

## Simulated Clients

### A workshop on interdisciplinary learning and teaching in legal education

**When:** Friday June 2 2017, 0950-1600

**Where:**

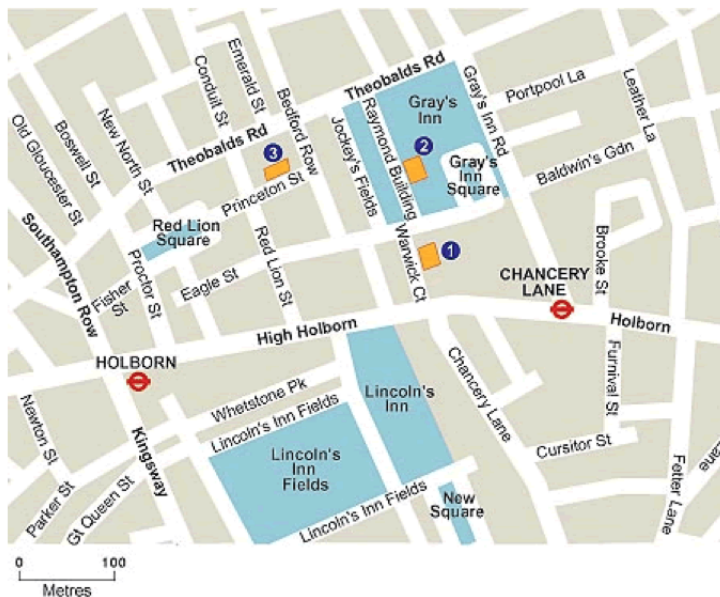
Common Room of the Atkin Building, City Law School, City University, London. This is marked as building number 2 in the map below.

**Registration:**

The workshop is free, but please register at:

<http://www.city.ac.uk/events/2017/june/simulated-clients>

**Getting to the workshop:**



1

**4 Gray's Inn Place**

Gray's Inn, London WC1R 5DX

2

**Atkin Building**

Gray's Inn, London WC1R 5AT

3

**2-10 Princeton St**

London WC1R 4BH

**How do I get to The City Law School?**

**By underground tube**

The nearest underground stations are Holborn on the Piccadilly and Central lines and Chancery Lane on the Central Line.

**By bus**

Routes 8, 17, 19, 25, 38, 45, 46, 55, 59, 68, 91, 98, 168, 171, 188, 242, 243, 341, 501, 521.

**By car**

Parking in the roads surrounding The City Law School is at parking meters. The nearest National Car Parks to The City Law School are Selkirk House, Museum Street or International Press Centre, Shoe Lane.

**Congestion charge**

Please note that The City Law School is within the Congestion Charging Zone.

## Introduction

The use of simulated clients in legal education derives from medical education's simulated patients (SPs), where lay people (ie persons not medically trained) are trained to do three things well: first, simulate specific medical conditions, second, assess the patient-facing skills of communication and physical examination, third, to give feedback on those skills to learners. SPs can be used for formative assessment or summative, high-stakes assessment. They can also be used in what are called OSCEs, Objective Structured Clinical Examinations, alongside assessments of knowledge, skills and values.

While there had been speculation about and pilots on the translation of SPs into legal education as simulated clients (SCs), it wasn't until the extensive correlative study of Barton *et al* (2006) that their performance was analysed.<sup>1</sup> The study proved, *inter alia*, that SCs were as proficient as tutors in assessing the client-facing skills of novice lawyers. Since then, a number of us have set up the SCI, the Simulated Client Initiative. At a time when legal educators in the UK are facing new government initiatives such as TEF, and those in England are involved in renewed consultations from the SRA on the SQE, and where elsewhere regulatory pressures begin to build on legal educators, the work of the SCI gives us new perspectives on how we might deepen aspects of our legal educational practices.

The power of the heuristic, which is both quite simple and quite revolutionary, goes further than the development of skills, however. What happens in both the training of SCs and in the encounter between SCs and novice lawyers is a process by which SCs become co-producers, co-designers of learning, because the experience of the client is foregrounded in the encounter. The role of academics is transformed. Indeed the method challenges many aspects of our current practices and attitudes in legal education, including the following:

1. Curriculum structures: the method leads us to re-design our conventional curriculum interventions.
2. Ethics of the client encounter
3. The cognitive poverty of much of conventional law school assessment
4. Law school as a self-regarding, monolithic construct
5. Law school categories of employment
6. The curricular isolation of clinic within law schools
7. Hollowed-out skills rhetoric
8. Conventional forms of regulation by regulatory bodies
9. The role of regulator, less as monitor/accreditor and more as encourager of innovation & reform.
10. Disciplinary boundaries – SCs and educators can learn much from other interdisciplinary practices
11. SCs reflect local jurisdictional practices – how might such a project work, globally?

This workshop will give you the opportunity to hear from a distinguished medical educator who has worked in the field of simulation. You will hear in detail the work of the Simulated Client Initiative (SCI), its global setting, and examples of SCs in use in a range of programmes. You will learn how to set up a SC project in your institution, how SCs interact with students, novice lawyers and can be used for lawyers' continuous professional development, and how they can be used to develop a range of legal skills. You'll learn how to sustain a community of SCs in your law school, how to create a research agenda around the heuristic, and much else.

Paul Maharg

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<sup>1</sup> Barton, K., Cunningham, C., Jones, C.G., Maharg, P. (2006). Valuing what clients think: standardized clients and the assessment of communicative competence. *Clinical Law Review*, 13,1, 1-65

## Agenda

1. 0950-1000 Welcome (PM)
2. 1000-1040 Simulations & interdisciplinary education. (RK)
3. 1040-1110 SC concept, practice and research background. (PM) Questions, comments.
4. 1110-1130 **COFFEE**
5. 1130-1200 The Client Pitch Project: Use of SCs for Client Presentations. (QL) Questions, comments.
6. 1200-1300 The experience of being an interdisciplinary SC; the experience of using SCs in a law school. (NH+JM-C) Questions, comments.
7. 1300-1345 **WORKING LUNCH**  
Lunch in small groups. Discussion: starting a SC project in your area/institution – what might you need, how would you go about it, issues and problems to be solved.
8. 1345-1415 Answering problems, outlining solutions, discussing experiences at Strathclyde University Law School and elsewhere. (KB)
9. 1415-1445 SCs and professional development for lawyers: the experiences of the Law Society of Ireland (FG, RO'B)
10. 1445-1515 Training SCs: video examples + questions, comments (NH, PM)
11. 1515-1600 **COFFEE & Plenary**
  - Where to from here
  - The Simulated Client Initiative (SCI)
  - Lines of research
  - Publications
  - International dimensions

## Abbreviations

RK	Roger Kneebone (Imperial College, London)
PM	Paul Maharg (Osgoode Hall, York University)
QL	Queenie Lai (Chinese University of Hong Kong)
NH	Nigel Hudson (Nottingham Trent University)
JM-C	Julie Mould-Cook (Simulated Client, Nottingham Trent University)
KB	Karen Barton (University of Hertfordshire)
FG	Freda Grealy (Law Society of Ireland)
RO'B	Rory O'Boyle (Law Society of Ireland)

## Notes on presenters (in presentation order)

### **Roger Kneebone**, *Faculty of Medicine, Department of Surgery and Cancer*

Roger is Professor of Surgical Education and Engagement Science, and directs the Imperial College Centre for Engagement and Simulation Science (ICCESS), based within the Division Surgery on the Chelsea & Westminster campus. The Centre's aim is to advance human health through simulation, collaborating closely with clinicians, scientists, patients, publics and experts outside medicine. Roger and his co-director Dr Fernando Bello lead a vibrant multidisciplinary research team. He also directs the Royal College of Music - Imperial College Centre for Performance Science (<http://performancescience.ac.uk>). This ambitious collaboration, launched in 2016, is aimed at tackling major challenges of performance across a wide array of domains from the arts, education and business to medicine, science and sport. Roger established and leads the UK's only Masters in Education (MEd) in Surgical Education. This challenging programme builds on educational theory and practice to explore relationships between the biomedical sciences, the craft of surgery and the humanities and social sciences. In July 2011 he became the first Imperial academic to receive a Higher Education Academy National Teaching Fellowship Award.

### **Paul Maharg**, *Osgoode Hall Law School, York University*

Paul's work currently focuses on interdisciplinary educational innovation, the design of regulation in legal education and the use of technology-enhanced learning at all levels of legal learning. At Osgoode Hall, he is Distinguished Professor of Practice – Legal Education. At ANU College of Law he was Professor of Law and Director of the PEARL centre (Profession, Education and Regulation in Law), and is now an Honorary Professor there. He has worked with regulators in Scotland, England, Hong Kong and Australia to improve the regulation of legal education. Paul has authored or edited four books on legal education and is the founder and co-editor of two book series, 'Emerging Legal Education' and 'Digital Games and Learning', and co-editor of the *European Journal of Law and Technology*. He holds Visiting Professorships at Hong Kong University Faculty of Law, and Chinese University of Hong Kong Faculty of Law, and is part-time Professor of Law, Nottingham Law School. He is a Principal Fellow of the HEA (2016) and a National Teaching Fellow (2011). He blogs at <http://paulmaharg.com>.

### **Nigel Hudson**, *Senior Lecturer, Nottingham Law School*

Nigel started his legal career with five years as a solicitor at Edge & Ellison before joining Nottingham Law School as a Principal Lecturer in 1993. Since 2003 Nigel has worked for the University of Law as the Head of Learning Design, the University of Derby as the Online Learning Academic Lead in Law, and for CILEx as an Independent Adjudicator. In December 2015 Nigel returned to Nottingham Law School (NLS) to teach as a Senior Lecturer in Law; and he is currently involved in the development of the Simulated Client project in NLS. He is an active member of the Centre for Legal Education in Nottingham Law School.

### **Julie Mould-Cook**, *Simulated Client, Nottingham Trent University*

Julie is an experienced role-playing simulator. She has substantial experience as a standardised patient in the field of medical training having worked for the University of Nottingham's NHS Trent Simulation Unit for a number of years. Julie is one of nine simulated clients in Nottingham Law School's Simulated Client Unit who have been trained to act as clients in the field of professional legal education.

### **Queenie Lai**, *Professional Consultant, Chinese University of Hong Kong Faculty of Law*

Queenie specializes in teaching corporate practice at postgraduate level. She is the Principal Investigator of the "Simulated Clients in Professional Legal Education" project and was awarded a grant of HK\$459,250 for the 2016-2019 triennium by the University Grants

Committee. In 2015, Queenie was awarded the Faculty of Law's inaugural Excellent Teacher Award. Prior to joining Chinese University of Hong Kong Faculty of Law in 2010, Queenie practised as corporate finance lawyer at international law firm Clifford Chance's various international offices including Hong Kong, Shanghai and London. She also had experience as Corporate Legal Training Manager at Slaughter & May, London. Queenie received her Bachelor of Arts in Law degree from University of Cambridge and her Master of Laws with Distinction from Georgetown University as Rotary International Scholar. She was admitted as a Solicitor of the Supreme Court of England and Wales and a Solicitor in the High Court of Hong Kong.

**Karen Barton**, *Director of Learning and Teaching, Learning and Teaching Innovation Centre, University of Hertfordshire.*

Prior to her current post Karen was a Senior Lecturer at Strathclyde Law School, and at the Glasgow Graduate School of Law, a joint venture between the universities of Glasgow and Strathclyde, where she helped develop and research innovative approaches to professional legal education. She was involved in technological initiatives including the development and implementation of SIMPLE (SIMulated Professional Learning Environment). Karen has been a key figure in the research and development of the Simulated Client Initiative, and has trained SCs across several jurisdictions. She was one of the co-authors of the original correlative study on SCs, and was co-editor of *The Calling of Law: The Pivotal Role of Vocational Legal Education* (Routledge, 2016).

**Freda Grealy**, *Head of Diploma Centre, Education Dept, Law Society of Ireland*

Freda provides continuing professional development courses in specialised areas of law to the solicitors' profession. She qualified as a lawyer in Ireland in 1997 and worked in private practice including criminal defence litigation and general practice before joining the Law Society in 2006. She is qualified as a solicitor in England in Wales and also qualified as an Attorney at Law in New York State. Freda recently received her PhD in Law from UCL under the supervision of Professor Avrom Sherr. Her thesis focused on an empirical intervention study with trainee solicitors in the area of teaching ethics and developing professional identity. She is the founding member of the Irish Rule of Law Initiative group 'Irish Lawyers Legal Education Partnership Project – South East Asia' and has taught in Vietnam and Myanmar with NGO BABSEACLE.

**Rory O'Boyle**, *Diploma Manager, Diploma Centre, Law Society of Ireland*

Rory is a Diploma Manager with Diploma Centre in the Law Society of Ireland. The Diploma Centre provides continuing professional development courses in specialised areas of law to the solicitors' profession. Rory qualified as a solicitor in Ireland in 2004 and initially worked in private practice in the employment law area. Rory is also qualified as a solicitor in England in Wales. In 2012 Rory joined Northumbria University as a Senior Lecturer, teaching employment law and legal skills at undergraduate and LPC level, as well as supervising in the Student Law Office. He returned to the Law Society of Ireland in 2015. Rory's thesis for his MA in Higher Education was entitled *Professional Legal Education & Skills with Dublin Institute of Technology*, the focus of which was the use of standardised clients to teach and assess solicitor-client communication skills. Rory has commenced a PhD with Dublin Institute of Technology, the focus of which is the assessment process for the solicitor qualification in Ireland.

## Sources and Materials

All participants will be given a list of references applicable to the SCI, and a set of resources that can be used in the training of SCs and with students.

## Publication of papers

The PEARL (Profession, Education and Regulation in Law) Centre at The Australian National University College of Law will be drawing papers from this workshop and a sister event to be held in Canberra. Should you wish to be considered for publication please let Paul know.

## Acknowledgments

The workshop is hosted by City Law School's Centre for the Study of Professional Legal Practice – my thanks to Nigel Duncan for his support. It is co-hosted by the PEARL Centre (Profession, Education and Regulation in Law) at the ANU College of Law. My grateful thanks to the SLS Legal Education section convenor, Caroline Strevens, for her successful application for a SLS grant to fund this and other legal educational workshops in 2017; and to SLS for its financial aid. Finally I would like to thank the contributors to this workshop without whose energy and commitment it could not have taken place.

Paul Maharg