

# directions

in legal education

## The LPC is dead... long live the LPC



### inside

News	3
People	4
Features	6
Centre projects	10
Events	13
Annual conference	14
Diary	20

The Law Society's Training Framework Review has borne its first fruit in a document entitled 'Legal Practice Courses: Framework for authorisation, delivery and assessment'. These proposals, published by the Law Society's Regulation Board (LSRB) in May, reflect some of the desire for greater flexibility advanced by the Society's Training Framework Review Group (TFRG). But they also respond to widespread concerns that the TFRG's more radical suggestions threatened to unpick what was widely regarded as an established and effective system of vocational training.

Rather than enabling a network of alternative training routes, the proposals now set out to deliver a new 'framework' for the Legal Practice Course (LPC) which will "promote greater flexibility for LPC providers in the way they design and deliver their courses and corresponding choice to students who study upon such courses".

The framework will require:

- mapping of provision against revised written standards that will reflect the competences contained in the 'day one outcomes' of professional training
- application of a common assessment framework, which will continue to require "assessment under supervised conditions", and
- external moderation of assessments and continuing monitoring of course providers.

The similarities to the existing LPC framework are, of course, apparent, but the proposals also introduce some significant changes. We shall focus on the three main proposals here.

Firstly, the framework document states that the "key regulatory role for the LSRB is to achieve consistency of the learning outcomes and demonstration by

candidates of the minimum standards, rather than to ensure that all LPC students have a consistent or equivalent experience". This may prove to be somewhat double-edged.

On the one hand it is surely to be welcomed as a means of giving providers greater choice and flexibility in delivering the LPC, both in terms of substantive content and focus, and as regards learning approaches. As regards content, the proposal has been less liberalising than some would probably have hoped, and may not facilitate a truly radical market differentiation between corporate/high street/legal aid LPCs. As regards learning approaches, it could encourage greater innovation and experimentation by providers who might look to new and different ways of delivering courses and of integrating some of the LPC process more effectively with other aspects of paralegal or professional training. However, it is perhaps debatable how far providers

*continued on page 2*

will innovate without clear market or other incentives to do so. It is probably no coincidence that design innovation has been greatest in the corporate practice sphere, where there is both a demand for trainees and for more bespoke training.

At the same time, in its apparent rejection of the equivalency of learning experiences, the LSRB's statement is likely to have at least some education-  
alists reaching for their guns. As the UKCLE and others observed during the TFR consultation process, there are significant risks to quality in focussing on outcomes at the expense of learning process and experience. So, by focussing on outcomes, do the LSRB's proposals risk a diminution of quality? Not necessarily, once we take the LSRB's statement in the context of its substantive proposals: notably the retention of written standards, the specification of an assessment framework and, perhaps most importantly, the requirement that LPC providers will be required to provide the LSRB with "evidence and an evaluation of their proposed approach".

Together these are likely to retain at least some emphasis on learning processes.

The written standards are not pure outcome statements – they extensively prescribe substantive content, and involve some (implicit) indicators of process. If the current form of the standards is maintained, the process 'baby' may not be thrown out with the bathwater.

The assessment framework, if it follows the written standards - as it should - is likely to reinforce that same effect. Moreover, it is extremely difficult to see how a provider could talk sensibly about their curriculum approach and use of learning resources without participating in discussion about the kinds of learning processes in which it will expect students to engage. So, at the least, there is no clear evidence at this stage that 'LPC 2' (as it is already being called) will be less sensitive to learning process issues than the current LPC. But equally, those critics who argue that the current LPC framework attaches insufficient weight to learning processes are unlikely to be satisfied by LPC 2.

Secondly, the LSRB paper proposes some substantial changes to LPC skills assessment, whereby writing and drafting, client relationship and research skills will need to be assessed in the context of each of the core areas of business law and practice, property and litigation. Whilst many would accept that there has been a continuing problem for LPCs in the delivery and assessment of skills, it is certainly questionable whether simply increasing the assess-

ment loading in this way is a solution.

More assessment will not necessarily produce more or better learning. Achieving a balance between the skills and substantive knowledge areas has been a continuing concern on the LPC, not least because of the broad knowledge-base of the course. There is certainly an argument that, relative to other professional training courses in the Commonwealth, skills-based learning on the LPC has become relatively limited and low-intensity. There has also been a general tendency toward over-assessment on the LPC. In 1997 the Law Society reduced the number of skills assessments to accommodate concerns over the teaching of substantive law and practice; in 2002 it removed coursework requirements, partly as a response to providers' concerns over the assessment loading. To again increase the assessment burden seems to fly in the face of this experience. It may be possible to square the circle and achieve greater integration of skills and substance – both teaching and assess-

ment – through increasingly sophisticated transactional learning models, but the greater the breadth of content required, the harder it is likely to be to achieve the depth of learning desired. Much therefore will depend on the amount of prescription in the revised written standards.

Finally, the LSRB proposes allowing exemptions from parts of the LPC where a student has existing equivalent qualifications which meet the relevant 'day one'

outcomes. This seems necessary in dealing with *Morgenbesser* applications from students who have commenced training elsewhere in the EU, but it could also provide important opportunities for innovation on law degree and Graduate Diploma in Law (GDL) courses. The LSRB explicitly states that exempting degrees and other integrated programmes (eg a combined GDL/LPC) will continue to be permitted, but the possibility of students gaining specific exemptions on the basis of work completed whilst an undergraduate cannot be discounted, and, indeed, fits with the LSRB's preference for providers setting most of LPC 2 at honours degree level.

Exemptions, it is suggested, will be assessed on an individual basis, but the overall extent of exemption is unclear from the draft framework – some commentators have assumed that they will be unlimited – and the criteria and procedures for exemptions have yet to be settled. While such flexibility may be important in principle, it remains to be seen what impact it will have in practice. If exemptions can be

used as a way of reducing the costs of training, they may help enhance access to the profession, though perhaps less so than if the LSRB had bitten the bullet of accrediting prior experience for the LPC, not just prior formal learning. The impact of exemptions on specific courses also needs carefully to be considered. Such flexibility can bring with it a loss of course coherence and cohort identity or 'ethos', as teachers of modular programmes are aware. Students may have very different levels of engagement with the course and their peers. Some providers, it follows, are likely to be uncomfortable with the idea of exemptions. If this proposal is accepted, given that providers will not be obliged to accept students with exemptions, the whole issue of their acceptability among providers and recruiters, as well as their impact on the learning experience will need proper monitoring.

The LSRB's proposals represent a rather mixed bag. In some respects they build effectively on the existing LPC experience, but, equally, important opportunities for more radical surgery have been missed, and some new risks have been created. At the very least the proposals are likely to create an environment in which the possible tensions between flexibility and quality are increased. It is the Board's intention that providers will be authorised to offer LPC 2 from the start of the academic year 2008/09. It is an implementation process that will benefit from careful evaluation and management.

**The LSRB's proposals represent a mixed bag.**



Julian Webb, UKCLE Director

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## The Legal Services Bill – marginalising legal education?

The draft Legal Services Bill, which follows on from Sir David Clementi's review of the legal services market, was published in May 2006 and has now been examined by a Parliamentary Joint Select Committee – its first report can be accessed at [www.publications.parliament.uk/pa/jt200506/jtselect/jtleg/232/23202.htm](http://www.publications.parliament.uk/pa/jt200506/jtselect/jtleg/232/23202.htm)

The Bill itself says very little about education and training, though the proposed membership criteria (currently in Sched. 1, para. 3 of the Bill) of the new oversight regulator, the Legal Services Board, oblige it to include a member or members with "experience in, or knowledge of" legal education and training.

However, the Bill also proposes abolishing the Legal Services Consultative Panel. The Consultative Panel was created under s.35 of the Access to Justice Act 1999, and was itself a replacement for the Advisory Committee on Legal Education and Conduct (ACLEC). A key function of the Consultative Panel has been to provide the Secretary of State with advice and assistance in the maintenance of standards of legal education and training. In fulfilling this role it has been supported by the Standing Conference on Legal Education, a relatively fluid grouping of stakeholders, including representatives of the academic law associa-

tions and other members of the legal education community.

In written evidence to the Select Committee, the Society of Legal Scholars (SLS), supported by the Committee of Heads of University Law Schools, called for the creation of a proper successor to the Consultative Panel and the retention of the Standing Conference. SLS argued that, as it stands, the Bill is likely to destroy the nuanced system of checks and balances currently operating, and risks creating a regulatory vacuum around matters of legal education and training which will undermine the role of the LSB as a 'light touch' regulator and "lead to growing tension between the professional bodies and the universities".

Bridget Prentice, Under Secretary of State at the DCA responded to these concerns by assuring the Select Committee that the Board would "subsume" the educational role of the Consultative Panel, and acknowledging that the Board "might want to consult" leading academics or their representative bodies. No other assurances were offered regarding the future of the Standing Conference, or the extent to which legal academics will have a voice in the future direction of legal education policy. The Government's formal response to the Select Committee's report is due in early October.

## Law Society consults on new work-based training

Just to prove it really is the season for consultation papers, on 11 August the Law Society launched the next phase of consultations on its training regime following the Training Framework Review (see [www.lawsociety.org.uk](http://www.lawsociety.org.uk)).

Under the Regulation Board's proposals, the training contract could be reduced from two years to a minimum of 16 months, with trainees to be assessed on a range of criteria at regular intervals. Trainees will be expected to build a portfolio demonstrating achievement across 12 core skills. Accredited firms would have in-house portfolio supervisors to advise trainees, and in-house assessors. Other individuals would register with the

Board and produce their own portfolio and training in collaboration with an external supervisor. Their portfolios would be evaluated by an external assessor.

This initial consultation will close on 29 September, but a further 12-week consultation process is planned for later this year. The Board's intention is to pilot the new training scheme for two years from September 2007.

## Law Schools and the National Student Survey

**Does it matter? Only two law courses made the national top 50 in the 2005 National Students Survey (NSS), and another one was ranked third from the bottom. In 2006, law schools were at the top and the bottom of the survey. This contrasts markedly with some other discipline areas, notably 'English-based studies' which occupied 11 of the top and none of the bottom 50 places in 2005. What accounts for the difference? What lessons, if any, could we learn from the practices of other disciplines as well as the experiences of our own?**

These were some of the questions raised in a conference organised by the Higher Education Academy in June 2006, to discuss how institutions and departments might make best use of the NSS to improve student learning. Five parallel sessions focused on the lessons of the NSS in specific subject areas, drawing on the experiences of departments that had been highly rated in the Survey. An undergraduate law session was led by UKCLE Associates, Rob East and Alastair Gillespie. Echoing the comments of Mike Prosser, Academy Director of Research and Evaluation, East and Gillespie emphasised that while some caution is required in interpreting the data of the NSS as an actual record of quality, it is an important indicator of students' perceptions. East and Gillespie argued that pastoral support and practices that foster cooperation between staff and students were important strategies for success in the NSS. Assessment and feedback was also seen as a critical problem area. The sector-wide trend of the lowest scores being awarded for assessment and feedback was reflected in law, with a median score for all undergraduate law programmes of 3.5 – a full half point below the median for the categories of teaching quality and personal development.

**'Deferred call' revisited**

The new regulatory arrangement between Bar Council and Bar Standards Board (BSB) has led to a re-opening of the question of deferred call. The Bar Council had resolved in July 2004 that the move to defer call to the Bar until after completion of pupillage would apply to all students who commenced the vocational stage of training after 1 September 2008. However, the Bar's Training Regulation Group acknowledged in April this year that, in the context of the need for the BSB to approve new training regulations for the Bar, the decision to implement such deferral in fact rests in the first instance with the Board.

The BSB has now published a consultation paper asking whether it is in the public interest to defer call. The consultation paper identifies a number of policy and regulatory issues affecting entry to the profession that may be influenced by the decision to defer call, including questions as to its impact on recruitment to and diversity in the profession. The paper also recognises that deferred call has the potential to change the relationship between the Bar Vocational Course and the degree of Barrister. If a student is no longer entitled to be called to the Bar on completion of the vocational stage, should a new qualification be awarded by the BSB or the Inns at that point, in addition to any award given by the provider institution?

The consultation paper is available on the Bar Council website at [www.barcouncil.org.uk/document.asp?documentid=3948&languageid=1](http://www.barcouncil.org.uk/document.asp?documentid=3948&languageid=1). Responses must be received by 14 November 2006.

**Hunting the law student?**

As the new fees regime begins to bite, law schools are watching the admissions process even more carefully than usual. UCAS reported a 7% drop in the number applying to study law by the Spring 2006 deadline. Early indications also suggest that named awards in law (such as 'LLB Business Law') will be relying far more heavily on clearing to achieve their numbers than in recent years. Is it just a temporary blip, or the start of a longer term slow down in demand?

**We'd like to introduce...**

**Melissa Hardee, chair of the Association of LPC Providers.**

Melissa Hardee, Director of the Legal Practice Course at City University's Inns of Court School of Law (ICSL), has been appointed chair of the newly formed Association of LPC Providers (ALP).

Melissa joined ICSL in 2004 from City law firm CMS Cameron McKenna where she had been a partner since 1996, with particular responsibilities in knowledge management, training and quality. Melissa is a past chair of the Legal Education and Training Group and was a member of the Law Society's Training Framework Review Group. In that role she expressed the reservations of many LPC providers as to the direction of some of the Group's majority proposals and their impact on the LPC.

LPC providers are also concerned as to how they will be involved in decisions regarding the future of the LPC in the post-Clementi regulatory framework, and part of the impetus to forming ALP was



to represent the views of providers to, amongst others, the professional bodies, government and the profession. As Melissa explains:

"LPC providers represent an incredible wealth of educational knowledge and experience, with an overriding commitment to the ethos of the LPC, which is to provide vocational training that prepares students for practice. We hope that having the Association will assist bodies, such as the Law Society, to tap into this knowledge and expertise more easily."

**UKCLE appoints new Information Manager**

Shakeel Suleman joins the Centre as Information Manager from 16 October 2006.

Shakeel graduated in law from the University of Birmingham in 1995. Following a stint as a Legal Editor with Sweet & Maxwell, he moved into web editing and knowledge management. He is currently Knowledge Manager for the Commission for Patient and Public Involvement in Health, an independent, non-departmental public body created to ensure the public is involved in decision making about health and health services in England.

Information Manager is a key but largely unsung role in UKCLE and we are delighted to have found in Shakeel such an able successor to Ann Priestley. There will be more about Shakeel and UKCLE's information strategy in the next issue.

## Musings from the Association of Law Teachers' Law Teacher of the Year 2006

### Warren Barr reflects on the surprises and benefits of becoming ALT's latest LTOTY

**It is, I think, the accumulated weight of many years of looking out across a sea of faces reflecting everything from outright terror to total indifference that has inspired me to try and engage students and demystify the subjects I teach. I teach Property Law, you see, to those who have to be there due to the demands of the LLB syllabus or because, to their eternal disappointment, all other options were full, as well as the rogue percentage who actually enjoy it.**

Where does the Association of Law Teachers (ALT) come in and what is the Law Teacher of the Year award? The ALT, of course, needs no introduction, but my first encounter with the award, was, I am ashamed to say, when I received the nomination. The award is relatively new, so perhaps I can be forgiven – this is only the third year in which it has been presented. The Law Teacher of the Year initiative aims to celebrate excellence in teaching and to identify a UK law teacher who has made an exceptional contribution to law teaching, through innovation, effectiveness and/or student support. The competition is open to all UK law teachers, and requires a written nomination by students or colleagues, which is then judged by a panel of experts to produce a final shortlist. Finalists are required to give a short presentation on their teaching at the ALT Annual Conference and take questions from a panel of judges and Conference delegates. This year the final was held at the 41st ALT Annual Conference at the University of East Anglia. It saw the greatest number of nominations yet received, 24 in all, of which five finalists were selected.

It was very gratifying to be given a platform to talk about my teaching, and also quite unsettling. I found it very humbling to talk to the ALT about teaching quality, given that I felt my audience were much better placed to judge such matters than I was. It was a great surprise to receive the award,

given the excellence on display from all finalists. There was some truly innovative and inspired thinking evident, from 'Who Wants To Be A Millionaire: Tort Edition', to use of popular media to enliven and popularise difficult concepts of land law, to an evolution of the use and organisation of legal clinics and the inspiration of a tutor who saw teaching law as helping students to reach the stars.

What do I offer which is seen as worthy of this honour? This is something I have thought long and hard about, both when preparing for the final and since winning the award. I do not suggest that I do anything better than anyone else, but there are some things I do differently. It is an holistic approach to teaching, marrying three major elements: delivery, support and assessment, and seeking to be innovative in all three. Space here does not allow a full discussion, but I hope two examples give a flavour of my approach.

In delivery, I have used the advantages offered by presentation software to deliver difficult concepts pictorially in lectures. This information, together with full interactive lecture notes are then published to the virtual learning environment in the Law School for students to work through at their leisure. I have also created an online Equity and Trusts skills pack containing information on all aspects of legal study and skills, such as giving presentations or conducting legal research, but specifically tailored to the module. Exercises which involve students in using different parts of the pack appear as part of the preparation for tutorials.

**“Taking part in the competition was a very rewarding and valuable experience.”**



This approach to teaching has only been made possible by the input of a dedicated teaching team, who deserve much of the credit, and by the support of the Liverpool Law School, which has allowed me the time, space and culture in which to seek to enhance all aspects of my teaching.

Taking part in the competition was a very rewarding and valuable experience. I was, of course, very pleased to have won the award (and to trouser the substantial cash prize), but like all good stories it does not end there. My Department had an equally substantial prize in mind, but one that did not carry any immediate pecuniary benefits. I start the new academic year as Director of Learning and Teaching for undergraduate and postgraduate study.

Warren Barr is a Lecturer in the Liverpool Law School.

The ALT Law Teacher of the Year Award 2006 was supported by Cavendish Publishing and Alistair MacQueen; see: [www.lawteacher.ac.uk/ltoty/2006.html](http://www.lawteacher.ac.uk/ltoty/2006.html)

# Innocence Projects: A perfect solution for clinical legal education?

by Michael Naughton and Julie Price

Over the last decade, a growing number of institutions have recognised the potential benefits of clinical legal education....

... and a vibrant pro bono student law clinical movement has developed in the UK, particularly at the vocational stage. The reasons are both pedagogic and shaped by current higher education policy. It is increasingly accepted that undertaking practical legal/advice tasks whilst learning law provides students with a deeper learning experience, coupled with an opportunity to gain a real insight into the ethical issues that traditional book-learning or even simulation cannot provide. Clinic may be used to respond to some of the proposed changes outlined by the Training Framework Review, which increase the emphasis on the teaching and assessment of legal and communication skills. Interest in clinical legal education has also grown in response to the need more generally for universities to provide their students with personal development planning (PDP) opportunities to enhance their career planning and build reflective and enterprise skills into the law curriculum.

A range of different 'live client' schemes and activities have already evolved in the UK, ranging from provision of initial advice and assistance to full representation. Against this background, a new and exciting specialist area of clinical education is emerging within the universities - innocence projects, akin to and emerging out of the experience of 'Death Row' cases in the USA.

The establishment of an 'innocence movement' within the UK is being welcomed by criminal lawyers and campaigning groups in the miscarriages of justice community as filling an advice gap, whilst at the same time providing a unique hands-on educational experience for students. There are currently three innocence projects in the UK - at Bristol, Cardiff and Leeds - and others are in the pipeline.

Whilst innocence projects are still new to the UK,

interest from universities is growing and is likely to increase in the wake of a new drama series the BBC is planning for the autumn, called "The Innocence Project". We do not yet know how sympathetic the BBC interpretation will be to the work we are doing within universities, but given the likely artistic licence and melodrama that will be involved, we would like to harness and steer the anticipated enthusiasm of students in a constructive educational direction.

## What is an Innocence Project?

Innocence projects serve to meet the unmet legal needs of innocent victims of wrongful convictions and those whose cases fall outside the scope of legal aid. An innocence project operates as a 'live-client' student-led specialist law clinic, focusing on the study of wrongful convictions. The defining feature of innocence projects is that they involve students in researching real criminal cases. This investigative work may be conducted by undergraduate and/or postgraduate students in conventional academic settings or by those enrolled on LPC/BVC programmes. The students' work is supervised by academics in conjunction with practising solicitors who work on the cases pro bono.

The case for innocence projects reflects the complexities and resource constraints of the present criminal appeals system. As is well known, some prisoners have spent many years in prison before eventually being exonerated. Despite this, the Criminal Cases Review Commission (CCRC), the body set up in the wake of notorious cases such as the Guildford Four and the Birmingham Six, was not designed to rectify the errors of the system and ensure that wrongful convictions are overturned. Instead, its remit under the 1995 Criminal Appeal Act dictates that it review the cases of alleged or suspected victims of miscarriages of justice to test whether they

were obtained in strict accordance with the rules and procedures of the criminal justice system. If it is found that procedures were contravened and that there is a 'real possibility' that the Court of Appeal will overturn the conviction, the case is then referred back to the Court of Appeal.

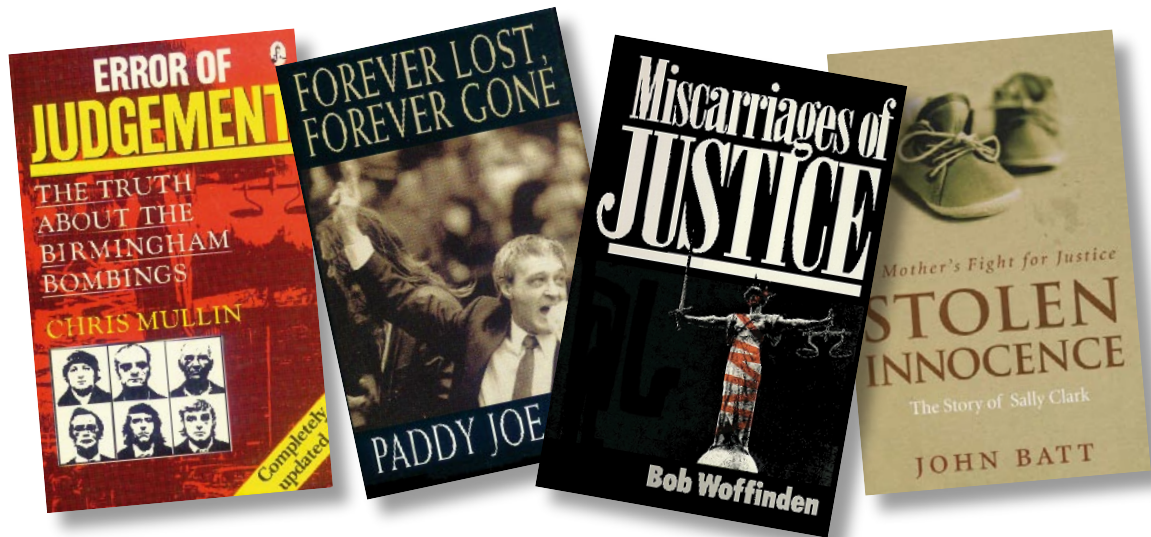
Paradoxically the CCRC will, logically, refer the cases of guilty offenders if their convictions were procedurally incorrect, but, at the same time, however, it is often helpless to refer the cases of innocent victims of wrongful conviction if they do not meet the requisite criteria of fresh evidence or fresh arguments. Even if the CCRC has evidence indicating that an applicant is innocent, if this evidence was available at the original trial it cannot refer the case to the Court of Appeal.

Innocence projects in England and Wales attempt to find legal grounds in the hope that alleged innocent victims of wrongful conviction are successful in achieving a referral back to the Court of Appeal (Criminal Division) or, if they are second or out-of-time appeals, via the CCRC.

In this context, innocence projects exist not only as a resource for student education about the ills of the criminal justice system, they provide opportunities for researching the various aspects of the problem and the obstacles that innocent victims of wrongful conviction/imprisonment, their families and friends, and, even, wider society continue to experience. The lessons learned in undertaking innocence project cases not only educate our students, but can be fed back into the criminal justice system to effect legal reforms that will hopefully reduce the possibility of wrongful convictions in the future.

There are no definitive criteria for innocence projects, other than that they are concerned with allegations of factual innocence as opposed to allegations of technical miscarriages of justice.

# features



Existing UK innocence projects however, have focused resources on victims of wrongful conviction who received a significant custodial sentence and have enough time remaining on their sentence to allow for student review and investigation. This criterion is the product of a pragmatic decision about which prisoners it was possible to assist when the Innocence Network UK was faced with a mountain of letters requesting assistance. In time, as more innocence projects are established, it is envisaged that they will also provide assistance to victims of wrongful conviction who have served their prison sentence or who did not receive a custodial sentence but continue to protest their innocence.

## What if students are not considering a career in the criminal law?

Students (and staff) should not be put off the concept of an innocence project because they might not ultimately wish to work in the area of criminal law or have little or no knowledge or experience of criminal law. They should be aware that, in addition to being involved with a worthwhile social justice cause and its underlying moral and ethical discussions, the skills they will acquire are highly transferable and attractive to law firms of all sizes and types. They will be sifting through mountains of complex evidence, using analytical and organisational abilities effectively to manage time, work as a team, make oral and written presentations, draft letters, conduct legal research and so on. Innocence projects can bring depth to legal learning, exploring areas of the subject that students might not otherwise encounter, and introducing them to other (sometimes controversial and political) opinions about a fairly narrow

subject matter. There can of course be a number of different vehicles for this exciting exploration of law and ethics in context, but our experience leads us to believe that the innocence project will prove to be a viable alternative methodology.

## Innocence Network UK national training programme for innocence projects

In response to the growing number of enquiries about setting up an innocence project, and to facilitate the further expansion of innocence projects in the UK, the Innocence Network UK is holding a national training programme open to all universities. Organised by Bristol and Cardiff universities, the event will take place at Cardiff Law School from 12 - 14 October 2006. A limited number of travel bursaries will be available to students via sponsorship from the UKCLE.

The National Training Programme has been designed to give an overview of the legal aspects of criminal appeals cases, combined with a practical look at the limitations on police investigations of serious crime, the involvement of the Crown Prosecution Service, and the CCRC. The training embraces the psychological effects of wrongful imprisonment upon the innocent and their families, and students will hear from high profile victims of miscarriages of justice. It encompasses the opinions of both sides of the story, and touches upon the black-letter law and communication and practical skills.

The organisers hope that staff and students will take advantage of this pioneering event and consider

forming an innocence project as an effective way of enabling students to experience clinical legal education without many of the resourcing and supervisory constraints of more traditional clinical models. Staff and students attending the event will have the advantage of being trained over an intensive three-day period early in the academic year. Cases are available from a central bank, ready for investigation, and there is even the possibility of supervising criminal barristers being available from a central source.

In a world of competing demands on scarce resources, where there are so many other pressures on academic and vocational teachers, we hope this package is something that will appeal, and that we can continue to have fruitful discussions and share our experience with other colleagues throughout the country as the movement gains momentum.

For more details of the Innocence Network UK National Training Programme for Innocence Projects, please see: <http://www.innocencenetwork.org.uk> or contact [M.Naughton@bristol.ac.uk](mailto:M.Naughton@bristol.ac.uk) or [Priceja1@cf.ac.uk](mailto:Priceja1@cf.ac.uk)

Michael Naughten is Director of the University of Bristol Innocence Project and Julie Price teaches in the Centre for Professional Legal Studies and manages the Innocence Project at Cardiff Law School

# Education for sustainable development - what does it mean for legal education?

by Tracey Varnava

## Some background

In March 2005 Tony Blair launched the UK government's sustainable development strategy *Securing the Future* (Cm 6467). This document set out the need for all education sectors to promote the concept of 'sustainability literacy' among their students. In conjunction with this strategy the government and devolved administrations launched a joint strategic framework, *One future - different paths, which acknowledges common challenges and goals while promoting diverse approaches*.

In Wales, the National Assembly has established an advisory panel on education for sustainable development and the commitment to sustainability and global citizenship is now widespread throughout every level of Welsh HE provision, from funding bodies such as Welsh Assembly Government and the Higher Education Funding Council for Wales to the teaching and research institutions themselves. In Scotland, the Executive is working with the Funding Council to assess how extensively sustainable development topics are embedded into the curriculum in

colleges and universities - and will be working with the Higher Education Academy on delivering change in teaching and learning on this challenging cross-disciplinary topic. In England, the Higher Education Funding Council has published a statement of policy following consultation with the sector. Broad consensus was reached around building on existing activity to share good practice and develop capacity, which will primarily be facilitated through the Higher Education Academy.

## What is 'sustainability literacy'?

The concept of 'sustainability literacy' as developed by the UK based Forum for the Future, suggests that a sustainability literate person is someone who combines an understanding of the need for change with appropriate knowledge and skills, and is able to recognise and reward sustainable actions in others. Sustainability literacy is seen by its proponents as important for employability, effective professionalism, economic performance and social wellbeing.

## What does this mean for the law curriculum?

Law graduates are well represented at senior levels in government, business and the legal profession. They are involved in determining rights and responsibilities, what is enforceable, and what is just. Those trained in the law influence and shape the development of all aspects of society; not least those which relate to the development of a sustainable future for all. There is a good case therefore for embracing the ESD agenda, if only as an additional dimension to exploring the curriculum and making it relevant to societal concerns. The skills needed to deliver sustainable development are generic, but it can be argued that the law curriculum is particularly well suited to their development since they include critical thinking, strong communication skills, negotiation and consensus building, the ability to design

a strategic vision, and conflict resolution. It is not the case therefore that ESD will add to an already demanding curriculum; it offers a different lens through which to view the application and practice of law and legal principles.

## What the UKCLE is doing

The Centre seeks to encourage new perspectives across the curriculum on how students can be challenged, enthused, and engaged by their law studies through the introduction of sustainability issues. As ever, we will be encouraging an inclusive approach which encompasses a range of viewpoints, and will seek to support a variety of approaches to working with the ESD agenda, rather than promoting particular models or methods. To support this work funding from HEFCE is being channeled through the Higher Education Academy to the Subject Centres. We have recently applied for, and been awarded £4,000 for a project entitled *Developing global citizens through legal education*. The project will be led by Professor Hugh Brayne, who is a Legal Education Consultant and UKCLE Associate. He is a former legal advisor to Friends of the Earth Ltd and has worked in a number of universities.

The project will assess the extent to which the law curriculum is already making a contribution to sustainability literacy, and will identify opportunities for, and barriers to, the development of sustainability literacy in legal education. The project will also seek to raise awareness, encourage debate and generate

the development of a shared understanding within the academy and the profession of the ways in which legal education can prepare students to be 'global citizens'.

The project is intended to achieve the following:

1. A developed and shared vocabulary to capture and communicate what is meant by education for sustainable development (ESD) in law
2. Identification of indicative examples of pedagogic approaches in law which explicitly or implicitly promote sustainability literacy
3. Evidence of raised awareness of the value and potential of a pedagogic approach which promotes 'sustainability literacy'
4. Collection of evidence of the opportunities/barriers to the development of sustainability literacy in legal education building on the findings of initial work in other discipline areas by the Academy's Subject Centres
5. A range of resources designed to support the embedding of sustainable development in the curriculum, including illustrative models, examples, guidelines and related literature from other countries and disciplines where relevant

If you are interested in finding out more, or want to get involved, please contact Tracey Varnava ([t.varnava@warwick.ac.uk](mailto:t.varnava@warwick.ac.uk)) or Hugh Brayne ([hugh.brayne@btinternet.com](mailto:hugh.brayne@btinternet.com)). You can also keep up to date with the project's progress by visiting [www.ukcle.ac.uk/research/projects/esd.html](http://www.ukcle.ac.uk/research/projects/esd.html)



Considering the contemporary ubiquity of information technology, it has become increasingly difficult to remember how few people 20 years ago were comfortable using computers, let alone could be described as computer literate. The transformation in the use of information and communications technology which has occurred in the intervening years has been profound both within and without academia. Changes in the technological landscape have made possible new methods of delivery of education and the original *raison d'être* of BILETA as an organisation which would promote technology in legal education is still at the forefront of its activity. Indeed the current challenge is as much to ensure that curriculum design keeps pace with what technology makes possible.

BILETA has thus played and continues to play a considerable part in fostering discussion of the development and application of digital technologies in teaching and learning. But given its focus on an environment in which nothing remains static, the organisation has had to be capable of responding to new challenges as they arise and not shy of taking the lead. During the 1990s, in parallel with the burgeoning literature and practice in IT, law and legal education, a further strand of BILETA interest developed as more and more legal academics began to explore the challenges that the increasing use of IT posed for the application of legal principles. The fostering and promotion of research into IT law is now a key component of the BILETA remit and to reflect this diversity of interest, the organisation is now the British and Irish Law, Education and Technology Association.

One of the highlights of the BILETA year is undoubtedly the annual conference. This gathering of those with an interest in IT law, IT and law, legal education and associated interests continues to attract delegates from all parts of the globe, both academics and practitioners. Part of its success reflects the achievements of successive conference organisers in devising conference themes with focus, but which nevertheless are able to embrace the numerous sub-disciplines within IT law and more generally within the BILETA mantle. A number of participants have been contributors to BILETA over many years, some indeed from its inception, but a notable feature of the conference is the encouragement and participation of postgraduate students. This has ensured a continual influx of new voices to enrich the discussion and to complement and sometimes challenge the views of the more established participants. In recent years the conference has visited Durham, Belfast and Amsterdam and this year was hosted in some style by the Law and Information Technology Research Centre of the University of Malta. In line with the ongoing revision

## BILETA: looking back, looking forward

by Diane Rowland

It is now 20 years since the British and Irish Legal Education Technology Association, BILETA, was formed.

of the conference contents to reflect contemporary concerns this included a very thought provoking and successful session entitled 'Across Cultural Divides – Data Protection and Islam'. Papers presented at conference streams have been complemented by some excellent keynote speakers from the fields of both legal education and IT law – this year, conference delegates were privileged to hear both Jon Bing and Lawrence Lessig.

But BILETA would have failed if it was merely an organisation which hosted an annual conference; it

has been, and continues to be, actively engaged in many other activities and projects. It supports electronic law journals by both providing financial assistance and encouraging the dissemination of research via this format. It is a rare year when some of the papers originally given at the BILETA annual conference do not appear in revised form in the *Journal of Information Law and Technology* (JILT – available at [www2.warwick.ac.uk/fac/soc/law/elj/jilt/](http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/)), whether as individual papers or as part of a special conference edition. BILETA promotes research projects in

*continued on page 10*



continued from page 9

# BILETA

British & Irish Law, Education and Technology Association

its area of interest and is able to offer small grants in response to appropriate proposals whether as start up funding or to assist with a discrete part of a larger project. BILETA also responds to government consultations on relevant topics and acts as a focal point for the dissemination of information on the use of IT in legal education.

The majority of law teaching institutions within the UK are members of BILETA, as are some overseas institutions. Associate membership is available for law firms. The BILETA executive is currently working on stimulating more practitioner involvement by fostering liaison with individual law firms and other relevant groups with the objective of cross-fertilisation of ideas between academia and legal practice. As the incoming Chair, it is a delight to see the organisation in a vibrant and healthy state and a pleasure and a privilege to take on the role which has been accomplished so efficiently and effectively by my predecessors. A number of institutions have expressed an interest in playing host to the conference and there are a number of current projects in progress in which BILETA has an interest. As well as fostering links with legal practice, there are plans to forge connections with similar organisations in other parts of Europe.

In 1995 Abdul Paliwala, writing in the Law Technology Journal about the first 10 years of BILETA, commented that the fact that the organisation was still in existence was itself a cause for celebration. Ten years on BILETA is now such an established part of the IT and Law landscape that we do not pause sufficiently to celebrate its continued existence. Yet under its auspices as both inspirer and enabler many projects which have enriched the knowledge base in this dynamic and challenging subject have come to fruition. However, there is no room for complacency – the executive is always open to ideas and suggestions and contact details for individual members are on the website ([www.bileta.ac.uk](http://www.bileta.ac.uk)) which also has further details of BILETA's work. There is also no substitute for personal involvement, so why not book a place at the next conference which will be hosted by the University of Hertfordshire between 15 and 17 April 2007, present a paper, listen to the keynotes, attend the BILETA AGM and enjoy the legendary conference dinner.

**Diane Rowland is Professor of Law at the University of Wales, Aberystwyth and Chair of BILETA**

## UKCLE Associates

In March 2006, following a competitive application process, the UKCLE appointed nine academic Associates to work with the Centre on a range of projects. In this, the first of two features on the scheme, five of the Associates offer a brief account of the work they have done and their plans for the future.

**Keren Bright,  
Open University**



As an Associate I am currently involved in the "Toolkit for teaching; a seminar for beginning teachers and post-graduate teaching assistants", which is being held at Magdalen College, Cambridge on 18 September 2006. I will be contributing to sessions throughout the day, but in particular, I am working on a session on marking assessments with my fellow Associate, Alisdair Gillespie.

In the longer term, I will be working on a project focusing on providing effective feedback on assessment. Output from this project will be made available in a number of formats and as a part of the Resource Pack for new teachers that the Centre is planning. My particular interest is in the mode and quality of feedback provided to students and in ensuring that feedback provided is useful in enabling them to improve their work. This is an area where the divergent perspectives of student and law teacher are highly marked. For students effective marking and feedback are crucial. However, for many law teachers, assessing students is a time consuming exercise. Very few of us have ever been taught how to give effective feedback. We have just been expected to do it. Learning to do it better would benefit us all.

**Alisdair Gillespie,  
De Montfort University**



My activities as an Associate focus principally on two themes, mooting and developing resources for new teaching staff.

Along with Gary Watt of the University of Warwick, I am undertaking a project examining the use of mooting within the undergraduate law curriculum. An interim report can be found on the UKCLE website [www.ukcle.ac.uk/research/projects/gillespie2.html](http://www.ukcle.ac.uk/research/projects/gillespie2.html) and the final version should be available shortly. Building on this, I have been exploring ways in which mooting can assist the teaching, learning and assessment strategy of law programmes. The output from this project will be a set of resources on the UKCLE website. It is also intended that I will run a session on the use of mooting as part of a staff development event within the coming year.

My activities to date around developing resources for new staff have involved me in the "Toolkit for teaching" seminar referred to by Keren Bright. I will be running a session on developing effective assessment strategies in conjunction with Keren, and facilitating a session on the effective supervision of dissertations.

I would be happy to assist individuals or departments with an interest in developing these areas.

# centre projects

Rob East,  
University of Glamorgan



My activities as an Associate have so far been varied. In June, along with fellow Associate Alisdair Gillespie, I ran a session at the National Student Survey Conference in Birmingham examining the impact of the Survey on undergraduate legal education. The main theme of the presentation was to highlight the importance of the report for institutions. An edited version of our paper will shortly appear on the Centre's website.

As the Centre's 'representative in Wales', I have attended two seminars run by the Higher Education Academy on the potential impact on higher education in Wales of the newly introduced Professional Standards Framework for Teaching and Supporting Learning in Higher Education. The Framework aims to support the professional development of staff engaged in supporting learning and teaching as well being a mechanism for ensuring consistency and quality in the student learning experience throughout the sector.

For the future, I intend to focus on the development of strategies to facilitate the successful transition of students moving from secondary or further education to undergraduate study, identifying steps that can be taken to ease the transition. In addition I will be working on a webpage devoted to developments in legal education in Wales.

Caroline Maughan,  
University of the West of  
England



As an Associate of UKCLE my activities will involve me in a project to examine the teaching of European Union law to law students in the UK. I will be working with three members of the EU law team at UWE - Jane Kay, Christian Dadomo and Rick Ball. The project, which will provide the first detailed survey of EU law teaching in the UK, aims to establish (a) what is being taught under the heading of "EU law", (b) the learning and teaching approaches used, and (c) the history of the development of the subject area before it became compulsory. We will also look at approaches used to facilitate understanding of civil law systems and reasoning, and the extent to which the challenges of delivering the subject area are inherent or external.

In September I will be working alongside Keren Bright and Alistair Gillespie at the "Toolkit for teaching" seminar, where I will run a workshop on effective small group learning and teaching. I ran a similar event with Amanda Fancourt of UKCLE at Exeter University's Centre for Legal Practice in June. Materials from both sessions will be published on the UKCLE website.

Maureen Spencer,  
University of Middlesex



My responsibilities as an Associate include keeping the legal education community up-to-date about developments in the wider world of higher education pedagogy. I am currently developing content for an Associate's webpage which will display news and reports from conferences and summaries of articles in higher education journals of interest to law teachers.

I have also been working with Karen Barton on an e-learning discussion forum. More of us are using electronic content in our teaching but the opportunity to learn from one another's triumphs and disasters is often limited to occasional conferences or seminars. For these reasons UKCLE is launching Digital Directions at its conference on E-learning in Birmingham on 20 September. Digital Directions is a blog open to all law lecturers to engage in friendly and frank discussions about experiences in the field of e-learning. UKCLE Associates and staff will host a question and answer session and the blog will feature news, experiments, comment and controversy. Digital Directions will provide a welcoming and supportive environment for law lecturers who wish to develop their e-tutoring skills but who are perhaps a little fearful of joining a forum made up predominantly of established experts. Karen and I hope many of you will find this a valuable venture.

## Interested in becoming an Associate of UKCLE?

If you are interested in contributing to the enhancement of legal education as an Associate of UKCLE then we would be delighted to hear from you.

Associateships are awarded for a period of up to three years and we always welcome expressions of interest. If you are interested in becoming an Associate in the future or have any queries regarding the scheme please contact [helen.james@warwick.ac.uk](mailto:helen.james@warwick.ac.uk)

## Building the legal education gateway

Ann Priestley provides an update on the 'Good practice in sharing resources in law' project.

**Do you use resources created by other academics, whether from law or another discipline, in your teaching? Do you share the resources you create? New services aimed at enabling the academic to find and contribute learning and teaching resources are now available, with the Jorum repository going live in Spring 2006 and SOSIG, including the SOSIG Law gateway, relaunched in July as Intute.**

At the same time it is recognised that there are significant barriers to the widespread take-up of resource sharing - and not just technical barriers. UKCLE's 'Good practice in sharing resources in law' project investigated the landscape in law, looking for new ways to promote resource sharing and to increase the findability of resources for law teachers.

Work on the project fell into two main areas:

1. Gathering the views of the legal education community – a survey was undertaken during May 2006 and a focus group was held with the UKCLE Associates in July.
2. Mapping of law participation in existing services – including projects, digital repositories and meta-data collections. This exercise identified a number of services which will be targeted for the exchange of data with the leGATE database [see box on pg 13].

The initial goal of the project was to develop guidelines of good practice for sharing resources in law. However during the initial research period it became clear that resource sharing throughout higher education is not as widespread as was previously envisaged and has not reached the level of maturity for the development of definitive guidelines to be feasible. Consequently, the project has identified five key themes, with some pointers to effective practice.

### The reusability paradox

Resources need context to be effective, but reusability is best without context. Reusing is a way to prevent 'reinventing the wheel', but institutions may require materials to be written to a specified format or style. Resources you create yourself reflect your own personality and teaching style - and can be fun to create. On the other hand, reusing other people's resources can be inspiring – it is rewarding to see

others using your work and to help colleagues in return for their help.

### If we build it will they come?

Building and sustaining a user community is not trivial. The factors needed to sustain a 'community of practice' are not yet clear, and substantial support is required in terms of both technical development and information management. While a user community must emerge rather than be imposed, there is still a need for a facilitating role, and the community 'home' must have a baseline of content at the start.

### What type of service?

It is essential to be realistic about what can be achieved, and to be clear about the service/s on offer. What is to be reused - content, tools, processes? Authors should be encouraged to take responsibility for depositing and describing their resources. Services need to make a trade-off between quantity and quality, in particular given the inherent difficulties in identifying best practice. A peer rating and reviewing system is a useful feature.

### Technical, metadata and copyright issues

Technical churn is a fact of life – it is important to allow for slippage in the development of tools and to keep the platform simple, while 'future proofing' as far as possible. Metadata, including 'tags' and other forms of data about data, are vital to speeding up and enriching the search process. If services are to be interoperable it is important to create and maintain high quality metadata records, while also exploring complementary and more informal modes of resource description. Despite the apparent lack of clarity and knowledge regarding the copyright of learning and teaching resources, intellectual property rights are not as significant as many may fear, not, at least, until fully customisable resources are available.

Ann Priestley, UKCLE's Information Manager, is still working for the Centre on a part time basis from her base in Copenhagen – contact her on e-mail: [ann.priestley@warwick.ac.uk](mailto:ann.priestley@warwick.ac.uk)

### The legal education information environment

Our survey indicates law-based services are the most attractive solution. However a certain amount of advocacy work will be required on behalf of enthusiasts in order to engage their peers. The prevailing law school culture is a factor – notably the presence or absence of a team culture amongst law teachers. The nature of the information landscape for law, with a large and complex map of services and a reliance on proprietary datasets, may also be a barrier. Current information seeking behaviour may also have a significant impact on the sharing of resources – but that is a matter that needs further research.

UKCLE aims to be a key source of information on the theory and practice of legal education. However we face a number of challenges in relation to building the legal education gateway, which can be summarised in three questions:

1. How can we capture the debates from UKCLE events and conferences?
2. How can we better generate resources from the legal education community?
3. How can we support networking in the legal education community?

As academics law teachers are comfortable with, or at least accustomed to, the prevailing publishing model of submitting articles to peer reviewed journals. This process has a recognised system of rights and rewards, and is the key outlet for thinking in relation to academic research. Academic thinking about pedagogy is a rather different ball game! In essence our three questions come down to one fundamental issue – encouraging the legal education community to make its knowledge visible in new and hitherto unaccustomed ways.

New forms of electronic publishing are leading to attacks on the traditional model of academic publishing, with digital repositories offering an alternative or additional route to peer reviewed journals. UKCLE is developing a range of support services to enable the legal education community to explore more informal modes of publishing – watch out for the launch of our new e-learning weblog, 'Digital Directions'.

Further information about the 'Good practice in sharing resources in law' project can be found at [www.ukcle.ac.uk/research/projects/sharing.html](http://www.ukcle.ac.uk/research/projects/sharing.html).

## Making it happen: starting, sustaining and growing a law clinic

Alwyn Jones reports on the 2006 Clinical Legal Education Organisation (CLEO) Conference, Institute of Advanced Legal Studies, London, 14 July 2006

**With the support of the UKCLE, about 60 law teachers met for a day in London to continue the revival of the Clinical Legal Education Organisation (CLEO) which had begun in 2005. The 2006 CLEO conference covered both the practical challenges involved in setting up and sustaining clinics and the diversification of clinical teaching models.**

In the opening plenary session, Avrom Sherr (Institute of Advanced Legal Studies, University of London), showed how clinical legal education can challenge 'the professional project,' and the didactic method in traditional legal education, Nigel Duncan (Inns of Court School of Law, City University) discussed the perceptions of clinic as 'too expensive,' or 'just skills education' and showed how it can challenge students to reflect and look more critically at what they have been told about the law, while Kara Irwin (BPP Law School) discussed how to manage the competing needs to maximise both opportunities for students to participate in pro bono activities and the educational benefits for those who take part. Kara also highlighted the model of a public interest track (with the forgiveness of student loans) used in some American law schools.

In workshop sessions Robin Palmer (University of KwaZulu-Natal) and Kara Irwin showed how law clinics can be set up with limited resources and how some initial obstacles can be avoided. Philip Plowden (Northumbria University) explained how the full case-work/in house model of clinic works in the Student Law Office at Northumbria. His presentation raised questions such as the balance to be struck between casework and public interest work, assessment and continuity on major ongoing cases. It also showed how solicitor-tutors, an in-house trainee solicitor and summer bursary students help to provide a year-round advice service.

Further sessions looked at alternatives to the solicitor's law office approach. Two presentations, by Caroline Strevens (Portsmouth University) with Eileen Higham (Portsmouth District CAB) and by Julie Price (Cardiff University) with Matt Ventrella (Greenwich

Housing Rights and Advice UK), showed how university law schools can collaborate effectively with advice services to incorporate advice training and experience into the law school curriculum with structured opportunities for reflection. Another pair of presentations, by Michael Naughton (Bristol University) with Julie Price and Carole McCartney (Leeds University), showed how students can learn through researching possible miscarriages of justice in innocence projects. Innocence projects provide lecturers, who may not be qualified as lawyers or who might otherwise not consider developing a clinical programme, with an opportunity to help students and institutions meet personal development, social entrepreneurship and community engagement goals. Innocence Network UK is now proposing to set up a central bank of cases for innocence projects to work on and to provide training for emerging innocence projects.

We had the chance to hear enthusiastic and informed views of clinic students Richard Glancey, Victoria Gleason and Paul Henderson (all of Northumbria University). Wendy Pettifer (College of Law) discussed who really benefits from pro bono work and how to avoid a conflict between the need for students to have a meaningful learning experience within a restricted time frame and the clients' need to obtain a definite solution to their problem. Rhonda Hammond Sharlot (De Montfort University) prompted delegates to reflect on how we can best support students in clinical programmes.

The CLEO Model Standards Working Party led structured discussions on new draft model standards for clinical legal education. This discussion is ongoing and clinical law teachers who did not attend this event are invited to contribute by contacting Becky Parker – [rebecca.parker@lawcol.co.uk](mailto:rebecca.parker@lawcol.co.uk).

In the final workshop sessions, Nigel Duncan reminded us that only a minority of students experience clinical legal education in most institutions. He invited us to identify ways in which clinic experience may be used as a resource for engaging students who do not directly participate in clinic with issues

of lawyer's ethics. Kevin Kerrigan (Northumbria) engaged, challenged and inspired participants with his Socratic dialogue on clinic.

Paulo Freire observed: "Education either functions as an instrument which is used to facilitate integration of the younger generation into the logic of the present system and bring about conformity or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world." As the 2006 CLEO conference showed, this is the potential challenge for clinical legal education. It is hoped that the emerging UK clinic community and the momentum of this conference can be maintained, not least by the opportunity of a clinic stream at the Learning in Law Conference in January 2007.

Alwyn Jones is a Senior Lecturer at De Montfort Law School.

leGATE is UKCLE's new service aimed at highlighting key resources to support your teaching. A database of learning and teaching resources, leGATE includes details of both Web-based and offline resources.

It can help you to identify examples of how other law teachers have used a particular approach, or to find out about research in the legal education field. Sources covered include articles in 'The Law Teacher' and papers from BILETA conferences, as well as the best websites and learning resources we have run to ground so far. Find out more and search the database at [www.ukcle.ac.uk/legate](http://www.ukcle.ac.uk/legate).

## A new beginning: the Learning in Law Annual Conference, 4-5 January 2007



Over the last eight years the UKCLE has developed, with the support of the legal education community, two events that have played a critical role in raising the profile of legal education research and practice in the UK. The Learning in Law Initiative (LILI) conference, launched in 1999 and the Vocational Teacher's Forum (VTF), which commenced in 2001, now attract over 200 delegates to Warwick every January for lively discussion on current issues and developing good practice in legal education.



Many of the achievements of LILI and VTF are highlighted in the two retrospectives which follow, but perhaps the greatest is the way in which these events have increasingly enabled a sharing of ideas and experience across academic and vocational legal education. Following the 2006 conferences, the Centre commenced a review of LILI and VTF with the intention of determining a future direction that would build on this success.



The outcome of that review is the new Learning in Law Annual Conference, a two-day event that will combine the best of LILI and VTF and add its own character to the mix. Learning in Law 2007 will be a showcase of what is best in the scholarship of teaching and learning law, bringing together those involved in teaching and researching academic and vocational legal education in the UK and internationally.

The conference will be based around a number of broad themes signalling a desire to share experiences not just across the so-called academic-vocational divide, but across jurisdictions and disciplines as well. The Centre intends to publish the proceedings, and a formal announcement of plans will be made at the conference.

The event itself will be framed by opening and closing keynote addresses. We are delighted to announce that the 2007 keynotes will be:

- Trans-systemia: learning law in an era of globalisation' - Professor Harry Arthurs, Emeritus Professor of Law and Political Science at Osgoode Hall Law School and President Emeritus of York University, Toronto
- 'The academic regulation of higher education' - Peter Williams, Chief Executive of the Quality Assurance Agency for Higher Education.

#### The Conference will also include:

- a clinical legal education stream organised by the recently re-launched Clinical Legal Education Organisation, and
- for postgraduate teaching assistants and new law teachers, a panel session on getting published, and a discussion forum on teaching and learning issues.

Further information on the conference arrangements appears  
on the inside back cover of this issue.

We look forward to welcoming you to Warwick in January 2007.

# annual conference

## LILI

### conferences – a reflection



#### Alison Bone looks back at what made LILI so popular

I was surprised and flattered to be asked to write about the LILI conferences – and yet a little reluctant too... If you visit the UKCLE website and do a basic search you may understand why. Virtually every paper ever presented is up there and there is so much detail on who gave which keynote, on what topic and how many different universities people came from. What should I write about? Perhaps a statistical piece ('the top presenter was ... whereas 154 people have never presented a paper at all, but regularly attend)? No, too tedious. A Hello-style people piece ('In 2002 Roger looked particularly relaxed and spent the evening chatting with acquaintances from Scotland')? No, too patronising and boring. A philosophical piece ('LILI can never be replaced but it will, like a phoenix, rise from the ashes in a new guise....')? No, too theatrical.

Clearly the answer is to try a bit of everything and hope you don't spot the joins!

The first LILI conference was held in January 1999 at the University of Warwick. Except for a trip to Coventry TechnoCentre in 2002, they were all held in Warwick because that is where UKCLE (and its predecessor, the National Centre for Legal Education) is based, and all were held in January, largely because nothing much else happens in January and UK academics have a few free days before term starts! The weather over the years has been relatively kind – nothing so awful that prevented delegates



from arriving or leaving – and we always managed to stay in the one building for almost everything so there was no braving the elements to catch the next session. I missed the inaugural conference but benchmarking was the key theme and the keynote presentations were delivered by John Randall (then Chief Executive of the Quality Assurance Agency) and Professor Lewis Elton of the Higher Education Research and Development Unit at the University of London. Lewis has become a firm friend of UKCLE – he is the UKCLE external evaluator and thus on the Advisory Board - and comes to LILI when he can. It is difficult to tell from the archives how many people were at the first conference, but 40 different universities were represented plus 12 further education colleges and a dozen 'others', including the Law Society, the Bar Council and the Institute of Legal Executives. The conference was international from the start: papers were delivered by delegates as far flung as New Mexico and China.

In 2000 I attended my first LILI conference and convened a panel session with Fiona Church (now Assistant Dean of the School of Law and Criminology at the University of Derby), Ruth Soetendorp and Linda Byles (both at the University of Bournemouth) and Avrom Sherr (Wolf Professor of Legal Education and, since 2004, Director of the Institute of Advanced Legal Studies, London). Issues addressed included teaching law to non-lawyers, assessment and the future of legal education. These topics, and others such as the first year experience, innovative teaching methods, quality assurance and the role of the academic have surfaced again and again at LILI conferences and this is one of its hallmarks: it always addressed issues to which all academics can relate regardless of their subject area.

**“LILI always addresses issues to which all academics can relate.”**

Avrom gave a keynote speech in 2001 as did Suzanne Shale (then Director of the Institute for the Advancement of University Learning at the University of Oxford). Paul Maharg (University of Strathclyde) ran the first of many LILI sessions on the use of multi-media in law teaching. Key issues addressed included the impact of recent policy developments on justice, ethics, access and equality in legal education.

At the fourth conference in 2002, in Coventry, the theme was 'Response and Responsibility' and Lord Justice Potter, then Chair of the Legal Services Consultative Panel, and Diana Tribe (University of Hertfordshire) were the keynote speakers. By now LILI was firmly established with a growing number of delegates from both old and new universities and a hard core of returners who were keen to hear discussion of topical issues from both experts and those who had to deal with them on a day-to-day basis.

In 2003, we were back at Warwick, and a conference one delegate told me was the “best ever”. This was the year that a plenary panel discussion was first held – a feature that has been repeated at every conference since. John Bell (University of Cambridge), Ann Holmes (Staffordshire University), Pat Leighton (University of Glamorgan), Richard de Mulder (Erasmus University, Rotterdam) and Avrom Sherr (IALS) debated amongst other things employability, widening participation, quality assurance and globalisation. Nineteen papers were delivered throughout the day on a wide range of topics.

The future of the legal profession was debated in 2004 with Joy Harcup (Berwin Leighton Paisner) giving the opening address. This conference saw the introduction of the first student competition (the title was 'is legal education working') which drew a reasonable response. This has gone from strength to strength and is a valuable exercise for both the students who write the essays and the academics who judge them!

By 2005 the number of parallel papers had risen to 22; making a choice was getting difficult. Some universities solved the problem by sending multiple delegates who could between them cover all sessions. The theme this year was 'The experience of law: living, learning and earning?' and the papers

covered a wide range of issues and included reports on the growing volume of UKCLE-funded research.

This January over 130 delegates attended the eighth LILI conference, making it the biggest ever with a total of 28 papers, plus the 'question time' session and keynote. Following in the footsteps of Georgetown's Carrie Menkel-Meadow in 2005, David McQuid-Mason, James Scott Wylie Professor of Law at the University of KwaZulu Natal, become the second keynote speaker to enhance LILI's claims to international status.

So – onwards and upwards and no more looking back! The LILI conference has been a tremendous success not least because of the hard work of all the organisers over the years and of course those of you who contributed such splendid thought-provoking papers. The last words come from past delegates who give just two of the many reasons people enjoyed LILI:

“LILI helps us to identify how we are doing compared to our peers – and gives us reassurance that we are not alone”

“LILI gives us an opportunity to reflect... the contributions stiffened my resolve to continue with certain innovations the validity of which I had begun to question.”

Alison Bone is Head of Law at the University of Brighton and Chair of the UKCLE's Learning in Law Initiative.



## Retro-Spectoring: the development and success of the VTF

Chris Maguire offers a not entirely sober reflection on five years of the Vocational Teachers Forum.

When I was a lad and legal education was something dished out by the local beat bobby, lilac was a colour reserved for the well heeled and the elderly, now it's to be a new conference combining LILI and the Vocational Teachers Forum (VTF): the Learning in Law Annual Conference. Apparently it's been five years since the VTF kicked off. *Tempus fugit*, as one used to say before Woolf made Latin un-pc.

The impetus for UKCLE establishing the VTF was to give BVC and LPC providers a national forum that

wasn't controlled by the Bar Council or Law Society. Roger Burrige, ever the diplomat, had visited both professional bodies to float the idea and give reassurance that the VTF was not intended to eclipse either the BVC or LPC conferences. I was then one of those on the Dark Side and whilst welcoming Roger's proposal made a note to self – "improve (still more) quality and quantity of wine at the BVC conference".

Given the premise for the conference, the professional bodies didn't expect to be invited, but surprisingly we were, underlining UKCLE's creed of transparency and role of honest broker between the various constituencies in legal education. The

first feast that this particular spectre attended was in Birmingham in September 2001 and had the theme of 'Challenges to Vocational Legal Education'. There were no streams of workshops in those early days and the 19 of us who attended were confined together throughout. But, it had the stamp of quality from the start: Karen Clegg – still Hinett in those distant times – opened the event, Andy Boon led, Roger Smith commented, Anne Fenton critiqued, Paul Maharg inspired, Nigel Savage... wheeled and dealed, and that was before we got onto excellent sessions by Jason Ellis, Bryony Gilbert and the indefatigable Maharg. Was it valuable? Yes. Should the pilot be commissioned into a series? Absolutely. But it was Birmingham, it was September, it was the start of term, it was hot, there wasn't much opportunity to network and there wasn't a bar and, as even budget holders accept, a vitally important part of any conference is what happens around the sessions as well as within them. Hinett was contemplating.

The second VTF was held in London in July 2002. Again the spectres were invited and empanelled but were fleshed out by the welcome presence of John Sturrock from the Faculty of Advocates. Numbers had almost tripled to 52. The delicacy to be cogitated, dissected and digested this time was 'Assessment for Learning and Practice'. Phil Knott established the tone of the conference with a deliberately mischievous and controversial opening suggesting that the theme of the conference was an oxymoron in which "and" should be replaced by "or". This was followed by a number of presentations from the immediate and practical to the innovative and far reaching, including one by a (then) young, but already (in)famous Julian Webb. Another valuable conference. But it was London, it was hot,



it was the end of the year, in the middle of exam boards and there still wasn't a bar and as even budget holders accept....

The third VTF looked 'Beyond Boundaries'. The VTF was now at the start of term in January, in Warwick and back to back with LILI. Was this a subtle, diplomatic, indication that perhaps there should be a continuum between the academic stage as represented by LILI and the vocational stage as represented by VTF? Had the two conferences been kept apart deliberately to make this grand statement? Was it ethical to attend both days without flying your colours as either an academic or a vocationalist? How else could the potentially tragic consequences of a casual remark about the specification of the QLD and academic freedom be avoided!

However, delegates were distracted from looking too closely at their affiliations by a brilliantly entertaining opening by Lawrence Wood, a medic, who described the parallels between legal and medical education. ("What do senior partners, orthopedic surgeons and rhinoceroses have in common? They're thick skinned and charge too much").

Now, after the keynote, there were parallel sessions. Oh, the joy of choice and the agony of choosing between a range of topical and tantalizing presentations. Did I mention the spectres? We were still there but not empanelled until the end of the day, by which time a bonhomie had descended that even the virulence of debate in Jacquie Cheltenham's and Alison Mutch's session on red light criteria in student assessments failed to erode.

So, the sun-kissed shores of the VTF became a welcome escape between the somnambulant calm

**“Was it ethical to attend both days without flying your colours as either an academic or a vocationalist?”**

of Christmas and the treacherous rocks of the first, dark days of the spring term. The multi-stream approach combined workshops and plenary successfully, and the increasing quality and variety of the presentations were a delight.

However, numbers hadn't picked up from the previous year ...but it was the first week of term, there was no formal link with LILI and it was a Saturday!

The 8th January 2005 was also a Saturday. Despite this 69 delegates attended (a notable hike). Some of whom braved the steely sleet to wend their way to Warwick, while others braved the centrally

heated corridors of Scarman House on their way to breakfast, having attended the LILI conference and the first UKCLE dinner to unite academics and vocationalists. ACLEC was spinning in its grave with "I told you soes". It was also the dinner at which we lost Karen Hinett to the Clegg clan and her rightful place running York. Happily, Amanda Fancourt filled the breach.

As well as the usual excited chatter about the presentations of the day there had been some deep and penetrating discussions about the benefits of a liberal education, the value of a liberal law degree compared to a QLD (but which for marketing purposes should have the moniker QLD), the meaning of academic freedom "from or to..."; good people and good lawyers and how the two were probably mutually exclusive, the difference between codes of conduct and ethics and the importance of the development process for the 50% of students who don't go on to practice. It was all very exciting and exhausting and the VTF hadn't even started yet.

Entitled 'Collaboration and Partnership in Professional Legal Education' the VTF now sported 5 streams of workshops with speakers from England, Wales, Scotland, Nigeria and the US and covering everything from assessing clinic to running a law school. The cross-fertilization between LILI and VTF was becoming ever more apparent.

The keynote address was by Sue Nelson, on the Law Society's Training Framework Review. A bete noir for most of the audience which became no less bete or noir as the presentation went on. Nor did the presentations by Webb and Fancourt on the winding road of legal education reviews (would we start from here?) and Maria Tighe's deft rehearsal of the lessons of history (no!), nor Liz Campbell's epitaph on the Scots' experience of the failings of a similar system in their much more recent history, do anything to reassure the delegates. The title of the conference was starting to look distinctly ironic.

Was it the apparent imploding of the legal education system that led the UKCLE to focus its fifth and most recent conference on "Becoming a Competent Practitioner" not only in law – but with reference to architecture, engineering, medicine and accountancy. Were we looking elsewhere (abroad and to other professions) to see how it was done? If we were, the range of practice and ideas was reassuring, fascinating and challenging. We would agree, for example, with the general trend of placing increasing value on coaching strategies and individual

mentoring, probably not agree with the anti-process approach of the accountants and be challenged by the proposals for revalidation of practitioners (and teachers) facing the medical profession.

But I'm getting ahead of myself. If I omitted to moan about the VTF being on yet another Saturday it was because it wasn't, it was on a Friday. Perhaps this accounted for the upsurge in numbers to 96. Or perhaps it was the growing link between LILI and VTF and the increasing recognition that the papers and presentations on each day were applicable to the issues facing both networks. Or perhaps it was also because this would be Roger Burrridge's last conference and Julian Webb's first as incoming Director, and the opportunity for some sport.

One of the odd things about Roger is that while he is a great encourager and praiser of others, he shies away from any recognition or praise for himself. This was true when he received his MBE (which he told me he got for services to jazz when he promised to stop playing). So it was with relish that a group of us took the opportunity to speak about what a huge amount Roger had achieved at UKCLE, which was true, what an exceptional person he was, which was true, how he would be desperately missed, which was true, and how modest and self-effacing he is, which was patently true, as Roger's discomfort and mortification by this stage was so evident that he appeared to have pressed his way into the pillar he had been leaning against.

We also welcomed Julian Webb, a natural and fitting heir who had also successfully negotiated both the vocational and academic arenas, and who was now battling bravely with a condition, believed to be unique to academics, which causes the sufferer to communicate in ever more multi-syllabic words and complex sentences.

So after five years of development, innovation and success it's goodbye to LILI and the VTF and hello to an even more dynamic and innovative annual conference. No pressure there then?

**Chris Maguire is Director of Quality Assurance and Enhancement at BPP Professional Education, London.**

**“What do senior partners, orthopedic surgeons and rhinoceroses have in common? They're thick skinned and charge too much.”**

# Learning in Law

**Annual Conference**

**4 - 5 January**

## **Conference venue**

The main conference will take place in the Ramphal Building, University of Warwick on Thursday 4 and Friday 5 January 2007.

Accommodation will be available at Radcliffe House, University of Warwick.

## **Booking information**

Full details of conference packages and a booking form are included with this announcement, or can be found on-line at:

**[www.ukcle.ac.uk/newsevents/book/](http://www.ukcle.ac.uk/newsevents/book/)**

**Book early to secure your place!**

**The deadline for submission of abstracts is 31 October 2006**

*inspiring and  
creating excellence*



## A Conference, A Celebration

University of Warwick,  
9-11 July 2007

**“I am a subject, and challenge law”**

**Richard II, Act II, scene III**

The University of Warwick will host an international conference on Shakespeare and the Law in association with Warwick Law School and The Capital Centre partnership between The University of Warwick and the Royal Shakespeare Company. The conference will provide a unique forum for scholarly discourse between the major humanities disciplines of law, literature and the performing arts. United Kingdom law schools are frequently located, both physically and conceptually, alongside the social sciences, and the benefits of socio-legal studies are now widely appreciated. The benefits of scholarly and educational dialogue between legal studies and the humanities disciplines have, in contrast, been somewhat neglected in the United Kingdom. This conference will provide an excellent opportunity for UK law teachers to engage with leading international scholars, practitioners and educators working at the intersection between law and the humanities.

Confirmed speakers include leading Shakespearean scholars, theatre practitioners and scholars in the field of law and humanities including Jonathan Bate (University of Warwick) Daniela Carpi (University of Verona) Gregory Doran (Associate Director, Royal Shakespeare Company) Peter Goodrich (Cardozo Law School, Yeshiva University, NYC) Germaine Greer (writer, broadcaster) Anselm Haverkamp & Katrin Trüstedt (European University, Frankfurt) Harry Keyishian (Fairleigh Dickinson University) Desmond Mander-son (McGill University, Canada) Michael Pennington (actor, writer, director) Ambreena Manji (Keele University) Erika Rackley (University of Durham) Anton Schutz (Birkbeck College) B.J. Sokol & Mary Sokol (Goldsmiths College & University College, London) Ian Ward (University of Newcastle-upon-Tyne) Richard H. Weisberg (Cardozo Law School, Yeshiva University, NYC) Paul Yachnin (McGill University, Canada) Dr Andrew Zurcher, (University of Cambridge)

For further information please consult the conference website  
[www.shakespearelaw.org](http://www.shakespearelaw.org) or contact the convenors

[paul.raffield@warwick.ac.uk](mailto:paul.raffield@warwick.ac.uk) & [gary.watt@warwick.ac.uk](mailto:gary.watt@warwick.ac.uk)

For bookings please consult the conference website or Hansa Surti,  
the event coordinator, at [h.surti@warwick.ac.uk](mailto:h.surti@warwick.ac.uk).

Special early booking rates apply.

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Tel: 024 7652 3117 Fax: 024 7652 3290

e-mail: [ukcle@warwick.ac.uk](mailto:ukcle@warwick.ac.uk) Web: [www.ukcle.ac.uk](http://www.ukcle.ac.uk)

The UKCLE events diary covers events with a legal education or general learning and teaching focus, as well as links to other law focused and learning and teaching event listings – access it at [www.ukcle.ac.uk/newsevents/diary.html](http://www.ukcle.ac.uk/newsevents/diary.html). To add your event contact UKCLE (e-mail: [ukcle@warwick.ac.uk](mailto:ukcle@warwick.ac.uk)).

### 25 October 2006

Research-based learning in higher education: the Warwick experience

University of Warwick, Coventry

For the latest information see:

[www.heacademy.ac.uk/events/List\\_4710.htm](http://www.heacademy.ac.uk/events/List_4710.htm)

### 24 November 2006

Bringing research and teaching together

Millennium Gloucester Hotel, London

For the latest information see:

[www.heacademy.ac.uk/events/List\\_4752.htm](http://www.heacademy.ac.uk/events/List_4752.htm)

### 4-5 January 2007

Learning in Law Annual Conference

University of Warwick, Coventry

For the latest information see: [www.ukcle.ac.uk/newsevents/book](http://www.ukcle.ac.uk/newsevents/book)

### 10-11 January 2007

Socio-Legal Studies Association Postgraduate Conference 2007

University of Bristol

For the latest information see:

[www.slsa.ac.uk/conferences/future%20pg.htm](http://www.slsa.ac.uk/conferences/future%20pg.htm)

### 29-30 March 2007

2007 Annual Conference for Teachers of A Level Law

Madingley Hall, Cambridge

For the latest information see:

[www.cont-ed.cam.ac.uk/courses/coursedetails.php?id=329](http://www.cont-ed.cam.ac.uk/courses/coursedetails.php?id=329)

### 1-3 April 2007

Association of Law Teachers 42nd Annual Conference: Legal education: fit for purpose?

University of Plymouth

For the latest information see: [www.lawteacher.ac.uk](http://www.lawteacher.ac.uk)

### 3-5 April 2007

Socio-Legal Studies Association Annual Conference 2007

University of Kent

For the latest information see: [www.slsa.ac.uk/conferences.htm](http://www.slsa.ac.uk/conferences.htm)

### 16-17 April 2007

22nd BILETA Annual Conference

University of Hertfordshire, Hatfield

For the latest information see: [www.bileta.ac.uk](http://www.bileta.ac.uk)

### 14-16 June 2007

BIALL Conference 2007

Sheffield City Hall

For the latest information see: [www.biall.org.uk](http://www.biall.org.uk)

### 3-5 July 2007

Higher Education Academy Annual Conference 2007

Harrogate International Centre

For the latest information see:

[www.heacademy.ac.uk/events/conference.htm](http://www.heacademy.ac.uk/events/conference.htm)