely up to us.

Sadly these experiences did not continue past my junior school. I entered a rigidly conformist private school aged 11 and went onto Cambridge University to study history writing one essay a week for individual tuition. It is probably true to say that the next time I encountered any notable form of

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<sup>8</sup> Steve Mann, *The Research Interview: Reflective Practice and Reflexivity in Research Processes* (Palgrave macmillan, 2016)

<sup>9</sup> Julian Edge, *The Reflexive Teacher Educator in TESOL: Roots and Wings* (Routledge 2011)

<sup>10</sup> Steen Halling and Mical Goldfarb, ‘Grounding truth in the body: Therapy and Research Renewed,’ (1991) 19(3), *The Humanistic Psychologist*, 313

<sup>11</sup> Steve Mann, *The Research Interview: Reflective Practice and Reflexivity in Research Processes* (Palgrave macmillan, 2016)

<sup>12</sup> Kim Etherington, *Becoming a Reflexive Researcher: Using Our Selves in Research* (Jessica Kingsley Publishers, 2004)

experiential academic learning in my formal education was when studying for the Legal Practice Course.

Over 40 years later these early learning experiences remain vivid in my mind. Of course they were not wholly unproblematic. The chief problem in the final year class being one of making decisions about what to study and when and an often strong sense of confusion about what we were doing and why.

I have though often fondly recollected these learning experiences alone and with friends who were in my classes. We all have a strong memory of them. I had such a strong sense of the possibility of learning emerging from this learning from experience. Reflecting on these experiences over the years I have come to an understanding of an essential Deweyesque basis for them.

### **Dewey's philosophy of knowledge, experience, reflective inquiry and education**

John Dewey's philosophy of knowledge is that it is the interaction between humans and their environment, mediated by tools and language, that produces knowledge.<sup>13</sup> Human beings adapt to their environment and form habits. When we are acting in the physical and social environment sometimes those habits do not work and a state of uncertainty exists. This leads to delay or hesitation and reflective thought resulting in an attempted definition of the problem. Analysis of this tentative definition of the problem leads to a tentative working hypothesis followed by reasoning – evaluation of the working hypothesis. Finally, the hypothesis is tested by practical experiment. This may result in a solution to the problem but also potentially an intellectual understanding of the world that can be utilised outside of the immediate problem.<sup>14</sup>

This philosophy of experience has significant implications for education for Dewey. In his most concise statement about education in 1938<sup>15</sup> Dewey states:

A primary responsibility of educators is that they not only be aware of the general principle of the shaping of actual experience by environing conditions, but that they also recognize in the concrete what surroundings are conducive to having experiences that lead to growth. Above all, they should know how to utilize the surroundings, physical and social, that exist so as to extract from them all that they have to contribute to building up experiences that are worthwhile.

We struggle with that challenge to this day.<sup>16</sup>

So, for Dewey, while knowledge is created by reflective inquiry on experience and thus the job of the educator is to organise such experiences, this does not mean that we are left with an either/or dichotomy between knowledge transmission and free non-directed discovery<sup>17</sup>. The key challenge for educators is not the dichotomy between knowledge and skills but how to achieve an effective balance between both.<sup>18</sup>

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<sup>13</sup> Reijo Miettinen, 'Epistemology of Transformative Material Activity: John Dewey's Pragmatism and Cultural-Historical Activity Theory,' (2007) 36:4 *Journal for the Theory of Social Behaviour*, 389

<sup>14</sup> Reijo Miettinen 'The concept of experiential learning and John Dewey's theory of reflective thought and action,' (2000) 19:1, *International Journal of Lifelong Education*, 54

<sup>15</sup> John Dewey, *Experience and Education* (Macmillan, 1938)

<sup>16</sup> Interview with Linda Darling –Hammond in C Gregg Jorgensen, *Discovering John Dewey in the Twenty-First Century* (Palgrave macmillan, 2017)

<sup>17</sup> John Dewey, *Education and Experience* (n.13)

<sup>18</sup> Steve Higgins, 'Dewey, Education and Schooling' p.70 in Steve Higgins Frank Coffield (eds), *John Dewey's Democracy and Education A British Tribute* (UCL Institute of Education Press, 2016)

Coming back to my own childhood experiences, how do these connect to the work of Dewey? Some have sought to ascribe the “progressive” form of schooling I experienced in the 1970s solely to the works of John Dewey<sup>19</sup>. However, no individual can be said to have sole influence on an education system and certainly not Dewey.<sup>20</sup> It is also the case that some elements of progressive education in primary schools were in place in the earlier half of the 20<sup>th</sup> century.<sup>21</sup>

However, in the 1960s, primary education in particular saw a movement towards progressive education with the publication of the Plowden Report (1967)<sup>22</sup> making recommendations for teaching in all primary schools in England and Wales. Though even here it should be noted that Plowden did not intend to effect a revolutionary experientially based curriculum<sup>23</sup> nor was that the outcome a wholesale move to progressive education.<sup>24 25</sup>

Nevertheless, Deweyesque ideas found their way into the Plowden Report and had an impact on primary schools such as mine in the late 1960s and 1970s. In their analysis of Dewey’s impact, Darling and Nisbet<sup>26</sup> highlight key recommendations in the Plowden Report that are distinctly Deweyesque in their character, for example:

.. Activity and experience, both physical and mental, are often the best means of gaining knowledge and acquiring facts ... We certainly would not wish to undervalue knowledge and facts, but facts are best retained when they are used and understood, when right attitudes to learning are created, when children learn to learn<sup>27</sup>

and

The Plowden Report commends more flexible methods of curriculum organisation which are designed to make good use of the interest and curiosity of children, to minimise the notion of subject matter being rigidly compartmental, and to allow the teacher to adopt a consultative, guiding, stimulating role rather than a purely didactic one. (p. 198)<sup>28</sup>

### **My career in higher education – 20 years grappling with organising experiences and balancing knowledge and skills**

In 1998 I came out of training, and briefly practising, as a solicitor to join Northumbria Law School. Over the course of the next 10 years I became responsible for the School’s efforts to integrate

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<sup>19</sup> for example then education secretary Kenneth Clarke in a speech decrying “progressive education”: Kenneth (1991, June 12) Education in a Classless society (Westminster Lecture to the Tory Reform Group)

<sup>20</sup> Kevin J Brehony, ‘An “Undeniable” and “Disastrous” Influence? Dewey and English Education (1895-1939)’ (1997), 23, 4, Oxford Review of Education, 427; Gary McCulloch and Steven Cowan, ‘The reception and impact of Democracy and Education: The Case of Britain’ in Steve Higgins and Frank Coffield (eds) (n.16)

<sup>21</sup> W.E Marsden, ‘Contradictions in Progressive Primary School Ideologies and Curricula in England: Some Historical Perspectives,’ Historical Studies in Education/Revue d’histoire de l’éducation (1997) 9 no.2, 224

<sup>22</sup> CACE (England) (1967) Children and their Primary Schools (the Plowden Report), London: HMSO.

<sup>23</sup> Robin Alexander, R, Plowden, Truth and Myth: A Warning, Honorary Fellowships Award Ceremony, The College of Teachers, 15 May 2009 p.3

<sup>24</sup> In 1978 HMI reported 5 per cent of classrooms that were devoted to ‘exploratory’ experience. Robin Alexander and others, ‘Curriculum Organisation and Classroom Practice in Primary Schools: a discussion paper,’ (Department of Education and Science, 1992) para 22

<sup>25</sup> Robin Alexander, Plowden, Truth and Myth: A Warning (n.22)

<sup>26</sup> John Darling and John Nisbet, ‘Dewey in Britain,’ (2000) 19, Studies in Philosophy and Education, 39

<sup>27</sup> The Plowden Report (n.21), 195 cited in John Darling and John Nisbet, ‘Dewey in Britain’ (n.25)

<sup>28</sup> John Darling and John Nisbet, ‘Dewey in Britain’ (n.25)

vocational education (the Legal Practice Course) with the law degree across all 4 years. From day one I worked in the Student Law Office with small groups of fourth year students while becoming responsible for developing procedural knowledge and skills (often through experiential simulated learning) across the degree. My experiences awoke in me the power of the early childhood experiences I had had in primary school. The benefits to be gained from breaking down subject barriers, providing students with agency in deciding how and when to learn and work; and experiential learning.

### **A first cycle of reflective inquiry**

As positive as my teaching experiences in the clinic seemed to be, I began to experience situations that “didn’t work”. These were not disorienting moments<sup>29</sup> but rather realisation that took place over time but nonetheless I argue fit with Dewey’s conception of a situation ‘in which there is experienced obscurity, doubt, conflict, disturbance of some sort’<sup>30</sup>.

Some of this was about what was happening with the students in the office. To summarise some of those issues<sup>31</sup>:

- students were failing in the basic steps in organising the material given to them by their clients. They were failing to identify the issues or problems arising from the case and to distinguish the relevant from the irrelevant
- a tunnel vision approach to problem solving where students appeared to assume that there would be a narrow range of “right” solutions
- students struggled to identify the nature of the problem and their own learning objectives
- students often struggled to work collaboratively on client problems

I discussed these issues with a close colleague. She had come across Problem Based Learning (PBL) which had been introduced first in medical schools and subsequently in the Law School at Maastricht University<sup>32</sup> and we eventually came to see its implementation in earlier parts of the students’ journey as a means to enable the students to prepare for the experiences of the clinic.

PBL is a form of SDL in which students are presented with a meaningful authentic problem scenario as the first part of learning cycle. They work collaboratively in small groups, facilitated but not didactically taught by a tutor, to initially identify the factual issues, identify gaps in their knowledge and formulate hypotheses and learning goals. It is hypothesised that this enables individual students to undertake independent SDL. Following this, the small group meet again to discuss their findings, reflect on their process of learning and, often, identify further gaps in their knowledge to investigate prior to meeting again to explore what they have learned<sup>33</sup>.

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<sup>29</sup> Fran Quigley, ‘Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics, (1995) 2:37, *Clinical Law Review*

<sup>30</sup> John Dewey ‘How we think,’ in Jo Ann Boydston (ed) *The Later Works of John Dewey Vol. 8* (Southern Illinois University Press, 1989)

<sup>31</sup> For a full description see Cath Sylvester, Jonny Hall and Elaine Hall, ‘Problem-based Learning and Clinical Legal Education: What Can Clinical Educators Learn From PBL,’ [2004] *International Journal of Clinical Legal Education*, 39

<sup>32</sup> Jos Moust, ‘The Problem-Based Education Approach At the Maastricht Law School,’ (1998), 32:1, *The Law Teacher*, 5

<sup>33</sup> Howard S, *Problem-Based Learning Applied to Medical Education* (Southern Illinois University Press, 2000); Linda Torp and Sara Sage, *Problems as Possibilities: Problem-Based Learning for K–12 Education*, 2nd edn., Association for Supervision and Curriculum Development, 2002); Cindy Hmelo-

A number of advantages have been claimed for PBL. These include, amongst others, enabling the student to:

- develop self-directed lifelong learning skills;
- become effective collaborators; and
- become intrinsically motivated to learn<sup>34</sup>

My colleague and I introduced PBL into the third year of the exempting law degree. Our intention in particular was to assist students in becoming accustomed to encountering complex authentic problems in which they would develop an ability to work independently and with others to identify the issues, identify their own learning objectives, carry out research, come to conclusions and reflect on the experience.

### **Initial reflective inquiry into our introduction of PBL**

Having introduced PBL into third year we carried out research with the students about their impressions. The conclusions from their perspective include that it was:

- an enjoyable experience for students, even though time-consuming and hard work relative to more traditional methods
- sharing research in groups was a particularly good experience for students
- an experience that around half of students would like to repeat
- encouraged students to develop high levels of confidence in research skills and practical legal skill
- had a positive, though not so strong effect on students' confidence about their knowledge of the law
- made the majority of students feel that they can cope with real cases in year 4<sup>35</sup>

### **Subsequent cycles of Reflective Inquiry**

Over the course of the next 5 years we continued to develop a model of introducing PBL, introducing it into 2<sup>nd</sup> year as well. We began to realise however the different nature of the real client problem and the simulated PBL which seemed to suggest a number of issues including:

- the motivational difference between working on a simulated problem when the only stakes are the assessment and working on real client problems where the student's work has real impact on another person's life and responsibility
- the difference in the responsibility of students for a problem with an ending planned by the teacher, with most irrelevant information smoothed out and the unknown situation in real clinic
- the difference in the relationship between teacher and learner in a problem set by the teacher where the teacher is effectively god and the clinic in which neither student nor tutor know the answers.

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Silver, 'Problem-Based Learning: What and How Do Students Learn?', (2004) *Educational Psychology Review*, Vol. 16, No. 3, 235

<sup>34</sup> Cindy Hmelo-Silver, *ibid.*

<sup>35</sup> Cath Sylvester, Jonny Hall and Elaine Hall 'Problem-based Learning and Clinical Legal Education: What Can Clinical Educators Learn From PBL,' (n.30)

Reflecting (including researching into other fields of education) on these and other issues brought me to the realisation that PBL is only one form of SDL. It allows students to take responsibility for their inquiry but the inquiry and its, decided, answers are already set with consequences for the pedagogic relationship and the learning that occurs.<sup>36</sup>

### **SDL from a broader perspective**

SDL has been defined as

a process in which individuals take the initiative, with or without the help from others, in diagnosing their learning needs, formulating goals, identifying human and material resources, choosing and implementing appropriate learning strategies, and evaluating learning outcomes <sup>37</sup>(Knowles, 1975).

Candy<sup>38</sup> developed this concept to include four dimensions: personal autonomy, self-management in learning, the independent pursuit of learning and learner control of instruction.

His particular contribution was to add the concept of personal autonomy. A person with a high degree of autonomy:

- conceives of goals, policies and plans and forms purposes and intentions of his her own independently of pressures from others;
- exercises freedom of choice in thought or action;
- uses the capacity for rational reflection judging among alternatives;
- on the basis of morally defensible non-arbitrary beliefs of right and wrong derived from personal experience or reflection. As objectively as possible and using relevant and adequate evidence;
- has the will and capacity to carry into practice and completion plans and actions without having to depend on others for encouragement;
- exercises self mastery in the face of strong emotional involvement, reversals, challenges and remains emotionally detached;
- has a concept of himself as autonomous.

Questions remain however about whether and how PBL or other forms of SDL environment foster SDL, the nature of that relationship and what can be done to support it. The research into SDL and SDL environments such as PBL has grown in recent years but research into the nature of the relationship remains relatively scant and in particular how individual students navigate the learning environment. Further work is necessary to understand how students might be assisted and how that environment might be designed rather than simply relying upon the learning environment to foster it by its very demands on the student:

we cannot expect an ideal form of self-regulation (i.e. that everyone should do it well) when opportunities for self-regulation are provided. Instead it is critical to appreciate the challenges

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<sup>36</sup> Jonny Hall, 'An Integrated Law Curriculum: Balancing Learning Experiences to Achieve a Range of Learning Outcomes,' (2018) *Journal of International Comparative Law*, 5:1, 71

<sup>37</sup> Malcolm Knowles, *Self-Directed Learning: A Guide for Learners and Teachers*, (The Adult Education Company, 1975)

<sup>38</sup> Philip Candy, *Self-Direction for lifelong learning*, (Jossey-Bass, 1991)

that arise as individuals learn how to focus their self-regulation activities to meet the demands of their learning and practice environments<sup>39</sup>

### **A move to a systematic reflective inquiry**

I therefore came to the realisation that to begin to understand how experiences can be balanced and provided to students in a supported environment, it is necessary to inquire into the experience in the moment of the experience. I therefore came to pose my systematic inquiry questions:

**Context question:** Clinical Legal Education – a problem based and Self Directed Learning Environment: how does this environment operate?

**Process question** - how and to what extent do individual students in this environment respond in relation to the regulation of their learning and development of self-directedness?

**Reflexive question** - what role might the supervisor play?

My position is that these phenomena can be understood pragmatically by studying them through their practical use and success in their environment. Essentially it is an inquiry which is impelled by experience to seek knowledge and understanding beyond the individual experience<sup>40</sup>. This is an exploratory study to both generate and test theory and understanding through an active iterative process and is best described as a form of practitioner inquiry in which I as both teacher and researcher can learn from student feedback in the process of bringing about change in the classroom<sup>41</sup>.

This pragmatic approach, 'rests on the argument that the meaning of an event cannot be given in advance of experience. The focus is on the consequences and meanings of an action or event in a social situation.'<sup>42</sup> In this paradigm, in which there is no sharp boundary between everyday life and inquiry, following Dewey, 'research is simply a form of inquiry that is performed more carefully and more self-consciously than most other responses to problematic situations.'<sup>43</sup> A pragmatic approach acknowledges both the post-positivist philosophical position that the world exists outside of our constructed knowledge of it and that the world is created by our conceptions of it.<sup>44</sup> I find this position affords for both the concept that human cognitive structure and ability naturally allows for and responds to learning in a certain way outside of socially constructed knowledge of it but at the same time the learning taking place in the professional environments in which I am working is necessarily socially constructed. A pragmatic approach to my research will allow knowledge to emerge from taking action and experiencing the outcomes.

### **Research Design**

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<sup>39</sup> Ryan Brydges and Deborah Butler, 'A Reflective Analysis of Medical Education Research on Self-Regulation in Learning and Practice,' (2012), 46:1, *Medical Education*, 71

<sup>40</sup> John Dewey, 'How We Think' (n.29)

<sup>41</sup> Vivienne Baumfield, Elaine Hall and Kate Wall, *Action Research in Education: Learning Through Practitioner Enquiry*, second edition (Sage, 2012)

<sup>42</sup> Norman K. Denzin and Yvonna S. Lincoln, 'Introduction: The Discipline and Practice of Qualitative Research,' in Norman K. Denzin and Yvonna S. Lincoln, *Strategies of Qualitative Inquiry* (Sage, 2013)

<sup>43</sup> David L. Morgan, 'Pragmatism as a Paradigm for Social Research,' (2014) 20(8) *Qualitative Inquiry*, 1045 at 1041

<sup>44</sup> *ibid.* at 1048

The following part of this paper seeks to give an overview of my research design so as to illustrate for the reader how I designed the research as a reflective inquiry and provides a brief glimpse as to how the research and my conceptions evolved in the light of the experience of it. As I write, I have collected the data and am in the process of analysis. I intend publishing the outcome of the research at a later stage.

I designed the research to take place in the natural environment of my teaching in the Student Law Office. This provides a data rich environment in which to explore both the students' responses to their environment and the environment itself. When I first set out to begin this research my intended emphasis was upon the students in the environment and the supports afforded to them. I recognised my own role in this environment but came to realise increasingly during the process that the view of the process afforded to me was as much about my role and actions as it was about the students and the environment.

It was my intention, as far as the students were concerned, to utilise only naturally occurring data in the pursuit of this research. My role as supervisor in the relationship is to work with the students individually and as a group to assist them in developing the learning outcomes. These learning outcomes closely align to development of self-directedness. It therefore appeared that the research could be conducted as a form of reflective inquiry within the learning and teaching experience itself. I would be viewing the students' SDL processes, and the results of their work, as teacher and researcher by viewing that experience through the lens of a systematic inquiry.

In considering the naturally occurring data available to me, the following data appeared available:

### **Interactions between myself and the students**

There are two kinds of major face to face interaction between myself and the students as follows:

1. Two hourly weekly firm meetings. In these meetings all of the students engage in discussion of each other's cases. This focuses not only on the mechanics of conducting the cases but the wider learning that is taking place for them personally and as a group about their development of skills, attributes, professional identity and the wider impact of the legal system upon their clients and society in general. I chose to audio record these meetings for subsequent analysis, listening to them on a weekly basis and reflecting on this – eventually transcribing those recordings and conducting a thematic analysis. Thematic analysis does not have a clear history or set of techniques.<sup>45</sup> In my analysis I intended identifying themes by reference to: analysis of the data; related to the research question; building on codes identified in the transcript and that provided me with a theoretical understanding of the data.
2. Individual and smaller group ad hoc meetings as and when necessary between myself and the student(s). These tend to focus upon ensuring that the cases are being conducted in the best interests of the client but also include reflection by the students on their learning experiences. It was not possible to audio record these ad hoc meetings so I chose to keep a journal of this and other events. Keeping a diary can capture 'life as it is lived'<sup>46</sup> and reduce recall bias.<sup>47</sup> I

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<sup>45</sup> Alan Bryman Social Research Methods (OUP, 2016)

<sup>46</sup> Niall Bolger, Angelina Davis and Eshkol Rafaeli, 'Diary methods: Capturing life as it is lived'. (Annual Review of Psychology, (2003) 54 Annual Review of Psychology, 579

<sup>47</sup> Ruth Bartlett and Christine Milligan, What is diary method? (Bloomsbury Academic, 2015) at 8

adopted a semi-structured approach to diary keeping aligned to capturing the meaning and weight of the experience<sup>48</sup>.

In both of these interactions, it is possible to explore the students' SDL processes and approaches in the moment of the meetings; the support for SDL that is afforded to them by these interactions and, because they are reflecting on their learning during these events, their own reflections on the learning experience.

### **Case work by students**

1. Students prepare attendance notes, letters to clients and others, keep the client file and prepare plans for interviews as part of their work. I intended reviewing these as a means of coming to understand each students' approach to their work. They also received feedback on it from me.
2. A critical part of the work by students in the office is Practical Legal Research (PLR). The PLR report has been structured to scaffold the students' approach to investigating the problem. The template provides prompts to assist the student in identifying the issues, identifying what they already know and gaps in their knowledge, asking and answering questions relevant to the client's problem and investigating these appropriately within the legal discipline and recording their findings (all crucial elements of SDL)

In reviewing this work I expected that I could explore the product of each students' work; the written feedback that they received from me and, in the case of the PLRs, review the process, albeit only as recorded on paper, each student followed in conducting that research.

### **Students' reflections and appraisals**

1. As part of their reflective practice, the students are required to write two pieces of reflection at the end of the year. One is a compulsory piece on the development of a skill or skills of their choosing. The other consists of an optional piece reflecting upon broader issues that have emerged for them personally in respect of their learning about the law. I chose to conduct a thematic analysis of this work.
2. In the mid-year appraisal students prepare for the appraisal with me by considering the criteria for the learning outcomes and preparing a written note of their self-appraisal. A meeting takes place in which I discuss with each individual student, their own evaluation of their progress and my feedback. A written record is made of the meeting. I intended reviewing these as part of the research.

In considering the above, a further perspective on the students' response to the SDL environment would be available. Their individual report on their learning experiences and their own perception of their growth and progress.

### **One, initial, (reflexive) reflection on the research experience so far**

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<sup>48</sup> Christine Milligan, Amanda Bingley and Anthony Gatrell 'Digging Deep: Using diary techniques to Explore the Place of Health and Well-being Amongst Older People,' (2005) 61 (9) *Social Science and medicine* 1882

While carrying out the research it became clear to me that in adopting a reflexive approach, I had to become aware that of course my inquiry was influencing my teaching. This is most evident in the firm meetings in which my interest in understanding the students' learning experiences inevitably led to different and deeper discussion at times about their experience of the learning environment than would have been the case had I not been undertaking the research. Those discussions themselves by their nature led to different learning experiences for the students. At the forefront of my mind as I analyse the data is the need to recognise and explore the inevitable mutually shaping interactions between teacher, researcher, research and students.

## **Conclusion**

As I write this article, I have just completed teaching my students and collecting the data for my research while continuously reflecting upon the process. I will not seek to begin to report my findings further here other than to say that as I have gathered and analysed the data available, my focus has become as much about the supporting role I play for each student in providing and guiding the experience and in the pedagogical relationship as it is about the students' experience and the influence of the environment. This draws me again to John Dewey

Responsibility for selecting objective conditions carries with it, then, the responsibility for understanding the needs and capacities of the individuals who are learning at a given time. It is not enough that certain materials and methods have proved effective with other individuals at other times. There must be a reason for thinking that they will function in generating an experience that has educative quality with particular individuals at a particular time.<sup>49</sup>

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<sup>49</sup> John Dewey, *Experience and Education* (n.1)