Aspiring to Inspire: Student Engagement and Advocacy Teaching.
Alan Birbeck, LSBU-Law Division
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?
engagement
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  (An Unpublished 2008 Departmental survey)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

D. Practical and experiential learning

• Practitioners are highly critical of legal education for practice

• 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’

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)

(Lord Neuberger –Lord Slynn Memorial Lecture 2016: Ethics and Advocacy, 15/06/16)
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)


• 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

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 Chatham House Rules apply...
The Brief

IN THE CENTRAL LONDON MAGISTRATES COURT

CPS

Derek DOMESTIC (D)

Brief Outline

I. Charge Sheet
1. Assault occasioning Actual bodily harm dated 03/11/13 on V
2. Threats to Kill dated 03/11/13 on V

II. Prosecution Case

A. Background
1. D = Derek DOMESTIC is 22.
2. V = Veronica VULNERABLE is 23.
3. They have been in a relationship for a few 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 unhappy 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. V on arrival D asked V why she was late.
10. An argument ensued. D said he had cooked dinner.
11. D said "Who do you think you are Michiel 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 and take Art with her.

B. Incident
1. Assault occasioning actual bodily harm.
   a. D punched V with a sharp kitchen knife.
   b. D chased V to the bedroom where she was crying out for help.
   c. D pushed V to the bed and strangled V with a knife to her throat.
2. Threats to Kill.
   a. D picked up a four inch sharp kitchen knife.
   b. D chased V to the bedroom where she was crying out for help.
   c. D kept saying "I can't have you anymore. I am going to kill you tonight."

Common Student Queries
A. Why do you think the 44G and 44S should be included in the A4 Summary?
B. Why do you think the 4G and 4S should be included in the Bad Character application?
C. Why do you think the speech is no longer than 10 minutes long?
The Standard Form

IN THE MAGISTRATES COURT AT

CP5

v

(TD)

TOPIC 7-8 PRO-FORMA CLOSING SPEECH

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

I. → Introduction
   I.1. → Introduce why we are here
   I.2. → Introduce roles of Judge, Jury, Facts
   I.3. → Rules and reasons for the rules regarding burden and standard of proof
   I.4. → Stage 1: If you find guilt you are censuring proved wrongdoing
   I.5. → Stage 2: Censure inevitably leads to sanction
   I.6. → There is a moral and legal significance to your decision
   I.7. → 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
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?
3. → What evidence don't we have?
4. → Why are we here?

VII. → Summation → → What is the key(s) for the jury to question?
The Student in action
The Individual Feedback
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
The Generic Feedback

1. **PREPARATION**: You must know the papers well. Preparation involves:
   - Analysis: Analyse the facts, the law and advocacy skills needed.
   - Structure: Conceive in terms of structure.
   - Synthesis: Pull together all aspects to make a complete answer.

2. **STRUCTURE**: Use the pro forma to assist.
   - A clear structure helps with clarity of communication.
   - Read mapping assists (I am going to deal with 1) burden and offences; 2) Evidence; 3) Issues).
   - Normally the best structure is the pro forma's i.e. Topic 7B Closing Speech
   - Introduction
   - Burden of proof on prosecution
   - Standard of proof beyond reasonable doubt is so high you sure
   - Evidence
   - Original issues
   - Issue
   - Who is he?
   - What is the evidence, we have?
   - What evidence don't we have?
   - What proof do we have?
   - Summation

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 case of... Your Honour.
   - Bring your papers in case you need to refer to them.

5. **BRING IN THE CASE PAPERS**

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
   - Eye contact
   - Dress up
   - Breath/Avoiding 'um's, em's and er's'

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? 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 VERBAGE**
   - 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 1 AND SGS 7 EXAMPLE VIDEOS AND STRUCTURES**
The demonstration Video
The reflective log

<table>
<thead>
<tr>
<th>SGS 1</th>
<th>Essay: Purposes of the Criminal Justice System</th>
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<td>Reflection</td>
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<td>SGS 2</td>
<td>Essay: Lawyers Ethics</td>
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<td>SGS 3</td>
<td>Problem: Police Powers problem questions</td>
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<td>Reflection</td>
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<td>SGS 4</td>
<td>Problem: Bail Application #1: Daniel Packham</td>
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<td>Reflection</td>
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<td>SGS 5</td>
<td>Essay: Evidence 11D and IFS</td>
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<td>SGS 6</td>
<td>Essay: Evidence 2: s.78, BOP &amp; SOP &amp; Confessions</td>
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<td>Problem: Bail Application #2: Michael Blaney</td>
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<td>Problem: Evidence problem questions</td>
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<td>SGS 10</td>
<td>Essay: Purposes of Sentencing</td>
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<td>Reflection</td>
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My Golden Rules

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 Leonan, 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 16th 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?

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.

Panellists Include:
- Baroness Helena Kennedy QC, distinguished human rights lawyer,
- Lucy Scott-Moncrieff, former President of the Law Society,
- Professor Akua Kuenyehia, 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.
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