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Sandwich placements in law: academic tourism or a form of clinical legal education?

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(title) SANDWICH PLACEMENTS IN LAW: ACADEMIC TOURISM OR A FORM OF CLINICAL LEGAL EDUCATION?

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Summary

Whether or not education at the higher level can be integrated with practical experience has preoccupied educationalists in Europe and North America for a considerable time. There are some disciplines in which the existence of laboratory practice or simulated work experience can be used to assist the process of learning-by-doing quite efficiently. In other areas, learning from experience may be best carried out in the employment environment itself. Historically, in the UK this was the pattern for the traditional professions of law, accountancy, medicine and architecture. More recently in the UK, sandwich courses, predominantly a 'new' university contribution to higher education, have been developed to give students a balance between academic theory and practical professional experience. This article attempts a re-evaluation of the sandwich placement model of legal education in law in the light of the skills debate, and the clinical legal education movement.

(Title) SANDWICH PLACEMENTS IN LAW: ACADEMIC TOURISM OR A FORM OF CLINICAL LEGAL EDUCATION?

Given the thrust in the Lord Chancellor's Advisory Committee on Legal Education and Conduct Report (ACLEC), which stresses the desirability that the present 'linear' pattern of legal education should be replaced by a more 'integrated' approach (ACLEC Report 1996, para 5.12), and the Dearing Report which stresses the value of work and other related experience (Dearing Report 1997, paras 9.26 - 9.32), it may be that this is an appropriate time to reconsider the sandwich placement model of legal education. This has been defined as: "...courses which incorporate periods of organised full-time work experience and full-time study, the work experience of placement being linked in some measure to course content." (Committee on Research into Sandwich Education Report 1984, para 1.8). This paper will consider the sandwich placement model of legal education. The sandwich placement model will be evaluated in the light of its potential contribution to the ACLEC vision of "active rather than passive learning" (ACLEC Report 1996, para 4.21), as well as its contribution to the current skills debate and the clinical legal education movement. The sandwich placement model is not advocated as a panacea, but as part of an enriched curriculum designed to maximise the student experience of the discipline of law and their understanding of it.

(Sub-heading) Taking Skills Seriously?

In order to situate sandwich education within the contemporary curriculum for law we need to consider the skills debate which has preoccupied legal education in recent years (Twining 1967, Gold, Mackie and Twining 1989, MacFarlane 1992).

Traditionally, UK legal education began with an academic stage, usually spent at a University, which was then followed by a vocational stage. The vocational stage was itself split into two stages. First of all there was a professional finals course, which was then followed by a period of apprenticeship, working as a trainee solicitor or pupil barrister. In this model, even the professional taught course contained a great deal of substantive law. Skills training was left to articles or pupillage. This traditional model came under increasing criticism. In 1971 the Ormrod Committee noted that the “traditional antithesis between ‘academic’ and ‘vocational’, ‘theoretical’ and ‘practical’, which has divided the universities from the professions in the past, must be eliminated by an adjustment on both sides”, (Report of the Committee on Legal Education 1971, para 85). At this time the universities by their actions appeared to reject the idea. However, in 1988 the Marre Committee whilst endorsing the split between the academic and vocational stage, provided a basis for a new skills-based approach to legal education at the vocational stage (Marre Committee 1988, para 12.21). The profession was urged to reduce the teaching of substantive law at the vocational stage. The vocational stage should instead concentrate on modern teaching and examining methods and instilling practical skills. The result was a move towards practical skills training at the vocational stage. The trend was set in 1989 by the transformation of the Bar Finals Course

into the Bar Vocational Course, which was relaunched with a strong legal practice element with lawyering skills taught in small groups, using problem solving exercises simulating live client work. This was then followed in 1993 by the Law Society replacing its Law Society Finals Course with the Legal Practice Course; a very much more skills based programme.

Much of the emphasis towards learning lawyers' skills derives from legal education elsewhere in the common law tradition. In some other common law jurisdictions articles or pupillage do not exist. Other means have, therefore, to be found to educate lawyers in the skills of lawyering. Thus in North America, parts of Australia, Malaysia and Singapore, law schools are far more vocationally oriented. In the United States of America legal skills courses were based on the legal realist tradition associated with Karl Lewellyn. In Canada, the Professional Legal Training Course in British Columbia, for example was constructed around the actual work tasks of lawyers (Jones 1989, p. 179).

In response to these developments at the vocational stage, legal academics began to debate the shape and function of the academic stage. The debate was often vigorous. On the one hand, there were those, particularly in the 'new' university sector, who argued that undergraduate legal education concentrated too much on content, and that skills should be an integral part of undergraduate legal education. The fundamental issue is why teach skills anyway? One approach is to argue that skills provides an opportunity to apply and reinforce knowledge and understanding. Its purpose would be to increase understanding as well as to equip students with specific skills such as problem solving. To those who espouse it, skills teaching is

learning in an applied context. Skills teaching could also lead to the ideal of a more integrated legal education:

(Indent)“(ACLEC) has argued, for example, that the three stage approach leads to artificial divisions between the ‘academic’ and ‘vocational’ study of law, ... This creates the false impression that there is a sharp difference between the university study of law and the needs of practitioners.” (Jones 1996, p. 293). (End-indent)

On the other hand, there are those who take a strong ‘liberal education’ view of the law degree (Bradney 1992); those who argue that the study of law at university should always be seen as a serious intellectual inquiry (Brownsword 1996); and those who see skills education as a form of vocationalism which is inappropriate for the university. Skills education runs the danger of being under-theorised or even atheoretical, and therefore inappropriate for study at a university. The challenge of skills education has united in opposition both traditionalists, who see legal education solely as teaching content rather than process, and radical law teachers who see skills education as mere ‘training’ as opposed to ‘education’, pandering far too much to the agenda of the legal profession, and in particular the vociferous demands of the big City Law firms (Macfarlane 1992, p. 296). Skills education has even been described as a form of ‘managerialism’ (Toddington 1994).

Within this macro debate about skills and the legal curriculum was a set of micro debates. Even if it was accepted that skills should be included in the academic curriculum, there were still serious discussions to be had. Should students be introduced at the academic stage merely to what can be described as transferable skills - communication skills, time management, self-presentation techniques, group work, and the essentials of information technology? What was

the place of what are referred to as the DRAIN skills - Drafting, Research, Advocacy, Interviewing and Negotiation? Should these be incorporated into the academic curriculum, or were they best left to the vocational stage (Grimes 1995, p. 48).

Once a law teacher had taken a position on whether skills should be taught, and if so, which sorts of skills should be taught, then there were a whole set of subsidiary questions to be addressed. Should skills be a separate unit or units, spread across separate years perhaps, or should skills be integrated into the total curriculum, should skills be assessed and if so how and to what extent? (Boon 1996, p124)? Skills education raises sharp pedagogical questions in a particularly acute way. Skills education properly involves 'learning by doing'. We cannot 'learn' skills the same way as we acquire substantive legal knowledge. Skills have to be practised and improved through repetition (although some would argue that substantive law requires this too). Constant feed-back needs to be given by dedicated and well trained staff. None of this is easy. Law schools soon appreciate that skills teaching can be resource intensive, although some would argue that the intensity of resource used in skills teaching can in fact represent good value as it positively affects students' comprehension and performance in other subject areas.

If the skills debate centred on transferable skills and the role of problem based learning within the law school (Tzannes 1997), there were those who wished to develop the debate further. However good simulation is, it is rarely a substitute for real live client work in a professional setting. There are a number of ways in which students can experience live client work. One development has been the clinical legal education (CLE) movement.

(Indent) “ ...’clinical’ is used to describe a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world in which it is practised ... It almost invariably means that the student takes on some aspect of a case and conducts this as it would (or ought to!) be conducted in the real world.” (Grimes 1996b, p138) (End-indent)

A small number of UK Universities now have in-house, live-client clinics, which operate as a solicitors’ office within the University, where students advise and act for clients under supervision by members of staff who are practising lawyers. The main aims of the Law Clinic are to provide a vehicle through which to study law whilst gaining a practical legal experience under quasi-professional conditions (see Webb 1996, p. 270), and to offer a reliable service to those with legal difficulties. The CLE movement is based on experience in the USA, although it is to be hoped that the UK will not replicate the US experience where there is a split between academics and clinicians, and where CLE has shifted from a social justice model to a vocational skills model (Hunter 1996).

Another form of experiential learning involves students being encouraged to undertake mini-pupillages or mini-articles (Wheatley 1994), work in law centres, tribunal work and sandwich placements (Partington 1984). These also involve live client work by students, but the work is external to university premises (hence the US expression ‘externships’) where the role of the university tutor may not be so obviously or intimately defined. The case for externships as a form of CLE has been made by a number of writers. Giddings cites Gottlieb’s identification of the nine possible goals of CLE (dealing with unstructured situations; practice skills; professional responsibility; acting in role; teaching students to learn from experience;

teaching students to learn collaboratively; teaching substantive law; subjecting the legal system to analysis and criticism and providing an awareness of the impact of the legal system on the poor) and asserts that “ ... all but the final of Gottlieb’s nine possible goals have the potential to be achieved by an externship provided it involves a classroom component designed to assist students to reflect on their experiences.” (Giddings 1996, p. 579).

(Heading) Sandwich Education in Law - The UK Experience

In the last decade general educational debate relating to sandwich education in those disciplines in the UK which have it has tended to focus around the issues of learning, integration, assessment, management and cost benefit of placements. We may now, perhaps, add the difficulties in placing students to this list. However, before we look at these issues it may be useful first of all to make some brief observations on the extent of the sandwich placement model in UK legal education.

According to the Grimes *et al* survey on skills and clinical legal education, over half of all new universities offer some sort of **work experience**, compared with a little under a quarter of old universities (Grimes *et al* 1996a). Although this appears to be a significant response, on further study it becomes apparent that the figure is largely constituted by work-shadowing schemes operating in the first year of study, and on optional placements in subsequent years. According to ACLEC four law schools offer a sandwich law degree (ACLEC Report, para. 2.9). Where placements are offered 4% are assessed by examination; 29% by course work;

8% by continual assessment and a quarter of placements are not assessed at all. However a substantial number of respondents did not reveal their method of assessment. (Grimes *et al* 1996a, p. 63).

We need to distinguish between work experience schemes and sandwich placements. At their simplest, work experience schemes are those which many law students now undertake to gain a fleeting glimpse of practise, conscious of the need to build up a *curriculum vitae* which may help them to secure a training contract or admission to the Bar at the appropriate time. Most of this sort of work experience is carried out in vacations and usually in isolation from the educational context. Some institutions do try to build this sort of work experience into the curriculum. At the University of Central Lancashire, for example, in a second year option, students undertake work-based learning in which the student is required to identify specific learning outcomes (personal management, understanding the legal environment, interviewing and negotiating skills, and legal research and drafting) in which they have to demonstrate competence by means of the successful submission of a portfolio (Wheatley 1994). At the other end of the spectrum are sandwich law degrees run at a small number of universities in which the work experience component is a substantial and assessed part of the course.

In contrast to the UK, externships, as they are called in the US, are an integral part of professional legal education. The MacCrate Report found that externships were offered by 130 out of 155 US law schools surveyed (American Bar Association 1992, p. 253). Strictly speaking the US experience is different from the rest of the common law world as it is a postgraduate practice oriented programme and the skills/clinical/externship experience is the

only practically oriented element students undertake before entering into practice. Canada has both common law and civil law cultures in a federal structure. In the common law states a three year LLB degree is required to gain access to the professional stage of training (ACLEC Report p. 166). In Australia too, the situation is complex owing to the federal structure, but legal office placements of six months are used in South Australia (ACLEC Report, p. 166). In both these jurisdictions externships are used, partly as a form of clinical legal education, and partly, as a substitute for articles.

Although placements are a recognised component of many ‘new’ university courses in Business and Management, Science and Engineering, this approach is still relatively unusual in UK legal education. This may be because, unlike the US and parts of Australia, intending solicitors and barristers in the UK already spend up to two years of their legal education on pupillage or on what used to be called articles. Academic lawyers are aware of the consistent trend that only 66% of graduates **aspire** to become solicitors or barristers (Harris *et al* 1993, p. 56). The percentage of law graduates who are able to gain access to the profession is now as low as 42% (Law Society 1996, p. 69). In this view, it follows that prolonged experience of the practice of the law and the acquisition of legal skills may not be seen as being particularly relevant to the average law student. Finally, there are those who would dispute the educational rationale of sandwich placements. Critics point out that “Placements suffer from basic inequalities in experience and a difficulty in relating the experience to the aims of the particular course.” (Boone *et al* 1987, p. 175). Boone and his colleagues vigorously dispute the claim that placement experience can be categorised as a clinical legal education, partly because of “the relegation of the opportunity for reflection out of role until after an extended

experience is complete,” and partly because the lack of close academic supervision means that “the value of the experience is limited by what the student can assimilate unaided, which may or may not achieve the minimum educational objectives of that course.” (Boone *et al* 1987, p. 175).

This paper defines placements not so much as work experience, but as a learning experience involving students who spend substantial periods of time (in many cases a whole academic year) working in a professional legal environment as an integral part of their undergraduate legal education. Giddings differentiates between placements and work experience in terms of: the length of the placement; faculty involvement; academic credit; different goals; a classroom component; diversity and responsibility (Giddings 1996, p 582).

This relatively long absence from the immediate educational environment means that placements need to be properly integrated into the academic objectives of the curriculum. Students have to be prepared for placement and then reintegrated into the academic course once the placement is over. There is, therefore, a need for proper pre-placement briefing for students, supervisors and academic tutors and a need for de-briefing of students when they come back from placement - an opportunity to reflect critically on the experience is required to maximise its impact. To adapt Grimes, either the placement is part of a degree or vocational programme with a rationale behind its development and a place in the educational scheme, or it runs the risk of being seen as an enjoyable diversion with limited learning relevance (Grimes 1996b, p 146).

(Sub-heading) Case Study - The Organisation of a Sandwich Law degree.

Although sandwich placements are a recognised component of many of Sheffield Hallam University's courses, this approach is relatively unusual for a law degree. The sandwich law degree was first validated in 1987 (as the BA Public Sector Legal Studies) and was re-validated in 1992 as the BA (Hons) Law. On both occasions the validation team approved the sandwich element of the degree.

In our discussions about integration of placements into the curriculum, the management of placements, the facilitation of learning, and assessment we should be clear that all of these factors must relate to the overall educational purposes or objectives of placements (Ryan 1994). The objectives of placements are varied, but at Sheffield Hallam University include the following:

- to provide experience of work in an appropriate legal environment;
- to enable students to relate their theoretical understanding of the law to its operation in practice;
- to enable students to become aware of the contribution to be expected from them in the profession, in terms of both role and attitudes;
- to give students an opportunity to (begin to) develop some of those professional skills which a trainee solicitor would acquire in the course of articles;
- to enable students to gain an insight into the academic part of the course from a professional perspective;

- to provide an underpinning to those areas of law which students will develop in their final year.

The placement should enable students to reinforce their academic studies by relating them to actual work situations and students need to be briefed on how to relate the work experience to their academic studies before they begin the placement. Students also need be briefed on how best to take advantage of the opportunity to utilise and extend the skills and clinical experience acquired and to which they will have been introduced during the course.

Sandwich education will only be fully effective if it is properly integrated into the curriculum. It is also vital that students are properly prepared for placement. The purpose of the preparation is twofold: “ ... firstly to help students identify, apply for and gain appropriate placements, secondly to introduce and help in developing appropriate skills for learning at work that can be carried forward into future professional development.” (Sheffield Hallam University 1995, p 1).

Student support mechanisms need to be put in place which not only help students to prepare and meet learning objectives, but also to encourage critical reflection and to assist in gathering and verifying evidence of learning. The role of critical reflection is vital if the process is to be truly an educational one (Coss 1993, p 47). The preparation of students for placement should take place before placement, ideally through a credit bearing unit. At Sheffield Hallam University, students are prepared for placement in their second year. A series of workshops are run which cover the following issues:

(Sub-sub-heading) (i) Introduction to Placement

Students need to be introduced to the *raison d'être* of sandwich education - the objectives of students, employers and academic staff. At the heart of the placement there is an ambiguity over whether the role of the student is as a worker or as a learner. Students need to understand how the relationship between academic and vocational objectives are in a state of tension; how these objectives may conflict; and how to resolve such ambiguities in a positive way in order to realise the objectives of placement.

(Sub-sub-heading) (ii) Procedures for Obtaining Placements

Here the concentration is on: the role of the placement team in relation to applications for placements; the criteria used in selecting students for placement; and the financial implications of placements. In addition students are given instruction in job search skills; completing CVs, writing letters of application; completing sample application forms. The students may role play interviews and complete dummy application forms in order to develop the job search skills of creating a favourable image on paper and in person.

(Sub-sub-heading) (iii) Placement from a student perspective

Students are introduced to types of placement organisation and their typical work tasks. Many second year students do not really know exactly what the work of the magistrates' court clerk, or a local authority lawyer will entail. In addition to previous placement students sharing their experiences of placement and the use of promotional videos, it is also useful to introduce

students to a placement provider so that students are aware of employer attitudes to placement.

It is vital that the placement is not seen as some form of academic tourism but as an integral part of the curriculum. Placement relates to the curriculum in two main ways.

First of all, it plays a part in the planned development of legal skills. All students take a key skills unit which incorporates transferable skills and an appreciation of the role of information technology in their first year. Other legal skills are incorporated throughout the course. Some students may be able to participate in the law clinic in their second or final year. Secondly, there will also be a link between the placement and the final year. This will take place in two ways: there will be a de-briefing session early in the year where placement students will have to report on what has happened, to staff and future placement students. Some students may wish to base their optional dissertation on some aspect of the placement, perhaps using their placement organisation as a case study in the implementation of a new piece of legislation. Alternatively the placement may inform final year option choices.

(Sub-heading) The Management of Sandwich Education.

Academics in those disciplines that use sandwich placements (principally Business and Management, Engineering, Science, and Computing) are now turning to the serious aspect of how to manage the placement programme effectively. The concern is not just with problems of integration and assessment but that:

(Indent) “The placement should be a situation in which the learner ... is not merely living through a set of experiences which can be supposed somehow to lead to personal and professional development, but is reflecting on experience in a way which is planned to lead to such development.” (Ashworth & Saxton 1992, p.1).(End-indent)

The approach to placements adopted by Ashworth and Saxton stresses the total experience from relating assessment to the philosophy of work experience, to the roles of the visiting tutor, the work supervisor and the student, all within a management process. Student support mechanisms need to be extended beyond the placement preparation unit to cover the placement period itself. At Sheffield Hallam University law students going on placement are provided with a placement guide which provides brief answers to the questions that placement students most often ask, as well as providing guidelines as to the educational purpose of placement, and spelling out the way that students are intended to show that critical reflection has taken place on the experience.

Training placements will normally be selected by the student with the assistance and guidance of the Placement Officer. The objectives of the placement team include finding and vetting placements and matching the student to the placement. Placements have to be closely monitored to ensure that quality thresholds are met. Ideally a learning contract should be agreed with the organisation concerned. It is important that the learning contract should strike a balance between limiting the variety of tasks so that the student may acquire a real understanding of the work undertaken in the placement organisation, and extending the student's experience over a sufficient range to encourage initiative and overall development.

We must now turn to the issue of placement availability and quality. Sheffield Hallam University law students generally obtain placements in a variety of locations. These include: solicitors' offices ('high street', legal aid, and commercial); the government legal service; The Law Society; legal departments in local government (city councils, county councils, borough councils and district councils); the administration of the courts (magistrates' courts and county courts); The Crown Prosecution Service; and as in-house lawyers. Students normally work in a legal office under the direct supervision of a qualified legal professional. In general, therefore, students perform real legal tasks rather than observe others or perform routine administrative duties. Tasks undertaken on placement typically include:

- undertaking research;
- conducting interviews with clients;
- preparation of instructions and briefs to counsel;
- attendance at conferences with counsel;
- briefing expert witnesses;
- preparation of simple contracts;
- undertaking simple conveyances;
- undertaking simple litigation (e.g. debt collection);
- undertaking simple forms of advocacy

Monitoring of the placement is discharged through a range of activities, including formal visits to the placement organisation, informal communications and liaison between the University and the student or employer. Students will be visited at least twice during the

placement period. The purpose of the visits are to ensure that the objectives of the placement are being met. The first visit takes place six to eight weeks into the placement to check that the student has settled in. The second visit takes place towards the end of the placement so that the tutor can ensure that the student understands the assessment requirements relating to the placement, and so that discussions can take place about option choices for the coming academic session. Visits are the subject of a formal report on both the appropriateness of the work experience and the student's performance.

(Indent) "Particular requirements of the tutor with respect to the student include:

- Showing a pastoral concern for the student's general well-being;
 - Developing a specific awareness of the role the student within the organisation, and relationships with colleagues;
 - Communicating, linking the student and the college;
 - Functioning as someone to whom appeal can be made in cases of difficulty.
- The role of the tutor with respect to the workplace supervisor includes:
- Ensuring the suitability of the placement as a dual working/learning experience;
 - Acquainting the supervisor with the course as a whole, and explaining the function of the placement within it;
 - Being aware of, and ideally participating in, the negotiation of a framework of objectives for the placement;
 - Making clear the learning aims of the placement;
 - Instituting a monitoring programme for the placement period;
 - Explaining and adjudicating the final assessment procedure." (Ashworth & Saxton 1990, p 4).
- (end indent)

In addition to the visiting tutor the other key role in achieving the objectives of placement is the workplace supervisor. Given that it is the workplace supervisor and not the academic tutor who is in day-to-day contact with the student many take the view that the quality of supervision is the major factor in determining the value of the placement:

(Indent) “The workplace supervisor should be seen as having the role of **mentor** within the placement setting. It is the workplace supervisor who must sensitively monitor the placement and ensure that genuine learning is taking place. The educational institution effectively cedes the teaching function to the supervisor during the placement period.” (Ashworth & Saxton 1990, p 4).(End-indent)

(Sub-heading) Assessment

There is a serious debate as to whether it would be a mistake to take the placement programme too far into the realm of academic grading for the purpose of degree classification (Jones 1987, p 34). On the one hand, valid assessment and accountability of placements is questionable because of the variability of the placement experience. Each placement is different. The form of assessment chosen may also be questioned. How are we to know that if we award good grades as a result of writing a report we are assessing the educational value of the experience or merely rewarding those who are good at writing reports? On the other hand, those who support 'quality' academic learning may feel unhappy about accepting 'vocational' degree awards where the professional development element is invisible and incapable of measurement. In principle, the assessment of placements although logistically challenging should be no more difficult than in other educational contexts providing that the learning outcomes are clear and the assessment regime is targeted at those outcomes.

At Sheffield Hallam University placements are assessed by a variety of means including supervisor and tutor assessment; and the presentation of a written report which seeks not to

describe the placement but to give an opportunity for the student to reflect critically on the experience and discuss skill-acquisition and development as well as links with the academic stages of the course. The placement student should be able to demonstrate through the report that they have acquired knowledge, skills and experience about law, having analysed specified aspects of the placement experience. In the report the student must demonstrate an ability to reflect critically on the educational value of the placement experience, using, where appropriate, both personal experience and academic literature to do so. Students are also required to keep a 'learning diary' recording their perceptions of their placement experience (Maughan & Webb 1996, p 265). The diary is not just a record of duties performed and skills developed, but also requires the student to reflect critically on the purposes of those duties, the perception of the student of the organisation's formal and informal structures and processes and their thoughts on the extent to which the objectives of placement are being reached. Both the report and the diary are designed to bring out the two principal objectives of placement - 'performing' and 'learning'.

At other institutions the report is supplanted by, a portfolio of evidence of learning and achievement (Wheatley 1994, p 5). The portfolio method where the students provide evidence in support of meeting specified learning outcomes, is undoubtedly the best way to link the placement with the development of skills generally.

(Sub-heading) A Cost Benefit Analysis

A review of the costs and benefits of sandwich education in general was carried out on behalf of the UK Government in the 1980s (Committee on Research into Sandwich Education 1984). The research arose from concern within government that sandwich education used up considerable resources without being able to demonstrate a significant premium over other forms of educational provision. The Committee concluded that whilst employers, staff and students all believed in the benefits of sandwich education, it was not clear how far these perceptions were matched by the actions of those involved.

In particular, the Committee was alluding to the actions of employers. If sandwich education was so valuable, why did so many employers not offer placements? It may be that many of the benefits of sandwich education (the development of personal and professional skills) could be gained without the need for work experience. Despite voicing these concerns the Committee concluded by supporting in principle the case for sandwich education (Committee on Research into Sandwich Education 1984, para 6.6).

More specifically the cost and benefits of sandwich education have been well documented (Committee on Research into Sandwich Education, 1984, Ch 3, Partington 1984, p 116; Council For National Academic Awards 1991 p 1).

(sub-sub-heading) (i) Benefits to students

- The practical application of theoretical knowledge
- Personal development
- Skills development

- Intellectual development
- Developing an awareness of employment opportunities
- Beginning to acquire professional qualifications
- Increased earnings
- Try out careers
- Develop ethical and professional awareness.

The provision of placements is demanding. On the positive side, obtaining placements is a valuable link with the legal profession. In the case of the Law Society, it is possible to gain accreditation for the placement experience from the solicitors' professional body. Students undertaking a placement that conforms with Law Society guidelines can earn a six month exemption from the two year training contract period. Students who are placed find it a rewarding and worthwhile experience which is able to integrate academic theory and professional practice in a positive way. As we have noted students on placement are paid at least half the minimum salary for a trainee. This is very much a safety net and not the norm. Some students may obtain training contracts and future employment with their placement organisation. Other students will at least return to University knowing a great deal more about the work of the less fashionable (often public sector) parts of the legal system. Students return to the University much more mature and confident in themselves, having enhanced their knowledge of legal skills as well as their own personal skills and qualities.

(Sub-sub-heading) (ii) Benefits for the Employer

- Additional manpower

- Energy
- Enabled projects to be completed
- Ability to introduce new ideas
- Ability to make good a deficiency in knowledge or skill
- As a means of assessing potential employees.

(Sub-sub-heading) (iii) Benefits for the Law Faculty

- Improved skills and understanding
- Links with the profession
- Publicity for the course and institution.

(Sub-sub-heading) (iv) Educational advantages

- Development of legal skills
- A form of clinical legal education
- The integration of academic theory and professional practice

We have already noted that the placement is integrated into the programme for skills development within the academic degree. On placement, students do perform real legal tasks in a professional context. Students also learn that law is not just about legal policy as expressed in cases and statutes, but is also about the procedures of a legal system composed of real people from all classes of society with a real problems. In many cases students are able to incorporate the experience of placement into the final year dissertation.

(Sub-sub-heading) (v) Disadvantages

- Variability of work
- Variability of pay
- Variability of supervision
- Expensive to set up
- Difficulty in finding placements
- Difficulty in establishing that learning has taken place.

The quality of placement and the opportunity it affords to students can be somewhat varied.

The work expected from students can also vary widely. Pay is often low. The Law Society recommendation is that placement students are paid at least half the salary of a trainee, and this can give rise to suspicions about employers' true motives in backing placements. Visiting and assessing students can create further problems. A further disadvantage of placements is that they may focus attention on the lawyer not law. Finally, a central concern with external placements is the lack of a consistent mechanism for reflecting on the academic aims of the course throughout the placement (Boone *et al* 1987, p 175).

However, it is important not to be too defensive. Sandwich education is not just about learning, important though that is, but is also about the acquisition of vocational skills and the enhancement of the employability of graduates. On the latter point there is some evidence that graduates from sandwich degree courses generally fare better in the job market than ordinary graduates. At Sheffield Hallam University 71% of students from sandwich programmes

entered the employment market compared to 56% of those from full-time courses. This is in line with feedback received from graduate employers re the positive benefits of sandwich education and the improved employability of students participating in such programmes (Sheffield Hallam University 1997, para 6.1).

(Heading) Future Prospects

In this paper it has been argued that placements are a valuable component of legal education in the common law world. As a form of clinical legal education they allow students to develop their practical skills in relation to the theoretical basis gained in the academic parts of the course, and in particular to encounter at first hand those aspects of legal skills which form part of the course and which constitute important features of the work of legal practitioners. Whilst there is a valid argument that the clinical model of CLE is educationally superior to the external placement model, one must not lose sight of the all important relationship between educational theory and the resource model available to underpin and promote it. Law Schools currently lack the resources to offer clinical programmes to anything but a relatively small minority of students (ACLEC Report, para. 6.16). One of the reasons for the popularity of externships in both the US and Australia is the fact that it is much cheaper to run than an in-house clinic: "Such cost comparisons are likely to make externships very attractive to law schools wishing to add a clinical component to their program at minimal cost." (Giddings 1996, p 578).

Academic education enhanced by work-related activity can broaden students' knowledge and skills through the learning-by-doing method. Overall, the most noted gain is the student's personal development and the improvement of personal and professional skills and qualities. Of course, one would neither want to be too optimistic nor too prescriptive. Finding suitable placements is a time-consuming and difficult task. Those who support sandwich education have a long way to go to convince the legal profession of the utility in taking sandwich placement students in addition to students on vacation placement schemes and trainees. Within the academic community, too, there are many who feel that sandwich placements fail to provide undergraduate students with a valid educational experience.

However, to quote ACLEC: "We accept that there are practical difficulties in sandwich-type courses, although the experience of those institutions which successfully operate sandwich law degrees shows that these difficulties can be overcome." (ACLEC Report, para. 6.19). It may be that the future lies in a more flexible use of different forms of placements. At the undergraduate level law schools could build on existing vacation work experience schemes to develop and assess certain types of DRAIN skills through the portfolio method (Wheatley 1994, p 5), and/or law schools may wish to consider the sandwich degree model discussed in this paper. At the professional level law schools could look to the Newcastle University, New South Wales model where students studying, say, civil litigation or conveyancing on a professional law course would spend some time on a 'legal office placement' as part of the unit (Boersig 1996, p 476). A far more radical proposal, based on the New South Wales and North American models, would involve replacing the present legal practice course followed by the training contract with an extended legal practice course in which the teaching of

substantive law, legal skills and legal office placements were integrated into a clinical whole (Boersig 1996, p. 466). This could be offered either as a complete alternative to articles or as an exemption from the training contract which could be licensed at the discretion of the Law Society.

How does all this relate to the UK? It can be argued that sandwich education is far from incompatible with the key aims of ACLEC's thinking which is that university legal education should develop the following outcomes: intellectual integrity and independence of mind; core knowledge; contextual knowledge; legal values; and intellectual skills (ACLEC Report 1996, para 4.4). Sandwich degree courses are seen by ACLEC as one of the *strengths* in current degree courses. After looking at the example of the Northumbria exempting degree and the Brunel University four year course in which two semesters are spent on work placement, gaining the student a reduction of up to six months off the training contract time, ACLEC comments that: "Developments such as these may provide models for the multi-entry and multi-exit system which we favour." (ACLEC Report, para. 2.9). Setting out their proposal for the first (elective) module of in-service training, ACLEC suggests that "One possibility would be for the teaching institutions to arrange work placements and to supervise them, as is currently the case with sandwich degrees." (ACLEC Report, para 6.22). If legal education at the professional stage is seen in this way there must come a point when practitioners and educationalists see that it is in their mutual interest, and in the interest of students, to develop closer links. Placements (or externship placements as the Americans call them) may then become better established.

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