

*Street Law in Ireland:
The effectiveness of a Street Law programme in
developing critical thinking skills amongst
undergraduate law students*

Being a thesis presented for the award of
Master of Business (by Research)

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DECLARATION

I hereby certify that the material, which I now submit for assessment on the programmes of study leading to the award of a Master of Business (Research) is entirely my own work and has not been taken from the work of others except to the extent that such work has been cited and acknowledged within the text of my own work. No portion of the work contained in this thesis has been submitted in support of an application for another degree or qualification to this or any other institution.

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Abstract

Increasingly, there has been more expectations for Higher Education Institutions to review their curricula to ensure that critical thinking (CT) and other transferable skills are given a high priority with the intention of increasing graduate employability. Critics have long complained that law students lack the practical skills required to practice law successfully. This study investigated whether Irish undergraduate law students developed CT skills from participating in a *Street Law* programme; a form of clinical legal education recommended as a pedagogical technique to enhance transferable skills. This *Street Law* programme is the first to be introduced at undergraduate level in the Republic of Ireland. This study utilised a descriptive exploratory single case study design with a mixed method convergent approach to enhance validity and reliability. The Legal Studies Reasoning Profile (LSRP) test instrument was used as a pre-test and post-test quantitative measure to assess the law students CT skills and dispositions. Additionally, focus group interviews were conducted at the end of the programme to explore the law students' perceptions regarding the development of their CT skills from participating in the programme. With the acknowledgement that no robust statistical inference could be drawn, the results showed an improvement in law students overall CT skills, with significant improvement in CT dispositions and an improvement in induction and evaluation. Findings from the focus groups partly supported the quantitative aspect of the study as students indicated that they perceived they had developed transferable skills including CT skills due to participation in the *Street Law* programme. However, the analysis revealed a lack of purposeful discussion on the development of the students CT skills, and students did not detail how the various elements of the programme developed those skills. The study concludes by reviewing the limitations of the research and recommendations for future research are outlined.

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LIST OF ABBREVIATIONS

CCTDI	California Critical Thinking Disposition Inventory
CCTST	California Critical Thinking Skills Test
CLE	Clinical Legal Education
CLEO	Council for Legal Education Opportunity
CoLE	Community Legal Education
CT	Critical Thinking
EHEA	European Higher Education Area
EWCTET	Ennis-Weir Critical Thinking Essay Test
FQ-EHEA	Framework for Qualifications of the European Higher Education Area
GULC	Georgetown University Law Centre
HCTA	Halpern Critical Thinking Assessment
HE	Higher Education
HEI	Higher Education Institution
LEAP	Legal Education Assessment Profile
LLB	Bachelor of Law
LSRP	Legal Studies Reasoning Profile
LYIT	Letterkenny Institute of Technology
NFTL	National Forum for Teaching and Learning
QAA	Quality Assurance Agency
QQI	Quality and Qualifications Ireland
SPSS	Statistical Package for the Social Sciences
UK	United Kingdom
USA	United States of America
WGCTA	Watson-Glaser Critical Thinking Assessment

CHAPTER ONE – INTRODUCTION

1.1 Introduction and Background

It is universally recognised that the development of critical thinking (CT) skills needs to be a priority in higher education institutions (HEIs) and this has prompted recent revitalisation efforts and reforms within the European higher education (HE) sector.¹ Law faculties are no exception to this trend as the learning outcomes for law undergraduates place much emphasis on the development of lawyering skills competencies, including various components of critical thinking skills.² This chapter establishes a basis for understanding the popularity of adopting more practical approaches in the advancement of law students' transferable skills. Furthermore, it provides a background to the author's motivation in exploring a group of Irish law students' CT skills on completion of an elected practical module of an undergraduate law degree entitled *Street Law* at Letterkenny Institute of Technology (LYIT). This module is the first to be introduced at undergraduate level in the Republic of Ireland and represents a new departure in undergraduate legal pedagogy. This chapter also provides a statement of the research questions, a summary of the methodology and finally the significance of the study is outlined.

The 'National Strategy for Higher Education to 2030' in the Republic of Ireland (more familiarly known as the Hunt Report)³ signified a positive attempt by the government in Ireland to reorganise HE in accordance with fiscal utilitarian goals. This Report emphasised the need to embed transferable skills such as CT in the curriculum as a result of the changing needs of society and the necessity of employment-focused education

¹ Andrée Sursock & Hanne Smidt, Trends 2010: A decade of change in European Higher Education (EUA 2010); High Level Group on the Modernisation of Higher Education, Report to the European Commission on improving the quality of teaching and learning in Europe's higher education institutions (EU 2013); Bologna Process, Bologna beyond 2010: Report on the development of the European Higher Education Area (2009) Benelux.

² Trinity College Dublin, Bachelor in Laws (LL.B) < <https://www.tcd.ie/law/programmes/undergraduate/lb#Overview> > accessed 14 January 2018; University of Exeter, Law School Undergraduate Module Descriptor < <https://socialsciences.exeter.ac.uk/law/currentstudents/undergraduatemodules/2017-18/module/?moduleCode=LAW3142&ay=2017/8/aims> > accessed 20 February 2018; University of Cumbria, LL.B Hons Law < <https://www.cumbria.ac.uk/study/courses/undergraduate/law/> > accessed 20 February 2018.

³ Higher Education Strategy Group, National Strategy for Higher Education to 2030 (Department of Education and Skills 2011) (The Hunt Report)

programmes.⁴ The significance of CT is reflected in the ever-increasing number of international and national HEIs mission statements and programme learning outcomes, which include the development of CT skills as an objective.⁵ There are widespread competing theories and definitions of CT. However, the definition of CT adopted for this study is one agreed upon in a study conducted by a panel of 46 experts (known as the Delphi Panel) led by Peter A. Facione from diverse disciplines in 1990. The outcomes of this study, known as the ‘Delphi Report’, defined CT as;

Critical thinking is the purposeful, self-regulatory judgment, which results in interpretation, analysis, evaluation, and inference, as well as explanation of the evidential, conceptual, methodological, criteriological, or contextual considerations upon which that judgment is based.⁶

This definition was chosen as it defines CT in general rather than specific terms, and the panel focused on CT in terms of educational assessment and instruction. The panel agreed that CT not only involved the cognitive skills named in the above definition, but also involved dispositions or habits of mind, including inquisitiveness, open and fair-mindedness, a desire to be well informed, flexibility, an inclination to seek reason, and a respect for diverse viewpoints.⁷ Facione defined CT dispositions as “consistent internal motivations to act toward or respond to persons, events, or circumstances in habitual, yet potentially malleable ways”.⁸

In addition to the focus on CT skills, law critics nationally and internationally have long complained that law students lack the practical skills required to practice successfully as a lawyer.⁹ Clinical practice experience facilitates the development of many client-focused skills for undergraduates by exposing them to alternative methods of conflict

⁴ Higher Education Strategy Group, National Strategy for Higher Education to 2030 (Department of Education and Skills 2011) (The Hunt Report)

⁵ See Appendix A

⁶ Peter A. Facione, ‘Critical Thinking: A Statement of Expert Consensus for Purposes of Educational Assessment and Instruction. Research Findings and Recommendations’ (1990) APA 3

⁷ Ibid

⁸ Peter A. Facione, ‘The disposition toward critical thinking: Its character, measurement, and relation to critical thinking skill’ (2000) *Informal Logic* 20 (1) 64

⁹ American Bar Association, *Legal Education and Professional Development - An Educational Continuum Report of The Task Force on Law Schools and the Profession: Narrowing the Gap* (ABA, 1992) 138 (MacCrate Report); Australian Law Reform Commission, *Managing Justice - A Review of the Federal Civil Justice System* 89 (ALRC 1999); Roy Stuckey and others, *Best Practices for Legal Education: A Vision and a Road Map* (CLEA 2007); Lawrence Donnelly, ‘Clinical Legal Education in Ireland: Some Transatlantic Musings’ (2010) 4 (7) *Phoenix Law Review* 7

resolution, helping to foster social responsibility and encouraging ethical accountability.¹⁰ Thus, law faculties have begun to recognise the limitations of the traditional theoretical approach and the need for a more practical approach to legal studies, in order to better prepare graduates for practising law.¹¹

Although LYIT does afford the opportunity for the development of practical skills by offering many practical law modules within their undergraduate law degree, the need to expand on this is part of the LYIT strategy¹² in supporting changes to didactic approaches and embedding graduate attributes in programme provision to address the 21st century skills set required. Thus, in January 2017, the Department of Law and Humanities at LYIT introduced Street Law as an elective module to third year law students, which was taught over one semester. In setting up the Street Law module, two law lecturers at LYIT collaborated with Trinity College Dublin¹³ and the National University of Ireland, Galway,¹⁴ as engaging collaboratively with partner institutions is part of the LYIT research strategy.

Street Law is a legal literacy programme that has been operating since its inception at Georgetown University, United States of America (USA) in 1975. Although the programme has been revised frequently over the years, its core aim is to utilise law students to teach practical legal issues and instil a belief in the rule of law, and has a social justice ethos at its core.¹⁵ Street Law has thus a dual component as it aims to contribute to and enhance the professional development of law students as well as introducing second level pupils to law and the legal system through flexible and adaptable learning methodologies such as discussions, role-plays and other interactive methods.¹⁶ For the purposes of clarity, in this research paper, the term Street Law (non-italics) is used in relation to legal literacy programmes that use interactive learning methods as developed

¹⁰ David McQuoid-Mason & Robin Palmer, *African Law Clinicians' Manual* (IPLT 2013) 4

¹¹ Marie-Luce Paris & Lawrence Donnelly, 'Legal Education in Ireland: A Paradigm Shift to the Practical?' *German Law Journal* 11 (9) (2010) 1067

¹² LYIT Learning and Teaching Strategy 2015-2020 2

¹³ Trinity College Dublin < <https://www.tcd.ie/> > accessed 1 November 2016

¹⁴ National University of Ireland, Galway < <http://www.nuigalway.ie/> > accessed 1 November 2016

¹⁵ Seán G. Arthurs, 'Street Law: Creating Tomorrow's Citizens Today' (2015) 19 (4) *LCR* 943

¹⁶ Richard Roe, 'Law School – High School' in Sarah E. Redfield (ed), *The Education Pipeline to the Professions: Programmes That Work to Increase Diversity* (Carolina Press 2012)

in Georgetown, USA. The term *Street Law* (italics) will refer to the Street Law elected practical module at LYIT.

Street Law was an important development for LYIT as it represented an innovation in Community Legal Education (CoLE). CoLE is defined as “the provision of information and education to members of the community, on an individual or group basis, concerning the law and legal processes, and the place of these in the structure of society”.¹⁷ Additionally, the introduction of *Street Law* introduced law students to learning and teaching methodologies using a digitally enhanced platform.¹⁸ Thus, students avail of a website that enables interactive learning and contains a repository of resources. The LYIT *Street Law* programme claims to enhance the law student’s transferable skills, their understanding of the law and their role within it, in addition to providing a service to the community. In this regard, the *Street Law* programme is potentially transformative for both the recipient community and law students.¹⁹

The aim of the research is to examine the effectiveness of a novel *Street Law* programme, in terms of its effectiveness in developing CT skills amongst law students. A case study approach was adopted, which encompassed a number of data collection methods. Focus groups were undertaken with law students. A quantitative method was also utilised which tested law students’ competencies in CT skills, prior to the commencement and on completion of the *Street Law* programme. It was hypothesised that the majority of law students’ CT skills and abilities would be enhanced by their experience of *Street Law*. This research evolved as the author found that despite Street Law’s history of more than forty-years, there was a paucity of research examining the effectiveness of Street Law programmes in facilitating the development of law students’ key transferable skills. Lists of specific transferable skills that are considered important in HE vary enormously²⁰ and such an inquiry is beyond the scope of this research.

¹⁷ National Association of Community Legal Centres, ‘Guidelines for the Management of Community Legal Education’ (2009)

<[http://www.nacclc.org.au/cb_pages/files/13%20National%20CLE%20Guidelines%20\(Oct%202009\)\(2\).pdf](http://www.nacclc.org.au/cb_pages/files/13%20National%20CLE%20Guidelines%20(Oct%202009)(2).pdf)> accessed 2 February 2017

¹⁸ LYIT Street Law Digitally Supported Platform < <http://www.streetlaw.ie/> > accessed 29 February 2017

¹⁹ National Forum for Teaching and Learning in Higher Education, ‘Teaching and Learning Enhancement Fund: 2015 Call For Proposals’ (Letterkenny Institute of Technology 2015)

²⁰ Irish Universities Association, Reform of 3rd Level and Creation of 4th Level Ireland: Securing Competitive Advantage in the 21st Century (IUA 2005); Higher Education Authority, Creating Ireland’s

In terms of the research study, it was important to gather as much information as was freely available online to ascertain which transferable skill would be focused on in this study. A google Ireland search using the terms “Street Law”, “Street Law programmes” and “Street Law modules” revealed very little in terms of Street Law programmes. However, this reason is likely that Street Law is relatively new to Ireland. A second search using the same terms in Google UK revealed over forty Street Law programmes, the majority being those situated within the United Kingdom (UK). A third search using the term “list of Street Law programmes” disclosed a student pro bono website²¹ which provided an A-Z list of all pro bono activities available in the UK. In addition, information on 126 international Street Law programmes were available online from Street Law Inc.²² The author reviewed HEI’s online to determine which institutions delivered a Street Law programme as part of a credit bearing module.²³ Twenty-two institutions were reviewed online,²⁴ mainly from Ireland, UK, USA and Africa. This is not an exhaustive list. There are many more Street Law programmes across the UK and further afield. However, these programmes have not been included, due to a lack of specific information on the Street Law programmes’ learning outcomes in terms of the purported transferable skills that law students will gain from participating in the Street Law programme. The transferable skills listed in each of the HEI’s Street Law programme outcomes were grouped together and collated into a pie chart (See Figure 1) for ease of reference in determining those transferable skills that were listed most frequently.

Knowledge Society: Proposals for Higher Education Reform, A submission by the Higher Education Authority to the OECD Review of Higher Education in Ireland (HEA 2004)

²¹ Student Pro Bono, <<http://www.studentprobono.net/public/ListProBonoActivities.php>> accessed 21st January 2017

²² Street Law Inc. <http://streetlaw.org/en/program_map> accessed 23rd January 2017

²³ For further explanation of Credit bearing refer to section 2.4

²⁴ See Figure 1



Figure 1: Purported Transferable Skills

Communication skills obtained the highest ranking, as the institutions cited communication skills most frequently as a learning outcome of the Street Law programme. Furthermore, as presentation skills, public speaking and interpersonal skills are often considered under the umbrella term ‘communication’ skills;²⁵ it can be concluded that communication was therefore highlighted by 35% of law schools. According to McQuoid-Mason,²⁶ “communication is the life-blood of legal practice” and he maintains that in South Africa, the main aim of the Street Law programme is to train law students specifically in communication skills. The ability to explain complex legal issues to lay persons is a fundamental aspect of communication development. Thus, the transferable skill of communication is a foundation of all Street Law programmes, as they all require law student teachers to make complicated legal information comprehensible to their audience. In addition to communication skills, as evidenced in Figure 1, a majority of institutions outlined the potential of a Street Law programme in the development of CT skills. CT was ranked joint second in frequency in the review at 12%.²⁷ Additionally,

²⁵ Lyn Daff, ‘Lessons from Successes in Medical Communication Training and their Applications to Accounting Education’ (2012) 21 (4) *Accounting Education: An International Journal* 385

²⁶ David McQuoid-Mason, ‘Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal’ (2008) 17(1) *Griffith Law Review* 36

²⁷ See Appendix A and Figure 1

if one accepts that problem solving and teamwork are akin to CT,²⁸ this figure rises to 31%. As a complete assessment of Street Law students' transferable skills is beyond the scope of this research, the focus of this study is limited to one transferable skill.

It is apparent from this survey of the literature that communication skills and CT skills are important key skills that students purportedly develop on a Street Law programme. The researcher acknowledges that the development of communication skills and CT skills are equally important and highly valued in law curricula. The researcher chose to focus on assessing LYIT law students' CT skills as opposed to communication skills, as CT skills could be objectively studied, using the Legal Studies Reasoning Profile (LSRP),²⁹ which is a tool designed specifically for law students and those in the legal field. Additionally, the CT skills included in the LSRP are synonymous with the skills that are purportedly developed by students in a Street Law programme. On a detailed inspection of the literature, the researcher failed to find a domain specific communication assessment tool for law students. Therefore, this study will be limited to the evaluation of gains made in CT skills.

1.2 Research Questions

It is apparent from the discussion above that Street Law programmes are purported to assist in the development of law students' skills. However, there is a lack of empirical evidence that such skills are attained through participating in a Street Law programme. Therefore, the purpose of this study is to ascertain the effectiveness of an undergraduate *Street Law* programme on developing third year law students' CT skills. The following research questions formed the basis of this research study:

1. Does participation in a *Street Law* programme develop undergraduate law students' CT skills?
2. How do the law students perceive their development of CT through participating in the *Street Law* programme?

²⁸ Daniel T. Willingham, 'Critical Thinking: Why Is It So Hard to Teach?' (2008) 109 (4) Arts Education Policy Review 21

²⁹ See Section 4.9.1 for further discussion on this tool.

In this research, CT will encompass both CT skills and CT dispositions.³⁰ Therefore, the questions will investigate not only the development of CT skills but also the ability to think critically.

1.3 Significance of the Research

There are numerous anticipated benefits of this research study such as, the findings of this study may fill a gap in the literature, as a review of the literature indicated that there is a lack of studies examining the impact of Street Law on the development of law students' transferable skills, and more specifically, CT skills. As this is a novel *Street Law* programme in the Republic of Ireland, the findings of the study may also assist LYIT programme developers in identifying aspects of the programme that require modification and further development. In addition, the assessment of the effectiveness of the *Street Law* programme may demonstrate the benefits of incorporating Street law programmes as a method of best practice in legal education (i.e. a change in the traditional pedagogy to more practical law). Thereafter, encourage the use of Street Law or alternative forms of CLE within the law degree programmes provided within HEI's in the Republic of Ireland. Furthermore, the study's findings may help to identify which aspects of the programme help in the development of law students' transferable skills including CT skills.

1.4 Chapter Outline

This thesis is divided into seven chapters; chapter one above has presented an overview of this study and a rationale to support the research in addition to stating the two research questions that guided this study and an outline of this thesis. Chapter two provides a critical review of the literature pertaining to key areas related to this study. The key areas are: legal education in Ireland; clinical legal education in Ireland; Street Law generically; a detailed discussion on transferable skills in the context of legal education including those skills purported to be developed within Street Law programmes internationally; and finally an in-depth analysis of CT skills. Chapter three offers a detailed description of the *Street Law* programme at LYIT, including reasons for implementing the programme, and the piloting of the module. The module learning outcomes are also considered. Chapter four describes the methodology of the study and justifies the use of a descriptive

³⁰ See section 1.1 for definition of dispositions and further discussion.

exploratory single case study design. The various research paradigms are discussed to clarify the researcher's position in adopting a pragmatic mixed method convergent approach. The methods adopted for data collection and analysis are detailed and validity and reliability issues are explained. The chapter concludes with a discussion of ethical principles. Chapter five presents the quantitative and qualitative research findings with an analysis of the data that was collected. Chapter six provides an in-depth discussion on the findings and themes that emerged from the data. Finally, chapter seven offers; a conclusion for the research study, the limitations of the study, recommendations for the *Street Law* programme and recommendations for further research.

CHAPTER TWO – LITERATURE REVIEW

2.1 Introduction

Yin noted that the purpose of a literature review was for researchers to develop incisive questions on a topic.³¹ Therefore, the aim of this literature review assisted the author in determining the questions that guided this research. The following review of the literature will discuss legal education in Ireland, including Clinical Legal Education (CLE) and the legal discipline of Street Law as an educational method and it draws from the international literature to achieve this. In addition, this literature review will include a discussion on transferable skills in the context of legal education. The literature review supports the present research, in that there is a lot of support for CLE as an educational method.³² However, there is little research on the effectiveness of Street Law programmes in supporting law students' skills acquisition. In order to provide context, a discussion of an undergraduate *Street Law* programme within an Irish institution (LYIT) will be included in Chapter three following the literature review in this chapter.

2.2 Legal education in Ireland

The Hunt Report³³ reflects the Irish State's attempt to re-construct higher education (HE). This report stated that, "The undergraduate curriculum needs to place more emphasis on generic skills, especially those required for the workplace and for active citizenship".³⁴ The Hunt Report recommended that HEIs concentrate on developing graduates core skills in the following areas; quantitative reasoning, teamwork, communication, CT, and the effective use of information technology.³⁵

The far reaching reforms inferred by the Bologna process³⁶ and recent criticisms of legal education have prompted European legal educators to review their curricula.³⁷ The

³¹ Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009)

³² Evans & Hyams 'Independent Valuations of Clinical Education Programs' (2008) 17 (1) Griffith Law Review; Vicky Kemp & Others, 'Clinical Legal Education and Experiential Learning: Looking to the Future' A Report commissioned by The University of Manchester, School of Law (University of Manchester 2016)

³³ Higher Education Strategy Group, National Strategy for Higher Education to 2030 (Department of Education and Skills 2011) (The Hunt Report)

³⁴ Ibid 56

³⁵ Ibid 35

³⁶ Cardoso and others, 'Demand for Higher Education Programs: The Impact of the Bologna Process' (2008) 54 (2) CESifo Economic Studies 230

³⁷ Patricia Grande Montana, 'Lessons from The Carnegie and Best Practices Reports: A Look at St. John's University School of Law's Street Law Program as a Model for Teaching Professional Skills' (2009) 11

Bologna process was an extensive influential HE reform, which involved 45 countries.³⁸ The aim was to create a European Higher Education Area (EHEA) by 2010, with the intention of increasing the employability of the European citizen.³⁹ It is envisaged that this process will make systems of higher education more comparable and compatible.⁴⁰ Ireland has made great progress in implementing the Bologna reforms.⁴¹ However, institutions vary in the effectiveness of implementing the reforms.⁴² The Bologna process echoes a common debate among educators concerning the nature and standard of legal education and the role of practice within the law syllabus.⁴³ The priorities of the Bologna process include a focus on student-centred learning, employability and more attention on enhancing competencies.⁴⁴ Hence, a National Framework for Qualifications of the European Higher Education Area (FQ-EHEA) has been developed.⁴⁵

HEI's are required to adopt practical teaching methods that promote the learning of transferable skills that are required in today's employment, including in the regulated professions.⁴⁶ The Quality and Qualifications Ireland (QQI) is the awarding standards body for law degrees in Ireland. The QQI do not specify transferable skills as a requirement of an undergraduate law degree.⁴⁷ Currently, there is minimal regulation of legal education in Ireland except from the recommendations required by the Hunt Report. In addition, however, to practise law in Ireland, there are certain requirements in an

Lawrence Donnelly, 'Clinical Legal Education in Ireland: Some Transatlantic Musings' (2010) 4 (7) PLR; Richard Grimes, 'Legal Literacy, Community Empowerment and Law Schools-Some Lessons from a Working Model in the UK' (2003) 37 (3) The Law Teacher

³⁸ To date 48 countries are members of the EHEA. See: European Commission, 'Education and Training: The Bologna Process and the European Higher Education Area' (2017)

<http://ec.europa.eu/education/policy/higher-education/bologna-process_en> accessed 1 April 2017

³⁹ Sasha Garben, *EU Higher Education Law: The Bologna Process and Harmonization by Stealth* (Wolters Kluwer 2011).

⁴⁰ Pavla Zgaga, 'The External Dimension of the Bologna Process: Higher Education in South East Europe and the European Higher Education Area in a Global World: Reforming the Universities of South East Europe in View of the Bologna Process' (2003) 28 (3) Higher Education in Europe

⁴¹ Higher Education Strategy Group, 'National Strategy for Higher Education to 2030' (Department of Education and Skills 2011) 40

⁴² Ibid

⁴³ Diarmuid Rossa Phelan, 'First Annual Diarmuid Rossa Phelan Perspective On International Legal Education and The Practice of Law: Lawyering Skills Education in The Irish University' (2010) PLR 3

⁴⁴ Bologna Process, *Bologna beyond 2010: Report on the development of the European Higher Education Area* (2009) Benelux

⁴⁵ European and Higher Education, 'Overarching Framework of Qualifications of The EHEA – 2009' <<http://www.ehea.info/cid102843/overarching-framework-of-qualifications-of-the-ehea-2009.html>> accessed 29 November 2016

⁴⁶ Bologna Process, *Bologna beyond 2010: Report on the development of the European Higher Education Area* (2009) Benelux

⁴⁷ Quality and Qualifications Ireland, 'Awards Standards - for Honours Bachelor of Laws and Master of Laws' (QQI 2014)

undergraduate law degree that is required by the two professional bodies, namely the Honourable Kings Inns and the Law Society of Ireland.⁴⁸ In contrast, in the United Kingdom (UK), the Quality Assurance Agency safeguard standards and quality in higher education. Their benchmark skills for legal education include problem solving, communication, legal research and synthesis, knowledge of the substantive law, teamwork, and autonomy to learn.⁴⁹

2.3 Clinical Legal Education

CLE, which developed in the USA over fifty years ago, stemmed from the recognition that law faculties were failing in their primary task of preparing law undergraduates for law practice.⁵⁰ According to Kerrigan and Murray, there is no universal definition of CLE.⁵¹ Kerrigan, a well-known author in the field, defined CLE as: “learning through participation in real or realistic legal interactions coupled with reflection on this experience”⁵² Thus, CLE may be described as a pedagogical methodology⁵³ that values and supports ‘learning by doing’.⁵⁴ In contrast to the traditional legal pedagogy, clinical pedagogy involves realistic participation in the legal system and reflective practice.⁵⁵ Grimes et al⁵⁶ argue that doing and reflecting is at the heart of the clinical ethos. Numerous activities may be included within the sphere of CLE, such as moot courts, clinical placements, law clinics, simulation activities, pro bono schemes and Street Law projects.⁵⁷ A number of goals have been expressed for CLE;⁵⁸ notably among the learning outcomes is the development of lawyering skills competencies. Within the Irish context, Donnelly⁵⁹ states that although CLE is in its infancy in Ireland, more Irish law schools

⁴⁸ See Appendix C

⁴⁹ Quality Assurance Agency for Higher Education, ‘Subject Benchmark Statement: Law’ (QAA 2015)

⁵⁰ Rebecca L. Sandefur & Jeffrey Selbin, ‘The Clinic Effect’ (2009) 16 CLR 57

⁵¹ Kevin Kerrigan & Victoria Murray (eds) *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave 2011)

⁵² Ibid 5

⁵³ Gary Bellow, ‘On teaching the teachers: Some Preliminary Reflections on Clinical Education as a Methodology’ (CLEPR 1973) 374

⁵⁴ David A. Kolb, *Experiential Learning: experience as the source of learning and development* (Prentice Hall 1984)

⁵⁵ Kevin Kerrigan & Victoria Murray (eds) *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave 2011)

⁵⁶ Richard Grimes and others, ‘Clinical Legal Education: Active Learning in your Law School’ (1998) 2

⁵⁷ Kevin Kerrigan & Victoria Murray (eds) *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave 2011)

⁵⁸ Peggy Maisel, ‘Setting an Agenda for the Global Clinical Movement’ in Frank S. Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (OUP 2011); Richard Lewis, ‘Clinical Legal Education Revisited’ (2000) 13 DIR 149

⁵⁹ Marie-Luce Paris and Lawrence Donnelly, ‘Legal Education in Ireland: A Paradigm Shift to the Practical?’ (2010) 11 (9) German Law Journal

are embedding practical elements into the curriculum, and certain Irish law schools have an entire CLE module within their law curriculum.

The following section will discuss the history, aims and structure of Street Law, a legal curriculum that emanated in the USA, which is implemented in a diverse range of settings such as, schools, prisons and community groups. Thereafter in chapter three, the *Street Law* programme offered by the LYIT will be discussed in terms of its introduction to the college.

2.4 Street Law: History, Aims and Structure

The USA in the 1960's was a time of social unrest. Street Law was established as a means of improving society.⁶⁰ Therefore, in 1972, at Georgetown University, as part of the 'Public Interest Law' course, a law professor, Jason Newman, and a law student Edward O' Brien, introduced the Street Law programme to disadvantaged Washington, DC secondary schools.⁶¹ Essentially, they developed a legal curriculum for young people who felt exploited by the legal system in the black ghetto areas. This involved law students going out to the high schools to teach a course on practical law, to provide the pupils with information on how to avoid or deal with legal problems.⁶² The author has failed to find a precise definition of practical law within the literature. However, for the purposes of this research project in the context of Street Law the researcher defines 'practical law' as, law that is relevant to the needs of and the everyday lives of the recipient audience within topics such as 'worker's rights' and 'Garda Powers'. Street Law has been operating since its inception at Georgetown University, and although the programme has been redeveloped and expanded over the years, its core aim of utilising law students to teach practical legal issues remains unchanged.⁶³ Street Law has a dual component as it aims to contribute to and enhance the professional development of law students as well as introducing second level pupils to law and the legal system through discussion, role-play and other interactive methods.⁶⁴ Sean Arthurs⁶⁵ pointed out that the

⁶⁰ Adam Miller, 'Street Law uses Legal Education to Empower Underprivileged Youth' (2008) 13 P. I. L. R 38

⁶¹ Edward L. O'Brien & Lee P. Arbetman, 'A New Clinical Curriculum: Teaching Practical Law to High School Students and Inmates' (1978) 29 (4) Journal of Legal Education 56

⁶² Felisa Tibbitts, 'Manual on Street Law type Teaching Clinics at Law Faculties: Rationale for Street Law type Teaching Clinics' (2001) COLPI Paper 3, 8

⁶³ Seán G. Arthurs, 'Street Law: Creating Tomorrow's Citizens Today' (2015) 19 (4) LCLR 943

⁶⁴ Richard Roe, 'Law School – High School' in Sarah E. Redfield (ed), *The Education Pipeline to the Professions: Programmes That Work to Increase Diversity* (Carolina Press 2012)

⁶⁵ Sean G. Arthurs, 'Street Law: Creating Tomorrow's Citizens Today' (2015) 19 (4) LCLR 943

structure of the Street Law programme of utilising law students to teach high school pupils was so original that the University co-founders needed to coin a new term for the programme and believed the term ‘Street Law’ would appeal to high school pupils and would reflect the practical nature of the Street Law programme.⁶⁶

Street Law has become increasingly popular, spreading internationally and is presently carried out in programmes in over forty countries throughout Africa, Central and South America, Asia, Europe and the Middle East.⁶⁷ Tibbitts⁶⁸ asserted that the uniqueness of Street Law is that the law students do not provide legal aid as in other forms of CLE. However, Street law is considered under the umbrella term of CLE.⁶⁹ Street Law has also been referred to as a form of public legal education,⁷⁰ or CoLE⁷¹ or a legal literacy programme⁷² that provides opportunities for law students to gain real life experience. Law students go out into the community to educate and teach secondary school pupils and the public about the law and their rights and responsibilities.⁷³ Street Law is not limited to providing law related education to high school pupils. Street Law has extended to the wider public and has delivered programmes in a diverse range of settings such as, schools, prisons and community groups.⁷⁴ The fundamental concept of teaching high school pupils or the public about the law is consistent across Street Law programmes.⁷⁵ However, according to Grimes,⁷⁶ various Street Law models have been identified to include the credit-bearing model, the Pro Bono model and the law students’ organisations model.

⁶⁶ Lee Arbertman & Ed O’Brien, *‘Street Law: A Course in Practical Law’* (5th edn, West Group 1994)

⁶⁷ Georgetown Law, Street Law around the world < <http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/DC-Street-Law-Program/SL-around-the-world.cfm> > accessed 28 October 2016

⁶⁸ Felisa Tibbitts, ‘Manual on Street Law type Teaching Clinics at Law Faculties: Rationale for Street Law type Teaching Clinics’ (2001) COLPI Paper 3, 13

⁶⁹ Kevin Kerrigan & Victoria Murray (eds) *‘A Student Guide to Clinical Legal Education and Pro Bono’* (Palgrave 2011) 2

⁷⁰ Sarah Morse & Paul McKeown, ‘Further Developing Street Law’ in Chris Ashford & Jessica Guth (eds) *‘The Legal Academics Handbook’* (Palgrave 2016) 84

⁷¹ Peggy Maisel and others, ‘Clinical Legal Education’s Contribution to Building Constitutionalism and Democracy in South Africa: Past, Present, and Future’ (2015-2016) 60 N.Y.L. Sch. L. Rev 433

⁷² BPP University Legal literacy program < <http://www.bpp.com/bpp-university/pro-bono/streetlaw>> accessed 14 March 2017

⁷³ Adam Miller, ‘Street Law Uses Legal Education to Empower Underprivileged Youth’ (2008) 13 P. I. L. R 38

⁷⁴ Ibid

⁷⁵ Sean G. Arthurs, ‘Street Law: Creating Tomorrow’s Citizens Today’ (2015) 19 (4) LCLR 925

⁷⁶ Richard Grimes and others, ‘Street Law and Social Justice Education’ in Frank S. Bloch (ed), *‘The Global Clinical Movement: Educating Lawyers for Social Justice’* (OUP 2011)

The credit-bearing model refers to an accredited Street law programme⁷⁷ within a law school curriculum. Law students participate in a structured orientation programme and a weekly seminar to prepare them to plan and deliver lesson plans. Reflection is an essential part of the learning for the law students.

The Pro Bono model is not designed for the educational benefit of the law student and is usually organised to satisfy a public interest requirement.

The law students' organisations model is typically set up by a law student group. A considerable number of law students can participate in this model of Street Law. However, the sustainability may be challenging as it relies on the commitment of law students. An example of such an organisation is the Cambridge University Law Society group who give presentations to local schools and charities.⁷⁸

Over time, Street Law has developed from basic lesson plans to an array of publications and diverse programmes that enhance the teaching of legal issues in a practical way.⁷⁹

2.5 Street Law Methodology

Street Law lessons are rather distinct from the traditional legal pedagogy.⁸⁰ Street Law adopts a practical approach, with a motto "talk less, teach more"⁸¹ which focuses on collective and group learning that provides highly participatory, activity-based lessons.⁸² The umbrella term of active learning comprises various methodologies, such as; interactive sessions where pupils are given short periods of instructions followed by role-play, debates, open discussions, mock trials, simulations and other activities.⁸³ The interactive methods combine "legal content with innovative hands-on teaching strategies that actively engage students in the learning process".⁸⁴ The law students and the pupils

⁷⁷ 'Accredited' is a quality assurance process in which HEI Institutions and their programmes are evaluated by external authorities to determine if required standards are met. The programme is then assigned credits (usually 10 credits) toward the required number of credits for a degree.

⁷⁸ The University of Cambridge Law Society student group give presentations on undertaking a law degree and human rights < <http://ba.law.cam.ac.uk/student-societies/> > accessed 1 April 2017

⁷⁹ Street Law Inc < http://www.streetlaw.org/en/about/who_we_are > accessed 27 October 2016

⁸⁰ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17 (1) Griffith Law Review 31

⁸¹ Seán Arthurs and others, 'From Zero to 60: Building Belief, Capacity and Community in Street Law Instructors in One Weekend' (2017) Int'l J. Clinical Legal Educ 118, 7

⁸² Law Society of Scotland, 'Street Law: What is Street Law?' < <https://www.lawsco.org.uk/education-and-careers/schools/street-law/> > accessed 14 November 2016

⁸³ Felisa Tibbitts, 'Manual on Street Law type Teaching Clinics at Law Faculties: Rationale for Street Law type Teaching Clinics' (2001) COLPI Paper 3, 8

⁸⁴ Street Law Inc < http://www.streetlaw.org/en/about/who_we_are > accessed 27 October 2016

are considerably more pro-active participants in the learning process because they are learning by doing. Law students are learning through teaching and pupils are learning through participation in group discussions, brainstorming sessions, role-play and mock trials. The crucial aspect is applying the knowledge, as opposed to simply learning it.⁸⁵ Duckworth maintains that the didactic approach prevents students' educational growth.⁸⁶ In contrast, the learner-centred pedagogy encourages students to take responsibility for their own learning⁸⁷ and there is an emphasis on a collaborative style of teaching. According to experts in the field of education, this approach increases student performance, increases classroom satisfaction,⁸⁸ increases students social and problem solving skills,⁸⁹ improves student performance⁹⁰; in addition to developing student learning in psychomotor, affective and cognitive domains.⁹¹ This learner-centred approach focuses on teaching methods that encourage building on students' existing skills and knowledge. Learner-centred is defined as, "an approach to the teaching and learning process which supports the concepts of a learner as an active participant and supports the instructors' additional competencies as facilitator of learning through learner support techniques and practices".⁹² Thus, learner-centred pedagogies foster student engagement and provide an alternative approach to the didactic, instructional, teacher-centred approach, where students are passive listeners rather than active learners.⁹³ According to McQuoid-Mason,⁹⁴ this approach to legal education provides high school pupils with practical

⁸⁵ Emil Winkler, 'Clinical Legal Education: A report on the concept of law clinics' <

http://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf > accessed 19 October 2016

⁸⁶ Eleanor Duckworth, 'Helping Students Get to Where Ideas Can Find Them' (2009) 5 (3) *New Educator* 185

⁸⁷ Heather Lattimer, 'Translating theory into practice: Making meaning of learner centered education frameworks for classroom-based practitioners' (2015) 45 *IJED* 65

⁸⁸ Cynthia J. Miller and Others, 'A comparison of traditional and engaging lecture methods in a large, professional-level course' (2013) 37 (4) *Advances in Physiology Education* 347

⁸⁹ Maureen E. Wilson, 'Teaching, Learning, and Millennial Students' (2004) 106 *New Directions for Student Services* 59

⁹⁰ Scott Freeman and others, 'Prescribed Active Learning Increases Performance in Introductory Biology' (2007) 6 (2) *CBE Life Sci Educ* 132; Catherine H. Crouch & Eric Mazur, 'Peer Instruction: Ten years of experience and results' (2001) 69 (9) *AAPT* (2001) 970

⁹¹ Burcak Altay, 'User-centered design through learner-centered instruction' (2014) 19 (2) *Teaching in Higher Education*, 138

⁹² Brenda C. Ledford, 'CTE Distance E-Learning Application: A Learner-Centered Approach' in Victor C. X. Wang (ed) *Handbook of Research on E-Learning Applications for Career and Technical Education Technologies for Vocational Training* (Information Science Reference, 2009) 408

⁹³ Cynthia J. Miller and Others, 'A comparison of traditional and engaging lecture methods in a large, professional-level course' (2013) 37 (4) *Advances in Physiology Education* 347

⁹⁴ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17(1) *GLR* 28

learning and problem solving opportunities to develop skills and knowledge of the law in addition to how the law affects their daily lives.

2.6 Advantages of Street Law

McQuoid-Mason who has written extensively on Street Law contends that there are several advantages to this form of CLE.⁹⁵ One significant advantage is the operational costs of a Street Law programme. Such programmes are less costly than many traditional forms of CLE. Law students on a Street Law programme require less supervision as opposed to law students dealing with individual clients.⁹⁶ Furthermore, law students are not providing individual advice to clients and therefore there is no requirement for liability insurance.⁹⁷ According to Grimes et al,⁹⁸ Street Laws' emphasis is on the unmet legal needs of the community, focussing on specific needs appropriate to the audience. Such a feature is perceived as an advantage over traditional methods of legal education as disadvantaged groups can be reached and law schools establish links within the wider community to increase an understanding of the law and legal system. Montana claims that⁹⁹ Street Law has the potential to combine the theory and practical elements of legal pedagogy, whilst promoting professionalism. Law students acquire the ability to apply practical applications of legal concepts because of teaching secondary school pupils in the community.¹⁰⁰ The advantages in terms of law students' acquisition of transferable skills will be discussed under the heading 'The Skills Debate'.

2.7 Challenges in the delivery of Street Law

The challenges in the delivery of a Street Law programme are comparable to other forms of CLE, such as work placements. The ability to ensure proper supervision can be restricted due to the Street Law supervisors being unable to attend all participating schools to monitor the delivery of the Street Law lesson plans.¹⁰¹ Furthermore, law students must adhere to the Secondary School's timetables that often requires a restructuring of their

⁹⁵ Ibid

⁹⁶ Kamina A. Pinder, 'Street Law: 25 Years and Counting' (1998) 27 (3) *Journal of Law & Education* 214

⁹⁷ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17 (1) *GLR* 28

⁹⁸ Ibid 229

⁹⁹ Patricia Grande Montana, 'Lessons from The Carnegie and Best Practices Reports: A Look at St. John's University School of Law's Street Law Program as a Model for Teaching Professional Skills' (2009) 11 *T.M. Cooley J. Prac. & Clinical L* 97

¹⁰⁰ Ibid 107

¹⁰¹ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17 (1) *Griffith Law Review* 28

own institutions academic classes. Finally, law students are accustomed to the traditional lecture style of teaching law. Coaching the law students to teach pupils using an interactive teaching methodology can be challenging. Law students need confidence to grasp experiential learning and to ‘think on their feet’.¹⁰²

2.8 The Skills Debate

As referred to in chapter one, it is important to acknowledge that, as a result of the Bologna Process, there has been much debate on transferable skills and the need for undergraduates to develop transferable skills as required by the Hunt Report.¹⁰³ However, the literature appears somewhat inconsistent in its use of terms relating to skills, with some advocating for transferable skills, while others refer to key skills, and core skills,¹⁰⁴ ‘next generation learning’,¹⁰⁵ generic skills,¹⁰⁶ or legally specific skills.¹⁰⁷ Clanchy and Ballard highlight that ‘generic skills’ are used interchangeably with ‘characteristics’ ‘attributes’, ‘competencies’ ‘values’, and ‘qualities’.¹⁰⁸ According to Barrie, universities assume that there is a common understanding of the terms and he argues that the lack of definitions leaves a university’s stated outcomes open to interpretation.¹⁰⁹ Furthermore, on a brief examination of university websites,¹¹⁰ even when universities used terms such as ‘problem-solving skills’ ‘communication skills’, or ‘teamwork skills’, the elements of each ‘skill’ were seldom listed and there is a need for conceptual clarity. For this research ‘transferable skills’ will be defined according to a widely accepted description of the term as, “skills developed in one situation which can

¹⁰² Ibid

¹⁰³ Higher Education Strategy Group, ‘National Strategy for Higher Education to 2030’ (Department of Education and Skills 2011)

¹⁰⁴ Ian Drummond and Others, ‘Personal transferable skills in higher education: the problems of implementing good practice’ (1998) 6 (1) *Quality Assurance in Education* 19

¹⁰⁵ Lori Breslow, ‘The Pedagogy and Pleasures of Teaching a 21st-Century Skill’ (2010) 50 (4) *European Journal of Education* 50 (4) 420

¹⁰⁶ Simon C. Barrie, ‘A research-based approach to generic graduate attributes policy’ (2004) 23 (3) *Higher Education Research & Development* 261

¹⁰⁷ American Bar Association, *Legal Education and Professional Development - An Educational Continuum* Report of The Task Force on Law Schools and the Profession: Narrowing the Gap (ABA, 1992) 138

¹⁰⁸ John Clanchy & Brigid Ballard, ‘Generic Skills in the Context of Higher Education’ (1995) 14 (2) *Higher Education Research & Development*

¹⁰⁹ Simon C. Barrie, ‘A research-based approach to generic graduate attributes policy’ (2004) 23 (3) *Higher Education Research & Development* 261

¹¹⁰ See Appendix A

be transferred to another situation”¹¹¹ Thus, it is assumed that transferable skills transcend across disciplines.

Shultz and Zedeck¹¹² argued that there was a lack of research on the factors required for effective lawyering. Although the literature cannot verify the skills of effective lawyering, several studies and reports have described the skills deemed important or necessary for effective practice.¹¹³ Many of these studies cite certain transferable skills as synonymous with lawyering skills; skills such as CT and communication skills. Having conducted hundreds of interviews with law students, lawyers, law faculty, judges, and clients and worked with more than two thousand law school alumni, Shultz and Zedeck identified twenty-six qualities as predictors of effective lawyering, which they grouped into eight categories.¹¹⁴ Similarly, an often cited American report on the education of lawyers, the ‘MacCrate Report’, lists ten ‘Fundamental Lawyering Skills’¹¹⁵ desired of future American lawyers. These consisted of problem solving, communication, litigation, legal research and analysis, alternative dispute resolution, negotiation, factual investigation, counselling and recognising, and resolving ethical dilemmas.

2.9 Purported transferable skills developed in Street Law programmes

CLE, in which Street Law is a form of, was developed partly as a response to the lack of emphasis law schools place on the skills domain.¹¹⁶ In the early 1990s, the MacCrate Report¹¹⁷ found that CLE had contributed invaluablely to the development and the fostering of skills, and since then strong claims have been made for both CLE and Street Law in terms of their ability to advance transferable skills. Despite the lack of clarity that

¹¹¹ Trinity College Dublin, ‘Careers Advisory Board: Defining Transferable Skills’ <https://www.tcd.ie/Careers/downloads/Transferable_Skills_flyer.pdf> accessed 2 March 2017

¹¹² Marjorie M. Shultz & Sheldon Zedeck, ‘Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions’ (2011) 36 (3) *Journal of the American Bar Foundation: Law & Social Inquiry* 620

¹¹³ John Bell, ‘Graduateness: Some Early Thoughts’ (1996) <<http://www.leeds.ac.uk/educol/documents/000000068.htm>> accessed 29 March 2017; American Bar Association, *Legal Education and Professional Development - An Educational Continuum* Report of The Task Force on Law Schools and the Profession: Narrowing the Gap (ABA, 1992) 138-138; Marjorie M. Shultz & Sheldon Zedeck, ‘Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions’ (2011) 36 (3) *Journal of the American Bar Foundation: Law & Social Inquiry* 620

¹¹⁴ See Appendix D

¹¹⁵ American Bar Association, *Legal Education and Professional Development - An Educational Continuum* Report of The Task Force on Law Schools and the Profession: Narrowing the Gap (ABA, 1992) 138

¹¹⁶ Sean G. Arthurs, ‘Street Law: Creating Tomorrow’s Citizens Today’ (2015) 19 (4) *LCLR* 925

¹¹⁷ American Bar Association, *Legal Education and Professional Development - An Educational Continuum* Report of The Task Force on Law Schools and the Profession: Narrowing the Gap (ABA, 1992) 138

surrounds the subject of transferable skills within the literature, a related literature review was undertaken to determine what transferable skills legal academics¹¹⁸ claimed were acquired by law students participating in a Street Law programme. In addition, as mentioned in section 1.1, an online review was conducted of institutions' Street Law programme curriculums,¹¹⁹ both nationally and internationally, to establish what transferable skills these institutions published as their Street Law Programme goals. As illustrated in Appendix A, several universities claim that law students develop CT skills and communication skills in addition to a host of other transferable skills by participating in a Street Law programme.

Few authors have addressed the power of Street Law in the development of law students' transferable skills. This is not surprising since many proponents of Street Law focus solely on the benefits of the programme for high school pupils or other community groups.¹²⁰ For example, Ed O'Brien, one of the founding members of Street Law, stated that the goal of Street Law "was and is to teach non-lawyers, especially high school students, their legal rights and to empower them to become active and informed citizens in their society."¹²¹ On the other hand, Tibbitts¹²² clearly articulated that Street Law was designed to allow law students to acquire and practice key skills that are required by lawyers. Thus, one expert focuses on the benefits to high school students whereas another expert focuses on the benefits for law students. It should be noted that several authors who outlined the benefits of Street Law were also involved in the running of a Street Law programme, and as Giddings observed "when they write about the programme they are involved in, clinicians tend to accentuate the positives for a range of understandable reasons"¹²³

Following the twenty-fifth anniversary of the Street Law programme, Pinder, then a clinical teaching fellow at Georgetown University Law Center (GULC), wrote an article

¹¹⁸ See Appendix B

¹¹⁹ See Appendix A

¹²⁰ Kamina A. Pinder, 'Street Law: 25 Years and Counting' (1998) 27 (3) *Journal of Law & Education* 211; Sean G. Arthurs, 'Street Law: Creating Tomorrow's Citizens Today' (2015) 19 (4) *LCLR* 925

¹²¹ Edward L. O'Brien, 'Democracy For All: Human Rights And Street Law Legal Literacy Programs; Reflections After 20 Years of Democracy in South Africa' 1

¹²² Felisa Tibbitts, 'Manual on Street Law type Teaching Clinics at Law Faculties: Rationale for Street Law type Teaching Clinics' (2001) *COLPI Paper* 3, 8

¹²³ Jeff Giddings, 'Why No Clinic is an Island: The Merits and Challenges of Integrating Clinical Insights across the Law Curriculum' (2010) 34 *Journal of Law & Policy* 261

in 1998¹²⁴ and used the GULC model to illustrate the benefits of Street Law to both high school students and to law students. Pinder explains that law students were evaluated on their classroom teaching, their lesson plans, their participation in weekly seminars and their demonstration teaching. She argued that the Street Law programme required law students to employ all the skills and qualities of a competent lawyer including interpersonal and communication skills, knowledge of and ability to use the law, operational skills, autonomous learning, fact-consciousness, critical self-reflectiveness, and judgment. Pinder claimed that throughout the programme, the law students continually develop their abilities to successfully convey information in a way that actively involved the high school students and developed the ability to ‘think on their feet’.¹²⁵ However, Pinder failed to provide empirical evidence of what skills students had actually developed from the Street Law programme, apart from stating that students’ self-evaluations and feedback on the Street Law programme demonstrated that students felt they performed better in their future employments as a result of the programme.¹²⁶

Another well-known proponent of Street Law, Grimes, from the University of York maintained that a Street Law programme addressed law students’ transferable skills, particularly problem solving, research, communication, teamwork and drafting along with the opportunity of reinforcing learning by means of application and reflection.¹²⁷ However, Grimes did not refer to any research to substantiate these claims. In a Malayan study, Suhaimi and Zulkifli¹²⁸ found that law students felt that their interpersonal skills were developed as a result of engaging with a Street Law programme. For example, their survey demonstrated that 39% of the students stated that there was a significant improvement in their communication skills. Other skills that the students felt had improved significantly included research skills, teamwork, and the ability to empathise. McQuoid-Mason¹²⁹ who has written extensively on the South African Street Law programme claimed that the Street Law programme taught the law students numerous skills such as, it enhanced their ability to communicate the legal principles and aspects of

¹²⁴ Kamina A. Pinder, ‘Street Law: 25 Years and Counting’ (1998) 27(3) *Journal of Law & Education* 211

¹²⁵ *Ibid* 231

¹²⁶ *Ibid* 226

¹²⁷ Richard Grimes, ‘Legal Literacy, Community Empowerment and Law Schools -Some Lessons From a Working Model In The UK’ (2003) 37 (3) *The Law Teacher*

¹²⁸ Asnida Mohd Suhaimi and Nur Farzana Mohd Zulkifli, ‘Street Law Based CLE: A Student-Impact Assessment’ (2012) *IJCLE* (18) 221

¹²⁹ David McQuoid-Mason, ‘Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal’ (2008) 17(1) *Griffith Law Review* 36

law to non-law students in simple language. Law students public speaking skills improved and they developed their analytic skills to solve legal problems. Writing skills and trial advocacy skills improved and they became more insightful on their own personal development due to writing a reflective journal of their experiences within the classroom.¹³⁰ McQuoid-Mason in providing evidence to support these claims, stated that in the majority of cases, the law students journals revealed that they had gained confidence in communicating the law in simple terms and in public speaking.¹³¹ Furthermore, he stated that when responding to learners, students developed the ability of thinking on their feet,¹³² which according to Pinder,¹³³ is an important skill for lawyers.

Professor Roe, the Clinical Director of the Street Law Clinic at GULC also commented that the rapid and reactive quality of discussions within the classroom builds law students analytical skills and the ability of ‘thinking on one’s feet’.¹³⁴ In describing the value of the GULC Street Law programme to law students, Professor Roe claimed that the conducting of classes taught law students to articulate legal concepts clearly; thus preparing them for communicating in the future as legal professionals in legal settings; settings such as court appearances and meetings with colleagues.¹³⁵ In addition, he claimed that law students learned further legal analytical skills as they were required to make several decisions around legal classifications involving the interpretation of legal ideas and application within the context of the high school learners’ experiences. Professor Roe¹³⁶ also highlighted that problem solving was one of the most frequently employed skills for law students, from issues with teachers, student behavioural issues and other organisational matters. While Professor Roe convincingly articulated, the benefits of the Street Law programme in terms of the law students’ acquisition of communication skills and problem solving skills, his claims remain untested.

¹³⁰ Ibid 46

¹³¹ Ibid

¹³² Ibid 36

¹³³ Kamina A. Pinder, ‘Street Law: 25 Years and Counting’ (1998) 27(3) *Journal of Law & Education* 211

¹³⁴ Richard Roe, ‘Law School – High School’ in Sarah E. Redfield (ed), *The Education Pipeline to the Professions: Programmes That Work to Increase Diversity* (Carolina Press 2012)

¹³⁵ Ibid 140

¹³⁶ Ibid

Grimes et al,¹³⁷ claim that Street Law clinics address a number of skills, especially problem solving, communication, research, teamwork and drafting. Morse and McKeown¹³⁸ also stated that law students utilised communication skills and problem solving skills in addition to research skills when planning and delivering Street Law activities. Montana¹³⁹ emphasised the fact that participating in a Street Law programme taught her invaluable lawyering and analytical skills and she later went on to direct a Street Law programme at St. John's University Law School, in New York. Montana¹⁴⁰ asserted that interpersonal skills, professional skills, and problem-solving skills are the most relevant skills to the Street Law Programme. In addition, she claimed that the law students' communication skills 'improved significantly,' because they were required to break down complex legal concepts¹⁴¹ and also that the law students sharpened their problem-solving skills as a result of the opportunities provided by the Street Law programme.¹⁴² The author referred to student journal entries as evidence of the acquisition of these skills.¹⁴³

In her Manual on Street Law-type teaching clinics at law faculties, Tibbitts¹⁴⁴ highlighted that the primary beneficiaries of the programme were the law students. In relation to skills development, Tibbitts stated that law students had commented that they had benefitted in team working, interpersonal skills, research skills, communication skills and presentation skills, in addition to 'thinking on their feet'.¹⁴⁵ McQuoid-Mason and Palmer also designed a practical resource handbook for law clinics in Africa.¹⁴⁶ This manual clarified that Street Law-type clinics provide students with the prospect of learning several lawyering skills such as preparing arguments, thinking on their feet,

¹³⁷ Richard Grimes and others, 'Street Law and Social Justice Education' in Frank S. Bloch (ed) *The Global Clinical Movement: Educating Lawyers for Social Justice* (OUP 2011)

¹³⁸ Sarah Morse & Paul McKeown, 'Further Developing Street Law' in Chris Ashford & Jessica Guth (eds) *The Legal Academics Handbook* (Palgrave 2016) 85

¹³⁹ Patricia Grande Montana, 'Lessons from The Carnegie and Best Practices Reports: A Look at St. John's University School of Law's Street Law Program as a Model for Teaching Professional Skills' (2009) 11 T.M. Cooley J. Prac. & Clinical L 97

¹⁴⁰ Ibid 112

¹⁴¹ Ibid 122

¹⁴² Ibid 116

¹⁴³ Ibid 105

¹⁴⁴ Felisa Tibbitts, 'Manual on Street Law type Teaching Clinics at Law Faculties: Rationale for Street Law type Teaching Clinics' (2001) COLPI Paper 3, 8

¹⁴⁵ Ibid 13

¹⁴⁶ David McQuoid-Mason & Robin Palmer, 'African Law Clinicians' Manual' (2013) 4

clearly and simply expressing legal concepts, preparation for moot trials and public speaking.¹⁴⁷

An international expert and pioneering figure of Street Law, Sean Arthurs claimed that law students became more effective communicators, as a result of participating in a Street Law programme.¹⁴⁸ In his article, ‘Street Law: Creating Tomorrow’s Citizens Today’, he focused on the benefits of a Street Law programme in terms of the acquisition of knowledge, concepts and skills for high school students. He commented that Street Law arguably assists law students in developing the twenty-six lawyering skills identified by Shultz and Zedeck.¹⁴⁹ However, he acknowledged that further research was required to substantiate these claims.¹⁵⁰

It is clear from the literature that law students undertaking a Street Law programme receive a great deal of practice in a range of transferable skills. A majority of the above authors outlined the potential of a Street Law programme in the development of CT skills and communication skills. The MacCrate Report identified problem solving as the most essential of all legal skills.¹⁵¹ MacLeod commented that the best way to describe a lawyer was as ‘a professional problem-solver’.¹⁵² Without doubt, a lawyer is continuously seeking solutions.

¹⁴⁷ Ibid 4

¹⁴⁸ Seán G. Arthurs, ‘Street Law: Creating Tomorrow’s Citizens Today’ (2015) 19 (4) LCLR 929

¹⁴⁹ See Appendix D

¹⁵⁰ Seán G. Arthurs, ‘Street Law: Creating Tomorrow’s Citizens Today’ (2015) 19 (4) LCLR 959

¹⁵¹ American Bar Association, *Legal Education and Professional Development - An Educational Continuum Report of The Task Force on Law Schools and the Profession: Narrowing the Gap* (ABA, 1992) 138

¹⁵² Gordon A. MacLeod, ‘Creative Problem-Solving—For Lawyers?!’ (1963) 16 (2) *Journal of Legal Education* 198

2.10 Critical Thinking

Too many facts, too little conceptualising, too much memorising, and too little thinking.

— Paul Hurd

Educators are acutely aware that scholars need CT skills in order to be successful. The goal of the following section is to discuss the history of CT, and the definitions and elements of the concept that evolved over many years.

2.10.1 The roots and assumptions behind the diverse definitions of critical thinking

Three spheres of learning frame the development of CT; philosophy, psychology and education.¹⁵³ The famous Greek philosopher, Socrates, set the foundation for CT 2,500 years ago as he encouraged the questioning of claims made by those in authority.¹⁵⁴ He highlighted the importance of scrutinising assumptions, reasoning, investigating basic ideas, concepts and what is now well known in pedagogical circles as "Socratic Questioning"¹⁵⁵ has been used for decades as a CT teaching strategy. Although many cite Socrates as the father of the CT movement, many others view Dewey¹⁵⁶ and Glaser's¹⁵⁷ classic works as the birth of the CT movement.¹⁵⁸ Dewey published his landmark book, 'How We Think' in 1910 and later in 1938, he pointed out that the main goal of education was the teaching of thinking as opposed to the teaching of knowledge.¹⁵⁹ Although not specifically using the term CT, Dewey defined the concept of reflective thinking as, "active, persistent and careful consideration of a belief or supposed form of knowledge in the light of the grounds which support it and the further conclusions to which it tends."¹⁶⁰

¹⁵³ Sheng Wang, 'Theory and Practice in Language Studies' (2017) 7 (12) Academy Publications 1267

¹⁵⁴ Richard Paul and Others, California Teacher Preparation for Instruction in Critical Thinking: Research Findings and Policy Recommendations (Sacramento 1997)

¹⁵⁵ Ibid 8

¹⁵⁶ John Dewey, *How We Think* (D.C. Heath & Co. 1910)

¹⁵⁷ Edward Glaser, *An experiment in the development of critical thinking* (AMS 1941)

¹⁵⁸ Cathy Howlett, Jo-Anne Ferreira and Jessica Blomfield, 'Teaching sustainable development in higher education: Building critical, reflective thinkers through an interdisciplinary approach' (2016) 17 (3) *International Journal of Sustainability in HE* 305; James Byrnes and Kevin Dunbar, 'The Nature and Development of Critical-Analytic Thinking' (2014) 26 (4) *Educational Psychology Review* 477

¹⁵⁹ John Dewey, *Experience and Education* (Simon & Schuster 1938)

¹⁶⁰ John Dewey, *How We Think* (D.C. Heath & Co. 1910) 9

Paul¹⁶¹ asserts that the CT movement between the years of 1970 – 1997 encompassed three distinctive ‘waves’ of research and practice. These writers describe the first wave as a period in which logic courses were taught as analysis and assessment of reasoning dominated the discourse on CT. Glaser first coined the actual term CT in 1941¹⁶² in his book ‘An Experiment in the Development of CT’. Glaser insisted that the chief goal of educational courses ought to be the advancement of CT and he co-authored a CT test in 1980 named ‘The Watson Glaser CT Appraisal’.¹⁶³ In 1956, Bloom¹⁶⁴ developed a taxonomy of educational goals in relation to cognitive competencies, which were structured on six levels, from the most basic to the most difficult or complex. The lower levels are associated with knowing, understanding, whereas analysis, synthesis, and evaluation occupy the higher level.¹⁶⁵

Paul¹⁶⁶ maintains that the second wave of research/practice in CT spanned the period 1980–1993. During this period, educators expanded methods of teaching CT from philosophical logic programmes to teaching CT within various subjects and disciplines. Ennis, a leading expert in the field, stated that the concepts in Bloom’s taxonomy (such as analysis, evaluation) were too vague to be helpful to educators and argued that the definitions of CT needed to be expanded to include creative activities such as; formulating questions and hypotheses, offering alternatives and designing experiments. Ennis defined CT as, “reflective and reasonable thinking that is focused on deciding what to believe or do”¹⁶⁷ This definition captures the aim of CT. Ennis’ study of CT resulted in his interest in developing a tool to measure CT, the Cornell Critical Thinking Test and went on to co-author the Ennis-Weir Critical Thinking Essay Test (EWCTET)¹⁶⁸

¹⁶¹ Richard Paul and Others, *California Teacher Preparation for Instruction in Critical Thinking: Research Findings and Policy Recommendations* (Sacramento 1997)

¹⁶² Edward Glaser, *An experiment in the development of critical thinking* (Teachers College, Columbia University, AMS 1941)

¹⁶³ Goodwin Watson & E. M. Glaser, *Watson-Glaser Critical Thinking Appraisal Short Form Manual* (Pearson Education 2008)

¹⁶⁴ Benjamin Bloom, *Taxonomy of Educational Objectives Book 1: Cognitive Domain* (2nd edn Longman 1956)

¹⁶⁵ William Huitt, *Bloom et al.'s taxonomy of the cognitive domain: Educational Psychology Interactive* (Valdosta State University 2011)

¹⁶⁶ Richard Paul, ‘Critical Thinking Movement: 3 Waves’ (2011) Foundation for Critical Thinking < <http://www.criticalthinking.org/pages/critical-thinking-movement-3-waves/856> > accessed 2nd August 2017

¹⁶⁷ Robert Ennis, ‘A logical basis for measuring critical thinking skills. *Educational Leadership*’ (1985) 43(2) 45

¹⁶⁸ Robert Ennis and Eric Weir, *The Ennis-Weir Critical Thinking Essay Test* (Midwest 1985)

Scriven and Paul's¹⁶⁹ definition of CT focused on conceptualising, applying, synthesising and evaluating information, whereas Lipman's definition, as follows, emanated from a philosophical tradition: "skilful, responsible thinking that facilitates good judgment because it 1) relies upon criteria, 2) is self-correcting, and 3) is sensitive to context".¹⁷⁰ Lipman concurred with Ennis's claims for the need for a definition of CT that would be more helpful to educators. Lipman argued that authors such as Ennis focused unduly on the outcomes of CT, rather than focusing on the characteristics of CT.¹⁷¹ He insisted that misconceptions regarding CT led educators to use incorrect teaching techniques, which ultimately may have improved learning but failed to improve students' CT skills. An example of this may be seen in didactic teaching where rote learning was the norm, and students learned to regurgitate material but were unable to understand/analyse the content of that material. Halpern's definition of CT originates within cognitive theory: "the use of those cognitive skills or strategies that increase the probability of a desired outcome"¹⁷² Thus, Halpern focused on aspects of thinking that involved formulating inferences, problem solving and decision making. Halpern's definition was fundamentally consistent with the definition proposed by the Delphi panel consensus of CT, which was discussed in section 1.1. According to Facione,¹⁷³ the skills of CT are required to operate at the higher levels of Blooms taxonomy, which try to explain 'how' or 'why', in contrast to knowledge levels on the lower level of Blooms taxonomy which simply focus on 'what'.

CT remains a contested concept. The range of definitions from the literature discussed above illustrates this point presenting a difference in the authors' focus. Terms such as scientific thinking, reasoning skills, thinking skills, logical thinking and CT are used interchangeably in the literature and a review of the seminal authors found that as many as fifty CT skills have been referred to in the literature.

2.10.2 Domain specific or general

Much controversy exists as to whether aspects of CT are domain-general; i.e. once learned, they may be applied in any discipline or domain-specific. Generalists, such as

¹⁶⁹ Michael Scriven and Richard Paul, 'Defining Critical Thinking' (presented at the 8th Annual International Conference on Critical Thinking and Education Reform, 1987)

¹⁷⁰ Matthew Lipman, 'Critical Thinking – What can it be?' (1988) *Educational Leadership* 39

¹⁷¹ Ibid

¹⁷² Diane F. Halpern, *Thought and Knowledge, An Introduction to Critical Thinking* (5th edn, Psychology Press 2014) 8

¹⁷³ Peter A. Facione, 'Critical Thinking: What It Is and Why It Counts' (2013) *Insight Assessment*

Halpern¹⁷⁴ and Lipman¹⁷⁵ argue that CT may be condensed to a number of finite skills that transcend all subjects or disciplines. Stein and Haynes¹⁷⁶ compiled a list of CT skills that they argued were transferable across disciplines. Similarly, Stahl and Stahl¹⁷⁷ identified a set of fundamental skills that were important elements of CT across professions. These were categories under the headings evaluating information, creative thinking and communication. Davies, a staunch defender of the generalist approach held that beneath diversity rests a number of essential thinking skills, which he suggests, “can be applied to the forms of discourse of the disciplines”.¹⁷⁸ Maintaining an opposing view, McPeck¹⁷⁹ argues for the value of subject-specific skills and the value of adopting a genre-specific approach to CT. According to McPeck, the more specific the thinking skill, the more useful it is. Bailin et al. argue, “background knowledge in the particular area is a precondition for CT to take place”¹⁸⁰ adding that the types of evaluations, evidence and explanations vary greatly, depending on the field of study. Facione,¹⁸¹ whilst acknowledging the importance of domain-specific knowledge, designed a general test entitled the California Critical Thinking Skills Test (CCTST).

However, he later collaborated with others to design domain specific tests such as the Legal Studies Reasoning Profile (LSRP).¹⁸² Facione thus falls within the group of academics who acknowledge both elements of CT.

Third level institutions tend to be allied to a domain specific stance while IQ tests tend to adopt a more generalist approach. The present research particularly values domain specific tests where reasoning and thinking is embedded within disciplinary areas. The types of evaluations and explanations law students require depend on their specific field

¹⁷⁴ Diane F. Halpern, *Teaching for Critical Thinking: Helping College Students Develop the Skills and Dispositions of a Critical Thinker in Teaching and Learning on the Edge of the Millennium* (Jossey Bass 1999)

¹⁷⁵ Matthew Lipman, ‘Critical Thinking – What can it be?’ (1988) *Educational Leadership*

¹⁷⁶ Barry Stein and Ada Haynes, ‘Engaging Faculty in the Assessment and Improvement of Students’ *Critical Thinking Using the CAT* (2011) 43 (2) *Change* 45

¹⁷⁷ Nancy N. Stahl and Robert J. Stahl, ‘We can agree after all! Achieving consensus for a critical thinking component of a gifted program using the Delphi Technique’ (1991) 14 (2) *Roeper Review* 79

¹⁷⁸ Martin Davies, ‘An ‘infusion’ approach to critical thinking: Moore on the critical thinking debate’ (2006) *Higher Education Research & Development* 25 (2) 184

¹⁷⁹ John McPeck, *Critical Thinking and Education* (St. Martin's Press 1981)

¹⁸⁰ Sharon Bailin and Others, ‘Conceptualizing critical thinking’ (1999) *Journal of Curriculum Studies* 31 (3) 271

¹⁸¹ Peter A. Facione, ‘The disposition toward critical thinking: Its character, measurement, and relation to critical thinking skill’ (2000) *Informal Logic* 20 (1)

¹⁸² See section 4.10.2 for further discussion on this domain specific test

of study. Therefore, a domain specific test, the LSRP, was chosen to test the law students CT skills.

2.10.3 Critical Thinking in Higher Education

Despite the contentious debate concerning its definition, CT is highly valued in higher education,¹⁸³ and HEI educators view the development of thinking abilities as crucial¹⁸⁴ and argue that the development of CT should be the principal aim of education.¹⁸⁵ CT skills continue to be a high priority in Bachelor of Law (LLB) programmes in universities.¹⁸⁶ The Bologna Process has emphasised that the most important aim of Higher Education needs to be the teaching of CT.¹⁸⁷ Furthermore, the Organisation for Economic Co-operation and Development in sponsoring the Assessment of HE Learning Outcomes project concluded that CT needed to be included as a core competency in the evaluation of learning outcomes of HE scholars, across nations.¹⁸⁸

Accordingly, Irish HEI's have aimed to contribute to the development of CT, which according to experts benefits individuals and the wider society.¹⁸⁹ The literature clearly demonstrates that individuals who possess good CT skills are likely to succeed in academia and in the employment market.¹⁹⁰ For example, a report by the World Economic Forum in 2016,¹⁹¹ which surveyed major employers concerning the employee skills they regarded as most important placed CT and complex problem solving among the top six skills required and valued by employers in 2020. Thus, there is a growing acceptance that a critical mind is crucial as a graduate skill.¹⁹² Susan Deeley, a renowned academic

¹⁸³ Barry Stein & Ada Haynes, 'Engaging Faculty in the Assessment and Improvement of Students' Critical Thinking Using the CAT' (2011) 43 (2) Change 45

¹⁸⁴ R.T. Pithers and Rebecca Soden, 'Critical thinking in education: A review' (2000) Educational Research 42 (3) 237; Gerald Smith, 'Beyond critical thinking and decision making: Teaching business students how to think' (2003) 27(1) Journal of Management Education 24

¹⁸⁵ R.T. Pithers and Rebecca Soden, 'Critical thinking in education: A review' (2000) Educational Research 42(3)

¹⁸⁶ Nickolas James and others, 'Conceptualising, developing and assessing critical thinking in law' (2010) 15 (3) Teaching in Higher Education 285

¹⁸⁷ Bologna Working Group on qualifications frameworks, A Framework for Qualifications of the European Higher Education Area (Ministry of Science Technology and Innovation 2005)

¹⁸⁸ Karine Trebly and Others, Assessment of Higher Education Learning Outcomes, AHELO: Feasibility Study Report (OECD 2012)

¹⁸⁹ Expert Group on Future Funding for Higher Education, 'The Role, Value and Scale of Higher Education in Ireland' (2015)

¹⁹⁰ Heather A. Butler, 'Halpern Critical Thinking Assessment Predicts Real-World Outcomes of Critical Thinking' (2012) Applied Cognitive Psychology 26 (5) 721

¹⁹¹ World Economic Forum, 'The Future of Jobs Employment, Skills and Workforce Strategy for the Fourth Industrial Revolution' (2016)

¹⁹² Expert Group on Future Funding for Higher Education, 'The Role, Value and Scale of Higher Education in Ireland' (2015) 25

in the field of education asserted, “without CT, other competencies may remain dormant or not used to the full”,¹⁹³ and she maintained that CT was key to the use of other competencies/skills. Despite the importance that educators place on the development of CT skills, Al-Fadhli and Khalfan,¹⁹⁴ found that numerous studies intimate that the actions of educators would suggest otherwise as programmes focusing on development of CT skills were not being delivered. However, a national survey¹⁹⁵ of students in HEI’s in Ireland demonstrated that 75% of the students perceived that they had developed CT skills.

2.11 Summary

Although Street Law programmes around the world are by no means identical in content or form, it is apparent from a review of the literature¹⁹⁶ and Street Law programmes within institutions¹⁹⁷ that the transferable skills most frequently highlighted as being acquired by law students are communication skills and CT skills. However, despite Street Laws long history, this literature review has found only one study (a quantitative study) of the impact of participation in a Street Law programme on law students.¹⁹⁸ Therefore, it is clear that no empirical evidence exists to prove that law students gain transferable skills from participating in a Street Law programme. Sean Arthurs argued that research is required to clarify the programmes value to law students.¹⁹⁹ Furthermore, such research would potentially assist the LYIT *Street Law* programme developers in evaluating the success of the programme, in addition to making adaptations to improve aspects of the programme curriculum in order to make the *Street Law* programme more effective. Therefore, the researcher proposes to conduct a case study, incorporating both qualitative and quantitative methods to explore subjective and objective measures in relation to CT skills developed from participating in a *Street Law* programme.

¹⁹³ Susan Deeley, ‘Summative co-assessment: A deep learning approach to enhancing employability skills and attributes. *Active Learning in Higher Education*’ (2014) 15 (1) 39

¹⁹⁴ Salah Al-Fadhli and Abdulwahed Khalfan, ‘Developing Critical Thinking in E-Learning Environment: Kuwait University as a Case Study’ (2009) 34 (5) *Assessment & Evaluation in Higher Education*

¹⁹⁵ Student Survey.ie, ‘The Irish Survey of Student Engagement (ISSE)

¹⁹⁶ See Appendix B

¹⁹⁷ See Appendix A

¹⁹⁸ Asnida Mohd Suhaimi & Nur Farzana Mohd Zulkifli, ‘Street Law Based CLE: A Student-Impact Assessment’ (2012) 18 *International Journal of CLE* 221

¹⁹⁹ *Ibid* 959

CHAPTER THREE – *STREET LAW* AT LYIT

3.1 Introduction

This chapter discusses the LYIT ethos and the Institute's motivation for including *Street Law* in the Law syllabus. A detailed discussion of the *Street Law* module, including the piloting of the module is presented, in addition to a description of the orientation and finally the module learning outcomes are considered. For the purposes of clarity, in this research paper, the term '*Street Law* programme' is used to refer to the LYIT accredited *Street Law* module.

3.2 The introduction of *Street Law* at LYIT

A priority for LYIT is to empower students to take responsibility for their own learning and to enhance the development of transferable skills.²⁰⁰ The LYIT strategy to pursue an ambitious development plan continues with a commitment to focus on a student-centred ethos.²⁰¹ In addition to an emphasis on learning and teaching, their core value is to remain a leader in higher education, recognised for quality graduates and programmes that focus on increasing graduate employment.²⁰² The Department of Law and Humanities at LYIT offer two undergraduate law programmes.²⁰³ A Bachelor of Arts in Law with Criminal Justice / Irish / French / Spanish / German and a Bachelor of Arts (Hons) in Law.

The Bachelor of Arts in Law with Criminal Justice / Irish / French / Spanish / German is a three-year (level 7 on the National Framework) law degree with the option of Criminal Justice or a language. Subsequently, law graduates have a follow-on option of completing a one-year Bachelor of Arts (Hons) Law with Criminal Justice or a language (level 8 on the National Framework). The Bachelor of Arts (Hons) in Law is a three-year (level 8 on the National Framework) honours law degree.

Several factors motivated the LYIT law faculty to offer *Street Law* as a new module;²⁰⁴ which included a major change in Irish and European substantive law that promoted

²⁰⁰ Letterkenny Institute of Technology, 'Quality Assurance Policy'(Quality Assurance Handbook 2017) 17

²⁰¹ Ibid 13

²⁰² Ibid

²⁰³ See Letterkenny Institute of Technology < <https://www.lyit.ie/courses/lawhumanities/> > accessed 19 January 2017

²⁰⁴ National Forum for Teaching and learning in Higher Education, 'Teaching and Learning Enhancement Fund: 2015 Call For Proposals' (LYIT 2015)

changes in teaching²⁰⁵ and the recognition of the strengths of training in other professions, such as medicine. Furthermore, the temporal lag in Ireland in the advancement of experiential learning and lawyering skills education called for transforming the curriculum.²⁰⁶ The National Forum for Teaching and Learning (NFTL) provided the initial funding assistance under the Teaching and Learning Enhancement fund to set up *Street Law*.²⁰⁷ This fund was set up as a result of the Hunt Report as the NFTL is responsible for implementing the recommendations set out in the Hunt Report. Furthermore, *Street Law* was introduced to LYIT in direct response to the need to include CLE²⁰⁸ and to expand on the current offerings of CLE at LYIT such as Alternative Dispute Resolution, Professional Practice, Workplace Learning, Civic Engagement and Law in Action.²⁰⁹ *Street Law* not only enhances the existing clinical programmes, it is a new departure at undergraduate level in Ireland.²¹⁰ *Street Law* at LYIT contributes to community engagement as expressed in the Campus Engage Charter for Civic and Community Engagement.²¹¹

3.3 Initial piloting of *Street Law* in LYIT

In September 2016, the Department of Law and Humanities at LYIT introduced *Street Law* initially as a pilot programme, aimed at providing legal education to second level pupils. At present in Ireland, pupils attending second level schools do not have the option of learning law²¹² as a subject. The Principals of two local secondary schools in County Donegal were invited to participate in the *Street Law* pilot. Creating collaborative partnerships and fostering links between third level and second level education was a

²⁰⁵ Higher Education Strategy Group, 'National Strategy for Higher Education to 2030' (Department of Education and Skills 2011)

²⁰⁶ Marie-Luce Paris and Lawrence Donnelly, 'Legal Education in Ireland: A Paradigm Shift to the Practical?' (2010) 11 (9) *German Law Journal* 1067

²⁰⁷ National Forum for Teaching and learning in Higher Education, 'Teaching and Learning Enhancement Fund: 2015 Call for Proposals' (LYIT 2015)

²⁰⁸ Letterkenny Institute of Technology, '*Learning, Teaching and Assessment Strategies 2015-2020*' <<https://www.lyit.ie/media/Teaching%20Learning%20and%20Assessment%20Strategies.pdf> > . accessed 17 January 2017

²⁰⁹ Prospectus 2017/2018, 'Department of Law and Humanities' (LYIT 2017) 64

²¹⁰ National Forum for Teaching and learning in Higher Education, 'Teaching and Learning Enhancement Fund: 2015 Call For Proposals' (LYIT 2015)

²¹¹ Campus Engage, 'Campus Engage Charter for Civic and Community Engagement' (2014) <<http://www.campusengage.ie/groups/campus-engage-charter-higher-education-civic-and-community-engagement> > accessed 28 January 2017

²¹² See list of current subject choices <<http://www.curriculumonline.ie/Senior-cycle/Curriculum>> accessed 12 May 2017

priority²¹³ and was in line with the LYIT strategy.²¹⁴ Such relationships assist in the transition from second level to third level education to ensure second level pupils make informed choices concerning third level courses.²¹⁵

Third year Bachelor of Arts in Law with Criminal Justice students were recruited on a voluntary basis by way of an interview process. The law students trained in the *Street Law* methodology through a two-day orientation that was facilitated by the Law Society of Ireland.²¹⁶ Following the orientation, in pairs, law students delivered two *Street Law* classes each week to Transition Year pupils in the first two secondary schools over a period of four weeks.

3.4 *Street Law* as an accredited programme

Following the LYIT pilot, in January 2017, *Street Law* was introduced in LYIT as an accredited module, based on the credit-bearing model.²¹⁷ This was the first *Street Law* module at undergraduate level in Ireland. *Street Law* is offered to third year law students registered on one of two undergraduate law degrees offered by LYIT. *Street Law* at LYIT is a ten-credit elective module²¹⁸ taught over one semester. The Law students receive a grade at QQI level 7 or 8²¹⁹ having attained a minimum of 40% in the assessment. The law students opt for *Street Law* via an application and an interview process. Eight law students participated in the first accredited *Street Law* programme in 2017 to deliver *Street Law* classes to transition year pupils in four secondary schools in Donegal. The law students commenced the *Street Law* programme with an intense three-day orientation facilitated by Professor Richard Roe, director of the Washington DC Street Law programme, accompanied by his Fellows from Georgetown University, USA. Following

²¹³ National Forum for Teaching and learning in Higher Education, ‘Street Law – a module to enhance the transferable skills of law students through a digitally resourced and digitally supported module in community legal education: Project Outcomes’ (2015)

²¹⁴ Letterkenny Institute of Technology, ‘Quality Assurance Policy’(Quality Assurance Handbook 2017) 13

²¹⁵ National Forum for Teaching and learning in Higher Education, ‘Street Law – a module to enhance the transferable skills of law students through a digitally resourced and digitally supported module in community legal education: Project Outcomes’ (2015)

²¹⁶ The Law Society of Ireland currently deliver a Street Law diploma course for trainee solicitors at postgraduate level. See <<https://www.lawsociety.ie/Public/Transition-year-programmes/Street-Law/>> accessed 20 January 2017

²¹⁷ For a description of credit bearing model refer to section 2.4

²¹⁸ See Appendix E

²¹⁹ The two law degrees offered at LYIT are a QQI level 7 and a QQI level 8. Thus, students receive a grade depending on which law degree the student is registered on.

the orientation, the law students went out to the participating schools in pairs to teach *Street Law* lessons to pupils over a period of one semester.

Because of an increasing interest in *Street Law* from many schools and community projects, the LYIT increased the number of students enrolling on the *Street Law* programme to ten law students in 2018. These students delivered *Street Law* lessons to pupils in five secondary schools and also conducted numerous outreach sessions with adult community groups which were held in the LYIT. This cohort of students were the participants in this research study.

3.4.1 *Street Law* Orientation 2018

As mentioned in section 3.4 law students attend a three-day orientation prior to delivering *Street Law* lessons. Research shows that the orientation programme is effective as a training programme²²⁰ for students to teach *Street Law* lessons to their recipient audience. The foundation of the orientation is to teach the law students to have belief in the learner-centred methodology, the capacity to create, plan and implement *Street Law* lessons and to experience the power of community in building self-confidence. Thus, “belief, capacity and community”²²¹ are the fundamental goals of *Street Law* and the orientation programme is where this begins. As discussed in section 2.5, the *Street Law* methodology encourages pro-active learning.

During orientation, law students, by way of active participation, were introduced to the benefits and practice of learner-centred education. The purpose of law students’ learning through participation is to allow them to engage personally in the *Street Law* methodology, to highlight the impact of this methodology on their learning and their confidence. Law students can rely on their personal experience²²² of the learner-centred approach to stimulate and encourage learning when delivering their own *Street Law* lessons.

Structured discussion is the primary characteristic of the orientation. Throughout the three-day orientation, law students engaged in a lesson trajectory influenced by Blooms

²²⁰ Seán Arthurs and Others, ‘Is it possible to go from Zero to 60? An evaluation of one effort to build Belief, Capacity, and Community in *Street Law* Instructors in One Weekend’ (2017) *Int’l J. Clinical Legal Educ* 1 (1)

²²¹ Seán Arthurs and others, ‘From Zero to 60: Building Belief, Capacity and Community in *Street Law* Instructors in One Weekend’ (2017) *Int’l J. Clinical Legal Educ* 118, 7

²²² *Ibid*

taxonomy,²²³ where lessons became increasingly more challenging as they moved through the levels of Blooms taxonomy. For example, the first lesson entitled ‘Have a Heart’: was an introductory lesson involving discussion and negotiation. Participants were given fictitious scenarios of people waiting for a heart transplant and groups of law students were asked to decide who got the heart. The next level of difficulty involved a lesson entitled ‘Aliens’ where the law students were required, without any instruction and relying on their own knowledge and understanding of human rights, to prioritise fifteen rights and eventually to reach group consensus in whittling down the rights to three rights.²²⁴ Increasing the level of complexity, analytical reasoning was introduced with the next lesson called, ‘Should it be a Crime’ where a set of thought-provoking situations were offered to participants who, as leaders of a hypothetical country, were asked to decide whether or not to make the situations a crime or not. Through reasoning, deliberating and discussing the potential crimes, the use of higher-level thinking was stimulated.²²⁵

The orientation also included a session on how to design and implement a Street Law lesson plan. Law students were encouraged to model teach in a learner-centred way and to encourage a sharing of different opinions in their own lessons. Each activity throughout the orientation was concluded with a reflective debrief session described as, ‘what’, ‘how’ and ‘why’; evaluating what was done, how it was done and why it was done. By the end of the orientation, students were equipped with many resources and lesson plans to get them started on their initial lessons.

3.4.2 Street Law Programme 2018

Following the intense orientation weekend, the programme commenced at LYIT with the law students preparing for the delivery of their first *Street Law* lesson at the schools. Students focussed their initial lessons mainly on lesson plans such as; ‘Aliens’, ‘Shipwrecked Sailors’ and ‘Have a Heart’ which they became familiar with during their orientation.²²⁶ During the semester, law students delivered two one-hour *Street Law*

²²³ Bloom B, *Taxonomy of Educational Objectives Book 1: Cognitive Domain* (2nd edn Longman 1956)

²²⁴ Seán Arthurs and others, ‘From Zero to 60: Building Belief, Capacity and Community in Street Law Instructors in One Weekend’ (2017) *Int'l J. Clinical Legal Educ* 118, 7

²²⁵ This is only the introductory lessons provided during orientation. In addition, students participate in many more lessons throughout the intense weekend with the aim of encouraging higher order thinking as shown in Blooms.

²²⁶ See Appendix F for an example of a Street Law lesson plan based on Rights (Aliens)

classes for a period of four weeks in the schools. Each week following the delivery of lessons, students would have a one-hour seminar class at LYIT to debrief and plan for the next *Street Law* session in the schools. The students' *Street Law* lessons focussed on the interests of the participating pupils which involved lesson plans such as 'Assault and Sexual Assault', 'Anti-Bullying', 'Consent', 'Human Rights and Sports' and 'The Law' amongst others. The lesson plans were prepared and delivered by the law students with a focus not only on 'what the law is' but encouraging discussion of what the pupils believed the law 'ought to be'.²²⁷

During the third week of the semester, the law students taught a two-hour criminal law lesson based on a real-life murder case known as 'Morton'. The pupils played the roles of the investigators in the murder case and were exposed to the same evidence that was used in the original trial. Based on the given evidence, pupils had to determine whether Michael Morton (the victim's husband) committed the murder of his wife. The moral of the story was that Michael Morton was wrongly accused of the murder of his wife and spent twenty-three years in prison before being released. The Morton case was a prerequisite to the mock trial preparation that prepared pupils for the final aspect of the programme, which involved the pupils conducting a mock trial within the law campus. This afforded pupils the opportunity to practice the skills that they had learned over the course of the *Street Law* lessons.

The learner-centred approach of *Street Law* empowers pupils by assisting them to understand their legal rights and responsibilities²²⁸ and helps them to recognise, prevent and potentially resolve legal problems. In addition, it aims to encourage good citizenship and inspire some future law students.²²⁹

The *Street Law* programme is digitally supported using a wide variety of resources to facilitate interactive learning. The law students had access to the digital platform comprising a repository of teaching and learning resources, which could be added to by the law students. The sharing of resources is an ethos that applies to the *Street Law* methodology worldwide.²³⁰

²²⁷ See *Street Law* at LYIT <<http://www.streetlaw.ie/street-law-lyit>> accessed 29 February 2017

²²⁸ Ibid

²²⁹ Ibid

²³⁰ See LYIT *Street Law* Digitally Supported Platform <<http://www.streetlaw.ie/>> accessed 29 February 2017

3.5 Curriculum Outcomes

As far back as 1949, Tyler²³¹ highlighted the necessity of formulating clearly defined objectives for the efficient planning of learning experiences, ensuring there was an emphasis on what students should be able to do on completion of the learning process. The European Commission defined learning outcomes “as what a learner knows, understands and is able to do on completion with success of a learning process, described in terms of knowledge, skills and competences”.²³² The concepts of employability and mobility of students in EHEA and standardisation of education were goals advocated by Bologna since 1999, and Adams²³³ points out that clear and precise learning outcomes must be included within curricular programmes in order to support the Bologna reforms. The *Street Law* module learning outcomes were a requirement when applying to the NFTL.²³⁴ Grimes highlights the importance of stated objectives of a programme as they inform the institutions’ assessments of the programme.²³⁵ The LYIT *Street Law* programme claims to enhance the law student’s transferable skills, their understanding of the law and their role within it, in addition to providing a service to the community. Communication skills, reflective skills and teamwork are evident as learning outcomes of the *Street Law* programme.²³⁶ Although communicative confidence and teamwork may be examples of mental disciplines that are important for law students,²³⁷ there appears to be a weak alignment between the *Street Law* learning outcomes and the LYIT law programme level learning outcomes in terms of core reasoning skills. For example, the learning outcomes for the law Degree programme explicitly state CT skills (core reasoning skills such as analysis evaluation synthesis and reasoning) as an expected outcome. However, the learning outcomes of *Street Law* are written in a general manner that lends itself to different interpretations, and importantly the transferable skill of CT that has been a pivotal skill gained in the *Street Law* literature are not readily apparent to

²³¹ Ralph Tyler, *Basic Principles of Curriculum and Instruction* (Chicago Press 1949)

²³² Recommendation of the European Commission (2008/C 111/01) of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning [2008] OJ C111/1

²³³ Stephen Adams, Learning Outcomes, Skills and Competencies: An introduction to learning outcomes in Eric Froment and Others (Eds) *The Bologna Handbook* (Raabe 2006)

²³⁴ National Forum for Teaching and learning in Higher Education, ‘*Teaching and Learning Enhancement Fund: 2015 Call For Proposals*’ (Letterkenny Institute of Technology 2015)

²³⁵ Richard Grimes, ‘*Legal Literacy, Community Empowerment and Law Schools-Some Lessons From a Working Model In The UK*’ (2003) 37 (3) *The Law Teacher*

²³⁶ See Appendix E

²³⁷ Insight Assessment, *LSRP User Manual* (California Academic Press 2017)

the reader. Thus, elements of the learning outcomes²³⁸ may need to be re-evaluated as the *Street Law* programme is evaluated.

The assessment strategy of the LYIT *Street Law* requires evidence, which is attained by a variety of modes to include, creating lesson plans and blogs, a reflective journal, presentations in addition to observation and evaluation of the learner's performance. Law students complete *Street Law* with an exit interview. The interview process provides feedback to the law student and a breakdown of the grading system. Law students are graded under five categories. Each category is awarded 20 percent; Preparation, Teamwork, Delivery and Performance, Lesson Plans and Reflections/Blog.

3.6 Summary

This chapter provided an overview of the *Street Law* programme at LYIT, which was introduced following a pilot in January 2017. Key changes in Irish and European substantive law, an appreciation of superior modes of training in other professions, and a recognition of the need to introduce experiential learning in the curriculum were factors that prompted the introduction of *Street Law*, in addition to the Institute's aim of improving links between third level and second level education. The importance and necessity of learning outcomes were discussed, as were the learning outcomes of the *Street Law* programme in terms of transferable skills. This chapter concluded with a description of the assessment strategy of the LYIT *Street Law* programme. The methodology of this study will be presented in the next chapter.

²³⁸ See Appendix E for Learning outcomes

CHAPTER FOUR – METHODOLOGY

4.1 Introduction

This research study utilised a descriptive exploratory single case study design. The researcher adopted a pragmatic perspective with a mixed method convergent approach to enhance validity and reliability. This chapter will justify the use of the above design and discuss the current paradigms underpinning research, including positivism, realism (or post positivism), constructivism, (or interpretivism) and pragmatism. In addition, the stages involved in this research methodology are described, including the population, and the data collection methods. A brief review is provided of various test instruments developed for the assessment of CT abilities in higher education. Furthermore, approaches adopted for the analysis of both quantitative and qualitative data will be outlined. Finally, steps undertaken to uphold ethical principles will be described including informed and voluntary consent; confidentiality of information shared; anonymity of research participants; and beneficence or no harm to participants.

4.2 Research Questions

The purpose of this study is to ascertain the effectiveness of an undergraduate Street Law programme on developing third year undergraduate law students' CT skills. The following research questions will form the basis of this research study:

1. Does participation in a *Street Law* programme develop undergraduate law students' critical thinking skills?
2. How do the law students perceive their development of CT through participating in the *Street Law* programme?

4.3 Research Paradigms

A research paradigm was described by Denzin and Lincoln as, “a worldview that defines, for its holder, the nature of the ‘world’, the individual's place in it, and the range of possible relationships to the world and its parts”.²³⁹ A paradigm therefore reflects a researcher's assumptions and portrays diverse ontological, epistemological and methodological perspectives. Ontology (onto from the Greek ‘being’ and logia from the

²³⁹ Norman K. Denzin & Yvonna S. Lincoln (eds) *The landscape of qualitative research: Theories and Issues* (Sage 1998) 200

Greek ‘study, science, theory’) can be defined as the “inquiry of reality or things that consist of reality”.²⁴⁰ Epistemology (from Greek ‘episteme’ denoting knowledge), refers to the nature and extent of knowledge and addresses questions such as ‘How do we gain knowledge about the world?’.²⁴¹ There are a number of paradigms, shaped by these two concepts, that are relevant to education practice including positivism, realism (or post positivism), constructivism, (or interpretivism) and pragmatism. Exponents of the research philosophies of positivism and interpretivism have argued their beliefs in what has become known as paradigm “wars”.²⁴² It is appropriate that the paradigms are considered in more detail, in order to identify and justify the approach of this study.

4.3.1 Positivism and Post Positivism

The positivist paradigm adopted mainly by quantitative researchers,²⁴³ emerged from the work of early social scientists,²⁴⁴ such as Comte, Spencer and Durkheim. The epistemology of positivism is materialistic, deterministic, and reductionist,²⁴⁵ and stresses that knowledge is value free (neutral) and the ontology of positivism postulates that objective reality occurs free of human view.²⁴⁶ Therefore, both the researcher and participants are independent entities and the investigation of a phenomenon by the researcher is conducted without the researcher having an influence on it or being influenced by it.

The post-positivist approach was later introduced and asserted that knowledge results from social conditioning; a stance known as critical realism.²⁴⁷ Thus, from an ontological perspective, the post-positivist paradigm disputes the positivist view of the absolute truth of knowledge as it asserts that reality can never be absolutely known and acknowledges that the researcher and participants are somewhat dependent of one another, and true objectivity cannot be attained.²⁴⁸ Where positivism is solely associated with quantitative

²⁴⁰ Egon G. Guba & Yvonna S. Lincoln, *Fourth generation evaluation* (Sage 1989)

²⁴¹ Norman K. Denzin & Yvonna S. Lincoln (eds) *The landscape of qualitative research: Theories and Issues* (Sage 1998) 185

²⁴² Alan Bryman, ‘*The End of the Paradigm Wars*’ In Pertti Alasuutari and Others (eds) *Social Research Methods* (Sage 2008)

²⁴³ Alan Bryman, *Quantity and Quality in Social Research* (Routledge 2004) 14

²⁴⁴ Norman Blaikie, *Approaches to Social Enquiry* (2nd ed, Plity Press 2007) 112

²⁴⁵ Yvonna S. Lincoln and Egon G. Guba, ‘Competing Paradigms in Qualitative Research’ In Norman K. Denzin & Yvonna S. Lincoln (eds) *Handbook of Qualitative Research* (Sage 1994)

²⁴⁶ Alan Bryman, *Social Research Methods* (4th edn, OUP 2012)

²⁴⁷ Mark Saunders and Others, *Research Methods for Business Students* (2nd edn, Pearson 2009) 119

²⁴⁸ Michael Crotty, *The foundations of social research: Meaning and perspective in the research process* (Sage 1998)

methods, post positivist researchers may utilise qualitative methods to generate hypothesis and guide new quantitative methods. A primary benefit of quantitative research is the generalisability of findings. Humphrey,²⁴⁹ highlights that the transparency of the research processes allows studies to be simply replicated by others. However, a limitation of the positivist approach is that it studies only one element of a phenomenon, rather than exploring multiple perspectives. In the present study, a quantitative approach is deemed appropriate for one element of the research question as it ensured that law student' CT skills and mind-sets were measured objectively. However, post-positivistic methods seek generalisability via statistical techniques, but as only ten students CT skills and dispositions were assessed in the current study, the findings were not generalisable. Thus for practical reasons and as a suitable approach to mixed method research studies, the researcher chose to adopt a pragmatic approach, as discussed in 4.3.3.

4.3.2 Interpretivism

The interpretivist approach was originally termed 'naturalistic inquiry'²⁵⁰ (i.e. not laboratory based). Interpretivism, which arose from an opposing ontological position to positivism, asserts that there is no single external reality, but that reality has diverse meanings to people, which depend on their contextual interpretation²⁵¹ and is determined by cultural values and social factors. In terms of epistemology, interpretivism is closely linked to constructivism. Essentially, constructivists maintain that reality is constructed in the mind²⁵² of the person, instead of being a singular entity created outside of the individual. Thus, those adopting an interpretivist approach accept the existence of multiple realities (relativist ontology)²⁵³ which frequently lead to a deeper understanding of a situation. Such an approach may be deemed appropriate for the present study, as it would allow the researcher to encapsulate the entire human experience and help to determine the process of how the students' CT may be developed or not. However, the researcher chose to adopt a more pragmatic approach in order that data may be analysed in a number of ways.

²⁴⁹ Caroline Humphrey, 'A Paradigmatic Map of Professional Education Research' (2013) *Social Work Education* 32 (1) 3

²⁵⁰ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic inquiry* (Sage, 1985)

²⁵¹ Martyn Denscombe, *Ground Rules for Social Research* (2nd ed, OUP 2010) 121

²⁵² *Ibid* 119

²⁵³ Norman K. Denzin & Yvonna S. Lincoln, *The SAGE Handbook of Qualitative Research* (5th edn Sage 2017)

4.3.3 Pragmatism

The current research was located within the philosophical position of pragmatism, which derived from the writings of Dewey, Peirce, and James in the 19th and early 20th centuries and also from the works of Rorty in the latter part of the 20th century.²⁵⁴ Tashakkori and Teddlie²⁵⁵ highlight that pragmatism remains separate from the paradigm war and extol the advantages of blending both qualitative and quantitative research. Pragmatists accept that one theoretical position is incapable of fully explaining the workings and interactions of a social world and permits the researcher to mix methods and apply whatever methodological and epistemological approach is most appropriate to ‘answering the research question’.²⁵⁶ Thus, philosophically, pragmatism is generally affiliated with the mixed methods approach and it permits the researcher to overcome the limitations imposed by adhering to either positivism or interpretivism.²⁵⁷ The researchers own views would be that of a pragmatist with the belief that the most practical solution will be considered to address a problem.

The present study aimed to explore the experiences of law students in the development of their CT as a result of their participation in a novel *Street Law* programme. To accomplish this aim, pragmatism presented the researcher with a method to explore in detail the experiences of law students in addition to further enhancing the validity of the study by measuring the law students’ CT skills and mind-sets objectively. The pragmatic approach of the researcher allowed data to be gathered and analysed in a number of ways and the quantitative and the qualitative methods provided a fuller understanding of the study’s objectives.

4.4 Research Design

Bryman²⁵⁸ reminds us that the research design provides a framework for guiding the implementation of the research methods and evaluating the findings of the study. The

²⁵⁴ John W. Creswell, ‘*Research Design Qualitative, Quantitative and Mixed Methods Approaches*’ (2nd ed, Sage 2003) 11

²⁵⁵ Abbas Tashakkori & Charles Teddlie, *Foundations of mixed-methods research: Integrating quantitative and qualitative approaches in the social and behavioural sciences* (Sage 2009)

²⁵⁶ Burke Johnson & Anthony Onwuegbuzie, ‘Mixed Methods Research: A research paradigm whose time has come’ (2004) *Educational Researcher* 33 (7) 14; Abbas Tashakkori & Charles Teddlie, *Foundations of mixed-methods research: Integrating quantitative and qualitative approaches in the social and behavioural sciences* (Sage 2009)

²⁵⁷ John W. Creswell & Vicki L. Plano Clark, *Designing and Conducting Mixed Methods Research* (Sage 2011)

²⁵⁸ Alan Bryman, *Social Research Methods* (5th edn OUP, 2016)

research design begins with conceptualising a problem and goes on to include the development of research questions, data collection methods, analysis and interpretation of the data, and finally the writing of a report. The design for the current study on the effectiveness of a novel *Street Law* programme was a convergent parallel design mixed methods case study. This approach was most appropriate to address the research questions. Quantitative data was gathered in the form a standardised CT test using pre-tests and post-tests at the commencement and the latter stages of the *Street Law* programme. In addition, qualitative data was obtained from focus group interviews at the end of the *Street Law* programme, which provided insight into the law students' perceptions of their development of CT skills from participation in the *Street Law* programme. The data analysis occurred separately and both quantitative data and the qualitative data were subsequently integrated to compare findings.

4.4.1 Case Study

An examination of the literature regarding potential strategies for conducting educational and social science research highlighted four commonly used strategies, namely; case study, action research, survey, and grounded theory.²⁵⁹ The proposed study utilised a single case study mixed method approach, as the objective was to explore the experiences of law students in developing CT skills as a result of their participation in a novel *Street Law* programme. The case study methodology offers a systematic way of considering events, collecting and analysing data, and reporting results. There are numerous well-known case study researchers, the most prominent of whom include Yin,²⁶⁰ Stake,²⁶¹ and Merriam²⁶². Yin offered the following definition of a case study:

A case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.²⁶³

This definition, like others, makes it clear that the central tenet of case studies is that it allows for the in-depth exploration of a phenomenon in its natural setting. The phenomenon under investigation in this study was the development of law student's CT

²⁵⁹Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009); Alan Bryman, *Social Research Methods* (5th edn OUP, 2016); Norman K. Denzin & Yvonna S. Lincoln, *The SAGE Handbook of Qualitative Research* (Sage 2011)

²⁶⁰ Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009)

²⁶¹ Robert E. Stake, *The Art of Case Study Research* (Sage 1995)

²⁶² Sharan B. Merriam, *Qualitative Research: A Guide to Design and Implementation* (3rd edn Jossey-Bass 2009)

²⁶³ Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009)

skills. According to Yin,²⁶⁴ case studies allow the researcher to ask "how" and "why" questions, in order to discover and understand the complexity and nature of the activities taking place. The present study asked questions concerning the development of law student's CT skills. In education, case studies are most suitable where there is a lack of research in the area being explored, as in the case of innovative programmes such as *Street Law* at LYIT.

Yin²⁶⁵ identified some specific categories of case studies: descriptive, exploratory and explanatory. Explanatory case studies may be used to determine cause-effect relationships and explain why an outcome resulted as it did.²⁶⁶ In contrast, exploratory case studies may assist to explore some concept in the data, which is of interest to the researcher. Yin notes, "any new empirical study is likely to assume the characteristic of being an exploratory study".²⁶⁷ Finally, descriptive case studies are designed to offer a detailed, complete, rich description of the case within its context.²⁶⁸ Yin,²⁶⁹ asserted that descriptive case studies are frequently used to offer answers to a series of questions, which are centred on a theoretical construct. From the above definitions, a descriptive exploratory case study was considered most suitable for the current study as the researcher explored the development of the law student's CT skills. A descriptive exploratory case study allowed the researcher to provide a more detailed description of the phenomenon to enhance the understanding of what CT skills, if at all, and mind-sets were developed and how they were developed. The descriptive exploratory nature of the case study illustrated the fact that not "one but many factors"²⁷⁰ contributed to the case, in addition to determining how and what aspects of the *Street Law* programme impacted on the development of the law students CT skills.

Case studies have been much criticised on the grounds that the research findings are not generalisable.²⁷¹ However, according to Thomas,²⁷² a significant amount of scientific

²⁶⁴ Ibid

²⁶⁵ Robert K. Yin, *Applications of Case Study Research* (2nd edn, Sage 2003)

²⁶⁶ Ibid 67

²⁶⁷ Ibid 6

²⁶⁸ Ibid 29

²⁶⁹ Robert K. Yin, *Applications of Case Study Research* (2nd edn, Sage 2003)

²⁷⁰ Sharan B. Merriam, *Qualitative Research and Case Study Applications in Education* (Jossey-Bass 1998)

²⁷¹ Alan Bryman, *Social Research Methods* (5th edn OUP 2016)

²⁷² Gary Thomas, 'Progress in Social and Educational Inquiry through Case Study: Generalization or Explanation?' (2016) *Clinical Social Work Journal* 45 (3) 253

inquiry is about understanding, rather than about generalisation. In addition, Yin²⁷³ asserts that case study research is only generalisable to theoretical propositions. The present case study's aim was not to generalise the findings to other settings, but to obtain an understanding of a complex phenomenon.

4.4.2. Action Research

Initially, action research was considered as a method for this research study, as this method is often used to examine a situation within an academic institution to comprehend and improve the quality of the learning process. This research methodology allows educators to make prompt changes to improve their pedagogy and reflect on their practices. Hine²⁷⁴ suggests that 'action research' is associated with Lewin, who considered action research to be collaborative, cyclical, and dynamic in nature. Action research aims to produce solutions to practical problems. Kemmis and McTaggart's influential model²⁷⁵ describes four phases in the implementation of action research; (a) pre-plan, (b) plan, (c) act/observe, and (d) reflect/plan. Despite the advantages of action research, this methodology was rejected, as the cyclical nature of action research would require more time than was available to the researcher, as the proposed research needed to be completed in July 2018.

4.4.3 Survey

Check and Schutt defined survey research as "the collection of information from a sample of individuals through their responses to questions".²⁷⁶ Surveys typically use an interview or a questionnaire as the survey instrument or may use mixed methods. The purpose of survey research is the generalisation of a sample to a population in which inferences are made in regard to characteristics, behaviours and attitudes of the population.²⁷⁷ Therefore, as survey research focuses on generalisation to a population and require the researcher to select quite a large sample of participants, this research method was considered inappropriate due to the small sample size in the present study. Although the LSRP

²⁷³ Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009)

²⁷⁴ Gregory Hine, 'The importance of action research in teacher education programs' (2013) 23 (2) *Issues in Educational Research* 151

²⁷⁵ Stephen Kemmis and Robin McTaggart (eds) '*The Action research planner*' (3rd edn, Warrn Ponds 1988)

²⁷⁶ Joseph Check & Russel K. Schutt, 'Survey Research' In Joseph Check & Russel K. Schutt (Eds) *Research Methods in Education* (Sage 2012) 160

²⁷⁷ Joseph Check & Russel K. Schutt, 'Survey Research' In Joseph Check & Russel K. Schutt (Eds) *Research Methods in Education* (Sage 2012) 160

survey instrument was used as the quantitative objective aspect of this research in determining the development of the law students' CT skills, this method alone would not provide the rich description sought for this study. Thus, a mixed method case study was more appropriate to meet the study's objectives.

4.4.4. Grounded Theory

Grounded Theory was developed by Glaser and Strauss, in 1967 and remains a much-used qualitative research method.²⁷⁸ A key principle of grounded theory, as the name suggests, is theory building, which is derived from an inductive analysis of the data collected during the research process.²⁷⁹ This principle of theory building contravenes Yin's²⁸⁰ view of the methodology in case studies that assert that it is essential to develop theory prior to the collection of any data. Several limitations of grounded theory have been cited in the literature. The methodology is recursive and labour intensive,²⁸¹ requiring the researcher to move continually back and forth between data collection and data analysis. Goulding²⁸² adds that it is difficult for the researcher to estimate the required time for the completion of a study as the length of time for data saturation and interpretation is hard to know in advance. These limitations indicated that such an approach would not be appropriate for this study due to time constraints and limits on when data can be collected.

4.5 Mixed methods

Mixed methods research has grown rapidly in the past thirty years and has been championed by research authors such as Teddlie, Creswell, Tashakkori, Onwuegbuzie, Greene, Johnson and Morgan.²⁸³ Mixed methods has been defined as:

research in which the investigator collects and analyses data, integrates the findings, and draws inferences using both qualitative and quantitative approaches or methods in a single study or a programme of inquiry.²⁸⁴

²⁷⁸ Alan Bryman, *Social Research Methods* (5th edn OUP 2016)

²⁷⁹ Ibid

²⁸⁰ Robert K. Yin, *Applications of Case Study Research* (2nd edn, Sage 2003)

²⁸¹ Alan Bryman, *Social Research Methods* (5th edn OUP 2016)

²⁸² Caroline Goulding, 'Grounded Theory, Ethnography and Phenomenology A Comparative Analysis of three Qualitative Strategies for Marketing Research' (2005) *European Journal of Marketing* 39

²⁸³ Martyn Denscombe, 'Communities of Practice: A Research Paradigm for the Mixed Methods Approach' (2008) *Journal of Mixed Methods Research* 2 (3) 270

²⁸⁴ Abbas Tashakkori & John W. Creswell, 'Editorial: The New Era of Mixed Methods' (2007) *Journal of Mixed Methods Research* 1 (1) 3

Lincoln²⁸⁵ indicated that quantitative research prepares essential background for portraying a general result or conclusion, whereas qualitative research is more beneficial for an in-depth exploration of individual's experiences.²⁸⁶ However, as both qualitative and quantitative methods have their individual weaknesses and strengths, the integration of both methods have been called for.²⁸⁷

According to Creswell and Plano Clark,²⁸⁸ an advantage of using mixed methods is that during data analysis, qualitative data can support clarification and validation of quantitative results. The intricacy and mixture of data sources necessary for the present study required a mixed method approach, which incorporated quantitative measures to assess CT skills and mind-sets and qualitative methods in the form of focus groups. The rationale for the quantitative element of this design was to determine if the test correlated to students' views of changes in their CT. The rationale for the qualitative element of this design was to obtain a subjective measure of the development of students' CT skills.

4.5.1 Convergent mixed method design

There are a number of designs, which may be considered for mixed methods research.²⁸⁹ The four major types of mixed methods designs are the embedded design, the explanatory design, the exploratory design and the convergent design. The embedded design allows the research data of one method to provide an ancillary, supportive role based chiefly on the other data type. The explanatory design consists of two phases. Qualitative data is gathered and analysed after quantitative data in order to explain and follow up on the initial quantitative results.²⁹⁰ Similar to the explanatory design, the aim of the two-phase exploratory design is that findings from one method (e.g. qualitative) can assist in informing a second method (e.g. quantitative). It is linked to studies where the researcher wishes to generate hypotheses, which can be tested quantifiably.²⁹¹ According to Creswell,²⁹² the exploratory design begins with qualitative data, which then builds to a

²⁸⁵ Yvonna S. Lincoln & Egon G. Guba, 'Competing Paradigms in Qualitative Research' In Norman K. Denzin & Yvonna S. Lincoln (eds) *Handbook of Qualitative Research* (Sage 1994)

²⁸⁶ Alan Bryman, *Social Research Methods* (5th edn OUP, 2016)

²⁸⁷ John W. Creswell & Vicki L. Plano Clark, *Designing and Conducting Mixed Methods Research* (Sage 2011)

²⁸⁸ Ibid

²⁸⁹ Ibid

²⁹⁰ Alan Bryman, *Social Research Methods* (5th edn OUP, 2016)

²⁹¹ Ibid

²⁹² John W. Creswell, *Research design: Qualitative, quantitative, and mixed methods approaches* (6th edn Sage 2009)

second quantitative phase. The goal of the convergent design is to gain diverse but complementary data on an identical topic and to draw upon the strengths and non-overlapping limitations of the individual methods.²⁹³

In view of the definitions of the various designs, the current study utilised the convergent design to create complementary qualitative and quantitative results in order to gain a more complete understanding of the topic and to triangulate the data to enhance the validity of the results. In research, the term triangulation has been defined as the combination of “two or more theories, methods, data sources,”²⁹⁴ or investigations in one study of a single phenomenon. For example, in the present study, the effectiveness of *Street Law* in developing law students’ CT skills were studied by evaluating pre-test and post-test CT and holding focus groups. The focus remained on the development of CT skills, but the method of data collection varied. Numerous and independent measures, assuming they reach the same conclusions, provide a clearer portrayal of elements of CT gained by law students on completion of the *Street Law* programme. In the present study, the merging of the results occurred when they were displayed side by side and a comparison made. Creswell²⁹⁵ cautions that a challenge for the convergent design is that researchers must ensure they are collecting similar data using both qualitative and quantitative measures and that they are familiar with doing side by side comparisons.

4.6 Research Site

The research site was the campus of LYIT. However, the law student participants spent time both on campus and off campus at the participating secondary schools where the law students were teaching *Street Law* lessons. The schools were selected on the basis that those schools expressed an interest in taking part in *Street Law* to the Department of Law and Humanities at LYIT. In addition, the schools are representative of secondary schools in this region of Ireland. Law students attended the participating schools over a period of one semester. It was a fundamental element that the schools were geographically accessible to both the law students and academic staff in terms of travelling time and due to a limited budget.

²⁹³ Janice Morse, ‘Designing funded qualitative research’ In Norman K. Denzin & Yvonna S. Lincoln (eds) *Handbook of Qualitative Research* (Sage 1994) 220

²⁹⁴ Norman K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods* (Transaction 2009) 313

²⁹⁵ John W. Creswell, *Educational Research: Planning, Conducting, and Evaluating Quantitative and Qualitative Research* (5th edn Pearson 2015)

4.7 Participants

This type of study can be described as an intrinsic case study as the case was selected because it is of genuine interest to the researcher.²⁹⁶ A purposive sampling approach with total population sampling was utilised, as the criterion dictated by the research objective was that of *Street Law* participants. Purposive sampling is defined by Yin as, “the selection of participants or sources of data to be used in a study, based on their anticipated richness and relevance of information in relation to the study’s research questions”.²⁹⁷ According to Patton,²⁹⁸ this form of sampling seeks out ‘information-rich cases’ allowing the researcher to learn in detail whether the law students developed CT skills which was of central importance to the purpose of this study. Thus, the inclusion criteria for participants in this study was that they were third year law students enrolled on one of the undergraduate law degree programmes, namely, the Bachelor of Arts in Law with Criminal Justice or the Bachelor of Arts (Hons) in Law. Participants must also have been taking part in the LYIT *Street Law* programme as an elective module of their law degree.

In total, ten law students took part in the *Street Law* programme as an elective module and all ten law students consented and participated in this study of which eight were from the Bachelor of Arts in Law with Criminal Justice and two were from the Bachelor of Arts (Hons) in Law. Participants’ ages ranged between nineteen and forty-three and the gender consisted of one male and nine female participants.

Prior to the commencement of this study, written informed consent²⁹⁹ was obtained from all participating law students. In addition, all data collection methods were explained³⁰⁰ to them and they were given assurances of anonymity and confidentiality. The law students were offered an opportunity to ask any questions or address any concerns they may have had. They were also informed that their participation was voluntary and that they could withdraw from the study if they so wished at any given time prior to the data analysis stage.

²⁹⁶ Robert E. Stake, *The Art of Case Study Research* (Sage 1995)

²⁹⁷ Robert K. Yin, *Qualitative Research from Start to Finish* (The Guildford Press 2011) 42

²⁹⁸ Michael Patton, *Qualitative research & evaluation methods: Integrating theory and practice* (4th edn, Sage 2015)

²⁹⁹ See Appendix G

³⁰⁰ See Appendix H

4.8 The Role of the Researcher

The researcher had a dual role in the study, as the researcher was also mentor on the *Street Law* Programme. The role of mentor involved supporting law students in developing lesson plans and providing support during school visits as the students delivered their lessons. At other times, the role involved being a sounding board and advisor and promoting the law students' confidence through encouragement and positive affirmations.

Finlay maintains that the researcher is an essential figure who has much influence over the selection and interpretation of data.³⁰¹ Denzin and Lincoln³⁰² stated that the researcher is considered an instrument of the research and this raises concerns in regard to bias; a phenomenon that is frequently understood as inevitable in qualitative research. The researcher thus acknowledged her own participation in the research and acknowledged any opinions she had on the topic being investigated. The researcher was vigilant in setting aside any biases throughout the research process. To minimise bias during the focus groups, the researcher paraphrased and summarised informants' views and checked for accuracy of responses and following the transcription and analysis of the recorded focus group interviews, the informants were asked to check for accuracy.³⁰³ Several quotes were also included in the study to substantiate the findings. In addition, reflexivity and a reflective journal allowed the researcher to be aware of any biases such as being influenced by findings in the literature review, which may have led her to impose certain concepts within the data gathering/analysis/conclusion stages. Furthermore, the adoption of a pragmatic approach, which used a combination of methods and the use of triangulation to compensate for shortcomings in a single data collection method,³⁰⁴ added to the credibility of the qualitative aspect of the research. According to Rubin and Rubin, the researcher's role also involves developing a good rapport with the participants.³⁰⁵ However, as stated above, the researcher was already known to the informants as a mentor from the commencement of the *Street Law* programme.

³⁰¹ Linda Finlay, 'Negotiating the swamp: the opportunity and challenge of reflexivity in research' (2002) *Qualitative Research* 2 (2) 209

³⁰² Norman K. Denzin & Yvonna S. Lincoln, *The SAGE Handbook of Qualitative Research* (5th edn Sage 2017)

³⁰³ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic inquiry* (Sage, 1985)

³⁰⁴ John W. Creswell, *Research Design Qualitative, Quantitative and Mixed Methods Approaches* (2nd ed, Sage 2003)

³⁰⁵ Herbert J. Rubin & Irene S. Rubin, *Qualitative Interviewing: The Art of Hearing Data* (2nd edn, Sage 2005)

The potential fiduciary relationships that may develop between the researcher and the students was acknowledged and certain precautions were taken to ensure students' autonomy and freedom of choice as the researcher occupied dual roles. Miller and Kreiner³⁰⁶ point out that autonomy is lost if students perceive that they are being coerced to participate in research and may have difficulties in declining due to situations of unequal power and authority. To eliminate any perceived undue influence, the researcher put an emphasis on informed consent and the students' right of refusal in an attempt to avoid the students feeling obliged to participate. The researcher accentuated the necessity for the students to feel comfortable in making their decision and that their decision would in no way affect their course or assessments at any time. Research on coercive practices in the recruitment of participants by Miller et al³⁰⁷ demonstrated that students' perceptions of coercion in their participation in research studies depended upon the degree to which the recruitment procedures were direct and personal. Thus, recruitment was accomplished by the researcher announcing the research opportunity to the students, as a group, at the end of classes. In addition, to ensure that the students' autonomy was not compromised, the researcher ensured that information leaflets were sent to the students early, in order that they had sufficient time to read the document and were cognisant of the risks and discomforts of participating in the study.

4.9 Data Collection

According to Yin, data can be collected from many sources. This can include, but is not limited to documents, direct observations, interviews, participant observations, archival records and physical artefacts.³⁰⁸ The researcher used a combination of data collection methods over a continuous period, from January 2018 until May 2018 as this increased the internal validity of the case study.³⁰⁹ The procedure of collecting data occurred in two stages, prior to, and at the end of the *Street Law* programme (See Table 1 below). The LSRP test instrument, discussed in section 4.10.2, was used as a pre-test and post-test measure. Additionally, two focus group interviews was conducted at the end of the

³⁰⁶ Wanda Miller & David Kreiner, 'Student perception of coercion to participate in psychological research' (2008) *Journal of Psychology* 10:53

³⁰⁷ Wanda Miller and Others, 'Personality types and perceived coercion in psychological research participation' (2010) *Individual Differences Research* 8: 140

³⁰⁸ Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009)

³⁰⁹ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic inquiry* (Sage, 1985) 317

programme. It was expected that the qualitative data would later converge with the quantitative data to corroborate or refute the findings of the quantitative data.

Table 1: Data Collection Procedure

Research Questions	LSRP Pre Test	LSRP Post Test	Focus Group
Does participation in a <i>Street Law</i> programme develop undergraduate law students' critical thinking skills?	X	X	X
How do the law students perceive their development of critical thinking through participating in the <i>Street Law</i> programme?			X

4.9.1. Standardised test assessments of critical thinking abilities

The competing theories and definitions of CT have led to competing assessment instruments that allegedly assess CT according to the theorists' concept of CT. Many of these CT tests are used in professional and educational settings and are suitable for students of higher education such as the law students in the present study.

The common tests are the EWCTET,³¹⁰ the WGCTA,³¹¹ the HCTA,³¹² the CCTST³¹³, and the CCTDI³¹⁴. A brief appraisal of these standardised instruments will be presented in the following section. The rationale for the discussion is to provide support regarding appropriateness and validity of the tool chosen by the author to assess law students' CT skills and dispositions at the beginning and end of a *Street Law* Programme. Furthermore, an appraisal of the common assessment tests may offer context when comparing the test used in the current study (LRSP) with competing assessment instruments.

³¹⁰ Robert Ennis and Eric Weir, *The Ennis-Weir Critical Thinking Essay Test* (Midwest 1985)

³¹¹ Goodwin Watson & E. M. Glaser, *Watson-Glaser Critical Thinking Appraisal Short Form Manual* (Pearson Education 2008)

³¹² Diane Halpern, *Halpern Critical Thinking Assessment* (Schuhfried 2016)

³¹³ Peter Facione, *The California Critical Thinking Skills Test: College Level Technical Report* (CAP 1990)

³¹⁴ Peter Facione and Others, *The California Critical Thinking Disposition Inventory: CCTDI test manual* (CAP 1996)

4.9.2 The Ennis-Weir Critical Thinking Essay Test (EWCTET)

The EWCTET³¹⁵ was one of the earliest tests designed to measure CT. Ennis, who espoused logic as a key component of CT developed an instrument, which focused on argumentation, where those being tested are required to respond argumentatively to a complicated argument in a creative and critical way. This tool therefore tests the general CT skills of considering inherent assumptions and reasons, getting to the point, and expressing one's point, responding aptly and appropriately in addition to testing open-mindedness and reflective skills. The test normally takes participants approximately 40 minutes to complete and is appropriate for second and third level students. Ennis³¹⁶ claimed that the test was reliable and valid and that inter-rater reliabilities was in the order of 0.72 – 0.93. Facione³¹⁷ criticised the Ennis Weir model (which led to the test) for lacking the explanation of skills, which were incorporated in the CCTST. In addition, the scoring of the test is done by examiners, and is thus subjective which leads to concerns regarding interrater reliability. The researcher also noted that this test may be potentially biased in favour of participants who are more competent in writing as it demands writing skills. Therefore, considering the aforementioned criticisms, the researcher did not consider the EWCTET to be a suitable test for this study. The EWCTET was eliminated due to the subjective nature of the test and the criticisms discussed above.

4.9.3 The Watson-Glaser Critical Thinking Appraisal (WGCTA)

The WGCTA is one of the most frequently used tools for assessing CT skills in third level educational institutions.³¹⁸ It was originally published in the 1930s, and was intended to be discipline neutral and include statements, problems, interpretations of similar data faced in everyday life, and arguments. The test has five subsections that are designed to measure; inference, deduction, recognition of assumptions, interpretation and evaluation of arguments and the test entails eighty objective items.³¹⁹ Participants are expected to complete the longer version within sixty minutes. A shorter version of this test is also available and comprises forty items to be completed within forty-five minutes.³²⁰

³¹⁵ Robert Ennis and Eric Weir, *The Ennis-Weir Critical Thinking Essay Test* (Midwest 1985)

³¹⁶ Ibid

³¹⁷ Peter A. Facione, *Critical Thinking: A Statement of Expert Consensus for Purposes of Educational Assessment and Instruction. Research Findings and Recommendations* (1990) APA

³¹⁸ James H. McMillan, 'Enhancing College Students' Critical Thinking: A Review of Studies' (1987) *Research in Higher Education* 26 (1) 3

³¹⁹ Goodwin Watson & E. M. Glaser, *Watson-Glaser Critical Thinking Appraisal Short Form Manual* (Pearson Education 2008)

³²⁰ Ibid

Scenarios are presented in which the participants respond to multiple-choice questions and affirm if the professed conclusions are true, probably true, probably not true, and probably false. According to Watson,³²¹ the reliability and validity of this instrument is well established; however, this claim may be biased as Watson originally devised the test. The test fails to measure CT dispositions and the developers recommend that the test is used in combination with other educational assessment techniques. McMillan³²² queries the suitability of utilising this tool within an educational setting as it was designed to measure CT relating to statements encountered in everyday life. Facione³²³ claimed that explanation was an essential component in the measurement of CT and he criticised the WGCTA as it omitted this component. Concerns have also been raised in regard to multiple-choice answer formats in the measurements of CT.³²⁴ Several experts³²⁵ have criticised the ability of a single right-and-wrong answer approach of multiple-choice tests to reflect participants' predisposition to engage in CT.

To further assess the suitability of this test, the researcher, being a previous undergraduate law student, decided to undertake the test. The WGCTA test was completed in 24 minutes. The test taken was a short version and contained 40 questions within three sections. As the majority of the questions were focussed on social and political scenarios, it was felt that this test was better suited to students familiar with these fields. The limitations of the test discussed above further contributed to the elimination of the WGCTA.

4.9.4 The Halpern Critical Thinking Assessment (HCTA)

As the multiple-choice tests and the open-ended tests of CT have weaknesses, Halpern³²⁶ designed a domain-general CT measurement tool that combined both multiple-choice tests and open-ended tests. Halpern's definition of CT³²⁷ is an individual's ability to use thinking strategies that improve the likelihood of a desired outcome. Halpern's test concentrates on several CT skills; argument analysis, likelihood and uncertainty analysis,

³²¹ Ibid

³²² James H. McMillan, 'Enhancing College Students' Critical Thinking: A Review of Studies' (1987) *Research in Higher Education* 26 (1) 3

³²³ Peter A. Facione, *Critical Thinking: A Statement of Expert Consensus for Purposes of Educational Assessment and Instruction. Research Findings and Recommendations* (1990) APA

³²⁴ James H. McMillan, 'Enhancing College Students' Critical Thinking: A Review of Studies' (1987) *Research in Higher Education* 26 (1) 3

³²⁵ Ibid

³²⁶ Diane Halpern, *Halpern Critical Thinking Assessment* (Schuhfried 2016)

³²⁷ Diane F. Halpern, 'Thought and Knowledge, An Introduction to Critical Thinking' (5th edn, Psychology Press 2014) 8

reasoning, hypothesis testing, decision-making and problem solving.³²⁸ Questions relating to five scenarios require participants to specify a response and thereafter to choose the most favourable option from a short list. In total, fifty items are included in the instrument. The test also focuses on the dispositional aspect of thinking. Ku³²⁹ stated that this instrument's use of both multiple choice and open-ended responses is advantageous and superior to tests that use only one response format. Butler et al³³⁰ study found that the HCTA was a valid assessment instrument for CT skills and as it predicted real-world CT decisions and skills, it was deemed particularly useful and reliable for third level institutions.

The researcher also undertook this test, which was completed in 37 minutes. The test contained five categories. Each section of the test was easily understood, and no difficulties arose in regard to the questions posed. Furthermore, the test was seen as suitable as it included both CT skills and CT dispositions. However, this test was deemed inappropriate as it was considered that a domain specific CT test would be more appropriate.

4.9.5 The California Critical Thinking Skills Test Family

The California Critical Thinking Skills Test Family are a set of CT skills tests, which are designed for different groups of test-takers varying in educational level.³³¹ The tests that will be discussed in this section pertain to the specific tests relevant to an undergraduate population; namely the California Critical Thinking Skills Test (CCTST), the California Critical Thinking Disposition Inventory (CCTDI), and the Legal Studies Reasoning Profile (LSRP).

4.9.6 California Critical Thinking Skills Test (CCTST)

This test originally emanated from the groundbreaking efforts of Facione³³² in which he assembled a Delphi panel of forty-six experts to articulate an agreed definition of CT, including its core cognitive skills. These experts were active in research and in assessment

³²⁸ Diane Halpern, *Halpern Critical Thinking Assessment* (Schuhfried 2016)

³²⁹ Kelly Ku, 'Assessing Students' Critical Thinking Performance: Urging for Measurements Using Multi-Response Format' (2009) *Thinking Skills and Creativity* 4 (1) 70

³³⁰ Heather A. Butler, 'Halpern Critical Thinking Assessment Predicts Real-World Outcomes of Critical Thinking' (2012) *Applied Cognitive Psychology* 26 (5) 721

³³¹ Insight Assessment, *California Critical Thinking Skills Test User Manual* (CAP 2016)

³³² Peter A. Facione, *Critical Thinking: A Statement of Expert Consensus for Purposes of Educational Assessment and Instruction. Research Findings and Recommendations* (1990) APA

methods of CT and in education. The construction of the CCTST was developed from an extensive item pool, which has been refined and tested on a continuous basis over the last number of decades. The definition of CT adopted by the current study is the definition that emerged from these experts in 1990, which defined CT as “purposeful, self-regulatory judgment which results in interpretation, analysis, evaluation, inference, as well as the explanation of the evidential, conceptual, methodological, criteriological, or contextual considerations upon which that judgment was based”.³³³ Emanating from this definition, Facione developed the CCTST,³³⁴ a detailed test of CT skills which targets the core CT skills regarded as “essential elements of a college education”³³⁵ Similar to the WGCTA this test is recommended to be used in combination with other assessment methods.

The original CCTST comprised 35 multiple-choice questions, which measured analysis, inductive and deductive reasoning, inference and evaluation. The expected time required to complete the 35-item test is 45 minutes. The original test was domain neutral and was primarily used as a CT test for programme evaluation. Currently, however, the CCTST family of tests consists of a number of different forms that all measure CT, but in an array of different disciplines such as business (BCTST), the Health Sciences (HSRT), Military Science (MDCTI), and for Legal Studies (LSRP). The reliability and validity of this test is discussed in the next section.

4.9.7 California Critical Thinking Disposition Inventory (CCTDI)

Where the CCTST measures CT skills, the CCTDI,³³⁶ a companion to the CCTST measures an individual’s propensity to think critically. Similar to the CCTST, the CCTDI is also based on the Delphi consensus definition of CT. The developers of the CCTDI suggested that a student’s disposition to think critically is more important than their CT skills.³³⁷ The CCTDI is a 75-item Likert scale that measures the CT habits of mind of open-mindedness, truth seeking, systematicity, inquisitiveness, CT confidence,

³³³ Ibid 4

³³⁴ Insight Assessment, *California Critical Thinking Skills Test User Manual* (CAP 2016)

³³⁵ Peter A. Facione, *The California Critical Thinking Skills Test Manual, Form A and Form B* (California Academic Press 1992)

³³⁶ Peter Facione and Others, ‘The Disposition toward Critical Thinking’ (1995) *The Journal of General Education* 44 (1)

³³⁷ Insight Assessment, *California Critical Thinking Disposition Inventory Test User Manual* (CAP 2016)

analyticity, and maturity. According to Facione,³³⁸ this instrument is commonly used for the assessment of undergraduate students' CT as a pre-test and post-test to determine whether a programme is effective in developing CT dispositions. This test requires little time to complete although a pre-set time limit of 30 minutes is granted. Scores are reported on each of the seven attributes in addition to a reporting of an overall score.

There is a compelling argument for the use of The California Critical Thinking Skills Test Family in measuring CT skills in undergraduates as the validity and reliability of all tests is well established.³³⁹ They were developed to measure the concept of CT as outlined by the Delphi panel of experts.³⁴⁰ Typically, construct validity is generally proven by correlational studies where the scores in CT are correlated with other measuring instruments that claim to include the construct. The construct validity of the CCTST was first demonstrated in a research study conducted between 1989 and 1990 by Facione. A total of 1169 college students took part in four experiments. The findings of this study confirmed that the CCTST was successful in detecting improvements in CT skills.³⁴¹

4.10 Quantitative Strand - LSRP Test Instrument

The LSRP instrument was developed with the assistance of legal professionals and educators and is the only subject specific CT measurement instrument available for legal education. However, the test does not require any legal specific knowledge. Furthermore, this specialised form of the CCTST is specifically designed for adults who are attending HEI's at undergraduate level. In addition, this instrument is primarily used for evaluating the effectiveness of higher educational programmes,³⁴² and it is based on the definition of CT developed by the Delphi panel. The LSRP has components of both the CCTST and CCTDI instruments combined and is a type of questionnaire that was designed as a two-part instrument to target the core CT skills, habits of mind and personal attributes valued in legal education and by the legal profession.³⁴³

³³⁸ Peter Facione and Others, 'The Disposition toward Critical Thinking' (1995) *The Journal of General Education* 44 (1)

³³⁹ Peter A. Facione, *The California Critical Thinking Skills Test Manual* (California Academic Press 1992)

³⁴⁰ Brad Merker and John Wakefield, 'The California Critical Thinking Disposition Inventory' In Robert A. Spies and Others (eds) *The Eighteenth mental measurements yearbook* (2010)

³⁴¹ Peter A. Facione, *The California Critical Thinking Skills Test College Level; Experimental validation and content validity* (CAP 1990a)

³⁴² *Insight Assessment, LSRP User Manual* (California Academic Press 2017)

³⁴³ *Ibid*

4.10.1 Background to the development of the LSRP

The LSRP was constructed as a result of a two-year project initiated by the American Bar Association and the Council for Legal Education Opportunity (CLEO).³⁴⁴ Instrument design experts and a CT team at a company known as Measured Reasons facilitated the project. In addition, as law schools were keen to discover those at risk of not passing the Bar exam and they wanted to enhance student retention, they joined the project voluntarily and assisted the design experts. These collaborating law faculties identified the selection of mind-set constructs which now form part one of the LSRP.³⁴⁵

Initially the LSRP was referred to as the 'LEAP' (Legal Education Assessment Profile) which comprised both reasoning skills and mind-set attributes; the necessary elements, according to the Delphi study, of being a reliable and strong critical thinker. These skills and mind-sets resulted in the consensus definition by the Delphi study of the ideal critical thinker and the definition applied in this study.

4.10.2 LSRP

Part one of the LSRP relates to the CT dispositions and measures the following attributes;³⁴⁶ expression, communicative confidence, directness, mental rigor, mental focus, professional confidence, foresight, teamwork, intellectual integrity and cognitive maturity. These particular attributes, decided by legal professionals and educators, are those required as a law student or for success within the legal profession.³⁴⁷ It comprises ninety statements with a four point Likert scale indicating strongly agree to strongly disagree and can be completed within a short time, although the assigned time is thirty minutes. On piloting the test, the researcher answered the ninety statements effortlessly and found that the statements were well designed. The researcher completed this part of the test within 14 minutes.

Part Two of the LSRP is an objective measure of core reasoning skills essential for success as a law student or legal professional³⁴⁸ and is divided into six measures. Participants obtain one overall critical thinking score and additionally, scores are given

³⁴⁴ CLEO's focus is to provide equal opportunity in access to legal education.

³⁴⁵ Email from Dee August, Insight Assessment to the researcher (8th March 2018)

³⁴⁶ See Appendix I for detailed definitions

³⁴⁷ Insight Assessment, *LSRP Test Manual* (CAP 2017)

³⁴⁸ Ibid

for five specific skill areas; analysis, inference, evaluation, deduction and induction.³⁴⁹ This section is a multiple choice format comprising thirty-five questions in the form of text and data scenarios. In undertaking this part of the test, the researcher found that the questions required less effort than the WGCTA or the HCTA. Although the scenarios were engaging, the researcher had to read certain sections twice as the scenarios were lengthy. The maximum time limit given to complete Part Two of the LSRP is sixty minutes and the researcher felt pressured in completing this section in the required time; completing it in 59 minutes. Nonetheless, the researcher would class herself as a slow reader who tends to re-read passages once or twice to enhance understanding. Although this test was very appealing overall, it required no legal content knowledge.

A search of the literature failed to obtain any studies that had utilised this test when assessing CT skills in academia. However, the LSRP was deemed most appropriate as a pre-test and post-test to acquire an objective measure of the law students CT skills, as it is the only domain specific CT test currently available that was designed with support from scholarly experts from the legal profession. Additionally, as stated earlier, it is supported by the Delphi expert consensus of CT.

Participation in and delivery of the *Street Law* programme involved weekly reflective seminars using a variety of feedback methods, thus participation in these tests was facilitated during these weekly reflective seminars. This test is not used as an appendix to this study as permission was not granted to use the test publicly. In corroboration with the qualitative data, the results of the test were examined to determine whether the law students developed CT skills as a result of participating in a *Street Law* programme. The LSRP instrument was administered in two stages in the presence of the researcher as an online assessment. The pre-test was administered prior to the *Street Law* orientation and the post-test was administered after the final week of the programme when the law students had completed all elements of the *Street Law* programme.

In view of the limitations inherent in a single tool, the researcher utilised more than one method to assess law students' CT. Details of these methods are discussed in the following section.

³⁴⁹ See Appendix J

4.11 Qualitative Strand - Focus group Interviews

Focus groups may be defined as, “a semi structured session with numerous participants, in an informal setting, that is steered by a facilitator, with the use of general guideline questions using some form of recording equipment”.³⁵⁰ Yin pointed out that the most suitable questions for descriptive exploratory case study research are “what” “how” and “why” types of questions.³⁵¹ Thus, the researcher prepared a general set of guiding questions.³⁵² Freitas et al.,³⁵³ point out that focus groups are useful in providing clarification and interpretations of data gathered through initial investigations.

Social scientists view focus groups as cost-effective and they are a flexible means of examining the experiences and attitudes of non-random individuals who fall within certain criteria.³⁵⁴ Focus groups combine the knowledge of small group dynamics and the principles of qualitative research and make the most of the interaction among the group participants, enriching the collection of profoundly held beliefs and viewpoints.³⁵⁵ An advantage of focus groups over the interview method is that the discussions and interactions that occur between participants reveal information that may not emerge in an individual interview.³⁵⁶ Furthermore, the discussions that ensue can take different directions than those of individual interviews and allows the researcher to explore a group's perceptions rather than individual perceptions of experiences.³⁵⁷ Thus, for the purposes of this study, focus groups were deemed more appropriate than individual interviews. A number of limitations of focus groups have been highlighted. For example, participants may conform to the most popular answers fearing that an unpopular opinion may be judged as socially unacceptable and thus lead to contamination of the discussion.³⁵⁸ Two focus groups were conducted in the main research site at the end of the *Street Law* programme, with five law students in each group. This number of

³⁵⁰ Richard Krueger and Mary Anne Casey, *Focus Groups: A Practical Guide for Applied Research* (4th edn Sage 2009) 12

³⁵¹ Robert K. Yin, *Case Study Research: Design and Methods* (4th edn, Sage 2009) 5

³⁵² See Appendix K

³⁵³ Henrique Freitas, 'The Focus Group, a Qualitative Research Method Reviewing The theory, and Providing Guidelines to Its Planning' (1998) ISRC

³⁵⁴ Richard Krueger and Mary Anne Casey, *Focus Groups: A Practical Guide for Applied Research* (4th edn Sage 2009)

³⁵⁵ Martha A. Carey, *Focus Groups: Kells Consulting* (Elsiever 2015)

³⁵⁶ Ted J. Gaiser, 'Online focus groups' Nigel Fielding & Others (eds) in *The Sage handbook of online research methods* (Sage 2008) 290

³⁵⁷ Alan Bryman, *Social Research Methods* (5th edn OUP, 2016)

³⁵⁸ Ivana Acocella, 'The Focus Groups in Social Research: Advantages and Disadvantages' *Quality and Quantity* 46 (4) 1125

participants was more likely to ensure that all members had a voice; yet was large enough to obtain varied views.³⁵⁹ The focus group interviews each lasted approximately 60 minutes and were facilitated during the weekly reflective seminars. The focus group interviews were recorded using audio and video equipment.

4.12 Data Analysis

The data analysis stage essentially is about data reduction.³⁶⁰ Quantitative data analysis generally involves using statistics, whereas qualitative data involves reducing the text and analysing words to describe the phenomenon under study. According to Creswell,³⁶¹ data analysis consists of separating the data to ascertain participant responses and putting it together to summarise it. In this study the quantitative data and qualitative data was analysed separately. The quantitative data provided objective results regarding the development of the law student's CT whereas, the qualitative data was used to provide a detailed description of the phenomenon under study in addition to providing supportive data to the quantitative results.

4.13 Quantitative Data Analysis

The purpose of quantitative data in this study was to objectively analyse the relationship between CT and the *Street Law* programme. This study used the LSRP as a pre-test and post-test to measure changes in CT during the *Street Law* programme. The LSRP, which was provided online by Insight Assessment, a Company based in California, USA, was downloaded onto the student's computers in the LYIT using the Insight Assessment App. Insight Assessment provided the researcher with the participants' report scores, which determined the overall CT scores and subscale scores. The quantitative data was then analysed using the Statistical Package for Social Sciences (SPSS) version 24. Descriptive statistics were used to analyse the participants' pre-test and post-test scores. Paired sample t-tests were performed to identify differences in participants pre-test and post-test results and to determine if students CT skills had changed over the period of the *Street Law* programme.

³⁵⁹ Richard Krueger, *Focus groups: A practical guide for applied research* (2nd edn Sage 1994)

³⁶⁰ Alan Bryman, *Social Research Methods* (5th edn OUP, 2016)

³⁶¹ John W. Creswell, *Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research* (4th edn, Pearson 2012)18

4.13.1 Validity and Reliability of the Quantitative Strand of the Research

In quantitative research validity is the extent in which a concept is measured whereas reliability refers to the consistency of measurement. Validity was enhanced as the LSRP, designed to measure CT, measures CT only and does not test or require any prior legal content knowledge. Test questions were taken from an extensive item pool, which has been developed and validated throughout decades of testing.³⁶² In addition, the instrument's association with the Delphi expert consensus on CT provided a strong theoretical underpinning and as discussed in section 4.10, the LSRP is a specialised form of the CCTST; a test with good content and face validity.³⁶³ However, in terms of the construct validity of the LSRP, no correlational studies have been found in the literature where scores in CT were correlated with other measuring instruments that claimed to include the construct. Furthermore, the author failed to find any studies in the literature that had previously used the LSRP to assess law students CT skills within an academic setting.

To further strengthen the requirements of validity, the researcher along with coordinators of the *Street Law* programme and academic staff reviewed the LSRP test instrument to ensure its suitability to the educational and reading level of the participants. The internal consistency reliability coefficient for the LSRP is the Kuder-Richardson (KR-20) test, as the scoring is dichotomous. Strong internal consistency is deemed evident when KR-20's are scored at .70 or above which denotes an acceptable level of internal reliability and an accurate reflection of CT skills. Strong correlations have demonstrated improvement in CT test scores following participation in an educational programme as well as with other instruments that purport to incorporate a measure of CT. Peer-reviewed publications written by researchers internationally provide evidence of gains in CT³⁶⁴ after participating in an educational programme or course in CT.

³⁶² Insight Assessment, *LSRP Test Manual* (CAP 2017)

³⁶³ Brad Merker and John Wakefield, 'The California Critical Thinking Disposition Inventory' In Robert A. Spies and Others (eds) *The Eighteenth mental measurements yearbook* (2010)

³⁶⁴ William Brown & Agnieszka Bielinska-Kwapisz, 'Understanding the Nature and Determinants of Critical Thinking Among Senior Business Undergraduate Students' (2015) *Journal of Education for Business*; Philip Abrami and Others, 'Instructional Interventions Affecting Critical Thinking Skills and Dispositions: A Stage 1 Meta-Analysis' (2008) *Review of Educational Research*; Noreen Facione & Peter Facione, 'Critical Thinking Assessment in Nursing Education Programs: An Aggregate Data Analysis' (1997) A research report, California Academic Press

4.14 Qualitative Data Analysis

The purpose of data analysis is to “organise, provide structure to, and elicit meaning from research data”³⁶⁵ According to Bryman,³⁶⁶ thematic analysis is a means of identifying patterns in the data derived from reading transcripts several times. Braun and Clarke’s thematic framework³⁶⁷ for data analysis of qualitative research was chosen for the present study as the use of a structured framework increases the credibility of the process of data analysis. This framework is not restricted by aligning with any single epistemological position. In addition, the framework is flexible and works well within a wide scope of research interests and can offer a detailed and rich and complex explanation of the data. This framework comprises of six phases: 1) familiarisation with the data; 2) generating initial codes; 3) searching for themes; 4) reviewing themes; 5) defining and naming themes and; 6) writing up the report.³⁶⁸ The six-phase structure of thematic analysis offered the advantage of theoretical freedom. As the research was exploratory in nature, and the researcher was seeking the perceptions of participants in a manner that was not biased by the limited evidence base, an inductive analysis was adopted where the data was coded without trying to fit it into the researcher’s pre-existing beliefs or analytic preconceptions or without using a pre-existing coding frame. Thus, in contrast to a deductive top-down more focused approach, the analysis was data driven where the eventual themes depended on the data.³⁶⁹ In addition, the analysis of the findings focused on the semantic content of the focus group transcripts, rather than attempting to interpret the text, as the researcher was keen not to impose her values or conceptions. According to Braun and Clarke, in utilising a semantic approach, the analyst “is not looking for anything beyond what a participant has said or what has been written.”³⁷⁰

Recordings were transcribed verbatim to assist the researcher to become familiar with the data and to gain an overview of the material and it informed the early stages of the analysis. Initial codes were ascribed to each sentence and potential patterns were highlighted. Codes were then amalgamated into larger units and the researcher arranged

³⁶⁵ Michael Quinn Patton, *How to Use Qualitative Methods in Evaluation* (Sage 1987) 19

³⁶⁶ Alan Bryman, *Social Research Methods* (5th edn OUP, 2016) 584

³⁶⁷ Virginia Braun and Victoria Clarke, ‘Using thematic analysis in psychology’ (2006) *Qualitative Research in Psychology* 3 (2)

³⁶⁸ *Ibid*

³⁶⁹ *Ibid*

³⁷⁰ *Ibid* 13

those whose content was similar in meaning, and finally, the codes were integrated into themes. Implementation of the six phases are further discussed in section 5.3.

4.14.1 Validity and Reliability of the Qualitative Strand

Several researchers have argued that the use of quantitative terminology, such as validity and reliability, to determine the quality of qualitative research is both misleading and irrelevant as qualitative research focuses on unique interpretations and meanings and is not replicable in the traditional sense.³⁷¹ Therefore when evaluating qualitative research, traditional theories of validity and reliability “require redefinition in order to fit the realities of qualitative research”.³⁷² Thus, many qualitative researchers have sought alternative ways to adapt the concepts of validity and reliability or have sought to create new criteria for evaluating qualitative research.³⁷³ Lincoln and Guba³⁷⁴ suggest that trustworthiness and authenticity are the terms which qualitative research should be assessed, as opposed to validity and reliability. The researcher took measures to ensure the trustworthiness and authenticity of the research process by using four principles as outlined by Lincoln and Guba - credibility; transferability; dependability; and confirmability and also by engaging in reflexivity.

4.14.2 Credibility

Bryman³⁷⁵ explains that credibility determines how acceptable/believable the findings are to others. Credibility may be achieved by way of a procedure termed ‘member checking’, described by Lincoln and Guba as “the most crucial technique for establishing credibility”³⁷⁶ in research. Member checking allows the research participants to review data, the interpretations and conclusions.³⁷⁷ Therefore, the researcher tested the data, interpretations and conclusions by sharing the findings of the analysed data with the participating law students. The researcher emailed the analysed data to the participants,

³⁷¹ Caroline Stenbacka, ‘Qualitative research requires quality concepts of its own: Management Decision’ (2001) 39 (7) 551; John W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (Sage 2013)

³⁷² Anselm Strauss and Juliet Corbin, *Basics of qualitative research: Grounded theory procedures and techniques* (Sage 1990) 23

³⁷³ See Jennifer Mason, *Qualitative researching* (2nd edn Sage 2002); Stenbacka, ‘Qualitative research requires quality concepts of its own: Management Decision’ (2001) 39 (7) 551; Jerome Kirk and Marc Miller, *Reliability and Validity in Qualitative Research: Qualitative Research Methods* (Sage 1986)

³⁷⁴ Yvonna S. Lincoln and Egon G. Guba in Alan Bryman, *Social Research Methods* (5th edn OUP 2016) 384

³⁷⁵ Alan Bryman, *Social Research Methods* (5th edn OUP 2016)

³⁷⁶ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic Inquiry* (Sage 1985) 317

³⁷⁷ Ibid

ensuring the number that was assigned to each student during the transcribing phase was provided, which allowed the students to recognise their own comments or quotations. Participants were asked to check whether the results resonated with their recollections of what they had shared during the focus groups and they were asked to confirm if it was a realistic and accurate account of their perceptions. Only one student responded by commenting that, “it really does reflect what was discussed in the forum”.³⁷⁸ The researcher was aware that there are a number of potential drawbacks to member checking. For example, Morse³⁷⁹ points out that the focus groups themselves may have an impact on participants and, thereafter, respondents may later change their minds about an issue thus leading to confusion during member checking rather than confirmation.

4.14.3 Transferability

Transferability refers to the ability to transfer findings to different settings or contexts and is akin to external validity in quantitative research.³⁸⁰ In quantitative research, samples tend to be randomly selected and through statistics, findings are generalised. In contrast, qualitative researchers provide a detailed description of the research, also referred to as thick description,³⁸¹ which enables findings to be transferred to different contexts. As suggested by Stake,³⁸² the purpose of a case study is not generalisation hence, the purpose of this study is not to generalise the findings but to describe in detail a novel *Street Law* Programme in terms of developing law students’ CT skills. Therefore, this study was not intended to be transferable to other settings.

4.14.4 Dependability and Confirmability

Guba³⁸³ referred to reliability as dependability and objectivity as confirmability and suggest an auditing approach is needed to establish dependability. Bryman³⁸⁴ suggests that an audit trail should be kept to ensure a comprehensive record of the entire research process to establish that proper procedures have been followed and to enhance

³⁷⁸ Comment provided by S1 from the email response received in regard to the focus group transcription analysis

³⁷⁹ Janice Morse, ‘Designing funded qualitative research’ In Norman K. Denzin & Yvonna S. Lincoln (eds) *Handbook of Qualitative Research* (Sage 1994) 220

³⁸⁰ Sharan B. Merriam, *Qualitative Research: A Guide to Design and Implementation* (Jossey-Bass 2009)

³⁸¹ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic Inquiry* (Sage 1985)

³⁸² Robert E. Stake, *The Art of Case Study Research* (Sage 1995)

³⁸³ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic Inquiry* (Sage 1985)

³⁸⁴ Alan Bryman, *Social Research Methods* (5th edn OUP 2016) 384

consistency. The researcher therefore maintained all recorded material throughout the research process, in order to ensure dependability and confirmability.

4.14.5 Authenticity

Authenticity is strongly associated with credibility and involves conveying the meanings and experiences perceived by the participants.³⁸⁵ The involvement of the researcher can influence the ability of participants to speak authentically,³⁸⁶ and therefore the researcher made a conscious effort to ensure she did not influence participants. Authenticity comprises of five categories: “fairness, ontological authenticity, educative authenticity, catalytic authenticity and tactical authenticity”.³⁸⁷ Specifically, fairness denotes the extent that the respondents’ different constructions are represented in a fair way by the researcher. Ontological authenticity refers to the way in which the participants’ own meanings are made more informed via their participation in the research. Educative authenticity indicates how participants acquire an appreciation of others. Catalytic authenticity denotes how the process of the research motivates the participants’ behaviour. Finally, tactical authenticity signifies the degree to which participants are empowered to act.³⁸⁸

4.14.6 Reflexivity

Reflexivity denotes the constant process of self-reflection that the researcher engages in to ensure they are continually aware of their feelings, actions, and perceptions.³⁸⁹

According to Woods, reflexivity may be defined as, “the researcher’s self-awareness and understanding of what they bring to the research act: their capabilities, knowledge, experience, values, hopes, fears, as well as their epistemological and ontological assumptions”.³⁹⁰ As suggested by Hertz,³⁹¹ the researcher attempted to remain detached throughout the research process and maintained an internal dialogue and constantly scrutinised ‘what she knew’ and ‘how she knew it’ and her role was one of prompting, probing and encouraging participants to express their views. In addition, the researcher

³⁸⁵ Yvonna S. Lincoln and Egon G. Guba, *Naturalistic Inquiry* (Sage 1985)

³⁸⁶ Norman K. Denzin & Yvonna S. Lincoln (eds) *Handbook of Qualitative Research* (Sage 1994)

³⁸⁷ Yvonna S. Lincoln & Egon G. Guba, *Naturalistic Inquiry* (Sage 1985) 386

³⁸⁸ Thomas A. Schwandt, *Dictionary of Qualitative Inquiry* (Sage 2007) 7

³⁸⁹ Lisa Anderson, ‘Reflexivity’ In Richard Thorpe & Robin Holt (eds) *The Sage Dictionary of Qualitative Management Research* (Sage 2008) 183

³⁹⁰ Megan Woods and Others, ‘Researcher reflexivity: exploring the impacts of CAQDAS use’ (2016) *International Journal of Social Research Methodology* 19(4) 385

³⁹¹ Rozanna Hertz, *Reflexivity and Voice* (Sage 1997)

used a reflective diary to explore the potential impact the researcher may have had on participants and to improve the integrity of the study.

4.15 Ethical Considerations

Ethics has no agreed definition and may be defined in several ways. According to Blumberg et al,³⁹² ethics is a branch of philosophy that “deals with the conduct of people and guides the norms or standards of behaviour of people and relationships with each other”. Despite the ambiguity concerning the definition of ‘ethics,’ a review of the literature demonstrates that there is considerable agreement about the significance of a number of ethical principles. According to Halai, in relation to qualitative research, there are a number of essential ethical principles common to institutes of research, which include, “a) informed and voluntary consent; b) confidentiality of information shared; c) anonymity of research participants d) and beneficence or no harm to participants”.³⁹³ Hammersley³⁹⁴ suggests that an emphasis on principles rather than on being prescriptive facilitates agreement among researchers regarding what is crucial; whereas researchers may be more likely to disagree on more specific statements in regard to ethics in research. In addition, this focus locates or assigns the responsibility for ethical protocols with the researchers themselves.

Bryman³⁹⁵ asserts that ethical issues arise at all stages of research and need to be considered throughout the entire process. Assurance was met by way of adhering to the above principles through fully informing all participants of the exact nature and involvement of the research study, ensuring that participants understood what taking part involved and protecting their anonymity throughout the process of the research.

An important concern when conducting research is beneficence, which may be defined as “an obligation on the part of researchers to do no harm, maximize possible benefits and minimize possible harms”.³⁹⁶ To ensure that students would not be upset if their LSRP results were disappointing, the researcher was available to the students if they had any questions or concerns regarding their results to avoid any unnecessary upset. When

³⁹² Boris Blumberg and Others, *Business Research Methods* (Mc Graw Hill 2008)

³⁹³ Anjum Halai ‘Ethics in qualitative research: Issues and challenges’ (2006) 4 *EdQual*

³⁹⁴ Martyn Hammersley, ‘On ethical principles for social research’ (2014) *International Journal of Social Research Methodology* 18 (4) 1

³⁹⁵ Alan Bryman and Emma Bell, *Business Research Methods* (3rd edn OUP 2011)

³⁹⁶ Annette Hemmings, ‘Great ethical divides: Bridging the gap between institutional review boards and researchers’ (2006) *Educational Researcher* 35 (4) 13

conducting research in a college classroom, there can be occasions where participants feel embarrassed and left out or pressured and the effects, irrespective of intent, can be significant.³⁹⁷ Thus, the researcher ensured that the participants felt comfortable and included, especially when conducting the focus groups. Additionally, although the participants were previously fully informed of the data collection methods, the researcher checked if all participants were comfortable being recorded during the focus groups. Furthermore, as the researcher was both the researcher and a Mentor of the *Street Law* Programme, it was important to reinforce the students' positions regarding voluntary participation. Moreover, as the research study was intricately intertwined with the accredited *Street Law* programme, the participants may have felt that withdrawal was less of an option. Thus, in the information leaflet provided to students, the researcher reassured students that their decision regarding participation would in no way affect either their relationship with the researcher or the coordinators of the *Street Law* Programme; or would it bear any consequences for them, their course or their assessments, then or in the future. Furthermore, students were explicitly told that withdrawal from the study was always an option up to data analysis stage.

Hammersley and Traianou, clarify that the concept of autonomy requires participants to choose “what happens or does not happen to them”.³⁹⁸ The concept of autonomy thus emphasises a commitment to informed consent, and therefore the proposed study ensured informed consent was obtained by providing the law student participants with a letter of participation,³⁹⁹ consent form⁴⁰⁰ and an explanatory information leaflet⁴⁰¹ prior to the commencement of the research. All data was held in compliance with the relevant Data Protection Laws and with LYIT's Guidelines on electronic data storage. Any information that would potentially identify participants was removed in order that confidentiality was maintained. Participants' names were removed from recorded data, data was anonymised by ascribing a number to each participant, and recordings of focus groups were destroyed on completion of the study. It was not foreseen in this study that there would be any risk

³⁹⁷ Michael A. Evans & Liesl M. Evans, 'When Dealing with Human Subjects: Balancing Ethical and Practical Matters in the Field' (2008) *Tech Trends* 52 (6) 30

³⁹⁸ Martyn Hammersley & Anna Traianou, *Ethics in Qualitative Research: Controversies and Contexts* (Sage 2012)

³⁹⁹ See Appendix L

⁴⁰⁰ See Appendix G

⁴⁰¹ See Appendix H

of harm to the participants. It was envisaged that strict adherence to these principles would ensure sound ethical research.

Ethics approval must be sought when human participants are involved in the research process. Prior to commencement and in compliance with LYIT Ethics Policy and Procedures,⁴⁰² the researcher sought approval from the School of Business Research Ethics Committee (IREC), which was approved. The LYIT ethics policy promotes the principles of confidentiality, anonymity, voluntary and informed consent with a focus on respect and the welfare of participants, in addition to transparency for participants relating to risks involved.

4.16 Summary

This chapter discussed and justified the use of a descriptive exploratory single case study design whilst adopting a pragmatic perspective of a mixed method convergent approach. In addition, a detailed discussion of standardised test assessments of CT in section 4.9.1. Qualitative and quantitative methods were incorporated in order to increase the validity and credibility of the research findings and assuming they reach the same conclusions would provide a more certain portrayal of elements of CT gained by law students on completion of a *Street Law* programme. A detailed discussion of standardised test assessments of CT. In addition, the various procedures in relation to how the data was analysed using Braun and Clarke's framework was described, followed by the researcher's need of using a reflective diary as a strategy for rigour. A discussion followed on the importance of research ethics in terms of principles and the steps that were taken to ensure ethical principles were upheld. The findings of this study will be presented in the next chapter.

⁴⁰² LYIT *Ethics Policy and Procedures*

<<https://www.lyit.ie/media/Research%20Ethics%20Policy%20&%20Proc.pdf> > accessed 9th December 2016

CHAPTER 5 – FINDINGS

5.1 Introduction

Chapter 4 explained the research methodology utilised in the current study to collect and analyse both quantitative and qualitative data, and this chapter presents the results of that data analysis. Based on the mixed method convergent design, both quantitative and qualitative data were analysed independently. However, as discussed in chapter four, the researcher will interpret both quantitative and qualitative analyses through discussion to look for convergence to develop a complete understanding of the phenomenon under study. The quantitative element of this study used the LSRP test instrument to determine whether the law students' developed CT skills following their participation in the *Street Law* programme. Focus group interviews were conducted for the qualitative aspect of the study to explore how the law students perceived the development of their CT skills. The chapter begins by presenting the quantitative results followed by the reporting of the qualitative thematic analysis results. The chapter concludes with a summary of the findings. The aim and purpose that guided this research study was to ascertain if participation in a *Street Law* programme developed undergraduate law students' CT skills and determine how law students perceived their development of CT through participating in the *Street Law* programme. These key research questions considered were developed through prior literature findings.

5.2 Quantitative Analysis

This section will present the quantitative findings of the data analysis. The researcher used graphs and tables to report results as “visual forms depict the trends and distributions of the data”⁴⁰³ enhancing the understanding of the quantitative results for the reader in a summarised form. The LSRP was used to collect data of an objective nature regarding students' CT skills.⁴⁰⁴ Following completion of the pre and post-tests, Insight Assessment (LSRP publisher) emailed the participants' results to the researcher in four excel spreadsheets. Data set results were amalgamated by the researcher into two master spreadsheets (one for part one – dispositions and one for part two – skills) before importing them into SPSS v.24 for analysis.

⁴⁰³ John W. Creswell & Vicki L. Plano Clark, *Designing and Conducting Mixed Methods Research* (Sage 2007) 135

⁴⁰⁴ See chapter four for further discussion on the LSRP

The LSRP, part one and part two, was completed by all participants (N=10) of the *Street Law* programme at both pre and post-test stages. The results were analysed initially with descriptive statistics to ascertain overall mean scores and establish the amount of time participants spent on both pre and post-tests. Inferential statistics were then conducted using two-tailed paired sample t-tests to identify differences between pre and post-test scores. One limitation of using the T-test is that the results can only reveal whether there is a significant difference between two variables however, it fails to reveal how big that difference is. While the p-value is important in determining the amount of confidence we can place in the findings, the value provides no measure of the magnitude of the treatment effect and is of little value when reported alone. P-values are highly affected by sample size⁴⁰⁵ therefore, this statistic may be misleading in that significant differences between pre-test and post-test may fail to be identified at the 0.05 level simply due to the small sample size. Research shows that it is:

Necessary to include some index of effect size or strength of relationship in your results section.... The general principle to be followed ... is to provide the reader not only with information about statistical significance but also with enough information to assess the magnitude of the observed effect or relationship.⁴⁰⁶

Thus, in providing a more accurate account of the findings, the researcher will present the magnitude of effect using Cohen's *d* and Insight Assessment's educational significance in addition to statistical significance.

The quantitative results are used to address the first research question;

1. Does participation in a *Street Law* programme develop law students CT skills?

5.2.1 Hypotheses

The following hypotheses were used to address the research question. The null hypotheses are that the mean difference between paired observations for the variables of interest are zero. When the mean difference is zero, the means of the pre and post-test must also be equal. Due to the paired design of the data, the null hypothesis of a paired t-test is expressed in terms of the mean difference. The null hypotheses are that the critical

⁴⁰⁵ Jacob Cohen, *Statistical Power Analysis for the Behavioural Sciences* (2nd edn, LEA 1988) 6

⁴⁰⁶ American Psychological Association, *Publication Manual of the APA* (5th ed, APA 2001) 25

thinking skills and dispositions of law students would not change when tested prior to and on completion of the *Street Law* programme;

1. H1₀: There is no difference in critical thinking dispositions between pre and post-test.
2. H2₀: There is no difference in critical thinking skills between pre and post-test.

5.2.2 LSRP Part One (Dispositions)

Part one of the LSRP addresses the first hypothesis (H1₀). Data was analysed to identify whether the students CT dispositions had showed improvement from the pre to post-test stages. Results are presented in the order of descriptive statistics followed by t-tests and finally the magnitude of effect. In measuring the effect size the researcher utilised Cohen's d ⁴⁰⁷ for practical significance and Insight Assessment's d ⁴⁰⁸ for educational significance (applying the interpretation according to the LSRP Manual). Seven of the subscale disposition test scores (Communicative Confidence, Professional Confidence, Intellectual Integrity, Mental Rigour, Mental Focus, Foresight and Cognitive Maturity) are categorised into three performance assessment levels⁴⁰⁹ with scores of 85 – 100 being strongly manifested, 65 – 84 inconsistently manifested and 50 – 64 not manifested, indicating a stronger manifestation of the subscale as the students' score increases. In contrast, the three style subscales (Expression, Teamwork and Directness) show opposite levels⁴¹⁰ of style with scores representing extreme low or extreme high ends with mid-range scores indicating a situationally different manifestation. Style subscales are interpreted as a continuum (See Table 2) thus, a change in style rather than an increase or decrease.

⁴⁰⁷ Cohen's d is the magnitude of the difference between two variables (pre-test and post-test) measured in standard deviation units. Effect size is calculated using the paired sample t-test Mean difference divided by the Standard Deviation difference.

⁴⁰⁸ Insight Assessment measures educational difference by subtracting the Mean post-test from the Mean pre-test which results in the difference of points between the two variables. In the test manual, Insight Assessment provide a guide for the three levels of points (See Table 7). For the purpose of this study, the researcher has given the name: Insight d to the formula of calculation for Insight Assessment.

⁴⁰⁹ See Appendix M for descriptions of each subscale and interpretation of performance assessment levels.

⁴¹⁰ See Appendix N for descriptions of style subscales and interpretation of performance assessment levels.

Table 2: Style subscale interpretations

Expression	Lower scores are quiet observers whereas higher scores are expressive performers.
Teamwork	Lower scores are more competitive whereas higher scores are more collaborative.
Directness	Lower scores are approval seekers whereas higher score are more situationally direct.

5.2.2.1 Descriptive Statistics: Mean Scores and Time Spent on Test

Results indicated that the whole group (N=10) completed 100% of the LSRP Part One responding to all questions. In addition, the data revealed that a positive change in the students CT dispositions had occurred (see Table 3) suggesting that participating in the *Street Law* programme had improved their disposition to think critically. The overall scores of the pre-test performance subscales ranged from 71.14 to 85.29 with a mean of 79.01. Post-test performance subscales ranged from 74.85 to 89.86 with a mean of 82.36. The highest score that can be achieved on the performance subscales is 100 with a lowest score of 50. This indicates that the students did not have low dispositions at the pre-test stage. Although the overall mean score increased, it remained in the same assessment level (Inconsistently manifested, 65 - 84) albeit at the high end of the scale.⁴¹¹ The pre-test style subscales ranged from 69.33 to 81.00 with a mean of 74.83. Post-test style subscales ranged from 70.00 to 84.00 with a mean of 75.80. Due to the nature of the style subscales showing stronger but opposite expressions of style, the overall style score is weaker at post-test. However, the students did not have extreme low styles at pre-test. Students remained in the mid-range throughout pre and post-test.⁴¹²

Table 3: LSRP Dispositions Overall Scores

	N	Minimum	Maximum	Mean	Std. Dev
Pre-Test Performance Subscales	10	71.14	85.29	79.01	4.401
Post-Test Performance Subscales	10	74.85	89.86	82.36	4.924
Pre-Test Style Subscales	10	69.33	81.00	74.83	4.037
Post-Test Style Subscales	10	70.00	84.00	75.80	3.913

⁴¹¹ See Appendix M for definitions of assessment levels

⁴¹² See Appendix N for explanation of style assessment definitions

Students completed part one of the test very quickly (see Table 3). The time spent completing part one ranged from 8 minutes to 14 minutes on the pre-test with a mean of 11.70 and the post-test ranged between 9 minutes and 12 minutes with a mean of 10.70. Students spent less time on the post-test as opposed to the pre-test. Although 30 minutes are given to complete part one, little time is required due to the nature of the ‘agree’ or ‘disagree’ format of responses. The minimum threshold is 5 minutes.

Table 4: Time spent on LSRP Part One: Dispositions

	N	Minimum	Maximum	Mean	Std. Dev
Minutes on Pre-Test	10	8	14	11.70	1.829
Minutes on Post-Test	10	9	12	10.70	1.059

Based on the data a visual graph was produced (Figure 2) showing that seven students spent less time on the post-test. Two students completed the pre and post-test in the same length of time and one student spent more time on the post-test.

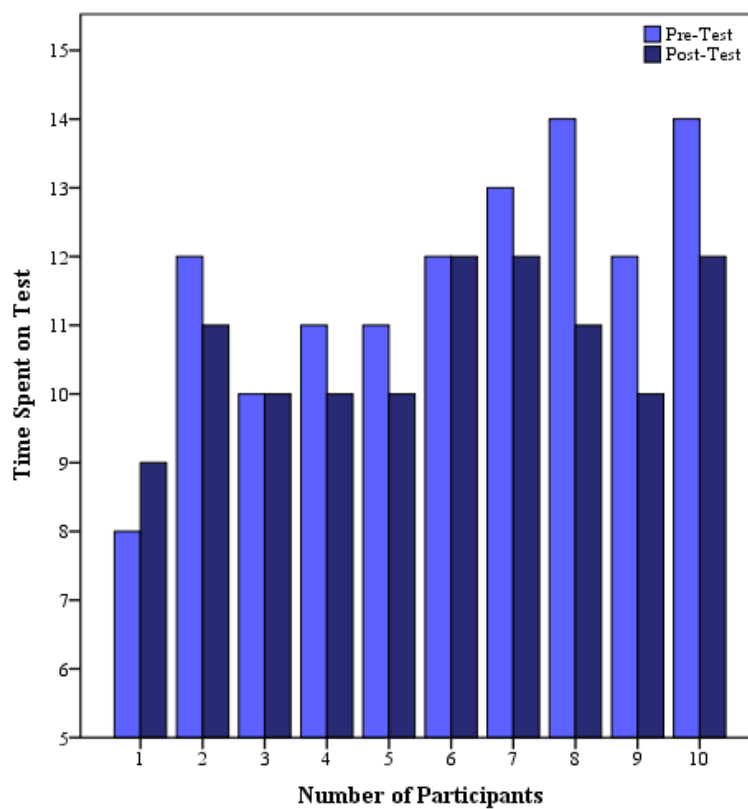


Figure 2: LSRP Part One Dispositions

5.2.2.2 T-Tests: Statistical Significance

Paired sample t-tests were used to identify whether there were statistically significant differences (see Table 5) in subscale scores and overall scores between pre and post-test. Results showed that there was a statistically significant increase in the Professional Confidence subscale between pre-test (M = 75.80, SD = 8.07) and post-test (M = 80.70, SD = 6.00), $t(9) = -2.49$, $p = 0.034$ (two-tailed). None of the other performance subscales showed a statistically significant change at the 0.05 level. The overall mean score for performance scales at pre-test (M = 79.01, SD = 4.40) and post-test (M = 82.36, SD = 4.92), $t(9) = -2.10$, $p = 0.195$ (two-tailed) demonstrates that there was no statistically significant change in the overall score between pre and post-test.

The style subscales showed a statistically significant change in Expression between pre-test (M = 77.80, SD = 6.03) and post-test (M = 82.00, SD = 7.07), $t(9) = -2.82$, $p = 0.02$ (two-tailed). None of the other style subscales showed a statistically significant change. The overall mean score for the style subscales at pre-test (M = 74.83, SD = 4.03) and post-test (M = 75.80, SD = 3.91), $t(9) = -1.15$, $p = 0.279$ (two-tailed) demonstrates that there was no statistically significant change in the overall score between pre and post-test. Therefore, the null hypothesis of no difference in CT dispositions between pre and post-test is only partially rejected. Performance (Figure 3) and style (figure 4) graphs are provided as a visual to demonstrate changes in disposition subscales.

Table 5: Paired Sample T-Test for CT Dispositions

		Pre-test	Post-test	t	df	P Value
N		10	10			
Performance	Communicative Confidence	75.90 (8.53)	80.50 (8.66)	-1.93	9	0.085
	Professional Confidence	75.80 (8.07)	80.70 (6.00)	-2.49	9	0.034*
	Foresight	82.00 (4.11)	84.00 (5.31)	-1.24	9	0.244
	Cognitive Maturity	83.00 (4.00)	84.30 (4.47)	-0.71	9	0.493
	Mental Rigor	80.60 (5.06)	82.70 (4.99)	-1.17	9	0.27
	Intellectual Integrity	81.70 (3.86)	84.90 (4.82)	-2.20	9	0.055
	Mental Focus	74.10 (7.29)	79.40 (8.98)	-1.71	9	0.121
Overall		79.01 (4.40)	82.36 (4.92)	-2.10		0.195
Style	Expression	77.80 (6.03)	82.00 (7.07)	-2.82	9	0.02*
	Teamwork	70.50 (6.90)	68.80 (7.86)	0.63	9	0.542
	Directness	76.20 (5.43)	76.60 (4.25)	0.26	9	0.8
	Overall	74.83 (4.03)	75.80 (3.91)	-1.15		0.278

Data is presented as mean (sd) *P = <0.05

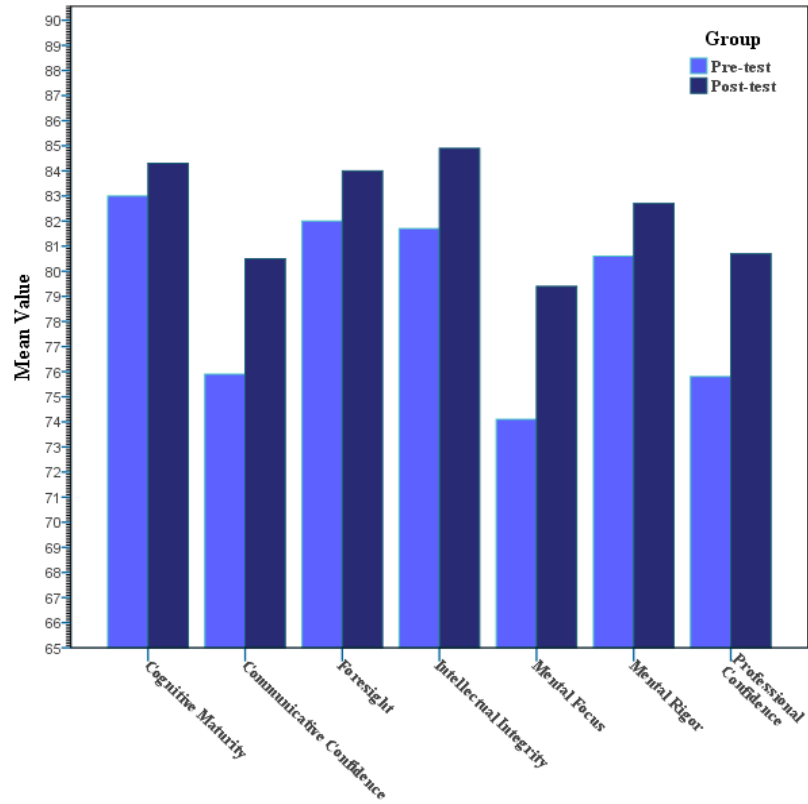


Figure 3: Pre-test and Post-test Mean for Performance Subscales

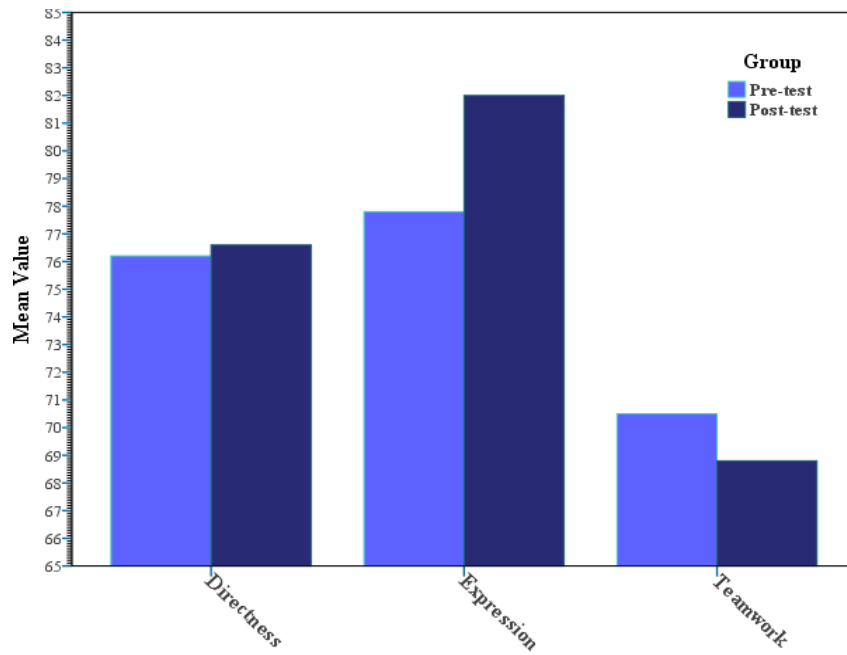


Figure 4: Pre-test and Post-test Mean for Style Subscales

Data presented in Table 5 demonstrates that post-test scores have increased which may indicate that the *Street Law* programme improves CT skills. It is evident from the mean scores that there is a difference between pre-test and post-test scores although there is not enough evidence to show a statistically significant gain in many of the constructs. This is most likely due to the small sample size, which may restrict statistical power therefore, it is more appropriate to assess the magnitude of effect to reflect the extent to which there has been a meaningful change in participants' CT skills and dispositions. According to Kirk;

The.....practice of focusing exclusively on a dichotomous reject – non-reject decision strategy of null hypothesis testing can actually impede scientific progress.....In fact, focusing on p values and rejecting null hypotheses actually distracts us from our real goals: deciding whether data support our scientific hypotheses and are practically significant. The focus of research should be on our scientific hypotheses, what data tell us about the magnitude of effects, the practical significance of effects, and the steady accumulation of knowledge.⁴¹³

5.2.2.3 Magnitude of Effect: Practical and Educational Significance

This section evaluates the impact of the *Street Law* Programme on law students' CT disposition scores on the LSRP in terms of practical and educational significance. Paired sample t-tests were used to calculate the magnitude of the difference between two variables (pre-test and post-test) with Cohen's *d* formula (see Figure 5) and Insight Assessment's formula (see Figure 6). Cohen proposed a general method for interpreting effect sizes,⁴¹⁴ (See Table 6) noting that interpretation is only a guideline and must be in the context of the research. Therefore, the researcher also applied Insight Assessment's interpretation guide (See Table 6) provided in the LSRP test manual.⁴¹⁵

$$\frac{M_{Post} - M_{Pre}}{SD_{Diff}}$$

Figure 5: Cohen's *d* Equation for Effect Size

⁴¹³ Roger Kirk, 'The importance of effect magnitude' In Stephen F. Davis (Ed) Handbook of Research Methods in Experimental Psychology (Blackwell 2003) 100

⁴¹⁴ Jacob Cohen, *Statistical Power Analysis for the Behavioural Sciences* (2nd edn, LEA 1988) 40

⁴¹⁵ Insight Assessment, *LSRP Test Manual* (CAP 2017) 59

$$M_{Post} - M_{Pre}$$

Figure 6: Insight *d* Equation for Effect Size

Both formulas are measured on a scale of three (see Table 6). Cohen's *d* is measured in terms of small (0.2), medium (0.5) and large (0.8) effect size. In contrast, Insight Assessment measures are; some degree of improvement signifies that on average all group participants no longer made at least one common reasoning error (1 point), evidence of an effective programme (2 points) and an exceptional improvement (4 points).

Table 6: Practical and Educational Significance

Practical Significance		Educational Significance	
Cohen's <i>d</i>		Insight Assessment (LSRP Test Publisher)	
d = 0.2	Small Effect	d = 1.0	Some degree of improvement
d = 0.5	Medium Effect	d = >2	Evidence of effective training programme
d = 0.8	Large Effect	d = >4	Exceptional improvement

A comparison between pre-test and post-test scores indicated significant improvement in all of the seven performance subscales as well as the overall score following the intervention of the *Street Law* programme i.e. the mean scores were higher post-test compared to pre-test. Table 7 reflects the practical and educational significance of the difference. The increase in the performance subscales ranged from 1.3 points to 5.3 points. The highest increase was Mental Focus (5.3) followed by Communicative Confidence (4.6), Professional Confidence (4.9), Intellectual Integrity (3.20), Mental Rigor (2.10), Foresight (2.0), and was lowest for Cognitive Maturity (1.30). The overall mean performance score (calculated by averaging all seven performance subscales) increased by 3.35 points which shows the beneficial impact of the *Street Law* programme.

Regarding style subscales, due to the assessment of measure for style subscales (describing opposite ways of manifesting the style meaning a lower score is a stronger style) results indicate that all style subscales have changed in style. Expression (4.20), has weakened becoming less expressive, Teamwork (-1.70) is stronger becoming more

collaborative within a team and Directness (0.40), with a slightly weaker style although nearly constant. Style subscales remained in the mid-range assessment levels⁴¹⁶ (situationally different manifestation) at pre-test and post-test indicating that students show flexibility in their approach with the ability to adapt and change depending on the given situation.

Table 7: CT Dispositions: Magnitude of Effect

	Mean_{Dif}	SD_{Dif}	*Cohen <i>d</i>	*Insight <i>d</i>	
N	10	10			
Performance	Communicative Confidence	4.60	7.53	0.61	4.60
	Professional Confidence	4.90	5.21	0.79	4.90
	Foresight	2.00	5.08	0.39	2.00
	Cognitive Maturity	1.30	5.75	0.23	1.30
	Mental Rigor	2.10	5.65	0.37	2.10
	Intellectual Integrity	3.20	4.59	0.70	3.20
	Mental Focus	5.30	2.80	0.54	5.30
Overall	3.35	5.04	0.67	3.35	
Style	Expression	4.20	4.71	0.89	4.20
	Teamwork	-1.70	8.47	-0.20	-1.70
	Directness	0.40	4.86	0.09	0.40
	Overall	0.97	2.65	0.37	0.97

**Cohen's d (Cd) Calculation = Mean/SD Difference*

**Insight d (Id) Calculation = Mean Difference*

Table 7 demonstrates that Professional Confidence (C's $d = 0.79$, I's $d = 4.6$) has the largest effect size whereas Cognitive Maturity (C's $d = 0.23$, I's $d = 1.3$) has the smallest effect size. Cohen's d show that three subscales have a small effect; Cognitive Maturity (C's $d = 0.23$), Mental Rigor (C's $d = 0.37$) and Foresight (C's $d = 0.39$). A medium effect is observed in Mental Focus (C's $d = 0.54$), Communicative Confidence (C's $d = 0.61$), Intellectual Integrity (C's $d = 0.70$) and Professional Confidence (C's $d = 0.79$). In contrast Insight's d demonstrates that only Cognitive Maturity shows some degree of improvement whereas Intellectual Integrity (I's $d = 3.2$), Mental Rigor (I's $d = 2.1$) and Foresight (I's $d = 2.0$) all show evidence of an effective training programme. The effect for Professional Confidence (I's $d = 4.9$), Communicative Confidence (I's $d = 4.6$) and Mental Focus (I's $d = 5.3$) indicate an exceptional improvement. The magnitude of effect

⁴¹⁶ See Appendix N for further explanation of the three assessment levels.

for the overall (C's $d = 0.67$, I's $d = 3.35$) score of performance subscales show a medium effect (Cohen's d) and evidence of an effective training programme (Insight's d). Cohen's d and Insight's d , although both have different formulas of measurement, have similarities in effect size results.

Style subscales shows that Expression (C's $d = 0.89$, I's $d = 4.2$) has the largest effect. However, as an opposite expression of the style, this indicates that Expression has a large weaker effect. Teamwork (C's $d = -0.20$, I's $d = -1.70$) has a small effect size showing some degree of improvement between pre and post-test. Whereas directness (C's $d = 0.09$, I's $d = 0.4$) shows no effect. The overall (C's $d = 0.37$, I's $d = 0.97$) scores for the style subscale indicate a small effect size (Cohen's d) with some degree of improvement with the score being rounded to 1.0.

5.2.3 LSRP Part Two (Skills)

Part two of the LSRP was analysed to identify whether the students CT skills had improved from pre-test to post-test stages. Results will be presented in the order of descriptive statistics followed by t-tests and finally the magnitude of effect. This part of the LSRP consists of five metrics; Induction, Deduction, Analysis, Inference, Evaluation and an overall score. Each score on Part 2 falls within one of four assessment categories presented in Table 8.

Table 8: Recommended CT Performance Assessment Categories

CT Skills Performance Assessment Categories	
Scores from 85 to 100	Superior Skill Manifestation
Scores from 75 to 84	Strong Skill Manifestation
Scores from 65 to 74	Moderate Skill Manifestation
Scores from 50 to 64	Skill Not Manifested

5.2.3.1 Descriptive Statistics: Mean Scores and Time Spent on Test

Results indicated that all students (N=10) completed 100% of the LSRP Part Two. The data revealed that the students' overall skills had increased (see Table 9). The overall scores of the pre-test skills ranged from 60 to 76 with a mean of 67.90. Post-test skills ranged from 65 to 74 with a mean of 68.60. The highest score that can be achieved on the skills subscales is 100 with a lowest score of 50. Scores indicate that at the pre-test stage students' skills ranged from weak (scores from 50 to 64) to strong (scores from 75

to 84) manifestation (See Table 8). Although the mean overall score increased at post-test, the range of scores at post-test were at the moderate level (Scores from 65 to 74). Therefore, at post-test students achieved an overall moderate level of “using reasoning to form reflective judgements about what to do or what to believe”.⁴¹⁷

Table 9: LSRP Skills Overall Scores

	N	Minimum	Maximum	Mean	Std. Dev
Pre-Test Overall	10	60	76	67.90	5.243
Post-Test Overall	10	65	74	68.60	3.169

The time spent completing Part Two (see Table 10) at pre-test ranged from 31 minutes to 60 minutes with a mean of 46.30, whereas the post-test ranged between 26 minutes and 48 minutes with a mean of 38.30. Students spent less time on the post-test as opposed to the pre-test. Although 60 minutes are given to complete Part Two, students finished the test in a much shorter time than the time given.⁴¹⁸ The minimum threshold is 15 minutes.

Table 10: Time spent on LSRP Part Two: Skills

	N	Minimum	Maximum	Mean	Std. Dev
Minutes Pre-Test	10	31	60	46.30	9.129
Minutes on Post-Test	10	26	48	38.30	7.103

Based on the data a visual graph was produced (Figure 7) the whole group (N=10) spent less time on the post-test as opposed to the pre-test. Six students spent up to 10 minutes less time on the post-test compared to the pre-test, three students spent between 11 and 16 minutes less while one student spent over 20 minutes less time on the post-test.

⁴¹⁷ Insight Assessment, *LSRP Test Manual* (CAP 2017) 57

⁴¹⁸ Insight Assessment allow an allotted time of 60 minutes to complete Part Two of the LSRP which is a timed test.

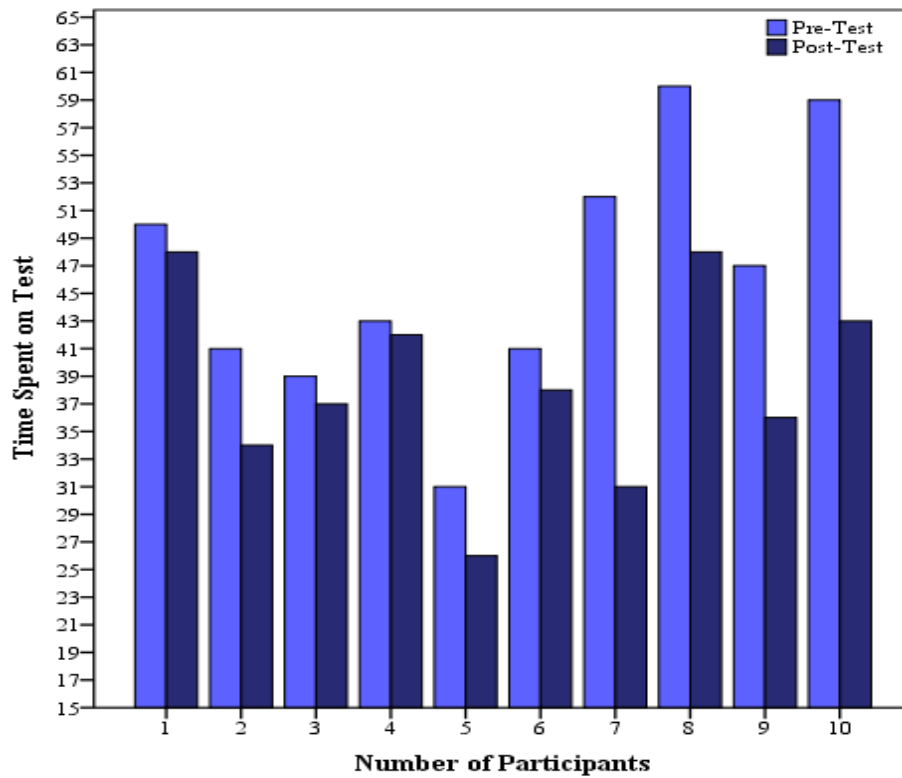


Figure 7: LSRP Part Two Skills

5.2.3.2 T-Tests: Statistical Significance

Data obtained from the paired t-test was examined to address the second hypothesis (H_{20}) and to identify whether there was a statistically significant difference (see Table 11) in the overall score and the five reasoning skills between pre and post-test. Results demonstrate that there was no statistical significant improvement (<0.05) overall between the pre-test ($M = 67.90$, $SD = 5.24$), $t(9) = -1.06$, $p = 0.315$ (two-tailed) and post-test ($M = 68.60$, $SD = 3.17$), $t(9) = -0.49$, $p = 0.636$ (two-tailed). None of the five reasoning skills reached a statistically significant level. Therefore, the null hypothesis of no difference in critical thinking skills between pre and post-test is supported. A graph is provided (Figure 8) as a visual to demonstrate the changes in the five skills and overall score.

Table 11: Paired Sample T-Test for CT Skills

	Pre-test	Post-test	t	df	P Value
N	10	10			
Induction	70.30 (7.86)	72.90 (4.46)	-1.06	9	0.315
Deduction	65.80 (6.84)	64.90 (7.43)	0.39	9	0.707
Analysis	68.80 (7.47)	67.00 (4.00)	0.83	9	0.426
Inference	63.10 (5.84)	63.80 (6.97)	-0.28	9	0.784
Evaluation	72.60 (7.63)	75.00 (6.75)	-0.66	9	0.526
Overall	67.90 (5.24)	68.60 (3.17)	-0.49		0.636

Data is presented as mean (sd) *P = <0.05

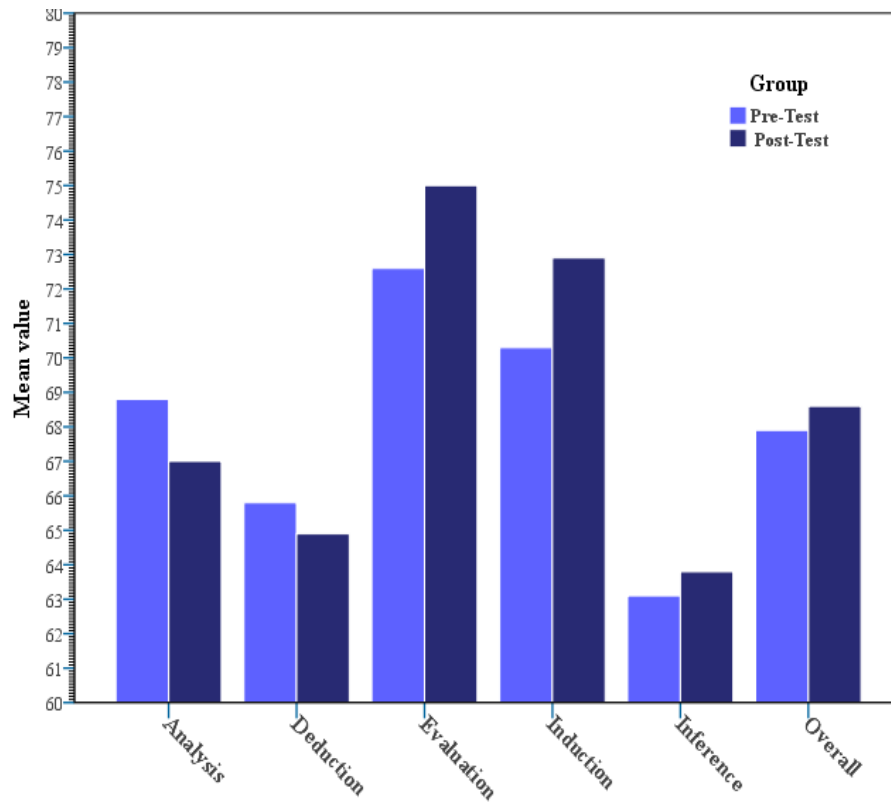


Figure 8: Pre-test and Post-test Mean for Skills Subscales

Data presented, (Table 11 and Figure 8) demonstrates that the overall (pre M = 67.90, SD = 5.24, post M = 68.60, SD = 3.17) post-test score increased in addition to Induction (pre M = 70.30, SD = 7.86, post M = 72.90, SD = 4.46) and Evaluation (pre M = 72.60, SD = 7.63, post M = 75.00, SD = 6.75) which may indicate that the *Street Law* programme improves CT skills. However, there is not enough evidence to show a statistically

significant gain. This may be due to the small sample size and possible the fact that many students spent much less time on the post-test. The only item in the skills to increase to the next assessment level (See Table 8) is Evaluation in which the group showed a moderate level at pre-test (72.60) increasing to strong skill level at post-test (75.00).

5.2.3.3 Magnitude of Effect: Practical and Educational Significance

This section evaluates the practical and educational impact of the *Street Law* Programme on law students' CT skills scores on the LSRP. Paired sample t-tests were used to calculate the magnitude of the difference between two variables (pre-test and post-test) using Cohen's *d* formula and Insight Assessment's formula.⁴¹⁹ The same measurement scale that was used for Part One will be applied to this section.⁴²⁰ An evaluation of pre-test and post-test scores indicated significant improvement in two skills in addition to the overall score following the intervention of the *Street Law* programme. Table 12 reflects the practical and educational significance of the difference. The mean overall score increased by 0.7 points. Induction showed the highest increase (2.6) followed by Evaluation (2.4) while inference showed the lowest increase (0.7). The mean scores for Deduction (-0.9) and Analysis (-1.8) demonstrated a decrease.

Table 12: LSRP CT Skills: Magnitude of Effect

	Mean	SD	Cohen's Insight <i>d</i>	
N	10	10		
Induction	2.60	7.73	0.34	2.60
Deduction	-0.90	7.32	-0.12	-0.90
Analysis	-1.80	6.82	-0.26	-1.80
Inference	0.70	7.84	0.09	0.70
Evaluation	2.40	11.51	0.21	2.40
Overall	0.70	4.52	0.21	0.70

*Cohen's *d* (Cd) Calculation = Mean/SD Difference

*Insight *d* (Id) Calculation = Mean Difference

Data presented in Table 12, in applying Cohen's *d*, demonstrates that Induction (C's *d* = 0.34) and Evaluation (C's *d* = 0.21) has a small effect size whereas Deduction (C's *d* = -

⁴¹⁹ See Figure 5 and Figure 6 in section 5.2.2.3

⁴²⁰ See Table 6 in section 5.2.2.3.

0.12) and Analysis (C's $d = -0.26$) show a small negative effect. It is observed that the overall CT skills score effect size is small. In contrast, Insight's d shows that Induction (I's $d = 2.6$) and Evaluation (I's $d = 2.4$) demonstrate evidence of an effective training programme. On the other hand, Deduction (I's $d = -0.90$) and Analysis (I's $d = -1.8$) have decreased which shows a negative effect. The magnitude of effect for the overall (C's $d = 0.21$, I's $d = 0.7$) score of CT skills show a small effect (Cohen's d). In observing the difference of 0.7 (Insight's d) at least some of the group must have made a "common reasoning error that resulted in a flawed problem analysis, inference, decision and/or evaluation"⁴²¹ as the LSRP is designed to reveal common reasoning errors. Therefore, the group must "avoid all likely pitfalls for a given scenario to improve scores".⁴²²

5.3. Qualitative analysis

As noted in section 4.14, an inductive thematic analysis was conducted, which followed Braun and Clarke's six phases of analysis: familiarisation with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and the final phase of writing the report.

Phase 1: Familiarisation with the data:

The recordings of the two focus group interviews were transcribed verbatim and merged into one transcript. This process helped the researcher to become familiar with the data and gain an overview of the material and it informed the early stages of the analysis. During the transcribing phase, the ten participants who took part in the focus groups were referred to by number (S1 = student 1 – S10 = student 10) to guarantee anonymity. After the first reading, the researcher highlighted data that appeared related to the research question. To ensure accuracy transcriptions were checked against the recordings and changes made where necessary.

Phase 2: Generating initial codes.

The researcher read the transcripts several times, observing for meanings and patterns,⁴²³ using coloured pens to reveal potential patterns and made initial notes of potential codes.

⁴²¹ Insight Assessment, *LSRP Test Manual* (CAP 2017) 58

⁴²² Ibid 59

⁴²³ Virginia Braun and Victoria Clarke, 'Using thematic analysis in psychology' (2006) *Qualitative Research in Psychology* 3 (2)

Codes may be defined as the most basic elements of information that can be considered in a meaningful way concerning a phenomenon and “they serve to identify a feature of the data . . . that appears interesting to the analyst”.⁴²⁴ On a further reading, a line by line coding was performed where a code was ascribed to each sentence, which reflected the main essence of the sentence. Table 13 below shows an example of codes applied to a segment of data that interested the analyst.

Table 13: Data Extract and Code Applied

Data extract	Coded For
I think you would need more encouragement	Positive feedback wanted
You need to be organised as well	Organisational skills
There was so much more involved than what we actually thought	Heavy workload

Phase 3: Searching for Themes:

Having completed the initial coding, codes were then aggregated into more general themes as the researcher arranged those whose content was similar in meaning. A theme “captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set”.⁴²⁵ The aggregation of codes into broader themes required a level of subjective analysis on the researcher’s part.

Phase 4: Reviewing themes.

The analyst re-read the coded extracts that were arranged into possible themes and reviewed the themes for relevance to the research question and themes with similar

⁴²⁴ Virginia Braun and Victoria Clarke, ‘Using thematic analysis in psychology’ (2006) *Qualitative Research in Psychology* 3 (2) 88

⁴²⁵ *Ibid* 82

meaning were amalgamated. Some new themes were created, and some themes were disregarded altogether if there was a lack of evidence to support it.

Phase 5: Defining and naming themes.

The aim of this phase was to, “...identify the ‘essence’ of what each theme is about”⁴²⁶ and therefore the analyst explored the themes to extract the core meaning and arranged subthemes that related to a main theme. The analyst decided to keep two main themes, ‘Transferable Skills’ and ‘The *Street Law* programme’, although one of those themes - ‘The *Street Law* programme’ was unrelated to the specific research questions. It was felt that this theme portrayed the law students’ perceptions during the focus groups and it was important that the research was unbiased. Figure 2 and 3 below are final thematic maps that demonstrate the relationships between the two themes and their respective subthemes.

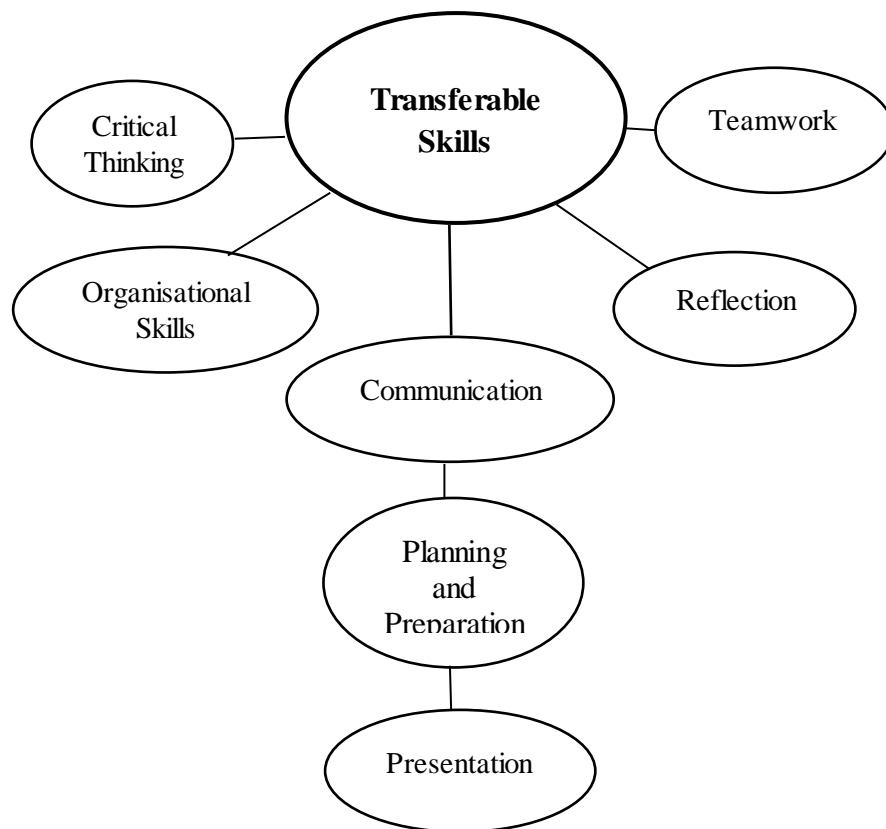


Figure 9: Theme Map 1 and Sub-themes

⁴²⁶ Virginia Braun and Victoria Clarke, ‘Using thematic analysis in psychology’ (2006) *Qualitative Research in Psychology* 3 (2) 92

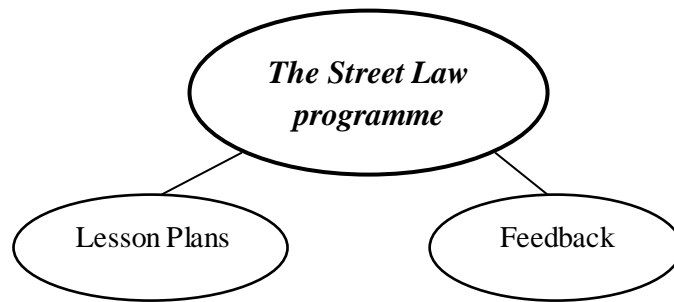


Figure 10: Theme Map 2 and Sub-themes

Phase 6: Writing up the report

This phase involved a final analysis and writing up the report. The researcher attempted to provide sufficient evidence of the themes in the form of data extracts to show the prevalence of the themes.

5.3.1 Themes

The findings in the following sections present the two main themes ‘Transferable Skills’ and ‘The *Street Law* Programme’, in addition to the subthemes that emerged from analysis of the focus group interview transcripts as illustrated in figure 3 above. Direct quotes from students are presented to highlight the perceptions of students that emerged from the data. As expected with a small number of participants, low numbers of participants were represented in themes.

5.3.1.1 Theme 1 - Transferable skills

The first theme to emerge from the data was transferable skills and this theme will be presented under five subthemes: communication skills, critical thinking skills, teamwork, organisational skills, and reflection as these were the transferable skills that the respondents discussed. The law students did not specify which aspects of the *Street Law* programme facilitated the development of specific, individual transferable skills as the question posed by the moderator was “What aspects of the programme do you think helped develop these skills”? However, the participants alluded to factors such as; being in the schools with the students, delivering their lesson plans and gaining feedback as important factors in the overall development of transferable skills.

5.3.1.2 Communication skills

A prevalent theme that emanated from the focus groups was students' perceptions regarding the acquisition of communication skills due to their participation in the *Street Law* programme. Throughout the focus groups and in answer to several open questions, the acquisition of communication skills was repeated by the majority of students. For example, when asked to describe why they chose *Street Law* as an elective module, four students [S6; S7; S8; S9] stated that they wished to improve their public speaking skills. As S9 stated; "You wouldn't be as nervous about speaking in front of people".

Students spoke of how going into the schools improved their confidence with several students referring specifically to 'communicative confidence'. S1 also offered a view on this:

I have developed presentation skills and developed confidence because of speaking to a class of thirty students. When you go up in front of a class and it goes well...the confidence you get out of it....and you build on it.

S4 linked confidence with presentation suggesting they "go hand in hand" and adding that she was able to use this communicative confidence in her other modules in college. S6 expressed a similar sentiment;

I have more confidence in public speaking, more confidence in talking in a group, which is definitely something I thought I would never have.

Finally, when asked to rank transferable skills they had developed through *Street Law* in order of importance, six law students reported aspects of communication skills as a transferable skill they had developed during the programme.

5.3.1.3 Critical thinking skills

The second theme to emerge from the data analysis focused on aspects of CT. Several students felt that CT skills were required to deliver the *Street Law* programme. S2 demonstrated this by stating that CT skills were required for "analysing what [the students] say and being able to use it for the next time". Four of the students [S2; S5; S6; S10] felt that CT skills were an important skill that they had developed over the course

of the *Street Law* programme and when asked to prioritise the skills they developed from the programme, two students [S6; S10] held CT as a top priority. When asked to describe what they got out of the programme in terms of transferable skills, ‘being able to think on my feet’ was echoed by several students [S1; S2; S4; S5; S6; S10]. S2 stated that when in a situation... ‘I learned over the weeks that you have to be able to change and adapt’.

Others reported having developed aspects of critical thinking, such as analysing and evaluating a situation. This sentiment was demonstrated when noting how S2 analysed their lesson plan and thought of ways to improve it;

you’re constantly trying to improve your lesson...constantly trying to keep the students engaged...you are forced to keep going back and think, okay, what can we do differently...so I definitely think it forces you to think critically because you are not just looking at what didn’t work and did work, you are kind of assessing why?

S6 emphasised the importance of having developed her critical thinking skills stating that she felt that her CT skills were needed most

whenever we were struggling to get the kids to talk.... when [the students] weren’t talking.... how are you going to phrase this question [in a way] to get their interest?

S6 and S8 stressed the importance of using CT skills in relation to anticipating students’ needs and when choosing resources. None of the students voiced that they chose *Street Law* as an elective module to develop their CT skills and three students did not mention CT when asked to describe what they felt they got out of the programme or to prioritise the skills they developed from the programme.

5.3.1.4 Teamwork

None of the participants voiced the development of teamwork skills as a motivational force in choosing the *Street Law* programme. However, teamwork was considered by eight students as having played a major part in the *Street Law* programme. For example, four students [S1; S4; S5; S7] voiced that teamwork was a skill required to deliver the

Street Law programme and four other students [S3; S6; S8; S10] perceived they had developed teamwork skills within the programme. As S7 elaborated;

Well, we were constantly critiquing each other. We were open to positive criticisms because we knew we were learning. We knew we were out of our depth, and we were there for each other in that sense. We had each other's back. Wherever she fell down, I was there. Wherever I fell down, she was there. And we constantly supported each other in that.

Some students [S1; S3; S5] relayed their experiences in regard to difficulties they encountered when working with a partner. S1 was one such participant stating that their partner could not be depended on when preparing and implementing lessons and indicated that the partner did not do their portion of the work, 100% of the work had to be done by S1. Empathising with S1, another participant [S3] explained;

... I know there are other cases as well, I think S1 you and the other girl did all the work yourselves and then they just came in and kind of winged it. Things like that which wasn't very fair on the other two - S1 and the other girl.

5.3.1.5 Organisational Skills

Under this broad heading, the two important skills discussed were 'planning and preparation' and 'time management'.

Planning and preparation

Five respondents emphasised planning and preparation as a skill they had expected to practice during the programme with S2 commenting on the importance of putting a lot of work into preparation of lesson plans prior to going out to the schools. S1 added: "...so preparation is an obvious part ... if you think that taking on *Street Law* is going to be zero preparation then you're kind of fooling yourself.."

Later the same participant added "If it [the lesson] doesn't come across well then there's a good chance your preparation hasn't been as good". When discussing preparation skills, one student felt that more preparation time was required, stating;

I think the module should be given five teaching hours, the same as any other subject. I think the two hours outside of the two hours that you're out teaching shouldn't be coming out of your class time so the module should have five hours, the same as every other module. (S1)

Others [S2; S4] agreed that more timetabled class hours would be beneficial. Although five students voiced that planning and preparation was a skill they had expected to practice during the programme, when asked to “Describe what you feel you got out of the programme in terms of transferable skills?” only two students [S1; S2] mentioned preparation and planning skills. However, when asked to rank the skills they felt they developed with the programme, two more students [S3; S4] agreed with S2 stating that they would rank preparation highly and above other transferable skills that they gained.

Time management

The majority of participants [9 participants] referred to the skill of time management during the focus groups with two participants [S3; S9] stating that time management skills were required to deliver the *Street Law* programme. One participant [S3] voiced a difficulty she experienced with time management, stating;

For an hour and a half each session, like, that really wasn't enough for... to get what you wanted to say across to the kids, you know, because they were really getting into the topics and they wanted to learn more, and then when we didn't have enough time to even prep them for, say, the mock trials.... and it really wasn't fair on us. (S3)

However, others had no difficulty in managing class time, as evidenced by the following statement;

No matter how good at speaking ... you're not going to keep somebody's interest for more than that. Giving them a break in between is perfect then, if you do a 40-minute lesson or say a 50-minute lesson and give them a 10-minute break, bring them back in for another 50 minutes. I think that's more than enough. (S1)

When asked directly “which transferable skills did the module develop for you?” none of the students voiced that they gained time management skills as a result of the programme. However, several students spoke of having gained time management skills when answering other questions. For example, in prioritising the skills that they felt they had developed through *Street Law*, three participants [S2; S4; S5] ranked time management highly. For example, S4 responded;

Time management ...You know, you can't run overtime because you're in a different environment, so you literally can't go over time and then if you're under time you're not going to be sitting staring at a class of students and them staring at you. You must know what you're going to have prepared if you do run under time.

Some participants [S6; S7; S8; S9] reported that they felt challenged in managing time. As one student voiced; “I spent more time looking at the clock than at the students, trying to make sure it was on time” (S6)

5.3.1.6 Reflection

Reflection emerged as a theme as feedback from some of the participants highlighted that they had developed reflective skills because of the programme, although none of the participants gave reflection a high priority in terms of skills gained from the programme. S2 felt that reflecting on a lesson led to coming up with ways to improve the lessons:

Reflections, because they kind of force you where you kind of think this worked, why doesn't this work? Okay, what am I going to do to change this the next time?

Similarly, S1, S4 and S7 felt that they gained self-reflective skills. S7 for instance stated that: “... the reflecting for me has been massive. I'm reflecting on my own daily life now”, adding that reflection helped her to find solutions to dilemmas within the classroom:

...reflecting as in what I perceived the lesson was going to be, what I'm left with when I walk into of the classroom, how we deal with it, and then coming out and seeing the positives of what the outcome was, and what we'd change the next time we were faced with that dilemma.....and then how you're going to approach next week's one, regardless of what was really bad today. Done, right, we need to

focus on next week and bring that positivity to it. And excitement again, even if I went a bit flat yesterday, you know. So definitely reflection. (S7)

5.3.2 Theme 2 – The *Street Law* Programme

The second theme to emerge from the data was the *Street Law* programme and this theme will be presented under two subthemes; lesson plans and feedback.

5.3.2.1 Lesson plans

The theme of lesson plans recurred in response to six of the ten focus group questions, with one student [S1] referring to lesson plans in a positive way, while several participants expressed frustration regarding lesson plans. S1 reflected a positive view of lesson plans stating that the *Street Law* methodology is “much more effective, because the teachers in the school that we were facilitating in said that they were impressed by our modern lesson plans”. However, three participants [S6; S7; S8] felt inadequately prepared to write up the lesson plans. This was communicated well in the following:

It's [the lesson plans] are kind of just thrown at us – reflect, plan and go do it! (S6)

You got the headings, but you didn't get how to do it (S7)

Yes, and you have to come up with five brand new lesson plans and add in additional information. But we never even got a draft of a lesson plan, how it looks, how it should look... (S8)

One participant [S6] suggested that more time needed to be given on instructions on designing lesson plans – “there should be one day concentrating on how to do a lesson plan from start to finish”. Another participant [S8] suggested they be given a draft of a lesson plan.

A minority of participants voiced concerns in regard to the timing and type of feedback they received on lesson plans. However, this point will be discussed under the next sub-theme, termed ‘feedback’.

Four participants [S5; S6; S7; S9] took the view that they had expected freedom in the design of their lesson plans, but later learned that they were required to have a set structure on their lesson plans. This sentiment was evidenced by the following statements;

We didn't realise, and we thought week three we were going to do our own new lesson plan. (S9)

They implied that, that was implied. Do you remember when we were in the class, what are you going to do? It wasn't until we were all sitting here and they were like, no, you have to do Morton here. (S7)

And we were all getting ready to go off and do our own lesson plans. (S6)

And then that had to be scrapped. (S9)

Most participants [S5; S6; S7; S8; S9; S10] frustrations with lesson plans were reiterated later in the focus groups when asked “if there were weaknesses in the *Street Law* programme in terms of the development of your transferable skills, what would they be?” Participants felt they had freedom when designing lesson plans during orientation, but felt that they were denied this freedom during the programme. S7 expressed this view as she stated:

Orientation for me was a bit of the freedom. You know, these interactive lesson plans we did with him, the ideas, it was all so new. And to think that we could work with our partner to develop these to suit ourselves, to suit these kids that we were going to be working with... When in real life it didn't transpire like that.....It was very structured with the lesson plans. The classroom for us never felt that flowy, but because we were trying to tick all the boxes.

S 10 echoed this view asserting that:

....we were told in the beginning, feel free to bring in your own ideas, and they really seemed to have promoted this...and then as we kind of went on, it kind of

became more... This was done before, so we're just going to do this because we can rely on it.... If somebody had a different idea, they were nearly told that's not going to work, just stick with something we already know” and concluded by stating: “You should be able to work with your group instead of sticking to a sheet of paper in front of you at all times.

In a similar vein, S6 added:

I don't know about anybody else, but the week that we did our own lesson plan where we did one of the activities that we made up ourselves... Granted, it was a bit of a flop, but that's how we learnt. It's the only way you can learn.

S5 felt that detailed overly structured lesson plans would not come off well in the classroom stating, “the kids are going to pick up on that”. Another participant [S7] felt that not being able to be creative in designing their lesson plans resulted in the group losing momentum for the programme; “and I think that's what we all struggled with, and where we all lost momentum for *Street Law*”. (S7)

Finally, S7 voiced that they became more concerned with their lecturers’ assessment of their lesson plans and the grade they would receive rather than focusing on the students’ interests.

5.3.2.2 Feedback

Two of the participants [S4; S5] appreciated the value of feedback. S4 demonstrates this succinctly when stating:

You take it [constructive criticism] on board and you just do better going into the classroom...any constructive criticism....where you need to improve on...it obviously shows. (S4)

S4 felt dismayed however that the feedback related to a period of observation by a lecturer when the pupils did not engage, but the lecturer had not witnessed when the lesson was going well:

“our lesson plan kind of flopped and students just didn't want to cooperate at that time but then after [the lecturer left], that they were fine”. (S4)

Several participants [S2; S3; S4; S5; S10] felt that more encouragement should be provided during feedback:

“Because you need to be told what you're doing right as well. You can't keep saying what you're doing wrong but then you also need to be like 'that's good' or 'keep doing that.....Regardless of what age you're always going to need that bit of encouragement” (S5)

Two participants suggested that a visit by law students who had previously done the *Street Law* programme would have been helpful. S6 was one such participant:

“It would've been great to have... If they were up for it, the mentors from last year, if they would've maybe been the second week of doing the teaching... It would've been nice for them to come in and go, how are you getting on now, what are you finding difficult to do? This is what we found difficult to do...” (S6)

S3 also made this suggestion:

Like peer mentoring kind of thing where you have maybe the crowd that did it the year before coming down and giving you their tips and encouragement and what they learned and things like that (S3)

Others [S3; S4; S5; S8; S7] reported that aspects of their work was being overly criticised by lecturers, as S5 argued; “they were nearly too hard on us as well”. Similarly, when S4 discussed her experience of being observed teaching students, she stated that “sometimes it did feel like you're being attacked all the time”. Negative criticism was also suggested by the view that: “It's very hard to recreate that environment in a class in college when somebody's being really critical of your every action”. (S7)

Similarly, when asked by the interviewer “If you could change anything about the programme in terms of developing skills what would it be?” S3 answered; “I suppose be

less critical of us whenever we are up trying to do our best, to present our plans in the class". (S3)

Alongside this, a minority of participants voiced concerns regarding feedback on their lesson plans. S8 explains that the lesson plans were criticised in a negative manner when stating: "and you come into the classrooms with your lessons, and go over your lesson plans... They were so critical". (S8)

Others explained that they would have liked to receive timely feedback on their lesson plans: "Getting emails about your lesson plans not being sufficient... or not having enough information before it should be finalised isn't fair". (S8)

Two other participants [S9; S6] supported this view with the following suggestions:

Maybe ...halfway through, on your lesson plans... halfway through so if you are going wrong, it can be addressed instead of at the end. (S9)

Maybe after week two on your lesson plans, if they were to come back and say, your lesson plans are too brief, or you're losing the point there... Just so it can be addressed sooner rather than later. (S6)

Some participants suggested that the development of their skills would be enhanced by more feedback from their peers during class time but added that attendance by their peers was poor. S1 stated this sentiment clearly:

Well to develop your own skills you need to have other people in the class and I think there should be a minimum attendance in the class... the lecturers will ask for feedback from other groups and if there's only two other people there to critique you then that's not much good to you, you need the class to critique you, to be better...attendance was awful. (S1)

S5 agreed stating, "It was bad".

5.3.3 Summary

The research uncovered quantifiable and qualitative data in respect of the development of law students' CT skills and dispositions and their perceptions of transferable skills gained from their participation in a *Street Law* programme, in one HEI, in Ireland. Results from the quantitative data analysis showed little statistical significance however, it is probable that the small number of participants in this study affected the statistical power. Results of the LSRP Part One highlighted that the performance scales had increased significantly from pre to post-test indicating that the students' dispositions to think critically had improved. In terms of practical and educational significance a considerable difference in the effect was evident with exceptional improvement in Mental Focus and the two confidence subscales; Communicative Confidence and Professional Confidence. The only style scale to show significant improvement was teamwork. Part Two of the LSRP indicated evidence of an effective training programme for Induction and Evaluation and a decline in Deduction and Analysis. The CT skills overall score increased showing slight improvement.

Overall students showed significant improvement on Part One of the LSRP, with a lesser improvement in their overall CT skills score on Part Two. It is evident from the results that the students have the mindset to think critically. However, students do not appear to be applying their mindset to think critically as well as they could, i.e. "CT skills do not deteriorate over a short period of time unless students have failed to give their best effort".⁴²⁷ Therefore, it is presumed that the lack of time spent on the post-test has had a possible impact on the students' results as a group.

The major themes that emerged from the data analysis of the qualitative aspect of the study were 'transferable skills' and 'the *Street Law* programme'. The first theme directly relates to the research question. Overall, the theme of transferable skills has highlighted that the participants perceived they had gained several transferable skills during the *Street Law* programme. There was a consensus among participants that they had gained communication skills, specifically presentation skills, public speaking skills and communicative confidence, because of their participation in the *Street Law* programme. Other transferable skills that participants perceived they gained but were not as highly

⁴²⁷ Insight Assessment, *LSRP Test Manual* (CAP 2017) 57

prioritised were; critical thinking, teamwork, organisational skills and reflection. Although the focus of the study was on transferable skills, all participants' views across the two focus groups led to a second common theme being found; the *Street Law* programme. The two subthemes emerging from this theme were 'lesson plans' and 'feedback'. Overall, the participants voiced much criticism in respect to these two elements of the *Street Law* programme.

A discussion of the findings in relation to the present study and in the context of previous literature findings will be presented in the next chapter, in addition to highlighting the implications of the study's findings for the *Street Law* programme and outlining limitations of the study

CHAPTER SIX – DISCUSSION

6.1 Introduction

There are many published articles espousing the benefits of Street Law to law students. However, the researcher found no similar/comparative studies investigating the development of law students' critical thinking skills due to participation in a Street Law programme, which used the LSRP or focus groups. Thus, this discussion cannot refer to previous research when discussing the findings. This chapter will however consider relevant and significant issues raised from both the quantitative and qualitative data analysis and highlight the implications of this research study to the future of the *Street Law* programme at the LYIT. Firstly, a reminder of the purpose of the study is appropriate followed by an outline of the limitations.

6.2 Discussion

The purpose of this study was to determine if the law students CT skills had developed due to their participation in a *Street Law* programme. This research study found that undergraduate law students perceived that they had gained CT skills. The students overall CT skills had a small improvement from pre to post-test which corresponds with the literature and HEI's Street Law programmes.⁴²⁸ The students also exhibited a significant positive change in CT dispositions between pre and post-test scores. According to Facione and Facione,⁴²⁹ moderate levels of overall CT scores point towards the potential for skill related challenges when involved in reflective decision-making and problem solving associated with learning development. The research findings observed in the subscale scores of CT further supports this. In Blooms taxonomy, evaluation is considered a deep level of CT; in the current study, the strongest score and the second highest mean difference of the LSRP Part Two was obtained in the subscale of evaluation; skills required for problem solving/decision making, indicating that CT has developed. Additionally, the law students stated in the focus groups that they had developed their ability to evaluate which corresponded to the LSRP results. In support of high quality evaluation, strong explanation skills are required to provide reasons, evidence, criteria or

⁴²⁸ See Appendix A and Appendix B.

⁴²⁹ Noreen C. Facione and Peter A. Facione, *The HSRT Test Manual* (CAP 2013)

assumptions behind claims and conclusions reached. The law students' gains in evaluation skills is supported with the mentors' observations of the law students where they concisely explained complex legal issues to pupils in general terms.

In law students' description of improvements they perceived to have made in CT skills, many of the students expressed that they gained the ability to 'think on their feet' which is a common term used in the literature for CT. The Street Law literature state that 'thinking on one's feet'/critical thinking is the second highest skill gained by law students from participation in a Street Law programme.⁴³⁰ Furthermore, in describing Street Law as a clinical program, McQuoid-Mason⁴³¹ stated that the ability to think on their feet when responding to questions from learners was a learning outcome for the programme. However, very few HEIs,⁴³² including the LYIT,⁴³³ have CT or 'thinking on their feet' as a learning outcome for their Street Law programmes. Thus, it may be advisable for these institutions to review their learning outcomes for the programme. Although not mentioned as a learning outcome, the LYIT state that assessment of the programme requires evidence of 'critical analysis.'⁴³⁴ The findings demonstrated that some law students perceived to have developed analysis; yet the LSRP analysis demonstrated a decline in critical analysis from pre to post-test. A possible explanation may be that the law students appeared to rush through their answers, spending much less time on the post-test, which may have had an impact on their scores. It is possible that if the law students had taken as much time on the post-test as the pre-test, their scores may have been higher.

As stated, overall, the law students CT skills showed a small improvement from pre to post-test. Although this was an interesting observation, the researcher noted that in some subscales the magnitude of change was not great enough to constitute statistical significance. According to the test publishers, to reach statistical significance, a minimum of n=25 is required, which explains the lack of statistical significance in some subscales due to the small sample size used in this study (N=10). Therefore, the magnitude of effect was more meaningful as it tells the reader "how big the effect is, something that the p-

⁴³⁰ See Appendix B

⁴³¹ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17(1) GLR

⁴³² See Appendix A

⁴³³ See Appendix E

⁴³⁴ Ibid

value (statistical significance) does not do”⁴³⁵ Therefore, statistical significance may portray as an obstacle rather than a facilitator in educational research, particularly when the study utilised a small sample.

A positive change in the students CT dispositions had occurred (see Table 3) suggesting that participating in the *Street Law* programme had significantly improved their disposition to think critically despite the small improvement in CT skills. However, findings indicated that students displayed reluctance to apply their mindsets to think critically as well as they could in the post-test, which may have been due to the timing of this test. The post-test, administered during week 11 of 13 in the academic calendar, may have affected the law students’ motivation to perform well as students also had important graded assessments due within the last two weeks of the academic curriculum as part of their final grade. Furthermore, it may be unrealistic to expect a *Street Law* programme to have a significant effect on the development of CT skills over the course of one semesters in undergraduate law students. Halpern concluded, “It would be unrealistic to expect a huge gain in the thinking abilities of college students that can be attributable to one course that is a quarter or semester in length”⁴³⁶

Although *Street Law* was set up to develop transferable skills, very few students appeared to recognise this; given that six of the law students made no mention of transferable skills as their motivator for undertaking the programme as an elective. Only four students elected *Street Law* to improve their public speaking skills. This is not consistent from the findings of the only previous study conducted on a student-impact-assessment of a Street Law based CLE, by Suhaimi and Zulkifli⁴³⁷ where over 50% of participants in their study stated that the development of ‘soft skills’/inter-personal skills motivated them to participate in joining the programme. A possible explanation for the findings in the current study is that the law students’ focus was not on the development of skills but was on what they perceived as an easier option in their final year. In addition, although the results demonstrate that the law students perceived that they had acquired several skills due to their participation in the *Street Law* programme, a key factor identified was that

⁴³⁵ Daniel Wright, ‘Making Friends with your Data: Improving how statistics are conducted and reported’ (2003) *British Journal of Educational Psychology* 125

⁴³⁶ Diane F. Halpern, ‘Assessing the effectiveness of critical thinking instruction’ (2001) *The Journal of General Education*, 50 (4) 273

⁴³⁷ Asnida Mohd Suhaimi & Nur Farzana Mohd Zulkifli, ‘Street Law Based CLE: A Student-Impact Assessment’ (2012) *18 International Journal of CLE* 221

students did not understand what transferable skills are and failed to connect to the questions asked in terms of transferable skills. For example, in response to the question; ‘‘If there were weaknesses in the programme in terms of your development of transferable skills, what were they?’’, the law students did not refer to any transferable skills but voiced much criticism in respect to two elements of the *Street Law* programme; ‘lesson plans’ and ‘feedback’. Furthermore, law students who perceived they had developed transferable skills were usually unable to express them beyond a superficial account. Some students referred to qualities such as patience and perseverance when describing transferable skills that they had gained by their participation in the programme. In addition, the students’ lack of understanding of CT skills was particularly apparent when discussing aspects of the programme that had fostered the development of skills; law students lacked detailed explanations of domains and dispositions of CT, in addition to which aspects of the *Street Law* programme had facilitated the development of CT. This suggests that the law students had a limited understanding of how skills developed in *Street Law*, or that they did not have the skills to verbalise these ideas effectively. This could suggest that transferable skills such as CT are merely not a priority for the law students or that they lack understanding of transferable skills. However, law students’ lack of knowledge about CT in education may be the result of the diverse perceptions of critical thinking which has led to a myriad of definitions, as noted in the literature review.⁴³⁸

The law students perceived that their skills had developed due to teaching in the classrooms and delivering their lesson plans; methods described as interactive learning methods. This lends support to the position that interactive learning will foster the development of critical thinking skills. Such a position is consistent with the work of Dewey and as Kolb who advocated that experience play a role in the learning process⁴³⁹. Additionally, Lipman⁴⁴⁰ emphasised that practice is essential to becoming a critical thinker and to develop the ability action is required. Skills are therefore, acquired through practice. Thus, it may be suggested that more hours spent in the classroom would have

⁴³⁸ See discussion of CT definitions in chapter two, section 2.11.

⁴³⁹ David A. Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Prentice Hall 1984)

⁴⁴⁰ Matthew Lipman, *Thinking in Education* (2nd edn, Cambridge University Press 2003) 76

benefitted the law students and have led to an improvement in post-test results in CT skills. This was a point echoed by most students in the focus groups.

The quantitative aspect of the study demonstrated that the second highest increase in dispositions to think critically was in the two confidence subscales (Professional Confidence and Communicative Confidence). Proponents of Street Law and HEIs claim that communication and confidence are skills developed by law students participating in Street Law programmes.⁴⁴¹ As stated by Montana, “Through repeated practice in public speaking, the law students develop confidence and ability in oral and written presentations, which is critical when addressing non-lawyers and lawyers alike in practice”.⁴⁴² The qualitative aspect of the study supported such claims, as many students reported an increase in their confidence especially regarding being more confident in speaking and in presentation. Six students reported that they had developed communication skills through participating in the *Street Law* programme. Law students repeatedly practice learning to manage person-to-person communication and interaction as part of their classroom management experience hence, these responses are not surprising. During weekly seminars, it became evident to the researcher that the law students became more confident as the weeks progressed. Furthermore, on observing law students in the schools, they initially appeared very nervous going into the schools to teach a class of 20-30 pupils. However, by the end of the programme, students became very confident and revelled in the teaching opportunities offered by the *Street Law* programme.

The majority of students felt that teamwork was an essential part of the *Street Law* programme. The programme required the students to work in pairs, collaborating on lesson plans and resources, providing feedback and reviewing each other’s lessons during the seminars therefore, this is no surprise. Many students did not experience any difficulties working with their partners and were able to provide a consistent teaching and learning experience to the pupils and recipient audience. In support of this, the LSRP results confirmed an improvement in teamwork and demonstrated that their teamwork style changed from a less competitive style to a more collaborative style. However, a

⁴⁴¹ See Appendix A and Appendix B

⁴⁴² Patricia Grande Montana, ‘Lessons from The Carnegie and Best Practices Reports: A Look at St. John’s University School of Law’s Street Law Program as a Model for Teaching Professional Skills’ (2009) 11 T.M Cooley J. Prac. & Clinical L 123

minority of students commented during the focus groups on the challenges they faced in the schools and their ability to work together. One student felt that choosing a partner should be an option offered at the beginning of the course, as this would avoid the necessity of one student doing 100% of the work, when/if a partner's work input was poor or negligible. This statement clearly demonstrates a lack of understanding in the development of teamwork skills, where team members need to use skills such as good communication, and tolerance, and learn to give honest feedback, and ensure that clear rules are established. Students in the focus groups did not appear aware that managing team members' conflicts and confronting is a healthy process. This highlights that undergraduate law students require further instruction on teamwork to ensure successful teamwork. Interestingly, many of the students and partners appeared to work collaboratively in the school classroom and in the seminars. However, mentor/lecturers observed difficulties in teamwork on occasions. Thus, it may be advisable to probe, early in the *Street Law* programme, if any students are having difficulties with their partners.

Montana stated that the "preparation the law students must do before stepping into the classroom to teach is demanding".⁴⁴³ The students echoed this sentiment commenting that a lot of work had to go in to preparing lesson plans. The findings indicated that the law students approached issues such as lesson plans in an orderly, focused way. The test results also showed that the law students 'Mental Focus' improved over the course of the programme where 'Mental Focus' was strongly manifested, with an exceptional mean difference of 5.40, reflecting that students were diligent, systematic, organised, task-oriented and clear headed in carrying out their responsibilities.

The open-ended questions posed during the focus groups did offer some insight to the quantitative results. For example, although not focusing on a specific transferable skill, several students felt that preparing and delivering their lesson plans were the most important aspects of the *Street Law* programme that has facilitated the development of transferable skills. However, the participants voiced much criticism in respect to 'lesson plans', voicing that they were not given enough freedom to design their lesson plans and were denied the option of preparing their own original lesson plans. As one student

⁴⁴³ Patricia Grande Montana, 'Lessons from The Carnegie and Best Practices Reports: A Look at St. John's University School of Law's Street Law Program as a Model for Teaching Professional Skills' (2009) 11 T.M Cooley J. Prac. & Clinical L 123

complained: “You know...it was very structured with the lesson plans”.⁴⁴⁴ This criticism was surprising as, in fact, the students had the opportunity to develop lesson plans on a weekly basis apart from week three when students delivered the lesson plan, Morton⁴⁴⁵ (a seminal lesson plan) as a prerequisite to the Mock Trial preparation. Law students had to submit detailed lesson plans. In addition, a resource handbook was provided to all students during the orientation which included a lesson plan template that details each section required for a comprehensive lesson plan. Students’ confusion over lesson plans may have been due to their poor attendance at seminar classes and the fact that many students attended seminar classes unprepared. Furthermore, poor teamwork as referred to earlier may have affected the quality of lesson plans. However, as the law students expressed such great dissatisfaction with this element of the programme, the Institute might review the support given to students with lesson planning. Further classes may be required on how to prepare lesson plans.

Several law students perceived they had developed time management skills over the course of the programme. When discussing time management in the focus groups, the law students referred only to managing class time. Some law students had difficulties managing class time whereas others verbalised that they had no difficulty in managing class time. It was not surprising that some students had difficulty in managing time in classes as they lacked the benefits of formal teacher training. Furthermore, timing with interactive learning methods are challenging. McQuoid Mason and Palmer commented that “unlike lecturing, where time management is relatively easy, interactive learning methods require very careful time management”.⁴⁴⁶ Students did not mention aspects of the programme that would have facilitated the development of their time management skills. However, it is likely that balancing the practical element of *Street Law* with their academic work may have facilitated the development of their time management skills.

During the focus groups, law students perceived that gaining feedback was an important factor in the overall development of transferable skills but did not link feedback to their development of transferable skills. It was encouraging that the focus group responses

⁴⁴⁴ Comment from S7 during the focus group interview. See section 5.3.2.1 for full quotation.

⁴⁴⁵ The Morton lesson plan is a murder trial case involving Michael Morton, found guilty at trial of a murder he did not commit and based on a true case. A case highlighting prosecutorial misconduct.

⁴⁴⁶ David McQuoid-Mason & Robin Palmer, ‘*African Law Clinicians’ Manual*’ (2013) 87

revealed a positive view of feedback from their peers, as peer feedback promotes problem solving. On the other hand, only two respondents voiced how they gained deeper learning from and acted on constructive criticism from lecturers. Considerable time was spent in the focus groups on this topic, with law students voicing criticism in respect to feedback from lecturers, claiming that they tended to be overly critical of their lesson plans and performance in the classroom with pupils, and they complained that lecturers did not provide enough encouragement. These negative emotional responses to the lecturers' feedback may have influenced their perceptions of the usefulness and quality of the feedback. Therefore, one may question if the law students remained in a passive role as receivers during these feedback sessions and question whether they acted on the feedback, given their negative views on it. Interestingly, one student felt dismayed that feedback related to a period of observation by a lecturer when pupils did not engage with the lesson and felt disappointed that the lecturer had not witnessed when the lesson was going well. Students may not appreciate the value of classroom experience that they perceive as 'not going well' and may not appreciate these situations as opportunities for further development of their skills.

A further complaint by the law students was in relation to timely feedback on their lesson plans; stating that they felt they should have received feedback before they had fully completed their lesson plans. The law student responses indicate that the potential of feedback is not being fully realised in the *Street Law* programme. Perhaps, students would benefit from more feedback on lesson plans at an earlier stage of their design. Students appeared uncertain about or unwilling to contact academics for clarification on feedback as they were preparing their lessons, which likely hindered the overall feedback process. The students suggested that they would benefit from the support of law students who had previously completed the *Street Law* programme. It may be that the students would benefit from; modelling of teaching by past *Street Law* students, and support when designing their lesson plans. Students did have the opportunity during the orientation to discuss aspects of the *Street Law* programme with three students who had undertaken the *Street Law* programme in the past and given the opportunity to pose questions. Possibly, the students would have benefited from this experience after one or two weeks of teaching in the schools. The challenge for the LYIT academics is to find the means to comprehend law students' perceptions of feedback and to identify approaches and strategies that can increase the efficacy of the feedback.

Most of the students noted that they had developed reflective skills because of the programme. It was encouraging that some students reflected while engaged in teaching, making on the spot decisions to actively engage the students and keep them working. These students sorted out challenging or problem situations by reflecting in action. However, apart from naming the skill, many students did not expand on reflective practice. None of the law students mentioned reflective skills when asked, "What skills are required to deliver the *Street Law* programme? Furthermore, none of the participants gave reflection a high priority in terms of skills gained from the programme. Grimes et al⁴⁴⁷ argue that doing and reflecting is at the heart of the clinical ethos. Dewey⁴⁴⁸ regarded reflection as a well-recognised, central element to successful learning and reflection is part of continued life-long learning. Pinder, stated that it was important for law students to "reflect on how they themselves most effectively learn" because "despite three years of law school, much of the specialized information [they] will need to acquire will be learned on the job."⁴⁴⁹ Considering these experts views, the failure of the students to prioritise 'reflection' is somewhat disappointing, especially as the students were encouraged throughout the programme to reflect on the successes and failures of their classroom experiences and to consider options/ideas for designing effective classes. They were required to write a reflection following each classroom session with the pupils regarding the presentation of their lesson, areas for improvement, and their learning, among other things. Furthermore, the learning outcomes for the *Street Law* programme clearly include reflective skills, and 20% of the marks are accounted to reflection in the final assessment.

It may be argued that greater emphasis and practice of reflection may have improved the development of law students CT skills, as interpretation and analysis are required for reflection.⁴⁵⁰ There may be several explanations for the law students' lack of emphasis on reflective skills. Firstly, the students may not have received the necessary support from mentors/lecturers of the Institute. As discussed above, students had complained that

⁴⁴⁷ Richard Grimes and others, 'Clinical Legal Education: Active Learning in your Law School' (1998) 2

⁴⁴⁸ John Dewey, *How we think: A restatement of the relation of reflective thinking to the educative process* (D.C. Heath 1933)

⁴⁴⁹ Kamina A. Pinder, 'Street Law: 25 Years and Counting' (1998) 27 (3) *Journal of Law & Education* 231

⁴⁵⁰ *Ibid* 211

they received feedback at a late stage of the programme. It may have been helpful if mentors/lecturers met with the law students following their observations in the schools to promote learning through reflection. In addition, it may be helpful for lecturers to review the law students' reflective entries on a weekly basis in order to support the students in reflective practice. Finally, a deterrent or restraint for reflective practice is lack of time and the law students had referred to a heavy workload on several occasions.

6.3 Conclusion

It is encouraging to see that overall, the LSRP test results and the responses from the law students during the focus groups were positive in terms of CT skills and other transferable skills due to their participation in the *Street Law* programme. While students did not significantly improve in CT skills over the course of the *Street Law* programme, significantly higher post-test scores were observed in CT dispositions; specifically, in 'Mental Focus' and the two confidence subscales; 'Communicative Confidence' and 'Professional Confidence'. Factors such as the timing of the tests may have impacted the results. The analysis of the qualitative data was somewhat disappointing as the law students did not discuss in a meaningful way the development of transferable skills including CT skills and did not significantly detail how the *Street Law* programme advanced the skills they felt they had developed. However, these findings may be significant as it indicates that law students need more knowledge as to the importance of transferable skills as an objective of the *Street Law* programme at the LYIT. In addition, the results of the study demonstrate that law students require further instruction on the importance of CT skills and other transferable skills for law students to practice modern day law and practice lifelong learning.

CHAPTER SEVEN – CONCLUSIONS, LIMITATIONS AND RECOMMENDATIONS

7.1 Introduction

The final chapter commences by reiterating the aims of this research study and providing a synopsis of the quantitative and qualitative methods used. The study presents conclusions drawn from the summary of the research literature and the findings and analyses derived from the quantitative and qualitative aspects of the study. The researcher then discusses limitations of the study followed by recommendations for the *Street Law* programme and a proposed framework for future *Street Law* programmes at the LYIT. Finally, this chapter concludes with recommendations for further research based on the findings of this research study.

7.2 Conclusions

The aim of the proposed research is to examine the effectiveness of a novel *Street Law* programme, in terms of its effectiveness in developing CT skills amongst law students. Students (N=10) were tested over a period of one semester during the *Street Law* programme. The LSRP assessment was used to assess students' CT skills objectively from two points in time; before (pre-test) and after (post-test) the *Street Law* programme. Focus groups were then, conducted to discover whether the students had developed transferable skills including CT skills.

Significant information gained in this study may prove useful for future *Street Law* programmes at the LYIT and potentially beyond. It was apparent from a review of the literature and on reviewing *Street Law* programmes within HEIs internationally that the transferable skills most frequently highlighted as acquired by law students are communication skills and CT skills. The literature review also indicated that CT, espoused as important in policy documents and by many academics and employers, including those in the legal profession, agree that HEIs need to focus on the development of undergraduates CT skills. The literature review indicated that *Street Law* provides numerous benefits to secondary school students in terms of transferable skills, due to their participation in *Street Law* programmes; yet no studies have explicitly assessed the development of law undergraduates CT skills from participation in such programmes.

There is clearly a lack of agreement regarding the definition of the concept of CT. It was notable, as evidenced by their interview responses, that law students seldom, if ever, used terminology such as inference, deduction or evaluation in relating to CT. They often failed to discuss aspects of the programme that facilitated the development of CT skills or dispositions. Addressing the limitations described below, may have provided a more accurate assessment of the law students CT skills. The qualitative findings, although adding to the results of the LSRP test to some degree, did not significantly provide as much information on the law students' development of CT skills and other transferable skills as was expected by the researcher at the outset of the study, as only the first theme 'transferable skills' related to the research question.

Despite the students' lack of focus on CT during the focus group discussions, the current study revealed a significant discovery. The law undergraduates at LYIT exhibited considerable enjoyment and enthusiasm for the programme and overall, the LSRP test results and the responses from the law students during the focus groups were positive in terms of developing CT skills and other transferable skills due to their participation in the *Street Law* programme. Overall students showed significant improvement on Part One of the LSRP, with a lesser improvement in their overall CT skills score on Part Two. Thus, the law students did not apply their mindsets to think critically. However, the interactive or cooperative learning methods used in *Street Law* as a form of CLE hold promise as a means of stimulating the development of CT.

There was a consensus among participants that they had gained CT skills and communication skills more specifically presentation skills, public speaking skills and communicative confidence, due to their participation in the *Street Law* programme. Other transferable skills that participants perceived they gained but were not as highly prioritised were teamwork, organisational skills and reflection. Active learning methods and classroom management undoubtedly improved the law students' CT skills and communication skills. However, unlike the only previous study on *Street Law* (law students), findings in the current study indicated that most law students were not primarily motivated to embark on the *Street Law* programme to improve their CT skills. Four students did state that they wished to improve their public speaking skills. Assessing CT skills in this cohort of law students was challenging, as it was impossible to ascertain if the law students' motivation in applying themselves to the tests were similar on both

occasions. The two subthemes emerging from the second theme ‘The *Street Law* programme’ were ‘lesson plans’ and ‘feedback’. Overall, the participants voiced much criticism in respect to these two elements of the *Street Law* programme. However, the value of the law students’ criticism of the *Street Law* programme assisted the researcher in developing recommendations to improve the current *Street Law* programme, as described in the next section of this chapter.

On commencement of the *Street Law* programme, as stated above, students were not originally motivated to develop their CT skills. However, many of the law students have achieved improvements in transferable skills, including CT skills, which may ultimately translate to lifelong learning as law professionals. One may conclude that the *Street Law* programme at LYIT is a powerful means to remedy the skills deficits faced by law undergraduates today.

7.3 Limitations

There were several limitations apparent to the researcher in this study. One of the main limitations of this study was the relatively small sample size. Therefore, the findings cannot be generalised to similar populations. Although positive results were gained in many subscales, the sample size was too small (N=10) to achieve statistical significance in all statistical analyses, which leads one to question if statistical significance could have been gained had the sample been larger. However, the mixed methods design can decrease the effect of this limitation.

A further limitation of this study was the lack of prior research on *Street Law* programmes. However, the descriptive exploratory nature of this study has served as an opportunity to highlight the need for further research on *Street Law*.

As this study was limited by the lack of a control group, the researcher cannot be sure that the positive gains in CT skills and dispositions were solely as a result of participating in the *Street Law* programme or if other variables such as the law students other modules that ran concurrently affected the results. Thus, the use of a control group may have validated the effectiveness of *Street Law* as a skills-based module in developing the law students’ skills by using a comparative study with a random group of law students from the same year who had not undertaken the *Street Law* programme.

The LSRP pre-test was administered prior to any engagement with *Street Law* when students did not have heavy workload and appeared enthusiastic. However, the post-test was administered in the law students' final week and end-of-semester exams where expected stress and pressure may have influenced the quality of the post-test. Furthermore, some law students appeared tired prior to applying themselves to the post-test.

Finally, the researcher drafted the focus group questions (see Appendix K) in a manner intended to avoid any bias towards prompting the law students to discuss specific transferable skills. In addition, the researcher was inexperienced in facilitating focus group discussions. On reflection, and in consideration of the lack of discussion on transferable skills, the researcher would suggest that a richer discussion on transferable skills may have emerged if a pilot focus group had been conducted which would possibly improve the researchers questioning skills and highlight focus group questions that may have required to be amended.

7.4 Recommendations for the Street Law Programme

As the findings revealed that students experienced difficulties, regarding aspects of the *Street Law* programme, in terms of 'feedback' and 'lesson plans' this section contains recommendations for the *Street Law* programme proposing that the programme might further enhance the development of law students' transferable skills. In addition, a proposed framework is given (see section 7.5) which outlines the proposed changes to the *Street Law* programme.

Currently, the *Street Law* programme has six learning outcomes; of which five do not refer to CT skills. Learning outcome four states that on successful completion of the module, the learner will be able to '*Plan and deliver Street Law (interactive problem-based) lessons in selected areas of Irish law*'. Although CT skills are clearly required to plan and deliver *Street Law* (interactive problem-based) lessons, CT skills are not readily apparent to the reader. Therefore, it would be appropriate to make it clearer in the learning outcomes that learners can expect to gain CT skills through participation in the *Street Law* programme. In addition, the LYIT may consider providing an explicit definition of CT at the beginning of their *Street Law* programme and this may help law students to grasp the concept of CT more firmly.

Students experience more pressure and workload in their final year. It would also be useful, therefore, to offer the *Street Law* programme to law students in the second year of their law degree as opposed to their final year. This would allow the students to commit more time and work to the *Street Law* programme.

In order that law students are cognisant of the requirements of participating in *Street Law*, students may benefit from receiving detailed instructions on their assessments to include:

- a. A list of dates for submission of reflections and lesson plans at the beginning of the *Street Law* programme with a feedback review on students' reflections and lesson plans following the first two weeks of the law students' delivery of *Street Law* lessons. This may ensure that students understand how to reflect, as well as ensuring that students are developing comprehensive lesson plans.
- b. A list of confirmed dates for teaching in schools and outreach sessions.

It may benefit students to increase timetabled hours from three hours of class time in the Institute to five hours of class time, which might help to ensure that students have adequate time to prepare and practice *Street Law* lesson plans. In addition to the five hours of class time, students may also benefit from having the weekly seminar session increased from one hour to two hours where students may receive further feedback on their performance in the schools and a peer review of what worked well or not so well in the schools. Furthermore, to improve law students' reflective skills, a structured reflection form should be provided to students that focuses on elements of CT skills and other transferable skills.

Finally, as students identified that it was through teaching and delivering their lesson plans in the schools that strongly facilitated the development of transferable skills, the researcher recommends an increase in the number of weeks teaching in the schools.⁴⁵¹ Additionally, an extra week to prepare for the mock trial at LYIT would benefit students in their instruction and benefit pupils in their delivery and performance.

⁴⁵¹ During *Street Law* 2018, students delivered lessons in schools over a period of four weeks. This could be increased to the proposed seven weeks (see section 7.5)

7.5 Street Law Programme Framework

Week One	Week Seven
Explanation and discussion of how to prepare a detailed Lesson Plan and the necessary elements required.	Teaching in Schools
How to create discussion (Seminar Class)	Practice of Morton Lesson Plans (Seminar)
Week Two	Week Eight
Prepare Lesson Plans with teaching partner in class.	Teaching in Schools (Morton Lesson Plan)
Constructive feedback session on practice of Lesson Plans with Street Law coordinators and peers (Seminar Class)	Feedback on Reflections and Lesson Plans to date (Seminar)
Week Three	Week Nine
Teaching in Schools	Creating Lesson Plans for Mock Trial Preparation
Peer feedback: sharing what worked well (Seminar Class)	Peer and Coordinator Feedback on practice of lessons (Seminar)
Week Four	Week Ten
Creating and practicing Lesson Plans	Teaching in Schools (Mock Trial Preparation)
Feedback on Reflections: Learning from my own teaching (Seminar Class)	Feedback on Mock Prep (Seminar)
Week Five	Week Eleven
Teaching in Schools	Teaching in Schools (Mock Trial Preparation)
Peer Feedback: What works? (Seminar)	Discussion of roles and layout for Mock Trial
Week Six	Week Twelve
Teaching in Schools	Mock Trial to be held at LYIT
Practice and feedback for Lesson Plans (Seminar)	Feedback on Mock Trial Performance
	Week Thirteen
	Final Submission of assessments: Reflection Portfolio to be completed, Lesson Plan booklet to be completed.

7.6 Recommendations for Future Research

From the limitations discussed in the previous section and the paucity of research examining the effectiveness of Street Law programmes in facilitating the development of law students' key transferable skills, there are several directions for future research. The researcher therefore recommends the following research for future development of accredited Street Law programmes.

1. Future research studies need to investigate the effect of different variables of the Street Law programme in the development of CT skills and dispositions such as examining the structure of the Street Law programme, the amount of lecturer intervention in the students' learning process, and possibly effectiveness due to increased class time.
2. It would be useful to undertake further research into testing students' development of CT skills from participation in a Street Law programme using a control group for comparative purposes.
3. A longitudinal study with different cohorts of students to provide a more comprehensive insight into the effectiveness of Street Law programmes in progressing law students and second level pupils transferable skills.

Finally, if future research is conducted on the development of CT skills due to participation in Street Law, the researcher recommends that a Street Law 'Skills Based Universal Framework' is developed to promote consistency in the development of skills throughout all HEIs that offer a Street Law programme.

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	Communication	Team work	Thinking on your feet	Self-reflecting	Researching	Presentation	Time management	Public speaking	Problem Solving	Critical Thinking	Interpersonal	Planning and Preparation	Organisation	Confidence	Reading, writing and Listening
BPP University Law School⁴⁵²	X	X	X	X	X	X	X								
Bangor Law School⁴⁵³		X			X	X		X							
University of Essex⁴⁵⁴		X			X	X			X				X		
De Montfort University Leicester⁴⁵⁵	X	X			X				X	X					
University of East Anglia⁴⁵⁶	X	X													
The Law Society of Scotland⁴⁵⁷					X	X			X			X		X	
University of Liverpool⁴⁵⁸	X				X	X									
Jordanstown Streetlaw⁴⁵⁹	X	X							X	X	X	X	X		
Queens University⁴⁶⁰	X	X			X	X	X		X					X	
Letterkenny Institute of Technology⁴⁶¹	X	X		X	X	X					X	X			
The Law Society of Ireland⁴⁶²					X	X			X			X		X	

⁴⁵² BPP University Law School Pro Bono Centre Streetlaw Volunteer Handbook 2016-17. BPP currently have seven universities delivering Street Law programmes

⁴⁵³ Bangor University Law School, available < <https://www.bangor.ac.uk/law/streetlaw.php.en> > accessed 26 January 2017

⁴⁵⁴ University of Essex Streetlaw available < <http://www.essex.ac.uk/law/about/street-law.aspx> > accessed 26 January 2017

⁴⁵⁵ De Montfort University Leicester Street Law programme available < <http://www.dmu.ac.uk/about-dmu/schools-and-departments/leicester-de-montfort-law-school/dmu-street-law.aspx> > accessed 14 March 2017

⁴⁵⁶ University of East Anglia Street Law programme available < <https://www.uea.ac.uk/law/clinic/community-outreach/street-law> > accessed 15 March 2017

⁴⁵⁷ Law Society of Scotland Street Law available < <http://www.lawsoc.org.uk/education-and-careers/schools/street-law/> > accessed 6 November 2016

⁴⁵⁸ University of Liverpool Street Law available < <https://www.liverpool.ac.uk/law/liverpool-law-clinic/pro-bono-projects/> > accessed 14 March 2017

⁴⁵⁹ Ulster University, Jordanstown Street Law available:

< http://www.socsci.ulst.ac.uk/prog_spec/law/Law%20LLB%20Hons%20with%20minor%20subjects%20JN%20ME%20wstc%20280205.pdf > accessed 26 Jan 2017

⁴⁶⁰ Queens University Street Law available < <http://www.qub.ac.uk/schools/SchoolofLaw/Study/why-law/streetlaw/> > accessed 25 January 2017

⁴⁶¹ See Appendix E – LYIT Street Law Module

⁴⁶² Law Society of Ireland Street Law available < https://www.lawsociety.ie/Documents/education/Diplomas/Summer_2014/Street_Law.pdf > accessed 28 October 2016

<u>Transferable Skills purportedly developed by law students participating in a Street Law programme in Universities across the UK, Ireland and Internationally</u>															
D.C. Street Law⁴⁶³			X		X	X							X		X
North Carolina Central University⁴⁶⁴	X		X			X		X							
University of California, Los Angeles⁴⁶⁵	X								X	X			X		
University of Washington⁴⁶⁶	X	X						X		X			X	X	
St John's University NY⁴⁶⁷	X	X		X	X	X	X	X	X	X	X				X
Stanford University Law School⁴⁶⁸	X	X				X									
University of Pennsylvania⁴⁶⁹	X								X	X					
University of Kwazulu-Natal⁴⁷⁰	X		X				X								X
University of the Western Cape Town⁴⁷¹	X					X							X		
University of Melbourne⁴⁷²	X	X	X			X		X		X	X				X
Bitney College Prep⁴⁷³								X		X					X

⁴⁶³ Georgetown University Street Law available <<http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/DC-Street-Law-Program/upload/Fall-Spring-Descriptions.pdf>> accessed 26 January 2017

⁴⁶⁴ North Carolina Central University Street Law programme available <<http://law.nccu.edu/clinics/street-law/>> accessed 14 March 2017

⁴⁶⁵ University of California, Los Angeles Street Law available <<http://www.law.ucla.edu/academics/curriculum/course-list/law-712/>> accessed 14 March 2017

⁴⁶⁶ University of Washington Street Law available <<https://www.law.washington.edu/clinics/streetlaw/>> accessed March 2017

⁴⁶⁷ St John's University Streetlaw programme available <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1288065> accessed 26 January 2017

⁴⁶⁸ Stanford University Law School Street Law available <<http://web.stanford.edu/group/streetlaw/cgi-bin/wordpress/wp-content/uploads/2011/10/SL-Teacher-Handbook-2012-2013.pdf>> accessed 14 March 2017

⁴⁶⁹ University of Pennsylvania Street Law available <<https://www.law.upenn.edu/probonoprojects/streetlaw/about-us.php>> accessed 14 March 2017

⁴⁷⁰ University of Kwazulu-Natal Street Law available <<http://www.ukzn.ac.za/ukznonline/v4/25/Street-Law.pdf>> accessed 14 March 2017

⁴⁷¹ University of the Western Cape Town Street Law available <<https://www.uwc.ac.za/Pages/AllProgrammes.aspx>> accessed 15 March 2017

⁴⁷² University of Melbourne Street Law available <<https://handbook.unimelb.edu.au/view/current/LAWS50102>> 15 March 2017

⁴⁷³ Bitney College Prep Street Law available <<http://www.bitneyprep.net/program/elective-classes/street-law/>> accessed 15 March 2017

Transferable Skills reported in the Street Law Literature															
	Communication	Team work	Thinking on your feet	Self-reflecting	Researching	Presentation	Time management	Public speaking	Problem Solving	Critical Thinking	Interpersonal	Planning and Preparation	Organisation	Confidence	Listening and writing and
McQuoid-Mason⁴⁷⁴	X		X	X				X	X		X			X	X
Suhaimi & Zulkifli⁴⁷⁵	X	X		X	X										
Richard Roe⁴⁷⁶	X				X				X	X	X	X			
Felisa Tibbitts⁴⁷⁷	X	X				X			X	X				X	
Sean Arthurs⁴⁷⁸	X														
McQuoid-Mason & Robin Palmer⁴⁷⁹	X		X					X							
Kamina A. Pinder⁴⁸⁰			X	X							X	X	X		
Patricia Grande Montana⁴⁸¹	X		X	X	X		X		X					X	X
Richard Grimes et al⁴⁸²	X	X			X				X						
Sarah Morse & Paul McKeown⁴⁸³	X				X				X						
Vernon Valentine Palmer et al⁴⁸⁴			X												

⁴⁷⁴ David McQuoid-Mason, 'Street Law as a Clinical Program: The South African Experience with Particular Reference to the University of KwaZulu-Natal' (2008) 17(1) GLR 36

⁴⁷⁵ Asnida Mohd Suhaimi & Nur Farzana Mohd Zulkifli, 'Street Law Based CLE: A Student-Impact Assessment' (2012) International Journal of CLE 221

⁴⁷⁶ Richard Roe, Law School – High School In Sarah E. Redfield (ed) 'The Education Pipeline to the Professions: Programmes That Work to Increase Diversity' (CP 2012)

⁴⁷⁷ Felisa Tibbitts, 'Manual on Street Law type Teaching Clinics at Law Faculties: Rationale for Street Law type Teaching Clinics' (2001) COLPI Paper 3, 13

⁴⁷⁸ Seán G. Arthurs, 'Street Law: Creating Tomorrow's Citizens Today' LCR 19 (4) (2015) 925

⁴⁷⁹ David McQuoid-Mason & Robin Palmer, 'African Law Clinicians' Manual (2013) 4

⁴⁸⁰ Kamina A. Pinder, 'Street Law: 25 Years and Counting' (1998) 27 (3) Journal of Law & Education 211

⁴⁸¹ Patricia Grande Montana, 'Lessons from The Carnegie and Best Practices Reports: A Look at St. John's University School of Law's Street Law Program as a Model for Teaching Professional Skills' (2009) 11 T.M Cooley J. Prac. & Clinical L 97

⁴⁸² Richard Grimes and others, 'Street Law and Social Justice Education' in Frank S. Bloch (ed) 'The Global Clinical Movement: Educating Lawyers for Social Justice' (OUP 2011)

⁴⁸³ Sarah Morse & Paul McKeown, 'Further Developing Street Law' in Chris Ashford & Jessica Guth (eds) The Legal Academics Handbook (Palgrave 2016) 85

⁴⁸⁴ Vernon Valentine Palmer, Mohamed Y. Mattar and Anna Koppel (eds) 'Mixed Legal Systems, East and West' (Ashgate 2015) 282

Appendix C

Irish Professional Bodies

In the Republic of Ireland, there are two professional bodies for lawyers. The Honorable Kings Inns⁴⁸⁵ who provide training to become a Barrister and The Law Society of Ireland⁴⁸⁶ who provide training to become a Solicitor. Both professions require law graduates to pass entrance examinations followed by enrolment on a Professional Practice Course. However, law degree is not a requirement of the Law Society of Ireland as it is for the Honourable Kings Inns. Non-graduates may sit a preliminary examination and must pass prior to the entrance examination.

⁴⁸⁵ The Honorable Kings Inns available < <https://www.kingsinns.ie/prospective-students/about-the-school> > accessed 20 March 2017

⁴⁸⁶ The Law Society of Ireland available < <https://www.lawsociety.ie/Public/Become-a-Solicitor/> > accessed 20 March 2017

Appendix D

Twenty-Six Effectiveness Factors with Eight Umbrella Categories

1: Intellectual & Cognitive

Analysis and Reasoning

Creativity/Innovation

Problem Solving

Practical Judgment

2: Research & Information Gathering

Researching the Law

Fact Finding

Questioning and Interviewing

3: Communications

Influencing and Advocating

Writing

Speaking

Listening

4: Planning and Organizing

Strategic Planning

Organizing and Managing One's Own Work

Organizing and Managing Others (Staff/Colleagues)

5: Conflict Resolution

Negotiation Skills

Able to see the world through the Eyes of Others

6: Client & Business Relations – Entrepreneurship

Networking and Business Development

Providing Advice & Counsel & Building Relationships with Clients

7: Working with Others

Developing Relationships within the Legal Profession

Evaluation, Development, and Mentoring

8: Character

Passion and Engagement

Diligence

Integrity/Honesty

Stress Management

Community Involvement and Service

Self-Development

Source: Shultz and Zedeck (2011)

Appendix E

Module Title: Street Law

Module Code:

Credits: 10

Credit Level: 7

Prerequisite Modules: None

Hours per Week	
Lectures	0
Tutorials	
Lab/Studio/Practicals	6
Online	
Independent Learning	7
Total	13

Description:

This is a clinical legal education module with community engagement. It is a form of public legal education where learners teach law to a target audience using an interactive problem-based methodology. The learner's transferable skills and their understanding of the law and their own role within it are enhanced through experiential learning while providing a service to the community.

Module Learning Outcomes:

- On successful completion of this module the learner will be able to:
- Develop an awareness of the community and social justice aspects of the law, the role of lawyers and their own role as law students.
- Develop teamwork, self-management and reflective skills under close supervision.
- Plan and deliver Street Law (interactive problem-based) lessons in selected areas of Irish law.
- Enhance interpersonal, communication and organisational skills through effective interaction with the target audience using a digital platform with the benefit of a mentor(s)
- Interact professionally with the target audience, their support staff, academic mentors and learner's own colleagues.
- Develop a belief in their own capacity to teach and understand law.

Indicative Content:

Induction to Street Law methodology

- Identification of 'unmet legal need' and need for pro bono legal work
- Development of Community Legal Education internationally and nationally
- Street Law history and development
- Street Law methods and case-studies

Skills workshop:**Orientation Clinic to include**

- Street Law methodology
- Teamwork skills
- Presentation of legal information in an accessible manner
- Reflective learning and practice
- Mentoring
- Managing Expectations

Preparation for delivery:**Emancipatory teaching and learning which will involve**

- Engagement with target audience
- Identification and agreement on legal topics with target audience
- Researching, planning, devising and rehearsing interactive lesson plans
- Ethical considerations
- Feedback and peer review

Delivery:**Practical implementation of the lesson to include**

- Problem Based Learning
- Creation of a trajectory of complexity
- Small-group work strategies
- Group/classroom management
- Digital interaction with target audience
- Creation of a blog
- Preparation and management of a Mock Trial
- Building a repository of lesson plans

Evaluation:

- Feedback from target audience
- Learner de-briefing
- Reflective Learning
- Developing an e portfolio

Module Assessment:

Coursework 100%

Learning Outcome	Addressed by	
	Coursework	End of Semester Final Exam
1	x	
2	x	
3	x	
4	x	
5	x	

Indicative Coursework Description

Assessment of this module will be focused on the preparatory file of work, presentation and coordination of the lessons and reflective evaluation post-delivery. The assessment will require evidence of skills attained such as time management, teamwork, appropriate legal research, effective communication skills, presentation management, critical analysis and adherence to professional ethics throughout. This evidence will comprise a variety of modes to include written reports, a learning log/journal, various presentations throughout and observation and evaluation of the learner's performance.

Resources:

Note: Learning resources will also be available on Blackboard.

Essential Reading				
Author	Year	Title	Publisher	ISBN
Arbetman, Lee P. and O'Brien, Edward L.	2016	Street Law a Course in Practical Law	Mc Graw Hill Education	9780021429257
Maharg, Paul	2016	Transforming Legal Education	Routledge	9781138248274
Kerrigan, Kevin and Murray, Victoria	2011	A Student Guide to Clinical Legal Education and Pro Bono	Palgrave Macmillan	9780230249639
Supplementary Reading:				
Blake, Susan	2009	A Practical Approach to Effective Litigation, Seventh Edition	Oxford University Press	9780199550302
Brayne, Hugh, Duncan, Nigel and Grimes, Richard.	1998	Clinical Legal Education	Blackstone Press Limited	1854318314

Other Resources

Webography

skills4studycampus.com

Library databases

Justis

Lexis-Nexis-online newspapers and business (including international papers)

Lexis-Nexis-legal

Westlaw

Other useful websites

The LYIT Street Law website www.StreetLaw.ie

Street Law Inc., a global non-profit organisation www.StreetLaw.org

Model lesson plans from the University of Washington School of Law www.law.Washington.edu

DC Street law programme at Georgetown Law School, Washington DC www.law.Georgetown.edu

British and Irish Legal Information Institute www.bailii.org

Irish Legal Information Initiative- University College Cork www.irlii.org

Irish law site at University College Cork www.irish-law.org

The electronic Irish Statute Book www.irishstatutebook.ie

Citizens Information www.citizensinformation.ie

The Courts Service of Ireland www.courts.ie

The Law Society of Ireland www.lawsociety.ie

The Honourable Society of King's Inns www.kingsinns.ie

The Bar Council and Law Library of Ireland www.Lawlibrary.ie

The Law Reform Commission of Ireland www.lawreform.ie

Library journals

Irish Current Law Monthly Digest

Irish Jurist

Irish Law Reports Monthly

Irish Reports

Specific journal articles

Arthurs, Sean G. 'Street law: creating tomorrow's citizens today.' *Lewis and Clark Law Review* 12/2015 Volume 19 Issue 4.

McKendrick, Heather. 'Take it to the schools: after running a successful pilot teaming up with law students to educate school pupils in the law and legal skills, the society is looking for more students (and graduates) to help expand its "Street Law" scheme.' *The Journal of the Law Society of Scotland*, 12/2014, Volume 59 Issue 12.

McQuoid-Mason, David. 'Street Law as a clinical program the South Africans experience with particular reference to the University of KwaZulu-Natal.' *Griffith Law Review*, 2008, Volume 17 Issue 1.

Appendix F

Aliens Lesson Plan

1. Divide students into small groups of 4-6. Give one envelope to each group. Each envelope should contain 15 strips of paper, each with a separate right printed on it (see below for the rights).
2. Intro: Tell students that aliens have taken over our country. Thankfully, they're friendly aliens who want to let us live our lives without interruption. However, they think we have too many rights. They've asked you to meet as a group to eliminate 4 of your rights (that are least important to you). You must come to a decision, and you must be unanimous in that decision.
 - a. Allow as much time as there is fruitful discussion – usually 5-10 minutes.
 - b. Give the students a 1-minute warning to come to their decision.
 - c. At the end of the time, collect the discarded rights.
3. Tell the students that the aliens are very happy with your work, but they still think you have too many rights. Have them eliminate 4 more rights and remind them to come to a unanimous decision.
 - a. Again, allow 5-10 minutes for students to decide. Give 1 minute warning.
 - b. Collect discarded rights.
4. Tell the students that, once again, the aliens are happy with their work. In fact, the aliens let the students live with their 7 remaining rights for a full year. Then, they decided that 7 rights were still too many. They want you to eliminate 4 more rights (again, unanimously), leaving you with your 3 most important rights.
 - a. Allow 5 minutes then collect discarded rights.
5. Ask each group to report their decision. Write results on the board.
6. Group discussion:
 - a. Note which rights were most/least commonly picked.
 - b. What strategies did the groups use to come to their conclusions?

- c. What were the challenges they faced?
- d. Why did they preserve certain rights and eliminate others? What makes a right “important” to them?

Human Rights

Freedom of Speech

Freedom of the Press

Freedom of Religion

Right to Privacy

Freedom from Unreasonable Searches and Seizures

Equal Protection under the Law

Right to a Lawyer

Right to Assemble Peaceably

Right to Bear Arms

Right to Vote

Right to Work

Right to Marriage and Family

Right to Education

Right to Travel

Right to Life, Liberty and Due Process of Law

Source: Arthurs and Others (2017)

Appendix G

Participant Consent Form

Project Title: Street Law in Ireland: The effectiveness of a Street Law programme in developing critical thinking skills amongst undergraduate law students.

Name of Researcher: Tilly Green

Please indicate whether you agree or do not agree to take part in this study:

I AGREE to take part in the above named research study.

I DO NOT AGREE to take part in the above named research study.

If you have agreed to take part in this study, please answer the following statements by ticking yes or no:

Yes No

I have read the participant information leaflet enclosed and I understand the contents.

I will participate in a pre-test and post-test survey and a focus group.

I understand that the focus group will be recorded and that transcription will be secured in an encrypted file on the researcher's password protected computer.

I have been given the opportunity to ask questions and my questions have been answered to my satisfaction.

I understand that all the information gathered will be kept strictly confidential and that my identity will be anonymised.

I understand that my participation is voluntary and that I may withdraw from the study at any time until the data analysis stage.

I understand that this research will be published in the form of a Masters by Research Thesis and also may be published in conference papers/ journal articles.

I understand that participating in this study and/or withdrawing from it will bear no consequences to my course or assessments now or in the future

Participant's Name (Print):

Contact Email:,

Participant's Signature:

Date:

Appendix H

Participant Information Leaflet

Title of Study:

Street Law in Ireland: The effectiveness of a Street Law programme in developing critical thinking skills amongst undergraduate law students.

Name of Researcher: Tilly Green

Purpose of Study:

Studies have shown that critical thinking is an essential and important skill in higher education programmes. However, the development of critical thinking skills through participation in a Street Law programme is unclear. Therefore, the purpose of this study is to examine the effect of a novel undergraduate Street Law programme in terms of its effectiveness in developing law students' critical thinking skills.

Why have I been invited to take part?

You have been invited to participate in this research as you are currently a third year law student at Letterkenny Institute of Technology undertaking the Street Law module.

Voluntary Participation and Right to Withdraw:

Your participation in this study is voluntary. You have the right to refuse to participate in this study. As I am both the researcher and a Mentor of the Street Law Programme, I wish to reinforce the position regarding voluntary participation as I want you to feel comfortable, and assure you that your decision regarding participation will in no way affect either your relationship with the researcher or the coordinators of the Street Law Programme; or will it bear any consequences for you, your course or your assessments, now or in the future. It is your decision whether or not to take part in this study. You will be asked to sign a hard copy consent form if you decide to take part in this study. Following your signed consent, you are still free to withdraw from the study at any time up to the stage of data analysis. In addition, your withdrawal from the study will bear no consequences for you and will not affect relationships you may have with the researcher/mentor or with coordinators involved in the Street Law Programme.

Study Procedures:

The researcher will meet with you during one of the timetabled seminar classes to explain the purpose of the research and to answer any questions you may have. If you agree to participate in this study, you will be invited to take part in a pre-test prior to delivering the Street Law lessons to the secondary school pupils, and a post-test survey following the mock trial and after the final delivery of the Street Law lessons. You will also participate in a focus group discussion during the last week of timetabled Street Law classes. Details of all procedures are as follows:

Pre-Test and Post-Test Survey:

The test is known as the Legal Studies Reasoning Profile (LSRP) and contains two parts. Part one consists of 10 attributes that test the ability to think critically. This comprises 90 statements in a format of agree or disagree. The time allowed for this is 30 minutes.

Part two is an objective measure of the core reasoning skills essential for law students. This consists of 6 sections; one section for overall critical thinking and five specific skills sections. There are 35 text & data scenarios in the format of multiple choices. The maximum time allowed for this is 60 minutes. The LSRP is not a test of legal knowledge. It is a test of reasoning skills, related mental disciplines and personal attributes. The total amount of time required of you to take the pre-test and post-test is a maximum of 3 hours. Participation in and delivery of the Street Law module involves weekly reflective seminars using a variety of feedback methods, and participation in these tests can be facilitated during these weekly reflective seminars.

Focus Group Interview:

The focus group will be audio and video-recorded to facilitate analysis and will last approximately 60 minutes. You will not be asked about specific students or staff and we would ask that in the course of your participation you do not name any individual or provide any details on third parties that may be identifiable. The maximum amount of time required of you to participate in the focus group is 60 minutes. However, the focus group will be facilitated during the weekly reflective seminars of the Street Law module.

Confidentiality and Data Protection:

Your identity will remain confidential. Your name and other personal information will be classified. The researcher will be responsible for overseeing the transcription and the

anonymity of the focus group discussion. All information collected as part of the study will be stored securely on password protected computers. Insight Assessment will hold the data from the online assessment in encrypted files. Access is restricted by password protection and there is no identifiable information of the participants within the data collected. In addition, all data collected will be processed and stored in compliance with relevant data protection legislation and in compliance with LYIT's Guidelines for Electronic Data Storage. The results of the research may be published; however, your names and any other identifying details will not be revealed in any publication of this study.

Benefits and Risks:

While there will be no direct benefit to you from the study, the findings have the potential to make a contribution to our understanding of the effectiveness of the Street Law module in terms of developing critical thinking skills. The findings of this study may be submitted for publication. However, no individual participant will be identified in any publication or presentation and only anonymised quotes will be used. There are no known risks associated with participation, other than some possible inconvenience in conducting the survey and focus group.

How will my Information be used?

In combination with other participating law students, your views will be used to develop an understanding of whether participation in the Street Law programme developed your critical thinking skills and/or what aspects of the module best facilitated the development of critical thinking skills. This information may influence quality improvements within the LYIT Street Law module evaluation.

Next Steps:

If you are willing to take part in the study, I would ask you to sign a hard copy consent form to show that you agree to participate voluntarily and that you understand what you are agreeing to participate in.

Contact Information:

If you have questions at any time about this study, or you experience adverse effects as the result of participating in this study, you may contact the researcher whose contact information is provided on the first page. If you have questions regarding your rights as

a research participant, or if problems arise which you do not feel you can discuss with the Primary Investigator, please contact one of my supervisors, their details are on the letter you received. Alternatively, you can contact the Institutional Review Board at Letterkenny Institute of Technology.

Thank you for taking time to read this information leaflet

Appendix I

Attributes and Disciplines of Mind Evaluated on LSRP Part 1

COMMUNICATIVE CONFIDENCE

Communicative confidence measures confidence in oral and written communication and assesses attitudes about technical writing. Individuals who strongly manifest communicative confidence believe that they have the ability to lead groups through the presentation of oral arguments, to read well, and to write effectively about analyses and opinions.

PROFESSIONAL CONFIDENCE

Professional confidence is the self-assurance felt by newly assigned, enrolled, hired or newly promoted individuals regarding their readiness to handle the stress, competitiveness, vocabulary, workload, instructional or orientation methods, and related complexities associated with their new role. Individuals who strongly manifest professional confidence have a positive sense of efficacy in their professional role.

TEAMWORK

Teamwork describes a style of interacting that may be collaborative, competitive or a mix of both depending on what is called for in a given situation. Teamwork scores fall into three categories: The "Consistent Collaborator" style may be well suited for professional responsibilities requiring diplomacy and compromise, such as interest based negotiation and arbitration. The "Lone Competitor" style may be well suited to highly competitive practice settings including potentially confrontational responsibilities. The "Situational Competitor or Collaborator" is comfortable with collaborative effort and with individual competition as well. This style is most effective when working within a collaborative group charged with competing effectively against other groups.

EXPRESSION

Expression describes a style of interacting with peers that may be quietly observational, expressively performing, or a mix of both depending on context. Expression scores fall into three categories: The "Quiet Observer" prefers to stay in the background and observe others even in social situations with peers. The "Expressive Performer" tends to be highly demonstrative and expressive, particularly when with their peers. The "Situational Observer or Performer" may present as a quiet observer or as an expressive performer depending on the context. They are

	<p>comfortable letting others do the talking or, if the occasion demands, being the one who presents information, explanations and analyses.</p>
<p>DIRECTNESS</p>	<p>Directness describes a style of behaving and speaking in relationship to questions or pressure from peers or superiors aimed at seeking their approval, or forthrightly declaring one's views, or a mix of both depending on the situation. Directness scores fall into three categories: The "Approval Seeker" tends to present to peers, supervisors and others as being highly agreeable, even if he or she must exaggerate positive characteristics and conceal weaknesses to do so. A "Forthright Declarer" prefers to describe matters exactly as he or she sees them, to speak bluntly, occasionally to the point of painful honesty, and to make decisions with little concern for whether or not others would approve or agree. "Situationally Direct" individuals may exhibit forthrightness or may withhold their true opinions depending on the situation.</p>
<p>INTELLECTUAL INTEGRITY</p>	<p>Intellectual integrity is the discipline of striving to be thorough and honest to learn the truth or to reach the best decision possible in a given situation. A person with intellectual integrity has a driving desire to follow reasons and evidence courageously wherever they may lead. Individuals who strongly manifest intellectual integrity value objectivity, evidence-based decision-making, and the courageous, fair-minded, and complete pursuit of the best possible knowledge in any given situation.</p>
<p>MENTAL FOCUS</p>	<p>Mental focus is the discipline or habit of being diligent, systematic, task-oriented, organized, and clear-headed. A positive score indicates a person who endeavours to stay on task and approach problems and learning in systematic, focused, organized, and timely way. Mental focus is valuable because it directs attention to the duties and responsibilities of the task at hand.</p>
<p>MENTAL RIGOR</p>	<p>Mental rigor is the discipline to work hard in an effort to analyse, interpret and achieve a deep understanding of complex material. Individuals who strongly manifest mental rigor are willing to engage difficult material and to work hard to analyse complicated situations and problems. They display a desire for learning, and a concern to achieve a deep understanding of events and their causes.</p>
<p>FORESIGHT</p>	<p>Foresight is the habit of approaching problems with a view toward anticipating consequences and outcomes. A foresightful person values clarity and the accurate interpretation of complex problem situations.</p>

**COGNITIVE
MATURITY**

Individuals who strongly manifest foresight value getting the problem right, understanding the reasons pro and con, and projecting the likely outcomes of various options

Cognitive maturity indicates an awareness that there may be multiple potential perspectives on any given situation, problem, proposal or issue. A person who strongly manifests cognitive maturity endeavours to take this into consideration when making important decisions. This person is likely to move forward when an expeditious decision is required, to hold off making a decision if there is time to give the matter fuller consideration, or to reconsider decisions if new evidence emerges.

Appendix J

Reasoning Skills Tested on LSRP Part 2

OVERALL

The Reasoning Skills Overall score describes overall strength in using reasoning to form reflective judgments about what to believe or what to do. High Overall scores are attained by test takers who excel in the sustained, focused and integrated application of core thinking skills measured on this test, including analysis, interpretation, inference, evaluation, explanation, induction and deduction. The Overall score predicts the capacity for success in educational or workplace settings, which demand reasoned decision-making and thoughtful problem solving.

ANALYSIS

Analytical reasoning skills enable people to identify assumptions, reasons and claims, and to examine how they interact in the formation of arguments. We use analysis to gather information from charts, graphs, diagrams, spoken language and documents. People with strong analytical skills attend to patterns and to details. They identify the elements of a situation and determine how those parts interact. Strong interpretation skills can support high quality analysis by providing insights into the significance of what a person is saying or what something means.

INFERENCE

Inference skills enable us to draw conclusions from reasons and evidence. We use inference when we offer thoughtful suggestions and hypotheses. Inference skills indicate the necessary or the very probable consequences of a given set of facts and conditions. Conclusions, hypotheses, recommendations or decisions that are based on faulty analyses, misinformation, bad data or biased evaluations can turn out to be mistaken, even if they have been reached using excellent inference skills

EVALUATION

Evaluative reasoning skills enable us to assess the credibility of sources of information and the claims they make. And, we use these skills to determine the strength or weakness of arguments. Applying evaluation skills we can judge the quality of analyses, interpretations, explanations, inferences, options, opinions, beliefs, ideas, proposals, and decisions. Strong explanation skills can support high quality evaluation by providing the evidence, reasons, methods, criteria, or assumptions behind the claims made and the conclusions reached.

DEDUCTION

Decision making in precisely defined contexts where rules, operating conditions, core beliefs, values, policies, principles, procedures and terminology completely determine the outcome depends on strong deductive reasoning skills. Deductive reasoning moves with exacting precision from the assumed truth of a set of beliefs to a conclusion which cannot be false if those beliefs are true. Deductive validity is rigorously logical and clear-cut. Deductive validity leaves no room for uncertainty, unless one alters the meanings of words or the grammar of the language.

INDUCTION

Decision making in contexts of uncertainty relies on inductive reasoning. We use inductive reasoning skills when we draw inferences about what we think is probably true based on analogies, case studies, prior experience, statistical analyses, simulations, hypotheticals, and patterns recognized in familiar objects, events, experiences and behaviours. As long as there is the possibility, however remote, that a highly probable conclusion might be mistaken even though the evidence at hand is unchanged, the reasoning is inductive. Although it does not yield certainty, inductive reasoning can provide a confident basis for solid belief in our conclusions and a reasonable basis for action.

Appendix K

Focus Group Questions

Introductory question

1. I am just going to give you a moment to think back and tell me why you chose Street Law as your elective module.

Guiding questions

2. What makes the Street Law teaching methodology different?
3. What skills are required to deliver the Street Law programme?
4. When thinking back to before you started this module, did the programme measure up to what you hoped it would be?
5. What did you like best about the programme?
6. Describe what you feel you got out of the programme in terms of transferable skills.
7. What aspects of the programme helped to develop these skills?
8. How would you prioritise the skills that you feel you developed through participating in the Street Law programme?
9. If there were weaknesses in the Street Law programme in terms of the development of your transferable skills, what were they?

Concluding questions

10. If you could change anything about the Street Law programme in terms of the development of transferable skills, what would it be?

Appendix L

Letter for Participation in the Study

Participants Name
Address 1
Address 2
Address 3

Researcher Name
Address 1
Address 2
Address 3

Date:

Project Title: Street Law in Ireland: The effectiveness of a Street Law programme in developing critical thinking skills amongst undergraduate law students.

Dear Participants Name,

My name is xxxxxx; I am a Masters by Research student at Letterkenny Institute of Technology and a Mentor on the Street Law Programme. I am inviting you to take part in the above research study. However, it is important that you understand what this study entails before you decide whether or not to participate. Also, I would like to assure you at this early stage that your decision regarding participation will not in any way affect your course or assessments now or in the future.

I have enclosed an information leaflet for you to review, which contains detailed information on the study. Please take the time to read this leaflet and feel free to ask me any questions in relation to the study or to clarify any uncertainties you may have. Your participation in this study will involve taking part in an online objective critical thinking pre-test and post-test in addition to your participation in a focus group. If requested, the results of the study will be shared with you during a feedback seminar at the end of the Street Law Programme.

You can contact me by email at xxxxxx or by phone on xxxxxx. My supervisors contact details are: Brónagh Heverin: xxxxxx, Siobhan Cullen: xxxxxx & Deirdre McClay: xxxxxx, Department of Law and Humanities, Letterkenny Institute of Technology.

If you are willing to participate and satisfied with the information provided, please complete and sign the consent form enclosed, and return it to me in the envelope provided.

Yours faithfully,

Tilly Green

Appendix M

LSRP Part One Recommended Performance Assessments

Communicative Confidence	Strongly Manifested	This is characteristic of individuals who believe that they have the ability to lead groups through the presentation of oral arguments, to read well, and to write effectively about analyses and opinions.
	Inconsistently Manifested	Inconsistently manifested. This is indicative of those who would describe themselves as having some strengths and yet some deficiencies in the area of oral or written communication, or in the comprehension of technical writing. While not a measure of actual skills, these self-reported concerns suggest the value of a skills assessment and, if warranted, education and training focused on strengthening any skills identified as needing attention.
	Not Manifested	This is indicative of individuals who self-describe as having deficits in communication skills. While not a measure of actual skills, these self-reported concerns suggest the value of a skills assessment and, if warranted, education and training focused on strengthening any skills identified as needing attention.
Professional Confidence	Strongly Manifested	This is expected of individuals who have a strong sense of their perceived efficacy. Perceived efficacy does not equate with actual success, but it does position the individual to approach new experiences within these professional or educational settings with confidence.
	Inconsistently Manifested	This is characteristic of individuals who feel confident that they can handle some parts of their new professional duties, but yet have concerns about their ability to handle other parts. Early successes in addressing areas of concern, along with targeted training and mentoring can build warranted professional confidence.

Intellectual Integrity	Not Manifested	This is characteristic of individuals who have significant concerns about their readiness to assume the range of duties and responsibilities of their professional position. These individuals are encouraged to seek relevant training, mentoring, and to enrol in professional development programs in order to succeed consistently.
	Strongly Manifested	This is characteristic of individuals who value objectivity, evidence-based decision making, and the courageous, fair-minded, and complete in their pursuit of the best possible knowledge in any given situation.
	Inconsistently Manifested	This indicates an ambivalent attitude toward the importance of objectivity, evidence-based decision making, and discovering the truth of the situation. This is characteristic of individuals who strive to follow reasons and evidence wherever they may lead on some occasions, but at other times do not. Poor decision making often results when objectivity and intellectual integrity are abandoned and relevant evidence is neither sought nor considered.
	Not Manifested	This is indicative of an endorsement of intellectual dishonesty and a rejection of the importance of objectivity, reliance on evidence, and courageous truth-seeking when making decisions. This negative habit of mind can result in biased, deceitful or groundless decision making with all the negative consequences attached thereto.
Mental Focus	Strongly Manifested	This is characteristic of individuals who generally engage problems and decisions requiring thoughtful consideration in a systematic, focused, organized, timely and clear-headed way.
	Inconsistently Manifested	This is characterizes those who approach problems and decisions in an orderly, systematic, focused and timely way on some occasions, but at other times do not. Greater attention to planning when and how one will address tasks requiring cognitive resources can

Mental Rigor

Not Manifested

improve focus, as can removing distractions and establishing deadlines and priorities when addressing such tasks.

This is characteristic of individuals who are more haphazard in their thinking, disorganized, unfocused or easily distracted. These difficulties can be addressed by the elimination of distractions and by more attention to organizing time, establishing deadlines, setting priorities, and focusing cognitive resources when preparing to engage in mentally demanding work.

Strongly Manifested

This is characteristic of individuals who are willing to engage difficult material and to work hard to analyse complicated situations and problems. They display a desire for learning, and a concern to achieve a deep understanding of events and their causes. These are most likely to derive their full benefit from professional development programs which include mentally demanding educational elements.

Inconsistently Manifested

This is characteristic of individuals who are willing on some occasions to apply themselves mentally by seeking a deeper understanding, but on other occasions make only a superficial, sloppy or indifferent effort at analysis. This inconsistency often results in the individual's failure to benefit up to their full potential from professional development programs that include mentally challenging educational components.

Not Manifested

This is indicative of a significant inclination not to seek new knowledge and not to examine new content or complex problems in depth. This is characteristic of people who are disposed toward being mentally lazy, sloppy, and apathetic, or even hostile toward detailed and careful inquiry. One result of this attitude is negativity toward professional development programs that have mentally challenging educational components.

Foresight

Strongly Manifested

This is characteristic of individuals who value getting the problem right, understanding the reasons pro and con, and anticipating the outcomes of various options. These individuals display a strong analytical discipline of mind as they strive to anticipate the possible and the probable consequences of decisions.

Inconsistently Manifested

This is indicative of ambivalent or erratic analytical approaches to problem solving. This is characteristic of individuals who display concern to describe problems well, and to anticipate likely consequences of decisions and actions on some occasions; but on other occasions do not. This can result in erratic decision making, at times relying on careful contingency planning, and at other times moving forward without due thought to nature of the issue at hand or to foreseeable consequences.

Not Manifested

This is characteristic of individuals with a strong tendency to be careless about how problems are described, disinterested in hearing reasons, and heedless of consequences of decisions. Decisions made based on misunderstanding the problem or with lack of foresight or concern to anticipate all the possible and likely outcomes can be costly.

Cognitive Maturity

Strongly Manifested

This is characteristic of an individual who has an appreciation for multiple potential perspectives on any given situation, problem, proposal or issue, and the wisdom to take all this into consideration when making important decisions. This person is likely to move forward when an expeditious decision is required, to hold off making a decision if there is time to give the matter fuller consideration, or to reconsider decisions if new evidence emerges.

Inconsistently Manifested

This is characteristic of individuals who equate education with memorization, or equate understanding with the accumulation of factual information. Lacking the skills to adjudicate

Not Manifested	<p>between well-founded opinions and poorly conceived opinions, these individuals often display relativism when faced with ideas, perspectives or interpretations that differ from their own. Thus they excuse themselves from evaluating their own opinions and deflect criticisms others might offer.</p> <p>These individuals tend to see issues in stark black-and-white terms. They are inclined to accept without question whatever an authority figure might assert, they tend to believe that only direct personal experience can yield knowledge, and that what feels right is right. They do not appreciate nuanced perspectives.</p>
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- Scores from 85 to 100 = Strongly Manifested
- Scores from 65 to 84 = Inconsistently Manifested
- Scores from 50 to 64 = Not Manifested

Appendix N

LSRP Part One Metrics

Expression Style

“Expressive Performer”

These individuals tend to be highly social and expressive, particularly when they are with their peers. They are inclined to present their opinions as quickly as they come to mind. Although this can demonstrate their involvement and creativity, they risk being regarded as distractions or domineering due to their consistent flow of input. These individuals may experience difficulties in settings which demand a more thoughtful, individualized approach to problem-solving, and the demonstration of a more independent and focused effort from each individual.

"Situational Observer or Performer"

These individuals may present themselves as quiet observers or as expressive performers depending on the context. They are comfortable letting others do the talking or, if the occasion demands, being the one who presents information, explanations and analyses. Their stance on whether to be more expressive or more standoffish can vary depending on the situation, context and issue at hand.

"Quiet Observer"

These individuals tend to be quietly contemplative even in social situations with their peers. They are highly selective in the expression of their opinions and less likely to make suggestions or to propose options. Although this can provide them with the time to evaluate what others are saying before they take a position, they risk being regarded as non-participatory or disinterested due to their consistent silence. These individuals may experience difficulties in settings that require one to articulate full explanations and to describe problems, options and decisions in detail.

Teamwork Style

"Lone Competitor"

These individuals tend to be highly competitive and they often prefer to compete as individuals. They are less tolerant of being led by peers. They may regard group effort as inherently inefficient and they may equate compromise with defeat. They tend to focus on their own personal assessment of the issues or problem at hand, which at times results in their being regarded as opinionated, aggressive, or rigid in group decision-making contexts.

"Situational Competitor or Collaborator"

These individuals exhibit flexibility in their approach to competition and collaboration. They are comfortable with teamwork and collaborative effort and with individual competition as well. Their style includes collaborating so that their group can compete more effectively, and competing within a group in order to achieve what they may think is a better outcome. Their stance on whether individual competition or team collaboration is preferable can vary depending on the situation and the problem at hand.

"Consistent Collaborator"

These individuals tend to be highly collaborative and they often regard group effort as the ideal approach to problem solving. They are readily open to compromise in order to reach consensus. These individuals are particularly tolerant of group decision making processes, which, at times, results in their being regarded as too focused on process and accord, and not sufficiently concerned with outcomes and results.

Directness Style	"Situationally Direct"	These individuals prefer to describe situations exactly as they see them. They tend to speak forthrightly, occasionally to the point of painful honesty. They tend to make decisions with little concern for whether or not others would give their agreement or approval. This expression of forthrightness is typically a sign of strength in the more experienced leader, but can be detrimental to team functioning in an over-confident, uninformed or inexperienced individual.
	"Inconsistently Manifested"	This indicates an ambivalent attitude toward the importance of objectivity, evidence-based decision making, and discovering the truth of the situation. This is characteristic of individuals who strive to follow reasons and evidence wherever they may lead on some occasions, but at other times do not. Poor decision making often results when objectivity and intellectual integrity are abandoned and relevant evidence is neither sought nor considered.
	"Approval Seeker"	These individuals tend to present themselves to others as having a near perfect nature, even if they must lie or exaggerate their own positive characteristics. They are concerned to appear to be whatever their peers or superiors wish them to be. This can be misleading and detrimental because it can result in a lack of honesty and a failure to provide needed perspectives or alternative recommendations when the situation demands.

- **Scores from 85 to 100 = Extreme low level**
- **Scores from 65 to 84 = Situationally different Manifestation**
- **Scores from 50 to 64 = Extreme high level**

Scores on the three style metrics show stronger but opposite expressions of the style at the extreme low or extreme high ends. Scores in the mid-range of these three scales indicate situationally different manifestations.

