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ABSTRACT

This study uses a theory-driven realist evaluative approach to analyse a virtual law clinic to understand what works for who, in what circumstances and why. A virtual law clinic within a UK distance education institution was evaluated, drawing on empirical evidence from a series of interviews carried out with students who participated in the clinic. This article adopts a realist framework to provide an in-depth explanation of students' experiences of engaging in a virtual law clinic. Students gained practical and professional legal skills from participating in the clinic, additionally the virtual context afforded opportunities for students to develop technological skills. Students require sufficient time, training and opportunities in order to interact effectively with technological applications. Recommendations are made for further research to understand the role technology has in supporting clinical legal education. This is first realist evaluation of students' experiences of working in a virtual law clinic and demonstrates how a theory-driven approach can provide insights into the transferability of clinical legal education to an online setting.

KEYWORDS: virtual law clinics, realist evaluation, clinical legal education, online learning

Introduction

This study evaluates students' experiences of a virtual law clinic in the context of a distance education provider, informed by a realist evaluation framework.[1]. Realist

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[1] R. Pawson and N. Tilley *Realistic Evaluation*. (1997) Thousand Oaks: Sage.

evaluation seeks to find out more about 'what works for whom in which contexts particular programs do and don't work' and 'what mechanism are triggered by what programs in what contexts'.[2] In comparison with other evaluation methods, a theory-based approach such as realist evaluation is appropriate to consider complex systems in order to elicit what works, for whom and in which context.[3]

The programme theory underpinning the initiative was providing students with the opportunity to participate in a virtual law clinic in a supportive (c), authentic environment (c) with training (m) and tutor support (m) would facilitate students' learning through the development of professional and practical legal skills (o). Realist evaluation sets out to develop, support, refute or refine aspects of realist programme theory.[4] The objective of this study was to analyse students' experiences of a virtual law clinic. The research questions were: (1) *how does participation in a virtual law clinic support students' learning?* (2) *what are the underlying mechanisms that facilitate students' learning in a virtual law clinic*, and (3) *what skills did students develop through participating in the virtual law clinic.*

The virtual law clinic forms part of a clinical legal education module. Clinical legal education is a form of experiential learning that is an integral feature of undergraduate legal education[5], providing students with the opportunity to engage in

[2] R. Pawson and N. Tilley *Realist Evaluation*. (2004) British Cabinet Office.

[3] K. Salter and A. Kothari, Using realist evaluation to open the black box of knowledge translation: a state-of-the-art review. (2015) *Implementation Science* Vol.9:115.

[4] G. Wong, G. Westhorp, A. Manzano, J. Greenhalgh, J. Jagosh and T. Greenhalgh, RAMESES 11 reporting standards for realist evaluations, (2016) *BMC Medicine* 14: 96.

[5] Drummond and McKeever, identified 62 Law Schools with Law Clinics in the UK; O. Drummond and G. McKeever, *Access to Justice through University law Clinics,* (2015) Ulster University Law School, https://www.ulster.ac.uk/__data/assets/pdf_file/0003/132654/Access-to-Justice-through-Uni-Law-Clinics-November-2015.pdf (Accessed on 5 August 2018) and Smyth et al discuss the growing number of experiential learning programs in Canada. G. Smyth, S. Hale, and N. Gold, Clinical and Experiential

legal activities in real-life situations to put into practice their legal knowledge[6]. The literature argues students value clinical experiences;[7] Drummond and McKeever and Turner identify their importance in enhancing pedagogy and responding to the employability agenda.[8] Literature from other disciplines[9] indicates a range of factors which support students learning; this article builds on that knowledge by exploring students' experiences of using digital technology to facilitate their clinical learning. This article seeks to explain whether learning in a virtual law clinic 'works', for whom and in what circumstances; and extend the methodological knowledge base in relation to clinical legal education research.

Methodology

Learning in *Canada, Canadian Law Schools: Current Perspectives* (2017) 95 Can. B. Rev.151.

[6] Giddings defines CLE at p.14 as: *Clinical Legal Education involves an intensive small group or solo learning experience in which each student takes responsibility for legal or law-related work for a client (whether real or simulated) in collaboration with a supervisor. Structures enable each student to receive feedback on their contributions to take the opportunity to learn from their experiences through reflecting on matters including their interactions with the client, their colleagues and their supervisor a well as the ethical dimensions of the issues raised and the impact of the law and legal processes'* J. Giddings, *Promoting Justice Through Clinical Legal Education*, (2013) Justice Press.

[7] P. McKeown, Pro bono: what's in it for law students? The students' perspective. *International Journal of Clinical Legal Education*, (2017) Vol. 24 (2). pp.43-80 and J. Turner, A. Bone, and J. Ashton Reasons why law students should have access to learning law through a skills-based approach *The Law Teacher* (2018) Vol. 52 No.1 pp.1-16.

[8] Drummond and McKeever supra n.5, p.12 and Turner supra n.7, p.12.

[9] Literature has been drawn from nursing education and worked based learning literature to inform this evaluation. See J. Wrenn, and B. Wrenn, B. Enhancing Learning by Integrating Theory and Practice, International Journal of Teaching and Learning in Higher Education (2009) Vol. 21, No 2 pp.258- 265, E. van Rensburg, Evaluating work-based learning (2008) *Industry and Higher Education* Vol.22, No.4, pp.223-232 and L. Schuster and C. Glavas, Exploring the dimensions of electronic work integrated learning (eWIL) (2017) *Educational Research Review* 21 pp.55-66.

This study used realist evaluation methodology. Realist evaluation is a theory driven approach developed by Ray Pawson and Nick Tilley to understand what works for whom, in what contexts and how'[10] designed to increase the value of evaluation studies.[11] Realist evaluation is underpinned by realist philosophy of science.[12] The realist approach evaluates social systems and structures, they are considered to be 'real' because they have real effects and people may respond differently to interventions in varying circumstances.[13] The process tries to understand how an intervention may result in different outcomes in different circumstances through a consideration of how underlying mechanisms (i.e. how people's behaviours) change within a particular context.[14] Therefore, programmes 'work' in different ways for different people in different circumstances, replicating a programme won't necessarily lead to the same results but the theory- based understanding of 'what works for whom, in what contexts and how' is transferable.[15] In realist evaluation, theories within a programme are uncovered by developing a hypotheses as to 'what works for whom, in what contexts and how'. The evaluation seeks to test and refine those hypotheses. Data is collected of the context (C) plus mechanism (M) which equates to the outcome (O) configuration, uncovering and testing CMO configurations provides a richer understanding of the programme.[16] Realist evaluation seeks to explain why a programme is working or not in

[10] Pawson and Tilley, *supra* n.2, p.2.

[11] G. Hewitt, S. Sims, and R. Harris, The realist approach to evaluation research: an introduction, *International Journal of Therapy and Rehabilitation*, (2012), Vol 19, No 5, pp. 250- 259.

[12] Wong, *supra* n.4, p.2.

[13] Wong, *supra* n.4, p. 2.

[14] Wong, *supra* n.4, p.2, and M. King, R. Dawson, S. Rothberg and F. Batmaz, Utilising a realist evaluative approach to investigate complex technology implementations: an e-learning lecture capture exemplar (2017) *Journal of Systems and Information Technology,* Vol. 19 (1/2), pp. 22-41.

[15] Wong, *supra* n.4, p.2.

[16] King et al, *supra* n.16, p.5.

that particular context and this evidence can contribute to developing further knowledge in this area.

The value of using realist evaluation is that it can be applied to complex interactions because it was developed to explain how interventions work rather than trying to develop theories about why programmes succeed or fail.[17] Four key concepts help to explain and understand programmes- mechanisms, context, outcomes and configurations, which are the combination of CMO. Pawson and Tilley argue that 'causal outcomes follow from mechanisms acting in contexts', critically understanding that relationship and how it influences outcomes is required. [18]A central tenet of realist methodology is that programmes work differently depending on the context and mechanism, replicating a virtual law clinic in another context would not lead to the same outcome but the ability to understand 'what works for whom, in what contexts and how' is transferable and can inform future practice and similar programmes.[19] By focusing on mechanisms what we learn from this evaluation can then inform another evaluation and becomes an iterative cycle.

Context

The Open University a distance education provider[20] incorporated into their law degree an elective clinical legal education module. A feature of the programme is a virtual law

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[17] Pawson and Tilley, *supra* n.2, p.2.

[18] Pawson and Tilley, *supra* n.2, p.6.

[19] Pawson and Tilley, *supra* n.2, p.2.

[20] Bates argues the definition of distance education and online learning is problematic because the terminology is changing as a result of the impact of technology- broadly speaking distance education is where students study at their own pace and time and technology is a significant element. T. Bates, What do you mean by….? (2008) [Online] Available at https://www.tonybates.ca/2008/07/07/what-is-distance-education/ (Accessed 5 August 2018).

clinic, adopting a pro bono model of clinical work involving the provision of free legal advice. Students advise members of the public under the supervision of qualified solicitors. Adapting the traditional clinic to a virtual one represents a core component of the programme characterised by the adoption of technology to facilitate the participation of distance students. The virtual law clinic facilitates a context of interaction and learning in an environment that enables distance students the opportunity to participate in meaningful clinical legal education activities.

The virtual clinic enables the delivery of legal services online through a secure web portal where communication is encrypted and protected. The clinic uses a leading industry legal case management system[21]. The software allows the clinic to manage the cases, contacts, calendars, documents, tasks, time recording and client communications via one platform. The students work with clients online to support them with their legal problems and provide advice and information to help them resolve their issues. All interaction between clients, students and supervisors takes place within the practice management system via secure messaging.

Participants

Interview participants were sourced purposively from students who had completed the module and had participated in the virtual law clinic. A total of 84 participants were identified and sent an email to invite to them to take part in the study, 5 students (6% response rate) agreed to be interviewed. The participants were provided with an information sheet and written consent was obtained prior to the interview. Ethics

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[21] Open Justice Law Clinic uses the Clio practice and legal case management software- https://www.clio.com as part of the academic access programme- which offers free Clio access to law school clinics.

approval was granted prior to the study being commenced by The Open University. Participants varied in age, all were over 30 years old, the age demographic of an Open University student is different to a traditional university.

Interviews

Interviews were conducted to obtain qualitative data. Interviews were conducted by telephone and Skype, they were recorded and transcribed for analysis. The interviews were semi-structured and lasted between 40 minutes to an hour. The questions were open with follow up prompts to allow for further investigation. The semi-structured nature of the interviews ensured that the discussions were led by the participants and follow up prompts provided the opportunity to explore themes that emerged. Each semi-structured interview explored the student's role in the clinic, the training and support they had received, the use of technology, the periods of engagement with the clinic, what contributed to success, the role and contribution of the group and what they thought was necessary to support future students in a virtual law clinic.

Analysis

NVivo was used to code the interview data to ensure all the information remained confidential. Participants were allocated a letter and a number, e.g. S1 to ensure anonymity. The data was analysed using an inductive approach to grounded theory.[22] This method was chosen because it is participant led ensuring the theory is grounded in the data through an inductive and constructive approach and the analysis is based on the data.[23] The researcher had a role in the development, management and supervision of

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[22] K. Charmaz, *Constructing Grounded Theory*, (2014) Sage Publications Ltd.

[23] Ibid., p.15.

the virtual law clinic, therefore using a grounded theory approach reduces the impact of researcher bias.[24]

Results

This section reports on the data collected from the interviews using a realist framework to consider the context, mechanisms and outcomes to provide a more in-depth explanation of what students reported. Context are factors which support or inhibit the students' participation in the virtual law clinic, distinguishing them is an important part of the process of realist evaluation.[25] Pawson and Tilley argue 'it is not programmes' that work but the resources they offer to enable their subjects to make them work'.[26] The virtual law clinic will trigger different mechanisms a realist evaluation seeks to uncover them. The interaction between the context and mechanism is what creates the outcomes: context + mechanisms = outcomes.[27] These are the outcomes relevant to the students in this study repeating this is another context won't necessarily generate the same outcomes but understanding 'what works for whom, in what contexts' is transferable.[28]

Five key mechanisms were identified, training and practicing, tutors and supervisors, peer to peer support, time and technology. The contextual factors identified as facilitating these mechanisms were learning, support, real world, and virtual. The reported outcomes were achievement, career development, new perspectives and

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[24] J. Stephenson, and J. Saxton, J. Using the Internet to gain personalised degrees from learning through work. *Journal of Industry and Higher Education* (2005) Vol. 19 (3) pp.249- 258.

[25] Pawson and Tilley, *supra* n.2, p.7.

[26] Pawson and Tilley, *supra* n.1, p.215.

[27] Pawson and Tilley, *supra* n.2, p.9.

[28] Pawson and Tilley, *supra* n.2, p.19.

teamwork. The interview data showed a relationship between context, mechanisms and outcomes of the virtual law clinic to construct a CMO model and tests emerging theory about what works for some students. Five mechanisms enabled positive outcomes for students participating in the virtual law clinic, in a context that was supportive, learning centred, virtual and related to real life; the mechanisms were engaged to generate outcomes. The interaction of mechanisms and context was important to facilitate outcomes. In this study, it was found that students achieved practical legal skills from participating in the clinic in addition the virtual context provided opportunities for students to develop technological skills.

Peer to peer support

The clinic encourages peer to peer engagement and collaboration (m), students work as part of a team and to learn (c) from each other *'I have learned a lot from them'* and tutors/supervisors *'the tutors are just excellent and they're there, you know to help and help you along.'* Open University students' study at a distance, technology (m) is the mechanism that facilitates their interactions, collaboration online (c) is integral to the activities and the process of advising clients. Some students reported positive experiences of collaborating with their peers *'they were very engaged in the whole process, none of them were lazy…everybody put forward their ideas, we talked a lot, weekly sometimes daily and no one was frightened of going away and doing research and doing their bit.* Collaboration appeared more successful when the group had control over the allocation of roles and responsibilities and tasks were allocated fairly across

group members[29] *'after the second meeting we all knew what our strengthens were and they would know like if there was something to be done then this member was good at it and the other one, I could do the research, I could do this.'*

However, there were challenges within some of the groups, the data reported the 'free rider effect'[30] where lack of engagement negatively impacts on the dynamics of the group, *'it was the same, you know, the same people that were just doing all the work. And the others weren't getting involved, so that was quite frustrating.'* Jackson identifies how problems with varying levels of commitment and different expectations challenge the stability of the group[31] *'I think working with other people, actually, I find slowed me down quite a bit. I, I was doing my best to be very collaborative and all, so on and so forth, but I think working with other people tends to slow me down a little bit, but, you know, it is what it is.'*

Students reported a mixed experience of collaborating online where it was successful the key outcome generated was teamwork (o) enhancing students' learning *'working with your colleagues, you are all there to help each other and learn from other each other'* but for other students the challenges of online collaboration negatively impacted on their experiences of the clinic *'it, it was a little bit difficult, you know. And you arrange meetings and the one guy, particularly, didn't turn up and so on and so forth, um, so I just found that a little bit sort of, um, a bit of a drag. You know, again, that, that, that, that's just the nature of this distance learning stuff'.* The findings

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[29] B. Chang and H. Kang Challenges facing group work online. *Distance Education*. (2016) Vol.31.1 pp.73-88.

[30] Ibid., p.75.

[31] D. Jackson, L.D. Hickman, T. Power, R. Disler, I. Potgieter, H. Deek, and P.M. Davidson, Small group learning: Graduate health students' views of challenges and benefits. (2014) *Contemporary Nurse* Vol. 48 pp.117-128.

of this study are reflected in the literature, a significant challenge of online groups is the lack of commitment of some group members.[32]

Career development

In clinic, students engage in activities where they learn to think, reason and act like a professional lawyer *'it gave me a really good insight into, you know how solicitors do things'* these experiences can shape and form professional identity.[33] For some students, learning about professional practice (c) and having access to professional role models, (m) *'the tutor I had was good he was a practising solicitor, so he was giving lots of real-world information as well as textbook stuff',* informed their professional identity.[34] The experience of legal practice and the opportunity to perform as a legal professional informed students' career goals (o) *'after doing this I am actually thinking about practising law.'* The demographic of students at The Open University[35] may not be typical of students at face to face institutions but data here *'actually, after doing this I am actually thinking about practising law, initially I didn't have that sort of vision to start with because I wanted to add it to my accountancy background but now I am thinking after this experience I am thinking maybe that is something I should consider'* may relate to broader findings that participation in clinic may strengthen a desire to

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[32] Chang et al, *supra* n. 34, p. 76 and L. Bugden, P. Redmond, and J. Greaney, J. Online collaboration as a pedagogical approach to learning and teaching undergraduate legal education (2018) *The Law Teacher* Vol. 52, No.1 pp.85-89.

[33] J. Anderson, Clinical Legal Education: Perspectives of Former Clinical Law Students *Manitoba Law Journal* (2013) Vol 37(1) pp.427- 448.

[34] C. Pei Tan, H. Van der Molen, & H. Schmidt. To what extent does problem-based learning contribute to students 'professional identity development? *Teaching and Teacher Education* (2016) Vo.54 pp.54-64.

[35] The Open University has an open access policy, it's the largest provider of higher education for people with disabilities, 72% of students work full or part time, the majority of students are studying part time- see http://www.open.ac.uk/about/main/strategy-and-policies/facts-and-figures.

practise law, research from Anderson with Canadian students found their clinical experiences encouraged them to want to practise law.[36] Not every student reported this outcome learning about legal practice did not always trigger a desire to practise law, but the data did reveal students developed new perspectives (o) on access to justice and the value of pro bono work, *'there's a whole lot there that I've been blind to'* and *'you know, when you consider the stuff, you think, hang on a second, is it really happening? You know, why, why can't people get access to justice? Who has created this problem, you know?'* this outcome builds on the findings of Nicholson that clinical experiences can inculcate a commitment to access to justice and pro bono work[37] *'I'm quite keen now to approach the, Citizens Advice Bureaux'*.

Technology, Time and Training

Technology (m) is a key component of the virtual law clinic facilitating the delivery of the clinical activities, students reported finding the technology useful *'using the databases they are really helpful'* and *'I think the case management system is a great system'* but the study revealed the importance of ensuring adequate time (m), training and opportunities (m) to practise *'we did lots of practising interviews'* to facilitate engagement with the technological applications *'I sat in on the tutorial which was how to use the case management system'*. It is important not to overestimate students' abilities to take control of their own learning, some students found the requirement to complete self-directed learning of technological applications challenging, *'I mean I*

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[36] Anderson *supra* n.38, p.447.

[37] D. Nicholson, Calling, Character, and Clinical Legal Education" A Cradle to Grave Approach to Inculcating a Love for Justice *Legal Ethics* (2013) Vol.16:1 and D. Nicholson, Legal Education ethics and access to justice forging warriors for justice in a neo liberal world. *International Journal of the Legal Profession* (2015) Vol.22 No.1 pp.51-69.

think the case management system thing is good, I just think, it's like all systems, it takes a bit of learning'. There is a risk that some students may not be able to engage successfully with the technology compromising their experience of the clinic and their perceptions of achievement.[38] When there was participatory and active use of digital technology it did encourage the achievement (o) of practical skills linked to professional practice *'I feel like I have learned a new skill by using this case management system'* and *'this is a new skill I have learned, and I think that many lawyers and legal practitioners use those kind of databases.'*

Discussion

The virtual law clinic is new, and this evaluation is based on a small number of students in one presentation, therefore the findings should be treated as tentative and open to revision once further research is carried out. Nevertheless, these findings are positive. The clinic does engage students and supports their learning enabling them to develop professional and practical skills. Participating in the clinic generates positive outcomes for students and this is explored further in the responses to the research questions.

How does participation in a virtual law clinic support students' learning?

Delivering legal advice in an authentic environment enables students to learn important aspects of professional practice. Students learning is enhanced through 'cognitive authenticity' because the experience is real, meaningful and relevant to their learning.[39]

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[38] N. Selwyn, Education and Technology: Key Issues and Debates. (2017) Bloomsbury Academic.

[39] A. Herrington, A., & J. Herrington, J. Authentic learning environments in higher education. (2006) Hershey, PA: Information Science Publishing and C. Smith, Evaluating the quality of work-integrated learning curricula: A comprehensive framework. Higher Education Research & Development, (2012) 31(2).

The learning is embedded within the activities of the clinic (interviewing, researching and preparing letters of advice) allowing students to link theory and practice.[40] This is also highlighted in the work-integrated learning literature, students are more engaged and motivated when they are working with real clients.[41] Van Rensburg's, identified an authentic experience, facilitating the link between theory and practice, and a correlation between the academic study and the work-based experience supported students learning.[42] In clinic, theory and practice integrate in a way that's relevant and meaningful for students enhancing the value of their learning.[43] This study supports previous evaluations[44] of students' experiences of experiential learning; Jansson's evaluation of a clinical learning environment for nursing students, identified four indicators that supported student learning; independence and responsibility, continuity of learning, time and competence and attitudes of staff demonstrating learning happens when these elements connect.[45] Students were given a significant amount of responsibility, engaging in work that was relevant and important to the client, which Jansson suggests supports learning, the importance of students having time needs to be factored into clinical design to optimise students' learning.[46]

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[40] J. Lave, & E. Wenger, *Situated Learning: Legitimate Peripheral Participation*. (1990) Cambridge, UK: Cambridge University Press.

[41] Smith, *supra* n.44, p.251.

[42] van Rensburg, *supra* n.11, p.227.

[43] Wrenn et al, *supra* n. 11, p. 262.

[44] See van Rensburg, *supra* n.11, p.225, I. Jansson and K. Ene, Nursing students' evaluation of quality indicators during learning in clinical practices, *Nursing Education in Practice* (2016) No.20, pp.17-22. Schuster et al, *supra* n.11, p.56.

[45] Jansson's et al *supra* n.49, p.19.

[46] Jansson's et al *Supra* n.49, p.20.

What are the underlying mechanisms that facilitate students' learning in a virtual law clinic?

Establishing supportive supervisor/tutor relationships encourages students to engage in clinic activities and motivates them to learn.[47] Supervisors/tutors are important mechanisms facilitating the provision of feedback, support and supervision of the clinical activities. Students in clinic operate in a 'real-world' environment the role of the supervisor/tutor as a legal expert is also significant because they act as professional role models. Students and supervisor/tutors interact together in the activities of the clinic, students learning from the actions of others facilitates the co-construction of knowledge.[48] Students' learning is constructed through their engagement with the law clinic reflecting Dewey's theory of learning.[49] Learning is active and socially constructed taking different forms, students are constructing knowledge through their experiences of working in a group engaging with the activities of the clinic supported by the supervisor/tutor. The potential here is the formation of a community of practice as a mechanism to support students learning through the practical activities.[50]

Learning also takes place through interactions with peers, engaging with other students is an important mechanism in shaping the learning experience, Shirley et al and

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[47] van Rensburg, *supra* n.11, p.227, Smith *supra* n.44, p.252 & Jansson's et al *supra* n.49, p.20.

[48] Pei Tan et al, *supra* n.37, p.63.

[49] A. Rovia, (2004) A constructivist approach to online college learning. *Internet and Higher Education* pp.79-93 and J. Dewey, *Democracy and Education: An introduction to the Philosophy of Education*, (1916) New York, Macmillan.

[50]E. Wenger. E. *Communities of Practice: Learning, Meaning and Identity*. (1998) Cambridge University Press and K. Douglas, M. Colasante, & A. Kimpton, Exploiting emerging video annotation technology and industry engagement to authentically prepare students for the complex world of work. A. (2015) In T. Thomas, E. Levin, P. Dawson, K. Fraser & R. Hadgraft (Eds.), *Research and Development in Higher Education: Learning for Life and Work in a Complex World*, 38 (pp1-10). Melbourne, Australia. 6 - 9 July 2015.

Bugden observe the positive benefits of collaboration. However, learning in clinic is not always under the control of an individual and can be undermined by how other students engage.[51] Learning collaboratively is challenging but learning collaboratively online is more problematic reflected in the findings of this study. Miller argues the '.the way we behave towards one another is…affected by our presence or proximity', distance is created by mediating the interactions of the virtual clinic through technology, impacting on students' sense of responsibility towards each other.[52] Collaboration is dependent on students having the required technological skills which may take time to develop.[53] In designing a virtual law clinic, technology can facilitate students learning but overcoming barriers to utilizing technology and supporting effective participation is critical[54].

A recent development is the use of technology in work integrated learning (WIL); [55] drawing on students' experiences of using technology in those settings

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[51] M. Shirley, M., and T. Cockburn, T. Enabling authentic collaborative education in an online environment: the QUT Virtual Law Placement. (2009) *In 16th Work Conference on Cooperative Education and Work Integrated Learning*, 23-26 June 2009, Simon Fraser University, Vancouver, Canada Shirley and Cockburn 2009 and Bugden et al, *supra* n.37, p.96.

[52] V. Miller, V. A Crisis of Presence: On-line Culture and Being in the World. *Space and Polity* (2012) Vol.16, No.3, pp.265-285 at p.266.

[53] Selwyn, *Supra* n.43, p.94.

[54] McCrimmon et al observes that students at Charles Darwin University (CDU) identified overcoming barriers to utilizing technology as important to support their engagement in three online clinic programmes. L. McCrimmon, R. Vickers, and K. Parish, Online Clinical Legal Education: Challenging the traditional model' (2016) *International Journal of Clinical Legal Education* Vol. 23 (5). pp.33-79

[55] Schuster et al, *supra* n.11, p.64 created 4 categories, technology- supported, where technology is used for administration of the WIL, technology blended, where there are off line and online activities, technology is used for example role playing, technology-facilitated- technology is used to prepare the students for the WIL experience and technology based- immersive technology is used for example virtual reality to create the WIL experience. There were 3 studies which could be categorised as technology based.

identified appearance, ease of use, and learning as critical to supporting their learning.[56] Recognising the complexities of integrating technologically enhanced clinical and experiential learning experiences is important to address challenges that may arise. Although students entering university are 'digital natives'[57] and familiar with digital technologies it cannot be assumed they have the required skills and confidence to use technological applications in their learning experience.[58] Time along with providing early opportunities for training and access to technology are critical to ensure students are confident in using technology to facilitate their learning.[59]

What skills did students develop through participating in the virtual law clinic?

This study supports the findings of Thanaraj,[60] and Long.[61] that students having the opportunity to use unfamiliar technological applications facilitates the development of

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[56] C. Landorf, G. Brewer, K. Maund and S. Ward Enhancing learning for construction industry professionals with a 4-dimensional digital learning environment. (2015) In T. Thoman, E. Levin, P. Dawson, K. Fraser and R. Hadgraft (Eds.), *Research and development in higher education: Learning for life and work in a complex world*. Vol. 38, pp. 267e278. Melbourne, Australia http://herdsa.org.au/research-and-development-higher-education-vol-38 (Accessed 5 August 2018).

[57] See Broennimann study of *Generation Z*, Swiss Education Group they are the first generation of 'digital natives' have grown up using technology and social media. https://www.thegeneration-z.com/wp-content/uploads/2017/06/genz-Brochure1_corrected-2-copy.pdf (Accessed 5 August 2018).

[58] M. Henderson, N. Selwyn & R. Aston. What works and why? Student perceptions of 'useful' digital technology in university teaching and learning, *Studies in Higher Education*, (2017) 42:8, 1567-1579 L. Long, and P. Meglich, Preparing students to collaborate in the virtual world, (2013) *Higher Education, Skills and Work based Learning,* Vol3: 1 pp.6-16

[59] Shirley et al, *Supra* n.56, p.7.

[60] Students were exposed to 4 months experiential training in a simulated virtual law clinic and the paper shares students' voices on their experiences- A. Thanaraj, *The Proficient Lawyer: Identifying students' perspectives on learning gained from working in a virtual law clinic.* (2017) US-China Law Review:137 pp. 137-166.

[61] Long et al *supra* n.63, p.8.

new skills. Incorporating technology into clinical legal education increases students'

confidence in using different applications[62] which is significant given how technology

is changing the practice of law. [63] The development of practical legal skills is a key

benefit of clinical legal education and acquisition of skills from participation in clinic is

already reflected in the literature.[64] The recognition of the importance of technological

skills is growing and here students identified opportunities to gain those skills.[65]

Jansson linked reflection to continuous learning which encouraged students think about

their strengthens and limitations giving them the opportunity to consider areas for self-

development.[66] Clinical legal education extends beyond skills development, clinical

programmes encourage students to learn through reflection, which for some students

was an important aspect of clinic.[67] Although an important element of the clinic is

facilitating students' learning of professional and practical skills ensuring deeper

learning through authentic engagement in reflective practice is important.[68]

Reflections

Moving clinical legal education online is not without its challenges. Technology is

critical to the delivery of the clinic, students need time to become familiar and practise

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[62] M. Pitstone, M. Law Schools and Technology: Where We Are and Where We Are Heading. (2014) *Journal of Legal Education* 586.

[63] R. Susskind, *Tomorrow's Lawyers*, (2017) Oxford University Press

.[64] R. Lewis, *Clinical Legal Education Revisited* Cardiff University Law School (2015) https://orca.cf.ac.uk/27655/1/CLINICED.pdf (Accessed 5 August 2018).

[65] Bugden et al, *supra* n.37, p.87.

[66] Jansson's et al *supra* n.49, p.21.

[67] K. Kerrigan and V. Murray, *A Student Guide to Clinical Legal Education and Pro Bono.* (2011) Palgrave Macmillan.

[68] J.A. Moon, *Reflection in learning and professional development- theory and practice.* (1999) London: Kogan Page.

using the tools before they engage with clients. It is important not to make assumptions about students' skill levels; the ability to use social media applications does not mean students can adopt new technologies easily.[69] Learning materials should be designed to support students gaining the required skills and confidence to navigate applications. Students in this study suggested working through a simulated case in the training site would improve their preparation for entering into the clinic it would not only familiarise them with the technology, but it would support the development of online collaboration skills. Both Long and Bugden recommend activities to help to prepare and develop online collaboration skills but perhaps we need to go further to address how lack of presence and proximity in digital technologies may reduce students' sense of responsibility towards each other.[70] It is recognised that technology is already permeating clinical legal education in different ways as technology plays an increasingly significant part in legal practice students need more opportunities to practice and develop these skills.[71] Although this paper has examined a 'virtual clinic' it is argued that these findings are still relevant to help shape our understanding of face to face clinics. More research is required across the sector to understand the role technology has in supporting clinical legal education.

Limitations of this study

The research was conducted a number of weeks after students had completed their studies with the University, obtaining participants to interview was challenging and number of participants interviewed is small. It is acknowledged that the data collected

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[69] Long et al, *supra* n.63, p.5 and Henderson et al *supra* n.63, p.1568.

[70] Long et al *supra* n.63, p.10, Bugden et al *supra* n.37, p.98 and Miller *supra* n.52 p.266.

[71] Susskind, *Supra,* n.68, p.164.

may not reflect the experiences of law students beyond The Open University, but the virtual law clinic is still in its early stages, arguably, the reflections of the participants can further enhance the development of the provision of online clinical legal education. Data was gathered from one distance university and one cohort of students is unlikely to representative of all law students. Although, this may challenge the validity of the findings, realist evaluation provides the opportunity to encourage further studies and offers valuable lessons for other universities considering developing online clinical legal education.[72] There may be challenges generalising this research to other face to face universities, but these findings do elicit important insights into the transferability of clinical legal education to an online setting, which are valuable given how technology is transforming the way in which law is practised.[73]

Conclusion

This paper reported on the first realist evaluation to explore students' experiences of working in a virtual law clinic. The importance of early engagement with technological applications was identified and aspects of training and practising reinforced the pedagogically principles of CLE. It is important not to underestimate the time students need to feel confident in engaging with the technology and the challenges that are associated with online collaboration. Students valued the opportunities provided by the clinic and it led to positive outcomes.

Disclosure statement

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[72] Pawson and Tilley, *supra* n.2, p.19.

[73] Susskind, *supra* n.68, p.10.