

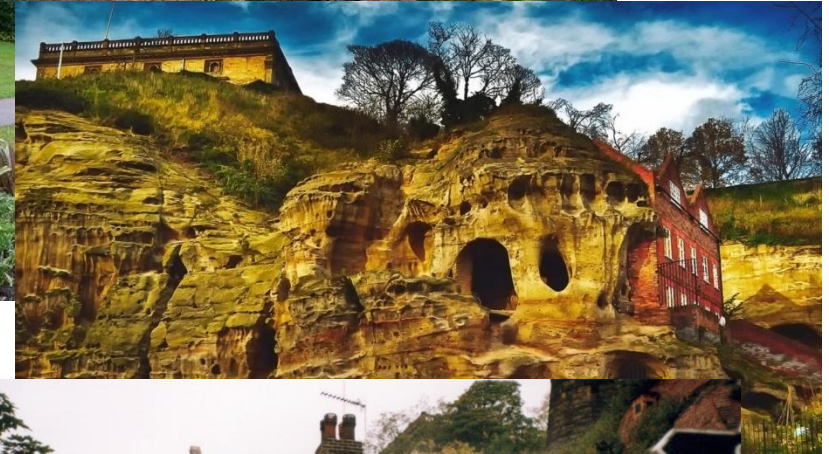
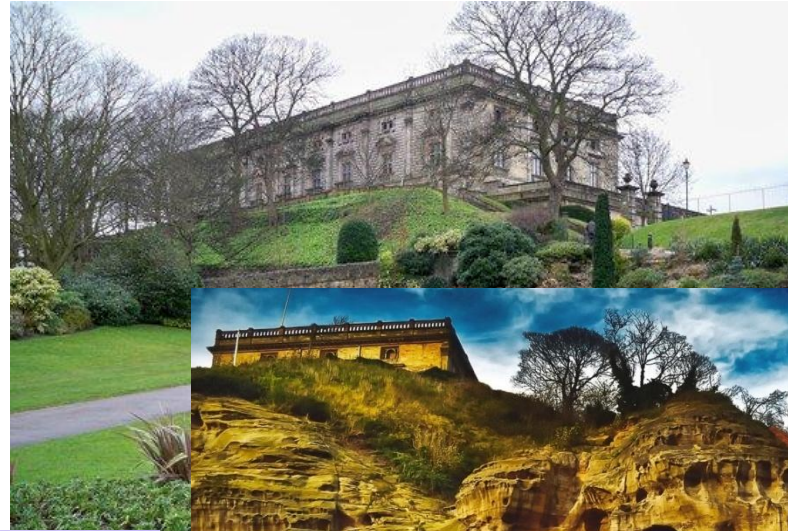
Serendipity, strategy and staffing: building a research centre in legal education

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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

Barristers,
patent
attorneys,
registered
trade mark
attorneys,
solicitors.

Advocates

Advocates,
solicitors
(Jersey);
advocates
(Guernsey)

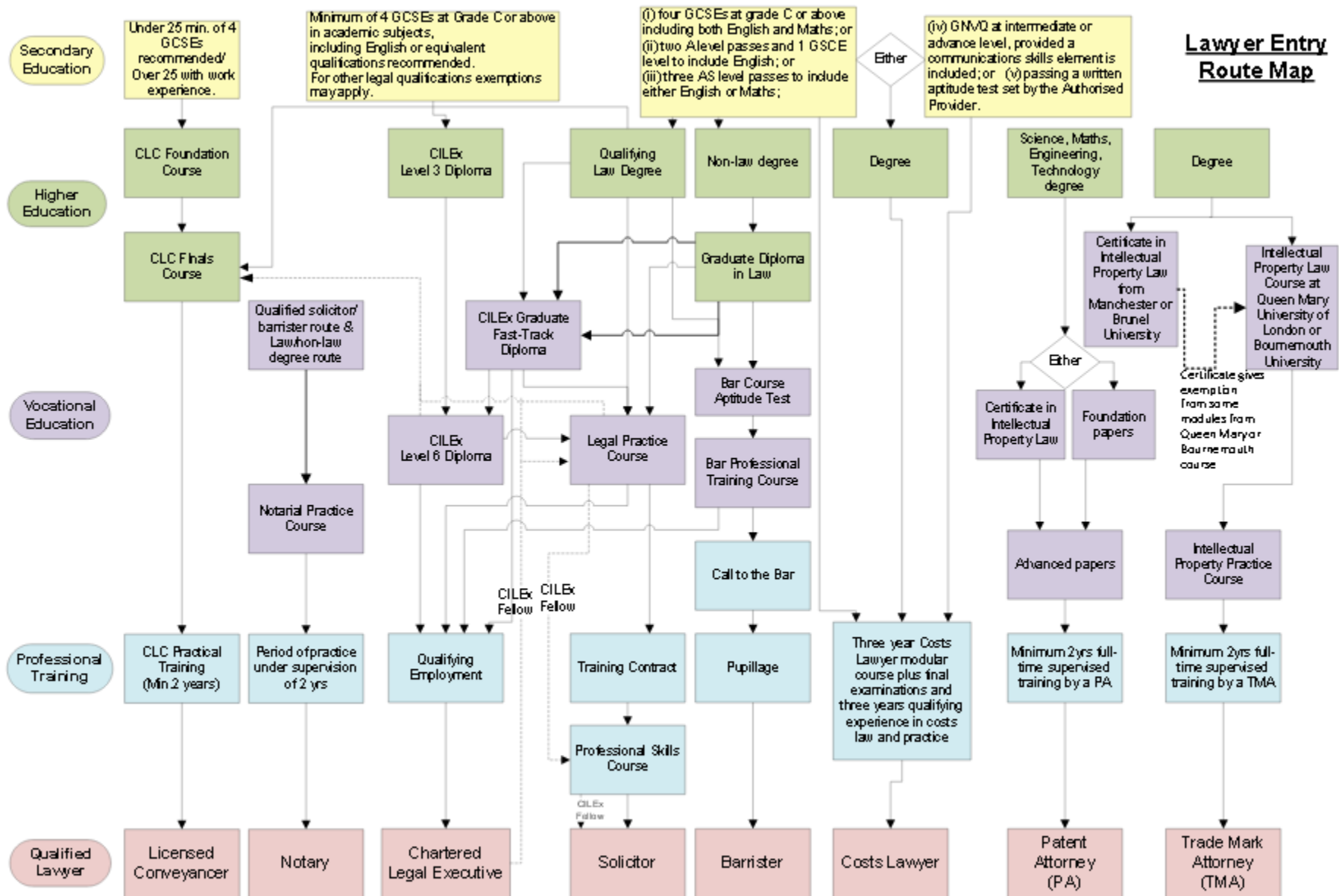
Legal Professions in England and Wales

- 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.

Lawyer Entry Route Map



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

| Serendipity | Strategy |
|--|--|
| Good people | Launch in 2012 |
| Existing reputation (especially with the profession) | Written articulated strategy and targets (publication, funding, dissemination, research-led/informed teaching, outreach) |
| Capitalising on increasing reputation in research/consultancy | Mentoring |
| Good work leads to invitations to do more good work | Positioning for bids |
| Ability to cover both empirical and theoretical work and from the UG degree through to CLE | Strategic themes: <ul style="list-style-type: none"> • 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) 11 |

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”

RAE Criteria Panel A, 2006. Generic Statement on Criteria and Working Methods, p 8.

- “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.”

REF 2014, 2015. Research Excellence Framework 2014: Overview Report by Main Panel C and Sub-Panels 16 to 26, p 71

- “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.”

OGLOFF JRP and others, 2000. More than Learning to Think Like a Lawyer: The Empirical Research on Legal Education’. *Creighton Law Review* Vol 34, pp 73-243 p 242.

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.

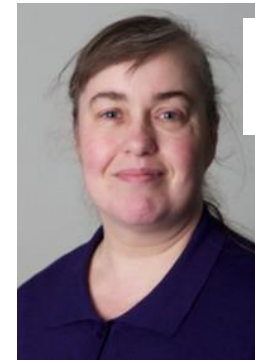
Ching, Jane, Twycross, Hilary, Homewood, Matthew and Jarman, Jane, 2014. Client interviewing in diverse contexts: its global implications (panel). In: *Global Legal Skills-9*, John Marshall Law School Chicago/University of Verona, 21-23 May 2014



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

Webb J and others, 'Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales' (2013)
<<http://letr.org.uk/the-report/index.html>>

Recommendations for building a research centre

- **A**im high: showcasing is important, but we also need theory and rigour
- **B**uild from the ground up: relationships rather than regulations
- **C**ollaborate: eat together, write together, travel together
- **D**isseminate, not just outside your faculty
- **E**mbrace serendipity
- (Make) **F**riends in other jurisdictions and disciplines

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