

# Aspiring to Inspire: Student Engagement and Advocacy Teaching. Alan Birbeck, LSBU-Law Division



London South Bank University | School of Law and Social Sciences

**INSPIRED BY LAW**

A Gallery of and for Inspiring Lawyers Inaugural Event  
**Tuesday 17th November 2015, 6-8pm**  
LSBU, Keyworth Building, Event Theatre

Please come and help us launch **Inspired by Law**, an exhibition of photos and stories of eleven people inspired by law, chosen by our students.

**Panelists Include:**

- **Baroness Helena Kennedy QC**, distinguished human rights lawyer,
- **Lucy Scott-Moncrieff**, former President of the Law Society,
- **Professor Akua Kuanyehia**, formerly a judge of the International Criminal Court,
- **Diana Nammi**, an award winning campaigner for women's rights,
- **Representatives from human rights organisations.**

Tickets must be pre-booked for this popular event. The tickets will be in demand so please book early. They are available from Eventbrite through the link on the Moodle Employability and Skills for Law site.

# Introduction and Roadmap

- Alan Birbeck
- Aspiring to Inspire:  
Student Engagement and Advocacy Teaching
- Theme One: Who are we?
- Theme Two: What do we do?
- Theme Three: Why are we aspiring to inspire?

justice inspiration of  
collaboration rule engagement communities  
impact employability practice  
law external rights Student  
social world human rights real

# Theme One: Who are we?



# A. LSBU University Context

- London South Bank University
- Modern post 1992 University
- Committed to providing quality contextual legal education
- Committed to a vision of a community law school
- Committed to the promotion of social justice, human rights and the rule of law

# B. LSBU Student Context

- The Law Division is explicit about widening participation and promoting access to education.
- Student demographics
  - 77% students from within the GLA
  - 69% do not self define as white (52% self define as Black African, Black Caribbean or Asian)
  - 67% completing their first degree
  - 50% over the age of 25
  - 10% notify they have a disability

(Latest Law and Social Science Data 2014-2015)
- LLB students data revealed
  - 52% of students were employed
  - Of whom 80% were working 9 hours+ per week

(An Unpublished 2008 Departmental survey)

# C. LSBU Student Barriers

- Fixed barriers *not easily* controlled:  
family commitments, housing, and employment
- Barriers *within* our control:
  1. Mutual expectation barriers
  2. Lack of role models
  3. 'Social identity incompatibility'\*
  4. 'Skills and confidence barriers'\*
  5. Students want more and more feedback

(\*Murtagh, S & Ridley, A et al 2015 Journal of Higher and Further Education)

# D. Practical and experiential learning

- Practitioners are highly critical of legal education for practice  
(Amongst others Koo, 2007, Harvard Law School Survey, Quoted in Ashford et al; The Legal Academics Handbook 2016: 90)
- In our LLM Advocacy we have developed (albeit unconsciously from the pedagogy) an Experiential Learning Process i.e. Learning through doing (Deriving from the work of D. A. Kolb 1939-)

- Cycle for the LLM

-Novice	Seminar 1	Presentation
-Advanced beginner	Seminar 2	Presentation
-Competent	Seminar 4	Bail Application
-Proficient	Seminar 7	Closing speech
-Expert	Assessment 2	Closing speech

# D. Kolbs experiential learning cycle

## 1. **Concrete experience**

Encouraging students to gain concrete experience presenting advocacy

## 2. **Reflective observation**

Encouraging students to reflect on their own skills through individual feedback

## 3. **Abstract conceptualisation**

Encouraging students to review generic feedback and examples of good practice and common errors

## 4. **Active experimentation**

Doing it again and again

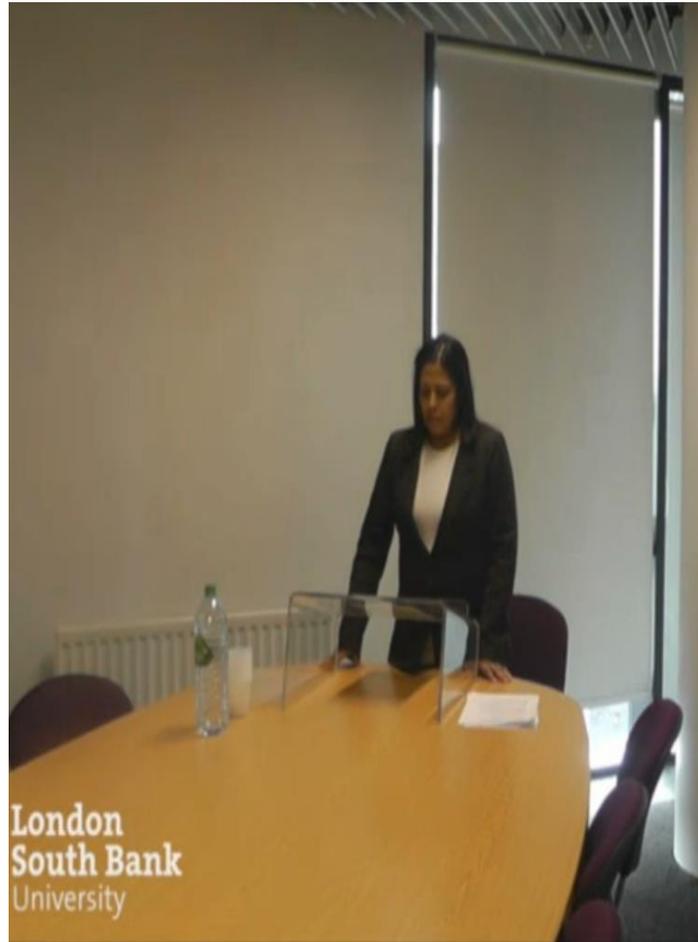
(Model deriving from the work of D. A. Kolb 1939-)

# E. Creating a community of Practice- *'Think Like a Lawyer'*

- In any Induction we attempt to embed three things as expectations of my students
  1. Hard work-preparation, attendance and engagement
  2. Integrity-honesty and respect for each other and staff
  3. Week by week skills building-step by step
- We attempt to embed realistic expectations of the relationship between the student and the academic
- We seek to create a community of practice:
  - Passing on from academic to student
  - Passing on from student to student.
- Inculcating an enthusiasm: 'a passion for something they do and [how they can] learn ...to do it better'

(Étienne Charles Wenger; Paula Barona & Lillian Corbina; *The Law Teacher*; Volume 46, Issue 2, 2012: 100-119;; and Egle Dagilyte & Peter Coea; *The Law Teacher*; Volume 48, Issue 1, 2014: 35-50; Lisa Claydon; *The Law Teacher*; Volume 43, Issue 3, 2009: 269-283)

# Theme Two: What do we do?



# A. Embedding Ethics

- ‘If lawyers and judges are not competent and honest, ...independent and ethical ...the rule of law is severely undermined; indeed scarcely maintainable’ (Para 6)
- ‘Nothing except perhaps a bent Judge is more corrosive of the rule of law than a bent lawyer’ (Para 46)
- ‘...[My] plea [is] for [a] greater prominence for ethics in legal training both on University law courses and on professional legal training courses...the earlier and more effectively, we train and encourage potential professional lawyers and advocates to appreciate and understand the importance and nature of their ethical duties the stronger the legal profession we will have and the stronger the rule of law will be’ (Para 49)

# A. Embedding Ethics

- ‘degrees offer a unique opportunity to inculcate students with the importance of ethical considerations’

(Clare Sandford-Couch & Jonathan Bainbridge; *The Law Teacher*; Volume 49, Issue 3, September 2015, pages 336-352)

- In the LLM Advocacy Module we embed in Week 1 Professional Ethics through the profession codes and three recent case examples of the contested issues:
- The Five P’s (PPPPP) (R v Cole (Dean) [2008] EWCA Crim 3234)
- Mouthpieces? Judges and opponents? (R. v Farooqi (Munir Ahmed) [2014] 1 Cr. App. R 8)
- Who writes the speech? (R. v Ekaireb (Robert David) [2015] EWCA Crim 1936)

## **B. Embedding storytelling**

- Storytelling is crucial to how trials are presented and decisions are made.
- We teach both a narrative and chart methodology
- We attempt to foster the skills of persuasion

(Robert McPeake; The Law Teacher; Volume 41, Issue 3, 2007: 303-313)

# C. Embedding ground rules and fostering trust

**1) Setting Ground rules:** Preparation; Respect; Structure; Positivity; Dressing up; Reflection; Chatham house rules;

## **2) Gaining and fostering trust**

- Introduce our version of a modified Hampel method
  - I) What did you do well?;
  - II) What do you need to improve upon?;
  - III) What additional detail is needed or could be considered?

# D. Tools across the degree

## 1. Presentation of legal knowledge

- Students A4 Summaries and presentations

## 2. Presentation of law applied to factual problems

- Structuring using the IRAC approach

## 3. Presentation of the critical evaluation of legal issues

- Structuring essays and planning for critical evaluation-the graphic descriptor.

## 4. Formative and summative assessment and examples of best practice by Audio and Video

# **E. How do we attempt to foster confidence?**

## **1. Challenging confidence barriers**

- i) 'You either have it or you don't'-
- ii) '99% perspiration 1% inspiration'

## **2. Reflecting on expectations and bedrocks**

## **3. Feedback and reflection logs for students to demonstrate progress**

# F. Feedback Loop

- On the day the student receives the same feedback orally and in writing
- The student individually privately receives and reviews their own video via Moodle and reviews
- The student receives and reviews a demonstration video (and sometimes the advocates notes)
- The student reflects on their feedback and video and where possible at the next session discusses this with the lecturer
- The student repeats the exercise on a different factual matrix

# G. Concrete Cycle

1. Ground Rules
  2. Brief
  3. Standard form
  4. Student
  5. Individual Oral and Written Feedback
  6. Individual Video Feedback
  7. Generic Feedback
  8. Example of good practice Video
  9. Reflective Logs
- AND repeat...

# Ground Rules

## ADVOCACY·AGREED·GROUND·RULES·FOR·RESPECT¶

¶  
1. → WE·WILL·FOLLOW·THE·SGS·GUIDANCE.¶

¶  
2. → WE·WILL·PREPARE.¶

¶  
3. → WE·WILL·BE·AWARE·ADVOCACY·CAN·BE·NERVE·WRACKING·AND·THE·BEST·WAY·THROUGH·IS·PREPARATION·AND·PRACTICE.¶

¶  
4. → WE·WILL·DRESS·SMARTLY.¶

¶  
5. → WE·WILL·TURN·OFF·OUR·MOBILE·PHONES.¶

¶  
6. → OUR·GOLDEN·RULE·WILL·BE·RESPECT·:·¶  
WE·WILL·RESPECT·EVERYONE·WHO·IS·DOING·THEIR·BEST¶  
We·will·always·imagine·ourselves·in·their·position·.·¶

¶  
7. → WE·WON'T·LAUGH·AT·ANYONE·BUT·WE·WILL·LAUGH·AT·THEIR·JOKES.¶

¶  
8. → WE·WILL·BE·REFLECTIVE·AND·LEARNING·FROM·OUR·OWN·ADVOCACY·AND·THAT·OF·OTHERS·.·WE·WILL·KEEP·A·LOG·OF·OUR·ADVOCACY·COMMENTS.¶

¶  
9. → WE·WILL·TAKE·AWAY·THE·THING·WE·DID·WELL·AND·REFLECT·ON·THE·THING·WE·NEED·TO·IMPROVE·ON·.·¶

¶  
10. → WHEN·LEARNING·ADVOCACY·SKILLS·CHATAM·HOUSE·RULES·APPLY·...¶

# The Brief

SGS-5 → → → → A4-Summary-of-Case¶  
 SGS-6 → " → → → Written-Bad-Character-application¶  
 SGS-7 → → → → Oral-Closing-Prosecution-Speech-¶

IN-THE-CENTRAL-LONDON-MAGISTRATES-COURT¶

CPS¶  
 ¶  
 V¶  
 ¶  
 Derek-DOMESTIC-(D)¶

BRIEF-TO-PROSECUTION-COUNSEL¶

1. Counsel is instructed to prosecute this case in the Central London Magistrates Court. ¶

2. In preparation for this trial and based only on this brief and Counsel's knowledge and experience we ask Counsel to prepare for three matters: ¶

I) → SGS-5 → → → → A4-Summary-of-the-Case¶

Counsel is asked to prepare an A4 case summary of the case. ¶

Counsel is asked to use the attached pro forma [LGS-06B]¶

II) → SGS-6 → → → → Written-Bad-Character-application¶

Counsel is asked to prepare a written skeleton bad character application. ¶

Counsel is asked to use the attached pro forma [LGS-06C] and notes on bad character to assist ¶

III) → SGS-7 → → → → Oral-Closing-Prosecution-Speech-¶

Counsel is asked to prepare a closing Prosecution speech. ¶

Counsel is asked to ensure the speech is no longer than 10 minutes long. ¶

Counsel is asked to use the attached pro forma [LGS-07B] to assist and to submit a copy of their typed plan or notes ¶

## Common Student Queries¶

- A) → The SGS-05-06-07 is a Seminar i.e. a mock assessment. The real assessment is in May. ¶
- B) → You are prosecuting the case. ¶
- C) → You submit i.e. hand to me SGS-05 the A4 Summary and SGS-06 the Bad Character application. You do NOT need to make the bad character application orally. ¶
- D) → You make your closing speech for no more than 10 minutes. I will provide feedback in the

IN-THE-CENTRAL-LONDON-MAGISTRATES-COURT¶

CPS¶  
 V¶  
 Derek-DOMESTIC-(D)¶

BRIEF-OUTLINE¶

I)-Charge-Sheet¶

I1 → Assault occasioning Actual bodily Harm-03/11/13-on-V¶

I2 → Threats to Kill → → → → 03/11/13-on-V¶

II)-Prosecution-Case¶

## II)-Background¶

1. → D → Derek-DOMESTIC-is-22.-¶
2. → V → Veronica-VULNERABLE-is-23.¶
3. → They have been in a relationship two years. ¶
4. → They have a one year son called Art. ¶
5. → There have been previous incidents of violence relating to their relationship (which are detailed below). ¶
6. → On 03/11/13-V went out to work in her local pub. D was left to look after Art. Art was unwell and was particularly demanding that evening. ¶
7. → D cooked a three course dinner and anticipated V would be home at her normal time of 21:00. ¶
8. → V in fact arrived home at 23:00. ¶
9. → On arrival D asked V why she was late. ¶
10. → An argument ensued. D said he had cooked dinner. ¶
11. → V said 'Who do you think you are Michel Roux?'. D said 'I'll show you'. ¶
12. → At this moment V's phone beeped with a text message. D grabbed the phone and read the text which said 'Love you. That was hot stuff. Look forward to next time. Love Vinny XXX'. ¶
13. → D became angry and wanted to know who Vinny was. ¶
14. → V said the relationship with D was over and she loved Vinny. V said she intended to leave D for V and take Art with her. ¶

## III)-Incident¶

I1 → Assault occasioning actual bodily harm. ¶

1. → All of a sudden D picked up V by her throat and held her to the wall. ¶
2. → D said 'I am not having it. No one will have you but me.' ¶
3. → D punched V in the stomach. V has severe bruising to her stomach which has been photographed by the Police. ¶
4. → V managed to kick D off ¶

I2 → Threats to Kill¶

1. → D picked up a four inch sharp kitchen knife. ¶
2. → D chased V to the bedroom where she was cradling Art. ¶
3. → D pushed V to the bed. D straddled V and held a knife to her throat. ¶
4. → D said 'If I can't have you no one else will. I am going to kill you tonight.' ¶

Page Break

# The Standard Form

IN THE MAGISTRATES COURT AT  
CPS  
-v-  
(D)

---

TOPIC 7-B-PRO-FORMA-CLOSING-SPEECH

---

What is beneath is an example of key themes you may wish to cover

I. → Introduction  
→ Introduce why we are here  
→ Introduce roles of Judge-Law; Jury-Fact  
→ Role of common sense  
→ Rules and reasons for the rules regarding burden and standard of proof  
→ Stage 1: If you find guilty you are censuring proved wrongdoing  
→ Stage 2: Censure inevitably leads to sanction  
→ There is a moral and legal significance to your decision  
→ The Golden Rules are therefore strict

II. → Burden of proof → → on Prosecution

III. → Standard of proof → → Beyond reasonable doubt i.e. so that you are sure →  
The possibility of guilt is not enough

IV. → Offence  
STATE THE ELEMENTS OF THE OFFENCE/DEFENCE

V. → Evidence  
RECITE BRIEFLY THE RELEVANT EVIDENCE HEARD

VI. → Issues  
For example  
1) → Who is he? → →  
2) → What is the evidence we have?  
→ What evidence don't we have?  
3) → Why are we here?

VII. → Summation → → → [What is the key(s) for the jury to question?]

# The Student in action





# The Student Video

- +
- SGS 7 Feedback
- Please
1. Click the 'play' sign below to view your video (You will only be able to see your own video)
  2. View your individual video and reflect on your feedback then
  3. View the demonstration video

Press Esc to exit full screen mode.

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# The Generic Feedback

## LLM ADVOCACY MODULE ASSESSMENT 2 DRAFT GENERIC FEEDBACK 2015-2016 THE FOLLOWING KEY TIPS TO KEEP IMPROVING

### **1. PREPARATION \*\***

**PREPARE/PREPARE/PREPARE.** You must know the papers well. Preparation involves:

Analysis Analyse the facts, the law and advocacy skills needed);

Structure Coherence in terms of structure.

Synthesis Pulling together all aspects to make a complete answer.

### **2. STRUCTURE: USE THE PRO FORMA'S TO ASSIST \*\***

A clear structure helps with clarity of communication.

**Road mapping assists** (I am going to deal with 1) burden and offences; 2) Evidence; 3) Issues) \*\*

Normally the best structure is the pro forma, I.E. Topic 7B Closing Speech

I.	Introduction	
II.	Burden of proof	on Prosecution
III.	Standard of proof	Beyond reasonable doubt i.e. so that you are sure
IV.	Offence	STATE THE ELEMENTS OF THE OFFENCE/DEFENCE AND IF APPROPRIATE ON WHOM TH BURDEN LIES TO WHAT STANDARD
V.	Evidence	(RECITE BRIEFLY THE RELEVANT EVIDENCE HEARD)
VI.	Issues	(For example
	1) Who is he?	
	2) What is the evidence we have?	
	3) What evidence don't we have?	
	4) Why are we here?	
VII.	Summation	(What is the verdict for the Judge to question?)

### **3. HAVE A PLAN NOT A SCRIPT-DON'T READ (OR APPEAR TO READ)-BE FLEXIBLE\*\***

You are not giving a lecture. You are in court. You will need clear notes but you must not just read. Why? Reading is not normally persuasive. It is also difficult to do you lose your place.

Use headings and bullet points to structure your advocacy. **Remember you must hand in two copies of the plan.**

### **4. INTRODUCTIONS, CLOSING AND FORM OF ADDRESS**

**INTRODUCTION** We don't need any unnecessary pandering so NO need for 'May it please, the noble and learned court of great stature...' Just 'May it please your honour we have some remarks in closing the prosecution/defence case'...

**CLOSING** Those are the defence submissions unless I can assist you further'

**ADDRESS** In the Crown Court the form of address is 'Your Honour'.

**5. BRING IN THE CASE PAPERS** Bring your papers in case you need to refer to them.

**6. SIMPLICITY AND CLARITY ARE KEY TO ADVOCACY**

Use simple and clear language.

If you are unsure on pronunciation please ask a colleague or friend. .

### **7. POSTURE AND PHYSICALITY**

**-POSTURE** Stay upright not leant over your notes. Use the lectern to assist.

**-EYE CONTACT** You must make eye contact.

**-DRESS UP** Women smart outfits and men shirts and ties.

**-BREATH/AVOIDING 'UM's; EM's and ER's'**

Being nervous is natural and healthy. But remember to breath and pause.

**-AVOID 'I DON'T REALLY KNOW'; 'I'M NERVOUS'**

Edit out meta-comment (i.e. unnecessary comment on what you are doing/how you are feeling).

Don't say 'I'm nervous' replace it with a pause a deep breath and push on.

Bring a bottle of water and take a sip it calms the nerves.

### **8. ADVANCED ADVOCACY**

Be careful to present rather than tell. It is simple psychology

**Scenario 1 TELL** "You must find him not guilty".

The instinctive human reaction is why should I. You may push away the tribunal by being bossy.

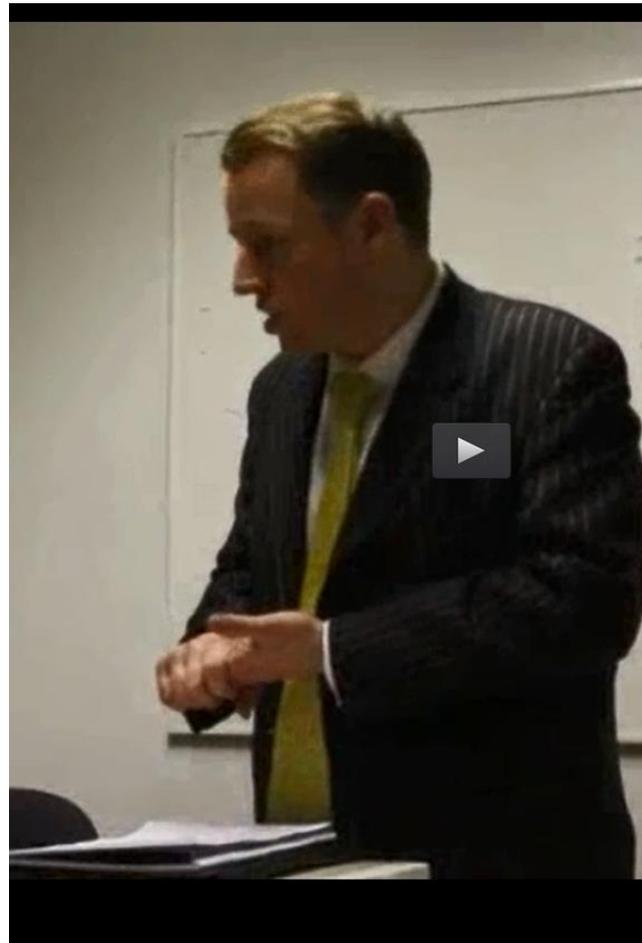
**Scenario 2 PRESENT** "You may think the evidence just doesn't stack up"

The instinctive human reaction is more likely to be Yes, I will think about that..."

**9. CUT VERBIAGE\*\*** Unnecessary verbiage should be cut out. It is nothing more than filling. Telling the court how much you like the court does not normally assist you.

**10. REVIEW THE SGS 4 AND SGS 7 EXAMPLE VIDEOS AND STRUCTURES**

# The demonstration Video



# The reflective log

## Criminal Litigation Small Group Sessions: Feedback and reflection log

Please note for each SGS

I) Your Feedback A) What you did well? B) What you need to improve upon?

II) Your own reflection and headnote on what to build upon



SGS 1	Essay: Purposes of the Criminal Justice System + - Reflection
SGS 2	Essay: Lawyers Ethics + - Reflection
SGS 3	Problem: Police Powers problem questions + - Reflection
SGS 4	Problem: Bail Application#1: Daniel Packham + - Reflection
SGS 5	Essay: Evidence 1 ID and IFS + - Reflection
SGS 6	Essay: Evidence 2: s.78, BOP & SOP & Confessions + - Reflection
SGS 7	Problem: Bail Application#2: Michael Blaney + - Reflection
SGS 8	Problem: Evidence problem questions + - Reflection
SGS 9	Essay: Miscarriages of Justice + - Reflection
SGS 10	Essay: Purposes of Sentencing + - Reflection
	<u>My Golden Rules</u>
1	
2	
3	
4	
5	

# Theme Three: Why are we aspiring to inspire?



# **A. Why are we aspiring to inspire?**

## **Engagement**

- i) Preparation
- ii) Attendance
- iii) Confidence and employability

## B. Does it work?

### • Yes

- **Quantitative:**  
Attendance up; Marks up; Getting it right first time up;
- **Qualitative:**  
Student satisfaction up (in particular positivity about assessment feedback) and employability up

# C. Students Feedback

- ‘My advocacy skills have improved, my confidence has improved a lot with public speaking as well as my analytical and research skills’
- ‘The weekly oral presentations with feedbacks...forced me to speak in public but in a nice environment, allowing me to improve and gain confidence’

# C. Students Feedback

- ‘[W]e were particularly pushed and driven by this module. However it was all worth it because we were kept on our toes throughout in order to have positive learning experiences...Particularly the [Seminars]....has been most inspirational in exposing one to the realities and learning experiences of legal work. This means one has to be full of grit, organised and focused’
- ‘I learnt life long skills in relation to advocacy both oral and written...[it] impacted my life for the better’

# D. Role Models-Inspired by Law: A gallery of and for inspiring lawyers



# 1. What is Inspired by Law?

1. A physical gallery of Inspiring Lawyers and Legal campaigners nominated by the students
2. An annual awards event in November
3. An annual lecture event in February
4. An online gallery –Via the Website

## 2. What are the aims? Student reflection...

- A) On Motivations:** Encourage reflection why people become lawyers
- B) On Skills:** Encourage reflection on what makes a good lawyer
  - 1) Hard work; 2) Integrity; 3) Skills acquisition
- C) On social goods:** Encourage reflection on social justice, the protection of human rights and the rule of law.
- D) Research and reasoning skills-**structured around Who? What? Why?
- E) Presentation and modelling-**Drafting the written profile, presenting the profile orally and modelling by shadowing the lawyer

# 3. Concrete Cycle...

- Nominations
- Shortlisting
- Invitations
- Profiles
- Mock eventing
- Shadowing
- The awards, the Q & A and the Website



## Dame Linda Dobbs

'Services to encouraging the advancement of diversity in the judiciary and the legal professions'

### *Background*

Dame Linda is of dual heritage; her mother was Sierra Leonean, her father English. She studied Russian and Law at the University of Surrey. She then went on to obtain an LLM and a Doctorate in Soviet criminology and penology at the London School of Economics.

### *Achievements*

Dame Linda was a barrister practising criminal and regulatory law, both prosecuting and defending, later becoming a QC. She is an editor of *Archbold* the leading text on criminal practice, and *Fraud: Law, Practice and Procedure*. She has been involved in the training of lawyers and judges for over 20 years both here and internationally. From 2004–2013 she was a High Court Judge and thereafter was appointed to conduct an historic sex abuse enquiry.

### *Inspiration*

At the time of her appointment as the first non-white High Court Judge, she stated "Whilst this appointment might be seen as casting me into the role of standard bearer, I am simply a practitioner following a career path. I am confident, nevertheless, that I am the first of many to come."

She is committed to equality and diversity and has, both at the Bar and on the bench as senior liaison judge for diversity, encouraged and supported aspirant lawyers and judges from diverse backgrounds. She has been nominated as one of Britain's 10 most powerful black women and one of the 100 Great Black Britons.

She actively continues to promote diversity in the legal profession and the judiciary, encouraging students from all backgrounds. She is also an ADR Group accredited mediator and is on their international training faculty.

Nominated by Year 3 LLB student James Opong Nsiah and chosen for the Inspired by Law gallery of lawyers and legal campaigners in 2015.

*Photo kindly provided by Dame Linda Dobbs.*

# 4. For More details on IBL

- Visit the LSBU Website
  - School of Law and Social Sciences
  - Law Division
  - Inspired by Law
- Attend on Friday 16<sup>th</sup> September 2016-Sheffield University conference on
- ‘How do we research and teach equality and diversity in legal education?’
- Myself and a team will be presenting the IBL story

# Conclusion-Aspiring to Inspire: Student Engagement and Advocacy Teaching

## **Theme One: Who are we?**

We have barriers to learning such as engagement, confidence, the lack of role models and the demand for more and more feedback.

## **Theme Two: What do we do?**

We have made a concrete push towards learning by doing, setting expectations, embedding ethics, fostering well grounded confidence and reflection and fostering practical skills and academic learning.

## **Theme Three: Why are we aspiring to inspire?**

We aspire to foster a community of practice and facilitate the learning journey. We aspire to create and foster the student to build their stepping stones through their education and beyond.

We aspire to inspire our students to be lawyers for the social good.

# Any Questions?



London  
South Bank  
University

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School of  
Law and  
Social Sciences



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# Contact

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