

Access to legal work experience and its role in the (re)production of legal professional identity: Report on the first year findings.

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EXECUTIVE SUMMARY:

This report is designed to give an overview of the role work experience plays, first in mediating access to the legal profession and secondly in the reproduction of legal professional identity. The objective is to identify key lessons for legal education that may enhance student employability, and in doing so serve to redress existing inequalities that become manifest in the context of the recruitment process.

This is an interim report, that is to say it reports preliminary findings from data which is to undergo further analysis as the project moves into its second year. Our objective at this stage is to put forward our key findings, identify messages for legal education arising from these findings and to recommend ways in which legal educators can and should respond in view of these before progressing to further analysis of the data.

The findings of the research at this stage appear to demonstrate that students who have had access to informal work experience at years 10/11 are equipped with a better understanding of the qualifications and skills employers look for in prospective trainees. This may give them an advantage in two respects; first it may motivate students to achieve (the results demonstrate a positive correlation between gaining informal work experience and UCAS tariff scores of 360+ - although there are, of course, other possible explanations for the association) and secondly it may prepare them for the recruitment process which generally involves a formal work placement that is undertaken at the end of their second year in law school.

The study also demonstrates that students do not have equal access to informal work experience, as their ability to access informal work experience is mediated by their social capital. Partners and graduate recruitment consultants from commercial firms acknowledged during the interview process that it is standard practice to award informal work experience to the children of clients as part of their business development activities.

Furthermore, access to informal work experience can prove to be important in enabling students to acquire formal work experience in the form of vacation schemes. This formal work experience is an integral part of firms' graduate recruitment activities, and as such, the ability to access to formal work experience is a crucial factor in determining graduate career destinations. Informal work experience assists students in accessing formal work experience in two ways; first, as the possession of informal work experience forms one of the top three criteria for selecting candidates for formal work experience and secondly as students who had failed to acquire informal work experience tended to be less aware of the motivation and goals of firms in offering formal work experience placements. This combination of possession of social capital, UCAS tariff scores of 360+, attendance at a pre-1992 university and gaining informal work experience prior to entry to university is one which is shown to be extremely attractive to graduate recruiters within law firms, and may go some way towards explaining the manner in which legal professional identity is reproduced.

The findings of the research also demonstrate that the importance of informal work experience in improving student's understanding of the goals of formal work experience is mediated by the type of institution they attend (although this may also be a signifier of other factors), with possession of informal work experience having less of an impact upon the understanding of students attending pre-1992 universities. This provides scope for legal educators to intervene in the first year of law school to redress the disparity created by inequality of access to informal work experience prior to entering university, and the latter part of this report details our recommendations for the manner in which legal education should respond to these findings.

1. METHODOLOGY

This project deploys a mixture of survey and qualitative methods with two samples: students and employers. The students were drawn from 2 institutions: a pre-1992 university and a post-1992 university. In this first year of the project the students were in Year 2 LLB. A sample of 50 firms was surveyed (26+ partners located in the principal legal markets served by the participating institutions). The survey was followed up by interviews with an illustrative sample of 15 Graduate Recruitment Managers and Partners based in a range of firms from elite corporate multinationals to 16 partner regional practices.

1.1. STUDENT SAMPLE

Strong support from the participating institutions enabled us to introduce the research to the students before distributing the questionnaires. This introduction took place in late November /early December 2008; that is, towards the end of the first semester of the second year of an undergraduate law degree and at the beginning of the formal vacation placement application process. The questionnaires subsequently distributed to students obtained basic demographic information, including parental occupation, and motivations for studying law. They then focused on students' *experiences* of informal work experience and their *expectations* of the Formal Schemes for which they might be about to apply.¹

The response rates were as follows:

Figure 1

Institution type	Number of responses/questionnaires distributed	Responses expressed as a percentage of questionnaires distributed
Pre-1992 Law School	135/280	48%
Post-1992 Law School	135/200	67.5%

The results were analysed using SPSS v.15 between January and February 2009, enabling them to be shared with the students enrolled on the module evaluated as part of the study (See Appendix A).

¹ We hope to return to this cohort, now in their third year, to explore the extent to which they applied for a scheme, the *experiences* of those who were successful in obtaining a formal placement and the reasons given by those who did not apply for their failure to do so.

1.2. EMPLOYER SAMPLE

From December – January, a sample of 50 employers was drawn up by randomly identifying firms with 26+ partners (firms most likely to offer placements and training contracts) within the principal legal markets linked to the participating HEIs. The questionnaires were sent out with a research summary and a letter of support from Fiona Woolf, past President of the Law Society. Unfortunately, the response rate was very low: with only 8 firms agreeing to take part. Lack of resources inhibited intensive follow-up efforts. It seems possible that the financial crisis, which has clearly affected recruitment, may have dampened respondents' enthusiasm for engaging with the research.

Employer interviews with fifteen individuals took place over the summer and autumn of 2009. Given the difficulties with the survey sample, the researchers relied on existing contacts within law firms (and some suggested by UKCLE) to secure in-depth interviews with Training Partners and Directors of Graduate Recruitment/HR in a range of firms – from over 200 UK partners to a 16 partner firm. We are enormously grateful to the fifteen busy individuals who gave up their time to speak to us. They have all expressed an interest in seeing the final research report.

2. PRELIMINARY FINDINGS: KEY MESSAGES FOR LEGAL EDUCATION

2.1. Legal educators should tailor their teaching and learning strategies to the differing experiences and expectations of students at pre-1992 and post-1992 institutions:

In terms of sex and minority ethnic background the demographic profile of the student sample broadly mirrors that of the national undergraduate cohort. There are, however, some demographic differences between the student bodies at the two institutions; for instance the post-1992 institution contains more students from a BME background and more mature students, a finding which corresponds to that of other research on access to HE and disadvantaged groups (see e.g. Reay et al, 2005). Prosser and Trigwell assert the need to take account of student context when developing teaching and learning strategies (1999: 16-18) and responding to the different experiences and expectations of students will be central to developing effective employability strategies.

2.2. Legal educators should take account of the fact that the majority of students are motivated to study law at university by a desire to enter the legal profession upon graduation:

Notwithstanding debates as to the appropriate relationship between legal education and the profession, a useful context for employability strategies within legal education is that most respondents wanted to enter the legal profession:

Figure 2: Reasons for studying law at university

<u>"A Law degree prepares you for entry to the legal profession"</u>	
Importance rating attached to this statement as a factor in motivating students to study law at university.	Response expressed as a percentage of entire sample
Very important	53.9%
Important	34.7%
Other	11.4%

Figure 3: Career goals of student sample

Occupation	Response expressed as a percentage of entire sample
Solicitor	63.8%
Barrister	17.8%
Other	18.4%

There were no marked institutional differences within these responses, although those individuals wishing to join the bar after university were more likely to attend the pre-1992 institution (adjusted residual 2.8) and slightly more likely to be male.

2.3. The results of this study indicate the existence of a strong association between obtaining informal work experience at years 10/11 and high academic attainment

There is a strong association (although, of course, this may be the product of a combination of closely related variables) between informal work experience and A-levels achieved - in particular, between experience secured at year 10/11 and achieving a tariff score of 360+. This association is interesting – not least because it is a combination that firms also state that they look for when assessing applications for formal vacation schemes. Students with higher tariff scores were also more likely to have had multiple forms of legal work experience. Thus, while there were no differences between the tariff scores of students who had their **first/only** form of work experience at the end of 1st year, where this stage was a student's **subsequent** period of work experience, they were more likely to be students with 360+ scores (adjusted residual 2.5).

Of those students whose first/only form of work experience was at Year 10/11, 72.5% were to be found at the pre-1992 institution (ad. resid.3.5). There are strong associations between work experience at years 10/11, securing 360+ points, attending the pre-1992 institution (which was more likely to be a student's first choice) and engaging in multiple forms of work experience. Only 45.9% of the post-92 students had obtained informal work experience compared to 64.6% of the pre-92 students.

This data furthermore suggests that encouraging students to gain experience of the legal profession at an early stage in their academic careers, explaining the importance of gaining informal experience at this stage and equipping students with strategies for accessing informal work experience might usefully be incorporated as a key feature of law school's widening participation work with secondary school students. In

doing so law schools should focus not only on raising the aspirations of students; but also on equipping them with insight into how to realise those aspirations.

2.4. Informal work experience is obtained largely through informal networks, and access to this type of work experience is therefore mediated by the student's social capital

'Connections with Family/Friends' were identified as the key method through which students secured informally arranged work experience, and our interviews with firms support this. 18% of the overall sample obtained informal work experience during years 10/11; generally this was secured through family/ friends with schools playing a negligible role. This is consistent with earlier data from firms (Francis and Sommerlad, 2009). Both partners and graduate recruitment officers acknowledge that the son/daughter of a client will be brought into the firm for work experience as part of business development. This was generally distinct from the formal recruitment process. Perhaps unsurprisingly, those students with connections with the profession through either family or friends were **twice as likely** to have secured Work Experience at an early stage (year 10/11) than those without such connections. Those students whose fathers worked in: 'routine and semi-routine occupations' were less likely than their counterparts to have undertaken informal work experience.

Only **8% of the entire sample** had not participated in some form of legal work experience by the beginning of their second year at law school. In terms of the reasons students gave for not having undertaken it, the most common was 'Didn't know how to arrange it', and the Post-92 students were **twice as likely** as the pre-1992 students to give this as their reason. 'Didn't think of it' and 'Too nervous' to apply were also responses which the post-92 students were more likely to record. Legal educators could have a significant role in raising students' awareness of the benefits of informal legal work experience, and assisting interested students in their efforts to gain access to such experience.

2.5. Student experience of informal legal work experience is overwhelmingly positive and often serves to motivate students to study law with a view to entering the profession.

Students' experiences of their Informal Work Experience were overwhelmingly positive and for many it had fuelled their desire to study Law with a view to entering the profession. For instance, one student said: "As the firm was entirely based on legal aid, it was extremely encouraging to see professionals working solely to help others and not their wallets. It definitely affirmed my decision to enter the legal field". Another described the work experience as providing "An inspiration to carry out a career in Law – working with people – showing me how the law works in practice." Even those who found the experience dull were encouraged by the financial rewards available within the profession.

In terms of *what* is learned and how legal educators may encourage students to draw on their previous experiences, most of the students reported fairly unstructured activities, characterised either as providing general administrative support (filing, photocopying etc.) or loose shadowing of a partner. This is to be expected, given the relatively young age at which many students took their work experience. Nevertheless, student experience can be an important resource (Light and Cox, 2001: 79), providing a context for academic discussions and readings of, for instance, developments in the high street sector and the implications for legal professionalism.

2.6. Participating in informal legal work experience gives students an advantage in the application process for formal work experience over those students who have no previous experience of the profession.

Previous work experience was cited as an important (typically ranked third) selection criterion. In interviews recruiters suggested that it demonstrated a long-term commitment to law and showed that students were keen to learn about different sectors of the profession. Although recruiters said that an absence of work experience would not automatically rule out an application, they indicated that they would expect to see a clear explanation as to why none had been undertaken. Other characteristics and forms of experience sought included evidence of both team work and the ability to work on one's own, commercial awareness, knowledge of the firm to which an application was being made, evidence of leadership qualities and, of course, care in applications (it was made clear that spelling and grammatical errors in applications are disastrous).

2.7 Participating in informal work experience improves student's understanding of the goals of formal work experience, and therefore improves their performance in this aspect of the recruitment process.

All students appeared to have a broad understanding of the role, purpose and importance of Formal Vacation Schemes within the recruitment processes of the large firms: 39.5% of the entire sample (with no major differences) identified that their primary purpose was to make 'Initial Assessments of Applicants'.

However, 24.4% of the sample thought that "General Mentoring/Providing Insight" formed part of firms' motivations for offering the Formal Schemes, which was not a significant reason given by the firms. There were statistically significant associations between this lack of understanding and 'not having had legal work experience' and attendance at a post-92 institution.

Students generally seemed to have a reasonably good understanding of what a Formal Scheme would involve, correctly anticipating that they would be spending time with assistant solicitors and/or trainees and working closely with them. However, most seemed to think that this would mirror the shadowing that they had undertaken during informal work experience, rather than the more structured (and assessed) tasks of the formal schemes. In response to a question about what would represent positive behaviour *during* the schemes, most students suggested demonstrating confidence, enthusiasm and good inter-personal skills. **However**, the most popular (and mistaken) response from all students (with no institutional difference) was 'good legal knowledge.' Similarly, there was general ignorance of the need to demonstrate commercial awareness.

Whilst firms were asked about the role and purpose of both informal work experience and placements, we focused primarily on the Formal Schemes and their role in the recruitment process. All firms reported that they offer Vacation Schemes in order to 'attract the best applicants' and 'to make initial assessments of applicants'. Graduate Recruitment Officers said that they would like the placement to be the principal or even the only way of obtaining a training contract. The ability to perform well during the formal placement is therefore crucial in determining the career outcomes of students.

2.8 The positive correlation between high academic attainment, informal work experience gained at years 10/11 and attendance at a pre-1992 university suggests that those attaining informal work experience by this stage are also more likely to meet the selection criteria of recruiting firms.

The firms cited “excellent academic record” most frequently as the most important factor when assessing applications for Formal Schemes (although as made clear below, ‘academics’ alone are not enough). Excellence was defined by the requirements of a (predicted) 2(i) degree and strong A-level results. More broadly, many of the larger firms targeted a narrow group of elite pre 1992 universities by only participating in law fairs at these institutions. All firms surveyed were ‘extremely unlikely’ to consider grades below BBC (280 tariff points) and the very largest firms were unlikely to consider anything below AAB.²

Evidently this finding is highly problematic for the students at the post-1992 institution, 62.3% of whom possessed grades of 280 or below, compared with 7% of students at the pre-92 institutions (taken as a whole, 33.5% of the entire sample had grades of 280 or below). All firms also stressed that students who did not possess these qualifications should highlight ‘extenuating circumstances’ in their applications. However, what would be viewed as extenuating circumstances varied widely. ‘Challenging school’ was mentioned explicitly by one responding firm, but was largely dismissed by recruiters in interviews. Others cited medical and/or catastrophic family circumstances.

3. HOW CAN (AND SHOULD) LEGAL EDUCATION RESPOND?

Hunt’s recent review of legal services recommended “that the SRA should take a far more active and ongoing interest in the standards being demanded of law students in higher education and continuously assess how effective, relevant and practical their education is” (2009: Rec.51). This recommendation and the external monitoring visits it may entail is at odds with the liberal ideal of a law curriculum. The dissonance between these polar perspectives on legal education has been accentuated by Lord Mandelson’s recent interventions about the value of university degree and Hefce’s ‘employability’ agenda. It appears therefore that the longstanding debate over the aims and processes of legal education and in particular the extent to, and the ways in, which we can prepare our students for a range of future careers has reached a particularly critical juncture.

3.1 Legal education should recognise the fact that the majority of students who choose to study law at university do so with the aim of entering the legal profession.

Whilst, as Hunt acknowledges, about 50% of Law students do not go on to enter the legal profession (ibid, 89), the majority of our respondent students **did** want to go into law. Their responses and those of employers also underline the importance of a student being strongly motivated to enter the profession. They also represent a caution about the need to balance acquainting students with the realities of the competitive nature of the legal marketplace with supporting and encouraging their aspirations. Curriculum input on employability may assist some students in realising their career goals, whilst failure to inculcate a strategic understanding of the legal field may leave them ill equipped to realise their aspirations. We must

² It is important to note, however, the fragmented nature of the legal profession, and that those responding to the survey were firms of 26+ partners – that is, the profession’s elite which does and can target top universities

also recognise that it is many non-traditional participants in higher education who are most in need of this additional support, lacking the knowledge and understanding of the field that seems more commonplace for ‘traditional’ students.

There are a number of possible ways in which curriculum interventions to support student employability might be made. Some of these interventions have been piloted at the researchers’ own institutions and further evaluation will be conducted in the second year of the project.

3.1.1 Stand alone Credit Carrying Module

‘Lawyers in Society’ is a 15 credit module, available as an elective to Level 2 Law students. The focus on the organization, structure and claims of the legal profession is, in part, intended enhance students’ employability skills by enabling them to develop a more nuanced understanding of contemporary legal practice. It additionally seeks to encourage students’ interest in socio-legal research, by introducing them to the work of established academics and setting them research tasks. See Appendix A and B.

3.1.2 Personal Development Planning (PDP)

PDP enables students to record and reflect on their skills, achievements and goals in a structured way. It should be possible for Legal Educators to draw on this study’s research – and other sources of evidence – to help students structure their career development planning with greater insight, knowledge and understanding.

Paid employment was a key feature of many of the respondents’ lives and a resource that could be drawn upon in PDP activities. **Post-1992 students are, however, more likely to work and more are likely to do more work than those students attending the pre-1992 Law School.** Extensive outside employment is likely to leave students with little time or energy to devote to the various extra-curricular activities (let alone their academic studies) that are valued by the firms (such as mooting, client interviewing, organising charity drives etc.). However, most firms suggested in interviews that they *were* open to such a story being told about why a candidate had not engaged in such activities. Students would therefore need to be able to develop a convincing narrative which would highlight how their work experience had developed skills and how these skills enabled them to meet the firm’s criteria, and address issues such as ‘commercial awareness’. Such students would need support from university Careers Services or through PDP in order to emphasise their transferable skills so that it could to some extent compensate for their lack of those attributes or experiences traditionally valued by the large firms.

3.1.3 Early Warning Sessions

One strategy designed to raise awareness of some of these potential issues, was a special one-off session for 1st years. This was scheduled in place of a core level 1 lecture (to maximise attendance) and timetabled mid-way through the first semester. In part, it aimed to emphasise the importance of engagement in the first

year (since first year marks are the main set of University grades that Firms may have at Vacation Scheme Selection). A graduate of the Law School (now a partner with a regional firm) and a third year who had secured a training contract with a large corporate firm were included as part of a roundtable discussion involving academic staff and the Careers Service, in order to convey early and key messages to students. The event was structured and conducted with an awareness of the need to strike a balance between providing accurate, realistic information and inspiring students to develop or maintain high career aspirations.

The other key way in which research evidence from this and other projects can be introduced to students, is through supporting Careers Service 'How to' Sessions. Presenting students with clear messages from the profession about what is required and sharing revealing quotes from recruiters can powerfully complement the detailed, practical expertise and insight of an experienced and dedicated Careers Service.

Running through all of these strategies is an engagement of the students with empirical research. In addition to recognising research as a valuable tool through which they can understand Law, this may also encourage the critical (and transferable) skills of reasoning, judgement and analysis that are valued by the profession and adherents of the liberal arts tradition alike.

4. AIMS FOR THE SECOND YEAR OF THE PROJECT

The first year of this project has proved to be very interesting but difficult as a result of the recession and consequent retrenchment in recruitment. The second year will entail returning to the student cohorts to see how many made applications for work experience (both informal and placements), and how these fared (Year 2 plans in Appendix B). One of the key aims of the overall Project will be to provide a series of web-resources to enable Legal Educators to support their own work with students. This will be developed during Year 2.

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