Continuing Education Learning Preferences and Styles

of Legal Clinic Lawyers

Jane Cameron, B.I.S.

Department of Graduate and Undergraduate
Studies in Education

Submitted in partial fulfillment of
the requirements for the degree of

Master of Education

Faculty of Education

Brock University

St. Catharines, Ontario

© Jane Cameron 2006
Abstract

The purpose of this qualitative research was to study the learning preferences and styles of management lawyers who work in Ontario's legal aid clinics. Data were gathered from two sources and analyzed using the constant comparison method. A pre- and postconference survey provided the principal data on clinic lawyers' learning preferences. Follow-up interviews were then conducted with 3 purposefully selected survey participants to explore their personal learning styles. Kolb's experiential learning theory provided the theoretical framework for discussing personal learning styles. The findings showed a general consistency among the lawyers to learn by listening to lectures and experts. This preference may suggest a lingering influence from law school training. The lawyers' more informal learning associated with daily practice, however, appeared to be guided by various learning styles. The learning style discussions provided some support for Kolb's model but also confirmed some shortcomings noted by other authors. Educators who design continuing education programs for lawyers may benefit from some insights gained from this exploratory research. This study adds to a limited but growing body of work on the learning preferences and styles of lawyers and suggests new questions for future research.
Acknowledgements

I wish to acknowledge the many staff and board members working within the legal clinic system who regularly demonstrate a willingness to explore new ways of thinking about professional development and learning in order to strengthen service delivery at the community level. Special thanks are owed to those who have been willing to transcend organizational boundaries and have invited me to join in their local discussions about the professional learning needs and challenges faced by those who work in legal aid clinics across Ontario. It is these forums of shared learning that have most inspired and enriched my own learning.

The cherished uniqueness of the legal aid clinic system was richly brought to life through the data provided by the 3 Executive Directors who generously agreed to share many details about their personal learning experiences as clinic managers. While the follow-up interviews were essential to my study, I recognize that making time for the interviews was just one of the many actions each of these individuals regularly adds to their daily workload in order to support staff learning and development within the clinic system. Your leadership is to be applauded.

I also wish to thank Dr. Joe Engemann for his unwavering support that research could and should be grounded in the lived realities of adult learners and educators in the workplace today. His support enriched the process as well as the product in many ways.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>ii</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>iii</td>
</tr>
<tr>
<td>List of Tables</td>
<td>vi</td>
</tr>
<tr>
<td>List of Figures</td>
<td>vii</td>
</tr>
<tr>
<td><strong>CHAPTER ONE: INTRODUCTION TO THE STUDY</strong></td>
<td>1</td>
</tr>
<tr>
<td>Background of the Problem</td>
<td>3</td>
</tr>
<tr>
<td>Statement of the Problem Context</td>
<td>4</td>
</tr>
<tr>
<td>Research Problem</td>
<td>5</td>
</tr>
<tr>
<td>Purpose of the Study</td>
<td>5</td>
</tr>
<tr>
<td>Specific Questions</td>
<td>6</td>
</tr>
<tr>
<td>Rationale</td>
<td>6</td>
</tr>
<tr>
<td>Scope and Limitations</td>
<td>7</td>
</tr>
<tr>
<td>Outline of Remainder of Document</td>
<td>9</td>
</tr>
<tr>
<td><strong>CHAPTER TWO: REVIEW OF RELATED LITERATURE</strong></td>
<td>11</td>
</tr>
<tr>
<td>Adult Learning Theory Overview</td>
<td>11</td>
</tr>
<tr>
<td>Learning Styles</td>
<td>14</td>
</tr>
<tr>
<td>Kolb's Experiential Learning Model</td>
<td>18</td>
</tr>
<tr>
<td>Continuing Education for Professionals</td>
<td>23</td>
</tr>
<tr>
<td>Contemporary Research</td>
<td>25</td>
</tr>
<tr>
<td>Critique of Kolb's Theory</td>
<td>30</td>
</tr>
<tr>
<td>Basis for My Research</td>
<td>33</td>
</tr>
<tr>
<td><strong>CHAPTER THREE: METHODOLOGY AND PROCEDURES</strong></td>
<td>37</td>
</tr>
<tr>
<td>Research Methodology and Design</td>
<td>38</td>
</tr>
<tr>
<td>Selection of Participants</td>
<td>41</td>
</tr>
<tr>
<td>Instrumentation</td>
<td>42</td>
</tr>
<tr>
<td>Data Collection and Recording</td>
<td>44</td>
</tr>
<tr>
<td>Data Processing and Analysis</td>
<td>45</td>
</tr>
<tr>
<td>Methodological Assumptions and Limitations</td>
<td>46</td>
</tr>
<tr>
<td>Reliability and Validity/Establishing Credibility</td>
<td>49</td>
</tr>
<tr>
<td>Ethical Considerations</td>
<td>51</td>
</tr>
<tr>
<td>Summary</td>
<td>52</td>
</tr>
</tbody>
</table>
List of Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Participants’ Average Percentage Of Learning Time Distribution Among Four Functions</td>
<td>72</td>
</tr>
</tbody>
</table>
**List of Figures**

<table>
<thead>
<tr>
<th>Figure</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>Kolb’s Experiential Learning Cycle</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>80</td>
</tr>
<tr>
<td>Learning Style Type Preferences For Learning Activities</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER ONE: INTRODUCTION TO THE STUDY

This is a study of the continuing education learning preferences and styles of legal aid lawyers. Two trends in the workplace learning field make this study relevant to workplace educators and researchers today. The first of these trends is the considerable growth in the amount of continuing education being offered in the workplace (Cervero, 2000). The second and related trend is a shift in employment patterns which has led to professionals increasingly working in organizations where their colleagues are not necessarily members of the same professional group (Colteryahn & Davis, 2004). Frequently these professionals also hold management or leadership positions within the organization. As the work context for professionals changes, leaders in continuing education for professionals are increasingly calling for continuing education programs that extend learning outside of their area of professional specialization and "into a broader context of continuing professional development" (Meryn, 1998, p. 1), providing more than just technical updates. These trends have contributed to the research problem this study will address. Professionals must rely on continuing education to help them develop new knowledge and skills required for evolving workplace roles. Existing expectations within an occupational community for all learning activities to be based on a particular model may not best serve the full range of learning needs created by the changing workplace roles of these professionals.

As a workplace educator at Legal Aid Ontario I am responsible for facilitating the delivery of continuing education programs for lawyers who work in 79 legal aid clinics across Ontario. When I attended several clinic-organized learning events I observed that many of the clinic lawyers expressed a preference for formal learning events to be
structured around the lecture model. Furthermore, these lawyers indicated that credible
lecturers and experts must be closely associated with the legal aid clinic system. This
apparent preference to learn from familiar experts and primarily use the traditional
information transfer model of lectures raised important questions for me about the nature
and range of learning preferences among legal aid clinic lawyers.

In turning to the literature I found that the nomenclature for learning approaches
is very diverse. Curry (as cited in P. Smith & Dalton, 2005) observed that there is a
bewildering confusion of definitions surrounding the conceptualization of learning
approaches, which Curry broadly referred to as learning styles. Among the many
definitions that were to be found, Sadler-Smith’s (1997) definitions of learning style and
learning preference seemed most useful for my purposes of thinking about how to
approach the design of relevant and engaging continuing education programs for legal
clinic lawyers. According to Sadler-Smith, learning style is an individual’s habitual
processing style of acquiring knowledge and skills through study and experience. Sadler-
Smith defines learning preferences as “an individual’s propensity to choose or express a
liking for a particular instructional technique or combination of techniques” (p. 2). Of
these two interconnected concepts, learning style is the more stable over time, while a
person’s learning preferences are more flexible. For the purposes of this study I have
adopted the definitions of learning style and learning preferences proposed by Sadler-
Smith.

This qualitative study explored the learning preferences and styles of management
lawyers in Ontario’s legal aid clinic system. The constant comparative analysis of data
gathered through a two-part written survey sheds some light on the preferred learning
approaches of some legal clinic lawyers. Integrating the data gathered through follow-up interviews into this analysis provides further detail about the learning preferences of these individuals. The interviews also provided needed information to consider how the personal learning styles of these individuals relate to Kolb's (2005) experiential learning theory. This exploratory study builds upon some recent work by other authors which examined the learning preferences and styles of members of several different professional groups (Cervero, 2003; Daley, 2001b; Moore & Pennington, 2003).

**Background of the Problem**

Working conditions for lawyers who work in Ontario's legal aid clinic system reflect the larger trends in workplace learning and organization being experienced by professionals in general. There are 79 small to medium-sized legal aid clinics across the province which employ lawyers to provide legal services in the areas of civil and poverty law. These independent, community-based clinics each have a lawyer serving as their Executive Director (ED). In addition to practising clinic law, the EDs are responsible for the many functions associated with managing a nonprofit organization. Geographically separated from their counterparts, and working with limited resources, these lawyers expect their continuing education program to be an effective use of their time, offer high quality learning opportunities, and focus on areas of management where they lack expertise. As the workplace educator for the legal clinic system, I have been mandated to design and deliver programs to meet the learning needs of these clinic lawyers, who are also EDs.
Statement of the Problem Context

During my preparations to fulfill this mandate, I have encountered a learning conundrum. I have observed that lawyers have a strong preference for learning activities structured primarily in a lecture format. When asked to describe their preferred approach to learning, these lawyers placed a high priority on coming together with their peers for informal learning. With regard to more structured learning, the dominant preference these lawyers identified was for lectures by experts who would conclude their presentation by responding to questions. In the opinion of clinic lawyers, credible experts should have prior experience working in the area of poverty law. This expectation increases the challenge of finding credible experts who will bring new ideas to the learning forum.

Finally, my observations in various learning situations have also shown that many clinic lawyers are resistant to participating in activities such as shared knowledge construction, constructive critiquing of their own or others’ work, role-playing, or innovative problem solving.

This combination of expressed preference and observed resistance has led to my conundrum. Legal aid lawyers have shown limited flexibility with regard to the learning models with which they are comfortable. External educators who may be able to bring this knowledge into the system are often regarded as lacking in credibility because they have not been directly involved in the delivery of poverty law services. Yet, important knowledge legal aid lawyers seek concerning management practices is not currently available within the clinic system. Furthermore, some of the management skills important to the lawyers who are EDs are often developed through activities such as small group work, role-playing, giving and receiving critical feedback, and building new knowledge
through shared discussion. The clinic system lawyers have shown resistance to these kinds of activities, even to the point of getting up and leaving the room. Under these conditions it is difficult to introduce the management lawyers to new knowledge and strategies to deal with long-standing management challenges within the clinic system.

Research Problem

Professionals who share a common training background as members of what is sometimes referred to as an “occupational community” (Daley, 2001a) may also share an expectation for all continuing education activities to use the same learning model that was typically used for their original professional training. In a changing workplace context professionals must rely on continuing education not only to provide updates for professional practice but also to help them develop new knowledge and skills related to their evolving workplace roles. A learning problem is created when the changing workplace roles of professionals create a range of learning needs that are not all well served by a single learning model preferred within an occupational community.

Purpose of the Study

As a workplace educator I face the challenge of designing a continuing education program that will engage lawyers in learning how to develop and utilize management skills in their daily practice. With a limited body of literature to draw upon concerning the continuing education learning preferences of lawyers I decided to conduct some exploratory research to provide further insight into how legal aid lawyers prefer to learn through continuing education.

The purpose of my research is to study the continuing education learning preferences and styles of legal aid lawyers.
Specific Questions

In this exploratory study the following research questions are being posed:

1. What continuing education learning preferences and styles are favoured by legal aid management lawyers?

2. How do the learning styles of management lawyers relate to Kolb’s experiential learning theory?

Rationale

In recent years researchers have begun to conduct research into learning styles of students and professionals in the legal profession (Kolb & Kolb, 2005), but the body of work relating to the legal profession is still limited. A more substantial body of work exists concerning the learning preferences for other professional sectors such as medicine, education, and engineering (Austin, 2004; Cartney, 2000; Hauer, Straub, & Wolf, 2005; Wyrick, 2003). Some recent studies that included lawyers examined the learning style similarities and differences of various professional groups (Cervero, 2000; Curry, 1991; Daley, 2001b). Understanding the nature and extent of learning differences among professional groups and how to effectively accommodate them is a subject that is also of interest to workplace educators.

My study of how legal clinic lawyers approach continuing education supports my own practice as a workplace educator. The findings of this research shine some light on the self-identified learning preferences of some clinic lawyers and on the learning styles upon which these individuals rely when engaged in continuing education. Conducting this research also brings a discipline to my own examination of how any characteristic learning preferences identified by clinic lawyers might be accommodated in the design
and delivery of continuing education activities. Involvement in this study may also provide the participants with some beneficial insights into their own learning styles and preferences by encouraging them to engage in reflection on this subject.

My study adds to the recent work of researchers (Daley, 2001b; Jones, Reichard, & Mokhtari, 2003; Moore & Pennington, 2003) who have particularly focused on how different professional groups engage in continuing education. This exploratory study may encourage further discussion among workplace educators about designing continuing education programs for lawyers as a specific professional group and suggest useful questions for future educational research in this area.

**Scope and Limitations**

The participants in this study are lawyers who are Executive Directors of a legal aid clinic in Ontario. Although these individuals work for independent, community-based organizations spread across the province, they form a natural study group as they share educational resources and programs. Among the larger group of clinic lawyers, the EDs in particular were selected as the participants in this research because of their need for a continuing education program focused on subjects that are distinct from their core professional practice of the law. Previous research indicates that learning preferences for particular subject areas may be influenced by earlier educational methods and experiences (Daley, 2001b; Kolb & Kolb, 2005). In order to avoid a potential learning preference bias that may have evolved from earlier learning associated with legal practice, material that does not directly relate to the practice of law has been selected for the learning focus of this study.
Kolb's (2005) theory of experiential learning was selected as the theoretical framework within which to examine the learning styles of the interview participants. The strengths and weaknesses of Kolb's model are described in more detail in Chapter Two. I have chosen to reference the most recent documentation of Kolb's theory of experiential learning as described in Kolb and Kolb (2005) and henceforth will simply refer to Kolb's theory.

This qualitative research was conducted using the constant comparative method of analysis. Data sources were a written survey completed by lawyers who are clinic Executive Directors and audiotaped follow-up interviews with 3 of the survey participants. The two-part survey instrument was used to gather data about general learning preferences of the participants and to review how these learning preferences influenced participation at a particular learning conference. Initial analysis of the survey data informed the development of semistructured questions for the follow-up interviews. The interviews provided a means to probe more deeply into interesting or perplexing data findings about the identified learning preferences of the participants and to gather data about the personal learning styles of the 3 individuals. The interview participants were also asked to consider how their own learning style compared to their assessment of the general learning styles of their colleagues. The findings of this study cannot be generalized to the larger population of clinic EDs but may offer further insight into the learning preferences and styles of some clinic managers. Findings from this research may suggest to workplace educators how the identified learning preferences and styles of some clinic management lawyers can be more effectively accommodated in a continuing
education program design. The findings of this study might also point to useful questions and approaches for future research.

**Outline of Remainder of Document**

Chapter Two describes for the reader a general categorization system of current adult learning theories along with Curry’s (as cited in Cassidy, 2004) widely recognized “onion model” system for describing learning style theories. Kolb’s theory of experiential learning is described in more detail and positioned within the larger body of work on learning styles. Support for and arguments against Kolb’s theory are critically examined, and the reasons for selecting this theory as the framework for this study are presented. Chapter Two also examines how continuing education for professionals has begun to emerge as a distinct part of the adult learning landscape and briefly reviews some recent studies that have endeavoured to shed light on the similarities and differences of how various professional groups approach continuing education.

Chapter Three describes the research design of this study and the steps followed to recruit and select study participants. The instrumentation development process and data-gathering steps are described in detail, along with the methodology used for data recording and analysis. This section includes the actions taken to ensure data validity and reliability. The methodological assumptions and limitations of this study are presented, together with the steps taken to safeguard the participants’ identity and comply with all university research ethics requirements.

Chapter Four presents the research data and findings of the data analysis. The learning preferences that were indicated by the survey data are described along with the major themes and categories that emerged from the constant comparison analysis. This
Chapter then turns to the second question of the learning styles of 3 individuals. The self-assessed learning style data of each individual is described in turn within the theoretical framework of Kolb's experiential learning theory. A summary is provided of how Kolb's theory relates to the learning styles of the 3 interview participants. Some connections between Kolb's model and the learning preference data are identified. The chapter concludes with a comparison of the findings from this study with what Kolb's model indicates to be typical learning preferences of lawyers.

Chapter Five frames the conclusions of this study with a summary of the research findings. Highlights and new questions that arise from the data analysis are described. Some conclusions about the learning preferences of the study participants are presented, and linkages are drawn to the prior work of other researchers. Kolb's theory provides the bridge that connects the learning preference-focused survey data findings with insights about the learning styles of 3 of the participants that emerged from the follow-up interviews. The learning style of each participant is discussed in relation to Kolb's theory, followed by some general observations about the usefulness of Kolb's theory in describing the learning styles of the lawyers who participated in this study. The chapter concludes with a review of the implications of this study for daily practice, the evolving theoretical work on learning styles, and future research that is suggested by the findings of this exploratory study of the continuing education learning preferences and styles of legal aid lawyers.
CHAPTER TWO: REVIEW OF RELATED LITERATURE

This chapter summarizes literature relevant to this exploratory study. The chapter begins with an overview of adult learning theory followed by a system for categorizing the learning theories. Curry’s 1987 model of learning theories (as cited in Cassidy, 2004) helps to clarify the theoretical distinction between learning preferences and learning styles. Kolb’s experiential learning theory was selected as the theoretical framework within which I consider the learning styles of several clinic lawyers. Kolb’s learning theory is situated within Curry’s learning style model and described in detail. This chapter also includes a summary of a range of literature and research related to professional learning, continuing education, and learning styles.

A selection of relevant studies that are based upon Kolb’s learning theory is presented, followed by a review of work critical of Kolb’s theory or the related assessment tool, the Learning Style Inventory (LSI). The chapter concludes with a description of the basis for my selection of Kolb’s model as a theoretical framework for this study in light of these research findings.

Adult Learning Theory Overview

There are several systems that categorize adult learning theories according to broad conceptual characteristics, which may be useful to this study. Forrester and Jantzie (n.d.) described the current adult learning theories as situated on a spectrum, with behaviourism and constructivism representing the polar ends of the spectrum. A different approach, used by Merriam and Caffarella (as cited in M. K. Smith, 2003), categorized the main adult learning theories into three broad theoretical orientations. These orientations were labelled behaviourist, cognitivist (or constructivist), and humanist. In
response to a decade of intense attention to the significant impact of contextual influences on adult or workplace learning, Smith added a fourth orientation to Merriam and Caffarella's original three orientations. Smith's additional category was the social/situational orientation.

There has been a proliferation of adult learning theories in the decades since the 1970s when Knowles (1990) refocused attention on adult learning theory with the publication of his principles of andragogy. It should be noted that while many adult learning theories have been put forth during this period, there may be only small variations among a group of theories, and many of the proposed theories have not been tested empirically (Curry, 1991). This study considers the learning preferences and styles of legal aid management lawyers. Kolb's experiential learning theory is used as the theoretical framework within which to examine the learning styles of 3 clinic lawyers in more detail. Kolb's experiential learning theory emerged from the academic discussions of adult learning which were renewed in the 1970s. First proposed in 1974, Kolb's learning theory is supported by a tool designed to help assess an individual's personal learning style, the Learning Style Inventory (LSI). Kolb has elaborated on his learning theory several times in conjunction with amendments to the LSI made in response to criticisms from the research community. Although the LSI tool has not been used in this study I have chosen to reference the documentation that accompanied the release of the most recent version of the LSI as cited in Kolb and Kolb (2005) as the most current description of Kolb's experiential learning theory.

Before looking more closely at a particular learning theory, it may be helpful to first expand on the nature of the two ends of the learning theory spectrum proposed by
Forrester and Jantzie (n.d.). The behaviourist view of the learning process, located at one end of the spectrum, is concerned with observable changes in behaviour that occur in response to external stimuli from the environment. The teacher’s role in behaviourism is to set the learning goals and to determine how and when rewards and punishments will be applied in support of these goals. The purpose of the rewards is to reinforce desirable behaviours while punishments are aimed at extinguishing undesirable behaviours (Forrester & Jantzie, n.d.).

In contrast, constructivism, at the other end of this learning theory spectrum, is primarily focused upon the “mental processes that construct meaning” (Forrester & Jantzie, n.d., p. 7). The constructivist view of the mental process of creating knowledge embraces the concept of incorporating existing knowledge and experiences into the newly constructed meanings. This process requires the active engagement in the learning process on the part of the learner. The role of the instructor in constructivism is also fundamentally different from that of the behaviourist instructor. Constructivism calls upon the instructor to “translate information to be learned into a format appropriate to the learner’s current state of understanding” (Kearley, 2005, p. 1). In contrast to the behaviourists’ focus on externally set objectives, constructivists promote more learner-centred, holistic approaches that encourage cognitive operations and place a higher value on group work (Forrester & Jantzie, n.d.).

Many of the dominant adult learning theories that have emerged since Knowles (1990) put forth his theory of andragogy tend towards the constructivist view that the learning process is significantly impacted and informed by prior knowledge and experience (Forrester & Jantzie, n.d.; Kerka, 1997). It is important to note, however, that
constructivism is not a dismissal of all of the underlying premises of behaviourism. For example, Bruner (as cited in Kearley, 2005) includes "the nature and pacing of rewards and punishments" (p. 1) in his constructivist theory of instruction.

Learning Styles

The examination of learning styles is one approach to adult learning theory that has been of particular interest to both academics and educators interested in workplace learning. If adult learning theory can be thought of as endeavouring to explain the why of learning, learning styles might be thought of as focusing on the how. Learning style theories are particularly concerned with the individual ways that learners approach, engage in, and respond to experiences that create learning through the development of new knowledge, skills, or attitudes (Giles, Pitre, & Womack, 2003).

Just as Merriam and Caffarella (as cited in M. K. Smith, 2003) summarized adult learning theories into conceptual categories, Curry (as cited in Cassidy, 2004) undertook a similar task in categorizing learning style theories. A review of Curry's model of learning style theories may prove helpful to orient readers to current adult learning theory in relation to the questions of this study. Curry's model of learning style theories, which she likened to the layers of an "onion," starts with a core of what are considered the most stable elements of learning style. Curry called the core to her onion model the cognitive personality layer. This section contains those theories that deal with the most stable elements of learning style. For many workplace educators the most widely recognized tool relating to the cognitive personality layer of Curry's onion model would be the Myers-Briggs Type Indicator (CPP Inc., 2004) personality inventory. While measuring
elements that are relatively stable, theories in the cognitive personality layer have the 
shortcoming of being less adaptively flexible and responsive to context.

The second layer of Curry’s (as cited in Cassidy, 2004) model represents the 
information processing style. Theories that fit within this layer deal with aspects of 
learning style which are more subject to change and development than those within the 
cognitive personality layer but which are still more stable than those of the outer two 
layers of the onion model. Theories that fall within the information processing layer of 
Curry’s model are primarily concerned with an individual’s intellectual approach to 
information processing (Cassidy). In these theories, the crucial factors that directly 
impact learning are internal, personal processes. Kolb’s experiential learning theory and 
the companion assessment tool, the Learning Style Inventory (LSI), fit within this 
information processing layer of Curry’s onion.

Theories making up the next layer of Curry’s onion model, called the social 
interaction layer, view learning style as more influenced by past experiences and the 
learning context than are the theories of the two inner layers (Cassidy, 2004). Past 
experiences and current conditions work together in shaping the influences at play in the 
theories that make up the social interaction layer. Context dynamics have been widely 
discussed in educational literature and include such elements as power, race, gender, 
environmental conditions, and social interactions within the learning environment (Daley, 

The outermost layer of Curry’s onion, that of instructional preferences, includes 
theories focused on factors that are most susceptible to change. These theories are most 
concerned with the learner’s preferred choice of learning model and environment.
Instructional preference type theories in this layer are occupied with external factors. Such factors are readily observable, but at the same time they are the least stable level for measurement (Cassidy, 2004). The theories at this level of Curry’s onion show the greatest level of responsiveness to the learning context.

This study seeks to consider how the learning preferences and styles of clinic lawyers relate to learning style theory. Curry’s onion model (as cited in Cassidy, 2004) can serve as a useful guide for selecting an appropriate learning style theory to use as a framework in this research. Curry arranged the theories based on the most structural and stable factors at the core of the onion. The critical variables in the learning style theories then become progressively more flexible and unstable as you move outward through the layers. As a workplace educator I am interested in what internal (cognitive) characteristics lawyers bring to the learning process as well as how learning activities can be designed to stimulate engagement in the learning process. In other words my interests encompass some elements from both the inner and the outer layers of Curry’s onion.

Therefore, in selecting an appropriate learning style theory to use as a framework for this study, both the flexibility and the stability aspects of the theory must be considered. Theories that fit within the innermost and outermost layers may be less suitable to serve as a framework for this study as they primarily focus on one end or the other of the flexibility-stability spectrum. Curry (as cited in Cassidy, 2004) placed Kolb’s experiential learning theory in the information processing layer of the onion model. This layer is close to the most stable theories at the core but allows for some degree of flexibility and responsiveness to context. This balanced approach is desirable in a theoretical framework for an exploratory study.
A second factor for consideration in selecting a particular theory for a theoretical framework is the extent to which a prospective theory is supported by an existing body of literature and empirical research. Kolb’s experiential learning theory has also been referenced in a considerable body of literature (Curry, 1991; Loo, 2004; Sadler-Smith, 1997; M. K. Smith, 2003; Smith & Dalton, 2005) some of which is clearly supportive of Kolb’s theory (Anis, Armstrong, & Zhu, 2004; Austin, 2004; Contessa, Ciardiello, & Perlman, 2005; Cross & Faulkner, 2005; Gardner & Korth, 1998; Kayes, 2005; Wyrick, 2003) while other works are critical (Garner, 2000; Koob & Funk, 2002; Moran, 1991; M. K. Smith, 2002).

Much of the criticism of Kolb’s work appears to focus particularly on the reliability and validity of the LSI instrument. As the LSI is not being used in this research, these specific criticisms are of less concern to this study. Still, while not matching the standards of reliability and validity of the Myers-Briggs Type Indicator (Capraro & Capraro, 2002), Kolb’s theory and the LSI instrument have been supported as valid in a number of independent studies (Anis et al., 2004; Contessa et al., 2005; Gardner & Korth, 1998; Wyrick, 2003). Kolb’s experiential learning theory attempts, at least in part, to allow for how learning style can be influenced by prior experience and the learning context. In Kolb’s view, learning results from “synergistic transactions between the person and the environment” (Kolb & Kolb, 2005, p. 2). The underlying propositions to Kolb’s theory are that learning is a holistic and creative process that is best served when the students’ own experiences and beliefs about a subject are drawn out, tested, and integrated with new knowledge (Kolb & Kolb). It can be argued that any study of how a particular professional group learns carries an implicit assumption that the experience of
either earlier training or daily professional practice has an impact on learning style to some degree. Therefore, the selection of Kolb’s experiential learning theory as a theoretical framework to support the data analysis is appropriate because of the theory’s capacity to show some responsiveness to external factors. Furthermore, Kolb’s theory has been examined in literature and research over an extended period of time, thus offering a theoretical context within which the findings of the study can be considered.

**Kolb’s Experiential Learning Model**

Kolb defines learning as “the process whereby knowledge is created through the transformation of experience. Knowledge results from the combination of grasping and transforming experience” (Kolb & Kolb, p. 2). The experiential learning model portrays an idealized process in which the ideal learner would have the ability to “operate with equal facility in all four stages” (Sadler-Smith, 1997, p. 2) in a “recursive process that is responsive to the learning situation and what is being learned” (Kolb & Kolb, p. 2). Ideal learners, however, are rare, and most learners have a preferred style that results from a tendency to favour one type of process in each of the grasping and transforming dimensions identified in Kolb’s model.

Kolb’s theory of experiential learning describes learning as a circular or spiral process with four distinct stages. According to Kolb, the ideal starting point of this learning process is at the concrete experience stage, followed by reflective observation, the formation of abstract conceptualizations, and the testing of the concept implications in actual practice (Kolb & Kolb, 2005). Testing in actual practice, which Kolb called active experimentation, then leads back to concrete experience, thus beginning the cycle again. Initially referring to this ideal process as a cycle, Kolb later amended his
description to that of a spiral to acknowledge the accumulation of experience and
knowledge that would inform the learning process in successive stages. For the ease of
the reader I will simply refer to Kolb’s cycle, with the understanding that there can be
increasing layers of depth to this cycle over time.

An aspect of Kolb’s theory that is important to understand is that the stages of the
cycle consist of “two dialectically related modes of grasping experience – Concrete
Experience (CE) and Abstract Conceptualization (AC) – and two dialectically related
modes of transforming experience – Reflective Observation (RO) and Active
Experimentation (AE)” (Kolb & Kolb, 2005, p. 2). Kolb’s concept of learning styles lies
in the premise that individuals will favour one mode over the other on each of the two
dimensions. By overlaying the “grasping experience” (CE–AC) dimension with the
“transforming experience” (RO–AE) dimension, four quadrants are formed within the
learning cycle. An individual’s combined preference to rely on one method from each
dimension locates him or her in a particular quadrant. This quadrant, according to Kolb,
represents the individual’s learning style. The four quadrants have been labelled Diverger
(CE and RO), Assimilator (AC and RO), Converger (AC and AE), and Accommodator
(CE and AE). (See Figure 1.)

Kolb provides a detailed description of how individuals in each of these learning
style quadrants process information (Kolb & Kolb, 2005). Kolb also identifies how the
four learning styles reflect the dominant information processing activities connected with
different kinds of work and training. Kolb is careful to point out that this does not mean
that individuals in these educational or professional streams necessarily do or should
learn in these ways in order to succeed. Rather, Kolb says, these matches between
Figure 1. Kolb’s experiential learning cycle (as described in Kolb & Kolb, 2005).
quadrants and professional fields indicate a learning style tendency for people typically drawn to these career areas. Kolb offers the following descriptions of the four learning styles.

The diverging style is shaped by CE and RO dominant learning abilities. Individuals with this style view concrete situations from many points of view, are able to generate ideas and engage in brainstorming with ease, are information gatherers, are interested in people, tend to be imaginative and emotional, have broad cultural interests, and tend to specialize in the arts. In formal learning situations, Divergers “prefer to work in groups, listening with an open mind to different points of view and receiving personalized feedback” (Kolb & Kolb, 2005, p. 5).

The accommodating style is shaped by CE and AE dominant learning abilities. These individuals learn best from “hands-on” experiences, implement plans, rely on people as a source for information, and work well in action-oriented situations and careers. They enjoy challenges but may work more from gut reactions than from logical analysis. In formal learning situations, Accommodators “prefer to work with others to get assignments done, to set goals, to do field work, and to test out different approaches to completing a project” (Kolb & Kolb, 2005, p. 5).

The converging style is shaped by AC and AE dominant learning abilities. Individuals situated in this quadrant are best at practical applications for ideas and problem-solving type decisions. They would rather deal with technical tasks and problems than social and interpersonal issues. In formal learning situations, Convergers “prefer to experiment with new ideas, simulations, laboratory assignments, and practical applications” (Kolb & Kolb, 2005, p. 5).
Finally, the assimilating style, which is the quadrant that Kolb associates with the study and practice of law, is shaped by AC and RO as the dominant learning abilities. Individuals who fall within this quadrant are best at understanding a wide range of information and putting it into logical and concise form, are more focused on ideas and abstract concepts than on people, and find it more important for a theory to be logically sound than of practical value. In formal learning situations Assimilators “prefer readings, lectures, exploring analytical models, and having time to think things through” (Kolb & Kolb, 2005, p. 5).

Although the LSI is not being used in this study, it is worth mentioning that Kolb indicates that location in the quadrant, based on the score achieved through the administration of the LSI, is also meaningful. For example, an Assimilator close to the line of reflective observation will tend more towards the diverging learning abilities than an Assimilator who scores high on the AC scale. In other words, relative position within the quadrant also has meaning for understanding an individual’s learning style.

There is a constructive tension between stability and flexibility in Kolb’s model that makes this a useful theoretical framework for my study. An individual’s patterned and characteristic ways of resolving this tension are relatively stable over time and represent his or her learning style. On the other hand, many people believe that learning styles are not unalterable and fixed. Kolb’s research showed that “learning styles are influenced by personality type, educational specialization, career choice, and current job role and tasks” (Kolb & Kolb, 2005, p. 4). Kolb, more recently, also added context to this list of influential factors. The developmental flexibility represented by this later addition
is important to workplace educators who believe that appropriate design and delivery of a learning program can impact the quality of learning.

**Continuing Education for Professionals**

Within the broad arena of workplace learning there is a growing body of work that is paying particular attention to continuing education for professionals (Cervero, 2000; Cheetham & Chivers, 1998; Daley, 2001a; Moore & Pennington, 2003; Wyrick, 2003). An examination of the work in this area reveals that limited attention has been given to how lawyers engage in continuing education compared to professionals in the medical field. However, there are some relevant research findings and a few studies that include lawyers as participants, which will inform the data analysis process in my research.

A recent survey of workplace trends (Colteryahn & Davis, 2004) revealed that professionals are less frequently working as sole practitioners or within firms that specialize exclusively on the practice of a single profession. Organizations are increasingly integrating professionals into their overall workforce and into their management structure. This change, combined with the certification requirement in many professions for members to engage in annual continuing education, is increasing the expectation that workplaces will facilitate the ongoing delivery of good quality continuing education programs to meet the particular learning needs of professionals. Cervero’s (2000) article, “Trends and Issues in Continuing Professional Education,” identified the importance of workplaces grappling with how professionals learn best, given the increasing role of employers in delivering continuing education to professionals. Cervero also acknowledged the growing struggle for professional
continuing education programs to balance the need to provide updated information versus improving professional practice in a rapidly changing context.

Employers are not the only type of organizations becoming more interested in how professionals approach ongoing learning throughout their careers. Professional organizations are also becoming increasingly active as providers of continuing education for their membership. The delivery of credible, customized continuing education programs has provided some professional associations with new ways to expand their role and bring value to their membership while at the same time developing an important new revenue stream (Cervero, 1989). Professional associations also have a role to play in maintaining forums that facilitate professional dialogue and problem solving for a membership that may have fewer opportunities on a day-to-day basis to work with colleagues trained in their profession.

As a workplace educator I have observed how professional identity impacts the way individuals approach continuing education. Lawyers in the legal clinic system who become Executive Directors (EDs) must develop management skills that can be used along with their legal practice skills. Though not necessarily experienced managers, these lawyers bring to their learning activities a sense of self as an accomplished professional. This professional confidence and identity as a lawyer becomes a significant part of the learner's context, whether or not the subject under study is directly related to their core professional practice. The result is that the continuing education program design must increasingly be able to engage competent and experienced professionals in new learning that may be best achieved through unfamiliar learning models and activities. Effective
ways of addressing this challenge are of interest to educators in both employer organizations and professional associations.

**Contemporary Research**

A review of the relevant research reveals that in recent years there has been a growing intersection between research related to learning styles and research that examines adult learners within particular professional or occupational communities (Anis et al., 2004; Austin, 2004; Carney, 2000; Contessa et al., 2005; Daley, 2001a, 2001b; Jones, et al., 2003; Kolb & Kolb, 2005; Wyrick, 2003).

Cassidy (2004), in her overview of academic work addressing learning styles, acknowledged the recent “upturn in the number of researchers working in the area” (p. 419). There is a particular concentration of learning style research focused on medical and clinical professionals (Cervero, 1989), launched in large measure by a decision in 1981 by the Canadian Medical Association to sponsor an international conference specifically “to compile a professional consensus on the application of learning style in medical education” (Curry, 1991, p. 1). A decade of work in this field led to “significant information about preferences for various aspects of the learning act” (Curry, p. 12) and provided information that was acknowledged to have meaningful implications for instructional design within medical specialities. Researchers have identified the need for more research to understand the learning styles of professionals in the fields of business and management (Gardner & Korth, 1998; Sadler-Smith & Smith, 2004), education (Sadler-Smith, 1997; P. Smith & Dalton, 2005), social work (Cartney, 2000), and law (Randall, 1995-1996).
In spite of academic interest in learning styles there are relatively few tools that have been tested in empirical research and remained in use for any extended period of time. In Cassidy’s (2004) overview of learning style literature and research, two of the identified learning assessment tools stand out as being more widely used in empirical research than others. These are the Myers-Briggs Type Indicator (MBTI) and Kolb’s Learning Style Inventory (LSI). The MBTI is designed to measure personality type and fits within the most stable layer of Curry’s onion (as cited in Cassidy). Originally developed from work in the 1940s and revised numerous times over the years, the MBTI is widely used in employment settings (Cervero, 1989; CPP Inc., 2004). Within Curry’s second layer of the onion model of learning style theories is Kolb’s Learning Style Inventory (LSI), based on Kolb’s experiential learning theory. The LSI, currently at version 3.1 (2005), was designed to measure learning styles from an information processing perspective. Kolb’s learning theory and related tool, which are not without their detractors, continue to be used today in a variety of research and practical applications.

Kolb’s experiential learning theory and the LSI have been studied in a variety of situations. These include fairly straightforward applications such as research that uses Kolb’s experiential learning theory as a theoretical framework when the LSI or other assessment tools are being administered to various participant groups. Kolb’s LSI has also been used in a number of more complex studies in which multiple learning style assessment tools have been compared or where different learning style assessment tools have been used together. For example, Lawson and Johnson (as cited in Genovese, 2004) compared Kolb’s LSI with Felder and Silverman’s 1988 tool, the Index of Learning
Styles (ILS). The Lawson and Johnson study tested the relationship between student designation on the thinking-feeling dimension of the experiential learning theory and performance. The findings of this study, for which the Kolb LSI was administered, showed a positive correlation in that students identified as thinkers always outperformed those identified as feelers. The ILS data did not show a relationship between performance and the instrument test results.

McDonough and Osterbrink (2005) used Kolb’s learning theory as a framework to examine the learning needs of nurses training for clinical practice. They found Kolb’s theoretical framework helpful in the examination of the nurse training program and students’ needs because the learning model not only allowed for the identification of diverse learning styles but also accounted for the fact that their learners would be at different stages of the learning cycle. Wyrick (2003) used Kolb’s learning cycle to analyze how engineering students and managers process information. In numerous studies conducted over 10 years in the United States and Sweden, the data in Wyrick’s study showed that engineers are predominantly Convergers. Wyrick found this result to be consistent with Kolb’s earlier studies indicating Convergers tend to be the ones who enter science-based professions such as engineering. Kolb’s experiential learning framework was selected as the most appropriate theoretical framework for Anis et al. (2004) in their study of the extent to which managers’ acquisition of tacit knowledge was influenced by their learning style.

Kolb’s LSI was also used in conjunction with the Jackson Personality Inventory in a study of public service employees in an executive development program (Cross & Faulkner, 2005). In a different study, the LSI was used together with the Pharmacists’
Inventory of Learning Styles (Austin, 2004). In both cases these studies obtained statistically significant results from the LSI scores and concluded that the findings could help inform the planning and delivery of future training programs.

In Kolb's explanation of his experiential learning theory, he elaborated on some of the important factors that influence learning style. In response to some critics who viewed learning style as a function of personality, Kolb wrote that personality "exerts a small but pervasive influence in nearly all situations; but at the other levels, learning style is influenced by increasingly specific environmental demands of educational specialization, career, job, and tasks skills" (Kolb & Kolb, 2005, p. 6). Within the context of acknowledging these various environmental influences, Kolb presented a chart that included matches of educational specialization and professional career choices with the four learning styles of his theory. This presentation places engineering in the converging quadrant, as supported by Wyrick (2003). Kolb located the arts in the diverging quadrant and education in the accommodating quadrant. The assimilating quadrant is where Kolb located the practice of law.

Jones et al. (2003) completed a study of student learning styles to determine whether the learning styles that students exhibited were related to the discipline (subject) being studied. The four disciplines used in the study were English, mathematics, science, and social studies. The findings of this study showed the students made some adaptations in their learning style for different disciplines.

Daley (2001b) conducted a study in the area of professional continuing education. Working from a constructivist perspective, Daley conducted a qualitative study comparing learning and the ways in which knowledge becomes meaningful in four
different professional groups. Her findings showed that the differences in how members of the four groups constructed knowledge in continuing education programs were framed by the nature of their particular professional work and by client-based experiences (practice) within their profession. Daley's research included lawyers as one of the four professional groups under study. Among her findings were the conclusions that the professionals in the four groups did learn differently and in ways that suggested that membership in their particular professional community was influential to their learning.

Lawyers stood out from the other professional groups of nurses, social workers, and adult educators in several ways. The first difference was the lawyers' greater sense of independence from organizational pressures in their professional decision-making. Lawyers in Daley's (2001b) study indicated that the more important cue to them that information was relevant and useful in a learning situation came from the responses of their professional peers rather than their (nonlawyer) coworkers.

A second difference was that Daley's (2001b) study found that lawyers showed more caution in embracing new information than the other groups of professionals included in the study. Lawyers preferred to use continuing education opportunities for information gathering and indicated that they deliberately waited until a later point to decide if the new information was relevant to their practice. Daley's findings indicated that lawyers liked to listen to experts talk and obtain handouts of materials that could be taken back to their workplace for future reference. Daley's findings also highlighted that the adversarial communication style lawyers developed for their practice frequently characterized their communication style in other situations as well.
Daley’s (2001b) work poses the question of whether professional groups engage in and benefit from continuing education in different ways. She calls for more research that compares various professional groups and raises the question of whether earlier professional education experiences influence how professionals engage in continuing education throughout their careers. Daley also considers how the context of membership in a professional community of practice, which may be quite distinct from their employment organization, might influence how individuals construct knowledge and transfer this knowledge into daily practice.

Another article relevant to the study of lawyers made a strong case for how law school rewards certain types of learning styles and “weeds out” others along the way. Randall’s (1995-1996) experience was that law school encourages and rewards one type of learning style and makes little effort to respond to or become knowledgeable about various other learning styles. Using the Myers-Briggs Type Indicator model as a framework, Randall examined the learning styles that are rewarded in law school. Randall concluded her work citing the need for law school faculty and administrators to become more knowledgeable about learning styles and to use this knowledge to broaden their educational practices so that learners of diverse learning styles could succeed in legal education.

**Critique of Kolb’s Theory**

It has been shown that Kolb’s experiential learning model and LSI have been widely used in professional settings and practice-based research (Atkinson, 1991; Austin, 2004; DeCoux, 1990; Garner, 2000; Koob & Funk, 2002). Kolb’s learning model has been subject to criticism as well. These criticisms can be categorized in three broad areas.
First there are those who believe that the theoretical work is either insufficient or incorrect. Second, there are issues with the validity and reliability of the LSI tool. Finally, there are concerns that some writers have incorrectly used Kolb’s learning theory and the accompanying LSI to support conclusions that are beyond the scope of Kolb’s original theoretical framework.

Critics of the theoretical correctness of Kolb’s experiential learning model include M. K. Smith (2002), who identified some specific problematic issues with Kolb’s learning model. These include questions of the model giving insufficient attention to reflection and to different cultural experiences and conditions, the concept of steps or stages as descriptors of the thinking process, insufficiently addressing the concept of knowledge, and weak empirical support for the model. Hopkins (as cited in Koob & Funk, 2002) also pointed to a series of theoretical problems with Kolb’s experiential learning model. Hopkins pointed to Kolb’s failure to deal with the objective quality of the individual’s learning experience. Hopkins also maintained there was insufficient flexibility for change represented in Kolb’s model. Specifically, the model permits learners to be identified with only a single learning style, and the model was not designed to demonstrate or accommodate changes over time of one’s learning style.

The theoretical validity and reliability, as measured by the LSI, have been questioned almost since the introduction of the tool (DeCoux, 1990; Garner, 2000; Kayes, 2005). Kolb’s revisions to the LSI have, in large part, been in response to concerns that have been raised about the validity and reliability of the tool. Some authors have argued that Kolb’s use of statistical tests and arguments to demonstrate the integrity of his theory and of the LSI has been inconsistent. Several writers have pointed out that
Kolb dismissed the relevance of traditional tests for his work by arguing that he was “measuring an unmeasurable construct” (as cited in Koob & Funk, 2002, p. 301). At the same time Kolb claimed statistical support for the internal consistency ratings of the instrument to be accurate reflections of the variable and context-sensitive nature of learning styles. This selective application of scientific tests and principles has been sufficient for some critics to dismiss any claims of empirical support for Kolb’s theory (Garner; Koob & Funk).

The third category of criticism relates to the application of Kolb’s experiential learning theory to support conclusions beyond the substantiated scope of the theory. Moran (1991) observed that while research into learning styles is laudable, the “lack of conceptual rigour in the field…is reflected in such difficulties as the semantic confusion…and the over-extension of the construct of ‘learning style’” (Moran, 1991, Assumptions ¶). Davis and Franklin (2004) pointed out that learning style preference (comfort) does not necessarily correlate with learning and that the application of findings from learning preference studies may fail to attend to this distinction. In numerous studies (Anis et al., 2004; Austin, 2004; Campeau, 1998; Curry, 1991; DeCoux, 1990; Jones et al., 2003; Wyrick, 2003) the LSI is applied as a tool to assess the preferred learning style of a particular professional group. Kolb himself admitted the limited applicability of the LSI for the assessment and selection of individuals and groups (as cited by Atkinson, 1991). Acknowledging the wide use of the LSI and the apparent face validity this use must indicate, Atkinson concluded that “continued applications of the LSI-1985 seem warranted for dialogic, rather than diagnostic, purposes as long as the user is mindful and open about the instrument’s apparent limitations” (Summary ¶). Atkinson went on to
suggest that perhaps the type of controlled feedback that is used with the Myers-Briggs Type Indicator would better ensure appropriate use of the Kolb LSI. Garner (2000) echoed this thought by noting the research that cited Kolb’s theory in a positive light used it to highlight different approaches and stages of learning, but that Kolb’s work appeared to be unable to reliably describe an individual’s learning style.

**Basis for My Research**

This literature review shows that within the academic community there are various limitations and reservations about the logic and integrity of the current construct of learning styles. Researchers have also stated their reservations about the tools available to assess individual and group learning preferences. Yet the continuing use of the Myers-Briggs TI and the Kolb LSI in workplace learning research signals that there is a persistent demand for a better understanding of the nature and range of styles that learners bring to the learning experience. Those responsible for designing and delivering continuing education require this knowledge to strengthen and evaluate the effectiveness of learning programs. In my case, the individual learner needs that I am seeking to better understand are those of lawyers who are Executive Directors in the legal aid clinic system. These EDs each fill complex organizational roles in separate community-based organizations scattered across the province.

It should be noted that the criticisms of Kolb’s work that have been cited have generally dealt with the learning style inventory (LSI) and less frequently with certain aspects of the experiential learning model design. Underlying these criticisms was the implication that any weaknesses found in a particular conception of how to explain and assess learning styles did not negate the value of understanding an individual’s habitual
processing style of acquiring knowledge and skills or of expanding our awareness of the similarities and differences of the individual styles within an adult learning group. Rather, the continuing attention that learning style theory has received from both scholars and workplace educators suggests that the construct of learning styles is viewed as helpful to our understanding and facilitation of adult learning. As a workplace educator working with lawyers as a specific group of learners, I have developed a certain amount of tacit knowledge about how this group prefers to participate in learning. I would like to make this knowledge more explicit to strengthen my own practice and become better able to share this knowledge with others. Learning style research holds some promise of being able to assist with this aim.

Kolb’s experiential learning theory is an appropriate framework for this exploratory study of the continuing education learning approach of lawyers. Garner (2000), after reviewing studies relating to Kolb’s theory and the LSI, concluded that, in addition to all the criticisms, there is also a large body of work which reports positively on Kolb’s work and its usefulness “with respect to individual development and the learning process, highlighting that it was a useful way of showing the different possible approaches to learning” (p. 347). Garner’s view was echoed by Pigg, Bush, and Lacy (as cited in Atkinson, 1991), who concluded, in spite of reservations about the LSI, that the application of Kolb’s theory did achieve the useful purpose of identifying basic tendencies and could therefore prove useful in the actual conduct of educational programs with a participatory approach. Some recent studies based on Kolb’s work (Austin, 2004; Contessa et al., 2005; Jones et al., 2003; Randall, 1995-1996; Wyrick, 2003), which focused on specific professional sectors such as medical practitioners, engineers, lawyers,
and educators, concluded that closer study of learning style preferences and educator practices can add to professional learning and educational program design within these fields of practice. Studies such as these indicate a strong interest in continuing education providers acquiring a greater insight into the learning styles and preferences of professionals, so that educational programs can be designed to facilitate learning that goes beyond merely offering technical updates.

Kolb’s experiential learning theory, in spite of its flaws, is a theory that has been under examination for approximately 3 decades. While not uncontested, studies continue to be completed that further confirm and assert the value of the application of Kolb’s learning theory. One result of the length of time Kolb’s learning theory has been used in research is the fairly wide recognition among researchers of Kolb’s theory and the LSI. Kolb’s experiential learning theory is frequently included in summaries of the learning style theory landscape and is often selected for studies when various learning style tools are used in parallel or for comparison purposes. The durability of Kolb’s theory over time has resulted in its application in a broad variety of settings and learning groups. While the findings of these studies have been variable, such wide application of Kolb’s theory does provide some context within which further work that uses Kolb’s theory as a framework can be positioned. Not only is Kolb’s theory widely recognized, but the level of critical analysis to which it has been subjected over the years means that the limitations of the theory have also been more extensively explored than those of less well known theories. The fact that Kolb’s theory has not been supplanted by a widely accepted alternative theory in more than 3 decades can attest to the challenges in developing a theory to adequately describe the characteristics of individual learning styles.
This study is not undertaking to assign a learning style designation to an individual or a group of learners. Rather it is an exploratory investigation of what learning styles and preferences may be influencing how legal clinic lawyers engage in and learn from continuing education activities. Recent years have seen an increasing interest in determining whether different professional groups engage in learning differently and, if so, in what ways. This is an important question that requires further research. Among workplace educators there is some consensus that professionals from different sectors do engage in learning in different ways. Research that can add to the thinking about this issue will both inform practice and reinforce the value of research in daily practice settings. For these reasons, Kolb’s experiential learning theory is an appropriate choice as a theoretical framework for considering the learning styles of legal clinic management lawyers.
CHAPTER THREE: METHODOLOGY AND PROCEDURES

The purpose of my research is to study the continuing education learning preferences and styles of legal aid lawyers. This is an exploratory, qualitative study that is based upon data gathered using two methods. The primary data collection process was a written survey that posed a series of questions about personal learning preferences. Follow-up interviews with 3 survey participants provided greater detail about the learning preferences of those individuals and explored their assessment of their own learning style in relation to Kolb’s experiential learning theory. The specific questions this study addresses are:

1. What continuing education learning preferences and styles are favoured by legal aid management lawyers?
2. How do the learning styles of 3 management lawyers relate to Kolb’s experiential learning theory?

This chapter describes in detail the research methodology used for this study, which included two data collection methods. The primary data were gathered through a written survey. Audiotaped follow-up interviews with 3 of the survey participants served as the secondary data source. The criteria and methods used for the selection of participants are described along with the data collection and analysis procedures. Pseudonyms have been used to protect the identity of the interview participants. All other survey participants have been assigned a letter designation.

The methodological assumptions and limitations of this study are identified for the reader. This is followed by a discussion of the actions that have been taken to ensure the reliability and validity of the research. Finally, I review the steps that have been taken
to ensure that all Brock University's ethical requirements related to research with human subjects have been met and that the privacy of the participants has been protected throughout the course of the research. This chapter concludes with a brief summary of the overall methodology of this project.

**Research Methodology and Design**

There has been a recent growth in interest in the learning styles of various professional groups (Kolb & Kolb, 2005). Currently, however, there is a limited body of literature addressing effective continuing education design for lawyers or the learning styles and preferences of lawyers. With limited prior research upon which to build, an exploratory, qualitative study of the learning preferences and styles of legal aid management lawyers could provide useful insights for my practice and suggest relevant questions for future research.

Two data collection methods were used in this study. The primary data collection method was a written survey conducted in conjunction with an annual management learning conference which was attended by most of the clinic management lawyers from across Ontario. Surveys were distributed via email to all conference registrants. Participation in the survey was voluntary, and responses could be returned anonymously. The survey instrument, developed by the researcher, was based upon a critical incident report model. Critical incident forms have been widely used in a variety of training situations since the approach was introduced by Flanagan in 1954 (Fivars & Fitzpatrick, 2005).

The second data collection method involved audiotaped follow-up interviews with 3 of the survey participants. Follow-up interviews were conducted for two reasons. The
first aim was to utilize the interviews to probe more deeply into some of the issues that emerged from the survey data. The second aim for the interview data collection was to explore how several lawyers assessed their personal learning style in relation to current adult learning theory. To achieve these purposes, the interviews were conducted using the same semistructured question format for each interview. A preliminary analysis of the survey data was conducted prior to the first interview to identify data patterns and themes in the learning preference data that would be fruitful to explore in more detail. The semistructured interview approach allowed me to tailor consecutive interviews to build on emerging data categories and pursue new areas of interest as data analysis progressed.

A purposeful sampling approach was used to select the interview participants (Creswell, 2002). "The logic and power of purposeful sampling lie in selecting information rich cases (participants or settings) for in-depth study to illuminate the questions of interest" (Russell & Gregory, 2003, p. 36). Purposeful sampling offers a variety of approaches to select individual participants, and when the sample size is small, typical case or unique case individuals are frequently selected. Since so little research has been done about the learning preferences and styles of lawyers, neither a "typical" nor a "unique" lawyer within the legal clinic system can be identified at this time. Critical sampling, one approach to purposeful sampling, does not require the identification of a typical or extreme case. Critical sampling is concerned with making the case dramatically (Creswell; Russell & Gregory). An exploration of the learning preferences and styles of a few selected legal clinic lawyers will still provide rich, descriptive detail that can suggest ways that a continuing education program might be better designed to suit a range of individual learning preferences and styles within the group. As Russell and Gregory point
out, in qualitative research, “even studies with small samples may help to identify theoretically provocative ideas that merit further exploration” (p. 37).

The data gathered from the survey and interviews were analyzed together using the constant comparative method (Merriam, 1998). Initially developed by Glaser and Strauss as a method of analyzing data to develop grounded theory, the constant comparative method is now “widely used in all kinds of qualitative studies, whether or not the researcher is building grounded theory” (Merriam, p. 18). Through constant comparison of coded data bits from the various data sources, patterns and themes are built up into categories which become findings of the data (Dye, Schatz, Rosenberg, & Coleman, 2000).

In their discussion of qualitative research studies, Russell and Gregory (2003) indicate that “it is conventional for authors to report how their qualitative findings relate to prevailing social theory” (p. 37). To provide a theoretical grounding for this exploratory study, Kolb’s experiential learning theory has been used as a framework for examining the findings relating to the learning styles of the interview participants. Kolb’s theory has been widely used for research into learning styles in a number of professional sectors. Numerous recent studies on the learning styles of various professional groups (Contessa et al., 2005; Daley, 2001b; DeCoux, 1990; Felder & Silverman, 1988; Heath, 2003; Moore & Pennington, 2003; Wyrick, 2003) demonstrate that Kolb’s experiential learning theory continues to be widely recognized as a relevant framework for current research.

Though data findings from a small group of participants cannot be generalized to others, each study produces important information that contributes to the wider
understanding of the phenomena under study (Ploeg, 1999). The intent of this exploratory research was to gain a clearer understanding of the learning preferences and styles of some management lawyers within the legal aid clinic system. The findings of this exploratory research will inform my practice within the legal clinic sector. The findings also suggest questions for further research within a broader group of lawyers, thus contributing to the larger discussion on continuing education for professionals in the workplace.

**Selection of Participants**

All lawyers who registered for the 2005 Management Learning Conference were invited to participate in the survey that served as the primary data gathering process for this study. Efforts were made to ensure participants found the process to be truly voluntary and anonymous. These included the distribution of the surveys via email several weeks in advance of the conference with an cover letter which described the research and specified that participation was voluntary. No personally identifying information was required to complete the survey, and an unattended drop-off box was provided for the survey collection.

The second stage of the data gathering process required the selection of participants for a follow-up interview. In Thompson’s (1999) article on research sampling, he stresses that it is not sample size but rather “it is the ‘fitness for purpose’ – or quality – of the sample” (p. 70) that is most relevant. As Thompson suggests, a purposeful sampling approach was used to identify appropriate participants for the interview stage. Established criteria for selecting participants for the interviews required
that the participants must have attended the Management Conference, completed the survey, been a clinic ED for at least 5 years, and have volunteered for the interviews.

Critical sampling (Creswell, 2002), an approach to purposeful sampling, was used to select interview participants from among the volunteers. A review of the data obtained from the 3 participants who volunteered for a follow-up interview revealed that each presented a different profile in terms of their identified learning preferences, their clinic size, complexity, and location. All 3 volunteers were female and met the preestablished criteria for consideration. The purpose and methodology for the follow-up interview were explained to the volunteers before they were asked if they would like to participate in an interview. All 3 participants expressed interest in the study and agreed to be interviewed.

An interest in the study was an important factor in the selection of each of the individuals. Demonstrated interest in discussing learning was taken to be one indication of the level of awareness that the individual could bring to a discussion of her own learning preferences and style and how these compared to the learning preferences and styles of her peers. This self-awareness was desirable to create data with more dramatic descriptions and clearer insights into the participants' own learning experiences.

Instrumentation

A two-part, written survey was developed by the researcher to gather learning preference data from legal aid clinic lawyers who attended an annual management training conference. The survey consisted of a preconference section which posed a series of questions about the individual's learning preferences. The postconference section mirrored the earlier questions but with a focus on the specific learning experiences that took place at the conference. The survey was modeled on a critical incident report form.
The critical incident technique used to guide the development of the survey has a history of more than 50 years of research and has been used in "several thousand government, business, industrial and educational research projects, doctoral dissertations, professional papers, etc." (Fivars & Fitzpatrick, 2005, ¶2). This technique has proven effective in the study of "what people do" in a variety of professions (Fivars & Fitzpatrick, 2005, ¶2) and is a proven model for eliciting relevant and focused information. The responses obtained through this method provided helpful and contextually relevant data for this study and informed the development of the interview questions.

Each section of the survey consisted of nine questions that required mixed types of responses including short narrative, rank ordering, listing, and weighting of options. The postconference section asked a matching question for each of the preconference questions but from a reflective stance. The postconference section concluded with one additional question concerning whether completing the survey changed the participants' thinking about how attendance at such a conference contributes to their learning.

The survey data findings are primarily text based, but some ordinal data are included. The survey was designed so that each section could be completed in a brief time period. The pre- and postconference sections were part of a continuous document, which helped ensure the data from the two sections remained together for analysis purposes. This design also enabled participants to reflect on their preconference responses when completing the postconference section, including the question about how completing the survey may have changed their thinking. A copy of the full survey is included in Appendix A.
The short-answer type survey questions and the semistructured question approach used in the interviews were appropriate data-gathering techniques for use in an exploratory study (Devers & Frankel, 2000). The survey data structure permitted responses to be sorted, counted, and compared efficiently. This type of data manipulation is essential to the constant comparison data analysis approach used in this study. The interview questions allowed me to probe more deeply to understand the potential texture and complexity of the learning preferences and styles identified in the survey data. At the same time the interview format allowed sufficient flexibility for participants to offer unique or unanticipated responses and to explore these ideas as they arose. This method of following the data is an important aspect of a qualitative study and particularly important for an exploratory study such as this. Finally, both the written and the interview question methods used in this study were appropriate methods to obtain data from the participants because they allowed participants to express themselves, either briefly or at length, using communication methods with which experienced lawyers are comfortable.

**Data Collection and Recording**

Two distinct data collection methods were used in this study: a written survey and audiotaped interviews. The survey was distributed via email 3 weeks in advance of the conference. A cover letter, explaining the purpose of the study and how the data would be used, accompanied the survey. The cover letter provided Brock University Research Ethics Board approval information and explicitly stated that participation in any part of the study was completely voluntary. Participants were invited to return the survey anonymously or to include their names if they wished to be considered as a follow-up
interview candidate. The message with the survey package was sent by an administrative staff person from the organization hosting the conference. An unattended collection box was provided at the conference for participants to return their survey. Participants were also invited to submit their surveys up to 30 days after the conference via hand delivery, postal delivery, fax, or email. All survey responses from clinic lawyers were transcribed and loaded into Ethnograph by the researcher.

Follow-up interviews were scheduled with 3 survey participants, who will be referred to as Susan, Rebecca, and Leslie. The interviews were scheduled to occur approximately 90 days after the conference. The time and location of the interviews were established to suit the participants. Each of the interviews was audiotaped with the participants' written consent, transcribed, and loaded into Ethnograph after a member check was completed. The researcher transcribed the first interview, which was conducted with Susan. The services of a paid transcriptionist were used for the subsequent interviews with Rebecca and Leslie. This transcriptionist signed a confidentiality statement. Member checks were conducted on each of the transcriptions to ensure completeness and accuracy of the information before the data were imported into Ethnograph for coding and data analysis.

**Data Processing and Analysis**

Constant comparison is a data analysis method widely used in qualitative educational research (Merriam, 1998). The constant comparison method was used to analyze the survey and interview data in this study. The use of this method facilitated the sorting of mixed types of data from the surveys and the integration of the rich, descriptive data gathered from the interviews. Analysis of the survey data was initiated once all
surveys had been received and the data transcription was complete. Early findings of patterns and themes from the survey data suggested interesting subjects or puzzling questions that could be explored in more depth during the follow-up interviews. The constant comparison data analysis method allowed the intermingling of the interview data with the original survey data as each interview transcript was completed. Ethnograph was used to code all data. A combination of manual procedures and database coding was used to sort the data bits into patterns, themes, and emerging categories.

Kolb’s experiential learning theory was used as a theoretical framework for considering the data findings in relation to the self-described learning styles of the interview participants. The conclusions of this study shed new light on the nature and diversity of the learning preferences and styles of some legal clinic management lawyers. Insights gained from these findings will inform my own daily practice as a workplace educator for clinic lawyers. Some unanswered questions raised by the data analysis also suggest future research questions concerning the learning preferences and styles of lawyers.

The selection of a data analysis technique and a theoretical framework that are widely recognized in educational research will enable readers of the study to more readily assess the methodology, validity, and relevance of the findings to their own practice situation. As a result, this study will be better positioned to contribute to the general body of knowledge on the learning preferences and styles favoured by lawyers.

Methodological Assumptions and Limitations

This study was based upon some assumptions about the value of the research topic and the research design. The research topic of the workplace learning preferences
and styles of lawyers included the assumption that lawyers form an occupational community (Daley, 2001a) that is meaningful to study as a distinct group of learners. While the body of recent literature dealing with lawyers' engagement in continuing education is fairly limited, there are numerous recent studies dealing with continuing education for various medical or clinical specialties (Austin, 2004; Campeau, 1998; Cervero, 2003; Contessa et al., 2005; Curry, 1991; Moore & Pennington, 2003; Ploeg, 1999; Russell & Gregory, 2003; Thompson, 1999). Furthermore, other recent studies, which use various professional groups as a key variable, indicate a growing willingness to consider occupational communities as legitimate learning groups for research purposes (Daley, 2001a, 2001b; Lovelace, 2005; Wyrick, 2003).

The research design for this study was based upon the assumptions that the lawyers in the legal aid clinic system are motivated to learn and that they are able to identify important personal learning needs related to their management role. It is assumed that effective management learning will have an impact on daily work and that participants can reflect on how learning impacts on their actions.

An assumption was made that examining learning associated with subject matter directly related to the practice of law might not give an accurate portrayal of lawyers' personal learning preferences and styles. In one study (Daley, 2001b), lawyers indicated that much of their continuing education related to legal practice took the form of information updates. Daley's study raised the question of whether students are encouraged to adopt a particular learning style during early professional training and whether that learning style persists and influences their continuing education learning style in the future. In order to avoid a possible subject-related learning style bias, this
study involving lawyers focused on learning related to management skills rather than knowledge related to legal practice. The expectation was that when learning concentrated on a subject outside of the learner’s area of professional practice, individuals would be more inclined to use their personal learning style.

It was assumed that the participants in this study would be comfortable with both written and verbal communications and that the data-gathering methods used for this study would generate accurate and complete records of the information the participants wished to convey. A final assumption was that the use of Kolb’s theory of experiential learning is sufficiently useful to increasing an understanding of learning styles so that readers will be able to assess the relevance of this study for their own purposes.

There are several limitations to this study that must be taken into account as well. One important limitation is the small body of current literature dealing with continuing education for lawyers that was available to inform the study design. In light of this limitation, an exploratory approach was taken in this research. The findings of this study are based upon a sample of 10 lawyers who are clinic Executive Directors (EDs) who participated in the survey. Three of the survey participants were selected as participants for the follow-up interviews. The small sample size and non-random participant selection method used for this study precludes the generalization of any conclusions to the larger population of clinic lawyers and EDs. This study does, however, provide specific information about the continuing education learning preferences and styles of this group of lawyers in the legal aid system. Findings from this study will build upon the work of previous studies that have examined the learning preferences of different professional
groups. The findings also suggest appropriate questions for future research concerning the learning preferences and styles of lawyers.

Finally, a limitation common to many qualitative studies is the difficulty in replicating this study. A number of contextual factors influencing the data generated by this study are specific to a particular point in time. These contextual factors include, but are not limited to, the personality, credibility, and subjective perspective of the researcher; the knowledge and motivation of the participants; the organizational structure of the clinic system; the cultural and political climate affecting the relationships among clinics and their funding organization; the developmental stage of the legal clinic continuing education program; and the characteristics of the particular conference at which the survey was administered. These and other contextual factors are dynamic and interactive. The influence and relative impact these evolving contextual factors may have had upon the data are difficult to determine. Meanwhile, this particular configuration of contextual factors is lost to an evolving future.

**Reliability and Validity/Establishing Credibility**

Data reliability was addressed through a variety of methods. Communication methods were selected that would allow participants to accurately and clearly express their views. The interview participants were asked to confirm that the specific organizational arrangements of their interviews were satisfactory. Member checks to verify the accuracy and completeness of the interview transcripts took place as soon as possible after each interview. An audit trail, beginning with the raw data, was produced to document the themes and categories as they emerged throughout the data analysis process.
Reliability of the data was also addressed through the triangulation of data. Study data were collected through two methods. The survey included questions designed to cross-check responses about learning preferences and style. Patterns or inconsistencies that appeared in the early analysis of the survey data were used to help formulate the interview questions. The interviews provided a means of checking the findings or exploring topics further. Finally, the interview participants each provided data at three different stages: preconference, immediately postconference, and approximately 3 months after the conference.

The validity of this study is increased by the decision to focus on a learning subject outside the practice of law to avoid the possibility that the learning preferences expressed may be patterned to the subject rather than reflect the individuals’ general learning tendencies. The use of the management conference as a consistent and shared learning event on which to focus questions increased the validity by ensuring that the researcher and the participants were using a common learning experience as a reference point. The participants were encouraged to think broadly about their own learning preferences and style by reflecting on a conference that offered a variety of learning methods. The time period over which the participants provided data about their learning preferences and styles, particularly for the interview participants, provided greater validity than would data that reflected perspectives from a single point in time. The use of both pre- and postconference data collection also increased the validity. Preconference data collection would be less influenced by a recent experience, while the postconference data encouraged reflection on one’s actions in addition to one’s beliefs. Finally, the scheduling of interviews some 60 to 90 days after the conference encouraged participants
to consider what learning was retained from the conference experience and the extent to which that learning had impacted their daily practice.

**Ethical Considerations**

In my position as a Clinic Learning Consultant, I play a support role to the clinic Executive Directors and staff. Although employed by Legal Aid Ontario (LAO), the funding organization of the clinics, I do not have any monitoring or funding approval role in relation to the clinics. It was, however, considered important to clearly state in the invitational letter that the study data would be maintained completely separate from the business of LAO. The approved ethics protocol for the study also stipulated that no member of LAO would have access to any of the raw data or to the draft materials associated with this study. Access to the final paper, for LAO staff and others, will be limited to the normal privileges of access to student theses through the Brock Library.

Actions were taken to avoid creating any sense of obligation to participate on the part of the clinic lawyers and to ensure that the identity of those who did participate was protected. The researcher was not directly involved in either the distribution or collection of the surveys. The survey did not require personally identifying information, and all written materials included a clear statement that participation was voluntary. Pseudonyms have been used when referring to the interview participants, and letter designations have been used for all other participants in data charts.

The lawyers invited to participate in this study are all senior executives, so no further organizational permission was required to authorize their participation. In accordance with the process granted approval by the Brock University Research Ethics Board (see Appendix E) the interview participants were given a written description of the
study and provided with an opportunity to have any questions answered before signing the research study participation agreement.

Records were secured, and the privacy of personal information was protected throughout the study period. The transcriptionist was required to sign a nondisclosure agreement at the outset of the project. The raw data and working drafts were stored in a secure manner during the course of the study, and the report contains no personally identifying information in relation to any participant.

**Summary**

This qualitative study of the learning preferences and styles of legal aid lawyers draws on data gathered from two sources. The primary data source was a written survey that included preconference and postconference sections. The survey was modeled on a critical incident form. Follow-up interviews with 3 survey participants, selected through a critical sampling process, provided additional data. The data were transcribed and loaded into Ethnograph as a tool to assist with the sorting and coding. A constant comparative data analysis method was used to identify patterns, themes, and categories within the data. The data findings concerning the learning styles of the 3 interview participants were considered using Kolb's experiential learning theory as a theoretical framework.

As a workplace educator, the design of continuing education programs that will engage participants and foster learning for lawyers is a subject that is of interest to me. When discussing their personal learning needs, I have observed that clinic lawyers frequently refer to their self-identity as a lawyer as a critical contextual factor that should be considered by those designing their learning programs. Other workplace educators have also discussed with me the importance of designing learning programs for clinic
EDs by keeping in mind that these individuals “think like lawyers.” The suggestion that there may be a widely shared approach to learning and thinking among clinic lawyers raises some interesting theoretical questions as to whether the members of the professional community of lawyers tend to share a similar learning style and, if so, how this learning style is best accommodated in continuing education program design.

The findings of this study cannot be generalized to the wider population of legal aid lawyers. Nor do the findings lead to the development of a theory. The findings do, however, produce important new empirical information (Ploeg, 1999) about the learning preferences and styles favoured by some lawyers within the legal clinic system. This new information is helpful because of the similarities and differences that are revealed in learning preferences of these lawyers and the detailed descriptions participants have offered about their personal learning styles. The new empirical information from this research will strengthen my own professional practice in the future. The findings of this study may also be of interest to other workplace educators who design and deliver continuing education programs to lawyers. This research will contribute to the growing discussion among theorists as to whether various professional groups tend to have characteristic learning style preferences and how these differences among professional groups, if they exist, can be effectively accommodated. And finally, as an exploratory study in an area where little research has been completed, it is anticipated that this work will further “help to identify theoretically provocative ideas that merit further exploration” (Russell & Gregory, 2003, p. 37).
CHAPTER FOUR: PRESENTATION OF FINDINGS

This research was conducted for the purpose of studying the continuing education learning preferences and styles of legal aid lawyers. In this qualitative research study the data were analyzed through the constant comparison method. Data were gathered through two methods. The first stage of data collection consisted of a written pre- and postconference survey completed by voluntary legal aid management lawyers attending an annual clinic management conference. While surveys could be returned anonymously, survey participants were invited to volunteer for a follow-up interview to discuss the subject of their own learning preferences and style in more detail. Following an initial analysis of the survey data, all 3 of the volunteers were invited and agreed to participate in follow-up interviews. The semistructured interviews were each approximately an hour in length. Each interview was audiotaped and transcribed for analysis. The interviews included questions related to some of the early findings from the survey data and explored how the participants' personal learning styles related to Kolb's theory of experiential learning. This chapter describes in detail the findings that emerged from the analysis of the data gathered from this exploratory study into the learning preferences and styles of management lawyers in Ontario’s legal aid clinics.

Data Analysis

Ten surveys were returned from management lawyers who attended the conference. One survey participant did not complete the postconference portion of the survey. Therefore the complete survey data set for the preconference portion is 10 and for the postconference portion is 9. The survey started with two key questions concerning each participant's preferred learning model. In response to the first question participants
described their learning preferences in their own words. In the second question they ranked various learning model options in their order of preference. These two questions allowed data triangulation. Early analysis of the survey data from these two questions in particular suggested relevant questions about continuing education learning preferences of legal aid management lawyers for the follow-up interviews. The survey also asked participants when self-paced tutorials might be useful; how technology could be effectively used to support learning; the conditions that aid and obstruct learning; and how participants assessed their own combination of talking, listening, thinking, and acting when engaged in learning.

The survey data, while not necessarily representative of the larger group of clinic management lawyers, suggest some similarities and differences in learning preferences within the participant group that may inform the practice of workplace educators who work with clinic management lawyers. The data did indicate that most of the participants shared a strong preference for a lecture followed by a question-and-answer period and supported by handout materials that they could take away for future reference.

The data from the preconference section of the survey were focused on a participant’s general learning preferences and were used as the primary data for analysis in addressing the question of what continuing education learning preferences and styles are favoured by legal aid management lawyers. The postconference data were more reflective of each participant’s experience of the particular conference at which the survey was administered. Comparisons between pre- and postconference data served to identify changes in perspective expressed by the participants. One participant did not complete the postconference section of the survey. The reduced number of responses in
the postconference data had the greatest impact on analysis of Question 2 and Question 8. In the case of both of these questions, the participant responses were averaged together to create a general value for comparison purposes. The values for these two questions were calculated using 10 participants in the preconference data and 9 participants for the postconference data.

A preliminary analysis of the preconference survey data showed that the most preferred learning model identified by the group in the narrative data did not correspond with the most preferred model calculated from all the numeric responses to the next question, which asked participants to rank various learning model options according to their preference. The data from most of the participants showed a general consistency between the narrative and numeric data concerning the most preferred model. However, the ranking data from one participant (Susan) were sufficiently different from the other participants such that the general consistency between narrative and numeric data was clouded. When the ranking average was recalculated without Susan’s data the recalculation reversed the order of the first and second average ranked preference and resulted in a distinction between the next two previously tied options. A full review of Susan’s survey data suggested that she might be an outlier from the general learning preferences shared by this group of lawyers. Since Susan also volunteered to participate in a follow-up interview, it was determined that an interview would provide a better opportunity to explore Susan’s particular learning preferences and to use the preconference data of the other 9 participants in the analysis of the general learning preferences of the group. Data values for the preconference question asking participants to rank their most preferred learning model are presented with both calculations in
Appendix B. Although the postconference version of this question was framed differently, the postconference data were also calculated both with Susan’s data included and without Susan’s data to provide readers with a consistent view of the data. The data values for the postconference question concerning the participants’ experience of effective learning models at the conference are presented in Appendix C.

Learning Preferences

The pre- and postconference survey data were analyzed through constant comparison to answer the first research question of this study. What continuing education learning preferences and styles are favoured by experienced legal aid management lawyers? The follow-up interviews added detail and insights and were used to triangulate the emerging findings by integrating the interview data into the constant comparison analysis.

The most preferred learning model of legal clinic management lawyers who participated in this study was a lecture or presentation by an expert. The participants also favoured structured discussion activities and informal discussions with their colleagues. Using handouts from the educator, taking personal notes, and reading written material to reinforce key points were also favoured learning approaches for the participants. The data revealed that exercises that help participants practise and test ideas received a more mixed response from the participants. Practising and testing ideas were identified as being helpful four times in narrative responses, but in the preconference ranking question, practising and case-study exercises received the second lowest average ranking. The postconference survey data for this question did show, however, that this model had been helpful to some participants during the conference.
The data showed that keeping a journal was the least preferred model of the options suggested in the ranking question. This option received the lowest ranking from all but one participant. Teaching or making presentations to others also received an average ranking below the top three in the preconference survey. Both journaling and teaching or making presentations remained as the lowest ranked options in the postconference data. With the exception of informal talking with colleagues, experienced legal aid management lawyers who participated in this study preferred more traditional learning models that are structured and involve a transfer of information from an expert to the learners.

The terms lecture and presentation appeared to be used somewhat interchangeably by the survey participants. I will use the term lecture to encompass both references in the data. The lecture model was specifically mentioned by 4 participants in the preconference narrative responses and was supported by 12 direct references throughout the survey. The preconference average ranking data placed lectures as the most preferred learning model. The interview participants brought a range of preferences to the follow-up discussions. Susan, Rebecca, and Leslie respectively ranked lectures eighth, sixth, and second among their preferred models.

The 10 survey participants described various conditions by which a lecture was most helpful to their personal learning. One of these conditions was the order in which accompanying activities were incorporated into the learning process. One participant specified a preference for a linear order consisting of a lecture followed by an activity. “I like to be first lectured and then to be involved in an activity which makes me engage in what I have just been told.” A different approach was expressed as, “I learn best by
listening to lecturers who mingle their seminar with activities which enable me to benefit from the actual practical examples experienced by colleagues." During a follow-up interview, Leslie elaborated on her view of how earlier training of lawyers has contributed to the participants' preference for the lecture model. She explained:

We went to law school. We had talking heads at the front of the room. We had a book to read, and then you went and wrote a hundred percent final at the end of the year. It wasn’t a really interactive experience. It wasn’t a risk-taking experience. So that is the way we are generally used to learning. It’s the same with the Law Society. You go in and you do something at the Law Society continuing education sessions. You have a talking head at the front of the room, and you have a set of materials. So we’re very tied to that model. We’re very wed to, you know, reading the materials, having a talking head, and we want to be able to look it up in a book when we leave.

Other participants identified the learning value of a lecture as being enhanced when lectures were paired with other activities that helped solidify the learning. These activities included note-taking and discussion with colleagues. One participant reversed the focus and placed the lecture in the context of note-taking. "I prefer lecture-style note taking....I need to take notes to retain info." Another participant indicated that the lecture, while important, was only part of the learning process. "I’m fairly traditional so still like presentations, but I want to discuss the information and somehow apply it in a hands-on exercise to test and reinforce."

In response to the question in the preconference survey that asked participants to describe in their own words how they liked to learn, most participants focused on the
learning model. Only 4 participants addressed their personal learning styles in response to this question. Susan, one of the follow-up interview participants, filled the margins of her survey with numerous notes about her preferred learning model, learning style, and potential sources of meaningful content. Two participants indicated that they considered themselves to be visual learners, and another person liked to “learn by absorbing information of facts, thinking about this information and then testing or applying it to a particular situation.” Leslie made reference to group size. “I like to meet someone face to face in a small- to medium-sized group who has personal experience of the topic.”

Only 1 survey participant identified feedback as an important part of learning. This single mention of a desire for feedback on one’s own performance is consistent with the data indicating the dominant preference for a lecture, in which the learner’s role is primarily that of recipient of information. The absence of a greater desire for feedback is also interesting when considered in relation to the data from the participants concerning their ideal division of time between talking, listening, thinking, and acting. The individual who identified feedback as helpful to the learning process was 1 of only 2 participants who assigned an equal division of time among the four functions listed in the question concerning an ideal learning situation. The preconference survey data showed that the average percentage of time these management lawyers would like to put into the more passive roles of listening and thinking for their ideal learning situation was 60.5%. In the postconference survey, when asked to reflect on an actual learning situation at the conference in which they felt fully engaged, the data showed the average assessed time dedicated to listening and thinking increased further to 66%. Talking and acting, for
which feedback would be more relevant, played a lesser role in the learning of these individuals.

One puzzling finding in the data concerned the participants' preference for exercises designed to allow for practise or testing of ideas and skills. In the preconference question that asked participants to describe their preferred learning approaches in words, participants mentioned a preference for activities related to practising or testing learning as frequently as lectures were mentioned. However, in the following question, when participants were asked to show by ranking their most preferred learning models, the ranking assigned to practising or case studies was generally low. On average, this model ranked as the sixth most preferred model out of seven options. Although practising or case studies were not part of the conference experience for 3 of the 8 participants, this model of learning moved up to an average of third ranking in the postconference data when participants were asked about the extent to which each previously ranked model had contributed to their learning at the conference. The indication that the participants experienced effective learning opportunities for practising and testing at the conference was supported by 5 positive references to interactive sessions and team exercises in the postconference question that asked what situations provided the best learning at the conference.

The data findings concerning the amount of talking and acting participants identified as desirable in their ideal learning situation were reviewed in relation to how these data related to practising and testing activities. The preconference survey question asked how participants would divide their time among four functions of talking, acting, listening, and thinking in an ideal learning situation. The data received in response to this
question showed that participants would use an average of 38.5% of their total time for the combined functions of talking and acting. The postconference version of this question asked participants to reflect on an actual learning situation from the conference where the participant felt fully engaged in learning. The postconference data showed a decrease to an average of 33.4% of time spent in the combined activities of talking and acting. This question about the division of time among the four functions of talking, listening, thinking, and acting was designed to facilitate triangulation with the data from earlier survey questions about learning preferences. The data gathered from this question appeared to contradict the data from the first two questions, which suggested that participants wanted to be able to discuss the material with their colleagues.

**Context**

The participants also provided useful data concerning the context within which their preferred model supports their learning. The detailed data that participants provided about important aspects of the learning context can be divided into broad themes. Three of these themes concerning the learning context can be identified as the educator, the content, and the physical environment. The educator or lecturer was an important focus of responses both in the pre- and postconference surveys. Responses describing an effective or desirable instructor included phrases such as “expert” and “effective facilitator,” and described the need for the educator to have a “firm grasp and knowledge of the topic.” One participant responded to a question about the potential use of technology by saying, “computer linked tools only work when there is an instructor in the room.” A number of the references to the role of the instructor were made from the perspective of the negative impact of an instructor’s failure to live up to the learners’
expectations. Instructor actions that become obstacles to learning for these legal aid lawyers include “instructors who just read written text to me, as if I am in an Anglican church service,” lecturers “who aren’t prepared,” “ramble,” or give “boring presentations.” Several participants also cited disorganization on the part of the educator as something that frustrated their learning. “Lecturers who permit the audience to derail her lecture with questions – so lecture not finished. Lecturers who don’t allow time for questions or say [sic] she will and go overtime.” A number of participants also identified an educator’s lack of knowledge of the clinic system as a barrier to their learning. In her interview, Leslie spoke about the tough judgment exercised by legal aid lawyers if an educator cannot pass the test of credibility in terms of knowledge of the clinic context. Leslie stated:

The other thing is, we’re also, a lot of us…not only are we lawyers who are tied to the way we’ve been taught….A lot of us are intellectual [snobs] and if we don’t think that the talking head at the front of the room makes the grade, some of us are really not going to be nice about it. Sadly….And clinic people tend to really be able to sniff out well the people who don’t really know what the clinic system is. And who maybe talk-the-talk of feeling that justice should be equal for all, but don’t walk-the-walk. And they can usually tell it quite quickly with somebody. And sadly, we don’t have a lot of patience with it.

A second theme related to the learning context was the nature and the organization of the content or material being presented. Participants frequently referred to the importance of the material being relevant and practical to the particular context of legal clinic work. Some survey participants also indicated that the subject had to fit with
personal areas of interest in order to engage the learner. Participants used phrases such as “matter of interest,” “relevance of subject matter to my current passion,” and “topic of interest” to describe their personal test of relevance. The suitability of the level of the material to the learner’s knowledge was an important element for the participant who wanted “info offered at regular intervals at 3 levels… basic – intermediate – advanced.”

Several participants focused on the importance of the content being presented in simple terms, using bullet points. One participant wrote, “Lectures need to be point-based not just generalities to be most effective.” The technological learning aid most frequently mentioned in the survey was the visual presentation package PowerPoint. Examples included, “I like to learn visually, that is, by reading, taking notes while listening to a lecture or a lecture accompanied with a bullet-point PowerPoint presentation.” The use of PowerPoint seemed to offer participants the dual benefit of forcing the lecturer to present the material in point form as well as generating ready handouts to support note-taking. Rebecca explained the connection learners make between a lecturer using PowerPoint and receiving handouts at a lecture as follows:

You know instantly. Most people who do PowerPoint presentations give you the handout right then and there….Before, when you had a lecture, [handouts weren’t] always guaranteed. So, with the [PowerPoint] handout you can take your notes easier, because the basic of the structure is there. You don’t have to spend time writing down the headings, or anything.

A third theme within the data that related to the learning context was the learning environment. According to participants this would include “comfortable space – air – light – temperature,” “table space for writing,” a “quiet room,” and “lack of distractions.”
The data showed that for the participants environmental considerations also included factors such as the way in which colleagues physically came together as colearners, the knowledge level individuals brought to the learning situation, as well as the length and diversity of the learning sessions being offered. Leslie, who lives far from Toronto, described how unsatisfactory she found it to join an informal learning group of her peers via telephone when the rest of the participants were together in one room. That situation “feels very distant to me. Like it’s people who... they get together while we can phone in, if we want. It doesn’t seem like I can have meaningful participation in that exercise.” Participants also indicated that a barrier to effective learning was “too wide a variance in the experience levels of different participants.” One participant expressed frustration at “not [being] able to go to all the workshops,” while another found the length and diversity of workshops offered at the conference helpful in avoiding boredom.

When asked to identify the conditions most essential to their learning, participants responded with a variety of factors that fit within these three context data themes: the educator, the content, and the learning environment. In addition to these themes the data related to context also suggested two other themes that seemed worthy of considering independently. These two context-related themes, time and the role of colleagues in the learning process, evolved into categories that ran throughout the survey and the follow-up interview data. It is interesting that these two subjects, time and colleagues, were frequently mentioned from the perspective of how they could become barriers to learning.


**Colleagues**

The data indicate that the management lawyers who participated in this study consider their colleagues to be an important source of relevant information. Participants identified interaction with colleagues as being essential to their learning in both the pre- and postconference sections of the survey. For some participants this involved listening to their colleagues. Responses included “I was expecting to hear more about other EDs’ ideas for solving the two [problem areas] covered.” “Discussions brought out practical examples and experience [of other] colleagues.” “I learn best by listening to lecturers who mingle their seminar with activities which enabled me to benefit from the actual practical examples experienced by colleagues.” A few participants more specifically indicated that they wanted to be engaged in talking with their colleagues. Learning opportunities were identified from “networking,” being with “all other EDs,” “sharing ideas with colleagues,” and “chit chatting.” Informal talking with colleagues received an average ranking of third most preferred learning model.

The actions of colleagues were not necessarily always a positive influence on learning. Some participants found their learning was influenced by the manner in which colleagues did or did not offer “acceptance of ideas” and “validation.” Another participant indicated, “I have to feel respected and stimulated.” Some participants specifically identified the behaviour of colleagues as a barrier to their learning. One person identified the “lack of active listening by colleagues” and the “inability to dialogue” as a source of personal learning frustration. “Whining,” “negativity,” and “interference by other participants” in the room were all cited as obstacles to creating a
learning environment, while colleagues who were “stuck in a rut” were seen to inhibit the discussion of new ideas.

The discussion of the impact of colleagues’ behaviours on one’s learning figured prominently in all the follow-up interviews. Rebecca described her reliance upon the knowledge of her more experienced colleagues to help her through her early years in the ED position as follows:

I called up the management office and said how is this handled?....And it didn’t take me long to figure out that I was getting one perspective from management office, [but] if I wanted to know the pros and cons of the...idea I had to...contact other EDs. And at that [time] there were...quarterly regional [ED] meetings, so I always attended them.

Susan talked about the reluctance she observed among her colleagues to identify their own strengths and knowledge and to put this acquired knowledge forward for the learning benefit of others within the system. She puzzled over the various factors that contributed to this attitude and expressed a hope that as younger lawyers moved up through the system some of this reluctance to share ideas, take risks, and engage in dialogue about a change process would diminish. At least in part, she attributed the observed reluctance of her colleagues to take the risk of actively participating to their earlier experiences at law school.

Time

Time emerged as an early theme in the preconference survey data and was frequently referenced either directly or indirectly throughout the follow-up interviews. Identified as a common barrier by 5 of the 10 survey participants, it appeared that these
participants constantly felt short of time. Describing time as “a luxury” and the difficulties of “finding time away from work,” participants noted their shortage of time for both learning and follow-up. Data showed that time pressures resulted in participants being frustrated by “time-wasting people or discussions” and lecturers who failed to manage the time effectively so postlecture questions could be addressed in the allotted time. Tools such as list serves were valued because they “allow for fairly instant learning opportunities.” One participant, with at least 10 years of management experience, hoped to gain improved time management skills from attendance at the conference.

Analysis of the more detailed follow-up interview data revealed that time has a number of faces in the clinic system and exerts a complex influence on how clinic managers engage in learning. The data analysis showed some of the dimensions of time that have an impact on learning engagement include the length of service and age of many of the clinic Executive Directors (EDs), the periods of conflict that have existed over time between the clinics and their funding organization, the learning models used in law schools when many of the current EDs were enrolled, and the nature of the practice of law that takes its standards of justice from past decisions.

Participants in the follow-up interviews also elaborated on the crisis-driven nature of the work in which clinics are engaged, the lack of predictability or control of the volume of work that arises in any given time period, and managers’ competing responsibilities of service delivery and administration. One of the increasing pressures that affect managers to varying degrees is the amount of time required for travel when attending shared learning events. One participant noted the time commitment to come to Toronto for the annual conference as a barrier to learning. For this participant, even the
travel time required to meet more locally with regional colleagues was beginning to feel like a barrier. In Leslie’s follow-up interview she described the constant pressure that managers face between service delivery priorities and learning as follows:

We live in a crisis-driven world, and if I’m in my clinic and there’s somebody in the waiting room whose [Ontario Works payment] has been cut off and who isn’t going to have food... because what we do is so basic. We do the roof over people’s heads and the food on their table... and if somebody’s in my waiting room and really, genuinely has a need, it’s going to be an immediate need that is so fundamental. It’s something that I would take for granted in my own life, and yet in their life they are being evicted so they have nowhere to stay. Where I live we don’t have a shelter. So there is no contest between the person in the waiting room with a valid issue and learning. I can’t walk away from the person in the waiting room.

Professional Training

The follow-up interviews proved to be a rich source of data to bring greater meaning to the survey data about continuing education learning preferences and styles favoured by legal aid management lawyers. The data showed the educational model and experience of law school was an important and enduring influence on the continuing education learning preferences of these legal aid lawyers. All 3 of the follow-up interview participants made numerous references to how their own and their colleagues’ current learning preferences related directly to the law school model. Rebecca was emphatic that the teaching model used at law school “definitely has an influence. And it stays beyond
law school....The teaching model that they impose on you in law school carries over into your lawyer work.”

During their interviews the participants also provided a number of details about how their earlier legal training has an impact on current interactions with their colleagues. The insights provided by the data from the interviews shed further light on the average percentage scores calculated from the question concerning how much time individuals preferred to apportion to the four functions of talking, listening, thinking, and acting. A number of key points were raised by more than one interview participant. With regard to the element of “talking,” the interview data made it clear that as lawyers, the participants were trained to be adversarial and to eliminate emotion from their reasoning and their communication. Susan explained that “there is something about being trained to be adversarial and not to show emotion...law school training is also about training you out of having emotions.” Rebecca elaborated further on how this continuing influence could spill over into other interactions in one’s personal and professional life, sometimes leading to undesirable effects. She stated,

In fact what you find is...it influences the way you as a lawyer talk to ordinary people...because...when nonclient people talk to you about their problems...a relative or somebody...you start to organize it, the information, as if you would a legal problem....And they don’t necessarily want you asking those kinds of questions!

This frequently used adversarial communication approach can frustrate the kinds of interactions that may be very desirable in learning situations. In the preconference
survey, one participant specifically identified the “lack of active listening,” the “inability to dialogue,” and the “reliance upon debate” as particularly frustrating.

Leslie described law school, saying it “wasn’t a really interactive experience. It wasn’t a risk-taking experience. So that...is the way we are generally used to learning.” This description is consistent with the survey data as shown in Table 1, which shows that the management lawyers preferred to listen and think rather than to talk and test learning through action. The postconference question on this subject asked participants to reflect on a specific learning activity that engaged them and to consider how their time was apportioned to the four functions of talk, listen, think, and act. The data from the postconference section showed an even higher percentage of time attributed to the listen and think functions than in the preconference data. In the postconference data the largest gain was in the listen category, while the talk category showed the greatest decline. The pre- and postconference data from this question (see Table 1) showed a stronger preference for receiving information through listening than for displaying or testing the understanding of information through talking.

Some different interpretations are suggested for the high ranking given to structured discussion activities and informal talking with colleagues when these rankings are considered in light of the data from the talk, listen, think, and act question and from the follow-up interviews. Both the survey and the interview data indicate that learning from the experiences of colleagues is one of the participants’ preferred learning methods. This preference is supported by data in the narrative descriptions in the first question as well as the relatively high ranking averages ascribed to structured discussions and talking with colleagues. The additional details gathered from the follow-up interviews confirm
Table 1

*Participants’ Average Percentage of Learning Time Distribution Among Four Functions*

<table>
<thead>
<tr>
<th>Preconference</th>
<th>Postconference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Talk</td>
<td>19.0</td>
</tr>
<tr>
<td></td>
<td>Talk</td>
</tr>
<tr>
<td>Listen</td>
<td>37.0</td>
</tr>
<tr>
<td></td>
<td>Listen</td>
</tr>
<tr>
<td>Think</td>
<td>23.5</td>
</tr>
<tr>
<td></td>
<td>Think</td>
</tr>
<tr>
<td>Act</td>
<td>19.5</td>
</tr>
<tr>
<td></td>
<td>Act</td>
</tr>
</tbody>
</table>

Note. One participant, though not the same individual provided data that totalled only 90% in each section of the survey resulting in total average percentages of only 99%.
that the experiences of colleagues are a rich source of relevant information that supports learning for these participants. What is less clear though is the preferred role of the learner in these situations. During the interview Leslie described her view of why structure is important to make discussions useful for learning in the following way:

You have 10 people, 12 people, not so many as to be unmanageable ...because if you have too many you are silencing some of the voices immediately when you go in....It’s a discussion that to me is almost a follow-up to a presentation...where you can float some of what you think of those ideas. You get to ask some questions of the person who has put the ideas out there and has done some talking. In a structured environment ...especially with legal clinic folk, you have to have structure to a discussion. Because we tend to be very vigorous advocates in our work lives and we often don’t know when to stop speaking. So a structured discussion also has some element of “Thank you, now it's someone else’s turn,” so that one person doesn’t hijack the entire grouping.

The influence of the law school model was also linked to how this group of lawyers would think or engage in joint discussions and activities. Susan described how she believes the thinking style promoted at law school still influences how her colleagues think today, “You know we think in the abstract, because that is a big deal in law school.” “It is a logical model....this logical way of thinking.” Leslie identified that, from her perspective, “it’s the interacting afterwards...after the lecture...that really makes you learn what it is you’ve just heard,” but she also acknowledged a general reluctance among her colleagues to engage in learning through discussion and practice exercises.
She stated:

We don’t even like doing the [advocacy skills] exercises. A lot of people go into sheer terror at the idea of doing the submission or the cross-examination in front of other people. And that’s what we should do like we breathe! So to do an exercise involving the softer skills, the more touchy-feely skills, is an even scarier thing for people. Because, as a group, I don’t think we have a lot of confidence in our management skills.

Susan talked about the professional concern of making a mistake that haunts lawyers, and how this can contribute to a general reluctance on the part of clinic lawyers to take risks by putting their ideas out in front of their colleagues. “If you make a mistake as a lawyer, you are supposed to be reporting it to...your insurer. Professional negligence and all that. And I think that kind of psychosis brings itself into the management area too.” Rebecca reflected on her own acceptance that as a manager she would have to allow, and learn from the process of making mistakes, and also that “I had to recognize that handling administrative problems...had to be done in a different way than handling my case files.”

**Summary of Learning Preference Data**

The survey data from 10 management lawyers showed a fairly high degree of consistency among the participants. This was particularly evident in the data for the preconference ranking of preferred models. All but 1 participant ranked at least one of the average top three ranked models among their personal top three preferred models. The notable exception was Susan, one of the follow-up interview participants. When Susan’s data were removed from the average ranking calculations the first and second place
average ranking order reversed, with lectures becoming the most preferred model for the remaining participants. This ranked order of general learning model preferences was supported by triangulation with the narrative and interview data findings. The greatest consistency, however, was reserved for the least preferred of the suggested models: keeping a journal.

The data showed a strong preference for a traditional learning model in the form of a knowledgeable expert with a good understanding of the legal clinic system delivering a lecture or presentation. Learners wanted relevant and practical information presented in point form. Activities that supported learning, in addition to the lecture, included the opportunity to make notes, being provided with handout material, and a structured question-and-answer period following the presentation. Participants learned both from the presenter and their colleagues in this format, but it was unclear whether this learning resulted from simply listening to others talk or from engaging in conversation themselves about the subject matter. Some individuals wanted exercises or activities to test the information. Nine out of 10 participants rated keeping a journal as their least preferred learning model. The remaining person rated it as their second least preferred model.

When considering an ideal learning situation, all but 1 participant rated listening as the activity to which they would devote the most time from among the four functions of talking, listening, thinking, and acting. When asked about an ideal learning situation, no participant assigned a value of less than 25% of his or her time to listening. The average portion of time the participants assigned in this question to the combined functions of listening and thinking was 60.5%. In the postconference version of this
question, on average the participants assessed that 66% of their time had been used in listening and thinking. This identified preference to be on the information-receiving end of discussions was supported by lower rankings for teaching or making presentations to others, and practising or case study exercises.

Factors relating to learning context, and specifically with regard to the educator, the content, and the environment, influenced the experience by either supporting or frustrating the participants’ learning. The data showed that the most frequently mentioned barrier to learning by the study participants was a shortage of time.

The interview data added depth to the analysis of the survey data in several ways. Although the 3 individuals who were interviewed showed some learning preference differences in their survey responses, there was a surprising level of data congruity in how they responded to several questions: their views concerning the challenges an Executive Director faces in learning how to fill the management role and their personal struggles to balance clinic legal work with their management responsibilities. Each of them spoke with feeling about the persistent influence of the learning model they had experienced at law school and the perceived limitations that model imposes on the ways in which legal aid management lawyers generally engage in learning events. They all expressed strong feelings about the importance of one or more of the learning style elements identified in Kolb’s experiential learning model and willingly considered how their own approach to learning might relate to Kolb’s experiential learning theory.

Learning Styles of 3 Management Lawyers

The 3 interview participants provided an interesting cross-section of learning preferences and styles. Although working in different communities and different-sized
clinics, these 3 individuals share the same strong passion for the practice of poverty law and advocacy to promote access to justice within their communities. Each of the interview participants made a point of identifying that she saw herself as a lawyer and advocate first and as a manager second. They all spoke of the ongoing struggle to balance a client caseload with the administrative functions.

Once a preliminary analysis of the survey data was complete, a review was completed of potential participants for the follow-up interviews. A critical sampling approach was used to choose participants for the second stage of data collection. The criteria for all prospective participants included having attended the management learning conference in November 2005, having submitted a survey and volunteered to participate in the interviews, and having a minimum of 5 years experience as a clinic ED. Beyond these minimum criteria, I was seeking individuals with some self-awareness of their own learning needs and a range of perspectives resulting from working in different communities, different-sized clinics, different lengths of service, and, if possible, different learning preferences. The 3 volunteers, referred to by the names of Susan, Rebecca, and Leslie, offered an interesting mix of perspectives based on these criteria, and all 3 accepted the invitation to participate in a 1-hour audiotaped follow-up interview.

Susan had more than 20 years experience as the ED of a clinic with 15 staff, located in a midsized community some distance from the urban area around Toronto. Susan’s learning preferences were multiday workshops and participation in a community of practice with her colleagues. Susan identified lectures as her least preferred learning model.
Rebecca also had 20 years experience as a clinic ED, working in a midsized clinic with seven staff, located in the metropolitan area outside Toronto. Rebecca's learning preferences were structured discussions and informal talking with colleagues. She actively pursues her own learning goals by working on several interclinic committees each year, preferably in the role of chairperson. Rebecca ranked lectures sixth in her order of preference.

Leslie did not join the clinic system right out of law school like so many of her colleagues did. She had 7 years experience as a clinic ED in a small clinic with five staff. Leslie's clinic operates from more than one office location and is located in a small, northern community. Leslie's learning model preferences were structured discussions and lectures. Her perspective on management skills included team development and effective administration.

The semistructured interviews conducted with these 3 individuals were used to probe more deeply into questions arising from the early data analysis from the survey data and to explore in more detail their personal learning style and preferences (see Appendix D). As part of the follow-up interviews, Susan, Rebecca, and Leslie were each asked to review a diagram of Kolb's experiential learning theory. After being given a brief explanation of Kolb's theory, they were asked to identify their own preferred learning style on each of the polar dimensions within the model. Once they had identified their own learning styles within Kolb's model, they were subsequently asked to consider where they would place the collective group of their colleagues within the same model.
Susan

Susan tried to respond to the request to identify her own orientations in relation to Kolb's model by thinking aloud about a recent situation when she was trying to increase her knowledge. She reiterated the steps she had taken but could not readily fit this sequence into Kolb's model. In the end she reflected on past learning experiences, previous feedback she had been given about her learning style, and elements of Kolb's model that she thought were most fundamental to learning. Through this process she identified herself, though somewhat uncertainly, as being somewhat more inclined to start her learning process from the Assimilator quadrant. When she was provided with an additional handout (see Figure 2) that listed some preferred activities for each style in Kolb's model, she read it aloud and commented on her preference to use many of the learning activities listed in each quadrant. In conclusion she said, "I love all this...I like all these things!"

Susan had more trouble placing her colleagues in a quadrant, but for a different reason. She identified her colleagues as thinkers, but not reflective thinkers as intended by Kolb's model. Referring back to the law school experience, she identified the kind of thinking her colleagues used as being more logical and linear. She acknowledged that as lawyers "you know we think abstract, because that's a big deal in law school," but she rejected the idea that the way lawyers think is reflective. "It's not...it is like a dissection thing, not a reflective thing....Reflection is different from logic. It is more in the heart and not in the head, because a lot of lawyers live in their head." Susan stressed how important she felt reflection was for learning and the struggle she has in trying to learn collaboratively with others who will not engage in reflection. She attributed this to the
Figure 2. Learning style type preferences for learning activities. (As cited in Kolb & Kolb, 2005; and Gardner & Korth, 1998).
learning experiences of law school, describing her own struggle to remain connected to her personal learning style through this experience. Her comment on this was:

[Reflection] was one of the things that I thought I was losing when I went to law school. I thought I would never be creative again. Not that I was ever hugely creative, but it was this logical way of thinking that was going through my brain. I could feel it happening to me. It was an awful feeling. And reflection, I think, requires irrationality and emotion too. And then there is the issue of control.

There is a big control element. And if you can’t control the situation, you know you are very uncomfortable. And to reflect properly you have to let go of control to be able to do that....I think a lot of lawyers are really controlling.

In the end, Susan suggested that perhaps the model didn’t work well in identifying how her colleagues learned. “They don’t seem to fit into any of these [quadrants].” When looking back at the survey scores for talking, listening, thinking, and acting to see if that provided any further clues, Susan concluded that “maybe the problem is the conference model. And when they are in that....they are not experiential.”

*Rebecca*

Rebecca identified that as a starting point in her learning she has a tendency to think more about things. She proceeded with a description of the sequential steps she would then follow to move toward change. This description included actions she would take, how others would be engaged in the process, and how the knowledge of those associated with the project would evolve over the course of the project. When invited to review the handout with the quadrant descriptions (see Figure 2) as an aid to help identify her own learning style, Rebecca said, “If I was just going by the definition...I would go
with Converger.” To support why this quadrant was the best fit for her own style, Rebecca then read aloud the description of Converger, “*Finds practical uses for ideas and theories.*” She followed this with an illustrative example of a learning activity in which she had voluntarily participated for the purpose of finding practical management solutions.

Rebecca found it harder to identify the quadrant that best fit her colleagues. In her view the lawyers attending management training “tend to want practical ideas….They tend to view the usefulness of [management] conferences as for practical ideas. But when they go to legal training, they probably look at it as a broader information.” Rebecca talked about not knowing anyone who wanted to spend more time on administration and less time on casework. In her view there was a clear separation between an Executive Director’s functions as a clinic lawyer and the administrative functions. From Rebecca’s perspective, this distinction between legal training and management training also influences the expectations and type of engagement an Executive Director brings to the different learning activities. Rebecca asked in which quadrant Kolb placed management, and she anticipated that it was not the same learning style as that used by lawyers. Rebecca also suggested that it would be interesting to determine if the lawyers who graduated some 15 or more years ago used a different learning style than lawyers who had graduated more recently. She wondered aloud whether changes in the teaching models used at law school would affect the learning styles and preferences of more recent graduates who entered the clinic system. In the end Rebecca identified her colleagues as straddling between Converger and Assimilator.
Leslie

Leslie required very little time to consider the diagram of Kolb’s experiential learning model before decisively identifying herself as being most oriented to the concrete experience and the reflective observation ends of the two orientations. This placed Leslie in the Diverger quadrant. A subsequent review of the diagram which included the descriptions of the quadrants and the preferred learning activities elicited a confident confirmation: “That’s it!” Leslie was also prompt in identifying where her colleagues might generally fit within Kolb’s model. She said, “I’d say more Assimilator. Looking at [the quadrant descriptions]. And somewhat Converger, but very little Accommodator.”

Leslie spoke at length about the persistent influence of law school on her own and her colleagues’ learning expectations and styles. Concerning the general preference indicated by the survey data for presenters to use PowerPoint and provide handouts, Leslie said, “If they have [the handouts], they feel like they have learned something.” She went on to explain with regard to note-taking that “some of us still take notes because that is how we learned when we were in law school. Some of us remember or learn by writing.”

Leslie also spoke about the mental mindset and contextual factors that together influence how management lawyers learn. She acknowledged the tendency to stay with a learning model that is both familiar and comfortable, and that many of the management lawyers were “stuck in a rut.” At the same time she also spoke with passion about the competing priorities of client needs and the challenge of stepping back from the crush of daily work to take the time to engage in learning. Leslie described clinic work as
constantly being crisis driven and how this alters people's expectations for learning.

Reflection, she said, would be desirable in an ideal situation, but the reality of clinic work creates a necessity for information that is clear, to the point, and can readily be applied to the clinic context. She described how even the proximity of the learning venue to the participant's workplace had an impact on people's expectations about how efficiently they could gather new ideas within the learning context. In conclusion, Leslie said,

I think we should all wrap our head more around the concept of ... integrate your practical with your learning. Back then [when we] went to law school, you did your articling for a year and then you did your bar ads for a year, nonstop. Well it makes a lot more sense ... to intersperse it, like they do now. Now you article for 3 months, do bar ad classes for a month, in cycles, for about 15 months, so it is not all practical time or all class time.

**Participant Learning Styles According to Kolb**

When asked to consider their own learning styles and those of their colleagues in relation to Kolb’s experiential learning theory model, each of the participants identified her own learning style as being different from the style she felt was generally used by the EDs. While Susan could relate her personal learning style to all four of Kolb’s quadrants, she did not think that Kolb’s model provided a meaningful way of portraying the style that would generally represent her colleagues. She saw a typical lawyer’s thinking style as being more “like a dissection thing” than like the reflective observation of Kolb’s model. “Reflection is different from logic,” Susan said. “It is more in the heart and not in the head.”
Rebecca and Leslie, who identified themselves as a Converger and Diverger respectively, each thought that their colleagues’ general learning style would fall somewhere between the Assimilator and Converger quadrants. It is interesting that both Rebecca and Leslie thought that generally the other clinic EDs would tend towards the same end of the active experimentation and reflective observation axis towards which they themselves tended. For Leslie this was the reflective observation end of the axis, and for Rebecca it was a somewhat greater tendency towards active experimentation.

Given the differences in how these 3 individuals assessed their own learning styles, it was interesting to compare the similarities and differences of the data each provided in the survey. Perhaps the most notable difference was in the data from the preconference ranking of a preferred learning approach. Participants were asked to rank seven learning models according to their preferences. The option to add one or more alternatives was also included in the question. Among the interview participants, only Susan used this option of adding her own option to the list. She added both a community of practice group of her peers and a multiday conference event. None of Susan’s first, second and third ranked choices corresponded with even one of the average top three ranked choices for the remaining participants. The average rankings from the remaining participants placed lectures as the most preferred model. Susan rated lectures as her least preferred model. Susan’s learning model preferences were sufficiently unique that for general comparison purposes the average survey ranking findings for this question were based on the calculation without Susan’s data.

Rebecca and Leslie both favoured structured discussions as their most preferred model. Rebecca ranked lectures as her sixth most preferred, while Leslie ranked lectures
as second. All 3 interview participants ranked teaching or making presentations to others as their third most preferred option. Another area of agreement among the interview participants was their preconference ranking for keeping a journal. All 3 ranked keeping a journal in the very low position of seventh. The subject of keeping a journal was explored during the interviews. Of interest, during the course of the discussion about why jounaling was so widely dismissed as a learning model, both Susan and Rebecca discovered that while they had not originally recognized it, they both used a form of jounaling quite regularly in their own learning.

Susan's suggestion concerning the overall low ranking assigned to keeping a journal was that perhaps people understood "keeping a journal" to mean a diary and that people would find such an activity too emotional. Susan went on to say that she is too busy at the office to consider keeping a journal but that she does use her time at home to journal. Susan described how her journal serves as a safe place for her to give vent to and further explore difficult or stressful work-related problems. "I'm sure if we did a study of everything I have written in my journal for the last 4 or 5 years...80% would be related to work." Rebecca also talked about how keeping a written record of things she wanted to think about further aided her learning. She described how she uses jounaling within her regular work as follows:

When I am at a conference, or any kind of meeting, I always have this page called...OFFICE and I always scribble on it some idea. Something...that's been triggered by the conversation and that I should further pursue. So that is jounaling. I do that all the time!
Leslie, on the other hand, confirmed her disinterest in journaling by explaining that it would take an unsustainable level of commitment and it would involve yet more time on the computer, which already consumed too much of her workday. This discussion on keeping a journal was particularly interesting because Kolb’s model suggests journaling and logs among the preferred activities for a Diverger. Leslie unhesitatingly identified herself as fitting in the Diverger quadrant, while Rebecca placed herself in the diametrically opposite quadrant, and Susan thought that if anything, she favoured the Assimilator.

**Summary of Participants’ Learning Styles**

Susan’s interpretation of Kolb’s model and struggle to place herself in just one quadrant was very interesting. Susan’s preferred learning model rank order showed the greatest contrast from the average responses of other participants. A lecture was, on average, the most preferred learning model for the participants of this study, while Susan ranked a lecture as her least preferred learning model. In his experiential learning model, Kolb identified lectures as a preferred learning activity for Assimilators. Susan examined the preferred learning activities of each quadrant most carefully of the 3 interview participants and claimed, “I love all these things!” In the end though, Susan indicated that if she had to choose one quadrant over the others, she probably tended more to the Assimilator as her starting point.

In contrast, in the survey Rebecca and Leslie ranked their learning model preferences in an order that was much more consistent with the average ranking order of their colleagues. Yet neither of these two participants identified themselves as an Assimilator, which was the quadrant Kolb indicated would tend to be the favoured
learning style of individuals who selected law as a profession. As a Converger, Rebecca shared the abstract conceptualization tendency of the Assimilator, but was more inclined to active experimentation than reflective observation. Leslie shared the reflective observation tendency with the Assimilator but was more inclined to the concrete experience than the abstract conceptualization. This placed Leslie in Kolb’s Diverger quadrant. The interview participants were also asked to use Kolb’s model to identify the style that most closely matched their colleagues. Both Rebecca and Leslie placed their colleagues somewhere along the line between Assimilator and Converger, while Susan felt Kolb’s model failed to capture the type of linear and logical thinking approach generally used by clinic management lawyers.

Of note, the interview with each participant served as a good illustration of how they each dealt with new information and integrated it with their existing knowledge. Susan, who felt she learned using all styles, spent the greatest amount of time sorting through several examples from her own experience and then reading and thinking about all the options listed on the learning activities chart. She examined each option from multiple perspectives and was reluctant to settle for just one way of defining her own learning style.

Rebecca considered the theory and then systematically tested it with an example where she would talk through the sequential process and steps that were important to her. Rebecca readily identified a number of concrete actions she regularly takes to ensure she is able to learn from her experience. She described her use of disciplined and purposeful interactions with her colleagues so that she is able to gain the most benefit from their
knowledge. The style of a combination of thinking and active experimentation that she identified as her own was evident in the examples Rebecca gave in her responses. Leslie was far less interested in the theory of the model, while at the same time was able to readily identify with the experiences and feelings of her colleagues in regard to learning preferences and styles. She reflected with humour on both her own behaviour and that of her colleagues in past learning situations. Leslie also was the only participant who was able to offer some concrete suggestions about how learning opportunities might be better structured to suit the needs of clinic managers.

**Data Analysis Summary**

The most favoured learning model preferences identified by the participants of lectures and structured discussions most closely matched the learning activities associated with the Assimilator quadrant in Kolb’s experiential learning theory. These findings supported Kolb’s identification of lawyers as tending most to the Assimilator quadrant learning style. The 3 interview participants each assessed themselves with a different learning style. Although Susan indicated a liking for learning activities identified in all of the quadrants, in the end she identified her greatest tendencies as those of an Assimilator. Accepting Susan’s reluctance to choose only one quadrant, it can be said that none of the 3 assessed themselves as tending to the quadrant opposing Kolb’s placement of lawyers in the Assimilator, which is the Accommodator style. Kolb’s theory suggests that a person with a learning style from the quadrant opposing that of their chosen profession would likely have some difficulty with the learning requirements of their profession. To the extent the self-assessed learning styles of the lawyers in this study match or adjoin the Assimilator quadrant, the study findings support Kolb’s learning theory. The findings of
this study also support some of the identified limitations of Kolb’s experiential learning theory. In particular, the requirement for individuals to have only one learning style, an insufficient conception of the reflection process, and the lack of flexibility created through the idea of sequential steps were limitations that the study data pointed to. The failure of the model to address any concept of shared learning or knowledge construction was also identified. Kolb’s model did, in the final analysis though, serve as a useful model to stimulate discussion about personal and shared learning styles in relation to continuing education for lawyers in the legal aid clinic system. A discussion of the conclusions from this analysis will be presented in Chapter Five.
CHAPTER FIVE: SUMMARY, DISCUSSION, AND IMPLICATIONS

As an educator working with Ontario legal aid clinic management lawyers I face a learning conundrum. The lawyers who are Executive Directors (EDs) of the 79 Ontario clinics have learning needs related to the development of management skills. Yet these lawyers have appeared to be resistant to the interactive type of learning processes commonly used by workplace educators to help managers acquire new management skills such as coaching and mentoring staff, communicating effectively, team building, and encouraging innovation. My observations have revealed that legal clinic lawyers appear to prefer to learn by listening to a lecture rather than engaging in more interactive learning. They have shown resistance to engaging in learning led by educators who have not previously worked with legal clinics. Together these factors make it difficult to find educators who will be regarded as credible by clinic lawyers and who can successfully engage clinic Executive Directors in learning new skills related to their management responsibilities. The purpose of this research is to study the continuing education learning preferences and styles of legal aid lawyers. A qualitative research approach was selected for this exploratory study, and the data analysis was completed using a constant comparison method.

Summary of Study

Finding a limited body of literature on the learning preferences and styles of lawyers, I determined that this investigation would be most effectively undertaken as an exploratory study. Two data collection methods were selected as a means of gathering data which would lead to a better understanding of the range of learning preferences and styles of lawyers within the legal clinic system. A written survey based on a critical
incident format was developed by the researcher for this study. The two-part survey was administered in conjunction with an annual management conference attended by most clinic EDs. The preconference section of the survey focused on the learning approaches generally preferred by the participants. The second part of the survey covered the same topics and was to be completed postconference. The postconference questions were framed within the context of the individual’s particular experiences at a management conference the participants attended in November 2005. Three audiotaped follow-up interviews facilitated deeper probing of preliminary findings from the survey data and provided detailed data to examine the learning styles of 3 of the survey participants. Kolb’s experiential learning theory provided the theoretical framework for examining the learning styles of the 3 interview participants who were selected through a critical sampling approach. The application of critical sampling as a purposeful sampling approach identified interview participants who would provide an interesting cross-section of learning approaches from among the survey participants.

The use of the constant comparison method of data analysis was effective for this study as it allowed the intermingling of the survey and the interview data. Preliminary analysis of the survey data suggested subject areas that would benefit from further exploration during the interviews. Ongoing analysis of the data as each successive interview was completed led to a deeper and richer understanding of the themes and categories that were emerging. The validity of the findings was tested through the triangulation of data from the pre- and postconference surveys and the interviews.

The findings of the study revealed that the lecture model was the most preferred learning model for the lawyers who participated in this study. Participants preferred the
lecture to be supported by various activities such as question-and-answer periods, group discussions, or handouts that could be used for taking notes. In addition to identifying their preferred learning model, participants also identified numerous factors related to the learning context that impacted their learning both positively and negatively. Several themes emerged from the many factors related to the learning context. These themes related to the educator, the content of the material, and the physical environment within which the learning took place. Two other broad categories emerged from the data. The first of these categories dealt with the influence of colleagues on the learning experience. The second broad category dealt with time. While the data initially suggested a theme of a shortage of time, closer examination revealed time to be a more complex category with multiple facets impacting the nature of learning for the participants.

The data revealed that each of the interview participants felt the continuing influence from earlier educational experiences at law school. The influence of the law school experience was evident in participants' current-day actions and learning preferences for continuing education. Learning styles of the 3 participants were explored within the theoretical framework of Kolb's experiential learning theory. Susan, Rebecca, and Leslie, the 3 interview participants, responded in different ways to the task of relating their own learning style to Kolb's learning theory. The task of matching their own learning style to the theory proved to be a useful illustration of their individual styles for integrating new information. The interview participants' assessment of their own learning styles and the styles of their colleagues generally supported the learning style tendencies that Kolb associated with the legal profession.
Discussion/Conclusions

Learning Preference Findings

This study asked the question, what continuing education learning preferences and styles are favoured by legal aid management lawyers? The analysis of the survey data suggested that the lawyers who participated in this study did share learning preferences, with a somewhat surprising level of consistency among 9 of the study participants. Only 1 participant, Susan, who was selected as a follow-up interview participant appeared to be an outlier in terms of her learning model preference. To avoid clouding the details of Susan’s learning preferences by summarizing them together with the rest of the group, it was decided to examine Susan’s learning preferences individually. The general consistency among the other participants regarding their most and least preferred learning models suggested that important findings would not be obscured by analyzing the learning preference data from the remaining 9 participants as a group.

The average rankings for the most preferred learning models showed that as a group the study participants most preferred lectures followed by structured discussions and informal talking with colleagues. Each of the 9 participants within the group ranked at least one of these three models as their most preferred learning model. In all but one case at least two of the three options most preferred by the group were among the individually selected top three preferences.

Another area of consistency was in regard to the low preference ranking for journaling. As a learning model, journaling was ranked as least preferred by all but 1 of the participants, and that individual ranked it in fifth position out of seven options. It is
interesting that Susan also ranked journaling as a very low preference, but in Susan’s case lectures was the one option that she ranked as even less desirable than journaling.

Although an observed tendency towards a lecture model had contributed to the original learning conundrum that this study was designed to investigate, the level of consistency among the participants as to the most and the least preferred learning models was surprising. Also surprising was the learner roles suggested by the learning preference data. It was somewhat puzzling that such experienced lawyers would prefer a lecture model, in which the primary role of learner is a more passive role as the receiver of information. Such a passive learner role is not consistent with the constructivist philosophy that frequently informs adult learning program design. Among workplace educators it is generally accepted that continuing education for professionals will be more successful when learners are active participants in the learning process through actions such as helping shape the learning agenda, discussion of new ideas with colleagues, and exercises that include components of testing and feedback. Yet the data showed a tendency for these lawyers to prefer to use listening in a learning situation rather than speaking.

Data from the interviews suggest that the learner interest for management-related knowledge may simply be a desire for information transfer requiring a low level of learner investment or risk and offering opportunities for immediate implementation. The uncertainty about the learners’ level of motivation to engage in learning not directly related to their direct area of practice suggests that future research into learning preferences of professionals may be strengthened by examining learning both within as well as outside the core area of practice.
The consistent rejection of journaling as a preferred learning model was surprising because a significant portion of legal work involves preparing position papers and working with written material. The survey data affirmed the desire to take notes as part of the learning process. Reading and using prepared materials was among the top three most preferred learning methods for more than half of the survey participants, and a pen and pencil were listed among the technologies these lawyers found helpful to learning. In light of this focus on the importance of written materials, such a consistent rejection of journaling as a learning model was not expected. When asked what might lead to this resistance, Susan suggested that perhaps participants understood journaling to mean keeping a diary and that such an activity would be too emotional an approach to appeal to lawyers. Of note, during the interviews both Susan and Rebecca explored the subject of journaling and concluded that they each regularly used a form of journaling as one of their personal learning strategies. The low ranking assigned to journaling by the participants may be more associated with the label that was used. If this option had been called something that more clearly suggested note-taking, it may have been ranked in a different order.

The learning model preference rankings on average placed structured discussions and informal talking with colleagues as the second and third most preferred models respectively. The rankings of these models, which suggest a requirement for active discussion on the part of the learners, is somewhat puzzling when considered in relation to the relatively low portion of time that the participants assigned to talking in the learning process. One possible explanation for the higher ranking for these two models over other options could be that learners are less interested in talking about their own
ideas but that they regard structured discussions or informal talking as opportunities for their colleagues to take on the role of expert lecturer. This interpretation would be in accord with the finding that participants expected learning content to be directly relevant to the clinic context. For the lawyers in this study, the use of structured discussions, or even informal discussions with colleagues, may serve as an alternate form of the lecture model. Listening to others explain the connections of new concepts to the clinic work may be regarded as safer than exposing oneself to the judgment of one’s peers through discussing one’s own understanding of new ideas. Such an approach would be consistent with the interview data that highlighted how important it is for lawyers to avoid making a mistake.

The survey provided rich data about the learning context. This included which elements participants found to be essential and which elements served as barriers to meaningful and engaging learning. Three major themes emerged among the data concerning the learning context. These context-related themes centred on the educator, the content of the learning material, and the physical environment in which the learning was to take place. It was not surprising that the participants felt the educator had a critical role to play in the preferred learning model of a lecture. The participants expected their educators to have a combination of relevant professional knowledge to share, proven experience in a small area of legal practice, and a good understanding of “how to teach adults.” These high expectations of the educator contributed to my original conundrum of seeking to identify educators who would be both credible to clinic lawyers and able to successfully engage them in learning that strengthens their management skills.
A second learning context theme related to the content of the subject material. The surprising finding in this area was the extent to which the participants wanted the presenter to synthesize the material, reducing it to simple bullet points for presentation slides and handouts. Conducting independent research, synthesis of material, and the determination of the relevancy of particular facts is one of the core competencies in the practice of law. Therefore it was surprising that lawyers who are so experienced with independent decision-making would be so willing to accept simplified answers without engaging in a critical reflection process of their own. One possible explanation may lie in how the participants view their role as managers versus how they view themselves as lawyers. Each of the 3 interview participants specifically identified that their personal and professional identity was still first and foremost that of a lawyer. The constant pressures to attend to client service needs may make acquiring simple and readily implemented solutions to administrative issues more desirable than participating in a rich learning experience that falls outside of their core area of professional practice.

Such an explanation would be consistent with Daley’s (2001b) finding that lawyers were more influenced in their decision-making by their professional peers than by members of the organizational structure within which they were employed. If this were the case, then the examination of lawyers’ learning preferences and styles in a study area outside the area of law, in order to avoid a law-related learning style bias, might not have achieved the desired purpose. The motivation to learn management skills was one of the assumptions of this study. The finding that learners wanted material outside their core area of practice to be boiled down to simple bullet points that could be implemented without further thought suggests that future learning studies for particular professional
groups should carefully consider the individual and the collective motivation to learn the subject material within the study.

A third major theme related to the learning context was the physical environment within which the learning took place. Most of the conditions mentioned by the participants, such as comfortable temperature, good air, proper lighting, the ability to hear, and freedom from distractions, would be requirements common to most continuing education groups. One element related to physical space that appears to have special implications for lawyers though, was the requirement for furniture and space suitable for taking notes. The data showed that for general comfort with a learning environment, lawyers may depend on having the tools at hand to take notes. Leslie addressed this point when she said, “Some of us still take notes because that is how we learned when we were in law school. Some of us learn or remember by taking notes.” The particular importance of having the learning environment accommodate this desire to take personal notes as part of the learning process should be kept in mind by learning program designers who work with clinic lawyers in the future.

The data analysis also revealed two additional broad categories of influence on the learning preferences and styles of legal aid lawyers. These categories were the influence of colleagues on the learning process and the many ways that time has an impact on learning in the clinic system.

Colleagues were an important part of the learning milieu for the participants in this study. In the view of the study participants, the collective knowledge and experience of colleagues is a relevant and valuable source of information that should not be overlooked when clinic management learning programs are being developed. This view is
consistent with the constructivist perspective that seeks to build on existing knowledge and integrate learning with past experiences. Though participants showed little interest in using their own experiences to teach others, they were more interested in opportunities to listen and learn from the experiences of colleagues. This finding would support Daley’s (2001b) observation that lawyers particularly relied upon cues from their professional peers when assessing what was important. A presentation by a peer may provide a learner with the clearest indication of exactly what information is relevant and important to clinic management.

The data also showed that the actions of colleagues were frequently barriers to learning. The data included descriptions of a range of ways colleagues sometimes impeded learning. These included asking “time-wasting” questions, coming into the learning process with different levels of knowledge, or being generally distracting. What appeared to be a more significant potential learning barrier though was a negative learning climate created by colleagues’ actions. Participants were specific about how important it was to have one’s views respected and how whining, being stuck in a rut, debating points rather than engaging in dialogue, and rejecting the ideas of others all frustrated the learning process for some study participants.

The positive and negative roles lawyers’ colleagues may play in the learning process raise a number of questions that would bear further study. This exploratory study gathered only limited data dealing directly with the role of colleagues in the learning process, but the available data suggest that the process of learning directly from peers who were serving as experts was generally regarded as a constructive experience. However, the experience of colleagues as colearners elicited more discussion of barriers
to learning. Although it is not clear whether these dual views of how colleagues influence learning are related to a complex role that lawyers’ colleagues play or to the actions of specific individuals, there are some interesting clues in the data. The relatively high amount of time participants preferred to be listening has already been discussed. In contrast to the assessed ideal average listening time of 37% in the preconference data, the average time apportioned to talking was 19%. In the postconference data, the average talking time dropped to 14.8%. The survey question that asked participants to rank their preferred learning models included an option for teaching or making presentations to others. This option received mixed rankings but on average was the fifth most preferred among seven options. Teaching or making presentations to others would place colleagues in a distinct role of either expert or learner. Less preferred was the option of practising or case-study exercises, which place more emphasis on colearner roles. Although the interview participants talked about shared learning when discussing their personal learning styles, Kolb’s learning model does not address shared learning. The issue of colearner interactions or shared knowledge construction would be an interesting topic for future research.

Time was a category that appeared throughout the data. The most obvious way that time influences the learning process is through the pressure created by the continual sense of a shortage of time the clinic lawyers expressed. This sense of insufficient time to meet critical service demands may be what made the lawyers in this study feel pressed to seek expedient solutions to management issues rather than engage in deeper learning. The interview data showed that these unending pressures mean that when EDs return to their clinic from a learning event there is little likelihood that additional time will be found for
follow-up to the learning sessions. Time is also a measure used to track the development of the clinic system. Many of the EDs passed through law school and entered the clinic system during the same period of clinic expansion in Ontario. This common educational and employment history creates a culture of similar learning expectations and experiences that become comfortable through familiarity. The low turnover rate among lawyers in the system over the past 2 decades creates limited opportunities for new staff joining the system to bring different learning expectations and experiences into the mix. In addition, at some point in the foreseeable future, the reservoir of knowledge of numerous EDs who joined during the expansion period in the 1970s will be lost through retirements. Finally, while many professions constantly strive to exceed the results of previous work in the field, the practice of law is more oriented to pay careful attention to past decisions as the most logical guide to future decisions. The influence of past decisions on current work along with the legal profession’s respect for its history and traditions all contribute to an inherently conservative culture that is slow to adopt new practices. The complexity of ways in which time directs, shapes, and even obstructs learning for clinic EDs was surprising. It is insufficient to simply say that a shortage of time is a pressure that must be accounted for when designing learning programs for clinic lawyers. Rather, the design and implementation of learning programs within the clinic system should be done with careful consideration of the many ways that time has an impact on the learners in the larger context as well as directly in the learning process.

Another influence on the learning process that emerged from the data analysis was the persistence of the law school learning model influence. In Daley’s (2001b) study of four professions, she raised the question of whether earlier professional training
models might have an enduring impact on the continuing education of professionals. Kolb also acknowledges how “professional orientation shapes learning style through habits acquired in professional training and through the more immediate normative pressures involved in being a competent professional” (p. 7). All 3 interview participants mentioned the inadequacies of the lecture style learning model that was predominantly in use when they attended law school. Nevertheless, the learning model of law school shaped its graduates’ current-day learning preferences. Randall’s (1995-1996) call for law schools to expand their instructional models to accommodate a broader range of learning styles becomes even more meaningful if the learning models originally used in one’s professional training prove to shape ongoing learning throughout that professional’s career as suggested by Daley. Leslie pointed out that even today the lecture model remains the primary model used by the Law Society for the delivery of continuing education courses. This continued use of the single learning model approach not only fails to accommodate other learning styles, as Randall called for, but it may also be perpetuating the view that the primary concern of continuing education for lawyers should be one of providing updates. In this way the isolation of the practice of law is reinforced, even while workplace employment trends suggest lawyers, along with other professionals, are increasingly working as employees within other types of organizations.

**Kolb’s Model**

Atkinson (1991) supported the use of Kolb’s experiential learning model for “dialogic” rather than diagnostic purposes. Kolb’s model has been used in this study as a theoretical framework to strengthen the study into the continuing education learning preferences and styles of legal aid management lawyers. Three survey participants were
individually interviewed in order to shed further light on the survey data and to explore the personal learning styles of the selected individuals in more detail. The interview participants made their own assessment of their personal learning styles in relation to Kolb’s theory after being provided with a brief description of the model and the descriptive handout shown in Figure 2. Kolb’s assessment tool, the Learning Style Inventory (LSI) was not used in this study. The following section offers some general observations about learning styles and preferences of legal aid lawyers who participated in this exploratory study. These observations will be followed with a more detailed review of the findings of the personal learning style interviews conducted with Susan, Rebecca, and Leslie.

One would not expect the terminology of learning preferences and learning styles to be clearly understood by people who are not involved in the educational field. In order to encourage general responses from the survey participants about how learning can be designed to be most effective for them, the data survey used for this study began by asking participants how they like to learn. It is not clear why this question primarily elicited responses focused on a few selected teaching models, particularly when participants were able to describe much more individual approaches to learning during the interviews. It is possible that the administration of the survey in conjunction with a conference may have biased participants to think primarily about formal learning situations when completing the survey. The most preferred models identified by the participants were typically the models they had experienced in formal legal education situations. This tendency to hold on to familiar and comfortable learning structures highlights the importance of the call from Moore and Pennington (2003), Daley (2001b),
and Cervero (1989), among others, for workplace educators to redefine the mandate of continuing education for professionals beyond the technical update model and to focus more clearly on evolving learning needs related to the application of professional skills in the daily practice setting.

The data showed that when asked to think about their learning style each interview participant readily referred to learning processes that were self-initiated, involved learning being put into action, took place over an extended period of time, and involved extensive interactions and discussion with colleagues. These are characteristics that are widely considered by workplace educators to be important to adult learning in the workplace today and which are consistent with a constructivist approach to learning. Reference to these types of learning approaches, however, were not prominent in the data gathered through the surveys. In fact, the survey data suggested different perspectives on some of these topics. For example, the survey data suggested that time was at a premium. Learning needed to be accomplished in a set timeframe because time to do further follow-up work was not likely to be available. Any time devoted to learning should be used in a structured and logical manner, provide immediate answers, and be guided by proven experts. Colleagues were welcome to share their experiences, but this was best accomplished in a managed format because colleagues often acted in ways that created barriers to learning. New information was most effectively received when delivered in a logical, summary format supported by handout slides, and the learner’s primary role was that of listener. In contrast, the learning described in the interviews reflected the logical thinking orientation but was frequently self-directed, exploratory, largely problem centred, and in all examples involved significant amounts of discussion with other
stakeholders. The 3 interview participants identified and demonstrated different learning styles. They described individual patterns of thinking and action, various methods they relied on for planning and tracking their progress, and different types of input they sought from others, which they considered helpful to their learning. The consistencies that were evident in the survey data with regard to learning model preferences stood in contrast to the individual learning styles the participants described using in their daily work. It is interesting that the most preferred learning model was one that contained or minimized the influence of diverse learning styles in the learning setting by focusing on a single educator as the source of information.

The learning style model referred to as the theoretical framework during the interviews prompted each participant to think about the steps that she personally engages in during the learning process. In contrast, the survey question that asked about each participant’s preferred learning “approach” appeared to prompt participants to think more particularly about the learning model that she preferred. The design of the survey and the nature of the medium could both have contributed to this result. Another possible influence could be that clinic lawyers view formal learning opportunities quite differently from learning on the job. Daley’s (2001b) findings support the view that lawyers may approach some continuing education activities as information-gathering exercises rather than committed-learning opportunities. She reported that lawyers sought information that could be taken away from continuing education sessions so that they could decide at a later time whether or not to use the new information in personal practice.

Susan
Kolb’s theory describes the model as an ideal learning cycle in which learners would use all four modes. In practice, however, individuals tend toward one mode of each of the two dimensions. The combination of these tendencies situates individuals in a quadrant that describes their learning style. It is a rare learner who uses all modes with equal facility. Susan’s data on learning preferences were sufficiently different from the general trend of responses that it was decided that examining her learning preferences separately from those of the other participants would provide a better understanding of the range of preferences among the group. Susan’s assessment of her own learning style also showed her to be somewhat different from the other participants. Susan explored Kolb’s learning model at length and considered all four quadrants, and concluded, “I love all these things!” Susan did not feel that she fit into only one quadrant as Kolb suggested is the case for most learners. Pushing herself to select one quadrant, she eventually assessed herself as an Assimilator. Susan’s most preferred learning models included participation in an ED community of practice group, multiday workshops, reading and using prepared materials, and teaching or making presentations to others. These learning preferences draw from different quadrants in Kolb’s model.

Susan considered an example of a learning process she had been involved in to help her assess what her preferred learning style might be. She was able to equate all four modes in Kolb’s model to actions she took in an actual learning process. The sequential order of the stages in Kolb’s model did not fit well with the example Susan used. In actual practice the learning process unfolded through an interactive series of internal (cognitive) and external (contextual) events. Susan’s thinking aloud process of grasping and applying Kolb’s theory to herself followed a pattern similar to the example she
described. She moved back and forth among the four modes as she worked to assess her own learning style using Kolb's model. Of note, when Susan finally settled on a quadrant to describe her own learning tendencies, she selected Assimilator, which is the quadrant Kolb assessed as reflecting the learning tendencies of those who study law. The Assimilator is most influenced by abstract conceptualization and reflective observation. Earlier in the interview Susan had talked about each of these concepts as important values for her personal and professional identity. She identified abstract conceptualization as a fundamental competency that is stressed at law school. Reflection is a value that Susan talked about as a deeply held personal value and essential to the learning process. It is not known how much the touchstone values represented by these two modes may have influenced Susan’s assessment of her own style.

Unrelated to this study, Susan had spent a great deal of time thinking about her own learning style and how it compared to those of her colleagues. Susan had difficulty placing her colleagues in any of the quadrants in Kolb’s model. While her challenge in finding a quadrant where she would fit occurred because she liked “everything,” the difficulty in situating her colleagues in the model was the result of a different problem. Susan found the reflective observation mode of the transforming dimension to be problematic in terms of describing the type of logical thinking that lawyers are trained to do. Susan described the typical lawyer’s approach to examining things as being more like dissection than reflection. True reflection, she said, was “more of the heart than the head.” Because of this failure of Kolb’s learning model to accurately capture the special kind of logical thinking that lawyers use, Susan found the whole model unworkable as a depiction of the learning style of her colleagues. While Susan could not place her
colleagues in a particular quadrant, she did say that in general her colleagues were definitely not Divergers. The distinction that Susan identified between her own learning style and that of her colleagues creates an ongoing personal challenge for Susan, who is intensely passionate about learning and continually struggles to engage her colleagues in shared learning related to clinic services.

Susan’s learning preference data were triangulated with her interview data. This comparison presented some interesting findings. Although Susan felt she relied upon all four learning modes identified in Kolb’s model, in the end she identified herself as having the strongest tendencies in the Assimilator quadrant. Lectures, identified as one of the learning model preferences of Assimilators, were ranked by Susan as her least preferred learning model. Though her learning preference data made Susan appear as an outlier, she was the only one of the 3 interview participants to identify her learning style as fitting in the same quadrant where Kolb positioned law.

Another interesting comparison was that while Susan indicated a preference to use all of Kolb’s learning modes, Susan’s assessment of the ideal amount of learning time she would dedicate to the combined functions of listening and thinking (70%) was higher than the percentage of time either Rebecca (60%) or Leslie (60%) would apportion to these activities. In fact, Susan’s ideal percentage of combined time for listening and thinking was the second highest of all 10 of the survey participants. While definitive conclusions cannot be drawn from these figures, one might expect that a learner who used all four of Kolb’s modes would prefer a more balanced use of time for the four functions listed.
Rebecca

Rebecca was able to identify a list of specific actions that she takes to advance her own learning. This inclination to action would match her placement of herself closer to the active experimentation mode than the reflective observation mode on the transforming dimension of Kolb’s model. As Rebecca described a series of steps she would take in a learning process, each step sounded like another step of active experimentation. Perhaps steps of abstract conceptualization or concrete experience occurred between the action steps but were of less significance to this action-oriented individual. In any case, although Rebecca was able to identify a quadrant that felt like a description for her personal learning tendencies, she did not acknowledge Kolb’s cycle of four sequential steps as a depiction of the process that she used. It is not clear whether Rebecca’s general placement of her colleagues as straddling the line between Converger and Assimilator was more influenced by the relative positioning between action and reflection or by the type of learning activities that were suggested for each style. Rebecca’s survey data on the talking, listening, thinking, acting question showed that she would devote a quarter of her time to acting in an ideal learning situation but only showed 10% of her time in acting when she reflected on her actions in an actual learning situation at the conference.

Rebecca’s description of the series of steps that she would use in a learning process involved a great deal of communication with colleagues. Kolb’s model only touches on communication via the “explaining” descriptor that falls under abstract conceptualization. The type of communication that Rebecca seemed most concerned with was communication to receive input and feedback from others. Rebecca’s learning
process as she described it was a very collaborative model. Kolb’s model is designed primarily from a perspective of learning as internal, individual, and cognitive. The interactive, collaborative components of a learning process, which Rebecca has integrated into her personal learning style, are not represented in Kolb’s experiential learning model.

Leslie

Leslie required very little time to review Kolb’s model before identifying herself as a Diverger. Leslie was invited to review the other styles described in the handout which elaborated on the model by identifying common questions and preferred learning activities that corresponded with each of the learning modes. Leslie showed little interest in rethinking her position and affirmed her assessment of herself as a Diverger by asserting “That’s it!” Leslie’s limited interest in the theory or details of the model and her prompt identification of the mode that reflected her style support her own assessment that she tends more to the concrete experience end of the grasping dimension than the abstract conceptualization mode. A tendency to learn and interpret conditions around her by experiencing and feeling, as identified for concrete experience in Kolb’s model, was evident throughout Leslie’s interview. She regularly talked about the experiences and feelings that motivated and influenced the way her colleagues engaged in learning. Of note, Kolb assessed those inclined to study law as having a greater tendency towards abstract conceptualization than for the concrete experience mode. This tendency was supported by Rebecca’s and Susan’s assessments of themselves and their colleagues. Leslie also assessed her colleagues to be Assimilators with a certain amount of Converger. It is interesting that, although Leslie placed herself furthest from the abstract conceptualization mode that seems to be frequently associated with lawyers, it was
Leslie’s responses that conveyed the most affinity with colleagues when describing learning needs and challenges for clinic EDs. Lectures, identified in Kolb’s model as a preferred activity of Assimilators, were identified as Leslie’s second most preferred learning model, after structured discussions. Leslie ranked lectures higher in order of preference than either Susan (eighth) or Rebecca (sixth). Yet, Leslie assigned less time (35%) to the listening function in an ideal learning situation than did either Susan (40%) or Rebecca (40%).

Acknowledging some differences in her learning style from that of her colleagues, Leslie suggested that while she thinks that she shares many common learning needs and preferences with other clinic EDs, she also thinks that she brings a different perspective to learning opportunities. The majority of clinic EDs have spent most or their entire legal career within the clinic law system. Leslie, on the other hand, worked for a number of years as a private bar lawyer before joining a clinic. This background in private practice gives her a pragmatic edge and allows her to appreciate the learning opportunities that are built into the clinic system, ultimately influencing her learning style.

**Learning Style Summary**

This study also asked the question, how do the learning styles of 3 management lawyers relate to Kolb’s experiential learning theory? Kolb’s experiential learning theory was selected as the theoretical framework within which the learning styles of the study participants would be examined. The interview participants were then asked to consider their personal learning style in relation to Kolb’s model and to offer an opinion on how their style might be the same or different from the general learning style of their colleagues.
The earlier identification of Susan as an outlier was reinforced by her assessment that she tended to use all four learning styles. Such learners, Kolb said, are rare. In the end, Susan somewhat reluctantly selected Assimilator quadrant as her most dominant style. When asked to then consider what style her colleagues generally used, Susan pointed to Kolb’s concept of reflection as problematic. Susan felt that the type of dissection-like thinking style that lawyers are trained to engage in is fundamentally different from reflection. Susan did not feel that Kolb’s learning model was meaningful in describing the general learning style of clinic EDs.

Rebecca and Leslie each placed themselves in a quadrant adjoining the Assimilator style, which Susan ultimately selected. Rebecca considered her own learning style and then assessed herself to fit in the Converger quadrant. Rebecca thought that her colleagues would generally straddle the line between Converger and Assimilator. Leslie showed less interest in the theory behind the learning styles model and promptly identified herself as a Diverger. Leslie placed her colleagues as Assimilators with some Converger tendencies.

Kolb allows that learners can enter the cycle at any stage but identifies a natural starting point in the cycle at the concrete experience mode. Kolb does, however, identify that once the learning cycle is started, it then unfolds in steps or stages. It was not anticipated that in the informal context in which the participants were thinking about their learning that they would necessarily be able to identify a starting point in their learning cycle. More significant though, when Susan and Rebecca described their personal learning process, they did not find the steps as described by Kolb to clearly fit their personal experience. Susan found the reflective observation mode to be problematic, and
Rebecca described a series of interactions seeking feedback from colleagues that is not addressed in Kolb's model. These findings support M. K. Smith's (2002) criticisms of Kolb's model, which included a lack of flexibility, the overreliance of sequential steps, and the insufficiency of the concept of reflection.

The process that each of the participants used in identifying their own learning style and that of their colleagues was consistent with Kolb's description of the particular style that each identified as her own. It was interesting that though reluctant to choose only one style, Susan was the only one of the 3 who placed herself into the Assimilator quadrant, which Kolb identified as best matching lawyers in general. Rebecca placed herself closer to the active experimentation end of the transforming dimension than Kolb's placement of lawyers in general. Leslie assessed her style as one with a greater tendency to concrete experience than Kolb's general assessment of lawyers. Rebecca and Leslie each assessed the general learning style of their colleagues to be closer to Kolb's assessed learning style of lawyers than was their own style. The thinking process that was demonstrated by each interview participant as she assessed her personal learning style in relation to Kolb's model was consistent with the style that each participant ultimately identified for herself. This consistency between action and assessment lends some support for the "dialogic" value of Kolb's model as Atkinson (1991) and M. K. Smith (2002) suggested. It also suggests that each of the participants had some insight into her personal learning style, thus increasing the reliability of the findings.

Implications for Practice

The findings of this exploratory study, though it had a limited sample size of legal aid lawyers who are also clinic Executive Directors, provide useful guidance for the
design of learning activities in the future. The findings of this study showed that legal aid clinic lawyers prefer to learn using a model that is structured around an expert who delivers relevant and organized information to learners who are able to listen, take notes, and ask questions for clarification. The learning session may take the form of a lecture, structured discussion, or an informal discussion among colleagues but should be designed to ensure that there is a focus to the presentation and that learners are able to listen to lecturers with proven clinic-related experience. Clinic EDs prefer to have management-related information distilled into point form and to have the key points provided on handouts that can be used for taking personal notes. Clinic lawyers are uncomfortable with learning activities that are not based on logic or that focus on feelings. Engagement in the learning process is likely to be higher if formal learning events are designed to start with familiar and preferred learning models, follow a logical course to connect other activities to the design, and make the logic of the design explicit to the learners.

Clinic lawyers find that learning together with professional colleagues provides an important means of assessing the general relevance and value of the information from a professional perspective. However, if the role of colleagues as colearners is not properly managed, then colleagues may become an obstacle to the learning process for some individuals. Clinic EDs rely upon their colleagues as a primary source of information about how to balance casework with administrative responsibilities and how to address clinic management issues.

Time is a complex issue that has an impact on how clinic lawyers and EDs engage in learning in multiple ways. The most obvious pressure is the shortage of time for noneasework activities. The often crisis-driven and client-service orientation of clinic
work creates continuous pressure for legal services to remain the first priority of clinic lawyers. Time away from legal practice for administration or learning is a secondary priority, and follow-up is always subject to displacement for more urgent needs. Learning design must be sensitive to and mindful of the many ways that time has an impact on the learning environment. Designing learning opportunities that are more oriented to just-in-time access would be beneficial to busy clinic lawyers and EDs.

The long length of service and low turnover rates among staff are characteristics of the clinic system in which EDs take pride, but this also means that new ideas and perspectives are slow to be introduced to the system. The historical growth pattern of the sector resulted in many EDs being hired at approximately the same time. These EDs brought with them very similar educational experiences of law school, which at the time relied extensively on lectures as the instruction model. The influence of the law school learning model is still evident today in the learning preferences of clinic lawyers. The expectation that lectures are the most appropriate learning model is supported by the continued use of lectures as the primary model for continuing education programs provided by the Law Society. However, an examination of the learning styles lawyers in this study rely upon for learning in the context of daily practice reveals that they use a variety of learning styles. This finding suggests that efforts to build a learning culture in which professionals consciously attend to learning in daily practice may be an effective way to more actively engage clinic lawyers in learning and reflection, particularly in areas that fall outside of the core area of professional practice. These findings are consistent with Boyle’s (2005) conclusions that considering learning styles is relevant to help improve lawyers’ work performance.
Implications for Theory

This study builds on previous work by writers and researchers who have been concerned with continuing education and learning preferences and styles of adults, and particularly of selected professional sectors (Anis et al., 2004; Austin, 2004; Contessa et al., 2005; Carney, 2000; Daley, 2001a, 2001b; Jones, et al., 2003; Kolb & Kolb, 2005; Spencer, 2001; Wyrick, 2003). The findings of this study support the conclusions of Atkinson (1991), Garner (2000), Pigg, Bush, and Lacey (as cited in Atkinson), and Wyrick that the application of Kolb's theory can serve a useful purpose of identifying basic tendencies and may prove useful to workplace educators in guiding the design and delivery of future educational programs. The data findings from this study's participant interviews also affirm some of the specific shortcomings of Kolb's theory. In particular, findings of this study pointed to theoretical problems of the insufficient attention that the theory gives to the process of reflection (M. K. Smith, 2002), the simplistic conception of the learning process as an ordered series of stages or steps (Smith), and the lack of flexibility that identifies learners as having only one learning style (Hopkins, as cited in Koob & Funk, 2002). Smith described Kolb's model of just four modes as being too neat. The findings of this research revealed that colearner interactions and shared knowledge construction were aspects of the learning process that were not represented in Kolb's model. The constructivism approach, which underpins much of the work of today's workplace educators, requires interaction with the learning context, including the social context (Kerka, 1997).

The findings from this study raise the question of whether clinic lawyers may engage in different levels of learning depending upon the subject. Learning outside of the
core area of lawyers’ professional practice was used as the subject of this study to avoid a possible learning model bias that might persist from earlier professional training (Daley, 2001b). However, the unanticipated result was to show that the lawyers in this study may have been less motivated to engage in deep learning for subjects that were not central to their primary professional practice. This dilemma raises the question of whether one learning model is sufficient for different levels of learning from information updates (fact gathering) to skills acquisition, and through to transformative learning that changes existing and new knowledge through the integration process. Daley’s (2000) consideration of learning in professional practice made some efforts in this direction as she expanded on Cervero’s (as cited in Daley) model for learning in the professions to incorporate the transformative learning dimension. Further theoretical work is called for on the subject of levels of learning.

A puzzling theoretical question raised by the findings of this study was how to reconcile the seeming consistency of learning model preferences among the survey participants with the disparate learning styles that were revealed during the interviews. Learning styles and learning model preferences have inexact distinctions. However, Kolb’s theory, among others, suggests some relationship between learning styles and learning model preferences. Such a relationship, if it exists, was not evident from the findings of this exploratory study.

Implications for Research

This exploratory study was conducted with a limited sample size. Further research in the area of learning preferences and styles of lawyers is needed and would contribute to the growing body of work that examines the ways that different professional groups
engage in continuing education (Anis et al., 2004; Austin, 2004; Carney, 2000; Cervero, 1989, 2000; Contessa et al., 2005; Daley 2001a, 2001b; Jones et al., 2003; Kolb & Kolb, 2005; McDonough & Osterbrink, 2005; Wyrick, 2003). A limitation of this study that should be addressed in future research concerns the assumption about the participants’ motivation to engage in learning for the subject under study. The validity of findings would be strengthened if studies were to include an examination of possible differences between learning associated with the core professional practice versus other work-related learning. The puzzle raised by this study of unclear relationships between learning preferences and learning styles also suggests that future research should attend to the nature of learning preferences in formal learning activities and what differences, if any, may occur in practice-based learning situations.

Further research is needed in the study of learning preferences and styles of legal aid clinic lawyers. One of the characteristics of the total population that was not addressed in this study was the gender of the participants. Critical sampling was used to select the interview participants but all of the selected interview participants were female and gender was not identified in the survey data. It is not known whether data analysis based on gender would have produced any different findings. Whether gender influences the learning preferences or styles of legal aid lawyers is an unanswered question. Future studies with this population could add to the findings of this study by including participant gender as an element of study.

Additional research with a larger study group and the application of more than one data collection tool would be beneficial to build on the findings from this exploratory work. While the limitations of Kolb’s LSI have been noted, if additional work using
Kolb's experiential learning theory is undertaken, consideration could be given to administration of the LSI to participants as one data collection method. Additional research with this population group would expand the understanding of the range of learning preferences and styles of lawyers in the clinic system and aid continued development of the continuing education program for clinic lawyers.

The findings of this research have also suggested new avenues of research that would be beneficial to both university faculties of law and to those who provide continuing education programs that serve practising lawyers. As suggested by one study participant, it would be most informative to conduct research comparing the continuing education learning preferences and styles of lawyers who attended law school when lectures were predominant to the learning preferences and styles of more recent graduates exposed to more diversified learning activities and models.

The idea that members of a certain professional group may share a tendency to use a particular learning style suggests that it would be beneficial to conduct further research investigating the relationship between learning style and professional training in more detail. If such a relationship could be shown one of the many interesting questions that could be investigated would be whether a learning style becomes a habit as a result of participating in the study of that particular field or whether, as Kolb suggests, individuals with similar learning styles are drawn to study of certain subjects.

Another avenue of investigation that is suggested by the findings of this study is the nature of the impact of professional colleagues as continuing education colearners within various occupational communities. This study was not focused on the subject of learning interactions among colleagues, but a number of interesting questions were raised
by the findings. What types of verbal interactions with colleagues do lawyers find helpful to learning? How much talking is helpful? Is talking among colleagues more or less helpful if it is structured? What is the nature of learning that takes place when professional colleagues talk informally? Is this learning different in fundamental ways from structured discussions among colleagues? Is there an ideal proportion of time spent talking versus listening for a professional group? Does the balance of time between talking and listening change for different professional sectors? These are interesting questions for the consideration of future researchers.

**Conclusion**

While the findings of this research cannot be generalized to the larger population of legal aid lawyers, the findings do provide some important insights into the learning preferences and styles of some clinic lawyers. The participants in this study showed a high level of consistency in their preferred learning models. The most preferred model, the lecture, suggests a lingering influence of earlier professional training at law school. Within the current legal clinic system context, the influence of colleagues on the learning environment and a myriad of time pressures also appear to reinforce the identified preference in formal settings to learn by listening to an expert. Yet when learning styles were explored at a more individual level, a diversity of learning styles was revealed as each lawyer spoke with enthusiasm about her personal, practice-based learning pursuits. The rich data gathered from these individual interviews added to the survey data findings and brought depth and meaning to the learning preference findings. This study adds to the growing body of work focusing on the particular challenges associated with designing and delivering continuing education programs for professionals that are engaging and
relevant. The insights gained through this research will strengthen my own daily practice as a workplace educator for Ontario’s legal aid clinic system, contribute to the larger dialogue on adult learning theory, and suggest future research directions for those who follow.
References


Campeau, A. (1998). Distribution of learning styles and preferences for learning environment characteristics among emergency medical care assistants (EMCAs) in Ontario, Canada [Electronic version]. *Prehospital and Disaster Medicine,*


Appendix A

Pre- and Postconference Survey Instrument

Learning Preferences in the Legal Aid Clinic System

Please check appropriate box in both Section A and Section B

Section A.
☐ I am a lawyer
Or
☐ I am not a lawyer

Section B.
☐ I am a clinic Executive Director/Director
Or
☐ I am not a clinic Director

Preconference Survey

1. In no more than three sentences, describe in your own words how you like to learn.

2. Some commonly used learning approaches are listed below. Please show by ranking, your preference for these approaches. Start with 1 for your most preferred learning approach. 1 = most preferred 7 or 8 = least preferred

☐ . Lectures or presentations from an expert
☐ . Structured discussion activities
☐ . Informal talking with colleagues
☐ . Practising or case study exercises
☐ . Teaching or making presentations to others
☐ . Keeping a journal
☐ . Reading & using prepared materials
☐ . Other (specify)

3. For what kinds of subjects or skills, if any, would you consider using a self-paced tutorial?

4. When used competently, what technologies (e.g., mechanical, electronic, or computer linked tools) help your learning?

5. Is there something that particularly frustrates you in a learning situation?
6. What conditions are most essential for you to engage in learning?

7. What are the three most common barriers that interfere with your learning?
   1. 
   2. 
   3. 

8. In an ideal learning situation for you, how would your time be divided between talking, listening, thinking, and acting? (Total to equal 100%)
   
   Talking = ___ %  Listening = ___ %  Thinking = ___ %  Acting = ___ %

9. Is there something you are particularly hoping to learn at this conference?

> Preconference portion of the survey ends here.
Please bring this whole package with you to the conference. You will be asked to complete the following section after the conference is concluded and submit both portions stapled together.

Postconference Survey

1. In no more than three sentences, describe in your own words the situation that provided the best learning for you at this conference.
2. This conference agenda included opportunities to participate in a variety of learning approaches. Please indicate (by ticking) the extent to which these different kinds of opportunities added to your learning at this conference.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Did not contribute to my learning</th>
<th>Contributed a little to my learning</th>
<th>Contributed somewhat to my learning</th>
<th>Was a positive learning experience</th>
<th>Did not experience this approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lectures or presentations from an expert</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structured discussion activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Informal discussions with colleagues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Practising or case study exercises</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teaching or making presentations to others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Journaling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reading &amp; using prepared materials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Were there any subjects or skills you learned about at the conference that you would now consider pursuing further through self-paced learning, if suitable resources were made available?

4. What technologies (e.g., mechanical, electronic, or computer linked tools) were used at this conference that helped your learning?

5. Was there anything about this conference that particularly frustrated your learning experience?

6. Were there conditions or aspects of this conference that you think particularly contributed to your learning?
7. Did this conference present any significant barriers that impeded your learning?

1. 

2. 

3. 

8. If you reflect on a situation at this conference where you felt you were fully engaged in learning, how was your time divided between talking, listening, thinking, and acting?  (Total to equal 100%)

Talking = ___ %  Listening = ___ %  Thinking = ___ %  Acting = ___ %

9. Can you identify something related to clinic management that was particularly relevant or useful that you learned at this conference?

10. Has the process of completing this survey made you think differently about how participation in a conference such as this contributes to your learning?  

   Explain. (use other side if more space is needed)

Completion of this survey is voluntary. You are NOT required to include your name. Your contribution to this research study being conducted by Jane Cameron for an MEd. thesis is appreciated.

This study has been reviewed and received ethics clearance through Brock University’s Research Ethics Board (File # 05-064 CAMERON)

OPTIONAL - For those who want to learn more: I would be happy to answer any questions about this research.

As a second stage to this research I hope to follow up with a couple of individuals at the 30 and 60 day point to gather views on the learning impact of the conference after some time has passed. If you may be interested in participating in such a discussion for the purposes of this study, you are invited to enter your name below, or to contact me separately to learn more.

Name
# Appendix B

## Preconference Learning Model Preference Data

<table>
<thead>
<tr>
<th>Options</th>
<th>Average</th>
<th>Participants</th>
<th>n = 10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ranking</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Lectures</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Structured discussions</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Informal talking with colleagues</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Practising or case study exercises</td>
<td>6</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Teaching / presenting to others</td>
<td>5</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Journaling</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Reading / using prepared materials</td>
<td>3</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Other – community of practice</td>
<td>–</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Other – multi-day workshops</td>
<td>–</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Options</th>
<th>Average</th>
<th>Participants</th>
<th>n = 9</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ranking</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Lectures</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Structured discussions</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Informal talking with colleagues</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Practising or case study exercises</td>
<td>6</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Teaching / presenting to others</td>
<td>5</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Journaling</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Reading / using prepared materials</td>
<td>4</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>

Note: Ranking data showing participants' order of preference for the learning approaches listed. 1 = most preferred 7 or 8 = least preferred

<sup>a</sup>Susan. <sup>b</sup>Rebecca. <sup>c</sup>Leslie
Appendix C

Postconference Learning Model Experience Data

<table>
<thead>
<tr>
<th>Options</th>
<th>Average Ranking</th>
<th>Participants A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>J</th>
<th>n = 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lectures</td>
<td>5</td>
<td>2</td>
<td>–</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>19 + 9 = 2.1</td>
</tr>
<tr>
<td>Structured discussions</td>
<td>2</td>
<td>2</td>
<td>–</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>14 + 9 = 1.6</td>
</tr>
<tr>
<td>Informal talking with colleagues</td>
<td>1</td>
<td>1</td>
<td>–</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>13 + 9 = 1.4</td>
</tr>
<tr>
<td>Practising or case study exercises</td>
<td>2</td>
<td>3</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>8 + 5 = 1.6</td>
</tr>
<tr>
<td>Teaching / presenting to others</td>
<td>6</td>
<td>4</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>–</td>
<td>2</td>
<td>n/a</td>
<td>n/a</td>
<td>6 + 2 = 3</td>
</tr>
<tr>
<td>Journaling</td>
<td>7</td>
<td>–</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Reading / using prepared materials</td>
<td>4</td>
<td>–</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>–</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>4 + 2 = 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Options</th>
<th>Average Ranking</th>
<th>Participants A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>J</th>
<th>n = 8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lectures</td>
<td>5</td>
<td>2</td>
<td>–</td>
<td>–</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>17 + 8 = 2.1</td>
</tr>
<tr>
<td>Structured discussions</td>
<td>1</td>
<td>2</td>
<td>–</td>
<td>–</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>11 + 8 = 1.4</td>
</tr>
<tr>
<td>Informal talking with colleagues</td>
<td>2</td>
<td>1</td>
<td>–</td>
<td>–</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>12 + 8 = 1.5</td>
</tr>
<tr>
<td>Practising or case study exercises</td>
<td>3</td>
<td>3</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>8 + 5 = 1.6</td>
</tr>
<tr>
<td>Teaching / presenting to others</td>
<td>6</td>
<td>4</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>–</td>
<td>2</td>
<td>n/a</td>
<td>n/a</td>
<td>6 + 2 = 3</td>
</tr>
<tr>
<td>Journaling</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Reading / using prepared materials</td>
<td>4</td>
<td>–</td>
<td>–</td>
<td>n/a</td>
<td>2</td>
<td>–</td>
<td>–</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>4 + 2 = 2</td>
<td></td>
</tr>
</tbody>
</table>

Note: Ranking data showing how various conference models contributed to participants' learning. LEGEND: n/a = did not experience

1 = a positive learning experience  2 = contributed somewhat  3 = contributed a little  4 = did not contribute

*aSusan,  *bRebecca,  *cLeslie
Appendix D

Semistructured Interview Guide

Section One - Background
1. How long have you been a clinic ED? How many staff are you responsible for at your clinic?
2. Can you loosely define (for this discussion) management skills and knowledge?
3. How did you learn most of what you know about management?
4. What % of your time would you say is used in management activities?
5. Can you suggest an area of management where you feel strong or competent, and an area where you have identified that you would like to learn something more?

Management Focus
6. How did you build the knowledge you currently have in xxxx area?
7. You have indicated that you learn from your colleagues? Can you tell me more specifically the kinds of things that you learn from informal discussions with colleagues?
8. Can you tell me more about why you prefer xxxx model? Why did you rate lectures as xxx?
9. Why do you think journaling was so consistently ranked as the least preferred?
10. What role do you think reflection plays in good management?

Show Personal Survey Data
11. Do you have any comments about your preference rankings in relation to your colleagues?
12. Why is PowerPoint considered a good aid to learning?
13. Point out Talk, Listen, Think, and Act Data values. Can you help me understand the apparent preference to listen so much of the time?

Kolb Handout and Explain
14. Which end of xxx dimension do you think you favour more? And yyy dimension?
15. When you see the preferred activities in the quadrant you chose, does that still feel like a fit?
16. When you look at the quadrant descriptions where would you place your colleagues?
17. If you were to identify some difference about your own learning from the majority of your colleagues what would that be?
18. Other....
Appendix E

Brock Research Ethics Board Approval Letter

DATE: October 26, 2005
FROM: Linda Rose-Krasnor, Chair
Research Ethics Board (REB)
TO: Joe Engemann, Education
Jane CAMERON
FILE: 05-064 CAMERON
TITLE: Continuing Education Learning Preferences of Legal Clinic Lawyers

The Brock University Research Ethics Board has reviewed the above research proposal.

DECISION: Accepted as clarified.

This project has received ethics clearance for the period of October 26, 2005 to August 31, 2006 subject to full REB ratification at the Research Ethics Board's next scheduled meeting. The clearance period may be extended upon request. The study may now proceed.

Please note that the Research Ethics Board (REB) requires that you adhere to the protocol as last reviewed and cleared by the REB. During the course of research no deviations from, or changes to, the protocol, recruitment, or consent form may be initiated without prior written clearance from the REB. The Board must provide clearance for any modifications before they can be implemented. If you wish to modify your research project, please refer to http://www.brocku.ca/researchservices/forms to complete the appropriate form Revision or Modification to an Ongoing Application.

Adverse or unexpected events must be reported to the REB as soon as possible with an indication of how these events affect, in the view of the Principal Investigator, the safety of the participants and the continuation of the protocol.

If research participants are in the care of a health facility, at a school, or other institution or community organization, it is the responsibility of the Principal Investigator to ensure that the ethical guidelines and clearance of those facilities or institutions are obtained and filed with the REB prior to the initiation of any research protocols.

The Tri-Council Policy Statement requires that ongoing research be monitored. A Final Report is required for all projects upon completion of the project. Researchers with projects lasting more than one year are required to submit a Continuing Review Report annually. The Office of Research Services will contact you when this form Continuing Review/Final Report is required.

Please quote your REB file number on all future correspondence.

LRK/bb