LAW STUDENTS' PERCEPTIONS ON A PROFESSIONAL WRITING ACTIVITY: INCLUSIVITY AND THE CHANGING CONCEPT OF EMPLOYABILITY

Valoracion de una actividad de escritura profesional por los estudiantes de Derecho: inclusividad y el cambiante concepto de empleabilidad

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ABSTRACT

Higher Education is changing in the United Kingdom and internationally. The increased commercialisation and massification of the sector over the years has brought the pressure on university students' employability. Admittedly, as the body of university' students is growing and diversifying, the activities design to embed employability in the curriculum need to have inclusivity in mind, to support students despite their non-traditional background. In this landscape, this article explores students' perception on a professional writing activity set in a core module, in the second year of their Law Degree. The study used qualitative research (n=35) and was conducted in a UK research-intensive institution. The results of this work suggest the need for universities and law teachers to hear the diverse voices of their students, who in this project, acknowledged the benefits of introducing experiential employability activities in their core modules with links to a real employer. In the one hand, law students are motivated to experience something different in their curriculum. In the other hand, all the students feel valued and included in the employability activity, even those considered to be non-traditional. If we acknowledge and value the diversity of our students, we may help them reach the future they all deserve.

KEYWORDS

gamification, ICTs, mock trial/mini-moot court, evaluation, law.

RESUMEN

La educación superior está cambiando en el Reino Unido y a nivel internacional. La creciente comercialización y masificación del sector a lo largo de los años ha traído consigo la presión sobre la empleabilidad de los estudiantes universitarios. Es cierto que, a medida que el cuerpo estudiantil universitario crece y se diversifica, las actividades diseñadas para integrar la empleabilidad en el currículo deben tener en mente la inclusión, para apoyar a los estudiantes a pesar de su origen no tradicional. En este panorama, este articulo explora la impresión de los estudiantes sobre una actividad de escritura profesional establecida en una asignatura troncal, durante el segundo año del grado de Derecho. El estudio utilizo una investigación cualitativa (n=35) y se llevó a cabo en una universidad de alto componente investigativo en el Reino Unido. Los resultados de este trabajo sugieren la necesidad de que las universidades y los profesores de derecho escuchen las diversas voces de sus estudiantes, que reconocen los beneficios de introducir actividades experienciales de empleabilidad en sus asignaturas troncales y con vínculos con un empleador real. Por un lado, los estudiantes de derecho están motivados al experimentar algo diferente en su currículo. Por otro lado, todos los estudiantes se sienten valorados e incluidos en la actividad de empleabilidad, incluso aquellos estudiantes no tradicionales. Si reconocemos y valoramos la diversidad de nuestro alumnado, podemos ayudarles a alcanzar el future que todos merecen.

PALABRAS CLAVE

gamificación, TICs, juicio simulado, evaluación, derecho.

1. Introduction

The landscape of Higher Education (HE) is changing in the UK and internationally.[1] Factors such as the massification[2] and commercialisation[3] of HE is shifting the way in which the importance of students' employability is perceived by governments and society.[4] Nowadays, as part of the commercialisation of HE, there is a growing expectation of Higher Education Institutions (HEIs) to equip students with the employability abilities needed to succeed and reimburse the public investment in education.[5] As per the widely accepted definition of York, employability is: '(a) set of achievements, skills, understandings and personal *attributes, that make graduates more likely to gain employment and be successful in their chosen occupations, which benefits themselves, the community and economy.'*[6] *In the UK, HEIs feel the*

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1 PROKOU, E. (2008). 'The Emphasis on Employability and the Changing Role of the University in Europe'. *Higher Education in Europe*, Vol. 33, num. 4 pp. 387-394. https://doi.org/10.1080/03797720802522593; MCCORMACK, S., & BARON, P. (2023). 'The impact of employability on Humanities, Arts and Social Sciences degrees in Australia.' *Arts and Humanities in Higher Education*, Vol. 22, num. 2, pp. 164-182. https://doi.org/10.1177/14740222231156888; COMUNIAN, R., JEWELL, S., SUNMONI, A., & DENT, T. (2023). 'For what it's worth: European Arts and humanities graduates' employability and their engagement in society.' *Arts and Humanities in Higher Education*, Vol. 22, num. 2 pp. 211-232 https://doi.org/10.1177/14740222231156892; KALFA, S., & TAKSA, L. (2013). 'Cultural capital in business higher education: reconsidering the graduate attributes movement and the focus on employability'. *Studies in Higher Education*, Vol. 40, num. 4 pp. 580-595. https://doi.org/10.1080/03075079.2013.842210

2 BOLIVER, V. (2011) 'Expansion, differentiation, and the persistence of social class inequalities in British higher education'. *Higher Education,* Vol. 61, pp. 229-242. https://doi.org/10.1007/s10734-010-9374-y

3 GIROUX, H. (2002) 'Neoliberalism, Corporate Culture and the Promise of Higher Education: The University as a Democratic Public Sphere.' *Harvard Educational Review*, Vol. 72, num. 4, pp. 425-464. https://doi.org/10.17763/haer.72.4.0515nr62324n71

4 JACKSON, D., & COOK, E. J. (2024). Work-integrated learning in the humanities, arts and social sciences: where to from here? *Studies in Higher Education*, pp. 1-20. https://doi.org/10.1080/03075079.2024.2409879.

5 JACKSON, D. (2014). 'Employability skill development in work-integrated learning: Barriers and best practice.' *Studies in Higher Education*, Vol. 40, num. 2 pp. 350-367. https://doi.org/10.1080/03075079.2013.842221; GIROUX, H. (2002), *op. cit.*; MORLEY, L. (2001). 'Producing New Workers: Quality, equality and employability in higher education.' *Quality in Higher Education*, Vol. 7, num. 2, pp. 131-138. https://doi.org/10.1080/13538320120060024

6 YORKE, M. (2004). Employability in the Undergraduate Curriculum: some student perspectives. *European journal of education*. [Online] Vol. 39, num. 4, p. 410. https://doi.org/10.1111/j.1465-3435.2004.00194.x

pressure of their employability role,[7] *via recommendations by some regulatory government agencies such as the Office for Students (OfS)*[8] and through initiatives like the Teaching Excellence Framework (TEF),[9] which is managed by the later. In fact, HEIs are aware that their students,' (and future graduates') employability will be measured as an indication of their success.[10] In fact, it will influence the league place of HEIs in the UK.[11] As a result of these pressures, many HEIs see the need to embed employability skills in their study programmes.[12] Hence, HEIs in the UK are required to show information on the employment of their students once they become graduates.[13] On the other hand, HEIs also have to deal with the growing rise on the number of students; massification implies a rise on the university' students that come from a non-traditional background. Student that come from a socio-economic or cultural upbringing that is different from the one that HEIs were used to traditionally.

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7 HEALY, M. (2023). 'Careers and employability learning: pedagogical principles for higher education'. *Studies in Higher Education*, Vol. 48, num. 8 pp. 1303-1314. https://doi.org/10.1080/03075079.2023.2196997

8 The office for students is the regulator for Higher Education in England. They protect the interests of students by supporting a diverse and independent higher education sector. OFFICE FOR STUDENTS (OfS). Information available at: https://www.officeforstudents.org.uk/

9 'The Teaching Excellence Framework (TEF) is a national scheme run by the Office for Students (OfS) that aims to encourage higher education providers to improve and deliver excellence in the areas that students care about the most: teaching, learning and achieving positive outcomes from their studies. OFFICE FOR STUDENTS, ABOUT THE TEACHING EXCELLENCE FRAMEWORK (TEF) https://www.officeforstudents.org.uk/for-providers/quality-and-standards/about-the-tef/

10 FRANKHAM, J. (2016). "Employability and higher education: the follies of the 'Productivity Challenge' in the Teaching Excellence Framework." *Journal of Education Policy*, Vol. 32, num. 5, pp. 628-641. https://doi.org/10.1080/02680939.2016.1268271; WESTON, S., & MCKEOWN, S. (2020). 'After the TEF and consumer law-based interventions - are prospective HE students now able to make informed choices?' *The Law Teacher*, Vol. 54, num. 3 pp. 414-425. https://doi.org/10.1080/03069400.2019.1708603 p. 423

11 MOLESWORTH, M., SCULLION, R. & NIXON, E. (2011) (eds), *The Marketisation of Higher Education and the Student as a Consumer* (Routledge) p. 3; NICHOLSON, A. (2020). 'The value of a law degree – part 2: a perspective from UK providers.' *The Law Teacher*, Vol. 55, num. 2 pp. 241-257. https://doi.org/10.1080/03069400.2020.1781483 ; CANTO-LOPEZ, M. (2022). 'What are law teachers for? Finding ways to introduce law teachers' voices through the TEF in the ever-changing HE sector in England,' in Dunn, R. Maharg, P and Roper, v. (ed) *What is Legal Education for? Reassessing the Purposes of Early Twenty-First Century and Law Schools.* (Routledge).

12 SIN, C., TAVARES, O., & AMARAL, A. (2017). 'Accepting employability as a purpose of higher education? Academics' perceptions and practices.' *Studies in Higher Education*, Vol. 44, num. 6 pp. 920-931. https://doi.org/10.1080/03075079.2017.1402174, p. 921. TOMLINSON, M. (2017), "Forms of graduate capital and their relationship to graduate employability", *Education and Training*, Vol. 59, num. 4, pp. 338-352. https://doi.org/10.1108/ET-05-2016-0090

13 ALEXANDER, J. (2023). 'Modelling employability through clinical legal education: building confidence and professional identity'. *The Law Teacher*, Vol. 57, num. 2 pp. 135-154. https://doi.org/10.1080/03069400.2023.2179306; FRANKHAM, J. (2016). "Employability and higher education: the follies of the 'Productivity Challenge' in the Teaching Excellence Framework." *Journal of Education Policy*, Vol. 32, num. 5 pp. 628-641. https://doi.org/10.1080/02680939.2016.1268271

These students tend to feel that there are more barriers for them to be employed.[14] With these two elements: pressure on employability and massification in the new HE landscape, HEIs should consider ways to support underrepresented students to be successful in their future despite their background, which is the goal of widening participation.[15]

Admittedly, nowadays the concept of employability for university students reaches further that just the acquisition of employability skills, HEIs and teachers need to acknowledge that the social and cultural capital of university students is an important part of their employability potential.[16] Thus, the need for HEIs and teachers to recognise that knowledge and skills are not the only attributes our students need to face the employability market. Undoubtedly, the concept and understanding of employability has been changing over time.[17] If we have to consider the current diverse background of our university students, when thinking about their future employability, we also have to design our employability activities with inclusivity in mind.[18] With the themes of employability and inclusivity running as the backdrop, this study explores law students' perception on a professional writing activity set in a core module, in the second year of the three-year LLB (Law Degree Programme). For this project, it was important to know what the students thought about embedding one employability skill on their core studies.[19] At the same time, we could also explore if our students from a non-traditional background view this employability activity in a way that could

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14 CHATTERJEE, B. B. (2023). 'Access to business attire as a widening participation issue in UK law schools.' *The Law Teacher*, Vol. 57, num. 4 pp. 493-512. https://doi.org/10.1080/03069400.2023.2278967; L., & EMPSON, L. (2012). 'Differentiation and discrimination: Understanding social class and social exclusion in leading law firms.' *Human Relations*, Vol. 66, num. 2, pp. 219-244. https://doi.org/10.1177/0018726712455833

15 OFFICE FOR STUDENTS, 'Our approach to equality of opportunity,' available at https://www.officefor-students.org.uk/for-providers/equality-of-opportunity/our-approach-to-equality-of-opportunity/; ADVANCE HE, 'WIDENING PARTICIPATION AND EQUALITY', available at https://www.advance-he.ac.uk/guid-ance/equality-diversity-and-inclusion/student-recruitment-retention-and-attainment/widening-participa-tion-and-equality

16 BROMAN, S., STIRK, S. (2020), 'Who Am I?: Using Reflective Practice and Self-determination to Rede-fine 'Employability' in Legal Education.' *Liverpool Law Review,* Vol. 41, pp. 79-98. https://doi.org/10.1007/s10991-020-09240-5; HEALY, M. (2023); *op. cit.* p. 1303.

17 JACKSON, D. (2016). 'Re-conceptualising graduate employability: the importance of pre-professional identity.' *Higher Education Research & Development*, Vol. 35, num. 5 pp. 925-939. https://doi.org/10.1080/07294360.2016.1139551 ; WILLIAMS, S., DODD, L. J., STEELE, C., & RANDALL, R. (2015). 'A systematic review of current understandings of employability'. *Journal of Education and Work*, Vol. 29 num. 8, pp. 877-901. https://doi.org/10.1080/13639080.2015.1102210

18 JACKSON, D., & COOK, E. J. (2024). Work-integrated learning in the humanities, arts and social sciences: where to from here? *Studies in Higher Education*, pp. 1-20. https://doi.org/10.1080/03075079.2024.2409879

19 FRANKHAM, J. (2016). *op, cit.*p.635; WESTON, S., & MCKEOWN, S. (2020). *op, cit.* p. 423; DONALD, W. E., BARUCH, Y., & ASLEIGH, M. (2017). 'The undergraduate self-perception of employability: human capital, careers advice, and career ownership.' *Studies in Higher Education*, Vol. 44, num. 4, pp. 599-614. https://doi.org/10.1080/03075079.2017.1387107, p. 611; TYMON, A. (2011). 'The student perspective on em-ployability'. *Studies in Higher Education*, Vol. 38, num. 6, pp. 841-856. https://doi.org/10.1080/03075079.2011.604408

benefit them, compared to other activities which may help more those peers from a more privileged background. The answer to those questions were drawn from five focus groups (n=35) in a research-intensive UK law school. This article could add to an existing literature on embedding skills in law programmes.[20] Arguably, this professional writing skill would normally be experienced by law students in optional modules with a professional outlook or via extracurricular activities.[21] This work also shows the need to collaborate with other agencies inside and outside the HEI, such as university careers departments and employers, in order to create a more worthwhile experience for our students.[22] We hope also that this study will complement literature from previous studies in which employability has been looked at mainly in a quantitative manner.[23] Furthermore, this article could also supplement the discussions about the importance of employability and widening participation in HE,[24] via our students' voices. To do all this, firstly, we look at the context and then outline the professional writing activity, which is embedded in a core module. Then, we describe the methodology used to explore our main research questions. Next, we discuss the results obtained, concentrating on motivation of our students to participate in this professional writing activity and the inclusivity perceived by students from a non-traditional background. Finally, we make some recommendations for HEIs and teachers to the benefits of introducing some employability skills activities which students find different, inclusive and helpful for their future employability potential.

2. Students' employability skills and professional writing in legal education in the UK

The pressure of introducing employability skills on the curriculum of HEIs is understandably expected in Law schools. Indeed, there is a clear vocational aspect of law degrees and the

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20 TURNER, J., BONE, A., & ASHTON, J. (2016). 'Reasons why law students should have access to learning law through a skills-based approach.' *The Law Teacher*, Vol. 52, num. 1 pp. 1-16. https://doi.org/10.1080/03069 400.2016.1201739. p. 2; RIGG, D. (2013). 'Embedding employability in assessment: searching for the balance between academic learning and skills development in law: a case study.' *The Law Teacher*, Vol. 47, num. 3, pp. 404-420. https://doi.org/10.1080/03069400.2013.851337. p. 412.

21 TURNER, J., BONE, A., & ASHTON, J. (2016). *op. cit.* p. 13.

22 PEGG, A ET AL.(2012) "Pedagogy for employability" HEA https://www.heacademy.ac.uk/system/files/ pedagogy_for_employability_update_2012.pdf.; BINNIE, G., 'A focus on graduate employability has transformed university career services' WonkHE (5 March 2020), https://wonkhe.com/blogs/a-focus-on-graduate-employability-has-transformed-university-careers-services/

23 BALLOO, K., PAULI, R., & WORRELL, M. (2015). 'Undergraduates' personal circumstances, expectations and reasons for attending university.' *Studies in Higher Education*, Vol. 42, num. 8, pp. 1373-1384. https://doi.org/10.1080/03075079.2015.1099623

24 WATERS, B. (2013). 'Widening participation in higher education: the legacy for legal education'. *The Law Teacher*, Vol. 47, num. 2 pp. 261-269. https://doi.org/10.1080/03069400.2013.790153; STICKLEY, A. (2011). 'Providing a law degree for the "real world": perspective of an Australian law school.' *The Law Teacher*, Vol. 45, num. 1, pp. 63-86. https://doi.org/10.1080/03069400.2011.546966

legal professions they aim for.[25] Hence, the increase of embedding employability activities in law programmes.[26] This article is not going to discuss in detail, the arguments against or in favour of increasing employability skills in law schools' programmes,[27] which is beyond the scope of this work. Besides, not all law schools in the UK will offer the same provision of employability skills in their curriculum, which will depend on their own strategies and their positioning as research-intensive institutions or with a more vocational and teaching outlook.[28] Notwithstanding the fact that now the majority of law schools, independently of their stance, will include some employability activity to help with their marketing to attract potential students to their courses; and additionally, to conform with governmental agencies' goals.[29] Consequently, we argue there is a benefit to explore and learn about different ways to introduce employability skill and the students' perception on them. Moreover, we can add the idea of inclusivity in this activity, which will particularly benefit students from a non-traditional background.

Focussing on professional writing, more than a decade ago, the Legal Education and Training Review (2013) (LETR),[30] voiced some concerns about law undergraduates' generic writing skills, and the idea that 'students may not be gaining sufficient experience of writing for a range of purposes and audiences'.[31] We believe that the professional writing activity described in this project can help law students to adapt any subject learning into professional writing, which will cover different contexts and novel communication situations.[32] Authors,

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25 KNOX, J., & STONE, M. (2018). 'Embedding employability skills for the legal professionals of the future.' *The Law Teacher*, Vol. 53, num. 1, pp. 90-101. https://doi.org/10.1080/03069400.2018.1490472; p. 93; RIGG, D. (2013). p. 412.

26 THORTON, M & SHANNON, L 2013, ''Selling the Dream': Law School Branding and the Illusion of Choice', *Legal Education Review*, Vol. 23, num. 2, pp. 249-271.

27 GUTH, J., (2020) 'The Past and Future of Legal Skills in English Law Schools' in *Key Directions in Legal Education, (*ed). JONES, E. AND COWNIE, F. (Routledge); BROOMAN, S. & STIRK, S. (2020) 'Who Am I?: Using Reflective Practice and Self-determination to Redefine "Employability" in Legal Education', *Liverpool Law Review*, Vol. 41, num. 82-99.

28 MORRISON, D., & GUTH, J. (2021). 'Rethinking the neoliberal university: embracing vulnerability in English law schools?', *The Law Teacher*, Vol. 55, num. 1, pp. 42-56. https://doi.org/10.1080/03069400.2021.1872867 p. 55; RIGG, D. (2013). *op. cit.* p. 405.

29 NICHOLSON, A. (2020). *op. cit.* p. 241.

30 LEGAL EDUCATION AND TRAINING REVIEW, (2013) (LETR), 'Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales' (SRA, BSB and CILEX, 2013), available at https://letr.org.uk/.

31 LEGAL EDUCATION AND TRAINING REVIEW, (2013), *op. cit.* p. 275.

32 MOORE, T., & MORTON, J. (2015). 'The myth of job readiness? Written communication, employability, and the 'skills gap' in higher education.' *Studies in Higher Education*, Vol. 42, num. 3, pp. 591-609. https://doi.org/10.1080/03075079.2015.1067602, p. 602.

such as Rigg[33] Turner et al[34] and Maranville[35] advocate for the benefits for law students to be introduced to practical skills helping those students not only with the acquisition of new perspectives, but also improving their confidence.[36] As is the case for UK law courses, there seems not to be much evidence of undergraduate students in the arts and humanities being exposed to professional writing.[37] Law students do not tend to practice professional writing in core modules.[38] It appears as if the circumstances in which law students embark on professional writing activities are limited to some optional modules with a very professional perspective, or if they join legal clinics in their universities.[39] It has been argued that starting professional writing at undergraduate level, will facilitate any transition between academic and professional writing.[40] There are also professional writing activities in some Postgraduate modules, which are very legal practice oriented.[41] In the UK there is a long tradition of clinical legal education, and the convention to develop employability skills on that setting.[42] In many cases those employability skills are harnessed in extracurricular activities on those same university legal clinics, or through optional modules that are run, again, on legal clinics.[43] The advantage that our professional writing activity brought, is that not only are our students experiencing a professional employability skill and experiencing it in practice; but this activity is opened to all the students who are part of the second year cohort. Possibly, introducing an employability skill in a core module, helps with offering an equitable access point to all university students in the law degree, to a 'taste' of an employability skill.

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33 RIGG, D. (2013). *op. cit.* p. 405.

34 TURNER, J., BONE, A., & ASHTON, J. (2016). *op. cit.* p. 3.

35 MARANVILLE, D. (2011) 'Infusing Passion and Context into the Traditional Curriculum', (2011), *Journal of Legal Education*, Vol. 51, num. 1, pp. 51-74, p. 59.

36 HIGGINS, N., DEWHURST, E., & WATKINS, L. (2012). 'Field trips as short-term experiential learning activities in legal education.' *The Law Teacher*, Vol. 46, num. 2, pp. 165-178. https://doi.org/10.1080/0306940 0.2012.681231. p. 177-178; MARANVILLE, D. (2011), *op. cit.* p. 59.

37 RAI, L., & LILLIS, T. (2012). 'Getting it Write' in social work: exploring the value of writing in academia to writing for professional practice.' *Teaching in Higher Education*, Vol. 18, num. 4 pp. 352-364. https://doi.or g/10.1080/13562517.2012.719157; p. 357; BUSH, J., & ZUIDEMA, L. A. (2013). 'Professional Writing in the English Classroom: Professional Collaborative Writing: Teaching, Writing, and Learning -- Together.' *English Journal*, Vol. 102, num. 4, pp. 107-110 https://digitalcollections.dordt.edu/faculty_work/48

38 MARANVILLE, D. (2011), *op. cit.* p. 62.

39 BOOTHBY, C., & SYLVESTER, C. (2015). 'Getting the fish to see the water: an investigation into students' perceptions of learning writing skills in academic modules and in a final year real client legal clinic module.' *The Law Teacher*, Vol. 51, num. 2, pp. 123-137. https://doi.org/10.1080/03069400.2015.1070650', p. 126.

40 BOOTHBY, C., & SYLVESTER, C. (2015). *op, cit.* p. 126.

41 KNOX, J., & STONE, M. (2018). *op. cit.*

42 DUNN, R, (2017) 'A systematic Review of the Literature in Europe Relating to Clinical Lega Education' *International Journal of Clinical Legal Education*, Vol. 24, num. 2, pp. 81-117 https://doi.org/10.19164/ijcle. v24i2.598

43 ALEXANDER, J. (2023). *op. cit.* p. 137.

Arguably, it is normally those students from a more privileged background, the ones that have the inside knowledge, time and means to attend extracurricular activities that will increase their employability chances. Admittedly, this activity is not more than a one-off or taster activity, which will be outlined in the section below.

3. The professional writing activity outline

For this activity to run smoothly, the teaching team needs to be committed with the project, particularly if the module is dealing with a large cohort of 351 second year students, and a teaching team consisting of 9 members. Meetings and frank conversations were required, for all to understand the value of this activity and to make sure all the staff members felt informed and consulted about the introduction of a professional writing activity in the module. Another important part in the organisation of this activity was to get in contact with an employer. In fact, for this activity we used the help of careers' services in our university;[44] and also, contacts provided by one of our colleagues in the teaching team, who previously worked as a lawyer. The combination of both, helped us with setting up the employer's participation and negotiating the prize for the best professional writing pieces of work.

Notwithstanding the fact, that some of our students focused on some limitations regarding embedding employability skills in the law curriculum, below is an example of what one of them stated:

> I am happy this professional writing exercise is concentrated on one lecture and one tutorial. I think University is about knowing the law, but more importantly, being able to think about how to improve that law. If law schools are all about professional skills, we can't change nothing in the future. (S 12)

We designed an activity in which our students in Land Law, a core subject on the second year of the law degree, had to write a memorandum that responded to a query by a client. Our students were also told that the memorandum they wrote, would then be revised by a partner on the fictitious law firm, before it was finally sent to that client. To help students with this professional writing activity, there is a main lecture, for all second-year students, in which we present the benefits of professional writing, including examples of how it will help their subject learning in Land Law.[45] Clearly, students needed to know the subject in order to explain to the client the options they had and make recommendation to answer the client's query. As stated already, students are presented with a problem that a fictitious client brings to them. In the lecture students are also shown the format of the house-style memorandum from a Law firm; so, they become familiar with the document layout of a memorandum. Furthermore, in this lecture, a representative of the prize sponsoring law firm did a short presentation during the lecture on the importance of professional writing for employability. Furthermore, the

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44 BINNIE, G., 'A focus on graduate employability has transformed university career services' WonkHE (5 March 2020), https://wonkhe.com/blogs/a-focus-on-graduate-employability-has-transformed-university-careers-services/

45 MARANVILLE, D. (2011), *op. cit ;* RIGG, D. (2013). *op. cit.*

firms' representative was open to questions by the students. Afterwards, there was a tutorial (8 to 9 students), where students did discuss with each other what they thought would be the right answer/s, to the fictitious client's problem, which is set in the subject of land law. To do this, students needed to research the applicable law. Previous to the tutorial, they have been given the name of statues and case law they need to consult in order to find the right information, in a feed-forward style.[46]

It was also important to acknowledge as teachers that this kind of experiential activity has some added benefits that go further that the employability sphere; such as transferable skills like researching, which should help our students in their future academic endeavours,[47] as one of our students confirmed:

> To be honest this is the first time I looked at real cases and statues, till now and during all my first year I got away with the information of the cases in lectures. (S 6)

After the discussion in the tutorial, students were instructed to write a clear and brief memorandum, which was grammatically correct. The teaching team, in tutorials, did emphasise the idea that the client was a non-academic audience and therefore the information needed to be unambiguous and concise. The memorandum was assessed on (a) the research students did, (b) the analysis of the problem presented and (c) the writing style; descriptors which students were aware off, before the started writing the memorandum, as they did have a copy of the assessment criteria.

Students did also mention, the fact that this piece of professional writing, was not counting for their final examination mark. We were surprised at the high participation as in fact, writing the memorandum did not add to their marks, and was not preparing them for their final examination, as one of our students remarked:

> I have to say, that this activity is not helping with the final exam. The markers then, are not looking at how we write professionally, but academically (in the final exam). (S 15)

Finally, the local law firm that sponsored the professional writing activity did offer as a prize a summer placement of three month for the 10 students, who wrote the best memorandum.

4. The Research Methodology

This project was explained to students during the lecture that introduced the professional writing activity. There was a total of 91% (n=320) of students that participated in the professional writing activity. It was a high percentage considering that students final marks and assessments would not be affected by writing or not the memorandum. The participation in our focus groups was a total of 10% (n=35) of students registered in the second year of this course (n=351).

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46 MARANVILLE, D. (2011), *op. cit.*

47 GUTH, J., (2020), *op. cit.*

Our main research questions were regarding the students' perception on this professional writing activity, (a) what worked, (b) what could we improve and, finally, (c) their general view on introducing pragmatic exercises to practice a professional skill in a core module. The data for this article was collected after the students wrote the memorandum and the prizes were announced. The data in this study is qualitative and gathered from five focus groups (n=35). Students were invited to participate in the focus groups on the lecture regarding professional writing. On the lecture students were informed that participating in this qualitative study was optional and anonymous, this information was retold on the consent forms that had to be completed by students prior their participation in the focus groups. Students had to sign individual agreements in which they confirmed they were aware of participants' rights before the focus groups' discussions started. All this information was included in the ethical approval that needs to take place before the Ethics Committee of the university.

The reason for organising focus groups was to get a deep understanding on students' perceptions about this kind of professional writing activity as an embedded employability skill in their course, and how their different backgrounds could affect their insight into this employability activity. The interviews were carried out in the space of two weeks in the author's office, a common practice for researchers that want to manage their own focus groups.[48] The composition of the five focus groups (n=35) consisted of 60% (n=21) female and 40% (n=14) male. The interviews lasted between 40 and 55 minutes, see Table 1 in the next page.

It was important that all students felt relaxed in their focus groups.[49] Fortunately, the students that participated were part of the same tutorial groups, so they knew each other and this fact helped with the dynamic in the focus groups.[50] It was really important that there were no dominant opinions of students taking over the debates.[51] The focus groups discussions were recorded and the transcripts analysed following Braun and Clarke's thematic analysis that consists on the familiarisation with all the data, creating some preliminary codes from which to deduce some themes; and then the themes are defined and named.[52] In our project, two predominant themes were identified: students' incentive to participate on a professional writing activity and inclusivity in employability activities for non-traditional students. The themes will be analysed on the next section.

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48 CITIZENS ADVICE, 'How to run focus groups,' available at https://www.citizensadvice.org.uk/Global/CitizensAdvice/Equalities/How%20to%20run%20focus%20groups%20guide.pdf

49 SIM, J., WATERFIELD, J. (2019), 'Focus group methodology: some ethical challenges.' *Quality and Quantity,* Vol. 53, pp. 3003-3022. https://doi.org/10.1007/s11135-019-00914-5

50 MORGAN, D. (1988) *Focus Groups as a Qualitative Research.* (London: Sage). https://doi.org/10.4135/9781412984287

51 DENSCOMBE, M. (2021) *The Good Research Guide: research methods for small-scale social research projects.* OUP (7th ed).

52 BRAUN, V., & CLARKE, V. (2006). 'Using thematic analysis in psychology.' *Qualitative Research in Psychology*, Vol. 3, num. 2, pp. 77-101. https://doi.org/10.1191/1478088706qp063oa

Table 1
FOCUS GROUPS' INFORMATION

Focus Group	Student number	Duration (minutes)	Gender
1	S1	40	Female
	S2	40	Male
	S3	40	Female
	S4	40	Male
	S5	40	Male
	S6	40	Male
2	S7	55	Male
	S8	55	Female
	S9	55	Female
	S10	55	Female
	S11	55	Female
	S12	55	Female
	S13	55	Female
3	S14	45	Female
	S15	45	Male
	S16	45	Male
	S17	45	Female
	S18	45	Male
	S19	45	Female
	S20	45	Male
	S21	45	Female
4	S22	50	Male
	S23	50	Male
	S24	50	Female
	S25	50	Female
	S26	50	Female
	S27	50	Female
	S28	50	Female
5	S29	50	Female
	S30	50	Female
	S31	50	Male
	S32	50	Female
	S33	50	Female
	S34	50	Male
	S35	50	Male

5. The Results

Using focus groups as a way to explore students' voices gives them the opportunity to talk about anything they want. Through qualitative evaluation we tend to uncover topics that were not contemplated when first designing a pedagogic project. Following the research questions, which were really open and general, we wanted to discover the reason why so many of our students participated in this professional writing activity and if this one-off employability activity could benefit inclusivity. The participation on the professional writing was very high. In fact, 91% (n=320) of our students wrote the memorandum. Analysing the data from our transcripts, the main reasons for a high participation were the fact that this activity was felt as doing something different in the mainly traditional law course, and the presence of a prize. Furthermore, some students stated that they were giving some opportunities through this professional writing activity that they normally would not be exposed to due to their socio-economic and cultural background.

5.1. Embarking on a different experience in the course: experiential professional writing and the employer

It has been said that for students the idea of doing something different is a motive for participation.[53] Students like the challenge and have the space to be more creative and open to a new experience, different from their everyday academic curriculum and expected activities. We found out that our students made connections with the material learnt in the law subject and could see how this material could be applied 'across contexts' outside academia to the real world, [54] even though the scenario and the law firms were fictitious.[55] Students stepped outside the academic world through this professional writing task.[56]

> For the first time, I imagined what it must be like to write to a real person and to be supervised by an employer. Not your professors looking at your work, but people outside academia. (S 17)

Furthermore, it seemed as if they got a deeper understanding of the academic learning in that particular area of the subject of land law, which they needed to apply to the fictional scenario.[57]

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53 MARANVILLE, D. (2011), *op. cit.*

54 KOWALSKI, T. (2010), 'Toward a Pedagogy for Teaching Legal Writing in Law School Clinics', *Clinical Law Review*, Vol. 17, num. 1, available at SSRN: https://ssrn.com/abstract=1597429; p. 352.

55 KOWALSKI, T. (2010), *op. cit.* p. 352.

56 HALL, J. & KERRIGAN, K. (2011) 'Clinic and the Wider Law Curriculum' *International Journal of Clinical Legal Education*, Vol. 15, pp. 25-37 https://doi.org/10.19164/ijcle.v15i0.54. p. 27; MOORE, T., & MORTON, J. (2015). *op. cit.* p. 597.

57 REES, S. (2019). 'Re-imagining employability: an ontology of employability best practice in higher education institutions.' *Teaching in Higher Education*, Vol. 26, num. 5, pp. 663-678. https://doi.org/10.1080/1356251 7.2019.1670637; STICKLEY, A. (2011). 'Providing a law degree for the "real world": perspective of an Australian law school.' *The Law Teacher*, Vol. 45, num. 1, pp. 63-86. https://doi.org/10.1080/03069400.2011.546966

> When you have to look into something to help a client and to impress your boss, you cannot make mistakes. I made sure I had the right knowledge and cases to help my client and answer my boss. I really learnt this part of land law well. (S 34)

Notwithstanding the fact, that in this subject, students have the space to criticise the law through essay type writings; students in this professional writing activity could only apply the law as it is. The law was applied in a non-academic space.[58] Admittedly, this professional writing exercise, is a one-off activity, which is clearly not making our students 'job-ready'.[59] Introducing some experiential learning of skills in law degrees programmes, is limited, regarding employability. In fact, real employers will be the ones in charge of making graduates job-ready and teaching them through their induction programmes and trainings what will be expected on the job.[60] The government, according to some, is overestimating what HEIs and teachers can do to affect the employability of our future graduates. More importantly, for some, there are other more powerful reasons that will affect employability, such as social capital, as we will see in the next part of this section.[61]

In any case, another common theme running through this data, apart from the idea of doing something different, was that the students enjoyed the difference that having a real employer made to their academic routine. It has been stated that real interaction with and employer is helpful when introducing employability skills to students.[62] One of our students, confirmed this:

> I really liked the talk of the employer; it was different and we could ask him questions in the lecture and he said we could email him. The idea of a job seemed more real for me. Only next year and I will have to look for a job. (S 22)

Interestingly, the Quality Assurance Agency for Higher Education (QAA) (2023), in the subject benchmark for law, recommended the benefits of having links with the employer.[63] Apparently, creating links between students and the employer builds a path towards fomenting employment.[64]

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58 MARANVILLE, D. (2011), *op. cit.* p. 51.

59 MOORE, T., & MORTON, J. (2015). *op. cit.* p. 591.

60 *Ibidem,* p. 603.

61 ALEXANDER, J. (2023).*op. cit;* ASHLEY, L., & EMPSON, L. (2012). 'Differentiation and discrimination: Understanding social class and social exclusion in leading law firms.' *Human Relations,* Vol. 66, num. 2, pp. 219-244. https://doi.org/10.1177/0018726712455833; BINNIE, G., 'A focus on graduate employability has transformed university career services' WonkHE (5 March 2020), https://wonkhe.com/blogs/a-focus-on-graduate-employability-has-transformed-university-careers-services/

62 CRANMER, S. (2006). 'Enhancing graduate employability: best intentions and mixed outcomes.' *Studies in Higher Education*, Vol. 31, num. 2, pp. 169-184. https://doi.org/10.1080/03075070600572041. p. 182-183.

63 THE QUALITY ASSURANCE AGENCY FOR HE, THE QAA, (2023), this agency reviews standards and quality in higher education. It also produces key sector guidance and provides practical support for the members QAA, Subject Benchmark Statement for Law, (2023). Available at https://www.qaa.ac.uk/docs/qaa/sbs/sbs-law-23.pdf?sfvrsn=c271a881_6

64 THE QAA (2003), *op. cit.,* p.7.

On the other hand, another big incentive, which many students mentioned in our discussions was the prize of a placement during the summer, where they could practice work integrated skills with a real employer:[65] This is what a student stated:

> Wining and having a placement are really good, I want that on my CV. I am very competitive, so this was the best motivation for me. (S 23)

As we will see in the next part of this section, contact with an employer is also a step towards helping our students' inclusivity in the labour market.

5.2. Inclusivity and non-traditional students facing employability

It was interesting to see that students in the focus groups seemed quite aware about the need to have some experience in professional skills to help with their future employability:[66]

> I am worried about finding a job after next year, hopefully this bit of professional writing will help me, I will mention this at interviews. (S 21)

> Nowadays you need a good degree and experience, things like this writing like if we were at work, may count as experience. (S 14)

Remarkably, in parts of our discussions, some students flagged their disadvantages regarding employability by linking this to their lack of social or cultural capital.[67] Admittedly, some authors recognised that there are differences in the outcome of the careers of law students down to their social, economic or cultural background.[68] Some go as far as arguing that the future social class of university' students mainly will depend on the family social class of the

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65 JACKSON, D., & COOK, E. J. (2024). *op. cit.*; JACKSON, D., & DEAN, B. A. (2022). 'The contribution of different types of work-integrated learning to graduate employability'. *Higher Education Research & Development*, Vol. 42, num. 1 pp. 93-110. https://doi-org.ezproxy3.lib.le.ac.uk/10.1080/07294360.2022.2048638.

66 TURNER, J., BONE, A., & ASHTON, J. (2016).*op. cit.* p. 13; TYMON, A. (2011), *op.cit.* p. 841.

67 CHATTERJEE, B. B. (2023). 'Access to business attire as a widening participation issue in UK law schools.' *The Law Teacher*, Vol. 57, num. 4 pp. 493-512. https://doi.org/10.1080/03069400.2023.2278967 ; SHERWOOD, G. & JOHNSON, I. (2024) "Exploring the engagement of students who identify as Black, Indigenous (and/or) People of Colour (BIPoC) with Learning Development practitioners: reviewing the value, impact, and recommendations for future practice", *Journal of Learning Development in Higher Education*. Vol. 31. pp.1-29 https://doi.org/10.47408/jldhe.vi31.1169

68 BALAN, A. (2024). 'Cultural diversity and widening participation: enhancement of teaching and feedback practices for law students from a diverse range of backgrounds.' *The Law Teacher*, Vol. 58, num. 3 pp. 327-349. https://doi.org/10.1080/03069400.2024.2381315; ALEXANDER, J. (2023).*op. cit;* ASHLEY, L., & EMPSON, L. (2012). 'Differentiation and discrimination: Understanding social class and social exclusion in leading law firms.' *Human Relations,* Vol. 66, num. 2, pp. 219-244. https://doi.org/10.1177/0018726712455833; GUTH, J., & DUTTON, K. (2018). 'SQE-ezed out: SRA, status and stasis.' *The Law Teacher*, Vol. 52, num. 4, pp. 425-438. https://doi.org/10.1080/03069400.2018.1534341; THE SRA (Solicitors Regulation Authority) (2023) 'The Factors Influencing Differences in Outcomes by Ethnicity in Legal Professional Assessments: A Systematic Literature Review' https://www.sra.org.uk/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/

students in question.[69] Therefore it is even more important to start acknowledging the importance of introducing inclusive experiential employability activities, which include all the students on a particular compulsory/core subject in the law degree. [70] This is the case of our professional writing activity, set in a core subject that includes all the students on the second year of their law degree. These ideas were discussed by our students in the focus groups:

> I do not feel like doing extracurricular activities, and going to the law society and start practicing some skills, it was a good idea that all of us had a chance to do some practical, stuff. Normally, this is something the rich kids do. (S 27)

> I work, many of my friends have to work to, so unless something like this is done in a core module, there is no way we can have this experience. (S 28)

Fortunately, the inclusivity of this activity also reached one of the recipients of the prize:[71]

> I could not find any work experience, do not have contacts with law firms in my family. So super happy I was one of the winners, I will get some real work experience now, to show in my CV. (S 2)

As mentioned above, the truth is that some university' students sometimes do not engage with the employer, as they are not familiar with that concept of creating links, or they are simply scared, based on their lack of social capital.[72] It is important, for example, that HEIs and law teachers try to remedy some of the social or cultural barriers our students experience because of their non-traditional background. [73] Our employability activities need to be

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69 CULLINEY, M. (2020). 'Personal contacts, employment and social mobility in Britain.' *Journal of Education and Work*, Vol. 33, num. 2, pp. 115-128. https://doi.org/10.1080/13639080.2020.1722987

70 WHEELER, S. (2013) 'Dangerously, Outrageously, Elitist, - A Solution to Law Graduate Unemployment' *Journal of Law and Society*, Vol. 40, num. 4. pp. 670-680. https://doi.org/10.1111/j.1467-6478.2013.00645.x; CHILDS, P., FIRTH, N., & DE RIJKE, H. (2014). 'The gap between law student career aspirations and employment opportunities.' *Law Teacher*, Vol. 48, num. 1, pp. 51-68. https://doi.org/10.1080/03069400.2013.875302 ; LOVEDAY, V. (2015). 'Working-Class Participation, Middle-Class Aspiration? Value, Upward Mobility and Symbolic Indebtedness in Higher Education.' *The Sociological Review*, Vol. 63, num. 3, pp. 570-588. https://doi.org/10.1111/1467-954X.12167; MARANVILLE, D. (2011), *op. cit.* p. 31.

71 FERGUSON, L. (2017). 'Complicating the "holy grail", simplifying the search: a critique of the conventional problematisation of social immobility in elite legal education and the profession.' *The Law Teacher*, Vol. 51, num. 4, pp. 377-400. https://doi.org/10.1080/03069400.2017.1288972; p. 385; SUCCI, C., & CANOVI, M. (2019) 'Soft skills to enhance graduate employability: comparing students and employers' perceptions.' *Studies in Higher Education*, Vol. 45, num. 9, pp. 1834-1847. https://doi.org/10.1080/03075079.2019.1585420

72 BATHMAKER, A. M., INGRAM, N., & WALLER, R. (2013). Higher education, social class and the mobilisation of capitals: recognising and playing the game. *British Journal of Sociology of Education*, Vol. 34, num. 5-6 pp. 723-743. https://doi.org/10.1080/01425692.2013.816041; CHRISTIE, F. (2015). Careers guidance and social mobility in UK higher education: practitioner perspectives. *British Journal of Guidance & Counselling*, Vol. 44, num. 1 pp. 72-85. https://doi.org/10.1080/03069885.2015.1017551

73 BURKE, C., SCURRY, T., & BLENKINSOPP, J. (2019). Navigating the graduate labour market: the impact of social class on student understandings of graduate careers and the graduate labour market. *Studies in Higher Education*, Vol. 45, num. 8, pp. 1711-1722. https://doi.org/10.1080/03075079.2019.1702014

designed to include as many students as possible, at least once a year. We could empower some of our non-traditional law students to feel more confident if they participate and realise they are able to write professionally as the rest of the cohort. Hopefully, they will overcome some of their fears, and see that they have a right and the skills to be potentially employed as any of their peers, from a more privileged background.[74] Creating employability activities that bring employers to the students, may also help them create the confidence to approach them in future. [75] One of our students stated:

> It is so good that we got an opportunity to talk to an employer after the lecture, I do not know anyone in a law firm, so I feel they are just normal people. (S 7)

In sum, our conversations made us reflect about the fact that law schools and HEIs, more generally, should be aware of the benefits of introducing professional skills activities in core modules, so all the students benefit from it.[76] Clearly, the idea of university students' employability, nowadays need to be an inclusive one, with awareness of the social, economic and cultural capital of non-traditional students.[77] We need to listen to students and to the employer to gauge to what extent the background of non-traditional students really affects or not their future employability.[78] Evidently, looking at our study, students felt that if they have less social capital and no professional links with law firms, they faced barriers to be employed and were at a disadvantaged compared to more privileged peers. This study has encouraged us to promote employability activities that are experiential and inclusive.

6. The Conclusion

The requirement of delivering employable graduates is part of any UK HEI' strategy.[79] Government initiatives, employers' demands and profession regulators have fuelled this requirement.[80] Admittedly, Law schools have not escaped this employability agenda.[81] However, we have discussed in this chapter that the idea of employability is shifting and including not

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74 FRANCIS, A, (2015), 'Legal education, Social Mobility, and Employability: Possible Selves, curriculum Intervention, and the Rolle of Legal Work Experience,' *Journal of Law and Society*, Vol. 42, num. 2, pp. 173-201 https://doi.org/10.1111/j.1467-6478.2015.00704.x. p. 173

75 ALEXANDER, J. (2023). *op. cit.* p. 153.

76 WATERS, B. (2013). *op. cit.*

77 CABALLERO, G., ÁLVAREZ-GONZALEZ, P., & LOPEZ-MINGUENS, M. J. (2020). 'How to promote the employability capital of university students? Developing and validating scales', *Studies in Higher Education*, Vol. 45, num. 12. pp. 2634-2652. https://doi.org/10.1080/03075079.2020.1807494

78 REID, E. R., & KELESTYN, B. (2022). 'Problem representations of employability in higher education: using design thinking and critical analysis as tools for social justice in careers education'. *British Journal of Guidance & Counselling*, Vol. 50, num. 4, pp. 631-646. https://doi.org/10.1080/03069885.2022.2054943

79 GIROUX, H. (2002), *op. cit.* p. 426.

80 SIN, C., TAVARES, O., & AMARAL, A. (2017). *op. cit.* p. 921.

81 NICHOLSON, A. (2020). *op. cit.* p. 242.

only an effort to embed generic employability skills in our law curriculums; but the acknowledgement that our student body is changing and that our non-traditional students need employability activities that are also inclusive. In this context, this article aimed to present law graduates' perceptions on embedding a professional writing activity in a core module on the second year of their law degree. The objective of the research was to find out how this kind of activity can support future law graduates. On the one hand, students were really motivated to participate as this was a different experience, which at the same time gave them the opportunity to meet a real employer. On the other hand, and very importantly, this study revealed the reality of our growing and more diverse student body, so, our employability activities need to consider students from a non-traditional background if they want to be fair.[82] Consequently, we advocate the need to design employability activities that are inclusive. In this particular case, our activity was seen to be inclusive by our students, through being embedded in a core module and by giving them the opportunity to meet an employer in the university setting. Finally, we want to present this inclusive professional writing activity as a taster experience that could inspire other law teachers and HEIs to start conversations about employability and about the barriers those students from a non-traditional background keep experiencing. If we acknowledge and value the diversity of our students, we help their employability potential and their confidence to get where they want to.

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82 ASHLEY, L., & EMPSON, L. (2012). *op. cit.* p. 151.

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