# Directions

## in legal education • Autumn 2009

# A more hit than miss report?



*Students and Universities,* the long-awaited report by the Innovation, Universities, Science and Skills Select Committee, was finally published on 2nd August. Running to 166 pages it is a substantial document that pulls very few punches, but also manages some significant misses in its analysis of the current state of higher education in England.

The Report contains a lengthy raft of recommendations. Those most widely commented upon focus on the related issues of standards, quality assurance, and widening participation, though the scope of the report as a whole goes beyond those topics.

## Widening participation

The Report makes a large number of recommendations as regards access and widening participation, including:

- The use of 'contextual factors' in admissions should be promoted and monitored (paras 47-48)

- A national code of practice on admissions should be agreed (para 51)

- The nature and extent to which HE institutions are 'incentivised to investigate and carry out outreach initiatives' should be examined urgently (para 73)

- Higher education provision in further education colleges should be expanded (para 83),

- A national bursary scheme should be considered as part of the forthcoming review of student fees (para 137)

- All aspects of support for part-time and mature students should be reviewed with a view to substantially reducing the differences in treatment between full- and part-time students (para 152)

A number of these are consistent with the recent conclusions of the Panel on Fair Access to the Professions (see p.3 following), and relative to some of the other recommendations of the Committee, most are fairly uncontroversial. The Report does touch on the question of funding for additional numbers, but otherwise does little to address the resourcing issues that are raised by continuing expansion of HE.

## Quality and standards

The Committee argues that the 'the sector needs to address the question of standards now' (para 307). It asserts that 'as long as there is a classification system it is essential that it should categorise all degrees against a consistent set of standards across all higher education institutions' (para 256), and recognises the need to adopt more consistent responses to the problem of plagiarism (para 279). It also recommends that the Quality Assurance Agency (QAA) should be reformed into a new Quality and Standards Agency with greater powers 'to safeguard the integrity of standards' (para 307), and with responsibility to review and report on the quality of teaching as such (para 226). The Committee also argues that the Higher Education Academy should have 'a key role in promoting and enhancing academic standards' (para 308).

A number of these are, individually and in principle, not unreasonable recommendations, and in some respects they are not new. The Burgess Group final report (2007), for example, had already called on the HE sector to consider how greater consistency and clarity could be brought to assessment practices. Similarly, the Select Committee's calls for the establishment of a national pool of recognised external examiners (at para 273), and for the training and qualification

of teachers in higher education (paras 186-7), were first made by the Dearing Committee as long ago as 1997. However, there are two questions we should be asking; first, whether the Committee which, in other contexts has placed considerable emphasis on evidence-based policy-making, has overstepped the evidential mark in making its recommendations, and, secondly, whether these recommendations are collectively sensible and viable. We shall return to the second shortly; the first deserves some consideration here.

The Select Committee drew on a range of existing evidence and much opinion that was presented by witnesses and written memoranda. It rightly notes the paucity of good quality research and recommends further work to explore a number of pressing questions – including the extent of so-called 'grade inflation', and apparent variations in student workload and study time. It actually adds very little that is new to the evidence base, particularly, as regards the student experience, which was intended to be its primary focus.  It is thus perhaps a matter of legitimate concern that it proceeds to make such wide-ranging recommendations in the absence of stronger evidence.

## In this issue

## Looking forward

The critical question will be, if such changes are to be implemented, how should it be done? The devil, as always, will lie in the detail. There is a real need for care in this process. While many of the individual recommendations make sense, there is a risk that they may constitute collective overkill.

The tendency in the Report to view centralisation uncritically as a 'good thing' needs to be treated with some scepticism. Despite its apparent faith in external regulation, an overly bureaucratic, 'command and control' regulatory response is not only going to be expensive (note both the history of QAA subject review and the extent to which the Ofsted review process has been slimmed-down since 2005), it may well not achieve the results the Committee wants. There needs to be a fair degree of sectoral buy-in to the changes proposed.

The report itself explores relatively few alternatives. For example, it could be argued that many of the concerns raised could be addressed by the introduction of measures to increase transparency and reduce the information asymmetry that exists between institutions and potential students, without such extensive redesign of the quality assurance system. Similarly, it might be argued that current funding arrangements in fact demonstrate the need for a more sophisticated balancing of controls and incentives, rather than the greater emphasis on regulatory 'sticks' and disincentives that the Report appears to suggest. However, there are also signs in the Report that its authors recognise that a market approach, in which the state has little or no role in defining minimum educational entitlements, risks throwing various babies out with the bathwater: education is a social good, and there is a legitimate public interest in educational values, teaching quality and student progression.  A careful balance does need to be struck between desirable institutional autonomy, which supports diversity and creativity, and recognises the freedom of institutions to create a distinctive mission within the higher education marketplace, and the interests of the state and consumers in the quality of higher education. In this context, the Committee's recommendation of a concordat between HEFCE, the universities and student bodies, defining the scope of institutional autonomy could well provide some 'constitutional' protection and delimitation of that ideal.

As noted above, it is important that any policy change is evidence-based. The Committee's recognition of various gaps in research, and of the importance of pedagogic research (para 176) is also to be welcomed (though the encouragement of

such research in discipline-based research assessment has been the stated practice in the RAE for a number of disciplines, including law, for at least the last two assessments). At the same time, however, there is, perhaps, some unwillingness in the Report to address the complexity of the HE sector and to over-simplify problems and solutions. Its focus is very much on the experience of the domestic undergraduate student. The Committee deliberately excluded postgraduate study, which makes up a significant proportion of most universities' work, and it also does little to examine the English system in the context of global trends in higher education. While there is some discussion of the US system, there is virtually nothing of substance about Europe and the Bologna process, nor about developments in Asia and Australasia. In this regard its outlook is extraordinarily insular. Finally, there is also relatively little attempt in the Report to understand or explore the causes of the current difficulties that the HE sector faces. The extent to which the system is still negotiating the transition from elite to mass provision of HE may be seen as a prime example. It could be argued that a weakness of the recent debate about declining standards has been the marked reluctance seriously to consider the question whether the nature and value of a first degree can be the same in a mass as it is in an elite system.

In short, the Report needs and deserves to be taken seriously, but before moving forward we need to consider not only whether the Committee's recommendations as a package can be made to work in policy terms, but also whether it asked the right questions in the first place.

**Julian Webb**

# 'Fair Access' report published



*Unleashing Aspiration - The Final Report of the Panel on Fair Access to the Professions* concludes that UK professions operate a 'closed shop' mentality and that most, including law, have become more elitist since the late 1970s. Although the Report considers the situation across the UK, the data used draws heavily on the situation in England and Wales, and this is rather reflected in its recommendations. However, the Report also makes particular mention of Scotland's initiative for promoting social mobility within its professions, and does draw some distinctions between the nations. The Report contains over 80 recommendations overall, directed at schools, colleges, universities, the professions and others, and intended to enhance opportunities for social mobility. Its recommendations affecting universities and colleges include:

- universities should actively promote flexible learning by creating a range of entry points through an all-year academic calendar and, building on the findings of the Burgess Report, develop a transferable credit-based learning system to recognise student achievement in discrete modules and short or mini courses

- all universities are encouraged to take into account the educational and social context of pupils' achievement in their admissions process.

- universities should work with the government to develop proposals to integrate a flexible element of professional experience into all higher education courses

- HE within FE provision should be extended so that more mature students, in particular, are able to study for a degree

- each profession should work with the National Apprenticeship Service and the relevant Sector Skills Councils to establish clear progression routes from vocational training into the professions

- each profession should develop partnership compact arrangements with university faculties

- each profession and all universities should publish data annually on the social background of their recruits

- the Higher Education Funding Council for England should examine how to remove the artificial and increasingly indefensible division between part-time and full-time higher education in relation to funding, regulatory and student support frameworks

- the government should use the opportunity of its review of variable tuition fees to consider a radical reshaping of the student support system. It should consider fairer financial support for those undertaking postgraduate and part-time courses, more targeted packages of financial support for students from average and less well-off families, and new support for students living and learning at their local university, including 'fee-free' higher education.

Both summary (64pp) and full versions of the report can be downloaded at **www.cabinetoffice.gov.uk/accessprofessions**

# Law Society and SRA commence discussions on the Economides and Rogers Report



The recommendations of the Economides and Rogers Report, *Preparatory Ethics Training for Future Solicitors* (see Directions, Spring 2009, pp.6-7) have largely been endorsed by the Law Society Education and Training Committee at its July meeting. The Report was also considered and broadly welcomed by the Education and Training Committee of the Solicitors' Regulation Authority (SRA) in June 2009. A joint meeting between Law Society and SRA is now planned to discuss ways of moving forward. The Report makes a total of 24 wide ranging recommendations that are intended to strengthen awareness of and commitment to 'legal values' at the academic stage of legal education and to enhance the learning, teaching and assessment of professional ethics and conduct on the LPC. It also includes proposals for the period of work based learning that is set to replace the current training contract.

# Diploma in Humanities and Social Sciences – criteria published

Ofqual have published the criteria for the new 14-19 Diploma in Humanities and Social Sciences (see Directions, Autumn 2008, p.4). Awarding organisations will now begin to develop qualifications in line with the criteria. Awards accredited by July 2010 will be available for first teaching in September 2011. The criteria can be viewed at **www.ofqual.gov. uk/files/2009-07-lol-criteria- humanities-and-social-sciences. pdf.** Higher education input into the development of the Diploma has been provided by an HE Working Group and Progression & Recognition Group. HE practitioners have also contributed extensively through live and online consultations. Further information on the Diploma can be found at **www.humanitiesdiploma.co.uk**



**The Higher Education Academy**

**National Teaching Fellowship Scheme**

## National Teaching Fellowship Scheme: call for project bids

The Higher Education Academy is inviting institutions to bid for up to £200,000 for projects that bring significant and meaningful benefits to students' learning experiences, both in the host institutions and more broadly across the sector. Projects must focus on higher education practice, based on evidence-informed developments, and result in direct improvements to HE pedagogy.

Project teams must include at least one National Teaching Fellow (NTF) from any year of the scheme (including those awarded in 2009). The NTF should be at the heart of the proposed project during both its planning and execution. It is not necessary for the lead institution to be the employer of the NTF. Eligible institutions who do not employ an NTF can seek collaboration with an institution that does.

The deadline for applications is noon on 5 October. Further information can be found at: **www.heacademy.ac.uk/ ourwork/professional/ntfs/projects**

# New National Teaching Fellows in Law

Congratulations to Penny Wiggins and Paul Raffield on their success in the 2009 round of the National Teaching Fellowship Scheme (NTFS) awards.

Penny Wiggins is Associate Head of the School of Law at the University of Hertfordshire and a Learning and Teaching Fellow of the Blended Learning Unit, the university's Centre for Excellence in Teaching and Learning (CETL). Penny was one of the original authors of IOLIS, the inter-active, resource-based CD Rom that supports learning on core LLB modules. She is also an enthusiastic user and shaper of the university's Managed Learning Environment.

Penny's approach to learning is based on the principles of active engagement both in and out of the classroom. As Penny comments:

"Initially my work focused on the student learning experience in the classroom but with the advent of technology I grasped the opportunity to extend opportunities for learning. I am self taught in the use of technology, partly because in my leadership role I need to be able to define the level of complexity and time requirements of particular techniques in order to encourage other staff and also because I feel the best way to develop the underlying pedagogy is to experiment personally, not simply accept others ways of using it.

"The NTF has already raised my profile within the University. I understand UH is the only University to have received an NTF award each year. Our CETL – the Blended Learning Unit has been very effective in raising awareness of the opportunities and concepts underpinning blended learning. I

was seconded to the Unit for three years which has enabled me to broaden my range of contacts across the University and other subject disciplines and beyond. I am very grateful to all my colleagues, including those at UKCLE, for their support in my developments."

Dr Paul Raffield is an Associate Professor in Warwick Law School where he leads the tort module, and teaches two options of his own devising: 'Origins, Images and Cultures of English Law' and 'On Trial: Shakespeare and the Law'. Both of these courses derive from Paul's research interests in early modern legal history and the representation of law in Renaissance drama, and incorporate innovative teaching practices. They are taught in performance-linked teaching spaces developed by the two CETLs located at Warwick: the Reinvention Centre (a collaborative project

between the Department of Sociology at Warwick and the School of the Built Environment at Oxford Brookes, promoting new methods of research-based teaching and learning) and the CAPITAL Centre ('Creativity And Performance In Teaching And Learning').

"My teaching methods derive to a great extent from my work as an actor and theatre director", says Paul. "That experience has equipped me with many of the skills which I consider to be prerequisites for effective teaching. Since joining Warwick in 2004, I have been given the opportunity to apply the techniques of the rehearsal room, acquired during a career of 30 years in the theatre, to the learning environment. Fundamental to the achievement of my objectives is the strong emphasis I place on the development of a communitarian ethos within the class. Group work, in which students engage jointly in an assessed project, is the primary means through which individuals bond into an interdependent community of scholars. This teaching

method is intended to encourage students to consider, as crucial aspects of the learning process, both the responsibility owed to their peers and the quality of their separate inputs into a collective project."

The NTFS is organised by the Higher Education Academy and funded by the Higher Education Funding Council for England (HEFCE) and the Department for Employment and Learning in Northern Ireland (DELNI). Fifty individual NTFS awards are made each year. The 2009 award winners were chosen from 203 nominees put forward by higher education institutions across England and Northern Ireland. Each receives an award of £10,000, to be used for professional development in teaching and learning or aspects of pedagogy.

## UKCLE welcomes Danielle Lysaght…

Directions is delighted to introduce Danielle Lysaght, who was appointed in July to the new post of UKCLE Centre Manager. A graduate in law, Danielle joins us from 12 years with YMCA England, where her role involved monitoring the performance of social housing schemes against key financial and other indicators within a regulatory framework. Previously she worked as a Senior Executive at the Law Society, where she managed a team assessing legal aid applications and solicitors' bills of costs.

Danielle is responsible for managing the Centre's financial and administrative functions and leading the support team. Part of her remit is to develop the monitoring and reporting systems to enable effective communication of our work and to demonstrate accountability to our key stakeholders.

## … and says farewell to Hollie and Victoria

Hollie Wright has left the Centre to take up a financial administration role in the Warwick Medical School. Hollie joined the UKCLE in August 2005. As Centre Assistant she provided administrative support for all UKCLE activities, and took on an increasing share of financial administration during her time with the Centre. Despite claiming a low opinion of both academics(!) and students, Hollie quickly became a valued member of the UKCLE team. Her good humour, hard work and countless stories of the latest antics of Roxy the dog are much missed by us all.

Victoria Macfarlane joined UKCLE as Centre Administrator in June 2007 having previously worked for the Open College Network. Victoria soon grasped the challenges and complexities of Centre administration, and in her relatively short time with the UKCLE came to play a significant role in its management. Victoria left the Centre in May to take up the post of Centre Manager for the Wales Institute of Social and Economic Research, Data and Methods at Cardiff University. We wish both Victoria and Hollie every success in their new jobs.

Julian Lonbay discusses progress made in developing an overall qualifications framework for legal education in Europe and seeks support from UK academics in framing a national perspective on the appropriate legal indicators.

European higher educational policy slowly emerges from complex decision-making models. A European Higher Education Area with its attendant Qualification Framework (QF) was developed under the Sorbonne-Bologna process and now covers 46 countries – see **www.bologna-bergen2005.no/**. A European Qualification Framework (EQF) (2008) for life-long learning has been developed under the Lisbon process by the EU Member States using the Open Method of Co-ordination (OMC) – a 'soft law' approach to social policy-making that relies on the development of guidelines, benchmarks and indicators under the supervision of the Council of the European Union. The EQF is designed to improve cross-border mobility by mapping national qualifications to the EQF enabling a 'translation' of national qualifications thereby making the national qualifications more understandable to those not familiar with them, thus improving mobility for individuals holding such qualifications. There are eight EQF reference levels spanning the full set of qualifications, from basic (Level

# A European qualification framework for social sciences – how does law fit in?

1, for example school leaving certificates) to advanced (Level 8, for example Doctorates) levels, and from general/ academic to professional qualifications. The three highest EQF levels correspond to higher education levels as defined within the European Higher Education Area and to highly specialised professional qualifications. The system includes the results of all types of learning and concentrates primarily on 'outputs' rather than learning inputs such as duration of studies.

The EQF level 6, corresponding to university undergraduate level education, has general descriptors at the European level. The knowledge required is set out as follows:

● Advanced knowledge of a field of work or study involving a critical understanding of theories and principles

The skill set is defined as:

● Advanced skills demonstrating mastery and innovation required to solve complex and unpredictable problems in a specialised field of work or study

And the competence is defined as:

● Manage complex technical or professional activities or projects, taking responsibility for decision-making in unpredictable work or study contexts - Take responsibility for managing professional development of Individuals and groups

The corresponding descriptors from the equivalent 1st cycle of the Bologna QF are:

Qualifications that signify completion of the first cycle are awarded to students who:

● have demonstrated knowledge and understanding in a field of study that builds upon their general secondary education, and is typically at a level that, whilst supported by advanced textbooks, includes some aspects that will be informed by knowledge of the forefront of their field of study;

● can apply their knowledge and understanding in a manner that indicates a professional approach to their work or vocation, and have competences typically demonstrated through devising and sustaining arguments and solving problems within their field of study;

● have the ability to gather and interpret relevant data (usually within their field of study) to inform judgments that include reflection on relevant social, scientific or ethical issues;

● can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences;

● have developed those learning skills that are necessary for them to continue to undertake further study with a high degree of autonomy.

The descriptors for a sectoral Qualification framework specific to law have not yet been developed and are in the process of being created. Their emergence is necessary to help enable the required 'mapping' or 'referencing' of national qualification frameworks to the EQF. The openness of the processes from which they emerge means that interested parties can have an influence. Some of the work is being carried out under the Tuning project based in Bilbao and Groningen – see **http://tuning. unideusto.org/tuningeu/**. For law, a set of "learning outcomes" is needed from which reference points and cycle descriptors could emerge and be used in creating a qualification framework for law. The Quaacas (quality, accreditation and assessment) group of ELFA has had a first stab at developing a pan-European set of learning outcomes for law, set out in Table 1.

The full Quaacas Report can be found at **http://elixir.bham.ac.uk/menu/ FreeMovement/frameset.htm**.

The responses to their consultation did not cover all of the EU member States and in some countries the responses were patchy. The law learning outcomes used in Quaacas however were the basis for a more successful Latin American

## Specific Competences in Law

Demonstrate knowledge of principal features of the legal system including general familiarity with its institutions and procedures

Demonstrate knowledge of legal principles and values in a wide range of topics extending beyond the core curriculum

Demonstrate some in-depth knowledge of specialist areas

Demonstrate critical awareness in the analysis of the legal order

Ability to identify and apply primary legal sources

Ability to identify and apply all legal sources of relevance for a specific legal issue

Ability to identify societal concerns and values behind legal principles and rules

Ability to identify contemporary debates and engage with these while accurately reporting the applicable law

Ability to make a distinction between reasoning founded on law and policy-based arguments

Ability to identify and work with principal aspects of a foreign legal system

Ability to act independently in planning and undertaking complex legal tasks

Ability to identify and comprehend legal issues

Ability to identify relevant legal (including procedural) issues from a large body of unstructured facts

Ability to create new or imaginative solutions through approaching a problem by using legal material in different ways

Ability to decide whether factual circumstances are sufficiently elucidated for a legal decision

Ability to render a reasoned legal decision

Ability to draft legal provisions (legislation, contracts)

Ability to conduct legal research for giving legal advice

Ability to be aware of the need for a multidisciplinary view of legal problems

Ability to conduct academic legal research

Ability to present knowledge with range of professional presentation skills (oral and written)

Ability to write fluent and technically sophisticated prose, using legal terminology accurately

Ability to read a range of complex works within and about law and to summarise their arguments accurately

Ability to work in cross-disciplinary teams as the legal expert of the team and contribute effectively to its task

Ability to advise an interested person on the possible outcome of a case, and outline alternative strategies leading to different solutions

Ability to identify and collate relevant statistical or numerical information and use it in a report

Ability to use relevant IT-tools, i.e. word-processing, standard information retrieval systems, web-resources, and ability to specify technological tools needed for personal support

Ability to reflect on own learning

Ability to seek and make use of feedback

Awareness of the ethical dimension of legal work

*Table 1: Learning Outcomes in Law used by QUAACAS*

venture which has set out learning outcomes for law in South America. The Council of Bars and Law Societies of Europe has adopted Training Outcomes for European Lawyers in 2007 - see **www.ccbe.eu/index.php?id=94&id_comite=13&L=0**.

Currently a small working group is discussing how to develop law indicators within Europe. Please contact me if you would like to help frame a UK viewpoint on this that can be taken into account as the qualification framework for law is being created.

### Reference

*Recommendation of the European Parliament and of the Council (April 2008) on the establishment of the European Qualifications Framework for lifelong learning.*

**http://eur-lex.europa.eu/ LexUriServ/LexUriServ.do?uri=OJ:C :2008:111:0001:0007:EN:PDF (2008) OJ C 111/1.**

*Dr Julian Lonbay is a Senior Lecturer in Law at the University of Birmingham and a member of UKCLE's Advisory Board;* **j.l.lonbay@bham.ac.uk**.

Beyond Text was created in 2007 by the Arts and Humanities Research Council as a strategic programme to bring together academics and professionals with practitioners in the arts and creative industries to explore how human communication is articulated through sound, sight and associated sensory perceptions. The programme is intended to inform and inflect public policy relating to our cultural and creative heritages and futures, and to help inform educational practice at a time when traditional notions of literacy are being challenged by advances in communications technology. In this feature **Zenon Bankowski** and **Maksymilian Del Mar** report on one of the projects funded under the Beyond Text programme, focussing on the values and experiences uncovered by the process of moving beyond text in law and legal education.

# Beyond Text In Legal Education



When people view art objects in galleries, too often they rely on textual explanation, looking for the text in the catalogue to explain it and not letting the object explain itself. Some curators try to get people to engage the art object without text, to use their imagination to let the object speak to them and not be subsumed by the text. Lawyers face an analogous situation when they encounter events that need decision; too often they look to the text and do not experience the particularity of the situation by letting it speak for itself.

Law is very much a text-based discipline, both in its practice and its education. Thus legal education, both at the tertiary and continuing professional level, has been and continues to be dominated by recourse to textual resources. Law students and legal professionals are taught to learn and understand general rules and principles and apply them to previously manufactured factual scenarios. This is no different when it comes to the education of legal professional ethics: moral theories are presented as consisting of general axioms that allow students and professionals to rationally resolve traditional problem cases (pre-articulated factual scenarios that are designed to produce moral dilemmas).

There is no doubt that the development and use of text-based resources allows for the exercise of skills that are important to the ethical development of law students and legal professionals: learning how to better articulate and justify one's reasoning by reference to complex systems of normative language is important. However, the exclusive emphasis on textual resources, on languages and their manipulation, carries with it significant dangers. Such an exclusive focus can be restrictive in that it can result in law students and legal professionals never acquiring, or at least diminishing, the skill of coming to see and recognise the ethical complexity of any given situation. It places at risk their ability to overcome the limitation of the categories with which they are working, particularly when the particular situation itself puts into question the categories that are supposed to deal with it.

All of these considerations led us to develop a project, Beyond Text in Legal Education. The text-based nature of law is both its strength and its weakness. It is its strength in that it enables decisions to be transparent and constrained by the text; it is its weakness in that decisions tend to be dominated by text, and situations are shoehorned into the text with stultifying results. The answer is always sought within the text, viewing the situations law encounters through the optic of the text and thus manipulating them rather than transforming them, and not letting the situation speak to the text and the law. Coping with the limit of the text requires the exercise of ethical imagination. Such an exercise enables the person to respond to the complexity and particularity of the situation, and to come up with just and imaginative ways of going forward. Our project aims to promote the ethical imagination needed at these moments.

We have developed two concepts that we think can help develop and nourish this ethical imagination: 'attention' and 'encounter.' Attention has both a passive and an active component. In its passive dimension, attention refers both to the capacity and willingness to let an object come to you, and not to seek to dominate or manipulate the object. In its active dimension, attention requires you to broaden the inevitable limitations of what you tend to pay attention to, and thus also what you tend to value. Encounter, which is closely related to attention, refers to the capacity and willingness to experience the presence (including the physical presence), and also needs, of another human being, without the usual filters and distractions of professional and everyday life. Inspiration for the concept of attention includes the work of Simone Weil, Iris Murdoch and Lawrence Blum. Inspiration for the concept of encounter includes the work of Martin Buber, Emmanuel Levinas and Raimond Gaita.

The centrepiece of our project was an experiential workshop, held in Edinburgh in December 2007, which was led by an artist, a curator and a movement artist. There were some 15 participants, including lawyers in private practice (some of whom were professional development directors of large firms), advocates, legal educators and academics (both from the UK and the US). Over two days we took part in a set of activities, which were designed to trigger and develop the imagination which we thought was necessary to creatively interact with text and be able to transform it without destroying it.

Experiencing the activities was vital, as we believe that we learn most effectively with our bodies in specific environments (and particularly in atmospheres where play and experimentation is not only allowed, but also encouraged).

The final event of the project was a 2-day workshop, which consisted of the participants in the experiential workshop and others. This workshop had two aims: first, to look at some of the issues raised by the concepts of 'attention' and encounter'; second, to reflect on the activities in the experiential workshop. With respect to the second aim, our principal task was to consider what worked, how it might be tested, and how we might bring what did work to bear on the practical activity of educating lawyers in the academy and in practice.

Apart from the workshops, our project outputs include a film (already complete) and a collection of essays (currently in preparation). We also aim to provide a web page with relevant resources, especially descriptions of the activities and instructions for how to introduce them into the workplace or the classroom. Further information about the project and the film is available at **www.law.ed.ac.uk/beyondtext**.

*Zenon Bankowski (**z.bankowski@ed.ac.uk**) is Professor of Legal Theory at the University of Edinburgh; **Maksymilian Del Mar (M.T.Del-Mar@sms.ed.ac. uk**) has recently completed his PhD at Edinburgh and teaches at the University of Lausanne.*

*Photographs of the first workshop by **Alicja Rogalska**; reproduced here with permission.*



In an era where so much emphasis is placed upon international reputation and global engagement, UK law schools have proved reluctant to sign up to the International Association of Law Schools (IALS). Here **Roger Burridge** argues the case for greater UK involvement.

The IALS, which was founded in 2005, is a collective of law schools whose mission aspires "to the furtherance of understanding and respect for diverse legal systems and cultures" and to fostering "mutual understanding of and respect for the world's varied and changing legal systems and cultures as a contribution to justice and a peaceful world" (see **www.ialsnet. org/charter/index.html**). Add to this the intention of serving as an independent forum for discussion about legal education; the development and improvement of law schools and conditions of legal education throughout the world; and the better preparation of lawyers and sharing legal education experiences and practices. It is difficult to see what is deterring UK law schools from joining in. IALS is a unique organisation which deserves more engagement from UK law schools, who are missing important opportunities to learn from an invaluable breadth of global experiences.

Since its inauguration the IALS has grown rapidly and now has 192 member law schools from 49 countries. Strong contingents come from Australia, Canada, India, South Africa and the USA. UK law schools have only two representatives,

# The International Association of Law Schools forges ahead. Where are the UK Law Schools?
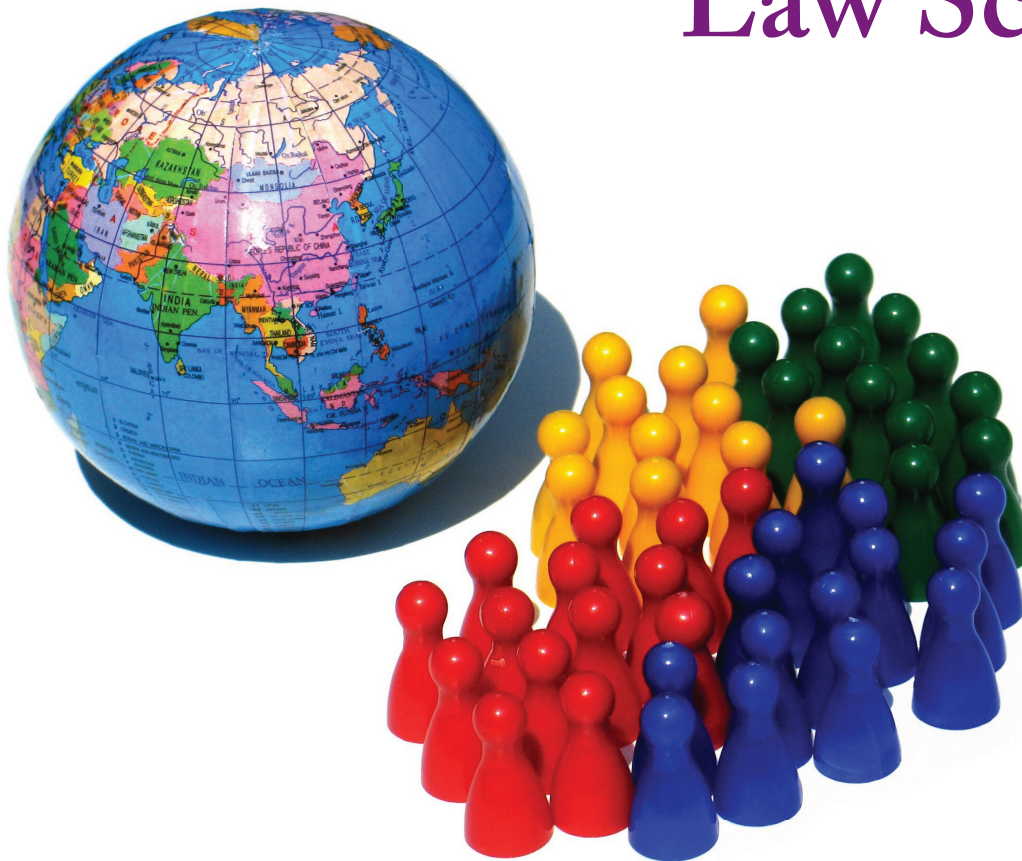


Warwick and Bradford. The absence of more delegates from the UK is particularly surprising given the wealth of legal education scholars and the strength of its professional associations, the SLS and the ALT, which have both been at the forefront of national and international debates on legal education. The experiences from law schools in Scotland, England, Wales and Northern Ireland are seriously lacking in IALS. Whilst individual UK academics have made important contributions in papers and keynote addresses at its conferences, institutional affiliation is much needed.

It is an organisation which has already established a truly global network. It has been careful to ensure that global inequalities are addressed in the regional balance on its Board and Committees, and the availability of subsidised fees

for participation in its events. There is a differential tariff of annual subscription rates, which is designed to support the membership of law schools that would otherwise be unable to join such an international forum. The annual cost for European law schools (along with others from the 'developed' world) is currently US $1000.

The IALS' principal activities to date have been the convening of a series of conferences. The full programme and the papers presented are to be found at **www.ialsnet.org/meetings/index.html**. Two conferences are organised annually focusing on a generic law school issue and a substantive legal topic. The most recent held at the Australian National University in Canberra was *The Role of Law Schools and Law School Leadership*.

*'The absence of more delegates from the UK is particularly surprising given the wealth of legal education scholars and the strength of its professional associations'*

The 82 papers produced from Canberra are available on the IALS website. Together with papers from conferences on enriching the law school curriculum, global approaches to international business transactions, and teaching techniques in different cultures and legal systems, the website provides an important source for understanding approaches to legal education elsewhere -as well as illuminating our own.

The next conference is on Constitutional Law and will be hosted jointly by the University of Georgetown and American University in Washington DC, September 11-12. The cast of speakers is an impressive assembly of international constitutional law scholars. The Association's other immediate plans include expanding its learning and teaching resources, wider publication of papers and a regular Newsletter.

The IALS is not the only international organisation for law schools and legal academics. The Law and Society Association, the Global Alliance for Justice Education, and the European Law Faculties Association are all leading organisations promoting legal scholarship and providing important opportunities for sharing international perspectives. There are many international subject organisations; UK professional associations and the UKCLE have significant international affiliations. The IALS however has a distinctive profile of bringing together a collective of law schools to exchange their local experiences in a global forum. It deserves to be included on your next Law School meeting agenda.

*Roger Burridge is a Professor in Warwick Law School and former Director of the UKCLE; R.H.M.Burridge@warwick.ac.uk.*

Despite increases in the numbers of women and members of BME groups entering the solicitors' profession and the widespread endorsement of diversity and equality strategies, access to the legal profession remains unequal, with class in particular a crucial mediator of entry. This raises important questions about recruitment practices and the profession's conceptualisation of merit. In a research project funded by UKCLE, **Andrew Francis** and **Hilary Sommerlad** explore the role of legal work experience and its importance as a gateway to a legal professional career.

Work experience represents a key way of obtaining entry to the profession for those without access to the traditional 'networks', however it seems likely that a general recruitment bias towards graduates from the pre-1992 university sector is replicated in the allocation of placements.

As well as being one of the main gateways to the profession, work experience also represents the beginning of the process of learning how to acquire a professional identity. For many law students it is their first encounter with the reality of legal employment and culture, an initiation into 'becoming a lawyer'.

## Project aims

Until now there has been no research into the key role played by work experience in mediating access to the profession and reproducing professional identity, or into the ways in which greater understanding of the profession's expectations might enhance law students' future employability.

This one year project aims to:

- explore the processes of legal work experience - how it is obtained, how students experience it and how employers 'manage' it

- review different teaching and learning strategies designed to enhance students' understanding of the profession

The project aims to develop theoretical understandings of the processes of professional socialisation and to contribute to debates surrounding the effectiveness of either 'embedding' such specific employability skills across the curricula and/or in PDP activities, or in standalone credit carrying modules.

# Access to legal work experience and its role in the (re)production of legal professional identity

## Methodology

The research combines survey methods with qualitative work in two research populations - LLB students (at two contrasting HEIs) and legal (private practice) employers.  At the time of writing (July 2009), student and employer questionnaires have been returned and analysed and follow-up interviews with employers are set to be completed. Evaluation of the standalone module, which sought to engage students with the emerging results of the project has also been completed.

## Preliminary Findings

There are a number of important findings that appear to be emerging, even at an early stage of our analysis. As previous studies indicate, socio-economic factors appear to play a strong role in mediating access to the legal profession – even at the relatively early stage of informal legal work experience (which was the only experience that the vast majority of the sample had by early December of the 2nd year LLB).  Institution attended appears to be crucial marker here. Thus, while 55.4% of the overall sample had some form of legal work experience – only 45.9% of the post-92 students had work experience compared to 64.6% of the pre-92 students. Contacts with family/friends appears to

*'socio-economic factors appear to play a strong role in mediating access to the legal profession – even at the relatively early stage of informal legal work experience'*

be significant in securing informal work experience (and far more so in the case of the pre-92 institutions) and it also appears crucial in selecting the type of experience that may be achievable. Thus, while most of the students within the sample who had experience had secured it in the high street sectors, those with family and friends in the profession were twice as likely to have secured corporate experience. We intend to return to the students at the start of their 3rd year to discover their experiences of formal placements, particularly at what has developed into a very difficult recruitment cycle given the broader economic conditions.

The other key concern of the study was about the gaps in knowledge and understandings among undergraduate students about the role and purpose of different forms of legal work experience. Preliminary analysis appears to suggest that students at the pre-92 institutions are slightly more aware of the realities of the recruitment process. 25% of the entire sample felt that formal placements would be offered as part of a general mentoring commitment to the profession (with the post-92 students four times as likely as the other students to identify this as a primary reason as to why firms offer such placements). On the basis of the employer survey, firms are mainly offering such placements to attract the best applicants and to make initial assessments of candidates. General mentoring or giving an insight into the profession as a whole is far less significant. We hope to explore these issues further in interviews with the firms. In the standalone module, which sought to draw on emerging findings of this study, students were asked to complete short research tasks about particular sectors and to complete a reflective learning log to identify the development of their awareness about the profession's needs. While evaluation suggests that the students

found these exercises helpful, there was also some sober reflection about the challenges facing those seeking access to the profession.

We aim to present further updates on this work at LILAC 2010 and would like to thank UKCLE for its support in taking this research forward.

Dr Andrew Francis is a Senior Lecturer in Keele Law School and Professor Hilary Sommerlad is Director of the Centre for Research into Diversity in the Professions at Leeds Metropolitan University.

## Funding for project development from UKCLE

Each year UKCLE offers small amounts of funding for projects and research. For 2009-10 we have identified four priority areas:

- feedback and assessment
- student engagement
- quality and standards (including external examining and the National Student Survey)
- education for sustainable development

We would particularly welcome applications that address any of these issues. If you have a project in mind and would like UKCLE support, please contact Tracey Varnava (**t.varnava@warwick.ac.uk**).

Details of currently funded projects and completed projects can be found at **www.ukcle.ac.uk/research/projects**.

# Evaluating SIMPLE's accessibility

Although the UKCLE-JISC funded SIMPLE (simulated professional learning environment) project, led by the University of Strathclyde, ended in the summer of 2008, development work continues. Karen Counsell reports on a project undertaken at Glamorgan Law School to examine accessibility and inclusion issues in using the SIMPLE learning environment.

Although the SIMPLE developers considered accessibility when originally constructing the environment, it was desirable to conduct a more formal examination of such issues in preparation for the next development phase. The Law School at the University of Glamorgan undertook a project (supported by the JISC TechDis Service) which set out to provide guidance for the next version of SIMPLE, including developing a checklist of matters which needed to be considered when dealing with special needs students.

## Methodology

We ran this project in the context of a simulation that is undertaken by our first year torts' students. The cohort is divided into teams of four, taking on the roles of legal advisers either to the claimant employee (who suffers a fall at work) or the defendant employer. Through the SIMPLE medium, students interact with staff who take on various non-player character roles but also act as the senior partner for their team. Five dyslexic students were asked to assist with this project. TechDis, the JISC educational advisory service, supplied the School with audio recorders, a DVD camera and a lap top computer. The students were asked to keep an audio diary of their experiences, thoughts and advice throughout the project. They were also filmed while interacting with the VLE and interviewed on camera by the tutor.

## Results

When I started out on this project I thought I would be reporting on the physical aspects of the learning environment, but I discovered that the method of working encouraged by SIMPLE demonstrated huge benefit to this group of students. The staged nature of tasks within the simulation allowed them to work at their own pace, to break down tasks and to be able to check their work. The students revealed that they often felt overwhelmed in a conventional classroom situation: they felt that class work could progress at too fast a pace for them to assimilate, or that they were not confident of volunteering answers in front of their colleagues, but worked happily at a distance. They appreciated and valued the constant and regular feedback which they received all the way through the simulation. All five participants completed their team simulation and all achieved a mark over 60%.

We gained valuable feedback regarding the visual presentation and layout of the software: concerning, e.g. the need for larger text, the ability to adapt the colour of text or background (of particular importance to dyslexic students), the possibility of including tags with the icons, and the use of colour to reflect different stages of completion for individual tasks. However, it was their reflections on methods of working that proved most fascinating. The students wanted to replicate their own personal experience of social networking sites, to personalise their own teams and to be able to modify the layout of the VLE, all issues of importance to their own ways of learning.

## Conclusions

I wanted the opportunity to work more closely with my students in order to better understand their needs. Nothing can ever be as satisfactory as actually working with the students involved and gaining their feedback in as relaxed and uninhibited a manner as possible. You think you've found a great way forward to help them, but then find that it is only when you've climbed inside another person's skin (to paraphrase *To Kill a Mocking Bird*) that you understand what the learning experience is really like for those students. I believe the most important lesson I've learned from undertaking this project is that inclusiveness is not treating students with learning disabilities differently, it is integrating approaches which ultimately benefit all students.

*Karen Counsell is a Senior Lecturer in Law at the University of Glamorgan:* **kmcounsell@glam.ac.uk**

# Learning in Law Annual Conference
## 29-30 January 2010
# Perspectives on progress

Following on from the success of LILAC09 we are looking forward to welcoming colleagues back to Warwick on 29-30 January 2010 to enjoy another stimulating programme on the topic of 'perspectives on progress'.

Proposals are invited for individual papers, interactive workshops, discussion forums and poster presentations which address issues falling within the main conference themes:

- the student life cycle: access, transition and progression
- academic futures
- curriculum change
- progress in pedagogy

## Keynote speaker

We are delighted to announce that this year's keynote address will be delivered by Aaron Porter, Vice-President (Higher Education) for the National Union of Students.

Aaron Porter was recently re-elected with a landslide majority to serve a second term which is due to end in June 2010. Alongside his role in the NUS, Aaron is also a Non-Executive Board Director for the Office of the Independent Adjudicator (OIA) and the European Students' Union (ESU). He is also on the Academic Council of the Higher Education Academy (HEA), the National Student Survey Steering Group and the Burgess Implementation Steering Group.

## Join us

Information about submitting an abstract and booking for the conference can be found at **www.ukcle.ac.uk/lilac**.

## Venue

The conference will be held in the Rootes Building at the University of Warwick with the conference dinner and overnight accommodation provided in Radcliffe House.

LAW TEACHER OF THE YEAR 2010
in association with UKCLE, sponsored by OUP

## Law Teacher of the Year

The conference will once again play host to the final of the Law Teacher of the Year competition, with the award being presented to the winner at the conference dinner on 29 January. The Law Teacher of the Year is sponsored by Oxford University Press in association with the UK Centre for Legal Education. The award is designed to recognise the vital role that teachers play in the education of tomorrow's lawyers, and to reward achievement in teaching.

## 10 years on…

We shall also be marking the 10th anniversary of the Subject Centre Network at the conference and taking the opportunity to reflect on developments in legal education over the past ten years and prospects for the future. Professor Roger Burridge and Professor Abdul Paliwala, founding Directors of UKCLE, will be joined by other legal education luminaries as part of our 10 year celebration.

Deadline for abstracts:
**18 September 2009**

Early bird booking deadline:
**20 November 2009**

**www.ukcle.ac.uk/lilac**

The UKCLE events diary covers events with a legal education or general learning and teaching focus. For the latest listing and links, access the diary at: **www.ukcle.ac.uk/newsevents/diary.html**

To add your event contact: **ukcle.ac.uk**

The copy deadline for the next issue of Directions is 11 February 2010. If you would like to discuss a potential contribution, please e-mail **ukcle@warwick.ac.uk**, and we will contact you.

News items and other contributions should be submitted by e-mail as a Word document.

**25 September 2009**
eAssessment Scotland: strategies across sectors
See: **www.e-assessment-scotland.org/**

**14 October 2009**
Familiarity breeds contentment: enabling student transitions into HE
Higher Education Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_Canterbury_141009**

**15 October 2009**
Learning from the Data: Using institutional data to develop an audit tool to enhance student success
HE Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_Bradford_151009**

**22-23 October 2009**
Innovating workforce development: investing in higher level skills (Foundation Degree Forward National Conference 2009)
See: **www.fdfconference.co.uk/index.html**

**22-25 October 2009**
ISSOTL09 (International Society for the Scholarship of Teaching and Learning annual conference)
See: **http://issotl09.indiana.edu/**

**23 October 2009**
Quality assurance and enhancement in Wales: a changing picture? (joint QAA/HEA conference)
See: **www.heacademy.ac.uk/events/detail/23_October_2009_Quality_and_enhancement_in_Wales**

**5 November 2009**
Enhancing legal education in Scotland (UKCLE day conference)
See: **www.ukcle.ac.uk/newsevents/ukcleevent.html?event=665**

**11 November 2009**
Collaborative action research: exploring the complexities of students' expectations and experiences of widening participation
HE Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_Newman_111109**

**11 November 2009**
More choices, more chances: developing an on-campus social enterprise model for widening participation
HE Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_AbertayDundee_111109**

**20-21 November 2009**
CELS 2009: Conference on Empirical Legal Studies (University of Southern California
See: **http://law.usc.edu/cels/**

**2 December 2009**
The inclusive campus: institutional strategies, culture change and basic research
HE Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_Bradford_021209**

**4 December 2009**
Bad language: how educational discourse can be a barrier to student success
HE Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_ArtsLondon_041209**

**4 December 2009**
Dispositions to learn and student success
HE Academy Research Seminar Series 2009: Access and Success for All
See: **www.heacademy.ac.uk/resources/detail/RSS_Northumbria_041209**

**8-10 December 2009**
Challenging higher education: knowledge, policy and practice (SRHE Annual Conference)
See: **www.srhe.ac.uk/conference2009/index.asp**

**13-15 December 2009**
Beyond teaching and research: inclusive understandings of academic practice (3rd conference of the Centre for Excellence in Preparing for Academic Practice)
See: **www.learning.ox.ac.uk/cetl.php?page=355**

**21-22 January 2010**
Socio-Legal Studies Association Postgraduate Conference 2010
See: **www.kent.ac.uk/nslsa/content/view/169/144/#pg2010**

**27-28 January 2010**
Promoting equity in higher education
See: **www.heacademy.ac.uk/events/detail/Equity_Research_Conference_2010**

**29-30 January 2010**
LILAC10: Perspectives on progress
See: **www.ukcle.ac.uk/lilac**

**25-27 February 2010**
Fifth Global Legal Skills Conference (Monterrey, Mexico)
See: **www.fldm.edu.mx/glsv.htm**

**3-4 March 2010**
What works? Student retention and success (the Action on Access Retention Convention)
See: **www.actiononaccess.org/index.php?p=1_2_9_1**

**29-30 March 2010**
BILETA 2010 (25th anniversary conference, Vienna)
See: **www.bileta.ac.uk/pages/Annual%20Conference.aspx**

**29-31 March 2010**
Association of Law Teachers 45th Annual Conference
See: **www.lawteacher.ac.uk/events/?id=18**

**30 March-1 April 2010**
Socio-Legal Studies Association Annual Conference 2010
See: **www.kent.ac.uk/nslsa/content/view/179/166/**

## Event announcement

UKCLE, together with the Faculty of Laws, University College London and Warwick Law School, is organising a conference on Environmental Justice in Legal Education on 29 March 2010. Booking for the conference will open in September, but please contact Tracey Varnava in the meantime if you are interested in presenting a paper: (**t.varnava@warwick.ac.uk**)

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