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Research-informed teaching: a clinical approach

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Research-informed teaching: a clinical approach

Abstract

In a bid to attract students amidst increasing competition within the sector, many universities claim that their teaching is "research-informed". However, there is some disagreement amongst academics about what actually counts as research-informed teaching and therefore how it should be developed and delivered. Furthermore, whilst academic reputation is a key factor for prospective university applicants, the primary objective of the majority is to enhance employability. Institutions must therefore be careful to ensure that research-informed teaching is developed in a way that is perceived to help rather than hinder this fundamental objective. This article seeks to define research-informed teaching and then considers whether clinical approaches to both teaching and research can offer more widely applicable strategies for effective integration of the two. Two case studies are considered: firstly, the writer's own experience as a solicitor in private practice; and secondly, Hallam Law, Sheffield Hallam University's pro bono law clinic. It is submitted that: by adopting a clinical approach to the research and teaching on more orthodox, academic modules, it may be possible to develop and deliver research-informed teaching in a way that enhances employability and therefore appeals to prospective law students.

Main text

Introduction

Although a university may once have credibly been described as a merely social enterprise[1], it is now undeniably also a commercial one. Competition for students is fierce[2]; applicants not only have a range of institutions and courses to choose from[3] but, crucially, they have at their fingertips a wealth of previously unavailable information to help them make those choices[4]. Furthermore, consumerism plagues the sector, probably at least in part due to the fact that students now bear the vast majority of the cost of their higher education themselves[5]. Regrettably, university education today is seen less as a privilege and more as a purchase[6].

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[1] Sections 15 and 16 respectively of the Universities of Oxford and Cambridge Act 1877 required that enhancing the "interests of education, religion, learning and research" and "the advancement of art, science, and other branches of learning" had to be the objectives of those institutions.

[2] R. Adams and D. Smith, "Universities spend more to attract clearing students" (2014) *The Guardian*; see http://www.theguardian.com/education/2014/aug/08/university-spending-clearing-limit-undergraduates (accessed 26 February 2015).

[3] The UCAS website records that: "[t]here are over 37,000 undergraduate courses at over 370 providers in the UK"; see https://www.ucas.com/ucas/undergraduate/find-course (accessed 5 February 2015).

[4] For example, see unistats.direct.gov.uk (accessed 5 February 2015).

[5] See http://www.universitiesuk.ac.uk/highereducation/Documents/2013/WhereStudentFeesGo.pdf (accessed 3 March 2015), p. 3.

[6] "One third of students (33%) now believe they have received poor or very poor value for money, compared with 18% in 2012", see http://www.hepi.ac.uk/wp-content/uploads/2014/05/HEA_HEPI-Report_WEB_160514.pdf (accessed 5 February 2015), p. 9.

Barring a complete overhaul of higher education policy, this trend will continue. In December 2013, the coalition government announced that the cap on student numbers would be relaxed for 2014/2015 and lifted entirely for 2015/2016[7], removing the anti-competitive restrictions that have historically protected some institutions by preventing others from recruiting a larger proportion of the undergraduate market. The government has been open about its objective in lifting the cap, namely, to further increase competition[8]. Whether one considers increased competition for university applicants to be a positive or negative outcome, it is a reality and an institution's very survival is now dependent upon its response. Just like any other commercial enterprise, universities need to differentiate themselves if they are to retain (or increase) existing market share[9].

Ironically, as universities battle to differentiate, claims that teaching is "research-informed" or similar have become contagious. Such claims are now made by many pre and post 1992 universities[10] and it is not difficult to see why. *Inter alia*, the phrase might suggest: a curriculum that is up to date; the presence of world-leading experts; and/or a clear link between a department's research and its programmes of study[11]. It is also often assumed that, when fully integrated, teaching and research naturally enhance each other[12]. For these reasons, academics may assume that "research-informed teaching" is an attractive claim to prospective students.

However, there would appear to be a distinct lack of consensus amongst academics regarding what "research-informed teaching" and related terms actually include[13]. As a result, it is very difficult for institutions to identify the objectives of such an approach and to formulate effective strategies for its development and delivery.

In any event, the primary objective of the majority of university applicants is to enhance their employability[14]. Accordingly, when it comes to the development and delivery of research-informed teaching, institutions must be careful to ensure that this is achieved in a way that is perceived to help rather than hinder employability. Some students may perceive "research" as the preserve of the academic[15] and therefore may also consider any attempts to strengthen the research focus of their programme of study to be at the expense of the applied, the practical and therefore their employability. Consequently, any institution proactively developing research-informed teaching should do so carefully and ensuring that these common misperceptions are dispelled in the process.

When seeking an appropriate strategy, one might consider that research-informed teaching is something that can only be developed by the traditional, research-academic and that the clinician has no role to play, perhaps in part because "research" in private practice necessarily has a much narrower, theoretical, problem-solving focus than "research" within a higher education institution, which also includes the collection and analysis of quantitative and qualitative data. However, this paper seeks to

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[7] HC Deb 5 December 2013, vol 571 col 1110.

[8] HM Treasury, "Autumn Statement 2013" (2013); see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263942/35062_Autumn_Statement_2013.pdf (accessed 26 November 2014), p. 55.

[9] A. Gordon, "Differentiate or Die" (2002) *Adweek Magazine's technology marketing* 22:7, p. 22.

[10] A Google UK search for "research-informed teaching" identifies 18 different UK universities (including both pre and post 1992 universities) in just the first 3 pages of results; see https://www.google.co.uk/#q=%22research-informed+teaching%22 (accessed 26 February 2015).

[11] On its website, Newcastle University claims that: "[its] teaching is inspired by the internationally excellent and world leading research being conducted at Newcastle University. At Newcastle you'll learn from, and work alongside, world leading academics, who are at the cutting-edge of their discipline. This means you'll learn the latest theories and techniques, to help support your intellectual and professional development."; see http://www.ncl.ac.uk/undergraduate/teaching/research/ (accessed 26 February 2015).

[12] D. Oliver, "The integration of teaching and research in the law department" (1996) 30:2 *The Law Teacher* 133-149.

[13] H. Carr and N. Dearden, "Research-led teaching, vehicular ideas and the Feminist Judgments Project" (2012) 46:3 *The Law Teacher* 268-280 [Carr & Dearden].

[14] R. Hughes, "Uni applicants 2014: how and why you made your choices" (2014) *Which?*; see http://university.which.co.uk/advice/university-applicants-2014-course-choices-important-factors (accessed 26 November 2014).

[15] C. A. Buckley, "Student and staff perceptions of the research–teaching nexus" (2011) 48:3 *Innovations in Education and Teaching International* 313-322.

challenge this assumption and to consider what "research-informed teaching" means from the practitioner's perspective. It is submitted that: by adopting a clinical approach to the teaching and research on more orthodox, academic modules, it may in fact be possible to develop and deliver research-informed teaching in a way that will (and crucially will be perceived by students to) enhance employability; thus strengthening an institution's competitive edge.

        This article begins by attempting to define research-informed teaching, before analysing the approaches adopted within private practice and within Hallam Law, Sheffield Hallam University's *pro bono* law clinic; it then concludes by proposing a strategy for effective development of research-informed teaching within higher education, which is based on a clinical model.

What is "research informed teaching"?

One need not delve very far into the literature to discover that "research-informed teaching" and other similar terms are actually rather elusive[16]. In a study into the related term "research-led teaching", Carr and Dearden found significant differences between: (1) what university management and university teachers understood by the term; (2) what it includes and excludes; and (3) whether it affects practice in the classroom; they concluded that "research-led teaching" was a "vehicular idea", namely, one that was "fluid, diagnostic and explanatory, rather than prescriptive"[17].

        "Research-informed" teaching appears to suffer from the same definitional issues[18]. Arguably the most helpful definition can be found in the work of Griffiths[19] as added to by Healey[20] and then later by Healey and Jenkins[21]. The end product of that work is four distinct categories of teaching, which might each be considered to be in some way research-informed:

- "Research-led" teaching is where students learn *about* current research in the discipline[22]; this is arguably the most orthodox form of university teaching.

- "Research-oriented" teaching is defined as "developing research skills and techniques"[23], in other words, where students learn *about* the research process: how is research actually conducted and how is knowledge constructed within the discipline?

- "Research-based" teaching is where students learn *through* "undertaking their own research or inquiry"[24] and it is within this category that the more modern inquiry and problem-based learning approaches naturally sit.

- "Research-tutored" teaching is where students learn about research findings *through* "engaging in research discussions"[25].

A particular academic's own understanding of the phrase "research-informed teaching" is likely to be dependent on their own professional biases. For example, a predominantly research-focused academic may favour research-led teaching, whereas a predominantly teaching-focused academic may favour "research-based". This may explain why consensus has not been reached on a universal definition. It

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[16] J. Schapper and S. E. Mayson, "Research‑led teaching: moving from a fractured engagement to a marriage of convenience" (2010) 29:6 *Higher Education Research & Development* 641-651.

[17] Carr & Dearden, *supra* n. 13, p. 268.

[18] M. Healey and A. Jenkins, "Developing undergraduate research and inquiry" (2009); see https://www.heacademy.ac.uk/sites/default/files/developingundergraduate_final.pdf (accessed 26 November 2014) [Healey & Jenkins].

[19] R. Griffiths, "Knowledge Production and the Research-teaching Nexus: The Case of the Built Environment Disciplines" (2004) 29(6) *Studies in Higher Education* 709–726.

[20] M. Healey, "Linking research and teaching to benefit student learning" (2005) 29:2 *Journal of Geography in Higher Education* 183–201 [Healey].

[21] Healy & Jenkins, *supra* n. 18.

[22] Ibid., p. 6.

[23] Ibid.

[24] Ibid.

[25] Ibid.

is clear that "research-informed teaching" is a rather broad, all-encompassing term which covers a very diverse range of techniques. In a sense, resolving the definitional debate is itself of limited value; the far more important question is: *"which of these so-called 'research-informed' approaches should universities adopt?".*

Which "research-informed" approaches should universities adopt?
Employability has been defined as:

> *"…a set of achievements – skills, understandings and personal attributes – that make graduates more likely to gain employment and be successful in their chosen occupations…"*[26]

Insofar as a university law department is seeking to attract students by selling the employability enhancement value of its courses, the most effective research-informed teaching methods must surely be those which best equip students with skills, understandings (or knowledge) and personal attributes that will make them more likely to gain employment and be successful as a trainee lawyer; since most law students at least initially aspire to be practitioners[27]. Institutions must focus on skills, understandings and personal attributes required for a career in the law, whilst also providing for the fact that many students will not wish to practise law and many will change their career aspirations during their studies[28].

Both "research-led" and "research-oriented" teaching methods could be categorised as "teacher-focused"; the emphasis is on the dissemination of information acquired by the teacher. By contrast, "research-based" and "research-tutored" would be better described as "student-focused"; the emphasis is on students learning by *doing*. As regards enhancing understandings or knowledge, one might instinctively consider the "teacher-focused" pedagogies to be most effective. After all, such methods rely heavily upon the subject knowledge of the teacher; one cannot deliver "research-led" teaching, for example, unless one is actively engaged in, or at the very least aware of, relevant research within the discipline.

The "teacher-focused" pedagogies are likely to be most strongly supported by those subscribing to what Fox calls the "transfer theory" of teaching[29]. The transfer theory suggests that "…knowledge [is] a commodity which can be transferred, by the act of teaching, from one container to another..."[30]. Subscribers to the theory view the primary function of teaching as the transfer of knowledge from teacher to student and, as a result, are likely to favour "teacher-focused" approaches, which are content-heavy, like the traditional lecture. And one might assume that, where the *knowledge* is the primary focus, the *transfer* of knowledge is most effectively achieved.

However, Fox strongly criticised the transfer theory as representing a viewpoint which is typically held by the inexperienced teacher[31]. He argued that it embodies a rather simplistic view of the relationship between teaching and learning and consequently often results in teaching methods which are relatively ineffective[32]. Fox suggests that far better theories of teaching are the "travelling theory" or "growing theory". The travelling theory suggests that "[e]ducation…is a journey"[33] and the role of the teacher is to help the learner to explore the landscape for him/herself. The growing theory suggests that "we conceive of the teacher as a gardener with the student's mind…and it is his aim to encourage certain plants at the expense of others…"[34]

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[26] M. Yorke, "Employability in Higher Education: what it is - what it is not" (2004) *Learning & Employability* 1, p.8; see
https://www.heacademy.ac.uk/sites/default/files/id116_employability_in_higher_education_336.pdf
(accessed 10 July 2015).
[27] See P. Childs, N. Firth & H. de Rijke, "The gap between
law student career aspirations and employment opportunities" (2014) 48:1 *The Law Teacher* 51-68.
[28] Ibid.
[29] D. Fox, "Personal theories of teaching" (1983) 8:2 *Studies in Higher Education* 151-163 [Fox].
[30] Ibid., p. 152.
[31] Ibid., p. 151.
[32] Ibid., pp. 152-153.
[33] Ibid., p. 156.
[34] Ibid., p. 157.

These theories of teaching are clearly far more "student-focused" and Fox argues that they are superior, precisely because they have as their focus not the teacher, but the student[35]. Focusing solely on the material can be counter-productive, as there is no guarantee that students will acquire any knowledge at all; whereas by focusing on the student, the acquisition process becomes the priority and therefore is more likely to be achieved. Fox then cites a number of teaching strategies which are derived from these "developed" theories, including experiential learning like "simulations, role-play activities and games in which students learn by experiencing particular kinds of situations or encounters or relationships."[36] Clearly then, Fox strongly supports the "student-focused" pedagogies when it comes to the development of knowledge.

And Fox is by no means alone. There is overwhelming support for the proposition that: when students are actively involved in the learning process, they gain a deeper level of understanding[37], even in a legal context[38]. This research suggests that, perhaps counter-intuitively, knowledge is better developed by concentrating on the active, "student-focused" approaches.

Whilst the "teacher-focused" approaches might be inadequate on their own, even the greatest advocates of active learning would surely accept that some "research-led" and "research-oriented" teaching in higher education is essential, at the very least to propel students along their journey of discovery. When it comes to knowledge, a combination of both approaches surely brings together the benefits of the teacher's advanced subject expertise and the benefits of the active learning process.

From an employability perspective, skills (specifically research skills) and experience are arguably more important than knowledge[39]. Particularly in a discipline like law, the *information* that students are taught is likely to go out of date very quickly. In fact, as a practising lawyer it would be very dangerous to try to rely on any knowledge of the law that one thinks one might have because, if the law has changed, a negligence claim is a likely outcome. The lawyer who is able to research the law for him/herself is far more valuable (and indeed employable) than the lawyer who can remember the most information. So, if employability is the key objective, teaching students *information,* of any nature, has limitations that cannot be ignored.

Again however, with a law degree, certain content should be covered[40]. And similarly, in order to carry out research, students will need to be provided with information about research methodology. It is therefore not suggested that teaching the subject content itself has no value, merely that teaching the skill of research is at least as important. Law students may see themselves as trainee-lawyers, but universities do them a disservice unless they appreciate that they are also trainee-learners. By also teaching students to become researchers, universities can equip students with the skills they need to acquire additional knowledge for themselves, even after their course has ended. It is self-evidently the student-focused approaches that best develop students as learners, particularly in areas such as "identity formation, personal epistemology and self-belief"[41], although once again a blend of approaches surely provides the advantages of both.

In terms of personal attributes, for the aspiring practitioner the most effective teaching and learning approaches will be those which most closely mimic the approaches adopted in practice as this experience will necessarily help to develop the very attributes that are required for practising law. As

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[35] Ibid., p. 158.

[36] Ibid.

[37] M. Prince, "Does Active Learning Work? A Review of the Research" (2004) 93(3) *Journal of Engineering Education* 223-231.

[38] R. Havelock, "Law studies and active learning: friends not foes?" (2013) 47:3 *The Law Teacher* 382-403.

[39] V. Bermingham & J. Hodgson, "Desiderata: What lawyers want from their recruits" (2001) 35:1 *The Law Teacher*, 1-32, concluded that: "There is virtually no suggestion that specific legal knowledge beyond the core is necessary or even desirable, and some firms are at pains to stress that they have no preferences in this field.", p. 12.

[40] The Law Society and General Council of the Bar, "Joint statement on the academic stage of training" (1999); see http://www.sra.org.uk/students/academic-stage-joint-statement-bsb-law-society.page#notes (accessed 26 November 2014).

[41] P. Levy and R. Petrulis, "How do first-year university students experience inquiry and research, and what are the implications for the practice of inquiry-based learning?" (2012) 37:1 *Studies in Higher Education* 85-101, p. 97.

will be seen below, in practice the approach to research-informed teaching makes use of both teacher-focused and student-focused pedagogies.

In summary, a blend of the four research-informed pedagogies is surely desirable (the precise mix depending upon a range of factors, such as the level of the students). In order to best enhance students' employability, universities should seek to adopt an approach which: (1) begins with some element of knowledge transfer from the tutor to the student; (2) involves the learners as active participants in the learning process; (3) prioritises the development of research skills over knowledge acquisition; and (4) provides the learners with relevant and overtly practical experience, by ensuring that the learning process mimics as closely as possible the learning process in private practice. It is submitted that the clinical approach to research-informed teaching satisfies each of these criteria. Furthermore, given its effectiveness (which is explored further below), the writer suspects that such an approach would make graduates not only more employable within legal practice, but also elsewhere.

Case Studies

How is research-informed teaching delivered in private practice?
Legal research is of course not the preserve of the research-academic. Research is an essential element of the practitioner's role because one's memory of the law is both incomplete and unreliable, particularly given the pace with which the law changes. Therefore, each practitioner must be a proficient legal researcher.

Equally, teaching is not the preserve of the teaching-academic. Teaching is an essential element of the practitioner's role because junior lawyers (i.e. paralegals, trainee solicitors, pupil barristers and newly qualified practitioners) require continuous training and development, as do more experienced practitioners. This involves not merely the delivery of training on soft/practical skills, but also the development of legal knowledge.

Within higher education there is a need for good teaching and good research and not all academics are suited to both. Indeed, if undue pressure is applied on university staff to do both against their will, then this is likely to lead to a reduction of quality in each area[42]. However, by contrast the practitioner has little alternative than to be equally involved in both pursuits. Unless the practitioner is willing to work with junior lawyers, his/her capacity for casework (and therefore profitability) is severely limited. Working with junior lawyers enables the practitioner to increase efficiency, but this carries with it an unavoidable teaching responsibility. Despite often having completed at least three/four years' study at university, the junior lawyer is unfamiliar with the practitioner's particular expertise and must therefore learn on the job. Equally, for the reasons already mentioned, legal research is a necessity for the practitioner in almost every case.

As a consequence, legal practice has naturally developed an approach to teaching and research which, when working effectively, integrates the two with a proximity which is now rarely seen in higher education. In fact, when the practitioner and the junior lawyer are working well together, both the practitioner's research and the junior lawyer's development can benefit from the integration.

In the writer's experience of private practice, the following approach to a legal problem would be typical:

- The practitioner starts by attempting to verify (through legal research) his/her own knowledge/understanding where possible.
- Where issues arise which are beyond the scope of the practitioner's existing knowledge/expertise (and/or which prove difficult to verify quickly) the practitioner instructs the junior lawyer to conduct legal research on the point in question.
- Depending upon the existing skills/knowledge of the junior lawyer, it will usually be necessary for the practitioner to begin by providing at least some background information on the legal issue ("research-led") or the research methodology required ("research-oriented").

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[42] R. Brown, "Why link personal research and teaching?" (2005) 47:6 *Education and Training* 393-407 [Brown].

- The junior lawyer then conducts the research ("research-based"), discussing progress with the practitioner and exchanging ideas at appropriate intervals ("research-tutored").

The writer accepts that not all practitioners supervise junior lawyers effectively and would welcome empirical research into precisely how widespread the above approach is in reality. However, by adopting an approach of this nature, the practitioner and the junior lawyer can be co-learners in the process and journey together in their pursuit of knowledge; teaching and research are thereby fully integrated. Figure 1 illustrates the four stage approach that is adopted.

The four stages are as follows:

- **Digest:** at the outset, there is almost always a need for the junior lawyer to receive directly from the practitioner some existing subject knowledge and/or details of research methodology. This provides the junior lawyer with the necessary foundations and direction for the research. The practitioners who provide very little initial information/instruction at the outset are far less likely to receive a worthwhile output from their junior lawyers.

- **Discover:** the junior lawyer conducts research on the legal issues identified, typically seeking the answer to one or more specific questions posed by the practitioner. Such research is not limited to textbooks, but requires the review, analysis and application of both primary and authoritative secondary sources.

- **Discuss:** the junior lawyer's research findings are discussed with the practitioner, in the light of the practitioner's existing expertise. In some cases it may be necessary for the junior lawyer to return to "discover" in order to plug gaps/errors identified in the research.

- **Draft:** the junior lawyer may initially produce a report of his/her research which can then be passed back to the practitioner (e.g. in the form of a memorandum), but the ultimate aim of this stage is the generation of some advice to client or the legal document that the practitioner has been tasked to prepare.

In practice therefore, the junior lawyer develops his/her own knowledge and understanding through all four of the research-informed pedagogies, although the most time is spent on those that are "student-focused", i.e. the junior lawyer conducting his/her own research ("research-based") and then discussing research findings ("research-tutored"). In this sense, research-informed teaching is delivered in practice in a way that is quite different from the way that it is delivered in many universities today. The clinical approach recognises the importance of some research-led teaching at the outset, to provide foundational knowledge and direction, but knowledge and understanding are then greatly enhanced by a research-based/research-tutored approach.

Clearly in legal practice the research output is typically advice to one client as to how the law is likely to apply to them and much of the legal analysis and factors considered are simplified for that purpose; the research rarely results in the publication of theories about what the law is or should be. Similarly, it is accepted that in practice, most research is conducted using a relatively small number of research methods; it typically has a doctrinal and/or procedural focus and many research methods are neither necessary nor adopted. However, these factors in themselves do not make the research (or, more importantly for our purposes, the approach to research-informed teaching) any less valid. On the contrary, it presents a potential strategy for developing research-informed teaching which has clear benefits for employability. Not only does the clinical approach enhance knowledge and skills through "student-led" approaches, but it also necessarily enhances experience; if students study in precisely the way that they will be required to practise, this experience will make them more valuable to a prospective employer.

How is research-informed teaching delivered in Hallam Law?

Sheffield Hallam's University's pro bono law clinic ("Hallam Law") is authorised by the Solicitors Regulation Authority and is staffed by academics and practising solicitors; it is also a credited-bearing module on the LLB course.

Hallam Law aims to replicate as closely as possible the legal practice environment. For example, it has: its own secure part of the building, to which only Hallam Law students have access; a reception area; a library; case management software; hard copy and electronic files for each client; a precedent bank; client care letters and terms of business; and even its own brand/marketing strategy.

The benefits of clinical legal education in terms of practical skills and student engagement are clear[43] and there is no doubt that these more than justify the presence of what some might class as an overly practical module on an academic course. By working on real cases, students experience first-hand what it is like to work in a law firm. Hallam Law not only enables students to legitimately claim that they have legal work experience (a claim which has value of itself) but it more importantly equips them with a range of skills that employers are looking for, such as: legal research; client interviewing; case management; letter writing; drafting; negotiation; and teamwork. Although some might argue that it is the role of the vocational stage of training to develop such skills, the reality is that undergraduates apply for legal work experience, training contracts and/or pupillages during their studies, and there is therefore a clear employability benefit to acquiring these skills earlier. For these reasons, insofar as employability is the objective, Hallam Law scores very highly and can be justified irrespective of its approach to research-informed teaching.

Unsurprisingly however, the approach to research-informed teaching in Hallam Law is similar to the clinical approach; the process is as follows:

- Students interview real clients with real legal problems.
- Students brainstorm, with some input from staff, what areas of law might be relevant and what research questions arise.
- Students conduct research independently, using practitioner texts/databases and primary sources, checking that the law is up to date and showing clearly their research trail.
- Students report their findings to peers and their tutor during a weekly "firm meeting" at which findings are discussed and new ideas and lines of enquiry are generated which give rise to further research.
- The research output is typically a letter of advice, setting out what the law is and what the client should do.

In many respects, the Hallam Law approach to research-informed teaching resembles the approach adopted in practice, because the students effectively *are* in practice. In particular, as with the clinical approach, it includes "research-based" and "research-tutored" approaches or, to use the language of the model outlined above, it includes the "discover" and "discuss" stages. However, inevitably, a *pro bono* clinic like Hallam Law does not replicate exactly the clinical model and there are two main reasons for this.

Firstly, it is much harder to match client need, student need and staff expertise, than it is in private practice. In a typical law firm, a practitioner specialises in one or two discrete areas of law, the junior lawyer's learning is confined to those areas and there is a steady stream of clients seeking advice in relation to the same. Replicating this in a *pro bono* clinic is difficult; it is a challenge to source enough cases for the students (without overwhelming them) whilst at the same time restricting advice offered to a handful of specialist areas, aligned to staff expertise (rather than responding to the changing needs of *pro bono* clientele). As a result, it is rarely possible to introduce a true "digest" stage into the Hallam Law process, as cases often do not match exactly the particular expertise of the supervisor.

For that reason, from a research-informed teaching perspective, Hallam Law could be criticised by Healey and Jenkins because "students spend nearly all their time" on the student-focused

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[43] C. Westaby, "A qualitative study of the impact of law clinics on students' perceptions of emotional labour expectations" (2014) 48:3 *The Law Teacher* 248-280 [Westaby], p. 249.

pedagogies[44], in other words, they are involved exclusively in research-based and research-tutored activity, which may not suit all learning styles. Furthermore, where the teacher has limited relevant subject expertise, the complexity of the legal issues that the student will be able to research and understand may be restricted as a result.

Secondly, precisely because Hallam Law operates as a law firm, it is necessary to involve the students not only in research-informed teaching, but also in other law firm related activities such as: filing; client identification; case management; software training; professional conduct training; letter writing; and drafting. In practice, the trainee-lawyer would be working full-time for many months within a firm before these skills are developed to a working level. In Hallam Law, students have only a few hours a week for one academic year to develop these skills and put them into practice; as a result there is inevitably less time for research-informed teaching. This limitation applies equally to any form of clinical legal education which involves a real or (realistic) simulated law firm environment.

In summary, clearly Hallam Law's approach to research-informed teaching more closely matches the clinical approach than the traditional academic module which is delivered by way of lectures and a set reading list. However, the purpose of Hallam Law is not purely academic, and its other objectives make it difficult if not impossible for it to adopt an entirely clinical approach to research-informed teaching. The natural question that follows then is whether the adoption of a strictly clinical approach to research-informed teaching could work on more traditional academic modules; after all, such modules have: (1) the precise subject expertise; (2) greater freedom to tailor themselves to student need, free from client demand; and (3) the time to focus on research-informed teaching.

A clinical approach to traditional academic modules
The controlled environment of the traditional, academic module, where there is no possibility of conflict between student and client need and where there is a greater emphasis on research/knowledge, may in fact be the ideal place for a truly clinical approach to research-informed teaching.

The approach advocated in this paper is not to be confused with what is typically understood by the term "clinical legal education" (although if this is defined as "a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practised"[45] then technically it would fall under that umbrella). Often clinical legal education is perceived (as with Hallam Law) to carry with it a very heavy skills focus where the aim is for students not only to develop their legal knowledge and research skills, but also other practice-based skills and understanding of procedural rules. However, a clinical approach to research-informed teaching is in all other respects less "clinical" than what might typically be considered to be "clinical legal education". The objective is not to mimic practice, but merely to mimic the approach to research-informed teaching adopted in practice. For each stage of the cycle, there are a number of academic methods that could be adopted:

- **Digest -** As in practice, it is submitted that the learning journey should start with the one direction delivery of some foundational knowledge and skills that students will need to acquire and understand before any inquiry can take place. If for no other reason than resources, the temptation may be to conduct this stage by lecturing to the students about key principles, research methods, and, where appropriate, the teacher's own research. It may be possible to approach the "digest" stage in this way, but one must be mindful of the limitations of the traditional lecture. Fox implicitly criticises it[46] and, as just one example, Hake found that interactive, engagement methods were far more effective than traditional lectures at improving performance on mechanics tests used to assess students' understanding of physics[47].

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[44] Healy & Jenkins, *supra* n. 18, p. 7.
[45] R. Grimes, "The Theory and Practice of Clinical Legal Education", in J. Webb and C. Maugham (eds), *Teaching Lawyers' Skills* (London, Butterworths, 1996), p. 138, quoted in Westaby, *supra* n. 40, p. 252.
[46] Fox, *supra* n. 29, p. 152.
[47] R. Hake, "Interactive Engagement versus Traditional Methods: A Six Thousand-Student

Accordingly, although some initial information/instruction must be provided, if a lecture is the chosen method, academics should seek (from a knowledge perspective) to deliver lectures which are somehow interactive (e.g. through use of electronic voting technology) and which (from an experience perspective), as far as possible, mimic the approach to the "digest" stage in practice (e.g. beginning a lecture by presenting the students with a problem, working through most of the material needed to answer that problem, but then leaving students with one or more questions that they must research and answer themselves in order to solve the problem).

The objective at this stage is to provide foundational knowledge, but also to motivate the students, to get them interested in the subject and to show them how to come up with their own questions and ideas. Academics should be careful not to overload students at this stage, otherwise it may stunt the "discover" stage. Ramsden and later Entwistle found that "…an overloaded syllabus, long and daunting reading lists, overcrowded time-tables and an emphasis in the examination on the recall of facts are the kinds of conditions that seem to encourage a surface approach to learning."[48] Thus, one must be careful to ensure that one gives enough information/instruction to get students going and to equip them for embarking on a higher level enquiry, but not so much that it detracts from the discovery process.

- **Discover -** After having received some initial information/instruction to digest directly from the tutor, the aim is to get students to start to practise how to learn for themselves; to develop their *subject knowledge* and their *learning ability*, in parallel. This is equivalent to the stage in practice where the junior lawyer embarks upon his/her own research.

    For a truly clinical approach, students should not be confined to a reading list, although if practice is our model then it must on occasion be acceptable to direct students to read a particular authority in search of the answer to a particular question. It is accepted that there is a very fine balance to be struck here; it is important to ensure that students are equipped to embark upon their journey of discovery, but equally, there are dangers associated with over-engineering the discovery process.

    In outlining the "shaping theory" of teaching, Fox explains the potential pitfalls of an over engineered approach[49]. Shaping theory is the idea that teaching is the process of training students to follow a certain path or approach to solving a problem, in order that they might be able to solve similar problems themselves in the future. However, where students are only ever taught to mimic a process, learning in such a predetermined environment can actually have the opposite effect, leaving students ill-equipped to deal with real problems. This is particularly an issue in law, where problem questions are typically constructed around well-known authorities and students are encouraged to apply those authorities using a set formula. Whilst this may help students to pass an exam (often comprising problem questions constructed in an equally artificial manner) it may leave them with a lack of understanding about how legal problems are solved in practice and, in particular, the role of evidence.

    Therefore, in order to effectively deliver this stage of the cycle, academics should adopt practices which are supported by the "travelling" and "growing" theories of teaching, theories which Fox describes as the "developed" theories[50]; these theories support methods which allow the student to contribute to the pace, direction and objectives of their learning[51].

    Fox highlights a number of teaching strategies that derive from developed theories and it is these that should form part of the "discover" stage. For example, "experiential learning", a focus on simulations and related activities where students "…experience [things]

Survey of Mechanics Test Data for Introductory Physics Courses." (1998) 66 *American Journal of Physics* 64–74.

[48] Fox, *supra* n. 29, p. 159.

[49] Ibid., p. 154.

[50] Ibid., p. 156.

[51] Ibid., p. 157.

rather than simply read about them, hear about them, write about them or discuss them"[52] or projects, provided these are not too prescribed.

- **Discuss -** Once students have undertaken their own enquiry, a forum is needed for discussing those findings and receiving peer/tutor feedback. In the higher education setting, a traditional seminar may be appropriate, albeit rather than having a reading list and a series of questions to prepare for a seminar, the focus should be more on discussing the students' own reading and ideas as the research endeavour must be student-led if it is to develop students as learners. The methods adopted should mimic the junior lawyer's opportunity to share ideas with colleagues and supervisors within the team.

  The extent to which this is possible will depend on a range of factors, not least the level of the student cohort. It is accepted that, as with the "discover" stage, discussion will require considerably more scaffolding when students are at the beginning of their studies. Indeed, for first year undergraduates any discussion is likely to concentrate heavily on materials to which students have been specifically directed in connection with a particular task. However, by introducing an element of independent inquiry at an early stage, it provides opportunity for students to develop those skills and adopt a more genuinely clinical approach to learning in their final year.

- **Draft** - Finally, there must be an output; in a clinical setting this is advice to a client; in a higher education context, it must necessarily be something that can be assessed. From an employability perspective, it would be desirable to require students to produce their findings in a form that would be required in practice, for example a memorandum to a partner.

It is by no means novel to suggest that a return to a more inquiry-based approach within higher education would help strengthen the relationship between teaching and research[53] and there are indeed already calls for the "rediscovery of a curriculum devised around inquiry-based learning"[54]. However, a consideration of the clinical approach to teaching and research merely strengthens this argument and offers a vehicle by which it could be achieved.

Isn't this just problem-based learning?

The reader may still ask what distinguishes the clinical approach advocated here from what is widely understood by the term "problem-based learning" (**"PBL"**). With PBL, learning:

> *"[starts] with a problem, rather than discipline-based knowledge [and] students are guided towards gaining knowledge through stages presented in a realistic context, rather than based on a presupposed list of learning outcomes"*[55].

The clinical approach to research-informed teaching is in a sense a form of PBL, as are the approaches used in Hallam Law (and other similar clinical legal education modules) and in traditional academic modules which have introduced "problem questions" as the basis for learning and assessment. However, the clinical approach outlined in this paper suggests a particular mode of delivery, which falls somewhere between the traditional academic approach (comprising lectures, reading lists, problem-questions and seminars) at one end of the scale and, at the other, the approach now widely referred to as clinical legal education (a live or simulated law firm environment, also requiring the teaching of practice-like drafting and other practical skills, which themselves constitute

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[52] Ibid., p. 158.
[53] R. Spronken-Smith & R. Walker, "Can inquiry‑based learning strengthen the links between teaching and disciplinary research?" (2010) 35:6 *Studies in Higher Education* 723-740.
[54] Healey, *supra* n. 20, p. 197.
[55] J. Clough & G. W. Shorter, "Evaluating the effectiveness of problem-based learning as a method of engaging year one law students" (2015) *Law Teacher,* p.4.

additional subject content and therefore detract, in terms of time at least, from the pure "academic" content).

In particular, the clinical approach emphasises the importance of an initial "digest" stage (where students are provided with the foundations of knowledge before embarking upon their own enquiry) and does not preclude a "presupposed list of learning outcomes", thus rendering it practical for delivery to a large cohort of students.

For the reasons outlined in this paper, it is submitted that this particular mode of PBL delivery may enhance knowledge, skills, experience and thereby employability, to a greater extent than the methods currently employed in higher education. Empirical research must now follow to explore the validity of this theory.

Retaining a practical focus

Any attempt to increase the research focus within an institution carries with it a number of risks[56]. In the light of students' employability objective, arguably the most significant danger is that students might perceive this as compromising the practical focus of their studies. Students who see themselves as predominately trainee lawyers may fail to appreciate the research-focus of the practitioner's role and therefore underestimate how important it is for them to acquire research skills. The paradox is that, whilst academics are increasingly recognising the need to embed the student-focused pedagogies into their curricula, students may expect and demand a solely teacher-focused approach which will involve the dissemination of information to be recalled in the assessment[57]. In order to get students engaged with a blended approach and to avoid any negative perception, institutions need to ensure that students understand the employability benefits of the new approach. There are two ways that institutions may be able to achieve this.

Firstly, it may be achieved by explaining the benefits to students early in their studies. Lectures, reading materials, even guest speakers from practice, should be used to get the message across early on that information is fluid and lawyers are also researchers.

Secondly, research tasks must be framed in a practical context where possible, simulating to some extent the law firm environment (even in the context of traditional academic modules) and achieving a relationship between student and teacher which is as similar as possible to the relationship between junior lawyer and practitioner. The clinical modules do this naturally; they present a problem in a practical context almost identical to the practice environment. However, more traditional modules may need to be structured in a slightly more clinical way in order to provide students with a practical problem and then encourage them to find research-based solutions. This is of course a fine balance to be struck if such modules are to avoid introducing other practice-based skills.

Conclusion

In the coming years, competition and consumerism are likely only to increase within the higher education sector. In order to compete effectively, universities will need to find ways to differentiate themselves. Substantiated claims that teaching is "research-informed" are just one way in which universities may be able to achieve this.

Dispelling the myth that "research" is the preserve of the academic is the first step. Clearly further empirical research in this area is necessary before any definitive judgements can be made, but, if teaching and research are to be integrated in a way that enhances employability then adopting the approach used within the legal profession may be the answer. Teaching students to become researchers, rather than teaching them research has to be the main objective of a law degree and the student-led pedagogies must therefore feature heavily in any teaching and learning strategy. However, for the reasons outlined, a blended approach which integrates all four of the research-informed teaching pedagogies may be the most effective. Ironically, the clinical approach may in fact be more traditional than the research-led approach often adopted by so-called "traditional" academic modules.

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[56] K. A. Gresty, W. Pan, T. Heffernan & A. Edwards-Jones, "Research-informed teaching from a risk perspective" (2013) 18:5 *Teaching in Higher Education* 570-585.
[57] Fox, *supra* n. 29, p. 160.

Figure caption(s)

Figure 1. The clinical approach to research-informed teaching