



## Centre for Legal Education Launch

# Visions of Legal Education



## David Urpeth

Lawyers have always seen and survived change. However, the scale and speed of the current changes is unprecedented. Due to these changes, including the impact of the Legal Services Act 2007, legal education today will need to adapt in order to supply future lawyers who are “fit for purpose” in the 21<sup>st</sup> Century.

The effect of alternative business structures; combining the skills of a variety of professionals including lawyers, as well as non-legal professionals such as bankers, insurance and financial services professionals, will alter the way we experience legal services. In order to prosper from this, it's not only how legal services are to be delivered that has to be re thought, but how we train those intending to work in the legal sector. Getting their education right at this juncture is the key.

With progressive universities, within a traditional law degree we are already seeing changes. These include the introducing of modules where students provide free legal advice within a law clinic, or undertake work experience at a law firm throughout a year at University, in order to gain commercial awareness; all of which are areas upon which they are assessed.

The chance to explore and apply legal rules and concepts with real clients is an invaluable experience. It reinforces the discussion in academic texts for the need of such opportunities within an undergraduate law degree (Richard Grimes, 'The (book) case of learning by doing' (2002) 152 NLJ 1516) . These modules are only the start of what is to come. As the competition for training contracts becomes even fiercer than it currently is, the need for students to gain commercial awareness and a business-like manner, I feel, will be more important than ever.

Law degrees will need to include modules that will enhance commercial awareness. This may require mandatory business modules; all of which will increase individual's prospects of success within a profession that is in high demand. Richard Lewis is a professor at Cardiff University and reflects upon his own undergraduate experience at Oxford University, arguing for the need for clinical legal education whilst at University (Richard Lewis, 'Clinical Legal Education Revisited' (<http://www.law.cf.ac.uk/research/pubs/repository/212.pdf>) . He depicts the viewpoint that '*applying the knowledge is the key, not the learning of it*'. The fact

that clinical education gives the chance of '*reflection and self-examination*' develops the skills needed for practice; the reasoning behind the decisions we make.

There are arguments put forward that due to increasing law reforms and legislation, lawyers can no longer be generalists, therefore, should we undertake specialist studies within the Legal Practice Course or even start to specialise from as early as an undergraduate degree?

Certainly, the way the profession delivers its training contracts has to change. At Irwin Mitchell our trainees are streamed in either personal legal services or business legal services. This provides an element of specialism without overburdening our trainees. We know that some individuals prefer business areas of law to personal injury or private client work and vice versa. I feel that this is the way forward within the legal realm, taking into account the effects of alternative business structures and meeting the competition to exceed our client's expectations.

But training of Solicitors is just one facet of legal service delivery. Much legal work that is carried out by qualified solicitors at present need not be. The legal future where consumers want speed, value and high quality will not permit such a business model. We will see more and more firms following the lead of firms like Irwin Mitchell creating improved ratios of partners to solicitors to para legals.

All this does not mean the end of the legal world as some would have us believe. It simply means adapting to change. And as Charles Darwin said, "It is not the strongest of the species that survive, nor the most intelligent, but the ones most responsive to change."

## **Gary Lee Walters**

One word I would use to describe my study of law? Exciting! But which route did I want to take, LPC or BPTC (or BVC as it was known then)? Solicitor or Barrister? I have friends that are Solicitors so I talked to them, but none that were Barristers. The Student Law Society at the University arranged for a Criminal Barrister to come in and speak with us. He was enthusiastic, veracious and clearly enjoyed his job. Both professions seemed possible, but what about the extra training?



One barrier for me at least in terms of whether to train as a Solicitor or Barrister, were funds. I constantly asked myself how it could be that students' study for three years and then have to undertake training to see what it really is like in practice. I truly believe the UK legal education is radically out of date. So how could this change?

As a forerunner to my proposals, let me explain in part, my legal education. The Law of Torts, much like many other universities, was delivered in year one. A major difference and what made it stand out was that I had a lecturer and tutor (Karen Counsell) that implemented a simulation based assessment, created in part by [Professor Paul Maharg](#) of Northumbria Law School. When I had the opportunity to choose modules (year two), I chose 'proactive' ones, modules that required more effort, in my opinion, than others.

What exactly did the simulation do? Simulated how life would be in a busy practice, taking instructions from clients (problem questions) and having to write them up (practice notes) and send to the Partner of the (fictitious) firm. It was excellent, and made some people very aware of the commitment (and stresses) one is likely to meet in legal practice.

In year two, I chose Law and Technology, simulation/essay based. I thrived and the combination of studying hard, my natural interest and curiosity with technology meant I gained a first in this module. Point here is that with interaction, as opposed to reading a traditional text book, one can gain valuable insight into how law works in practice, and by embracing law, enjoy it more so.

In my second year I had decided I wanted to teach law. Law excited me! I loved learning about an area of law, becoming (unashamedly) obsessed by it, writing about it and explaining it to others! I consider myself fortunate that I had found my 'calling' if you like. But many of my peers had not, and were still considering whether to write to local Solicitors asking for work experience or to Chambers, asking for a [mini-pupillage](#).

They both intrinsically faced the same problem, lack of an appreciation of what it is like working in a practice. Those that had not chosen interactive law modules had no idea, save for ill-informed views founded on watching dramas on television, on what life at the bar or as a solicitor are like. One sentiment which seemed to echo around university was: *"Barristers' are more like academics; they work long hours, often on their own and not seen to be very sociable. Solicitors' on the other hand, are more sociable, doing the 'lunch thing' with potential clients and enjoying team building exercises in the middle of nowhere"*.

It was that which for many decided their legal path. For my part, I often wondered why can it not be that either the LPC or BPTC are combined within a law degree, so in *three years* students' have studied the core law modules which entitle them to a qualifying law degree, plus a certificate to practise law. This would be very intense, and as a fast-track system, it may well be that either higher entry levels would have to be enforced, or some sort of psychometric testing to deem suitability of candidates.

Further, most find the LPC or BPTC after the LLB, too costly, and even many more find they cannot achieve pupillage or the ever elusive training contract, which would allow them to pay back the loan used to obtain it. We are leading our students' to believe studying for three years then one or two years for the professional element is worthy of the debt they have incurred after completion, I would say it is not and that is why we need to shift the balance to a more suitable, practicable and professional law degree which allows the student to 'hit the floor running'.

There are only four Universities that offer similar to what I propose, indeed this one (NTU) MCR Met Uni, BIR Uni and Westminster, although all are four years in length. I believe this could be refined to three, intense years giving the student an excellent academic grounding and professional ability to 'hit the floor running'.

In summary, I would like to see a law degree delivered for those wishing to leave university with less debt, a sound academic grounding and more practical legal Criminal/Civil/Corporate Practice experience.

## **Rebecca Huxley-Binns**

Who are the lawyers and who will they be in 2020? What knowledge and skills will they need and how are University law schools to provide them, in an open educational market? Legal services and higher education are experiencing a sea change and we, in higher education, have to try to provide the lawyers of tomorrow with skills and knowledge for jobs that may not yet exist, in business structures that are emerging but whose potential is not yet fully known.

There is no single appropriate and uniform model of legal higher education but there are common core knowledge's and skills that can be developed in future lawyers through higher education. The foundation subjects as specified in the Joint Academic Stage Board statement do not meet the needs of future lawyers. They are not *sine qua non* for legal



work. For example, forensic science students study many aspects of the law (without necessarily studying all 7 subjects), but they know, understand and apply the law in *their* context.

The 7 foundation subjects do not reflect what is great and good about law, about the practice of law or about the role that law has in society. An LLB student can graduate with a degree which does 'qualify' them for the purposes of later legal professional study, but at worst simply requires the student to show superficial knowledge of doctrinal legal rules that can be recited dogmatically as a catechism.

My vision reaches only as far as the undergraduate level of study. For more than simply self-interested reasons, I foresee the retention of law at HE level in the long term. My vision does not include articulation of post-graduate professional courses, although I am of the view that here should be a form of professional qualification, but this is not my area of expertise, so I leave to those for whom it is. My vision does, though, include CILEX and degree equivalent qualifications.

My visions foresees the abolition of all mandated legal 'core' knowledge, and their replacement with intellectual professional legal skills, formulated from observations on what law does in society and what lawyers do that makes them unique:

1. **Cases:** finding, reading, understanding, summarising, applying...
2. **Legislation:** finding, read, interpreting, construing, mapping across primary and secondary sources...
3. **Legal theory:** understanding the legal and social context, values and philosophy, theories and principals underlying law, jurisprudence in context...
4. **Legal reasoning:** deductive reasoning, formal logic, casuistry, solving problems, testing hypotheses against antitheses...
5. **Ethics...**
6. **Legal writing:** drafting, explaining, describing the law, in different contexts, to different audiences, with different purposes...
7. **Legal Commercial Awareness:** alternative business structures, the business context, profit and loss, marketing...
8. **Dispute resolution:** negotiation, mediation, litigation, mooting.

## Nazmin Akthar

Law is not a standalone subject in that it is intrinsically linked to all aspects of society whether this is medicine or politics. However it is taught just as that and there becomes a division amongst students who appreciate the grassroots level at which the law operates to those that concentrate on only the superiority of law amongst other disciplines. Legal education is of course about law and procedure but it should also be about its further application and understanding. Perhaps this is not looked at because it is assumed that someone with such interests would have studied sociology or criminology but is this really wise? If you look at the law of forced marriages for example and the current discussions around criminalising it you will see that teaching limits itself to explaining that forced marriages are cultural issues and wrong due to the lack of consent in the marriage. This is not incorrect and it is sufficient at a basic level. However, cultural does not mean foreign and therefore irrelevant; dismissing it as cultural matters in this way rather than delving into it continues misunderstandings. Can you really become a lawyer and represent (or prosecute) properly with misconceptions?

Moreover, in my opinion, where a University has been able to provide such wide education this is automatically forgotten when vocational legal education is entered into. This is not only because the focus is on practical skills, which should obviously be the focus, but because there are myths of how one in the profession behaves and students spend more time concentrating on imitation than actually on developing their own skills and knowledge. No one admits it but it is what occurs.

The result is a lack of true equality and diversity, and a misunderstanding of law and legal education. It is accepted that a lawyer's role is to understand the law and apply it accordingly. However, the role is not robotic and does require much more than this.

My vision of legal education is one which understands the importance of education first: that is, to educate minds and help people form their own opinions and grow as individuals. Once this is understood, legal education will really achieve what it should be achieving now: competent and understanding barristers, solicitors, academics or whatever else it is that law students wish to embark upon.



## Baishali Majumdar

I would like to see better work experience placements to be made available throughout undergraduate education and I believe that starts not with the universities but law firms.

More firms need to make greater provision for vacation-scheme type arrangements. Not just for the cream of the crop that know before they are out of pull-ups what sort of law they want to practice and at which firm and under whose uncle. I mean more specifically for those that have no legal connections, are thoroughly baffled by the whole concept and need a bit longer and a bit more support to figure it out. Getting a placement shouldn't be about who you know but widely available to any law student that wants the experience.

Law firms need to invest in their own future and support the legal youth of today. The work experience I did was only ever 2 weeks at a time (the firms could never offer any longer) and not in the least bit involved. Yes you get to shadow but no, you don't get to do much else than read boring files on shipping law. Really, shipping law?! I knew from the start I wanted to do medical law and ethics...What relevance is shipping law I ask you! Placements should be readily available and tailored appropriately; students should not be chuckled at the first Partner to nod and smile sympathetically. This is not beneficial to anybody.

Perhaps there should be a whole module to run alongside the foundation subjects that focuses on office-based skills and gets you into said office to see what it's really like. An actual placement a couple of half-days a week alongside modules (paid, would be my preference of course, but I imagine I'm asking a bit much) where you are made to do real work with real files and real solicitors. What they don't teach you at under- or post-graduate level are business skills. The practicalities of selling services, of time recording, of billing. My first day of actual paralegal work and being expected to log your day in 6 minute units was beyond me. I couldn't even tell you what I did every 6 hours before that!

Don't get me started on the Training Contract. Paralegals working their way up know a hell of a lot more than some of these jumped up oiks fresh out of law school embarking on the TC. What can they really know about working in a firm? It cannot be that beneficial to the firms themselves, having to pay NQ salaries when a para can do the same job, better, for half the wage. Far superior an idea is the Work Based Learning Pilot. Fresh out of law school, get your paralegal job then earn your right to qualify.





Apprenticeship-type training “on the job”, with staged salaries. It gives normal, unconnected people like me a much better chance.

I get that you have to have some proof that you’re up to the role in those circumstances, but grades aren’t always it. I think the focus should be more on practical ability. I might not be strictly academic but I’m damn good at my job in a specialised field.

I know enough graduates that started their TCs then dropped out. What a waste of places! Had they known what the reality of being a lawyer would be like beforehand, they may have freed up those TCs for those that *really* wanted it.

Progressive earning and learning is a good combination. Let’s see our way to making this prestigious career accessible again.

## Susan Silver

The future of legal education is changing; there is no doubt about that. The changes are fascinating!

But while some have spoken about the rise of vocational learning, and perhaps the demise of the law degree, I sincerely hope that parity of attitudes to all entry routes into the profession is achieved.

Becoming a lawyer through vocational means should not be seen as wrong any more than gaining a law degree should be seen as wrong., No route into law should be inferred as being better than the other, just that they are more appropriate to a person’s particular needs.

Everyone learns differently and everyone assimilates information differently. As lawyers we need to understand how to deal with different people, explaining to them in different ways how legal processes work, so that they can understand what is involved. To say that you are less of a lawyer because you didn’t attend a specific law school or gained your expert knowledge by learning on the job simply goes against the grain of what it means to be a lawyer and denies the absolute necessity for social mobility within the profession.

My vision for the future of legal education is for the entire legal sector to be admired for the diversity of routes into the profession. A lawyer who has studied vocationally should be held in equal esteem to their academic colleagues for the experiences they gained



while earning their qualification on the job. I want the public to look at the legal profession as not being an exclusive club for the privileged but one that truly allows people from all walks of life to achieve a successful career, regardless of their background or the route they have chosen to qualify as a lawyer.

## **Professor John Cooper QC**

I have always been of the opinion that legal education is absolutely vital for any democratic society to function.

My argument has always been that the provision of knowledge about how our legal system works and how it impacts upon the citizen is not only vital for those who wish to practise or work in the law but equally essential to anyone who would take an interest in coming to grips with the fundamental source of authority which can deprive them of their property, their children, and ultimately their liberty.

For too long we have been focusing exclusively upon the education of law students. This is of course, important and I will deal with this a little later. But my root and branch argument is that the study of basic law and our legal system should be compulsory for school students at some time before they are able to leave the compulsory education system.

During the course of my practice I am constantly surprised by the deep level of ignorance as to our law and legal system by a cross section of society, and some of them, clearly highly educated in other spheres. These people receive their diet of explanation about our legal system from the news media and in particular the 'Red Tops'.

The ingredients of the information given by these organs is of its nature both selective, abbreviated and at times with an agenda.

No doubt many people reading this blog can recall recent 'debates' concerning the behaviour of counsel in the Levi Bellfield trial or the sentencing regime during the summer riots. Much of this discussion was completely ill informed and misrepresented not only by the media but at times by the police, and even in the case of Bellfield, observations by the CPS. All of these denigrating appraisals have since been shown to be without basis.



But what was most concerning about those issues and many others that have gone before them was that for the period of time that they were current a misinformed public, perhaps understandably, received their legal analysis from unreliable sources.

The provision of basic legal education or knowledge to all citizens will provide an important plank both in protecting the integrity of the legal process and also allowing the citizen who is governed by the law to understand its application, have the fundamental knowledge to utilise it to assist them and be able to criticise it in an informed way.

This should not take away the importance of legal education for those that wish to practise. It is at times depressing when talking to those on the coalface of our profession, no doubt under pressure of practical work, to hear them marginalise the importance of future and on-going legal education.

Without a continuing and developing knowledge of the law it is trite to suggest that a client's best interest can be served. But it goes further than this.

The legal profession is not just a business. Financial and practical imperatives are indeed forcing both sides of the profession into a corporate straitjacket, an ever tightening world of making money and paying debts. But surely what we do is worth more than that and that the practise of the law should also be based upon principle as much as money.

The only way to develop and nurture this holistic approach to the job is to widen the parameters of legal education and to attempt a broadening of consideration by busy practitioners which will not only enhance basic knowledge but also perhaps remind ourselves as to why we are committing our professional and working lives to this profession.

