FEEDING UP AND FEEDING BACK: EXPLORING THE VALUE OF PEER LEARNING THROUGH A LAW CLINIC SETTING

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Introduction

We have previously written together about our feedback practices in our respective law clinics,[1] identifying feedback as a form of communication that works best when it involves a series of conversations. We advocated the need to build relationships of trust and respect as an essential part of developing feedback literacy[2]. We also recommended peer review as a way to embed more formative assessment and feedback into large group teaching.[3] We contend, however, that without building relationships of trust between students, attempts at peer review can fail to develop meaningful interactions between students. By developing the skill of peer review, we aim to build a culture of peer learning, where students learn "from and with each other in both formal and informal ways"[4] It is common in most law clinic settings for

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[1] L. Yeatman & L. Hewitt (2020). Feedback: a reflection on the use of Nicol and Macfarlane-Dick's feedback principles to engage learners. *The Law Teacher*, 1-14. At page 14
[2] Yeatman & Hewitt (2020) n1.
[3] Yeatman & Hewitt (2020) n1.
[4] D. Boud, R. Cohen & J. Sampson (Eds.) (2014) *Peer learning in higher education: Learning from and with each other*. (Routledge)

students to work on client cases in small groups or pairs.[5] In both our clinics, Liverpool Law Clinic (LLC) and Innocence Project London (IPL) our students work in groups and peer review is built into the learning process. That is not to say that group work is always straightforward or easy in a clinic setting. It is our contention that careful pedagogic design can overcome student resistance to collaborative working and help build relationships of trust that allow peer learning to flourish.

In the 2020-21 academic year, when the majority of learning took place online, students and lecturers alike were plunged into unexpected and new ways of communicating. We were both afraid that building relationships of trust between students may become an impossible task, so in the Spring of 2021 we both conducted separate surveys with our students to help us better understand their experiences of peer learning during the lockdowns.[6] In this article we reflect on how we have designed our clinic teaching environments, in both the physical and virtual spaces to enable collaboration. We consider how pedagogic theory about peer learning has informed our practice as clinical legal educators. The survey responses are incorporated into our reflection to explore our students understanding of their own peer learning experiences. The article is divided into three sections. First, we describe our clinical teaching, which is linked by common themes. Secondly, we explore the

[5] There is surprisingly very little literature on group work in Law Clinics. Anecdotally it is extremely common for students to be expected to work in pairs or small groups. Kerrigan et al in the Student Guide to Clinical Legal Education and Pro Bono (2011) include a section on groupwork stating "you are often positively encouraged to collaborate and work as part of a team with our fellow firm members". (at 96)

[6] The full survey questions for each survey are set out on p. 3

pedagogical rationale for peer learning and why, despite the well-documented benefits, students will often resist efforts to engage them in collaborative work. The third section is an examination of the way in which our own teaching is designed with the explicit aim of overcoming resistance to group work and supporting peer learning.

The surveys

The surveys were designed to help us understand the students' experiences and to inform the development of some empirical research about peer learning in university law clinics using focus groups[7]. We had ethical approval from our respective institutions to conduct the surveys and use them to inform our teaching and to underpin research on peer learning in the future.

Of the 260 students who took part in the Clinic Module in Liverpool, only 19 completed the survey, but for those that did, the answers were illuminating and have been used throughout this article to illustrate the reflection. The students answered the following questions:

1. Can you describe how you felt about the idea of doing group work before you started the Clinic module?
2. Did those feelings about group work change over the course of the semester?
    a. Can you give reasons for your answer?
3. What aspects of group work on the module did you enjoy?

[7] It is beyond the scope of this article to report on the focus groups and the analysis of these will be published at a later date.

4. What aspects of group work on the module did you find difficult?
5. In tutorials you often participate in feedback discussions about work done by other students, for example looking at research records or letters. Did you find that this helped you to improve your own research and writing?
    a. Can you give a reason for your answer?
6. At the start of the semester, how did you feel about the idea of giving peer feedback to other students about their work?
7. Did your feelings about peer feedback change during the semester?
    a. Can you give reasons for your answer?
8. If you were going to give one piece of advice about groupwork to students starting the module, what would that advice be?

For the IPL, a survey was circulated to 35 students who had worked in the clinic for six months or more, meaning they would have experienced peer learning in the clinic environment. The survey had a response rate of 50%, where 70% were criminology students and 30% were law students. The longest period of time worked on the IPL by the respondents was 2.5 years and the shortest time was 6 months. The survey asked five free text questions:

1. What do you understand peer learning to be?
2. What do you think about peer learning?
3. Do you realise you have been doing this during your work on the Innocence Project London?

4. Can you provide one positive example of your experience of peer learning?
5. Can you provide one negative example of your experience of peer learning?

Different clinics – similar aims

Our joint interest in group work is focussed on exploring ways to encourage peer review and peer learning. One common aim is to enable students to engage in meaningful and constructive conversations about their work, so that peer review is embedded into their learning in a way that moves them beyond thinking about grades and right answers, to being able to explore ideas together and develop the skills and strategies needed to become lifelong learners.

The majority of students in Liverpool Law Clinic participate in clinical work by taking the module, Clinical Legal Skills. The module is a 15-credit final year option for students on both the LLB and combined law programmes. Up to 130 students take the module in each semester and it runs twice every academic year. The students work in small groups of six students and they are taught and supervised by one member of staff in weekly timetabled tutorial meetings. Each group of students assists four clients in the semester, they attend client interviews, research the law and draft letters of advice. The weekly tutorials are used to give feedback on research and to review and redraft advice letters. They are assessed on file management, letter writing and a piece of reflective writing. Each supervisor organises their groups in slightly different ways, but in all the groups on the module, all students have to contribute to the work done

on each client case and students are expected to have at least one team meeting every week without their supervisor.

The Innocence Project London (IPL) is a pro bono clinic where students deconstruct claims of innocence from individuals who have been convicted and have exhausted the criminal appeals process. Students from the faculty of Liberal Arts and Sciences work in small groups, alongside a practicing lawyer and academics. The practising lawyer provides practical advice on their enquiries and Louise Hewitt as academic Director, provides support in relation to points of evidence. The aim of the work is to submit an application to the Criminal Cases Review Commission (CCRC). The CCRC is an independent body which reviews possible miscarriages of justice in England and Wales.[8] They have the ability to refer a case back to the Court of Appeal if they find a new piece of evidence or a new legal argument that was not put forward at the time of the trial, which would render the conviction unsafe in the context that it would have changed the decision of the jury had they had been aware of it. Students that work on the IPL predominantly do so voluntarily, but Criminology students can also choose it as part of a work placement module. Students learn through the process of clinical legal education which is rooted in David Kolb's model for reflective practice.[9] The direct involvement with a case means the students learning continually evolves depending on the subject matter. The design of the employer/employee

[8] Criminal Cases Review Commission https://ccrc.gov.uk/about-us/ accessed 19 July 2023

[9] D. Kolb (2014) *Experiential Learning: Experience as the Source of Learning and Development* (New Jersey: Pearson Education, 2nd Ed)

pedagogy [10] creates an environment which encourages students to reflect on what they have learnt throughout the academic year. Students in their case work groups initially put together timelines of the defence and prosecution case to understand how the client was convicted. From there, they identify gaps in the evidence in the form of questions that require answers and examine the legal arguments as to whether the relevant directions were given to the jury on specific points of law. Teaching is designed to encourage meaningful interactions to take place between students working together on a case. Work on a case can continue over a few years and teams of students have to work together to manage the volume of information and detail needed to unpick and examine a case. They need to be able to prepare work to present to volunteer lawyers or experts with drafting and re-drafting a common occurrence.

Why peer learning?

Benefits of peer learning

There is extensive evidence that peer learning benefits students academically and supports their psychological well-being and self-esteem[11] across all social groups.[12] "Mutual support between students helps develop a sense of belonging and group

[10] L. Hewitt (2018) Learning by experience on the Innocence Project in London: the employer/employee environment. *Int'l J. Clinical Legal Educ.*, *25*, p.173

[11] D.W. Johnson & R.T. Johnson (2009) An Educational Psychology Success Story: Social Interdependence Theory and Cooperative Learning, *Educational Researcher*, 38:5 365-379 at 372

[12] J.M. Hanson, T.L. Trolian, M.B. Paulsen & E.T. Pascarella (2016) Evaluating the influence of peer learning on psychological well-being, *Teaching in Higher Education*, 21:2, 191-206, at 204

identity and sharing of experiences can help motivate students."[13] This can then promote expectations for success, creative thinking and more engagement with learning.[14]

We use the term group work as an umbrella to cover co-operative learning, collaborative learning and peer learning.[15] Group work covers a broad range of activities that involve students working together, and can include asking students to discuss a question in class or a much more structured group that works together throughout a course. Peer review or peer feedback is a process where students look at one another's work and provide feedback. As with feedback from lecturers, peer review is more likely to be useful to students if a conversation or series of conversations take place that enable both giver and receiver to develop their ability to form a judgement about the quality of their own and their colleagues' work.[16] We prefer the term peer review to peer feedback as it takes the emphasis away from identifying mistakes to a more inclusive and iterative process.

When students are asked to work in groups, the aim may be peer learning, or it may be to develop employability skills such as team work and time management. Some group work, such a peer mentoring scheme is designed to address well-being and develop a sense of community amongst students. In our teaching we aim to use

[13] Y.F Luo, S.C. Yang, R. Gong, & C.M. Lu (2019). Learning performance of university students from the perspective of positive psychology. *Social Behavior and Personality: An international journal*, *47*(3), e7595

[14] D.W. Johnson & R.T. Johnson (2009) Supra n11 at 371

[15] J.M. Hanson, T. L. Trolian, M. B. Paulsen & E.T. Pascarella (2016) Evaluating the influence of peer learning on psychological well-being, *Teaching in Higher Education*, 21:2, 191-206, at 192

[16] Yeatman and Hewitt (2020) n1.

group work to enable peer learning. Boud has described peer learning as a way of "moving beyond independent to *interdependent* or mutual learning".[17] Studies that adopt this definition have identified positive effects on students' achievements, and the development of generic skills linked to future employment that are promoted by learning practices where students work together.[18]

What has emerged from existing literature is the idea that peer review underpins peer learning[19] where the skills involved in the former facilitate a two-way reciprocal learning activity.[20] This makes the relationship between peer review and peer learning intrinsic. It is recognised that peer review nurtures a range of other benefits than simply providing feedback.[21] Students have to take an active role in managing their own learning: reflecting on their own work having been exposed to alternative perspectives,[22] thinking critically about the work they have been asked to

[17] D. Boud (1988) 'Moving towards autonomy', in D. Boud (ed). *Developing Student Autonomy in Learning*. (London: Kogan Page. 2nd Ed)

[18] H. Riese, A. Samara & S.I. Lillejord (2012) Peer relations in peer learning, International Journal of Qualitative Studies in *Education*, 25:5, 601-624

[19] R. Mulder, C. Baik, R. Naylor & J. Pearce (2014) How does students peer review influence perceptions, engagement and academic outcomes? A case study. *Assessment and Evaluation in Higher Education*, 39:6, 657-677

[20] D. Boud (2001). Making the move to peer learning. In D. Boud R. Cohen, & J. Sampson, (Eds.) (2001). *Peer Learning in Higher Education: Learning from and with each other*. (London: Kogan Page, Routledge)1-20

[21] R. Mulder, C. Baik, R. Naylor & J. Pearce (2014) How does students peer review influence perceptions, engagement and academic outcomes? A case study. *Assessment and Evaluation in Higher Education*, 39:6, 657-677; K. Topping (1998) Peer Assessment between Students in College and Universities, *Review of Educational Research* 68 (3): 249-276; K. Lundstrum & W. Baker (2009) To Give is Better than to Receive: The Benefits of Peer Review to the Reviewer's Own Writing. Journal of Second Language Writing 18 (1): 30-43

[22] R. Mulder, C. Baik, R. Naylor & J. Pearce (2014) How does students peer review influence perceptions, engagement and academic outcomes? A case study. *Assessment and Evaluation in Higher Education*, 39:6, 657-677; D. Boud (2000) Sustainable Assessment: Rethinking Assessment for the Learning Society. *Studies in Continuing Education* 22 (2): 151-167

review[23], and also providing feedback in a diplomatic way, negotiating their position in the peer review process.[24] Previous studies suggest that the process of students critically reflecting on their own work appears to be triggered when feedback is given during the peer review process.[25] Having considered someone else's work, students then look at their own work more critically and undertake a process of self- evaluating their own writing in order to improve it. It is apparent however, that the cautionary tale that accompanies this benefit is that initially, at least, students don't see the value of peer review, because they do not think that their peers qualify to be able to provide the necessary standard of feedback that would otherwise be given by a teacher.[26] It is only when the peer review process is undertaken, that students start to see themselves and others as legitimate sources of knowledge[27] and a shift in this perception take place. This leads to peer learning where the process of meaningful interactions provides an exposure to new ideas and new perspectives.[28] The positive effects of this can be identified in student achievements, and the development of generic skills

[23] K. Topping (1998) Peer Assessment between Students in College and Universities, *Review of Educational Research* 68 (3)
[24] ibid
[25] P. Rollinson (2005). Using peer feedback in the ESL writing class, *ELT journal*, *59*(1), 23-30:
K. Lundstrum & W. Baker (2009) To Give is Better than to Receive: The Benefits of Peer Review to the Reviewer's Own Writing. *Journal of Second Language Writing* 18 (1): 30-43
[26] P. Rollinson (2005). Using peer feedback in the ESL writing class. *ELT journal*, *59*(1), 23-30; R. Mulder, C. Baik, R. Naylor & J. Pearce (2014) How does students peer review influence perceptions, engagement and academic outcomes? A case study. *Assessment and Evaluation in Higher Education*, 39:6, 657-677
[27] E.F. Gehringer, D.D. Chinn, M.A. Pérez-Quiñones & M.A. Ardis (2005) Using peer review in teaching computing. In *Proceedings of the 36th SIGCSE technical symposium on Computer science education* 321-322.
[28] K. Lundstrum & W. Baker (2009) To Give is Better than to Receive: The Benefits of Peer Review to the Reviewer's Own Writing. *Journal of Second Language Writing* 18 (1): 30-43

linked to future employment that are promoted by learning practices where students work together.[29]

Resistance to peer learning

Despite the evidence of the benefits of peer learning, students will often resist group work and can hold very negative attitudes. Some of this comes from an epistemological belief which means they don't see their peers' contribution as having value. They want their lecturers to impart knowledge to them and they see themselves as passive receivers of that knowledge.[30] This can then be impounded by the feeling that engagement with peer review is superficial. Students may fear being criticised by their peers so give false praise to others in the hope that they will be praised in return.[31] Students may also resist group work because of their own feelings of inadequacy and for fear of being judged. [32]

Studies show that student dissatisfaction with group work is most commonly connected to frustration about 'free-riding' or social loafing;[33] the idea that not everyone in the team will pull their weight. Free-riders are often "presented as

[29] H. Riese, A. Samara & S.I. Lillejord (2012) Peer relations in peer learning, *International Journal of Qualitative Studies in Education*, 25:5, 601-624

[30] S. Stover & C. Holland, (2018) "Student Resistance to Collaborative Learning," *International Journal for the Scholarship of Teaching and Learning*: Vol. 12: No. 2, Art 8

[31] I. Blau, and I.T. Shamir & O. Avediel, (2020) How does the pedagogical design of a technology-enhanced collaborative academic course promote digital literacies, self-regulation and perceived learning of students? *The Internet and Higher Education* 45, 100722 at 6

[32] T.J. Nokes-Malach, J.E. Richey & S. Gadgil (2015) When Is It Better to Learn Together? Insights from Research on Collaborative Learning. *Educ Psychol Rev* 27, 645–656 at 649

[33] D. Hall & S. Buzwell (2013) The problem of free-riding in group projects: Looking beyond social loafing as reason for non-contribution. *Active Learning in Higher Education* 14(1):37-49 at 39

difficult students who need to be managed" but this is not in fact always the case[34] It is important to have an understanding of why 'free-riding' might happen when designing and planning any type of group activity. Despite our best efforts to build trust and prevent this problem, some students in both Greenwich and Liverpool identified this as a downside to groupwork – for example "Not everyone made an equal effort."[35]

Managing the social aspects of group work can completely dominate student experiences and they can be quick to stereotype their classmates as bossy, lazy, slacker and so on.[36] This type of stereotyping can lead to roles being assigned early in the formation of the group and a dominant member can contribute to the less confident member's feelings of inadequacy. They become more hesitant about contributing and become labelled free-riders.[37] Lack of group structure and communication can exacerbate this problem with students who like to get work done early, taking over and then blaming other students for free-riding.[38]

Environmental factors such as family commitments, race and gender prejudice, different cultural and class issues can impact on how students engage with one

[34] ibid
[35] Comment from the survey on students working on the Innocence Project London
[36] C. Hillyard, D. Gillespie & P. Littig (2010). University students' attitudes about learning in small groups after frequent participation. *Active Learning in Higher Education*, *11*(1), 9–20 at 10
[37] D. Hall & S. Buzwell (2013) Supra n33 at 45
[38] ibid at 39

another in small groups[39] and power dynamics can seriously impact on the way a small group functions.[40]

Research into student resistance to group work frequently includes comments such as "I find groups assessments can be quite stressful with regards to organizing everyone and trying to make sure everyone pulls their weight."[41] This research echoes our experience of discussing group work with students and exploring with them why they feel apprehensive about working in groups. Anxiety, stress worry, lack of control are all common themes which can leave lecturers wondering how it is that group work is supposed to have a positive impact on students' self-esteem and psychological well-being.

Pedagogic design and the learning environment

Careful pedagogical design needs to go into planning and structuring any group work. You cannot just put students in a group and expect them to work together harmoniously. This can lead to students experiencing stress or feeling marginalised and has been described by Chang et al as "magical thinking."[42] Making group work 'work' means designing conditions that allow positive interdependence takes place.[43]

[39] S. Stover & C. Holland (2018) Supra n30
[40] I. Briskin (1998) Negotiating Power in the Classroom. The Example of Group Work *Canadian Woman Studies* 14: 4 23 – 28 at 23
[41] G. Bramley (2020) There is no "I" in "a team of lawyers": An evaluation of student perceptions of group assessment within legal higher education, *The Law Teacher*, 54:1, 55-68 at 65
[42] H. Leopold & A Smith, Implementing Reflective Group Work Activities in a Large Chemistry Lab to Support Collaborative Learning. *Education Sciences*. 2020; 10(1):7
[43] D.W. Johnson & R.T. Johnson (2009) Supra n11 at 367

Positive interdependence requires both individual accountability and group accountability.[44] If work is structured and designed in a way that one student is unable to take over, or one student is unable to duck out of their work, some of the anxiety associated with 'free-riding' will disappear. The task needs to be complex enough to require group input, so that it is clear to the students why they need to work together. For example, asking students to work together in a group to answer a simple question that can be easily completed alone, can lead to more mental energy expended on discussing how to answer the question than in tackling the question itself.[45] Students also need to be told explicitly why they are doing group work.[46] They "need clarity about the type and purpose of group work and to feel that their peers are competent and prepared."[47]

Assessment

When designing teaching that includes group work, it is important to consider how to assess. When part of the purpose of the group work is to develop transferable team work skills, some assessment of the group dynamic and functioning is appropriate.[48] Allocating a single mark to the whole group can exacerbate the anxiety around

[44] ibid at 368
[45] T.J Nokes-Malach, J.E Richey & S. Gadgil (2015) Supra n32 at 649
[46] S. Stover & C. Holland (2018) Supra n30
[47] C. Hillyard, D. Gillespie & P. Littig, (2010). Supra n36 at 18
[48] A. Hassanien (2006) Student Experience of Group Work and Group Assessment in Higher Education, *Journal of Teaching in Travel & Tourism*. 6:1, 17-39

fairness[49] and, "the ability to generate a fair, individualised mark, which recognises individual contributions, is key to underpinning a good group work assessment."[50] In both the IPL and LLC the primary concern in group work is to develop trust to support constructive peer conversations and peer review, meaning that we do not assess the functioning of the groups itself, but nor do we directly assess work produced by the group with a joint graded mark. In the LLC, students have to work together on cases but the only aspect of the work that is jointly assessed is the file management, which only counts for 10% of the overall mark. It is also made clear to the students at the start of the semester that there is scope for a student to receive a different mark if they have not contributed to the file.

For the IPL, where students work voluntarily there is no assessment. For Criminology placement students, they undertake an extended essay which is part of the assessment for their module. The essay provides a platform for students as individuals to demonstrate some of the key skills they have learnt from their work, including identifying an issue closely linked to their case work. Students are encouraged to discuss their ideas about their essays with each other, because their ability to choose what they write about is an important aspect of their learning in the context of their engagement with the subject matter.[51]

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[49] S. Clarke & M. Blissenden (2013) Assessing student group work: is there a right way to do it? *The Law Teacher*. 47:3, 368-381

[50] N. Francis, J. Thomas & M. Allen (2022) Using Group Work for Assessment – an academic's Perspective. Guide Produced for Advance HE https://www.advance-he.ac.uk/news-and-views/i-love-group-worksaid-no-student-ever (last accessed 21st July 2023)

[51] Hewitt (2018) n10 at 187

Individual accountability

Anxiety and stress about free-riding can be mitigated through making work visible. The work in both clinics is made visible though the case files. In the LLC all work has to be recorded on the client file in the case management system. This creates culture of individual accountability[52] and also facilitates communication as students and supervisor can all see what work has or has not been done.[53] It also helps with the group mark for the file management assessment. There is no need for students to "report" one another to the supervisor for lack of contribution as the supervisor can clearly see who has done what.

In the IPL, students are responsible for their casework and the activities allocated to them during casework meetings. Each student takes it in turn to write the minutes of each meeting which are then agreed by the group. Students are required to complete their actions on time and to then explain to the group what they did and what they found. Over the years it has become evident that this process underpins the pedagogy of learning on the IPL, providing space for the varied contexts in which people work.[54]

[52] D.W. Johnson & R.T. Johnson (2009) Supra n11 at 368

[53] D. Hall & S.Buzwell (2013) Supra n33 at 39

[54] G. Light, R. Cox, & S. Calkins, (2014) *Learning and Teaching in Higher Education. The Reflective Professional* (Sage: London, 2nd Ed) at 220

Explicit support and rationale for groupwork

Students need to be supported when they engage with group work. Support means providing them with the tools they need to treat one another with respect[55] and developing a culture of trust within the group.[56] In the LLC we approach this in stages, starting with "homework" in week one for the group to arrange a social meeting and report back in their second tutorial. Students are set reading from a study skills text book on group dynamics and reflect on how the group could improve collaboration after the first client. Activities in lectures and workshops early in the semester are used to discuss the benefits of group work and to encourage students to confront worries about equitable distribution of work. During the pandemic activities were adapted to remote working, and student groups met on Teams to get to know one another and build relationships.

Much of the anxiety about 'free-riding' arises from a lack of trust and poor communication. But when students trust each other and have a clear understanding of why they are working in groups and how to share the work, peer learning that supports students both academically and socially can happen. When the Liverpool

[55] D.W. Johnson & R.T. Johnson (2009) Supra n11 at 370

[56] See, for example the following for discussions regarding the need to provide explicit support with communication and group work skills: D.W. Johnson & R.T. Johnson (2009) An Educational Psychology Success Story: Social Interdependence Theory and Cooperative Learning, *Educational Researcher*, 38:5 365-379; A. Hassanien (2006) Student Experience of Group Work and Group Assessment in Higher Education, *Journal of Teaching in Travel & Tourism*; W.M. Davies, (2009) Groupwork as a Form of Assessment: Common Problems and Recommended Solutions. *Higher Education*, *58*(4), 563–584; O. Rundle (2014) Creating a Healthy Group Work Learning Environment in Law Classes *QUT Law Review* 14:1; and E. Campbell (2015) Transferring Power: a reflective exploration of authentic student-centred small group work in clinical legal education International, *Journal of Clinical Legal Education* 22:2, 191 - 212

students were asked how they felt about group work at the start of the module, the majority admitted to feeling nervous or anxious, mainly because they were worried about work being shared out fairly, for example:

> "I had only bad experiences with group work up until the clinic, I often felt that I had to carry my team."
>
> "Sometimes group work feels like the work isn't always evenly distributed."
>
> "I was nervous as I am usually quite quiet in group work and let other people take over."

All but one of the students who were apprehensive about group work before the module said that their feelings changed during the semester with a clear theme of tutor support and peer support making the difference:

> "I really enjoyed group work at the clinic, I think the tutor helped a lot."
>
> "I felt like we were still supported to learn new things."
>
> "I felt comfortable within my group and my tutor made me feel more comfortable to be able to participate."

Although the number of responses was low and therefore not fully representative of students' experience on the module, they chime with the literature in that fear of 'free-riding' acted as an inhibitor to group work at the start of the semester[41] while tutor support and structure played an important role in moving beyond this.[42]

In the IPL, students have to work together in their casework groups to construct the defence and prosecution timelines that help them understand how their client was convicted. This process leads to the issues that could potentially identify a new legal argument or new evidence that could form the basis of an application to the CCRC. These issues require investigating and a few ways this is done include research into relevant case law or relevant legislation, or medical issues relating to expert evidence. Students have to work together to complete this work, and they do so knowing that it is for the benefit of their client. Students also write letters to their client and contact previous lawyers that may have worked on their client's case, all of this is done within the casework group.

The first survey question sought to determine what students working on the IPL understand peer learning to be, and the responses identified how peer learning manifests in the group work. Statements offered by respondents described "working with my peers" or "learning through interacting with my peers" which also meant "learning through teamwork." Other participants described what Zamberlan and Wilson[57] refer to as peer mentoring where "students help other students in the learning process" and "collaborate with other students to share knowledge and opinions and learn from each other." Budge[58] provides eight different definitions of

[57] L. Zamberlan & E.S. Wilson (2017). "Conversation leading to progress" Student perceptions of peer tutors' contribution to enhancing creativity and collaboration in a first year design studio. *Journal of Peer Learning*, *10*, 59–75

[58] S. Budge (2006). Peer mentoring in post-secondary education: Implications for research and practice. *Journal of College Reading and Learning, 37*(1), 73–87

mentoring[59] all of which incorporate the idea of students helping or working with other students to learn. Eby and Lockwood[60] describe informal mentoring as a spontaneously developing relationship between two or more individuals, where one individual provides support, advice, and guidance to the other individual(s).[61] Further, they suggest that peer mentoring is a form of peer learning, but the responses to this question suggest that peer mentoring results from peer learning.

The notion of peer learning deriving from group work was a strong response from three students who each said:

> "The group work and support from my peers has been very beneficial and the highlight of my experience. I have learnt so much from my peers from the law department, it has made my experience easier."
>
> "Everyone has come from unique areas so everyone has something different to bring to the table, and perspective is important with casework. We are able to learn from each other, and not feel embarrassed that we do not know certain things."

[59] (1) a more advanced or experienced individual guiding a less experienced individual; (2) an older individual guiding a younger individual; (3) a faculty member guiding a student; (4) an individual providing academic advising; (5) an individual who shares their experience with another individual; (6) an individual who actively interacts with another individual; (7) an experienced individual guiding a group of individuals; and (8) an experienced, older individual who guides a younger, less experienced individual via internet resources (at 79)

[60] L.T. Eby & A. Lockwood (2005). Protégés' and mentors' reactions to participating in formal mentoring programs: A qualitative investigation. *Journal of Vocational Behavior, 67*, 441–458.

[61] Z. Zhang & J.G. Bayley (2019) Peer learning for university students' learning enrichment: Perspectives of undergraduate students, *Journal of Peer Learning*, 12, 61-74. Available at: https://ro.uow.edu.au/ajpl/vol12/iss1/5

> "Open discussions with peers has sometimes led to a better overall understanding for me."

The negative responses to peer learning from the students echoed those already outlined above in 'Resistance to peer learning.' What has been viewed as a positive aspect of peer learning in terms of students learning to "interact with a group of people that they may not generally work with and can engage in conversation even if it is outside of their comfort zone"[62] is not everyone's experience. Two students commented as to how difficult it can be to discuss the work "…if you don't know each other." The issue of dominance in group work was also identified by one student who described their experience of "sharing ideas to have someone override your opinion with their own, with the belief that their opinion is the right one." Working closely with other people in any environment requires skill, and the pedagogy of learning on the IPL embraces this as an opportunity for students to develop these skills before they leave university.[63] Exposing students to different characters that they have to work closely with, encourages them to become aware of how they work in a group and also how they manage themselves in a group.[64] Each group is led and supported by the IPL Director who is aware of the various roles that can be adopted in a group

[62] A. Wessel (2015). Peer learning strategies in the classroom. *Journal on Best Teaching Practices*, *2*(1), 14-16.

[63] Hewitt (2018) n10 at 189

[64] J. Moon, Making Groups Work, HEA, Subject Centre for ESCalate. (2009) Available at: https://www.plymouth.ac.uk/uploads/production/document/path/2/2418/Making_groups_work.pdf

environment, especially the dominant personalities.[65] If motivation or commitment becomes an issue, the Director can facilitate the group and equalise it.[66]

Common goal

In both clinics, the students have a common goal,[67] providing advice to the client, which helps motivate them.[68] In the LLC each group works on three client cases before they get their assessment case. In a different context students might think of these as formative assessments that don't "count", but in a clinic context they have the added incentive of providing high quality work for the client.

In the IPL, the common goal of helping the client is closely linked to the notion of students working together, which is reflected in the comments in response to the survey question about what students thought about peer learning. Students responded with the idea of shared experiences saying that the IPL provided, "…the ability to form mutual understandings, the ability to share experiences and educate myself," and it was a "…brilliant way to think about other perspectives and to learn from other people." This echoes the idea of learning communities where participants connect over similar areas of interest that enable with "…interaction, sharing,

[65] D. Jacques, (2003) Teaching Small Groups. *British Medical Journal* 2003, 326, 492-494 (online) available from http://www.bmj.com/content/326/7387/492.1.full accessed on 6 December 2015
[66] C. Lantz, (2009) Working with small groups, Higher Education Academy Psychology Network
[67] Teaching: the lessons of hope Snyder, C R.Journal of Social and Clinical Psychology; New York Vol. 24, Iss. 1, (Feb 2005): 72-84. At p. 78
[68] D.W. Johnson & R.T. Johnson (2009) Supra n11 at 368

dialoguing, and thinking together."[69] Also identified as knowledge communities,[70] learning takes place in these environments because students are experts at not only being students but are also experts in their own experiences.[71] Sharing these experiences and explaining them helps students engage with their learning.[72]

Volume and pace of work

In both clinics, the volume of work with frequent short deadlines requires group effort[73]. It is almost impossible for one student to take over and do all of the work. There is an incentive and benefit to collaborating and working together in order to get the work done.

Collaborative Spaces – both physical and virtual

Prior to March 2020, in both the IPL and LLC, students were required to do all client related work in spaces dedicated for the clinics. These rules were largely in place to protect client confidentiality. In our experience, anecdotal evidence tells us that it is common for university law clinics to have a dedicated space which may help to develop a sense of community within the law clinic. The global pandemic in 2020 – 21 forced us both to reconsider the significance of the physical space.

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[69] G. Siemens (2003). *Learning ecology, communities, and networks: Extending the classroom.* Elearnspace

[70] E. Longfellow, S. May, L. Burke & D. Marks-Maran (2008). "They had a way of helping that actually helped": A case study of a peer-assisted learning scheme. *Teaching in Higher Education, 13*(1), 93–105 at 95

[71] Longfellow et al (2008) n 70.

[72] D. Boud (1988) Supra n17.

[73] T.J Nokes-Malach, J.E. Richey & S.Gadgil (2015) n32

In the LLC Microsoft Teams was used to enable collaborative working with tutorial groups assigned to small private channels that allowed students to communicate, share documents and have online meetings. Tutorials with supervisors were also held on Teams. The online space of the Team became an important space for both learning and communicating. On the return to campus, the use of small private channels on Teams to allow some collaborative online working has been retained, alongside compulsory attendance in the Clinic building for most client related work. Reflecting on the pandemic we realised that the physicality of the Clinic space may be useful for developing community, but that it was not necessary. As one of the students attending remotely explained:

> "I think the communication aspect makes the learning and experience better. This is because everything is online so I am facing the screen most of the time. Working and communicating in a group gave some human element which just makes me feel better."

For the IPL, students undertook the same casework but in a virtual environment accessing files on a secure drive linked to their university email addresses. This meant that the previous face to face discussions took place in Microsoft Teams. Initially, the thought of running the IPL on-line was overwhelming but once underway, it was evident that running a law clinic remotely had its benefits.

One aspect that students adapted to quickly was the sound of virtual silence. Where the in-person process of flicking through case files in a folder would have been

accompanied by the noise of the paper, the viewing of files online was a silent exercise. The Director was initially concerned that working on-line would limit the meaningful interactions that lead to peer learning and on occasion this concern was founded. The turning on of the camera in casework meetings was not the norm, internet connectivity and workspace issues (home environments, shared rooms etc) being amongst the regular culprits. Once a discussion was started however, students did join in and participate using the functionality of whatever online meeting technology that was being used for example by indicating they wanted to speak by raising their 'virtual' hand. The group work environment in the traditional sense did change, and for some students this was not a positive experience as the response to the survey questions indicated "Meeting online was harder than had we been able to meet face to face" which was closely linked to "communicating online has been difficult." Yet, where students were unable to travel and were in their home countries such as Italy or Romania, meeting online meant they were still able to continue with their case work and feel fully included.

Scaffolding peer review and the role of the supervisor

In the IPL, the Director's role as facilitator of the group work underpins the learning environment helping to generate conversations and build the atmosphere of trust.[74] The survey has shown that the students peer learning results from peer mentoring,[75]

[74] Yeatman and Hewitt (2020) n1.
[75] Z. Zhang & J.G. Bayley (2019) n61.

and the informal development of this process[76] was reinforced by one student who said, "It has happened quite naturally, so I wasn't completely aware of it taking place but thinking back I can see that is what we have been doing." The peer review process is embedded as part of the casework where the learning environment develops from student conversations about their clients' situation. It is around the case in the context of solving problems and discussing issues that the students build relationships and ultimately learn from each other.[77]

In the LLC, students are supported and trained to review one another's work.[78] The two key pieces of work performed and reviewed throughout the module are research records and advice letters. The research needs to be relevant and accurate in order to write the advice letters. The semester starts with workshops that allow some practice using fictional scenarios. For example, for the practical legal research workshop, there are a series of pre-recorded lectures and tests on conducting practical legal research. Students then research the law needed to advise a fictional client. We share anonymised examples of student research records and discuss how they could be improved. With the letter drafting, students review examples of advice letters and match feedback comments to each letter. These are then discussed and student practice writing short paragraphs of advice in the workshops. The writing practice is done in pairs and shared without student names. Constructive feedback is modelled

[76] D. Boud (2001) n20

[77] G. Light, R. Cox & S. Calkins (2014) *Learning and Teaching in Higher Education. The Reflective Professional* (Sage: London: 2nd Ed) at 226

[78] N. Winstone & D. Carless (2020) *Designing Effective Feedback Processes in Higher Education* (Routledge)

and the emphasis is always on how to improve a piece of work, regardless of how good it already is. The aim is to shift their mindset away from the idea that feedback means criticism.

Clinic tutorials focus around tutor led reviews of student work on case files. This gives further opportunities to model constructive feedback and allow for dialogue on how to improve work. All of the Liverpool students who responded to the survey in 2021 agreed that they found these tutor-led discussions to be helpful because "We were able to learn from the work that other people had done and apply it to our own work" and "it allowed me to reflect on what I should be doing right."

However, giving feedback on one another's work outside the tutor led tutorial was still very difficult for some of them.

> "I was uncomfortable and awkward to offer feedback" and "I still feel nervous about feedback because sometimes it can be interpreted the wrong way."

The experience did improve during the module,

> "If I have to give peer review now, I think I will do a better job."
>
> "I realised that it was much more important than I initially thought."

The difficulties that students experienced with peer feedback were mainly linked to fear of offending and based on the assumption that feedback meant criticism

> "I was worried I would offend anyone when critiquing their work."
>
> "I didn't like the idea of peer feedback as I found it hard to be critical."

A barrier to peer review is student perception of their own and colleagues' abilities, and also their own understanding of feedback[43]. For example, two students from Liverpool who were "anxious" about and "didn't like" peer feedback described learning from one another as the most enjoyable aspect of groupwork on the module.

> "Seeing how different people approach a task and learning from that."
>
> "Writing the letter together as it was useful to take different perspectives on board."

Feedback is often difficult to both give and receive, but with support and guidance students can develop the skills needed to find the process constructive and meaningful.

Structured roles to enable collaboration

In the LLC individual supervisors in the Clinic have freedom to organise the way the groups work and there are different ways of doing this. Lucy Yeatman gives clearly assigned roles to students for each client using a jigsaw method.[79] This creates a structure that requires cooperation between students and regular conversations where they have to rely on one another's expertise in order to complete the work for the

[79] E. Aronson & S. Patnoe (2011) *Cooperation in the Classroom: The jigsaw method* (London: Pinter & Martin Ltd)

clients. For example, giving separate pieces of reading to each individual in the group means they have to ask one another questions in order to understand the whole topic.

Lucy has adapted the concept of the jigsaw method in the Clinic and assigns the students roles in pairs:

1. attending the client interview and team leadership which includes taking responsibility for the file including chairing team meetings and reporting to the supervisor on progress;
2. researching the relevant law;
3. drafting the advice letter.

These roles rotate with every client so that the students all have a turn in each role. This method mitigates against students dividing up the work in ways that mean they do not have to work together or understand the whole topic. Peer conversations begin to develop as the students have to rely on one another's research to draft their letters. They have to meet up to ask questions if the research is not clear. The researchers can review the letter as they understand the law and can see if the drafters understand it. The interviewers can review the letter as they can see whether is addresses the client's questions and is phrased in language and terminology that the client understands. The rotating role of team leader mitigates against one student taking over or one student stepping away from taking responsibility. The jigsaw is by no means "plain sailing" and it is often not until the third client case that the students work out how to

co-operate and communicate to get the most out of one another, but it does create a structure that requires collaboration.

Conclusion

We contend that peer review can be embedded into the students working practice in a way that enables meaningful interactions about their work. Shifting the focus from formal feedback with all the associated social and academic anxiety and instead placing emphasis on collaborative working practices that create opportunities for peer conversations allows students to develop the skills needed to judge the quality of their own and others' work. The informal process of peer mentoring can lead to peer learning.

Reflecting on how we view peer feedback in clinical legal education enabled us to realise that the structure of clinics lends itself naturally to a learning environment that enables positive interdependence for group work. Not only does this support students psychological well-being, it enables the type of communication that underpins peer review and peer learning. That is not to say that every student has a good experience of group work in all clinics. Spending time on designing a structure for group work and putting time into building trust is important in order to create a positive experience. Creating opportunities for peer conversations over a common purpose helps to generate meaningful interactions, not only between students but between students and staff. In clinic, the common aim is often easier to identify

because of the nature of case work, but in large group teaching this can be found in presentations, in projects, in debates etc.

Lockdown forced us both to consider the structures needed to create an environment conducive to peer learning. We were reminded that the physical space was by no means the most important factor. You can put six people in a physical room or a virtual room and leave them to it. If they don't know what it is they are supposed to do, or why, they may or may not work together. Alternatively, you can design a collaborative learning environment and adapt that design for online, hybrid or face to face teaching. We have a choice in our teaching. We can develop a culture where our students "are 'grade predators' who succeed in the context of vicious social comparisons and competitions with each other."[80] or we can design our teaching to foster a culture of community whereby students interact to explore ideas and develop skills together which ultimately empowers a lifetime of learning.

[80] C. Synder (2005) Teaching: the lessons of hope, *Journal of Social and Clinical Psychology* Vol. 24, Issue 1 (New York) 72-84 at 78