Serendipity, strategy and staffing: building a research centre in legal education

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Some context

- Nottingham Trent University became a university in 1992 (previously a polytechnic)

- Nottingham Law School:
  - Had offered an undergraduate law degree and the solicitors’ vocational qualification since 1964
  - Has offered a “sandwich” undergraduate degree since 1968
  - Has offered “practitioners’ masters” courses (eg Litigation, MBA in Legal Practice, LLM in Advocacy Skills etc) since the 1990s
  - Offers the postgraduate vocational courses for intending solicitors, barristers and trade mark attorneys
  - Turned its student clinic (opened in 2006) into an “alternative business structure”
  - Participates in “Pathways to Law” (north Nottingham had, in 2013, an HE participation rate of 1 in 6, the worst in the country)
  - Was Legal Education Provider of the Year 2016
  - Has about 3,000 students and 100 academic staff
Advocates, solicitors, notaries, patent attorneys, registered trade mark attorneys and regulated paralegals

Barristers, costs lawyers, legal executives, licensed conveyancers, notaries, patent attorneys, registered trade mark attorneys and solicitors … and paralegals, legal secretaries, barristers’ clerks ….

Advocates, solicitors (Jersey); advocates (Guernsey)
Legal Professions in England and Wales

• Regulated under the Legal Services Act 2007
  – Solicitor (142,109 with practising certificates)
  – Barrister (15,237 in practice)
  – Chartered Legal Executive (7,848, but c 20,000 CILEx members)
  – Patent Attorney (2,060)
  – Licensed Conveyancer/CLC probate practitioners (1,262)
  – Registered Trade Mark Attorney (872)
  – Notary (792)
  – Costs Lawyer (598)
  – [some accountants]

• Regulated separately
  – Claims Manager
  – Immigration Advisor

• Not currently regulated
  – Paralegals
  – Will writers
Legal Services Act 2007

• The regulatory objectives
  - (a) protecting and promoting the public interest;
  - (b) supporting the constitutional principle of the rule of law;
  - (c) improving access to justice;
  - (d) protecting and promoting the interests of consumers;
  - (e) promoting competition in the provision of services within subsection (2);
  - (f) encouraging an independent, strong, diverse and effective legal profession;
  - (g) increasing public understanding of the citizen's legal rights and duties;
  - (h) promoting and maintaining adherence to the professional principles.

• “reserved legal activity”
  - (a) the exercise of a right of audience;
  - (b) the conduct of litigation;
  - (c) reserved instrument activities;
  - (d) probate activities;
  - (e) notarial activities;
  - (f) the administration of oaths.
Disclaimer: “This map includes the main routes of entry to the eight branches of the legal profession. It has been developed for illustrative purposes only and does not include every possible route of entry. The relevant Approved Regulator should be contacted to obtain accurate and up to date information based on personal circumstances.”
Legal Education Group to Centre for Legal Education
June 2008

• The “academic” division and the “vocational” division were in different buildings with a road between them

• Very few staff taught on courses in both divisions

• Vocational staff recruited from practice with a tradition of client and commercial confidentiality

• “Everyone thinks the only innovation is at Warwick and Westminster”

• Serendipity: the watercooler moment

• First meeting of the Legal Education Group: 23 June 2008

CLE “retreat”, December 2013
Strategy: What we wanted to do then:

1. **Raising the profile of legal education at NLS** This includes attendance at conferences, internal dissemination of teaching methods (which work and which don’t) and publication of research papers.

2. **Publications strategy** We are keen for the members of the group to generate publications on learning and teaching law, and Tom Lewis has agreed to dedicate an edition of the Nottingham Law Journal to legal education.

3. **Collaborations** The LEG is keen to develop more extensive internal links (through the LTC network, inviting lawyers teaching in other schools to share their thoughts on teaching and learning, CASQ etc.) and also externally (e.g. UKCLE, ALT, SLS, SLSA, LILIC).

4. **Income generation**
## Serendipity and strategy

<table>
<thead>
<tr>
<th>Serendipity</th>
<th>Strategy</th>
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<tbody>
<tr>
<td>Good people</td>
<td>Launch in 2012</td>
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<tr>
<td>Existing reputation (especially with the profession)</td>
<td>Written articulated strategy and targets (publication, funding, dissemination, research-led/informed teaching, outreach)</td>
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<tr>
<td>Capitalising on increasing reputation in research/consultancy</td>
<td>Mentoring</td>
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<tr>
<td>Good work leads to invitations to do more good work</td>
<td>Positioning for bids</td>
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| Ability to cover both empirical and theoretical work and from the UG degree through to CLE | Strategic themes:  
  • well being  
  • professionals in the workplace  
  • simulation/experiential/clinic                                                                                                          |
| Friends, research students, supportive deans                               | Persistence (in overcoming stigma) and participation (in national associations)                                                        |
| 20 March 2017                                                              | Accreditations (eg PFHEA)                                                                                                               |
Increasing the quality: from showcase to research

• “Reports of studies providing descriptive and anecdotal accounts of teaching developments and evaluations do not constitute pedagogic research”


• “The sub-panel was pleased to receive submissions relating to legal education but the methodological rigour and significance exhibited by some of these outputs was uneven.”


• “The methodological designs of many of the studies which have been conducted on legal education is flawed; and a majority of studies do not employ sophisticated and appropriate data analytic procedures. It is hard to know how such flaws have occurred, except to assume that much of the research has been conducted by persons who, while being intelligent and well-intentioned, do not have the necessary training or experience to conduct empirical research.”

Centre for Legal Education (from 2012)

Our mission is to:

• work with - and for - those involved in educating in and for the legal services sector actively to enhance standards and public confidence

• contribute to, influence and drive thinking about education and regulation in and for the legal services sector from an informed and practical perspective.

Graham Ferris, wellbeing stream

Pamela Henderson, experiential/simulation/clinic stream
Professions in the workplace stream projects

- **2008-2013** Solicitors Regulation Authority: successful competitive tender for and delivery of the paralegal sector of the work-based learning pilot for England and Wales.

- **2011-2012** Tertiary Education Commission of Mauritius (invited as one of four to tender) worked with the University of Limoges and other stakeholders in Mauritius on *Reform of the Educational Structure for Professional Law Courses in Mauritius* project.

- **2012** Solicitors Regulation Authority: successful competitive tender for and delivery of empirical report into CPD

- **2013-2015** Hong Kong Law Society (by invitation), multi-institutional team for project to investigate the viability of a common entrance examination for intending Hong Kong solicitors

- **2016** IMPACT Justice survey of legal education in the Commonwealth Caribbean (by invitation).

- **2016** Solicitors Regulation Authority: empirical and comparative study on the contribution of work experience (clinics, placements, training contracts) to professional competence (by invitation)
Legal Education and Training Review

Recommendations for building a research centre

- **Aim high**: showcasing is important, but we also need theory and rigour
- **Build from the ground up**: relationships rather than regulations
- **Collaborate**: eat together, write together, travel together
- **Disseminate**, not just outside your faculty
- **Embrace serendipity**
- **(Make) Friends in other jurisdictions and disciplines**
References


- CHING, J., HENDERSON, P., JARMAN, J., MAHARG, P., SHERR, A., 2013. Consultation on the feasibility of implementing a common entrance examination in Hong Kong. Law Society of Hong Kong


