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**Policy Clinic as a method to engage students with law reform and social justice:
Experiences from Northumbria Law School's Student Law Office**

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Introduction

Northumbria Law School's Student Law Office (SLO) has been providing pro-bono legal advice for over 20 years. Work in the SLO provides an opportunity for students to develop practical legal skills alongside their general legal education. Recently, the SLO has incorporated a Policy Clinic into its curriculum. In the Policy Clinic (PC), students conduct empirical legal research for external organisations, with the aim of contributing to law reform. The impetus behind the introduction of the PC was to enlarge the benefits of the CLE program for both the students and the wider community. More specifically, the PC is designed to develop the students' professional skills in an alternative way, and from a different perspective to that of the standard SLO live client model. This innovative teaching method aims to encourage a social justice ethos in students by engaging them with relevant and impactful research which encourages them to develop valuable skills. Requests for help are received from a variety of organisations. Many requests are from groups which represent vulnerable people, for example, a police service working with victims of domestic abuse. The student work focuses on areas of the law in need of reform and the final submission produced is designed to contribute to a vital and current debate. The students, under supervision, submit research ethics applications; interview participants; analyse data and write a report to be submitted to the instructing organisation and any relevant official bodies. During this process the students are exposed to current legal issues and they develop an appreciation of how to influence positive changes in society.

The aim of this chapter is to outline how the PC operates within the SLO at Northumbria University. The intention is to discuss the benefits and challenges of students engaging in this type of work, whilst also providing a guide for others considering setting up a PC. It will outline the practical advantages and difficulties faced during the first year of running the PC.

What is a policy clinic?

The SLO provides full representation legal assistance, securing over £1m in compensation for clients.¹ In the SLO, students work under the supervision of qualified lawyers to provide legal assistance to members of the public. This may include giving advice, filling out court documents, negotiating settlements, instructing counsel and representation in tribunals and courts. The SLO has been very successful and was one of the first clinics of its type. However, in an ever-changing legal landscape, it was decided to broaden its remit to include the broader aim of influencing the development and reform of the law. Innovation has always been

¹ <<https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/>> accessed 21.07.19

central to the Northumbria SLO, therefore, a new type of clinic was developed as an alternative to the full representation SLO clinic. The PC is an ideal vehicle to offer opportunities for the development of a wide range of skills beyond the basic client advice model. The PC is designed to allow students to work in tandem with academic staff on empirical research projects, for a client, which will lead to a final output at the end of the year (for example, a report or a presentation). The PC does not require legally qualified staff to supervise students, and thus provides an opportunity to academic staff who were previously not able to supervise in the clinic.

The undertaking of policy work by students is not a new concept. While it is not ubiquitous, policy work has been incorporated into clinics in other universities. For many years, legal academics have argued that students should carry out policy and 'think tank' work, in order to develop skills (Leleiko 1979-80; Dunn and Glancey 2019) and to foster a social justice ethos (Smith 2011). Coper has observed, 'reform and legal education have traditionally been separate worlds, rarely in danger of collision or even constructive combination' (Coper 2008, 233). A PC ensures that law reform and legal education go hand in hand. At the time of writing, the authors are not aware of any clinics that devote clinical work to full time empirical studies for external organisations, as the Northumbria PC does.

The Policy Clinic at Northumbria

The PC at Northumbria is a year-long course, using the existing SLO processes and systems, such as the secure internal electronic network and secure storage facilities. The SLO office provides an ideal space for students and staff to work collaboratively with confidential material. Prospective research projects are identified by the clinic staff before the start of each academic year. They approach established contacts in the community and with external organisations, or approach organisations to offer the services of the PC to carry out a research project that could be of interest. In addition, staff in all sectors of the University can request assistance with elements of larger research projects. The PC students work in firms of eight, which is the optimal number of students in a firm. Each firm is supervised by a member of staff with expertise in the chosen research area. The projects must have sufficient breadth and complexity to sustain the students over the course of an academic year and, ideally, completed within that period. Students will present the outcome of the research in a written report, and sometimes as an oral presentation if the client wants this.

The student's work in the PC is assessed via a portfolio of evidence, a presentation and written piece of reflection and an essay about a contentious legal issue. A portfolio suited the PC well, as it allowed students to demonstrate their development and progression throughout an academic year. Reflection is assessed by a presentation incorporating reflective theories, although there is the scope for reflection to take place on a more dynamic basis at pivotal moments. For example, during the return journey from interviews, there was space and time to naturally reflect on the experience together. This was more authentic than asking a student to write an essay at the end of the year.

What do the students do?

In the PC students undertake research for organisations for a number of different purposes, but generally with the aim of influencing policy and/or law reform. Thus, the exact nature of the work depends upon the requirements of the project chosen. In the majority of cases students will, once the research question(s) have been decided:

- Conduct a literature review, to explore the issues and delineate the state of knowledge
- Design the methodology, to establish which methods are appropriate to answer the research question, e.g. draft interview questions or 'freedom of information' (FOI) requests
- Apply for ethical approval through the university system: including drafting consent forms and information for participants
- Recruit appropriate participants, depending upon the nature of the project. This will include drafting and sending emails and letters
- Carry out the research, e.g. conduct interviews. Once the interviews have been concluded, students transcribe the data and store it securely on the secure clinic electronic network system.
- Analyse the data using an appropriate analysis method, e.g. thematic analysis. Students are encouraged to think of creative ways to display data, including graphs and diagrams
- Finally, students write a report for and/or present the results of the research to the client. This will include the context of the study, the methodology, the results and, most importantly, recommendations for reform.

Impact

The Northumbria PC has already produced interesting and impactful research. For example, students conducted research on behalf of the UK Centre for Animal Law (ALAW), to establish why managers of care homes may, or may not, allow pets to live with elderly people when they move into their accommodation. This issue had been discussed in Parliament, however there was no research from the perspective of the care home managers. A second project group carried out research to find out what information is provided to children about their right to appeal if they are detained under the Mental Health Act 1983. This involved sending out FOI requests to 30 NHS Trusts and gathering relevant information from their websites.

The impact of work conducted by students has been significant. For example, ALAW published the final report on their website and circulated it to all members. This wide dissemination helped to raise the profile of the PC and the Law School. The students who worked on this report were also invited to attend the ALAW conference, to present the findings of the research and run sessions for other students about their experience of working in the Northumbria PC. Other bodies, such as the Law Society of England and Wales, have published PC student work.

Benefits of a Policy Clinic?

Statistics from the Law Society of England and Wales show that whilst the number of solicitors admitted to practice and onto training contracts have remained consistent since 2011, the number of students accepted onto and graduating from law degrees has risen (The Law Society 2017). This suggests increased competition for those wishing to enter practice, and the ideal law degree will consider how to best prepare students for life after law school. Undoubtedly, a law degree enables students to develop many transferable skills, such as analysis and written and oral communication. However, empirical research projects develop a unique skillset, giving participating students the opportunity to stand out in a competitive employment market.

It has been argued that in studying a for a law degree, students are taught what the law 'is', but rarely how they can help influence change in that law. Because of this, 'students have defined their task as grasping and applying current law, they resist considering, foreseeing, or working towards different legal rules and practices in the future.' (O'Connell and DiFonzo 2006, 538). Work in a PC can remedy this by encouraging students to contribute to debates, leading to possible beneficial changes to the law.

As a result of student experience representing clients, some wished to use their time at law school to tackle injustices, some university clinics introduced policy work into the live client clinics a number of years ago (Curran 2004). Carolin argues that lawyers and legal clinics 'have a role to play in movements for social change' (2014, 109) and one way to do this is through policy work. By taking 'the law out of a contextual vacuum by seeing the law in its broader political and social framework', students are able to engage with the law in a different way (McCrimmon and Stantown 2010, 212). They will better appreciate the making of law and the effect law has on the people it applies to which will encourage a social justice ethos. Lady Hale, who has recently retired as President of the UK Supreme Court has identified that work as a Law Commissioner taught her valuable skills for becoming a Supreme Court Judge. This included being able to take a synoptic view of the area being researched; to use empirical research to understand both what law is and how it works, in addition to understanding where reforms may be required (Lady Hale 2019). This is the exposure that students on our PC course gain: not the application of an area of the law from the viewpoint of a single client, but a holistic viewpoint within which they can identify 'the law' and identify any contentious issues and possible areas for reform.

PC work is easily adaptable to the online environment. When the Covid-19 global pandemic brought a sudden halt to face-to-face teaching, our PC was not disrupted. All our students continued with their projects online. The increased use of technology because of the Covid-19 global pandemic also brought benefits to PC work. As students and staff become conversant with new technology, this enabled PC work to reach more clients and increase potential sample size for research projects. We suggest online work will encourage universities to collaborate on PC work, thereby allowing staff and students from different universities to work together.

Social Justice Ethos

A social justice ethos is extremely important for several reasons. In addition to educating lawyers to be capable of representing individual clients and individual interests, it is equally important for their future careers to give students the abilities to challenge inequalities and injustices on a wider scale and strive for change. Ross argues that policy analysis skills are 'highly valuable for law graduates' (Ross 2017, 363) as advocacy is also concerned with influencing national and local governments, and legal analysis often involves policy considerations. Thus, it is not just an individual's needs which are to be considered during a case, but also, as Palmer contends, the law generally, which 'must respond to social and economic changes' and that 'law reform is attached to the idea of progress' (Palmer 2015, 404). Secondly, the PC allows students to consider the effect of laws, and the potential of changes to those laws for stakeholders and they can then make appropriate recommendations (McCrimmon and Stantown 2010). For example, during the project for ALAW, the students began by assuming that every care home should allow residents to own pets. By the end of the project, however, although the students still thought it unjust that the elderly residents were separated from their pets, they understood, as a result of their research, that it was equally problematic that care homes should be compelled to accept pets. The students concluded that it was not always practicable and safe for care homes to allow residents to own pets. The project gave the students an insight into the complexities of law-making and the need to consult widely and in depth before making recommendations. The final report to ALAW contained well-thought-out and sensible, achievable recommendations, enabling the students to understand the 'broader context and see reality intersect with law' (Ross 2017, 306), through reliable data that is not abstract and that is relevant to society.

Skill development

It is argued that law schools should have more than skills training in mind when designing clinical programmes (Barnhizer 1990; Mastasar 2003). If the clinics concentrate on skills alone there is a danger of failing to 'explore and extend their themes of social justice and unique practical knowledge' (Barnhizer 1990, 108). Rice states that the view of clinical legal education as merely skills training is unfortunate and that '[CLE] offers much that is different from simple skills training' (1991, 2). In an extension to this, the PC adds much more than merely skills training. This includes not only the social justice ethos discussed above but also an opportunity to explore the domestic legal system and compare and contrast it with systems elsewhere. There is an increasing demand to globalise legal education (Faulsonbridge and Muzio 2009). Knowledge of legal systems in other jurisdictions provides students with insight and appreciation of alternative legal systems and policies.

It is undeniable, though, that students develop legal skills when working in the PC. Some of these skills are the same as those developed in a live client clinic setting. Students in a live client clinic for example, develop skills such as oral and written communication, teamwork and time management skills (Dunn 2017). The difference in a PC, however, is how these skills are utilised for the purposes of research. For example:

- Oral communication skills: students communicate with a variety of different groups during their time in the PC. First, their client, who will be kept up to date with the development of the project. They may talk to participants in the research, in

interviews. They may present their research at conferences, to ensure that the key information is relayed to an interested and knowledgeable audience

- Written communication: students write to a variety of bodies, including their client, and the university's ethics committee. The correspondence must be clear and transparent and they must explain, for example, how data will be stored; what is required of participants and how data will be anonymised. The final written report must clearly outline the research aims, methodology, final results and discussion. There are also opportunities for students to write shorter pieces for the websites or for journals
- Research: the students use legal databases, but also a wide variety of other sources of information to inform their report. Some of the projects are interdisciplinary, and encourage students to look outside of the law into, for example, psychology and social work. This is very important. It has been argued that the law school can no longer be 'isolated from other parts of the university' (Bradney 2003, 10). Ensuring students explore other disciplines develops awareness that the law is not isolated, but influenced, and embedded in, other academic fields and practices. The depth of knowledge required enables design of suitable methodologies, to explore all dimensions of the research question
- Analysis: analytical skills include not only synthesis of reported cases and literature but also the data collected. By the end of the time in the PC clinic, students are able to draw conclusions from data and discuss it in the context of the literature. Further, from their analysis, they can make realistic and measured recommendations for reform
- Project and time management: timescales in the PC are tight and therefore time management skills are essential. Spreadsheets are used to plan the project- a skill that is not developed in any other part of the law curriculum
- Teamwork: within the firms of eight, students may work on different projects. Team working skills intersect with time management skills
- Professionalism: due to working with so many different people, students have to be able to communicate with and advise a diverse range of people. This is excellent preparation for working life.

The PC encourages the development of both hard and soft skills (Dunn 2017; Dunn, Bengtsson and McConnell 2020). Students improve their interpersonal skills and are able to develop their practical skills with one-to-one support from their supervisor. This is similar to that in the live client clinic, but what is unique is that the skills have been developed alongside collaborative working with a client- it is not simply an advisory role- in the context of advising a large organisation with a particular focus. This is similar to, and good preparation for, work after law school, whether in practice or an alternative career. For example, a student, after graduating with a law degree, may secure a job in Human Resource Management. She may be tasked with identifying the information staff require for a training need. The skills she has developed in the PC, such as finding and sifting information, communicating with different people in an organisation, writing a report and presenting conclusions will be critical in carrying out this task. Empirical research is not usually undertaken on an undergraduate law degree. The tasks completed in a PC will engender confidence to encourage students to be

able to successfully adapt to new experiences and appreciate the extent of their transferable skills.

Networking and alternative careers

The PC opens a number of doors to opportunities that are not available in a standard clinic. The PC introduces the idea that a law degree is useful in many work-contexts. The students may choose careers with think tanks, charities, political parties, pressure groups or bodies such as the Law Commission. For example, a student was inspired to consider a career in policing after interviewing police officers. This exposure to a wide variety of clients and issues means that students, as noted by Curran, 'have more choices about the areas of law they may wish to practice in and if they decide not to practise they realise there is a whole realm of activities that a law degree will give them opportunities in' (2004, 174).

Our students who work in the PC have many opportunities to meet and with a wide variety of professional people which enables them to begin to establish a professional network. For example, students on one project interviewed solicitors in a local firm and therefore made helpful contacts in the legal profession. Most of these unique opportunities are not offered elsewhere on the degree programme. Students reflected that they had had more exposure and contact with professionals than they would have had if working with live clients. Much, of course, depends on the project being carried out, and the participants recruited, so this benefit may not apply to all students, but for some it was a very valuable experience.

The PC also opens up opportunities in post-graduate study. Many more students progress onto postgraduate courses than in previous years, and careers in research and academia are becoming a popular choice (Universities UK 2018, 10). At Northumbria University, undergraduate law students do not have opportunities to carry out empirical work unless they are in the PC. University regulation of research prevents empirical research in final year dissertations due to ethical considerations. A knowledge of empirical research is of great utility to a prospective post-graduate research student. As universities recruit greater numbers of PhD students, the argument that universities 'are among the very few institutions whose rationale includes selecting and shaping their own future staff' (Collini 2012, 8) becomes more important. The PC is a perfect setting for this selection, overseeing and observing students who may go on to academia.

Benefits for staff

Staff working in the PC do not need to be legally qualified or hold a practising certificate in order to supervise students. This can have a variety of benefits for a law school and for law school staff. More members of academic staff can play a part in the clinic, exposing students to different research interests and ways of working.

Research has suggested that there can be a divide between academic and clinic work in universities, with some resistance internally from those who may not appreciate the value in clinical work (McKeown and Dunn 2015). This tension has been referred to as a 'conflict between theory and practice' (Bloch 2004), with the idea that clinicians teach skills and not

legal theory. A PC can bring together and strengthen the interests of clinical and academic staff by opening up an opportunity for non-practising staff to teach in the clinic. These staff can experience clinical teaching in a way which is familiar to them and can engage with the pedagogy. It can also enable staff who are predominantly clinic based to work with, and benefit from, the experience and knowledge of staff who teach from a different academic position and research base. This should create a collaborative and collegial environment, by encouraging academic and clinical staff to work together to provide a holistic education for students.

Secondly, staff can align project supervision to their own research interests. This helps with the ever-increasing research requirements for academics, specifically in terms of the REF for the UK, and links teaching with research activity for research led and rich teaching. Leleiko (1979-80, 150) highlighted how research outputs for law teachers was small and that there was resistance in law schools to engage with interdisciplinary study, to broaden empirical work. Although, arguably, this has changed since the 1980s, with emphasis being placed on income generation, high quality research outputs and impact (Collini 2015), and the requirement of law academics to have PhDs and supervise them (Thornton 2013).

From the authors' experience, having students assist on a research project is beneficial to both student and academic and enables research to be completed in a shorter timeframe. The teaching dovetails precisely with the research and students can effectively act as research assistants. Students benefit from the experience but will also have recognition for the research and work that they have done, and the academic supervisor can use the research to write well informed and appropriate outputs. The clients and the research participants are advised that the data gathered may be used in academic publications, so they can give informed consent.

Challenges with the Policy Clinic

For students

One of the main challenges when the PC was initially set up was that many students did not know what it was. Students who were focussed on a career in law could not see how the PC would assist them. Their expectation was that the SLO would give them legal experience of working in a law firm and introduce them to the skills required to progress a case for a client. For many, time in the SLO was the reason that they had enrolled on the Northumbria Law Degree. It was difficult to get students to recognise the advantages of working in a PC rather than in a traditional SLO firm - especially as they were the first cohort and the 'guinea-pigs'! Despite this initial challenge, supervisors found that students soon appreciated the benefits of PC work and realised the opportunities it provided (discussed above). Once the projects had been delineated, explained, and started and the students could see how the experience aligned with, and in some case was greater than, the live client firms' experiences, they were glad they had chosen to carry out PC work.

For staff

Staff in a PC must be familiar with empirical research. This will be a problem if a law school does not have many members of staff who are able to work empirically. This provides a great opportunity, however, for willing staff to develop their own research skills alongside those of the students. Though not all staff in the PC were familiar with all empirical research methods, they were able to carry out FOIs and other simpler methods of data collection. Staff who led the PC were able to consult experienced supervisors, and members of academic staff, who could help with ethical applications and provide practical support. This only works, however, if staff are enabled to develop their own skills, to support less experienced staff, and are provided with time and space to work towards the aims of the PC. This will always be dependent on the leadership of the clinic and ultimately the law school.

Time

All forms of clinic take a considerable amount of staff time and effort to be successful. In the present climate, hours allocated to academic teaching rarely accurately reflect the time that is required to support and mentor students. The PC is no exception to this. Initially we underestimated how much time it would take to carry out the work required. One reason for this was that the students had no prior knowledge of empirical research methods, so time was necessarily spent introducing various research methods, including working with data and applying for ethical approval. A specially designed boot camp, specifically focusing on the PC, rather than live client work dealt with this problem. The students were given an intensive course in appropriate research methods. As with any clinic, a large amount of time was necessarily spent checking students' work before it was sent to the client. The amount of time that this takes cannot be underestimated and should be a paramount consideration to anyone considering setting up a PC.

Time may also be spent travelling. In some instances, the supervisor had to travel with students to interview the participants in the research. The supervisor had to, therefore, consider insurance and complete risk assessments for traveling to external locations. If it is not possible to conduct interviews in person, due to geographical distance or time restraints of the participant, interviews can be conducted over the telephone. Although this of course saves time and money (Sturges and Hanrahan 2004), it can lead to other difficulties. For example, conducting interviews via telephone may result in a lack of rapport with the participant, without the ability to observe facial expressions, and may cause difficulties when transcribing (Chapple 2013). It is a different experience interviewing in person, and we try to give our students this experience in the PC.

It is the authors' experience that it is essential to accompany the students to interviews and be present during the interview with participants. With regular live client clinic models when interviewing a client if a student does not obtain all the relevant information it is easy for the student to write to or telephone the client for clarification or additional information. For empirical research, when interviewing participants, if issues are not covered in interviews, it is very difficult, and in some cases impossible, to contact the participant for further

information or clarification. Therefore, the academic supervisor being present for interviews mitigates this danger: they can always step in if necessary.

Recruitment

Consideration needs to be given to the kinds of projects which are undertaken in the PC. As the module runs for one academic year, it is ideal that the project will last for that amount of time and be concluded before the students leave the clinic. This means that the PC cannot realistically conduct longitudinal studies, and the sample size must be kept to a manageable size. It is imperative that students see the impact of their work, and a conclusion of the study.

Empirical research can be unpredictable, particularly when recruiting participants and waiting for internal and external ethical approval to be granted. This needs to be taken into consideration when agreeing to conduct research projects. In some instances, the response rate to letters inviting participation in interviews was low, and the supervisor had to call potential participants to increase the numbers of recruits. This provided larger sample sizes, but took a great deal of time.

Ethical application considerations

Clinicians have reported difficulties in gaining timely ethical approval in this kind of student work and had to abandon it as a result (Curran 2007). Curran's research was carried out in a live client clinic which also conducted law reform work. A stand-alone PC will be better placed to go through this process, but everyone involved must still be mindful of the potential delays. Further, students will never have applied for ethical approval, and time will need to be devoted to providing them with the knowledge to write all of the documents required, including consent forms. The problem is not insurmountable, but it does require forward planning. The authors designed the boot camps to provide timely and appropriate guidance and 'firm meetings' around ethical issues and worked with students using exemplars.

Reputation- gaining work

The SLO at Northumbria enjoys a reputation for high quality work within the local community. It has been the recipient of many prizes including the Attorney General's Award and the Queen's Anniversary Award. As a new element of the SLO, the PC could not depend upon the success of any previous work to sell itself to prospective clients. This meant that there was no ready stream of potential projects. The supervisors had to approach potential sources of work and find their own projects. This took considerable time and effort and it meant that the PC had already welcomed its first students before the parameters of some of the projects were finalised. This is a difficulty which should ease as the PC programme progresses. Once supervisors have developed a network of contacts and the recommendation of satisfied customers it will be easier to find projects. For those establishing a PC, consideration needs to be given to where projects will come from and when, and by whom, time will be spent contacting organisations.

In the first instance, projects from inside the law school may be a good starting point: ask law school staff about research projects and offer to help. In our PC, this approach generated ideas for a number of projects and thus staff who had not previously had any contact with

the SLO became actively involved. Whilst this provided work, it also meant that supervisors in the PC had to lead projects outside of their specialist area of law. However, the member of staff providing the project opportunity did have specialist knowledge and therefore the combined skills of the members of staff benefited both the students and the academics. Supervisors learnt from their students during the process, researching an area together. It also meant working more closely with staff who did specialise in this area, for accuracy in the final report. This has the added advantage of increasing interdisciplinary work, which can be an issue for live client clinics, but is avoided for those undertaking policy work (Patton 2011).

Conclusion

Students undertaking PC work, whether they go into practice or onto an alternative career, are provided with the skills and knowledge to encourage 'their participation in their law association and to be unafraid in speaking out against injustice' (Curran 2004, 174). The knowledge gained from law reform and policy work is useful when going into practice, but also to make more responsible lawyers who serve the needs of their community (McCrimmon and Santow, 2010), providing them with the tools to encourage law reform. It is also a way to encourage participation of non-practising academic staff into an established clinic and introduce students to empirical research and the skills and opportunities they have. PC work is adaptable to the online environment. The increasing use of technology because of the Covid-19 pandemic brings opportunities to widen the scope of the type of work in a PC, the scale of that work and for collaboration between PCs in different universities. Rather than being a hinderance, the need to work online has opened new opportunities and encouraged successful ways of reaching wider audiences, partners and participants.

For those considering setting up a PC, the authors recommend:

- That someone in the PC has good working knowledge of the university's ethical application process
- Suitable space is set established, which allows the students to work and store confidential material. An already established live client clinic should be appropriate
- Be realistic with the time scale of the project, both in terms of it lasting the length of the module in an academic year and staff workload.

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