

Editorial

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Editorial

Welcome to the first Special Edition of 2023 on entrepreneurial law clinics in clinical legal education.

This special edition of the International Journal of Clinical Legal Education allows for a focus on the current work that is taking place in entrepreneurial law clinics. Such clinics have taken various forms including those focusing on business and the impact of human rights protections; business advice for members of the refugee community; start-ups, business structures and incorporation; dispute resolution in commercial settings; the application and use of force majeure certificates and contracts; international collaborations on approaches to the development of business-focused law clinics; the development and operation of community led businesses and cooperatives; and a clinical setting as a forum to learn about the entrepreneurial mind-set. Students learn about business formation, development and growth, while assisting entrepreneurs with complex legal issues. The clinics allow students to gain hands-on experience in a range of legal areas, such as corporate law, intellectual property rights, contracts, and employment law.

Clinics of this type are essential. They allow universities and their students to provide affordable legal services to small and start-up businesses, ensure businesses have

access, often, to experts and information across 'just in time' and 'just in case' scenarios, and the commercial settings in particular lend themselves to mutual education exchange and for the legal and business communities to build strong relationships.

These clinics operate on real, live, and simulated client work to achieve the learning outcomes designed in the clinical programme. Each form an important element of higher education. In the case of live client work, the full range of problems, emotions, technical issues and regulatory and compliance concerns may be present. Clinics with simulated clients provide a different learning experience, facilitating structured learning where challenges and opportunities can be scaffolded to allow the students to develop key skills and gain confidence across a range of attributes which help them to be the graduate lawyers a modern legal sector demands.

As well as providing many practical benefits for students such as enhanced employability, networking opportunities, advancing their reputations and providing a competitive advantage in the employment market and workplace, entrepreneurial law clinics offer numerous pedagogic benefits to the students themselves. Students in entrepreneurial clinics often develop a deeper understanding of the law given the nature of the needs and issues faced by businesses and their personnel, they can apply their academic knowledge to real-world situations, enhancing their understanding of legal concepts and procedures. They also develop essential skills

such as problem-solving, critical thinking, and effective communication. Further, the business-related nature of these clinics necessitates interdisciplinary learning and a perspective shift away from seeing problems just in their legal context to a much more nuanced series of issues where traditional adversarial conflict resolution techniques are antithetic to maintaining business relationships. Whichever live-client or simulated-client model is used, the development of the students to become modern law graduates with the skills and techniques to thrive in an entrepreneurial setting is paramount. Through our clinical programmes we shape our students to become the next generation of lawyers.

Given this brief outline of some of the work taking place in university law clinics, and the educational narratives driving their direction, I am delighted to share with you the papers we have in this edition. Beginning on page 7, Elaine Gregersen, 'State of the Nation: 10 Years of Entrepreneurial Law Clinic Supervision in the United Kingdom' is the perfect start to this edition as Elaine speaks of her experience as an entrepreneurial law clinic supervisor for 11 years where, using a narrative approach, Elaine examines her journey to supervision. Elaine explores the extent of these clinics across the UK, whilst reflecting on the US and its clinical suite, considering their strategic plans and pedagogic research. A particularly interesting aspect of the article is in the transition of university law clinics, challenging the traditional conceptualisation of social justice in the context of clinical legal education. Students

are increasingly being provided with the opportunity to advise business clients and this can have positive impacts for their career prospects.

We continue with Jacqueline Weinberg and Ross Hyams' work on 'The Law Tech Clinic: Leading the Way in Entrepreneurial Law Clinics' where the authors, using the backdrop of the global, economic and technical advancements in the practise of law, discuss their pioneering clinical programme. In the article, Jacqueline and Ross outline the ways in which the clinic enables students to develop professional and practical legal skills that will help them become successful entrepreneurial lawyers. Specifically, is explored the development of the students' skills to integrate the use of technology with innovative legal services, working with live clients, and through end-to-end industry input to develop client-ready applications, equipping them with frameworks for the knowledge, skills and attributes to be technologically proficient future legal practitioners.

In our third article, 'Thinking like Entrepreneurs: Qlegal's Experience of Teaching an Entrepreneurial Mindset' the theme of developing the students' entrepreneurial outlook is presented by Eliza Platts-Mills and Emily Wapples. Eliza and Emily examine how qLegal, the pro bono commercial law clinic within the Centre for Commercial Law Studies at Queen Mary, University of London, teaches students to develop an entrepreneurial mindset. The mindset of an entrepreneur is distinguished from that typically needed in commercial awareness given the need for skills including the

ability to capitalize on opportunities, to be flexible and change course when needed, and view mistakes as an opportunity to learn. The authors continue by remarking how entrepreneurs are distinguished by their growth mindset, resilience, appetite for innovation, their comfort with taking risks and in doing things themselves. The conclusions drawn is for law schools to teach law students to think like their entrepreneur clients.

This theme is continued in a Practice Report by James Marson and Katy Ferris. In this piece, Katy and I explore the notion of the 'model' of the modern, entrepreneurial lawyer. This refers to the range of skills and attitudes necessary for the law graduate to possess to thrive in an increasingly interdisciplinary legal setting. We explain how, through the operation of two clinical modules and using a simulated corporate client model, the model of the T shaped lawyer can be achieved through a structured and scaffolded learning programme. Interestingly from our experience, the same skills-set can be developed in both law and non-law students studying these modules. The modules and the learning programme developed also facilitate the interdisciplinary approach, so valuable in the modern, entrepreneurial, T shaped lawyer.

The final contribution in this edition is made by Stephanie Jones who in 'Frustrating Times: Notes from the Field' offers a fascinating insight into a clinic coming to prominence in the aftermath of the Covid 19 pandemic. Stephanie examines the impact of the pandemic on the concept of force majeure and contractual remedies

for Small and Medium-sized Enterprises in the UK and the role of law clinics in advising the businesses on the use of terms and conditions in business-to-business contracts. Indeed, in introducing the first of our articles, Stephanie's commentary becomes even more apt. '... these tough times have brought the potential impact of entrepreneurial law clinics to the fore, cementing their significance for industry and commerce.'

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