

THE VALUE OF PARTICIPANT FEEDBACK: INSIGHTS FROM LEARNERS IN A NOVEL, NON-UNIVERSITY CLE SETTING IN CHINA

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Introduction

In the scholarship on Clinical Legal Education (CLE), there is relatively little attention to “insider” (participant) perspectives,¹ a skew towards Global North CLE studies, and little exploration of innovations that may take CLE beyond the setting of formal tertiary education. Taking these critical observations as its starting point, and seeking to extend the scholarship in these regards, this paper explores data from 72 feedback questionnaires completed in 2011 and 2012 by participants over two courses of a semester-long, English-Mandarin bilingual a novel legal education program in the People’s Republic of China (China). The program was called the Yilian Advocacy Training Tournament (义联杯“公益倡导竞技性训练项目”; YATT), and it was run by a

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¹ Although a recent study from Hong Kong does take up the method of exploring participant perspectives in a CLE context: Tam, C. M. (2020) ‘Measuring Law Students’ Attitudes towards and Experiences of Clinical Legal Education at The University of Hong Kong.’ *International Journal of Legal Education* 27(1), pp.47-100; and a much older study about participants’ motivations at a Tsinghua University legal clinic in Beijing offered a path for such studies: Gibson, F. (2002) ‘Chinese Clinical Legal Education in The Year of The Horse – A Visit to Tsinghua University.’ *Newcastle Law Review* 6(2), pp.33-38.

legal aid centre called Beijing Yilian Legal Aid and Study Centre for Labour (北京义联劳动法援助与研究中心; Yilian Centre).²

What makes YATT worth studying is its atypical context: this is a Global South, civil-society-led,³ publicly interested, practical legal education program for university students. YATT thus provides a case for investigating important questions as to how novel forms of legal education are experienced and evaluated by participants, and whether civil-society-led legal education can extend our ideas of alternative CLE forms, especially forms that may be adapted to contexts beyond the Global North. As the Literature Review elaborates, the majority of CLE programs in China and worldwide either take place wholly within law schools or are externships supervised by law school staff at public legal service agencies.⁴ The article refers to this as “university-led CLE”. Whether this is a tautology, because all CLE *must* be university-led, is a subject to which the article will return, but the article does not turn on definitions of CLE. Rather, the focus is on that which this study’s method, and this

² Yilian Legal Aid and Study Centre For Labor. History and Context. (2012), from <<http://english.yilianlabor.cn/>>.

³ Here, it suffices to say that the term “civil society” is contentious but used in the Chinese context, e.g. Cai, Y. and Pottenger, J. L. (2010) ‘The “Chinese Characteristics” of Clinical Legal Education’, Ch 6: pp.97-101 in Bloch, F.S. (2010) *The Global Clinical Movement: Educating Lawyers for Social Justice*, OUP, p.89.

⁴ Spencer, R. (2012) ‘Holding up the mirror: a theoretical and practical analysis of the role of reflection in clinical legal education.’ *International Journal of Clinical and Legal Education*, 18, pp.181-216, p.182; the Malaysian CLE projects described by Lasky and Nazeri are examples already available in the literature of university led CLE projects working with, but leading, non-university organisations: Lasky, B. A. and Nazeri, N. M. (2011) ‘The development and expansion of university based community/CLE programs in Malaysia: means, methods, strategies.’ *International Journal of Clinical and Legal Education* 15, pp.59-74.

study's findings, can prompt in terms of innovation in CLE, both within the university context and in terms of civil- society led alternatives to it.

The prompt for this case study is the argument in the CLE literature, present for some time now, that it is important to create more "indigenous" and "culturally specific" varieties of CLE, especially in China, and that this may mean moving away from the Global North university-led CLE paradigm.⁵ Notable within this literature is Wortham's still-relevant call for greater diversity in CLE studies, inspired by the insufficient academic analysis of CLE outside the USA.⁶ As Dowdle argues, expanding the forms of CLE in practice will require scholarship 'promoting discovery of the indigenous developmental implications and possibilities inherent in the domestic environment'; he calls this the 'pragmatic strategy' for developing CLE in an era of globalisation.⁷ This article is such scholarship. It showcases and analyses a civil-society-led legal education initiative that centres on practical, problem-based legal learning but is neither a classical form of CLE, because it is not university-led, nor necessarily the other key kind of practical legal education known in CLE literature, practical legal training (PLT), because it is not part of a legal qualification requirements and because of its a strong public interest focus. YATT is a novel hybrid;

⁵ Respectively, references to Dowdle, M. W. (2000) 'Preserving indigenous paradigms in an age of globalization: pragmatic strategies for the development of clinical legal aid in China.' *Fordham Journal of International Law*, 24, s56-s82.; Burg, E. M. (1977) 'Law and development: a review of the literature & a critique of "scholars in self-estrangement"'. *American Journal of Comparative Law*, 25, p.529.

⁶ Wortham, L. (2006) 'Aiding clinical education abroad: what can be gained and the learning curve on how to do so effectively.' *Clinical Law Review*, 12, 615-685, p.617 and p.674.

⁷ Dowdle, above n5.

it arose through adaption to the Chinese context but, as this article will argue, is relevant beyond that context. As the article explains, university-led CLE in China has faced constraints which civil-society legal assistance organisations have not, and so the space for increasing CLE opportunities and developing a publicly interested culture of legal practice is not necessarily within law schools. However, those civil society organisations face their own constraints. This is why showcasing novel CLE is useful: it models flexible adaptations to local conditions.

Overall, this article illustrates what pragmatically indigenising CLE could mean: stepping back and seeing the university context as a feature that can be innovatively transformed, rather than a paradigmatic essential of CLE. The article uses the feedback of YATT's participants to investigate the program from an internal, or "emic" perspective rather than trying to impose onto it existing typologies from the literature. It thus complements the literature, which primarily analyses CLE programs from the external perspectives of the facilitators/clinicians. The article aims to achieve something more useful than "proving" that YATT is CLE according to the CLE definitions designed for typical university contexts: it aims to expose what was valuable and meaningful to this programs' participants in order to show that innovations to the roles of universities and civil society organisations can expand our ideas of how to offer publicly-interested practical legal education to university students.

In this respect, the article acknowledges, but puts aside, the long-standing debate as to whether CLE is separate from, or overlapping with, PLT.⁸ I begin from the premise that the strict distinction is a heuristic. This heuristic derives from the regulation of admission to legal practice in some countries, with PLT referring to the prescribed vocational training.⁹ A related division is made by some scholars - and contested by others - between “real” clinical work as CLE and scenario/simulation-based practical legal education at PLT.¹⁰ However, this strict division does not necessarily serve the global expansion and indigenisation of CLE. The YATT participants’ experiences reveal that strict separations between CLE and PLT, and between university and non-university CLE, are heuristics not necessarily shared with, or meaningful to, participants. Moreover, neither CLE nor PLT perfectly describes YATT, yet we may lose relevant knowledge if we exclude this study from either. I therefore urge readers to put aside the CLE definitional debates and accept Dowdle’s pragmatic outlook: hybrid, indigenised innovations like YATT can serve real needs, especially in national contexts and legal cultures that otherwise inhibit the provision of canonical university-led CLE and the development of a culture of public interest lawyering. Moreover, as this case study will show, an unprecedented form of practical legal

⁸ See Evans, A., Cody, A., Copeland, A., Giddings, J., Joy, P., Noone, M. A. and Rice, S. (2017) *Australian Clinical Legal Education: Designing and Operating a Best Practice Clinical Program in an Australian Law School*, ANU Press, p.43.

⁹ For example, in England and many Commonwealth countries, but not all common law countries: Burke, J. and Zillmann, H. (2018) ‘Creating a Gold Standard for Practical Legal Training in Common Law Countries.’ *Journal of International and Comparative Law* 5(1) 9-41, p.29.

¹⁰ Evans et al., n8, pp.43-46.

education (to use an intentionally category-blurring term) can nevertheless share goals, as well as challenges and solutions, with CLE in more typical university contexts.

Based on the analysis of YATT feedback data, the study finds that participants' feedback echoes characteristic features and purposes of CLE; participants experienced YATT as a CLE variety. Moreover, the feedback analysis shows the many aspects that motivated students, beyond university grades and course credits, making non-university-led CLE a more viable prospect. These findings in turn support the broader arguments that simulations embedded in real contexts, and civil society organisations taking the initiative to expand the provision of practical legal education serving the public interest, may both be useful adaptations of CLE, especially in contexts where university-led and more classically recognisable CLE programs are in short supply.

Finally, the article makes an argument relevant to CLE in all contexts, including at Global North universities: that we may be able to improve CLE programs by inquiring more often into that which participants value. In this case study, such an inquiry uncovered the high value participants placed on learning to use language like lawyers do, through practical pedagogy. This leads me to propose that language and communication skills should be considered more explicitly as integral in CLE scholarship and in actual CLE design, and not only in contexts where CLE involves second language learning, as YATT did.

By way of contextualising this study, the following sub-sections will explain the format of the YATT program, the characteristics and purposes of CLE in the literature and the study's methods, before I proceed to analyse the data itself in Section 2 and critically discuss key findings in Section 3.

Overview of YATT activities and participants

University-led clinical legal education programs, as well as government-sponsored and civil-society-led legal assistance organisations, began appearing in China in the 1980s and then proliferated.¹¹ Phan argues that China's global integration increased "pressure to conform to international legal norms" and that this translated into increased CLE in Chinese law schools.¹² This was contemporaneous with a push for Chinese higher education reform which the CLE literature describes.¹³ The *Harvard Law Review*¹⁴ identified three types of legal education in China which emerged, linking universities to the legal profession: students involved in litigation coordinated by

¹¹ My former Yilian Centre intern, Lee, gives an overview of the history of legal aid and university legal clinics in China: Lee, J. (2011) 'Can China's Fledgling NGOs Leave The Nest?' *Journal of Undergraduate International Studies*, 11(FALL), 25-31. See also: Gibson above n1; Pottenger, J. (2004) 'The role of [clinical] legal education in legal reform in the People's Republic of China: chicken, egg – or fox?' *Journal of Clinical Legal Education*. 4. 65-80, p.69; Liu, X. (2015) 'Clinical Education in China and The Issue of Locus Standi in Criminal Defense.' *Williamette Journal of International Law and Dispute Resolution* 23(1). 93-114.

¹² Phan, P. N. (2005) 'Clinical Legal Education in China: In Pursuit of A Culture of Law and A Mission of Social Justice.' *Yale Human Rights & Development Law Journal*. 8. 117-152, p.117.

¹³ Mao. L. (2007) 'Clinical legal Education and The Reform of The Higher Legal Education System in China.' *Fordham International Law Journal* 30. 421-434, p.432.

¹⁴ Anon. (2007) 'Note: adopting and adapting: CLE and access to justice in China.' *Harvard Law Review*, 120(8), 2134-2155.

university professors; direct cooperation between the government and students to draft laws protecting disadvantaged groups; and community-level engagement where students are taken to rural communities to do litigation, legislative drafting, civic education, process analysis, and survey-based research. All were dubbed 'Innovative, indigenous adaptations of CLE'.¹⁵ By 2004, Pottenger reported that there were a dozen legal clinics run by Chinese law schools.¹⁶ A national CLE coordination body (the Committee of Chinese Clinical Legal Educators: CCCLE) was established around this time (2002) and '[b]y October 2009, membership in the CCCLE had expanded to include a total of 115 institutions, 76 of which have formally integrated clinical education into their law school curricula'.¹⁷ (For this article, is it relevant to note that the CCCLE is only comprised of academics and law school members, not civil society lawyers or organisations.¹⁸) Also by 2009, i.e. just before YATT began, civil society organisations providing legal aid, legal research, and law reform were performing 32% of legal aid work in China.¹⁹ University CLE programs and legal assistance civil society organisations together have nevertheless still struggled to meet demand,²⁰ even more so as changes in government regulations and practice since 2012

¹⁵ *Ibid*, p.2148.

¹⁶ Pottenger, n11, p.67.

¹⁷ Cai and Pottenger, n3, p.93.

¹⁸ Barry, M. M., Czernicki, F., Kras'Nicka, I. and Mao, L. (2010) 'The Role Of National and Regional Clinical Organizations in the Global Clinical Movement.' Ch 19: pp.286-288 in Bloch, F. S. (2010) *The Global Clinical Movement*, OUP.

¹⁹ Ministry Of Justice, The People's Republic of China (2009) 'Legal Aid in China'. Retrieved 20th February 2014, from <http://www.legalinfo.gov.cn/english/legal-aid/node_7619.htm>.

²⁰ See Mao, n13, p.421; Cai and Pottenger, n3, pp.97-101.

have reduced civil society-based legal assistance.²¹ Further, university-based legal clinics in China have always been constrained in the type and sensitivity of public interest casework they can take on, because of public universities' government affiliations.²²

YATT was run twice by the Yilian Centre, commencing first in 2011 and run again in 2012. The Yilian Centre is a local Chinese civil society organisation whose staff, including the author, designed YATT. (In the Chinese context, such organisations are sometimes referred to as government-organised non-government organisations, GONGOs.) As with the types of CLE identified by the *Harvard Law Review*, YATT linked university students and legal academics to the legal profession, but the members of the profession included public interest lawyers in addition to private lawyers, to ensure that the real-world role of civil society organisations as legal advocates would be integrated into the education. And YATT involved multiple

²¹ N.B. Yilian Center remains open at the time of writing in 2020, but, see reports by Branigan, T. (2009) *The Guardian*. Retrieved 25th March 2020, from <<https://www.theguardian.com/world/2009/jul/18/china-shuts-legal-aid-centre>>; Ford, M (2016) *The Atlantic*. Retrieved 25th March 2020, from <<https://www.theatlantic.com/international/archive/2016/01/china-lawyer-crackdown-arrest/424005/>>, and Gan, N. (2017) *The Business and Human Rights Resource Centre*. Retrieved 25th March 2020, from <<https://www.business-humanrights.org/en/china-more-than-300-rights-lawyers-detained-in-nationwide-crackdown-including-lawyers-who-handled-cases-on-corporate-abuses-at-least-5-face-formal-charges>>.

²² For example, The Centre for Women's Law Studies and Legal Services of Peking University had to dissociate itself from the university and was later shut down, in 2016: Tatlow, D. K. (2016) *The New York Times*. Retrieved 25th March 2020 from <<https://www.nytimes.com/2016/01/30/world/asia/beijing-women-legal-aid-guo-jianmei.html>>. See also comments by Cai and Pottenger, n3, p.96, on the demise of Tsinghua University's clinic for social and civil rights matters.

universities once, taking the lead in designing and running the project. YATT was offered by Yilian Centre to voluntarily participating students from universities in Beijing. Each course of the program took about one semester and involved five activities: mock trial, impromptu public speaking, mock client interviewing, mock labour negotiation and debate. Each activity was undertaken twice by the participants, first in a practice round and then in an assessed round. Their scores were accumulated over the rounds. The activities were scenario-style CLE (on scenario CLE, see further 'Literature review: The purposes of clinical legal education, generally and in China', below), all original to YATT and all designed for experiential learning. Each scenario's design and its training materials were based on Yilian Centre's own case files (mainly labour class actions and criminal matters), its survey-based research and its research into trends in case law. For each round, there were professional volunteers to give feedback and evaluate/score the students. Each activity's preparation, running, scoring and feedback discussions were facilitated by Yilian staff who had been involved in the YATT curriculum and activity design, some of whom also had university teaching experience. After the five rounds of activities, there was a grand final activity in which selected participants delivered a prepared speech on law and policy reform, again based on Yilian Centre's research and actual cases. These speeches were delivered to a judging panel comprising selected professional volunteers and an audience comprising the other students and professional volunteers, as well as other associates of Yilian Centre. These volunteers included legal academics from various universities and Renmin University Law School was a

key partner for the provisions of activity space. Activities often took place within the Yilian Centre, where participants sometimes informally met actual clients and Yilian staff, or in Renmin's classrooms on weekends.

The learners in YATT were Chinese university students from several universities in Beijing, participating together in the same program. They were predominantly law students, with a small number of undergraduate students from other disciplines who intended to study postgraduate law in the future. There were about 25 students in the YATT cohort each year, with a smaller group for the first activity then increasing numbers, as word of mouth spread. Each activity was offered in a Mandarin-medium and an English-medium version, with students able to elect their language preference. Yilian Centre staff prepared original, bilingual education materials tailored for the students, which were provided to them ahead of each training activity to assist them prepare. These included instructions, role allocations, fact scenarios and a glossary of key terms.

Each YATT activity also involved practicing Chinese and foreign lawyers, advocates, legal academics or other professionals in applied legal work, as volunteers. These professional volunteers acted in an adjudication and mentoring role in each YATT activity, undertaking brief training, providing written scores, completing feedback forms about the students' performance, and providing oral feedback in discussions with the students right after each activity. Some professional volunteers assisted many times, while others assisted just once or twice. There was a corps of about 20

professional volunteers each year, plus about five Yilian staff who regularly facilitated and judged the activities. Because YATT's CLE activities were in scenario form, in some activities these volunteers also played a scenario role, in addition to their pedagogic role of assessing and giving feedback. For example, they acted as judges in mock trial courtrooms. A version of Yilian Centre's original preparatory education materials tailored for the professional volunteers was provided to them ahead of each training activity. General updates on YATT, photos and schedules were also provided periodically to the professional volunteers via email bulletins.

A reason for both YATT and this case study of it is CLE is not widely reported in China in the literature and,²³ in the author's experience, was not common on the mainland nor in Hong Kong. (Tam reports that CLE has increased at Hong Kong's leading law school in the last decade;²⁴ this trend may permeate the mainland but the culture of experiential legal education both at and after law school is different in Hong Kong, owing to its closer ties to the international common law culture of education and practice.) A shortage of CLE has been seen as a contributing factor in the underdevelopment of a public interest culture of legal practice, but the lack of this culture has also inhibited the development of CLE at Chinese universities, as Cai and Pottenger point out.²⁵ Lee suggested that 'Legal aid and research NGOs have the potential to fill gaps in the state legal aid system by building a commitment to public

²³ Cai and Pottenger, n3, p.90 explain why practice-based learning is limited at Chinese law schools.

²⁴ Tam, n1, p.47.

²⁵ Cai and Pottenger, n3, p.100.

interest work among lawyers'. YATT's organisers understood YATT as an attempt to fill the gap in university CLE and as an effort to build a commitment to public interest legal work amongst future lawyers by seeding a culture amongst law students.

Moreover, the Global Network for Public Interest Law's China Fellows consider legal aid, non-government advocacy and engaging the private sector through *pro bono* as the means of advancing the interests of the public which all need to happen at once.²⁶

However, situations in China where such organisations could all work together on one joint endeavour were rare when the YATT project was initiated. In this climate, the drivers behind the YATT were pragmatic; it was conceived as a project to strengthen the Yilian Centre's network while responding to unmet needs in terms of local CLE and career progression into, or awareness of, public interest advocacy. Moreover, YATT was intended to be unlike most Chinese legal education in order to foster public interest legal skills – namely critical debate and speaking on behalf of others – which were perceived to be largely absent from conventional Chinese schooling.²⁷

Literature review: The purposes of clinical legal education, generally and in China

²⁶ Global Network for Public Interest Law (2013) *Three Ways Are Better Than One: Building Public Interest Law in China*.

²⁷ Ye, M. (26 February 2014). [email correspondence with Research Director Of Beijing Yilian Legal Aid and Study Centre For Labour, who was also a university lecturer].

The role of the literature review in this study is twofold. First, it informed the study's directed content analysis of feedback data by identifying key themes to look for in that data, through a review directed to establishing what are widely held to be the purposes and key characteristics of CLE. These external "benchmark" purposes and characteristics are crucial to the analysis of the feedback survey results, as the study's key question is whether the participants' feedback on YATT aligns with these externally derived purposes and characteristics of CLE. A second goal of the literature review was to understand the current state of CLE in China. This makes apparent the need for contributions, such as this one, exploring alternative CLE models in China, and indeed the general need for more literature on Global South CLE.

In reviewing literature about the varieties of CLE around the world, some common purposes become apparent. Taking this global approach is appropriate, particularly in light of Chinese CLE expert Michael Dowdle's argument that although Chinese CLE has developed differently from American CLE, global CLE is converging, not so much in the sense of adopting a single, universal structure for the delivery of clinical legal education or legal aid, but in the more general sense of ... adopting a shared cognitive understanding of what both these devices can be all about.²⁸

²⁸ Dowdle, M. W. (2008) 'Completing Teubner: Foreign Irritants in China's Clinical Legal Education System and the 'Convergence' of Imaginations.' Ch 6 in Nicholson, P. and Bidduph, S. (2008) *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, BRILL p. 189. See also Hannemann, J-G. A. and Lampe, J. H. (2015) "Clinical Legal Education' – Observing, Comparing and Analyzing the Differences in Germany and China for each other's Respective Advantages.' *Asian Journal of Legal Education* 2(2) 157–169, p.157.

Likewise, Bloch argues for taking a 'global perspective' on CLE, because of CLE's worldwide establishment, the international interactions between CLE educators, and a shared 'commitment to legal education and legal system reform – to socially relevant legal education'.²⁹ Burke and Zillmann make almost the same argument about the globalisation of legal practice and PLT.³⁰ Moreover, this literature review shows that studies about CLE in China converge on the same core purposes as the other CLE literature.

Practical legal education

One of the purposes of CLE presented in the literature as well as in CLE providers' self-descriptions include instilling an 'ethic of preparation, practicing ethical lawyering and developing critical thinking' in students³¹; 'teach[ing] students how to learn from experience'³²; 'to help students learn from their own experience and from their reflection on that experience'³³; 'us[ing] experiential learning methods that place students in the role of a lawyer';³⁴ 'expos[ing] students to practical aspects of legal

²⁹ Bloch, F. S. (2011) 'A Global Perspective on Clinical Legal Education.' *Education and Law Review*, 4. 1-7, p.2; For an example of an uptake of this in a Global South (South Africa, China, India) CLE study, see Sarker, S. P. 'The Underprivileged: The Social Justice Mission For Clinical Legal Education In India.' *International Journal of Clinical Legal Education*, 19. 321-339.

³⁰ Above n9, p.41.

³¹ Murdoch University, *Clinical Legal Education*, Clinical Courses Offered. Retrieved 27th January 2014 from <<http://www.murdoch.edu.au/School-of-Law/Clinical-Legal-Education-SCALES/Clinical-Legal-Education/>>.

³² *Ibid.*

³³ *Ibid.*

³⁴ Bloch, n29, p.1.

workplaces',³⁵ and offering a 'study of law and lawyering in context'³⁶ as opposed to the study which is offered in doctrinal lectures and examinations, to cite a few representative statements. These different expressions of purpose reveal a shared theme: to provide learning through practical and active experiences of legal work. Recognising this, Jeff Giddings, in one of the more recent theoretical discussions of what constitutes CLE, contends that active or experiential learning – as practice-based learning is referred to in pedagogy – is a core feature of CLE.³⁷ 'Active learning' is an umbrella term,³⁸ meaning learning that involves both doing and thinking of a high order i.e. analytic, synthetic and evaluative thinking, and experiential learning is an important mode of active learning.³⁹ An overlapping term used in CLE studies is 'problem-based learning'.⁴⁰

This purpose of practical learning shapes the formal characteristics of CLE (and, for that matter, PLT). There must be practical tasks, there must be learning "by doing".

³⁵ Evans et al. n8, p.42.

³⁶ Columbia University, *Columbia Law School, Clinics*. Retrieved 27th January 2014 from <<http://web.law.columbia.edu/clinics>>.

³⁷ Giddings, J. (2013) 'Clinical legal education: learning by doing and reflecting.' Ch. 1 in *Promoting Justice through Clinical Legal Education*, Justice Press, p.14.

³⁸ Bonwell, C., & Eison, J. (1991) 'Active Learning: Creating Excitement In The Classroom'. *AEHE-ERI"C" HIGHER EDUCATION REPORT NO. 1*. (Washington, DC: Jossey-Bass).

³⁹ Marton, F., & Saljo, R., above n2; and Marton, F., & Saljo, R. (1976). 'On qualitative differences in learning – II Outcome as a function of the learner's conception of the task.' *British Journal of Educational Psychology*, 46, 115-127.

⁴⁰ Sylvester, C., Hall, J. and Hall, E. (2004) 'Problem-Based Learning and CLE: What Can Clinical Educators Learn From PBL?' *Journal of Clinical Legal Education*, 4, 39-63, p.44: they define problem-based learning: 'problem-based courses start with problems rather than the exposition of disciplinary knowledge. They move students towards the acquisition of knowledge and skills through a staged sequence of problems presented in context, together with associated learning materials and support from teachers.'

Practical learning also features in variations where CLE is not focused on doing casework but on legislative drafting or law reform advocacy: examples in the literature include the Legislation Clinic at China's Northwest University of Political Science and Law⁴¹ and the Legal Policy Clinic at Whittier Law School in the USA.⁴² Moreover, the literature shows that not all CLE programs base their practical learning activities on advising actual clients or proposing redrafting of actual legislation, even in China.⁴³ Rather, there are variations of CLE which use "realistic but not real" scenario/simulation-based clinical activities. Indeed, Chavkin claims simulations are *often* included in clinical legal courses,⁴⁴ although scenario-based CLE is still debated and Evans et al contend that CLE is the sub-type of 'simulated practical legal training' defined by its use of 'real legal problems'.⁴⁵ Scenario-based CLE is nevertheless focused on learning by doing, and can be a practice-based variation of the exposition-application pedagogy used more generally in legal studies. This study is premised on a view that splitting hairs between "real" practical legal education (CLE on its narrow definition) and scenario-based practical legal training (CLE on a broader definition) is unhelpful in achieving the aim of sharing relevant knowledge and experience from around the world, and exploring potentially useful innovations and alternatives.

⁴¹ Anon., n14; also, in Pottenger, n11, p.69.

⁴² Patton, W. W. (2011) 'Getting back to the sandbox: designing a legal policy clinic.' *International Journal of Clinical Legal Education*, 16. 96-128.

⁴³ See the *Harvard Law Review's* descriptions of CLE models in China, in the Introduction and n14.

⁴⁴ Chavkin, D. F. (2002) *Excerpt from Clinical Legal Education Textbook for Law School Clinical Programs*: Pilnet Section B.6.

⁴⁵ Evans et al., n8, p.40, see also p.43.

There are many examples of usage of a more inclusive definition of CLE. For example, in the literature, Landsberg describes CLE students working on scenarios based on real client interactions at the China University of Political Science and Law.⁴⁶ These examples include some from China, showing that a precedent for scenario-based CLE exists there. In the CLE self-description discourses, it can be seen also. For example, the University of Southern California notes that hypothetical and actual casework both comprise its 'clinical' legal education: 'The USC Gould School of Law offers two types of clinical training: classroom courses that include simulated exercises, and supervised casework with actual clients'.⁴⁷

In any case, the examples from the literature and law schools themselves affirm Giddings' contention that learning by doing is central to CLE. Moreover, Giddings' definition emphasises not only that students of CLE must be exposed to practical situations from which to learn, but that their learning must incorporate and foster reflection.⁴⁸ This has been more recently re-emphasised by Giddings with co-authors: 'Optimal clinical legal education involves a circular sequence of experience, reflection, theory, practice, and then further reflection'.⁴⁹ Similarly, Chavkin claims that the pedagogic goal of clinical legal education is to create 'reflective practitioners'⁵⁰ and

⁴⁶ Landsberg, B. (2011) "'Walking on two legs in Chinese law schools": A Chinese / U.S. program in experiential legal education.' *International Journal of Clinical Legal Education* 15. 38-57.

⁴⁷ USC Gould School of Law, *Why USC Law, Clinical Programs*, Retrieved 27th January 2014 from <<http://weblaw.usc.edu/why/academics/clinics/>>.

⁴⁸ Giddings, n37.

⁴⁹ Evans et al, n8, p.7.

⁵⁰ Chavkin, n44, Section A.

Spencer notes that written reflection is important in addition to debriefing in clinical legal education.⁵¹ Reflective learning has also been emphasised in studies of PLT: for example, Burke and Zillmann note a recent report on PLT in Hong Kong recommended “greater emphasis ... on the development of reflective learning habits”.⁵² Giddings’, Chavkin’s, Spencer’s, and Burke and Zillmann’s emphasis on reflection accords with the pedagogic literature: reflection is a central component of active/experiential learning, necessary to transform doing into learning by doing: UNESCO explains that ‘[r]eflection is the key to learning from experience because it consciously focuses our attention on what we have learnt and thus consolidates it’.⁵³

In addition to reflection, experiential/active learning methods include discussion over materials, debate, role-playing and collaboration. The use of simulated real-world events typifies active learning in Stewart-Wingfield and Black’s study.⁵⁴ This sort of learning is not necessarily better than passive learning in all contexts,⁵⁵ but ‘active course designs, specifically, an experiential design, result in students perceiving their learning to be more meaningful to their future jobs’, as Stewart-Wingfield and Black’s

⁵¹ Spencer, n4, p.183.

⁵² Burke and Zillmann, n9, p.34

⁵³ UNESCO. (2010) ‘Analysing the Experiential Learning Process: Teaching and Learning for a Sustainable Future’ Retrieved 21st February 2014, 2014, from <www.unesco.org/education/tlsf/mods/theme_d/mod20.html?panel=3#top>.

⁵⁴ Stewart-Wingfield, S., & Black, G. S. (2005) ‘Active versus Passive Course Designs: The Impact on Student Outcomes.’ *Journal of Education for Business*, 81(2), 119-125. DOI:10.3200/joeb.81.2.119-128.

⁵⁵ Michel, N., Carter III, J., & Varela, O. (2009) ‘Active Versus Passive Teaching Styles: An Empirical Study Of Student Learning Outcomes.’ *Human Resource Development Quarterly* 20(4, WINTER), 397-418, p.413.

study of business students found.⁵⁶ Legal education is analogously vocational, and therefore law students are also likely to perceive experiential learning to be more meaningful than passive learning to future jobs. Because experiential learning is integral to the purpose of CLE (and PLT), key characteristics of CLE activities include (but are not limited to) the following characteristics:

- (a) learning activities that allow for **experiential learning**, especially a real or hypothetical client/audience with a problem to be overcome;
- (b) **feedback from a more experienced person**; and
- (c) **reflection** on the experiences and the feedback.

And what of the university setting as a characteristic? Notably, a leading CLE scholar, Giddings does not define a specific or leading role for universities in CLE, while emphasising its active learning nature:

‘Clinical legal education involves an intensive small group or solo learning experience in which each student takes responsibility for legal or law-related work for a client (whether real or simulated) in collaboration with a supervisor. Structures enable each student to receive feedback on their contribution and to take the opportunity to learn from their experiences through reflecting on matters’⁵⁷.

⁵⁶ Stewart-Wingfield & Black, n54, p.123.

⁵⁷ Giddings, above n37.

However, the studies and actual clinics about which Giddings is writing are university based, so perhaps he does not feel the need to explicitly state that universities are an essential feature of CLE. However, the path for innovation being explored here is alternatives that may satisfy the experiential legal learning elements of Giddings' definition even without a university in charge; they should also share CLE's ultimate purposes.

The ultimate purposes of practical legal education

If we consider experiential learning as a means to an end, not an end itself, we can shift our gaze to the ultimate purposes of CLE. In many cases in the literature, an intermediate purpose of experiential learning couples neatly with either or both of two further purposes, the vocational preparation of lawyers, and providing legal services in the public interest. In looking at these emergent, shared purposes, rather than definitions, we also see that the CLE/PLT division is blurred such that maintaining that division for this study is not useful. To begin, vocational training is unequivocally a purpose of PLT⁵⁸ but also a stated purpose for many CLE providers: the Law School of China's Central University of Finance and Economics, for example, now boasts of its 'special emphasis on case teaching and the "legal clinics" education [sic] ... for all-round development and vocational education' to distinguishing it from

⁵⁸ See e.g. Burke and Zillmann, n9; Evans et al., n8, p.43.

most Chinese law schools.⁵⁹ Moreover, a clear, shared purpose that emerges from the scholarship and from CLE providers' own discourses is that which I will summarily call a public interest purpose. This is expressed variously scholars and educators as providing 'service learning'⁶⁰; 'justice access'⁶¹; 'social justice'⁶²; or 'support[ing] the wider and more fundamental task of maintaining the rule of law'⁶³. An ambition of seeding a culture of public interest lawyering amongst lawyers of the future lies behind many Anglo-American law schools' CLE programs, and behind the more recent emergence of CLE in Europe;⁶⁴ a related, public service mindset has likewise driven CLE in the former Soviet states.⁶⁵ In the Chinese context, Tam takes a public interest purpose as an essential purpose of CLE in Hong Kong,⁶⁶ and Phan argues it is an important purpose in Mainland China (and elsewhere in the world) because CLE is part of changing the legal culture.⁶⁷ Often, this public interest purpose is met in the design of CLE tasks by having students advise people who face hurdles accessing the justice system: there are examples of this around the world, including from China,

⁵⁹ 'The Introduction to the Law School of CUFU', <http://law.cufe.edu.cn/en/>, updated 22nd January 2016, accessed 8 August 2017.

⁶⁰ Evans et al, n8, p.2 and 42.

⁶¹ Spencer, above n4, pp.181-182.

⁶² Examples throughout Ashford, C. and Mckeown, P. (eds) (2018) *Social Justice and Legal Education*. Cambridge Scholars Publishing.

⁶³ Evans et al, n8, p.2 and 42.

⁶⁴ Global Network for Public Interest Law. (2012) 'Pilnet Welcomes the European Network for CLE' Retrieved 28th February 2014, from <<http://www.pilnet.org/project-updates/166-pilnet-welcomes-the-european-network-for-clinical-education.html>>.

⁶⁵ Wortham, above n6, p.622.

⁶⁶ Tam, n1.

⁶⁷ Phan, n12, pp.150-152. For a similar argument about CLE, social justice and legal culture reform elsewhere, see Ch14 by O. M. Osinibi and Ch15 by M. Grimes in Ashford and Mckeown (eds) n62.

such as Tsinghua University Law School's legal clinics.⁶⁸ But the point of public interest CLE is not simply to use student labour to increase the public's access to the justice system and legal advice. Rather, the purpose of having students take on lawyers' roles is so that they can learn more broadly the social impact of the laws they are studying and of the role of legal rights, legal illiteracy and inequality in their society. That is, the experiential learning achieves the purpose of serving the public interest not only because it provides assistance to specific clients in need but because, through experiencing the public interest element of lawyering in a social context, students are socialised into a publicly interested culture of legal practice, which nourishes that culture for the future.

For some, this public interest purpose defines CLE. In their leading recent book, Evans et al. maintain that CLE is different from other practical legal learning (e.g. PLT or work-integrated learning) in that only CLE 'is intended to develop a critical and analytical consciousness of law', going beyond a "'how to" approach' and 'strengthening the academic phase of legal education in the interests of students and clients'⁶⁹. That is, of the various practically based forms of legal education, only CLE provides a social service and targets the maintenance of a socially aware, publicly-interested legal culture. However, others frame this sort of public service as integral to the legal vocation and therefore integral to vocational legal training, not only to

⁶⁸ Pottenger, n11, p.71.

⁶⁹ Evans et al., n8, p.43.

CLE: for example, Burke and Zillmann argue that imbuing ‘public service’ values is part of the ‘gold standard’ for common law PLT⁷⁰. This challenges CLE’s monopoly on publicly interested practical legal education. Even more importantly, in the context of this case study, and the wider exploration of civil-society-led CLE to which it contributes, the distinction between CLE and other forms of practical legal education without a public interest orientation falls away, because civil society organisations are often – arguably by definition – publicly interested. Specifically, here, Yilian Center was deliberately trying to increase social service lawyering by developing a critical consciousness of law amongst both student and professional participants in order to increase their interest in, and skills for public interest advocacy, within a legal culture weak in those respects. Akin to classical CLE program, it sought to strengthen legal education during the academic phase in the ultimate interest of not only students but clients and other beneficiaries of public interest advocacy in China, but in a radically different way that did not rely on university leadership or backing.

In light of the literature, this study therefore takes experiential legal education to be characteristic of CLE, dovetailing with either/both of a vocational preparation and a public interest purpose. Additional characteristics of CLE, in its typical university context, are the assessment resources of formal education: grades and course credits.

⁷⁰ Burke and Zillmann, n9, p.41

University based characteristics of CLE: assessment and motivation

In university led CLE, formal assessment (including pass/fail grading) is ever-present as one kind of motivational resource but this does not mean that formal assessment needs to be an essential component of CLE; few CLE educators would posit grades as the only reason they offer their courses, or the only reason students take them; actually, many of China's earliest university-led legal clinics gave students 'no academic credit for their work'⁷¹. In looking to expand CLE beyond universities we must confront the fact that these motivational resources may not be available at all. In designing YATT, therefore, care was taken to create motivation which could stand in place of the academic grades and credits which are characteristic rewards in formal tertiary education.

In educational theory, learner motivation can be analysed within a framework of various learner orientations and their corresponding interests, aims and concerns. Such a framework is represented here in Figure 1, which is from tertiary education teacher training materials.⁷² This framework is based on the studies of Taylor and of Beaty, Gibbs & Morgan, foundational educational science literature which theorises that students concurrently have some or all of four orientations to learning: Vocational; Academic; Personal; and Social.⁷³ This literature also theorises that certain

⁷¹ Gibson, n1, p.34.

⁷² Macquarie University Learning and Teaching Centre, *Module 1: Learners and Learning*, FOUNDATIONS IN LEARNING AND TEACHING COURSE MATERIALS (2015), p.5.

⁷³ Taylor, E. (1983). *Orientations to Study: A Longitudinal Interview Investigation of Students on Two Human Studies Degree Courses at Surrey University*. Unpublished Ph.D. thesis, University of Surrey;

intrinsic and extrinsic interests correspond to these orientations.⁷⁴ Thus, pedagogic theory – chiefly this and related learner orientation models – predicts that for an educational activity to work well, it should motivate students and/or respond to their existing motivations. Better activities will respond to multiple learner orientations, and to both the intrinsic and extrinsic interests corresponding to those orientations, because learners have varied combinations of orientations.

This theory predicts that the kind of formal grading and accreditation which a university led CLE can offer (but which civil-society-led activities cannot offer) will likely motivate learners' because it caters to learners' vocational, academic and personal orientations. Specifically, as represented in Figure 1, formal CLE course accreditation is part of attaining a qualification, which is theorised as an extrinsic interest within a vocational orientation; formal accreditation is part of educational progression, which is theorised an extrinsic interest within an academic orientation; and the grades for a CLE course (and any feedback offered) are forms of compensation for learning and proof of new capability, which are theorised as extrinsic interests within a personal orientation to learning.

Beatty, L. Gibbs, G. & Morgan, A. (2005). 'Learning Orientations and Study Contracts' in Marton, F, Hounsell, D & Entwistle, N (Eds) (2005) *The Experience of Learning: Implications for Teaching and Studying in Higher Education, 3rd Edition (Online)*. Edinburgh: University of Edinburgh, Centre for Teaching, Learning and Assessment, 72-86. Retrieved 9th July 2007 from <http://www.tla.ed.ac.uk/resources/EoL.html>.

⁷⁴ *Ibid.*

Orientation	Interest	Aims	Concerns (examples)
Vocational	Intrinsic	Training	Relevance to course or future career
	Extrinsic	Qualification	Recognition of the qualification's worth
Academic	Intrinsic	Intellectual interest	Choosing stimulating lectures
	Extrinsic	Educational progression	Grades and academic progress
Personal	Intrinsic	Broadening or self-improvement	Challenging, interesting material
	Extrinsic	Compensation or proof of capability	Feedback and passing the course
Social	Extrinsic	Having a good time	Facilities for social activities, sport etc

Figure 1. *Orientations to Learning.*

A challenge for non-university led CLE in general, then, and specifically for YATT, is to build extrinsic motivators into the educational activity without relying on formal assessment and accreditation. The aim of the YATT designers was to do so by

structuring the module as a competition, with scores and rewards in the form of recognition in the bulletin and in selection for the grand final activity. The winners received additional rewards (publication and internship opportunities through Yilian Centre.) We also made sure we provided a certificate of participation to all students in a ceremony at the final activity in order that they could have proof of their learning in future contexts (e.g. job or postgraduate course applications). We built in feedback as a core element of each activity, and, provided guidance to the professional volunteers on how to give feedback, which provides a form of extrinsic, personal motivation other than passing the CLE course. We also tried to emphasise the intrinsic motivations in YATT, knowing that we could not rely as heavily as a university can on extrinsic motivation. For example, amongst other measures, we explicitly communicated the training elements of YATT and the activities links with the Centre's real work, to spark an intrinsic vocational interest, and the facilitators aimed to create an enjoyable and friend-making environment at all activities to create a social motivation. We built in motivators and rewards for the professional volunteers, also.

In this case study, the Yilian Centre sought to take on the role of running a public interest practical legal education program. Because YATT was designed to meet a need for more public interest lawyering and for more experiential learning of law, it appeared then (and still appears) to the author and others organising and designing YATT as similar in some fundamental ways to university led CLE. The key question to examine, however, is whether the purposes and characteristic components of CLE

(derived externally from this literature) were present in the experience of the participants: did the students and professional volunteers experience YATT as akin to a CLE course; did they evaluate this alternative positively; and what motivated them to participate if not university grades and credits? The next section explains the method of investigating these questions by applying themes identified through this literature review in an analysis of feedback survey data.

Methodology

Overall, I undertook two forms of qualitative analysis (recurrent thematic and directed content analysis) of free-text responses in 72 completed feedback questionnaires held by Yilian Centre after having been returned by the participants of the 2011 and 2012 YATT cohorts, as well as a simple quantitative analysis of the multiple choice responses on these same 72 questionnaires. These questionnaires were designed to assist Yilian Centre reflect on the program during its implementation; they were not designed for statistical research purposes. As such, this study does not rely on a deep quantitative analysis. In particular, the surveys were not designed for regression analysis and the overall number of possible respondents can be estimated (see below) but not verified, because no count of their distribution was recorded. Responding was not obligatory but the utility of the feedback was explained to participants and responding to the survey was requested; the author observed very high rates of response at activities. Given the relatively sparsity of experiential CLE in

China, and the relatively sparsity of non-university led CLE the world over, I determined it was nevertheless important to contribute this case study to the international literature in order to develop the literature, and the practice, of alternative models of CLE. This study was therefore designed so that it was not essential to count precisely how many questionnaires were completed as a proportion of those distributed. With about 50 participants in each YATT cohort (including students and professional volunteers), and with some professional volunteers participating in both 2011 and 2012, these 72 responses represent a majority of YATT's estimated 80-100 participants.

Moreover, the feedback surveys are a dataset well-suited to allowing for insight into participants' views on this unusual CLE, and participants' views are rare in the CLE literature. The author therefore turned to the more suitable method of directed content analysis in order to make a worthwhile study of this data; this analysis "mines" the questionnaire responses as an extant source of discursive feedback data, and for simple quantitative indicators. The steps of data processing and the various analyses are detailed below. Together they were used to reveal key themes in the discourses produced by the participants, to see how participants saw YATT and what they felt were its advantages and benefits (if any).

This study's emphasis on qualitative analysis is adapted to the available data, and follows Cho's argument that '[t]he nature of qualitative research – pragmatic, interpretive, and grounded in the lived experiences of people – enables the researcher

to understand people through whom to interpret a particular social phenomenon⁷⁵. The phenomena here, of course, is the development of CLE and public interest lawyering in China.

These feedback questionnaires were provided in hard copy to the students and volunteer participants after three activities in the first YATT program (mock trial, public speaking and client interviewing) and after two activities in the second YATT program (mock trial and public speaking). The questionnaires – which were provided in both Mandarin and English – did not ask for names, but they did ask whether the participant was a student or professional volunteer, and then they asked a series of multiple choice and open-answer questions seeking feedback about both that day's activity and YATT overall. The full questions are presented along with the responses, below. The questions were changed slightly from 2011 to 2012 to improve the clarity of feedback. The 2012 version of the questionnaire also asked the language of the activity and the date of participation, to better record which groups of participants had provided feedback. The collected responses were then kept by Yilian Centre.

To process the data, the author translated all the Mandarin responses into English. Feedback from both students and professional volunteers had also been provided to Yilian Centre in informal discussions, emails and public testimonials from participants and audience members at the first YATT Grand Final. These additional

⁷⁵ Cho, J. (2017) *English Language Ideologies in Korea: Interpreting the Past and Present*, Springer, s1.4.1 (non-paginated online edition); original citing Marshall, C. & Rossman, G. B. (2006) *Designing Quantitative Research*. Sage 2006, p.6.

forms of feedback are worth noting from a program design perspective, as they were a means for both improving the program and building a sense of community amongst participants and the broader network of the host organisation. These forms of feedback, however, were not systematically recorded so they have not been included in this analysis.

To further prepare the questionnaire response data for analysis, the 72 responses were then divided by activity (mock trial, public speaking or client interviewing) and by year (2011 or 2012). There were 43 responses in 2011 and 29 in 2012, most of which were from the mock trial (see Figure 2). I then the tabulated the multiple-choice answers for a quantitative analysis of feedback.

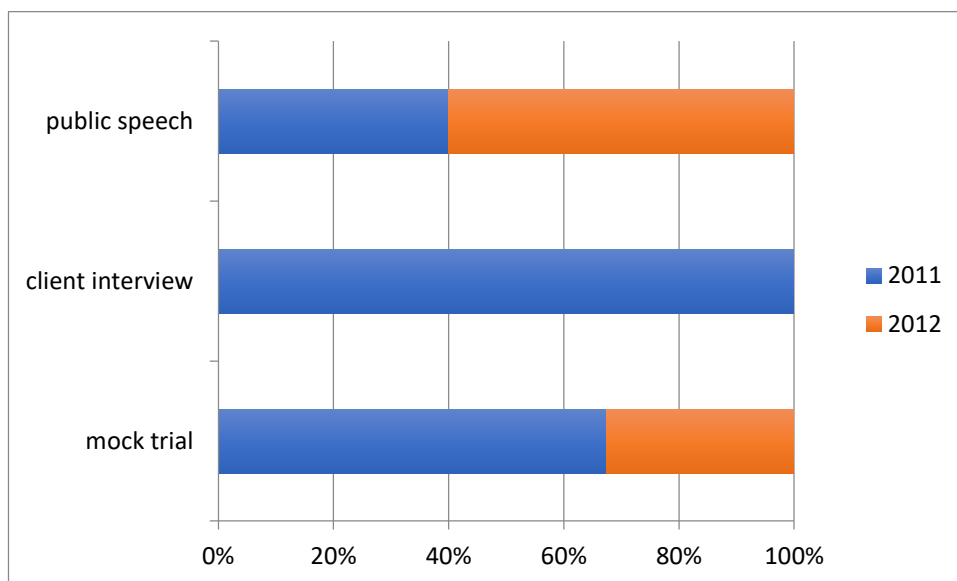


Figure 2. Overview of each year's feedback questionnaire responses, by activity, as a percentage of total questionnaire responses.

For the next step, the analysis of the free-response questions, I listed all the responses, grouped similar responses under themes, assigned short-hand code names to these themes, and counted how many of each theme of responses appeared. This is a recurrent thematic analysis⁷⁶ and standard practice in it is to discount one-off (i.e. non-recurrent) themes. Shared themes, some more prominent and some less, thus emerged from the responses. This method sits within the reflexive ethnographic approach.⁷⁷

Finally, a 'directed content analysis'⁷⁸ was coupled with the recurrent thematic analysis of the emergent themes. For this, the data responses were analysed for comments aligning with theme labels (codes) representing content directed by the literature review. There were codes representing the experiential learning purpose and ultimate purposes of CLE identified in the literature review – **Practical Learning; Experiential Learning; Feedback from Experienced Person; Reflection; Vocational Legal Training; Public Interest** – and codes representing the learner motivation themes, namely the seven aims listed in Figure 1: **Training; Qualification; Intellectual Interest; Educational Progression; Broadening Or Self-Improvement; Compensation or Proof of Capability; and Having A Good Time**. This directed content analysis was not looking to match exact expressions in the literature with

⁷⁶ Lincoln, Y. S., & Guba, E. G. (1985) *Naturalistic Inquiry*, Sage.

⁷⁷ Burawoy, M. (1991) *Ethnography Unbound: Power and Resistance in the Modern Metropolis*, University of California Press.

⁷⁸ Hsieh, H.-F., & Shannon, S. (2005) 'Three approaches to qualitative content analysis.' *Qualitative Health Research*, 15(9), 1277-1288.

those in the feedback, but to identify alignment between the feedback and the literature on learning and, specifically, on learning through CLE.

Results and critical analysis of participants' feedback

This section reports the results and critically analyses participants' views on five aspects of YATT which we explicitly asked about in the surveys: the most valued aspects of the YATT activities (analysed below in the first subsection); training materials (second subsection); skills development (third subsection); negative aspects of YATT (fourth subsection); and the YATT project overall (last subsection). In analysing the responses from each of these five parts of the survey, I first quantitatively examine the multiple-choice responses, followed by the qualitative analyses of the free-response feedback. I then critically analyse the five subsections' most unexpected findings in Section 3's discussion, and their implications for the field are noted in Conclusions and Contributions (Section 4). Before proceeding with these layers of analysis, some preliminary observations about patterns in the responses will set the scene.

Overall, in both 2011 and 2012, most participants provided positive responses about most of the aspects of YATT covered in the multiple choice questions. Most respondents found the training and preparatory materials 'appropriate and helpful'. Most said they 'developed activity-specific skills' through the activities. In addition, most respondents 'enjoyed' the activities. What they enjoyed most was practical

learning and feedback, as the free-response questions and an additional multiple-choice question in 2012 showed. Building on this, the thematic analysis of the free-response feedback shows that participants identified various legal skills as the primary activity-specific skills that they had developed, but also linguistic/communicative skills.

Overall, four prominent themes emerge, and I coded them as **Learning; Professionalism of the Activity; Positive Experience;** and **Negative Experience.**

Within these major themes, multiple sub-themes were often found, as shown in Appendix A.

The sub-themes associated with Learning were especially strong across the dataset, meaning they were present in a particularly high number of responses. Comments relating to the sub-theme Practice-Based Learning were so dominant that no non-practical learning emerged as a theme. Thus, the recurrent themes aligned with the content directed theme of Practical Learning from the literature. Practice-Based Learning sub-divided into responses on the themes of Practice-Based Legal Learning and Practice-Based Language Learning. This latter theme may be a surprise to readers, as is not widely identified as a component of CLE in the literature however, I have analysed it as a form of alignment with the directed theme of Vocational Legal Training; we will return to this point in Section 3's critical discussion. Classed within each of the sub-themes Practice-Based Legal Learning and Practice-Based Language Learning are more specific (although not unique) responses. Thus, for example,

participants commented on Practice-Based Legal Learning either generally or in relation to specific aspects of participating in YATT such as defence, applying knowledge to facts, building trust, court procedure and understanding laws and legal processes.

The reader will see that these specific themes appear under Practice Based Legal Learning in the Appendix A table alongside another specific theme marked in italics: 'more practice time needed**'. In this table, italics represent a negative evaluation in the feedback, whereas plain text represents positive feedback. The asterisks show that this theme could equally be classed under another theme; the asterisks show us where this theme is repeated in an alternative location within the table.

Overall, the most recurrent sub-theme was Feedback from Professional Volunteers. Responses relating to this theme were either positive, and about getting feedback from the professional volunteers, or negative and about wanting more feedback from the professional volunteers. Feedback from Professional Volunteers was an emergent rather than directed theme. However, learner orientation theory (visualised in Figure 1) explicitly relates feedback to Compensation or Proof of Capability, which is one of the directed themes of analysis. In a practical learning context, feedback is arguably also part of Training, Educational Progression and Self-Improvement, all aims identified in the literature review which became directed themes for this analysis. Thus, another alignment between the two types of thematic analysis of the response data appeared, strengthening the finding that participants' perceptions of YATT

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aligned with one of CLE's core characteristic, practical learning, with the purpose of vocational legal training, and with educational theory on learner motivations and aims. As the detailed analysis below progresses through the questions, I will draw attention to the building evidence for this finding of alignment.

Feedback on valued aspects of activities

The questionnaires began with multiple choice questions enquiring into which aspects of YATT the participants themselves had valued (Set 1). In relation to that day's activity, participants were asked:

'What was your feeling about the [Mock Trial/Impromptu Speaking/Client Interviewing/Labour Negotiation/Debate] activity?

A. I enjoyed it very much;

B. I somewhat enjoyed the activity;

C. I somewhat did not like the activity;

D. I did not like the activity at all.'

The responses were very positive, for example with all 29 of 2011's mock trial respondents answering "A" or "B". This was consistent with the smaller batches of responses from the public speaking and client interviewing activities that year: all 10 public speaking respondents and all four client interviewing respondents answered

“A” or “B”. Similarly, in 2012, 27 of 29 mock trial and public speaking respondents answered “A” or “B”.

Some students who completed feedback questionnaires in 2011 on the mock trial had also participated in the debate activity that week, and six of these students nominated debating as their favourite aspect of the week’s activities, over mock trial. These responses indicate a positive reception for the debating activity, however, there are no questionnaire responses for the debate or labour negotiation activities. Overall, these multiple-choice responses about enjoyment suggest that participants’ experiences were aligned with ‘Having a Good Time’, theorised as an interest factor for socially oriented learners (see ‘Literature review: The purposes of clinical legal education, generally and in China’, above).

Set 1’s free-response question allowed us to explore with more specificity what aspects of YATT the participants, and to find emergent themes aligning to the content-directed theme Having A Good Time. Participants were asked what aspect of that day’s activity they enjoyed. Feedback from Professional Volunteers was a theme that recurred often as an aspect enjoyed by the participants across the mock trial, public speaking and client interview activities (see Figure 3).

Aspect nominated as that most enjoyed <i>Activity and number of respondents</i>	Professional volunteers' feedback	Professionalism of the Activity (including professionalism of having professional volunteers acting as judges).
2011 Mock Trial (n=29)	8	10
2011 Public Speaking (n=10)	4	-
2011 Client Interviewing (n=4)	3	-
2012 Mock Trial (n=10)	4	-

Figure 3. Activities for which professional volunteers featured in Set 1 free-response feedback, counted by coded theme.

Figure 3 shows that the free-responses in Set 1 particularly valued the professional volunteers' contributions to YATT, including their feedback, their specialized knowledge and the professionalism they added to activities. That so many responses prioritised the feedback available is especially telling. It indicates that both extrinsic and intrinsic personal interests (see Figure 1) were being served.

Because receiving feedback featured strongly as a valued aspect in the 2011 responses, the organisers included a question specifically about professional volunteers' feedback in the 2012 questionnaires: this first appeared in the 2012 public speaking questionnaires. Respondents were asked whether they thought the feedback from the

judges, who were the professional volunteers, was useful and helped them improve,⁷⁹ with the multiple-choice answers being:

A. Very much;

B. A lot;

C. Not much;

D. None at all.

The majority of the 2012 public speaking participants (eight of 15) responded “A” (Very much), with another 5 responding “B” (A lot), and only 1 responding negatively (with “C” Not much), and one not responding. These responses were consistent with the dominance of the theme of professional volunteer’s feedback being valuable across the 2011 responses. (The professional volunteers’ contributions did not emerge strongly in 2012’s public speaking free-responses, perhaps because participants’ views on that were covered in this new multiple-choice question.)

A response similar to nominating feedback, but sufficiently different to warrant coding under a separate theme in the recurrent thematic analysis, was the nomination of ‘learning’ as the most enjoyable aspect of an activity. In 2011, three of the 29 mock trial respondents nominated ‘learning’ (including one who further explained that learning was important as he/she was not a law major and therefore could not otherwise access such learning). The theme of Learning also featured strongly in the

⁷⁹ The question posed was: ‘你认为评委给你的反馈有用并且帮助你提高演讲技巧吗?’

responses for public speaking in 2011, so too did having an opportunity to actually do public speaking and to practice public speaking skills. responses about doing/practicing public speaking are coded under the Learning sub-theme Practice-based Language Learning.

This theme's prominence was again illustrated in the 2012 public speaking responses, with 'learning through the experience' being nominated by two respondents, coded as Practice-based Learning. Practical aspects of English-language learning were nominated by three of the 2012 public speaking participants, and these were coded as Practice-based Language Learning. Specifically, the language learning aspects nominated in the 2012 public speaking responses included that the activity helped the students' English in general; that participants learnt what was needed for an English public speech; and that providing the topic bilingually was more helpful than providing a monolingual topic.

Feedback on training materials

In Set 2 of the questionnaire we asked all 2011 respondents, for all activities:

Consider the preparation materials/training sessions you were provided with before the activity. Were they:

A. Very appropriate and helpful;

B. Somewhat appropriate and helpful;

C. Somewhat inappropriate and unhelpful;

D. Not very appropriate or helpful?

In 2012, the same question was asked but without reference to training sessions i.e. participants were asked to consider preparation materials only.

Broken down by activity, the responses remain generally positive across each activity in 2011 and 2012. Of the 43 responses from 2011, the vast majority (39 participants) answered "A" or "B" (25/29 responses about mock trial, 10/10 responses about public speaking and 4/4 responses about client interviewing). Similarly, the second cohort of students (2012) were positive, overall, about the activity materials. Of their 29 responses about the mock trials, 24 answered "A" or "B", and of their 15 responses about public speaking, *all* answered "A" or "B".

In 2012, but not in 2011, respondents were additionally asked another question about the materials: how suitable the public speaking topics were. The multiple-choice answers were:

A. Very suitable;

B. Basically suitable;

C. Basically unsuitable;

D. No suitable.⁸⁰

⁸⁰ Originally, 'a. 非常合适; b. 基本合适; c. 基本步合适; d. 不合适'.

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Three respondents chose “A” (Very suitable) and 11 chose “B” (Basically suitable), with no negative responses; topic design, an aspect of the training materials, therefore appears to have been functional.

Thus, the multiple-choice feedback in Set 2 of the questionnaire provides an indication that the YATT educational materials were helpful and appropriate, at least for mock trial, public speaking and client interviewing. While these multiple choice answers do not directly tell us whether YATT was seen as having the purposes of CLE, it nevertheless establishes YATT was experienced as an educational experience; the participants were satisfied that they were being provided training and/or materials which prepared them to try new tasks. Moreover, this response data indicates – without being able to compressively establish – that for most respondents the motivational aim of Training (theorised as an aim of vocationally-oriented learners: Figure 1) was provided. The feedback on developing skills through YATT, dealt with in the following section, adds further weight to this supposition.

Feedback on developing skills

In 2011, students – but not professional volunteers – were asked this Set 3 question about developing skills:

To what degree do you feel that you have developed effective activity- specific skills?

A. A great deal;

B. Quite a lot;

C. Not a lot;

D. Not at all.

The single biggest cohort of respondents were from the mock trial activity, and the majority (n=19/29) of them answered “A” (n=6) or “B” (n=13), as Figure 4 visualises. That is, the majority of students felt they had developed some level of skill specific to the mock trial activity. The majority of public speaking and client interviewing students, too, felt they had developed some level of skill specific to those activities.

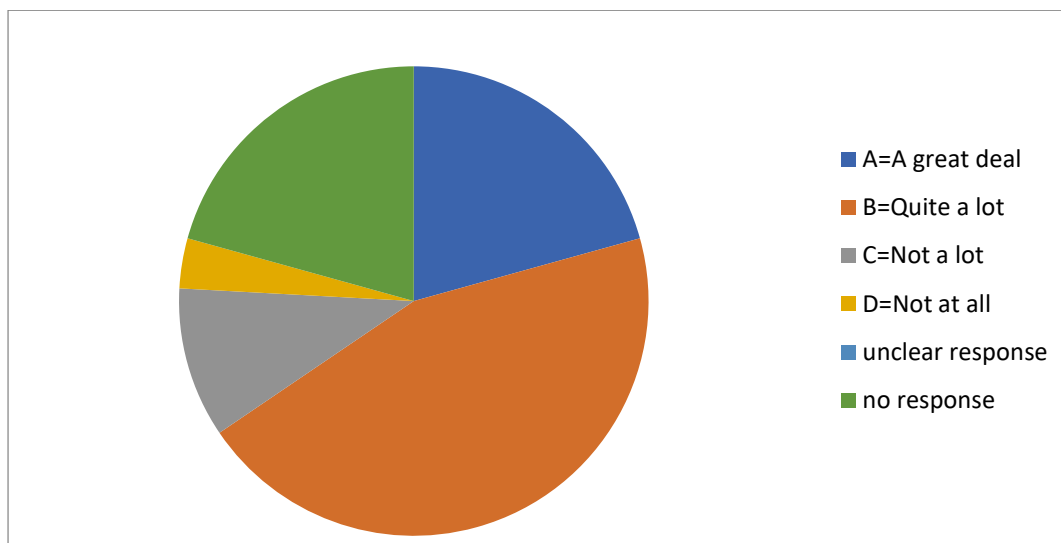


Figure 4. 2011 Mock Trial Feedback Questionnaires: Question 5 assessing mock trial-specific skills.

A rephrased version of this question was used in the 2012 questionnaires:

How much did your [mock trial/impromptu speech] skills improve?⁸¹

A. A great deal;

B. Quite a lot;

C. Not a lot;

D. Not at all.

The responses were, like in 2011, mainly positive for mock trial (14/14 responding “A” or “B”), but, contrasting with the other data, less positive for public speaking. Six of 2012’s 15 public speaking students responded “A” (n=5) or “B” (n=1), but five answered “C” (Not very much), two gave no response, and two responses did not select from the multiple choice options but gave a free response. These two wrote that they needed more practice to improve their skills. This was included in the thematic analysis, and, coded as ‘more practice needed’. The questionnaire invited those answering “C” or “D” to provide further details; unfortunately, all but one declined to provide further details. One who had responded “C” (Not very much) wrote that it was because he or she had studied the content before.

Even with the comparatively less positive results for 2012’s public speaking, the multiple choice responses overall affirm that participants felt that activity-specific skills were developed. This supports the argument that YATT was experienced as

⁸¹ ‘你觉得你演讲的技巧提高有多少？ a. 非常多; b. 很多; c. 不太多; d. 一点也没有.’

practical learning. Set 3's free-response analysis, below, clarifies that this was an experience of practical *legal* learning.

In both years, the students were then asked to freely nominate which activity-specific skills they had developed. In relation to the mock trials across both years, the most prominent skills in the responses were legal practice skills including defence, applying legal knowledge to facts and court procedure. In 2011's client interviewing, other similar skills emerged, such as building trust and understanding the law and legal processes (all coded as Practice-based Legal Learning). Specifically looking at the responses identifying applying legal knowledge, this is 'exposition-application' pedagogy,⁸² and it is characteristic of legal education (not just CLE) as well as legal practice. These responses indicate YATT was experienced as legal education.

The second most prominent set of mock-trial-specific skills students nominated were language skills, including expression and organising language. Confidence and logical reasoning also featured in a few responses. These fall within the theme of Practice-based Language Learning. Public speaking students' feedback was also about developing language skills as well as legal skills. In 2011, in the responses about the impromptu public speaking, students nominated as the activity-specific skills they had developed: oratory skills including speaking clearly; organising ideas; responding quickly; and adapting to being on stage. In addition to these skills, one 2011 public speaking student and four 2012 public speaking students specified their

⁸² Chavkin, n44.

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foreign language skills as an area that had improved through the activity, noting their ability to express themselves improved, and listing improvements in speaking speed and rhythm, communicating through facial expression and gestures, speaking with feeling, and language use. In 2012's impromptu public speaking, a number of respondents nominated their general 'public speaking skills' as a skill that improved and nominated the specific skills of thinking up content; applying legal knowledge to a problem; improved confidence/skills for dealing with nerves; and improved speaking style.

Thus, the themes of Practice-based Legal Learning and Practice-based Language Learning both emerge for the same activities, and their interrelationship emerges also. Moreover, recalling that Practice-based Learning is a theme that emerged strongly in the feedback responses on valuable and enjoyable aspects of YATT (Set 1) and the Set 2's multiple choice responses suggested the training elements of YATT were experienced as education, Set 3's feedback analysis reveals consistency. These detailed results are a building picture of YATT as experienced primarily as practical legal education.

Negative feedback

In both years, the questionnaires also asked which aspect of the activity the participants did not enjoy (Set 4). Most of the disliked aspects of mock trial, public speaking and client interview activities were nominated uniquely (only by one

respondent) and therefore could not be thematically analysed. However, one aspect which multiple participants did not enjoy in the 2011 mock trials was that the fact scenarios were not sufficiently detailed. In 2012, in relation to impromptu public speaking, common negatives included not having enough preparation time; not having enough opportunity to practice and thereby improve; wanting more feedback from the professional volunteers; and wanting Mandarin-language feedback for English-language speeches in order to understand the feedback better.

Some of these negative aspects – especially not getting enough practice – certainly suggest that YATT failed to fully realise practice-based learning, but they also suggest these participants thought YATT *should* be practice-based. Taken together with the positive responses to the questions analysed above, it is clear that YATT was not seen as devoid of practice-based learning, just not always practical *enough*.

Further, as noted in the section on ‘Feedback on valued aspects of activities’, above, feedback is theorised as fuelling an interest in learning for personally oriented learners (see Figure 1). While YATT course designed included written and oral, quantitative and qualitative feedback, satisfying more students’ expectations as to feedback could have further motivated students.

Feedback on the overall project

Rounding out the questionnaire, Set 5 asked respondents for their overall, free-response impressions of YATT.⁸³ Across all activities, the majority expressed a very positive sentiment (e.g. 'great!'), and a smaller group expressed a mildly positive sentiment (e.g. 'it's ok'). Students again expressed happiness to have practiced legal skills and some expressed gratitude for the opportunity. A sizable minority took this question as an opportunity to express a positive attitude to the professionalism and specialisation of the volunteers, adding to the positive evaluations of the feedback from the volunteers which came through in the earlier responses (see 'Feedback on valued aspects of activities'). Participants also commented that the program was well organised.

It was only at this point that two participants noted that the public interest aspect of Yilian Centre's work (its 'non-profitable' work, as one mock trial student put it) had left an impression on them. These were the only feedback data coded under the literature review directed Public Interest theme. While YATT may nevertheless have actually served the public interest, the feedback data indicate that, to the participants, YATT was not closely associated with the public interest purpose that the literature holds as significant for CLE.

⁸³ Set 5 separately asked if participants had suggestions for improving YATT and how to improve YATT's publicity: those responses are not reported here. Respondents were also asked about the suitability of the scheduling of YATT activities; likewise, those responses are not canvassed in this paper.

Finally, common negative comments in the overall impressions included that the materials were not detailed enough, that the number of student participants could be increased, and that students wanted more opportunities to interact (formally) in the activities. Making such changes would likely assist YATT, or projects modelled on it, to better motivate students, particularly to foster the interest of socially orientated learners. However, these responses do not suggest that YATT was unmotivating; indeed, wanting more detailed materials suggests interested learners!

Let us now turn to a discussion of the most significant, transferable findings, including the analyses' most unexpected finding, that practice-based *language* learning emerged explicitly and recurrently as a theme of participants' feedback on their YATT experiences.

Discussion of findings

This section offers a critical discussion of the transferable findings which arose across the analysis of the five sets of feedback, namely findings in relation the non-university nature of the YATT, learner motivators other than university grades, and language learning in CLE.

CLE in civil society

Non-university led CLE is novel (and even controversial), as the Literature Review explained. This study did not ask whether YATT “counted” as CLE by being the same as existing models, but whether, in the eyes of its participants, it offered learning and values that echo the way scholars and clinicians define and describe CLE. In revealing what is meaningful, and valued, to participants, we can be provided with additional ideas to enrich the range of CLE structures, participants and activities, and particularly the range of ideas for indigenising CLE to better meet varied local conditions.

I derived a number of characteristics of CLE from the literature assess the feedback questionnaire data against in the directed content and recurrent thematic analysis. These included CLE’s essential, intermediate purpose of practical learning and the important (but not universally present) ultimate purposes of vocational legal training and serving a public interest. Because CLE’s core form is experiential learning, I looked for responses about characteristic elements of experiential learning including feedback from and experienced person and reflection, as well as about the more general topic of experiential learning itself. The analysis of the 72 feedback questionnaire responses, above, has found that students and professional volunteers who participated in YATT in 2011 and 2012 perceived it not only as educational, but as practical and legally relevant education incorporating real-world activities and personnel. This practical learning was what the participants valued most about YATT.

In addition, the questionnaire responses show that the professional volunteers fulfilled the role of experienced personnel giving feedback to students, as per the characteristics of active learning which the literature review presented as integral to CLE. The data analysis revealed the strong recurrence of feedback as a theme, mainly with a positive value placed by participants on the feedback from the volunteering professionals. There was demand for even more feedback, which would have heightened YATT's active learning. The analysis did not, however, find reflection emerging as a theme in the feedback (although the 72 completed feedback questionnaires are themselves evidence of participants reflecting, echoing Spencer's direction that written reflection is important in addition to debriefing in CLE.⁸⁴). Nevertheless, the public speaking and grand final speaking topics, in particular, were designed to prompt students to critically reflect on aspects on labour law and public interest advocacy in China. Thus, participants' perspectives on experiential legal learning as central to YATT align with the literature's perspectives on experiential learning as central to CLE, but the alignment was stronger in some respects than others: feedback was present and appreciated but reflection needed further incorporation into activities. Moreover, a vocational learning purpose was apparent to YATT's participants – aligning with CLE – but a public interest purpose was not as apparent (in the feedback discourse, at least) – showing an aspect in which YATT failed to strongly align with CLE.

⁸⁴ Spencer, above n4, p.183.

However, looking beyond the explicit feedback data, YATT's speaking activity topics prompted students to engage with the public interest purpose of YATT. For example, public speaking topics included:

- *Imagine you are a workers' leader speaking at a government law reform consultation session. Tell them why you think that Labour-dispatch workers 'dispatched' to a company should be entitled to the same pay for the same work as fellow workers directly employed by the company.*
- *Imagine you are the leader of your university's law student body, which is trying to encourage more students to volunteer. Give a speech to your fellow students on why they should volunteer at local not-for-profit community centres.*

Thus, although the public interest purpose was largely not commented upon in the data (save for two responses), meaning the data cannot support a finding that YATT was perceived as public interest CLE by the students, we do not need to interpret the data as showing that public interest was absent from YATT.

Bringing the results together, from this internal perspective, YATT displayed key characteristics of CLE. This case study is one way of revealing that significant purposes and norms of CLE can be recognised by organisations other than universities who, at least in some cases, are in a position to act on that recognition in an attempt to increase the provision, and the impact, of CLE. Universities are the tried and tested leaders of CLE, but thus not the only providers we could think about, and support, in

future expansions of CLE. However, YATT is not a perfect alternative model: the study highlights that YATT had only limited success in prompting students to explicitly identify or value the public interest nature of the program in their feedback. It was also limited in terms of formally including reflection activities to aid the development of reflective legal practitioners. CLE adaptations learning from YATT should address these shortfalls.

Motivations

The study also enquired into what motivated the participants, given that university-based motivational resources were unavailable to YATT, it being run by a civil society organisation. The finding is that, from participants' perspectives, YATT aligned with many learner orientations and interests theorised in the literature, despite being in a radically different setting. It was in relation to the feedback on feedback that we could most clearly see what interest/motivation had been experienced by participants, as well as in their feedback on the training and skills development they perceived themselves to have undergone. Looking at the results from a theoretical point of view, YATT seems therefore to have motivated personally- and vocationally- oriented learners because feedback and training are theorised to correspond, respectively, to those orientations: see Figure 1. The (far less prevalent) negative feedback calling for more social interaction within YATT suggests some participants were socially-oriented and that their motivation could have been better catered to; however, the

strongly positive feedback in the multiple choice questions, especially in the question on enjoyment of activities, shows that socially-orientated learner motivation was fostered in other ways.

My argument is not that CLE must always motivate students in the ways YATT did; probably, many university CLE courses already do so, in addition to motivating learners through grades and course credits. The key angle to discuss is that these participant responses are not all from students, but also from professional volunteers involved in YATT. YATT was unusual in many ways, but not in demanding active participation from specialists/professionals/practitioners. Such participants also need to be and to stay motivated to make the active learning of CLE happen in university contexts. Indeed, Wortham has argued that CLE initiatives should build long-term, personal, collaborative connections.⁸⁵ This aspect of the study suggests a path for future research on how the crucial, non-student participants in CLE projects experience learning, and can be motivated and rewarded by the form of their participation and by their own learning, throughout their involvement, to build-up stronger collaborative connections.

⁸⁵ Wortham, n6, p.677.

Language learning in CLE

Finally, the finding of the strong recurrence of the theme Practice-based Language Learning – about as strong as Practice-Based Legal Learning – warrants further discussion. It was an emergent theme rather than one directed by the literature and it reveals the importance of communicative and linguistic aspects of vocational legal training, at least to participants. The emphasis on this theme in the participant responses highlights the value of seeking insider (i.e. participant) perspectives on CLE; without the dual methods of thematic analysis this aspect of YATT might have been overlooked, as the literature on CLE rarely foregrounds language learning as a significant and deliberate part of CLE (that is why there was no corresponding content-directed theme).

Let us turn back to the skills that participants nominated as having been developed, in response to the Set 3 questions. In analysing that Set, I noted that legal and language learning were emerging together and as interrelated. Some of the skills nominated may appear at first blush to be language rather than legal skills, such as speaking with both style and confidence, speaking clearly, organising ideas, responding quickly, using facial expressions and gestures, and adapting to being on stage/nervous. But lawyers (especially advocates) also rely heavily on these skills, in whichever language they use. It appears that YATT participants were particularly attuned to noticing improvements in these skills and providing feedback about them, perhaps because YATT was offered bilingually and, for many, undertaken in their second language.

With our focus sharpened by these results, perhaps we can see better that integrating communication skills with legal skills is one way most CLE already goes beyond lecture-based legal education. This feedback serves as a reminder that legal practice is in many ways about communication, not only legal know-how, and furthermore that language and communication skills are a facet of a legal education that practice-based learning, more than doctrinal learning, can develop. Learning to communicate appropriately is at the basis of practical legal training because communication practices are embedded in lawyering in “real world” contexts. An improved ability to express one’s thoughts, to be confident (authoritative, even), clear and quick off the mark, to effectively emphasise or clarify a message through body language and many of the other language skills these YATT students noted are “soft skills” law students should hope to develop even if CLE is undertaken in their first language, in order to improve their ability to work with various clients and in court.

The relative invisibility of language and communication skills in CLE theory is not necessarily because these are unimportant in reality. I suggest, rather, that the relative invisibility is the product of a disposition well-known in sociolinguistic literature, namely, that non-linguists often mistakenly regard language as something that is simply there and “naturally” learnt. Indeed, many existing legal educators may already hope that CLE students learn to speak and write and communicate like lawyers, and this finding helps bring that aspiration to the fore. Especially in non-Anglophone countries, English language may be an important feature of CLE task

design as a vehicle for importing foreign conceptions of lawyering or preparing students for international/transnational legal practice. Moreover, other languages of practice can also be developed through practical legal education: in one of the rare, explicit references to language learning in the literature, Burke and Zillmann note that Hong Kong's recent inquiry on PLT recommended providing students with "greater proficiency in legal Putonghua [i.e. national standard Mandarin]".⁸⁶

In addition, for scholars writing about or running CLE, even in university settings, another transferable lesson here is that CLE programs should not be designed or evaluated only against criteria developed by clinicians and scholars. We may be able to improve our CLE programs by learning what participants, especially students, value most about CLE and open-mindedly working towards goals we had not presaged.

Conclusions and contributions

YATT was a putative CLE initiative from outside the university context, and outside the Anglophone and common law contexts. Given the innovative form of YATT and the need to develop the literature, and the practice, of alternative models of CLE, it was important to work with the data available in the form of feedback survey

⁸⁶ Burke and Zillmann, n9, p.34.

responses despite their limited utility for quantitative analysis. The qualitative, thematic analysis of participant perspectives is, itself, a contribution to CLE literature.

Along with the quantitative analysis of the multiple-choice feedback, the qualitative analysis found evidence that the practical learning and vocational legal training purposes of CLE were seen to be present in YATT by those participating in it. The students and professional volunteers who participated in YATT in 2011 and 2012 perceived it not only as educational, but as practical and legally relevant education incorporating real-world activities and personnel. The practical learning was what the participants valued most about YATT. However, the another common (but not necessarily universal) purpose of CLE, serving a public interest, was largely not commented upon in the data, so the data do not strongly support a finding that YATT was perceived by participants as public interest oriented practical legal education. A critical discussion of these findings in Section 3 contributed to debates in the literature about whether CLE must engage with real, current matters or may be simulation-based, taking the latter position, and encouraged further exploration of the yet-small field of civil-society-led and alternative CLE. In explorations of civil-society-led CLE, we must question the distinction made between CLE and other forms of practical legal education based on a public interest orientation, because civil society organisations are often publicly interested; Yilian Centre certainly was, both overall and specifically in offering its own version of practical legal education, in a radically novel version that did not rely on university leadership or backing.

The study thus contributes to destabilising the distinctions between real problem-based and simulation-based CLE or, on an even stricter view, between CLE as real and PLT as only simulations. As canvassed at the start of this article, there are diverse views on these divisions in the literature. There is nothing in the participant feedback data to suggest that YATT was perceived as inauthentic or lacking in educational or vocational relevance, despite being simulation-based. The point for discussion, arising out of these findings, is whether we need to police the boundaries of CLE so strictly when simulation-based legal education can be experienced as valuable by participants, as it was in this case, and moreover whether we need to police the boundaries of CLE so as to exclude innovations that cede leadership to civil society organisations or engage multiple universities' students at once, to note some of the atypical features of YATT. These questions are worth considering in further studies, especially if other, more real and/or more traditional CLE opportunities are not sufficiently widely available, as in YATT's case.

Further, building upon the thematic analysis results and the critical discussion in Section 3, this article argues that practice-based *language* learning be recognised and researched as an important part of experiential legal education and vocational legal training generally, and specifically of CLE. Communicative and linguistic skills are surely key aspects that educators hope students learn through interacting and doing lawyering (for real or mocked-up) in CLE, all the more because these skills are not studied or practiced much in the law school classroom. Nevertheless, I noted that the

literature does not foreground this aspect of CLE, whereas the internal perspective examined in this study does. The communication skills which the participants felt they had beneficially practiced in YATT were recognisable as the stock in trade of good legal advocates and advisers. One implication of this finding is that, in countries where a common second language is used at law school and by professional lawyers (typically, this is English), CLE course design should emphasise the learning of law-related second language and communication skills. Educators can even use this aspect of CLE as an additional motivator to pique academically oriented students' intellectual interest and personally oriented students' self-development (see Interests in Figure 1). A second implication, for Anglophone contexts, is to do the same. Even in Anglophone nations, legal education could benefit from more explicit recognition of language and communication skills as integral, and CLE – given its practical and oftentimes interactive nature – is especially suited to developing them.

Finally, the study illustrated, empirically, that this atypical, non-university led CLE responded to a range of the orientations, intrinsic and extrinsic interests, and aims of learners which are theorised in educational sciences. Moreover, although certain sources of extrinsic motivation, including a desire to obtain a vocational qualification or academic grades, could never be met by this program, the feedback did not reveal significant dissatisfaction about this incapacity. Rather, this case study shows that civil-society-led innovations in CLE can be motivating, enjoyable, and educationally rewarding in the eyes of participants. This can embolden others to further explore

alternative and atypical ways of achieving the purposes of CLE outside of the university context. This may be especially warranted where the socio-legal context is distinct from the Global North, Anglophonic contexts on which the majority of CLE research focuses and within which the more typical university led CLE model developed.

Appendix A: Overview of themes

<u>Theme:</u>	Learning			Professionalism of the activity				Positive experience	Negative experience		
<u>Sub-theme:</u>	Practice-based learning			-	Feedback from professional volunteers			-	Insufficiencies		
<u>Lower sub-theme:</u>	Practice-based legal learning		Practice-based language learning	-		Getting feedback from profess. volunteers	Insufficient feedback*	-	Activities	Students	In-sufficient Feedback*
<u>Specific themes:</u>	Defence	More practice time needed*	Expression	Speaking style	Professional / specialised volunteers		More feedback wanted	Good/ great overall	Facts not detailed enough	More students	
	Applying knowledge to facts	Court procedure	Speaking clearly	Responding quickly	Well organised***		Feedback wanted in Mandarin for English - medium activities	Well organised***	More practice time needed**	Organise more interaction between students	
	Building trust	Understanding laws and legal processes	Organising ideas / logical reasoning	Organising language				Public interest	Prep time too short		
			Confidence and dealing with nerves	Public speaking skills							