

# State of the Nation: 10 Years of Entrepreneurial Law Clinic Supervision in the United Kingdom

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## Abstract

In July 2012, I delivered my first conference paper at the International Journal of Clinical Legal Education Conference: '*Taking care of business: a new clinician's experience of supervising and developing commercial case work.*'<sup>1</sup> The audience was sparse. When the chair asked for questions, the room echoed in silence. A few years later, I was called a 'danger'<sup>2</sup> to clinical legal education because my students provided free advice to entrepreneurs. The service was criticised as being at odds with the social justice mission of clinical legal education. I remember it being a lonely time. Only a handful of UK entrepreneurial law clinics existed, and we received little attention in research literature.

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<sup>1</sup> Elaine Campbell, 'Taking Care of Business: a new clinician's experience of supervising and developing commercial case work' (International Journal of Clinical Legal Education, Durham, UK, 11 July 2012).

<sup>2</sup> Elaine Campbell, 'A dangerous method? Defending the rise of business law clinics in the UK' (2015) 49 The Law Teacher 165.

A decade on, I am still taking care of the Business and Commercial Law Clinic at Northumbria Law School. Much has changed. We have seen the rapid development of commercially focused law clinics across the UK, with a diverse range of approaches.

In this article I will make a major contribution to our understanding of the state of the nation for entrepreneurial law clinics in the United Kingdom today. Using elements of narrative inquiry and autobiographical writing, I will (a) reflect on my journey as one of the first UK entrepreneurial law clinic supervisors, (b) report on the increasing number and models of law clinics offering advice to businesses, and (c) argue for the further development of research in this distinctive and flourishing area of clinical practice.

## 1. Introduction

Joan Didion once wrote, 'we tell ourselves stories in order to live.'<sup>3</sup> Narratives can help us make sense of the world. They throw light on human experience and understanding. Unsurprisingly, storytelling has become a fundamental foundation of contemporary qualitative methodologies, such as (auto)ethnography, phenomenology, and narrative inquiry.<sup>4</sup>

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<sup>3</sup> Joan Didion, *The White Album* (Macmillan 1990).

<sup>4</sup> A detailed exploration of auto(ethnography), phenomenology, and narrative enquiry is beyond the scope of this paper. However, if you are interested in the use of storytelling in research, see, Arthur P. Bochner, 'It's About Time: Narrative and the Divided Self' (1997) 3 *Qualitative Inquiry* 418; Arthur W. Frank, *The Wounded Storyteller: Body, Illness, and Ethics* (The University of Chicago Press 1997); D.

I have been telling stories about entrepreneurial law clinic supervision for 11 years.<sup>5</sup>

These tales allow me to reflect on what has gone before and consider the changes to my personal practice as well as the wider cultural framework of clinical legal education. They have also afforded me the opportunity to see humour in situations that, in the moment, were stress-inducing and/or frustrating.

In this article, after more than a decade as a clinical supervisor, I weave narrative and literature review, story and research,<sup>6</sup> as I examine my journey to supervision, the

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Jean. Clandinin and F. Michael. Connelly, *Narrative Inquiry: Experience and Story in Qualitative Research* (Jossey-Bass, Inc 2000); Arthur W. Frank, 'Experiencing illness through storytelling', *Handbook of Phenomenology and Medicine* (Springer 2001); Carolyn Ellis, *The Ethnographic I: A Methodological Novel about Autoethnography* (AltaMira Press 2004); Susan H McFadden, Vanessa Frank and Alyssa Dysert, 'Creativity in the "now" of advanced dementia: Glimpses of the lifeworld through storytelling and painting' (2008) 2 *Journal of Aging, Humanities, and the Arts* 135; Arthur P. Bochner, 'On first-person narrative scholarship: Autoethnography as acts of meaning' (2012) 22 *Narrative inquiry* 155; Janelle F. Palacios and others, 'Storytelling: A Qualitative Tool to Promote Health Among Vulnerable Populations' (2015) 26 *Journal of Transcultural Nursing* 346; Arthur P. Bochner and Carolyn Ellis, *Evocative Autoethnography: Writing Lives and Telling Stories* (Routledge 2016); Stacy Holman Jones, Tony Adams and Carolyn Ellis, 'Introduction: Coming to know autoethnography as more than a method', *Handbook of autoethnography* (Routledge 2016); Kate P Nurser and others, 'Personal storytelling in mental health recovery' (2018) 23 *Mental Health Review Journal* 25; Joyce Chung and others, 'Storytelling in Female Veterans Survivors of Traumatic Brain Injury: A Phenomenological Analysis' (2021) 102 *Archives of Physical Medicine and Rehabilitation* e34.

<sup>5</sup> Campbell (n 2); Elaine Campbell, 'Taking Care of Business: Challenging the Traditional Conceptualisation of Social Justice in Clinical Legal Education' in Chris Ashford and Paul McKeown (eds), *Social Justice and Legal Education* (Cambridge Scholars Publishing 2016); Victoria Roper and others, 'Understanding the Scope of Business Law Clinics: Perspectives from the United Kingdom, Israel and the United States' (2018) 5 *Journal of International and Comparative Law* 217; Elaine Gregersen, 'The lived experience of a university law clinic supervisor: an autoethnographic inquiry', Northumbria 2019); Elaine Gregersen, 'Telling stories about the law school: autoethnography and legal education' (2022) 56 *The Law Teacher* 241.

<sup>6</sup> This paper utilises autoethnographic and autobiographic techniques, but it should not be labelled as an autoethnography. For more on autoethnography, see Elaine Gregersen, 'Telling stories about the law school: autoethnography and legal education' (2022) 56 *The Law Teacher* 241.

development of entrepreneurial law clinics in the UK during my time in the field, and the state of the nation today.

## 2. My Journey to Entrepreneurial Law Clinic<sup>7</sup> Supervision

My history with Northumbria University goes back to the late 1990s when, as a teenager, I worked evenings and weekends as a 'shelver' in the university library. My role, as the title might suggest, was to place recently returned books back on the library shelves. The Dewey Decimal System was my best friend as I wheeled my metal trolley purposefully through the dimly lit rows of knowledge, ensuring every book was in its rightful place. Even now, some 22 years on, when I spot a misplaced textbook I feel compelled to put it back where it belongs. In 1999, when I left to study law at another university in another city, the library staff presented me with a giant cardboard box generously filled with everything a young person might need in their first home away from home.

Three years later, on graduation day, I received a telephone call. My application to become a Graduate Tutor at Northumbria Law School had been successful. The role was fixed term for two years. I taught Company Law and Law of Business Associations - and I loved it. Towards the end of my second year in post, I wanted to

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<sup>7</sup> There are many ways of describing law clinics that provide advice to businesses. Some examples include: business law clinic, entrepreneurial law clinic, commercial law clinic, start-up clinics, legal advice for enterprise, business law café, commercial café, business and enterprise service. In this paper I use the phrase 'entrepreneurial law clinic' to complement the language used in the title of this special issue.

become a permanent member of the lecturing staff, but I had also been offered a training contract with national corporate law firm. I was torn. My colleagues gave me excellent guidance. 'Go out into the world,' they said. 'Learn about the legal profession. Get that experience. And then, when you're ready, you can come back to academia and tell your students all about it.'<sup>8</sup>

I followed the advice. In March 2011, after nine years of legal practice specialising in corporate, commercial and intellectual property law, I re-joined Northumbria Law School. This time I was employed as a Solicitor Tutor, teaching exclusively in the Law School's pro bono law clinic, the Student Law Office.

The Student Law Office was (and still is) one of the longest running clinical programmes in the UK.<sup>9</sup> In 1981, when Northumbria University was still known as Newcastle Polytechnic, a small number of students taking a Legal Methods and Institutions course were offered the opportunity to advise their fellow students.<sup>10</sup> At the time, due to professional practice rules and 'a general concern about a possible threat to local solicitors'<sup>11</sup> the clinic and its students could not act for members of the wider community, go on record at court, or apply for legal aid for eligible clients. By

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<sup>8</sup> Gregersen (n 5).

<sup>9</sup> Cath Sylvester, Jonny Hall and Elaine Hall, 'Problem-Based Learning and Clinical Legal Education: What can Clinical Educators Learn from PBL' (2004) 4 *International Journal of Clinical Legal Education* 39.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid* 40.

the 1990s, however, bolstered by the growing UK clinical movement and relaxation of practice rules,<sup>12</sup> the office was run for credit and offered legal advice to the general public.<sup>13</sup>

When I became part of the team, Northumbria Law School had just won the Attorney General's Award for the Pro Bono School of the Year 2010, and also the National Training Award 2010, where the judging panel called the programme 'outstanding, exemplary and truly inspirational.'<sup>14</sup> There were 165 students providing advice to real clients during that year, covering general civil litigation, crime and criminal appeals, employment law, housing law, welfare benefits, family law, and small business.<sup>15</sup> Students were divided into firms, typically comprising six students and a supervisor, with each firm dealing with a different area of law according to the supervisor's expertise.<sup>16</sup>

The small business part of the clinic had existed since 2007. My assignment was to develop that work. At the time, there were a small number of students undertaking

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<sup>12</sup> Ibid. Also see G. James and M. Woodley, 'The Relationship Between Academic Legal Education and the Legal Profession: The Review of Legal Education in England and Wales and the Teaching Hospital Model' (2005) *European Journal of Legal Education* 1.

<sup>13</sup> Sylvester (n 9); Jonny Hall, 'Professor Philip Kenny - A Leader in the UK and International Clinical Legal Education Movement - A Personal Tribute' (2016) *International Journal of Clinical Legal Education* 4.

<sup>14</sup> Northumbria University, 'Awards and Prizes' (Northumbria Law School, 2018) <<https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/and-the-winner-is/>> accessed 1 October 2022.

<sup>15</sup> Northumbria University, 'Student Law Office Annual Report 2010-2011' (Northumbria Law School, 2011) (2011) (on file with author, copy available upon request).

<sup>16</sup> Ibid.

this work, which tended to focus on charities and low-income businesses. I changed the title to the Business and Commercial Law clinic because I wanted the name to reflect the fact that, moving forward, we would look to serve more than 'small' entities. Using social media and other marketing tools,<sup>17</sup> I encouraged businesses of all sizes and means to come to the clinic. I supervised three firms.

### **3. Research on Entrepreneurial Law Clinics in the Early 2010s**

When I came into post, I searched the literature for people like me. I wanted to understand what my fellow clinicians did in their entrepreneurial law clinics and learn about their strategic plans and pedagogic research.

I found a wealth of research in the US journals, especially *Clinical Law Review*, *Journal of Affordable Housing & Community Development Law*, and *Journal of Legal Education*. Entrepreneurial law clinics had existed in the United States since the 1970s. There were 'a handful'<sup>18</sup> of small business clinics in the United States in the late 1990s, but growth was still far greater than in the UK.<sup>19</sup> In 2016, there were at least 140 law clinics available across American Bar Association-approved law

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<sup>17</sup> Including our student-led blog <<https://www.wetakecareofbusiness.wordpress.com>>.

<sup>18</sup> Susan R. Jones and Jacqueline Lainez, 'Enriching the Law School Curriculum: The Rise of Transactional Legal Clinics in U.S. Law Schools' (2013) 43 *Washington University Journal of Law & Policy* 85, 92.

<sup>19</sup> This could be attributed to the fact that legal education in the United States is graduate education. Law in England and Wales is taught at undergraduate level.

schools.<sup>20</sup> The clinics covered vast array of legal issues, including intellectual property, economic development, bio-tech, and entertainment law.<sup>21</sup>

Clinical faculty contributed a significant number of publications on socio-economic justice,<sup>22</sup> cross-disciplinary opportunities<sup>23</sup> and cross-cultural issues<sup>24</sup> - in the context of entrepreneurial law clinics. I was particularly drawn to Professor Susan R. Jones' work. Her seminal article of 2013<sup>25</sup> (written with Jacqueline Lainez) discussed in detail the evolution of US entrepreneurial law clinics over the decades. The article also explored pedagogic training, ethical and practice issues, looked at developments in available legal structures, and covered curriculum design and assessment. This extensive piece acted as a follow up to another article written by Jones,<sup>26</sup> published 15 years earlier, calling for law school clinics to adapt to demands and opportunities, and expand entrepreneurial assistance.

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Susan R. Jones, 'Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law' (2004) 14 *Washington University Journal of Law & Policy* 249; Susan R. Jones, 'Transactional Law, Equitable Development, and Clinical Legal Education' (2005) 14 *Journal of Affordable Housing & Community Development Law* 213.

<sup>23</sup> S. R. Jones, 'Transactional Lawyers Supporting Economic Development in the Nation's Capitol' (1999) 9 *Journal of Affordable Housing & Community Development Law* 18; Dina Schlossberg, 'An Examination of Transactional Law Clinics and Interdisciplinary Education' (2003) 11 *Journal of Law and Policy* 195; Jones 2004 (n 22), Jones 2005 (n22); Susan R. Jones, 'Supporting Urban Entrepreneurs: Law, Policy, and the Role of Lawyers in Small Business Development' (2007) 30 *Western New England Law Review* 71.

<sup>24</sup> Paulette J. Williams, 'Cross-cultural Teaching in the Business Law Clinic' (2008) 76 *Tennessee Law Review* 437.

<sup>25</sup> Jones and Lainez (n 18).

<sup>26</sup> Susan R. Jones, 'Small business and community economic development: transactional lawyering for social change and economic justice' (1997) 4 *Clinical Law Review* 195.

Then, in 2014, Professor Jones published a companion article<sup>27</sup> designed to spark a robust conversation in the legal community about transactional clinic design trends and opportunities. The research was brimming with details of innovative clinics in the United States. This included the University of Michigan Zell Entrepreneurship and Law Program (ZEAL) which had launched in 2012 following a \$5 million donation from alumnus and entrepreneur Sam Zell and was dedicated solely to representing student entrepreneurs.<sup>28</sup> Another model, Colorado Law School's Entrepreneurship Legal Clinic, assisted in the commercialisation of university-developed technology.<sup>29</sup>

Jones' own clinic, the George Washington Law Small Business & Community Economic Development Clinic (GW Law SBCED), worked with Washington Area Lawyers for the Arts (WALA) in several ways. The clinic provided direct legal services in a lawyer/client relationship.<sup>30</sup> It also acted as a community partner and sought case referrals from WALA.<sup>31</sup> GW Law SBCED joined clinic students from American University Intellectual Property Clinic to partner with WALA's Live Clinic and held a 2-hour walk in legal clinic for registered participants.<sup>32</sup> In addition, GW Law SBCED engaged in action research projects including the production of a white paper on the creative economy for WALA.<sup>33</sup>

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<sup>27</sup> Susan R. Jones, Jacqueline Lainez and Debbie Lovinsky, 'Viewing value creation by business lawyers through the lens of transactional legal clinics' (2014) 15 UC Davis Business Law Journal 49.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid* 76.

<sup>33</sup> *Ibid* 73.

The article went on to identify and describe the clients and communities served by the law clinics: Arts and Entertainment, Sustainable Agriculture, Corporate Laboratory, International Clients Student Entrepreneurs, Microbusiness and Microfinance Organizations and Immigrant Entrepreneurs. I remember marvelling at the breadth and diversity of the models on offer, and the detail included. The article ran to 106 pages with 296 footnotes.

Elsewhere, other US researchers were re-framing the role of business lawyers as 'enterprise architects',<sup>34</sup> promoting the advantages of inter-disciplinary clinics,<sup>35</sup> and incorporating critical legal theory into entrepreneurial law clinic pedagogy.<sup>36</sup> There were articles on economic justice<sup>37</sup> and articles on complex projects.<sup>38</sup> Then there were articles on engaging outside counsel to work with students as supervisors<sup>39</sup> and articles on the construction of entrepreneurial law clinics as a response to the financial crisis.<sup>40</sup> As I write, I am reminded of the note Jones placed in her 2013 article. She said it could not possibly 'capture the richness and variation of all

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<sup>34</sup> George W Dent Jr, 'Business Lawyers as Enterprise Architects' (2009) 64 *The Business Lawyer* 279.

<sup>35</sup> Schlossberg (n 23); Eric J. Gouvin and others, 'Interdisciplinary Transactional Courses' (2010) 12 *Transactions: Tennessee Journal of Business Law* 101.

<sup>36</sup> Alina S. Ball, 'Disruptive pedagogy: Incorporating critical theory in business law clinics' (2015) 22 *Clinical Law Review* 1.

<sup>37</sup> Lynnise E. Phillips Pantin, 'The Economic Justice Imperative for Transactional Law Clinics' (2017) 62 *Villanova Law Review* 175.

<sup>38</sup> Laurie Hauber, 'Complex Projects in a Transactional Law Clinic' (2008) 18 *Journal of Affordable Housing & Community Development Law* 247.

<sup>39</sup> Alicia E. Plerhoples and Amanda M. Spratley, 'Engaging Outside Counsel In Transactional Law Clinics' (2014) 20 *Clinical Law Review* 379.

<sup>40</sup> Judith Fox, 'Consumer Law Clinics: Community-Based Lawyering - A Social Justice Response to the Financial Crisis' (2013) 10 *Georgetown Journal on Poverty Law & Policy* 517 .

transactional clinics.<sup>41</sup> I find myself feeling the same way in relation to the research I read back then. I cannot possibly capture the depth and variety of the research into entrepreneurial law clinics in the US at that time.

In sharp contrast, those of us involved in UK entrepreneurial law clinics were not regularly publishing research about our clinics. 10 years ago, the International Journal of Clinical Legal Education contained zero articles relating to entrepreneurial law clinics. Another leading journal, The Law Teacher, was well known for publishing work on experiential learning and clinical teaching but I failed to locate any research relating to business law advice. I knew there were people like me out there, but - aside from our US clinic colleagues - I was unable to find anyone who was writing about their work in the UK.

#### **4. The Development of UK Entrepreneurial Law Clinics in the Last 10 Years**

In July 2012, I delivered my first conference paper at the International Journal of Clinical Legal Education Conference: '*Taking care of business: a new clinician's experience of supervising and developing commercial case work.*'<sup>42</sup> In the paper I concentrated on the development of my entrepreneurial work and reviewed what did (and did not) work during my first academic year as a clinician. I structured my 20 minutes into what I termed the "three 'C's: Connectivism (designing experiences

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<sup>41</sup> Jones and Lainez (n 18).

<sup>42</sup> Campbell (n 1).

where students could engage in networking), Commercial Awareness (training students to think like a commercial lawyer) and Creating a Product (document drafting and presentation). The audience was sparse. When the chair asked for questions, the room echoed in silence. I recall my line manager, in attendance for moral support, filling the gap by asking an amiable and uncontroversial question. I did not meet any other UK entrepreneurial law clinicians that day.

Over the next few years, I delivered several papers arguing that business law clinics offered positive opportunities for students, clients, and institutions. I spoke at funded workshops,<sup>43</sup> internal research conferences,<sup>44</sup> and the Commonwealth Legal Education Conference.<sup>45</sup>

In 2013, I became aware of qLegal - a scheme where postgraduate law students at Queen Mary University of London were providing free support to start-ups and entrepreneurs with supervision from private practice lawyers and academic staff.<sup>46</sup> At the time, qLegal was under the direction of Patrick Cahill, a clinician buzzing with ideas, enthusiasm, and knowledge. We set up a referral scheme between our two programmes, and my clinic students assisted Patrick and his students in registering

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<sup>43</sup> Elaine Campbell, 'Business clinics: opportunity knocks?' (Running a legal clinic: facing the challenges and sharing good practice, Northumbria Law School, UK, 12 February 2014).

<sup>44</sup> Elaine Campbell and Siobhan McConnell, 'Commercial Awareness: what is it and can we teach it?' (Northumbria Research Conference, Northumbria University, UK, 21 May 2014).

<sup>45</sup> Elaine Campbell and Victoria Gleason, 'Creativity and Commerce: The rise of the experiential business law clinic in the UK' (Commonwealth Legal Education Conference, Glasgow, UK, 9 April 2015).

<sup>46</sup> Queen Mary University of London, 'qLegal' <<https://www.qmul.ac.uk/qlegal/>> accessed 1 October 2022.

their qLegal trade mark.<sup>47</sup> Patrick told me about other entrepreneurial law clinics he knew such as Own-It,<sup>48</sup> an intellectual property advice service for London-based creatives at University of the Arts London, and Start-Ed,<sup>49</sup> a free service staffed by City, University of London law school students with supervision from local professionals. In 2015, we gave a paper together at the GAJE/IJCLE Conference in Turkey: '*Seeing Both Sides: Reflections on a Transactional Clinic Collaboration*.'<sup>50</sup> This was the first time two UK-based entrepreneurial law clinicians had delivered a co-written paper at a major clinical conference.

Around the same time as Patrick and I were collaborating on projects and papers, I received an email from a student at another UK-based law school clinic requesting assistance with their new small business unit. The email was a surprise, because the law school in question was explicit in its focus on social justice (in its traditional sense), building on the vision of clinical legal education as a provider of alms to those who could not access legal help elsewhere. The clinic had clear restrictions on who could access assistance and people coming to the clinic for help might be asked

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<sup>47</sup> Elaine Campbell and Patrick Cahill, 'Seeing Both Sides: Reflections on a Transactional Clinic Collaboration' (GAJE/IJCLE Conference, Turkey, 22 July 2015).

<sup>48</sup> University of the Arts London (2004) <<http://www.own-it.org/aboutus/>> accessed 1 October 2022. I note the website has not been updated for some time, with broken links and some features not loading at all.

<sup>49</sup> City, University of London, 'Start-Ed Pro Bono Legal Clinic' <<https://experience.city.ac.uk/activity/start-ed-pro-bono-legal-clinic#:~:text=City%2C%20University%20of%20London's%20Start,professional%20advisors%20and%20Oexperienced%20entrepreneurs>> accessed 1 October 2022.

<sup>50</sup> Elaine Campbell and Patrick Cahill, 'Seeing Both Sides: Reflections on a Transactional Clinic Collaboration' (GAJE/IJCLE Conference, Turkey, 22 July 2015).

to disclose information about their income and savings. This was substantially different to my clinic at Northumbria. Our service was free to anyone, no matter their economic means.

The clinic student visited the Student Law Office and attended one of my firm meetings, sharing their experience and discussing the differences between our two establishments. It was an eye-opening conversation for my students, who were perhaps naively under the impression that our clinic adhered to a universal model.

Following the visit, when I later caught up with the student, they said that they were at pilot stage and running their first event in partnership with a national law firm.

After this, they were taking on their first three clients and were employing a student to work on the project during the summer months. Full launch was anticipated in 2016/2017.

I mention this project because, for me, it represented a shift in the development of entrepreneurial law clinics in the UK. The other clinic was not moving away from its guiding principles in any way - the advice would still be offered to those who did not have the financial means to seek support from private practice. However, the fact that the clinic was even entertaining the possibility of advising businesses in conjunction with a corporate firm felt rather radical at the time.

I had encountered regular criticism of my approach to clinical legal education in the preceding years. At the end of my papers and presentations, the same question would crop up: 'where's the social justice?' My fellow clinicians could not understand how I could offer free legal advice to businesses that could afford to pay private lawyers and still be part of a movement founded on social justice principles. This culminated in one audience member calling me a 'danger'<sup>51</sup> to clinical legal education. My argument was (and still is) that the traditional conceptualisation of social justice in the context of clinical legal education needed to be challenged.<sup>52</sup> I saw the value in providing my students, who on the whole did not come from privileged backgrounds, the opportunity to advise a business client in the hope that this would improve their career prospects.<sup>53</sup> I could see the knock-on effect of giving legal advice to an established local company for free – more money to pay wages, to expand, to provide services to the community, and to promote economic growth in our local area.<sup>54</sup> These benefits seemed 'socially just' to me. So when I spoke to the clinic student who was wanting to set up a small business unit at his Law School and – without changing anything about the way his clinic was run or its founding principles - we were able to talk openly and harmoniously about a wider definition of social justice, this seemed like a seminal moment.

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<sup>51</sup> Campbell (n 2).

<sup>52</sup> Ibid., Elaine Campbell, 'Recognizing the Social and Economic Value of Transactional Law Clinics: A View from the United Kingdom' (2016) 65 *Journal of Legal Education* 580.

<sup>53</sup> Campbell (n 52); Roper (n 5).

<sup>54</sup> Ibid.

The challenges I faced when explaining the entrepreneurship clinic at conferences may have also been attributable to enduring questions about the nature of legal education itself. An in-depth review of the legal education literature at large is beyond the scope of this article<sup>55</sup>, but it is important to note long-standing tensions between 'academic' and 'vocational' aspects of law teaching. Traditionally, legal education in England and Wales have involved 'rigid distinctions'<sup>56</sup> between the academic, vocational, and continuing stages of training. When I embarked upon the development of the entrepreneurship law clinic the typical route for a law student comprised a 3-year academic degree, then (if they wished) postgraduate vocational training. This was not always the case, however. Northumbria University was one of the first institutions to offer an integrated academic and vocational package, in the 4-year Masters in Law degree, where vocational training and assessment sat alongside academic subjects. That said, this example of blended academic and vocational legal education was the exception rather than the norm.<sup>57</sup> I can only speculate, but the imposition of what might have been viewed as training suitable out with the

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<sup>55</sup> I recommend A Boon and J Webb, 'Legal Education and Training in England and Wales: Back to the Future?' (2008) 58 *Journal of Legal Education* 79 – an excellent and detailed commentary on historical development of English legal education going back to the Statute of Henry III in 1234. In addition, if you are looking for recent conversations in this arena I particularly recommend Rachel Dunn, Paul Maharg, and Victoria Roper (eds) *What is Legal Education for? Reassessing the Purposes of Early Twenty-First Century Learning and Law Schools* (Routledge 2023).

<sup>56</sup> Boon and Webb (n55) 80.

<sup>57</sup> In addition, universities (in England and Wales) still had to contend with the requirement to produce a Qualifying Law Degree made up of various elements.

academic law degree may have troubled some colleagues - even those who were inclined toward experiential education as part of the degree programme.<sup>58</sup>

Several years later, in 2017, I experienced another example of the changing landscape for business advice clinics - I was invited to give the keynote speech<sup>59</sup> at the inaugural Commercial Law Clinics Roundtable in London delivered by qLegal. At the roundtable we discussed the current models of entrepreneurial law clinics, best practice in developing these clinics, the skills students develop when advising clients on commercial matters, and legal and non-legal career paths for students.<sup>60</sup> There were 46 people on the attendee list,<sup>61</sup> with representatives from law schools, organisations, and businesses.<sup>62</sup> I remember looking out at the audience as I stood behind the lectern, thinking back to my 2012 conference paper, which garnered little interest, and how alone I had felt only five years earlier.

Research into entrepreneurial law clinics in the UK also took tentative steps forward.

The first piece of research specifically focusing on a UK-based entrepreneurial law

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<sup>58</sup> I have to say I have not had a critical response to my clinical work for a significant number of years now - this may reflect the changing nature of legal education generally and the prevalence of law clinics in university law schools today.

<sup>59</sup> Elaine Campbell, 'The Dark Knight Rises: What Next for Business & Commercial Law Clinics?' (1st Commercial Law Clinic Roundtable, London, 3 March 2017). Full transcript available at <<https://www.elainegregersen.com/academia>>.

<sup>60</sup> Queen Mary University of London, 'Commercial Law Clinics Roundtable' (3 March 2017) <<https://www.qmul.ac.uk/ccls/events/items/commercial-law-clinics-roundtable.html>> accessed 1 October 2022.

<sup>61</sup> The Participant List is available at:

<<https://docs.google.com/spreadsheets/d/1nWIW34fTa3Hm6PxNLbAaKs10TwwM4NSqWoRPCP42uZs/edit#gid=0>>.

<sup>62</sup> Ibid.

clinic was published here in the International Journal of Clinical Legal Education.<sup>63</sup>

The clinic was Start-Ed, a pro bono advice service for start-ups based at City University of London which Patrick had told me about a few years earlier.

Since its inception in 2012, Start-Ed had served more than 500 start-ups by offering weekly sessions where volunteer students would work with a commercial lawyer and offer high-level signposting of key legal issues.<sup>64</sup> The individuals involved in the start-ups were not offered representation and there was no ongoing relationship with the clinic or the lawyer. However, the start-ups were able to return to subsequent sessions for additional assistance and signposting. The research highlighted pedagogic issues, such as problems with attendance (relating to students, lawyers, and start-ups), alongside interesting data around the legal issues start-ups sought assistance. For example, 53% of start-ups attending the clinic sessions had difficulty determining the appropriate corporate vehicle.<sup>65</sup> This resonated with my own experience, where much of my supervisory time was spent unpacking exactly what type of business structure our clients had (or thought they had) as this had a fundamental impact on the advice my students were providing. I wrote about this, around the same time, in the first article on entrepreneurial law clinics from the UK to be published in the Journal of Legal Education.<sup>66</sup>

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<sup>63</sup> David Collins, Eric Klotz and Ben Robinson, 'Start-Ed: A Model for Commercial Clinical Legal Education' (2016) 23 International Journal of Clinical Legal Education 80.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Campbell (n 51).

The second Commercial Law Clinics Roundtable took place at the University of Sheffield in 2017. A detailed account of the event appeared in the *From the Field* section of the IJCLE.<sup>67</sup> Alongside this, the new ground was broken when three entrepreneurial law clinics – from the US, Israel, and the UK – produced comparative analysis of their respective schemes, arguing that entrepreneurial law clinics should be valued for their rich educational experience, the important assistance they provided, and the wider benefits they bestowed on teaching institutions.<sup>68</sup>

## 5. Entrepreneurial Law Clinics in the UK Today

Research into entrepreneurial law clinics has continued to flourish. I was particularly excited to see the recent publication of a multi-authored practice report on a prison-based Business Law and Tax Clinic.<sup>69</sup> When the authors wrote the report, the clinic was still in the midst of developing its 'shape, structure, and delivery method',<sup>70</sup> not least due to the challenges of the global pandemic. However, the ability to read about the design, the key learnings, and the potential future direction of this innovative clinic will be a buoy to many of us in the entrepreneurial law clinic world. When I started out as a clinician, we might have learned about the clinic via a

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<sup>67</sup> Victoria Roper, 'Round up of the 2nd Commercial Law Clinics Round Table - 9th March 2018' (2018) 25 *International Journal of Clinical Legal Education* 248.

<sup>68</sup> Roper (n 5).

<sup>69</sup> Helen Codd and others, 'The Best of Times and the Worst of Times': Reflections on Developing a Prison-Based Business Law and Tax Clinic in the Midst of a Global Pandemic' (2020) 27 *International Journal of Clinical Legal Education* 39.

<sup>70</sup> *Ibid* 59.

conference paper, or in general discussions. To see it represented in published works and part of the literature denotes another shift in the development of entrepreneurial law clinic research.

Alongside case study research into specific entrepreneurial law clinics, we have also seen an influx of philosophical takes on the role of entrepreneurial law clinics, primarily led by Omar Madhloom.<sup>71</sup> Madhloom's work explores the theoretical foundations for a social justice–centric global law clinic movement with a particular focus on Kantian moral philosophy.<sup>72</sup> This has led to emerging fields of play with a focus on theory.<sup>73</sup>

Frustratingly, however, information about entrepreneurial law clinics in the UK today is mainly discoverable via Google searches and law school websites. Whilst I have obtained a reasonable amount of data using those search strategies, I acknowledge I have been unable to capture all the clinics in existence today. How do I know this?

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<sup>71</sup> Omar Madhloom, 'A normative approach to developing reflective legal practitioners: Kant and clinical legal education' (2019) 53 *The Law Teacher* 416; Omar Madhloom, 'A Kantian Moral Cosmopolitan Approach to Teaching Professional Legal Ethics' (2022) 23 *German Law Journal* 1139; Omar Madhloom, 'Philosophy in action through clinical legal pedagogy', Northumbria University (2022); Omar Madhloom and Irene Antonopoulos, 'Clinical Legal Education and Human Rights Values: A Universal Pro Forma for Law Clinics' (2022) 9 *Asian Journal of Legal Education* 23.

<sup>72</sup> *Ibid.*

<sup>73</sup> This includes a multi-disciplinary online workshop, hosted by the University of Bristol and in association with the Clinical Legal Education Organisation, in January 2022 which brought together a panel of academics and practitioners to discuss business law clinics from educational and employability perspectives. The workshop framed an interdisciplinary and multidisciplinary approach to business law clinics in the context of clinical legal education and pro bono/corporate social responsibility. I was member of the panel. Questions raised and debated included: Is there a moral obligation to engage in pro bono? Do law clinics have a moral obligation to advise business entities? What are the pedagogic benefits of business clinics?

Because my own clinic did not appear in the Google searches I conducted. I only know my clinic exists because I've been running it for 11 years. This is where the problem lies – most of our knowledge is anecdotal. We lack detailed long-standing and up to date published research.<sup>74</sup> With this disclaimer in mind, however, I will attempt to provide a general update on the scope and nature of a range of entrepreneurial law clinics presently running in the UK.

qLegal is a particular success story. High-calibre postgraduates still provide free support to start-ups and entrepreneurs on a voluntary basis as they did when my students partnered with the project in 2015.<sup>75</sup> However, there is now also an option for students to provide advice to clients as part of a credit-bearing module, the Entrepreneurship Law Clinic.<sup>76</sup> In addition, qLegal runs an externship work placement programme with start-ups and scale-ups.<sup>77</sup> Students spend time in start-ups gaining first-hand experience in legal and technological services whilst receiving training on law and business from the qLegal team.<sup>78</sup> Small groups of students also work on discrete projects for businesses and offer one-to-one coaching sessions to secondary school pupils from UK state schools.<sup>79</sup>

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<sup>74</sup> I am conscious that we are missing data from Wales, Scotland and Northern Ireland especially.

<sup>75</sup> Queen Mary University of London (n 46).

<sup>76</sup> Queen Mary University of London, 'QLegal – About Us' <<https://www.qmul.ac.uk/qlegal/about/>> accessed 1 October 2022.

<sup>77</sup> Lawtech, AI, and compliance and regulatory sectors.

<sup>78</sup> Queen Mary University of London (n 76).

<sup>79</sup> Ibid.

According to their website, Start-Ed at City, University of London also continues to provide free one-to-one advice from professional advisors and experienced entrepreneurs. Student volunteers sit in the advice sessions.<sup>80</sup> Several entrepreneurial law clinics operate in this way, with law students being supported by qualified lawyers. At the BPP Legal Advice Centre for Enterprise (BLAC Enterprise) students conduct a fact-finding interview and a detailed letter of advice is created under supervision.<sup>81</sup> The Small Business Legal Clinic at the University of York is staffed voluntarily by Masters students, supported by supervising solicitors at the university and law firm Ward Hadaway.<sup>82</sup> Student advisors at King's College London's Intellectual Property Law Clinic are supervised by specialist lawyers from law firms Briffa and Bird & Bird as well as the clinic's own staff.<sup>83</sup> Manchester Metropolitan University's Business Law Café offers free support to social enterprises, start-ups, charities, entrepreneurs and small businesses delivered by law students under the supervision of lawyers giving their time pro bono.<sup>84</sup>

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<sup>80</sup> City, University of London (n 49).

<sup>81</sup> BPP University Law School, 'I have a legal query about my business' <<https://probono.bppuniversity.ac.uk/blog/projects/business-legal-advice/>> accessed 1 October 2022.

<sup>82</sup> University of York, 'Small Business Clinic' <<https://www.york.ac.uk/law/the-baroness-hale-legal-clinic/small-business-clinic/>> accessed 1 October 2022.

<sup>83</sup> King's College London, 'Intellectual Property Clinic' <<https://www.kcl.ac.uk/legal-clinic/how-we-can-help/intellectual-property>> accessed 1 October 2022. Enquirers receive an appointment with the clinic and a one-off letter of advice.

<sup>84</sup> Manchester Metropolitan University, 'Pro Bono' <<https://www.mmu.ac.uk/law/study/school-life/pro-bono/>> accessed 1 October 2022. There is one clinic per term.

Typically, entrepreneurial law clinics in the UK offer legal advice on issues such as incorporation, checking company and trade mark registers, copyright advice, and practical support around running a business generally.<sup>85</sup> However, some clinics do undertake a diverse (and complex) range of business issues. For example, the Legal Advice Clinic at University of Law, London, offers legal advice on 'contract terms, privacy, shareholder entitlement, data protection, setting up a company, restructuring, general intellectual property issues, trade mark and registered designs, general patent queries, partnership agreements and general partnership matters, shareholder agreements and minority shareholder matters, copyright, directors' duties, termination or disqualification'.<sup>86</sup> Supervised student advisors at CommLaw at the University of Sheffield are also able to offer advice on underrepresented areas such as product labelling regulations, disclaimers, and employment, contractor, and partnership issues.<sup>87</sup>

Interestingly, some clinics have adopted payment-based models. At University of Central Lancashire Business Law Clinic, graduate legal advisers work under the close supervision of qualified solicitors.<sup>88</sup> There is an administration fee of £50 plus VAT

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<sup>85</sup> BPP University Law School (n 81).

<sup>86</sup> The University of Law, 'Legal Advice' <<https://www.law.ac.uk/landing/ullac-london-enquiry-form/>> accessed 1 October 2022. In this case, a group of students observe and assist a volunteer lawyer. Verbal advice is provided.

<sup>87</sup> University of Sheffield, 'CommLaw legal clinic' <<https://www.sheffield.ac.uk/law/undergraduate/probono/commlaw-legal-clinic>> accessed 1 October 2022.

<sup>88</sup> University of Central Lancashire, 'Business Law Clinic' <<https://onlineshop.uclan.ac.uk/product-catalogue/law-school-and-social-sciences/business-law-clinic>> accessed 1 October 2022. The online store where clients pay their first appointment fee notes that The Business Law Clinic is operated by

which must be paid via a webpage before the initial meeting.<sup>89</sup> There is no charge for the advice offered, however.

The Business and Enterprise Law Service provided by NLS Legal at Nottingham Trent University does charge.<sup>90</sup> It offers low-cost legal assistance on a range of business issues across the life cycle of a business from inception to post-insolvency, with particular focus on dispute resolution and litigation.<sup>91</sup> All work is undertaken by a team of law student volunteers, legal assistants and paralegals under the supervision of a Business and Enterprise Law Service solicitor.<sup>92</sup> Perhaps this is the best example we have as to how far the entrepreneurial law clinic landscape has travelled in the past decade.

Our clinic at Northumbria Law School has experienced change too. The Student Law Office module moved into the third year of the degree programme in 2020. The clinic

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graduate legal advisors who have completed a law or other qualifying law degree and are now in the first stage of training to qualify as a solicitor.

<sup>89</sup> Ibid.

<sup>90</sup> Nottingham Trent University, 'Our Services' < <https://www.ntu.ac.uk/study-and-courses/academic-schools/nottingham-law-school/nls-legal/our-services> > accessed 18 April 2023.

<sup>91</sup> NLS Legal's fee information can be found here:

<[https://www.ntu.ac.uk/\\_data/assets/pdf\\_file/0024/1480380/Fees-information.pdf](https://www.ntu.ac.uk/_data/assets/pdf_file/0024/1480380/Fees-information.pdf)> accessed 1 October 2022.

<sup>92</sup> Nottingham Trent University (n 90).

has grown in size,<sup>93</sup> diversity of legal cases<sup>94</sup>, and type of advice provided.<sup>95</sup> In the 2022/2023 academic year, we have two live client Business and Commercial firms. Each firm consists of one supervisor (who is an academic with practice experience) and eight students. Our numbers are currently smaller this year due to a mix of personal and professional changes.<sup>96</sup>

As the years have passed, I have adjusted my Student Law Office teaching. When I started, I took on a higher volume of cases. I would split the cases between pairs of students, even if the case had multiple components. I soon discovered this was unsustainable for me and for the students. Today, I still ask the students to work in pairs initially, but I am more inclined to extend this to a trio or a quad especially if a case involves several elements. I divide the issues between several students rather than leaving the entire case to two. I also act with caution when looking at new enquiries, thinking carefully about the extent to which we can provide advice. Experience has given me greater confidence in my decisions. In the early days, I

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<sup>93</sup> In the 2022-2023 academic year, the clinic has 24 supervisors. Supervisors have 1 or 2 firms, which typically comprise 8 students. There are 267 students. In 2021-2022, there were 297 students working in the Student Law Office.

<sup>94</sup> Legal areas include housing, civil litigation, family, wills, employment, crime, welfare benefits, and business.

<sup>95</sup> The Student Law Office has a flourishing policy clinic: see Rachel Dunn, Lyndsey Bengtsson, and Siobhan McConnell, 'The policy Clinic at Northumbria University: influencing policy/law reform as an effective educational tool for students' (2020) 27 *International Journal of Clinical Legal Education* 68.

<sup>96</sup> For example, in January 2022 I become Programme Leader for the Professional Doctorate in Law programme and in September 2022 I moved to part-time hours. Back in 2011, I was working full-time and exclusively in the Student Law Office – allowing for three firms. This year, the reduction in my working hours and increase in my other responsibilities only allows for one firm.

would feel (self-imposed) pressure to answer every enquiry and/or provide the students with considerable legal experience during their year-long module.

Today I find it easier to take pause and consider the long-term implications of my supervisory choices. For example, I used to supervise the drafting of complex terms and conditions. Over time, I realised that this was far too complicated for the students. The client would often be waiting several months for a first draft, and I would find myself drafting the terms late into the evening in order to maintain good client care. The students did not have the opportunity to engage meaningfully in the advice and I become overloaded. Now, I make it clear in our marketing materials that my students can only advise on or draft simpler contracts such as a website terms of use. I have found that this has led to a greater level of interaction between my students and the client, and a better work-life balance for me and my students. I emphasise quality of the work produced over the quantity of cases taken on, whilst still ensuring I provide a pedagogically rich clinical environment and an appropriate and reasonable amount of legal experience for my student.

## **6. The Future**

As UK entrepreneurial law clinics expand in number and approach, we must take inspiration from our US clinical colleagues and continue to develop our growing body of research. There is an opportunity to explore trends, analyse pedagogical

innovations, and provide a comprehensive assessment of UK entrepreneurial law clinics.

I make this plea to myself as well as to our wider network. I am conscious that this article has only scratched the surface of the models of entrepreneurial law clinic in existence in the UK today. There is scope for a long-term substantive piece of research mapping UK law schools' approaches to business advice. This special edition is an important part of this work. Let's look back in another 10 years' time and see how far we have come.