

# Towards Designing a Validated Framework for Improved Clinical Legal Education: Empirical Research on Student and Alumni Feedback

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## Abstract

The pedagogical advantages of employing a Clinical Legal Education ("CLE") teaching and learning strategy have been acclaimed in literature for almost a century and it continues to be ideally suited to catering to modern education expectations. As an agent for social change, CLE offers law students an effective gateway to participate in and be influenced by fundamental social justice problems while it also improves access to justice for the indigent. Though the clinical literature is replete on the topic of the expected benefits for clinical law students, very little (if any) verifiable empirical research, independently sourced and evaluated, has been published to assess the veracity of the claims made in support of CLE. After receiving a funding grant from the University of Stellenbosch Fund for Innovation and Research into Learning and Teaching, the University of Stellenbosch Law Clinic appointed an independent, external agency to conduct empirical research through an extensive measure and evaluation exercise. The aim of the project was to source, document and analyse robust empirical research data about the Faculty of Law's CLE module, Practical Legal Training 471. The project involved the sourcing and collation of formal student evaluation feedback reports spanning a period of nine years. Additional alumni and current student data were gathered either by online questionnaire or by telephonic interview. The research was aimed at eliciting quantitative as well as qualitative responses.

The purpose of this article is to describe the applicable methodology and aims of the research project, to unpack and discuss the resulting empirical data, and to draw certain conclusions based on the findings of this research about CLE's impact on law students' experience specifically relating to their practice-readiness and social justice sensitivities. It is suggested that this research will prove both interesting and useful to law teachers involved in relevant programmes at other higher education institutions. The data and evidence detailed herein will assist them to conduct their research and to make substantiated recommendations for the development of CLE programmes on a broader national and international level. This research will also add to the body of knowledge on students and student learning and allow for recommendations regarding the creation of a broader implementation framework for improved CLE.

## Keywords

Clinical legal education; teaching and learning; empirical data; student and alumni feedback; practical legal training; social justice sensitivity; qualitative and quantitative analysis; module development.

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## 1 Introduction

The pedagogical advantages of employing a Clinical Legal Education ("CLE") teaching and learning strategy are often endorsed and have generally been accepted by those who have invested time and effort in investigating its claims.<sup>1</sup> The literature recognises CLE as being a method characterised by its espoused constructivist approach,<sup>2</sup> promoting student-centred,<sup>3</sup> authentic,<sup>4</sup> and active<sup>5</sup> learning. It is conducive to facilitating the need to constructively align the teaching, assessment and outcomes of degree modules.<sup>6</sup> Utilised as an instrument for the transfer of knowledge and the training of skills, CLE is well suited to cater to all the ways of modern student learning.<sup>7</sup> CLE also addresses the perceived disconnect between university teaching and practice, where students fail to see how the mediational means of law school (mostly abstract and general theory) translate to the skills required for effective practice.<sup>8</sup> In terms of activity theory, CLE therefore presents the ideal "germ cell"<sup>9</sup> when it acts as a boundary topic between the two learning systems of law school and legal

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<sup>2</sup> Biggs 2012 *High Educ Res Dev* 39; Quinot 2012 *SALJ* 418.

<sup>3</sup> Biggs and Tang *Teaching for Quality Learning* 9; McQuoid-Mason "Introduction to Clinical Law" 2.

<sup>4</sup> Rowe, Bozalek and Frantz 2013 *Br J Educ Technol* 594-606.

<sup>5</sup> Stetsenko 2008 *Cult Stud Sci Edu* 479.

<sup>6</sup> Biggs and Tang *Teaching for Quality Learning* 97.

<sup>7</sup> See Laurillard *Teaching as a Design Science* chs 7-11, where the author discusses learning through acquisition (initiation), inquiry, discussion, collaboration, production and practice. These activities are all, to a greater or lesser extent, intrinsic to successful CLE programmes.

<sup>8</sup> Le Maistre and Paré 2004 *J Workplace Learn* 44-45.

<sup>9</sup> See Ivaldi and Scaratti 2016 *J Workplace Learn* 224-244, where the authors discuss the work of Engeström and Davydov, who define these "germ cells" as the simplest possible relation between two systems, which will over time develop into more complex processes.

practice.<sup>10</sup> This ability of CLE to simulate real practice is central, as Le Maistre and Paré<sup>11</sup> explain:

The chief aim of professional education is to prepare new practitioners, and many of the techniques designed for that end – such as simulations, case studies, and internships of various sorts – seek to ease the passage to professional practice by recreating it under controlled conditions in school or in a practicum.

In addition to these pedagogical strengths, CLE has the reputation that it improves access to justice and enhances the social justice awareness of students who are involved in the module.<sup>12</sup> The assumption is that students who are introduced to the plight of those less fortunate through their work at Law Clinics are more likely to be sensitive to this concern when they enter legal practice. If this is the case, and one accepts Quinot's<sup>13</sup> premise that the way we teach law students is a decisive factor in their perception of the law and its function in society, CLE indeed has much to contribute in a country plagued by severe inequalities in the economic and class status of its citizens.<sup>14</sup>

CLE's claim as a catalyst to improve legal pedagogy and advance social justice agendas is logically sound, and there is no reason to suspect that a well-run CLE programme would fail to further these causes. In support of this notion, the author's previous research lamented students' limited exposure to CLE modules at many universities, due to various practical and policy considerations, and advocated an expanded CLE module at the University of Stellenbosch.<sup>15</sup> Efforts to lobby major role-players in the faculty

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<sup>10</sup> Successful CLE programmes attempt to align abstract or general learning outcomes with particular practice requirements (real life elements) and elucidate the need for cooperation between the two learning systems. Stuckey *et al.* *Best Practices for Legal Education* 170: "There is no more effective way to help students understand what it is like to be a lawyer than to have them to perform the task that lawyers perform or observe practicing lawyers at work."

<sup>11</sup> Le Maistre and Paré 2004 *J Workplace Learn* 44. While producing legal practitioners is not the only aim of law schools, many argue that it is the chief goal. See for example Chemerinsky 2009 *Clin L Rev* 41: "The preeminent purpose of law schools is educating our students to be lawyers. There is simply no better way to do this than through clinical education. Indeed, there is no way to do this without clinical education."

<sup>12</sup> Van der Merwe 2017 *Stell LR* 692-693; Holness 2013 *PELJ* 334-335.

<sup>13</sup> Quinot 2012 *SALJ* 432-433.

<sup>14</sup> See Van der Merwe 2019 *Stell LR* 77-78.

<sup>15</sup> Van der Merwe 2017 *Stell LR*. This research presented an argument favouring a dedicated and pro-active effort to increase CLE's footprint within the faculty by restructuring the current elective module into one that is mandatory for all law students. This is done by considering the pedagogical, institutional and access to justice arguments in support of effective CLE modules.

were buoyed when the Higher Education Quality Committee ("HEQC")<sup>16</sup> LLB re-accreditation review panel responsible for evaluating the faculty's programme released its draft report.<sup>17</sup> In this report the panel *inter alia* strongly recommended that the faculty consider expanding its CLE programme in order to offer its students more opportunity for social justice and skills training.<sup>18</sup> The panel considered this training as important in realising the benchmarked graduate attributes. In the wake of this report, the University of Stellenbosch arranged a Programme Renewal Workshop hosted by Prof Gilly Salmon,<sup>19</sup> during which the composition of the programme of the Faculty of Law came under scrutiny, and where the CLE module, Practical Legal Training 471 ("PLT"), was identified as a core module in the programme.

As a result, there has been a renewed focus on CLE and, specifically, PLT's position in the LLB curriculum. The module at present has a limited role, as it is offered as an elective to a relatively small number of final-year law students.<sup>20</sup> It is taught mainly through face-to-face lectures and small-group tutorials. It is highly labour-intensive<sup>21</sup> as the necessary skill-transfer requires conversational learning<sup>22</sup> and low supervisor:student ratios. Partial use is also made of technologies aimed at blended learning.<sup>23</sup>

The suggestion that the University of Stellenbosch expand CLE's impact by transforming its elective module into a mandatory version seems like a

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<sup>16</sup> Reporting to the Council for Higher Education.

<sup>17</sup> Van der Merwe 2017 *Stell LR* 700.

<sup>18</sup> Council on Higher Education 2017 <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/RNW975-2017-05-17-Anex-A.pdf>. Note that a final report had not been released at the date of the drafting of this article, and it is unclear when, or indeed whether, this will be done. See Ramotsho 2018 <http://www.derebus.org.za/outcomes-national-review-llb-programme-released/>.

<sup>19</sup> The Workshop was held on 16-18 May 2017 at the Devonvale Golf Estate outside Stellenbosch.

<sup>20</sup> The number of final-year law students who have elected to enrol for PLT since its inception in 2002 has ranged from 20 to 65. Annual final-year LLB class sizes are typically between 180 to 220 students.

<sup>21</sup> Heringa *Legal Education* 56 supports the notion that skills training is "time consuming, requires exercises to be performed by the students, feedback by the faculty, and a lot of intensive contacts between faculty and students. It therefore places burdens upon the finances of the school."

<sup>22</sup> Baker, Jensen and Kolb *Conversational Learning* 68 describe conversational learning as "...experiential learning in conversation as learners in a given class move through the learning process of experiencing, reflecting, conceptualizing, and acting to create new experiences... Unlike a traditional method of learning that places primary emphasis on abstract and conceptual dimensions of knowledge, conversational learning equally values the learner's emotional, sensual, and physical engagement in the learning process."

<sup>23</sup> Van der Merwe 2017 *Stell LR* 683, 689.

logical solution,<sup>24</sup> but is it justified given the increased demands it will make on limited resources? There are, of course, various factors to take into consideration. Some of these have been discussed elsewhere and fall outside the scope of this article.<sup>25</sup> The focus in this article will, however, be on considering whether CLE's impact on students' experience and their resulting development, specifically in the areas of legal competence and social justice awareness, warrant this suggested expansion. Is the generally accepted premise that effective CLE programmes make for an improved student learning experience and an enhanced sense of social responsibility sound? Does the available evidence in this regard support the proposal to increase student numbers in CLE modules?

Various forms of informal student feedback frequently support anecdotal evidence in support of CLE's seeming importance.<sup>26</sup> While the clinical literature is replete on the expected benefits for clinical law students, very little (if any) verifiable empirical research, independently sourced and evaluated, has been conducted to assess the veracity of these claims. During 2017 the University of Stellenbosch Law Clinic ("the Clinic") therefore appointed an independent, external agency ("the Agency")<sup>27</sup> to conduct empirical research through an extensive measure and evaluation exercise.

The purpose of this article is to describe the applicable methodology and the aim of this research, to unpack and describe the resulting empirical data, and to draw certain conclusions based on the findings of this research about CLE's impact on student experience. It is suggested that the research will prove both interesting and useful to law teachers involved in relevant programmes at other higher education institutions. The data and evidence detailed herein will assist them to conduct their research and to make substantiated recommendations for the improvement of CLE on a broader national and international level.

## 2 Methodology and aim

After appointing the independent measure and evaluation agency, the Clinic applied for ethical clearance from the Stellenbosch University Research

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<sup>24</sup> Van der Merwe 2017 *Stell LR* 697-701.

<sup>25</sup> See van der Merwe 2017 *Stell LR* 697-701 for policy and practical considerations as well as some suggestions as to how these could be addressed.

<sup>26</sup> Van der Merwe 2017 *Stell LR* 691-692.

<sup>27</sup> Mandesure Consultation CC t/a M&ESURE Research and Evaluation (see M&ESURE date unknown <https://www.mesuresa.co.za/>).

Ethics Committee<sup>28</sup> as well as for institutional permission from the Division for Information Governance.<sup>29</sup> Once these requirements had been met, it was possible to allow the Agency to source and collate extensive data on the existing PLT module. These data comprised of the module's formal anonymous student feedback for the last nine years,<sup>30</sup> obtained by the University's student feedback office under the auspices of the Centre for Teaching and Learning.<sup>31</sup> In addition, the Agency contacted hundreds of alumni and existing students who were requested to respond to voluntary online questionnaires and participate in telephonic focus group interviews. The Agency then disseminated the results of these data collection exercises<sup>32</sup> in the form of three separate reports containing quantitative and qualitative information.<sup>33</sup>

The aim of this research was to source, document and evaluate empirical data to determine the impact of the relevant CLE module on student learning and the development of student social justice awareness. From this evidence it was feasible to draw further conclusions and ponder the implications of the study for the design and development of improved CLE modules. This research will facilitate future constructive design developments and allow for recommendations regarding the creation of a broader implementation framework for improved CLE. It also assisted in the process of identifying internal and external factors that impacted on the CLE module's effectiveness and supported the assessment of the module through various analytic tools.<sup>34</sup> The research is also important as it contributes to the existing body of scholarly knowledge on students and student learning:

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<sup>28</sup> SU date unknown [http://www.sun.ac.za/english/research-innovation/Research-Development/integrity-ethics/human-research-\(humanities\)-ethics](http://www.sun.ac.za/english/research-innovation/Research-Development/integrity-ethics/human-research-(humanities)-ethics). The project was approved on 12 October 2017 with reference REC-2017-1606.

<sup>29</sup> SU date unknown <http://www.sun.ac.za/english/InformationGovernance/services/access-to-information/access-to-information-for-research-and-other-purposes>. The project was approved on 2 November 2017 with reference IRPSD 705.

<sup>30</sup> Student feedback is collected on all modules through the University's formal student feedback system, using structured questionnaires that ask generic sets of questions related to the module and the lecturer.

<sup>31</sup> SU date unknown <http://www.sun.ac.za/english/learning-teaching/ctl/about-us>.

<sup>32</sup> All applicable datasets are available on file with author.

<sup>33</sup> M&ESURE *Practical Legal Training 471 Formal Student Feedback Survey Analysis 2009 – 2017, Alumni Survey and Interview Analysis and Current Student Feedback Survey Analysis*. All three reports (dated 11 June 2018) are available on file with author.

<sup>34</sup> For example, SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis or the TOWS (Threats, Opportunities, Weaknesses and Strengths) matrix. See Wehrich 1982 *Long Range Planning* 54-66.

Effective teaching involves acquiring relevant knowledge about students and using that knowledge to inform our course design and classroom teaching.<sup>35</sup>

### 3 Unpacking and appreciating the data

During June 2018 the Agency released three reports based on its measurement and evaluation of the PLT module data from 2009 to 2017. These reports consisted, firstly, of a Student Feedback Analysis Report based on formal student feedback survey data sourced through the University of Stellenbosch student feedback office. The second was an Alumni Survey Analysis Report presenting the findings of questionnaires administered through an online survey instrument (SunSurveys) as well as a few focus group interviews with alumni. The third report was similar in extent to the second but focussed on a Current Student Survey Analysis of the students from the PLT class of 2017. The most important findings of these reports are discussed in the following sections.

#### 3.1 Student Feedback Analysis Report

In the Student Feedback Analysis Report, a longitudinal analysis<sup>36</sup> was conducted of nine years' worth of formal student feedback sourced for PLT,<sup>37</sup> totalling 282 student response forms.<sup>38</sup> These student responses were obtained from students on an annual basis, during the last formal lecture of the year. The entire student feedback process is administrated and authenticated by the Stellenbosch University Centre for Teaching and

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<sup>35</sup> Carnegie Mellon University date unknown <https://www.cmu.edu/teaching/principles/teaching.html>.

<sup>36</sup> "Longitudinal analysis is the study of short series of observations obtained from many respondents over time" Michigan University date unknown <https://www.icpsr.umich.edu/icpsrweb/sumprog/courses/0025>.

<sup>37</sup> In the report the data is presented using the original response categories used in the questionnaire and where appropriate, categories such as "strongly agree" and "agree" have been collapsed to ease interpretation. In some instances, students indicated that items were not applicable ("NA") or did not answer ("DNA") some items. While the narrative does not include the data for NA or DNA, these data are presented in the summary table at the end of each section. Percentages in the narrative have also been rounded off to ease interpretation, with exact values reflected in the summary tables.

<sup>38</sup> Almost 89% of the total number of students who completed the PLT module for the 9-year period (318) completed these anonymous student feedback forms (2009 – 31; 2010 – 32; 2011 – 29; 2012 – 55; 2013 – 48; 2014 – 33; 2015 – 22; 2016 – 36; 2017 – 32).

Learning.<sup>39</sup> In accordance with the Institutional Student Feedback Policy,<sup>40</sup> the standardised student feedback questionnaire is distributed and collected by faculty assistants and completed by the students in the absence of the module lecturer.<sup>41</sup> These documents are completed anonymously and handled in strict confidentiality<sup>42</sup> to ensure that students have the opportunity to respond in an unbiased and forthright manner, and that the veracity of the results is in no way compromised.<sup>43</sup>

### 3.1.1 Quantitative response

In terms of PLT student demographics, the report indicated that across the nine years, the general trend was that females (62%) outnumbered males (37%), except for two years<sup>44</sup> when the reverse was true.<sup>45</sup> 55% indicated that their home language was Afrikaans, followed by English (42%) and isiXhosa (1%).<sup>46</sup> 89% of the students who registered for the module had obtained 70% or more as their matric average, while except in one year<sup>47</sup> at least 40% reported a matric average of 80% or more.<sup>48</sup>

The intensity of the module was gauged by requesting student impressions of the module's difficulty, workload and pace, relative to those of their other concurrent modules. Across the nine years, the general trend was that 9% rated PLT as "very difficult", 42% as "difficult", 47% as "medium", and 2% as "easy".<sup>49</sup> The module's workload was consistently seen as a challenge, with 61% of the students indicating that it was "very high", 32% "high", and a combined 7% indicating that the workload was "medium", "low" and "very low".<sup>50</sup> These data were supported by the students' feedback on the number of hours they spent weekly on PLT outside of the classroom. 24% indicated that they spent "more than 8 hours", 28% spent "7 to 8 hours", 31% "5 to 6

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<sup>39</sup> For more information, see SU date unknown <http://www.sun.ac.za/english/learning-teaching/ctl/student-feedback>.

<sup>40</sup> This policy was implemented in 2008 and can be accessed at SU 2013 <https://www.sun.ac.za/english/learning-teaching/ctl/Documents/Student-Feedback-Policy.pdf> (SU Institutional Student Feedback Policy).

<sup>41</sup> See SU Institutional Student Feedback Policy para 5.3.

<sup>42</sup> SU Institutional Student Feedback Policy para 5.1.

<sup>43</sup> SU Institutional Student Feedback Policy para 3.6: "As students give feedback anonymously, the feedback system allows students to express their opinions freely, without fear of retribution or risk of misrepresentation of the results".

<sup>44</sup> 2011 and 2016, where males were 54% and 57% respectively.

<sup>45</sup> 278 respondents answered the question on gender.

<sup>46</sup> 275 respondents answered the question on home language preference.

<sup>47</sup> 2016, when 39,3% of the class obtained matric averages above 80%.

<sup>48</sup> 279 respondents answered the question on matric average.

<sup>49</sup> 280 respondents answered the question on module difficulty.

<sup>50</sup> All 282 students who responded to the questionnaire answered the question on module workload.

hours", and 16% spent "less than 4 hours" per week on PLT.<sup>51</sup> The module's pace was rated as "very fast" by 19% of students, as "fast" by 49%, and 30% of the students indicated that the module's pace was "medium". During the nine years, only 2% of the students felt that the pace was "slow".<sup>52</sup> The students indicated that they had prioritised class attendance in PLT, with 89% stating that they "always" attended, while 10% "regularly" attended these lectures.<sup>53</sup>

The design of the PLT module design was scrutinised by inviting student feedback on various pedagogical aspects of its activities. Across the nine years, 85% of the students indicated that the module assessments assisted them in their learning, while 10% were neutral to the statement and 4% disagreed.<sup>54</sup> 77% of the students believed that the module provided clear guidelines for assessment, while 12% were neutral and 11% disagreed.<sup>55</sup> Similarly, 77% of students felt that they had received adequate feedback on their work, 16% were neutral and 6% disagreed.<sup>56</sup> A combined total of 62% of the students agreed and strongly agreed that the learning resources provided for the module had assisted them to learn effectively, 23% were neutral and 7% disagreed.<sup>57</sup> An overwhelming majority (92%) of the students had experienced the teaching and learning spaces for PLT as adequate, with 5% being neutral and 2% disagreeing.<sup>58</sup> Similarly, 86% of the students thought that the module was well structured, while 11% were neutral and 3% disagreed.<sup>59</sup> The significant majority of the students (90%) believed that the choice of themes and examples was relevant to the outcomes of the module, while 8% were neutral and 1% disagreed.<sup>60</sup>

Important questions were asked in the questionnaire to measure the extent to which the outcomes of the PLT module had contributed to student development. In this regard, the students were asked to indicate to what extent they could see the relevance of the PLT module to their programme.

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<sup>51</sup> 281 respondents answered the question on weekly hours engaged in PLT outside the classroom.

<sup>52</sup> 280 respondents answered the question on module pace.

<sup>53</sup> 278 respondents answered the question on class attendance.

<sup>54</sup> 281 respondents answered the question on whether assessments assisted learning.

<sup>55</sup> 281 respondents answered the question on guidelines for assessments.

<sup>56</sup> 280 respondents answered the question on feedback adequacy.

<sup>57</sup> 280 respondents answered the question on the usefulness of learning resources.

<sup>58</sup> All 282 students who responded to the questionnaire answered the question on the learning space adequacy.

<sup>59</sup> All 282 students who responded to the questionnaire answered the question on module structure.

<sup>60</sup> 281 respondents answered the question on the relevance of the work to the module outcomes.

A combined total of 97% of students agreed or strongly agreed that the module was relevant to their degree, with not a single response indicating that they considered the PLT module irrelevant in this respect.<sup>61</sup> The majority of the students also indicated that the module had assisted them to develop analysis and problem-solving skills, as 94% agreed with this to be the case. Over the nine years, 4% of the students were neutral in this respect, while 1% of the students disagreed.<sup>62</sup>

Despite student interest in the module already being reasonably high at the beginning of the year, interest in the content generally developed during the module itself. Before completing the module, more than half (57%) of the students indicated "high" and "very high" levels of interest in the module, which increased to more than two-thirds (72%) of the students indicating this level of interest after completing the module.<sup>63</sup> Over the nine years, the average student rating for the module was 76%.<sup>64</sup>

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<sup>61</sup> 281 respondents answered the question on the relevance of the module to their degree.

<sup>62</sup> All 282 students who responded to the questionnaire answered the question on skills development.

<sup>63</sup> All 282 students who responded to the questionnaire answered the questions on module interest.

<sup>64</sup> 279 respondents rated the module.

*Table 1: Summary of quantitative student feedback on PLT module: 2009-2017*

<b>Module intensity</b>				
<b>Indicator</b>	<b>Very difficult/difficult</b>	<b>Medium</b>	<b>Easy/ very easy</b>	<b>NA &amp; DNA</b>
Difficulty	50.4%	46.8%	2.1%	0.7%
<b>Indicator</b>	<b>Very high/high</b>	<b>Medium</b>	<b>Low/very low</b>	<b>NA &amp; DNA</b>
Workload	92.9%	4.0%	2.8%	0.0%
<b>Indicator</b>	<b>Very fast/fast</b>	<b>Medium</b>	<b>Slow</b>	<b>NA &amp; DNA</b>
Pace	67.4%	29.8%	2.1%	0.7%
<b>Module design</b>				
<b>Indicator</b>	<b>Strongly agree/agree</b>	<b>Neutral</b>	<b>Disagree/strongly disagree</b>	<b>NA &amp; DNA</b>
Assessments: Assist learning	85.1%	9.6%	3.5%	1.8%
Assessments: Clear guidelines	77.0%	12.1%	10.6%	0.4%
Adequate feedback is provided	77.3%	15.6%	6.4%	0.7%
Learning resources: assist learning	61.7%	23.4%	6.7%	8.2%
Adequate teaching and learning spaces	91.8%	5.0%	2.5%	0.7%
Module is well structured	86.2%	11.0%	2.8%	0.0%
Themes and examples are relevant to outcomes	89.7%	7.8%	1.1%	1.4%
Module is relevant to the programme	96.8%	2.8%	0.0%	0.4%
Assists with analysis and problem-solving skills development	94.0%	4.3%	1.1%	0.7%

The Student Feedback Analysis Report then asked about the students' opinion of the PLT module lecturer's performance.<sup>65</sup> The overwhelming consensus of the students was that the lecturer was enthusiastic,<sup>66</sup> his

<sup>65</sup> Students' response to the lecturer is not the focus of this article and is summarised only briefly. The same lecturer presented the PLT module for the nine-year period under consideration and student attitudes about the lecturer may, however, prove relevant to the extent that they may influence students' attitudes to the broader module. For more on this, see para 4 below.

<sup>66</sup> 281 respondents answered the question.

explanations were clear,<sup>67</sup> he was well prepared<sup>68</sup> and intellectually stimulating,<sup>69</sup> and the lectures were well structured.<sup>70</sup> Likewise, the students also felt that they were treated with respect<sup>71</sup> and that they were encouraged to participate during the module.<sup>72</sup> By and large, the students agreed that the lecturer was accessible to students,<sup>73</sup> provided them with meaningful feedback<sup>74</sup> and that he increased their interest in the subject.<sup>75</sup> A clear majority of students also indicated that feedback on tasks and tests was given promptly.<sup>76</sup>

*Table 2: Summary of quantitative student feedback on PLT lecturer: 2009-2017*

<b>Lecturer performance</b>				
<b>Indicator</b>	<b>Strongly agree/ agree</b>	<b>Neutral</b>	<b>Disagree/ strongly disagree</b>	<b>NA &amp; DNA</b>
Enthusiastic	96.8%	2.5%	0.4%	0.4%
Clear explanations	90.1%	7.4%	2.5%	0.0%
Well prepared	94.7%	4.3%	0.0%	1.1%
Intellectually stimulating	89.0%	7.8%	1.8%	1.4%
Lectures well structured	86.2%	11.0%	2.8%	0.0%
Students treated with respect	92.9%	5.3%	1.8%	0.0%
Encouraged class participation	94.7%	4.6%	0.7%	0.0%
Accessibility to students	89.7%	7.8%	1.1%	1.4%
Provided meaningful feedback	82.6%	10.6%	5.3%	1.4%
Increased interest in subject	81.6%	14.9%	2.5%	1.1%
Feedback given promptly	71.3%	17.4%	8.2%	3.2%

### 3.1.2 Qualitative response

In addition to the above quantitative feedback, students were requested to provide open response feedback on what they considered the "best aspects of the module". In their report, the Agency extracted and highlighted the

<sup>67</sup> All 282 respondents answered the question.  
<sup>68</sup> 279 respondents answered the question.  
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<sup>75</sup> 280 respondents answered the question.  
<sup>76</sup> 280 respondents answered the question.

main points that emerged from the Formal Student Feedback surveys, as rated by the students. According to this, the students considered the most valuable aspect of the module the "real world" exposure to the practical application of the law.<sup>77</sup> They also enjoyed the litigation project and mock trial experience and valued the opportunity to train in drafting skills and litigation techniques. The report also stated that "[a] few students mentioned that they had enjoyed working at the Legal Aid Clinic. Others specified working with clients and conducting consultations as 'the best aspects of the module'". It was also interesting to note that several responses expressed the view that the PLT module should be a compulsory element of the curriculum.

In the open responses, students were also requested to elaborate on "aspects of the module that need improving". The Agency's study identified three main concerns which occurred repeatedly in the students' comments in this regard. Firstly, students were deterred by the heavy workload of the module.<sup>78</sup> A significant proportion of the students expressed the view that the expected workload did not accurately reflect in the credit allocation of the module.<sup>79</sup> They also mentioned that the distribution of the workload should be reconsidered to facilitate a more even spread of activities through the course of the year.<sup>80</sup> Secondly, students expressed the opinion that the lecturer's communication about guidelines and feedback could be improved. Some students thought that that the task and module outcomes had not always been made clear.<sup>81</sup> Thirdly, students felt that the Clinic needed more "structure" to cater to the broad spectrum of student activities expected of them, including better access to computers, internet and printing facilities.

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<sup>77</sup> The comments from students quoted in the report underline this idea: for example: "The practical experience is wonderful and I suggest everyone should do it in order to obtain a legal degree"; "The hands-on engagement with the Law was the most valuable experience I have ever had whilst in Stellenbosch"; "Great practical learning programme to prepare students for articles"; "Incorporating a practical element to the legal curriculum!!! Should be compulsory".

<sup>78</sup> They described the workload as "too demanding", "way too much work", "excessive" and "not in balance" in relation to the other modules.

<sup>79</sup> PLT is a full year module carrying a standard 24 credits (240 notional hours). See para 4 below.

<sup>80</sup> The second semester is normally more labour-intensive, when projects like the litigations project and mock trial come to fruition.

<sup>81</sup> One comment was: "...no one communicated anything, I was confused both in class and at the legal aid."

### 3.2 Alumni Survey Analysis Report

The Alumni Survey Analysis Report was compiled after 52 alumni completed a survey administered by the Agency through SunSurveys.<sup>82</sup> In addition, the Agency conducted follow-up telephonic interviews with a few of these alumni. The contact details of a broad spectrum of alumni from the last 15 years were sourced through an online social media platform, LinkedIn.<sup>83</sup> Before presenting the survey, the PLT lecturer sent an introductory email to these alumni.<sup>84</sup>

#### 3.2.1 Quantitative response

58% of the alumni who responded to the survey were female, and 42% male. Responses were recorded from at least one alumnus per year who graduated from 2002 to 2005, while the participants who graduated most recently did so in 2016. 92% of these former students had completed PLT as a module in their undergraduate LLB programme, as only 4 had taken the postgraduate LLB. 48% of the alumni were employed as practising attorneys, 17% as candidate attorneys, 10% as advocates or in the role of another legal professional, and 4% indicated "other" (e.g. paralegals). 21% indicated that they were not currently working in the legal environment

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<sup>82</sup> "The web-based e-Survey service (SUrveys) is available to support academic staff and postgraduate students using online surveys for their academic research." SU date unknown <https://sunsurveys.sun.ac.za/>.

<sup>83</sup> LinkedIn date unknown <https://www.linkedin.com/feed/>. 124 alumni could be traced through LinkedIn and were contacted by the Agency. Of those, 52 completed the survey and a further 5 were contacted telephonically.

<sup>84</sup> "I refer to the above matter and confirm that you have received this e-mail because you are either a current or a former student of the module Practical Legal Training 471 (PLT), presented by myself at the University of Stellenbosch Faculty of Law. While I have had recent contact with many of you, there are also some alumni that I haven't seen in a decade. I have been delighted to find that your careers have developed and that most of you are employed in prestigious positions and firms. I have taken the liberty to forward this correspondence to you and kindly request that you afford me a few minutes of your valuable time. I have recently secured a grant from the University to conduct research into the Clinical Legal Education module of the faculty. We have secured the services of a professional data analysis company, M&ESURE, who will assist us in this endeavour (Megan from M&ESURE is also copied on this message). The goal of this research is to determine to what extent the module has contributed, or failed to contribute, to the training of future legal practitioners. This is of course where you come in. In order to collect the data that we need to conduct this research Megan will be forwarding you a short online questionnaire on the PLT module. The results of the questionnaire are compiled anonymously and the document should take no more than 15 minutes to complete. I would be extremely grateful if you could apply your mind to this and furnish us with your feedback. We are hopeful that the data we collect will assist us in improving and expanding the module in the effort of supporting the training of future legal professionals."

(working as a journalist, librarian, entrepreneur, developer, compliance officer and political assistant).<sup>85</sup>

The survey was designed to produce information on two issues in particular: the PLT module's contribution to alumni's practice-readiness, and its influence on their social justice sensitivity. Respondents were accordingly initially requested to comment on the PLT module's contribution to preparing them for practice. In the quantitative section of the survey, 67% of the respondents believed that the module had contributed to their practice-readiness, while the remaining 33% indicated that this was "partly" the case. None of the respondents indicated that the module had failed to play a role in this regard. The Agency also identified the main trends which emerged from the qualitative data in this regard. The participants stated that they prized the practical experience and the resulting self-confidence they were able to gain by interacting with clients in a professional environment.<sup>86</sup> They also valued the skills they were able to learn and develop during the module, in particular file management, client consultations, and litigation-related abilities like drafting court documents and preparing and conducting a trial.<sup>87</sup> When they were requested to identify the least helpful aspects of the PLT module concerning their practice-readiness, many indicated that there were no useless aspects to it and some indicated that they could not recall any aspects that were not useful. A few were able to provide insight into a handful of aspects they viewed as "the least useful" parts of the module, stating that the lectures were too theoretical,<sup>88</sup> and a few were critical of the scope of work<sup>89</sup> and oversight and support during client consultations.<sup>90</sup>

When surveyed on whether the module contributed towards the alumni respondents' understanding of social justice issues, 69% of them affirmed PLT's role. A further 19% of responses were "not sure", while the remaining 12% answered in the negative. The report highlighted the ways in which the respondents described how the module sensitised them to issues of social

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<sup>85</sup> This group also included a few alumni who were currently students or unemployed.

<sup>86</sup> "It helped me built confidence in dealing with matters on my own and dealing with clients." [sic]

<sup>87</sup> "It was the only course which I attended in which we could practice court skills (moot and mock court). ... Furthermore we were given the opportunity to interact with clients, assess legal problems and draft documents relating to real issues. This was the only exposure we had to this in the four years of study."

<sup>88</sup> "The lectures were too theoretical, which makes them boring. I would suggest more tutorials."

<sup>89</sup> "The Legal Clinic only offers experience in civil litigation. the base of experience could be broadened to include criminal and some corporate work." [sic]

<sup>90</sup> "I would say more oversight into what we were doing (handling consultations etc.) would have been even more beneficial."

justice, as they often referred to the "eye-opening" exposure to reality that they experienced while working with indigent clients at the Clinic.<sup>91</sup> They expressed an appreciation of the need for, and importance of, legal aid and pro bono initiatives.<sup>92</sup> Their exposure to the Clinic had caused some to do serious introspection. These respondents had recognised the inequalities in our society, as well as their role in addressing these.<sup>93</sup> They also acknowledged PLT's part in the development of their personal sense of empathy and compassion for others.<sup>94</sup>

It really made me realise how the smallest aspects are what people struggle with the most - things like eviction or money deductions or not having a will. It gave me a different viewpoint and most importantly I really feel like it pulled me out my middle class bubble and made me see what is really happening in the country. Because of this I still want to make a difference - even in the smallest ways possible - in life.

In addition to evaluating the module's contribution to graduate development, as shown above, the report also outlined the module-specific feedback received from the alumni. Asked if they would advise current students to enrol for PLT, 98% of the respondents indicated that they would, as the module had proved valuable in preparing them for the transition from university to practice.<sup>95</sup> 86% of them who were in a position to appoint candidate attorneys<sup>96</sup> indicated that they considered prospective appointments who had PLT experience to be at an advantage to candidates

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<sup>91</sup> "I always only experienced the situation from one side and the Clinic forces you to open your eyes to reality."; "I did not realise the extent to which the poor require and do not have access to legal assistance before the course."

<sup>92</sup> "Working in the legal aid clinic and gaining an understanding of the pro bono law practice landscape was eye opening and I was grateful to enter practice with a heart made soft towards those who are desperate for affordable access to justice and quality legal services."; "It made me aware how there is such a large gap between what the wealthy and impoverished can afford in terms of enforcing their respective legal rights. Law clinics are necessary, as it allows those without 'money for lawyers' to get legal help."

<sup>93</sup> "The module made me acutely aware of how unjustifiably privileged I am as a white Afrikaans male, and of how severe the plight of many South-Africans is."

<sup>94</sup> "I don't come from the clients' world, I realised how privileged I am. Saw first-hand how access to legal presentation and courts changed outcomes for people."; "The respect for each and every person who walks through the doors of the clinic is something that made an impression on me. This will stay with me."; "To an extent yes. We were exposed to people who really had nowhere else to go and no one else to turn to. People who had to travel many miles to come and see us for advice. It was incredibly humbling."

<sup>95</sup> "It was probably the smartest module choice I made as a student. The practical experience was invaluable to me as a young candidate attorney."; "I think it is essential for every law student to enrol for this module. I have noticed how candidate attorneys struggle when they get into practice and have not taken this module."

<sup>96</sup> 58% of the alumni surveyed indicated that this issue was not relevant to their workplace.

who did not.<sup>97</sup> One alumnus respondent divulged that he would prefer applications from PLT graduates to non-PLT applications, solely based on this distinction.<sup>98</sup> Asked whether the module should be mandatory for all law students, 87% of the alumni respondents answered in the affirmative, while 6% were not sure and 8% were opposed to this idea.

*Table 3: Summary of the quantitative alumni feedback on the PLT module: 2002-2016*

	<b>Agree</b>	<b>Partly/ not sure / NA</b>	<b>Disagree</b>
Contributed to practice-readiness	67%	33%	0%
Contributed to social justice sensitivity	69%	19%	12%
Would advise students to enrol	98%	0%	2%
Advantageous position in seeking employment	37%	58%	6%
Should be mandatory for all law students	87%	6%	8%

### 3.2.2 Qualitative response

The alumni were also requested to suggest improvements for the PLT module. In this regard, many of them felt that the module did not require any improvements, other than to extend it beyond a one-year module and to make it mandatory for all law students.<sup>99</sup> Some respondents expressed the view that the module should create more opportunities for client interaction, while others suggested that the scope of the work taught in the module should be extended to matters not currently dealt with by the Clinic.<sup>100</sup> Some also expressed the opinion that there should be more student support by the attorneys and candidate attorneys on the staff at the Clinic, especially earlier on in the year.<sup>101</sup> One respondent felt that student/supervisor

<sup>97</sup> "If a prospective candidate attorney has attended practical legal training of any kind, or worked at a legal aid clinic, they have an advantage over other candidates in light of what they already know."

<sup>98</sup> "I have considered many prospective candidate attorneys' CVs and always attribute weight to their marks when they have completed PLT. I mostly don't even consider applicants who have not completed PLT."

<sup>99</sup> "Module should be extended to a 12-month module instead of 6 months, could be introduced as early as third year of law and not just the final year and should be mandatory for all students."

<sup>100</sup> "More practical application of different fields of law - not only family law and 'money-owing' issues."

<sup>101</sup> "Increased mentorship with an increase in attorneys and mentors on the course."

relations at the Clinic could be improved by a proper introductory session where Clinic professionals could explain their role and expertise.

The Agency concluded their Alumni report by reporting on the telephone interviews conducted with five alumni who volunteered for focus group discussions after the surveys. The central theme that was broached by these alumni was that the PLT module gave them a head start as candidate attorneys. They indicated that completing the module greatly improved their confidence in the skills and experiences they were exposed to during their work at the Clinic. They felt less intimidated by their new work environment as they knew what to expect from legal practice. They were also unanimous in their "strong" recommendation to current students to enrol for PLT because of the distinct advantage it provides them over students who did not participate in a practical module.<sup>102</sup> The participants in these discussions also supported the suggestion of making the module compulsory for all law students.<sup>103</sup> One participant proposed that the best way to do this would be for the Clinic to partner with local private attorney firms and to involve their professionals in student training.<sup>104</sup>

### **3.3 Current Student Survey Analysis Report**

The third and final report submitted by the Agency was based on SunSurvey feedback received from the 2017 (at that stage current) PLT group. As was the case with the alumni, the current students were also invited to participate in the survey voluntarily. It was somewhat disappointing that only 10 of the 32 students chose to do so, and that none of them volunteered for focus group follow-up discussions. Of the students who participated, 8 were female and 2 male. Similarly, 8 of the students had enrolled for PLT as an undergraduate module, while 2 were postgraduates. 5 Students indicated that they were going to be employed as candidate attorneys after finishing their degree,<sup>105</sup> 4 intended to continue their studies, and 1 was uncertain about her plans.

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<sup>102</sup> "Stupid things like working the photo copier and filing files. And matter management thing, being exposed to that on such a little scale. And I see it now with my own CAs. And they are scared to touch the file. Your allowed to touch this document and you are allowed to communicate with the client... candidate attorneys who have done PLT don't have that problem."

<sup>103</sup> "Working in the legal aid clinic is fantastic, they need to expand the facility."

<sup>104</sup> This suggestion has previously been raised in academic writing. See for example Van der Merwe 2017 *Stell LR* 699 and Holness 2013 *PELJ* 342-343.

<sup>105</sup> Three of these five students were asked about the PLT module in their interviews for candidate attorney positions. Two indicated that their participation to PLT was seen as a definite advantage in the application process.

### 3.3.1 Quantitative response

Asked about their motivations for enrolling in PLT, all of them indicated that they were interested in the advantages of gaining practical legal experience as a result of their involvement with the Clinic.<sup>106</sup> They expected to be presented with the opportunity to solve "real life problems" by putting their theoretical knowledge to work.<sup>107</sup> All 10 students indicated that the module had met their expectations, while some of them commented that their expectations had been exceeded.<sup>108</sup> 8 of the participants indicated that their experiences while involved with PLT had contributed to the development of their social justice sensitivity, while the other 2 were unsure if this was the case.<sup>109</sup>

The participants were unanimous in their opinion that PLT or a similar CLE module should be a compulsory part of all LLB programmes:

Theory is not enough, the gap between simply studying something and dealing with a real life situation is huge and the environment and support at the clinic is the perfect place to learn.

Practical Legal Training should definitely be a mandatory subject when it comes to the LLB course. Law is hard enough as it is and I think that some practical experience before articles will only benefit the students more.

I think it is very valuable experience and added much to my degree.

*Table 4: Summary of quantitative current student feedback on PLT module: 2017*

<b>Module reflection</b>			
<b>Indicator</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>
Expectations for the module have been met	100%	0%	0%
Contributed to social justice sensitivity	80%	20%	0%
Should be mandatory for all law students	100%	0%	0%

<sup>106</sup> "I wanted to gain skills that would make me more employable and help me when employed."

<sup>107</sup> "I expected to learn how to practically apply the skills I have learned in the past 4 years."

<sup>108</sup> Six Students answered the question with "Yes, absolutely", while the remaining four indicated "Yes, mostly".

<sup>109</sup> "Since we worked with clients for largely underprivileged communities, I gained a lot of insight into the social injustices these people suffer on a daily basis purely due to poverty."

### 3.3.2 Qualitative response

The participants rated the training in drafting, litigation, interacting with attorneys and working with clients as the most valuable aspects of the module. In considering aspects of the module that could be improved, 2 of them felt that there was no need for any improvement. The remaining participants, however, identified the student workload as an issue. They felt that student consultations should be limited<sup>110</sup> and that some areas of the work should be restructured.<sup>111</sup> Some of them said that the module's practical overview was good but too brief.<sup>112</sup>

## 4 Implications, challenges and constraints

The student and alumni responses detailed above constitute a sufficiently representative subset of data points to identify patterns and trends in the over-arching issue being examined: the experience of students in the CLE module, PLT.<sup>113</sup> Significantly, these data were generated exclusively from the experiences of current and past students of the PLT module. The research does not provide for the opinions of students who did not participate in the specific CLE module. The research has limited comparative value from that perspective, but it does prove valuable in so far as it enables empirical analysis about CLE's influence from the perspective of the PLT participants.<sup>114</sup> It is also important to be mindful of the fact that many factors could have a bearing on student and alumni feedback data. The University of Stellenbosch student feedback office<sup>115</sup> cautions as much:

The reliability of student feedback results could be affected by various factors (response rates, the time of obtaining feedback, etc.) These and other factors that could influence the results should be taken into account when interpreting the results.

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<sup>110</sup> "Do not expect us to meet new clients every week. It is impossible to keep up with the amount of files that required our attention. Limit it to an amount of no more than 5 clients per group."

<sup>111</sup> "To not over burden students with attending legal skills class together with the PLT module."

<sup>112</sup> "We did learn how to draft documents, but it was so rushed that one barely had time to fully engage with the drafting."

<sup>113</sup> This is especially the case with regard to the formal student feedback, where 89% of the students during the nine-year time period were involved.

<sup>114</sup> It also allows the measurement of the CLE outputs against the applicable NQF level descriptors and expected graduate attributes. See for example SU date unknown <http://www.sun.ac.za/english/learning-teaching/student-affairs/about/graduate-attributes>.

<sup>115</sup> SU date unknown <http://www.sun.ac.za/english/learning-teaching/ctl/student-feedback>.

The PLT module is not presented in a static environment, impervious to its immediate realities. As circumstances in and around the clinical environment and the lives of its actors are in a state of constant flux and development, it is understandable that trends may differ quite remarkably from one year to the next. Shevlin *et al*<sup>116</sup> counsel that the existence of these extraneous variables "suggests the need for caution in the interpretation of this [student evaluation of teaching] data."

One example of the limitations inherent to this analysis is that the PLT module under scrutiny was, to date, presented to a relatively small number of final-year law students.<sup>117</sup> As a result, it was able to provide students with hands-on, intensive, and to a large extent, more personalised engagements and opportunities. One must, however, take cognisance of student limitations and the challenges faced by the students in meeting the module's outcomes. In a primarily doctrinal discipline like law, students are often unfamiliar with this emphasis on skills and practical competences. The data above have shown that some students thrive in this new atmosphere and learning environment. Other students are underprepared for the curriculum of the module and require extra support and mentorship in the form of one-on-one training sessions to improve their performance.<sup>118</sup> If the module is to be expanded to include all final-year law students,<sup>119</sup> it is doubtful whether this level of interaction could be sustained. Other variables would undoubtedly also be influenced by significant changes in student numbers.

When final-year law students are presented with the opportunity of selecting PLT as a module, they are cautioned that the module will require a certain level of commitment and sacrifice on their behalf. A mature and responsible outlook is an entry-level expectation and students are expected to work continuously to meet the required outcomes.<sup>120</sup> All the students and alumni who participated in the evaluations were aware of this requirement and willingly enrolled for the PLT elective. One would assume that these students were adequately motivated to participate and to contribute to the module and its aims.<sup>121</sup> This factor quite likely played a role in how students experienced the module, and the results of student feedback would conceivably differ if the module involved less willing students.

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<sup>116</sup> Shevlin 2000 *Assess Eval High Educ* 399.

<sup>117</sup> Between 20 to 65 annually.

<sup>118</sup> Van der Merwe 2017 *Stell LR* 680, 688.

<sup>119</sup> Between 180 to 220 annually.

<sup>120</sup> As evidenced by the flexible assessment methodology followed in the module.

<sup>121</sup> See for example Fry, Ketteridge and Marshall *Handbook for Teaching and Learning* 27-39 on the importance of proper student motivation.

While clinical duties and the plight of real-life clients inevitably places a heavy burden on CLE students, they also have other modules and commitments to meet. It therefore presents a constant challenge not to exasperate CLE students with an excessive workload.<sup>122</sup> The present study has proven that these concerns may be merited: 52% of the respondents indicated that they spent 7 or more hours in addition to regular lectures ("out of class") on the module per week, while another 31% spent between 5 to 6 hours. The intensity of the module is further emphasised by the fact that more than 50% of the respondents thought that the module was difficult or very difficult<sup>123</sup> and that 67% felt that the pace was fast or very fast. In contrast, only 2% to 3% of them felt that the module's workload was low, that it was easy and that the pace was slow.<sup>124</sup> These concerns have to be evaluated in light of the 24 credits awarded for completion of the module, equating to 240 notional learning hours.<sup>125</sup> There usually are about 28 weeks included in the University of Stellenbosch's academic calendar.<sup>126</sup> After allowing sufficient time for lectures and preparation for tests and examinations, at least 5 hours per week should be available for other CLE activities.<sup>127</sup> It may therefore be prudent to consider limiting student engagements, at least to some extent, going forward.

As stated earlier,<sup>128</sup> the Student Feedback Analysis Report also collated data on the PLT lecturer who presented the module for the period under review. One should necessarily differentiate between the module and its presenter, as the hope would be that the module's success would outlast

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<sup>122</sup> The Agency reported that some students "felt that the module should either be worth more credits or [they should] receive less work in order to balance their time for their core modules."

<sup>123</sup> Judging by their matric results and their successful studies to date, as final-year law students, these students are intelligent and hard-working. They also regularly attend lectures. See para 3.1 above.

<sup>124</sup> See para 3.1 above.

<sup>125</sup> "'Notional learning hours' are the estimated learning time taken by the 'average' student to achieve the specified learning outcomes of the course-unit or programme. They are therefore not a precise measure but provide students with an indication of the amount of study and degree of commitment expected. Notional learning time includes teaching contact time (lectures, seminars, tutorials, laboratory practicals, workshops, fieldwork etc.), time spent on preparing and carrying out formative and summative assessments (written coursework, oral presentations, exams etc.) and time spent on private study, whether in term-time or the vacations." SU date unknown  
<http://www.sun.ac.za/english/policy/Documents/Definitions%20of%20NQF%20level%20s,%20notional%20hours%20and%20credits.pdf>.

<sup>126</sup> SU date unknown <http://www.sun.ac.za/english/dates>.

<sup>127</sup> 240 hours divided by 28 weeks = 8,5 hours. Deduct 2 hours for lectures and one hour for exam preparation = 5,5 hours per week.

<sup>128</sup> See para 3.1 above.

the period of involvement of any specific role-player. The module should also be robust enough to survive the departure of even the most passionate and dedicated lecturer. It should be an entity in itself and not be dependent on the efforts of an individual or a group of individuals. As a result, it would be ideal to analyse the data with complete indifference to student impressions of the lecturer. The reality is, however, that the role of the presenter as the personal embodiment of the module cannot be ignored. Research has shown "that if students have a positive personal and/or social view of the lecturer this may lead to more positive ratings irrespective of the actual level of teaching effectiveness."<sup>129</sup> Because the same lecturer presented the PLT module for the entire period under consideration, one could argue, however, that this factor has remained consistent. The data would therefore be untainted by evaluations based on presentations by different lecturers, who might have influence student attitudes to the module in diverse ways. Still, the question remains whether and to what extent delivery of the module by a different lecturer would have affected the findings?

It is clear from the data that CLE has an important role to play in contributing to students' learning experience. Significantly, almost all<sup>130</sup> of the participants believed that the module was relevant to the law programme and assisted with their analytical and problem skills development.<sup>131</sup> The alumni participants also strongly favoured a mandatory enrolment in CLE for all law students,<sup>132</sup> while all of them believed it assisted not only with student learning but with practice-readiness.<sup>133</sup> While the data are in the main positive about the module, no doubt there are aspects which could improve. A small percentage of the participants<sup>134</sup> felt that they had not received meaningful feedback. This point should be considered in conjunction with the fact that the relevant lecturer has received a relatively lower rating regarding feedback to students than to other lecturer evaluation criteria.<sup>135</sup> This may be a potential area of improvement to focus on, given the valuable role of feedback in effective student learning.<sup>136</sup> It also seems

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<sup>129</sup> Shevlin 2000 *Assess Eval High Educ* 399.

<sup>130</sup> 96,8% and 94% respectively.

<sup>131</sup> Stuckey *et al. Best Practices for Legal Education* 63 argue that "problem-solving is the single intellectual skill on which all law practice is based."

<sup>132</sup> See Van der Merwe 2017 *Stell LR*, where the arguments in support of a mandatory CLE programme is discussed in detail.

<sup>133</sup> 67% completely agreed and 33% partly agreed. See para 3.2 above.

<sup>134</sup> 5% on average.

<sup>135</sup> 71% of the students felt that the lecturer gave feedback promptly.

<sup>136</sup> Boud and Molloy 2013 *Assess Eval High Educ* 700.

that more attention should be given to the development of appropriate learning resources.<sup>137</sup>

The research also considered CLE's contribution to raising student social justice awareness. PLT students consult with indigent clients who struggle with issues related to their most basic human rights, such as housing and education. The University, the Faculty of Law and the broad profession actively support social justice education as a crucial pillar in the process of constructing a free and fair post-apartheid South Africa.<sup>138</sup> This context necessarily impacts on the learning of the diverse student corpus associated with the module. This fact is reflected in the research above. 88% of the participating alumni<sup>139</sup> and 80% of the current students agreed that PLT contributed to their social justice sensitivity.<sup>140</sup> In this way PLT students are trained not only as accountable legal practitioners but also as responsible citizens. Their learning context contributes to their development as human beings, and specifically to their becoming jurists who are invested in the protection and upliftment of the rights and dignities of those less fortunate members of society. This bespoke service-learning<sup>141</sup> component of the PLT module also offers pedagogical advantages: research shows that student learning improves when students are removed from their comfort zones and challenged in new circumstances and situations, allowing them to develop while facing "desirable difficulties".<sup>142</sup>

## 5 Conclusion

The purpose of this article has been to describe and evaluate the student experience of CLE based on empirical research of a specific module. While the reports discussed above produced useful empirical data, mainly in

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<sup>137</sup> About 30% of students either disagreed or were neutral about the statement that the module's learning resources assisted student learning.

<sup>138</sup> Van der Merwe 2017 *Stell LR* 696-697.

<sup>139</sup> 69% completely agreed and 19% partly agreed. See para 3.2 above.

<sup>140</sup> See 3.3 above.

<sup>141</sup> A useful definition of this concept is found in the *Community Service Act* of 1990 (42 US Code 12511), which describes service learning as "a method under which students or participants learn and develop through active participation in thoughtfully organized service that is conducted in and meets the needs of a community; is coordinated with an ... institution of higher education, or community service program, and with the community; and helps foster civic responsibility; and that is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and provides structured time for the students or participants to reflect on the service experience". Cornell Law School date unknown <https://www.law.cornell.edu/uscode/text/42/12511>.

<sup>142</sup> Bjork "Creating Desirable Difficulties" 81-85.

support of placing more emphasis on CLE programmes, the findings must be moderated to accommodate the influence of several variables excluded from this study. The data are particularly useful in their support of CLE module development, and provide a basis for more advanced data analysis towards designing an empirically validated and pedagogically sound framework for the improvement of CLE. This is a challenging assignment meriting careful consideration, as CLE modules can be labour-intensive and expensive to offer.<sup>143</sup> Despite these challenges, the benefits to be gained from expanding CLE justify the effort of addressing the obstacles in the way of growing the module. The empirical data discussed in this report reflect the theoretical support for CLE found in the literature. From a pedagogical point of view, its strengths have been acclaimed in literature for almost a century,<sup>144</sup> and CLE continues to be ideally suited to cater to modern learning and teaching expectations. As an agent for social change, CLE offers law students an effective gateway to participate in and be influenced by fundamental social justice problems, and improves access to justice for the indigent.

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<sup>143</sup> The main obstacle to increasing student numbers is the perceived need to involve more teaching staff and/or teaching hours in training the students. With due regard to the complexity of the issues at stake, it is suggested that the solution to this challenge is not to make increased demands of teachers and teaching budgets. Instead, focus should be placed on creating new and innovative teaching methods to facilitate skill-transfer to larger student groups. It is in this regard that a blended learning approach would be best suited to meet the challenge. See Laurillard 2008 *Stud High Educ* 139-154.

<sup>144</sup> Bloch 1982 *Vand L Rev* 321.

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### List of Abbreviations

Assess Eval High Educ	Assessment and Evaluation in Higher Education
Br J Educ Technol	British Journal of Educational Technology
CLE	Clinical Legal Education
Clin L Rev	Clinical Law Review
Cult Stud Sci Edu	Cultural Studies of Science Education
DNA	Did Not Answer
FIRLT	University of Stellenbosch Fund for Innovation and Research into Learning and Teaching
HEQC	Higher Education Quality Committee
High Educ Res Dev	Higher Education Research and Development
J Workplace Learn	Journal of Workplace Learning
NA	Not Applicable
NQF	National Qualifications Framework
PELJ	Potchefstroom Electronic Law Journal
PLT	Practical Legal Training 471

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SALJ	South African Law Journal
Stell LR	Stellenbosch Law Review
Stud High Educ	Studies in Higher Education
SU	Stellenbosch University
SWOT / TOWS	Strengths, Weaknesses, Opportunities, and Threats
Vand L Rev	Vanderbilt Law Review